

Brighton & Hove City Council

Council

Agenda Item 46

Subject: West Saltdean Neighbourhood Plan – Decision Statement

Date of meeting: 13 October 2025

Report of: Corporate Director City Services

Contact Officer: Name: Carly Dockerill
Email: carly.dockerill@brighton-hove.gov.uk

Ward(s) affected: Rottingdean & West Saltdean

For general release

1. Purpose of the report and policy context

- 1.1 The examination into the West Saltdean Neighbourhood Plan has now been completed and the Examiner's report has been published. Subject to several modifications, the Examiner recommends that the Plan can proceed to a local referendum. All proposed modifications have been discussed with and agreed by the West Saltdean Forum.
- 1.2 This is the fourth Neighbourhood Plan in the city to have reached this final stage. The Council must now publish a Decision Statement setting out what actions it intends to take in response to each of the examiner's recommendations. A proposed Decision Statement is included at Appendix 1 of this report.
- 1.3 Members are therefore asked to agree the Examiner's recommendations for modifications to the Neighbourhood Plan and publish the Council's Decision Statement. The amended Plan will then be subject to a local referendum to be held within the West Saltdean Neighbourhood Area.

2. Recommendations

That Council agrees to:

- 2.1 Determine that the West Saltdean Neighbourhood Plan be modified according to the recommendations in the independent examiner's report and as set out in the attached Decision Statement (Appendix 1) and that the Decision Statement be published.
- 2.2 To approve the examiner's recommendation that the Neighbourhood Plan now proceed to a local referendum. The referendum area is the West Saltdean Neighbourhood Area.
- 2.3 In the event that more than 50% of residents vote to support the Neighbourhood Plan in the local referendum, that the Council formally 'makes' the West Saltdean Neighbourhood Plan.

3. Context and background information

The Neighbourhood Plan examination

- 3.1 West Saltdean Neighbourhood Forum submitted their draft Neighbourhood Plan to the council on 1 September 2024. The Neighbourhood Plan Area includes parts of the South Downs National Park and the council acts as the lead authority on behalf of the SDNPA. The Council published the draft Neighbourhood Plan and supporting documents for public consultation in accordance with Regulation 16 of the Neighbourhood Planning Regulations over a 6-week period from 27 January to 10 March 2025.
- 3.2 On 25 April 2025 the Corporate Director for City Services agreed, by delegated authority, council officer comments in response to the Regulation 16 consultation and that the draft plan should be submitted for examination. Council officers then appointed a neighbourhood plan examiner, and the West Saltdean Neighbourhood Plan examination commenced in early May 2025.
- 3.3 The role of the Neighbourhood Plan examiner is to assess whether the Plan meets certain legal requirements known as ‘Basic Conditions’. These state that Neighbourhood Plans should:
- i) Have regard to national policies and advice contained in guidance issued by the Secretary of State;*
 - ii) Contribute to the achievement of sustainable development,*
 - iii) Be in general conformity with the strategic policies contained in the development plan for the area (i.e. the City Plan); and*
 - iv) Not breach, and otherwise be compatible with, EU obligations.*
- 3.4 The Examiner’s initial assessment of the Plan sought further clarification and information on several matters. These matters concerned:
- WS2 (South Downs National Park): Adding detail on assessing development proposals affecting the Park, referencing relevant policies.
 - WS5 (Adaptable Housing): Addressing internal contradictions and justification evidence.
 - WS8 (Small-scale Renewable Energy): Redrafting to better support appropriate projects and align with climate goals; relocate certain clauses and review related policy wording.
 - WS11 (Protecting Local Green Spaces): Clarifying site boundaries, updating maps, confirming landowner notifications, and correcting references to appendices and wildlife designations.
 - WS12 (Enhancing Green Spaces, Biodiversity, and Wildlife): Justifying the mention of a “Wildlife Corridor.”
 - Emerging City Plan 2041: Confirming the Plan’s progress and upcoming consultations align with the Local Development Scheme.
- 3.5 The City Council, SDNPA and West Saltdean Neighbourhood Forum responded jointly on these matters.
- 3.6 The examiner issued his final report on 6 August 2025, and this has been published on the Council’s website. The report concludes that, subject to

several recommended modifications, the West Saltdean Neighbourhood Plan meets the Basic Conditions and can proceed to a referendum.

