

CABINET
8 July 2019

Minutes of the Cabinet meeting held at the Council Chamber on Monday 8 July 2019 at 5.30 pm

Committee Members present: Councillors D.B. Oliver (Leader), D.B. Oliver (Leader), Mrs C.A. Bayliss, J.H.F. Brewerton (in part), C.A. Clark, Mrs D.C. Earl-Williams, K.M. Field, S.M. Prochak (Deputy Leader) and J. Vine-Hall.

Other Members present: Councillors J. Barnes, Mrs M.L. Barnes, G.S. Browne, T.J.C. Byrne, G.C. Curtis, B.J. Drayson, C.A. Madeley, A.S. Mier and G.F. Stevens.

Advisory Officers in attendance: Executive Director, Executive Director, Head of Service Strategy and Planning, Planning Policy Manager, Neighbourhood Planning Liaison Consultant and Democratic Services Manager.

Also Present: 3 members of the public.

CB19/19. **MINUTES**

The Chairman was authorised to sign the minutes of the meeting held on 1 July 2019 as a correct record of the proceedings.

CB19/20. **ADDITIONAL AGENDA ITEMS**

The Leader of the Council had accepted an Additional Agenda Item onto the Agenda, which was considered as Agenda Item 9 (see Minute CB19/24 below) concerning the forthcoming consultation on the main modifications to the Development and Site Allocations (DaSA) Local Plan.

CB19/21. **CROWHURST NEIGHBOURHOOD PLAN 2018-2018**
(6)

Following an affirmative local Referendum result in relation to the use of the Crowhurst Neighbourhood Plan (CNP) to help the determination of planning applications in the Parish Neighbourhood Area, Cabinet was requested to recommend to Council that the CNP be formally adopted and become part of the statutory Development Plan for the area.

On 17 May 2019, under delegated authority, the Executive Director resolved that the CNP (as amended in line with the Examiner's proposed modifications) should proceed to local Referendum. This decision, together with a revised version of the Plan, was published on the Council's website. Following the due legal process, and in accordance with the Neighbourhood Plan legislation, a local

referendum was held on 27 June 2019 in the Crowhurst referendum area of Crowhurst Parish as recommended by the Examiner.

Following a turnout of 43.54%, 92% were in favour of Rother District Council (RDC) using the CNP for Crowhurst to help it decide planning applications; 8% were against.

Following this result, it was incumbent on RDC under paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 to 'make' a Neighbourhood Plan within eight weeks of the referendum result. The principal effect of making the Neighbourhood Plan was that it would become part of the statutory 'development plan' for the area. Hence, planning applications within Crowhurst Parish would be determined against the CNP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework. It was noted that the development boundary for Crowhurst, as contained in the CNP, superseded the development boundary and related site allocations in the 2006 Rother District Local Plan.

The decision to make the CNP would need to be publicised together with a statement setting out how the environmental considerations had been integrated into the Plan. Cabinet was pleased to recommend to Council that the CNP be "made" with immediate effect which would bring it into legal force.

RECOMMENDED: That the Crowhurst Neighbourhood Plan 2018-2028 incorporating the Examiner's modifications, as presented to local Referendum, be "made" with immediate effect and form part of the Council's Development Plan.

CB19/22.
(7)

RYE NEIGHBOURHOOD PLAN 2018-2028

Following an affirmative local Referendum result in relation to the use of the Rye Neighbourhood Plan (RNP) to help the determination of planning applications in the Parish Neighbourhood Area, Cabinet was requested to recommend to Council that the RNP be formally adopted and become part of the statutory Development Plan for the area.

On 17 May 2019, under delegated authority, the Executive Director resolved that the RNP (as amended in line with the Examiner's proposed modifications) should proceed to local Referendum. This decision, together with a revised version of the Plan, was published on the Council's website. Following the due legal process, and in accordance with the Neighbourhood Plan legislation, a local referendum was held on 27 June 2019 in the Rye referendum area of Rye Parish as recommended by the Examiner.

Following a turnout of 21.81%, 85.8% were in favour of Rother District Council (RDC) using the RNP for Rye to help it decide planning applications; 13.8% were against.

Following this result, it was incumbent on RDC under paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 to 'make' a Neighbourhood Plan within eight weeks of the referendum result. The principal effect of making the Neighbourhood Plan was that it would become part of the statutory 'development plan' for the area. Hence, planning applications within Rye Parish would be determined against the RNP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework. It was noted that the development boundary for Rye, as contained in the RNP superseded the development boundary and related site allocations in the 2006 Rother District Local Plan.

The decision to make the RNP would need to be publicised together with a statement setting out how the environmental considerations had been integrated into the Plan. Cabinet was pleased to recommend to Council that the RNP be "made" with immediate effect which would bring it into legal force.

