

Tourism, Equalities, Communities & Culture Committee

Date: 13 January 2022

Time: 4.00pm

Venue Hove Town Hall - Council Chamber

Members: **Councillors:** Osborne (Joint Chair), Powell (Joint Chair), Rainey (Deputy Chair), Evans (Opposition Spokesperson), Grimshaw (Opposition Spokesperson), Simson (Group Spokesperson), Brown, Childs, Ebel and Littman

Invitees: Lola Banjoko (B&H - CCG), Joanna Martindale (Community Voluntary Sector), Justin Burtenshaw (Sussex Police) and Stephanie Prior

Contact: **Thomas Bald**
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AGENDA

PROCEDURAL MATTERS

55 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
 - (a) Disclosable pecuniary interests;
 - (b) Any other interests required to be registered under the local code;
 - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.

56 MINUTES

9 - 24

To consider the minutes of the meeting held on 29 November 2021.

Contact Officer: Thomas Bald

Tel: 01273 295709

57 CHAIRS COMMUNICATIONS

58 CALL OVER

- (a) Items (61 – 67) will be read out at the meeting and Members

invited to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

59 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public notified by the due date of 7 January 2021;
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 7th January 2021;
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 7th January 2021.

60 MEMBER INVOLVEMENT

25 - 28

To consider the following matters raised by Members:

- (d) **Petitions:** To receive any petitions.
- (e) **Written Questions:** To consider any written questions;
 - (i) Remembrance Service – Councillor Childs
 - (ii) Library Services - Councillor Childs
 - (iii) Anti-Social Behaviour on Steine Street - Councillor Childs
 - (iv) Brighton Christmas Market - Councillor Evans
- (f) **Letters:** To consider any letters.
- (g) **Notices of Motion:** to consider any Notices of Motion submitted directly to the Committee;
 - (i) Notice of Motion on Crime Anti-Social Behaviour – Councillors Simson and Brown

61 DOMESTIC ABUSE ACT STRATEGY AND SPEND

29 - 102

Report of the Executive Director Housing, Neighbourhoods, and Communities (Copy Attached).

Contact Officer: Jo Player
Ward Affected: All Wards

Tel: 01273 292488

62 AIR QUALITY AND PLANNING POLICY

103 - 108

Report of the Executive Director Economy, Environment and Culture (Copy Attached).

Contact Officer: Liz Hobden

Tel: 01273 292504

63 BIODIVERSITY AND NATURE CONSERVATION SUPPLEMENTARY PLANNING DOCUMENT UPDATE 109 - 202

Report of the Executive Director Economy, Environment, and Culture (Copy Attached).

Contact Officer: Helen Pennington

Tel: 01273 292333

Ward Affected: All Wards

64 AFFORDABLE HOUSING BRIEF - UPDATED VERSION 203 - 222

Report of the Executive Director Economy, Environment, and Culture (Copy Attached).

Contact Officer: Robert Davidson

Tel: 01273 291580

Ward Affected: All Wards

65 FEES AND CHARGES 2022-23 223 - 240

Report of the Executive Director Economy, Environment, and Culture (Copy Attached).

Contact Officer: John Lack

Tel: 01273 294219

Ward Affected: All Wards

66 OUTDOOR EVENTS - PARKS & OPEN SPACES 2022 241 - 252

Report of the Executive Director Economy, Environment, and Culture (Copy Attached).

Contact Officer: Mark Fisher

Ward Affected: All Wards

67 OUTDOOR EVENTS - MADEIRA DRIVE CLOSURES 2022 253 - 262

Report of the Executive Director Economy, Environment, and Culture (Copy Attached).

Contact Officer: Mark Fisher

Ward Affected: All Wards

68 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the 3rd February 2022 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

Date of Publication - Wednesday, 5 January 2022

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Thomas Bald, (01273 291354, email thomas.bald@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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BRIGHTON & HOVE CITY COUNCIL
TOURISM, EQUALITIES, COMMUNITIES & CULTURE

COMMITTEE 4.00pm 29 NOVEMBER 2021

HOVE TOWN HALL - COUNCIL CHAMBER

MINUTES

Present:

Councillors: Osborne (Joint Chair), Powell (Joint Chair), Rainey (Deputy Chair), Evans (Opposition Spokesperson), Grimshaw (Opposition Spokesperson), Simson (Group Spokesperson), Brown, Childs, Ebel and Littman

Standing Invitees: Harpreet Kaur (NHS CCG) Joanna Martindale (Community Voluntary Sector), Stephanie Prior, and Supt Nick Dias (Sussex Police)

PART ONE

34 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

There were none.

(b) Declarations of Interest

There were none.

(c) Exclusion of Press and Public

In accordance with Section 100A of the Local Government Act 1972, the committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

35 MINUTES

The Minutes of the meeting held on 16 September 2021 were agreed as an accurate record.

36 CHAIRS COMMUNICATIONS

It's been a busy time for my Co-Chair Cllr Osborne and myself since our last TECC committee. In September I held a couple of meetings virtually with the Beach Access Team, a small group

of very active disabled volunteers whose goal it is to make the beach accessible. As we know there is much work still to do on this, and this work will feed-in to the next big piece of work for my side, which is the Accessibility Strategy, starting early next year.

A few of us Cllrs attended the launch of the HIV vending machines at the Jubilee.

A very good attendance for the unveiling of the blue plaque for Rabindranath Tagore, the Bard of Bengal, who for a time lived here in Brighton, and whose blue plaque can be seen on the wall of the Pub Du Vin on Ship St.

Cllr OSBORNE visited the onion at the Pavilion last month, an area not open to the public.

I attended the WW1 and WW2 day and exhibition at the Dome.

I laid a wreath for all Civilians of War at the annual Remembrance Sunday ceremony at the Steine. I then went on to attend the Remembrance services at Hove, at All Saints, and for Jewish Service Personnel at the synagogue in Hove.

Libraries

Saltdean Library is moving to temporary premises whilst the Saltdean Lido development work takes place.

The library closed on 23rd November and will re-open in the temporary premises, next to the entrance of the current library, from Tuesday 14 December.

The library will be open on current staffed days on Tuesdays, Fridays, and Saturdays.

Unfortunately, the library will not be able to offer 'Libraries Extra' opening in the temporary premises.

The closest alternative is Rottingdean Library which is open seven days a week with a mixture of staffed and Libraries Extra.

Trans Day of Remembrance

Last Sunday our Trans, Non-Binary & Intersex groups, along with allies held a vigil in Jubilee Square, Brighton for Transgender Day of Remembrance. More than 150 people attended to hear speakers from diverse communities share messages of kindness and calls to action. As always, I found it a very moving and through-provoking experience.

The council continues to stand in solidarity with our Trans and Non-Binary communities, and notes with grave concern the increasing hostility directed at this group. The link between demonising communities and harm experienced is clear.

As Co-Chair of the Equality & Inclusion Partnership I was proud to issue a statement of solidarity and support on behalf of the partnership and all its members.

The vigil continued at the city's new LGBTQ+ community centre -The Ledward Centre on Jubilee street, which is due to open officially in mid- December, which I hope to attend.

From supporting BSL interpreters at the Trans Day of Remembrance event, to flying the Trans flags from our town halls, to funding specific Trans, Non-Binary and Queer Trans Intersex People of Colour (QTIPOC), groups and supporting Trans Pride, the council demonstrates that to our Trans and Non-Binary communities we not only see them but hear their calls for full equality, and act in the pursuit of a fairer city for all.

Afghan Refugees

Council officers in partnership with the University of Sussex, the local community and voluntary sector and private landlords have been working hard to secure accommodation as quickly as possible to support four of the Chevening scholars with families evacuated in August. Two of the families are now settled in their new home, the third we hope will be in their property by the end of the year and a fourth property has been secured. I would like to say a huge thank you to the individuals in the community and voluntary sector who have helped find and set-up these properties, making them as welcoming as possible for these families that have

experienced trauma and the terrible losses of their homes, of their jobs, of loved ones, and of their country.

World Aids Day

I would like to encourage people to attend the world AIDs day community lunch happening this Sunday. Organised by the amazing voluntary organisation Lunch Positive, the lunch celebrates food and friendship and remembers those who have lost their lives. Event starts at 12.30pm and lunch is a 1pm, Dorset Gardens Methodist Church.

Culture

On the cultural side, Brighton & Hove City Council have organised the Additional Restrictions Grant Scheme which is aimed at supporting the city's Events sector and Live Music Venues that have continued to be disproportionately affected by closure or greatly reduced operation between 17th of May and 19th of July 2021.

The grant scheme will offer a one-off grant of £10,000 to Events sector and Live Music Venues in Brighton & Hove. In particular, prioritising those that have not received other support (e.g., a Restart Grant) or were severely impacted and not able to reopen due to the continuing social distancing during that period. This grant will prioritise business with higher fixed costs and significant income loss due to continued social distancing.

This discretionary grant is available to businesses that fall into one of the categories below.

- Events
- Events Production companies
- Event promoters / organisers
- Events management companies
- Events planning services
- Live Music Venues (where the applicant is not the rate payer)

This scheme is not available for individual freelancers or sole traders.

Just to give you the expected timeline for the grant, the application portal opens on Tuesday 4 January 2022, with the deadline for applying on Monday 17 January 2022. Applications will be reviewed by a panel – w/c Monday 17 January 2022, the list of awarded businesses finalised – w/c 7 February 2022 and finally, the grants distributed to awarded businesses - w/c 14 February 2022.

Sports

On sports, it is great to see that the all-weather 3G Pitch at Stanley Deason Leisure Centre has re-opened after two months of extensive renovation.

The popular pitch is used by schools and colleges and is also home to a five-a-side league. There is also a thriving community of work-based teams and local football teams who use the pitch for training and competitive matches. A new partnership between Freedom Leisure who manage and operate the facility with Whitehawk Football Club is being developed so both organisations can work closer together to serve the local community.

Renovation work has included improving the drainage, new upgraded fencing and a state-of-the-art 3G surface as the previous synthetic pitch had reached the end of its useable life. The upgrade also includes new low energy LED floodlights and controls.

New goals have been added and a spectator fence line installed creating a much safer experience for spectators and players waiting their turn to get onto the pitch.

Funding was provided by Brighton & Hove City Council as part of the new 10-year plan to improve sports facilities in the City in line with the Sports Facility Investment Plan (SFIP).

A key aim of the plan is to continue to improve access to high quality facilities, to increase participation and boost the number of people benefiting from sport through better facilities.

As part of this ongoing work, the Sports Facilities Investment Plan Member Working Group are visiting the Prince Regent Swimming Complex next week to look at some of the current challenges faced in managing the centres and to consider the opportunities that the new investment plan can provide for the future provision of leisure facilities.

Outdoor Events

On outdoor events in the city, in previous years, the outdoor events papers have been brought to the November TECC Committee. As a result of the pandemic we have decided to bring these reports to the January committee and for 2022 we have given event organisers more time to draw together their plans with a clearer view of any impacts to consider as a result of the ongoing pandemic. Reports for both the full events programme and events on Madeira Drive will come to the TECC Committee in January 2022, along with a Fees and Charges report.

Christmas Market

And finally, to finish on a cheery item, the Christmas Market will commence on Friday 26th November (tomorrow) and run through to Friday 31st December 2021. The only day when the festival will be closed is Christmas Day but every other day will open at 11am, and close at either 6pm on Sunday, and 11pm on other days. All information regarding the Brighton Christmas Festival can be found at www.brightonchristmasfestival.com.

37 CALL OVER

The following items were reserved for discussion:

Item 41	Domestic Abuse Act Strategy and Funding Award Options
Item 42	Third Sector Commission Planning Schedule
Item 43	White Ribbon UK Accreditation
Item 44	Libraries Strategy 2022-25
Item 45	Anti-Racism Pledge Update
Item 46	Public Art Strategy
Item 47	Preparations for the Queens Plantinum Jubilee Celebrations
Item 49	Infrastructure Delivery Plan Refresh
Item 51	Article 4 Direction – Changes of use from Class E (Commercial, Business, and Service Uses) to Class C3 (Dwellinghouses)
Item 53	Heritage Assets Register Options

The following items were therefore agreed:

Item 48	Community Wealth Building Update
Item 50	Annual Infrastructure Funding Statement
Item 52	Coldean – Designation of Neighbourhood Area and Neighbourhood Forum

38 PUBLIC INVOLVEMENT

(a) Petitions

38.1 The Chair summarised the petition on page 31 of the Agenda and gave the following response:

38.2 The decision not to run the motorcycles at this year's Speed Trials was not taken by Brighton and Hove City Council. The Auto Cycle Union (ACU) refused to issue a track licence to the event organisers, citing operational concerns around the surface of the newly installed cycle lane and extended kerb lines.

The event organisers have thanked the Council for being proactive in working with Motorsport UK, the sport's governing body, to gain the necessary track licence for the cars to run at the event. The ACU have stated that they will work with the council and the event organisers to make the course safe for the motorcycles to return in 2022.

38.3 The Committee agreed to note the petition.

(b) Written Questions

38.4 The Chair invited Christopher Hawtree to present the following question:

Would the Chair please tell us when the stock at Hove's Carnegie Library will return to its previous level?

The Chair gave the following response:

Libraries are currently working with restricted stock levels due to the ongoing Health and Safety measures relating to infection control. These measures have necessitated moving furniture to allow for greater distancing between customers and this has meant the temporary lessening of some of the stock on display. When these measures can be dropped completely, stock levels will return to normal pre-pandemic levels.

The Chair invited Christopher Hawtree to ask the following supplementary question:

It was good to go along and see the situation, and it always makes me recall that terrible time just before the jubilee library opened when there proved not to be enough space for the stock, and a load of books were thrown in a skip and caused national outrage. With that in mind please tell us where the space has been found for the huge number of books and CDs currently absent from the Carnegie Library, and can you assure us that the 50% recent drop in book acquisitions will be made good with the unspent budget carried forward into the next years?

The Chair confirmed that a written response would be sent outside of the meeting.

38.5 The Chair invited Bryony Goulden to present the following question:

We are child ambassadors for the Mary Clarke Statue Appeal. Mary was brave and gentle and died for women's rights. Suffragettes at Mary's funeral were told they should not be sad but take up her torch and light the darkness. We are taking up Mary's lamp to try to make things better. We know you are discussing violence against women later on. We want you to stop girls

being bullied or treated disrespectfully, especially at school. Will you make sure that by the time we are grown up, this city will be a safe place for women to live?

The Chair gave the following response:

Councillors and officers are working hard to ensure that the city is safe for everybody to enjoy, especially women and girls. A report setting out what work the council and partners, such as the police, are undertaking with regard to violence against women and girls came to this committee in September and can be viewed on the council website. The report sets out what work is being undertaken in schools following the 'Everyone Invited' campaign. Since that committee report, the city council along with colleagues in neighbouring Sussex authorities and Sussex Police have been awarded central government funds to address VAWG. Included in that award are funds to improve street lighting in certain areas of the City and to undertake work to develop a 'safe space' app. There is also funding for work to take place in the city's schools to address behaviours that are inappropriate. We will also be developing a Violence against women and girls strategy and will be undertaking a survey to inform the development of such. We are hoping that the survey will go live early in the new year and would welcome your thoughts and feedback on that.

The Chair invited Bryony Goulden to ask the following supplementary question:

We are pleased you stand up for women's rights and support the statue for Mary. When you meet the police will you tell them what we have said - and ask them to also support Mary's statue.

The Chair gave the following response:

Thank you for your supplementary question. Councillors and officers regularly meet with police colleagues and was discussed at a meeting last week with the divisional commander for Brighton and Hove and senior councillors and officers. A senior police colleague is here at committee tonight and will also ensure that his colleagues are made aware.

38.6 The Chair invited Ali Ceesay to ask the following question:

I've read the Domestic Abuse Report before this Committee, and the spending proposals. My understanding is that £241,000 has been used from the £606k MHCLG money to fund Brighton & Hove Refuge, thus freeing up £241,000 from the money allocated to the Domestic Abuse Service contract.

If this is correct, will this money be ringfenced for domestic abuse services in Brighton & Hove, and how and when will this £241,000 be spent

The Chair gave the following response:

We are currently consulting on the draft strategy and we hope that this will inform future spend of the £241k. A further report will come to this committee early next year with recommendations for spend, as it has been previously agreed that committee would agree to the spending of this money. We hope that this money will be allocated before the end of the financial year.

The Chair invited Ali Ceesay to ask the following supplementary question:

There have been discussions about raising domestic violence to the same level as terrorism, specifically for females. How will the VAWG strategy ensure that women are given the same status?

The Chair confirmed that a written response would be given outside of the meeting.

(c) Deputations

There were none.

39 ITEMS REFERRED FROM COUNCIL

There were none.

40 MEMBER INVOLVEMENT

(d) Petitions

There were none.

(e) Written Questions

There were none.

(f) Letters

There were none.

(g) Notices of Motion

40.1 The Chair introduced the Notice of Motion regarding Violence Against Women and Girls starting on page 7 of the Addendum, which was jointly seconded by Councillors Grimshaw, Evans, and Simson. The Committee then agreed the Notice of Motion.

41 DOMESTIC ABUSE ACT STRATEGY AND FUNDING AWARD OPTIONS

41.1 Jo Player introduced the report starting on page 33 of the Agenda.

41.2 Councillor Grimshaw was informed that discussions will be taken with the Commissioner but there will be contract standing orders that have to be followed, but it is unlikely that it will need to go a full procurement process.

41.3 Councillor Brown was informed that options such as dispersed accommodation and potential funding for the Sanctuary Scheme would help to combat issues.

41.4 Councillor Simson was informed that there hasn't been an update about the continuation of funding, however there are some indications that it would continue. As there are small amounts of money it would be unlikely that they would go through the procurement process.

41.5 Councillor Rainey raised that the consultation on the draft strategy is currently running until the 19th of December, and that the provision for victims and survivors of domestic abuse needs to be adaptable for many different people that aren't the traditional family unit.

41.6 Councillor Childs was informed that the LGBT Refuge Provision Committee was agreed until September 2022, and other schemes would be looked at to add additional funds.

41.7 Councillor Simson commented that she commends the writers of the strategy and hopes that it improves further.

41.8 Councillor Grimshaw commented that refuges aren't necessarily the way forward, and solutions need to be more diverse.

41.9 Councillor Evans was informed that the £241,000 isn't ringfenced for domestic abuse services but there is every intention to use it for those services, and that recommendations would be coming back to Committee for that spend.

41.10 Jo Martindale was informed that the money should be spent by the end of the financial year, but that if there has been a commitment to the spend, the money wouldn't be requested to be sent back to Central Government.

RESOLVED: That the Committee:

1. Agrees to allocate available funding in accordance with paragraphs 3.12 and 3.13 of this report.
2. Notes the draft strategy attached at Appendix 1.

42 THIRD SECTOR COMMISSION PLANNING SCHEDULE

42.1 John Reading introduced the report starting on page 41 of the Agenda.

42.2 Councillor Simson indicated that she supported the recommendations and thanked John for his work.

42.3 Councillor Littman highlighted that this was an example of cross party working towards a better city.

42.4 Jo Martindale thanked the Members Advisory Group for the sustainability of services and maximising Council investment, and that the roll over period was sensible.

RESOLVED: That the Committee:

1. Agrees to extend the current (2020-23) TSC by two years, and to introduce a four year commissioning cycle going forward from 2025 as set out in the report.
2. Delegates authority to the Executive Director for Housing, Neighbourhoods and Communities to implement the changes outlined in paragraph 2.1.

43 WHITE RIBBON UK ACCREDITATION

43.1 Anne Clark introduced the item starting on page 49 on the Agenda.

43.2 Councillor Brown was informed that:

- Purple Flag status for a city means that crime rates are lower, and it is deemed safer for people.
- There are 4 factors to work on to achieve this status including strategic leadership, including men and boys in the conversation, changing the culture, and raising awareness of violence.

43.3 Councillor Osborne raised that the culture around violence against women and girls is important to mention in the plan, given that 99% of the perpetrators are men, and that he would be more than happy to be one of the 4 ambassadors for the White Ribbon campaign.

RESOLVED:

That the Tourism, Equalities and Culture Committee

1. Recommends to Full Council that it agrees officers should apply for White Ribbon Accreditation.
2. Agrees the action plan set out in Appendix 1.

That Full Council:

3. Agrees officers should apply for White Ribbon Accreditation.

44 LIBRARIES STRATEGY 2022-25

44.1 Sally McMahon and Kate Rouse introduced the report starting on page 53 of the Agenda.

44.2 Councillor Childs was informed of the following points:

- The strategy is based on the continuation of all 14 of the city's libraries.
- Wheelchair accessibility is being looked at for libraries, but there are challenges for libraries in school locations due to safeguarding of children.
- Stock levels have been lower due to the pandemic but are now almost at normal levels.
- Internet streaming services are the alternatives to CDs.
- The libraries budget includes £1 million above the local government grant which supports libraries through insurance of buildings, utilities, stock, and facilities management.
- There are no plans to pursue the Libraries Extra project at the Jubilee Library.

44.3 Councillor Ebel was informed that a plan would be drafted to provide more books to suit people that speak English as a second language, including simple English books and books in foreign languages.

44.4 Councillor Brown stressed the importance of retaining volunteers and that she was happy to see the introduction of library apprentices.

44.5 Stephanie Prior was informed that the Business and IP centre offering in libraries is free.

44.6 The Chair noted the Labour Group Amendment and invited Councillor Childs to move the amendment.

44.7 Councillor Childs moved the amendment and it was seconded by Councillor Evans.

44.8 The Committee voted to agree the recommendations in the Labour Group Amendment.

RESOLVED:

That the Tourism, Equalities, Communities & Culture Committee:

1. Recommends to Full Council that it approves the Libraries Strategy 2022-25 set out in Appendix 1.
2. Approves the Libraries Stock Policy as set out at Appendix 2.
3. Notes the importance of public libraries to our City and the contribution they make to education, tackling loneliness and isolation and community cohesion.
4. Commits lifting barriers to access wherever possible, especially to those of low or no income.

Therefore, the Tourism, Equalities, Communities & Culture Committee requests a further libraries report come back to a future meeting of this committee to explore;

- a) A well-publicised two-week annual fee amnesty to maximise book return and encourage increased use.
- b) Ceasing with immediate effect all inter-library loan charges for under 18s, as these raise negligible funds but act as a barrier to borrowing and access.
- c) A review of all charges to under 18s with a view to ending these wherever possible.
- d) A review of options for providing library services to areas such as Kemp Town, Queens Park, Hanover, Hollingdean and others where provision has been lacking since the closure of the mobile library service.

That Full Council:

5. Approves the Libraries Strategy 2022-25 as set out at Appendix 1.
6. Notes the importance of public libraries to our City and the contribution they make to education, tackling loneliness and isolation and community cohesion.
7. Commits lifting barriers to access wherever possible, especially to those of low or no income.

45 ANTI-RACISM PLEDGE UPDATE

45.1 Emma McDermott introduced the report starting on page 111 of the Agenda.

A minute silence was held at 6PM for the recently drowned refugees.

45.2 Stephanie Prior was informed:

- Acronyms are constantly evolving, with plans to move away from BME in favour of more specific acronyms.
- The Racial Harassment forum are currently working with Housing to update their anti-social behaviour policy to accommodate racially motivated behaviour.
- The diversity talent programme is aimed at increasing the amount of diverse talent on all levels of the authority so that it doesn't wane as much the higher levels you get to.

Stephanie Prior commented that the acronym BME is vague as it includes White Irish, and the Council needs to be more specific.

45.3 Councillor Grimshaw advised that the BME acronym be dropped altogether in the meantime.

45.4 Councillor Childs asked if the diverse talent program could be widened to include school staff. Emma McDermott confirmed that she would take this away, report back, and make sure the HR lead was informed regarding school diversity.

45.5 Councillor Osborne asked if participants on the Diverse Talent Development Programme would complete their work during work hours. Emma McDermott confirmed that she would double check about this issue.

RESOLVED: That the Committee noted the report.

46 PUBLIC ART STRATEGY

46.1 Synthia Griffin introduced the report starting on page 117 of the Agenda.

46.2 Councillor Ebel commented that Hove Plinth is an excellent example of public art and should be included in the toolkit as a case study of good public art.

46.3 Councillor Simson was informed that:

- The artist who proposed the Angel of the South was turned away due to lack of experience with large public art pieces, and hadn't thought in detail about site specificity.
- A meeting can be created to consult councillors in more detail about the public art strategy.

46.4 Councillor Brown was informed that the timeframe for the welcome signage would be Autumn 2022.

46.5 Councillor Childs was informed that the 1930's Art Deco column on the A23 would be given consideration in future for complimentary artwork near to it when there is more budget.

46.6 Councillor Rainey commented that public art is beneficial in many ways to the city and that the Public Art Strategy was a positive thing.

46.7 Councillor Osborne commented that the public art scene is prominent in Brighton including the murals, coloured houses, lighting next to the Brighton Station, and other visitor attractions, and asked if there was any resource in the Council to engage more with residents and have more briefings.

RESOLVED: That the Committee approved the Council's Public Art Strategy which is attached as appendix one. Following approval, the strategy would be professionally designed.

47 PREPARATIONS FOR THE QUEEN'S PLATINUM JUBILEE CELEBRATIONS

47.1 Giles Rossington introduced the report starting on page 151 of the Agenda.

47.2 Councillor Simson was informed that multiple beacons would be looked at in terms of the celebrations.

47.3 Stephanie Prior was informed that closing streets for parties could also encourage having less cars on the road for the day to help with carbon reductions.

47.4 Councillor Grimshaw was informed that:

- The Queen's Canopy initiative would be a good idea to plant more trees in the city's parks and streets. The ETS Committee would also be looking at a program to plant trees in the correct spaces.
- If there is any budget left over from the VE Celebrations this can be used for the Jubilee Celebrations.
- There are more beacons to consider but the emphasis is on the Hove beacon, and that more details will be included in the next report.

47.5 Councillor Childs was informed that there are plans to get in touch with neighbouring authorities to get a royal navy ship to dock in Brighton for the day.

RESOLVED; That Committee agreed:

1. To note the national plans for The Queen's Jubilee celebrations and note the work that the council has done so far in preparing for lighting the Hove Beacon;
2. That an update paper be brought back to TECC in early 2022, as currently events are still in the early stages of planning; and
3. That officers should explore opportunities to support other elements of Jubilee celebrations, such as tree-planting and support for street parties/community events and report back with suggestions for a Jubilee programme as part of the update paper.

48 COMMUNITY WEALTH BUILDING PROGRAMME UPDATE**RESOLVED:**

That the Tourism, Equalities, Communities, and Culture Committee Agreed:

1. To Note the work programme that the Community Wealth Building Member Working Group will be undertaking, and that the Committee will receive an outcome report from the working group in Summer 2022.
2. To Note the findings of the Social Value Working Group established by the Asset Management Board and refers the report to Policy and Resources committee, and requests that the Community Wealth Building Member Working Group take forward looking at the issues raised.

That Policy & Resources Committee Agreed:

3. To Request that the Community Wealth Building Group and the Asset Management Board explore implementation of the findings where appropriate.

49 INFRASTRUCTURE DELIVERY PLAN REFRESH

49.1 Simon Barrett introduced the report starting on page 171 of the Agenda.

49.2 Councillor Childs asked if Councillors could contribute to section 3.9, especially the libraries provision in Queen's Park area, and the refurbishment of the Pepper Pot, and the 5 leisure hubs. Simon Barrett confirmed that he would take these away to clarify with other departments and contact Cllr Childs after the meeting.

49.3 Councillor Simson was informed that:

- There is only 1 accessible railcar for the volks railway.
- No site has been decided the for the East Brighton GP Practise.
- Infrastructure is only taken off the plan when completed.

49.4 Councillor Osborne was informed that Simon Barrett would talk to Mark Wall regarding briefing for all committees about infrastructure projects and for ward members to look at their specific ward projects.

RESOLVED: That the Committee:

1. Approved the content of the refreshed Infrastructure Delivery Plan (Appendix A to this report); and
2. Approved the publication of the IDP on the council's website subject to any minor alterations (grammatical, spelling or for clarity) to be agreed by the Head of Planning in consultation with the joint Chairs of TECC Committee.

50 ANNUAL INFRASTRUCTURE FUNDING STATEMENT - 2020/21**51 ARTICLE 4 DIRECTION - CHANGES OF USE FROM CLASS E (COMMERCIAL, BUSINESS AND SERVICE USES) TO CLASS C3 (DWELLINGHOUSES).**

51.1 Liz Hobden introduced the report starting on page 245 of the Agenda.

51.2 Councillor Simson commented that the map was difficult to read, and Liz Hobden confirmed that a colour map would be circulated to committee members.

51.3 Councillor Ebel thanked Steve Tremlett and Liz Hobden for their work on the report which protects local shopping parades from disappearing, which are vital for communities to thrive.

51.4 Councillor Childs was informed that the important local shopping parades are included in the direction.

51.5 Councillor Rainey raised that she was happy to see St James' Street included in the direction.

51.6 Councillor Osborne commented that the direction is important to preserve tourism and culture in the city.

RESOLVED: That the Committee authorises the making of a non-immediate Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to remove the Class MA permitted development right for changes the use from Class E (commercial, business and service uses) to C3 (dwellinghouses) for the reasons outlined in this report.

52 COLDEAN - DESIGNATION OF NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM**53 HERITAGE ASSETS REGISTER OPTIONS**

53.1 Liz Hobden introduced the report starting on page 367 of the Agenda.

53.2 Councillor Grimshaw was informed that community groups can submit applications to the list of Heritage Assets, and there is a clear criteria of what counts, and that the Council wouldn't intend to sell any Heritage Assets, and would offered to a museum if they were not repairable.

RESOLVED: That the Committee:

1. Notes the options for establishing a register of heritage assets owned by the council.

2. Agrees the preferred option for officers to prepare a Register of council-owned Heritage Assets (not including buildings) based on the list of current Listed Buildings and Local List against a timetable to be agreed in consultation with the Executive Director and joint Chairs. Further, for officers to ensure the lists are up to date; and officer leads (in each service) to ensure asset owning staff and contractors are aware of the importance of the assets.

54 ITEMS REFERRED FOR FULL COUNCIL

The meeting concluded at 7.35pm

Signed

Chair

Dated this

day of

2021

WRITTEN QUESTIONS

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from Members:

1) Councillor Childs – Remembrance Service

It was disappointing that the Green-run City Council did not send a Councillor delegate to attend and lay a reef at the Rottingdean Remembrance Service and that only Labour Councillors and MPs were present. What action can be taken to ensure that the City Council sends representatives to the main remembrance services next year to pay respects, on behalf of the City, to those men, women and animals who made sacrifices, including losing their lives, fighting for our freedom and democracy?

2) Councillor Childs – Library Services

Since the previous Green administration closed the mobile library service, there has been insufficient library provision in the Kemp Town, Queens Park and Hanover areas of our city. What action will the Council take to address this gap in such a vital service?

3) Councillor Childs – Anti-Social Behaviour on Steine Street

What action will the Council take to address the parlous state of Steine Street and the anti-social behaviour that affects residents and businesses of this street?

4) Councillor Evans – Brighton Christmas Market

During December I received several letters and calls, backed up by literally hundreds of comments on social media, expressing severe disappointment with the Christmas Market. Most complaints related either to the low number of stalls and poor variety of goods on sale, or to difficulty accessing the site, surrounded as it was by hoardings and with security limiting entrance to only one corner of the large site. Since we agreed a deal with the same operator for both 2022 & 2023, will there be any opportunity for officers & committee members to examine and question the perceived problems and try to ensure a better offer to the public next Christmas?

Brighton & Hove City Council

Tourism, Equalities, Communities & Culture Committee

Agenda Item 60 (d)

Subject: Urgent review of Council's policies for tackling crime and antisocial behavior
Notice of Motion from the Conservative Group

Date of meeting: 13 January 2022

Proposer: Councillor Simson
Seconded: Councillor Brown

Ward(s) affected: All

This Committee:

1. Notes that central Brighton LSOA has been ranked 8th worst out of 33,000 areas across England and Wales for crime and antisocial behaviour.
2. Notes that since 2019 this Council has significantly weakened its policies for tackling crime and anti-social behaviour, including:
 - a. Failing to renew the City's Public Space Protection Orders for Parks and Open Spaces;
 - b. Declining an opportunity to join an application for Safer Streets Funds when approached by the Office of the Police and Crime Commissioner;
 - c. Failing to keep a full complement of Field Officers employed;
 - d. Becoming the only Council in the country to introduce a Homeless Bill of Rights that allows begging and tents in public spaces;
 - e. Choosing not to enforce by-laws at its disposal, including at Old Steine Gardens;
 - f. Not prioritising safety in the public domain, with 9/10 street lamps at Old Steine Gardens left broken for over a year;
 - g. Maintaining only 95 public space CCTV cameras across the city.
3. Notes that the above policies have put the Council out of step with neighbouring local authorities.
4. Notes that these policies are a major issue for women who feel unsafe in parts of the City, including at Pavilion Gardens and surrounds where there have been 7 incidents of rape recorded within three years.
5. Calls for an urgent review of the City's policies and commitment towards tackling crime and antisocial behaviour, with a report to be provided to the next meeting of this Committee.

Supporting Information:

<https://www.theargus.co.uk/news/19754300.brighton-city-centre-among-crime-ridden-england-wales/>

Subject:		Domestic Abuse Act Strategy	
Date of Meeting:		13th January 2022	
Report of:		Executive Director Housing Neighbourhoods and Communities	
Contact Officer:	Name:	Jo Player	Tel: 01273 292488
	Email:	Jo.player@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Domestic Abuse Act 2021 (the Act), which received Royal Assent in April 2021, places a range of statutory duties on Local Authorities. The Government has provided £125 million nationally to support the new requirements. The grant amount for Brighton and Hove is £606,000 for the year 2021/22 to provide support for survivors and children in safe accommodation and whilst not yet confirmed, the Department of Levelling Up, Housing and Communities (DLUHC) has indicated it is likely to continue at similar levels for at least the next three years.
- 1.2 Under the Act, all local authorities are required to prepare a needs assessment and publish a draft local strategy on the support needs of all people who have experienced domestic abuse and are residing in safe accommodation by 26th October 2021. Local authorities must publish a final strategy by 5th January 2022. The Pan Sussex Partnership project team have undertaken the needs assessment and have written the strategy attached at Appendix 1, on behalf of Brighton & Hove City Council (BHCC) and East and West Sussex Councils. (ESCC and WSCC)
- 1.3 As many people experiencing domestic abuse receive supported accommodation outside of the local authority area they normally reside in, it was felt that to ensure consistency in the services offered that a Pan Sussex approach and strategy was the most appropriate route to take.
- 1.4 In November 2021, the Tourism, Equalities, Communities & Culture Committee (TECC) considered the draft strategy which was then out to consultation. That consultation finished on 19th December 2021. This report highlights the results of that consultation and seeks approval for the amended strategy.

2. RECOMMENDATIONS:

- 2.1 That Committee approves the strategy attached at Appendix 1.

3. CONTEXT/ BACKGROUND INFORMATION

Strategy

- 3.1 The Act places a requirement on local authorities to develop a local Domestic Abuse Strategy for the provision of accommodation-based support in its area. The development of the draft Pan-Sussex Strategy for Domestic Abuse Accommodation and Support 2021-2024 was led by the Office of the Police & Crime Commissioner and has identified strategic priorities and commitments for all TIER 1 local authorities in Sussex.
- 3.2 The draft Pan-Sussex Strategy for Domestic Abuse Accommodation and Support 2021-2024 is being consulted on and has **6 strategic priorities**:
- **Consistent and Collaborative**- providing multi agency and partnership commissioning and working to ensure a consistent offer across Sussex
 - **Diverse and Appropriate** – providing a wide range of appropriate and safe accommodation and support options
 - **Accessible and Inclusive** – Ensuring all services are accessible to all victims/survivors and meet the specific needs of those with a full range of protected characteristics
 - **Responsive to Multiple Disadvantage**- Establishing specialist provision to support victims/survivors with Multiple Complex Needs
 - **Victim Centered**- Empowering victims/survivors to remain in their own home through choice
 - **Trauma Informed** – Embedding trauma informed practice in practice in service and practice through training and specialist knowledge
- 3.3 These strategic priorities underpin the **Sussex Local Authorities' commitments** which are as follows:
- Reporting to H-Clic (statutory homelessness data reporting system) must be improved in order to create a more consistent picture of the demand on Sussex housing authorities.
 - Reporting functions will be improved to enable future needs assessments to analyse out-of-area referral data in more detail.
 - Sussex authorities will provide more domestic abuse accommodation spaces for women and their children, in accordance with the Council of Europe's minimum standards.
 - A broader menu of domestic abuse safe accommodation options will be developed in Sussex to better meet the needs of victims/survivors for whom traditional refuge is not appropriate or suitable.
 - A 'Whole Housing Approach' will be adopted when commissioning new forms of domestic abuse safe accommodation options in Sussex. This will include provision for:
 - Dispersed, self-contained safe accommodation
 - Specialist safe accommodation
 - Short-term and respite accommodation
 - Sanctuary Schemes

- Move-on accommodation
 - Second-stage accommodation
 - Better private rental sector options
 - Appropriate and accredited accommodation options
 - Flexible funding
 - All accommodation units will be appropriate and quality assured.
 - Funding for this expanded offer will be sustainable and independent from funding for existing services.
- 3.4 Statutory Guidance issued under the Domestic Abuse Act requires Tier one authorities to prepare and publish a local domestic abuse support in safe accommodation strategy based on a robust needs assessment. The guidance says it should be published in draft for consultation by 26 October 2021 with a final version to be published before 5 January 2022 as set out in the Domestic Abuse Support (Local Authority Strategies and Annual Reports) Regulations 2021. Due to the timeframes demanded by DLUHC, the draft strategy was published as a consultation draft and comments invited.
- 3.5 The Council informed DLUHC that it would miss the deadline of the 5th January 2022 due to the committee timetable and the difficulty of establishing a special committee between the 19 December (when the consultation ended) and the 5th January 2022.
- 3.6 The Committee is now asked to approve the final version of the strategy. This is necessary to avoid breaching the regulations. The strategy attached at Appendix 1 has not changed significantly from the draft strategy presented to this committee in November following the outcome of the consultation. Key changes in the strategy reflect the need for co-production of service offers with victims/survivors and a better and consistent training offer for front line officers and commissioners. Attached at Appendix 2 is an overview of the changes to the draft strategy.
- 3.7 There were 98 responses to the consultation received via the consultation portal. Of those that responded 61% lived or worked in Brighton or Hove. The largest single group of those that responded were survivors of domestic abuse, (37). Family members of survivors accounted for 24 responses. Responses from outside of Brighton and Hove account for 37% of all consultation responses. A further two responses were received from Rise Up and the Brighton Women's Liberation Group (BWLG).
- 3.8 Rise Up disagreed with the priorities and have stated three priorities which slightly deviate from the wording of the priorities in the strategy. These include more accommodation spaces for women and children according to the Council of Europe's minimum standards, all women in safe accommodation in Sussex should receive a minimum standard of care and support to include keywork and move on support and that Sussex local authorities will investigate specialist safe accommodation options for victims/survivors from marginalised groups. BWLG did not respond directly to the consultation but provided some useful feedback following a survey they undertook with victims/survivors setting out what domestic abuse services should look like.

- 3.9 52% of respondents either strongly agreed or agreed with the six priority areas identified with 27% either disagreeing or strongly disagreeing with the priority areas. Of the six priority areas, diverse and appropriate services was the first choice priority for the majority of respondents, especially around accommodation for women with children. Accessible and inclusive services also scored highly with respondents wanting a more diverse range of accommodation options especially for those from marginalized groups.
- 3.10 Comments received also highlighted the need for sustainable funding and the need for women only services. Attached at Appendix 3 are the consultation responses.
- 3.11 DLUHC allocated £606,000 to Brighton & Hove for 2021/22 to support those in safe accommodation. TECC has agreed to the spend most of this money. £8,038 remains available. There is also £241,000 of re-purposed funding to be spent which can be carried forward to the next financial year to allow for more time to consider the results of the consultation and to develop proposals based on the Strategy for the consideration of committee. A further report is anticipated in March.

ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The strategy must be published in line with the Domestic Abuse Support (Local Authority Strategies and Annual Reports) Regulations 2021.

COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1.1 The draft **Pan-Sussex Strategy for Domestic Abuse Accommodation and Support Strategy 2021-2024** has been consulted on and the results are contained within the body of the report and at Appendix 3. The needs assessment process engaged with a range of organisations. The needs assessment has identified gaps in service provision and where the money should be spent to ensure that BHCC meets its duties under the new Act. The project team engaged with people with lived experience as part of the work to complete the needs assessment.

CONCLUSION

- 6.1 This report is to provide information regarding the new requirement to publish a domestic abuse and accommodation and support strategy by 5th January 2022

FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The council has received £0.606m for 2021/22 to support those in safe accommodation. TECC Committee agreed a report at the last meeting in November, to allocate £0.598m of this funding which included £0.241m for the current refuge service thereby allowing this core budget to be re-purposed. The report proposes that this be carried forward to 2022/23. This carry forward is subject to P&R Committee approval in early 2022/23 as part of the council's Targeted Budget Management (TBM) Provisional Outturn report.

Finance Officer Consulted: Monica Brooks

Date: 21/12/21

Legal Implications:

The legal implications are set out in the body of the report.

Lawyer Consulted: Alice Rowland

Date: 14/12/21

Equalities Implications:

It is recognised that Domestic Abuse disproportionately affects women and women with children. The findings of the needs assessment has informed the findings of Pan-Sussex Strategy for Domestic Abuse Accommodation and Support 2021-2024 which highlights equalities considerations for the region including those with other protected characteristics. A full equalities impact assessment has been completed following the end of the consultation and prior to the publication of the final version of the strategy.

Sustainability Implications:

None



Pan-Sussex Strategy for Domestic Abuse Accommodation and Support 2021-2024

DRAFT



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Welcome to the first Pan-Sussex Strategy for Domestic Abuse Accommodation and Support. This Strategy has been created in partnership, to recognise the impact of domestic abuse and the need to provide safe accommodation and support for survivors and their children.

In the Domestic Abuse Act 2021, the government has committed to transforming the way we respond to domestic abuse. Under Part 4 of the new Act, Brighton & Hove City Council, East Sussex County Council and West Sussex County Council (known as Tier One authorities),¹ now have a legal duty to support victims of domestic abuse and their children living in refuges and other safe accommodation. Tier One authorities have been given funding for 2021-22 to enable them to meet this new requirement, along with an indication that further funding will follow.

Working with a range of key stakeholders, professionals, service providers and survivors, a Sussex-wide needs assessment was completed to assess the current provision and to help identify gaps and opportunities for improving the offer.

The purpose of this Strategy is to outline the findings of the needs assessment and provide an overview of the local authorities' commitments to improving access and increasing options for those in need of support. In Sussex, we will continue to assess and test established practice and look for opportunities to develop our understanding of ever-evolving needs, to be able to support our communities.

¹ [Understand how your council works - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/council-for-the-dominion-of-sussex)

Glossary of terms/acronyms

BME: Black and Minoritised Ethnic

CoE: Council of Europe

CYP: Children and Young Person

DAHA: Domestic Abuse Housing Alliance

DAPN: Domestic Abuse Protection Notices

DAPO: Domestic Abuse Protection Orders

DASH RIC: Domestic Abuse, Stalking and Harassment Risk Indicator Checklist

D & B: District and Borough

DLUHC: Department of Levelling Up, Housing and Communities

GRT: Gypsy, Roma and Traveller

HCLIC: Homelessness Case Level Information Collection

IDVA: Independent Domestic Violence Advisor

ISVA: Independent Sexual Violence Advisor

LGBTQ+: Lesbian, Gay, Bisexual, Transgender, Queer and + to include other gender identities and sexual orientations

MARAC: Multi-Agency Risk Assessment Conference

MCN: Multiple Complex Needs

NRPF: No Recourse to Public Funds

PRS: Private Rented Sector

RtS: Routes to Support

SEND: Special Educational Needs and Disabilities

SLCN: Speech, Language and Communication Needs

VAWG: Violence Against Women and Girls

WHA: Whole Housing Approach

Introduction

Local authority areas

Local authorities like Brighton and Hove City Council, East and West Sussex County Councils are responsible for a range of services for people and businesses in their defined areas and are governed by councillors who are elected by the public in local elections.² Providing provisions for those affected by Domestic Abuse is one of those legal obligations.

Sussex, a largely rural area with over 150km of coastline, has a combined population of over 1.6 million³. West Sussex accounts for approximately 50% of the total population of the county, East Sussex 30% and Brighton and Hove 20%.⁴



Brighton & Hove

- The population of Brighton was estimated to be 290,395 residents in 2017.
- Brighton & Hove is the 131st most deprived local authority in England (of 317).
- One in five people (19.5%) are from a Black or Minority Ethnic Group (14.5% South East, 20.2% England).
- Between 1,500 and 2,500 trans adults live in Brighton & Hove, with many more who visit to socialise, study and/or work.
- Our best estimate of lesbian, gay and bisexual residents is 11% to 15% of the population aged 16+.

East Sussex

- The population of East Sussex was estimated to be 558,852 by ONS mid-year estimates in 2020).
- East Sussex has a much older age profile compared to England and the South East.
- 91.7% of the county's population identified as White British, compared to the regional average of 85.2% and the national average of 80.5%

² [What is local government? | Local Government Association](#)

³ [\[ARCHIVED CONTENT\] Census 2011 result shows increase in population of the South East - ONS \(nationalarchives.gov.uk\)](#)

⁴ [Sussex-Peoples-Panel-Membership-Demographics-JAN-20-v2.pdf \(sussexhealthandcare.uk\)](#)

- In the 2011 Census, 52% of the county's population was estimated to be female and 48% male, similar to the national split
- Local projections suggest that by 2032 there will be over 130,000 people with a disability in East Sussex.

West Sussex

- The population of West Sussex was estimated to be 858,852 in 2018.
- There is a roughly equal split between men (48.6%) and women (51.4%).
- Of the West Sussex population: 20.3% are aged 0-17 years, 56.9% are aged 18-64 years, 22.7% are aged 65+.
- 50-70% of the population live in rural areas, with 31% located in Horsham and Chichester.
- 84.5% of the population is White British. 3.3% were born in the UK but had an ethnic minority background.

Strategy context

❖ Domestic abuse context

"Whoever you are, wherever you live and whatever the abuse you face, you will have access to the services you need to be safe."⁵

Whilst this Strategy has used the local needs assessment to assess how many people are affected by domestic abuse and the gaps in support in Sussex, it should be recognised that:

"Evidence shows that the majority of those accommodated in refuges will be from out of area - for many survivors fleeing domestic abuse, their immediate safety from harm will be dependent on access to a safe, secret space outside of the local authority where they are usually resident. Local refuges need to be linked into a national network of provision, as well as being repositories of local knowledge and expertise."⁶

In July 2021, the Domestic Abuse Commissioner started to map domestic abuse support services nationally. The information from this mapping, as well as the findings from each local authority area needs assessment like this one, will inform an understanding of service provision across England and will help government in its decision-making around future funding.

Participating in this national mapping exercise will enable Sussex to better understand and compare local needs with those victims/survivors fleeing and requiring support from outside of Sussex, so that ultimately there will be comprehensive provision of services across the whole of England and Wales.

⁵ [Domestic abuse: PM vows to end 'postcode lottery' for victims - BBC News](#)

⁶ Home Office. (2016). *Violence Against Women and Girls Services: Supporting Local Commissioning*. Available at: [VAWG commissioning toolkit \(publishing.service.gov.uk\)](#), p.16.

Wider preventative work, such as healthy relationships programmes in schools and early intervention work with families, is fundamental in reducing domestic abuse and Violence Against Women and Girls (VAWG). However, the scope of the Strategy is limited to accommodation and support within accommodation for victims/survivors of domestic abuse, in line with Part 4 of the Domestic Abuse Act 2021. The Strategy outlines the priorities and recommendations for domestic abuse accommodation and support. Action plans are under development locally to guide the implementation, delivery and monitoring of these priorities and recommendations. The *Pan-Sussex Domestic Abuse Accommodation and Support Strategy 2021-2024* must therefore be considered as one part of a wider and ongoing response to domestic abuse across the county.

