

<b>Subject:</b>	<b>Rottingdean Parish Council Neighbourhood Plan - Council Response to Regulation 14 Consultation</b>		
<b>Date of Meeting:</b>	<b>1 July 2021</b> 17 June 2021 – Tourism, Equalities, Communities & Culture Committee		
<b>Report of:</b>	<b>Executive Director Economy, Environment and Culture</b>		
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<b>Ward(s) affected:</b>	<b>Rottingdean Coastal</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report considers the Council's response to the Draft Rottingdean Neighbourhood Plan that was published for consultation between 14 February 2021 and 9 April 2021 under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 1.2 The Draft Neighbourhood Plan has been prepared by Rottingdean Parish Council and the Council is a statutory consultee. Once formally 'made', a neighbourhood plan becomes part of the city's statutory development plan and will therefore be used in the determination planning applications in the Rottingdean Parish area.
- 1.3 Council officers have reviewed the Draft Neighbourhood Plan and made detailed comments on the draft policies and proposals (see Appendix 1). Most comments advise further clarification and offer constructive advice to ensure that the policies will meet the basic condition tests required (Appendix 2). These include being in general conformity with the City Plan and suitable for use in determining planning applications in the Rottingdean Parish Neighbourhood Area. To meet the consultation deadline, the officer comments were submitted to the Neighbourhood Forum as a draft Council response, subject to agreement or amendment at the TECC Committee meeting.

### 2. RECOMMENDATIONS:

- 2.1 That the Committee endorse the officer comments set out in Appendix 1 which have been submitted to Rottingdean Parish Council as a draft response to its recent public consultation on the Draft Rottingdean Neighbourhood Plan under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

### 3. CONTEXT/ BACKGROUND INFORMATION

## **Neighbourhood Plan making process**

- 3.1 Rottingdean Parish Council (RPC) has been working to prepare a neighbourhood plan for several years. Neighbourhood plans are required to be in general conformity with strategic policies in the City Plan. Once formally 'made', they become part of the statutory land use development plan with equivalent weight and legal status as the City Plan and the South Downs Local Plan.
- 3.2 The Council has a statutory duty to provide advice and assistance to Parish Councils and Neighbourhood Forums that are preparing a neighbourhood plan. Planning officers have had regular contact with RPC and have provided comments and planning advice throughout during the preparation of the draft Neighbourhood Plan via bespoke meetings and email correspondence. Officers recognise and support the hard work that has gone into preparing the draft neighbourhood plan.
- 3.3 The Neighbourhood Planning (General) Regulations 2012 set out a series of prescribed stages in the preparation of a neighbourhood plan. Regulation 14 requires that a Parish Council or Neighbourhood Forum should undertake public consultation on its draft plan for a period of at least 6 weeks. This stage provides the main opportunity for the Council as a statutory consultee, to make comments on the Neighbourhood Plan in its draft (pre-submission) form. The comments made are intended to help ensure that the draft Plan is in general conformity with the City Plan and that the policies will be effective when determining planning applications. The Plan should also accord with Council's priorities and aspirations for the Rottingdean area.
- 3.4 Following the completion of the Regulation 14 consultation, the Parish Council may make amendments to the draft Neighbourhood Plan. Planning officers will continue to assist the Parish Council and offer advice regarding any proposed changes. The next stage will be for the Parish Council to submit their draft Neighbourhood Plan to the Council. The Council itself then takes responsibility for the later stages of the neighbourhood plan process including Regulation 16 consultation and submission of the draft Plan for independent examination. The appointed examiner will consider whether the Plan meets the 'basic conditions' (these are summarised for information in Appendix 2). Following receipt of the examiners' report, the Council and the South Downs National Park Authority (as the local planning authorities for the neighbourhood area) must then decide what action to take in response to the examiner's recommendations and to decide whether the Plan should proceed to a local referendum.

## **Summary of the Rottingdean Neighbourhood Plan and Council Officer Comments**

- 3.5 The Rottingdean Neighbourhood Plan area covers the extent of the Parish boundary and is located within the Rottingdean Coastal ward. The neighbourhood area extends into the South Downs National Park.
- 3.6 The central focus of the Neighbourhood Plan is 'access' with policies set out in the plan looking to improve accessibility in Rottingdean and also to designate local green spaces. Core objectives and policies in the plan centre around the following themes:

- Employment & Enterprise - to foster trade, tourism, and economic development in Rottingdean.
- Air Quality & Traffic Reduction - to reduce the volume of vehicle traffic passing through Rottingdean to tackle congestion and improve air quality, whilst encouraging sustainable transport.
- Environment & Biodiversity - to protect and enhance green and open spaces within the Parish, maintaining strategic gaps which define the village and protect and enhance biodiversity by designating local green spaces.
- Housing & Design - to facilitate sensitive housing growth including making provision for timely and adequate infrastructure where practicable.

3.8 Appendix 1 sets out the officer consultation comments collated from several different council services. The draft response includes an initial summary of general comments followed by a schedule of detailed comments cross-referenced to specific policies and paragraphs in the draft Neighbourhood Plan.

3.9 Council officers support and welcome the Neighbourhood Plan for the Rottingdean neighbourhood area. Comments have been made to recommend that some policies are more concisely worded or clarified to assist applicants when preparing a planning application and assist planning officers who will be determining planning applications (these recommendations are set out in Appendix 1).

