

**INDEPENDENT EXAMINATION OF THE ROTTINGDEAN  
NEIGHBOURHOOD DEVELOPMENT PLAN 2018-2030**  
EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Chris Hayes  
Parish Clerk, Rottingdean Parish Council

Carly Dockerill  
Brighton & Hove City Council

Examination Ref: 01/DAS/RNP

24 July 2023

Dear Mr Hayes and Ms Dockerill

**ROTTINGDEAN NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION**

Following the submission of the Rottingdean Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Rottingdean Parish Council (the Qualifying Body/the Parish Council) and Brighton & Hove City Council (the City Council), to which I would like to receive a written response(s) by **Friday 18 August 2023** if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including: the Basic Conditions Statement; the Consultation Statement; the Strategic Environmental Assessment (SEA) Screening Report, incorporating the Habitats Regulations Assessment (HRA) Screening Statement; and the Regulation 16 representations, to enable me to undertake the examination.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 21 August 2023. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

#### 4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the City Council and the Parish Council.

I have eight questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Friday 18 August 2023**.

#### 5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, as I have raised a number of detailed questions/actions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish and City Council's websites.

Thank you in advance for your assistance.

Your sincerely

*Derek Stebbing*

Examiner

## ANNEX

From my initial reading of the Rottingdean Neighbourhood Plan 2018-2030 and the supporting evidence, I have the following questions for the Qualifying Body and the City Council. I have requested the submission of responses **by Friday 18 August 2023**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

### **Question 1: Re. The Parish Policies Map (Map 1) (Page 8)**

The City Council, in its comments on the Submission Plan, has identified a series of inconsistencies, potential omissions and superfluous notations on this Map. The City Council also identifies some inconsistencies between Map 1 and Maps 2 and 3.

I wish to ensure that Maps 1, 2 and 3 are entirely accurate and can be easily interpreted and understood in relation to the relevant accompanying Policies in the Plan. In my assessment, Map 1 requires replacement and Maps 2 and 3 require amendments.

Can the **Qualifying Body**, in liaison with the **City Council**, please provide me with revised Maps 1, 2 and 3, ensuring that the Maps reflect the policy notations of the Brighton & Hove City Council's adopted City Plan, Parts 1 and 2 (CPP1 and CPP2) and any relevant policy notations of the adopted South Downs National Park Local Plan 2014-2033, which I may consider as potential Modifications to the Plan.

(The **Qualifying Body** should study the City Council's comments at Pages 1, 3 and 5 of their Note for more detailed comments on this matter, and also the South Downs National Park Authority's Regulation 16 response comments regarding Maps 1 and 2).

### **Question 2: Re: Map of Designated Rottingdean Parish Neighbourhood Area (Appendix 13)**

At present, this Map is not referenced within the text of the Plan. In my assessment, it should be placed within the main body of the Plan, accompanying the 'Parish Profile Plan Overview' on Page 5.

I invite the **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), which I may consider as a potential Modification to the Plan.

### **Question 3: Re. Core Strategic Objectives – Access (Page 13)**

Unlike the other Core Strategic Objectives set out on Pages 10-13, the topic of Access does not contain a specific Objective.

I invite the **Qualifying Body** to provide some suitable text for this missing Objective, which I may consider as a potential Modification to the Plan.

### **Question 4: Re. First Homes**

During 2021, the Government published details of its new 'First Homes' policy initiative. The recently published 'First Homes' section of the Planning Practice Guidance (PPG), in particular see PPG IDs: 70-017-20210524 and 70-018-20210524 ([First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/first-homes)<sup>1</sup>) advise

---

<sup>1</sup> See also <https://www.gov.uk/guidance/first-homes#first-homes-in-plan-making-and-decision-making>

Neighbourhood Plans are expected to contain First Homes policies. The guidance states that First Homes are now the Government's "preferred discounted market tenure and should account for at least 25 per cent of all affordable housing units delivered by developers through planning obligations". Policies in neighbourhood plans, like local plans, are expected to reflect this requirement.

