

# Burwash Parish Council

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Minutes of the **Virtual** Burwash Parish Council **Extraordinary General Council** meeting to discuss the Neighbourhood Development Plan held at 19.00 on Thursday 11<sup>th</sup> June 2020.

The meeting was conducted using Zoom Meeting Space and was recorded.

Please note: meeting reports are available at <http://www.burwash.org/parish-Council/meeting-reports.html>

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**Members Present:** Cllr. R. Franklin, Cllr. A. Newson, Cllr. B. Wraight, Cllr. B. Newman, Cllr. N. Moore, Cllr. J. Kenny, Cllr. C. Chapman, Cllr D. O'Neill

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Cllr. R. Franklin, Chair of The Parish Council, outlined to all attendees the structure of the meeting. Councillors would hear all comments made by the Public and the Neighbourhood Development Plan (NDP) Steering Group. Each member of the public in attendance would have the opportunity to comment and ask questions. No time limit was put on the public time. The Council would then exclude the public and continue the meeting to review the Neighbourhood Plan and their position.

**Meeting opened:** 19.00

There were 12 members of the public in attendance and Cllr J. Barnes was also present.

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## 1. Public Time.

Mr. L. Green, Neighbourhood Development Plan Steering Group (NDPSG) was invited by the Chair to present the report from the NDPSG to the Parish Council. (See Appendix 1.1 to read the report)

Members of the Council and Public were invited to comment and ask questions. An overview of the items covered is provided below.

Public: Paragraph 64 (Pg 27) of the NDP was highlighted as needing more information. A suggestion was made to include: i) a further map detailing development boundary and showing areas topographically impossible to build on; ii) A schedule listing each site that has been rejected by Rother and why; iii) condense the key reasons why proposal should be accepted into a few pages

Members generally agreed that the NDP should not be modified as it is very late in the day to make such changes and that the document is the result of 3 years work. It was also mentioned that the NDP does include the information referred to.

Cllr J. Barnes confirmed the NDP could not be changed as a new public consultation would be required to approve any changes.

Cllr J. Barnes agreed that what would be extremely helpful would be a covering memorandum that could be provided to the Cabinet or to the Planning Inspector. The goal of this document

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would be to provide in condensed form the reasons an inspector should agree to the NDP and show clearly the reasons why (as set out in the report in Appendix 1.1) the NDP makes the recommendations it does and why the sites had been rejected. Cllr J. Barnes made reference to the recent Burwash Weald and Burwash Common brownfield sites which Rother themselves have rejected although residents are in general supportive of these sites.

Cllr. N. Moore: Expressed gratitude to the effort put in by so many in creating the NDP.

Public: Has the council asked for advice from SALC or RALC?

Cllr N. Moore: No, but Jonathan Vine-Hall and Cllr Prochak have been consulted recently.

Cllr. A. Newson stated that all sections of the plan had produced useful information from which both the council and other groups had started to take action. In particular the Environment report had now formed much of the agenda for several environment based groups and the council's Environment and Maintenance working party.

Public expressed concerns on the number of cars per household and whether existing infrastructure could sustain the housing targets in place by Rother.

Mr. D. George was invited to speak about the Infrastructure Assessment that the Steering Group conducted. (See Appendix 1.2).

## **Public Time Ends 20.08**

### **2. Apologies for Absence.**

Apologies were received from Cllr J. Caulkin.

Apologies were also received from Cllr E. Kirby-Green.

### **3. Disclosures of Interest.**

Cllr R. Franklin disclosed that he has a family member who has a pecuniary interest in Oakleys Garage.

### **4. The Neighbourhood Plan.**

Cllr. R. Franklin thanked the NDPSG for their hard work on creating the NDP.

Cllr. R. Franklin invited the NDPSG to tidy up the document with final grammar and spelling minor changes, and to write a covering memorandum which would be sent at a future date when further information is requested from the cabinet.

Council **RESOLVE** unanimously to **approve the draft Final Neighbourhood Development Plan and associated documents for submission by the NDP Steering Group** on the understanding that the NDPSG would make final spelling and grammatical changes as required to tidy up the document before submission and that the NDPSG would draft a memorandum in consultation with Cllr. J. Barnes and Cllr. E. Kirby-Green, to be submitted at a future date.

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## 5. Information for noting or including on a future agenda.

Neighbourhood Development Plan to be included on future Parish Council Agendas as a standing item with detailed discussion points.