RECOMMENDED: That the Rye Neighbourhood Plan 2016-2028 incorporating the Examiner's modifications, as presented to local Referendum, be "made" with immediate effect and form part of the Council's Development Plan.

CB19/23.
(8)

TICEHURST NEIGHBOURHOOD PLAN 2018-2028

Following an affirmative local Referendum result in relation to the use of the Ticehurst Neighbourhood Plan (TNP) to help the determination of planning applications in the Parish Neighbourhood Area, Cabinet was requested to recommend to Council that the TNP be formally adopted and become part of the statutory Development Plan for the area.

On 17 May 2019, under delegated authority, the Executive Director resolved that the TNP (as amended in line with the Examiner's proposed modifications) should proceed to local Referendum. This decision, together with a revised version of the Plan, was published on the Council's website. Following the due legal process, and in accordance with the Neighbourhood Plan legislation, a local referendum was held on 27 June 2019 in the Ticehurst referendum area of Ticehurst Parish as recommended by the Examiner.

Following a turnout of 26.48%, 82.5% were in favour of Rother District Council (RDC) using the TNP for Ticehurst to help it decide planning applications; 17.3% were against.

Whilst the local Ward Members for Hurst Green and Ticehurst and Burwash and the Weald were extremely pleased to see the TNP completed, they noted that 134 residents had voted against the TNP and raised concern regarding future development in the High Street, Flimwell and the impact on valuable ancient woodland at the western end of the village. It was confirmed that there was no scope to amend the TNP at this stage and the Council could only make the TNP as

submitted and endorsed by the referendum, however the comments were noted. The Cabinet Portfolio Holder for Strategic Planning confirmed that any village had far more protection from unwanted development with a NP in place than without.

Following this result, it was incumbent on RDC under paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 to 'make' a Neighbourhood Plan within eight weeks of the referendum result. The principal effect of making the Neighbourhood Plan was that it would become part of the statutory 'development plan' for the area. Hence, planning applications within Ticehurst Parish would be determined against the TNP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework. It was noted that the development boundary for Ticehurst, as contained in the TNP superseded the development boundary and related site allocations in the 2006 Rother District Local Plan.

The decision to make the TNP would need to be publicised together with a statement setting out how the environmental considerations had been integrated into the Plan. Cabinet was pleased to recommend to Council that the TNP be "made" with immediate effect which would bring it into legal force.

RECOMMENDED: That the Ticehurst Neighbourhood Plan 2018-2028 incorporating the Examiner's modifications, as presented to local Referendum, be "made" with immediate effect and form part of the Council's Development Plan.

CB19/24.

FORTHCOMING CONSULTATION ON THE MAIN MODIFICATIONS TO THE DEVELOPMENT AND SITE ALLOCATIONS (DASA) LOCAL PLAN

(9)

Consideration was given to the report of the Executive Director that sought delegated authority from Council to Cabinet to authorise the 'Main Modifications', and if relevant, the 'Additional Modifications' to the Development and Site Allocations (DaSA) Local Plan for a six week public consultation. The DaSA implemented the development strategy and core policies set out in the adopted Core Strategy and sought to allocate sites for particular uses as well as setting out more detailed policies for the effective management of development in relation to key issues.

In January 2019 the Secretary of State appointed an examiner to conduct the independent examination into the Plan's soundness and legal compliance and subsequently issue a report with conclusions. The examination hearings were held between the 8 – 16 May 2019 and officers and expert witnesses gave evidence on a number of matters, issues and questions set by the Inspector.

As a result of the examination process a number of modifications had been put forward to the Inspector; the Council was now required to conduct a further six week consultation on these modifications, once

confirmed by the Inspector. Alongside the 'Main Modifications' there would be further 'Additional Modifications' which were of a more minor nature and did not materially affect the policies set out in the DaSA Local Plan.

It was essential that the consultation commenced as soon as possible to enable officers to undertake the consultation and compile and submit consultation responses to the Planning Inspector as promptly as possible after the period for representations had closed. This would provide the best possible chance for the Council to receive the Inspector's Report and adopt the DaSA at the September full Council prior to the Core Strategy becoming more than five years old. Council was therefore requested to grant delegated authority to Cabinet to approve the 'Main Modifications' and if relevant, the 'Additional Modifications' for consultation purposes. Members congratulated planning officers for the work undertaken thus far, despite limited resources.

RECOMMENDED: That delegated authority be granted to Cabinet to authorise the Main Modifications and, if relevant, Additional Modifications to the Development and Site Allocations (DaSA) Local Plan for a six week public consultation

(The Leader of the Council had accepted this item onto the Agenda as an Additional Agenda Item in order for full Council to consider the request to grant delegated authority to Cabinet to agree the main modifications to the development and site allocations local plan for consultation purposes only).

CHAIRMAN

The meeting closed at 5.47 pm