

Brighton & Hove City Council

Council

Agenda Item 28

Subject: Making the Hove Station Neighbourhood Plan and Rottingdean Parish Neighbourhood Plan

Date of meeting: 28 March 2024

Report of: Executive Director - Economy Environment & Culture

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Ward(s) affected: Central Hove, Goldsmid, Westbourne & Poets' Corner, Wish, Rottingdean & West Saltdean

For general release

1. Purpose of the report and policy context

- 1.1 The report seeks formal Council decisions to 'make' (i.e adopt) the Hove Station Neighbourhood Plan and the Rottingdean Parish Neighbourhood Plan. The Council is legally required to do this within 8 weeks following the successful outcome of the local referendums held on Friday 9 February 2024.

2. Recommendations

- 2.1 That Council formally makes the Hove Station Neighbourhood Plan 2019-2030 as part of the statutory Development Plan and applies the policies within the Plan for the purpose of determining planning applications within the Hove Station Neighbourhood Area.
- 2.2 That Council formally makes the Rottingdean Parish Neighbourhood Plan 2018-2030 as part of the statutory Development Plan and applies the policies within the Plan for the purpose of determining planning applications within Rottingdean Parish (outside the South Downs National Park).

3. Context and background information

- 3.1 At its meeting on 14 December 2023, the Council resolved to accept the recommendations of the respective independent examiners appointed by the Council to examine the Hove Station Neighbourhood Plan and Rottingdean Parish Neighbourhood Plan. At the same time, it resolved that the two neighbourhood plans should proceed to referendum within their Neighbourhood Areas. The Council further resolved that in the event that more than 50% of those voting supported the Neighbourhood Plan at referendum, it would formally 'make' the Plans at its next meeting following the referendum.
- 3.2 The Council resolutions on 14 December followed the recommendations of the Culture, Heritage, Sport, Tourism & Economic Development (CHSTED) Committee which had considered detailed reports on the two

Neighbourhood Plans at its meetings on 9 November 2023 (Hove Station Neighbourhood Plan) and 8 December 2023 (Rottingdean Parish Neighbourhood Plan). Those reports provide a detailed explanation of the neighbourhood plan process up to this final stage. This has included preparation of the plans by the respective neighbourhood bodies (Hove Station Neighbourhood Forum and Rottingdean Parish Council), submission of the draft plans to the Council for publication, and subsequent examination of the plans by independent examiners appointed by the Council. The CHSTED Committee reports also detailed the Council's response to each of the plan modifications recommended by the respective examiners. The CHSTED Committee reports are referenced at Appendix 1 and Appendix 2 of this report.

3.3 The two Neighbourhood Plan referendums were both held on Friday 9 February 2024 in accordance with the requirements of the Localism Act and the Neighbourhood Planning (Referendums) Regulations 2012. This resulted in the following outcomes:

- Hove Station Neighbourhood Plan was supported by 93% of those voting (15.1% turnout)
- Rottingdean Parish Neighbourhood Plan was supported by 89% of those voting (20.9% turnout)

The referendum results can be viewed in full on the Council website at <https://www.brighton-hove.gov.uk/council-and-democracy/voting-and-elections/neighbourhood-plan-referendums-friday-9-february-2024>

3.4 In response to these results, it is recommended that the two Neighbourhood Plans are formally made as part of the Development Plan for the Brighton & Hove City Council area (excluding the South Downs National Park). These decisions would implement the Council's resolutions on 14 December 2023 and would accord with the Neighbourhood Planning regulations which require that the Council makes this decision within 8 weeks of a successful referendum outcome.

3.5 Once the Neighbourhood Plans have been made, the Council will publish formal decision statements and inform relevant stakeholders as required under the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan documents will be available to the public electronically on the Council's website and the Development Plan policies map will be updated where necessary.

3.6 It should be noted that the South Downs National Park Authority (SDNPA) is also required to formally make the Rottingdean Parish Neighbourhood Plan, as it is the Local Planning Authority for the part of Rottingdean Parish falling within the National Park.