**Meeting Ends 20.12**

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Cllr. Robert Franklin  
Chair Burwash Parish Council

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## Appendix 1.1

### Presentation by Lindsay Green of the Neighbourhood Development Plan Steering Group

#### NEIGHBOURHOOD DEVELOPMENT PLAN

#### PRESENTATION TO BURWASH PARISH COUNCIL – 11 JUNE 2020

Firstly, a disclaimer. Some of you may know me as the Secretary of the Burwash Common and Weald Residents' Association. I should make it clear that, this evening, I am speaking on behalf of the Neighbourhood Plan Steering Group and – if it is not too presumptuous – I hope, the wider community, and not the Residents' Association.

I will be as brief as I can. There are others here who may be better placed than me to answer any questions you may have.

The Parish Council is aware from previous updates that there is a fundamental conflict at the heart of the Neighbourhood Plan. This concerns the housing target set by Rother District Council for the parish of Burwash of 52 housing units to be built by 2028, and our ability to allocate sites within the Plan. Rother officials insist that the Neighbourhood Plan should identify specific sites within the parish on which the requisite number of new housing units will be built. Failing that, they have indicated that they will not support the Plan when it goes to the independent examiner for consideration. The identification of specific sites for new housing has been made more difficult because of a series of constraints set by Rother. Particularly, sites identified must be capable of accommodating six housing units or more if they are to count towards the target. Additionally, sites must be within the existing Burwash village development boundary.

The small size of the Burwash village development area, the ridge-top topography of the local landscape which puts flat land at a premium, the desirability of maintaining the separate identity of the three villages, Burwash, Burwash Common and Burwash Weald, the conservation area within Burwash itself and – crucially – the inclusion of the whole parish within the protected High Weald Area of Outstanding Natural Beauty are all significant factors which limit the availability of land suitable for significant sized housing developments. The Steering Group has considered all the sites identified in Rother's own Strategic Housing Land Availability Assessment, or SHLAA, carried out in 2013, together with a number of other sites, including those put forward by local landowners in response to the open Call for Sites, but has been unable to identify any specific sites suitable for new housing development which meet the constraints imposed by Rother. They have therefore concluded that, while the target of 52 new homes should be accepted, no specific sites for development can be identified at this stage. Our consultant, Donna Moles, has confirmed that our non-allocation of sites is fully compliant within the framework and rules of the neighbourhood planning process.

In discussion with them, Rother officers have proposed that the parish council should count the site at Strand Meadow as contributing 30 housing units towards the target on the grounds that the site has outline planning permission for this number of new homes. Rother further expects the parish to identify one or more suitable sites – within their constraints – for the remaining 22 new homes.

The Steering Group recommends against accepting Rother's argument in favour of including the Strand Meadow site, for two reasons. Firstly, a significant part of the site was deemed inappropriate for development by Rother themselves in their own SHLAA. Secondly, a substantive planning application for this site was rejected both by Rother's own Planning Committee and, on appeal by the developer, by the Planning Inspectorate. It is worth reminding the council at this point that this proposal also generated more than 400 local objections. The Steering Group is firmly of the view that this site is not suitable for 30 homes, none of which will be affordable, and that the prospect of a substantive planning application which meets local housing needs in the foreseeable future is remote.

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It has been made clear in the Plan that the parish acknowledges the need for, and welcomes, new housing to meet local housing requirements. The question of whether the Neighbourhood Plan should identify specific sites for new housing development is therefore the only significant point of conflict with Rother. Representatives from the Steering Group have, at our instigation, met with Rother officers on five or so separate occasions to try to resolve this difference of view. It has been difficult to arrange meetings and, when held, Rother's officers have provided neither consistent nor clear advice. At one meeting one officer stated that the identification of specific sites was not necessary. Subsequently there was a change of mind and officers have simply re-confirmed the target and insisted on the identification of specific sites on a "least worst" basis, while also rejecting alternative solutions proposed by the community. They have advised that, if Burwash submits its Neighbourhood Plan without identifying specific sites for new housing development, it will "almost undoubtedly" be rejected out of hand by the independent examiner as being not compliant with basic conditions. In an e-mail of 13 May 2020, quoting para. 104 of the Planning Practice Guidance, our independent consultant states clearly that this not true. The framework for the development of Neighbourhood Plans is provided by the Localism Act. This legislation has at its heart the concept of community engagement with the process. The Steering Group has been assiduous in assuring a high level of public engagement, with the result that there is overwhelming local support for the Plan – including the absence of specific site allocations.

There are other options.

