

22nd JULY 2025

To: **MEMBERS OF THE STRATEGIC DEVELOPMENT KEY AREA GROUP,
BURGESS HILL TOWN COUNCIL**

A **MEETING** of the **STRATEGIC DEVELOPMENT KEY AREA GROUP** will be held in the Council Chamber on **28th JULY 2025** at **19.00 hours**, when your attendance is required.



Julie Holden
Chief Executive Officer

A G E N D A

1. **OPEN FORUM**
2. **ELECTION OF VICE CHAIR**
3. **APOLOGIES FOR ABSENCE**
4. **SUBSTITUTES**
5. **DECLARATIONS OF INTEREST**
6. **CHAIRMANS ANNOUNCEMENTS**
Any items which the Chair wishes to update which are not on the agenda, for noting
7. **NOTES OF THE STRATEGIC DEVELOPMENT KEY AREA GROUP MEETING**
To approve and sign the notes of the meeting held on 24TH February 2024
8. **LOCAL GOVERNMENT REORGANISATION**

Purpose of Report: to update on the current position
 1. The consultation regarding the Mayoral Authority for Sussex closed on 23rd June. The feedback is currently being analysed by Government departments and nothing further is yet known as to the services to be confirmed to fall to this strategic layer. The election of the Mayor, is expected next May. The creation of the Mayoral Authority is distinct from the proposed local government reorganisation (LGR) which replaces two-

tier principal local authorities with unitary councils which combine the functions of the County and District/Borough councils.

2. The County and District Councils for West Sussex submitted their outline first response to the Government on 21st March which was acknowledged with comment from the Government on 7th May. These papers are on the Burgess Hill Town Council website for review.
3. The County and Districts proposals for West Sussex are due to be submitted to the Government in September, and prior to this a period of public engagement was launched on 17th July lasting for four weeks with organisational stakeholders and a survey which may be accessed via www.shapingwestsussex.org. Members are encouraged to complete this survey personally.
4. Whilst Burgess Hill Town Council is not directly affected by LGR reorganisation will lead to a change in the council's relationships. Reorganisation may also lead to changes to the way services are delivered locally. The Town Council should, therefore, consider making its own response to the proposed reorganisation and this is the first opportunity to do that.
5. Appendix A sets out the government criteria for LGR proposals with core components including a target population size of around 500,000 people, sensible geographies and financial resilience. Within the context of LGR in West Sussex, from an initial options list of 16 potential areas only two emerged which met these criteria. The two are:
 6. A single unitary authority on the boundary of the existing West Sussex County Council.
 7. Two unitary authorities split broadly east/west comprising of EAST – Crawley, Mid Sussex, Horsham and (Adur) and WEST – Chichester, Arun, Worthing and (Adur). Note that Adur could be in either Eastern UA or the Western UA. Due to its small size, it has no impact on the financial resilience of either proposed UA.
8. This is the most significant reform of local government since the early 1970s and members are invited to consider the response that the Town Council wishes to make as regards LGR generally and the options for LGR being proposed

RECOMMENDATION:.

Members views are sought.

Risks:

Environmental impact: there are none

Financial Impacts: The impact of reorganisation are unknown, however it is anticipated that in time the Town & Parish Councils may take a larger role in local service delivery at some point in the future.

Public Safety impacts: There are none

9. NEIGHBOURHOOD PLANNING

Purpose of report: To consider the current position of Neighbourhood Plans.

1. Background: The Councils neighbourhood plan was adopted in 2016, it aligned to the District Plan to run out in 2031. The Plan was brought forward following introduction of such plans in the 2011 Localism Act. The plan is a list of policies which are taken in to account by the Planning Authority when considering planning applications and a set of visions for the town, that the Town Council wanted to implement. The plan was approved by public referendum in 2016. Neighbourhood Plans don't actually "run out", but the Council having set a date on their plan means that beyond 2031 it would have little weight in planning decisions.
2. Neighbourhood planning still exists as the Localism Act has not been repealed, however recently the Government announced that the funding towards creating and reviewing such plans has now ceased. Therefore, a review of the plan would fall fully to the cost of the Town Council.
3. Mid Sussex District Council have advised that they will be briefing all Town and Parish Clerks in the near future regarding the current position of the Mid Sussex Draft District Plan and will give their advice regarding the review of Neighbourhood Plans in light of the current position.
4. The Town Council on 7th July reconstituted the Neighbourhood Plan Working Group which reports to this KAG. The Working Group will be looking through the old plan and deciding what a new plan may look like and the feasibility of a review at the moment when it is not clear whether the new plan would be looking to be in conformity with the MSDC current plan or the draft new plan. This clarification is fundamental in the first instance to ensure that resources are not wasted, aligning to the wrong plan.
5. A further unknown is the announcement from the Government that National Development Management Policies (NDMP) will be developed centrally. It is not known how they will interact with NP Policies although it is thought that NDMPs will take precedence if they are at odds with the underpinning plans of Unitary or District and certainly Neighbourhood Plans.

