

## Burwash Neighbourhood Development Plan

### Questions for the Parish Council

Policy GP01	
a)	<p><b><i>There appears to be a tension between the opening part of the policy (which applies to all development) and the application of the six criteria.</i></b></p> <p>We do not feel there is a tension resulting from the RDC applied six criteria. Our view, which is supported by the actual planning applications over 19 years (a study of which is included in our plan), is that this area does deliver additional housing but <b>not</b> in developments of six or more. We feel that the six criteria have been applied with the larger developments in Bexhill, Battle and Rye in mind and was never likely to work in practice in the more rural areas within the AONB.</p>
b)	<p><b><i>Should the policy be caveated so that it would be applied proportionately to the scale/nature/location of proposed developments?</i></b></p> <p>As you will have seen from the results of consultation, the protection of the AONB is a key consideration for this community. We have carefully reconsidered this policy and your question about proportionality. We have considered the application of this policy on small and larger developments but believe that the proposed policy is equally relevant to all sizes of development across the AONB. A single development which, for example, degraded ancient woodland would be unacceptable.</p>
Policy GP02	
a)	<p><b><i>Were any specific views identified as part of the Plan's preparation?</i></b></p> <p>The location of this Parish, entirely within the High Weald AONB, affords multiple glorious views of the countryside. When putting this plan together we considered the production of a map to highlight these views but given the sheer number both into, out of and across the Parish it was felt that this would be very difficult to annotate onto a map to produce a meaningful and understandable result. We asked RDC for guidance and assistance on this matter but this was not forthcoming. We therefore settled upon wording the policy to cover any view from areas to which the public has access.</p>
b)	<p><b><i>If not, could this policy be incorporated into Policy GP01?</i></b></p> <p>Yes this could be incorporated into GP01.</p>

Policy GP04

a)	<p><b><i>Is the Parish Council's decision to leave the settlement boundaries unchanged from the 2006 Local Plan a direct consequence of its decision not to allocate any sites for development in the neighbourhood plan?</i></b></p> <p>The Parish Council feels the existing settlement boundaries still provide the correct balance of built form and countryside gaps between settlements essential to protect the AONB. Expansion of these boundaries would in particular encourage ridge top development eroding the views of the countryside and potentially linking together our three distinct village settlements. The extensive consultation highlighted the community's overwhelming desire to look within existing boundaries for the new homes that are required. The decision concerning the allocation of sites for development was not driven by the decision on the settlement boundaries, these were separate decisions driven by their own reasons and merits.</p>
b)	<p><b><i>In the circumstances of the grant of outline planning permission for the land to the west of Strand Meadow on what basis has the Plan decided not to include this site within the settlement boundary for Burwash?</i></b></p> <p>Our approach to this NDP has been to carry out extensive consultation and to produce a plan which truly reflects the community's views in accordance with the core principle of the Localism Act.</p> <p>The development at Strand Meadow was considered carefully by the Steering Group and we decided not to include this site on the basis of the very contentious scheme proposed by Park Lane Homes because its inclusion would have been completely at odds with the views of this community. This would have seriously put at risk our ability to obtain a positive outcome to the referendum.</p> <p>On 18 February, RDC considered the application from Park Lane Homes with a view to discharging elements of the Reserved Matters resulting from the outline scheme and this was also rejected by their Planning Committee. Please see the link below for the formal decision</p> <p><a href="https://rother.moderngov.co.uk/documents/g540/Printed%20minutes%2018th-Feb-2021%2009.30%20Planning%20Committee.pdf?T=1">https://rother.moderngov.co.uk/documents/g540/Printed%20minutes%2018th-Feb-2021%2009.30%20Planning%20Committee.pdf?T=1</a></p>

