

Rother District Council

Report to	-	Council
Date	-	4 July 2022
Report of the	-	Cabinet
Subject	-	References from Cabinet Meetings

The Council is asked to consider the recommendations arising from the Cabinet meeting held on 27 June 2022, (there were no recommendations to Council arising from the Cabinet meeting held on 23 May 2022) as set out below.

CABINET – 27 June 2022

CB22/09. BURWASH NEIGHBOURHOOD DEVELOPMENT PLAN 2019-2028

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

On 9 July 2021, Rother District Council (RDC) resolved that the BNDP (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. Referendum progress had been delayed as a result of a Judicial Review challenge; this was subsequently reviewed and dismissed by the High Court in January/February 2022. Following the due legal process, and in accordance with the Neighbourhood Plan legislation, a local referendum was held on 16 June 2022 in the Burwash referendum area of Burwash Parish as recommended by the Examiner.

Following a turnout of 35%, 96% were in favour of RDC using the BNDP for Burwash to help it decide planning applications; 4% 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 Burwash Parish would be determined against the BNDP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework. It was noted that the development boundary for Burwash, as contained in the BNDP, superseded the development boundary and related site allocations in the 2006 Rother District Local Plan.

The decision to make the BNDP 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 BNDP be “made” with immediate effect which would bring it into legal force.

Cabinet and the local Member paid tribute to officers and the dedicated volunteer NP team at Burwash for all the hard work and effort that had resulted in the development plan for Burwash.

RECOMMENDED: That the Burwash Neighbourhood Development Plan 2020-2028 incorporating the Examiner’s modifications, as presented to local Referendum, be ‘made’ with immediate effect and form part of the Council’s Development Plan.

(Cabinet Agenda Item 8).

Councillor D.B. Oliver
Leader of the Council