

# Brighton & Hove City Council

## Executive Director Decision by Delegated Authority

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Report of: Executive Director Economy, Environment & Culture

Subject: West Saltdean - Designation of a Neighbourhood Forum and a Neighbourhood Area

Date: July 2022

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Ward(s) affected: Rottingdean Coastal

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek Member agreement for delegated authority to enable the Executive Director to designate the West Saltdean Neighbourhood Area and Neighbourhood Forum in response to two recent applications from the local community (see Appendices 1 & 2). These designations fall under the neighbourhood planning provisions introduced by the Localism Act 2011. If approved, they will enable the Neighbourhood Forum to prepare a neighbourhood plan for the designated neighbourhood area.
- 1.2 The proposed neighbourhood area extends into the South Downs National Park so the two applications will also need to be considered by the National Park Authority.
- 1.3 The Neighbourhood Planning Regulations require that applications to designate a neighbourhood area and forum relating to more than one local planning authority must be determined within 20 weeks of first being publicised. The regulations also require the Council to publicise the applications for a minimum of 6 weeks. The Council originally started public consultation on 26 April 2022 however, this was paused due to a local election in the Rottingdean Coastal ward. Public consultation then restarted on 10 May 2022 for a 6-week period ending on 21 June 2022.
- 1.4 The 20-week period for the Council to determine the applications ends on 13 September 2022 which falls ahead of the next scheduled TECC Committee meeting on 15 September 2022. For this reason, delegated authority is being sought for the Executive Director to determine the applications.
- 1.5 The Council's committee protocols allow for the designation of neighbourhood area and neighbourhood forum status to be delegated to the Executive Director Environment, Development & Housing. At its meeting on 18 June 2015, the Economic Development and Culture Committee agreed to the following process for dealing with all decisions and responses required in respect of neighbourhood planning:
  - i) Where timetabling allows applications to be determined within the legislative timescales these will be brought to the Economic Development & Culture Committee for decisions;
  - ii) Where timetabling does not allow this the Executive Director for Environment, Development & Housing will consult with the Chair, Deputy Chair and Opposition Spokesperson will be consulted and:

- a. If there is unanimous consensus amongst the views of Members the application will be determined;
- b. If there is no unanimous consensus amongst Members an Urgency Sub-Committee will be convened to determine the application.

1.6 This report summarises the specific statutory and regulatory requirements that the Council must consider when deciding whether to approve the applications for the West Saltdean Neighbourhood Area and Forum. It also considers the representations received during the 6-week consultation. Having considered the report, Members are requested to agree to approve both applications by delegated authority of the Co-Interim Executive Director.

## 2. DECISION

2.1 Subject to the agreement of the Chair, Deputy Chair and Opposition Spokespersons of the Tourism, Equalities, Communities & Culture (TECC) Committee, the Co-Interim Executive Director for Economy, Environment & Culture is delegated authority to approve the designation of the West Saltdean Neighbourhood Area and West Saltdean Neighbourhood Forum within the meaning of the Town and Country Planning Act 1990.

## 3. CONTEXT/ BACKGROUND INFORMATION

3.1 The Localism Act 2011 introduced neighbourhood planning as a means of giving local communities more power to influence the future of the places in which they live. A key element of neighbourhood planning is the ability to prepare neighbourhood development plans (commonly referred to as 'neighbourhood plans').

3.2 Whilst neighbourhood planning is optional for communities, any neighbourhood plans prepared must comply with national planning policy (NPPF) and be in general conformity with the strategic policies of the adopted development plan (City Plan Part One). Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine adopted strategic policies. Once formally 'made', neighbourhood plans will form part of the statutory development plan and will be used to help determine planning applications within that area.

3.3 Two applications were submitted to the Council by the West Saltdean community in April 2022 to establish a neighbourhood area and designated neighbourhood forum (see Appendices 1 and 2 of this report). The applications included:

- a map of the proposed Neighbourhood Area (see Appendix 1);
- details of the proposed forum's written constitution and governance as previously approved by the Council (Appendix 2);
- the names of 21 Forum members who live in, work in, or are an elected ward councillor for the Neighbourhood Area (Appendix 2); and
- a map showing the broad distribution by address of the 21 listed Forum members (Appendix 2).

## COMMUNITY ENGAGEMENT & CONSULTATION

4.1 To meet the requirements set out in the neighbourhood planning regulations, the Council has undertaken a 6-week period of public consultation on the

applications from 9am on 10 May to 11:59pm on 21 June 2022. The consultation was initially commenced on 26 April 2022 but was paused due to a local election in the Rottingdean Coastal ward.

4.2 The publicity and consultation undertaken by the Council included:

- Publicising the applications for the neighbourhood forum and area on the Council website;
- Notifying all contacts on the Planning Policy mailing list by email;
- Notifying all Brighton & Hove councillors;
- Providing a consultation response form on the online consultation portal for individuals and organisations wishing to comment.
- Placement of 11 site notices in the West Saltdean area advertising the consultation;
- Publishing a press release;
- Placement of copies of the consultation material in the Saltdean, Jubilee and Hove libraries.