<i>Policy GP05</i>	
	<p><b><i>This policy sets out a good local approach towards ensuring high quality and distinctive design. However, should it be caveated so that it would be applied proportionately to the scale/nature/location of proposed developments?</i></b></p> <p>We have looked again at this policy and feel that we should maintain all of these requirements for all types and sizes of schemes. For example a single scheme that requires a new power line to be run to it would still need to be run underground so as to minimise the impact on the AONB. Likewise we feel electric vehicle points should be provided in order to reduce future demand on the limited number of on-street and car park points which will be available.</p>
<i>Policy GP06</i>	
	<p><b><i>I am minded to recommend that the policy is associated with a map showing the open spaces. Does the Parish Council have any comments on this proposition?</i></b></p> <p>We agree that maps will be helpful and made a request to RDC on 4<sup>th</sup> March for assistance in the provision of these Maps.</p>
<i>Policy GP07</i>	
a)	<p><b><i>To what standard should the open space be provided?</i></b></p> <p>We have reviewed this policy and would propose the following standards should apply:</p> <p>In developments of 10 homes or more, an additional area of open space will be required.</p> <p>All new open spaces should:</p> <ul style="list-style-type: none"> <li>Be in close proximity to the local community it serves</li> <li>Be child friendly places</li> <li>Contribute to the local landscape and character of the area</li> <li>Be consistent with the local planning of sustainable development</li> <li>Have appropriate arrangements in place for the long-term management and maintenance of the space</li> </ul>

b)	<p><b><i>Will the requirements of the second part of the policy always be practicable?</i></b></p> <p>The above wording replaces this.</p>
c)	<p><b><i>In any event is the policy needed given the Plan's wider approach to new development?</i></b></p> <p>This plan does support new developments of the right sort in the right place and new open spaces will be appropriate in the few developments of scale.</p>
<p><i>Policy GP08</i></p>	
	<p><b><i>Should the policy be caveated so that it would be applied proportionately to the scale/nature/location of proposed developments?</i></b></p> <p>Having considered this policy carefully we feel that even in the short time between writing these policies and now they have become more appropriate and should be applied to all new developments.</p>
<p><i>Policy HO01</i></p>	
a)	<p><b><i>Are any size thresholds intended?</i></b></p> <p>We have reconsidered this policy and feel it would benefit from adding a note after 'b) Provide a minimum of 40% affordable housing' that says 'The sizes and tenure of the affordable homes should seek to meet local housing need.'</p>
b)	<p><b><i>Is the policy intended to apply in reverse such that proposals which did not provide the required tenure and mix would not be supported?</i></b></p> <p>Our aim with this policy is to provide clarity to potential developers that where their proposals do provide the correct mix of market/affordable (social rented) housing these will generally be supported subject, of course, to other NDP policies.</p> <p>The community has experienced the cynical way Park Lane Homes obtained outline permission for 30 homes with the correct provision of affordable homes included, only to find out a few weeks later that all of the affordable units had been removed, citing viability.</p> <p>We feel that this clarity will enable developers to readily evaluate their scheme's including the land value, and remove any doubt over what is acceptable.</p>

	We would, of course, consider every application on its merits, however there would need to be compelling reasons to vary this policy which is at the heart of the community's requirements.
<i>Policy HO02</i>	
	<b><i>Plainly the policy addresses an important issue. However, does it add any distinctive parish value to existing development plan policies?</i></b>  We agree that this is covered by existing policies but feel that it makes an important statement of intent.
<i>Policy EN03</i>	
	<b><i>As I read the policy it has a focus on the maintenance of footpaths rather than their protection from development. I am minded to recommend a modification to the policy so that its focus shifts to one whereby development should avoid any unacceptable impact on footpaths and/or incorporate them sensitively into new proposals. Does the Parish Council have any comments on this proposition?</i></b>  We welcome the proposed changes to this policy as suggested.
<i>Policy EN05</i>	
	<b><i>Does the policy add any distinctive parish value to existing development plan policies?</i></b>  We have reviewed this policy and feel that with some minor rewording could be incorporated into GP01 and provide the level of protection we are seeking.
<i>Policy EN06</i>	
	<b><i>The policy reads as a process matter (the submission of a landscape scheme) rather than as a planning policy. I am minded to modify the approach so that it sets out a policy approach towards the landscape. Does the Parish Council have any comments on this proposition?</i></b>  We welcome the proposed changes to this policy as suggested.

