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8 August 2024

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 **13 August 2024** at **19.00 hours**, when your attendance is required.

Steve Cridland
Chief Executive Officer

Filming, recording of Council meetings and use of social media:

During this meeting members of the public may film or record the Committee and officers from the public area only providing it does not disrupt the meeting. The Confidential section of the meeting may not be filmed or recorded.

If a member of the public objects to being recorded, the person(s) filming must stop doing so until that member of the public has finished speaking.

The use of social media is permitted but members of the public are requested to switch their mobile devices to silent for the duration of the meeting.

****PLEASE NOTE THE START TIME OF THE MEETING****

A G E N D A

1. **PARK CENTRE PRESENTATION**

Chris Cook and Cally Bryson will present an update on the project as well as plans developed for the future

Cllrs Robert Eggleston (Chairman). Janice Henwood, Cedric De Souza, John Orchard, Bob Foster, David Eggleton, Andy Stowe

2, **OPEN FORUM**

Each member of the public is permitted to speak once in respect of business relevant to the Town Council or of local concern to the residents of the town at the discretion of the Chairman (during the Open Forum). They can also speak during the meeting (on topics relating to the published agenda and any other business raised during the meeting) as the agenda debate is progressed. Speakers are encouraged not to speak for more than three minutes, at the discretion of the Chairman or nominee (including the Chair of any other meeting of the Council).

If it appears that the number of speakers is likely to unreasonably delay the disposal of business items on the agenda the Chairman may direct that a member of the public submits a question or comment in writing which shall be answered in due course.

3. **APOLOGIES FOR ABSENCE**

4. **SUBSTITUTES**

5. **ELECTION OF VICE CHAIRMAN**

6 **DECLARATIONS OF INTEREST**

In respect of any matter on the agenda.

7 **NOTES OF THE STRATEGIC DEVELOPMENT MEETING**

Notes of the meeting held on 11 January 2024 (previously distributed).

8. **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 1.
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.
16. Accordingly, to take this forward in a positive and meaningful way it is **RECOMMENDED** that **COUNCIL** agrees to the formation of a **Neighbourhood Plan Working Party** with a remit to:
 - (i) Examine the existing NP and identify policies that are no longer valid.

- (ii) Undertake a scoping exercise on non-strategic policies to be retained and amended or new non-strategic policy areas which may be considered for inclusion in a new NP.
- (iii) Consider the evidence base needed to complete any review of the NP.
- (iv) Provide recommendations on the scope of any review of the NP in line with paragraph 9 above including whether a review should be conducted at all and report these in the first instance to the Council's Visioning Day on 10th October 2024."

(Note 1: Members are strongly advised to review the existing Neighbourhood Plan, draft District Plan 2021-2039, the MSDC guidance in Appendix 1 and the relevant sections of the NPPF when considering these recommendations).

(Note 2: If the recommendations are agreed the composition of the working party should ideally include a member from each ward (with Brookleigh East and West treated as 1 ward for this purpose). This would create a working party of 9 members. The working party would report to Strategic KAG but its membership need not come from this KAG).

9. BURIAL GROUND PHASE 2 DEVELOPMENT - STATUS REPORT

Background

The original burial ground (phase 1) located on Jane Murray Way was opened in June 2004. It was designed to be sympathetic within its rural setting to include a commemorative woodland, a children's area and to be a non-denominational burial ground open to all residents no matter their religious or cultural beliefs and backgrounds.

Burgess Hill Town Council is responsible for the management, administration and maintenance of the burial ground dealing with bereaved families, funeral directors, grave diggers and site contractors.

Around 2017, an area within the burial ground was dedicated to Muslim burials as the town council was approached by the Burgess Hill Muslim community highlighting the difficulty they had as, due to religious reasons, they were unable to bury their deceased within a "mixed" area.

The overall site (to include phase 2) was to provide, originally, burial space for 100 years, however, after 20 years, it is estimated phase 1 of the burial ground has up to 3 years capacity left. To-date, some 600 plots (coffin and ashes) have been used with over 750 actual deceased.

Over the last few years, there has been a noticeable increase in the rate of burials per year, with the average in the first 5 years (of the

burial ground being open) of 26 per annum, and the average for the last 5 years being 35 burials per annum. The reason for this increase is unclear, but could be related to an ageing population, expansion of the town and/or the increased town-wide knowledge of the burial ground.

With approximately 100 coffin spaces left, as noted above, the burial ground will be full within 3 years, however, if the annual rate of burials continues to increase, capacity could be reached more quickly.

