

Brighton & Hove City Council

Rottingdean Parish Neighbourhood Plan 2018-2030

DECISION STATEMENT

1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the City Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and Orders and to take plans through a process of examination, referendum and adoption. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under Neighbourhood Planning.
- 1.2 This report confirms that the modifications proposed by the examiner's report have been accepted, the draft Rottingdean Neighbourhood Plan has been altered as a result of it, and that this plan may now proceed to referendum.

2. Background

- 2.1 The Rottingdean Neighbourhood Plan relates to the Rottingdean Parish which was designated as a Neighbourhood Area by Brighton & Hove City Council on 7 March 2013 and by the South Downs National Park Authority (SDNPA) on 13 March 2013. This area is within the ward of Rottingdean & West Saltdean and includes part of the South Downs National Park. Brighton & Hove City Council is the lead authority on behalf of the South Downs National Park Authority (SDNPA). The Neighbourhood Plan has been prepared by Rottingdean Parish Council.
- 2.2 Following the submission of the Rottingdean Neighbourhood Plan to the Council, the plan was publicised, and representations were invited over a 6 week period from 2 February to 16 March 2023 in accordance with Regulation 16 of the Neighbourhood Plan regulations.
- 2.3 Mr Derek Stebbing BA (Hons) DipEP MRTPI was appointed by the City Council, with the consent of Rottingdean Parish Council, to undertake the examination of the Rottingdean Parish Neighbourhood Plan and to prepare a report of the independent examination. The Neighbourhood Plan examination commenced on 17 July 2023.
- 2.5 The examiner's report was received on 18 October 2023. It concludes that the Rottingdean Parish Neighbourhood Plan, subject to a number of recommended

modifications, meets the Basic Conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990, and can proceed to referendum.

3. Decision

- 3.1 The Neighbourhood Planning (General) Regulations 2012 require the local planning authority to outline what action it wishes to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2 Having considered each of the recommendations in the examiner's report and the reasons for them, Brighton & Hove City Council with the consent of Rottingdean Parish Council, has agreed what action to take in response to each recommendation. It has been decided to accept all the modifications to the draft Plan proposed by the examiner in accordance with paragraph 12 of Schedule 4B to the 1990 Act.
- 3.3 Table 1 below sets out the examiner's recommended modifications to the Neighbourhood Plan and the accompanying reasons given in his report. The table indicates what action has been decided by the Council in response to each recommendation.
- 3.4 Please note that the examiner's recommendations refer to Policy and Figure numbers as set out in the Neighbourhood Plan as submitted to the Council. In the Referendum Version of the Plan, the numbering has been changed to reflect modifications.

