



## **Brighton & Hove City Council**

### **Brighton Marina 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 Brighton Marina Neighbourhood Plan has been altered as a result of it, and that this plan may now proceed to referendum.

##### **2. Background**

- 2.1 The Brighton Marina Neighbourhood Plan relates to the Brighton Marina Area which was designated as a Neighbourhood Area by Brighton & Hove City Council on 18 June 2015 and the Neighbourhood Forum was redesignated on 3 November 2020. This neighbourhood area is within the ward of Whitehawk & Marina.
- 2.2 Following the submission of the Brighton Marina Neighbourhood Plan to the Council, the plan was publicised, and representations were invited over a 6-week period from 5 February to 18 March 2024 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 Brighton Marina Forum, to undertake the examination of the Brighton Marina Neighbourhood Plan and to prepare a report of the independent examination. The Neighbourhood Plan examination commenced on 20 May 2024.
- 2.4 The examiner's report was received on 15 August 2024. It concludes that the Marina 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 Brighton Marina Forum, 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 Referendums Area and Procedure**

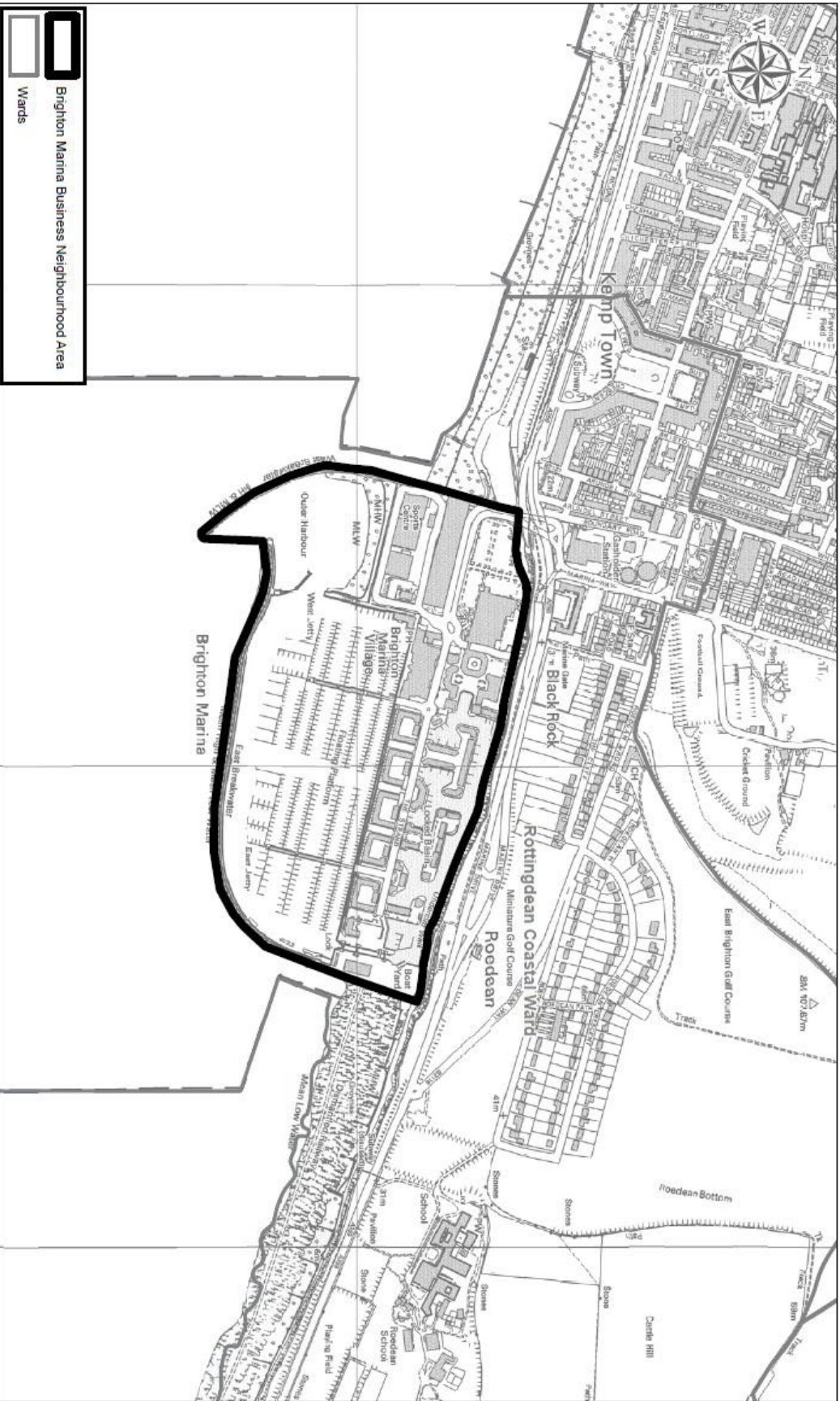
- 4.1 The Council agrees with the Examiner's recommendation that that the boundary for the purposes of referendums on the Plan should be the boundary of the designated Neighbourhood Area.

