

This V2 with amendments in red has been produced at the request of the SPC Clerk to include information which Bramber Parish Council provided to me on 28 October 2021. I have acceded to the request although none of the information is, in my view, relevant to the motion which is aimed merely at authorising SPC to enter into discussions. Only if the motion is passed will the Bramber Parish Council points be relevant.

The Proposal In Summary From the Current Landowner

1 A gift of about 92.5% of Clays Field to SPC for the use of residents. Approx. 19.5 acres. The right to use for sport and recreation in perpetuity achieved by voluntarily giving it Village Green status

2 A gift of £200,000 to SPC as a capitalised contribution to future maintenance.

3 About 7.5% of the land (approx.1.5 acres) along Castle Lane to be developed by the landowner with six homes.

All to be achieved through the planning process and in particular a s106 agreement

The Background

Clays Field is currently owned by Mr Cameron Robertson-Aikman

His family has lived in the large house on Goring Road overlooking Clays Field for many years.

Several years ago Mr Robertson-Aikman sold SME which his father had established.

Mr Robertson-Aikman has moved from Steyning. His mother is soon to move from Goring Road. The family is basically severing its ties with Steyning.

Throughout the family's long period of ownership it has voluntarily maintained and insured Clays Field as a recreational space for residents.

The public has no right of access except along the public right of way between Goring Road and Clays Hill.

Claims that the land is protected as Local Green Space under the Bramber Neighbourhood Plan are false. It is not designated because the Examiner concluded that to do so would be contrary to national planning policies.

Accordingly, the whole of Clays Field is currently vulnerable to development and to the exclusion of the public except along the right of way

Because of the long family connections with Steyning Mr Robertson-Aikman says he and his mother wish to act philanthropically and to gift the vast majority of the land as open space in perpetuity for the benefit of Steyning residents – which will also benefit Bramber residents. If that is their wish. If it is not, then he will simply sell to a developer. No doubt the public access would soon be ended.

Points from Bramber Parish Council's Clerk (which are precisely the sort of points which would be for discussion if the motion is passed but which seem to me not pertinent to the simple issue of whether we wish to enter into discussions with all interested parties including BPC).

1 Bramber Parish Council says it likely intends having another attempt at obtaining LGS status after the new Horsham Local Plan is adopted.

I observe: -

Firstly, that it seems to me that this is unlikely to succeed for the same reasons as the examiner gave when rejecting the first time;

Secondly, and crucially, even if the area was registered as LGS the public would not gain any rights of access – unlike the situation if it was dedicated as a village green; and

Thirdly, LGS gives powerful, but not complete protection as an open space. Building is still permitted in exceptional circumstances. Village Green protection, in contrast, gives almost total protection

The issue in a nutshell is - will the public benefit more by acquiring the unfettered right to use in perpetuity 92.5% of the area, or alternatively will the public benefit more by having the right to enjoy the view 100% of the area, but having the right to access only the public footpath?

2 Bramber Parish Council reports that it was approached by a developer acting for the owner of Clays Field. The Council reports that it advised the developer that the position of Bramber PC is that it would be happy to hear his proposals at a parish council meeting in public to ensure transparency. BPC reports that the developer did not take up the offer.

I observe:-

I do not know if BPC is wanting to imply some sort of intended impropriety by the developer reportedly not taking up the offer - but complete openness is the intention of the landowner which is why he has wanted this discussed by SPC at tonight's meeting with a view to further exploration with all relevant parties, including Bramber Parish Council.

3 Bramber Parish Council asserts that as Clays Field sits within Bramber Parish all matters relating to this land are a matter for Bramber Parish Council.

I observe that it is simply not the case that all matters relating to Clays Field are a matter for Bramber Parish Council. That would only be the case if it owned the land. As it does not own the land it in fact has very little power or influence over Clays Field. Bramber Parish Council is a non-statutory, and thus only a courtesy, consultee by HDC in the event of any planning application. BPC can also either attempt to designate some or all of the Field for housing under any neighbourhood plan review or attempt to designate some or all as Local Green Space. It says it likely intends the latter. For the reasons given by the examiner the first time around, this seems to me unlikely to succeed and as stated, will give no right of access even if it did succeed.