4. The Referendum Area and Procedure

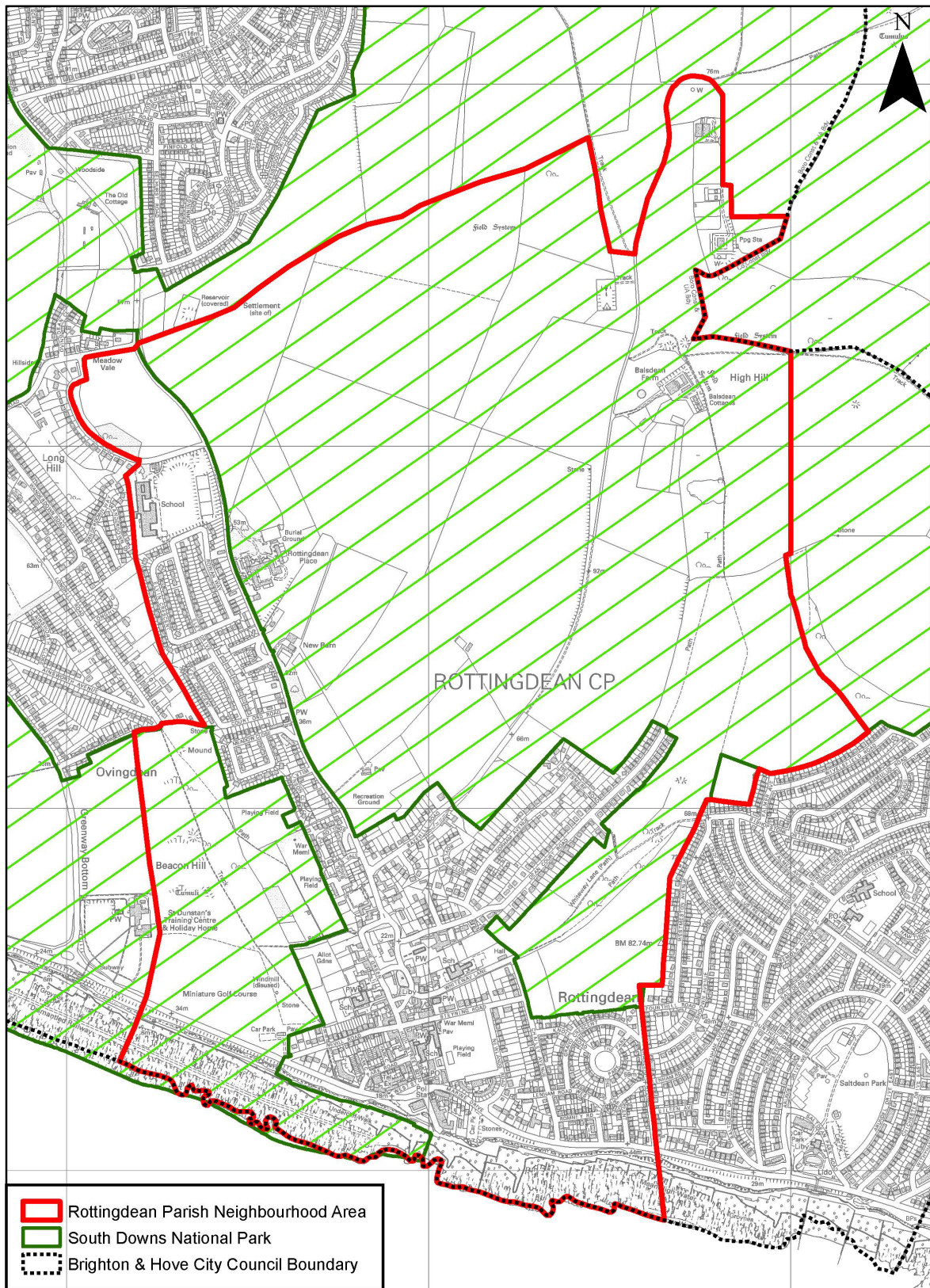
- 4.1 The Council agrees with the Examiner's recommendation that there is no policy or proposal significant enough to have an impact beyond the designated Neighbourhood Plan Area, and that any referendum that takes place in due course be contiguous with the boundary of the designated Parish area.

5. Conclusion

- 5.1 Brighton & Hove City Council determines that the Rottingdean Parish Neighbourhood Plan 2018-2030, as modified in Table 1, meets the basic conditions in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act and complies with the provisions made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and may now proceed to Referendum.

December 2023

Rottingdean Parish Neighbourhood Area



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Scale: 1:13,000

The Examiner's Report, the draft Neighbourhood Plan (Referendum version, updated to include modifications), and other relevant documents can be viewed on the Brighton & Hove Council website at <https://www.brighton-hove.gov.uk/planning/planning-city/rottingdean-neighbourhood-plan>

Hard copy versions of these documents can be viewed at Rottingdean Library, Hove Library and at Jubilee Library, Brighton.

Table 1: Recommendations by the Examiner agreed by Brighton & Hove City Council with consent of the Rottingdean Parish Council

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
Parish Profile Plan Overview Page 5 & 62	First paragraph of text – delete the words “in-2014” in the second line of text and replace with “in March 2013” . Add the words “as shown below.” at the end of the first paragraph of text.	Correct Factual Error.	All recommended modifications accepted.
Parish Profile Plan Overview Page 5 & 62	Qualifying Body to provide some additional text for the first paragraph of ‘Parish Profile Plan Overview’ making reference to the accompanying Map and the designation of the Neighbourhood Area by Brighton & Hove City Council and the South Downs National Park Authority in March 2013 (rather than 2014 as stated on Page 5)	Correct Factual Error and provide context	All recommended modifications accepted.
Appendix 13 – Rottingdean Parish Neighbourhood Area Map Page 5 & 62	Place this Map within the main part of the Plan, directly following the ‘Parish Profile Plan Overview’ on Page 5. Delete Appendix 13.	The designated Rottingdean Parish Neighbourhood Area is presently shown on the Map contained at Appendix 13 to the Plan. Map should be within the main body of the Plan to accompany the ‘Parish	All recommended modifications / deletions accepted.

