

Brighton & Hove City Council

Council

Agenda Item 23

Subject: Coldean Neighbourhood Plan – Decision Statement

Date of meeting: 23 July 2026

Report of: Corporate Director City Operations

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Ward(s) affected: Coldean & Stanmer, Hollingdean & Fiveways

For general release

1. Purpose of the report and policy context

- 1.1 The examination into the Coldean Neighbourhood Plan has now been completed, and the Examiner's report has been published. Subject to a number of modifications, the Examiner recommends that the Plan proceed to a local referendum. All proposed modifications have been discussed and agreed by the Coldean Neighbourhood Planning Forum.
- 1.2 This is the fifth 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 to the Examiner's recommendations for modifications to the Neighbourhood Plan and publish the Council's Decision Statement. The modified Plan will then be subject to a local referendum to be held within the Coldean Neighbourhood Area (see map in Appendix 2).

2. Recommendations

That Council agrees to:

- 2.1 Determine that the Coldean 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 Approve the examiner's recommendation that the Neighbourhood Plan now proceed to a local referendum. The referendum area is the Coldean Neighbourhood Area.
- 2.3 In the event that more than 50% of residents vote to support the Neighbourhood Plan in the local referendum, the Council formally 'makes' the Coldean Neighbourhood Plan.

3. Context and background information

The Neighbourhood Plan Examination

- 3.1 Coldean Neighbourhood Forum submitted their draft Neighbourhood Plan to the council in September 2025. The Neighbourhood Plan Area includes parts of the South Downs National Park, and the council acts as the lead authority on behalf of the South Downs National Park Authority (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 23 October 2025 to 4 December 2025.
- 3.2 In January 2026, the Corporate Director for City Operations 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 Coldean Neighbourhood Plan examination commenced in early February 2026.
- 3.3 The role of the Neighbourhood Plan examiner is to assess whether the Plan meets certain legal requirements known as 'Basic Conditions'. The 'Basic Conditions' are set out in Schedule 4B to the Town and Country Planning Act 1990 as amended. In order to meet the Basic Conditions, the neighbourhood plan must:
- 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. *not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made;*
 - iv. *be compatible with, and not breach, assimilated obligations; and*
 - v. *meet prescribed conditions and comply with prescribed matters.*
- 3.4 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 3.5 The examiner's initial assessment of the Plan sought further clarification and information on several matters. Firstly, the examiner noted that the City Council had made extensive comments on the draft plan at Regulation 16 stage and asked the Qualifying Body (Coldean Neighbourhood Planning Forum) to review these comments and submit an amended version of the plan with their agreed amendments. Secondly, the examiner asked the City Council for an update on the timetable for preparation of the new City Plan. The examiner suggested that the council and the Forum produce a Statement of Common Ground to resolve outstanding issues from

Regulation 16 stage. A Statement of Common Ground was produced and forwarded to the examiner.

- 3.6 The examiner issued his final report on 4 June 2026, and this has been published on the Council's website. The report concludes that, subject to several recommended modifications, the Coldean Neighbourhood Plan meets the Basic Conditions and can proceed to a referendum.
- 3.7 The examiner is also required to consider what the appropriate referendum area is, if the Council decides that the Plan should proceed to that stage. In his report, he concludes that the referendum area should not extend beyond the designated neighbourhood area to which the plan relates. Appendix 2 shows the map of the designated Coldean neighbourhood area.

Coldean Neighbourhood Plan Context

- 3.8 The Coldean Neighbourhood Plan addresses a Plan period from 2021 to 2030. The Plan's objectives are to protect and enhance Coldean as a sustainable, attractive and inclusive neighbourhood. The plan aims to safeguard green spaces and wildlife habitats and support a balanced community by encouraging family housing and managing HMOs. The plan also aims to improve the appearance of the area to strengthen local identity and retail vitality, work with partners to reduce crime and anti-social behaviour, improve access to green open spaces, and promote sustainable development that helps the area respond to water scarcity, flooding and climate change.
- 3.9 The draft Plan contains 16 policies which address the themes of Housing and Development, Open Spaces, Anti-social Behaviour and Crime, Traffic and Travel, Building & Design and the Environment. The aim of the policies is to ensure that Coldean will be protected and become a more attractive place to live. A Design Code for the Plan area is also included.

Council actions – next steps

- 3.10 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 examiners' recommended modifications to the Plan along with his reasons. It addresses each of the examiners' recommendations. The examiner's proposed modifications have been discussed and agreed with the Coldean Neighbourhood Planning Forum.
- 3.11 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 Day).