<i>Policy IN01</i>	
	<p><b><i>Should the policy be caveated so that it is applied proportionately to the scale/nature/location of proposed developments?</i></b></p> <p>These measures are felt to be appropriate for all scale of developments. A couple of examples would be</p> <ul style="list-style-type: none"> <li>i) development on the High Street which has extremely attractive brick pavers. Any development here would seek to ensure the brick pavers were retained or enhanced.</li> <li>ii) Many of the outlying roads, such as Shrub Lane, currently have no comprehensive network of pavements, leaving pedestrians to walk in the road. This policy would seek to require each development to include the provision of pavements to improve pedestrian safety.</li> </ul>
<i>Policy IN02</i>	
	<p><b><i>I saw the importance of on-street parking in Burwash High Street. However, does the policy add any distinctive parish value to existing development plan policies?</i></b></p> <p>The subject of traffic and pedestrian safety along with protection of the AONB were the key areas of concern raised by the community during the NDP consultations. We, therefore, feel that specific reference to this increases clarity for prospective developers and provides reassurance to the community.</p> <p>By way of additional background, the lockdown has delayed the proposed transfer of the car parks in Burwash from RDC to the Parish Council, however, the heads of terms are now agreed and the draft lease has recently been received and is being considered. Should the transfer go ahead, the Parish Council intends to reline the car parks to increase the number of spaces while introducing a programme of installing electric vehicle charging points. Another location just off the High Street is being considered for the provision of further off-road parking subject to agreement with the landowners.</p>
<i>Policy IN03</i>	
a)	<b><i>Does 'isolated' mean outside settlement boundaries?</i></b>
c)	<b><i>Could the policy be better presented as one which sets out different policy requirements for proposed development within and outside the defined settlement boundaries?</i></b>

	<p>The policy is intended to apply to areas which could be inside and outside the existing settlement boundaries. In particular, but not exclusively, this would refer to farm land which is increasingly being changed over to commercial uses (storage, workshops etc) which we felt needed a specific policy framework and inclusion in the plan.</p>
b)	<p><b><i>Could the policy have unintended consequences and conflict with national and local planning policies?</i></b></p> <p>We are not aware that this conflicts with local or national policy but feel that potential developers should understand that this community supports the development of new business and employment opportunities.</p>
<i>Policy IN04</i>	
	<p><b><i>Does the policy add any distinctive parish value to existing development plan policies?</i></b></p> <p>We appreciate that this policy in particular and others within the set of policies do overlap with a number of local and national policies.</p> <p>Whilst we could consider removing these particular policies we would prefer to retain the complete suite in order to provide a single place for potential developers to understand the Parish policy requirements and to protect these policy areas from alteration or removal at District level.</p>
	<p><i>General question</i></p> <p><b><i>Does the Parish Council have any comments on the District Council's view that the Plan period should begin in 2019?</i></b></p> <p>The Parish Council feels that unless there is a mandatory requirement to adopt a different start date it would be best to use a commencement date in line with the conclusion of the Plan following the referendum.</p>

<i>General questions on the delivery on new housing</i>	
	<b><i>I can see the approach which the Parish Council has undertaken on this matter and its conclusions in paragraphs 64/65 of the Plan.</i></b>
	<p><b><i>In this context to what extent was the six or more homes criterion applied by the District Council (in paragraph 7.55 of the Core Strategy) relevant in its decision not to allocate any housing sites in the submitted Plan?</i></b></p> <p>We feel we have been able to demonstrate that developments of six units or more are rare in our Parish. The issue of this set criteria was raised with RDC who advised us that ‘windfall’ developments under six units had already been deducted from their total housing target and that if we wished to include ‘windfall’ schemes our target would have to increase accordingly. We remain of the view that the six or more rule is inappropriate for rural areas such as Burwash. Clearly a policy which allows all new homes to be counted would have allowed a notional allocation of homes to be included within our plan.</p>
	<p><b><i>Has any work been undertaken to establish a Community Land Trust as identified in paragraph 65?</i></b></p> <p>The Parish Council are awaiting the completion of the NDP before taking this forward for further consideration.</p>
	<p><b><i>Does the Parish Council have any observations on the District Council’s comment about the applicability of Policy OVE1 of the Development and Site Allocations Local Plan in the neighbourhood area given that the submitted Plan has decided not to allocate sites which would deliver the strategic target for Burwash village in the Core Strategy?</i></b></p> <p>The Parish Council has been clear on its acceptance of the housing target of 52 homes. The problem our decision not to allocate sites has caused RDC results entirely from their failure to amend the DaSA to reflect our advice during a meeting between RDC and Steering Group members which also included District Councillors and in writing by our consultant.</p> <p>This meeting took place in November 2018. The email from our consultant dated 24 April 2019 was in response to a request for an update on our plan in order to brief the DaSA Inspector at the EIP on 8 May 2019. We are at a loss to understand why this wasn’t reported or reflected in the final version of the DaSA with consequential difficulties for the District Council.</p>

**Request for a statement of common ground**

***Please can the District Council and the Parish Council provide me with an agreed factual statement on the delivery of new housing both generally in the neighbourhood area and specifically within Burwash village (irrespective of the number of homes involved) from 2014-2019 and from 2019 to date.***

The Parish Council has been unable to agree a Statement of Common Ground with RDC Officers. The following three tables have however been agreed as showing the net housing completions within Burwash Village; within the Parish and the outstanding housing permissions as at 1<sup>st</sup> January 2021. All three tables cover the period 2013/14 to date.