This Strategy has been informed by and builds upon previous strategies, consultations, reports and ongoing VAWG work (please see *Appendix 1*) being developed by Tier One local authorities in Sussex, including:

- ❖ Pan-Sussex Strategic Framework for Domestic and Sexual Violence and Abuse.⁷
- ❖ The Safer West Sussex Partnership County Community Safety Agreement 2021-2025.⁸
- ❖ Brighton & Hove Community Safety and Crime Reduction Strategy 2020-23.⁹
- ❖ Brighton & Hove Homelessness and Rough Sleeping Strategy 2020-2025.¹⁰
- ❖ East Sussex Safer Communities Partnerships Plan 2020/23.¹¹
- ❖ Developing A Joint Domestic Violence and Abuse, Sexual Violence and Violence Against Women and Children Strategy for Brighton & Hove and East Sussex: A Consultation with Adult Victims/Survivors, Perpetrators and Professionals.¹²
- ❖ West and East Sussex District and Borough Councils Homelessness Strategies.

❖ Local housing context

In developing housing and accommodation options for victims/survivors of domestic abuse and the need to provide move on from safe accommodation, it is pertinent to note that the housing market, both private sector and social housing, is a very challenging environment across Sussex.

⁷ East Sussex Community Safety Partnership. (2020). *East Sussex Safer Communities Partnerships Plan 2020/23*. Available at: [East Sussex Safer Communities Business Plan 2020 .pdf \(safeineastsussex.org.uk\)](https://safeineastsussex.org.uk).

⁸ Safer West Sussex Partnership. (2021). *The Safer West Sussex Partnership: County Community Safety Agreement 2021-25*. Chichester: Community Safety & Wellbeing Team

⁹ Brighton & Hove Community Safety Partnership. (2020). *Community Safety and Crime Reduction Strategy 2020 – 2023*. Available at: [Brighton & Hove \(safeinthecity.info\)](https://safeinthecity.info).

¹⁰ Brighton & Hove City Council. (2020). *Homelessness and Rough Sleeping Strategy 2020-2025*. Available at: [Homelessness and Rough Sleeping Strategy 2020-2025 \(brighton-hove.gov.uk\)](https://brighton-hove.gov.uk)

¹¹ East Sussex Community Safety Partnership. (2020). *East Sussex Safer Communities Partnerships Plan 2020/23*. Available at: [East Sussex Safer Communities Business Plan 2020 .pdf \(safeineastsussex.org.uk\)](https://safeineastsussex.org.uk)

¹² Against Violence and Abuse. (2018). *Developing A Joint Domestic Violence and Abuse, Sexual Violence and Violence Against Women and Children Strategy for Brighton & Hove and East Sussex: A Consultation with Adult Victims/Survivors, Perpetrators and Professionals*. London: Against Violence and Abuse.

Private sector rents and property prices have been driven up considerably by the influx of working professional households from metropolitan areas following the COVID-19 pandemic and lockdowns, reflecting new home working arrangements and a desire for more space. This has priced out of the market large numbers of households reliant on the benefit system to meet part or all of their rental costs due to insecure, erratic employment.

In turn, the pressure on social housing has risen, with numbers on local housing authority Housing Registers increasing significantly as vacancies have fallen, meaning an increasingly lengthy wait to obtain a social housing property.

It will therefore take considerable innovation in the delivery of this Strategy to effectively increase the housing and accommodation options available to victims/survivors of domestic abuse, nevertheless exploratory work as part of the strategy Delivery Plans will be commenced to better understand how to improve the current offer.

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Understanding domestic abuse

The Government's definition of domestic violence is 'any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.'

In addition to the above, following the introduction of the Domestic Abuse Act 2021, children that witness, hear or experience domestic abuse are also now recognised as victims in their own right for the first time.¹³

Abuse can take many forms such as:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Economic abuse
- Psychological, emotional, or other abuse
- Digital abuse

"Anyone can be a victim of domestic abuse, regardless of gender, age, ethnicity, religion, socio-economic status, sexuality or background."¹⁴

In line with the statutory definition, this Strategy recognises that anyone can be a victim of domestic abuse and for this reason adopts the inclusive terminology of 'victims/survivors.' However, it must be recognised that domestic abuse is a predominantly gendered crime and should be understood in the wider context of Violence Against Women and Girls (VAWG). In the majority of cases, domestic abuse is experienced by women and perpetrated by men.¹⁵ Women are more likely to experience different types of abuse, multiple incidents and to be the victim of a domestic homicide.

42% of domestic violence victims/survivors have been victimised more than once. Victims/survivors experience an average of 20 incidents of domestic abuse in a year.¹⁶

Domestic abuse is rarely a one-off incident and it is the cumulative and interlinked types of abuse that have a particularly damaging effect on the victim.¹⁷

❖ National picture

Between March 2019 and March 2020, an estimated 2.3 million adults living in the United Kingdom experienced domestic abuse and one in five children were identified as living with domestic abuse.¹⁸

Domestic abuse is however, a largely hidden crime that is under-reported to the police. The Crime Survey for England and Wales (CSEW) for 2017/18 found that only 17% of those who had experienced abuse in the last 12 months reported the abuse to the police.

¹³ [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

¹⁴ [Domestic abuse: how to get help - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

¹⁵ [What is domestic abuse? - Womens Aid](#)

¹⁶ Walby, S. (2004). *The cost of domestic violence*. Women and Equality Unit: University of Leeds. Available at: [Layout 1 \(lancs.ac.uk\)](#)

¹⁷ [Domestic abuse | The Crown Prosecution Service \(cps.gov.uk\)](https://cps.gov.uk)

¹⁸ [About us - Domestic Abuse Commissioner](#)

¹⁹ Therefore, data held by the police can only provide a part of the picture of the actual levels of domestic abuse experienced.

Despite the under-reporting of domestic abuse incidents, the police in England and Wales receive over 100 calls every hour on average relating to domestic abuse.²⁰ Domestic abuse-related crime makes up 15% of all crime recorded by police in England and Wales and 35% of all recorded violence against the person crimes.²¹

On average, victims at high risk of serious harm or murder live with domestic abuse for 2-3 years before getting help.²²

85% of victims sought help from professionals an average of five times in the year before they got effective help to stop the abuse.²³

Every day almost 30 women attempt suicide as a result of experiencing domestic abuse and every week three women take their own lives.²⁴

This Strategy must also reflect on the impact Covid-19 had on domestic abuse and support services. During the pandemic, it was reported nationally that there was an increase in risk, an escalation of violence and an increase in demand for domestic abuse support services. The National Domestic Abuse Helpline reported that between April and June 2020 there was a 65% increase in contacts logged, compared with the first three months of the year.²⁵ Similarly charities reported a 200% increase in calls and people accessing webchat services since the first lockdown.²⁶ We will explore in a later section whether this increase was encountered in Sussex and how support provisions have evolved to meet the changing requirements.

¹⁹ [Domestic abuse prevalence and trends, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

²⁰ Her Majesty's Inspectorate of Constabulary (HMIC). (2015). *Increasingly everyone's business: A progress report on the police response to domestic abuse*. Available at: [increasingly-everyones-business-domestic-abuse-progress-report.pdf \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicr/assets/progress-report-on-the-police-response-to-domestic-abuse.pdf), p.28.

²¹ Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). (2021). *Review of Policing Domestic Abuse During the Pandemic*. Available at: [Review of policing domestic abuse during the pandemic: 2021 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/assets/review-of-policing-domestic-abuse-during-the-pandemic-2021.pdf).

²² [About domestic abuse | Safelives](#)

²³ [About domestic abuse | Safelives](#)

²⁴ Walby, 2004.

²⁵ [Domestic abuse in England and Wales overview - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk)

²⁶ [Extra £40m to help victims during pandemic and beyond - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

❖ Sussex picture

- An estimated 7% of women and 4% of men experienced at least one episode of domestic abuse in the last year (6% of population).²⁷ In Sussex this equates to 45,800 females and 21,800 males (67,600 adult victims in total).
- One in five children are identified as living with domestic abuse.²⁸ In Sussex, this equates to 60,000 0-15 year olds.
- 19% of estimated victims were known to Sussex Police in 2019.
- In 2020/21 Sussex Police recorded 20,800 domestic abuse crimes (18% of all recorded crime, 38% of all violence against the person). 13,700 victims were identified, 12,000 suspects and offenders.
- 28% of homicides in Sussex are flagged as domestic abuse.
- The rate of domestic abuse incidents and crimes per 1,000 population for Sussex (17) is lower than that for the South East (18) and England and Wales (23).²⁹
- Sussex has the third highest arrest rate per 100 domestic abuse offences (50) in the country.³⁰
- An estimated 5% of domestic abuse crimes in Sussex result in prosecution (4% conviction)
- In 2020/21 around 3,500 cases were heard at MARAC in Sussex.³¹
- Compared to 2019, in 2020 there was a 58% increase in ongoing support and a 24% increase in referrals to domestic abuse services funded by the Sussex Police and Crime Commissioner, highlighting the potential impact of Covid-19 in Sussex.

Table 1: Number of victims per year based on ONS estimates and population

	Female 16-74	Male 16-74	Children 0-15
Adur	1,688	782	2,377
Arun	4,227	1,939	5,213
Brighton & Hove	8,203	4,188	8,950
Chichester	3,195	1,471	4,023
Crawley	2,934	1,454	4,995
Eastbourne	2,683	1,279	3,553
Hastings	2,486	1,182	3,437
Horsham	3,860	1,810	5,271
Lewes	2,722	1,279	3,515
Mid Sussex	3,994	1,890	5,980
Rother	2,512	1,171	2,900
Wealden	4,336	1,990	5,528
Worthing	2,943	1,380	3,916

²⁷ [Domestic abuse victim characteristics, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/peopleandpopulation/demographicsanddiversity/articles/domesticabusevictimcharacteristicsenglandandwales/2019)

²⁸ [Child abuse extent and nature, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/peopleandpopulation/demographicsanddiversity/articles/childabuseextentandnatureenglandandwales/2019)

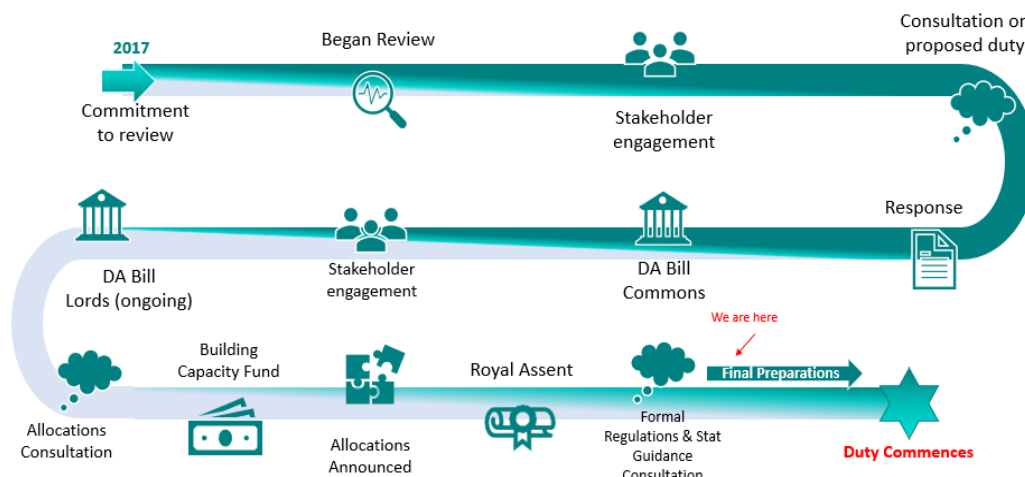
²⁹ [Domestic abuse victim characteristics, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/peopleandpopulation/demographicsanddiversity/articles/domesticabusevictimcharacteristicsenglandandwales/2019)

³⁰ [Domestic abuse and the criminal justice system – Appendix tables - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/peopleandpopulation/demographicsanddiversity/articles/domesticabuseandthecriminaljusticesystem-appendix-tables/2019)

³¹ Multi-Agency Risk Assessment Conference: a regular safety planning meeting for high-risk victims/survivors of domestic abuse, including police, independent domestic violence advisers, adult and children's social services, health and other relevant agencies.

Domestic Abuse Act 2021

The Domestic Abuse Bill was first introduced in the House of Commons in the 2017-19 parliamentary session. Following the 2019 General Election, the Government re-introduced the Bill on 3 March 2020 and it completed its parliamentary stages on 27 April 2021 and received Royal Assent, becoming law, on 29 April 2021.³²



*"This landmark piece of legislation steps up the response to domestic abuse at every level – giving victims more support than ever before while ensuring perpetrators feel the full force of the law."*³³

The Domestic Abuse Act has been designed to provide further protections to those who experience domestic abuse and strengthen measures to tackle perpetrators. Please see *Appendix 2* for a more detailed list of the measures introduced by the Domestic Abuse Act.

The following definitions of safe accommodation and support are included in the Act:³⁴

Refuge: "a refuge offers single gender or single sex accommodation and domestic abuse support which is tied to that accommodation. The address will not be publicly available. Victims, including their children, will have access to a planned programme of therapeutic and practical support from staff. Accommodation may be in shared or self-contained housing, but in both cases the service will enable peer support from other refuge residents."

Specialist safe accommodation: "specialist safe accommodation offering single gender or single sex accommodation, alongside dedicated domestic abuse support which is tailored to also support those who share particular protected characteristic(s) and/or who share one or more vulnerabilities requiring additional support. Accommodation may be in shared or self-contained housing, and the address will not be publicly available."

³² [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

³³ Lord Chancellor Robert Buckland, [Landmark Domestic Abuse Bill receives Royal Assent - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/landmark-domestic-abuse-bill-receives-royal-assent)

³⁴ [Delivery of support to victims of domestic abuse in domestic abuse safe accommodation services - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/delivery-of-support-to-victims-of-domestic-abuse-in-domestic-abuse-safe-accommodation-services)

Dispersed accommodation: “safe (secure and dedicated to supporting victims of domestic abuse), self-contained accommodation with the same level of specialist domestic abuse support as provided within a refuge but which may be more suitable for victims who are unable to stay in a refuge with communal spaces or for victims who may not require the intensive support offered through refuge but are still at risk of abuse from their perpetrator.”

Sanctuary Scheme: “a survivor-centred initiative which aims to make it possible for victims of domestic abuse to remain in their own homes, where it is safe for them to do so, where it is their choice, and where the perpetrator does not live in the accommodation.”

Support: “the expert help provided to victims by the specialist staff in domestic abuse safe accommodation support services ... some support is directly provided by staff on site (e.g. within refuges), whereas other support will be provided to victims through a support worker visiting them, including in their own homes in the case of a sanctuary scheme. However, in all cases, support is provided to victims who reside in relevant safe accommodation.”

Local authority duties

The primary duties that relate to this Strategy are highlighted below:³⁵

PART 4 Local authority support

Section 57 Support provided by local authorities to victims of domestic abuse

(1) Each relevant local authority in England must -

(a) assess, or make arrangements for the assessment of, the need for accommodation-based support in its area

✓ **(a)** Using a proportion of the capacity funding provided by the government, Brighton & Hove, East and West Sussex County Councils commissioned a project team to complete a Sussex-wide needs assessment of accommodation-based support.

(b) prepare and publish a strategy for the provision of such support in its area

✓ **(b)** In consultation with the Pan-Sussex Domestic Abuse Partnership Board and over 70 key stakeholders, a project team prepared this Strategy to provide an overview of the needs assessment findings and make recommendations for commissioning new and additional services to improve access to support in safe accommodation for anyone experiencing domestic abuse.

(c) monitor and evaluate the effectiveness of the strategy

✓ **(c)** At a minimum, Brighton & Hove City Council, East and West Sussex County Councils will report on the progress of implementation on an annual basis and a needs assessments refresher will be conducted every three years.

³⁵ [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2021/12/section/57)

Section 58 Domestic Abuse Local Partnership Boards

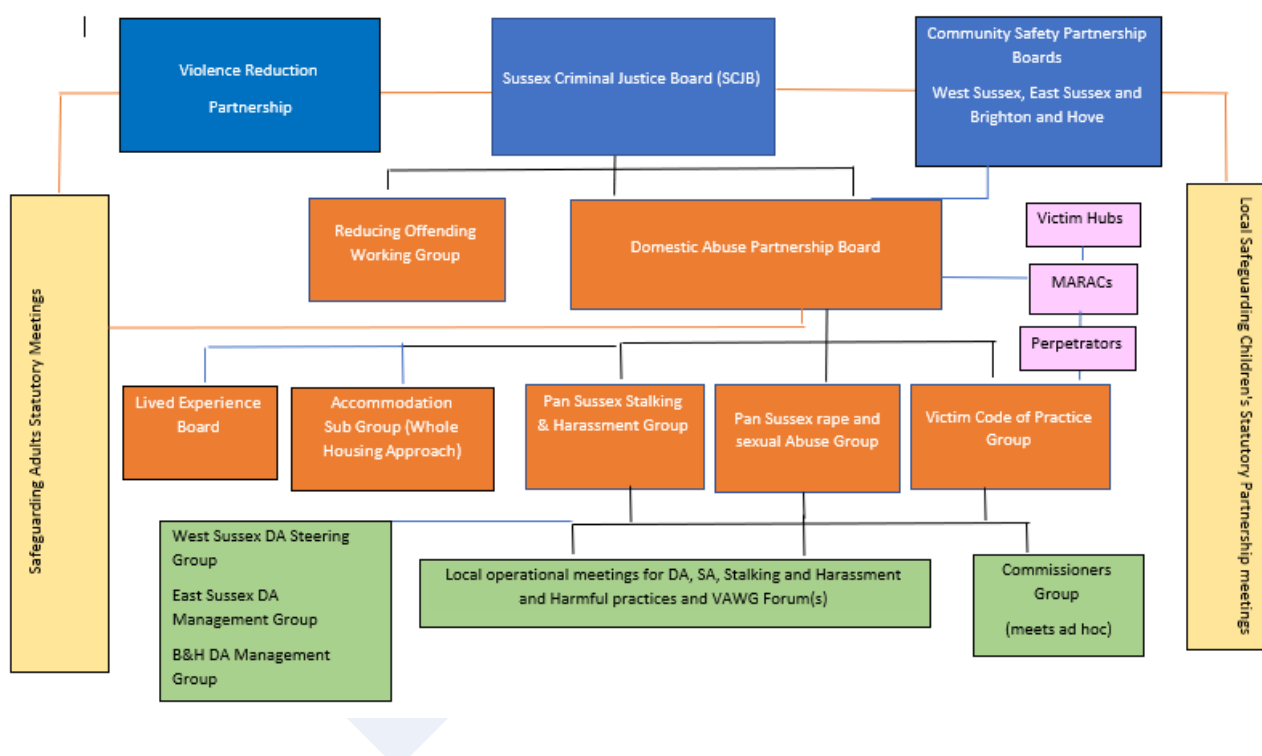
(1) A relevant local authority in England must appoint a domestic abuse local partnership board for the purposes of providing advice to the authority about—

(a) the exercise of the authority's functions under section 57, and

(b) the provision of other local authority support in the authority's area.

✓ In Sussex, the three Tier One local authorities agreed to establish a Pan-Sussex Domestic Abuse Local Partnership Board with an independent Chair, which is currently meeting on a monthly basis and in future, will meet on a quarterly basis. Please see *Appendix 3* for details of the objectives, role and membership of Local Partnership Boards.

Diagram of how the Partnership Board currently fits into the existing governance frameworks in Sussex



59 Annual reports

(1) As soon as reasonably practicable after the end of each financial year, a relevant local authority in England must submit to the Secretary of State an annual report in relation to the exercise of the authority's functions under this Part during the year.

✓ The intention of the annual report is for authorities to provide assurance to central Government that they have been monitoring and evaluating their compliance with the new duty and that they are addressing the needs of victims and survivors identified in the needs assessment. This will be managed by the Domestic Abuse Partnership Board.

It is also worth acknowledging in this Strategy, the amendments introduced under Part 7 of the Act, to recognise the impact that this will have on victims/survivors being able to access the support they require.

PART 7 Homelessness

Section 78 homelessness: victims of domestic abuse

This Section amends s.189(1)(e) Housing Act 1996 so that a person has a priority need if they are homeless as a result of being a victim of domestic abuse. This means victims/survivors are automatically in priority need and do not need to be considered vulnerable in order to meet accessibility criteria.

Funding

To assist with the implementation of the new Local Authority duties, the Government has provided the following funding:

1. Domestic Abuse Capacity Fund

In October 2020, a £6 million Domestic Abuse Capacity Building Fund was announced as part of a series of steps the government took to ensure local authorities could prepare for the duty proposed under the Domestic Abuse Bill. The funding was to help local authorities undertake early planning and preparation work ahead of implementation of the new duty.

The fund was allocated equally across Tier One local authorities in England. This meant that East Sussex, West Sussex and Brighton & Hove Councils all received £50,000 each.³⁶ A proportion of this money was utilised by employing an independent project team to complete the needs assessment and draft this implementation Strategy on behalf of Sussex.

2. New Burdens Funding

In February 2021, it was announced that following the outcome of the Spending Review, £125 million 'new burdens funding' would be allocated to local authorities to cover the costs of meeting the new duty for the provision of support within domestic abuse safe accommodation services for 2021-22.³⁷ The additional funding is intended to help ensure that victims and their children are able to access lifesaving support in safe accommodation.³⁸ Local authorities must not divert funding from existing community based-services in order to meet their duty to provide support in safe accommodation.

Under Part 4 of the new duty there is also an obligation on Tier Two, district and borough councils to cooperate with the Tier One authorities "so far as is reasonably practicable"³⁹ and so funding has been provided to support their ability to contribute to this process.

³⁶ [Domestic abuse capacity building fund for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/domestic-abuse-capacity-building-fund-for-local-authorities)

³⁷ [Funding allocation methods: new domestic abuse duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/funding-allocation-methods-new-domestic-abuse-duty)

³⁸ [£125 million allocated to councils to support domestic abuse victims and their children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/125-million-allocated-to-councils-to-support-domestic-abuse-victims-and-their-children)

³⁹ [Draft statutory guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/90444/draft-statutory-guidance.pdf)

Although the below table reflects the funding allocations Sussex authorities have been given for 2020-21, the government has committed to longer term funding beyond this period and the amount subject to the Government's Spending Review.

Table 2: Sussex new burdens funding breakdown

	Local Authority	Domestic Abuse Duty 2021/22 allocation
Tier One	Brighton & Hove	£606,288
	East Sussex	£1,069,272
	West Sussex	£1,498,174
Tier Two	Adur	£32,529
	Arun	£32,105
	Chichester	£34,060
	Crawley	£35,672
	Eastbourne	£32,736
	Hastings	£31,843
	Horsham	£34,005
	Lewes	£32,839
	Mid Sussex	£33,632
	Rother	£32,450
	Wealden	£32,355
	Worthing	£32,749

Due to the number of gaps identified through the 2021 Sussex needs assessments, the breadth of recommendations made in this strategy is an acknowledgement of the longer-term funding commitment. The implementation and delivery of the recommendations will be explored through localised action plans which will support the duration of the 2021-24 Strategy and be funded by future Spending Reviews.

Needs assessment process

This Strategy was written by a commissioning project team at the Office of The Sussex Police and Crime Commissioner (OSPPCC) working on behalf of the Tier One local authorities in Sussex: Brighton & Hove City Council, East Sussex County Council and West Sussex County Council. The project team consisted of a Project Manager and two Programme Support Officers.

❖ Focus and approach

A needs assessment was completed individually for each Tier One local authority area in Sussex to assess the needs of domestic abuse victims/survivors and demand for services. The needs assessment used the template provided by the Department for Levelling Up, Housing and Communities (DLUHC), collecting and evaluating data from a wide range of sources. To effectively understand the current provision, needs and demands, a mixed method approach was used, including both available data and interviews with practitioners working in front-line services and with people with lived experience of domestic abuse.

❖ Data timeframes and sources

Data was collected from a range of teams, partners and providers to inform the needs assessments. Please see *Appendix 4* for a list of the data sources used and stakeholders engaged with.

To gain a comprehensive understanding of need and reduce the influence of Covid-19 on true data, where possible the last three financial years (2018/19, 2019/20 and 2020/21) were assessed. However, due to resource issues or the way the data is recorded, it was not always possible to secure this information.

Multi-agency analysis was a challenge when comparing information from numerous services, all operating different case management systems and having varying reporting requirements. Referral and outcome information was also often contained within individual case files and not easy to get through the case management systems. In some cases, particularly when local authorities and partners had limited capacity in the government's timeframes, the data submitted was the result of dip sampling rather than a complete overview.

To address the numerical gaps and inconsistencies of submissions, wide stakeholder feedback was gathered. The information in this Strategy should therefore be viewed as only part of the picture with some areas still unknown in year one of the assessment process.

The needs assessment process highlighted that greater consistency in gathering and recording data is essential to better inform future needs assessments, ultimately providing a stronger evidence base for the commissioning of accommodation and support provision across Sussex.

Strategic priorities

The findings of the needs assessment shaped six strategic priorities to ensure that Sussex will improve provisions for victims/survivors of domestic abuse.

1.Consistent and Collaborative

2.Promoting partnership working and co-production with survivors to ensure consistent support across Sussex

1.Diverse and Appropriate

2.Providing a wide range of appropriate safe accommodation and support options

1.Accessible and Inclusive

2.Ensuring services are accessible to all victims/survivors and meet the specific needs of those with the full range of protected characteristics

1.Responsive to Multiple Disadvantages

2.Establishing specialist provision to support victim/survivors with specific needs, including multiple complex needs

1.Person-centred

2.Empowering victims/survivors to remain in their own homes through choices where safe to do so

1.Trauma-informed

2.Embedding trauma-informed practice in services and processes through training and specialist knowledge

Summary of recommendations

The recommendations made throughout the Strategy have been summarised below. The delivery of these recommendations will be subject to the ongoing availability of New Burdens Funding.

Consistent and Collaborative:

1. Inconsistencies and gaps in service provision across Sussex should be addressed to reflect local demand and needs and in line with national policies and initiatives.
2. The consistency and quality of data collection must be improved across all services by establishing clear reporting requirements, unique client identifiers and pragmatic data sharing agreements.
3. Housing Teams must be regularly represented at MARAC, alongside other relevant organisations.
4. Sussex local authorities should promote collaboration in the development of procedures and service models, including move-on pathways and co-located IDVAs. Wherever practical, Sussex authorities should jointly commission domestic abuse safe accommodation and support, to ensure consistency and value for money.
5. Victims/survivors must be able to actively participate in the design and commissioning of domestic abuse safe accommodation and support services, for example through the Lived Experience Board.

Diverse and Appropriate:

6. Sussex local authorities should provide more domestic abuse accommodation spaces for women and their children, according to the Council of Europe's minimum standards.
7. A broader menu of domestic abuse safe accommodation options, in line with a Whole Housing Approach, should be developed in Sussex. Consideration should be given to reflecting rural and urban community needs in any service design and that all accommodation options are appropriate and quality assured.

Accessible and Inclusive:

8. Sussex local authorities should ensure that every form of domestic abuse safe accommodation that accepts children is suitable for their needs, offering dedicated, personalised and holistic support for children and young people, including those with disabilities and protected characteristics.
9. Specialist safe accommodation and support for victims/survivors aged 16-25 should be established and be culturally appropriate for anyone fleeing forced marriage and so-called honour-based violence, including couples accommodation where needed.
10. Offers of support should be tailored more directly to older people across Sussex, including more generic language, broader promotion of support, linking in with other support services and targeted training for front-line professionals who routinely come into contact with older people.
11. All victims/survivors and their children in safe accommodation in Sussex should receive a minimum standard of care and support, to include legal aid, move-on assistance and longer-term IDVA and psychological support.
12. Sussex local authorities will explore options for the provision of specialist, dispersed and self-contained units of safe accommodation that can accommodate male victims/survivors of domestic abuse.
13. Sussex local authorities should increase specialist floating support and dispersed and self-contained units of safe accommodation that can accommodate LGBTQ+ victims/survivors and invest in LGBTQ+ awareness training for frontline practitioners.

14. Support and accessibility for disabled victims/survivors in safe accommodation should be improved, by introducing multi-agency in-reach teams where needed, developing new facilities or adapting existing facilities, with measures such as installing ramps, increasing ground-floor and step-free units and installing visual fire alarms to assist deaf people.
15. Housing application processes should be accessible for those with disabilities, including those with special educational needs or speech, language and communication needs, and include optional in-person appointments and interpretation for a range of languages, including British Sign Language.
16. Sussex local authorities will investigate specialist safe accommodation options for victims/survivors from marginalised ethnic groups, including Black and minoritised ethnic groups, Gypsy, Roma and Traveller communities and those with No Recourse to Public Funds.
17. Cultural and immigration rights awareness training should be increased for frontline staff and commissioners to better understand the needs of marginalised groups. Training packages must acknowledge the intersection of race, class and gender, amongst other protected characteristics.

Responsive to Multiple Disadvantages:

18. Sussex local authorities, specialist domestic abuse accommodation providers and support services should holistically support victims/survivors with multiple complex needs and ensure accessibility of services by providing both remote and in-person assessments and support.
19. Accommodation and support options appropriate for the needs of domestic abuse victims/survivors with multiple complex needs will be explored, including short-term respite facilities, specialist housing, move-on pathways and long-term floating support.

Person-centred:

20. Victims/survivors should be able to remain in their home if they choose to, and it is safe to do so, by ensuring Sanctuary Schemes are available in all local authority areas as part of a wider support and safety package.
21. Sussex local authorities will explore options for the re-housing of perpetrators and enforcement of loss of tenancies, alongside promoting domestic abuse perpetrator behavioural programmes.
22. Awareness and availability of Whole Family interventions should be increased in Sussex.

Trauma-informed:

23. Ensure that consistent domestic abuse and trauma-informed practice training packages are developed for frontline practitioners within housing authorities, housing associations and registered social landlords, with an aim to deliver the offer more widely.
24. Each local authority area will explore the potential of a single point of contact approach or introduction of a directory for victims/survivors accessing different services.
25. Sussex local authorities will consider co-locating housing specialists within domestic abuse safe accommodation and support services, where required.

Consistent and Collaborative

Promoting partnership working and co-production with survivors to ensure consistent support across Sussex

The need for improved consistency in service offers, approaches and data collection across the county, as well as the benefits of multi-agency collaboration, were common themes discussed by stakeholders. Creating a more consistent offer of services across England and Wales is also a key priority of the Domestic Abuse Commissioner, Nicole Jacobs:

*"The (DA) Act sets out my legal powers which I will use to support all victims across England and Wales by first tackling the 'postcode lottery' of services."*⁴⁰

The key inconsistencies and gaps identified throughout Sussex are summarised in the table below and will be discussed in more detail throughout the Strategy.

Table 3: Inconsistencies and Gaps in Sussex

Service Provision	Inconsistency/Gap	Local Authority Area
Refuge	Refuge considering referrals from survivors with multiple complex needs	West Sussex
	Refuge with disability support, including wheelchair access and equipment for deaf survivors	Pan-Sussex
	Refuge considering referrals from survivors with No Recourse to Public Funds	West Sussex
	Refuge considering referrals from transgender survivors	West Sussex
	Refuge accommodating larger families	Pan-Sussex
Specialist accommodation	LGBTQ+ specialist accommodation	East and West Sussex
	Male domestic abuse specialist accommodation	Pan-Sussex
	Specialist accommodation for survivors with multiple complex needs	Pan-Sussex
	Specialist accommodation for survivors from minoritised ethnic groups	Pan-Sussex
Other accommodation options	Dispersed/Self-contained accommodation	Pan-Sussex
	Sanctuary Scheme	Brighton & Hove
	Short-term respite accommodation	West Sussex and Brighton & Hove
	Appropriate move-on accommodation	Pan-Sussex
	Perpetrator accommodation	Pan-Sussex
Support	Floating support	Pan-Sussex
	Children and young person specialist worker	East Sussex
	Whole family intervention	East Sussex and Brighton & Hove
	Availability of in-person assessments for housing and support services	Pan-Sussex
	Availability of interpreters and British Sign Language easily available for housing and support services	Pan-Sussex
Training	Trauma-informed approach training	Pan-Sussex
	Awareness training on marginalised groups, including No Recourse to Public Funds	Pan-Sussex

⁴⁰ [Landmark Domestic Abuse Bill receives Royal Assent - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/landmark-domestic-abuse-bill-receives-royal-assent)

- **Inconsistencies and gaps in service provision across Sussex should be addressed to reflect local demand and needs and in line with national policies and initiatives.**

The needs assessment highlighted inconsistency in case management systems and data collection. At least six different case management systems are currently used by district and borough councils in Sussex. This made it challenging to easily compare and fully understand service provision and demand in Sussex. Data on referrals was often contained in individual case files which needed a manual check. There was also a lack of available data relating to domestic abuse from health partners.

To improve future needs assessments and provide a stronger evidence base, more standardisation in data collection is required. Establishing clear reporting requirements, including the collection of data on protected characteristics such as LGBTQ+ and disability status, introducing unique client identifiers and developing information sharing agreements would assist in both improving consistency and monitoring victims/survivors as they move between services.

- **The consistency and quality of data collection must be improved across all services by establishing clear reporting requirements which include protected characteristics, unique client identifiers and pragmatic data sharing agreements.**

Stakeholder engagement reinforced the benefits of collaboration and partnership working in improving consistency and ensuring a holistic approach to supporting victims/survivors of domestic abuse. In Sussex, arrangements for the provision of domestic abuse and sexual violence services are currently managed in partnership by Brighton & Hove and East Sussex local authorities but co-commissioned with the Police & Crime Commissioner and Clinical Commissioning Group (CCG). West Sussex County Council commissions refuge services but does not commission a community service, as this is provided 'in house'. The Police and Crime Commissioner (PCC) commissions many services on a pan-Sussex as well as individual basis, including stalking and sexual violence service contracts. The joint delivery of this Strategy by the OSPCC, the Tier One and Tier Two authorities in East and West Sussex reflects the importance of partnership working for the benefit of victims/survivors across Sussex.

Partnership working and collaboration is seen operationally through the Multi-Agency Risk Assessment Conference (MARAC) held regularly by each Tier One local authority in Sussex.

*"The MARAC leads multi-agency safety planning for high-risk victims of domestic abuse. It brings together the police, independent domestic abuse advisers, children's social services, health, social landlords and other relevant agencies. They share information and write a safety plan for each victim and family, which may include actions by any agency present. The housing authority should be consistently represented at the MARAC and encourage relevant social landlords to also be represented."*⁴¹

Feedback indicated that in East Sussex, housing authority representatives do not regularly attend MARAC, although they do attend when cases known to them are discussed. In Brighton & Hove and West Sussex, housing representatives attend each MARAC for the whole duration of the meeting. To be consistent and ensure that expert housing advice is available when it is needed, housing officers should attend each MARAC.

⁴¹ [Chapter 21: Domestic abuse - Homelessness code of guidance for local authorities - Guidance - GOV.UK \(www.gov.uk\)](#)

► **Housing Teams must be regularly represented at MARAC, alongside other relevant organisations.**

Collaboration is also fundamental in the development of procedures and service models to ensure they are efficient, consistent and led by expertise. Specialist domestic abuse services told us that the quality of response to domestic abuse is highly varied between housing teams across Sussex, with some areas creating artificial barriers for victims/survivors in accessing support. This finding highlights the need for collaboratively agreed and actioned processes or approaches, which will be supported by the creation of the Domestic Abuse Partnership Board.

One example of collaboration in Sussex is the development of a consistent and trauma-informed move-on procedure between East Sussex housing authorities and Refuge, which ensures the best outcomes for victims/survivors leaving Refuge. Sussex is also in the process of co-locating Independent Domestic Violence Advisors (IDVAs) at housing authorities to promote more collaboration. IDVAs and housing officers may still disagree about whether a victim/survivor should remain in area or move away, but overall, this measure would ensure dedicated domestic abuse knowledge is available during the housing application process.

In a bid to promote a more holistic approach, under Part 4 of the Domestic Abuse Act, local authorities must also have regard to other related areas of work, such as community safety, safeguarding, housing and homelessness and Violence Against Women and Girls (VAWG), to name a few.

In Sussex, there have been several recent joint funding applications to promote the safety of and reduction in violence towards women and girls including the government's Changing Futures programme and Safer Streets Fund round 3. Please see *Appendix 1* for more information about these bids.

► **Sussex local authorities should promote collaboration in the development of procedures and service models, including move-on pathways and co-located IDVAs. Wherever practical, Sussex authorities should look for opportunities to jointly commission or align the commissioning of domestic abuse safe accommodation and support, to ensure consistency and value for money.**

Partnership working and collaboration must include the voices of victims/survivors themselves, ensuring that their feedback and experiences are incorporated at all stages of service design, delivery, implementation and monitoring. As a first step, Sussex local authorities have recently recruited a Community Development Officer who will be responsible for developing a joint Lived Experience Board to meaningfully engage with, and advise, the Pan-Sussex Domestic Abuse Partnership Board. This Lived Experience Board must incorporate the experiences of victims/survivors from a range of backgrounds and with varied protected characteristics.

► **Victims/survivors must be able to actively participate in the design and commissioning of domestic abuse safe accommodation and support services, for example through the Lived Experience Board.**

Diverse and Appropriate

Providing a wide range of appropriate safe accommodation and support options

This strategic priority is informed by the demand on and current provision of safe accommodation in Sussex. These factors highlighted the need for a more diverse and appropriate range of safe accommodation and support options, a common finding throughout the needs assessment and stakeholder engagement.

❖ Demand in Sussex

Homelessness Case Level Information Collection (H-CLIC) collects homelessness data and indicates the level of demand on local housing authorities. The following table, largely based on H-CLIC submissions, shows the number of households owed either a prevention or relief duty where the reason for the loss of their last settled home was domestic abuse.⁴² Where data is missing, figures for the whole year could not be obtained from the relevant council in the timeframes and so totals are likely to be higher than stated here. As identified under the consistent and collaborative priority, data reporting must be improved to capture an accurate picture of demand on housing authorities for future refreshes of the needs assessment.

Table 4: Homelessness data for 2019-20 and 2020-21

Local Authority	District/Borough	2019-20	2020-21
East Sussex	Eastbourne	53	-
	Hastings	104	120
	Lewes	24	-
	Rother	54	-
	Wealden	57	59
West Sussex	Adur	10	26
	Arun	33	49
	Chichester	17	-
	Crawley	49	83
	Horsham	26	12
	Mid Sussex	50	47
	Worthing	46	49
Brighton & Hove	Brighton & Hove	11	53
Total	Sussex	534	498

Another component of analysing service demand is looking at out of area referral numbers. Victims/survivors moving between areas is a common response to abuse. For example, over a 12-month period, 72% of refuge referrals where a postcode was provided were from out of area in East Sussex and 85% in West Sussex. This figure was 64% in Brighton & Hove for a three month period. Service providers and housing authorities also provided anecdotal evidence about people from other areas outside Sussex, approaching them for help with housing due to domestic abuse. With national and local evidence highlighting this common trend, Sussex must consider the demand of out of area referrals when commissioning future services.

⁴² A prevention duty refers to individuals who are at risk of homelessness and a relief duty refers to those who are already homeless. If an individual is found to be owed either duty, that person is eligible for housing support from the local authority. Source: [Prevention and relief duties | Westminster City Council](#)

❖ Provision in Sussex

According to national refuge referral mechanism for women, Routes to Support (RtS), as of 1 September 2021, there were eight providers offering domestic abuse services in Sussex.⁴³ This figure refers to the biggest commissioned and non-commissioned services. There are many smaller organisations also working across Sussex - please see *Appendix 5* for a full service list.

Single sex, women's refuge is the principal safe accommodation option in Sussex, other than four specialist LGBTQ+ dispersed safe accommodation units in Brighton & Hove. The remit of refuge accommodation is to provide a safe place for a victim/survivor to receive emotional and practical support and to start their recovery. Interviews with survivors at a Sussex refuge suggested that staff can have a positive impact on a victim/survivor's recovery and that peer support is also a valuable component of having shared facilities.



Case study

A refuge referral was received from London for a woman with two young children. Due to coercive control and emotional abuse from her husband, the woman had very low confidence in caring for her children.

Refuge staff worked to support the client in establishing routines and preparing meals. The children received dedicated support from the refuge's children's workers. Refuge staff supported the client with linking her up with other support services and to find school and nursery places for the children. The client attended the Freedom Programme.

The client and her children received specialist support and began to recover from abuse. The client grew in confidence in herself and in her abilities as a mother.

There are 90 refuge spaces in Sussex; 72 of these spaces (80.9%) are commissioned, 10 spaces (11.2%) are not commissioned, and data is unknown for seven spaces.⁴⁴ In West Sussex, all properties have shared facilities. One East Sussex refuge has a self-contained unit, the remaining four only have shared facilities. The Brighton & Hove and East Sussex refuges can accept teenage sons up to the age of 18, when safe to do so. West Sussex refuges do not accept male children over the age of 12. The largest proportion of referrals to Sussex refuges were self-referrals: 60% in Brighton & Hove, 40% in East Sussex and 34% in West Sussex.

The Council of Europe (CoE) recommends that there is at least one specialist violence against women shelter in every region and one family place (victim/survivor and their children) per 10,000 of the local population.⁴⁵ The CoE advises that these spaces may be dispersed and must be able to support those with additional needs. For Sussex as a whole, an estimated 171 spaces for women and their children are needed to safely fulfil this standard. The breakdown of current and target totals of refuge spaces are provided in the following table.

⁴³ Women's Aid. (2021a). *Sussex: Profile of Domestic Abuse Provision*. Bristol: Women's Aid, p.4.

⁴⁴ Women's Aid, 2021a, pg.16.

⁴⁵ Council of Europe. (2008). *Combating Violence Against Women: Minimum Standards for Support Services*. Available at: [cover en.cdr \(coe.int\)](https://www.coe.int/en/cdr/coe.int). Strasbourg: Council of Europe, p.18.

Table 5: Breakdown of current and target totals of refuge spaces across Sussex

Local authority area	Current total	CoE target based on local population
East Sussex	47	56
West Sussex	24	86
Brighton & Hove	19	29
Total	90	171

► **Sussex local authorities should provide more domestic abuse accommodation spaces for women and their children, according to the Council of Europe's minimum standards.**

A key finding of the needs assessment and engagement was the need for a more diverse and appropriate range of safe accommodation and support options. Stakeholders emphasised that traditional refuge is not always suitable for a wide variety of victims/survivors, including older people, those with care, support needs or pets, and people with Multiple Complex Needs (MCN) as will be discussed in a following section.

Traditional refuge can be considered unsuitable for a variety of reasons:

- ❖ Shared facilities were frequently named as a reason that victims/survivors do not access or maintain their stay in refuge. For individuals with certain mental health conditions, such as Obsessive-Compulsive Disorder; cultural differences from other residents, for instance, Gypsy, Roma and Traveller (GRT) victims/survivors; transgender women, or those with teenage sons, shared facilities can be a major barrier to accessing or settling into refuge.
- ❖ The strict house rules, while important for safety reasons, can often be difficult for individuals to adjust to and victim/survivors told us the rules can often feel unfair. One specialist stakeholder shared an example in which the refuge required children to be supervised at all times and when the resident left her children briefly to use the bathroom, she was told off by refuge staff. These sorts of rules can act as barriers to victims/survivors maintaining their stay in refuge.
- ❖ Victim/survivors told us the rules can be challenging for those who may have just left the controlling environment of domestic abuse. This setting can also hinder independent living.
- ❖ An eviction or early departure from one refuge can mean that victim/survivor is then barred from other local refuges, reducing victims/survivors' choices even more. However, such a departure is often due to a lack of specialist support within the refuge, such as substance misuse or culturally specific support, rather than that individual being a risk to other residents.⁴⁶
- ❖ Refuge is often unaffordable for working victims/survivors, who do not have access to Housing Benefit to contribute to the costs of supported living.
- ❖ Provisions for larger families are limited. The largest number of refuge rooms have two beds (29 rooms, 32.6%). Only eight rooms in Sussex refuges have four beds and no rooms in Sussex have five or more beds.⁴⁷

⁴⁶ Women's Aid. (2021a), p.26.

⁴⁷ Women's Aid, (2021a), p.24.



Case study

The client self-referred via a domestic abuse helpline. An outreach worker visited the woman in West Sussex. She is a Gypsy woman with seven children. The client disclosed that she had previously experienced domestic abuse from a former partner and had recently experienced physical abuse from her current partner. She was scared and wanted to leave the privately rented property they shared.

The outreach worker spent a day contacting refuges across the country for the client and her children. No refuge across the United Kingdom could accommodate the client's seven children. The outreach worker continued to contact the client and to look for alternative forms of safe accommodation.

After a week, the client disengaged and contact with the service ended. The client left the private rented property. It was suspected that she was travelling with her partner and the children elsewhere in the country.

Another frequent finding was the lack of choice that victims/survivors are presented with when they access domestic abuse support. Survivor engagement found that either victims/survivors frequently did not know what their options were, or that refuge was their only option. Sussex refuge residents provided feedback that if their choices had been explained more clearly, they might have made different decisions. One woman shared that if she had known how long schools' waiting lists were, she would not have moved to Sussex. Feedback suggested that providing photos of available rooms would also make the process more honest and accountable.

"It is sink or swim - if you don't take what is offered to you, you don't get any help" - one resident interviewed at a Sussex refuge

If refuge is not suitable or available, or there are limited other accommodation options, victims/survivors in Sussex are often placed in temporary or emergency accommodation, including Bed and Breakfasts. These sorts of placements are often mixed-gender, with no specialist support offer in place, and so are not considered appropriate domestic abuse accommodation. Although it is acknowledged that housing teams sometimes have no other option, their use for domestic abuse victims/survivors should be reduced.

Sussex should provide a more diverse and appropriate range of choices by expanding the current offer of safe accommodation. With more options, individuals will feel more empowered as they are able to select the offer that best suits their and their family's needs.

Rather than considering different housing options in isolation, Sussex must adopt a Whole Housing Approach (WHA) when commissioning more diverse and appropriate options. A WHA is a "framework for addressing the housing and safety needs of victim/survivors"⁴⁸ and considers all the main housing tenure types and the pathways to maintaining or accessing safe accommodation.

⁴⁸ [What is the Whole Housing Approach? - daha - Domestic Abuse Housing Alliance \(dahalliance.org.uk\)](http://dahalliance.org.uk)

The expanded range of offers should include:

- ❖ **Dispersed, self-contained accommodation:** Such accommodation provides safe spaces to start recovery while living independently. These units must be fully furnished, accessible and varied in size to accommodate larger families and able to accept pets. This type of accommodation would also better meet the needs of various groups for which shared facilities would not be suitable or appropriate, including women with teenage sons. Support services will be linked up with these units, which should be spread across the county to ensure equality of provision, including around Crawley where there is currently a lack of domestic abuse safe accommodation.
- ❖ **Specialist safe accommodation:** The need for more specialist safe accommodation will be discussed in a following section. Specialist services should be accessible to male victims/survivors with and without children; LGBTQ+ victims/survivors; and victims/survivors from Black and minoritised ethnic groups, GRT communities, those with multiple, complex needs, and those with no recourse to public funds.
- ❖ **Short-term/respite accommodation:** East Sussex is currently developing a 12-month respite accommodation pilot with DLUHC funding, for women who are, or at risk of, rough sleeping. Such provision is limited elsewhere. Brighton & Hove and West Sussex will increase respite accommodation that can accommodate victims/survivors in need of short-term care and support, whether in crisis due to MCN or short-term gaps in housing.
- ❖ **Sanctuary Schemes:** Schemes which allow households to remain safely in their own homes will be discussed later in the Strategy but should be included in a broader menu of safe accommodation options. Sussex will continue to invest in and raise awareness of these schemes that can enhance an individual's physical and perceived safety in their own home.
- ❖ **Move-on accommodation:** Sussex will improve the offer of move-on options for when victims/survivors are ready to leave safe accommodation. Current options are limited, slowing down individuals' journeys into recovery and independence from services. By linking up refuge and other safe accommodation with appropriate move-on options, Sussex will ensure more cohesive accommodation offers.
- ❖ **Second-stage accommodation:** Such accommodation could be used for those who have already fled abuse and are in a place of relative safety, and as such would not require a room in a refuge, but still require support.
- ❖ **Better Private Rented Sector (PRS) options:** PRS is the most common move-on option in Sussex. PRS options for those leaving safe accommodation will be high-quality, affordable and linked up with support services.

