

Burwash Neighbourhood Development Plan Decision Statement (Regulation 18, 2)

Summary

1. Following an independent examination undertaken by written representations, Rother District Council now confirms that the Burwash Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.
2. This decision statement is available on the [Burwash Neighbourhood Plan](#) page of the Rother District Council website.

Background

3. On 7th June 2016, Rother District Council formally designated the area shown at Appendix 1 as the Burwash Neighbourhood Area.
4. Following the submission of the Burwash Neighbourhood Development Plan to Rother District Council the plan was publicised and representations were invited. The publicity period ran from 27th August to 6th November 2020.
5. The District Council appointed an independent Examiner, Mr Andrew Ashcroft BA (Hons) M.A. DMS M.R.T.P.I. to examine whether the Burwash Neighbourhood Development Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Burwash Neighbourhood Development Plan should proceed to a referendum.
6. The Examiner's Report recommended a number of modifications so that the Burwash Neighbourhood Development Plan is able to comply with the 'basic conditions' and other relevant statutory provisions and that the submission plan, if modified, can be put to referendum.
7. The Examiner's Report (amended 13th May 2021) concludes by stating:
'The Plan sets out a range of policies to guide and direct development proposals in the period up to 2028. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.'

Following my independent examination of the Plan I have concluded that the Burwash Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

On the basis of the findings in this report I recommend to Rother District Council that subject to the incorporation of the modifications set out in this report that the Burwash Neighbourhood Development Plan should proceed to referendum.'

I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Rother District Council on 7 June 2016.'

Recommendations, Decisions and Reasons

8. The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).
9. Having considered the recommendations made by the Examiner's report, and the reasons for them, Rother District Council in conjunction with Burwash Parish Council (the Qualifying Body) has agreed to accept the modifications made to the draft plan under paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990 in response to the Examiner's recommendations/modifications.
10. To meet the requirements of the Localism Act 2011 a referendum which poses the question, 'Do you want Rother District Council to use the Burwash Neighbourhood Development Plan to help it decide planning applications in the Burwash Neighbourhood Development Area?' will be held in the area formally designated as the Burwash Neighbourhood Area.
11. The date on which the referendum will take place is 16th September 2021.

9th July 2021