Location of Phase 2

Adjacent (to the left) of the current “active” burial ground, is a parcel of land (see image below) owned by the town council and has been earmarked to provide additional burial space (phase 2). The land is marginally larger than the current phase 1 and, based on current burial rates, should provide burial space for another 25 years. There is, also, a parcel of land immediately to the south of the current burial ground that belongs to MSDC. Discussions are at an early stage with MSDC in regard to using this land for additional burial space some-time in the future.



Works to-date on Phase 2

Although a broad estimate of £300k has been noted in previous council documentation, the costs to develop phase 2 of the burial ground have not, as yet, been fully quantified. To enable Council to have a more complete picture of costs and the potential impact on its funds and/or the need to apply for a Public Works Loan Board, a number of activities have taken place:

- Appointment of a specialist consultant to assist with the specification and tendering documentation.
- Completion of initial outline drawings.
- The production of a detailed tender document. This has been placed on the Government's Tender Portal. This tender exercise came to a close Friday 19th July 2024, the results of which have yet to be assessed fully.
- Public awareness: to-date, the town council has promoted the phase 2 scheme through the Annual Report, About Town magazine, the Annual Town Meeting (with a dedicated display board) and via the council's website.

The council has, currently, £47k set-aside through its Earmarked Reserves towards the cost of preliminary works.

Works still to be undertaken

- Detailed groundwork design of the site covering drainage, stand-pipes, roads, pathways, screening etc.
- Consideration of the needs of specific groups such as Muslims and Travellers. This may require dedicated areas within the burial ground and involve conversations with the various community groups.
- Planning application to extend the current carpark and provide for a hardstand area for council vehicles and equipment.
- The preparation and submission of Public Works Loan Board application to the Communities and Local Government department (assuming the project is not to be fully funded with existing resources).
- The appointment of a main contractor (subject to a successful tendering exercise). This would include the provision a Development Project Plan.
- Communication: as the project moves forward, additional publicity will be required to keep residents fully apprised of progress.
- Initiate the first meeting of Burial Ground (phase 2) Working Group to provide an opportunity for Members to provide input.

Although still to be confirmed, the expected build timescale would be in the region of 6-9 months.

Outline summary time-line

0-2	months: agree detail design
0-3	months: confirm main contractor and apply for Public Works Loan Board Loan
3-6	months: start construction
+6-9	months after <i>start construction</i> : project completion

Provisional deadline: end of calendar year 2025

RECOMMENDATION

Although it may not be possible at this point in time, due to a range of high-cost projects being undertaken, to allocate definitive funds from the Council reserves to this project, this position will need to change within the short to medium term to enable a quantifiable application for a PWLB loan.

The views of Members are sought but in regard to funding, please refer to agenda item 11.

Risks

- The Communities & Local Government Department may not approve the project, however, an initial conversation with the Government didn't foresee any particular issues but the Council will need to demonstrate affordability and community engagement.
- If the burial ground development does not progress to time-scale, the council runs the risk of running out of burial space.

10. COMMUNITY BUILDING PROJECTS

This report is for noting and contains updates on the Council's three Community building projects in which it has an interest/involvement. These are Park Centre, St Johns Pavilion and The Beehive.

(a) Park Centre

Update will be provided by Chris Cook and Cally Bryson.

(b) St Johns Pavilion

St Johns Pavilion is on land that is held under a trust established by Emily Temple. The Charity holding the land (top part of St Johns Park) and Pavilion is St Johns Park Charitable Trust whose sole trustee is Mid Sussex District Council (MSDC).

BHCC came forward with a proposal to redevelop the Pavilion which, whilst including an enhancement of the changing facilities, also included a redevelopment of the ground floor community space plus the creation of a first-floor community room and lounge.

The total cost of the redevelopment is in the region of £1.00m - £1.2m. Currently, the Pavilion is mainly used in the summer months as the Cricket Pavilion for Burgess Hill Cricket Club (60 – 80 days in the year) (BHCC) and there is a small café kiosk to the rear.

As part of the business plan for the redeveloped Pavilion, a not-for-profit playgroup (which serves families on lower incomes) wishes to take the ground floor during the day in term time (190 days in the year). The redevelopment would significantly improve the Pavilion for other potential community users. It would also include the provision of a Changing Places facility which would improve the accessibility of the park.

BHCC has submitted a planning application, and this is awaiting consideration by MSDC. The one outstanding matter, before the application, can be considered by Planning Committee relates to the flood risk assessment.

Various discussions have been held between the Council, BHCC and MSDC over the past two years as to how the redevelopment can be progressed should planning permission be granted. In terms of a financial contribution from the Council the policy is that subject to conditions (financial commitment from the other parties and agreement on governance arrangements being the main two), the Council will provide up to £400,000 towards the redevelopment cost. This continues to be the policy of the Council. No decisions on borrowing will be made without the necessary consultation with residents.

Further discussions with BHCC and MSDC will take place and a further report will be brought back to this KAG in due course.