- ❖ **Appropriate and accredited accommodation options:** Registered social landlords will be encouraged to take a Domestic Abuse Housing Alliance (DAHA) Health Check and work toward DAHA accreditation to improve their response to their residents who are victims/survivors. All accommodation units will be appropriate and quality-assured by meeting Women's Aid,⁴⁹ Imkaan⁵⁰ or Male Domestic Abuse Network quality standards⁵¹ and where relevant, the Government's National Statement of Expectations for Supported Housing.⁵²
- ❖ **Flexible funding:** Sussex will develop a flexible fund to be utilised for one-off housing and support costs in emergency situations.
- **A broader menu of domestic abuse safe accommodation options, in line with a Whole Housing Approach, should be developed in Sussex. Consideration should be given to reflecting rural and urban community needs in any service design and that all accommodation options are appropriate and quality assured.**

⁴⁹ Women's Aid. (2018). *National Quality Standards*. Available at: [National-Standards-2018.pdf \(netdna-ssl.com\)](#). Bristol: Women's Aid.

⁵⁰ Imkaan. (2014). *Summary: Imkaan Accredited Quality Standards*. Available at: [Commissioners Pack Single Parts.indd \(netdna-ssl.com\)](#).

⁵¹ [Service Standards - Male Domestic Abuse Network \(mdan.org.uk\)](#)

⁵² [Supported housing: national statement of expectations - GOV.UK \(www.gov.uk\)](#)

Accessible and Inclusive

Ensuring services are accessible to all victims/survivors and meet the specific needs of those with the full range of protected characteristics

This Strategy is committed to ensuring that individuals with the full range of protected characteristics have equal access to safe accommodation support services, as outlined in the Equality Act 2010 and Public Sector Equality Duty.⁵³ The Duty requires public bodies to consider the needs of and impact on, all individuals when delivering policies and commissioning services. The Equality Act enables public bodies to deliver specific and dedicated services where these would meet the needs of different groups of victims/survivors, including single-sex services.⁵⁴

Sussex local authorities recognise that individuals can have multiple protected characteristics, and these can intersect to form additional barriers to accessing support. Having safe accommodation services and staff that can respond to such intersecting issues is essential.

As is reflected nationally, the local needs assessment highlighted that domestic abuse disproportionately affects women. However, there was considerable feedback from groups that have traditionally been excluded from refuge regarding the barriers they faced. This Strategy aims to highlight these gaps in provision, to enable consideration around how to ensure that all victims/survivors have access to accommodation and support that suits their needs.

❖ Age

There were 117 Children and Young People (CYP) living in Sussex refuges during 2020-21. Only four refuges have dedicated CYP workers. East Sussex refuges are lacking this kind of specialist support.

Since children have now been recognised as victims of domestic abuse in their own right under the Domestic Abuse Act for the first time, local authorities are required under law to provide them with appropriate support. Current provision of dedicated workers for children and young people in safe accommodation is lacking in East Sussex. Introducing CYP support workers within existing refuges should be a priority; providing dedicated and personalised therapeutic, psychoeducational and emotional support for the duration of a child's stay in safe accommodation. As soon as a wider range of safe accommodation options is available, floating dedicated CYP support should also be included in the service offer to people accommodated in the additional units. These floating CYP workers should link up with wider social services to ensure that longer-term support for children is in place, beyond their stay in safe accommodation.

During interviews with survivors, refuge residents shared that there were not enough suitable provisions for children, including toys and garden equipment. Children at one refuge said that having a good Wi-Fi connection was an important feature for them.

⁵³ [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁵⁴ Government Equalities Office. (2011). *Equality Act 2010: Public Sector Equality Duty What Do I Need to Know? A Quick Start Guide for Public Sector Organisations*. Available at: [equality-duty.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk), p.9.

- ▶ **Sussex local authorities should ensure that every form of domestic abuse safe accommodation that accepts children is suitable for their needs, offering dedicated, personalised and holistic support for children and young people, including those with disabilities.**

Victims/survivors aged 16-25 represented 19% of all Sussex Police domestic abuse incidents in 2020-2021.

Young adult victims/survivors (16-25) may face specific experiences of domestic abuse, including digital abuse and coercive control using technology.⁵⁵ Younger people are also less likely to understand their experiences as domestic abuse and may be less willing to seek support, than adult victims/survivors.⁵⁶ With some harmful practices, such as forced marriage and so-called honour-based violence more likely to take place at a younger age, service provision must respond to the specific cultural challenges faced by younger people from some BAME communities.⁵⁷ Specialist support for victims/survivors aged 16-25 would help Sussex better respond to a particularly vulnerable group of people.

- ▶ **Specialist safe accommodation and support for victims/survivors aged 16-25 should be established and be culturally appropriate for anyone fleeing forced marriage and so-called honour-based violence, including couples accommodation where needed.**

People aged over 65 represent 25% of the Sussex population, but only 6% of police domestic abuse incidents. In 2020-21, 260 people aged 65 and over were referred to Adult Social Care services across Sussex due to domestic abuse. Only 5 people aged over 65 were living in Sussex refuges in 2020-21.

A specialist service for older people advised that very few domestic abuse safe accommodation and support providers have specific policies for older people. Creating such policies would enable services to better understand the particular needs of older victims/survivors and any barriers they may face in seeking support.

Stakeholders told us that older people often do not see themselves as victims of domestic abuse, due to the longer-term experience of often decades of abuse and would not consider specialist domestic abuse services as suitable for them. Offers of support must therefore be more generic rather than framed as 'domestic abuse' and promoted in places older people are more likely to attend, including GP surgeries and befriending services. Service offers must also be longer-term for older people in order to combat the longer-term dynamics of abuse, although this may require contract variations in East Sussex and Brighton & Hove, where provision is currently commissioned for a maximum of six months.

⁵⁵ [Domestic abuse: draft statutory guidance framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/domestic-abuse-draft-statutory-guidance-framework)

⁵⁶ [Domestic abuse: draft statutory guidance framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/domestic-abuse-draft-statutory-guidance-framework)

⁵⁷ [Harmful traditional practices - Gender based violence - Health topics - Public Health Scotland](https://www.healthscotland.com/topics/harmful-traditional-practices-gender-based-violence)

Domestic abuse support must be linked in with other services, including Adult Social Care and Health, due to the frequent overlap in older people's needs.

- **Offers of support should be tailored more directly to older people across Sussex, including more generic language, broader promotion of support, linking in with other support services and targeted training for front-line professionals who routinely come into contact with older people.**

❖ **Gender identity and sexual orientation**

In 2020-21, women represented 71% of police domestic abuse incidents, reflecting the gendered nature of domestic abuse. Men represented 29%. Non-binary and transgender people represented 0.02% and 0.11%, respectively. There is no specialist male safe accommodation in Sussex or the South East. Brighton & Hove safe accommodation providers are currently able to accept referrals for transgender women. Clarion Housing Group in East Sussex will accept and assess referrals from transgender people and will seek the most appropriate accommodation for them, including self-contained units.

This Strategy acknowledges that gender identity and sexual orientation are separate characteristics and would be worth discussing in isolation. However, due to the frequent cross-over in support services for people in the LGBTQ+ community, these characteristics have been discussed together.

Women are the primary victim/survivors in cases of domestic abuse and are more likely to experience repeat victimisation.⁵⁸ Women have the greatest need for domestic abuse safe accommodation and support, a trend reflected in the needs assessment findings. Most services in Sussex are accessible for women and girls, but improvements to service provision can still be made. Existing safe accommodation providers must ensure that therapeutic, holistic and trauma-informed support is readily available for women, both individually and in groups. Any new safe accommodation services that are introduced in Sussex should also include specialist support offers.

The needs of women and girls must continue to be met alongside the needs of other groups for whom services are currently lacking. Funding for current and future services for women and girls must be sustainable, long-term and independent from the funding for the other specialist services identified within this Strategy. New funding will not be used to replace existing investment into domestic abuse services and local authorities will continue to provide single-sex provision.

- **All victims/survivors and their children in safe accommodation in Sussex should receive a minimum standard of care and support, to include legal aid, move-on assistance and longer-term IDVA and psychological support.**

⁵⁸ [Delivery of support to victims of domestic abuse in domestic abuse safe accommodation services - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/delivery-of-support-to-victims-of-domestic-abuse-in-domestic-abuse-safe-accommodation-services)

Research shows that male victims/survivors of domestic abuse are often under-represented in the data.⁵⁹ Stakeholders told us that male victims of domestic abuse do not often seek alternative accommodation and they often become homeless to escape abuse at home.⁶⁰ This may be due to the lack of specialist male safe accommodation locally and men not knowing where to seek support. Despite almost one third of police incidents involving male victims/survivors of domestic abuse in Sussex, there is no specialist male safe accommodation across the South East. To fill this regional gap, Sussex should explore options for specialist safe accommodation for male victims/survivors. Stakeholders told us that dispersed, self-contained units would be most appropriate, with an offer of floating support and provision for children if required. Support offers should acknowledge that the needs of men can be different, for example some male victims/survivors have reported that they may prefer 1:1 support to group settings or not be placed in refuge type accommodation.

► **Sussex local authorities will explore options for the provision of specialist, dispersed and self-contained units of safe accommodation that can accommodate male victims/survivors of domestic abuse.**

In 2020-21, 74% of victims/survivors residing in safe accommodation in Sussex identified as heterosexual. 1% identified as gay/lesbian and 3% identified as bisexual. Data was unknown for 22%. One Sussex refuge has an LGBTQ+ specialist worker role. There is one LGBTQ+ specialist dispersed accommodation in Brighton & Hove. Funding has been secured to recruit additional LGBTQ+ IDVAs (Independent Domestic Violence Advisors) in West Sussex, Brighton & Hove and East Sussex.

Research has shown that LGBTQ+ individuals are historically under-represented in data and reporting, particularly around violence and abuse.⁶¹ The low numbers of LGBTQ+ individuals within the needs assessment may also reflect this under-representation, and low figures do not mean that abuse is not happening. A recent LGBTQ+ Public Health survey conducted in East Sussex found that 4% of respondents have experienced bi/homo/transphobia in the home in the past 12 months – while this figure is also low, it represents a higher number than was captured in the needs assessment and indicates that more must be done to reach these groups.

Stakeholders have highlighted the importance of good quality data analysis and LGBT Foundation guidance recommends consistent use of inclusive questions so that comparative data becomes more available.⁶² As an example, ONS has been flagged as not having a succinct way of collecting data on non-binary people as this is not recognised in legislation. Likewise, other statutory services, for example the police, also struggle to collect data on Trans, Non-binary, Intersex (TNBI) communities and often are categorising equality and diversity data by sex, not by gender identity.

⁵⁹ Mankind Initiative. (2021). *Making Invisible Men, Visible*. Available at: [Making-Invisible-Men-Visible-Guide-Final.pdf \(mankind.org.uk\)](https://mankind.org.uk/Making-Invisible-Men-Visible-Guide-Final.pdf), p.2.

⁶⁰ Mankind Initiative, p.3.

⁶¹ Stonewall. (2018). *Supporting Trans Women in Domestic and Sexual Violence Services*. Available at: [stonewall_and_nfpsynergy_report.pdf](https://stonewall.org.uk/wp-content/uploads/2018/06/stonewall_and_nfpsynergy_report.pdf). London: Stonewall, p.6.

⁶² LGBT Foundation (2021) *Good practice guide to monitoring sexual orientation and trans status 2021* [If%20We%E2%80%99re%20Not%20Counted,%20We%20Don%E2%80%99t%20Count%20FINAL.pdf \(dxify8lrzbpwv.cloudfront.net\)](https://lgbt.foundation.uk/wp-content/uploads/2021/06/If%20We%E2%80%99re%20Not%20Counted,%20We%20Don%E2%80%99t%20Count%20FINAL.pdf(dxify8lrzbpwv.cloudfront.net))

This reportedly leads to people within the community having to categorise themselves as the sex they were assigned at birth, not their gender identity and leaves individuals feeling overlooked and underreported even when they are coming forward for support.

There are four LGBTQ+ specialist accommodation units in Brighton & Hove, important given the large LGBTQ+ community in the city.⁶³ However, via this Strategy, more such specialist accommodation should be provided in East and West Sussex. Such accommodation units would benefit from being dispersed and self-contained, with an offer of floating support included. Dedicated support for children should be included if required.

"Victims/survivors need to know that a service will understand them and their identity, will be able to cater to them as an individual, and that they will be accessing a service that is safe." – specialist IDVA

Service provision for LGBTQ+ victims/survivors should also extend to increased awareness training for housing officers and other frontline practitioners, including intersectionality awareness. East and West Sussex will explore recruiting specialist LGBTQ+ support roles within existing safe accommodation and support services.

- **Sussex local authorities should increase specialist floating support and dispersed and self-contained units of safe accommodation that can accommodate LGBTQ+ victims/survivors and invest in LGBTQ+ awareness training for frontline practitioners.**



Case study

Following an incident in which the police attended, Mike (not real name) contacted support services. Despite being the victim and on a joint tenancy, Mike had been removed from the property and supported to make a homeless application immediately so had already been placed in emergency accommodation in another local authority area.

Unfortunately, Mike experienced significant homophobic abuse from other residents. This had a major impact on his mental health. Mike suffered from PTSD and night terrors exacerbated by the abuse and his current living situation. He also had mobility issues due to a knee injury. Mike was moved into safe emergency accommodation in his original local authority area. Mike was assigned a Homeless Prevention Officer who supported him to find private rented accommodation through the Direct Lets Scheme and began to view available properties. Unfortunately, despite looking, Mike was unable to secure accommodation in the time but was thankfully provided with long term temporary accommodation. Mike was pleased and felt safe being in his own place. He continued to receive support to find more permanent housing and was closed to the service.

⁶³ Brighton & Hove City Council. (2009). *LGBT (Lesbian Gay Bisexual and Trans) People's Housing Strategy*. Brighton. Available at: [Microsoft Word - LGBT Housing Strategy Final Draft Oct 2009 .doc \(brighton-hove.gov.uk\)](#).

❖ Disability

People with disabilities represented 10% of police domestic abuse incidents in 2020-21. Data for disabled people living in Sussex safe accommodation was limited. Five Sussex safe accommodation facilities do not have wheelchair access or any other kind of disability support, including specialist equipment for deaf people. Two of these units were in East Sussex, two were in West Sussex, and one was in Brighton & Hove.

The Equality Act defines disability as “a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on one’s ability to do normal daily activities.”⁶⁴ “Substantial” is defined as “more than minor or trivial,” and “long-term” is defined as longer than 12 months.

The limited accessibility and disability support currently in Sussex refuges is a clear gap in service provision. Equipment for deaf victims/survivors is lacking in refuges and the whole housing system is often inaccessible for those with Special Educational Needs and Disabilities (SEND) or Speech, Language and Communication Needs (SLCN). Sussex should consider adapting and extending service provision for disabled victims/survivors to reflect a range of additional needs. Introducing specialist teams with varied backgrounds to support staff, adapting existing units and sourcing more accessible accommodation would transform current and future offers and ensure that safe accommodation is accessible for everyone who needs it.



Case study

Stan (not real name) is a 45-year-old TNBI (Trans, non-binary, intersex) disabled person. They had an adapted council flat, which was solely in their name, and they lived there with their non-binary spouse, Jordan (not real name). Stan contacted the service as they had fled their property after 4 years of domestic abuse. Stan was currently staying with a friend in the local area but could only stay there for one more night. Stan had been in touch with a local housing authority, but they said they don’t have a duty to help them. Later that day, Stan was offered an alternative accommodation place, but it was a ground floor flat out of area that hadn’t been adapted. Stan was not offered any way of getting to the property or any way of collecting their possessions.

The following day, Stan was informed that Jordan had been hospitalised overnight after a visit from the crisis team. Stan was then able to return home and inform the hospital that Jordan could not be discharged there, Jordan was then supported to approach the council for emergency accommodation.

- **Support and accessibility for disabled victims/survivors in safe accommodation should be improved, by introducing relevant training, multi-agency in-reach teams where needed, developing new facilities or adapting existing facilities, with measures such as installing ramps, increasing ground-floor and step-free units and installing visual fire alarms to assist deaf people.**

⁶⁴ [Definition of disability under the Equality Act 2010 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/definition-of-disability-under-the-equality-act-2010)

- **Housing application processes should be accessible for those with disabilities, including those with special educational needs or speech, language and communication needs, and include optional in-person appointments and interpretation for a range of languages, including British Sign Language.**

❖ **Race and Ethnicity**

In 2020-21, 77.1% of victims/survivors in safe accommodation in Sussex identified as white; 9.1% identified as Black or Black British; 5.8% identified as Mixed or multiple ethnic groups; 5.1% identified as Asian or Asian British; 2.5% identified as "Other" and 0.4% identified as Gypsy, Roma and Traveller (GRT). There is no specialist safe accommodation for Black and minoritised women in Sussex, although there are community-based services, including a specialist BME IDVA in Brighton & Hove and a new specialist service, Hersana, is being established in Sussex, based in Crawley. Six safe accommodation providers in Sussex can accept women with no recourse to public funds (NRPF) and four cannot (three in West Sussex, one in Brighton & Hove). 15% of national domestic abuse helpline calls to Friends, Families and Travellers (a national organisation advocating for GRT communities) come from Sussex.

Black and minoritised women can access community-based support and can access existing refuges should they need to do so. However, the lack of specialist and culturally-specific refuge is a gap in provision across Sussex. Such safe accommodation would ensure that victims/survivors receive the specific support they might need for their particular life experiences. Stakeholders suggested that this accommodation should be composed of dispersed units that can accommodate various cultural needs, including proximity to cultural centres or places of worship, with outside space more suitable for GRT families, which a specialist stakeholder advised would be more suitable. These accommodation offers should include wraparound specialist support with interpretation services if required.

- **Sussex local authorities will investigate specialist safe accommodation options for victims/survivors from marginalised ethnic groups, including Black and minoritised ethnic groups, Gypsy, Roma and Traveller communities and those with No Recourse to Public Funds.**



Case study

The client was moved to a town 1.5 hours away from her friends and family, resulting in her feeling like she had been separated from her culture and the support system she had. She felt she could not eat her traditional foods or engage in cultural traditional practices with anyone. The client felt isolated and did not feel like the service providers understood her feelings or took her seriously.

Training on the specific needs of various ethnicities and marginalised groups, including how experiences can intersect, would enable staff to better understand the particular barriers certain communities might face. Specific immigration rights awareness training would allow frontline practitioners to feel more confident in seeking Destitution Domestic Violence Concessions and supporting particularly vulnerable victims/survivors.

- **Cultural and immigration rights awareness training should be increased for frontline staff and commissioners to better understand the needs of marginalised groups.. Training packages must acknowledge the intersection of race, class and gender, amongst other protected characteristics.**

DRAFT

Responsive to Multiple Disadvantages

Establishing specialist provision to support victim/survivors with specific needs, including multiple complex needs

A prominent theme throughout the stakeholder engagement was the current lack of domestic abuse accommodation and support provision for people with specific needs, including the protected characteristics mentioned above, care leavers, ex-service personnel and their families, but particularly those with multiple complex needs (MCN). Therefore, this section focuses on the identified gap and need for a responsive approach to MCN.

Fulfilling Lives South East (FLSE), an organisation working with women with MCN across East Sussex and Brighton & Hove, stated that "MCN has a variety of meanings in services and third sector organisations, depending on the needs of the client group. In general, MCN includes people on the edges of society who are often excluded from or who cannot access mainstream services due to the complexity of their lives. For FLSE, MCN means a person who is experiencing 3 out of 4 of the following:"⁶⁵



Through this Strategy, Sussex local authorities recognise the intersectionality between domestic abuse and MCN. FLSE reported that 93% of their clients have experienced domestic abuse.⁶⁶ Stakeholder and survivor feedback noted how in some cases victims/survivors with MCN may have to prioritise addressing other needs in order to be ready to receive support for domestic abuse.

⁶⁵ Fulfilling Lives South East. (2021). *Reflecting on the Needs of Women with Multiple and Complex Needs who are at Risk of/or Experiencing Domestic Abuse*, August 2021, p.2-3.

⁶⁶ Fulfilling Lives South East, p.3.

With the COVID-19 pandemic increasing the use of digital and remote services, MCN specialists highlighted the accessibility issues faced by homeless and disadvantaged individuals in relation to housing and support assessments which are solely completed over the phone. In-person support and physical safe spaces are particularly important in ensuring accessibility for this cohort.



Case study

Alex (not her real name) is homeless and experiencing domestic violence. As the only route into specialist services, she was referred to the local commissioned domestic abuse service; a service that delivers support initially via the telephone to take forward referrals and assess support needs. However, the client was homeless and did not have a reliable phone or a private space to take a call and so she was unable to respond to the calls from the service, and the case was closed.

- **Sussex local authorities, specialist domestic abuse accommodation providers and support services should holistically support victims/survivors with multiple complex needs and ensure accessibility of services by providing both remote and in-person assessments and support.**

Women's Aid Annual Audit 2021 stated that there are only two refuges in England exclusively for women with substance use needs or complex needs, accounting for 13 bed spaces.⁶⁷ The following table illustrates which refuge services across Sussex consider referrals from women with named support needs.⁶⁸

Table 6: Referrals considered from women with named support needs in Sussex refuge provision (September 2021)

Refuge service	Will consider referrals from women:				
	With mental health support needs	With drug use support needs	With alcohol use support needs	With previous refuge evictions	Who are ex-offenders
Refuge - Eastbourne	Yes	Yes	Yes	Yes	Yes
Refuge - Hastings	Yes	Yes	Yes	Yes	Yes
Refuge - Lewes	Yes	Yes	Yes	Yes	Yes
Refuge - Rother	Yes	Yes	Yes	Yes	Yes
Refuge - Wealden	Yes	Yes	Yes	Yes	Yes
RISE - LGBT Service	Yes	Yes	Yes	Yes	Yes
Safe in Sussex – Amber House Community Refuge	No	No	No	No	No

⁶⁷ Women's Aid. (2021b). *The Domestic Abuse Report 2021: The Annual Audit*, 2021. Bristol: Women's Aid. Available at: <https://www.womensaid.org.uk/wp-content/uploads/2021/09/The-Domestic-Abuse-Report-2021-The-Annual-Audit-Revised-2021.pdf> Bristol: Women's Aid.

⁶⁸ Women's Aid, (2021a), p.27.

Safe in Sussex - Chichester	No	No	No	No	No
Safe in Sussex - Worthing	Yes	No	No	No	No
Stonewater – Brighton Refuge	Yes	Yes	Yes	Yes	Yes

Although the above table suggests referrals for women with MCN are considered in several refuges across the county, the lack of provision for this cohort in West Sussex is evident. Additionally, Housing Option teams and outreach support services repeatedly expressed concerns over accessibility, even for those refuges alleging they consider referrals from victims/survivors with MCN.

The needs assessment showed that in 2020-21, of those **denied access to or deemed ineligible** for accommodation services across Sussex, an estimated **52% had mental health issues, 40% had alcohol misuse problems and 27% had drug misuse problems.**

Stakeholders reinforced how individuals with MCN present the highest vulnerability and risk, but also have the lowest possibility of gaining access to safe spaces and are often marginalised by services. Organisations that do not hold a statutory duty to do so, reported on multiple occasions having paid out of their own budgets for Bed & Breakfast accommodation to house survivors with MCN in the short-term, due to a lack of appropriate and accessible accommodation options. This is a prominent gap in the provision of domestic abuse accommodation and support in Sussex.

The needs assessment highlighted that mental health issues, as well as alcohol and drug misuse, were amongst the most common reasons for denying a space within or evicting someone from a refuge. Referrals may be declined due to the complexity of their needs, unsuitability of facilities and the lack of specialist support. Even where spaces are provided, they are often challenging for victims/survivors with MCN to maintain due to the mismatch between strict accommodation rules and their complex lifestyles.

Feedback from complex needs IDVAs and mental health professionals suggested that traditional refuge provision is not the most appropriate setting to support women with MCN. Shared facilities, strict rules and 9am to 5pm staffing can all be problematic factors for victim/survivors experiencing complex lifestyles. As women with MCN commonly have children removed from their care, the presence of families within refuges can also be highly re-traumatising. Feedback proposed that traditional refuges should be adapted to better accommodate victims/survivors with MCN. The following case study reinforces the difficulties faced by women with MCN within refuges, in addition to the lack of alternative options available to them.



Case study

Jude (not her real name) is female and has experienced significant childhood trauma and was moved around through the care system. As an adult Jude's life has been defined by domestic abuse, self-harm, and poly drug use. DA incidents have become increasingly severe recently – some were reported to the police and her case was heard at MARAC several times. Although Jude was allocated a place in refuge, she was quickly evicted following an argument with another resident despite there not being an investigation where Jude was able to share her account of events or reflect on ways to resolve the conflict with the fellow resident.

Jude had no option but to return to the local area either living where she experienced significant childhood trauma or staying with the alleged perpetrator, as she was not allowed to move to other refuges across the local area and did not have any other housing options available to her.

When victims/survivors with MCN are denied spaces in refuges, they are often placed in temporary or emergency accommodation. Stakeholders told us that these forms of accommodation are unsuitable for MCN due to being mixed gender, with shared facilities, strict tenancy agreements and little-to-no specialist support provided. If victims/survivors are placed in these forms of accommodation, in-reach specialist teams, floating support and IDVAs should be in place to support them.

In order to meet the needs of individuals with MCN, accommodation should be flexible, longer-term, staffed 24/7, with limited shared facilities and continuing specialist wraparound support for mental health, alcohol/substance misuse and offending. This form of accommodation would reduce evictions and consequently also reduce homelessness, disengagement with services and the risk of returning to perpetrators.

To better understand the needs, in September 2021, East Sussex County Council hosted a partnership round-table event, inviting partners and providers to discuss safe accommodation options for those who experience multiple disadvantages.

Concerns around limited and unsuitable move-on options for victims/survivors with MCN were also raised. FLSE highlighted the benefits of adopting a 'Housing First' model, paired with specialist domestic abuse wraparound support, in ensuring accommodation is appropriate to MCN and simultaneously provides a long-term housing solution.⁶⁹

"Housing is seen as a human right by Housing First services. There are no conditions around 'housing readiness' before providing someone with a home; rather, secure housing is viewed as a stable platform from which other issues can be addressed."⁷⁰

- **Accommodation and support options appropriate for the needs of domestic abuse victims/survivors with multiple complex needs will be explored, including short-term respite facilities, specialist housing, move-on pathways and long-term floating support.**

⁶⁹ Fulfilling Lives South East, p.5.

⁷⁰ [Housing First in England The Principles.pdf \(homeless.org.uk\)](#)

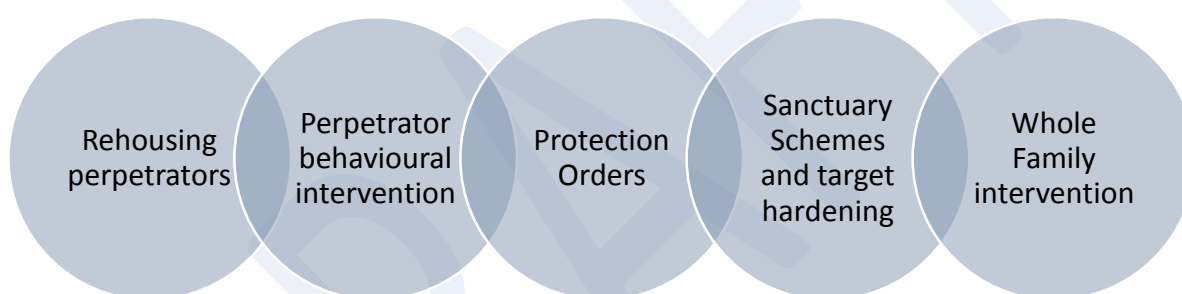
Person-centred

Empowering victims/survivors to remain in their own homes through choices where safe to do so

There is a common concern amongst stakeholders and survivors, that the current domestic abuse accommodation and support landscape in Sussex prevents victims/survivors from making independent decisions and relies on the expectation of them fleeing their home. Provision should better reflect complexity of domestic abuse victim/survivor and perpetrator dynamics, including recognition of the protective factors in relationships and the barriers and difficulties in leaving perpetrators, as well as the cycles of re-victimisation and re-offending.

"Why should I move, give up my job, take my children away from family and friends, have no support network... Why should I be punished for what they have done to me?" – victim/survivor

Feedback highlighted that although many survivors choose or are required to leave their area to increase their safety, this should not be their only option. Where safe to do so, victims/survivors should be being effectively supported if they choose to remain in their own homes and therefore the following measures may only be appropriate for cases that are not assessed as high risk:



The measures should be delivered alongside wider educational and preventative work, such as the healthy relationships programmes in schools. The above options would minimise the impact on victims/survivors and increase perpetrator accountability, whilst ensuring safety planning is in place. They reduce the requirement to flee out of area which can impact employment and access to key services and existing social networks which facilitate support and recovery. Where the victim/survivor has children, these options would also provide stability in relation to their schooling.

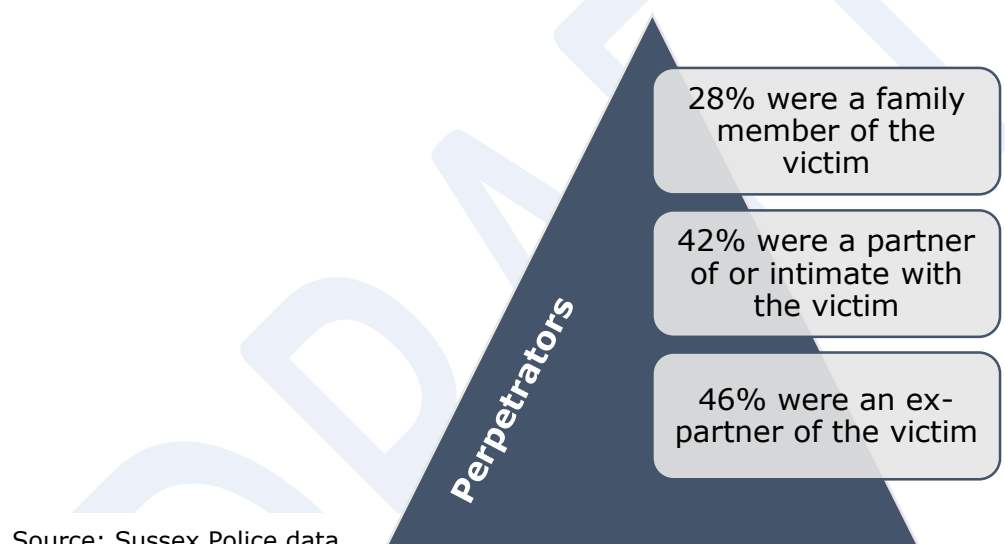
While the measures do not remove the need for emergency accommodation, as mentioned in earlier sections of this Strategy, Sanctuary Schemes are an alternative form of safe accommodation for cases which are medium or standard risk. Measures include the provision of safety locks, security lighting, panic alarms and CCTV. Police can also provide other options, although this is often short-term compared to provision from Sanctuary Schemes. This police provision is also currently only available to victims/survivors at high risk, even though Domestic Homicide Reviews (DHRs) and Safeguarding Practice Reviews (previously Serious Case Reviews)) highlight that medium risk cases are often likely to escalate to more serious harm and tragic outcomes.

Although data was not easily obtained from case files, feedback from Housing Options teams suggested that Sanctuary Schemes are an effective intervention when implemented as part of a wider safety and support package. For example, they can be used alongside Domestic Abuse Protection Orders (DAPOs) and Domestic Abuse Protection Notices (DAPNs), as introduced by the Domestic Abuse Act 2021, strict bail conditions,

and IDVA support. Nevertheless, there was some lack of awareness regarding this option amongst wider partners, which suggested further promotion of Sanctuary Schemes might be needed to improve accessibility. Some stakeholders also expressed confusion regarding which tenure types the scheme was available for.

There is inconsistency in the provision and promotion of Sanctuary Schemes across Sussex. The organisation Safe Partnership is commissioned by districts and boroughs to deliver Sanctuary Scheme measures across East Sussex. Brighton & Hove City Council and the majority of West Sussex County Council do not have formal Sanctuary Schemes in place. Brighton & Hove suggested a lack of awareness, and consequently uptake, led to the closure of their scheme. Other than Crawley Borough Council that has a Sanctuary Scheme in place through Crawley Homes the districts and boroughs in West Sussex independently provide target hardening measures on a case-by-case basis.

- **Victims/survivors should be able to remain in their home if they choose to, and it is safe to do so, by ensuring Sanctuary Schemes are available in each local authority area as part of a wider safety and support package.**



Source: Sussex Police data

Although DLUHC Domestic Abuse Act New Burdens funding cannot be utilised for this purpose, stakeholders reinforced the importance of developing perpetrator initiatives.

London Borough of Barking and Dagenham has adopted an approach which provides short-term housing for perpetrators, alongside an evidence-informed programme of behaviour change work.⁷¹ While at face value somewhat contentious, enforcing loss of tenancy and rehousing perpetrators reduces risk of harm and enables victims/survivors to remain in their homes. The availability of housing for perpetrators of domestic abuse was identified as a gap throughout Sussex. Combined with this, proactive work with perpetrators is fundamental in attempting to break the cycle of re-offending and improve outcomes for domestic abuse victims/survivors and their children. Sussex is already delivering interventions to perpetrators which could be promoted alongside greater perpetrator housing provision.

⁷¹ [Barking and Dagenham Council – Giving victims and survivors control over where they live | Local Government Association](#)

Perpetrator programmes in Sussex

- OSPCC and Sussex Police: High-Harm Domestic Abuse Perpetrator Programme
- Cranstoun: 'Men and Masculinities' 24 week rolling behavioural change

- **Sussex local authorities will explore options for the re-housing of perpetrators and enforcement of loss of tenancies, alongside promoting domestic abuse perpetrator behavioural programmes.**

Whole Family intervention is a more dynamic approach to tackling domestic abuse which reflects the complexity of victim/survivor and perpetrator relationships. It engages every member of the household, working together with victims/survivors and perpetrators, as well as any affected children, to tackle domestic abuse alongside any other needs. The West Sussex Connect SafeLives pilot is a key example of this provision in Sussex. Stakeholder feedback highlighted the benefits of this type of intervention, suggesting the need for increased awareness and availability throughout the county.

- **Awareness and availability of Whole Family interventions should be increased in Sussex.**

Where only an estimated 4% of domestic abuse results in a conviction, the availability of these alternative methods may increase confidence to report and improve outcomes for victims/survivors in feeling safe.

Trauma-informed

Embedding trauma-informed practice in services and processes through training and specialist knowledge

The needs assessment and survivor and stakeholder engagement revealed that victims/survivors often described the process of seeking domestic abuse accommodation and support as re-traumatising. Victims/survivors highlighted that this was true for approaches to both housing authorities and support services, for the following reasons:



Insufficient training



Evidential requirements



Re-traumatisation through repetition

Feedback found that housing officers often lack sufficient domestic abuse awareness training. Many cases of good practice were highlighted during the needs assessment - but without an in-depth domestic abuse training package - housing officers feel unsure of how best to respond to victims/survivors and therefore do not offer the right or appropriate service.

Engagement highlighted a clear need for a more trauma-informed approach to housing application procedures and training. Research shows that high numbers of people accessing public services have experienced trauma in their lives.⁷² Trauma can have a significant impact on how individuals engage with services and is defined as resulting from:

"... an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional or spiritual well-being."⁷³

Understanding responses to trauma allows professionals and services to work more closely with the reality of that individual and form more trusting relationships. Trauma-informed practice is shown to be effective and beneficial for both survivors and staff and is shown to better reach those that are not accessing traditional services. Trauma-informed training packages should be developed and designed with input from those with lived experience. Such training should include adequate supervision processes to account for vicarious trauma.

- **Ensure that consistent domestic abuse and trauma-informed practice training packages are developed for frontline practitioners within housing authorities, housing associations and registered social landlords, with an aim to deliver the offer more widely.**

⁷² Grandison, G. and Homes, A. (2021). *Trauma-Informed Practice: A Toolkit for Scotland*. Edinburgh: The Scottish Government. Available at: [Trauma-informed practice: toolkit - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/trauma-informed-practice-toolkit/pages/1_to_4.aspx).

⁷³ Grandison and Homes, p.8.

Stakeholders told us that another re-traumatising element of the housing support application process is the requirement to provide evidence of domestic abuse. This obligation on housing authorities is explained below:

*"21.21 Housing authorities should seek to obtain an account of the applicant's experience to assess whether the behaviour they have experienced is abusive or whether they would be at risk of domestic abuse if they continued to occupy their accommodation."*⁷⁴

Stakeholders suggested that evidential requirements can deter victims/survivors from seeking support. In some cases, evidence may not be produced as easily, for instance, in cases of coercive control. Victims/survivors of lower-risk abuse may not yet have accessed support services and so may not have this body of information to share with housing teams. This burden does not facilitate early intervention and prevention work.

Stakeholder engagement also revealed that the *kind* of evidence required can also be an obstacle. While the code specifies that:

*"Where an applicant's experience has been documented already by a domestic abuse service - where possible, housing authorities should utilise existing statements to avoid asking the victim to re-live their experience unnecessarily."*⁷⁵

Local specialist domestic abuse services however suggested that this practice may not happen consistently within Sussex housing teams. Stakeholders shared that some housing authorities rely on police evidence rather than information from other services and victims/survivors themselves. This approach overlooks the reality of under-reporting to police and may deter many victims/survivors from seeking support, as they may not have accessed services or feel they have enough evidence. As discussed previously, housing IDVAs co-located within housing authorities would be able to complete DASH risk checklists with victims/survivors to meet evidence requirements and provide specialist support.⁷⁶

"Referring on to multiple agencies (whilst I understand its need) could be dealt with in a more delicate fashion as this would prevent the victim of having to repeat her story over and over which is traumatising in itself" - public consultation respondent.

The above quotation highlights a common experience that was shared during engagement. The range of different services often used by victims/survivors, who may be dealing with other needs alongside domestic abuse, can be overwhelming. This feeling is likely to be increased when considering the impact of repeatedly sharing experiences of abuse and trauma. One refuge provider shared that staff develop documents with residents that can be shared with other services, to avoid the individual having to share their story more than once. This kind of approach can reduce the re-traumatisation often experienced by victims/survivors and should be adopted more widely. Similarly, adopting a single point of contact approach across the wider domestic abuse service network would reduce the burden on the victim/survivor. This Strategy acknowledges that victims/survivors have multiple journeys and entry points into services, so creating a single point of contact may be difficult. However, as much as possible, Sussex will adopt a holistic model of support in which victims/survivors do not need to repeat their stories.

⁷⁴ [Chapter 21: Domestic abuse - Homelessness code of guidance for local authorities - Guidance - GOV.UK \(www.gov.uk\)](#)

⁷⁵ [Chapter 21: Domestic abuse - Homelessness code of guidance for local authorities - Guidance - GOV.UK \(www.gov.uk\)](#)

⁷⁶ Domestic Abuse, Stalking and Harassment and 'Honour'-based violence Risk Indicator Checklist (DASH RIC)

One current initiative is a Victim Hub model for domestic abuse and sexual violence services in Sussex. Four hubs are in operation: Eastbourne, Hastings, Horsham and Brighton and includes police, statutory agencies and commissioned specialist services. This model aims to streamline the victim/survivor's journey through different services, reduce duplication of work and ensure more co-ordinated working across the local authority areas.

- **Each local authority area will explore the potential of a single point of contact approach or introduction of a directory for victims/survivors accessing different services.**

Stakeholders reported that the housing system process can be difficult to navigate and time consuming. Refuge staff reported feeling overwhelmed with the administrative burden of completing housing applications for residents and that it was often to the detriment of being able to provide key support and therapeutic services. Co-locating dedicated support within or for safe accommodation or commissioning floating housing specialists would reduce the pressure on refuge staff and make expert housing advice more accessible for victims/survivors.

- **Sussex local authorities will consider providing dedicated or floating housing specialists to provide support within domestic abuse safe accommodation services.**

What Sussex local authorities will do next

Publish the draft Strategy for an eight-week public consultation from 25 October 2021 and evaluate the feedback prior to final publication



Domestic Abuse Accommodation Subgroup to meet monthly to develop action plans to support the Strategy and address the identified local and Pan-Sussex needs and implement provisions, which will include Key Performance Indicators (KPIs)



Taking into account the needs assessment findings and public consultation feedback, commence commissioning activity to deliver additional safe and supported accommodation options for Sussex utilising the 2021-22 'new burdens' funding under s57(3) Domestic Abuse Act 2021



Incorporate the outcome of the government Spending Review's future funding decision into the Pan-Sussex Strategy and Delivery Plan



Quarterly needs assessment data to be submitted to the Accommodation Sub-Group as part of the s57(1)(c) Domestic Abuse Act 2021 monitoring process



DA Accommodation Sub-Group to submit an implementation progress report to the Domestic Abuse Local Partnership Board quarterly meeting as part of the s57(1)(c) Domestic Abuse Act 2021 monitoring process



Publish the final Pan-Sussex Strategy by January 2022



Completion of an annual needs assessment refresher in conjunction with DLUCH reporting requirements under s59 Domestic Abuse Act 2021 (*apart from in 2022*)



Review and refresh the Pan-Sussex implementation Strategy and Delivery Plan every three years

Closing statement

Although funding has currently only been allocated to local authorities for one year, the government has committed to longer-term investment in domestic abuse safe accommodation and support. For this reason, the recommendations outlined in this Strategy will be delivered over a three-year period and needs reviewed in future refreshes.

This Strategy outlines the priorities and recommendations for domestic abuse accommodation and support. It represents a commitment that Sussex local authorities will consider and cater for the needs identified when making commissioning decisions around support provisions. The six strategic priorities should be used to ensure that future funding is spent in an inclusive, meaningful and sustainable way. Action plans alongside lived experience work are under development locally to guide the implementation, delivery and monitoring of the priorities and recommendations.

Thanks are extended to the various local and national stakeholders and professionals whose views and recommendations were vital to this process. We would like to thank the survivors of domestic abuse that generously shared their experiences and stories throughout the needs assessment process. Their suggestions formed the centre of this Strategy and their voices must be central in any future decision-making.

Sussex strives to be a safer place for everyone, where survivors feel believed, where funding for essential services is long-term and sustainable, and where everyone can access the support they need.

Local support services

In an emergency, always call 999

For specialist domestic abuse support and advice, the following services can help:

East Sussex

- ❖ **Change, Grow, Live Domestic Abuse Service:** Domestic abuse support service. Contact: 0300 323 9985 - [Domestic Abuse Service - East Sussex | Change Grow Live](#)
- ❖ **Clarion Housing Group:** Domestic abuse refuge service.. Contact: 0300 500 8000 - [Domestic abuse or violence | Clarion \(myclarionhousing.com\)](#)

West Sussex

- ❖ **WORTH Services:** Domestic abuse support service. Contact: 07834968539 or 033 022 28181 - [Local support for people being abused - West Sussex County Council](#)
- ❖ **Safe in Sussex:** Domestic abuse refuge service. Contact: 0330 333 7416 - [Home - Safe In Sussex](#)

Brighton & Hove

- ❖ **Victim Support Domestic Abuse Specialist Service:** Domestic abuse support service. Contact: 0300 323 9985 - [Brighton and Hove Domestic Abuse Specialist Service - Victim Support](#)
- ❖ **Stonewater:** Domestic abuse refuge service. Contact: 01293 780419 - [Stonewater is a leading social housing provider.](#)
- ❖ **RISE:** Domestic abuse support service. Contact: 01273 622 822 - [Freedom from domestic abuse | RISE \(riseuk.org.uk\)](#)
- ❖ **LGBT Switchboard:** Specialist LGBT domestic abuse service. Contact: 01273 359042 - [Brighton & Hove LGBT Switchboard.](#)

Pan-Sussex

- ❖ **Hersana:** Specialist Black domestic abuse service. Contact: 07376 293 487 - [Support For Black Survivors Of Abuse | HERSANA. | England](#)
- ❖ **Opoka:** Specialist Polish domestic abuse service. Contact: 0300 365 1700 - [Opoka](#)
- ❖ **Friends, Families and Travellers:** Specialist support service for Gypsy, Roma and Traveller Communities. Contact: 01273 234 777 - [Friends, Families and Travellers \(gypsy-traveller.org\)](#)

Appendix 1: Wider partnership work

- **Safer Streets 3** - two recent successful bids by the PCC for the government's Safer Streets funding for tackling VAWG, will bring nearly £1 million into Sussex.⁷⁷ The funding will be spent on training, public awareness campaigns and physical safety measures, in conjunction with Sussex Police and the three Tier One local authorities, to make streets safer for women and girls in Sussex.
- **STAR** - Sussex have also recently been successful in securing £45,000 funding from the Police Science, Technology, Analysis and Research (STAR) Board to create an innovative safety app, designed to help people find safe spaces in emergencies and report directly to Sussex Police. This app will be free for use, but it aims to particularly help women and girls.⁷⁸
- **Night Time Economy** - The PCC, in consultation with local specialist services, Sussex Police and Tier One local authorities, applied for the government's Safety of Women at Night fund. If successful, Sussex will be awarded up to £300,000 to promote the safety of women and girls at night and as part of the night-time economy.⁷⁹
- **Changing Futures** - Vulnerable people across Sussex are set to benefit from the support they receive to rebuild their lives after the three Sussex councils were awarded £4.425m from the Changing Futures initiative. The joint bid was one of 15 chosen for funding, out of nearly 100 submissions across England. The funding will be used to help change and improve the ways vulnerable people access essential support and treatment to prevent them from crisis when they may be facing homelessness, substance misuse, poor mental health, domestic abuse or contact with the criminal justice system.

⁷⁷ [SPCC - PCC welcomes Safer Streets funding \(sussex-pcc.gov.uk\)](https://www.sussex-pcc.gov.uk/news/sussex-pcc-welcomes-safer-streets-funding)

⁷⁸ [SPCC - PCC secures funding for innovative new safe space app \(sussex-pcc.gov.uk\)](https://www.sussex-pcc.gov.uk/news/sussex-pcc-secures-funding-for-innovative-new-safe-space-app)

⁷⁹ [Safety of Women at Night Fund - guidance to bidders \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/news/safety-of-women-at-night-fund-guidance-to-bidders)

Appendix 2: The Domestic Abuse Act 2021⁸⁰

The act will:

- create the first statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, controlling or coercive, and economic abuse
- establish in law the office of Domestic Abuse Commissioner and set out the Commissioner's functions and powers
- provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order
- **place a duty on local authorities in England to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe accommodation**
- prohibit perpetrators of abuse from cross-examining their victims in person in the civil and family courts in England and Wales
- create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts
- clarify the circumstances in which a court may make a barring order under section 91(14) of the Children Act 1989 to prevent family proceedings that can further traumatise victims
- extend the controlling or coercive behaviour offence to cover post-separation abuse.
- extend the offence of disclosing private sexual photographs and films with intent to cause distress (known as the "revenge porn" offence) to cover threats to disclose such material
- create a new offence of non-fatal strangulation or suffocation of another person.
- clarify by restating in statute law the general proposition that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death
- extend the extra-territorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences
- provide for a statutory domestic abuse perpetrator strategy
- enable domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody
- place the guidance supporting the Domestic Violence Disclosure Scheme ("Clare's law") on a statutory footing.
- **Provide that all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance**
- **ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy**
- prohibit GPs and other health professionals in general practice from charging a victim of domestic abuse for a letter to support an application for legal aid
- provide for a statutory code of practice relating to the processing of domestic abuse data for immigration purposes.

⁸⁰ [Domestic Abuse Act 2021: overarching factsheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97822/Domestic_Abuse_Act_2021_-_overarching_factsheet.pdf)

Appendix 3: Domestic Abuse Act: Local Partnership Board:⁸¹

Strategic objectives:

- To improve delivery across all agencies involved in supporting victims, survivors, and witnesses of domestic abuse so that they experience high quality services and are able to cope and recover from the impact of what has happened to them.
- To implement the new Section 58 duty in the Domestic Abuse Act, for local authorities and partners to establish a Domestic Abuse Local Partnership Board for the purposes of providing advice to the Sussex authorities about the exercise of their functions under Section 57 of the legislation.

Role:

- Take a multi-agency approach to delivering improvements for victims, survivors, and witnesses of domestic abuse as they enter, travel through and exit services in Sussex. All agencies play a crucial role in ensuring the 'victim and survivor voice' is at the centre of service delivery.
- Have strategic oversight and ultimate accountability for the delivery of actions that flow from the Sussex needs assessment to support commissioning of safe accommodation for those affected by domestic abuse, the Strategic Framework for Domestic and Sexual Violence and Abuse, community engagement work and the Equality Impact Assessments that accompanied the recommissioning of specialist services during 2019 and 2020.
- Ensure learning and practice recommendations from Domestic Homicide Reviews, and any other learning reviews in which domestic and sexual violence are a factor, are shared across Sussex.
- Include a focus on ensuring that people do not fall between the gaps in systems; collectively identifying pressure points and working collaboratively to ensure the system responds efficiently and proactively with a view to influencing structure and broader system responses to domestic and sexual violence and abuse.