### **5. Conclusion**

- 5.1 Brighton & Hove City Council determines that the Brighton Marina 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.

24 October 2024

# Brighton Marina Business Neighbourhood Area



Scale: 1:10,000

0 260 520 1,040 Meters

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 Mapping & Information, Planning Strategy Group.

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/brighton-marina-neighbourhood-plan>

Hard copy versions of these documents can be viewed at Jubilee Library, Whitehawk Library and Hove Town Hall.

**Table 1: Recommendations by the Examiner agreed by Brighton & Hove City Council with consent of the Brighton Marina Forum**

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
Throughout the plan	Update all references to the National Planning Policy Framework (NPPF) in the draft Plan, for example at Pages 13, 16 and 20, to the NPPF that was published in December 2023.	Correct Factual Error.	All recommended modifications accepted.
Front Cover	Specify the Plan period <u>2023-2030</u> on the Front Cover of the Plan.	Correct Factual Error.	All recommended modifications accepted.
Page 15 Policy BM1 – Design  Second paragraph of text – first bullet point – add the following text after the words “visual appeal”:	<ul style="list-style-type: none"> <li>the scale and massing of new buildings reflects the maritime setting of the Marina and contributes towards its attractiveness, interest and visual appeal; <u>whilst recognising the prominence of the location in views along the coast, including the setting of important heritage assets such as the Madeira Terrace;</u></li> </ul>	Provide clarity to the Policy requirements, for future users of the Plan	All recommended modifications accepted.
Page 15 Policy BM1 – Design  Second paragraph of text – second bullet point – delete text in full.	<del>new buildings should relate sensitively and imaginatively to an overall development proposal/master plan for the Marina;</del>	Provide clarity to the Policy requirements, for future users of the Plan	All recommended deletions accepted.

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
<p>Page 15</p> <p>Policy BM1 – Design</p> <p>Third paragraph of text – add new second sentence of text to read as follows:</p>	<p>Proposals for major development should take into account the layout, form and density of the wider composition and layout of the Marina and have regard to connectivity within the development and to pedestrian and traffic flows in/out of and around the Marina. <u>New developments should seek to improve connectivity and linkages to areas beyond the Marina, both eastwards to the Undercliff Walk and westwards to Madeira Drive.</u></p>		
<p>Page 15</p> <p>Policy BM1 – Design</p> <p>Fifth paragraph of text – add new third sentence of text to read as follows:</p>	<p>In addition, public spaces within major developments should be secure, accessible, inclusive, connected and display the highest quality of design, landscaping, planting, street furniture and materials. This public realm should be comprehensible through the use of gateways, focal points and landmarks as appropriate to help people find their way around the development in general, and to the waterside and other key facilities within the wider Marina in particular. <u>Regard should be given to connectivity throughout the Plan area and in particular to the pedestrian and vehicular movements to/from and around the Marina.</u></p>	<p>Provide clarity to the Policy requirements, for future users of the Plan</p>	<p>All recommended modifications accepted.</p>

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
Page 16 Policy BM1 – Design  Supporting text	Final paragraph – delete existing text in full and replace with:  <del>The policy approach also takes account of the ongoing work of the Building Better, Building Beautiful Commission and the National Model Design Code.</del>  <u>The policy approach takes account of the ongoing work of the Building Better, Building Beautiful Commission, the National Design Guide and the National Model Design Code. More detailed area-specific design principles should be set out as part of a future masterplan and design code to support this Neighbourhood Plan as well as Policies CP12 (Urban Design) and DM18 (High Quality Design and Places) in the adopted Brighton &amp; Hove City Plan.</u>	Provide clarity to the Policy requirements, for future users of the Plan	All recommended modifications / deletions accepted.
Page 17 Policy BM2 -Public Realm/Open Spaces  Policy Text	<ul style="list-style-type: none"> <li>• Safety and Surveillance: <del>all new elements of</del> public realm should be designed and <del>arranged laid out</del> so that they would be safe to all users during the day and the night. Where it is practicable to do so areas of public realm and open space should be overlooked by their associated developments.</li> </ul>	Provide clarity to the Policy requirements, for future users of the Plan	All recommended modifications / deletions accepted.
Page 17	<ul style="list-style-type: none"> <li>• Attractiveness: <del>all new elements of public realm should be designed and</del></li> </ul>	Provide clarity to the Policy requirements, for future users	All recommended modifications / deletions accepted.