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PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
		Profile Plan Overview' on Page 5.	
Page 13 Core Strategic Objective – Access	Add the following text beneath the heading: <u>“Our aim is for Rottingdean to be a village that is welcoming, inclusive and accessible, providing barrier-free services and amenities that promote independence and equity of access and opportunity, including access to digital services and housing.”</u>	Unlike the other Core Strategic Objectives, the theme of Access did not contain a specific Objective. Wording provided to address this.	All recommended modifications accepted.
Pages 15 and 16 Chapter 1 – Strategic Development in Rottingdean	Amend title of this Chapter to read <u>“The Plan’s Spatial Framework” and amend Contents Page accordingly.</u>	The title of this chapter conveys an impression that it contains strategic planning policies for development within the Plan area (these are a matter for the adopted BHCP and South Downs Local Pla, rather than for this Neighbourhood Plan. Therefore, change to “The Plan’s Spatial Framework” in order to remove any doubt that Policies S1 and S2 are strategic policies.	All recommended modifications accepted.
Page 17 Policy S1 – Development	Remove the 12th bullet point , and place the text as a fourth clause of text to the Policy to read as follows:	The last of the twelve planning criteria listed within the Policy clearly	All recommended modifications accepted.

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
within and beyond the settlement boundary	<p><u>“Proposals for development outside the village boundary will only be supported if they are appropriate to a countryside location and they are consistent with the relevant policies in the adopted Brighton & Hove City Plan or the South Downs Local Plan.”</u></p>	<p>only relates to development proposals outside the development boundary, and it should therefore be a separate clause within the Policy. To also take account of the City Council’s comments at Reg 16 stage in order to provide greater clarity for users of the Plan.</p>	
Pages 18- 21 Policy S2 – Strategic Gaps	<p>Amend Policy title to read <u>“Local Gaps”</u>. Delete clauses 1-6 of the Policy text in full, and replace with: <u>“Beacon Hill Nature Reserve (Gap 1) Land lying to the west of Falmer Avenue bounded by Westmeston Avenue and Dean Court Road, adjacent to Whiteway bridleway (Gap 2)</u></p> <p><u>Development proposals within the designated Local Gaps which would detract from the open character and appearance of the rural area or which would result in the coalescence of Rottingdean with other settlements will not be supported.</u></p>	<p>The Policy and its supporting text require amendment to confirm their status as Local Gaps and to provide clarity for users of the Plan.</p>	<p>Deletion of clauses accepted.</p> <p>All recommended policy modifications accepted.</p>

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
	<p><u>Proposals for the re-use or conversion of existing buildings within the Local Gaps will be supported, together with other proposals that are appropriate to the rural areas concerned, subject to such proposals conforming with all relevant policies in the adopted South Downs Local Plan and in this Plan.</u></p> <p>Amend all references to 'Strategic Gaps' on pages 18 and 19 to read "Local Gaps". (The amendment to Map 2 is addressed by PM23).</p>		
<p>Page 29 Policy GOS1 – Local green space designation</p>	<p>Amend Policy title to read "<u>Local Green Spaces</u>". <u>Delete existing Policy text in full and replace with:</u> <u>"Sites LGS1-LGS9, as listed below and as defined on the accompanying Inset Maps, are designated as Local Green Spaces in accordance with the criteria set out at paragraph 102 of the NPPF and Policy DM38 of the adopted Brighton & Hove City Plan.</u> <u>LGS1 – The Bowling Green</u> <u>LGS2 – Kipling Gardens and the Croquet Lawn</u> <u>LGS3 – Land on the Eastern Cliff, Marine Drive</u> <u>LGS4 – Lutyens Gardens, The Green</u> <u>LGS5 – Quaker Burial Ground, The Green</u> <u>LGS6 – Land surrounding Scout Hut, Whiteways Lane</u></p>	<p>To bring policy text in line with NPPF paragraph 103.</p>	<p>Deletion of policy text accepted.</p> <p>All recommended policy modifications accepted.</p>