4.3 A total of 18 responses were received during the consultation period, 11 from individuals and 7 from organisations, including 4 statutory bodies consulted. Appendix 4 presents a summary analysis of the consultation responses received. Appendix 5 sets out the comments received from consultees relating to the designation of the neighbourhood area and neighbourhood forum and provides Council officer responses to the issues raised. Further discussion of key issues raised is provided in Section 5 below.

## 5 ANALYSIS & CONSIDERATION OF THE APPLICATIONS

5.1 In determining the applications for neighbourhood area and neighbourhood forum status, the Council needs to consider whether the applications comply with the requirements set out in the legislation (see Appendix 3) taking account of the consultation responses (Appendix 4) and comments received (Appendix 5).

5.2 The Council can refuse to designate the neighbourhood area and forum if it considers that the proposed neighbourhood area is not appropriate or that the membership of the forum is not representative, however the Council would need to give reasons. This approach is not recommended in this instance.

5.3 Of the consultation responses received, 14 were from local residents and organisations that included views on whether the proposed neighbourhood area and forum should be designated (the 4 statutory bodies did not comment on those matters but provided standard comments and guidance for neighbourhood groups).

5.4 With regard to the proposed neighbourhood area, 12 out of 14 consultation responses (86%) considered that the proposed area is a distinct neighbourhood and 11 out of 14 (79%) considered that the boundaries of the proposed area are appropriate (see Appendix 4). A few comments highlighted the issue of the boundary between 'West' and 'East' Saltdean (i.e. the local authority boundary between Brighton & Hove and Lewes District) which runs along Longridge Avenue effectively splitting Saltdean into two parts. This included a response from Telscombe Town Council (which covers the East Saltdean area within

Lewes District), highlighting that East Saltdean residents use many of the facilities in West Saltdean.

- 5.5 It is acknowledged that the local authority boundary divides Saltdean and does not reflect how the community would ideally be defined. However, the whole of Telscombe Town (including East Saltdean) has already been designated by Lewes District Council as a separate neighbourhood area which also covers Peacehaven Town. The two Town Councils are preparing a Peacehaven & Telscombe Neighbourhood Plan and published the draft (Regulation 14) version of their plan for consultation earlier this year. Since the Neighbourhood Planning Regulations do not allow a proposed neighbourhood area to include or overlap with an existing neighbourhood area, it would not be possible to include the whole of Saltdean within the neighbourhood area now being proposed. Overall, the proposed West Saltdean neighbourhood area boundary has received strong support from those commenting through the public consultation.
- 5.6 In terms of the proposed neighbourhood forum, 12 out of 14 consultation responses (86%) supported the designation of the Forum. A smaller proportion, 8 out of 14 responses (57%) considered that the Forum is representative of people who live and work in the area, with 5 responses (36%) answering 'Don't know/Not sure'. This response is understandable as not all those responding to the consultation would have detailed knowledge about the forum and its composition. However, the information submitted to the Council in the application (Appendix 2) shows that the Forum includes 21 members with a mix of residents distributed across the area, including some who also work within the area, and a ward councillor. Also, the Forum's written constitution states that it is open to all and will strive to be as representative as possible of the people who live and work in the area.
- 5.7 A comment from Telscombe Town Council suggested that the Forum should seek to arrange for some means of representation for East Saltdean residents. Given the close inter-relationship with East Saltdean, it is agreed that this might be helpful. It would be for the West Saltdean Neighbourhood Forum to consider how this could be best achieved.
- 5.8 Overall based on the information provided with the two applications and having considered all the consultation responses received, it is considered that the proposed neighbourhood area boundaries are appropriate and that the proposed neighbourhood forum would meet all the requirements set out in the legislation.

## 6. CONCLUSION

- 6.1 After considering all relevant issues and all representations submitted in response to public consultation, officers consider that the applications for neighbourhood area and neighbourhood forum status satisfy all the requirements set out in the legislation. Therefore, the Co-Interim Executive Director wishes to approve the designations of the West Saltdean Neighbourhood Area and West Saltdean Neighbourhood Forum.
- 6.2 This report and appendices will be published on the Neighbourhood Planning webpages on the Council website and emailed to all the consultation respondents. An email will also be sent to all consultees on the Planning Policy,

Projects and Heritage mailing list notifying them of the new neighbourhood designations.

## SUPPORTING DOCUMENTATION

### Appendices:

1. West Saltdean Neighbourhood Area application (completed form), including A4 map of proposed Neighbourhood Area
2. West Saltdean Neighbourhood Forum application, including written constitution and map showing locations where members live and work.
3. Statutory criteria for establishing a Neighbourhood Area and a Neighbourhood Forum
4. Analysis of consultation responses
5. Officer responses to consultation comments received

### Background Documents

1. National Planning Practice Guidance on Neighbourhood planning (includes links to relevant legislation)  
<https://www.gov.uk/guidance/neighbourhood-planning--2>
2. Relevant legislation - Town and Country Planning Act 1990; Planning and Compulsory Purchase Act 2004; The Localism Act 2011; Neighbourhood Planning (General) Regulations 2012; Neighbourhood Planning (General) (Amendment) Regulations 2015; and Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016