For Noting

(c) The Beehive

In November 2022 Council agreed to appoint new architects via a tender exercise to take forward work on the project for the development of The Beehive. A preferred bidder was selected via the tender process and **Unknown Works** were appointed by Council at its meeting on 6th March 2023 (Minute 412).

The Council paused project work on a revised plan whilst it investigated possible opportunities in the Martlets Shopping Centre. Having considered two options at that location it was not considered feasible to develop The Beehive at any location at the Martlets Shopping Centre. The RBL site remains the only feasible location for The Beehive given that the Council owns the land.

When seeking responses to the tender for new architects it was requested that bidders submit proposals for a build cost not exceeding £5m.

Since the investigations at the Martlets Shopping Centre ended there have been discussions with Unknown Works who have been undertaking work

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on a new concept design. This work is being supported by QS estimates prepared by Jackson Coles. Indications are that the budget target of £5m can be met. The total cost of the design work is £6,637

Following internal evaluation of this design the Council will share the concept with wider potential stakeholders before considering any further steps. These steps include how a project of this cost will be funded and the need for an updated business plan. Given that The Beehive cannot be delivered without the Council borrowing the Council would need to see PWLB loan rates fall from their current high levels before any decisions could be made. No decisions on borrowing will be made without the necessary consultation with residents.

For Noting

11. FUNDING

Some £500,000 is available in the Community Project Reserve to fund projects such as the burial ground, St John's Pavilion and Park Centre.

The Council had previously indicated that it would contribute £400,000 to the Park Centre and £400,000 to St Johns Pavilion provided MSDC contribute a similar amount and the Cricket Club fund £200,000 of the project.

If all three projects go ahead then funding in the form of loans will need to be approved by the PWLB. At this stage the burial ground is progressing and while it is likely that all three projects would qualify for a loan, the burial ground is the most straightforward.

It is probable that the Park Centre will approach the council for funding in the not-too-distant future. In a meeting between officials and trustees of the centre, it was agreed that specific projects within the larger project would be funded by the council rather than make a contribution of £400,000 to the entire project and face the risk of non-completion. By identifying specific sub projects, the accountability of the council will be protected as it will be able to show that the completion of the sub projects will enable the centre to be used in those areas.

The Group is asked to consider how it would like to fund the above three projects. There are various options, with the council funding fully one individual project with its own resources and the balance of costs being funded by PWLB loans, or splitting the council's internal resources across all projects with the balance for each project through PWLB loans.

The Council currently budgets £64,000 per year towards the Community Projects Reserve. This annual amount would, currently, fund loans of £875,000 (@5.42%) over 25 years without impacting the Precept. Should interest rates start to fall (as predicted), the loan amounts available could

increase or would be cheaper to service depending on when loans were taken out.

There is £31k of s106 monies available for improvements to Park Centre and between £252k and £274k in s106 monies that could go towards The Beehive.

Potential Funding Scenario

£000s	
£ 300	Burial Ground
£ 400	Park Centre
<u>£ 400</u>	St John's Pavillion
£1,100	Total Capital Costs
<u>£(875)</u>	Funding via PWLB
£ 225	Funding from Community Building Fund

	Burial	Park	St Johns	Total
£000s	Ground	Centre	Pavillion	Capital Costs
Project Cost	300	400	400	1100
PWLB Loan	300	285	290	875
Funded from Community Building Fund				
	0	115	110	225

The above funding scenario will leave some £275k of the £500k in the Community Project Reserve to fund other projects and/or "top-up" ongoing projects.

As noted above, there are "mix & match" options in regard to using existing council resources and PWLB loans, however, of the three projects noted, the Burial Ground, being under direct control of the town council, is the most likely to be successful in obtaining a PWLB loan.

It is accepted not all 3 projects will require funding immediately, but by, perhaps, years 2 to 3, there is the probability for the 3 projects to run concurrently to which all will require funding.

RECOMMENDATION

1. To authorise the Responsible Finance Officer to apply for a PWLB loan towards the full cost of the burial ground phase 2 project, and
2. The view of the Members is sought in how they would like to fund the balance of projects in regard to the use of internal resources and obtaining PWLB loans.

RISKS

As noted in agenda item 9, failure to approve the funding of the burial

ground (phase 2) in a timely fashion, runs the risk of the new burial ground not being ready in-time.

Interest rates are high by recent historical standards, and costs associated with loans will be more expensive than perhaps they will be in the near/medium future, however, utilising internal resources to fund fully the burial ground could leave the other projects, due to their complexity, vulnerable in obtaining full funding through PWLB loans.

12. CONFIDENTIAL SECTION

To consider whether to exclude the Press and Public from the meeting during consideration of the following items in accordance with Section 100A of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the said Act.