I consider that the Plan should include a reference to the provision of First Homes (at a level of at least 25% of all affordable housing to be provided) to reflect Government policy, possibly by the addition of a further Housing policy linked to the third Objective of the 'Housing and Design' section of the Plan. Such a policy should be in general conformity with (or potentially cross reference) the City Council's relevant strategic policy guidance on First Homes. (Please note that the Government guidance does refer to an expectation that this will be addressed by policies).

I invite both the **City Council** and the **Qualifying Body** to consider this matter, and if appropriate to provide draft text for a Policy and supporting text on this matter, which I may consider as a Modification to the Plan.

### **Question 5 – Re. Local Wildlife Sites (Page 30)**

Paragraph 2.17 refers to "*two other local wildlife protection sites, namely Whiteways Lane and Balsdean Woods*". From the City Council's comments on the Plan, I understand that these are designated Local Wildlife Sites (LWS) and that there are a further five such designated sites in the Plan area.

Can the **Qualifying Body** please provide additional or replacement text for paragraph 2.17 to reflect the seven Local Wildlife Sites, with a suitable cross-reference to Map 3, which I may consider as a Modification to the Plan. (Map 3 should be amended to remove the Sites of Nature Conservation Importance (SNCI) notation and its replacement with a Local Wildlife Site (LWS) notation covering the seven sites – see also Question 1 above).

### **Question 6 – Re. Local Green Spaces (Pages 25-28)**

The proposed Local Green Spaces (Refs. LGS1-LGS9) should each be accompanied by an Inset Map (on an Ordnance Survey base, similar to Maps 4-6) within the Plan clearly identifying the boundaries of the proposed Local Green Space, which can be linked by cross-reference to Policy GOS1.

In the case of Site LGS8, I would expect the proposed designation to exclude the Church building of St. Margaret's Church, and any linked ancillary buildings.

I shall visit each site during the course of my site visit.

I therefore invite the **Qualifying Body** to provide a series of nine Inset Map to address the above requirement, in order that future users of the Plan can identify the extent of land affected by each proposed Local Green Space, which I may consider as a potential modification to the Plan.

I also seek confirmation from the **Qualifying Body** that all landowners affected by the proposed designation of their land as a Local Green Space were specifically consulted on the proposal during the course of the Plan's preparation and given the opportunity to make representations on the proposal as it concerns their land ownership (see PPG Reference ID: 37-019-20140306).

### **Question 7 – Re. Policy GOS 3 (Wildlife and Biodiversity) (Page 33)**

I note that this Policy and its supporting justification at paragraphs 2.17-2.21 make no reference to the national policy requirement for Biodiversity Net Gain (BNG) for relevant new developments (which will be a planning requirement from November 2023 or from April 2024 for small sites).<sup>2</sup>

I therefore invite the **Qualifying Body** to address this omission by providing some additional text for paragraph 2.21 that addresses the forthcoming requirement for relevant developments in the Plan area to provide BNG as part of the development proposals, which I may consider as a potential modification to the Plan. The **Qualifying Body** should liaise with the **City Council** to ensure that this text reflects the City Council's policy requirements for the City area, particularly in terms of the percentage (%) requirement being sought.

### **Question 8 – Re. Appendices to the Plan (Page 62 onwards)**

As submitted, the draft Plan contains 13 Appendices, a number of which are lengthy. Only a few of the Appendices are actually cross-referenced within the Plan itself.

In my initial assessment, a number of the Appendices can be removed from the Plan and instead be made available for reference on the Parish Council's web-site via a link in the Plan, either as supporting evidence documents for the Plan (e.g. Appendix 6a-6c and Appendix 9a-9b) or for reference purposes regarding the preparation of the Plan (e.g. Appendix 2 and Appendix 4).

From my assessment, I consider that Appendices 1, 2, 4, 5a-5d, 6a-6c, 8 and 9a-9b fall within those categories, with Appendix 13 being transferred to the main body of the Plan (see Question 2 above).

I invite the **Qualifying Body** to provide me with their views on this matter.

---

<sup>2</sup> See [Understanding biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-biodiversity-net-gain)