Membership of the group

- Tier One local authorities (West Sussex County Council, East Sussex County Council and Brighton & Hove City Council)
- Sussex Police
- The Office of the Sussex Police and Crime Commissioner
- Her Majesty's Prison and Probation Service
- Crown Prosecution Service
- Her Majesty's Courts and Tribunals Service
- Citizens Advice - Witness Service
- IDVA Services and domestic abuse charities in West Sussex, East Sussex and Brighton & Hove
- Specialist providers of accommodation-based services for victim/survivors of domestic violence and abuse in West Sussex, East Sussex, and Brighton & Hove
- At least one person to represent the interests of persons who provide, or have functions relating to, health care services in its area
- At least one person to represent the interests of victim/survivors of domestic abuse
- At least one person to represent the interests of children of domestic abuse victims/survivors
- At least one person to represent the interests of Tier Two local authorities in West Sussex and East Sussex
- Other partners invited specifically as appropriate by agreement with the Chair

⁸¹ [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

Appendix 4: Data sources and stakeholder engagement meetings

Type	Source	Data
Quantitative	Sussex Police Corporate Development Department	Domestic Abuse (DA) crime statistics including incidents, homicides, and victims' demographics
	Sussex Police Citizen Focus Team	DA victim satisfaction survey results
	Office for National Statistics (ONS)	National and Local DA statistics
	Homelessness Case Level Information Classification (H-Clic)	DA Homelessness statistics
	OSPCC Commissioned Services monitoring data	Service outputs and victim/survivor outcomes
	MARAC	Referral numbers and demographics
	Specialist Service Providers	Service user statistics
	Local Authority District and Borough Housing Option Teams	Approaches and DA accommodation referral statistics
	Social Care (Adult and Child)	DA flagged case numbers and demographics
	Healthcare Providers	DA flagged case numbers and demographics
	Women's Aid	Purchased report outlining current service provision
Qualitative	Stakeholder engagement (see <i>below for full list of meetings</i>)	Observations around gaps, barriers, and solutions
	Fulfilling Lives	Lived experience report
	Public survey hosted on OSPCC website	Lived experience feedback
	Focus group questions to existing support groups	Lived experience feedback
Site visits	Emerging Futures, Worthing, West Sussex	Tour of facilities and focus group with residents
	Refuge, Brighton & Hove	Tour of facilities and focus group with residents
	Amber House, Littlehampton, West Sussex	Tour of facilities and focus group with residents

	Organisation
1	Adur and Worthing District Councils Housing
2	Age UK East Sussex
3	Arun District Council Housing
4	Brighton & Hove City Council Adult Social Care
5	Brighton & Hove City Council Children's Social Care

6	Brighton & Hove City Council Housing Options
7	Brighton Housing Trust
8	Brighton Women's Centre
9	CAPA First Response
10	Change, Grow, Live East Sussex Domestic Abuse Service
11	Change, Grow, Live East Sussex Domestic Abuse Service HIDVA
12	Chichester District Council Housing
13	Domestic Abuse Housing Alliance
14	East Sussex Adult Social Care Mental Health Team
15	East Sussex County Council Children's Social Care
16	East Sussex County Council SWIFT
17	East Sussex Housing Officers Group
18	East Sussex Refuge
19	Eastbourne Borough Council
20	Emerging Futures – <i>engagement meeting and site visit</i>
21	Empowering Communities with Integrated Network Systems (ECINS)
22	Friends, Families and Travellers
23	Fulfilling Lives
24	Hastings Borough Council Housing
25	Hastings Borough Council, Supported Accommodation & Refuges Virtual Team
26	Hersana CIC
27	Home Start East Sussex
28	Home Works
29	Horsham District Council Housing
30	Hourglass
31	Imkaan
32	Just Life Brighton
33	Lewes District Council
34	LGBT Switchboard
35	Mankind
36	Mankind Initiative
37	My Sisters' House
38	Oasis
39	Opoka
40	Optivo
41	Ottaway Strategic Management Limited
42	Paws Protect
43	Queen Victoria Hospital NHS Foundation Trust
44	RISE
45	Rise Up
46	Rother District Council Housing
47	Safe Haven Sussex

48	Safe in Sussex
49	Safe in Sussex male IDVA
50	Sign Health, Domestic Abuse Service
51	Southdown Housing
52	Southdown Housing, Homelessness Prevention and Mental Health Support
53	Standing Together
54	Stonepillow
55	Stonewater
56	Survivors' Network
57	Sussex Clinical Commissioning Group
58	Sussex Partnership Foundation Trust
59	Sussex Police
60	The Believe Foundation / Believe Globally CIC
61	The Clock Tower Sanctuary
62	The Links Project
63	The Probation Service
64	The Rita Project
65	The You Trust
66	Turning Tides
67	University Hospitals Sussex NHS Foundation Trust
68	Veritas Justice
69	Victim Support
70	Victim Support Criminal Justice IDVA
71	Victim Support LGBTQ+ Specialist
72	West Sussex County Council Adult Social Care
73	West Sussex County Council, Head of Strategic Housing
74	West Sussex MIND
75	WORTH and MARAC Lead, West Sussex
76	WORTH Family Support Leads and IDVAS
77	Yada

Appendix 5: Service provision in Sussex

❖ Service mapping

The provision of domestic abuse accommodation and support has been identified via consultation with stakeholders and the Safe Space Sussex service directory.⁸² Service mapping was completed in conjunction with Women's Aid, who hold the largest national data set on domestic abuse.⁸³ The below service list highlights the current provision of domestic abuse support services, domestic abuse safe accommodation and other forms of supported accommodation and support.

1. Amber House, Littlehampton: Public refuge run by Safe in Sussex. Five units, two of which can support single women.
2. Brighton & Hove LGBTQ Switchboard: Specialist service to support LGBTQ+ people in the city and link them up with other relevant services.
3. Brighton Housing Trust (Threshold): Provides a range of services to support the homeless, insecurely housed, and vulnerable men and women. The Threshold counselling service for women provides support around mental health issues and sexual/domestic abuse.
4. Brighton Women's Centre: provides services including drop-in sessions, Toybox crèche, foodbank, holistic therapies and self-improvement courses. BWC provide support for women involved with multiple complex needs and the Criminal Justice System through their Inspire Project.
5. Butterflies Child & Adolescent Counselling Service C.I.C.: Provides individual counselling, anger management groups, equine assisted therapy, and equine assisted learning.
6. Change, Grow, Live (CGL): provides a domestic abuse specialist support service across East Sussex, as well as substance misuse support treatment Pan-Sussex.
7. Emerging Futures: 20 dedicated female units of accommodation in Worthing. Provision extends and provides direct support to females impacted by DA.
8. Friends Families and Travellers: Support service working with Gypsy, Roma and Traveller communities. They provide advice and consultancy, promote health and wellbeing, work on research and policy, deliver training and much more, for issues including domestic abuse.
9. Hersana CIC: Specialist 'by and for' organisation for Black survivors of domestic abuse and sexual violence. Hersana works across the UK but is setting up a Sussex service based in Crawley.
10. Home-Start East Sussex: Runs the Lotus programme, 6 weeks of educational and therapeutic sessions for women living in East Sussex or Brighton & Hove whose lives have been impacted by domestic abuse, but who are now safe.
11. Hourglass: Based in East Sussex, Hourglass is a UK-wide charity focusing exclusively on the issue of elder abuse and providing both emotional and practical support.
12. Just Life Brighton: Housing and wellbeing support for people in temporary accommodation. Works in Brighton and in Manchester.
13. My Sisters' House Women's Centre: Provides domestic abuse drop-in clinics, one-to-one sessions and casework, and group work, working across the coastal community of West Sussex.
14. Oasis Project: substance misuse and sex worker outreach project based in Brighton & Hove, also working in Hastings.

⁸² [Safe Space Sussex \(safespacesussex.org.uk\)](https://safespacesussex.org.uk)

⁸³ Women's Aid, (2021a)

15. Opoka: Specialist DV Service for Polish Women, providing a helpline, crisis support, advocacy and outreach support.
16. Paws Protect - Cats Protection: Free and confidential fostering service, where cats are cared for until owners have escaped their abusive relationship and resettled somewhere safe.
17. RISE: Based in Brighton and operates in Brighton & Hove, providing information, support, advocacy and education around domestic abuse.
18. Safe Haven Sussex: A mix of shared and self-contained supported accommodation in Brighton. 60 medium support mental health accommodation places and 20 high support places.
19. Southdown Housing: not-for-profit specialist providers of care, support and housing services for vulnerable people working across Sussex, based in Lewes.
20. Stonepillow: Homeless charity and accommodation provider, working in Chichester and Bognor Regis.
21. The Clock Tower Sanctuary: Homelessness support and advice centre for young people aged 16-25 based in Brighton.
22. The Daisy Chain Project: Domestic abuse legal advice charity, providing pro bono legal advice, educating people about what constitutes domestic abuse. Based in Worthing but has a national reach.
23. The Rita Project: Based in Brighton & Hove, working in the city and in rural East Sussex, The Rita Project raises awareness and supports those experiencing domestic abuse. They run projects in schools and rural communities and with homeless people.
24. The YOU Trust: Delivering West Sussex Connect Service, which aims to fill identified gaps in service provision, helping to provide a 'one front door' access to domestic abuse support.
25. Veritas Justice: expert stalking advocacy and support service based in Brighton & Hove and working across Sussex.
26. Victim Support Brighton & Hove Domestic Abuse Support Service: Providing IDVA casework support, an IDVA based at the Royal Sussex County Hospital and a criminal justice DVA to support through the criminal justice system.
27. WORTH Domestic Abuse Services: Teams of IDVAs working across West Sussex who work to identify, assess, and assist people at risk.

Safe accommodation:

1. Safe in Sussex: Based in Worthing, operates four refuges along the south coast of West Sussex: two are commissioned, two are funded independently.
2. Clarion: Five refuges in East Sussex: one in each of the five district and borough geographical areas, with 47 units in total.
3. RISE: Four units of specialist LGBTQ+ dispersed accommodation which can support three residents.
4. The Brighton Refuge - Stonewater: 15 units of self-contained accommodation and support for women and their children.

National helplines used in Sussex:

1. Karma Nirvana
2. National Domestic Abuse Helpline
3. National LGBT Domestic Violence Helpline
4. Mankind Initiative
5. Opoka National Helpline (Polish speaking)
6. Women's Aid Live Chat
7. The No Woman Turned Away Project
8. The Salvation Army Modern Slavery Adult Victim Care Service

9. Casework Service (Japanese speaking)
10. Respect Men's Advice Line (for male victims/survivors)
11. Respect Phoneline (for perpetrators)

DRAFT

Pan-Sussex Domestic Abuse Safe Accommodation and Support Strategy –

Key changes post-consultation

Key theme/area	Previous version	Change in strategy Green: Other key changes Red: Change to strategic priority/recommendation wording	Page number in tracked Word doc
Explanation of the scope of the strategy	The <i>Pan-Sussex Domestic Abuse Accommodation and Support Strategy 2021-2024</i> must also be considered as part of a wider context of domestic abuse work across the county. This Strategy has been informed by and builds upon previous strategies, consultations and reports developed by Tier One local authorities in Sussex, including:	Wider preventative work, such as healthy relationships programmes in schools and early intervention work with families, is fundamental in reducing domestic abuse and Violence Against Women and Girls (VAWG). However, the scope of the Strategy is limited to accommodation and support within accommodation for victims/survivors of domestic abuse, in line with Part 4 of the Domestic Abuse Act 2021. The Strategy outlines the priorities and recommendations for domestic abuse accommodation and support. Action plans are under development locally to guide the implementation, delivery and monitoring of these priorities and recommendations. The Pan-Sussex Domestic Abuse Accommodation and Support Strategy 2021-2024 must therefore be considered as one part of a wider and ongoing response to domestic abuse across the county.	7
Recognition of housing stock crisis in Sussex	N/A	In developing housing and accommodation options for victims/survivors of domestic abuse or needing to move on from safe accommodation, it is pertinent to note that the housing market, both private sector and social housing, is a very challenging environment across Sussex. Private sector rents and property prices have been driven up considerably by the influx of working professional households from metropolitan areas following the COVID-19 pandemic and lockdowns, reflecting new home working arrangements and a desire for more space. This has priced	7-8

		out of the market large numbers of households reliant on the benefit system to meet part or all of their rental costs or are insecure, erratic employment. In turn, the pressure on social housing has risen, with numbers on local housing authority Housing Registers increasing significantly as vacancies have fallen, meaning an increasingly lengthy wait to obtain a social housing property. It will take considerable innovation in the delivery of this Strategy to effectively increase the housing and accommodation options available to victims/survivors of domestic abuse.	
Recognition of the disproportional impact of DA on women and girls	N/A	In line with the statutory definition, this Strategy recognises that anyone can be a victim of domestic abuse and for this reason adopts the inclusive terminology of 'victims/survivors.' However, it must be recognised that domestic abuse is a predominantly gendered crime and should be understood in the wider context of Violence Against Women and Girls (VAWG). In the majority of cases, domestic abuse is experienced by women and perpetrated by men. Women are more likely to experience different types of abuse, multiple incidents and to be the victim of a domestic homicide.	9
Change to strategic priority subtitle – <i>Consistent and Collaborative</i>	Promoting multi-agency and partnership commissioning and working to ensure a consistent offer across Sussex	Promoting partnership working and co-production with survivors to ensure consistent support across Sussex	23
Change to recommendation wording - <i>Consistent and Collaborative</i>	Inconsistencies and gaps in service provision across Sussex should be addressed in accordance with local demand and needs.	Inconsistencies and gaps in service provision across Sussex should be addressed to reflect local demand and needs and in line with national policies and initiatives.	24
Change in recommendation	The consistency and quality of data collection must be improved across all services by	The consistency and quality of data collection must be improved across all services by establishing clear reporting	24

wording – Consistent and Collaborative	establishing clear reporting requirements, unique client identifiers and pragmatic data sharing agreements.	requirements which include protected characteristics, unique client identifiers and pragmatic data sharing agreements.	
Change to recommendation wording – Consistent and Collaborative	Sussex local authorities should promote collaboration in the development of procedures and service models, including move-on pathways and co-located IDVAs. Wherever practical, Sussex authorities should jointly commission domestic abuse safe accommodation and support, to ensure consistency and value for money.	Sussex local authorities should promote collaboration in the development of procedures and service models, including move-on pathways and co-located IDVAs. Wherever practical, Sussex authorities should look for opportunities to jointly commission or align the commissioning of domestic abuse safe accommodation and support, to ensure consistency and value for money.	25
Change to recommendation wording – Consistent and Collaborative	Victims/survivors must be able to actively participate in the design and commissioning of domestic abuse safe accommodation and support services.	Victims/survivors must be able to actively participate in the design and commissioning of domestic abuse safe accommodation and support services, for example through the Lived Experience Board.	25
Mention of temporary accommodation	N/A	If refuge is not suitable or available, or there are limited other accommodation options, victims/survivors in Sussex are often placed in temporary or emergency accommodation, including Bed and Breakfasts. These sorts of placements are often mixed-gender, with no specialist support offer in place, and so are not considered appropriate domestic abuse accommodation. Although it is acknowledged that housing teams sometimes have no other option, their use for domestic abuse victims/survivors should be reduced.	29
Change to recommendation wording – Diverse and Appropriate	A broader menu of domestic abuse safe accommodation options, in line with a Whole Housing Approach, should be developed in Sussex. Consideration should be given to ensuring all new accommodation options are appropriate and quality assured.	A broader menu of domestic abuse safe accommodation options, in line with a Whole Housing Approach, should be developed in Sussex. Consideration should be given to ensuring all new accommodation options utilised by local authorities are appropriate and quality assured.	31
Inclusion of a range of needs and accommodation styles	N/A	The needs assessment highlighted that domestic abuse disproportionately affects women. However, there was	32

		considerable feedback from groups that have traditionally been excluded from refuge regarding the barriers they faced. This Strategy aims to highlight the gaps in provision, to enable consideration around how to ensure that all victims/survivors have access to accommodation and support that suits their needs.	
Change to recommendation wording – Accessible and Inclusive	Sussex local authorities should ensure that every available form of domestic abuse safe accommodation offers dedicated, personalised and holistic support for children and young people. All relevant safe accommodation options should be suitable and appropriate for children.	Sussex local authorities should ensure that every form of domestic abuse safe accommodation that accepts children is suitable for their needs, offering dedicated, personalised and holistic support for children and young people, including those with disabilities.	33
Gender identity and sexual orientation	N/A (Feedback - non-binary individuals are invisible in the strategy)	Stakeholders have highlighted the importance of good quality data analysis and collection as best practice. As an example, ONS has been flagged as not having a succinct way of collecting data on non-binary people as this is not recognised in legislation. Likewise, other statutory services, for example the police, also struggle to collect data on Trans, Non-binary, Intersex and gender-variant (TNBI) communities and often are categorising equality and diversity data by sex, not by gender identity. This leads to people within the community having to categorise themselves as the sex they were assigned at birth, not their gender identity. These leads individuals feeling overlooked and underreported even when they are coming forward for support.	33
Change to East Sussex refuge policy r.e. transgender referrals	Only safe accommodation providers in Brighton & Hove are currently able to accept referrals for transgender women – refuges in East and West Sussex currently cannot. From 1st November 2021, East Sussex refuge provider, Clarion Housing Group, will accept referrals from transgender women.	Brighton & Hove safe accommodation providers are currently able to accept referrals for transgender women. Clarion Housing Group in East Sussex will accept and assess referrals from transgender people and will seek the most appropriate accommodation for them, including self-contained units.	34

Include mention of single-sex provision	Funding for current and future services for women and girls must be sustainable, long-term and independent from the funding for the other specialist services identified within this Strategy. The needs of women and girls must continue to be met alongside the needs of other groups for whom services are currently lacking.	The needs of women and girls must continue to be met alongside the needs of other groups for whom services are currently lacking. Funding for current and future services for women and girls must be sustainable, long-term and independent from the funding for the other specialist services identified within this Strategy. Where new multi-occupancy safe accommodation services are commissioned, these will be single-sex.	34
Change to recommendation wording – Accessible and Inclusive	All women in safe accommodation in Sussex should receive a minimum standard of care and support, to include keywork and move-on support.	All victims/survivors and their children in safe accommodation in Sussex should receive a minimum standard of care and support, to include legal aid, move-on assistance and longer-term IDVA and psychological support.	34-35
Change to recommendation wording – Accessible and Inclusive	Support and accessibility for disabled victims/survivors in safe accommodation should be improved, by introducing multi-agency in-reach teams where needed, developing new facilities or adapting existing facilities, with measures such as installing ramps, increasing ground-floor and step-free units and installing visual fire alarms to assist deaf people.	Support and accessibility for disabled victims/survivors in safe accommodation should be improved, by introducing relevant training, multi-agency in-reach teams where needed, developing new facilities or adapting existing facilities, with measures such as installing ramps, increasing ground-floor and step-free units and installing visual fire alarms to assist deaf people.	37
Change to recommendation wording – Accessible and Inclusive	Housing application processes should be in-person and accessible for those with SEND or SLCN and include interpretation for a range of languages, including British Sign Language.	Housing application processes should be accessible for those with disabilities, including those with special educational needs or speech, language and communication needs, and include optional in-person appointments and interpretation for a range of languages, including British Sign Language.	37
Change to recommendation wording – Accessible and Inclusive	Cultural awareness and immigration rights awareness training should be increased for frontline staff and commissioners to better understand the needs of various marginalised groups, including those with No Recourse to	Cultural and immigration rights awareness training should be increased for frontline staff and commissioners to better understand the needs of various marginalised groups. Training packages must acknowledge the intersection of	38

	Public Funds and Gypsy, Roma and Traveller communities. Training packages must acknowledge the intersection of race, class and gender.	race, class and gender, amongst other protected characteristics.	
Change to strategic priority subtitle – Responsive to Multiple Disadvantage	Establishing specialist provision to support victim/survivors with Multiple Complex Needs	Establishing specialist provision to support victim/survivors with specific needs, including multiple complex needs	39
Inclusion of other needs alongside MCN	A prominent theme throughout the stakeholder engagement was the current lack of domestic abuse accommodation and support provision for women with Multiple Complex Needs (MCN).	A prominent theme throughout the stakeholder engagement was the current lack of domestic abuse accommodation and support provision for people with specific needs, including the protected characteristics mentioned above, care leavers, ex-service personnel and their families, but particularly those with multiple complex needs (MCN). Therefore, this section focuses on the current gap and need for a responsive approach to MCN.	39
Change to recommendation wording – Responsive to Multiple Disadvantage	Accommodation and support options appropriate for the needs of domestic abuse victims/survivors with MCN will be explored, including short-term respite facilities, specialist housing, 'move on' pathways and in-reach/floating support.	Accommodation and support options appropriate for the needs of domestic abuse victims/survivors with multiple complex needs will be explored, including short-term respite facilities, specialist housing, move- on pathways and long-term floating support.	42
Change to strategic priority subtitle – Person-centred	Empowering victims/survivors to remain in their own homes through choices	Empowering victims/survivors to remain in their own homes through choices where safe to do so	43
Change in wording regarding survivors staying in own homes	Feedback highlighted that the focus should shift from victims/survivors fleeing in order to seek alternative accommodation, to being effectively supported if they choose to remain in their own homes. With safety being the main priority, the	Feedback highlighted that although many survivors choose or are required to leave their area to increase their safety, this should not be their only option. Where safe to do so, survivors should be effectively supported if they choose to remain in their own homes and therefore the following	43

	following may only be appropriate for cases that are not high risk.	measures may only be appropriate for cases that are not assessed as high risk.	
Change to recommendation wording – Person-centred	Victims/survivors should be able to remain in their home if they choose to, and it is safe to do so, by introducing measures such as Sanctuary Schemes throughout the county	Victims/survivors should be able to remain in their home if they choose to, and it is safe to do so, by introducing measures such as Sanctuary Schemes throughout the county ensuring Sanctuary Schemes are available in each local authority area as part of a wider safety and support package.	44
Change to recommendation wording – Person-centred	Whole Family intervention and support should be promoted and further invested in throughout Sussex.	Awareness and availability of Whole Family interventions should be increased in Sussex. and support should be promoted and further invested in throughout Sussex.	45
Change to recommendation wording – Trauma-informed	Consistent trauma-informed practice training should be developed for district and borough housing teams, housing associations and registered social landlords, expanding on existing training packages.	Ensure that consistent domestic abuse and trauma-informed practice training packages are developed for frontline practitioners within housing authorities, housing associations and registered social landlords, with an aim to deliver the offer more widely.	46
Change to recommendation wording – Trauma-informed	Sussex local authorities will consider providing dedicated housing specialists within domestic abuse safe accommodation services.	Sussex local authorities will consider providing dedicated or floating housing specialists to provide support within domestic abuse safe accommodation services.	48
Change in wording to closing statement	<p>Therefore, it is not envisaged that all the recommendations will be capable of being delivered or funded using the 2020-21 allocation alone.</p> <p>This Strategy represents a commitment that Sussex Local Authorities will consider and cater for the needs identified when making commissioning decisions around support provisions. The six strategic priorities should be used to ensure that future funding is spent in an inclusive, meaningful and sustainable way.</p>	<p>For this reason, the recommendations outlined in this Strategy will be delivered over a three-year period and reviewed in future refreshes.</p> <p>This Strategy outlines the priorities and recommendations for domestic abuse accommodation and support. It represents a commitment that Sussex local authorities will consider and cater for the needs identified when making commissioning decisions around support provisions. The six strategic priorities should be used to ensure that future funding is spent in an inclusive, meaningful and sustainable way. Action plans are under development locally to guide the</p>	50

		implementation, delivery and monitoring of the priorities and recommendations.	
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Subject:	Air Quality and Planning Policy		
Date of Meeting:	13 January 2022		
Report of:	Executive Director Economy, Environment and Community		
Contact Officer:	Name:	Liz Hobden	Tel: 07701 396943
	Email:	liz.hobden@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report has been prepared in response to a Notice of Motion (NoM) referred from Council in July 2021, relating to improving air quality, which sought the provision of citywide real time Air Quality monitoring information. The NoM asked that this be considered by January ETS Committee and that TECC Committee consider amending planning policy to ensure that developments that come to Planning Committee install and maintain air quality monitoring with data available to BHCC.
- 1.2 This report sets out the current and emerging planning policy that addresses air quality and development and how mitigation, monitoring and funding towards improving infrastructure can be secured through the planning process.

2. RECOMMENDATIONS:

- 2.1 That Committee notes the current position in relation to air quality and planning, and new development.
- 2.2 That the Committee supports bids to secure funding towards real time air quality monitoring infrastructure from the strategic Community Infrastructure Levy pot.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 A Notice of Motion (NoM) was agreed at Council 15 July 21 stating that this Council notes that:
- The city needs publicly available real-time data about pan-city air pollution (NO₂ and PM) to help enable:
 - Officers to assess how interventions, building configuration changes or traffic flow changes affect air quality
 - Residents and visitors vulnerable to air pollution to plan their days when pollution levels are high.

This Council also agrees to request that:

- The Environment, Transport and Sustainability Committee explores investing in a city-wide real-time air quality (AQ) monitoring system (stations and sensors) with information available in real-time via a website for residents, councillors and officers.
- The Tourism, Equalities, Communities & Culture Committee considers amending planning policy to ensure that all residential and business developments that come to Planning Committee install and maintain an AQ monitor with data available to BHCC.

3.2 This report responds to the request to amend planning policy in relation to AQ monitoring and applications going to Planning Committee. A parallel report is also going to ETS Committee in January to address the other part of the NoM relating to investing in a real time AQ monitoring system.

3.3 In terms of background, local authorities have a statutory duty set out under the Environment Act 1995 (as amended in 2021) to review and assess air quality in their areas. Local air quality assessments help to inform where improvement needs to be prioritised, especially to ensure compliance with air quality health protections that are national standards and objectives. A key part of delivering a liveable urban realm will be to reduce emissions and monitor changes in ambient air quality most especially airborne pollutants prejudicial to human health which are nitrogen dioxide and fine particulate matter

3.4 There is existing air monitoring infrastructure in the city which is focused on poor air quality hot spots in line with policy. It is recognised that improving air quality monitoring, in line with the NoM proposal, would have multiple policy benefits including:

- The potential to contribute to health benefits and an improved liveable urban realm
- Provide ongoing data to help focus for air quality improvements
- Raise awareness of the impact of choices and therefore help behaviour change
- Assist in encouraging an increase active travel and public transport use and
- Help towards meeting Carbon Neutral objectives.

3.5 For these reasons, it is understood that the Air Quality Report to ETS Committee proposes to take forward a citywide real time air quality monitoring system and that measures will be taken to seek funding to implement this.

3.6 On the Planning side, when new development is considered in the city, the need to improve air quality is already an important objective and it is embedded in many of the **City Plan Part One** policies. Improvements to air quality are key priorities for the eight strategic Development Areas in the city (Policies DA1 – DA8). Policy SA2, relating to central Brighton, additionally requires new development proposals consider impact on local air quality and that improvements and mitigation are sought wherever possible. Policy CP18 Healthy Cities, requires health impact assessments to be submitted on all new significant development proposals which will include air quality information. The Plan also recognises that addressing air quality issues caused by road transport and home heating is a key priority.

- 3.7 Detailed planning policy set out in **City Plan Part Two** (due to be adopted summer/autumn 2022 subject to the Inspector's decision letter) includes a stronger focus on specific measures to address air quality through several policies. Policy DM40 specifically relates to pollution issues and includes specific criteria that development proposals are required to meet. For example, to support the implementation of local Air Quality Action Plans and to include measures for air quality improvements and/or mitigation wherever possible.
- 3.8 There is also specific policy support to address the transport related impacts on air quality through Policy DM35 – this requires an Air Quality Assessment to be submitted with all major developments where traffic and other impacts are likely to affect Air Quality Management Areas so that the potential impact of additional traffic emissions on the most polluted and populated areas can be adequately considered. This evidence is assessed by the air quality technical expert and, where necessary, measures are required to mitigate impacts on air quality.
- 3.9 Mitigation can be carried out by amending the design of the development to reduce the impact on future residents and locality. Alternatively, on larger schemes in sensitive locations (i.e. with existing poor levels of air quality), monitoring can be incorporated on site via a condition or via a s106 agreement. This, however, cannot be a blanket approach and would have to meet tests in national policy. For s106s the tests are that it is necessary to make the development acceptable, proportionate to the scale of development; and directly related to the development
- 3.10 To further address the aims of the Notice of Motion, the launch of **Community Infrastructure Levy** (CIL) in October 2020, and the subsequent approval of the updated Infrastructure Delivery Plan (IDP), could potentially help to address the capital cost of citywide real time air quality monitoring infrastructure. The need for this infrastructure is identified in the updated IDP (agreed at TECC Committee November 21). This means that bids can be made to the Strategic CIL pot for funding (via CIL Governance arrangements agreed at TECC Committee June 2021).
- 3.11 In terms of the part of the Notice of Motion looking to amend planning policy to ensure there is on site provision of AQ monitoring for planning committee applications, it should be noted that planning policies can only be amended through a formal review of the Plan. Future review of the Plan will commence in Spring 2022 and it will normally take 3-4 years to complete. The Plan is likely to be a new style Plan as part of the government's Planning Reforms and it is expected that the scope for local policy making will be clarified with the publication of the Planning Bill which is due in early 2022.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The report sets how the current planning policy framework in the City Plan and Community Infrastructure Levy positively contribute to meeting the aims of the Notice of Motion. These, however, need to be applied within the rules and policy set nationally which means that a blanket approach to all applications would not be appropriate.

- 4.2 To amend planning policy, as requested by the NoM, would require a formal review of the City Plan. Given the formal procedures and requirements this would take at least 3 to 4 years and might also be changed and delayed by Planning Reforms (due to be implemented over the next two years).

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 This report has not been the subject of public consultation, however, the City Plan Part One, Part Two and the Community Infrastructure Charging Levy have been the subject of extensive engagement with residents and stakeholders over a number of years. This has informed and shaped the plans.

6. CONCLUSION

- 6.1 On site air quality monitoring equipment can be required as part of new development proposals, where it can be justified, using the framework of existing planning policies in the City Plan. However, this cannot be treated as a blanket approach as each planning application must be considered on its own merits and the rules relating to the attachment of conditions (and use of s106 agreements) need to be followed.
- 6.2 In terms of future funding of a citywide real time air quality monitoring network, bids can be made into the strategic pot of the Community Infrastructure Levy (once the pot has built up). This will need to be in line with agreed CIL Governance procedures and the final decision on funding will be made at Policy and Resources Committee.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications arising from this report.

Should there be a decision to amend planning policy in the future, then the cost of officer time, document production and any consultation costs would be funded from existing revenue budgets within the Planning service where any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

The report to ETS Committee will explore a City-Wide Real-Time Air Quality Monitoring System and any funding opportunities.

Finance Officer Consulted: John Lack

Date: 17/12/21

Legal Implications:

- 7.2 As noted in the report, the authority has a statutory duty under the Environment Act 1995 to review and assess the air quality within its area. The review must cover current and likely future air quality.

As also noted in the report, a review of planning policies must follow a formal process. This process is laid down in relevant legislation, notably the Planning

and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 made thereunder, which require stakeholder and public consultation on proposed policies and independent examination of those proposals by an inspector on behalf of the Secretary of State.

Lawyer Consulted: Hilary Woodward Name Date: 17/12/21

Equalities Implications:

- 7.2 There are several benefits to better monitoring information on air quality and will help to ensure better equality outcomes across the city.

Sustainability Implications:

- 7.3 More extensive air quality monitoring informs and supports better policy outcomes and sustainability policy objectives.

Brexit Implications:

- 7.4 Air quality EU directives are transposed into UK legislation. The City can also work towards World Health Organisation Guidelines and improving trends in pollutants as set out in the 2021 Environment Act passed by parliament after Brexit.

Social Value Implications

- 7.5 Improving air quality monitoring in the city will help to deliver better air quality outcomes. This will address the city's priorities that lead to social and environmental benefits to residents.

Any Other Significant Implications:

Public Health Implications:

- 7.7 The proposal supports equalities and sustainability, information community engagement public health and wellbeing policy outcomes.

Corporate / Citywide Implications:

- 7.8 The proposal is to support citywide real time air quality information that will be more extensive than the current approach for monitoring focused on the areas of poorest air quality. This will benefit the whole city.

SUPPORTING DOCUMENTATION

Background Documents

1. City Plan Parts One (adopted 2016) and Two (submission)
2. Updated Infrastructure Delivery Plan (agreed 2021)
3. CIL Governance agreed – TECC Committee June 2021

Tourism Equalities, Communities and Culture Committee

Agenda Item 63

Subject: Biodiversity and Nature Conservation Supplementary Planning Document – Consultation Draft

Date of meeting: Tourism, Equalities, Communities and Culture Committee 13 January 2022

Report of: Executive Director Economy, Environment & Culture

Contact Officer: Name: Helen Pennington
Tel: 01273 292333
Email: helen.pennington@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of report and policy context

- 1.1 This report seeks approval to consult on the Draft Supplementary Planning Document (SPD) for Biodiversity and Nature Conservation. The report outlines the relevant policy context for the SPD and summarises how the 2010 Nature Conservation and Development Supplementary Planning Document has been revised and updated to provide detailed guidance aligned to current and emerging national and local policy.

2. Recommendations

- 2.1 That the Tourism, Equality, Communities and Culture Committee approves the Draft Biodiversity and Nature Conservation SPD, found at Appendix 1 and 2 of this report, for public consultation for a six-week period.
- 2.2 That the Tourism, Equality, Communities and Culture Committee authorises the Head of Planning to make any necessary minor grammatical or non-material amendments, including additional illustrations, to the Draft SPD, in consultation with the Chairs of TECC committee, prior to the public consultation.

3. Context and background information

- 3.1 The current Nature Conservation and Development SPD (SPD11) was adopted in 2010 and was prepared to support implementation of policies in the Brighton & Hove Local Plan 2005. Since this time, City Plan Part One (2016) has been adopted and City Plan Part Two has been submitted for examination and public hearing sessions have been undertaken. Once adopted, City Plan Part Two will replace the saved policies in the 2005 Local Plan and sit alongside City Plan Part One to form part of the Development Plan for the city.

- 3.2 Since SPD11 was adopted in 2010, national planning policy has changed significantly, with the more recent updates of the National Planning Policy Framework (last updated in July 2021) setting out clearer and stronger guidance for achieving improvements for nature conservation and biodiversity. This includes the 'mitigation hierarchy' (avoid harm, mitigate and as a last resort compensate) and encouraging opportunities to secure measurable biodiversity net gains. In addition, Government priorities, including those within the 25-year Environment Plan and the recently enacted Environment Act, include commitments to address biodiversity loss and achieve measurable biodiversity net gains from development, with this being a mandatory requirement for many types of development¹.
- 3.3 Local priorities have also changed significantly since the 2010 SPD was adopted. The need to address the climate crisis and reverse the decline in species and habitats has been recognised through the Climate and Biodiversity emergencies declared in 2018. The Corporate Plan includes an objective to promote, protect and invest in biodiversity; and the Carbon Neutral Programme includes various actions required to address the climate and biodiversity emergency, with an updated SPD being identified as a specific action.
- 3.4 An updated SPD is therefore considered timely and necessary to ensure it reflects legislation, national and local planning policies, and local priorities.

Draft Biodiversity and Nature Conservation SPD

- 3.5 Supplementary Planning Documents are formal documents used by the council to provide guidance and information to planning applicants about how to deliver local planning policy as part of their development proposals. SPDs have a prescribed process for their preparation including engagement with local residents and stakeholders. Whilst SPDs provide guidance and can demonstrate best practice, they cannot make new or change existing planning policy.
- 3.6 The main purpose of the updated Draft Biodiversity and Nature Conservation SPD is to guide new development to deliver legislation and national and local planning policy requirements for biodiversity and nature conservation. It will assist planning applicants understand the importance of biodiversity and set out how development can deliver biodiversity improvements and net gains. It will also support officers in providing pre-application advice and assist in determining planning applications. The SPD will support a range of policies within the adopted City Plan Part 1 (CPP1) and Submission City Plan Part 2 (CPP2). It will particularly support policies CP10 Biodiversity (CPP1) and DM37 Green Infrastructure and Nature Conservation (CPP2) both of which seek the protection of biodiversity and the achievement of biodiversity net gains.
- 3.7 The Draft SPD includes introductory sections which outline the city's rich local biodiversity resource including important sites and areas designated for the presence of special habitats and the species they support. This includes chalk grassland and marine chalk habitat; important downland, urban and coastal habitats and species identified as needing conservation action, such as ancient woodland, coastal vegetated shingle, house sparrow, swift and hedgehog. It also

¹ Regulations for the implementation of the requirements of the Environment Act, including Biodiversity Net Gain, are anticipated next Spring, with introduction expected in 2023.

identifies key legislation of relevance to biodiversity and sets out the national and local planning policy context and requirements.

- 3.8 The SPD explains the overarching biodiversity principles applicable to all development and identifies key biodiversity matters that need to be considered at various stages of the planning process. These include:
- The Mitigation Hierarchy
 - Biodiversity Net Gain
 - Protection of irreplaceable habitats
 - Habitats Regulations Assessment
 - Conservation of the marine environment
 - Wildlife friendly lighting
- 3.9 It provides guidance and examples for integrating biodiversity into the design of new buildings and spaces, including measures that can be incorporated into the building design, such as bee bricks, swift bricks/boxes, living walls and roofs and hedgehog highways, as well as opportunities for biodiversity that arise through landscaping, such as wildlife friendly and productive planting.
- 3.10 It includes a step-by-step guide of how and when biodiversity should be considered in the development process, from the very early design stages through to the construction and operational stages, clarifying the type of information that will be expected to support planning applications, such as ecological surveys.
- 3.11 The SPD also includes several annexes. These provide further detailed information on habitats and species, ecological survey seasons, construction stage hazard-prevention, guidance on habitat creation and enhancement, and an updated Biodiversity Checklist which is anticipated to become a validation requirement for some applications.
- 3.12 The anticipated timetable for preparing and adopting the SPD is:
- Approval to consult: January 2022
 - Public consultation: February/March 2022
 - Consideration of comments and revisions to Draft SPD: April-June 2022
 - Seek approval to adopt: June/September 2022

4. Analysis and consideration of any alternative options

- 4.1 Updating the Biodiversity and Nature Conservation SPD is one of the priority actions identified in the Carbon Neutral Programme and is considered necessary to ensure planning guidance reflects local and national planning policy and local priorities. The relevant Regulations require an SPD to be subject to public consultation prior to its adoption. The alternative options of not updating the SPD and not undertaking public consultation have been considered and dismissed for the above reasons.

5. Community engagement and consultation

- 5.1 The Draft Biodiversity and Nature Conservation SPD has been prepared by ecological consultants working closely with officers in the Planning Policy and Sustainability teams. During its preparation, the Draft SPD has been subject to

internal consultation with officers in the Development Management team, as well as externally with the East Sussex County Council County Ecologist and has been amended in response to their comments.

- 5.2 SPDs are required to be subject to a period of public consultation prior to adoption. The Planning Service's Statement of Community Involvement (SCI) sets out policy and standards for engaging residents, local groups, stakeholders and statutory consultees in the preparation of planning-related documents, including supplementary planning documents.
- 5.3 Stakeholder organisations and individuals, including residents, developers, landowners, local ward councillors, planning agents, community groups and environmental organisations registered in the Planning Policy database will be invited to comment on the Draft SPD during a six-week public consultation to be held in February/March 2022. Additional stakeholders will be made aware of the consultation via the council's Biosphere Programme Manager. Consultation documents will be made available on the council's website and will be made publicly available in libraries if possible, taking into consideration any ongoing Covid-19 restrictions. Consultees will be invited to comment using the council's online consultation platform and attend a virtual consultation event.
- 5.4 All consultation comments and requested changes to the SPD will be considered prior to bringing it back to Committee to seek its adoption later in 2022.
- 5.5 The SPD was subject to a screening exercise at an early stage of preparation to assess the need for a Strategic Environmental Assessment (SEA). The screening was subject to consultation with statutory consultees (Natural England, Environment Agency and Historic England) who agreed with the conclusion that the SPD did not require a SEA, as was not likely to result in significant adverse environmental effects.

6. Conclusion

- 6.1 The updated SPD will reflect national and local planning policy as well as local priorities and ensure biodiversity is considered and integrated into the planning process and outcomes. Consultation will enable stakeholders to contribute to the further development of the SPD before it is adopted.

7. Financial implications

- 7.1 There are no direct financial implications arising from this report. The cost of officer time, document production and consultation associated with the recommendations in this report will be funded from existing revenue budget within the Planning service. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Finance Officer Consulted: John Lack

Date: 03/12/21

8. Legal Implications

- 8.1 The contents of a SPD are governed by The Town and Country Planning (Local Planning) (England) Regulations 2012. The Regulations provide that SPDs

cannot contain planning policy but can contain statements regarding environmental, social, design and economic objectives relevant to the attainment of the development and use of land. The Regulations also provide that a draft SPD must be subject to public consultation for a period of at least four weeks. Once adopted the SPD will be a material planning consideration in the determination of those planning applications to which it is relevant

Lawyer Consulted:

Name Hilary Woodward

Date: 7/12/21

9. Equalities Implications

- 9.1 Equalities issues relevant to this SPD have been considered during the Health & Equalities Impact Assessment (HEQIA) undertaken for City Plan Parts 1 and 2 (CPP1 and 2) particularly those identified for policies CP10 Biodiversity (CPP1) and DM37 Green Infrastructure and Nature Conservation (CPP2). These assessments did not find any sensitive groups that were affected by these policies. Equalities groups that have signed up to the Planning Policy team's consultation database will be contacted as part of the public consultation on the SPD and assistance will be sought from the Communities and Equalities teams to ensure inclusivity.

10. Sustainability Implications

- 10.1 The protection and enhancement of biodiversity is a key strand of sustainable development and can support the achievement of multiple environmental objectives, such as improved air quality and reduced flood risk. The SPD will help ensure biodiversity is protected and enhanced through the planning process and will therefore contribute to the delivery of sustainable communities.

11. Other implications

Social Value and procurement implications

- 11.1 The social value of biodiversity includes recreational value, such as through access to nature, aesthetic value such as improved visual amenity, and cultural value. The protection and enhancement of biodiversity through the planning process recognises these social values and the contribution that biodiversity makes to the delivery of sustainable communities
- 11.2 There are no procurement implications.

Crime & Disorder Implications:

- 11.3 None identified.

Public Health Implications:

- 11.4 Evidence indicates that exposure and access to nature improves mental and physical wellbeing. Ecosystem services provided by biodiversity can also have benefits for health, for example through attenuation of noise and absorption of pollutants. The updated SPD could therefore have positive implications.

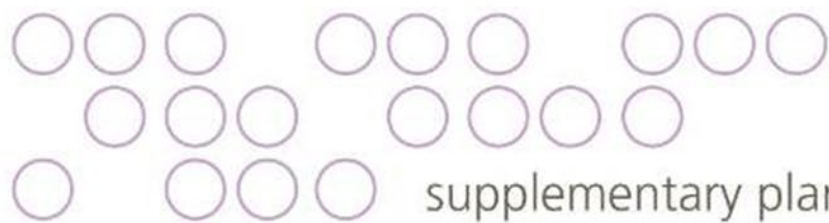
SUPPORTING DOCUMENTATION

Appendices:

1. Draft Biodiversity and Nature Conservation SPD
2. Draft Annexes to the Biodiversity and Nature Conservation SPD

Background Documents

1. City Plan Part One (2016)
2. Submission City Plan Part Two (2020)



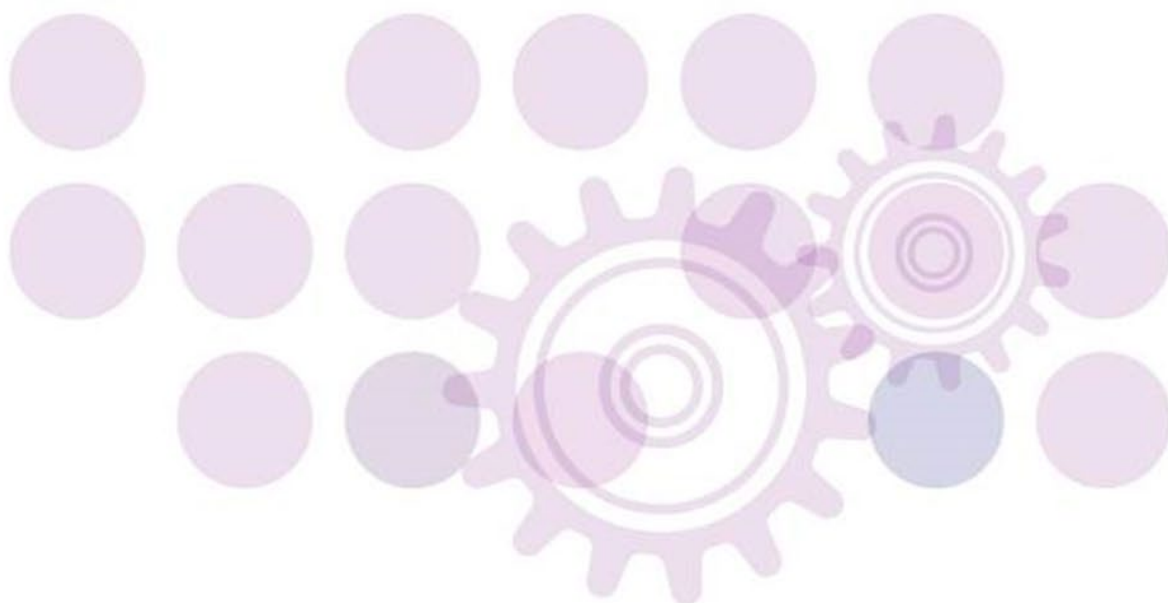
spd

supplementary planning document

Draft Biodiversity and Nature Conservation SPD

January 2022

Draft for public consultation



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This Consultation Draft SPD has been co-produced by Brighton & Hove City Council, Place Services Essex County Council, and East Sussex County Council.

About this SPD

This Biodiversity and Nature Conservation Supplementary Planning Document (SPD) has been prepared to assist planning applicants and developers understand the importance of nature and how development can help deliver biodiversity improvements and net gains. The SPD provides detailed guidance that will ensure new development is designed sustainably so that it can meet the needs of our natural environment whilst complying with local, national and international policies and laws around planning, development and nature.

This document supports the council's objectives as set out in the [Corporate Plan 2020 – 2023: A Fairer City with a Sustainable Future](#) which includes key priorities for protecting, investing in, and improving the city's biodiversity. It supports the implementation of planning policies set out in key planning policy documents: Brighton & Hove City Plan (Parts One and Two), in particular City Plan Part One Policy CP10 Biodiversity and City Plan Part Two Policy DM37 Green Infrastructure and Nature Conservation.

The terms 'nature', 'natural environment' and 'biodiversity' are used interchangeably in this document to talk about living things such as plants, insects, animals, birds and fish that are interconnected and all part of our city, as well as the habitats and conditions that are required for all living things to thrive, such as healthy soils, fresh air and clean water, as well as open greenspace, grasslands, shrubs, woodland, aquatic, marine and coastal environments, notably The Living Coast Biosphere.

The SPD describes the biodiversity resource of the city, summarises key legislation and planning policies, provides examples for integrating biodiversity into development, and includes a step-by-step guide of the planning process in relation to the consideration of biodiversity.

The Annexes provide further details and information on Protected and Priority habitats and species, legislation, survey seasons, hazard prevention, habitat creation, and includes the 'Biodiversity Checklist' which will be a validation requirement for certain types of planning applications.

This SPD is aimed to be used by:

- planning applicants and their design team when designing new development and preparing planning applications;
- planning officers when offering pre-application advice and assessing applications;
- councillors when making planning decisions; and
- residents, amenity groups and other organisations commenting on planning applications.



Starling Murmuration, Brighton Seafront. © The Living Coast

1. Introduction

1.1 Local context

Biodiversity describes the variety of all life on Earth, in all its forms, interactions and interconnectedness. It incorporates all habitats and species, both rare and common, and includes genetic diversity. Biodiversity is our life support system, with nature providing all the essential and vital ecosystems services we need to be a healthy and thriving society.

