

Burwash Neighbourhood Development Plan

Examiner's Second Clarification Note

This Note seeks further clarification on two of the responses to the initial note.

Policy GP01

The Parish Council has misunderstood the question on Policy GP01. It relates to the six criteria in the policy itself (a-f) rather than to the six-house threshold applied by the District Council towards housing delivery.

Please can the Parish Council respond accordingly.

Parish Council response

Firstly, our apologies for not being able to return these clarifications by 16th March 2021 as requested. You will appreciate that it was necessary to consult the Steering Group on this before providing our response. We sincerely hope that this hasn't disrupted your programme.

GP01

Our apologies for misreading your question previously. Having reviewed this section we are struggling to identify the tension to which you refer. However, we do appreciate that a fresh set of eyes can assist in spotting things that we are too close to see. We would greatly appreciate your suggested wording for easing the tension in this area.

The delivery of new housing

As I read the Parish Council's response it has provided its own context to the question on Policy OVE1 of the Development and Site Allocations Local Plan. However, it has not answered the question raised.

I would like to understand the Parish Council's view on the implications of Policy OVE1 of the Development and Site Allocations Local Plan on the determination of planning applications in the neighbourhood area in the absence of any allocated housing sites being proposed in the neighbourhood plan.

Parish Council response

The Parish Council is aware that RDC are keen to overcome the issue they are facing regarding the Burwash NDP not allocating sites and the assumptions made within the DaSa.

In respect of OVE1 of the DaSa, the Parish Council understands that until the NDP is in force that planning applications will be favourably considered.

This is what we experienced on the past four planning applications concerning the Denton Homes and Strand Meadow schemes which were all favourably considered and recommended for approval by RDC Officers. They were however opposed by the community and rejected by the Planning Committees and the Government Inspector.

However, our reading is that DaSa policy OVE1 falls away once the NDP is in force. The third paragraph states that:

“Until such time, as a Neighbourhood Plan for the relevant settlement with an outstanding Core Strategy housing requirement **is in force**, planning applications will be favourably considered for development proposals

It does not say that the NDP has to provide part or full site allocation

Our understanding of Paragraph 104 of the Planning Practice Guidance is that housing requirement figures for neighbourhood plans are not binding as neighbourhood planning groups are not required to plan for housing.

Furthermore, we also believe that the Localism Act, as primary legislation, which specifically empowers communities to produce plans for the future of their area, on which we have demonstrated overwhelming support, cannot be put aside on the basis of RDC’s interpretation of the application of OVE1.

Turning to the issue of the problem between the NDP not allocating sites and the DaSa it might be helpful for the Examiner to have some additional background to this issue. RDC submission at Regulation 16 states that the Burwash NDP decision not to allocate any sites “overlapped with the advance stages of the submission and examination of the DaSa Local Plan”. The Steering Group advised RDC Officers at a meeting in the Town Hall on 5th November 2018 also attended by one of our District Councillors, that we were not going to be allocating sites within our Plan. This was while the DaSa was still in draft and 6 months before the EIP in May 2019. This position was also confirmed in correspondence between RDC and our consultant on two further occasions including a response to a request from RDC for an update on the position with the Burwash NDP so that RDC Officers could report to the Inspector undertaking the EIP on the DaSa. We do not know why this did not take place, but it has resulted in the District Council’s ‘planning void’.

As stated in the NDP, the Parish Council fully supports the need for new housing and has accepted the housing target set by RDC. We have and will continue to actively encourage planning applications which meet local housing need and the wider requirements set out in

our NDP policies. We intend to look positively at the creation of a Community Housing Trust (CHT) however, the Steering Groups available time and energy has to date been focussed upon delivery of the NDP, which has been an enormous effort for lay people who are also working full time. We will look to take this forward once the NDP is in force.

On your visit to the area, you would have noted the various constraints within which we are working, including the rightly protected AONB and the resulting limited land availability within Burwash Village. Delivery is further hampered by the decision taken by RDC to only count sites of 6 or more when all the historic evidence is that this would seriously limit the number of schemes. We have also raised the question as to why our Exception site which we brokered in order to facilitate its delivery should be excluded from the housing target. It was developed on land within Burwash Village adjacent to the development boundary and provided 10 units of much needed affordable homes all of which went to local people. This is exactly the type of scheme the community requires and has clear merit above the applications for speculative developments without any affordable homes that have been proposed. We have long been of the view that RDC working in partnership with the Parish Council to adjust current “rules” to enable the inclusion of smaller schemes, the exception site and brown field sites throughout the Parish would greatly assist the Parish Council and the District Council in achieving the overall housing target.

Protocol for responses

I would be grateful for responses to the two matters by 16 March 2021.

Andrew Ashcroft

Independent Examiner

Burwash Neighbourhood Development Plan.

11 March 2021