**Net housing completions within Burwash village (01/04/2013 - 31/12/2020)**

LA Reference	Site	Settlement	Development Location	2013/ 14	2014/ 15	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	Total
RR/2010/487/P	DAWES HOUSE	Burwash	Within Development Boundary	2								2
RR/2011/1724/P	3-4 ST ANNES GREEN	Burwash	Within Development Boundary				-1					-1
RR/2014/1293/P	SHRUB LANE - LAND AT	Burwash	Within Development Boundary				4					4
RR/2017/1240/P	45 Shrub Lane, Burwash	Burwash	Within Development Boundary							1		1
RR/2017/1761/P	Old Rectory Court, High Street, Burwash	Burwash	Within Development Boundary							1		1
RR/2018/1807/P	19a Shrub Lane, Burwash	Burwash	Within Development Boundary							1		1
Total				2	0	0	3	0	0	3	0	8

**Additional net housing completions within Burwash parish (01/04/2013 - 31/12/2020)**

LA Reference	Site	Settlement	Development Location	2013 /14	2014 /15	2015 /16	2016 /17	2017 /18	2018 /19	2019 /20	2020 /21	Total
RR/2013/1708/P	(Exception Site) 78 Shrub Lane - Land adj, Burwash	Burwash	On periphery of Development Boundary					10				10
RR/2006/2861/P	THE BARN PARK FARM		Rural				1					1
RR/2010/2367/P	LITTLE TOTTS BARN		Rural							1		1
RR/98/287/P	BURWASH PLACE		Rural		1							1
RR/2010/1068/P	CONSERVATIVE CLUB AND CRICKET	Burwash Common	Within Development Boundary		4							4
RR/2012/2232/P	SHANT COTTAGE,	Burwash Weald	Within Development Boundary							1		1
RR/2012/823/P	NEWLANDS	Burwash Weald	Within Development Boundary			3						3
<b>Total</b>				<b>0</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>10</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>21</b>

**Outstanding housing permissions\* within Burwash parish as of 1 January 2021**

LA Reference	Site	Settlement	Development Location	Net Dwellings
RR/2017/582/P	Land to the south west of Strand Meadow, Burwash	Burwash	Within Development Boundary	30
RR/2019/2353/P	71 Shrub Lane, Burrish Cottage, Burwash	Burwash	Within Development Boundary	1
RR/2020/108/P	Burghurst Manor House, High Street, Burwash	Burwash	Within Development Boundary	1
RR/2013/309/P	Witherhurst Farm	Burwash	Rural	1
RR/2018/2103/P	Little Commons - Land adj, High Street, Burwash	Burwash	Rural	1
RR/2019/2663/P	Land adj 66 Shrub Lane, Square Farm House, Burwash	Burwash	Rural	1
<b>Total</b>				<b>35</b>

\*Please note that only permissions that result in a net change in the number of dwellings have been included.

## **Representations**

***Does the Parish Council wish to comment on any of the representations made to the Plan?***

***In particular does it wish to comment on the representations from:***

- ***Rother District Council; (see below)***
- ***Park Lane Homes (Town & Country Planning Solutions); (see below)***
- ***High Weald AONB Partnership? (see below)***
- ***Mr Simon Bowyer (Plan2Develop); (see below) and***
- ***The Nutrition Centre; (see below)***

### **Rother District Council**

We have reviewed RDC's comments within the Regulation 16 representations.

The Parish Council has not commented on each item they have raised, some of which relate to points elsewhere in this clarification note, however, we have provided below some commentary on aspect of their representation as set out below.

Policy GP04 Development Boundaries.

RDC has been clear throughout the neighbourhood planning process that developments outside the Burwash village development boundary will not count towards the target. For the reasons we have already stated in this response the community believes that there is an avoidable risk that extending the Burwash village development boundary will lead by a process of incremental creep resulting in the eventual infilling of the important green spaces between the three parish villages. The community has been clear that this is not supported.