3.10 One of the basic conditions that the Neighbourhood Plan must meet is that it is in general conformity with the strategic policies of the citywide local plan. It is considered that the Visitor Accommodation (T01) and the Community Facilities (CF1) policies are more restrictive than their respective policies in the City Plan and they do not appear to be evidenced to help demonstrate the need for the approach taken. Policies for a Coach Drop Off Point and a Park and Ride Facility (TO2 and TO3) in the draft plan also appear to conflict with emerging policy DM34 in the Submission City Plan Part Two and are of concern regarding the potential for worsening traffic generation and congestion in Rottingdean.

3.11 Officers from the South Downs National Park Authority have submitted their own comments to Rottingdean Parish Council.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 The officer comments set out in Appendix 1 have already been submitted to the Rottingdean Parish Council as a draft Council response to the Regulation 14 consultation. The comments represent the professional view of council officers. The Committee Members now have the option to agree the comments already submitted, to make amendments, or to add further comments.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 It is the responsibility of Rottingdean Parish Council as a designated neighbourhood planning body to undertake effective community engagement and to set this out in a consultation statement when they submit the Draft Neighbourhood Plan to the local authority.

5.2 At the Regulation 14 consultation stage, the Parish Council was required to publicise its draft Neighbourhood Plan for at least 6 weeks and to consult any of the statutory

consultation bodies whose interests it considers may be affected. The consultation period was extended to cover 8 weeks considering the COVID-19 pandemic restrictions at the time. It is understood that the Parish Council publicised the consultation widely within the Rottingdean area through posters and leaflets and held two online workshops during the consultation period. A summary version of the plan was also made available. In addition, the Council emailed over 700 contacts on their mailing list on behalf of the Parish as well as alerting all councillors, to the Neighbourhood Plan consultation.

## **6. CONCLUSION**

- 6.1 The Parish Council has reached an important stage in the preparation of its neighbourhood plan and this is strongly supported. It is important for the council to make detailed comments on the Draft Rottingdean Neighbourhood Plan at this stage to ensure that the draft Plan is in general conformity with City Plan policies and is likely to meet the basic condition tests for a neighbourhood plan. Although the Council is not required to reach its final view until after the Plan has been independently examined, the consideration of the emerging Neighbourhood Plan at this stage by the TECC Committee provides an opportunity to highlight any issues of potential concern to the Council, particularly areas where the Neighbourhood Plan may not be in conformity with the City Plan and/or other Council policies. Such comments will assist the Neighbourhood Forum to address potential issues of conformity before the Plan is submitted to the Council and put forward for formal examination.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 There are no financial implications arising at this stage of the neighbourhood plan process.
- 7.2 After completing the Regulation 14 consultation, the Neighbourhood Forum is required to submit the draft Neighbourhood Plan (including any amendments) to the Council, which will then be directly responsible for the later stages of the neighbourhood plan process including submitting the draft Plan for independent examination and organising a local referendum. The Council is entitled to funding from central Government to help support this and has a specific budget set aside for neighbourhood planning.

*Finance Officer Consulted: John Lack*

*Date: 13/05/2021*

### Legal Implications:

- 7.3 The legislative background to the consultation that is the subject of this report is set out in the body of the report.

*Lawyer Consulted: Hilary Woodward*

*Date: 13/05/2021*

### Equalities Implications:

- 7.4 The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a “protected characteristic” and those who do not. This duty will apply to the Council when it takes formal decisions at the later stages of the neighbourhood plan process.
- 7.5 Council officers will request that the Parish Council (as the qualifying body responsible for preparing the Rottingdean Neighbourhood Plan) is satisfying its statutory duties by preparing an Equalities Impact Assessment to support the Neighbourhood Plan.
- 7.6 In broad terms it is understood that the Draft Neighbourhood Plan has been prepared through a lengthy and extensive process of local community consultation. Therefore, the policies and objectives set out in the Draft Plan should reflect the aspirations of local people and benefit the local community as a whole, including those with protected characteristics. However, it will be important for the Parish Council to set out how they have engaged with different sections of the local community and to consider the impacts of the proposed Plan policies in terms of promoting better community integration and advancing equality of opportunity.

Sustainability Implications:

- 7.7 The purpose of the planning system is to contribute to the achievement of sustainable development and one of the ‘basic conditions’ on which neighbourhood plans are examined is that they should contribute to this.

Brexit Implications:

- 7.8 None directly related to this report

Any Other Significant Implications:

- 7.9 None directly related to this report

Crime & Disorder Implications:

- 7.10 None directly related to this report

Risk and Opportunity Management Implications:

- 7.11 Formal consultation with the city council on the draft Neighbourhood Plan will ensure that any conformity issues with the strategic policies in the City Plan can be considered by the Parish Council before it is submitted to the Examiner for consideration.

Public Health Implications:

- 7.12 The Neighbourhood Plan overall seeks to ensure a healthier, more sustainable environment with access to quality open spaces and an improved public realm.

The Plan specifically aims to address the high air pollution levels in the High Street and to encourage facilities which support health, fitness and wellbeing.

Corporate / Citywide Implications:

- 7.13 The Neighbourhood Plan will assist with the implementation and delivery of priorities set out in the City Plan Part One and emerging City Plan Part Two. It will contribute to delivering the Corporate Plan, Plans and Strategies across the city council directorates.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Rottingdean Neighbourhood Plan (Regulation 14 consultation draft) Brighton & Hove City Council response (draft version subject to agreement by TECC committee)
2. Summary of the Basic Conditions for Neighbourhood Plans

### **Background Documents**

1. Rottingdean Parish Council Neighbourhood Plan Regulation 14 Consultation Draft February 2021 available to view on the Parish Council website  
<https://secure.toolkitfiles.co.uk/clients/24209/sitedata/2020/Full-Report-9-Feb.pdf>