Brighton and Hove is a vibrant biodiverse living landscape, rich in biodiversity from peregrines on tower blocks to rare leeks on the vegetated shingle beaches. The city is formed of the interconnected and interweaving urban areas, including the city's parks and greenspaces, coastal, marine and chalk downland habitats, allowing wildlife to move, migrate and thrive. Even seemingly sterile urban environments can provide a haven for wildlife, with buildings providing important nesting and roosting habitats for birds and bats, and street trees, churchyards and urban gardens supporting species such as hedgehogs, butterflies and fungi.

There are habitats and species of both global and local importance and rarity in Brighton and Hove, particularly in relation to our three key environments: the chalk downland; urban areas, and marine and coastal areas. In 2014, the value of the city and landscapes in the wider area was recognised through its global designation as The Living Coast Brighton and Lewes Downs UNESCO Biosphere Region. As well as recognising the area's rich biodiversity, the designation also focuses on innovation in sustainable socioeconomic development and environmental education from local councils, communities and other organisations. The Living Coast Biosphere is a living laboratory where projects and new approaches seeks to explore and understand how people and nature can flourish together both now and in the future.



Within this wider context and due to its popularity, the city also has a high demand for additional development to meet a range of citywide needs including a significant need for housing. However, the city has a very constrained land supply; competition for land is therefore high and sites have to work hard to ensure multiple policy objectives can be achieved.

1.2 Local priorities

Biodiversity is under increasing pressure at local, national and global levels with habitat loss, species decline and extinction a real threat exacerbating our changing and increasingly unstable climate. Climate change and associated biodiversity declines are attributed to human causes. Habitats and species once considered to be common in the city are facing increasing stresses with many at breaking point.

Recognising this pressure, the council declared a Climate and Biodiversity Emergency in 2018 to urgently address the climate crisis and the need to reverse the decline in natural habitats and wildlife.

The Corporate Plan 2020 sets out priorities to support the objective of becoming a Sustainable City including the commitment for the city to become carbon neutral by 2030; to create and improve public open spaces including investing in biodiversity within parks; and to promote and protect biodiversity including through habitat creation such as the Waterhall rewilding, tree planting and green corridors. The council has recently published its Carbon Neutral 2030 Programme setting out the actions required to reach the carbon neutral target and to address the climate and biodiversity emergency.

Corporately, it is recognised that planning has a key role to play in encouraging sustainable development in the city with a key objective being protection and enhancement of biodiversity throughout the development process.

1.3 Purpose, role and status of the SPD

The aim of this SPD is to set out guidance and best practice advice to ensure that development complies with the relevant legislation, the NPPF, and the requirements of local planning policy - principally the City Plan Parts 1 and 2 relating to the conservation and enhancement of biodiversity. This includes local requirements relating to biodiversity net gains, as well as the requirements relating to achieving mandatory measurable biodiversity net gain arising from the Environment Act 2021.¹

The purpose of this SPD is to provide guidance to:

- ensure development is delivered in accordance with the mitigation hierarchy;
- ensure biodiversity is adequately protected and enhanced throughout the development process;
- support the provision of appropriate biodiversity net gains;
- describe how proposals can be designed with biodiversity embedded;
- describe how measures which improve biodiversity can support the achievement of multiple policy objectives;
- ensure proposals accord with relevant legislation, including the Environment Act 2021, national policy, government advice, and the British Standard BS42020:2013 Biodiversity – Code of practice for planning and development;
- explain terminology associated with biodiversity conservation;
- assist applicants to gain planning permission efficiently and effectively, informing them of the information required to support their planning applications.

Although not part of the development plan, SPDs can be accorded significant weight as a material consideration in the determination of planning applications. Once adopted, this SPD will supersede the Nature Conservation and Development SPD (2010).

¹ At the time of writing, Regulations and secondary legislation setting out the implementation of the requirements of the Environment Act are anticipated to be out for consultation in Spring 2022.

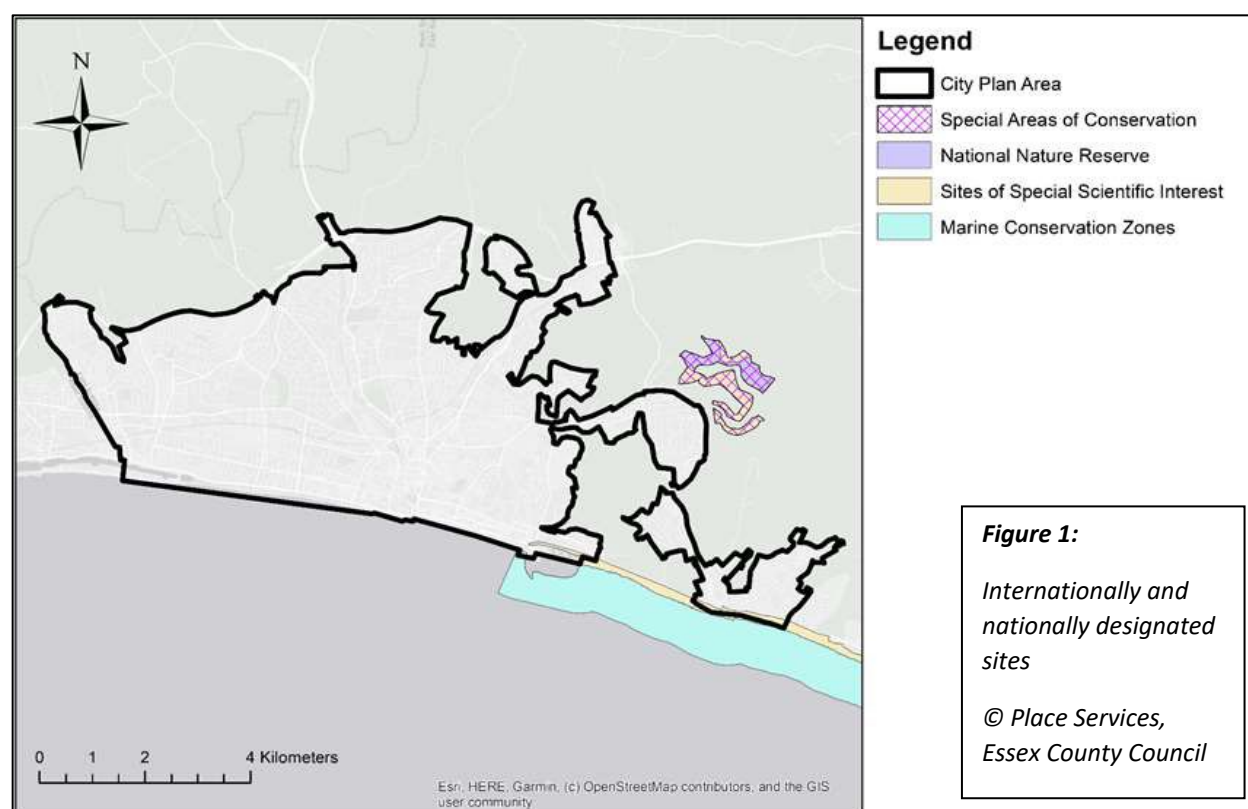
2. The Biodiversity Resource in Brighton and Hove

Biodiversity underpins everything, exists everywhere and includes the abundant species as well as rarities. This section summarises the sites designated for their nature conservation value across Brighton and Hove, and the legally protected, notable and Priority habitats and species present, which need to be identified, protected and enhanced throughout the design and development process (inclusive of direct and indirect impacts). All such sites and species are material to planning decisions.

Detailed information about designated sites, Priority habitats, and existing records of protected, notable and Priority Species can be obtained through a data search from [Sussex Biodiversity Record Centre](#).

2.1 Designated sites

Statutory designated sites



2.11 Habitats (European) Sites (Figure 1)

Special Protection Areas (SPA) and Special Areas of Conservation (SAC) are sites of international importance which form the UK's national site network protected by The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).

Ramsar Sites are wetlands of international importance that have been designated under the criteria of the international Ramsar Convention on Wetlands; these are also protected under the Habitats Regulations. Collectively, these sites are now known as Habitats Sites as defined by the [NPPE](#).

There is one Habitats Site within the city's administrative area - Castle Hill SAC; this lies within the South Downs National Park (SDNP) and is therefore not directly within the Brighton and Hove Local Planning Authority (LPA) area (however does require indirect impacts to be assessed). A further four Habitats sites are within 20km of the council's administrative boundary and therefore any potential impacts of certain types of development may need to be considered (see Key Biodiversity Matter 2).

2.12 Sites of Special Scientific Interest (Figure 1)

Sites of Special Scientific Interest (SSSI) are designated due to the special interest of their flora, fauna, geological, geomorphological or physiographical features.

There are two SSSIs within the city's administrative area. Castle Hill SSSI is located entirely within the SDNP and the Brighton to Newhaven Cliffs is located partially within the Brighton and Hove LPA boundary.

- Castle Hill - designated for its chalk grassland habitat and the presence of rare plants and invertebrates. Part of the designation overlaps with the SAC designation; part of the site is a National Nature Reserve.
- Brighton to Newhaven Cliffs - designated primarily for geological reasons, but also for the presence of rare and uncommon plants in chalk grassland habitat, for its breeding seabirds and for invertebrates.

Further information on Habitats Sites and SSSIs can be obtained through the [Multi-Agency Geographic Information for the Countryside](#) including boundaries and links to site descriptions. (See Key Biodiversity Matter 3).

2.13 Biosphere Reserve (Figure 2)

UNESCO designated the Brighton and Lewes Downs Biosphere Reserve in 2014, covering the chalk block between the Adur Estuary in the west and the River Ouse in the east. The designation is based on a core area made up of SSSIs surrounded by a buffer zone and a transition area. The core area is to be protected, the buffer zone should only be used for activities compatible with sound ecological practices, and the transition area is where stakeholders should seek to manage and sustainably develop the area's resources. Most of the city falls within the transition area.

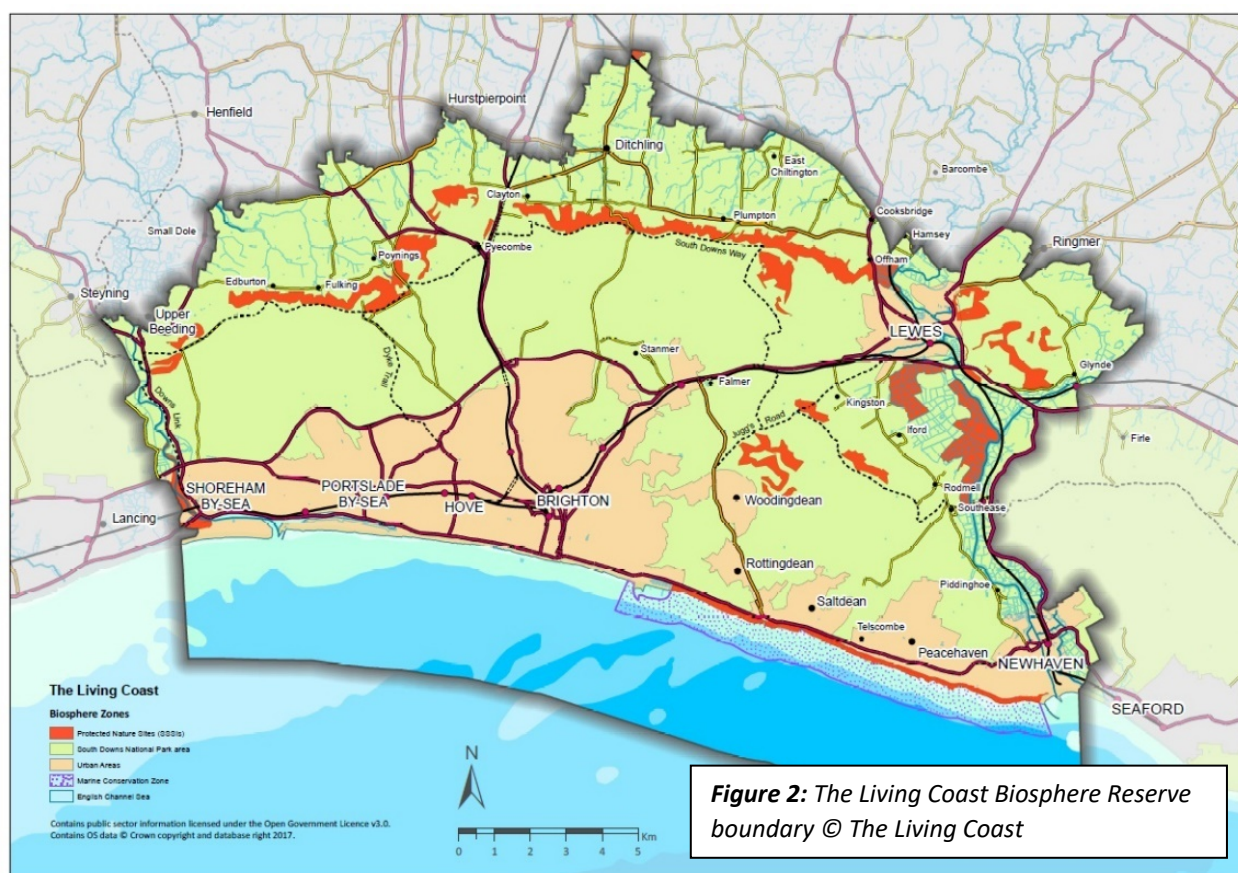


Figure 2: The Living Coast Biosphere Reserve boundary © The Living Coast

The council is the lead partner for The Living Coast Biosphere. Planning proposals can support the delivery of the [Biosphere Management Strategy](#). This aims to bring the Downs into the towns, increasing biodiversity and access to nature through the creation of new areas of urban green space, utilising local downland flora to support pollinators and protecting and improving the quality of groundwater in the Brighton chalk aquifer.

2.14 Marine Conservation Zones (Figure 1)

The Beachy Head West Marine Conservation Zone (MCZ) covers an area of about a kilometre wide eastward from Brighton Marina to Beachy Head. It extends from the mean high-water line to half a nautical mile seaward. The site is designated for its marine chalk habitats, with the specialised communities of seaweeds and animals they support, and for the presence of Native Oyster and Short-snouted Seahorse. (see Key Biodiversity Matter 5).

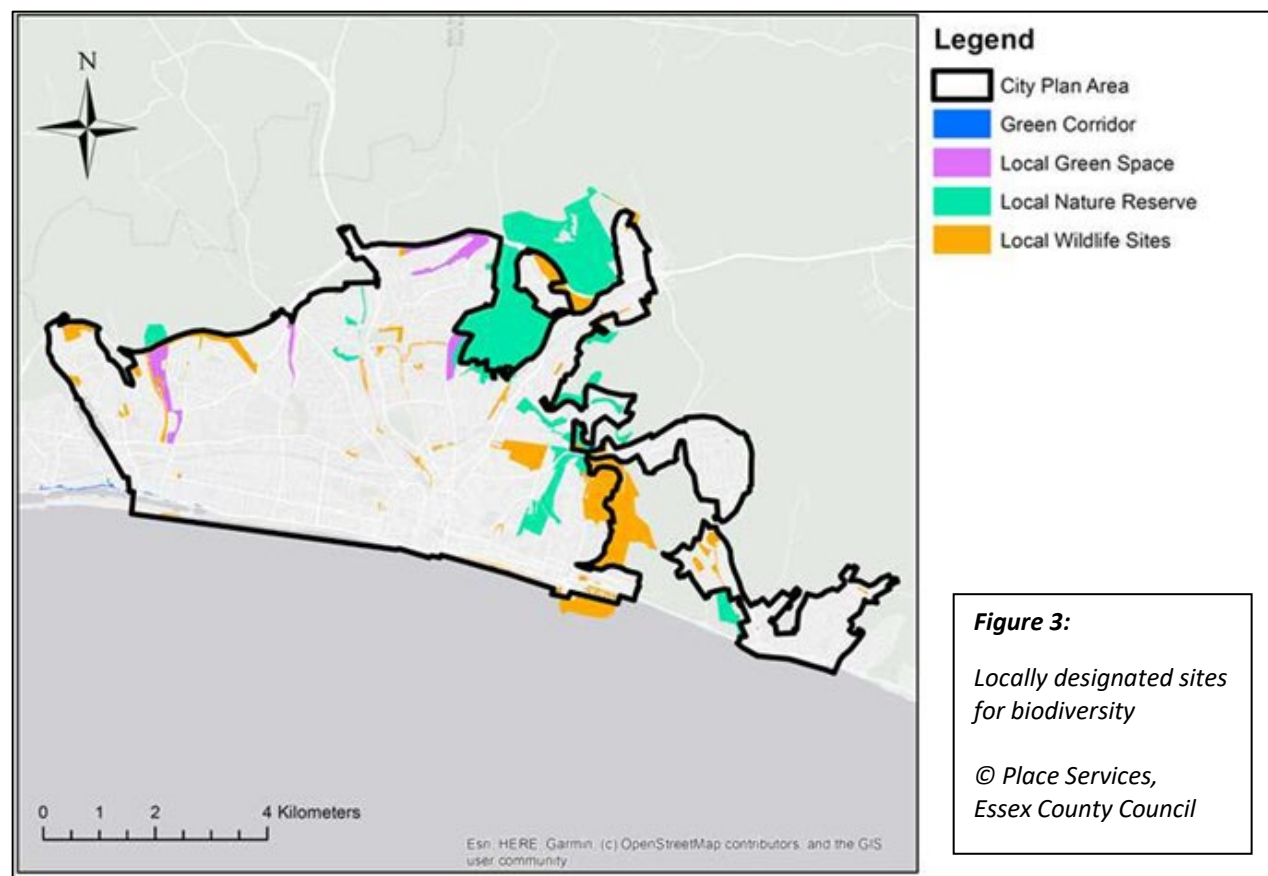
2.15 National Nature Reserves (Figure 1)

National Nature Reserves (NNR) were established to protect some of our most important habitats, species and geology, and to provide 'outdoor laboratories' for research. There is one NNR within Brighton and Hove administrative area, situated entirely within the South Downs National Park: Castle Hill, part of which is also a SAC and SSSI. (See Key Biodiversity Matter 3)

2.16 Local Nature Reserves (Figure 3)

Local Nature Reserves (LNR) are statutorily protected local sites, designated by local authorities for their special natural interest, educational value and the access to nature that they offer. There are eight LNRs within Brighton and Hove; six are located either wholly or partially within the Brighton and Hove LPA boundary, and two are located entirely within the South Downs National Park. Site boundaries are mapped on [Multi-Agency Geographic Information for the Countryside](#). (See Key Biodiversity Matter 3).

More information on individual NNRs and LNRs are available on the [council website](#) and [Natural England Open Data Mapping](#).



Non-statutory designated sites

2.17 Local Wildlife Sites

Local Wildlife Sites (LWS) are non-statutory sites designated for their importance for nature conservation. These are identified against a set of locally developed criteria covering both habitats and species. Some LWS may be of greater than county level importance. The NPPF requires these sites to be identified, mapped and safeguarded through the Local Plan system and acknowledges the role they play as part of wider ecological networks. As well as supporting Priority habitats within a given area, LWS may provide a focus for the appropriate location of habitat restoration or enhancement linked to the Local Nature Recovery Network, which is a requirement under the Environment Act.

Marine Sites of Nature Conservation Interest (SNCI) are identified for the special interest of their marine habitats, the fauna and flora, or for unusual geological and geomorphological features. Information on Marine SNCIs, including the Brighton Marina LWS, is available on the [Sussex marine environment interactive map](#).

Information about the 51 Local Wildlife Sites designated within Brighton and Hove can be obtained from [Sussex Biodiversity Record Centre](#). Their boundaries are also shown on the Brighton & Hove [City Plan Policies Map](#).

2.2 Protected, notable and Priority Species and Habitats

2.21 Protected species

These species are protected by law. The presence of legally protected species and the extent to which they could be impacted is a material consideration in the determination of planning applications. Populations of many species are dynamic, therefore existing records can only be used as a guide to likely presence and should be tested by appropriate field survey work based on current best practice including expiration of validity. Local records of protected species are available from the [Sussex Biodiversity Record Centre](#).

European Protected Species with known populations within the city are:

- 13 species of Bats with Serotine, Noctule, Common Pipistrelle and Brown Long-eared Bat species of bat known to breed in Brighton and Hove;
- Dormouse;
- Great Crested Newt;
- Floating Water Plantain and Early Gentian, and
- Long-finned Pilot Whale, Harbour Porpoise, Bottle-nosed Dolphin



Torpid Dormouse © Hamish Jackson



Female Slow worm © Kim Dawson

2.22 Priority Species

Priority species are those identified as being the most threatened and in need of conservation action. They are included within the Section 41 list prepared under the Natural Environment and Rural Communities Act. (See Annex 3 – Table 3.1)

Over 200 UK Priority Species are found in the city, including Common Toad, Skylark, House Sparrow, Starling, Brown Hare, Red Star-thistle, Hornet Robberfly and Hedgehog, alongside a range of lesser-known invertebrates and plants.

[Sussex Biodiversity Record Centre](#) provides records of Priority Species within its data search.



Hedgehog © Pixabay

Priority invertebrate species may be poorly recorded, but the identification of habitats and features of likely value to invertebrates, such as brownfield sites, will trigger the need for specialist survey.

A map of [B-Lines](#) has been created by Buglife, the national invertebrate conservation charity, as a strategic initiative to target habitat creation and connectivity for pollinators. This has also mapped Important Invertebrate Areas, landscapes of particular significance for invertebrate populations where a greater focus on impacts to favourable habitat may be required. Some parts of the city fall within the South Downs Important Invertebrate Area.

Brighton and Hove contains the [National Elm Collection](#) which includes large numbers of elm trees on streets as well as parks such as Preston Park and The Level. These sites include many species of elm trees including English, Jersey and Cornish Elms. They are also home to a colony of elm-dependent White-letter Hairstreak butterflies, a Priority Species which has declined in areas suffering with Elm Disease. This endangered species lives mainly in the treetops, relying on elm trees for food.



*A green space
in Brighton
with Elm trees*

*© The Living
Coast*

2.23 Notable species

The term “notable” has a specific meaning relating to assessing and monitoring the distribution of species and is typically used to understand distribution trends with the use of additional criteria e.g., Red Data Book (Red List), providing status in a global or national context, and alongside the International Union for Conservation of Nature (IUCN) rarity levels.

Notable habitats and species are not legally protected but are considered to be of local importance and conservation concern of relevance for biodiversity consideration.

Notable species includes those identified as being of principal importance and are included within the Section 41 list prepared under the Natural Environment and Rural Communities Act, Priority species and those listed on the Sussex Rare Species Inventory. Sussex Biodiversity Record Centre has provided an indication of the status for each Priority or notable species known to occur in Brighton and Hove, and this is shown in the legal/policy protection columns in the tables within Annex 3.

Some notable species are not listed as Priority species. Notable species locally, that are not Priority species, include swift, house martin and glow-worm (See Annex 3 -Table 3.2).

2.24 Priority habitats

Priority habitats are those identified as being the most threatened and therefore in need of conservation action and are of principal importance for the conservation of biodiversity. These are included within the Section 41 list prepared under the Natural Environment and Rural Communities Act. (See Annex 3 – Table 3.3)

Lowland Calcareous Grassland is present on the downland to the north of the city and extends into it, largely in small parcels amongst agricultural and urban land uses. Scrub forms an important component of this habitat, especially for invertebrates. The downland areas also feature *Ponds*, *Hedgerows* and some *Lowland Mixed Deciduous Woodland*, which is mostly present in small blocks throughout the city. *Ancient Woodland* refers to a woodland which has existed continuously since at least 1600. Stanmer Park supports the majority of the city’s *Ancient Woodland*, including *Veteran Trees*, although there are several other sites in outlying areas. [Veteran trees](#) can also be found across the city. *Arable Field Margins* is a significant Priority habitat on the downland, supporting rare arable weeds such as Shepherd’s Needle (*Scandix pecten-veneris*) and Cornflower (*Centaurea cyanus*).

Within the urban commons of the city [Open mosaic habitat on previously developed land Priority habitat](#) is likely to be present. Typically located on brownfield sites which have been previously disturbed and left for a period of time to revegetate, they can support a wide range of terrestrial and aquatic habitats, rare and scarce invertebrates as well as lichens, plants, birds, reptiles and amphibians of conservation concern.

There is also some limited representation of *Traditional Orchards* and *Wood Pasture and Parkland* in the city.

On the southern edge of the city is a complex of coastal and marine Priority habitats, including:

- *Maritime Cliff and Slopes* and some *Coastal Vegetated Shingle*
- *Saline Lagoons*, *Intertidal Mudflats*, *Intertidal Chalk* and *Intertidal Underboulder Communities*
- *Fragile Sponge and Anthozoan Communities on Subtidal Rocky Habitats*, *Sub-tidal Chalk*, *Sub-tidal Sands and Gravels*, and *Sheltered Muddy Gravels* below the low tide mark

Natural England maintains inventories of Priority habitats, which can be viewed on the [Multi-Agency Geographic Information for the Countryside](#) map. These inventories should only be viewed as provisional, with the presence or absence of Priority habitats to be confirmed by up-to-date field survey results, with reference to the published UK Priority habitat descriptions.

[Sussex Biodiversity Record Centre](#) also maintains an inventory of Priority habitat incorporating local knowledge and biological data. (See Key Biodiversity Matter 4).

2.3 Sussex rare species

The nature conservation status of species has been determined by the assessment of populations against threat and rarity criteria, often at local, national and international levels. Species with higher rarity and threat status are generally known as Red List species. Swift, greenfinch and house martin were added to Red Lists in December 2021. The [Sussex Biodiversity Record Centre](#) maintains the Sussex Rare Species Inventory, which includes all national Red List species along with those that are considered rare in Sussex according to stated criteria (see Annex 3 - Tables 3.1 and 3.2).

2.4 Invasive non-native species

Vigorous or invasive non-native plant species can impact negatively upon biodiversity by out-competing native flora, limiting the available feeding and cover areas and becoming monocultural habitat. Examples include Japanese knotweed, some cotoneaster species and Wilson's honeysuckle on the Downs.

Landscaping schemes should look to avoid invasive non-native species listed and known to be a local problem, opting to include locally appropriate and beneficial species of biodiversity value. Terrestrial species of particular concern include:

- Cotoneaster species
- Japanese Knotweed (*Fallopia japonica*),
- Indian Balsam (*Impatiens glandulifera*),
- Giant Hogweed (*Heracleum mantegazzianum*),

More information is available on the webpages of the [GB Non-native Species Secretariat](#).

It is an offence to spread, or cause to grow, certain plant species listed on Schedule 9 of the Wildlife and Countryside Act, 1981 as amended. It should be noted that where proposals could result in the spread of non-native invasive plant species, suitable measures will need to be agreed and/or undertaken to control them.

3. Key legislation for biodiversity

Applicants must demonstrate that proposals are compliant with all relevant legislation regarding the protection of wildlife and habitats and should ensure that they receive the necessary professional advice to be able to do so. Key legislation is summarised in Table 1. Further detail is provided in Annex 1.

Table 1: Key legislation

Legislation	Key Information
Wildlife and Countryside Act 1981 (as amended)	The primary mechanism for the protection of all wildlife in the UK and includes schedules that set out those species with additional levels of protection. It also provides the basis for the identification of sites of national importance for nature conservation, Sites of Special Scientific Interest.
Natural Environment and Rural Communities Act 2006	Section 40 (as amended by the Environment Act) places a duty on public bodies in England to conserve and enhance biodiversity. It requires local authorities to have regard to the purpose of conserving and enhancing biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making. Section 41 requires the Secretary of State to publish and maintain lists of species and types of habitats to be of "principal importance" for the purposes of conserving biodiversity, known as Priority habitats and species.
Conservation of Habitats and Species Regulations 2017 (as amended)	Often referred to as the Habitats Regulations, these provide protection for designated sites, habitats and species considered to be of international importance, including the designation of Habitats Sites and European Protected Species.
Environment Act 2021	Enacted in November 2021 with a target to halt a decline in the abundance of species. Schedule 14 makes provision for biodiversity gain to be a condition of planning permission setting out key requirements in relation to biodiversity and development management through amendments to the Town and Country Planning Act 1990 as: mandatory delivery of minimum 10% Biodiversity Net Gain (BNG) above the pre-development value of the site unless exempt; biodiversity value and BNG to be measured using the Defra Biodiversity Metric by a suitably qualified and experienced ecologist; submission of a Biodiversity Gain Plan with planning applications; BNG to be provided on-site, off-site or through a statutory biodiversity credit scheme; habitat secured for at least 30 years via planning obligations or conservation covenants. It is anticipated there will be a transition period of two years before the requirements for BNG become mandatory. Full details of all requirements will be provided through secondary legislation.
Protection of Badgers Act 1992	This Act refers specifically to Badgers, making it an offence to kill, injure or take a Badger, or to damage or interfere with a sett unless a licence is obtained from a statutory authority.
Hedgerow Regulations 1997	Although outside of the development management process, these Regulations provide a convenient framework for the identification of hedgerows with importance for wildlife, landscape and heritage. For projects that do not require planning consent, the requirements of the Regulations need to be met to permit the removal of any hedgerow or hedgerow section, except if it forms a curtilage to a property.
Crime and Disorder Act 1998	Section 17 states that all relevant authorities, including city, town and parish councils, have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area. To prevent wildlife crime, planning decisions, including permitted development and listed building consents, need to consider how to avoid any action which contravenes current legislation governing the protection of wild animals and plants.

4. Planning Policy and Strategies

The following sections outline and summarise current national and local planning policy in relation to conserving and enhancing biodiversity.

4.1 National policy and guidance

The [National Planning Policy Framework \(NPPF\)](#) promotes sustainable, well-designed development. Within this aim, it seeks to conserve and enhance the natural environment and ensure that biodiversity and appropriate landscaping are fully integrated into new developments to create accessible green spaces for wildlife and people, to contribute to a high quality natural and built environment, and to contribute to a better quality of life. Table 2 summarises the key paragraphs.

Table 2: NPPF requirements

Paragraph 153	Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
Paragraph 174	Planning policies should contribute to and enhance the natural and local environment by, amongst other things: <ul style="list-style-type: none">• protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan;• minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
Paragraph 175	To protect and enhance biodiversity and geodiversity, plans should: <ul style="list-style-type: none">• Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping-stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and promote the conservation, restoration and enhancement of Priority habitats, ecological networks and the protection and recovery of Priority species; and• identify and pursue opportunities for securing measurable net gains for biodiversity.
Paragraph 180	Sets out the mitigation hierarchy for decision making: <ul style="list-style-type: none">• in making planning decisions, a hierarchical approach should be followed, so that significant harm should be avoided, but if it can't be avoided must be adequately mitigated, or as a last resort compensated for.
Paragraph 180	Includes advice on irreplaceable habitats, such that development resulting in their loss or deterioration should be refused unless there are exceptional circumstances and where a suitable compensation strategy has been produced.

Additional guidance on biodiversity and planning is provided on the Government's [Planning Practice Guidance](#) webpages, including links to [Natural England's standing advice](#) on protected sites and species.

Government Circular 06/2005 Biodiversity and geological conservation

This provides further guidance on the law relating to planning and nature conservation. It clarifies the need for information submitted in support of planning applications to be sufficient to provide LPAs with certainty of likely impacts including whether mitigation measures can be secured, prior to determination. It gives weight to the conservation of biodiversity within the planning process to avoid decisions being challenged.

4.2 Local planning policy framework

4.21 City Plan Parts 1 and 2

City Plan Parts 1 and 2 contain many policies relevant to biodiversity and nature conservation (see Annex 2). The key policies are [CPP1 CP10 Biodiversity](#) and [CPP2 DM37 Green Infrastructure and Nature Conservation](#).

Policy CP10 Biodiversity

This policy sets the overarching strategy relating to the conservation, protection and enhancement of biodiversity. The policy takes a strategic approach to improving biodiversity within the South Downs Way Ahead Nature Improvement Area (NIA) in the city; this incorporates the Brighton and Hove Green Network and is designated on the City Plan Policies Map. The policy also seeks to ensure all development conserves existing biodiversity, provides biodiversity net gains wherever possible, and contributes towards ecosystem services.

Policy DM37 Green Infrastructure and Nature Conservation

This policy requires development to contribute towards the network of green infrastructure, avoid adverse impacts on biodiversity, and seeks to conserve and enhance biodiversity and nature conservation features. The policy also seeks to ensure development achieves measurable biodiversity net gains in accordance with the Environment Act. All proposals must accord with the mitigation hierarchy and include measures to avoid or prevent harmful effects where required.

The policy requires the following assessments for designated sites:

- International Sites - Habitats Regulations Assessment (HRA) screening/Appropriate Assessment
- National Sites - Environmental Impact Assessment (EIA) screening/EIA; and/or MCZ assessment
- Local sites - Ecological Impact Assessment

4.22 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan

The [Waste & Minerals Plan](#) sets out the vision, objectives and strategy for sustainable waste development and minerals production in the area. The policy relating to biodiversity is Policy WMP27 Environment and Environmental Enhancement. The Plan is currently under review and this policy is proposed to be replaced by [Policy RD1](#); this replacement policy proposes to add a reference to biodiversity net gain.

4.23 Area Action Plans and Neighbourhood Plans

Policies in the [Shoreham Harbour Joint Area Action Plan](#) are applicable to development within the Shoreham Harbour area of the city alongside the City Plan policies referred to above. Policy SH7 Natural Environment, Biodiversity and Green Infrastructure is the key policy of relevance to biodiversity.

There are currently five neighbourhood areas designated in Brighton and Hove; all are at various stages of preparation. Information about the areas designated for Neighbourhood Planning and the status of the plans can be found on the [council website](#).

4.24 Supplementary Planning Documents, Planning Advice Notes and Special Guidance

Other SPDs should be read alongside this SPD to ensure cross compliance and integration. The most relevant are [SPD06 Trees and Development Sites](#); [SPD16 Sustainable Drainage](#); and [SPD17 Urban Design Framework](#). In addition, the council also has [PAN06 Food Growing and Development](#) and has produced [Special Guidance A: Swift Boxes and Bricks for New Developments](#).

4.25 Marine Plan for the South East

The Marine Management Organisation has prepared a [Marine Plan](#) for the south coast of England which seeks to manage the sustainable development of marine industries such as wind farms, shipping, marine aggregates and fishing alongside the need to conserve and protect marine species and habitats.

4.3 Local Biodiversity Strategies

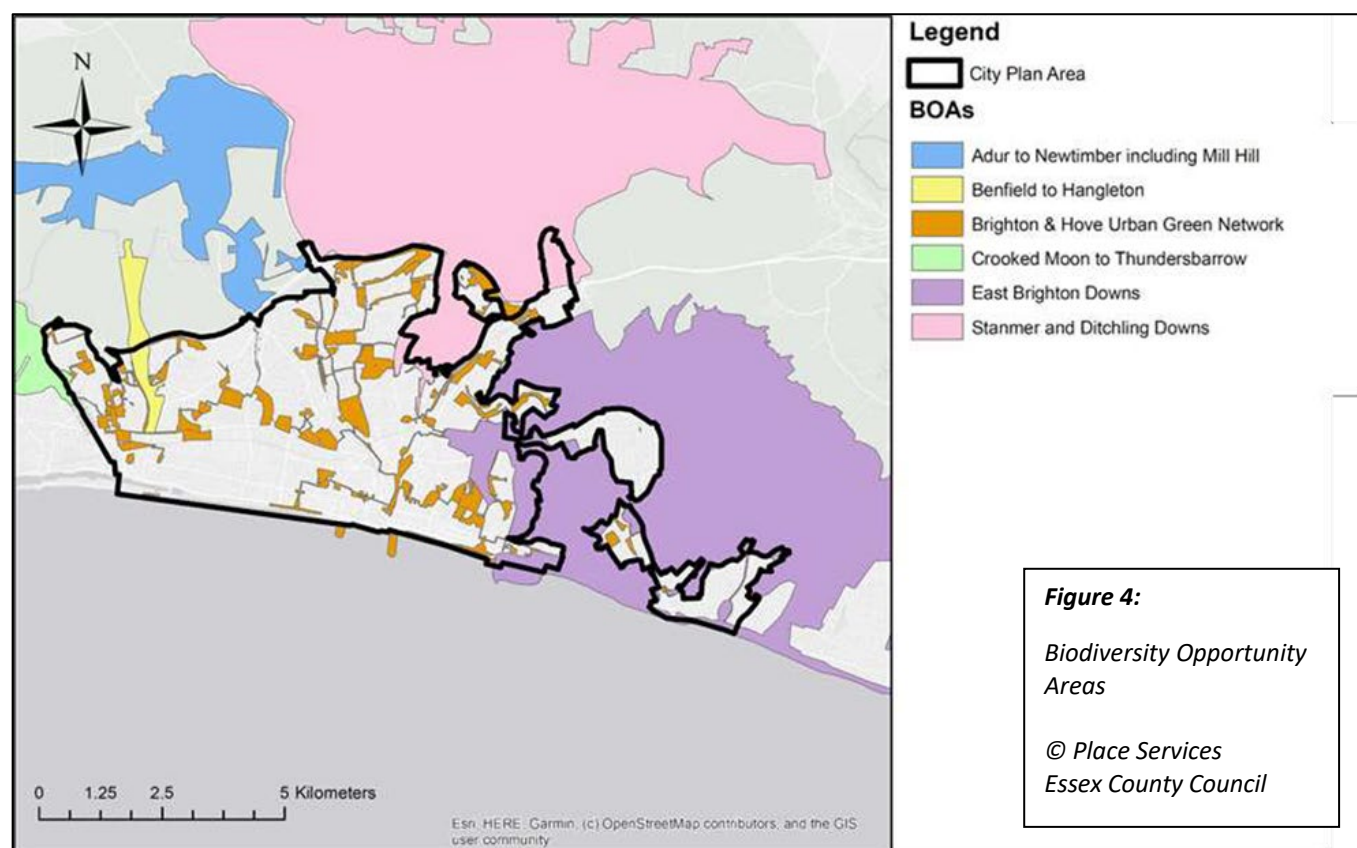
4.31 The Living Coast Biosphere Management Strategy

The Living Coast Management Strategy sets out how [The Living Coast Partnership](#) will deliver core themes to support the objectives of the global biosphere programme: to conserve nature and culture; support sustainable socio-economic development; and enable environmental engagement, research and learning.

4.32 Future Local Nature Recovery Strategy

The council is working with the Sussex Nature Partnership (SxNP) to develop local habitat maps which will, in due course, form the basis of a Local Nature Recovery Strategy (LNRS) and local Nature Recovery Network (NRN). The council will also work to identify strategic and other sites for the off-site delivery of biodiversity net gain and nature-based solutions, which will help deliver the nature recovery strategy.

Biodiversity Opportunity Areas (BOAs) are likely to form the basis of the future local NRN. BOAs represent areas where habitat enhancement, restoration and creation will have the most benefit in enhancing connectivity and improving the resilience of species populations. They may also be target areas for nature recovery and off-site biodiversity net gain where it can't be achieved on site. BOAs have already been identified across Sussex; one is situated entirely within the city and four are partly within the city (Figure 4). BOAs take in concentrations of designated sites, along with associated Priority habitats.



The main habitat characteristics of the five local BOAs are indicated in the table below.

Adur to Newtimber including Mill Hill	Chalk grassland, floodplain, grassland, and woodland
Brighton and Hove Urban Green Network	Chalk grassland, woodland and parkland
Benfield to Hangleton	Chalk grassland and woodland
Stanmer and Ditchling Downs	Chalk grassland, heath, orchards, woodland and parkland
East Brighton Downs	Chalk grassland, acid grassland, orchards, woodland, parkland and coastal habitats

4.33 Natural Capital Investment Strategy

The Sussex Nature Partnership have produced the [Natural Capital Investment Strategy \(2019\)](#) and associated asset and risk register and *Environmental Benefits from Nature* tool. The Strategy sets out the approach to directing investment in nature and sets out the rationale for using a natural capital approach. These documents promote the use of landscape carbon metrics (outside of woodland creation) and assessment of ecosystem services of developments in Sussex including Brighton and Hove.

Natural Capital at Risk in Sussex comprises habitats that are not adequately protected under existing mechanisms; are fragile or vulnerable and/or already highly fragmented; may be of particular significance in a Sussex context; or are irreplaceable or not easily re-created. The habitat types that fall into this category in Brighton and Hove are: vegetated shingle, woodland and species-rich grassland.



Round headed Rampion on Beacon Hill Nature Reserve © The Living Coast

5. Overarching principles and local biodiversity matters

The overarching aims of ecological work used to inform the planning process are to minimise harm and to maximise benefits for biodiversity resulting from development enabling effective decision-making compliant with legislative and policy drivers. The generally accepted way of doing this, now embedded within the planning and legal systems, is to follow the “mitigation hierarchy” and to achieve a mandatory minimum 10% biodiversity net gains. These key principles and priorities are detailed below.

5.1 The Mitigation Hierarchy

The mitigation hierarchy, as set out in the NPPF paragraph 180 and ecological best practice guidance (BS42020:2013), aims to prevent harm and conserve and enhance biodiversity. In accordance with the NPPF, if significant harm to biodiversity cannot be avoided, adequately mitigated, or as a last resort, compensated for, the NPPF states that planning permission should be refused.

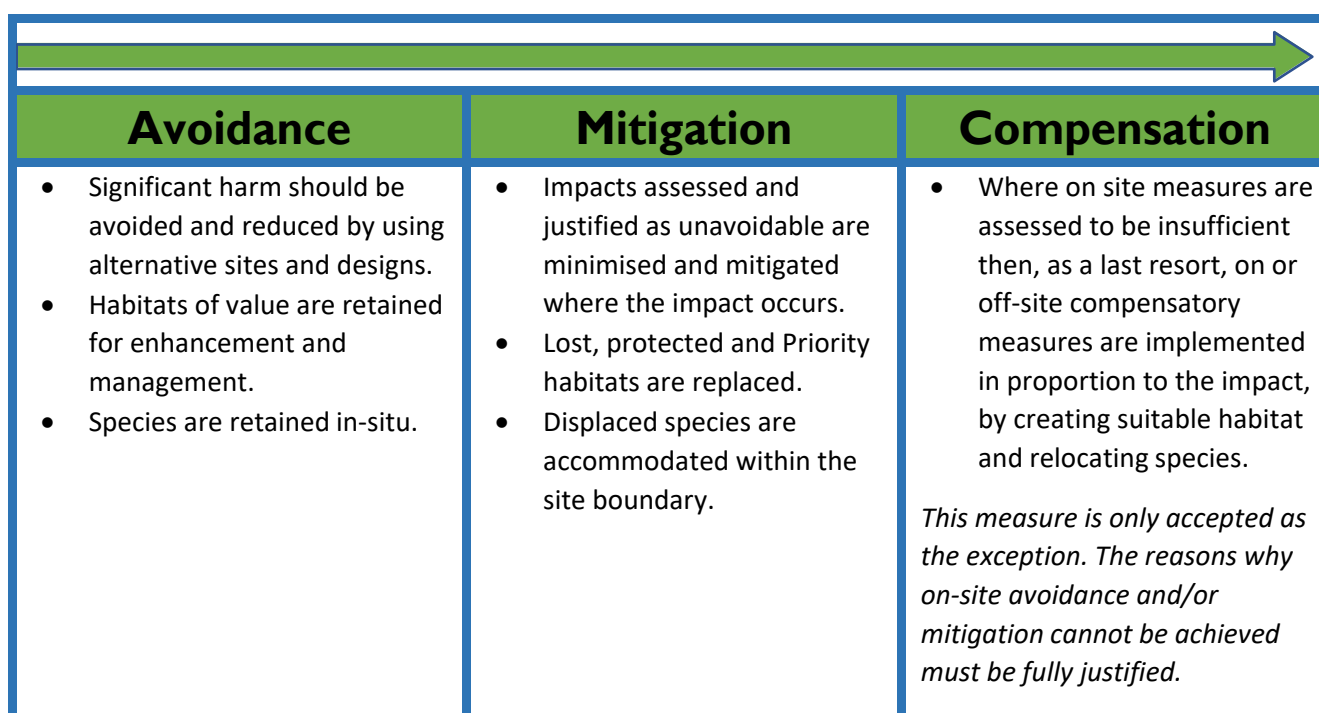


Figure 5: The Mitigation Hierarchy

Applicants must demonstrate that the design of their proposals complies with the mitigation hierarchy. The approach to following the mitigation hierarchy should be informed by up-to-date survey and assessment of the ecological value of the habitats and species likely to be affected, aligned to best practice standards as set out in [BS42020:2013 Biodiversity – Code of practice for planning and development](#). This standard identifies the ecological data required and considerations for its assessment, and its use in the design of mitigation measures.

Compliance with this standard is important to demonstrate the validity of the ecological information submitted with a planning application. Any deviations from this British Standard will need to be fully justified and may be challenged by the council or external consultees, potentially leading to delays in determination and / or refusal.

5.2 Biodiversity Net Gain

Biodiversity Net Gain (BNG) is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand. NPPF paragraphs 174d and 180d refer to providing or securing net gains for biodiversity through development; the Environment Act 2021 mandates measurable net gain; and Policies CP10 and DM37 seek to ensure all development provides net gains where possible.

BNG does not replace existing protections, for example, for statutory designated sites and protected species, and does not apply to irreplaceable habitats. In addition, the introduction of BNG does not replace or undermine the mitigation hierarchy as the primary principle for the consideration of biodiversity within development. BNG is additional to the mitigation hierarchy and only applies once impacts to biodiversity have been avoided, mitigated and compensated for (Figure 6). Where there are no anticipated impacts, development should still secure BNG.

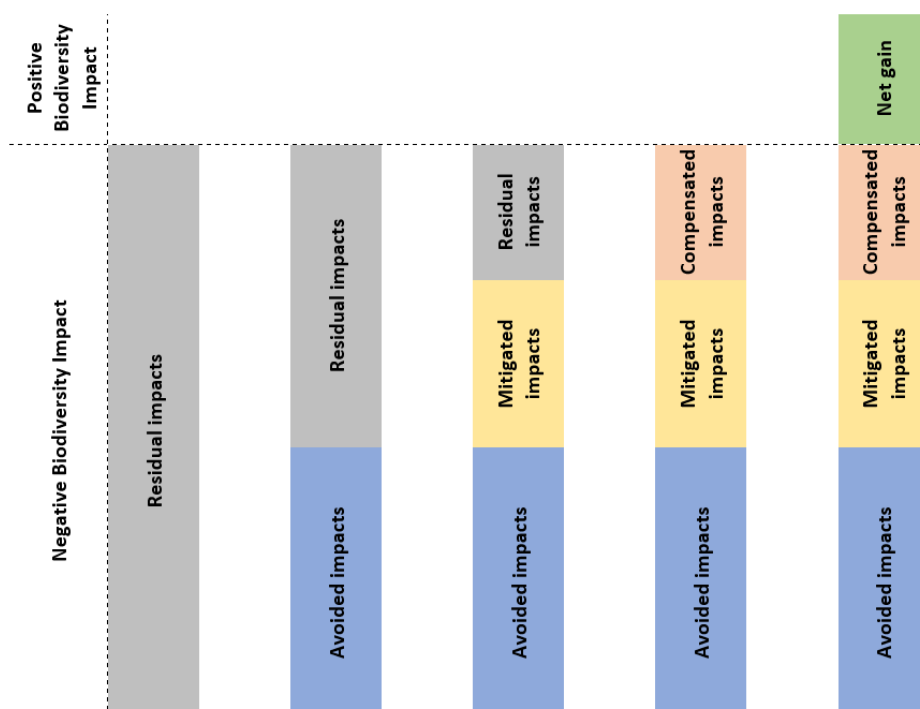


Figure 6: Relationship between the Mitigation Hierarchy and BNG

Demonstrating BNG

Demonstrating BNG requires an approach to measuring biodiversity. A [Biodiversity Metric](#) has been produced by Defra to measure biodiversity. This is a habitat-based approach to determining a proxy biodiversity value and enables the assessment of changes in biodiversity value (losses or gains) brought about by development.

Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has taken place.

Achieving BNG

Opportunities are likely to exist within most development proposals to retain, create and manage habitats for biodiversity and provide BNG on-site. For example, wildlife habitats within landscaping or open space, or the inclusion of street trees within developments.

BNG should ideally be achieved on-site with retained and enhanced habitats, appropriate buffers and creation of habitats to increase connectivity for wildlife. Where BNG cannot be fully achieved on-site, off-site provision can be explored having regard to any emerging Local Nature Recovery Strategy and provided in local strategic sites wherever possible and preferable within Brighton and Hove.

5.3 Local biodiversity matters

This section identifies a range of key biodiversity matters and describes how these need to be considered when identifying sites for development and developing design proposals.