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
Policy BM2 -Public Realm/Open Spaces  Policy Text	<del>arranged in an attractive way to meet the needs of both local residents, boat owners using the Marina and other visitors.</del> <u>public realm should also be attractive and meet the needs of residents, boat owners and visitors using the Marina during the day and night. Proposed developments which demonstrate appropriate responses to these design principles will be supported.</u>	of the Plan	
Page 17  Policy BM2 -Public Realm/Open Spaces  Policy Text  Add new sub-section to the second paragraph,	<ul style="list-style-type: none"> <li><u>Landscaping: areas of public realm should include appropriate landscaping features, clearly defined routes for all users of the Marina and open spaces that provide attractive, safe areas for informal recreational and leisure activities, particularly for children and young people.</u></li> </ul>	Provide clarity to the Policy requirements, for future users of the Plan	All recommended additions accepted.
Page 17  Policy BM2 -Public Realm/Open Spaces  Supporting Text Second paragraph – amend text of second sentence to read as follows:	<del>Nevertheless, n</del> <u>New developments which provide deliver improvements solutions to the public realm in the Marina any such issues will be particularly supported. Proposals that incorporate for public art into within</u> the wider public realm will be welcomed.	Provide clarity to the Policy requirements, for future users of the Plan	All recommended modifications / deletions accepted.
Page 18  Policy BM3 – Connectivity	<u>The City Council is preparing an Eastern Seafront Masterplan SPD and development proposals within</u>	To take account of	All recommended additions accepted.



PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
Add new third paragraph of policy text:	<u>the Plan area should take account of that document in ensuring that connectivity to areas beyond the Marina is secured by attractive and fully accessible routes.</u>	initiatives to be contained in that SPD.	
Page 19 Policy BM4 – Residential Development Policy text Second paragraph – Housing Type and Mix – delete existing text in full and replace with the following:	<ul style="list-style-type: none"> <li>• Housing Type and Mix: <del>new developments should provide for a mix of dwelling type, tenure and size to cater for a range of housing requirements and to improve housing choice.</del></li> <li>• Housing Type and Mix: <u>new residential developments should provide for an appropriate mix of dwelling types, tenures and sizes, including affordable housing, to meet housing requirements and to improve housing choice within the Plan area in accordance with Policies CP19 and CP20 in the adopted Brighton &amp; Hove City Plan.</u></li> </ul>	Provide clarity to the Policy requirements, for future users of the Plan	All recommended modifications / deletions accepted.
Page 19 Policy BM4 – Residential Development Policy text Delete third paragraph of text in full.	<del>Proposed developments which do not demonstrate appropriate responses to these design principles will not be supported.</del>	Provide clarity to the Policy requirements, for future users of the Plan	All recommended deletions accepted.
Page 19	Policy BM4 has been designed to	Provide clarity to the Policy	All recommended deletions

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<p>Policy BM4 – Residential Development</p> <p>Supporting text</p> <p>First paragraph – delete all text after the words “development area” in the sixth line of text.</p>	<p>add complementary detail to Policy DA2 of the City Plan Part One. The Neighbourhood Forum will work with the City Council on a holistic approach to the regeneration of the development area <del>will be achieved through the preparation and adoption of a Supplementary Planning Document (SPD) for the Brighton Marina and wider area. Once adopted the SPD will replace the existing Supplementary Planning Guidance (SPGBH20, 2003) and Planning Advice Note (PAN04, 2008) for Brighton Marina. The policy takes direct account of the 2008 Planning Advice Note. Whilst site specific issues may arise the policy should be applied wherever it is reasonably practicable to do so.</del></p>	<p>requirements, for future users of the Plan</p>	<p>accepted.</p>
<p>Page 19</p> <p>Policy BM4 – Residential Development</p> <p>Supporting text</p> <p>Second paragraph – add the words “including affordable housing,” after the words “housing types,” in the second line of text.</p>	<p>The importance of securing an appropriate mix of housing types <u>including affordable housing</u>, in new development at the Marina is an important element of the policy. It takes account of community feedback in Autumn 2019 and the range of housing and affordability issues in the City in general, and in the Marina in particular.</p>	<p>Provide clarity to the Policy requirements, for future users of the Plan</p>	<p>All recommended modifications accepted.</p>
<p>Page 20</p> <p>Policy BM5 – Natural Environment/Marine Wildlife</p>	<ul style="list-style-type: none"> <li>• Mitigation of Flood Risk: <del>new development should demonstrate that it will be safe, will not increase the risk of flooding elsewhere and</del></li> </ul>	<p>To improve accuracy, clarity and future implementation of policy.</p>	<p>All recommended modifications /</p>