Key Aspects of NDMPs:

• **National Applicability:**

NDMPs are designed to apply consistently across England, addressing issues of national importance.

- **Weight Over Local Plans:**

When an NDMP conflicts with a local development plan policy, the NDMP will generally take precedence.

- **Focus on Streamlined Planning:**

NDMPs are intended to simplify the planning process by dealing with nationally important matters, allowing local plans to focus on more specific local issues.

- **Potential for Growth:**

Some argue that NDMPs can be a tool to promote economic growth by setting clear, nationally consistent standards for development.

- **Potential for Concern:**

There are concerns that NDMPs could erode local democracy and lead to a "one-size-fits-all" approach that doesn't adequately address local needs.

Examples of potential NDMP topics:

- **Design Standards:**

NDMPs could set minimum standards for building design and placemaking, ensuring a baseline level of quality across the country.

- **Sustainability:**

NDMPs could address environmental concerns like carbon performance, reducing car dependency, and managing light pollution.

- **Brownfield Development:**

NDMPs could incentivize the development of previously developed land by setting clear policies for its use.

- **Development near Transport Hubs:**

NDMPs could prioritize development near railway stations and other transport hubs, promoting sustainable transportation.

6. It is likely therefore that NPs will be different in the future, although the legislation allows for them to be drawn up, their influence may be less. The Town Council may want a less ambitious "plan" but a schedule of planning policies to sit below the District Plan, National Planning Policy Framework and NDMP's, which will focus on matters of concern to the local residents. It must be noted however that there are certain elements of a Neighbourhood plan that cannot be ignored, this includes the area of the plan, which is likely different to the 2016 plan as the Parish Boundaries have changed since then. Therefore, some costs, besides man-hours, will be incurred. It is also possible that a new plan even a simple list will require supplementary evidence, habitats assessments and referendum which again all attract costs, this is information that we will need to discuss with the District Council as to whether a revised plan is required to follow the

full process, or can be seen as a revision. At this time no budget has been set aside for the creation of a revised plan.

7. To assist members the appendix from the 23rd September 2024 Council meeting on Neighbourhood Plan reviews is included with this agenda as Appendix B. If members wish to conduct a review of the Neighbourhood Plan, then the guidelines in this appendix act as a useful guide to what may or may not be included.
8. As members will be aware, MSDC is in the early stages of judicial review proceedings against MHCLG following a written indication from the Planning Inspector that she is minded to fail (but at the time of writing this report has not failed) the Reg 19 District Plan citing a failure in the duty to co-operate with other local authorities **(specifically on the technical point of how the surplus above MSDC's own housing need was to be allocated to meet unmet need in neighbouring authorities of Crawley, Horsham and Brighton).**
9. The Chief Executive understands that MSDC is trying to resolve this technical problem without the need to initiate judicial review proceedings. However, until there is a positive resolution, or if the resolution is not positive, there is a risk. Accordingly, this Town Council may wish to consider its steps in regard to the NP review in the light of the current circumstances.

Recommendation:

The KAG are requested to consider the information and advise the NP Working group regarding the desired format for a new plan, which plan it should be seeking to be in conformity with and timescales for return to this Key Area Group in the first instance.

Risks:

Environmental impact: dependent on policies the Neighbourhood plan can be a positive impact for the environment

Financial Impacts: There is no allocated budget for a revised NP, this could be expensive depending on what has to be provided and what is wanted by the Council.

Public Safety impacts: There are none

10. THE BEEHIVE

1. Members will recall that at the Council meeting on 3rd March 2025 it was agreed to commission further design work on The Beehive to RIBA stage 2. This was to give greater depth to the design itself and also to provide more accurate costings for the project in view of the fact that the initial RIBA stage 1 design did not provide sufficient design detail.