- 3.7 The plan is subject to a referendum. A 'yes' vote of more than 50% is required.
- 3.8 The examiner is also required to consider what is the appropriate referendum area if the Council decides that the Plan should proceed to that stage. In his report, he concludes that the referendum's area should not extend beyond the designated neighbourhood area to which the plan relates.

West Saltdean Neighbourhood Plan Content

- 3.9 The West Saltdean Neighbourhood Plan addresses a Plan period from 2024 to 2030. The Plan's objectives are to:
- ensure that all new developments will be designed so that they enhance and complement existing buildings.
 - To ensure that improvements to existing walking and cycling routes encourage and enable more active travel including into, and within, the SDNPA.
 - To conserve and enhance green and open spaces in West Saltdean by securing Local Green Space designation for a number of sites which meet the related criteria.
 - To protect and improve the biodiversity and wildlife located in West Saltdean's green and open spaces including the SDNPA.
 - To create the conditions for success for retail outlets and businesses and to support sustainable trade, tourism and economic development.
 - To ensure that the beach and undercliff remain attractive and well-maintained destinations with facilities for visitors and residents
 - To protect and maintain good quality, accessible and fit-for purpose community facilities within West Saltdean which promote community cohesion and social inclusion.
 - To ensure that CIL money is secured for new and existing facilities in the neighbourhood plan area.
 - To ensure that planning applicants fully engage with residents during the planning process.
- 3.10 The draft Plan contains 16 policies (policies WS1-WS16), which address the themes of Design; The South Downs National Park; Future Housing;; Conserving Local Heritage; Achieving Water Efficiencies; Sustainable Buildings; Travel, Transport and Active Movement; Open Spaces, Encouraging Biodiversity and Wildlife; Promoting and Safeguarding the Local Economy; Improving Facilities on the Beach and Undercliff and Safeguarding the Beach/Clifftop Flora and Fauna. The aim of policies is to ensure that West Saltdean will be a good place to live, work and visit with a good quality of life for its residents. The Plan seeks to make West Saltdean a healthier, more sustainable environment with good access to quality open spaces, including the South Downs National Park, and with thriving shops, businesses and community groups. A Design Code for the Plan area is also included.

Council actions – next steps

- 3.11 The Council must publish a Decision Statement setting out what actions it determines to take in response to each of the examiner's recommendations. Appendix 1 of this report sets out the proposed Decision Statement with each of the examiner's recommended modifications to the Plan along with his reasons. It addresses each of the examiner's recommendations. The examiner's proposed modifications have been discussed and agreed with the West Saltdean Neighbourhood Forum.
- 3.12 The Council must also decide whether to send the Plan, as modified, to a local referendum and to agree the examiner's recommendations about the referendum area. In accordance with the relevant legislation, the referendum must be held within a period of 56 days from the Council's decision (excluding Saturdays, Sundays, bank holidays, Christmas Eve, Christmas Day¹).
- 3.13 If the Neighbourhood Plan is supported by more than 50% of those voting in the referendum, it then comes into force as part of the statutory development plan for the West Saltdean Neighbourhood Area and it will be used alongside the adopted City Plan to make planning decisions. The Neighbourhood Plan must be formally 'made' (i.e., adopted) by the Council within a further 8 weeks of the referendum date. The Neighbourhood Plan Area includes parts of the South Downs National Park and therefore the National Park Authority will also be required to formally 'make' the Neighbourhood Plan.
- 3.14 Appendix 2 presents a tracked changes update of the Neighbourhood Plan highlighting all the modifications recommended by the Examiner and the updates to the supporting text agreed between the Council and the West Saltdean Neighbourhood Forum. Appendix 3 shows these amendments accepted as the final 'Referendum Version' of the Neighbourhood Plan.
- 3.15 The implication of the Neighbourhood Plan being 'made' is that it will then form part of the statutory development plan for the Neighbourhood Area and be used to determine planning applications within the West Saltdean area.

