

INDEPENDENT EXAMINATION OF THE BRIGHTON MARINA

NEIGHBOURHOOD DEVELOPMENT PLAN 2023-2030

EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Andrew Knight
Chair of Brighton Marina Neighbourhood Forum Steering Committee

Carly Dockerill
Principal Planning Officer
Brighton & Hove City Council

Examination Ref: 01/DAS/BMNP

28 May 2024

Dear Mr Knight and Ms Dockerill

Following the submission of the Brighton Marina Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Brighton & Hove City Council (the City Council) and the Brighton Marina Neighbourhood Forum (the Neighbourhood Forum/the Qualifying Body), to which I would like to receive a written response(s) by **Friday 21 June 2024** if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment Screening Report and Consideration of Habitats Regulations Assessments and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 17 June 2024. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing

should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the City Council and the Qualifying Body.

I have four questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Friday 21 June 2024**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable may feasibly be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Neighbourhood Forum and City Council websites.

Thank you in advance for your assistance.

Yours sincerely

Derek Stebbing

Examiner

ANNEX

From my initial reading of the Brighton Marina Neighbourhood Plan 2023-2030 (Submission Version dated November 2023), the supporting evidence and the representations that have been made to the Plan, I have the following questions for the City Council the Qualifying Body. I have requested the submission of responses **by Friday 21 June 2024**, though an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Question 1: Re. Local Policies (Page 13)

Can the **City Council** please confirm that the Review of the City Plan Part 1 is proceeding in accordance with the following timetable, as contained in the current Local Development Scheme (2023), which I note includes a Regulation 18 Scoping Consultation in Spring 2024?

- Assessment of Need for the Review
- Evidence gathering and Scoping - 2023
- Scoping Consultation (Reg. 18) - Spring 2024
- Preferred Strategy Consultation (Reg 18) - Spring 2025
- Pre-submission Consultation (Reg 19) - Spring 2026
- Submission of Plan to Government - Autumn 2026
- Public Examination - Winter 2026/2027
- Adoption – 2027

Question 2: Re. City Plan Part 2 (Pages 14 and 26)

It is stated in the draft Plan on Page 14 that the City Plan Part 2 was adopted in October 2022. On Page 26, it states that *“the Inspector’s report has recently been received in relation to Part 2 of the Plan”*.

Can the **City Council** please confirm that the entry on Page 26 is not correct, and presumably dates from a point in 2022?

Question 3: Re. City Plan Policy DA2 Re. Proposed Primary School (Page 14)

Certain representations question the need for a new Primary School within or in the vicinity of Brighton Marina, as there is considered to be surplus capacity at some existing primary schools.

Can the **City Council** please provide me with an update on this element of Policy DA2, and whether or not a site has been identified for the proposed new Primary School.

Question 4: Re. Brighton & Hove City Council’s Representations at the Regulation 16 Consultation stage

I note from the City Council’s representations that it is considered that, in a number of areas, the Qualifying Body has not taken account of comments that were made on the draft Plan by the City Council at the Regulation 14 stage between 9 November 2022 and 4 January 2023. Accordingly, the City Council has now repeated many of those detailed comments at the Regulation 16 stage.

In my assessment of Appendices 3 and 4 in the Consultation Statement, I agree that many of the City Council’s detailed comments do not appear to have been addressed. Can the **Qualifying Body**, therefore, please review the full representations that have been made by the City Council (dated

February 2024) and provide me with a Note which provides a commentary on the Neighbourhood Forum's position on the proposed amendments set out in those representations.

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