2. Members will also recall that the cost plan (excluding professional fees and sound/lighting) presented by Greenwoods was as follows:

Item	Total	Cost per M2
Total Construction Costs	£4,346,839.35	£5,268.90
Contingency	£ 543,354.92	
Inflation	£ 279,230.09	
TOTAL PROJECT COSTS (Incl. Inflation and Excl. VAT)	£5,464,129.36	£6,265.97

3. Much work has been done since giving instructions to Unknown Works and Greenwoods with weekly meetings to refine the design in the light of stakeholder comments. The aim of these meetings was to extract the maximum from the design of the building, in terms of size and aesthetic appearance, whilst reducing cost.
4. At the time of writing this report, revised designs and costings are imminently expected therefore, there has not been an opportunity to fully analyse these or, indeed, discuss with stakeholders but a cost reduction has been indicated. A further update will be given at the meeting.
5. It is considered appropriate, as a next step, to convene a meeting of the Community Land and Buildings Development Group (CLBDG), inviting key stakeholders to attend, to review the plan and possible next steps.

Recommendation

Chief Executive to convene a meeting of the CLBDG to consider the revised plan and costings and receive stakeholder feedback.

11. UPDATES ON ST JOHNS PARK PAVILION

The District Council has continued to discuss with the Cricket Club regarding the latter's wish to develop the site. The feedback from the planning authority in respect of the planning application is that the current design would not be approved due to the fact that it will constitute development within a designated flood zone. The rating is such that without mitigation permission would be refused.. An engineering and design solution has now been suggested to the Cricket Club by the District Council which would provide that mitigation without materially altering the scale of the proposed redevelopment. This is now being considered by the Cricket Club with their advisers.

For Noting

Appendix A

Criteria for Local Government Reorganisation

The guidance from the Secretary of State for proposals for unitary local government sets out 6 criteria that will be considered:

- 1 A proposal should seek to achieve for the whole of the area concerned the establishment of a single tier of local government.**
 - a. Proposals should be for sensible economic areas, with an appropriate tax base which does not create an undue advantage or disadvantage for one part of the area.
 - b. Proposals should be for a sensible geography which will help to increase housing supply and meet local needs.
 - c. Proposals should be supported by robust evidence and analysis and include an explanation of the outcomes it is expected to achieve, including evidence of estimated costs/benefits and local engagement.
 - d. Proposals should describe clearly the single tier local government structures it is putting forward for the whole of the area, and explain how, if implemented, these are expected to achieve the outcomes described.

- 2 Unitary local government must be the right size to achieve efficiencies, improve capacity and withstand financial shocks.**
 - a. As a guiding principle, new councils should aim for a population of 500,000 or more.
 - b. There may be certain scenarios in which this 500,000 figure does not make sense for an area, including on devolution, and this rationale should be set out in a proposal.
 - c. Efficiencies should be identified to help improve councils' finances and make sure that council taxpayers are getting the best possible value for their money.
 - d. Proposals should set out how an area will seek to manage transition costs, including planning for future service transformation opportunities from existing budgets, including from the flexible use of capital receipts that can support authorities in taking forward transformation and invest-to-save projects.
 - e. For areas covering councils that are in Best Value intervention and/or in receipt of Exceptional Financial Support, proposals must additionally demonstrate how reorganisation may contribute to putting local government in the area as a whole on a firmer footing and what area-specific arrangements may be necessary to make new structures viable.
 - f. In general, as with previous restructures, there is no proposal for council

debt to be addressed centrally or written off as part of reorganisation. For areas where there are exceptional circumstances where there has been failure linked to capital practices, proposals should reflect the extent to which the implications of this can be managed locally, including as part of efficiencies possible through reorganisation.

3 Unitary structures must prioritise the delivery of high quality and sustainable public services to citizens.

- a. Proposals should show how new structures will improve local government and service delivery and should avoid unnecessary fragmentation of services.
- b. Opportunities to deliver public service reform should be identified, including where they will lead to better value for money.
- c. Consideration should be given to the impacts for crucial services such as social care, children's services, SEND and homelessness, and for wider public services including for public safety.

4 Proposals should show how councils in the area have sought to work together in coming to a view that meets local needs and is informed by local views.

- a. It is for councils to decide how best to engage locally in a meaningful and constructive way and this engagement activity should be evidenced in your proposal.
- b. Proposals should consider issues of local identity and cultural and historic importance.
- c. Proposals should include evidence of local engagement, an explanation of the views that have been put forward and how concerns will be addressed.