Option 1. The parish council could withdraw the Neighbourhood Plan and live without one. The Steering Group advises against this option. It will increase the risk of the parish being targeted by speculative proposals for development, especially if surrounding parishes all have robust, approved Neighbourhood Plans in place. It may also alienate the many residents (way beyond the membership of the Steering Group) who have put much time and effort into the development of the Neighbourhood Plan over a period of more than 3 years.

Option 2. The parish council could temporarily mothball the Neighbourhood Plan until such time as Rother produces its new Core Strategy, which is due for consultation later this year, and which might provide an opportunity to renegotiate a lower housing target. The Steering Group considers that this is an unlikely scenario. Throughout, Rother has indicated that housing targets across the board are likely only to increase in future years.

Option 3. The parish council could accept Rother's contention that the Strand Meadow site (30 new homes) should be included as part of the target. The Steering Group strongly advises against this. It would require repeat consultation with the community and is highly unlikely to be acceptable to them, given the scale of previous objections to earlier proposals for housing development on this site. It also leaves unresolved where the remaining 22 housing units would be built.

Option 4. The parish council could approach Rother with a view to expanding the development boundary in Burwash village. The Steering Group strongly advises against this option, which would also require repeat consultation with the community. It is not something that Rother has been prepared to consider up to now. More importantly, it would set a precedent which will be exploited in future years leading in the long term by a process of incremental creep to the sort of "ribbon development" along the Wealden ridge which will eventually see the loss of the separate identities of the three Burwash villages which the community is keen to retain as separate entities.

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Option 5. The parish council could approach Rother with a view to asking them to agree to developments in Burwash Common counting towards the target. Specifically, there are early stage plans to build on two brownfield sites – the former Ashdown Nursing Home at the junction of Swing Gate Hill and the A265, and the former Higher Nature site in Goodsoal Lane – which could in principle contribute significantly to the target. The Steering Group recommends against this option as it would set a similar precedent to Option 4. In any case, to date, Rother has been adamant that any new housing developments in Burwash Common and Weald will not count towards the housing target as they are outside the Burwash village “hub”.

**The Steering Group therefore recommends to the Council that the Neighbourhood Development Plan should be finalised and submitted to the independent examiner on the basis that the target of 52 new homes is accepted but that no specific sites should be identified for new housing developments, with the reasons for this approach clearly articulated.**

There are risks in this approach. Firstly, as I have already noted, it seems highly likely that Rother District Council will oppose the Burwash Neighbourhood Plan in its own submission to the independent examiner. Feedback from the Steering Group’s last meeting with Rother officials strongly suggests that they are already preparing the ground for such a step. Secondly, although Rother cannot stop the Plan going forward on this basis, it is likely that the examiner will ask many more searching questions to satisfy himself that this unusual approach is the appropriate one in all the circumstances. The parish council should be prepared for this.

Finally, I think it is worth saying that, following a lot of work by a lot of people, the Neighbourhood Plan is now a robust document which, even if it is eventually rejected, will still be a good guide for the parish to work to as it has the strong support of the community at large.

End

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Cllr. Robert Franklin  
Chair Burwash Parish Council

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## Appendix 1.2

The Infrastructure Assessment was presented by the Chair of the group and Steering Group member, David George. The IA also covers all aspects of leisure, tourism and economy.

‘ The Infrastructure Assessment (IA) is the second most important document after the Neighbourhood Plan itself and lives alongside it. It answers the first of 3 important strategy questions for the Parish Council;

- 1) Where are we now?
- 2) Where do we want to be?
- 3) How do we get there?

It provides a snap-shot in time of the full infrastructure within the Parish as at May 2019, including listed buildings, public buildings, churches, graveyards etc. and many other important aspects to name just a few. It is intended for the Parish Council to begin to answer the second and third questions through a formal strategic review for the parish of each of the 12 Development Options listed at the back of the IA so that a vision can be developed as to how the PC would like to see the village develop over the coming years. Some are already underway such as the ‘20 is plenty initiative’ which helped by the Infrastructure Group acting as a spring board accelerated the initiative and got it firmly on the Parish Councils agenda. It is intended that the ‘strategic vision’ will be long lived within the Council. It is recognised however, that some aspects may be outside of the PC’s control, but without such a formal vision then any long term goals will be lost as Council members depart their term of office.

Importantly, it highlights that the lack of parking spaces in the village centre will inhibit visitor growth to businesses and hence local employment opportunities unless the PC can do something to address this key problem by generating more off street spaces.’

End

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Cllr. Robert Franklin  
Chair Burwash Parish Council