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
	<p><u>LGS7 – St Aubyns Field, Steyning Road/Newlands Road</u> <u>LGS8 - St Margaret’s Churchyard, The Green</u> <u>LGS9 – St Martha’s Convent Gardens</u></p> <p><u>Development proposals in the designated Local Green Spaces listed above will be managed in accordance with national policy for Green Belts.”</u></p>		
<p>Page 29 Policy GOS2 – Amenity open spaces</p>	<p>Amend Policy title to read <u>“Amenity Open Spaces”</u>.</p> <p>Delete the words “until approved evidence shows they are no longer needed” in the Policy text (and end the first sentence after the word “use”).</p> <p>Add new second paragraph of Policy text to read: <u>“Proposals for any alternative use or loss of these amenity open spaces will not be supported, unless there is substantial evidence that the facilities will not be required to meet the future needs of the community.”</u></p>	<p>Provide clarity to the Policy requirements, for future users of the Plan.</p>	<p>Deletion of suggested policy text accepted. All recommended policy modifications accepted.</p>
<p>Pages 30 and 33 Paragraph 2.17</p>	<p>Amend 3rd sentence of text to read: <u>“The Parish of Rottingdean has a well-managed Nature Reserve, Beacon Hill, and six other Local Wildlife Sites (LWS), Meadowvale,</u></p>	<p>For clarity and to reflect the seven Local Wildlife</p>	

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Paragraph 2.21	<p><u>Ovingdean Copse (part), Wivelsfield Road Grassland (part), High Hill Pasture, Rottingdean Pond, Whiteways Lane and Balsdean Downland West, as shown on Map 3.</u></p> <p>Amend 4th sentence of text to read: <u>“With the exception of Rottingdean Pond, none of these sites has a permanent water source.”</u></p> <p>Amend 5th sentence of text to read: <u>“Rottingdean Pond, situated between them and in the heart of our village, is used extensively by local wildlife, including amphibians, invertebrates, wildfowl and other bird species, rodents, foxes and badgers.”</u></p> <p>Add new 2nd and 3rd sentences of text to read as follows: <u>“In accordance with national planning policy, development proposals will be expected to provide at least 10% measurable Biodiversity Net Gain (BNG), in accordance with the relevant policies of the City Council and the South Downs National Park Authority. This will ensure net gains in biodiversity that are additional to appropriate mitigation.”</u></p>	Sites with a cross reference to Map 3.	All recommended policy modifications accepted.

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
Policy GOS3 – Wildlife and biodiversity	<p>Amend Policy title to read <u>“Wildlife and Biodiversity”</u>.</p> <p>Delete Policy text in full and replace with: <u>“Proposals that conserve and enhance the landscape of the South Downs and its special qualities, and conserve and enhance wildlife and biodiversity will be supported. Proposals which respect, enhance and provide green linkages with biodiversity and green space within and around developments will be encouraged, particularly where the space forms part of, or is adjacent to, the Wildlife Corridors defined on Map 3.</u></p> <p><u>Proposals for new development which would cause any potential harm to the Wildlife Corridors will not be supported unless they are justified in the public interest and suitable mitigation measures are proposed.</u></p> <p><u>Development proposals should avoid causing harm to the special qualities of the South Downs National Park, including development in its setting.</u></p> <p><u>In accordance with the Environment Act 2021, development proposals will, where necessary,</u></p>	To include an appropriate reference to the Policy requirement for Biodiversity Net Gain (BNG)	All recommended policy modifications/additions accepted.

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	<u>need to include a Biodiversity Net Gain (BNG) requirement of at least 10% above the baseline position.</u>		
Page 35 Conservation Area Enhancements Paragraphs 2.22 and 2.23	Place these two paragraphs within Chapter 3, to follow Policy H3, and be re-numbered as “ 3.13 and 3.14 ” (see also PM11).	To reorder placement in the Plan to Chapter 3.	All recommended policy modifications accepted.
Page 39 Policy H1 – Balancing the Housing Mix	Delete the 2nd part of Policy text comprising the sentence commencing “Proposals that increase ...” .	Policy sets a rather confusing, and potentially contradictory, policy position where the second part of the Policy suggests that a different housing mix to that set out in the first part of the Policy would be preferred. This does not provide sufficient clarity for users of the Plan and having considered the supporting evidence and the comments of the City Council, I conclude that	Deletion of suggested policy text accepted.