Key Biodiversity Matter 1 – Protection of irreplaceable habitats

Irreplaceable habitats are defined in the NPPF as “habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity.” The loss of these habitats cannot be compensated for by gains elsewhere and therefore, as set out in the NPPF, development should avoid any loss or deterioration of such habitats. Examples of irreplaceable habitats within the city include ancient woodland and veteran trees.

Key Biodiversity Matter 2 - Habitats Regulations Assessment

Where a Habitats Site, such as Castle Hill Special Area of Conservation, could be affected either directly or indirectly by development, a [Habitats Regulations Assessment](#) screening must be undertaken by the council as the competent authority. If the HRA screening does not rule out likely significant effects on the site, either alone or in combination with other projects, prior to the consideration of mitigation measures, then an Appropriate Assessment must be undertaken. The Appropriate Assessment identifies the interest features of the site (such as birds, plants or habitats), how these could be impacted, assesses whether the proposed project could have an adverse effect on the integrity of the Habitats Site (either alone or in-combination with other projects), and finally how this could be mitigated to meet the Habitats Regulations “integrity” test. If a development is likely to have an adverse effect on the integrity of a Habitats Site, then it can only go ahead for imperative reasons of over-riding public interest (IROPI).

Any Habitats Regulations Assessments undertaken by the council are sent to Natural England for a formal consultation response before any decision can be issued. It is expected that applicants should provide sufficient information to inform a Habitats Regulations Assessment.

Key Biodiversity Matter 3 – Recreational pressure on designated sites including SSSIs

Housing development located in proximity to any designated site of nature conservation value has potential to have recreational impacts, such as disturbance to wildlife or vegetation trampling, arising from increased visitation, dog-walking and use. Recreational pressure can, to some degree, be mitigated through appropriate alternative open space provision or improvements.

In accordance with the NPPF, development should avoid impacts on SSSIs, including recreational impacts. Impact Risk Zones have been developed by Natural England to make an initial assessment of the potential risks to SSSIs, available on the [Multi-Agency Geographic Information for the Countryside](#). Where a development has the potential to result in recreational impacts on an SSSI, developers may need to provide an assessment of recreational pressure effects. Developers in this situation should seek further advice on this issue from Natural England’s [Discretionary Advice Service](#).

Natural England are a statutory consultee for all development likely to have an impact on SSSIs. Where there is potential for a development to have an impact on a SSSI, an Environmental Impact Assessment (EIA) screening will be required.

Key Biodiversity Matter 4 – Priority habitats

Proposals that contain or may affect a Priority habitat are required to include avoidance measures to protect any existing value and, where possible, improve their condition by appropriate enhancement or management measures. Management will need to be sustainable for the long-term, with clear objectives guided by the site’s existing habitat features and species, as appropriate to the location and environmental conditions.

Key Biodiversity Matter 5 - Conservation of the marine environment

The biodiversity of the city also extends to the marine environment. The inner harbour at Brighton Marina is designated as the Brighton Marina Local Wildlife Site, a saline lagoon (Priority habitat) with characteristic saline lagoon species; the Beachy Head West Marine Conservation Zone covers an area of sea eastward from Brighton Marina to Beachy Head, designated for marine chalk habitats and the species they support.



Planning applications for activities that are capable of affecting the features of the MCZ, directly or indirectly, will need to include a consideration of the significance of that risk. Developments which may result in adverse impacts on the MCZ, such as a coastal defence project or SuDS scheme releasing wastewater into the marine environment, will need to provide sufficient information to the council so that a MCZ Assessment can be undertaken. This assesses the likely impacts on the designated features and conservation objectives of the MCZ and is integrated into the marine licence decision making procedures by the [Marine Management Organisation](#).

Key Biodiversity Matter 6 – Wildlife sensitive lighting

Many species are sensitive to light pollution including birds, dormice, insects, bats and badgers. The introduction of artificial light might therefore mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. The design of external lighting schemes therefore needs to be sensitive to the needs of wildlife in the city, be designed to avoid impacts on any sensitive receptors identified, and retain dark corridors for habitats on, adjacent to or near the development site.

Where species are likely to be present and affected, the council will use a condition to secure a wildlife sensitive lighting scheme. This will identify those features on site that are particularly sensitive, e.g. important tree lines or hedgerows which could be used by foraging species, should identify whether light spillage could cause disturbance to these routes, and show how and where external lighting will be installed so that it can be clearly demonstrated that lit areas will not disturb or prevent wildlife from using these features. [Guidance Note 08/18 Bats and artificial lighting in the UK \(Institute of Lighting Professionals, 2018\)](#) provides useful information for sensitive wildlife.

Key Biodiversity Matter 7 – Great Crested Newt District Licensing

Developers have a legal duty to protect this species. Where ponds and therefore Great Crested Newts are likely to be present on or within 500m of a site, applicants will need to consider their approach to avoiding impacts to meet their legal requirements.

An alternative option to an individual site-based ecological survey and assessment is available through the District Licensing Scheme; this provides a year-round option for applicants to mitigate predicted impacts on Great Crested Newt populations and can provide certainty of costs and timescales. If an applicant joins the District Licensing scheme, they do not need to carry out their own surveys or plan and carry out mitigation work for Great Crested Newt. The District Licensing Scheme is available to all developments in Brighton and Hove where Great Crested Newt impacts are likely and is delivered by NatureSpace on behalf of the council. Full details of the scheme are available on the [NatureSpace](#) website. Figure 7 shows impact risk zones based on habitat suitability for Great Crested Newt.

If developers do not enter the NatureSpace scheme, proposals will need to meet the Government's [Standing Advice for Great Crested Newt](#).

A precautionary approach to site clearance will still be required for all developments, including those supported by the Great Crested Newt District Licensing scheme.

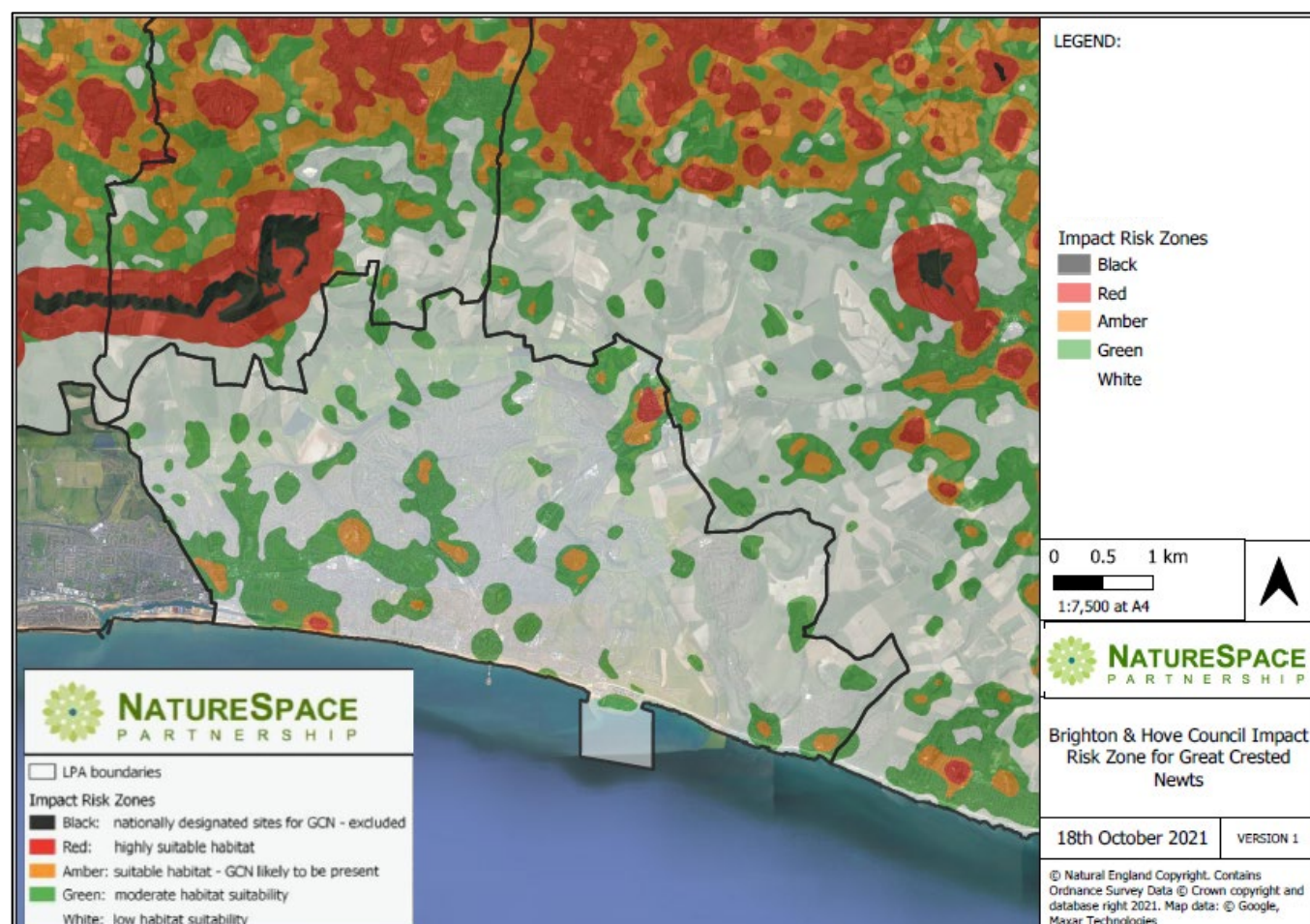


Figure 7: Brighton & Hove City Council Impact Risk Zone for Great Crested Newts, NatureSpace Partnership

6. Integrating biodiversity into development

Most development sites, even very small sites or those with limited landscaping opportunities, can provide opportunities for biodiversity enhancement through careful and well thought out design.

6.1 Landscaping

Landscape design in new development, including small scale and some types of householder development, should seek to retain, enhance and create habitats of value to biodiversity wherever possible. Landscape elements can include boundary hedgerows, trees, wildflower grassland / flowering lawns and ponds. Where these are already present on site these can provide the framework for the setting of the scheme layout. New landscaping features can help to achieve biodiversity net gains, as well as contribute to the post development network for nature, allowing wildlife to move safely and easily. Examples of wildlife friendly tree, shrub and perennial species considered suitable for landscaping can be found in Annex 7.



Housing centred around biodiverse and ecological productive landscaping © LGA (Permission TBC)

Landscape design, both in garden spaces and in the wider public realm, should enhance existing habitats wherever possible and link them to new habitats created within the development, such as linking up defunct hedgerows and tree corridors on and off site. As an example, the use of low nutrient status soils to create chalk grassland that will have low maintenance requirements is encouraged as a more sustainable approach to management.



Chalk grassland, Swanborough Drive, East Brighton © The Living Coast

Applications within the [B-Lines](#) identified by Buglife should include sustainable landscaping features of value to invertebrates, especially pollinators, including flowering lawns / wildflower grasslands, pollen and nectar-rich plants, shrubs and trees.

Butterfly and bee banks

Butterfly and bee banks can be easily created from mounds of chalk planted with wildflower species which thrive on chalk, such as ox-eye daisy, field scabious, betony and kidney vetch. Low-lying species that do not have a particularly high sward are of particular value to invertebrates, as are areas of bare ground and chalk.

Relatively small banks can be created as part of a landscaping scheme and will attract a range of pollinating insects such as bees and butterflies, as well as providing habitat for many other invertebrates.



Preparation of a butterfly bank © Dr Dan Danahar



Ox-eye daisy & horse-shoe vetch © The Living Coast

Information on the creation of butterfly banks has been produced by [Cambridge Conservation Initiative](#)

Bug-hotels and log piles

Inclusion of landscaping features that mimic natural insect habitats specifically dead wood piles and stands for beetles such as stag beetle, and nesting sites for solitary bees and wasps (*Aculeate hymenoptera*), when combined with biodiverse planting, provide easy-wins for local wildlife including shelter and foraging opportunities for birds and bats and other mammals such as hedgehog. Features can be as small as a few logs piled in the corner linking to boundary hedges, or bug hotels comprising of wood drilled with small holes located in a sunny spot. If development requires vegetation or tree removal, then the arisings can be used to create instant habitat features on the site without the need to bring in outside materials and with no added costs.



Juvenile Common Lizard © Kim Dawson

Bee hotel © Sue Hooton



Ponds

Small and large ponds add value for biodiversity and wildlife. Pond creation or features that collect water during wet spells provide perfect habitats for aquatic insect life and amphibian species and link nicely with Sustainable Drainage Systems (SuDS) helping alleviate surface water flooding.



Common Frog © Kim Dawson

Wider benefits of landscaping

Landscaping features can also provide opportunities to create habitats that will address environmental challenges arising from climate change by providing ecosystem services.

Green roofs can provide multiple benefits including reducing run-off and the urban heat island effect. Similarly, trees can create a cooling effect and provide opportunities for shade; tree planting systems specifically designed for built environments can provide an opportunity to capture and disperse excess surface water; trees and planting can improve air quality by absorbing and trapping pollutants and particulates. Permeable surfaces should be used around any trees retained within paved areas and new tree planting should be carried out in a way that ensures that the trees have access to sufficient soil and water to achieve maturity and maintain their health.

The use of food producing plants in landscaping has benefits including biodiversity enhancement, climate change adaptation, local amenity, and health and wellbeing. Opportunities include fruit producing trees in traditional or scattered orchards; fruit bushes and edible plants instead of ornamental plants; and communal allotment or beds.

Further information is available in the council's [PAN06 Food Growing and Development](#).



Saunders Park Edible Garden incorporating edible hedging with rosemary, red, black and white currants © Rosie Linford

6.2 Boundaries

The arrangement of garden spaces within a development should aim to form a connected network, with links to surrounding green space and the wider landscape including Priority habitats and designated sites, thus forming part of a nature recovery network, rather than creating isolated pockets or islands within the built landscape.

Boundaries should be designed to facilitate the movement of wildlife between properties within a development. Native species rich hedgerows are the preferred boundary treatment. Fencing should be hedgehog friendly and hedgehog highways should be incorporated throughout the development.



Hedgehog friendly fencing © Hamish Jackson

6.3 Swift bricks

New build development of 5m or greater in height are required to incorporate swift bricks/boxes, with regard to the council's [Guidance note for provision of swift bricks](#). As recommended in the guidance, internal swift bricks that are integrated into the walls are preferred to external boxes, where feasible. Swift bricks/boxes should be secured at the following rate:

- Minor residential development should provide a minimum of 3 swift bricks, or two per residential unit, whichever is the greater;
- Minor commercial development should provide 3 swift boxes, or one per 50sqm of floorspace, whichever is the greater; and
- Major developments should seek to secure similar provision and will be recommended by the council's ecology advisor.

Householder extensions should also have regard to the Swift Guidance and provide a swift brick/box on any suitable development greater than 5m in height.

6.4 Bee bricks

All new build development and extensions to existing buildings are required to incorporate bee bricks at a rate of one bee brick per dwelling. Different requirements may be recommended for major applications. Bee bricks are integrated into the external walls of the development, in place of a standard brick. Complimentary planting, including nectar-rich species, should be provided within the landscaping to attract the bees and provide a food-source.

6.5 Integrated boxes

In addition, other measures such as companion landscape planting, which provides a food-source and supports the various stages of the lifecycle for numerous species, and integrated boxes, which can be a combination of bird, bat and insect boxes, can be provided to support other species. These should target Priority species and species of local conservation concern such as insects, house sparrow, starling and bats. High quality durable boxes may be acceptable on retained trees within the public realm. An appropriate amount is suggested as follows:

- Major development – 50% of dwellings to incorporate an integrated unit
- Minor development – 1 integrated unit per dwelling or 100sqm of floorspace
- Householders – 1 integrated unit

IMAGE OF BEE BRICK TO BE SOURCED



Integrated boxes © Neil Harvey

6.6 Biodiverse roofs and walls

Biodiverse, living or green roofs and walls can provide valuable habitat on sites particularly where space for new habitat creation is constrained and are therefore good options for highly urban developments. They can play an important role in providing new habitat for species displaced by the development, for invertebrates and wildlife species that already live in the city and gardens and for connecting up the wider landscape. In addition to ecological and aesthetic improvements, biodiverse roofs can provide a range of other benefits, such as slowing storm runoff, reducing flood risk, cooling urban areas and increasing energy efficiency. There is also evidence that green roofs increase the efficiency of photo voltaics.

Intensive living roofs, with soil depths of over 350mm can support trees, shrubs and even water features. Intensive roofs add a significant additional load to the roof structure and may require substantial maintenance.

Extensive living roofs have substrate depths of between 25mm and 125mm and add much lower loading to the roof structure than intensive roofs. These can support a range of plants and growing mediums and can be planted with a range of native chalk grassland plants, using locally sourced growing mediums.

Biodiverse roofs are constructed from layers of impermeable membrane, cushioning and a growth medium to provide a habitat for vegetation. Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the Defra Biodiversity Metric.

Brown roofs, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.



Biodiverse roof on Velo Café, The Level, Brighton. © Organic Roofs

Biodiverse walls normally incorporate permanent trellis work, spaced off the masonry, to support non-clinging climbers. They can be designed to avoid structures, gutters and downpipes, confining climbing vegetation to the wall itself. Climbing plants should be planted at least 40cm away from the wall in an irrigated plant pit stocked with nutrient-rich topsoil. Biodiverse walls have also been combined with trickle irrigation systems and growing media to support non-climbing plants directly on the walls themselves.

Biodiverse walls protect masonry from extreme temperatures, air pollution and rainfall. They can also provide nesting and feeding habitat for birds (particularly Wren, Robin and Blackbird) and other wildlife. Native plant species suited to creating climbing green walls include Honeysuckle (*Lonicera periclymenum*), Hop (*Humulus lupulus*), Traveller's Joy (*Clematis vitalba*), and Ivy (*Hedera helix*). Non-native climbing species can also provide nature conservation benefits if known to be pollen and nectar-rich.

6.7 Sustainable drainage systems (SuDS)

SuDS can include permanent water features, such as ponds, as well as features such as rain gardens and swales that fill up during rainfall events to manage surface water run-off, helping to ensure water quality is not adversely affected by development. SuDS have the potential to improve biodiversity by enhancing existing and creating new wildlife habitats and can deliver BNG if designed to provide natural habitats, particularly using locally native species. The Royal Society for the Protection of Birds and the Wildfowl and Wetlands Trust have produced [guidance](#) to maximising the benefits to biodiversity from SuDS alongside other functions. SuDS can also provide additional benefits such as improved air quality, noise mitigation and access to nature.

Inclusion of SuDS within a site is the preferred approach to managing rainfall and surface water runoff. It is essential that the management of water is considered at the earliest stage of a development and built into the design, although SuDS can also be retrofitted. The council's [Sustainable Drainage SPD](#) provides further guidance.



Lockshill Garden Rain Garden Pilot © The Living Coast

In relation to the development site location and layout, developers should check details of [Registered Toad crossings and advice](#) listed by Froglife. This will help avoid direct impacts on known toad breeding populations from the discharge of the sustainable drainage systems constructed for the development, alongside considered design of raised kerbs and drains/gully pots within the development which can cause fragmentation of commuting routes, and trap and kill amphibious species.

SuDS can attract breeding amphibians and future migrations routes should be considered to avoid creating new road or drain fatality hotspots. Measures such as avoiding gully pots or offsetting them from the edge of the kerb, using dropped kerbs where appropriate, and installing [amphibian ladders](#) in existing gully pots can help to protect and conserve amphibious and other species.

Darcey Drive Case Study

At Darcey Drive, Brighton, a short-mown grassland verge was identified as suitable for the retrofit of a SUDS scheme to alleviate surface water flooding and pollution problems. The infiltration basins and swales were designed with the aim of satisfying all four pillars of SUDS – managing water quantity, improving water quality, providing amenity for people, and enhancing biodiversity.

Planted coir pallets with native wetland plant species provides instant wetland habitat that traps silt and pollutants from road runoff in an impermeable interceptor basin. Clean water overflows into a series of infiltration basins - seeded with native meadow grassland from where it drains away, and these basins provide capacity during heavy rain.

Native wildflower grassland and aquatic plants enhance biodiversity, notably providing habitats for pollinating insects, birds, bats and hedgehogs, alongside providing visual interest through colour, texture and greater vegetative structure for local residents.



7. Step by step guide to biodiversity and the development management process

Embedding biodiversity at project inception stage and ensuring proposals are supported with appropriate evidence, where relevant, is necessary and will help enable efficient and effective decision-making.

Biodiversity is a material consideration for planning and needs to be considered at every stage in the planning application process, as summarised below in Figure 6.

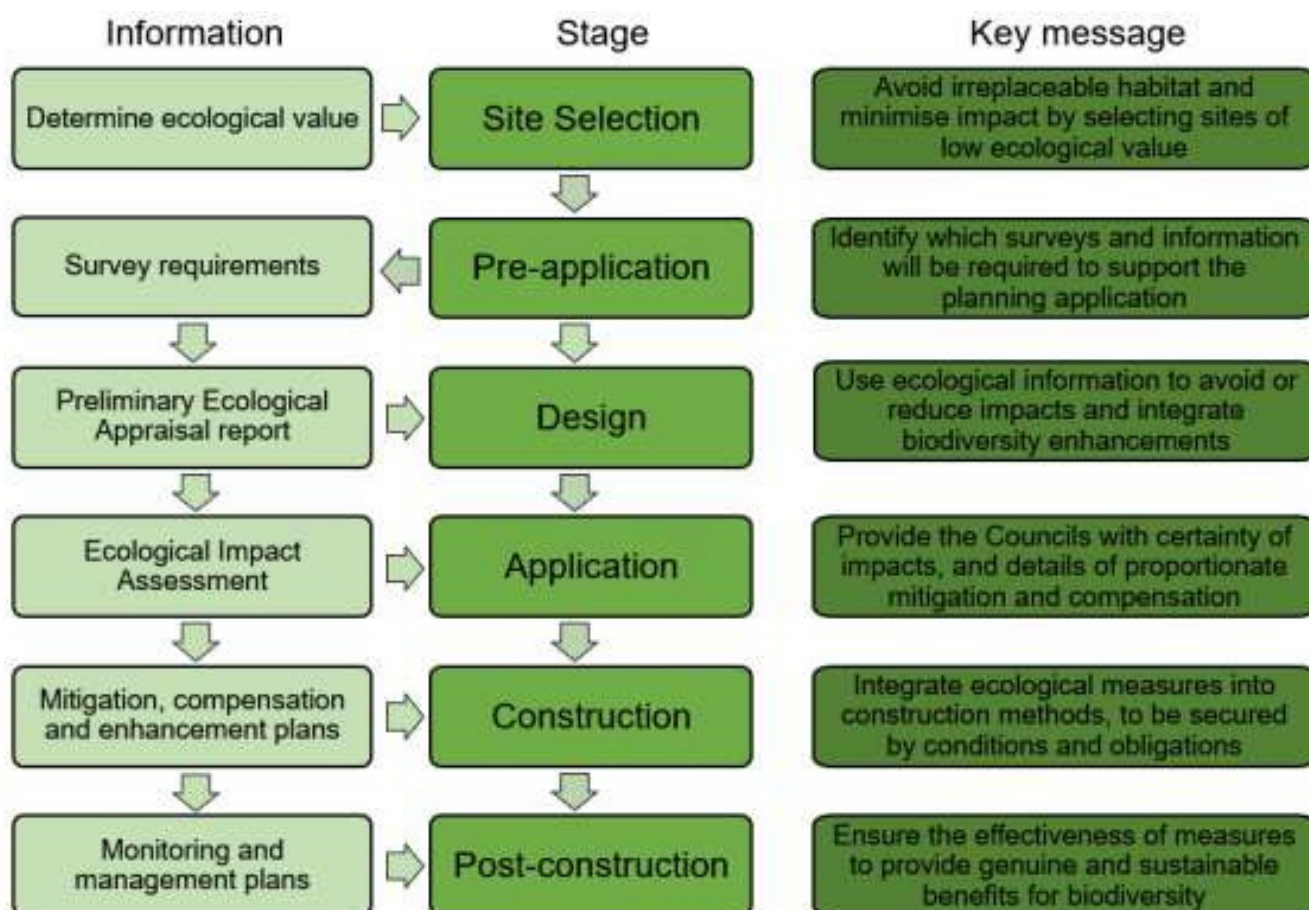


Figure 6: Stages within the Development Management process (Place Services)

Step by step guide to planning process

Table 3 summarises the main steps at each stage of the planning process to ensure development is in accordance with the mitigation hierarchy, provides appropriate and measurable biodiversity net gains, and that adequate information on biodiversity is provided. Adopting this approach ensures best practice for integrating biodiversity into the design of development is achieved. Each section is explained in full.

Table 3 Summary of step-by-step process

Step	Key considerations/actions	Outputs	Principles and biodiversity matters
Stage A - Pre-application and design stage			
A1: First Impressions Survey (Biodiversity Checklist)	Check whether biodiversity features are present and likely to be affected.	Biodiversity Checklist. Preliminary Ecological Appraisal (PEA) including Ecological Constraints and Opportunities Plan (ECOP).	Principle 1: Mitigation Hierarchy. Biodiversity Matters 1-7.
A2: Pre-application advice	Option to seek pre-application advice to ensure policy requirements are fully understood and to clarify the scope of any information likely to be required in further assessments.	Pre-Application Advice.	
A3: Ecological survey and assessment; BNG baseline assessment	Appropriate surveys and assessment carried out by suitably qualified ecologist. BNG habitat baseline assessment carried out using the relevant Defra Biodiversity Metric.	Ecological Impact Assessment with information from all ecological surveys including PEA / ECOP, and habitats and species surveys.	Principle 1: Mitigation Hierarchy. Principle 2: BNG.
A4: Avoidance, mitigation and compensation	Scheme design and layout to avoid harm / impacts wherever possible; minimise impacts to identified features, firstly through adequate mitigation then compensation as a last resort.	Baseline Defra Metric.	Principle 1: Mitigation Hierarchy. Biodiversity Matters 1-7.
A5: Biodiversity Net Gain	Design to incorporate enhancements to deliver biodiversity net gains. Defra Biodiversity Metric completed to reflect design.	Completed Defra Metric. Biodiversity Net Gain Report.	Principle 2: BNG. Integrating biodiversity into development.
Stage B – Application and Validation			
Submission of planning application and accompanying information	Ensure the application includes: biodiversity checklist; PEA report and ECOP if no additional surveys required, or EclA incorporating protected species survey results, ECOP, assessment and mitigation where relevant; BNG Report including Biodiversity Metric calculations. Ensure all assessments undertaken in accordance with specified standards by suitably qualified professionals.	Biodiversity Checklist Ecological Surveys and Impact Assessment (where relevant) including EclA / PEA / ECOP BNG Report	
Stage C – Planning permission granted – construction			
Construction	Discharge any relevant planning conditions, such as Construction Environmental Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP). Ensure good practice is followed during construction and CEMP adhered to, where relevant.	Construction Environmental Management Plan (CEMP) and/or Landscape and Ecology Management Plan (LEMP)	
Stage D – Post-construction – management and monitoring			
Operation	Ensure adequate provision is made for ongoing management and monitoring of biodiversity habitats retained or created including any requirements relating to a LEMP, where relevant.	LEMP – Landscape and Ecology Management Plan	

Stage A: Pre-application and design stage

A1: First impressions survey (Biodiversity Checklist)

Once a site has been selected, a first impressions survey using the Biodiversity Checklist should be carried out for certain applications (see Annex 5). The Checklist helps to identify developments which may have an impact on certain habitats and species. If the Checklist indicates that development could have a potential impact on protected or Priority habitats or species such as a designated site, further ecological survey and assessment will be required, as described under Stage A2.

The Biodiversity Checklist is a validation requirement for the following applications:

- Full Planning:
 - Single/two-storey side extension
 - Residential/commercial new build
 - Variations (may be required)
- Outline applications
- Householder applications (that are not permitted development)

A Biodiversity Checklist does not need to be carried out for the following types of applications: advertisements, air conditioning units, changes of use, conversion to flats (if not affecting the roof), crossovers (where no hard standing needs to be created), extract ducting, fences, removal of fire escapes, roller blinds/shutters, satellite dishes, shop fronts, walls and gates, windows and doors.

If the checklist flags up a potential impact on a protected or Priority habitat or species, seeking the early advice and input from a suitably qualified and experienced ecologist, and the undertaking of a Preliminary Ecological Appraisal can help to ensure biodiversity is considered throughout the design of the development and ensure that any sensitivities are identified at an early stage, in order to avoid impacts and manage ecological constraints and opportunities in a more transparent, efficient and cost-effective way.

A2: Pre-application advice

The council offers a [paid pre-application advice service](#). This may help to ensure that policy requirements are fully understood at an early stage; and that potential biodiversity sensitivities are identified, and discussions held at an early stage, in order to seek advice and avoid impacts. The pre-application service may be particularly valuable to householders and those who are not regularly involved in development, who may not routinely seek professional ecological support, or be aware of all the relevant legislative requirements or issues.

Applicants wishing to seek advice on recreational pressure impacts and mitigation relating to Sites of Special Scientific Interest should refer to Natural England's [Discretionary Advice Service](#).

Choosing a Consultant

Homeowners and developers will often require an ecologist to undertake ecological surveys and reporting to meet the council's requirements for providing adequate ecological information. Contracting a member of a professional institute, such as the [Chartered Institute of Ecology and Environmental Management](#) (CIEEM) means that you are engaging a professional who is working to high standards; there is also a complaints procedure if anything goes wrong. Applicants needing to find an ecological consultant can use the [find-a-consultant tool](#) on the CIEEM website. The CIEEM website also provides further information on [ecological surveys and their purpose](#), which describes the different types of reports that you may be asked for by the council and includes a [householder's guide to engaging an ecologist](#).

A3: Ecological survey and assessment and BNG baseline assessment.

Where appropriate, planning applications will need to be supported by [adequate ecological information](#), using up to date desk studies and site assessment to inform survey methodologies sufficient in scope to allow the impact of a proposal to be appropriately assessed to enable the council to demonstrate in the exercise of planning functions how it is fulfilling the duty to have regard to the conservation and enhancement of biodiversity. This includes householders and developers of small sites where there may be risks of impacts to habitats and species.

Baseline Information

Biodiversity baseline information from the [Sussex Biodiversity Record Centre](#) is needed within all ecological reports to identify the presence of designated sites and existing records of protected and priority habitats and species that could be affected by development within the appropriate and sufficient zone of influence². The data generated through a desk study should be properly analysed and interpreted, with the results used to inform the development proposal design including implementation of the mitigation hierarchy and required survey work and assessment to support a planning application.

Data search requests should be for a minimum 1 km buffer from the red line boundary for protected and Priority species and 2 km for all designated sites, extending further where for example mobile species, such as bats and birds could be affected whilst passing through the project site.

While older data may be less relevant in some cases, it may provide the only baseline available for a site and so should not be discounted.

An absence of records does not mean a record of absence and ecological consultants need to use their professional judgment to ensure that biodiversity features are not overlooked. Survey and assessment of all species likely to be present on and adjacent to the development site and any which could be affected indirectly should be covered.

Provision of this data within submitted ecological reports needs to be presented in accordance with the terms and conditions of Sussex Biodiversity Record Centre and any sensitive records should only be shown at 10km resolution.

Preliminary Ecological Appraisal (PEA)

A [PEA](#) is a rapid assessment, carried out by ecologists, of the ecological features present or potentially present within a site and its surrounding area (zone of influence) and typically comprises a desk study and a walkover survey. It is an initial means of recording the habitats and condition of a site and predicting the likely ecological constraints and opportunities that might arise if the site is developed (see ECOP section below).

PEAs should be commissioned at the earliest stages of design, and their results used to inform the developer's design team, influence the layout and form of the proposals and as an evidence-base to show the implementation of the mitigation hierarchy. Identifying important ecological features at the outset and avoiding impacts will limit the loss of biodiversity and reduce the need for mitigation and compensation measures.

Where relevant, these reports will include recommendations for further survey, particularly in relation to protected and Priority species where habitats likely to support such species are recorded and are to be impacted by the development.

²The area(s) over which ecological features may be affected by the biophysical changes caused by a proposed development project and associated activities.

A PEA should only be submitted as part of a planning application where it can be demonstrated that the project would have no significant ecological effects, no mitigation is required, and no further surveys are necessary. Where these cannot be demonstrated, the PEA should be superseded by an Ecological Impact Assessment (EclA) report.

A PEA is unlikely to be sufficient where designated sites and/or protected and priority habitats and species are likely to be affected and further surveys will be required. Development affecting non-designated sites and some householder applications may need a PEA.

Ecological Impact Assessment (EclA)

Where the Biodiversity Checklist/PEA identifies likely development impacts on biodiversity and / or the need for further ecological survey work, the results of such surveys must be submitted with the planning application, clearly assessing the impacts of the proposed development on such ecological features, identifying any significant effects as well as impacts on any designated sites or protected species, and detailing both the mitigation measures required, and how these will be secured. The findings of an assessment will help the council understand the project's ecological constraints and requirements and provide assurance that effective and deliverable mitigation can be secured. Surveys must be carried out during the appropriate season (see Annex 4) and in accordance with published standards.

An [EclA](#) should be produced in accordance with best practice guidance (BS42020:2013) and should contain all necessary survey results and a full assessment of ecological impacts. It should include reporting on all biodiversity features within the development site and wider area (zone of influence), proportionate and fully detailed mitigation and compensation measures that can be secured by condition or obligation, or by appropriate species licensing, and contain evidence that it has informed the design and has recommendations that have been embedded into the design.

Surveys and reports have a finite lifespan due to the response of habitats to environmental factors and changes in management and the dynamic nature of species populations. [CIEEM guidance](#) highlights issues with lifespan and the validity of reports in different circumstances. Outline or phased developments are likely to require conditions for further surveys to keep the survey information up to date.

In addition to the information within BS42020:2013, CIEEM provides detailed [guidance](#) about expectations in the reporting of biodiversity information in support of planning applications. Applicants are encouraged to choose professional ecologists that will comply with these expectations and can demonstrate their suitability for the role. Full details of those involved in survey work and reporting should be included in all reports with a summary of their experience and competence.

Where ecological information on species and habitats does not follow the mitigation hierarchy or is inadequate in the EclA, further ecological surveys will be required and should be provided prior to determination. Further surveys will not be secured through planning conditions, unless in exceptional circumstances, as identified in paragraph 9.2.4 of BS42020:2013. An ecological report needs to be fit for purpose as this will reduce the risk of delay, cost and/or uncertainty associated with determination. All ecological reports need to be clear and unambiguous as to what measures will be implemented.

The council expects that all biodiversity records obtained during surveys to be submitted to [Sussex Biodiversity Record Centre](#), as required by CIEEM's code of professional conduct. Applicants must not seek to restrict their ecological consultants from submitting biodiversity records.

Ecological constraints and opportunities plan (ECOP)

An Ecological Constraints and Opportunities Plan (ECOP) is a useful tool/drawing, submitted as part of the required ecology reports, used to present or 'traffic light' ecological information to other professionals and can assist with gaining the best outcomes for biodiversity. It has three main roles:

- at the pre-application stage, an ECOP may be used as an iterative tool within the design team to inform the overall design process;
- at the decision-making stage, it may be used to provide summary information for the decision-maker showing graphically how the mitigation hierarchy has been applied in practice – as such, it is an opportunity to show what and where the key biodiversity constraints and opportunities are associated with the proposed development described in the planning application; and
- at the implementation stage, it may be used to provide an overview, showing how and where biodiversity is to be addressed during the actual development works or aftercare period (e.g. as a summary drawing forming part of a construction environmental management plan)

An ECOP should be prepared using the results from ecological surveys, and initial identification of sensitive features and potential impacts, along with an assessment of their condition in relation to their potential for enhancement.

The level of detail in the ECOP should be proportionate to the nature and scale of the proposed development and should be used to inform the site design and layout, with biodiversity balanced against other competing needs, e.g. the need for amenity space.

An ECOP should be submitted as part of an EclA where potential ecological impacts are predicted and to evidence-base implementation of the mitigation hierarchy.

BNG baseline assessment

A BNG baseline assessment is required to enable the post-development biodiversity value (BNG) of the site to be demonstrated upon application (see stage A5). As required by the Environment Act, pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken. However, if this is known to have happened, the condition of the site on or after 30th January 2020 will be taken as the baseline of the habitat as stated in [Schedule 14 Part 1 paragraph 6](#) of the Environment Act. Where previous surveys are not available, this will be established through [Sussex Biodiversity Record Centre](#) records and habitat areas identified through aerial photographs.

Habitat mapping methodologies need to be appropriate to their purpose. For BNG calculations, UK Habitats Classification is required to populate the [Defra Biodiversity Metric](#).

Applications should be supported by the full Metric calculations, and not simply the headline results.

Other types of assessment

The consultant ecologist should determine whether the site falls within a SSSI Impact Risk Zone, as shown on the [Multi Agency Geographic Information for the Countryside](#) map, which would indicate that the development could result in indirect impacts that require consultation with Natural England.

Policy DM37 also requires the following to be undertaken in relation to developing affecting designated sites:

- International Sites - HRA screening/Appropriate Assessment
- National Sites - EIA screening/EIA; Marine Conservation Zone assessment
- Local sites - Ecological Impact Assessment

Where EIA screening scopes in the need for ecological assessment, all the necessary survey and impact assessment work should be provided within a separate ecology chapter of the EIA Report.

A4: Avoidance, mitigation and compensation

The results of any ecological surveys and assessment should feed into the initial design process, as should the ECOP. These will help ensure the layout and design of the development avoids wherever possible and minimises impacts to the features identified in steps A1 and A3, thus ensuring design is in accordance with the mitigation hierarchy. Design in accordance with the mitigation hierarchy should be considered as a sequential process, with each step in the hierarchy being considered in turn and incorporated into the design, before the next step is considered.

(See Principle 1: Mitigation Hierarchy and Biodiversity Matters 1-7)

A5: Biodiversity Net Gain

BNG or biodiversity enhancements are additional to any measures necessary to deal with impacts from the development and should not be used to provide either mitigation or compensation. To meet national and local policy requirements ahead of mandatory measurable net gain, applicants should ensure that biodiversity enhancements are included in a development to secure net gains. Creating new habitat, enhancing existing habitat or providing new features all contribute towards biodiversity enhancement and BNG (see Section 6: Integrating biodiversity into development). All BNG should conform to [Biodiversity Net Gain - Good Practice Principles for Development](#).

BNG for minor and householder applications

For minor and householder applications, BNG measures should be clearly identified in supporting information and illustrated on the relevant plans. The measures should be proportionate to the scale and type of development, should be appropriate to the site's location and surroundings, and should be focussed on supporting recognised nature conservation priorities. The Defra [small sites Biodiversity Metric](#) is available in a beta version and should be used to demonstrate biodiversity value and net gain. [Guidance](#) has been published by Natural England on how to use the metric.

BNG for major applications

For major developments, the latest version of the Defra [Biodiversity Metric](#) should be used demonstrate biodiversity value and measurable mandatory net gain. [Guidance](#) has been published by Natural England on how to use the metric.

A Biodiversity Net Gain report should also be submitted. It is anticipated that the government will provide further guidance on the content of a BNG report, however prior to this being released, a Biodiversity Net Gain report in line with [Biodiversity Net Gain Report and Audit Templates](#) (CIEEM, 2021) should be submitted with planning applications. For outline applications, a Biodiversity Net Gain Feasibility Assessment report should be submitted, and for full and reserved matters applications, a Biodiversity Net Gain Design Stage report should be submitted. This should include:

- Steps taken to avoid adverse impacts to biodiversity
- Pre-development and post-development biodiversity value
- Additional information to explain and justify the approach to delivering net gain, including notes on the existing and target habitat condition and any assumptions made.

Government regulations are anticipated to identify certain developments that will be exempt from the mandatory measurable BNG requirements of the Environment Act. However, these should still aim to achieve measurable BNG and are encouraged to use the relevant biodiversity metric appropriate to the scale of development.

The council will verify the accuracy of the biodiversity value calculations and consider the merits of any on or off-site BNG measures. Any scheme for BNG must include a mechanism for delivery of the target habitats, management, and monitoring of their condition, and an approach to remediation in the event of targets not being met. Schemes for the delivery of BNG should be developed with regards to BS8683:2021 “Process for designing and implementing biodiversity net gain – Specification”.

Planning conditions will be used to secure delivery of BNG measures and their long-term management. Obligations, such as Section 106 agreements may be used where BNG is on land outside the applicant’s control.

(See Principal 2: Biodiversity Net Gain)

Stage B: Application and validation stage

Planning applications must be accompanied by all necessary and relevant ecological information in order for it to be validated and determined. This will vary between applications and will depend on the proposal and the site itself. Information required could include:

- Biodiversity Checklist (validation requirement for certain applications)
- Preliminary Ecological Appraisal
- Ecological Impact Assessment
- Ecological Constraints and Opportunities Plan
- Defra Biodiversity Metric
- Biodiversity Net Gain Report

Protected species information is key to supporting determination. Validation of an application does not necessarily mean there is sufficient information to allow for determination. The submitted EcIA has to provide the council with certainty of all likely ecological impacts on designated sites and protected or Priority species and demonstrate that effective and deliverable mitigation can be secured either by condition or mitigation licence from Natural England.

If insufficient ecological information is provided the council may suggest the application is withdrawn, decline to validate the application, or refuse it on grounds that there is insufficient information to make a lawful determination.

Stage C: Planning permission granted – construction

The construction process may involve demolition or clearance of vegetation which has the potential for impacts on biodiversity. Even where development does not involve demolition or site clearance, wildlife can still suffer from disturbance. Annex 6, the Hazard Prevention Checklist, identifies a range of hazards associated with the construction stage.

Practical measures which may be appropriate depending on the scale of development include:

- Sensitive siting and timing of construction activities including works compounds
- Fencing to protect sensitive features
- Wildlife exclusion barriers
- Sensitive construction lighting
- Provision of temporary shelters
- Containment and control of invasive species

A precautionary approach to site clearance will be required for all development to ensure reckless actions are avoided and wildlife crime is prevented. All protected and Priority species on site will need to be moved to a place of safety. This may include supervision of any habitat works by an Ecological Clerk of Works, who will undertake a fingertip search.

A Construction Environment Management Plan: Biodiversity may be required by condition for some developments. This will need to include details of all necessary ecological mitigation measures, including protection measures for retained habitats and species and any requirement for ecological supervision during works on site using a suitably experienced Ecological Clerk of Works.

Stage D: Post-construction – management and monitoring

Where habitats are retained within a development site boundary, the council will seek to secure their long-term management via condition requiring relevant details to be provided within a Landscape and Ecological Management Plan.

Where species are predicted to be affected by proposals and habitat to support their population is retained or created on or off site, such as receptor sites for translocated animals, the council will seek to include monitoring of the effectiveness of mitigation. This will be separate from any legal requirement attached to a licence approved by Natural England and will be secured by condition. Additional monitoring may be required for novel mitigation solutions.

All management plans should include appropriate monitoring to ensure effectiveness and should include a process for remediation and review for any measures that have not been effective. The results of such monitoring should be reported to the council for review of management aligned to the LEMP.

Monitoring Biodiversity Net Gain

To deliver genuine Biodiversity Net Gain on-site will require careful design, zoning and management to ensure there are no recreational conflicts with the proposed areas for habitat creation that might prevent objectives from being achieved.

The Environment Act requires mandatory BNG habitat to be secure for at least 30 years via planning obligations or conservation covenants. More details of how BNG should be monitored is expected through secondary legislation.