- 3.12 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 Coldean Neighbourhood Area and it will be used alongside the adopted City Plan to make planning decisions.
- 3.13 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 SDNP and therefore the National Park Authority will also be required to formally 'make' the Neighbourhood Plan.
- 3.14 Appendix 3 presents a tracked changes update of the Neighbourhood Plan indicating all the modifications recommended by the Examiner and the updates to the supporting text agreed between the Council and the Coldean Neighbourhood Planning Forum.

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 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 modifications recommended by the examiner. This is also not considered a recommended option. The examiner has set out clear reasons for why 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 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 Planning 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 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 have been undertaken at earlier stages of the Neighbourhood Plan preparation process. Community engagement was undertaken by the Neighbourhood Planning Forum in preparing the Plan.
- 5.3 Full details of the consultation and community engagement undertaken by the Neighbourhood Planning 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 2021. 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 submission in June/July 2024.
- 5.5 The draft Plan underwent a consultation as required by Regulation 14 of the Neighbourhood Planning Regulations for 6 weeks in June/July 2024. The Forum stated that they received over 50 on-line surveys and 23 paper surveys responses to the consultation as well as 2 telephone calls, a Facebook messenger chat, and several emails as well as many conversations at the launch events and on stalls. Results showed that 94% of individual online respondents were residents of Coldean, and for those responding on paper surveys 91% were residents of Coldean and 9% were working in Coldean. An additional three statutory bodies including BHCC also responded. After incorporating feedback, the Plan was submitted to the City Council in September 2025.
- 5.6 The draft submission plan underwent further consultation under Regulation 16 in October to December 2025, which was run by the council. The draft submission plan and supporting documents were:
- published on the Council website
 - emailed to all consultees on the Planning Policy database, including the national statutory bodies and a wide range of local stakeholders
 - emailed to all city councillors
- In addition, the Neighbourhood Planning Forum was 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 SDNPA during this time as the Neighbourhood Area extends within the SDNPA boundary.

- 5.7 This stage of consultation received comments from 33 respondents (excluding those from the council) before being examined.
- 5.8 Residents in the Coldean 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

- 7.1 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 claim 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: 18/06/2026

7. Legal implications

- 7.1 The designation of Neighbourhood Areas, Forums, and the making of Neighbourhood Plans, are governed by 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 Coldean 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 Coldean 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 17 06 2026):

8. Risk implications

- 8.1 The Independent Examiner's recommendation is clear that this plan meets the legal requirements when his modifications are applied. While the Council is not bound by the Examiner's recommendations, a failure to accept them without good reason runs the risk of legal challenge and/or intervention by the Secretary of State.
- 8.2 Policies in this plan seek to protect open spaces, biodiversity and nature recovery in Coldean, as well as mitigate and adapt to climate change and sustainable development. This will help mitigate Risk SR38 on the Council's Risk Register: 'Failure to take effective action to increase our city's resilience to climate change, improve biodiversity and transition to net zero'. The Risk action title is 'Enhance and preserve the city's parks, trees and green spaces to keep them safe and attractive for residents and visitors, and increase biodiversity'

9. Equalities implications

- 9.1 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.
- 9.2 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).

10. Sustainability implications

- 10.1 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.
- 10.2 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.

11. Other Implications

Crime & disorder implications:

- 11.1 The plan includes a policy encouraging proposals to design out crime, promote safe and accessible environments and avoid features which may contribute to anti-social behaviour.

12. Conclusion

- 12.1 The Coldean Neighbourhood Plan has taken several years to reach this stage but is now nearing its conclusion. The Neighbourhood Planning Forum is to be commended on all its hard work on reaching this stage.
- 12.2 Overall, the examiner considers that the Plan as modified will meet the required 'Basic Conditions'.
- 12.3 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. Coldean Neighbourhood Plan – Council Decision Statement
- 2. Map of the Coldean Neighbourhood Area
- 3. Coldean Neighbourhood Plan 2021-2030: Submission Draft indicating the Examiner's recommended modifications as tracked changes.

2. Background documents

- 1. [Coldean Examiners Report 2026](#)
- 2. [Statement of Common Ground 2026](#)
- 3. [Coldean Consultation Statement 2025](#)
- 4. [Coldean Equalities Impact Assessment 2025](#)
- 5. [Brighton & Hove City Plan Part One 2016](#)
- 6. [Brighton & Hove City Plan Part Two 2022](#)