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
		the second part of the Policy should be deleted.	
<p>Page 42 Policy H2 – Design</p> <p>In the 1st paragraph of Policy text</p>	<p>In the 3rd line amend “conservation areas and their surroundings.” to read <u>“Conservation Area and its surroundings.”</u></p> <p>Delete 3rd paragraph of Policy text and replace with:</p> <p><u>“Proposals for new development in the Plan area will be supported where they clearly show that they have taken into account and followed the design principles underpinning this Policy which are set out at paragraph 3.9 in the Plan.”</u></p> <p>Delete the eleven bullet point design principles from the Policy text and place in the supporting text as new paragraph 3.9 under the sub-heading of “Design Principles for New Developments in the Plan area” with an appropriate introductory sentence.</p> <p>Re-number paragraphs 3.9-3.11 to become <u>“3.10-3.12”</u>.</p>	To provide clearer and more succinct policy guidance for users of the Plan.	
<p>Page 43 Policy H3 – Design Principles in the</p>	<p>Amend Policy title to read <u>“Design Principles in the Conservation Area and its Setting”</u>.</p>	For clarity.	All recommended modifications accepted.

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
<p>Conservation Area and their Settings</p> <p>Paragraph 3.9</p>	<p>In the 1st line of Policy text: amend “Conservation Areas” to read <u>“Conservation Area”</u>.</p> <p>Paragraph 3.9 <u>(to be re-numbered 3.10)</u>: delete the words “This policy” in the 1st line of text and replace with <u>“Policy H3”</u>.</p> <p>Typo in the 9th line of paragraph 3.9 (‘aAea’ should be <u>“Area”</u>).</p>		
<p>Page 40 Paragraph 3.7</p>	<p>Delete 3rd sentence of text.</p> <p>Amend “Policy H4” in the 4th sentence of text to read <u>“Policy H3”</u>.</p>	<p>For clarity.</p>	<p>Deletion of suggested policy text accepted.</p>
<p>Page 47 Policy TO1 – Visitor Accommodation</p>	<p>Delete the words “Survey data indicates there is no longer sufficient demand” in the Policy text, and replace with: <u>“It can be demonstrated from bookings, reservations and occupancy data that the continued use of the premises as a hotel or guest house will no longer be economically viable.”</u></p>	<p>The term ‘survey data’ is insufficiently specific to provide clarity for users of the Plan on what will be necessary to meet the Policy’s requirements.</p>	<p>All recommended modifications accepted.</p>
<p>Page 50</p>	<p>Delete this Policy in full.</p>	<p>Policy does not provide sufficiently clear guidance.</p>	<p>Deletion of policy text accepted.</p>

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
Policy EE2 – Accessible Retail Units		This policy could potentially conflict with other policies and guidance for the Conservation Area within which many of the village’s retail units are situated, and with NP Policy EE1. The effective implementation of this Policy will be very difficult.	
Page 47 Paragraph 4.4	Delete the final sentence of this paragraph.	To provide clarity.	Deletion of suggested policy text accepted.
Page 54 Policy CF1 – Provision of Community Facilities	<p>Amend the word “conditions” in the 3rd line of Policy text to read “criteria”. Delete the words “or by car” on the 5th line of the first criterion.</p> <p>Amend second criterion to read as follows: <u>“It can be demonstrated that active, flexible and appropriate marketing of the site for community uses has been undertaken and that it would not be economically viable or feasible to retain the existing community facility, and that there is no reasonable prospect of</u></p>	To provide clarity and ease of implementation or policy.	All recommended modifications accepted.