Glossary

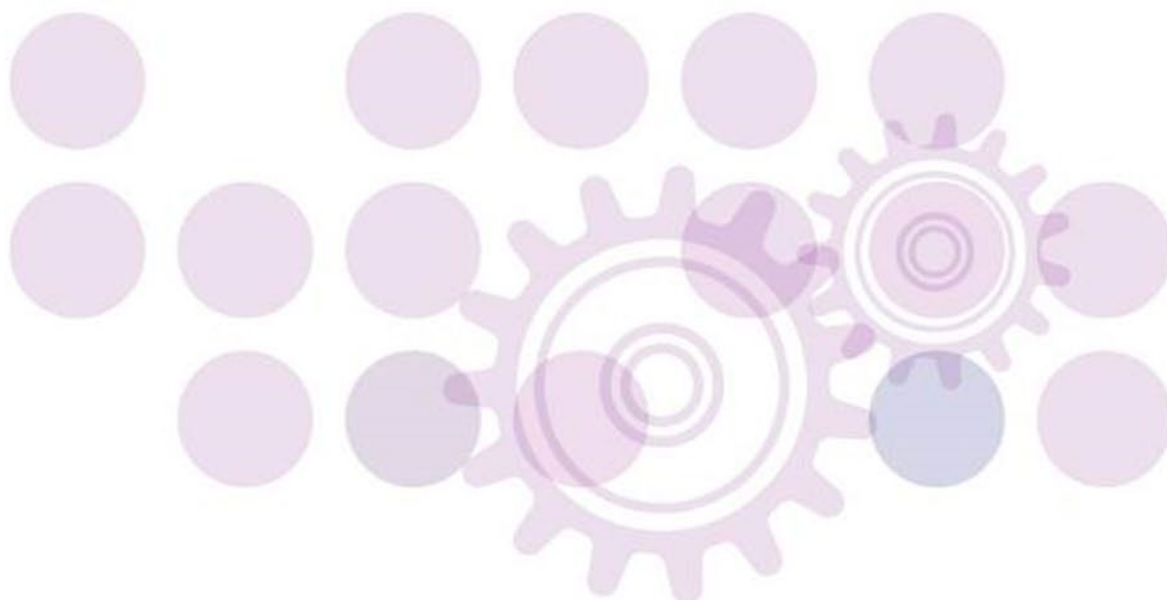
BNG	Biodiversity Net Gain
BOA	Biodiversity Opportunity Areas
CPP1	City Plan Part One
CPP2	City Plan Part Two
EclA	Ecological Impact Assessment
ECOP	Ecological Constraints and Opportunities Plan
EIA	Environmental Impact Assessment
HRA	Habitats Regulations Assessment
LNP	Local Nature Partnership
LNR	Local Nature Reserve
LNRS	Local Nature Recovery Strategy
LWS	Local Wildlife Site
MCZ	Marine Conservation Zone
NNR	National Nature Reserve
NRN	Nature Recovery Network
PEA	Preliminary Ecological Appraisal
SAC	Special Area of Conservation
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Urban Drainage Systems
UNESCO	United Nations Educational, Scientific and Cultural Organization

Draft Biodiversity and Nature Conservation SPD

Annexes

January 2022

Draft for public consultation



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ANNEX 1 UK legislation and international conventions

UK legislation

Conservation of Habitats and Species Regulations 2017 (as amended)	<p>Local Planning Authorities have the duty, by virtue of being defined as ‘competent authorities’ under the Habitats Regulations, to ensure that planning application decisions comply with the Habitats Regulations. If the requirements of the Habitats Regulations are not met and impacts (direct and indirect) on Habitats Sites are not avoided or mitigated, then development must not be permitted.</p> <p>The aim of the Habitats Regulations Assessment process is to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of the National Network of sites. Regulations 9 (1) and 9 (5) of Conservation of Habitats & Species Regulations 2017 (as amended) state that nothing in these Regulations is to be construed as excluding the application of the provisions of Part 1 of the Wildlife & Countryside Act 1981 (wildlife) in relation to animals or plants also protected under Part 3, 4 or 5 of these Regulations.</p> <p>The Regulations establish the process for identifying, designating and conserving Special Areas of Conservation (SACs) such as Castle Hill SAC, north of Woodingdean. Detailed guidance for development proposals which may affect SACs is provided in Part 1 of ODPM Circular 06/2005.</p> <p>Where a Habitats site could be affected by a plan, such as a Local Plan, or any project, such as a new development, then Habitats Regulations Assessment screening must be undertaken. If this cannot rule out any possible likely significant effect on a Habitats site, either alone or in combination with other plans & projects, prior to the consideration of mitigation measures, then an Appropriate Assessment must then be undertaken. The Appropriate Assessment identifies the interest features of the site (such as birds, plants or coastal habitats), how these could be harmed, assesses whether the proposed plan or project could have an adverse effect on the integrity of the Habitats site (either alone or in-combination), and finally how this could be mitigated to meet the Stage 2 Habitats Regulations Assessment “integrity” test. Natural England must be formally consulted on all Appropriate Assessments and no decision issued until their comments have been considered.</p> <p>Where species are of international importance (listed in the Habitats Regulations as European Protected Species), they have additional protection. For any development which could impact on European Protected Species e.g. demolition of a structure or works which cut into a roof where bats could be roosting, the Local Planning Authority requires certainty of likely impacts & that mitigation can be secured either by a condition of any consent or a mitigation licence from Natural England, before making a decision.</p>
Wildlife and Countryside Act 1981 (as amended)	<p>The Wildlife and Countryside Act 1981 includes Schedules of protected animals (1 & 5) and plants (Schedule 8) and invasive species (Schedule 9). Annex 1 of this SPD includes the species listed in Schedules 1, 5 and 8 of the Wildlife & Countryside Act which could occur on development sites in Brighton and Hove.</p>

	<p>The following offences are of relevance to development control:</p> <ul style="list-style-type: none"> • Subject to exceptions, it is a criminal offence to intentionally kill, injure, or take any wild bird or their eggs or nests. Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of intentionally or recklessly disturbing these birds at their nests, or their dependent young. • Subject to exceptions, it is a criminal offence to intentionally or recklessly kill, injure, or take, possess, or trade in any wild animal listed in Schedule 5. The Act also prohibits interference with places used by them for shelter or protection and intentional or reckless disturbance to animals occupying such places. • Subject to exceptions, to pick, uproot, or possess (for the purposes of trade) any wild plant listed in Schedule 8. The Act also prohibits the unauthorised intentional uprooting of such plants. <p>The Act also contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, including prohibition of the release of animals and the introduction of a plant to the wild or to otherwise cause it to grow or spread the plants listed in Schedule 9.</p> <p>A species of particular concern in the Brighton and Hove context is Japanese Knotweed (<i>Fallopia japonica</i> / <i>Polygonum cuspidatum</i>). Applicants will be expected to demonstrate that they have taken all reasonable steps and exercised all due diligence to ensure Schedule 9 species are not permitted to grow as part of the implementation of planning permission and are not included in landscaping schemes e.g. cotoneaster species (<i>Cotoneaster</i> spp). Planning conditions and obligations can be used to ensure adequate measures are taken.</p>
Natural Environment and Rural Communities Act 2006	<p>Section 40 of the Natural Environments and Rural Communities (NERC) Act Part 1 (as amended by the Environment Act, 2021) requires all public bodies including Local Planning Authorities, in exercising its functions, to have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.</p> <p>The Environment Act strengthens this general biodiversity duty to include enhancement in addition to conservation. The amendment will require public authorities to actively carry out strategic assessments of the actions they can take to conserve and enhance biodiversity. Designated public authorities will also be required to produce a five-yearly report on the actions taken to comply with the new duty.</p>
Environment Act 2021	<p>The Environment Act sets out to deliver long-term targets to improve air quality, biodiversity, water, and waste reduction and resource efficiency and includes a target to halt the decline of nature by 2030 in line with PART 6 Nature and biodiversity.</p> <p>Mandatory biodiversity net gain is set out in the Schedule 14 of the Act through the provision for biodiversity gain to be a condition of planning permission in England by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. The Act sets out the following key components to mandatory BNG:</p> <ul style="list-style-type: none"> • Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan

	<ul style="list-style-type: none"> • Habitat secured for at least 30 years via obligations/ conservation covenant • Habitat can be delivered on-site, off-site or via statutory biodiversity credits • There will be a national register for net gain delivery sites • The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss • Will apply to Nationally Significant Infrastructure Projects (NSIPs) • Does not apply to marine development • Does not change existing legal environmental and wildlife protections <p>Part 6 Nature and Biodiversity Clause 102 strengthens the NERC biodiversity duty by adding the word 'enhance'. Clause 103 requires a public authority to publish biodiversity reports.</p> <p>The Act also introduces a new system of spatial plans aiming to boost biodiversity and protect valuable habitats. Local Nature Recovery Strategies (LNRSs) are spatial strategies for nature, and will cover the whole of England. 'Responsible Authorities' will be appointed by the government and will be responsible for mapping the most valuable existing habitat for nature, mapping specific proposals for creating or improving habitat, and agree priorities for nature's recovery.</p>
Countryside and Rights of Way Act 2000 (CRoW)	Amongst other things, the CRoW Act strengthens the protection afforded to Sites of Special Scientific Interest, including greater powers for Natural England to be able to secure their appropriate management and a requirement for Local Authorities to further their conservation and enhancement under Schedule 9. There are two SSSIs in Brighton and Hove; Castle Hill (also a SAC) and Brighton to Newhaven Cliffs. Schedule 12 of the Act strengthens the legal protection for threatened species. This includes making certain offences 'arrestable', and creating an offence of reckless disturbance.
Town and Country Planning (Tree Preservation) (England) Regulations 2012	These regulations set out the procedures for making Tree Preservation Orders (TPOs) and the activities that are prohibited in relation to trees protected by these orders. Tree Preservation Orders can be made for trees or groups of trees because of their nature conservation value, as well as for their amenity value.
Protection of Badgers Act 1992	The Act makes it an offence to interfere with a badger sett, whether by obstructing the entrance, destroying the sett or in any way disturbing the occupant. The 1992 Act defines a badger sett as: "any structure or place which displays signs indicating current use by a badger". The onus is on the defendant to prove they were not attempting to kill, injure or take the badger, rather than on the police to prove that they were.
Crime & Disorder Act 1998	Section 17 of the Act states the duty for local authorities to consider crime and disorder implications when exercising its various functions with due regard to the likely effect and the need to do all that it reasonably can to prevent crime & disorder in its area.
Land Drainage Act 1991	Section 23 consent is a legal requirement for any works which will affect the flow of water or cross-sectional area of an ordinary watercourse i.e. not main river. This includes proposed culverting or piping of water and discharge of water into an ordinary watercourse.

International Conventions for biodiversity

Bonn Convention	<p>The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention or CMS) was adopted in Bonn, Germany in 1979 and came into force in 1983. As a signatory since 1985, the UK Government works with others to conserve migratory species and their habitats by providing strict protection for endangered migratory species.</p> <p>The legal requirement for the strict protection of Appendix I species is provided by the Wildlife & Countryside Act (1981 as amended). In addition, the Countryside and Rights of Way Act 2000 (CROW) enacted in England and Wales, strengthens the protection of certain species by increasing penalties and enforcement powers; and strengthened the protection of sites from damage caused by third parties.</p>
Bern Convention	<p>The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) was adopted in Bern, Switzerland in 1979, and came into force in 1982. As the UK Government a signatory, this is a binding international legal instrument for nature conservation.</p> <p>The principal aims of this Convention are to ensure conservation and protection of wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase co-operation between contracting parties, and to regulate the exploitation of migratory species listed in Appendix III. To this end the Convention imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species.</p>
Ramsar Convention	<p>The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention' or 'Wetlands Convention') was adopted in Ramsar, Iran in February 1971 and came into force in December 1975. It provides the only international mechanism for protecting sites of global importance and is thus of key conservation significance.</p>

ANNEX 2: City Plan policies supported by this SPD

The policies from the City Plan Part 1 and Part 2 that include an aim to conserve and enhance biodiversity are set out below. Full wording of these policies is available on the Council website.

<p><u>Brighton & Hove City Plan Part 1</u></p> <p>SS1 Presumption in Favour of Sustainable Development</p> <p>DA1 Brighton Centre and Churchill Square Area</p> <p>DA2 Brighton Marina, Gas Works and Black Rock Area</p> <p>DA3 Lewes Road</p> <p>DA4 New England Quarter and London Road Area</p> <p>DA5 Eastern Road and Edward Street</p> <p>DA6 Hove Station Area</p> <p>DA7 Toad's Hole Valley</p> <p>SA1 The Seafront</p> <p>SA3 Valley Gardens</p> <p>SA4 Urban Fringe</p> <p>SA6 Sustainable Neighbourhoods</p> <p>SA5 The Setting of the South Downs National Park</p> <p>CP8 Sustainable Buildings</p> <p>CP10 Biodiversity</p> <p>CP11 Flood Risk</p> <p>CP12 Urban Design</p> <p>CP13 Public Streets and Spaces</p>	<p><u>Brighton & Hove City Plan Part 2</u></p> <p>DM18 High Quality Design and Places</p> <p>DM22 Landscape Design and Trees</p> <p>DM32 The Royal Pavilion Estate</p> <p>DM37 Green Infrastructure and Nature Conservation</p> <p>DM38 Local Green Spaces</p> <p>DM40 Protection of the Environment and Health – Pollution and Nuisance</p> <p>DM42 Protecting the Water Environment</p> <p>DM43 Sustainable Drainage</p> <p>SA7 Benfield Valley</p> <p>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road</p> <p>SSA2 Combined Engineering Depot, New England Road</p> <p>SSA3 Land at Lyon Close, Hove</p> <p>SSA4 Sackville Trading Estate and Coal Yard</p> <p>SSA5 Madeira Terrace and Madeira Drive</p> <p>SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive</p> <p>SSA7 Land Adjacent to American Express Community Stadium, Village Way</p> <p>H2 Housing Sites – Urban Fringe</p>
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ANNEX 3: Priority habitats and species in Brighton and Hove

The tables in this Annex list Priority habitats and species which are known to occur in Brighton and Hove. It can be used as a useful resource to help assess the biodiversity value of a development site and whether any habitats or species are likely to be present and therefore may be affected by a development proposal.

‘NERC Section 41’ refers to Section 41 of the Act 2006. This Section of the Natural Environments and Rural Communities Act requires the Secretary of State to publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity in England. The species and habitats with a ‘Y’ in this column are included in those lists.

Tables 3.1 and 3.2 relate to species and Tables 3.3 and 3.4 list habitats, including several urban habitat types which may not have specific recognition by the national list of Priority habitats as listed in Section 41 of the Natural Environment & Rural Communities Act (2006). Some have particular value in the context of Brighton and Hove and should therefore be considered for retention wherever possible.

The tables should not be regarded as comprehensive for the purposes of development control. For example, a variety of biodiversity features can occur, such as particularly large, old trees, which are not listed below but may support bats so should nevertheless be conserved where possible as part of development proposals and surveyed if likely to be affected.

Table 3.1 Priority species

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Adder	<i>Vipera berus</i>	W&C Act Schedule 5 Killing & injuring S.9(1) (part); sale S.9(5)	Y		Y
Adonis Blue butterfly	<i>Lysandra bellargus</i>	W&C Act Schedule 5 (Sale only S.9(5))	Y		
Aquatic Warbler	<i>Acrocephalus paludicola</i>	Red List Bird Global post 2001 Vulnerable status	Y		
Balearic Shearwater	<i>Puffinus mauretanicus</i>	Red List Bird Global post 2001 Critically Endangered, Red list Bird of conservation concern	Y		
Basil Thyme	<i>Clinopodium acinos</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable	Y		
Bats – all species	<i>Vespertilionidae and Rhinolophidae</i>	W&C Act Schedule 5, (full protection) Habitats Regs Sch. 2; Barbastelle Appendix II Bern and Bonn Conventions	Soprano Pipistrelle, Brown Long-eared, Barbastelle & Lesser horseshoe.	Pipistrelle	Y
Beaded Chestnut	<i>Agrochola lychnidis</i>	For national research purposes only	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
(moth)					
Bewick's Swan	<i>Cygnus columbianus bewickii</i>	W&C Act Schedule 1; Amber list Bird of conservation concern	Y		
Bittern	<i>Botaurus stellaris</i>	W&C Act Schedule 1; Amber list Bird of conservation concern, Notable Bird	Y		
Black-headed Mason Wasp	<i>Odynerus melanocephalus</i>	Notable A	Y		
Blood-vein (moth)	<i>Timandra comae</i>	For national research purposes only	Y		
Bordered Gothic	<i>Sideridis reticulata</i>		Y		
Bottle-nosed Dolphin	<i>Tursiops truncatus</i>		Y		
Brindled Beauty	<i>Lycia hirtaria</i>	For national research purposes only	Y		
Broom Moth	<i>Ceramica pisi</i>	For national research purposes only	Y		
Brown-banded Carder-bee	<i>Bombus humilis</i>	Sussex Rare	Y		Y
Brown Galingale	<i>Cyperus fuscus</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Rare	Y		
Brown Hairstreak	<i>Thecla betulae</i>	W&C Act Schedule 5 (Sale only S.9(5)); Red List GB post 2001 Vulnerable, Sussex Rare	Y		
Brown Hare	<i>Lepus europaeus</i>		Y	Y	
Brown-spot Pinion (moth)	<i>Agrochola litura</i>	For national research purposes only	Y		
Buff Ermine	<i>Spilosoma lutea</i>	For national research purposes only	Y		
Bullfinch	<i>Pyrrhula pyrrhula</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Burnt Orchid	<i>Neotinea ustulata</i>	Red List GB post 2001 Endangered, Red List ENG post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		
Centre-barred Sallow	<i>Atethmia centrargo</i>	For national research purposes only	Y		
Chalk Carpet	<i>Scotopteryx bipunctaria</i>		Y		
Chalk-hill Lance-wing	<i>Epermenia insecurella</i>		Y		
Chalk Planthopper	<i>Eurysanoides douglasi</i>	Notable A, Sussex Rare	Y		
Chamomile	<i>Chamaemelum nobile</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Sussex Rare	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Cinnabar	<i>Tyria jacobaeae</i>	For national research purposes only	Y		
Cirl Bunting	<i>Emberiza cirlus</i>	Red list Bird of conservation concern, Notable Bird	Y		
Cod	<i>Gadus morhua</i>	Brighton Marina	Y		
Common Lizard	<i>Lacerta vivipara</i>	WCA Sch5 s9.1/s9.1 kill/s9.5a	Y		
Common Porpoise	<i>Phocoena phocoena</i>	Habs Regs Sch2, W&C Act Sch5 s9.4a/s9.5a; Sussex Rare	Y		
Common Reed Bunting	<i>Emberiza schoeniclus</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Common Redpoll	<i>Acanthis flammea</i>	Amber list Bird of conservation concern	Y		
Common Sandpiper	<i>Actitis hypoleucos</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Common Seal	<i>Phoca vitulina</i>		Y		
Common Scoter	<i>Melanitta nigra</i>	Red list Bird of conservation concern	Y		
Common Toad	<i>Bufo bufo</i>	W&C Act Schedule 5 sale S.9(5)a	Y		
Corn Bunting	<i>Miliaria calandra</i>	Red list Bird of conservation concern, Notable Bird	Y		
Corn Buttercup	<i>Ranunculus arvensis</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Endangered, Sussex Rare	Y		
Corn Cleavers	<i>Galium tricornutum</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Critically Endangered, Nationally Rare, Sussex Rare	Y		
Corn Flower	<i>Centaurea cyanus</i>	Sussex Rare	Y		
Crescent (moth)	<i>Helotropha leucostigma</i>	Sussex Rare	Y		
Crested Cow-wheat	<i>Melampyrum cristatum</i>	Red List GB post 2001 Endangered, Red List ENG post 2001 Endangered, Nationally Rare	Y		
Cuckoo	<i>Cuculus canorus</i>	Red list Bird of conservation concern, Notable Bird	Y		
Curlew	<i>Numenius arquata</i>	Red List Global post 2001 Near Threatened, Red List Bird of conservation concern, Notable Bird	Y		
Dark-barred Twin-spot Carpet	<i>Xanthorhoe ferrugata</i>	For national research purposes only	Y		
Dark Crimson Underwing	<i>Catocala sponsa</i>	Red List GB Pre94 Rare	Y		
Deep-brown Dart	<i>Aporophyla lutulenta</i>	For national research purposes only	Y		
Deptford Pink	<i>Dianthus armeria</i>	Red List GB post 2001 Endangered, Red List ENG post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Dingy Skipper	<i>Erynnis tages</i>	Red List GB post 2001 Vulnerable	Y		Y
Divided Sedge	<i>Carex divisa</i>	Red List GB post 2001 Vulnerable, Nationally Scarce, Sussex Rare	Y		
Dot Moth	<i>Melanchra persicariae</i>	For national research purposes only	Y		
Dunnock	<i>Prunella modularis</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Dusky Dart (moth)	<i>Euxoa tritici</i>		Y		
Dusky-lemon Sallow	<i>Cirrhia gilvago</i>	Sussex Rare	Y		
Dusky Thorn (moth)	<i>Ennomos fuscantaria</i>	For national research purposes only	Y		
Dusty Brocade	<i>Apamea remissa</i>	For national research purposes only	Y		
Ear Moth	<i>Amphipoea oculea</i>	For national research purposes only	Y		
Early Gentian	<i>Gentianella anglica</i>	Sussex Rare	Y		
European Eel	<i>Anguilla anguilla</i>	Red List Global post 2001 Critically Endangered	Y		
Eyebright	<i>Euphrasia pseudokernerii</i>	Red List GB post 2001 Endangered, Red List ENG post 2001 Vulnerable, Nationally Scarce, Sussex Rare	Y		
Feathered Gothic	<i>Tholera decimalis</i>	For national research purposes only	Y		
Field Fleawort	<i>Tephrosia integrifolia subsp. integrifolia</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Scarce, Sussex Rare	Y		
Field Gentian	<i>Gentianella campestris</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Endangered, Sussex Rare	Y		
Floating Water-plantain	<i>Luronium natans</i>	Red List ENG post 2001 Near Threatened, Nationally Scarce	Y		
Fly Orchid	<i>Ophrys insectifera</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable	Y		
Forester (moth)	<i>Adscita statice</i>	Sussex Rare	Y		
Four-spotted	<i>Tyta luctuosa</i>	Red List GB Pre94 Vulnerable	Y		
Frog orchid	<i>Coeloglossum viride</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable	Y		
Galium Carpet (moth)	<i>Epirrhoe galiata</i>	For national research purposes only	Y		
Garden Dart (moth)	<i>Euxoa nigricans</i>	For national research purposes only	Y		
Garden Tiger (moth)	<i>Arctia caja</i>	For national research purposes only	Y		
Ghost Moth	<i>Hepialus humuli</i>	For national research purposes only	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Grape Hyacinth	<i>Muscari neglectum</i>	Nationally Rare	Y		
Grasshopper Warbler	<i>Locustella naevia</i>	Red List Bird of conservation concern, Notable Bird	Y		
Grass Rivulet	<i>Perizoma albulata albulata</i>	Sussex Rare	Y		
Grass Snake	<i>Natrix natrix</i>	W&C Act Schedule 5 Killing & injuring S.9(1) (part); sale S.9(5)a	Y	Y	
Grayling (butterfly)	<i>Hipparchia semele</i>	Red List GB post 2001 Vulnerable, Sussex Rare	Y		
Great Crested Newt	<i>Triturus cristatus</i>	W&C Act Schedule 5 (full protection), Habitats Regs S.2	Y	Y	
Green-brindled Chestnut (moth)	<i>Allophyes oxyacanthae</i>	For national research purposes only	Y		
Grey Dagger (moth)	<i>Acronicta psi</i>	For national research purposes only	Y		
Grey-headed Wagtail	<i>Motacilla flava thunbergi</i>	Red list Bird of conservation concern, Notable Bird	Y		
Grey Partridge	<i>Perdix perdix</i>	Red list Bird of conservation concern, Notable Bird	Y		
Grizzled Skipper	<i>Pyrgus malvae</i>	Red List GB post 2001 Vulnerable	Y		
Harvest Mouse	<i>Micromys minutus</i>	Red List GB post 2001 Near Threatened	Y		
Hawfinch	<i>Coccothraustes coccothraustes</i>	Red list Bird of conservation concern, Notable Bird	Y		
Hazel Dormouse	<i>Muscardinus avellanarius</i>	Habs Regs Sch2, W&C Act Sch5 s9.4b/s9.4c /s9.5a; Red List GB post 2001 Vulnerable	Y		Y
Hedgehog	<i>Erinaceus europaeus</i>	Red List GB post 2001 Vulnerable	Y		
Hedge Rustic	<i>Tholera cespitis</i>		Y		
Hen Harrier	<i>Circus cyaneus</i>	W&C Act Schedule 1; Red list Bird of conservation concern, Notable Bird	Y		
Herring Gull	<i>Larus argentatus argentatus</i>	Red list Bird of conservation concern, Notable Bird	Y		Y
Hornet Robberfly	<i>Asilus crabroniformis</i>	Notable, Sussex Rare	Y		Y
House Sparrow	<i>Passer domesticus</i>	Red list Bird of conservation concern; Notable Bird	Y		
Juniper	<i>Juniperus communis</i>	Red List Endangered post 2001 Near Threatened, Sussex Rare	Y		
Knot Grass (moth)	<i>Acronicta rumicis</i>	For national research purposes only	Y		
Lackey	<i>Malacosoma neustria</i>		Y		
Lapwing	<i>Vanellus vanellus</i>	Red list Bird of conservation concern; Notable Bird	Y		
Large Wainscot	<i>Rhizodra lutosa</i>		Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Latticed Heath	<i>Chiasmia clathrata</i>		Y		
Lesser Redpoll	<i>Acanthis cabaret</i>	Red list Bird of conservation concern, Notable Bird	Y		
Lesser Spotted Woodpecker	<i>Dryobates minor</i>	Red list Bird of conservation concern, Notable Bird	Y		
Linnet	<i>Carduelis cannabina</i>	Red list Bird of conservation concern, Notable Bird	Y		
Long-finned Pilot Whale	<i>Globicephala melas</i>	Red List Global post2001 Data Deficient: Habs Regs Sch2, W&C Act Sch5 s9.1/s9.1 kill/s9.1 take/s9.4a/s9.4b/s9.4c/s9.5a;	Y		
Mackerel	<i>Scomber scombrus</i>		Y		
Marsh Tit	<i>Poecile palustris</i>	Red list Bird of conservation concern, Notable Bird	Y		
Marsh Warbler	<i>Acrocephalus palustris</i>	W&C Act Schedule 1; Red List Bird of conservation concern, Notable Bird	Y		
Minor Shoulder-knot	<i>Brachylomia viminalis</i>	For national research purposes only	Y		
Moss Carder-bee	<i>Bombus muscorum</i>		Y		
Mouse Moth	<i>Amphipyra tragopoginis</i>	For national research purposes only	Y		
Mottled Rustic	<i>Caradrina morpheus</i>	For national research purposes only	Y		
Mullein Wave	<i>Scopula marginepunctata</i>	For national research purposes only	Y		
Musk Orchid	<i>Herminium monorchis</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		
Narrow-leaved Helleborine	<i>Cephalanthera longifolia</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		
Nightjar	<i>Caprimulgus europaeus</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Oak Hook-tip	<i>Watsonalla binaria</i>	For national research purposes only	Y		
Oblique Carpet	<i>Orthonama vittata</i>	Sussex Rare	Y		
Pennyroyal	<i>Mentha pulegium</i>	W&C Act Schedule 8; Red List GB post 2001 Endangered, Red List ENG post 2001 Critically Endangered, Nationally Scarce, Sussex Rare	Y		
Phantom Hoverfly	<i>Doros profuges</i>		Y		
Pheasant's-eye	<i>Adonis annua</i>	Red List GB post 2001 Endangered, Red List England post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		Y (Arable Plants)

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Plaice	<i>Pleuronectes platessa</i>	Brighton Marina Outer Harbour	Y		
Pretty Chalk Carpet	<i>Melanthia procellata</i>	For national research purposes only	Y		
Prickly Salt-wort	<i>Salsola kali subsp. kali</i>	Red List GB post 2001 Vulnerable, Sussex Rare	Y		
Powdered Quaker	<i>Orthosia gracilis</i>	For national research purposes only	Y		
Red Hemp-nettle	<i>Galeopsis angustifolia</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Critically Endangered, Nationally Scarce, Sussex Rare	Y		
Red-shanked Carder-bee	<i>Bombus ruderarius</i>		Y		
Red Star-thistle	<i>Centaurea calcitrapa</i>	Red List GB post 2001 Endangered, Red List ENG post 2001 Endangered, Nat Rare, Sussex Rare	Y		Y
Rest Harrow (moth)	<i>Aplasta ononaria</i>	Red List GB Pre94 Rare, Sussex Rare	Y		
Ring Ouzel	<i>Turdus torquatus</i>	Red list Bird of conservation concern	Y		
Rock-Rose	<i>Helianthemum oelandicum subsp. levigatum</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Rare	Y		
Roseate Tern	<i>Sterna dougallii</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Rosy Minor	<i>Litoligia literosa</i>	For national research purposes only	Y		
Rosy Rustic	<i>Hydraecia micacea</i>	For national research purposes only	Y		
Rugged Oil-beetle	<i>Meloe rugosus</i>	Nationally Scarce	Y		
Rustic (moth)	<i>Hoplodrina blanda</i>	For national research purposes only	Y		
Sallow (moth)	<i>Cirrhia icteritia</i>	For national research purposes only	Y		
Scaup	<i>Aythya marila</i>	Red list Bird of conservation concern	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Sea Barley	<i>Hordeum marinum</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Scarce, Sussex Rare	Y		
September Thorn	<i>Ennomos erosaria</i>	For national research purposes only	Y		
Shaded Broad-bar	<i>Scotopteryx chenopodiata</i>	For national research purposes only	Y		
Shepherd's Needle	<i>Scandix pecten-veneris</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Endangered, Sussex Rare	Y		Y (Arable Plants)
Short-snouted Seahorse	<i>Hippocampus hippocampus</i>	W&C Act S9, CITES, Red List Global post 2001 Data Deficient. Feature of Conservation Importance for which Beachy Head Marine Conservation Zone is designated.	Y		Y
Shoulder-striped Wainscot	<i>Leucania comma</i>	For national research purposes only	Y		
Skylark	<i>Alauda arvensis</i>	Red list Bird of conservation concern, Notable Bird	Y	Y	
Slender Bedstraw	<i>Galium pumilum</i>	Red List GB post 2001 Data Deficient, Red List GB post 2001 Endangered, Nationally Rare,	Y		
Slow Worm	<i>Anguis fragilis</i>	W&C Act Schedule 5 Killing & injuring S.9(1) (part); sale S.9(5)	Y	Y	
Small Blue	<i>Cupido minimus</i>	W&C Act Sch 5 sale S 9 (5)a; List GB post 2001 Near Threatened	Y		
Small Emerald	<i>Hemistola chrysoprasaria</i>	For national research purposes only	Y		
Small Heath	<i>Coenonympha pamphilus</i>	Red List GB post 2001 Near Threatened	Y		
Small Phoenix	<i>Ecliptopera silaceata</i>	For national research purposes only	Y		
Small Square-spot	<i>Diarsia rubi</i>	For national research purposes only	Y		
Song Thrush	<i>Turdus philomelos</i>	Red list Bird of conservation concern, Notable Bird	Y	Y	
Spinach (moth)	<i>Eulithis mellinata</i>	For national research purposes only	Y		
Sprawler (moth)	<i>Asteroscopus sphinx</i>	For national research purposes only	Y		
Spreading Hedge-parsley	<i>Torilis arvensis</i>	Red List ENG post 2001 Endangered, Nationally Scarce, Sussex Rare	Y		Y (Arable Plants)
Spotted Flycatcher	<i>Muscicapa striata</i>	Red list Bird of conservation concern, Notable Bird	Y		
Stag Beetle	<i>Lucanus cervus</i>	W&C Act Sch 5 sale s9 (5)a; Nationally Scarce, Notable B,	Y	Y	

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
		Sussex Rare			
Starling	<i>Sturnus vulgaris</i>	Red list Bird of conservation concern, Notable Bird	Y	Y	Y
Sterile Beardless -moss	<i>Weissia sterilis</i>	Sussex Rare	Y		
Stone Curlew	<i>Burhinus oedichnemus</i>	Amber list Bird of conservation concern, Notable Bird	Y		
Straw Belle (moth)	<i>Aspitates gilvaria gilvaria</i>	Sussex Rare	Y		
Tall Fescue Planthopper	<i>Ribautodelphax imitans</i>	Red List GB Pre94 Insufficient data, Sussex Rare	Y		
Thorow-wax	<i>Bupleurum rotundifolium</i>	Red List GB post 2001 Critically Endangered, Red List ENG post 2001 Critically Endangered, Nationally Rare, Sussex Rare	Y		
Toadflax Brocade moth	<i>Calophasia lunula</i>		Y		
Tree Pipit	<i>Anthus trivialis</i>	Red list Bird of conservation concern, Notable Bird	Y		
Tree Sparrow	<i>Passer montanus</i>	Red list Bird of conservation concern, Notable Bird	Y		
True Fox-sedge	<i>Carex vulpina</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Rare, Sussex Rare	Y		
Twite	<i>Linaria flavirostris</i>	Red list Bird of conservation concern	Y		
Turtle Dove	<i>Streptopelia turtur</i>	Red list Bird of conservation concern, Notable Bird	Y		
Wall (butterfly)	<i>Lasiommata megera</i>	Red List GB post 2001 Near Threatened	Y		
Wart-biter	<i>Decticus verrucivorus</i>	W&C Act Sch5 s9.1/s9.1 kill/s9.1 take/s9.4a/s9.4b/s9.4c/Sale s9.5a; Red List GB post 2001 Endangered, Nationally Rare, Sussex Rare	Y		
White Admiral	<i>Limenitis camilla</i>	Red List GB pos t2001 Vulnerable	Y		
White Ermine	<i>Spilosoma lubricipeda</i>	For national research purposes only	Y		
White-fronted Goose	<i>Anser albifrons</i>	Red List Bird of conservation concern,	Y		
White Helleborine	<i>Cephalanthera damasonium</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable	Y		Y
White-lettered Hairstreak	<i>Satyrus w-album</i>	WCA Sch 5 sale s9 (5a); Red List GB post 2001 Endangered	Y		Y
Whiting	<i>Merlangius merlangus</i>	Red List Global post2001 Data Deficient	Y		

English name	Latin name	Legal / policy protection	NERC Section41	Sussex BAP	Brighton & Hove BAP
Willow Tit	<i>Poecile montanus</i>	Red list Bird of conservation concern, Notable Bird	Y		
Wood Calamint	<i>Clinopodium menthifolium</i>	Red List GB post 2001 Vulnerable, Red List ENG post 2001 Vulnerable, Nationally Rare	Y		
Woodlark	<i>Lullula arborea</i>	Notable Bird	Y		
Wood Warbler	<i>Phylloscopus sibilatrix</i>	Red list Bird of conservation concern, Notable Bird	Y		
Yellowhammer	<i>Emberiza citrinella</i>	Red list Bird of conservation concern, Notable Bird	Y	?	
Yellow Wagtail	<i>Motacilla flava</i>	Red list Bird of conservation concern, Notable Bird	Y		

Table 3.2 Additional locally important species requiring conservation action not listed as Priority species

English name	Latin name	Legal / policy protection	Sussex BAP	Brighton & Hove BAP
A bee	<i>Halictus eurygnathus</i>	RDB1		Y
A leafhopper	<i>Ulopa trivialis</i>	Nationally Notable b		Y
A lichen	<i>Physcia clementei</i>	Locally Notable; Nationally Scarce		Y
Badger	<i>Meles meles</i>	Protection of Badgers Act 1992		Y
Barn Owl	<i>Tyto alba</i>	W&C Act Schedule 1	Y	Y
Black Redstart	<i>Phoenicurus ochrurus</i>	W&C Act Schedule 1		Y
Broadleaved Spurge	<i>Euphorbia platyphyllos</i>			Y (Arable Plants)
Common Frog	<i>Rana temporaria</i>	W&C Act Schedule 5 sale S.9(5)a		Y
Corn Gromwell	<i>Lithospermum arvense</i>			Y (Arable Plants)
Corn Parsley	<i>Petroselinum segetum</i>			Y (Arable Plants)
Dense-flowered Fumitory	<i>Fumaria densiflora</i>			Y (Arable Plants)
Early Spider Orchid	<i>Ophrys sphegodes</i>	W&C Act Schedule 8		Y
English Elm	<i>Ulmus procera</i>	Brighton holds the National Collection of Elms		Y
Fine-leaved Fumitory	<i>Fumaria parviflora</i>			Y (Arable Plants)
Firecrest	<i>Regulus ignicapillus</i>	W&C Act Schedule 1		Y
Frosted Arache	<i>Atriplex laciniata</i>	Locally Notable		Y
Glow Worm	<i>Lampyris noctiluca</i>	Locally Notable	Y	Y
Hoary Stock	<i>Matthiola incana</i>	IUCN Pre 1994 Rare. Locally Notable Nationally Scarce		Y
House Martin	<i>Delichon urbica</i>	Red list Bird of conservation concern, Notable Bird, Locally Notable	Y	
Light Feathered Rustic	<i>Agrotis cinerea</i>	Locally Notable		Y
Meadow Clary	<i>Salvia pratensis</i>	W&C Act Schedule 8 Amber List plant – Vulnerable and Near Threatened		Y
Narrow-fruited Cornsalad	<i>Valerianella dentata</i>			Y (Arable Plants)
Nottingham Catchfly	<i>Silene nutans</i>			Y (Arable Plants)
Palmate Newt	<i>Lissotriton helveticus</i>	W&C Act Schedule 5 sale S.9(5)a		Y
Peregrine	<i>Falco peregrinus</i>	W&C Act Schedule 1		Y
Prickly Poppy	<i>Papaver argemone</i>			Y (Arable Plants)
Rough Poppy	<i>Papaver hybridum</i>			Y (Arable Plants)
Sea Bindweed	<i>Calystegia soldanella</i>	Locally Notable		Y
Sea Heath	<i>Frankenia laevis</i>	Nationally Scarce		Y
Sea Knotgrass	<i>Polygonum maritimum</i>	W&C Act Schedule 8		Y

English name	Latin name	Legal / policy protection	Sussex BAP	Brighton & Hove BAP
Sea Rocket	<i>Cakile maritima</i>	Locally Notable		Y
Smooth Newt	<i>Lissotriton vulgaris</i>	W&C Act Schedule 5 sale S.9(5)a		Y
Swift	<i>Apus apus</i>	Red list Bird of conservation concern, Notable Bird, Locally Notable	Y	Y
Swallow	<i>Hirundo rustica</i>	Locally Notable	Y	Y
Toadflax Brocade moth	<i>Calophasia lunula</i>	Locally Notable		
Venus's Looking Glass	<i>Legousia hybrida</i>			Y (Arable Plants)
Weasel's Snout	<i>Misopates orontium</i>			Y (Arable Plants)
Wild birds (most species)	-	W&C Act		Y

Table 3.3 Priority habitats present in Brighton and Hove

Feature habitat	Legal / policy protection	NERC Section 41*	RegionalBAP+	Sussex BAP	Brighton & Hove BAP
Arable field margins (<i>incorporated in Farmland in Brighton & Hove BAP</i>)		Y	Y	Y	Y
Coastal vegetated shingle		Y	Y	Y	Y
Fragile Sponge and Anthozoan Communities on Subtidal Rocky habitats	Included in MCZ	Y			Y
Hedgerows		Y		Y	Y
Intertidal Chalk	Included in MCZ	Y			Y
Intertidal Underboulder Communities	Included in MCZ	Y			Y
Lowland calcareous (chalk) grassland Land (<i>incorporating chalk scrub and wax caps colonies in Brighton & Hove BAP</i>)		Y	Y	Y	Y
Lowland mixed broadleaved woodland		Y	Y	Y	Y
Lowland Wood-Pasture and Parkland		Y	Y	Y	Y
Maritime cliff and slopes		Y	Y	Y	Y
Open Mosaic Habitats on Previously Developed Land (<i>incorporating Urban Commons in Brighton & Hove BAP</i>)		Y			Y
Ponds		Y	Y		Y
Sheltered Muddy Gravels – subtidal sediments	Included in MCZ	Y			Y
Subtidal Chalk	Included in MCZ	Y			Y
Subtidal sands and gravels	Included in MCZ	Y			Y
Traditional orchards		Y		Y	Y

Table 3.4 Additional habitats & features which are locally important not listed as Priority habitats

Feature habitat	Legal / policy protection	Regional BAP+	Sussex BAP	Brighton & Hove BAP
Arable land			Y	Y
Ancient woodland and 'veteran' trees	NPPF irreplaceable			Y
Mosaic habitats				Y
Road verges			Y	Y
School grounds				Y
Scrub communities				Y
Standing fresh water (including ponds of all types)		Y		Y
The Downs			Y	Y
Urban areas				Y

+At the time of writing the South East Regional BAP contains targets for habitats only.

ANNEX 4: Protected species and ecological survey seasons

This provides a rough guide to the seasonality of ecological survey to illustrate the potential impact on the submission of information in support of a planning application. A suitably qualified ecologist should always be consulted to provide site specific advice on appropriate methodologies and timing, which may depend on weather conditions.

	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
Preliminary Ecological Appraisals	Surveys are possible year round											
Botanical Surveys						As appropriate to plant community						
Breeding Birds			Six survey visits across the season									
Wintering Birds	At least monthly										At least monthly	
Badgers	Surveys for evidence can be undertaken year round											
		Bait marking and sett surveys			Breeding season, limited surveying				Bait marking and sett surveys			
							Licensable season for disturbance					
Bats		Potential Roost Assessment Surveys are possible year round										
				Possible depending on temperature	Emergence and Activity Surveys					Possible depending on temperature		
Hazel Dormice				Nest tube survey with monthly checks throughout season, to achieve minimum level of effort								
Reptiles				Weather conditions are important								
Water Voles	Habitat assessment possible year round											
				Two surveys required: the first Apr to end Jun, the second Jul to Sep to identify breeding territories and latrines								
Great Crested Newts	Habitat assessment possible year round											
				4 x Aquatic surveys (must include: 2 surveys mid-Apr- mid May); eDNA survey season mid Mar to end Jun								

Key

Optimal	
Sub-optimal	
Not recommended	

Points to note regarding surveys are as follows:

- It is important that surveys for protected (and Priority) species are carried out at an appropriate time of year, as indicated by published guidance and/or nationally recognised survey guidelines/methods where available to ensure the greatest chance of detecting protected (and priority) species if present. At other times of year, it can be very difficult to detect protected (and priority) species as their levels of activity decrease as temperatures decline and the weather worsens, they take refuge in areas that are difficult to access, and bad weather destroys evidence of their presence. Therefore, surveys undertaken at an inappropriate time of year will not provide a true reflection of the likely impacts of a proposed development on protected (and priority) species.
- For certain species and habitats, surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated above.
- Surveys conducted outside of optimal times will be unreliable. As a consequence, there may be insufficient information for determination of an application. For certain species (e.g. Great Crested Newt) surveys over the winter period are unlikely to yield any useful information. Similarly, negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work maybe required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area.
- Species surveys are also very weather dependent, so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, e.g. bat surveys carried out in wet or cold weather may not yield accurate results.
- Absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected (e.g. a bat roost is protected whether any bats are present or not).
- Sussex Biodiversity Record Centre can provide existing information and records (www.sussexbrc.org.uk)

ANNEX 5: Biodiversity Checklist

The Biodiversity Checklist is designed to identify developments which may have an impact on biodiversity, particularly whether protected, Priority or notable species may be affected by proposals. Protected and Priority species are a material consideration in the planning process, and if there is a likelihood that a development will impact them, further information must be submitted in support of a planning application. Applicants or their agents should use the Biodiversity Checklist to carry out a 'first impressions' check of their application site (stage A1). This should be carried out while on site and does not require ecological expertise.

The Checklist is **not required** for the following types of planning applications - advertisement applications, air conditioning units, changes of use, conversion to flats (if not affecting the roof), crossovers (where no hard standing needs to be created), extract ducting, fences, removal of fire escapes, roller blinds/shutters, satellite dishes, shop fronts, walls and gates, windows and doors.

All other types of development proposal must include a completed biodiversity checklist for the application to be validated. This includes householder applications where the development requires a planning application (not permitted development); listed building consents where the roof will be affected including roof lights, solar panels or floodlighting of churches or trees will be affected; full planning applications including single/two storey extensions and residential/commercial new build; and outline planning applications.

Failure to complete the Biodiversity Checklist accurately may result in your application not being validated and may cause delay to the determination process.

There are two different Biodiversity Checklists: one for householder applications and one for all other types of planning applications.

The Householder Biodiversity Checklist includes questions to help determine whether Protected or Priority species may be affected and whether or not further information will be required. If 'the answer is 'yes' to any of the questions listed, the planning application must include an ecological report confirming impacts and providing appropriate mitigation to allow the council to fulfil our duties for the conservation and enhancement of biodiversity.

The Checklist for other types of planning application includes indicative thresholds and criteria which will trigger the consideration of Protected and Priority species, based on the likelihood of these being present and affected by development. It should be used by applicants to identify which ecological surveys are likely to be necessary for an individual development given its condition and location. If the checklist indicates that species may be present and affected, a suitably qualified ecologist should ensure any necessary ecological surveys are undertaken in the appropriate season. Where a suitably qualified ecologist considers that surveys are necessary, these will need to be carried out to and submitted alongside the planning application in order for it to be validated.

Householder Applications Biodiversity Checklist

Question	Features	Response
1) Do proposals involve the demolition or removal of a building and/or impacts to a roof of a building?		Yes / No
2) Do the proposals involve modification, conversion of a building with the following features: <i>(This indicates the likelihood of bats (European protected species) being present and affected by the development & may trigger the need for survey & assessment to support an application)</i>	Loft void(s)	Yes / No
	Lined roof tiles/slates	Yes / No
	Lined flat roof	Yes / No
	Hanging tiles or cladding	Yes / No
	Soffits/fascias	Yes / No
	Agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams	Yes / No
	Buildings with weather boarding and/or hanging tiles that are within 200m of woodland, designated nature sites, and/or water	Yes / No
	Pre-1960 detached buildings and structures within 200m of woodland designated nature sites and/or water	Yes / No
	Pre-1914 buildings within 400m of woodland designated nature sites and/or water	Yes / No
	Pre-1914 buildings with gable ends or slate roofs (regardless of location)	Yes / No
	Located within, or immediately adjacent to woodland, designated nature sites and/or immediately adjacent to water	Yes / No
	Dutch barns or livestock buildings with a single skin roof and board-and-gap and/or Yorkshire boarding	Yes / No
	underground structures including, but not limited to, cellars, ice-houses, air raid shelters	Yes / No
Please provide photographs of all aspects of the building in question (N, S, E and W) and close-ups of all of the above features you have identified for question 1 and 2.		
3) Do the proposals involve felling, removal or works to:	Woodland	Yes / No
	Native hedgerows and/or lines of trees	Yes / No
	Old and veteran trees	Yes / No
	Mature trees with holes, cracks, cavities, or that are covered with mature ivy (including dead trees)	Yes / No
4: Do the proposals involve the removal/modification of mature garden features?	Features including rough grassland; large mature compost heap; large mature log pile; large rockery; scrub; copse; allotment; orchard.	Yes / No

5: Do the proposals involve the removal/modification of a (permanent or temporary) water body, such as pond?		Yes / No
6: Does the site or part of it lie within a District Licensing Amber or Red Risk Zone for Great Crested Newts?		Yes / No
7: Are you aware of any protected or Priority species present on or adjacent to your development site?		Yes / No

If you have answered YES to, or ticked any part of, any of the above questions you are likely to need an ecological assessment, which should include a data search from the [Sussex Biodiversity Record Centre](#). This should be addressed before you submit your planning application by seeking advice from a [professional and suitably qualified ecologist](#).

Assessments should be proportionate to the size of the site and the nature of the proposals. If your ecologist considers the impacts on ecology are negligible, they should provide justification with clear photographs to explain why. This must include an explanation of how all potential impacts on biodiversity will be avoided and/or why protected and Priority species are not an issue on your site. If the ecological information received does not provide certainty of likely impacts, the application may be refused.

Full and Outline Applications Biodiversity Checklist

Proposals for Development That Will Trigger a Survey for the relevant Protected, Priority or Notable Species		Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Dormouse	Water vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other Priority Species	Notable species of local concern (e.g. swifts)	Response (please tick)
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:	All agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone construction and/or with exposed wooden beams	Y	Y	Y											Y	
	All buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water	Y														
	Pre-1960 detached buildings and structures within 200m of woodland and/or water;	Y														
	Pre-1914 buildings within 400m of woodland and/or water;	Y														
	Pre-1914 buildings with gable ends, peg tile or slate roofs, regardless of location;	Y														
	All tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;	Y														
	All bridge structures (especially over water and wet ground).	Y					Y									
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.		Y	Y	Y		Y										
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.		Y		Y		Y		Y			Y	Y				
Proposals within 200m of a designated site for nature conservation		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

Proposals for Development That Will Trigger a Survey for the relevant Protected, Priority or Notable Species		Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Dormouse	Water vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other Priority Species	Notable species of local concern (e.g. swifts)	Response (please tick)
Proposed tree work (felling or lopping) and/or development affecting:	old and Veteran trees that are older than 100 years;	Y	Y	Y								Y				
	trees with obvious holes, cracks or cavities;	Y	Y	Y												
	trees with a diameter greater than 1m at chest height;	Y	Y	Y												
Proposals affecting natural cliff faces, crevices or caves.		Y		Y	Y				Y				Y			
Major proposals within 500m of a pond or Minor proposals within 100-250m of pond.					Y		Y			Y						
Proposals affecting or within 200m of a river, stream, lake, or other aquatic habitats such as reedbed, grazing marsh and fen.		Y		Y			Y		Y	Y	Y					
Proposals affecting brownfield sites, allotments and railway land which involve a change to derelict areas with exposed soil, brambles, piles of rubble etc of more than 100m ² .				Y	Y			Y	Y	Y		Y				
Loss or modification of grassland grazed by horses, cattle or sheep, or more than about 100m ²											Y		Y	Y		
Proposals for large wind turbines: see Scottish Natural Heritage et al/ Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation		Y		Y												
Proposed development affecting any buildings, structures, feature or locations where protected, notable or Priority species are known to be present.		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		

If you have answered YES to, or ticked any part of, any of the above questions you are likely to need an ecological assessment, which should include a data search from the [Sussex Biodiversity Record Centre](#). This should be addressed before you submit your planning application by seeking advice from a [professional and suitably qualified ecologist](#).

Exceptions for When a Full Species Survey and Assessment may not be Required

- a. Following consultation by the applicant at the pre-application stage, the Council's ecological adviser has stated in writing that no protected or Priority species surveys and assessments are required.
- b. If it is clear that no protected or Priority species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a brief report from a suitably qualified and experienced ecologist, or a relevant local nature conservation organisation).
- c. If it is clear that the development proposal will not affect any protected or Priority species present, then only limited information needs to be submitted. This information should, however, (i) demonstrate that there will be no significant impact on any protected or Priority species present (this includes protecting habitats not to be impacted by the development during construction and post construction phases), and (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

ANNEX 6: Biodiversity on Development sites: A hazard prevention checklist during construction and operation

This checklist aims to help implement the mitigation hierarchy: avoid impacts and embed mitigation during construction as well as inform the design and location of compensation post construction.

Hazard	Considerations
Construction Phase	
Ancillary structures such as paths and other hardsurfaces	These are often excluded from planning application drawings, but their construction and location can damage biodiversity features. Ensure their design, location and construction method take account of biodiversity features e.g. permeable paving systems which can integrate vegetation.
Assembly areas for components of construction.	Plan locations in advance and site well away from sensitive areas. Include in Ecology report site plan.
Demolition operations.	Falling rubble and storage areas for demolished structures can cause unnecessary damage if not properly planned for.
Fires	Plan locations in advance and site well away from sensitive areas. Include in the ecological report site plan.
Interruptions to established management regimes	It is important to maintain established habitat management regimes throughout the construction process. In some cases, it may be necessary to modify these to help buffer biodiversity features from construction impacts. Seek ecological advice.
Introduction of imported soils	Often landscaping schemes involve the importation of topsoil which is inappropriate to the locality or the nature conservation feature. In general, nutrient-rich topsoil should be avoided in habitat management and creation schemes. Introduction of topsoil can also promote the spread of invasive plant species.
Lighting	Lighting/floodlighting can interfere with animal behavior patterns. All lighting schemes should be designed to minimise light pollution effects and maintain dark unlit features on and off-site including on surrounding natural features such as trees and greenspaces.
Provision of services and utilities (e.g. underground power lines, water supply and drainage / gully pots	These are often excluded from planning application drawings, but their construction and location can damage biodiversity features including trapping and killing animals such as toads and amphibians in gully pots. Ensure their location is included in the Ecology report and their design and effects fully considered.
Removal of site offices/compounds and final site clearaway after construction	Due care is needed, for example to ensure protective fencing is maintained in good condition until all danger of damage to biodiversity features by construction-related activity is passed.
Storage areas for construction and landscaping materials	Ensure such storage areas are identified and considered in the ecological report
Structural works to existing buildings including conversions.	Although the footprint of the development may be the same as existing, construction activity may affect nearby biodiversity features. Such development may also affect species which use buildings, such as bats and nesting birds.
Temporary access routes for construction vehicles - both on and off site.	Plan locations in advance and site well away from sensitive areas. Include in ecological report site plan.