4. Analysis and consideration of alternative options

- 4.1 The Council is not bound by the Examiner's recommendations and is able to make a decision which differs from that recommended by the Examiner. The Council is required by the legislation to make its own decision regarding whether the draft neighbourhood plan meets or could meet, following modification, the basic conditions and legal requirements.
- 4.2 The Council could decide that the plan does not meet the basic conditions and legal requirements and cannot be modified to do so. This is not considered to be a practical option, as the examiner's recommendation is clear that the plan meets the legal requirements and can be modified to meet

¹ The Neighbourhood Planning (Referendums) (Amendment) Regulations 2016 (legislation.gov.uk)

these requirements. The Neighbourhood Forum have also accepted these recommendations.

- 4.3 The Council could decide that the plan meets the basic conditions and legal requirements without the need for the modifications recommended by the examiner. This is also not considered a possible option. The examiner has set out clear reasoning for why the modifications are necessary. Several of the recommendations are small changes that ensure the plan is clear and consistent with national planning policy and the City Plan. In other instances, changes to the plan directly address elements of the plan that council officers had already identified as requiring modification at the Regulation 16 consultation.
- 4.4 While the Council is not bound by the Inspector's recommendations, a failure to accept them without good reason runs the risk of legal challenge and/or intervention by the Secretary of State.
- 4.5 If the Council wishes to depart from any of the Examiner's recommendations it must notify relevant people and invite representations. Any representations must be submitted within six weeks of the Council inviting representations. It is also possible for the Neighbourhood Forum to request intervention from the Secretary of State. Once the consultation is complete, the Council may then refer the issue(s) to further independent examination if it considers it appropriate. The Council must issue its final decision within five weeks. The Neighbourhood Plan would then be revised and sent to referendum.

5. Community engagement and consultation

- 5.1 The Neighbourhood Planning Regulations do not make any provision for public consultation on modifications to the Plan recommended by the examiner which the Council is minded to accept. As noted above, the Council is required to undertake public consultation if it wishes to depart from the examiner's recommendations.
- 5.2 Community engagement and consultation has been undertaken at earlier stages of the Neighbourhood Plan preparation process. Community engagement was undertaken by the Neighbourhood Forum in preparing the Plan.
- 5.3 Full details of the consultation and community engagement undertaken by the Neighbourhood Forum are set out in a Consultation Statement and its Appendices, which was submitted to the Council and formed one of the supporting documents to the Neighbourhood Plan.
- 5.4 The preparation of the Plan began in 2022. The Forum undertook regular consultation and engagement with local residents and community groups throughout the course of the development of the Neighbourhood Plan leading up to the formal Regulation 14 in May 2024.
- 5.5 The draft Plan underwent Regulation 14 consultation for 7 weeks from 12 May to 30 June 2024. A paper survey was completed by 70 people at the 12th

May exhibition. A total of 247 residents of West Saltdean and 16 residents of East Saltdean (in the neighbouring district / parish) completed the survey. An additional five statutory bodies including BHCC also responded. After incorporating feedback, the Plan was submitted to the City Council in November 2024 and underwent further consultation under Regulation 16 in 2025, receiving 75 comments from 28 respondents before being examined.

- 5.6 The draft Plan and supporting documents were published on the Council website, an email was sent to all consultees on the Planning Policy database (which includes the national statutory bodies and a wide range of local stakeholders) and all city councillors were informed. In addition, the Neighbourhood Forum were requested to email all consultees who had commented on the Plan at the earlier Regulation 14 stage (as is specifically required by the Regulations). The consultation was also publicised by the South Downs National Park Authority (SDNPA) during this time as the Neighbourhood Area extends within the SDNPA boundary.
- 5.7 Residents in the West Saltdean Neighbourhood Area have been able to participate and provide feedback on the Neighbourhood Plan throughout its preparation. The upcoming referendum offers residents in the Neighbourhood Area the option to support or reject the Plan.