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
	<u>securing an alternative community use of the land or building.”</u>		
<p>Page 58 Policy AQ1 – Reducing Traffic Volume through the village</p>	<p>Amend Policy title to read <u>“Reducing Traffic Congestion in Rottingdean”</u>.</p> <p>Delete existing Policy text in full, and replace with:</p> <p><u>“Proposals for new development within the Plan area which incorporate measures and/or infrastructure to promote walking and cycling, and the use of public transport, in order to reduce traffic generation, will be encouraged. The Parish Council will work in partnership with the City Council, East Sussex County Council, public transport providers and other stakeholders to promote measures that will achieve a reduction in the volumes of traffic passing through the village, for example by promoting active and sustainable travel wherever possible.”</u></p>	<p>Policy does not reflect title and partly duplicates policy AQ2. Redrafted to focus upon measures to reduce traffic congestion in the village, for example by promoting active and sustainable travel.</p>	<p>All recommended deletions / modifications accepted.</p>
<p>Page 59 Policy AQ2 – Improving Air Quality in Rottingdean</p>	<p>2nd line of text – amend “AQMA” to read <u>“Air Quality Management Area”</u>.</p> <p>2nd line of text – delete “Their designs and layouts” and replace with <u>“Proposals should take account of the ‘Air quality and emissions</u></p>	<p>Amendments, to add sufficient clarity to the text of the Policy.</p>	<p>All recommended modifications accepted.</p>

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
High Street	<p><u>mitigation guidance for Sussex (2021)' published by the Sussex Air Quality Partnership."</u></p> <p>2nd/3rd lines of text – delete “should provide particular support” and replace with “The design and layout of development schemes should ensure that there is good access” and continue with “for local residents etc.”</p>		
Page 59 Policy AQ3 – Electric Vehicle Charging Points	<p>Delete existing Policy text in full, and replace with:</p> <p><u>“The Parish Council will support all initiatives to introduce additional electric vehicle charging points at appropriate locations within the Plan area, in order to promote improvements to air quality and to encourage sustainable development.”</u></p>	<p>As drafted, the Policy is flawed, as the installation of electric vehicle charging points is now a requirement of the Building Regulations for new dwellings and that the installation of such charging points in existing residential and commercial areas is, in most cases, permitted development. Policy redrafted to provide more general support for the installation of electric vehicle charging points at appropriate locations across the Plan area, as</p>	<p>Deletion of suggested policy text accepted.</p>

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
		part of the measures to improve air quality and achieve sustainable development.	
Page 60	<p>Add new Chapter 7 to the Plan entitled <u>“Monitoring and Review”</u>.</p> <p>Add new paragraph 7.1, as follows:</p> <p><u>“7.1 Brighton & Hove City Council and the South Downs National Park Authority are each undertaking reviews of their current adopted Local Plans. Public consultations are expected to take place in 2024 and 2025. In due course, this Neighbourhood Plan will be reviewed when necessary to seek to align the Neighbourhood Plan with the new Local Plans covering the Parish.”</u></p>	The draft Plan at present lacks a statement or policy regarding its future monitoring and review.	Additional Chapter for Monitoring and Review accepted.
Page 61 onwards Appendices	<p>Delete Appendices 1, 2, 4, 5a-5d, 6a-6c, 8, 9a-9b and 11 from the Plan, and re-number Appendices 3, 10a-10b and 12 to be Appendices 1, 2a-2b and 3 respectively.</p> <p>(Appendix 13 is transferred to the main body of the Plan by PM1).</p>	Only a small number of these Appendices are directly referenced from within the main body of the Plan. Necessary to make changes in order to provide improved clarity	All recommended modifications /deletions accepted.

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
		for users of the Plan regarding its content.	
Pages 8, 20, 25-29 and 32 Mapping	<p>Replace Maps 1, 2 and 3 with the revised Maps supplied by the City Council in its response to the examiner dated 31 August 2023.</p> <p>Amend title of Map 2 to read "<u>Local Gaps (Policies Map)</u>" but with no change to the Notation Panel.</p> <p>Add Maps LGS1-LGS9 beneath each of the respective entries for LGS1-LGS9 on pages 25-28.</p> <p>Amend title of Map presently titled "GS6" to read "<u>LGS6</u>".</p> <p>Add new Map entitled '<u>New Local Green Spaces – Overview</u>' beneath Policy GOS1 on page 29 but amend title to read "<u>Local Green Spaces – Overview (Policy GOS1)</u>".</p>	For clarity of use.	All recommended modifications accepted.