The Motion

The motion, if passed, does not commit SPC to anything except exploring the matter further with the landowner and Bramber Parish Council.

“The owner of Clays Fields, Bramber having asked Steyning Parish Council to consider an offer in principle for him to:-

- *Transfer to Steyning Parish Council as a gift approximately ninety percent of the area of Clays Fields;*
- *Simultaneously register the gifted area as a village green for local people to enjoy as a place of sport and recreation in perpetuity; and*
- *Simultaneously contribute to SPC a substantial sum as a capitalised contribution to future maintenance of the Fields;*

All of the above expressed as Section 106/Community Infrastructure Levy obligations in connection with a proposed development on his retained portion of approximately 10% of the land and all in accordance with HMG Guidance published at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69515/pb13733-rural-villagegreens-voluntary-guidance.pdf and in particular paragraphs 12 and/or 26 thereof;

the Council resolves to enter into discussions with the landowner and his representatives and, to the extent considered appropriate, with Bramber Parish Council within whose boundary the area is located and/or with Horsham District Council as the Planning Authority with a view to deciding whether the offer is in the interests of Steyning Parish Council and its residents and to seek to bring matters to such conclusion as is considered by SPC to be in the public interest”.

Next Steps?

If our judgment was that there was insufficient benefit to the community or that the detriment to those who live nearby was such that we chose not to support, then of course that is as it should be. I believe however that the benefit to the public is potentially very great and that we should at least explore this further with the landowner and with Bramber PC.

If this was to go further then naturally I would expect us to be liaising with the HDC planning department from the outset to ensure that all the principles of planning probity are fully complied with.

The landowner has said that if the motion is passed then he would try to attend the January 2022 Full Council meeting if that was SPC's wish.

Transparency

In the interests of transparency I need to report that before I was elected I acted in a paid consultancy role for Mr Robertson-Aikman when he was first formulating a significantly different proposal to submit to Bramber's neighbourhood plan team, and I met once with Cllr Roger Potter about that. I dropped out when other professionals were instructed, and I was not involved in the final version which was eventually put forward.

Until he contacted me recently I have had no contact with Mr Robertson-Aikman since I was elected, and I am not retained now.

I have no financial interest in the land or in any development of any part of it.

My sole aim is to act in what I believe to be the interests of Steyning's residents, who I was elected to serve.

Footnotes

1 A landowner is always entitled to voluntarily dedicate their land as a village green. The guidance to this specifically recognizes the designation of land as a village green as part of the planning process.

<https://www.gov.uk/government/publications/guidance-on-voluntary-registration-of-land-as-a-town-or-village-green>

"Public space secured through the planning system
12. The planning system may be used to secure an area of public open space in accordance with Local Development Framework policies through the use of planning conditions or planning obligations ('section 106 agreements'). ***The new power in the Commons Act 2006***

for a landowner to dedicate a new green may be appropriate where you are required to provide an area of public open space as part of a development. In such cases the authority may wish to require that you dedicate the area as a town or village green to ensure it is protected in perpetuity.

13. More information on planning obligations and planning conditions, including Circular 5/05: Planning Obligations and Circular 11/95: Use of conditions in planning permission, is available via the Department for Communities and Local Government website at: www.communities.gov.uk.

2 Bamber was not able to designate Clays Field as Local Green Space (LGS) under its neighbourhood plan.

It should be noted that even if it was registered as LGS this gives no right of public access. Conversely, designation as a Village Green gives the right of access for sport and recreation in perpetuity.

https://www.horsham.gov.uk/_data/assets/pdf_file/0009/87966/Bramber-Neighbourhood-Plan-Referendum-Version-26-August-2020_FINAL.pdf

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“Clays Field was assessed as being close to the community, being demonstrably special and local in scale, factors supported in the Examination of the Neighbourhood Plan. Its proposed designation, however, was not found by the Examiner to be consistent with the local planning of sustainable development and complementing investment in sufficient homes, jobs and other essential services. It has therefore not been designated as a local green space”.

Cllr Paul Campbell

10 November 2021

Amended in red 14 November 2021