



ROTHER DISTRICT COUNCIL

BURWASH PARISH NEIGHBOURHOOD DEVELOPMENT PLAN 2020-2028: DECISION STATEMENT¹

1. Summary

- 1.1. Following a favourable Referendum result, notice is given that Rother District Council (“the District Council”), at its meeting on 4 July 2022, ‘made’ the Burwash Parish Neighbourhood Development Plan 2020-28, meaning the Plan comes in force with immediate effect. Hence, it forms part of the statutory Development Plan for the area and, as such, is a key policy document in the determination of planning applications for development in Burwash Parish.
- 1.2. The ‘made’ Burwash Parish Neighbourhood Development Plan (BNDP) can be viewed on the District Council’s website at: [Burwash Neighbourhood Plan – Rother District Council](#) . Also available is the Strategic Environmental Assessment Adoption Statement on the same page.

2. Background

- 2.1. Upon application by Burwash Parish Council (“the Parish Council”), as the qualifying body, the District Council designated Burwash Parish as a ‘Neighbourhood Area’, under Part 2 of the Neighbourhood Planning (General) Regulations 2012, on 7 June 2016.
- 2.2. Following Regulation 14 consultation on a draft version, a ‘Submission’ version of the BNDP was prepared and submitted to the District Council in August 2020. A formal public consultation on the ‘Submission’ version of the Plan in line with the Regulations took place between 11 September – 6 November 2020. All duly-made representations were forwarded to an independent Examiner, Mr Andrew Ashcroft, who was appointed by the District Council, with the agreement of the Parish Council, to formally review the Neighbourhood Plan, consider whether it met the basic conditions required by legislation² and whether it should proceed to referendum.
- 2.3. The examination was undertaken by written representations. The Examiner submitted his report in May 2021 and concluded that, subject to certain modifications, the BNDP met the basic conditions and could therefore proceed to a local Referendum. He also recommended that the referendum area be the designated Neighbourhood Area (Burwash Parish).

¹ In accordance with regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

² As set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

3. Decision and Reasons

- 3.1 With the incorporation of the Examiner's modifications, the District Council agreed that the BNDP met the basic conditions and other requirements and could be put forward for a local Referendum. There was a hiatus in the progress of the BNDP as the Council's decision to go to Referendum was challenged in an application for a Judicial Review. The claim was reviewed by the High Court in January and February 2022 and finally dismissed by Mrs Justice Lang on 9 March 2022, allowing arrangements for the Referendum to continue.
- 3.1. This was held on 16 June 2022. It posed the question "*Do you want Rother District Council to use the Neighbourhood Plan for Burwash to help it decide planning applications in the neighbourhood area?*" The outcome was that 755 (96%) of the 785 people who voted were in favour of the Plan.
- 3.2. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the District Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan, unless (under Para. 38A(6)) this would breach or would otherwise be incompatible with an EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.3. In line with the outcome of the Referendum and having further considered whether making the Neighbourhood Plan would breach or would otherwise be incompatible with any EU obligation or any of the Convention rights, the District Council resolved, at its meeting on 4 July 2022 that the BNDP be approved and adopted as submitted.

4. Availability of documents

- 4.1. The 'made' Burwash Neighbourhood Development Plan, Declaration of Referendum results, SEA Adoption Statement and related documents can be viewed on the Council's website at: [Burwash Neighbourhood Plan – Rother District Council](#)
- 4.2. The report to Cabinet in relation to the 'making' of the Neighbourhood Development Plan can be viewed at: [\(Public Pack\)Agenda Document for Council, 04/07/2022 18:30 \(moderngov.co.uk\)](#)
- 4.3. The Full Council minutes are available to view at [Council Minutes \(moderngov.co.uk\)](#)
- 4.4. For further information, please contact the Planning Policy Team by email at: planning.strategy@rother.gov.uk or by telephone on: 01424 787000.