6. Financial implications

- 6.1 There are no direct financial implications from the recommendations of this report. The Neighbourhood Plan referendum will be organised and administered by the City Council's Electoral Services team with costs of the referendum charged to planning services. The Council is entitled to funding from Government (Ministry of Housing, Communities and Local Government) once it has set a date for the referendum to cover the costs charged to planning. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 29/08/2025

7. Legal implications

- 7.1 The designation of Neighbourhood Areas, Forums, and the making of Neighbourhood Plans, are governed by the sections within the Planning and Compulsory Purchase Act 2004, and the Town and Country Planning Act the Neighbourhood Planning (General) Regulations 2012 (as amended) along with the Neighbourhood Planning (Referendums) Regulations 2012.
- 7.2 It is a requirement of the Regulations that the Council publishes a Decision Statement under Regulation 18(2) (a) of the General Regulations 2012. This Statement must set out how the Council intends to respond to the Examiner's recommendations.
- 7.2 If the Council intends to accept the recommendations from the Inspector, the Plan can proceed to referendum. If supported at referendum, the West

Saltdean Neighbourhood Plan will become part of the statutory Development Plan, and its policies will be used alongside those in the adopted City Plan.

- 7.3 Following a vote of over 50% at referendum in favour of the Neighbourhood Plan, local authorities are required to publish a Decision Statement explaining the Council's decision and its reasons to formally 'make' (i.e. adopt) the Neighbourhood Plan.
- 7.4 Adoption of the Neighbourhood Plan will be done via an Adoption Statement published on the council's website which will publicise the referendum results, and pursuant to Regulations 20 of the Neighbourhood Planning (General) Regulations 2012 formally confirm the 'making' of the West Saltdean Neighbourhood Plan. The Council will also contact all relevant stakeholders to inform them that the Plan has been made.

Name of lawyer consulted: Katie Kam

Date consulted: 27/08/2025

8. Equalities implications

- 8.1 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 applies to the Council when taking formal decisions about the neighbourhood plan process.
- 8.2 The Neighbourhood Plan has been prepared through an extensive process of local community engagement which is set out in detail in the Forum's Consultation Statement (which was submitted alongside the draft Plan) and is summarised in section 5 above. The Plan is also required to be in general conformity with the City Plan (which has been subject to Equalities Impact Assessment). As part of the submission of the plan to the council, the Neighbourhood Forum also submitted their own Equalities Impact Assessment (see background document 3 to this report).

9. Sustainability implications

- 9.1 The purpose of the planning system is to contribute to the achievement of sustainable development and one of the 'Basic Conditions' against which neighbourhood plans are tested is that they should contribute to this.
- 9.2 To meet UK environmental regulations, the draft Plan was screened for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) by the City Council in a document dated April 2022. The Screening Report concludes that the Plan is unlikely to give rise to significant environmental effects and therefore that SEA is not required. The Environment Agency, Historic England and Natural England were consulted on the draft Screening Report during March 2022, and they each concluded that the preparation of a SEA is not required. The examiner concludes that the Plan has been prepared with regard to achieving the principles of delivering sustainable development as identified in the Basic Conditions

Statement and, subject to his recommended modifications and if approved at referendum, would assist in delivering sustainable development within the Neighbourhood Area.

10. Conclusion

- 10.1 The West Saltdean Neighbourhood Plan has taken several years to reach this stage but is now nearing its conclusion. The Neighbourhood Forum is to be commended on all its hard work on reaching this stage.
- 10.2 Overall, the examiner considers that the Plan as modified will meet the required 'Basic Conditions'.
- 10.3 Members are therefore recommended to agree all the modifications to the Plan as set out in the examiner's report and to approve his recommendation that the Neighbourhood Plan proceed to a local referendum subject to the modifications set out in the Council's Decision Statement.

Supporting Documentation

1. Appendices

1. West Saltdean Neighbourhood Plan – Council Decision Statement
2. West Saltdean Neighbourhood Plan 2024-2030: Submission Draft showing proposed modifications as tracked changes.
3. West Saltdean Neighbourhood Plan 2024-2030: Referendum Version

2. Background documents

1. [West Saltdean Examiner's Report – August 2025](#)
2. [West Saltdean Consultation Statement – 2025](#)
3. [West Saltdean Equalities Impact Assessment](#)