Brownfield sites are available now which can accommodate 29 new housing units (Ashwood Nursing Home – 12 units; Nutrition Centre – 10 units; Oakley's Garage – 7 units, see below for more details) which would meet more than half of our housing target although only one of these, Oakley's, can be counted under existing Rother rules. We are confident that suitable sites can be found for small scale developments (less than six units) – as they have in the past - such that we can look to meet the target in full.

We note that RDC has concerns that some of our policies (GP01, EN01, EN02, EN05, IN02, IN04) repeat local or national policies without a specific parish dimension. In our view, repetition of local or national policies is not unhelpful if it puts in one place (the NDP) all the information that a developer should have to hand when formulating proposals for projects in our parish. Repetition also provides a degree of protection at parish level from future changes to local or national policies that might be detrimental in the context of our community.

Policy GP05 Design Standards. In our opinion criteria d) and h) will increasingly become significant planning issues.

Policy EN04 Dark Skies. Our community regards this policy as important. The Parish is fortunate to have limited light pollution and we are working with the High Weald AONB Unit to monitor the levels across the region with the aim of creating a Dark Skies Reserve. In these circumstances, it is reasonable to expect that new planning applications should be required to comply with this policy. We accept, of course, that not all new lighting installations will require planning approval.

The Parish Council Rolling Plan has been included within the NDP but does not form part of the matters for consideration. The Rolling Plan resulted from the extensive community consultation which was undertaken and the Parish Council decided to include a number of the issues raised within a work programme. This follows the whole approach to the work undertaken to produce the NDP which is to ensure that the Localism Act is held central to our approach and that the wishes of the community are taken forward. The Parish Council will review the Rolling Plan on a regular basis and modify it in the light of changing circumstances and requirements. It is unlikely that all of the aspirations will be met, but it is not unreasonable that the list should be as inclusive as possible. As it does not play any real role in the NDP we would be happy to remove this if this was thought to be helpful.

Despite the items raised we have welcomed RDC stated view that they do support our Plan and wish to see it adopted.

#### Park Lane Homes

We feel that the comments are purely driven by their desire to bring forward their development of the Strand Meadow scheme which has outline permission but has now been refused as a full application, failed on appeal and again very recently had the reserved matters refused by RDC.

It is clear that all parties except Park Lane Homes have recognised the overwhelming view of this community that this scheme is unsuitable, has no provision of affordable homes and would cause harm to the AONB.

#### High Weald AONB

The Parish Council has worked closely with the High Weald AONB Partnership in producing this Plan and has benefitted from their advice. We are happy to change these policies to read (in GP01) '*...conserves and enhances...*' and to delete 'consider' and replace with 'have regard to' in GP05 as suggested.

#### Simon Bowyer

We feel that it is important to ensure we encourage new businesses and the retention of existing retail units. Over the past 20 years alone Burwash High Street has lost over 20 commercial units. Having local places of employment is as important as the provision of new homes. We feel the tests provided in IN04 are appropriate to afford sufficient protection to the commercial sector in the face of higher residential values. High Streets generally are under threat at this time and we need to ensure that we have a robust policy to provide protection.

The Parish Council has closely monitored the position concerning the sale of Oakley's Garage in the High Street with the current owners for over three years.

We are aware of the long marketing campaign undertaken by the current owners and the lack of interest for this site to be retained for commercial use.

Since writing the NDP we have been actively engaging with Simon Bowyer the prospective owner to support his proposals to build seven new homes on this site.

The Parish Council has yet to consider the final designs as he has not yet applied for planning permission but subject to these designs and proposals being in line with our discussions, this scheme is likely to receive support from the Parish Council and the community. At this stage we would be prepared to allocate this site within our NDP.

#### Nutrition Centre (Higher Nature)

The Parish Council has engaged with this owner for the past few years and in addition representatives from the local community have met with him and have encouraged this development to come forward and remain keen to see this proceed.

The former Nutrition Centre, Oakley's and the former Ashwood Nursing Home are brownfield sites capable of providing good quality homes within the Parish. The Parish Council along with the local community has actively engaged with owners to encourage them to bring forward schemes which match the aspirations of the Plan to provide high quality new homes. Unfortunately, the housing target is only focussed on Burwash village and this means that Ashwood which now has a planning application submitted for 12 new homes, which is supported by the Parish Council, and the Nutrition Centre which has potential for a further 10 units, will not count towards the target.