

Rottingdean Parish Council and BHCC's Response to the Examiners Letter
Dated 24 July 2023 on the [Rottingdean Neighbourhood Plan](#)

Question 1: 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 1 Response: Maps to follow by 1 September 2023 time extension agreed by the examiner.

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 2 Response: The Parish Council suggest the following text as a modification to the plan:

"Rottingdean Parish Council has developed a Neighbourhood Plan for the area as designated by Brighton and Hove City Council and South Downs National Park Authority in March 2013 under the Localism Act 2011 and the Neighbourhood Planning Regulations 2012. The designated area is the whole of the Parish as shown below"

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 3 Response: The Parish Council suggest the following text to be included as a modification to the plan on Page 13 – Access

“Access Policy Objective

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.”

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)¹) advise 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 4 Response: The City Council and Rottingdean Parish Council have considered the comments on the possible inclusion of a policy supporting First Homes. However, in the context of the Rottingdean NP, we feel that this issue would be better addressed by the addition of a new paragraph supporting text following Paragraph 3.3.

Affordable housing policy for Brighton & Hove is set out in Policy CP20 in City Plan Part 1 [Contents \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/contents) which was adopted in March 2016. The policy specifies percentage affordable housing requirements for housing developments of 10 dwellings or more dwellings (potential onsite provision) and 5 or more dwellings (for in lieu financial contributions/commuted sums). The policy itself does not specify affordable housing tenures, however the Council’s preferred tenure mix is set out in supporting guidance, the Affordable Housing Brief (AHB) [Affordable housing brief \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/affordable-housing-brief)

The AHB was updated in January 2022 to reflect the new national policy for First Homes. It now seeks a mix comprising 55% affordable rent and 45% intermediate housing (to include the minimum 25% First Homes). The AHB also sets local eligibility criteria for First Homes during the first 3 months of marketing.

It should be noted that the Council is currently preparing a Planning Advice Note (PAN) for affordable housing which is intended to replace the current AHB. The PAN is intended to give the guidance more planning weight and will involve some stakeholder consultation. However, Policy CP20 will remain unchanged, and it is not considered that the guidance on First Homes/affordable housing tenures will change substantially.

From a housing policy perspective, the Council's priority remains delivery of affordable housing for rent since affordable home ownership products (either First Homes or forms of shared ownership) are financially out of reach for most local households in need/on the Housing Register. However, we recognise that affordable ownership options including First Homes can potentially play a role in helping some households onto the housing ladder and providing housing for key workers. This may be particularly relevant for Rottingdean which is one of the more affluent areas of the city with higher levels of home ownership and fewer rental options, but also has high house prices.

However, the Rottingdean NP does not seek to allocate any housing sites and all the City Plan allocations within the Neighbourhood Area already have planning permission and are being built out (e.g., St Aubyn's and Meadow Vale). Given the character of the village and associated constraints, it is unlikely that many housing developments (if any at all) will come forward which meet the City Plan policy thresholds for affordable housing. In addition, the NP is not seeking to include any locally specific requirements for affordable housing. Therefore, any NP policy would simply be repeating or cross-referring to the City Plan policy and guidance (which already reflects the national policy requirement for First Homes).

For these reasons, we consider that including a specific policy addressing affordable housing or First Homes is unnecessary and inappropriate. However, we suggest that the following wording could be added to the supporting text as a new paragraph immediately following Paragraph 3.3.

“Any housing developments of 5 or more dwellings which come forward within the village will be expected to address identified local needs and include provision for affordable housing in accordance with City Plan Policy CP20 and supporting planning guidance (BHCC's Affordable Housing Brief which will be updated by its forthcoming Affordable Housing Planning Advice Note). As set out in the guidance, this should include a mix of affordable tenures including affordable rented and affordable home ownership (including a minimum 25% First Homes in line with national policy).”

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 5 Response: The city council and Rottingdean Parish Council have given some consideration to the Examiner's comments on the provision of additional or replacement text for paragraph 2.17 to reflect the 7 Local Wildlife Sites with a suitable cross reference to Map 3. We suggest the following amendment as a proposed modification:

"2.17 The residential areas of Rottingdean Parish are surrounded by the South Downs National Park on three sides and by SSSI recognised cliffs and the English Channel to the south. Although the village is of historical importance, we also believe in the concept of a living landscape for Rottingdean. The Parish of Rottingdean has a well-managed Nature Reserve, Beacon Hill, and ~~two~~ six other local wildlife ~~protection~~ sites (LWS), ~~namely~~ Meadowvale, Ovingdean Copse (part), Wivelsfield Road Grassland (part), High Hill Pasture, Rottingdean Pond, Whiteways Lane and Balsdean Downland West Woods. (See map 3). With the exception of Rottingdean Pond, ~~None~~ of these sites has a permanent water source. ~~and it is known that~~ 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."

Question 6: 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 6 Response: Maps to follow by 1 September 2023 - time extension agreed by the examiner.

The Parish Council wish to confirm that they had the following contact with Local Green Space landowners:

Local Green Space	Owner	Consultation
LGS1 The Bowling Green	BHCC	Discussion and involvement throughout the development of the Plan
LGS2 Kipling Gardens and the Croquet Lawn	BHCC	Discussion and involvement throughout the development of the Plan
LGS3 Land on the Eastern Cliff, Marine Drive	BHCC	Discussion and involvement throughout the development of the Plan
LGS4 Lutyens Gardens, The Green	BHCC/ Rottingdean Preservation Society, now Rottingdean Heritage	Discussion and involvement throughout the development of the Plan.
LGS5 Quaker Burial Ground, The Green	BHCC/Owners of the Coppers	A copy of a letter sent to Heritage England South East supporting the listing of the site and advising of the intention to list the site as local green space in the Neighbourhood Plan was sent to the Coppers owner on 2/12/18. A leaflet inviting comments and advising of publication of the Plan on the Parish Council website was sent to owners of the Coppers in February 2021.
LGS6 Land surrounding Scout Hut, Whiteways Lane	SDNPA	Consultation throughout the development of the plan and as part of Regulation 14 consultation
LGS7 St Aubyn's Field (remainder) Steyning Road/Newlands Road	BHCC	Discussion and involvement throughout the development of the Plan
LGS8 St Margaret's Churchyard, The Green	Parish Church	Leaflet inviting comments and advising of publication of the plan on the website sent to Father Anthony of St Margaret's Church - February 2021
LGS9 St Martha's Convent Gardens	St Martha's Convent	Contacted made with Sister Cecile St Martha's Convent - July 2017. Council Chair visited Sister Cecile at St Martha's Convent On 23rd November 2018. Leaflet inviting comments and advising of publication of the plan on the website sent to the Convent in February 2021

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).² 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 7 Response: The city council and Rottingdean Parish Council have considered the Examiner's comments on the absence of reference to Biodiversity Net Gain (BNG) in the Neighbourhood Plan. We jointly suggest the following amendments to para 2.21 as a proposed modification to ensure the wording in the plan remains relevant if any suggested increases to BNG requirements were to be considered in the future by the city council:

"2.21 By making biodiversity an integral part of our Neighbourhood Plan we can help to manage environmental risk and improve resilience to flooding, poor air-quality and climate change. In accordance with national planning policy, development proposals will be expected to provide at least 10% measurable biodiversity net gain (BNG) or any subsequent amended or new local City Plan policy. This will ensure net gains in biodiversity that are additional to appropriate mitigation.

Question 8: 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 website 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.

Question 8 Response: The Parish Council is content to make the changes suggested by the examiner.