5 New unitary structures must support devolution arrangements.

- a. Proposals will need to consider and set out for areas where there is already a Combined Authority (CA) or a Combined County Authority (CCA) established or a decision has been taken by Government to work with the area to establish one; how that institution and its governance arrangements will need to change to continue to function effectively; and set out clearly (where applicable) whether this proposal is supported by the CA/CCA /Mayor.
- b. Where no CA or CCA is already established or agreed then the proposal should set out how it will help unlock devolution.
- c. Proposals should ensure there are sensible population size ratios

between local authorities and any strategic authority, with timelines that work for both priorities.

6 New unitary structures should enable stronger community engagement and deliver genuine opportunity for neighbourhood empowerment.

- a. Proposals will need to explain plans to make sure that communities are engaged.
- b. Where there are already arrangements in place it should be explained how these will enable strong community engagement.

NEIGHBOURHOOD PLAN REVIEW

1. The Burgess Hill Neighbourhood Plan 2015-2031 (“NP”) was ‘made’ (i.e. adopted) in October 2015 following extensive consultation and a town wide referendum.
2. The forward to the current NP stated that it:

“is a Vision for 16 years from 2015 - 2031. It is inextricably linked to the 20-year vision for the town set out in the Burgess Hill Town-wide Strategy 2011 produced by the Town Council and the Mid Sussex Local Plan 2004”.

Both the NP and the Burgess Hill Town-wide Strategy are available for view on the Town Council website (under the Strategic Planning Tab).
3. At the time that the NP was made the current District Plan was still emerging as an approved planning document.
4. From a plan making perspective, MSDC adopted a District Plan (2014-2031) in 2018 which superseded the 2004 Local Plan (though retained some policies from that plan). Its policies also take precedence over the NP.
5. Since adopting the District Plan (2014-2031), MSDC has also adopted a supplementary planning document (Site Allocation DPD) which added additional sites for housing and a Design Guide
6. MSDC is now in the process of renewing the District Plan (2021 – 2039). This plan has passed the Regulation 19 stage and is expected to go to Public Examination by the Planning Inspectorate in late 2024 with adoption in early 2025. It sets out policies for the district covering housing and employment allocations together with a suite of strategic policies for the district.
7. All the MSDC documents referred to in 4 – 6 above together with the supporting evidence base can be viewed on the Mid Sussex District Council website.
8. In addition to a changing policy landscape there are aspects of the NP which are not, or may no longer be, valid either in the context of development policy, actual development, or changing circumstances. As a consequence of the passage of time, the adoption of the current District Plan and the emerging District Plan less weight can be placed on NP policies.

9. Government guidance on Neighbourhood Plans and the review process can be found via the link below:

<https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>).

“In considering a review, there are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
 - Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
 - Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.”
10. Mid Sussex District Council, as the planning authority, has also provided advice on the timing and substance of any review of the NP and this can be found in Appendix 3.
11. Finally, the National Planning Policy Framework (“NPPF”) sets the context for how Neighbourhood Plans fit within the overall strategic or spatial policies of Local Plans (in this case the MSDC District Plan). The NPPF is clear that Neighbourhood Plans should be in conformity with Local Plans and should contribute towards sustainable development. It also puts strategic policy making within the Local Plan and not Neighbourhood Plans (see, in particular, paras 13-14, 18, 21, 29-30 and 37 of the NPPF).
12. In addition to the policy direction referred to above, Council should consider the resource implications of a review of the NP, especially if it considers that material modifications are necessary. Reviews of plans need to be evidenced based and external planning expertise will be required to support any review. The Council previously used Enplan Limited to support the development of the NP and an indication of the cost of a review has been sought from them. The human resource cost of a review leading to material modifications may also be significant. In the past there was financial support for the development of NPs but

there is now none so any expenditure will come from the Council's budget

13. It is not a legal requirement to have a Neighbourhood Plan or review an existing plan.
14. The fact that elements of the NP are no longer valid, that less weight can be placed on NP policies, and that the strategic policy landscape has changed, it is considered that a review of the NP is necessary so that local, non-strategic policies, can be brought up to date. It is the timing and scale of such review that needs determining.
15. The strong advice from the planning authority, MSDC, is to await the adoption of the District Plan before commencing a review of the NP. But this does not preclude the start of preliminary work to identify areas that may be brought into the scope of that review (either because an existing policy is out of date or Council wishes to amend an existing policy or create a new one). To reiterate any review of the NP must be compatible with the District Plan, contribute to sustainable development and should not contain strategic policies.