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
Second paragraph of policy text:	<p><del>where possible, will reduce the overall flood risk profile at the Marina. All new development should comply with the Sea Defence Management Plan of the Brighton Marina Estate Management Company. A Flood Risk Assessment will be required for proposals for new build development.</del></p> <p>All proposals for new development within the Plan area should demonstrate that they will be safe for their lifetime, taking account of the vulnerability of their users, will not increase the risk of flooding elsewhere and, where possible, will reduce the overall flood risk profile of the Marina. All new development should have regard to the Sea Defence Management Plan of the Brighton Marina Estate Management Company and to the Brighton &amp; Hove City Council Strategic Flood Risk Assessment (SFRA) and SuDS Supplementary Planning Document (SPD 16). The need for a site-specific Flood Risk Assessment will be informed by national Policy and the SFRA.</p>		deletions accepted.
Page 20 Policy BM5 – Natural Environment/Marine Wildlife	<ul style="list-style-type: none"> <li>Integrity of the cliffs to the north of the Marina: <del>new developments should demonstrate that their proposals do not impact adversely</del></li> </ul>	To improve accuracy, clarity and future implementation of policy.	All recommended modifications /

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
Second paragraph of policy text:	<p><del>on the visibility or stability of the cliffs to the north of the Marina. The cliffs are noted for their unique and irreplaceable geological features</del></p> <p><u>Proposals for new development in the Plan area should demonstrate that the proposals will avoid any adverse impacts on the cliffs located to the north of the Marina. The cliffs are protected for their unique and irreplaceable geological features, being designated as the Brighton to Newhaven Site of Special Scientific Interest (SSSI) and the Friar's Bay to Black Rock Marina Local Geological Site.</u></p>		deletions accepted.
<p>Page 20</p> <p>Policy BM5 – Natural Environment/Marine Wildlife</p> <p>Second paragraph of policy text:</p>	<p>• <del>Water Quality: new developments should demonstrate the way in which they would handle surface water runoff issues and their potential impact on the quality of the water environment both within the immediate environment of the Marina and more widely in the English Channel.</del></p> <p><u>Proposals for new development in the Plan area should incorporate appropriate sustainable drainage systems (SuDS) and demonstrate no unacceptable impacts on the quality of the water environment both within the immediate environment of the Marina and more widely in the English Channel.</u></p>	To improve accuracy, clarity and future implementation of policy.	All recommended modifications / deletions accepted.

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<p>Page 20</p> <p>Policy BM5 – Natural Environment/Marine Wildlife</p> <p>Second paragraph of policy text:</p> <p>Add new fifth sub-section entitled “Addressing Climate Change” to read as follows:</p>	<ul style="list-style-type: none"> <li>• <u>Addressing Climate Change: Proposals for new development in the Plan area should demonstrate that they take into account the necessary mitigations and resilience in order to respond to the climate change risks identified for the Brighton &amp; Hove area in the City Council’s Climate Risk and Vulnerability Assessment (CRVA).</u></li> </ul>	<p>To improve accuracy, clarity and future implementation of policy.</p>	<p>All recommended additions accepted.</p>
<p>Page 21 Policy BM6 – Cafés, Restaurants, Retail Facilities and Other Commercial Facilities</p> <p>Second paragraph of policy text – delete the words “Insofar as planning permission is required,” in the first line of text.</p>	<p><del>Insofar as planning permission is required,</del> Proposals for the use of existing commercial floorspace for commercial, business and service uses will be supported, particularly uses that are complementary to the harbour and marine activities.</p>	<p>Provide clarity to the Policy requirements, for future users of the Plan</p>	<p>Recommended deletions accepted.</p>
<p>Page 22</p> <p>Policy BM7 – Energy Use, Waste Minimisation and Recycling</p> <p>First paragraph of policy text – delete existing text and replace with:</p>	<p><del>Development proposals which demonstrate the highest standards of energy use, waste minimisation and recycling will be supported.</del></p> <p>Proposals for new development within the Plan area should demonstrate the highest standards of energy efficiency, waste minimisation and recycling.</p>	<p>Provide clarity to the Policy requirements, for future users of the Plan</p>	<p>All recommended modifications / deletions accepted.</p>
<p>Page 22</p>	<p>Proposals which incorporate zero</p>	<p>Provide clarity to the Policy</p>	<p>Recommended modifications</p>

PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
<p>Policy BM7 – Energy Use, Waste Minimisation and Recycling</p> <p>Second paragraph of policy text – add the words “which generate renewable energy” after the word “vehicles,” in the fifth line of text.</p>	<p>carbon construction energy initiatives, which provide for a reduction in vehicle movements, which provide recharging facilities for electric vehicles <u>which generate renewable energy</u> and any other similar initiatives which would reduce carbon emissions at the Marina will be particularly supported.</p>	<p>requirements, for future users of the Plan</p>	<p>accepted.</p>
<p>Page 23</p> <p>Policy BM8 - Community Facilities</p> <p>Delete the final paragraph of supporting text.</p>	<p><del>The wider issue of community facilities in the Marina achieved high scores in the feedback to the community consultation in Autumn 2019.</del></p>	<p>Provide clarity to the Policy requirements, for future users of the Plan</p>	<p>Deletions accepted.</p>
<p>Page 26</p> <p>Monitoring and Review</p> <p>First paragraph of text – delete the second sentence in full and replace with:</p>	<p><u>The Plan has been developed within a positive and up to date planning policy context.</u> <del>The Brighton and Hove City Plan Part 1 was adopted in March 2016 and the Inspector’s report has recently been received in relation to Part 2 of the Plan.</del> <u>Part 1 of the Brighton and Hove City Plan was adopted in March 2016, and Part 2 of the Plan was adopted in October 2022.</u></p>	<p>Correct Factual Error and provide context</p>	<p>All recommended modifications / deletions accepted.</p>
<p>Glossary (page 28)</p>	<p><u>Glossary</u></p> <ul style="list-style-type: none"> <li><u>BNG Biodiversity Net Gain: an approach to development, land and marine</u></li> </ul>	<p>To provide understanding of terminology to the reader</p>	<p>All recommended additions accepted.</p>

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	<p><u>management that leaves biodiversity in a measurably better state than before development took place.</u></p> <ul style="list-style-type: none"> <li>• <u>CRVA Climate Risk and Vulnerability Assessment: a process that evaluates the likelihood of current and future climate hazards and their potential impacts on an area or development.</u></li> <li>• <u>Connectivity: the relationship between and integration of different elements and components within a built environment</u></li> <li>• <u>Heritage Assets: a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.</u></li> <li>• <u>Flood Risk Assessment: an assessment of the flood risk from all sources of flooding for an area or development</u></li> </ul>		

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	<ul style="list-style-type: none"> <li>• <u>Legibility: the ease with which a person is able to see, understand and find their way around an area, building or development.</u></li> <li>• <u>Permeability: the ease with which people can move around a neighbourhood or development area.</u></li> <li>• <u>Public Realm: the space between buildings that is open and accessible to the public.</u></li> <li>• <u>Renewable Energy: energy that comes from unlimited, naturally replenished resources, such as the sun, tides, and wind.</u></li> <li>• <u>SFRA Strategic Flood Risk Assessment: an overview of the potential for flooding in a specific area, and how that risk may change in the future.</u></li> <li>• <u>SSSI Site of Special Scientific Interest: a protected area of land or water in the UK that is important for its wildlife, geology, or land</u></li> </ul>		



PLAN POLICY / PARAGRAPH	RECOMMENDED MODIFICATION	REASONS	COUNCIL DECISION
	<p><u>features.</u></p> <ul style="list-style-type: none"> <li>• <u>SUDS Sustainable Drainage Systems: a way of managing rainwater runoff in a natural way.</u></li> <li>• <u>Tenure: a legal term that describes how a piece of land is owned. In the UK, the two main types of tenure are freehold and leasehold: Freehold: The owner owns the land outright. Leasehold: The tenant holds the land for a period of time by agreement with their landlord.</u></li> </ul>		