4. Analysis and consideration of alternative options

- 4.1 Following the successful referendum outcomes, the Council has a legal duty to make the Neighbourhood Plans, unless it considers they would fail to meet retained EU obligations or the human rights convention. Both Plans have been subject to independent examination and were found to be legally compliant, therefore there is no reason not to make the Plans.

5. Community engagement and consultation

- 5.1 The preparation of both Neighbourhood Plans has involved extensive consultation with stakeholders and the local community. These consultations were carried out initially by the Hove Station Neighbourhood Plan and Rottingdean Parish Council and following submission of the plans by the City Council in accordance with The Neighbourhood Planning (General) Regulations 2012. Further details are provided in the CHSTED Committee reports referenced in Appendices 1 and 2.

6. Conclusion

- 6.1 For the reasons set out, the Council is requested to formally make the Hove Station Neighbourhood Plan and Rottingdean Parish Neighbourhood Plan. These will become the first two made neighbourhood plans in Brighton & Hove and the Hove Station Neighbourhood Forum and Rottingdean Parish Council are to be congratulated on this achievement.

7. Financial implications

- 7.1 There are no direct financial implications resulting from the two neighbourhood plans being formally made. The appended CHSTED Committee reports set out the financial arrangements for organising the plan referendums. It should be highlighted that the Council is entitled to claim back £20,000 from central Government for each neighbourhood plan referendum held.

Name of finance officer consulted: John Lack Date consulted: 18/03/2024

8. Legal implications

- 8.1 As explained above, in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004, the Council is required to make the Hove Station Neighbourhood Plan and Rottingdean Parish Neighbourhood Plan as these plans have been supported by those voting in the respective local referendums on 9 February 2024. Neighbourhood Plans have statutory force as part of the development plan following a successful referendum as set out in section 38(3)(c) of the Planning and Compulsory Purchase Act 2004. The Neighbourhood Plan Regulations require that the local planning authority formally makes the plan within a period of 8 weeks following the referendum.
- 8.2 Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended) also require that local authorities to publish

a Decision Statement explaining the Council's decision and its reasons to make the Neighbourhood Plan.

- 8.3 Adoption Statements will be published on the Council's website which will publicise the referendum results and, pursuant to Regulation 20 of the Neighbourhood Planning (General) Regulations 2012, formally confirm the making of the respective Neighbourhood Plans. The Council will also contact all relevant stakeholders to inform them that the Plans have been made.

Name of lawyer consulted: Katie Kam

Date consulted: 18 03 2024

9. Equalities implications

- 9.1 These are addressed in the appended CHSTED Committee reports.

10. Sustainability implications

- 10.1 These are addressed in the appended CHSTED Committee reports.

Supporting Documentation

1. Appendices [delete if not applicable]

1. Hove Station Neighbourhood Plan Decision Statement (report to the Culture, Heritage, Sport, Tourism & Economic Development (CHSTED) Committee dated 9 November 2023)
[Brighton & Hove City Council - Agenda for Culture, Heritage, Sport, Tourism & Economic Development Committee on Thursday, 9th November, 2023, 4.00pm \(brighton-hove.gov.uk\)](#)
2. Rottingdean Parish Neighbourhood Plan Decision Statement (report to the Culture, Heritage, Sport, Tourism & Economic Development (CHSTED) Committee dated 8 December 2023)
[Brighton & Hove City Council - Agenda for Culture, Heritage, Sport, Tourism & Economic Development Committee on Friday, 8th December, 2023, 2.00pm \(brighton-hove.gov.uk\)](#)

2. Background documents [delete if not applicable]

1. The Referendum version of the Hove Station Neighbourhood Plan and accompanying evidence base documents supporting the plan:
[Hove Station Neighbourhood Plan \(brighton-hove.gov.uk\)](#)
2. The Referendum version of the Rottingdean Parish Neighbourhood Plan and accompanying evidence documents supporting the plan:
[Rottingdean Neighbourhood Plan \(brighton-hove.gov.uk\)](#)