Temporary fencing	Protective fencing should be sturdy and form a sufficiently robust barrier to prevent accidental damage to nature conservation features. Chestnut pale or equivalent is the normal minimum requirement. Temporary fencing for construction purposes should avoid severing areas of habitat.
Temporary offices and compounds.	Plan locations in advance and site well away from sensitive areas. Include in Ecology report site plan.
Topsoil and sub-soil removal.	Consider locations for storage and include in Ecology report. Ensure topsoil removal does not promote the spread of invasivespecies to new locations.
Vegetation clearance.	Direct loss of habitat; timing of removal to minimise impact and meet legislative requirements (e.g. nesting birds); ensure controlled removal of undesirable species e.g. Japanese Knotweed)
Occupation/Operational phase	
Landscape management	Appropriate aftercare, such as watering, is crucial to the successful integration of nature conservation features into development. Specialistcontractors may be required at particularly sensitive locations. Chemical applications should be avoided.
Pets	Pets can have a severe predation and disturbance effect on reptiles, mammals and birds. Scheme design should aim to minimise this risk, for example by buffering habitat resources such a woodland from development, and in the location and types of nest boxes and bird feeders used.
Public access	Increased public access to urban nature conservation features should be encouraged but such access should be carefully considered in the design and management of schemes to ensure nature conservation benefits are sustained
Vandalism.	The design of nature conservation features within development should take account of potential vandalism issues andother anti-social behaviour.
Vehicle access around and on/off-site.	Plan locations for all roads and paths in advance and site well away from sensitive areas. Soil compaction issues. Ensure temporary access is Included in ecological report site plan.

ANNEX 7: Notes on habitat creation and enhancement

Table 7.1 General principles on habitat creation

The following general principles should be applied to development schemes involving habitat creation:

Planning			
Location	Timing	Design	Species
<p>Identification of nature conservation features</p> <p>All proposed and existing nature conservation features should be identified on the site plans submitted as part of a planning application. Advice and survey by a professional ecologist may be required. The Sussex Biodiversity Record Centre and the Booth Museum may also need to be consulted.</p>	<p>Works</p> <p>Works should be scheduled to minimise any risk of disturbance to species and habitats and to maximise the successful establishment of new features.</p> <p>Surveys</p> <p>Some species and habitats are only available for conservation work at specific times of the year. Such requirements should be factored in during the earliest planning stages of a scheme.</p>	<p>Integration at an early stage</p> <p>The design of nature conservation enhancements should be integrated from the early planning stage of a scheme. The aim should be to maximise opportunities and minimise impacts.</p> <p>Linear features</p> <p>Avoid the fragmentation of linear nature conservation features. These are often important for allowing movement from one area of habitat to another.</p> <p>Buffer Zones</p> <p>Buffer areas between new nature conservation features and development may be needed to avoid damaging impacts.</p>	<p>Choice of species</p> <p>Full details of all species to be planted should be provided for all schemes. Generally, native species guaranteed to be of local provenance must be used especially in open countryside and on the urban fringe sites. In the urban area, non-native species with confirmed nature conservation benefits, e.g. pollen and nature rich, may also be appropriate.</p> <p>Integration</p> <p>New nature conservation features should integrate with and complement habitats and species already present in the vicinity. Ensure that habitat creation proposals will not lead to damage to existing biodiversity features.</p>
Implementation			
Site Preparation	Site Management		Aftercare
<p>Avoid topsoil</p> <p>Most semi-natural habitats are adapted to nutrient-poor conditions, so habitat creation schemes should avoid the use of nutrient-rich topsoil. Topsoil will encourage competitive weed species of low conservation value.</p>	<p>On-site personnel</p> <p>All on-site personnel should be made aware of any nature conservation features affected and of the conservation measures required. There should be an identified person responsible for overseeing ecological works and their contact details should be made available to the Planning Officer. An ecological clerk of works and/or specialist contractor may be required, particularly for complex or difficult habitat management works.</p>		<p>Provision for management</p> <p>Developments involving new and existing nature conservation features must make provision for their on-going management.</p>

<p>Adequate fencing Sturdy fencing (rather than temporary, plastic fencing or tape) should be used to protect nature conservation features throughout the construction phase including appropriate root protection areas and buffer zones, and in some cases, subsequently. Details of the location, type and means of installation of such fencing should be provided on the plans as part of the submitted planning application.</p>	<p>Plant handling All plants should be handled and planted in accordance with the relevant clauses in 'Handling and Establishing Landscape Plants' Chemical applications should be avoided.</p>	
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Table 7.2 Native plants of local provenance and other plants suitable for landscaping schemes in Brighton and Hove

The use of native species of local provenance should be used in all habitat creation schemes unless there is adequate justification provided and accepted as reasonable for using plants from other sources agreed with the Council's ecological adviser. Proposals using such species must demonstrate at least UK (and preferably local) seed / plant origins peat and chemical free as possible. Habitat creation schemes nearby designated nature sites, greenspaces, in open countryside, and the urban fringe must use such suitable and appropriate native species of wildlife value as a priority.

Table 7.2 is not intended to be entirely comprehensive.

Species	Latin name	Chalk grassland (c) woodland (w) hedge bank / woodland edge (h)	Spring Meadow	Summer Meadow
Agrimony	<i>Agrimonia eupatoria</i>	c,h	N	Y
Black Medic	<i>Medicago lupulina</i>	c	N	Y
Bladder Campion	<i>Silene vulgaris</i>	c	Y	Y
English Bluebell	<i>Hyacinthoides non-scripta</i>	w,h	-	-
Bugle	<i>Ajuga reptans</i>	w	-	-
Burnet Saxifrage	<i>Pimpinella saxifrage</i>	c	N	Y
Butcher's Broom	<i>Ruscus aculeatus</i>	wh		
Centaury	<i>Centaureum erythraea</i>	C	N	Y

Species	Latin name	Chalk grassland (c) woodland (w) hedge bank / woodland edge (h)	Spring Meadow	Summer Meadow
Common Bird's-foot Trefoil	<i>Lotus corniculatus</i>	c,h	Y	Y
Common Dog Violet	<i>Viola riviniana</i>	W	-	-
Common Knapweed	<i>Centaurea nigra</i>	C	N	Y
Common Milkwort	<i>Polygala vulgaris</i>	c	Y	Y
Common Restharrow	<i>Ononis repens</i>	c	N	Y
Cowslip	<i>Primula veris</i>	c	Y	N
Creeping thyme	<i>Thymus drucei</i>	c	N	Y
Crested dog's-tail	<i>Cynosurus cristatus</i>	c	Y	Y
Cuckoo Pint	<i>Arum maculatum</i>	h,w	-	-
Devil's-bit Scabious	<i>Succisa pratensis</i>	c	N	Y
Dog Violet	<i>Viola riviniana</i>	c,h	Y	N
Dog's Mercury	<i>Mercurialis perennis</i>	w,h	-	-
Dropwort	<i>Filipendula vulgaris</i>	c	N	Y
False Brome	<i>Brachypodium sylvaticum</i>	h	-	-
Field Scabious	<i>Knautia arvensis</i>	c	N	Y
Foxglove	<i>Digitalis purpurea</i>	h	-	-
Garlic Mustard	<i>Allaria petiolate</i>	h	-	-
Germander Speedwell	<i>Veronica chamaedrys</i>	h,c,g	Y	N
Glaucous Sedge	<i>Carex flacca</i>	c	Y	Y
Greater Knapweed	<i>Centaurea scabiosa</i>	c	N	Y
Greater Stitchwort	<i>Stellaria holostea</i>	h,c	Y	N

Species	Latin name	Chalk grassland (c) woodland (w) hedge bank / woodland edge (h)	Spring Meadow	Summer Meadow
Harebell	<i>Campanula rotunifolia</i>	c	N	Y
Herb Bennet	<i>Geum urbanum</i>	w	-	-
Hoary Plantain	<i>Plantago media</i>	c	Y	Y
Honeysuckle	<i>Lonicera periclymenum</i>	w,h	-	-
Horseshoe Vetch	<i>Hippocrepis comosa</i>	c	N	Y
Kidney Vetch	<i>Anthyllis vulneraria</i>	c	Y	Y
Lady's Bedstraw	<i>Galium verum</i>	c	N	Y
Marjoram	<i>Origanum vulgare</i>	c	N	Y
Meadow Buttercup	<i>Ranunculus acris</i>	c	Y	Y
Mouse-ear Hawkweed	<i>Pilosella officinarum</i>	c	N	Y
Nettle-leaved Bellflower	<i>Campanula trachelium</i>	w,h	-	-
Oxeye Daisy	<i>Leucanthemum vulgare</i>	c,h	Y	Y
Perforate St John's wort	<i>Hypericum perforatum</i>	c	Y	Y
Primrose	<i>Primula vulgaris</i>	w,h	-	-
Quaking Grass	<i>Briza media</i>	c	Y	Y
Ramsons	<i>Allium ursinum</i>	w,h	-	-
Red Campion	<i>Silene dioica</i>	w,h	-	-
Red Fescue	<i>Festuca rubra</i>	c	Y	Y
Rock Rose	<i>Helianthemum nummularium</i>	c	N	Y
Salad Burnet	<i>Sanguisorba minor</i>	c	Y	Y
Self-heal	<i>Prunella vulgaris</i>	c,h	Y	Y

Species	Latin name	Chalk grassland (c) woodland (w) hedge bank / woodland edge (h)	Spring Meadow	Summer Meadow
Sheep's Fescue	<i>Festuca ovina</i>	c	Y	Y
Small Scabious	<i>Scabiosa columbaria</i>	c	N	Y
Stinking Hellebore	<i>Helleborus foetidus</i>	w	-	-
Stinking Iris	<i>Iris foetidissima</i>	w	-	-
Sweet Violet	<i>Viola odorata</i>	w,h	-	-
Tufted Vetch	<i>Vicia cracca</i>	w	-	-
Vipers Bugloss	<i>Echium vulgare</i>	c	N	Y
White Campion	<i>Silene alba</i>	c	Y	Y
Wild Basil	<i>Clinopodium vulgare</i>	c	N	Y
Wild Carrot	<i>Daucus carota</i>	c,h	N	Y
Wild Strawberry	<i>Fragaria vesca</i>	w,h	-	-
Wood Anemone	<i>Anemone nemorosa</i>	w	-	-
Yarrow	<i>Achillea millefolium</i>	c,h	Y	Y
Yellow Rattle	<i>Rhinanthus minor</i>	c	Y	N
Yellow Wort	<i>Blackstonia perfoliate</i>	c	N	Y

Table 7.2.1 Ornamental plants of wildlife value (adapted from a list supplied by The Ecology Consultancy)

In inner urban areas within the built-up area boundary, non-native species which attract beneficial wildlife i.e. nectar and pollen rich, may also be used if these are justified to be better suited to the development and the local environment. In the urban area of Brighton and Hove a wide range of horticultural plant varieties offer valuable sources of food for wildlife including nectar, seeds, berries and sap. Others provide nesting or roosting opportunities. Native and ornamental plants should be combined to create colourful, 'near-natural' diverse and interesting wildlife-friendly plantings.

The lists below are not exhaustive, but merely a selection of the more widely available species. They should not be used in the countryside or the urban fringe, where they may invade and damage semi-natural habitats. Planting of fruit trees as "scattered orchards" should seek to use traditional varieties local to Brighton & Hove.

Trees	
Apple	<i>Malus domestica</i> (several ornamental forms available)
Cherry	<i>Prunus</i> spp. (but not ornamental flowering cherries)
Foxglove tree	<i>Paulownia tomentosa</i>
Lacebark	<i>Hoheria</i> spp., e.g. <i>H. glabrata</i> , <i>H. lyallii</i>
Pear	<i>Pyrus</i> spp. e.g. <i>Pyrus calleryana</i> 'Chanticleer'

Shrubs (NB Many of the shrub species below will form small trees when mature)			
Barberry	<i>Berberis darwinii</i> , <i>B. thunbergii</i> 'Bagatelle', <i>B. x stenophylla</i>	Gorse	<i>Ulex</i> spp
Broom	<i>Genista</i> spp	Himalayan honeysuckle	<i>Leycesteria formosa</i>
California lilac	<i>Ceanothus arborea</i> / spp.	Japanese quince	<i>Chaenomeles japonica</i>
Common myrtle	<i>Myrtus communis</i>	June berry	<i>Amelanchier Canadensis</i>
Hazels	<i>Corylus</i> spp.	Laurustinus	<i>Viburnum tinus</i>
Hawthorns	<i>Crataegus</i> spp.	Lavender	<i>Lavandula angustifolia</i> , <i>L. x intermedia</i>
Holly	<i>Ilex</i> (various cultivars –self-pollinating varieties recommended)	Mahonia	<i>Mahonia</i> spp
Daisy Bush	<i>Olearia x hastii</i> , <i>O. macrodonta</i> and <i>O. traversii</i>	Mock Orange	<i>Philadelphus</i> spp
Elderberry	<i>Sambucus</i> 'Black Lace'	Rock rose	<i>Cistus</i> spp.
Firethorn	<i>Pyracantha</i> spp.	Rosemary	<i>Rosmarinus officinalis</i>
Flowering currant	<i>Ribes sanguineum</i>	Shrubby Veronica	<i>Hebe</i> spp. (select varieties with light coloured flowers)
Flowering Quince	<i>Chaenomeles speciosa</i>		

Herbaceous perennials

A wide variety of herbaceous perennials help support wildlife and the list below is only a small selection. The following general rules can also be used to select good wildlife-friendly plantings:

- Plants with 'Single' flowers (those where the stamens are visible) rather than double flowers.
- Most 'traditional' herbs Rosemary, Sage, Lavenders, Fennel, alliums (chives)
- Plants with flat-topped umbels or (daisy-like) heads
- Most Mints (dead-nettles, *Salvia* spp.)
- Carrot family (Umbellifers),
- Cabbage (Crucifers) family

Sterile hybrid flowers (e.g. Hydrangea hybrids, Busy Lizzie) are to be avoided.

Good wildlife friendly herbaceous perennials			
Aster	<i>Aster spp</i>	Michaelmas Daisy	<i>Aster novi-belgii</i> , <i>Aster x salignus</i> etc.
Black-eyed Susan	<i>Rudbeckia hirta</i> or <i>R. fulgida</i>	Purple Verbena	<i>Verbena bonariensis</i>
Cinquefoil	<i>Potentilla fruticosa</i>	Red valerian	<i>Centranthus rubra</i>
Echinacea	<i>Echinacea purpurea</i>	Russian Sage	<i>Perovskia atriplicifolia</i>
Escallonia	<i>Escallonia spp</i>	Ice plant	<i>Sedum spectabile</i>
Foxglove	<i>Digitalis purpurea</i> varieties, <i>D. lutea</i> , <i>D. x mertonensis</i>	Soapwort	<i>Spanoria officinalis</i>
French Marigold	<i>Tagetes patula</i>	Sweet rocket	<i>Hesperis matronalis</i>
Globe thistle	<i>Echinops ritro</i>	Teasel	<i>Dipsacus fullonum</i>
Ice plant	<i>Sedum spectabile</i>	Tobacco plant	<i>Nicotiana affinis</i>

Wildlife friendly annuals		Climbers	
Blue Wax Flower	<i>Cerinthe major</i> 'purpurascens'	Clematis spp.	<i>Clematis vitalba</i> , <i>C. armandii</i> , <i>C. alpina</i> , <i>C. montana</i> , <i>C. tangutica</i>
Californian Poppy	<i>Eschscholzia californica</i>	Climbing Hydrangea	<i>Hydrangea petiolaris</i>
French Marigold	<i>Tagetes patula</i> . Avoid the double flowered varieties	Honeysuckle	<i>Lonicera japonica</i> , <i>L. fragrantissima</i> , <i>L. standishii</i>
Poached Egg Plant	<i>Limnanthes douglasii</i>	Ivy	<i>Hedera helix</i>
Sunflowers	<i>Helianthus annuus</i>	Jasmine	<i>Jasminum officinale</i>
Tobacco plant	<i>Nicotiana affinis</i>	Virginia creeper	<i>Parthenocissus quinquefolia</i>

Table 7.2.2 Terrestrial Species to avoid in landscaping schemes

Any plants listed as Non-native Invasive Species in Schedule 9 of Wildlife & Countryside Act 1981 as amended should not be planted within landscaping schemes. The following terrestrial species have comparatively few benefits for wildlife areas and their use should be avoided in landscaping schemes, without specific justification:

Species not to be used in landscaping schemes	
Buddleia	<i>Buddleia spp.</i>
Cherry Laurel	<i>Prunus laurocerasus</i>
Cotoneasters	<i>Cotoneaster spp</i>
Evergreen Oak	<i>Quercus ilex</i>
False Castor Oil Plant	<i>Fatsia Japonica</i>
Japanese Rose	<i>Rosa rugosa</i>
Phormium	<i>Phormium spp.</i>
Shrubby honeysuckle	<i>Lonicera nitida</i>
Spotted laurel	<i>Aucuba japonica</i>
Stags Horn Sumac	<i>Rhus typhina</i>

Table 7.3 General principles on planting trees, woodland, hedgerows and scrub

The conservation of existing trees, woodland and hedgerows, and the creation of new native features is encouraged, where this is consistent with other nature conservation objectives. The following general guidelines should be followed in any development involving the planting and creation of new trees, woodland and hedgerows. Proposals should also conform to BS 5837 'Guide for trees in relation to construction' (see also [SPD 6 'Trees and Development Sites'](#)):

Planning			
Location	Timing	Design	Species
Trees too close to buildings and car parks can lead to complaints about leaf fall, shade and other problems.	Bare root trees should be planted during a frost-free period between mid- October and early December.	Trees and shrubs for woodland/scrub habitats should be spaced between 1-2m apart.	Mixes of native species should be used which reflect local, natural associations.
Do not plant in locations which could damage other biodiversity features, or which coincide with underground or overhead services.	Container- grown trees can be planted throughout the year (avoiding periods of drought and frost), provided adequate provision is made for regular watering.	Two-year old, feathered seedlings or transplants should be planted (larger sizes are more expensive, slower to establish have a higher failure rate and are prone to vandalism.	In inner urban areas, non-native species and varieties (such as Firethorn) may be appropriate if they provide good wildlife habitat (e.g. berries and nesting habitat for birds). These species should definitely not be used where they could spread to nearby semi natural habitat.
New hedges, trees and woods are particularly appropriate where they connect or extend existing woodlands and wildlife corridors.			
Implementation			
Preparation	Management	Aftercare	
Compacted soils should be deep-ploughed or 'ripped' before planting.	Trees should be planted the same day or as soon as possible after delivery. Roots should be protected from desiccation and frost damage during transit and storage.	Trees may need protection from rabbit damage following planting and should be kept free of weeds 1m diameter around each stem. Use mulch for five years following planting. Each tree should be drenched with 5 litres of water immediately following planting. Thorough and regular watering may also be necessary for the first two seasons, depending on location. Dead saplings should be replaced for the first 3 years following planting. Thinning should take place when tree branches become interlaced and growth is suppressed. Wood waste from thinning should be left scattered under the trees to promote woodland floor species. Piles of dead wood should be avoided where they can create a fire risk. Existing woods may require enhanced management to remove invasive species, manage access, diversify the range of species present, increase light reaching the woodland floor or to promote particularly desirable species.	

Table 7.4 Native trees and shrubs suitable for planting in Brighton and Hove

Species	Latin name	Suitable for planting on the urban fringe / downland?	Pioneer species	Tolerant of infertile soil	Cliffs and coast	Pollution tolerant	Tree or shrub
Field Maple	<i>Acer campestre</i>	N		y		y	small tree
Hawthorn	<i>Crataegus monogyna</i>	Y	y	y	y	y	shrub
Beech	<i>Fagus sylvatica</i>	Y					tree
Juniper	<i>Juniperus communis</i> *	N	y	y	y		shrub
Wild Privet	<i>Ligustrum vulgare</i>	Y	y			y	shrub
Crab Apple	<i>Malus spp.</i>	Y				y	small tree
Blackthorn	<i>Prunus spinosa</i>	Y	y		y		shrub
Pedunculate Oak	<i>Quercus robur</i>	Y				y	tree
Buckthorn	<i>Rhamnus catharticus</i>	Y				y	small tree
Dog Rose	<i>Rosa canina</i>	Y		y			scrambler/shrub
Goat Willow	<i>Salix caprea</i>	N	y		y	y	shrub
Elder	<i>Sambucus nigra</i>	Y	y	y		y	shrub
Yew	<i>Taxus baccata</i>	Y		y		y	small tree
Dogwood	<i>Cornus sanguinea</i>	Y	y	y			shrub
Small-leaved Lime	<i>Tilia cordata</i>	N					tree
Gorse	<i>Ulex europaeus</i>	Y	y	y	y		shrub
Wych Elm	<i>Ulmus glabra</i>	Y				y	tree
Wayfaring Tree	<i>Viburnum lantana</i>	Y	y	y			shrub

The introduction of native woodland ground flora is one way of enhancing existing, established woodlands. Table 7.2 includes recommended species for woodland floor planting. These should be introduced in discrete blocks within woodlands where light levels are between 10% and 40% of daylight in summer, as plug plants or seed. Woodland seed sowing should be at a high rate (10kg of seed per hectare), whereas plant plugs can be introduced at about 5 plants per m².

Hedgerow creation and management follows similar principles to those needed for woodland and scrub. Shrub plants for new hedgerows should be selected from the list provided in Table 7.4, planted at 200mm centres in two rows 150-450mm apart. A 'hedge line' mulch should be used, and species should be planted in blocks of five, which helps to give the developing hedge a naturalistic appearance. After planting, cut back to encourage bushy basal growth.

Table 7.5 General principles on creating flower-rich grassland

Ancient, species-rich grassland cannot be recreated but it is possible to create attractive, flower-rich grassland as part of new developments. Chalk grassland creation is encouraged by the Sussex Chalk Grassland BAP where conditions are suitable. The following general guidelines should be followed:

Planning			
Location	Timing	Design	Species
<p>Flower-rich grassland should not be located where:</p> <ul style="list-style-type: none"> it will be heavily shaded by trees. the soil is rich in nutrients or will be fertilised <p>Locations suitable for flower-rich grassland are:</p> <ul style="list-style-type: none"> areas of low soil fertility, dry slopes with thin soils. 	<p>Sow native, local provenance wild flower seed in autumn (September-November), a month after soil treatments have been completed (see Site Preparation)</p>	<p>Avoid small grass patches. These are expensive to maintain and tend to be of low nature conservation value. Aim to create fewer, larger spaces which can incorporate low-maintenance wild flower areas.</p>	<p>A mix of species should be used which reflect local, natural associations (see Table 7.2).</p> <p>Plant plugs, not seeds, should be used to diversify existing grassland. They should be planted 50cm apart. Yellow Rattle (<i>Rhinanthus minor</i>); can be seeded into existing grassland where it will reduce grass vigour.</p> <p>Seed mixes should be used to establish new flower-rich grassland. Recommended seeding rate: 2g of seed/m², Cornfield annuals should be used as a 'nurse crop'.</p>
Implementation			
Site Preparation	Site Management	Aftercare	
<p>Nutrient-rich topsoil should be removed or buried before sowing.</p> <p>Expensive soil improvements, such as drainage, deep ripping and fertiliser treatment are to be avoided.</p> <p>Work the soil in midsummer to minimise compaction problems when wet. Cultivate to an even tilth (breaking up, raking, harrowing and rolling) and firm surface. Remove large stones (may damage grass cutting equipment).</p> <p>Sowing wildflower seeds. Scuffle the surface after sowing to incorporate seeds in the surface soil.</p>	<p>Flower-rich meadows should be protected from access and from storage of plant and machinery throughout the construction process</p>	<p>New grassland</p> <p>In the spring of the first year after sowing, roll and then cut to 10cm high and remove clippings. Cut to 10cm about every 2 months thereafter to prevent any species from becoming dominant. Allow a 5 week break in June/July for the cornfield annual nurse crop to flower. In the second year, revert to the cuts described below.</p> <p>Timing of cutting and cutting frequency have an important influence on the species found in new and existing grasslands. In all cases, cuttings should be removed and no fertilisers should be added at any time.</p> <p>Spring meadow: Do not cut until late June, then cut to 50mm. Thereafter cut regularly to 100mm. Because spring meadows are cut before the school summer holidays, they can double as 'kick about' areas.</p> <p>Summer meadow: Do not cut between mid-May and late August. Regular cutting to 50mm between March and mid May helps to eliminate coarse grasses during their maximum growth period.</p> <p>Flower-rich grassland should look intentional. Use mown borders, paths, benches, etc to give flower-rich grassland areas a 'cared for' appearance.</p>	

Table 7.6 Aquatic plant species suitable for planting in Brighton and Hove

There are no permanent, naturally occurring freshwater bodies in Brighton and Hove. However, 'dew ponds' have been created on the Downs for centuries and more recently, amenity garden ponds and associated wetland areas have become important for wildlife.

Submerged		Floating		Emergent		Marginal	
Common name	Scientific name	Common name	Scientific name	Common name	Scientific name	Common name	Scientific name
Common Water Crowfoot	<i>Ranunculus aquatilis</i> agg.	Yellow Water Lily	<i>Nuphar lutea</i>	Flowering Rush	<i>Butomus umbellatus</i>	Marsh Marigold	<i>Caltha palustris</i>
Curled Pondweed	<i>Potamogeton crispus</i>	White Water Lily	<i>Nymphaea alba</i>	Branched Bur-reed	<i>Sparganium erectum</i>	Brooklime	<i>Veronica beccabunga</i>
Spiked Water Milfoil	<i>Myriophyllum spicatum</i>			Water Plantain	<i>Alisma plantago</i>	Bogbean	<i>Menyanthes trifoliata</i>
Water Violet	<i>Hottonia palustris</i>					Water Forget-me-not	<i>Myosotis scorpioides</i>
Hornwort	<i>Ceratophyllum demersum</i>					Water Mint	<i>Mentha aquatica</i>
						Reed Sweet Grass	<i>Glyceria maxima</i>
						Yellow Flag	<i>Iris pseudacorus</i>
						Purple Loosestrife	<i>Lythrum salicaria</i>

Table 7.6.1 Invasive aquatic plant species

Aquatic Plants which must NOT be used under any circumstances (very invasive)							
Swamp Stonecrop	<i>Crassula helmsii</i>	Water Fern	<i>Azolla filiculoides</i>			Marsh Pennywort	<i>Hydrocotyle Ranunculoides</i>
Parrot's Feather	<i>Myriophyllum aquaticum</i>	Fringed Water Lily	<i>Nymphoides peltate</i>			Himalayan balsam	<i>Impatiens glandulifera</i>
Canadian Pondweed	<i>Elodea canadensis</i>						
Nuttall's Pondweed	<i>Elodea nuttallii</i>						
Curly Waterweed	<i>Lagarosiphon major</i>						

Table 7.7 Coastal vegetated shingle

Coastal vegetated shingle is both a national and Sussex BAP habitat. The Sussex BAP specifically includes an action to “take advantage of coastal development to create new shingle areas”. Coastal shingle is an inhospitable environment for plant growth. Plants experience high-temperature stress and desiccation in summer; saltwater spray, high winds and substrate movement in winter. The substrate itself is nutrient-poor and with very little organic matter. Many species survive by accumulating substantial underground reserves.

Due to the intensive amenity use of the beaches in Brighton and Hove, very few areas of coastal shingle retain natural vegetation. However, opportunities may arise through landscaping within new coastal developments to integrate new vegetated areas.

Planning				Implementation		
Location	Timing	Design	Species	Site Preparation	Site Management	Aftercare
Any site within 100m of the beach (other than cliffs)	Pot planting should take place in spring (March/April) to give plants time to establish before summer desiccation and winter storms. Sow seed in the autumn or spring	Aim to vary the substrate, aspect and slope of a site to maximise the variety of shingle species that can successfully establish.	Annuals and short-lived plants can be established from seed. Perennials colonise too slowly and are too susceptible to disturbance when young for seedling establishment. These species require container-grown plants (9cm pots or greater).	New shingle habitats should be profiled to contain about 20% sand to promote seedling establishment. A depth of at least 20cm shingle is required. Organic matter and fertiliser are not required (may attract weed species). Aim for a matrix of areas of different textures to promote the establishment of different species.	Ensure vegetated shingle areas are protected from disturbance throughout the construction period.	Add boardwalks, interpretation boards, etc. to encourage appreciation of this rare habitat.

Suitable species for new vegetated coastal shingle are:

Sea Kale	<i>Crambe maritima</i>
Sea Holly	<i>Eryngium maritimum</i>
Sea Campion	<i>Silene maritima</i>
Biting Stonecrop	<i>Sedum acre</i>
English Stonecrop	<i>Sedum anglicum</i>
Viper's Bugloss	<i>Echium vulgare</i>
Rock Samphire	<i>Crithmum maritimum</i>
Yellow-horned Poppy	<i>Glaucium flavum</i>

ANNEX 8: Building with Nature – Helping create better places for people and wildlife

Building with Nature (BwN) is a voluntary approach that enables developers and other built environment professionals to go beyond the statutory requirements to deliver more for people and wildlife. [The BwN Standards](#) are free to use and provide industry with a benchmark, underpinned by a set of quality standards and 'how-to' guidance, to meet the challenges of the climate, ecological and health emergencies.

BwN Standards can be used for every *type* and *scale* of development across the UK. The benchmark is equally applicable across residential, commercial, and community infrastructure development; and is designed to support the quality of green infrastructure in projects of all sizes, from infill development, up to new settlements.



Building with Nature Accreditation

There are multiple benefits from BwN accreditation as this reduces planning uncertainty, provides a robust set of holistic design principles, delivers Corporate Environmental and Social responsibility and supports marketing and sales of residential developments. This also demonstrates a shared framework of evidence-based Standards with an independent verification of quality and readiness for Biodiversity Net Gain and new local policy requirements.

Building with Nature (BwN) Standards can help to smooth passage of an application through the planning process. By more clearly defining parameters and expectations around quality of green infrastructure (GI), the use of BwN can help create a level playing field for applicants and makes it easier to understand what good looks like for a particular scheme. BwN is already referenced in the National Design Guide and a full summary of references to BwN in local policy documents is available on request.

As an external verification, BwN Accreditation can also raise confidence amongst other important stakeholders, such as elected members. A scheme that has a BwN Design Award in place, or is working towards a BwN Full Award would be welcomed. If a scheme is already developing high-quality GI, then paying for the Award provides an independent verification of that quality. The Award is a way of demonstrating a scheme meets a high standard - and critically - helps to demonstrate that a scheme meets and goes beyond policy compliance and other regulatory requirements.

BwN and BNG work well together. BNG is a quantitative biodiversity metric, and BwN is a qualitative design tool that focuses multi-functionality and quality, helping to embed biodiversity enhancements into a design and maximise opportunities for on-site biodiversity gains. Put simply, BNG is the what and BwN is the how. BwN can be used as the mechanism for assisting schemes in achieving BNG compliance on site, whilst also ensuring quality place-making that provides multiple benefits for people and our planet. The evidence that a design has met BNG can be used as evidence to demonstrate compliance with the Wildlife standards within the BwN Standards.

Climate and Biodiversity Emergencies

As the Council has declared a climate and biodiversity emergency, BwN is one way to demonstrate how development proposals are responding to the challenges of climate change. With a Building with Nature Award in place, the Council councillors and others will be able to clearly see how your development is addressing these issues by meeting the relevant BwN Standards.

BwN Standards provide a clear definition of high-quality Green Infrastructure

BwN Standards are overseen by BwN Standards Board, which has representation from Royal Town Planning Institute, Landscape Institute, Chartered Institute of Ecologists and Environmental Managers, TCPA, representative from government, including Environment Agency, Natural England, and representatives from industry, including Taylor Wimpey. As such, BwN Standards are well respected, and are kept up to date and robust (comfort for LPAs and designers) and can help developers implement Policy DM37.

BwN Accreditation can help guide the design process

The BwN Accreditation system results in Awards but is effectively a “process tool” that can help guide the design process. An Approved BwN Assessor can ensure that all relevant consultants are engaged in the design process at the right time, and can help streamline the design process, save time, avoid mistakes and help the developer to meet all the necessary planning policy and other targets. This is particularly true if BwN Assessors are appointed early on. If a Full Award is pursued, this includes a post-construction check (12-months post-completion) and shows further commitment on the part of the developer (another tick for planning). The requirement for a long-term Landscape and Ecological Management Plan (or equivalent) is likely to be a condition on a consent to secure the delivery of BNG from retained and newly created habitats and BwN can then use this for the post-construction check. High-quality green infrastructure, coupled with higher density schemes, can mean that housing numbers can be achieved at the same time as meeting a range of other policy requirements.

Cohering long-term management and maintenance costs

Part of the BwN Accreditation process is supporting you to get the most cost-effective, sustainable model and mechanism for long-term management and maintenance in place. Your Approved Assessor will be able to offer examples of good practice and may be able to broker partnership working to more efficiently secure practicable solutions to common problems such as adoption of above-ground surface water management features. It is often the case that a civils approach to sustainable drainage can be more costly in the long-term to maintain than “softer” solutions where GI is designed into the SuDS. For more information read about the [BwN case studies](#).

Tourism Equalities, Communities and Culture Committee

Agenda Item 64

Subject: Affordable Housing Brief Update

Date of meeting: 13 January 2022

Report of: Executive Director - Economy Environment & Culture

Contact Officer: Name: Robert Davidson

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The report seeks Committee approval for the publication of an update to the Affordable Housing Brief (AHB) which provides technical guidance supporting the implementation of Policy CP20 Affordable Housing in the City Plan Part One. The AHB was first published in 2016 and now needs to be updated following changes to national planning policy for affordable housing and to reflect evolution in the council's approach to securing affordable housing through Section 106 planning agreements.

2. Recommendations

- 2.1 That Committee approves the updated version of the Affordable Housing Brief attached at Appendix 1.

3. Context and background information

- 3.1 The AHB is an informal planning document that provides technical guidance supporting the affordable housing policy requirements set out in Policy CP20 of the adopted City Plan Part One. It is used extensively by the council's planning and housing officers as a material consideration when considering planning applications for housing development which require an affordable housing contribution. This is to ensure that affordable housing secured through Section 106 agreements addresses identified local needs, provides high quality housing, and contributes to creating mixed, balanced and sustainable communities.
- 3.2 It is important to emphasise that the AHB is guidance and cannot introduce new planning policy or override existing policy. The guidance is used to implement policy but does not carry as much weight as a Supplementary Planning Document which is required to go through a formal preparation process.
- 3.3 The existing AHB was first published in 2016. Since that date there have been significant changes to affordable housing policy at the national level.

The council's own approach to securing affordable housing has also evolved. The updated Brief reflects and responds to these changes. The most significant proposed updates include:

- An updated definition of 'affordable housing' reflecting changes to the national planning policy definition which has been broadened since 2016 to include new affordable housing categories such as starter homes/First Homes and Affordable Private Rent housing delivered as part of Build to Rent schemes (see below);
- Updated guidance on the council's preferred affordable housing tenure mix following the recently introduced national policy on First Homes (which requires that at least 25% of affordable housing secured through s106 agreements is delivered as First Homes);
- A new section setting out the First Homes requirements, including locally defined eligibility criteria that the council will apply during the first three months of marketing (the maximum period within which local criteria can be applied for First Homes). The local criteria will require that prospective First Homes buyers have a local connection to Brighton & Hove and are 'key workers' within a defined list of public sector employees.
- A new section covering the affordable housing requirements for 'Build to Rent' schemes – again reflecting national guidance but also to assist in implementing City Plan Part Two Policy DM6 to provide an element of affordable private rented housing within for build to rent schemes;
- A defined 'cascade system' indicating the council's preferred approach and priorities in situations where onsite affordable housing is not easily achievable (i.e setting out that council purchase of onsite affordable units will be considered as an option before seeking an in lieu commuted sum);
- An expanded section on council requirements for assessing the viability of affordable housing as part of planning applications for housing development, including providing for the use of viability review mechanisms where development schemes are found to be unable to meet the full Policy CP20 requirements.

4. Analysis and consideration of alternative options

- 4.1 As set out above, there is a clear requirement to update the AHB to reflect recent changes to affordable housing planning policy and requirements at the national level (in particular, the new national policy on First Homes).
- 4.2 In the longer term, it would be beneficial to upgrade the AHB to a Supplementary Planning Document (SPD) which would give it increased weight as a material planning consideration when considering planning applications. However, planning guidance cannot override or amend existing planning policy as currently set out in the adopted City Plan Part One Policy CP20. Publication of an SPD will need to be linked to a review of affordable housing policy which will form part of the forthcoming City Plan review. Such a review will need to include updated evidence on local housing needs, affordability and development viability in order to justify any change to City Plan policy.

5. Community engagement and consultation

- 5.1 The AHB update has involved input from the council's Housing Strategy, Planning Policy and Development Management teams. Although relevant for planning applicants, developers and housing providers, the AHB is primarily a technical support document only which provides guidance on the implementation of affordable housing policy which is already set out in Policy CP20 (which was the subject of extensive consultation and examination). Therefore, it is not considered necessary to undertake external consultation on the AHB outside the council.

6. Conclusion

- 6.1 The updated AHB presented here will reflect changes to national planning policy for affordable housing and the evolution of the council's own approach to securing affordable housing. The approved AHB will be published on the Council's website.

7. Financial implications

- 7.1 There are no direct financial implications for the council. The updated AHB will enable the council to better negotiate the delivery of affordable housing (or equivalent off-site financial contributions) through developer contributions as part of Section 106 agreements. Where the AHB refers to the use of council funds (such as the option for council purchase of affordable rent homes on sites where there is no interest from other affordable housing providers), this reflects already established council policy.

Finance officer consulted: John Lack

Date consulted: 09/12/2021

8. Legal implications

- 8.1 There are no direct legal implications. The AHB is published as technical guidance to support the delivery of affordable housing through Policy CP20 in City Plan Part One. It reflects existing planning policy and the council's identified housing priorities but does not seek to introduce new policy or override existing policy.

Lawyer consulted: Alison Gatherer

Date consulted: 10/12/2021

9. Equalities implications

- 9.1 The AHB is published as technical guidance supporting affordable housing policy as set in City Plan Part One and the council's housing priorities.

10. Sustainability implications

- 10.1 None identified.

11. Social Value Implications

- 11.1 The updated AHB will help to ensure the delivery of affordable housing that best meets the range of identified housing needs in the city.

Supporting Documentation

Appendices

1. Affordable Housing Brief (2022 update)

Affordable Housing Brief


Within Brighton & Hove there is a significant need for affordable housing and the council is committed to maximising the provision wherever possible. This document sets out council guidance on the housing and planning requirements for affordable housing within the city, as required through Policy CP20 in the adopted Brighton & Hove City Plan Part One.

The aim is to ensure that the council achieves mixed, balanced and sustainable communities and delivers high quality affordable housing for local people in housing need.

This document will be regularly reviewed (every two years) to take account of local circumstances and/or relevant policy changes and updated as necessary.

1. Policy context

National planning policy

- 1.1 The government national planning policy guidance is set out in the National Planning Policy Framework¹ (NPPF) and in the related National Planning Practice Guidance (NPPG).
- 1.2 The overall objectives for housing outlined in the NPPF are to significantly boost the supply of housing in order to meet the housing needs of different groups within the community.
- 1.3 The NPPF requires local planning authorities to:
 - Set out strategic policies informed by a local housing need assessment;
 - Assess the size, type and tenure of housing needed for different groups in the community including those who require affordable housing and to reflect this in planning policies;
 - Specify the type of affordable housing required (applying the NPPF definition) and expect it to be met onsite except where an off-site provision  appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

Local policy

- 1.4 The Brighton & Hove City Plan Part One (CPP1) was adopted in March 2016. The Plan sets out strategic housing policies for future housing delivery in the city to 2030 and policy requirements for affordable housing and housing mix.
- 1.5 Policy CP20 Affordable Housing requires an affordable housing contribution on all sites of 5 or more net residential units. For sites of 5-

¹ [National Planning Policy Framework \(NPPF\) \(updated July 2021\)](#)

9 residential units, the contribution required is 20% as a financial contribution (commuted sum); for sites of 10-14 net units the contribution is 30% to be provided as either onsite provision or as a financial contribution; and for sites of 15+ the requirement is for 40% onsite affordable housing.

- 1.6 Policy CP20 is underpinned by evidence relating to the need and demand for different types of housing in Brighton & Hove including the Assessment of Affordable Housing Need, December 2012 and Objectively Assessed Housing Need: Brighton & Hove, June 2015². This evidence shows there is a significant shortfall of affordable housing in the city.
- 1.7 The 2015 Objectively Assessed Housing Need indicates that 87% of households on the council's housing register were unable to afford market housing and that 58% of newly forming households were unlikely to be able to afford entry-level market housing without support. Property purchase and rental costs have further increased over subsequent years. The 2015 assessment indicated a net need for 810 affordable homes per annum if all need were to be met through the provision of new affordable homes³.
- 1.8 In addition to Policy CP20, policies relevant to the delivery of affordable housing are also included in the Brighton & Hove City Plan Part Two (CPP2)⁴. In particular:
- Policy DM1 Housing Quality, Choice and Mix - sets requirements with regard to space and accessibility standards and the provision of private outdoor amenity space; and
 - Policy DM6 Build to Rent Housing - sets requirements for the delivery of affordable housing as part of build to rent developments.
- 1.9 The council's Corporate Plan 2020 - 2023⁵ reinforces the need for more affordable housing to meet the needs of local people and includes a commitment to provide genuinely affordable homes. The Plan sets out a number of actions to support this.
- 1.10 In order to formalise the council's position the council will develop a Supplementary Planning Document (SPD) for affordable housing delivery in the city.

² [Assessment of Affordable Housing Need, GL Hearn, December 2012](#) and [Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn, June 2015](#)

³ See Section 4 in [Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn, June 2015](#)

⁴ The [CPP2 Proposed Submission Draft](#) and Proposed Modifications were submitted for examination in May 2021. The retained 'saved' policies in the 2005 Brighton & Hove Local Plan will remain relevant prior to the formal adoption of the Plan which is expected to take place during 2022.

⁵ [BHCC Corporate Plan 2020-2023](#)

2. Meeting affordable housing needs

Definition of Affordable Housing

2.1 The NPPF⁶ defines **affordable housing** as:

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions:
 - (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable);
 - (b) the landlord is a registered provider, except where it is included as part of a Build to Rent⁷ scheme (in which case the landlord need not be a registered provider); and
 - (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at

⁶ As set out in the Glossary of the NPPF (updated July 2021)

⁷ Build to Rent is defined as 'Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control'

price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement.

- 2.2 Homes that do not meet the NPPF definition of affordable housing will not be considered as affordable housing for planning purposes.
- 2.3 The council's Corporate Plan 2020-23 priority 'A city to call home' outlines a number of housing ambitions including that affordable rented homes be truly affordable. As such, we expect rents on these homes to be at least the lower of 80% market rent or the Local Housing Allowance for that property size (including any service charge where applicable). Social rents are encouraged. All developers and Registered Providers are expected to have due regard to these requirements.

First Homes

- 2.4 From 28 June 2021, First Homes are also considered to meet the definition of affordable housing for planning purposes. First Homes are a specific kind of discounted market sale housing which have been introduced by government as a national planning policy requirement⁸. The criteria for First Homes set out in Planning Practice Guidance (PPG) are:
 - a) must be discounted by a minimum of 30% against the market value;
 - b) sold to a person or persons meeting the First Homes eligibility criteria (as specified in the PPG);
 - c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and
 - d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).
- 2.5 First Homes are the government's preferred discounted market tenure and must now account for at least 25% of all affordable housing units delivered by developers through planning obligations.
- 2.6 Local authorities can apply eligibility criteria in addition to the national criteria described as part of Section 106 agreements. These local criteria will apply to first three months of marketing which thereafter will revert to national criteria. They may involve lower income caps (if this can be justified with reference to local average first-time buyer incomes), a local connection test, or criteria based on employment status. First Homes are designed to allow people to get on the housing

⁸ As set out in the [Written Ministerial Statement by the Minister for Housing dated 24 May 2021](#) and the accompanying [First Homes Planning Policy Guidance \(PPG\)](#).

ladder in their local area, and in particular to ensure that key workers providing essential services are able to buy homes in the areas where they work. Authorities can therefore prioritise key workers for First Homes, and are encouraged to do so, especially if they have an identified local need for certain professions.

- 2.7 Subject to the national guidance above, the council will apply the following local eligibility criteria for First Homes during the first three months of marketing:
- Prospective buyers must have a local connection to Brighton & Hove. They must either have lived in the city continuously for two years or have employment in the city; or special circumstances must exist e.g fulfilling a caring role;
 - Prospective buyers must be key workers. For the purposes of First Homes key workers will include any of the following public sector employees.
 - ✓ NHS: Nurses and care assistants in the city
 - ✓ Sussex Ambulance Service: Paramedics
 - ✓ Police: Police Officers and Community Support Officers
 - ✓ Probation Service: Probation Officers and support staff, who work directly with offenders
 - ✓ Fire Service: Uniformed fire and rescue staff below principal level
 - ✓ Local Authority professions where there is an identified shortage.

Note: Local connection criteria will not be required for all active members of the Armed Forces, divorced/separated spouses or civil partners of current members of the Armed Forces, spouse or civil partners of a deceased member of the armed forces (if their death was wholly or partly caused by their services) and veterans within 5 years of leaving the armed forces.

Affordable housing delivery

- 2.8 The council will negotiate with developers to secure policy compliant affordable housing, or equivalent contributions as set out in the City Plan. The expectation is that the affordable housing provision is secured at the point of planning permission being granted.
- 2.9 The policy applies to all proposed residential development including conversions and changes of use.
- 2.10 In Brighton & Hove, there are a number of different routes to deliver affordable housing, e.g through Registered Providers. The form of delivery should be confirmed at the time of achieving planning permission.
- 2.11 New forms of delivery including (but not limited to) affordable housing provided as part of a co-living housing scheme or as part of a specialised housing development for older persons may be appropriate

in specific circumstances and will be considered on a scheme by scheme basis.⁹.

Tenure mix

- 2.12 National affordable housing policy is geared towards both housing for rent and home ownership and the council recognises that there are households seeking a range of different types and tenures of affordable housing in the city. However, local assessments of affordable housing need in Brighton & Hove indicate the greatest need in the city is for affordable rented housing and this will be treated as the priority when bringing the affordable housing forward. The council will seek to ensure that affordable housing delivered in the city addresses these identified local housing needs as far as possible, subject to viability considerations.
- 2.13 Earlier versions of this guidance specified a tenure split consisting of 55% affordable rent and 45% intermediate housing. The NPPF has subsequently introduced a wider range of affordable routes to home ownership which may also be considered. The introduction of First Homes policy nationally in 2021 now means that a minimum of 25% of affordable housing units secured through developer contributions should be secured as First Homes.
- 2.14 Within Brighton & Hove, First Homes will form part of the affordable ownership element (within the 45% intermediate housing). In addition, the council will continue to seek to ensure that at least 55% of affordable housing will be provided as affordable rented tenure. An updated city-wide assessment of the impact of the First Homes requirement on development viability will be undertaken in due course.
- 2.15 The appropriate level and type of affordable housing provision will continue to be subject to criteria i. to v. in Policy CP20, namely:
- i. local need in respect of the mix of dwelling types and sizes including the city's need to provide more family-sized affordable housing;
 - ii. the accessibility of the site to local services and facilities and public transport;
 - iii. the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model);
 - iv. the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and
 - v. the need to achieve a successful housing development.
- 2.16 The mix of affordable tenures will be agreed through negotiation on a site by site and phase by phase basis, informed by local housing needs assessments, the individual characteristics of the site/neighbourhood, viability and the type and tenure of the development proposed having

⁹ See Policy DM4 in City Plan Part Two.

regard to council priorities of providing affordable rent and family homes.

2.17 The requirements for the delivery of affordable housing are set out in Policy CP20, with the council's priority being for onsite provision of affordable housing. Developers should seek early discussions with providers of affordable housing to secure its delivery. Where a suitable tenure mix is proved not to be viable for financial or other reasons the council will consider the following options in the order shown below:

1. Council purchase of the affordable rent homes subject to viability and an alternative partner for the affordable ownership units (unless all the affordable housing units can be made for rent).
2. Provision of a financial payment in lieu (commuted sum) for all or part of the affordable housing element which will be used to fund affordable housing for rent through other council programmes. The council's commuted payments formula will apply (see Section 3 below).

Build to Rent housing

2.18 Policy DM6 in CPP2 sets out the council's approach to the provision of affordable housing within build to rent developments. The policy draws on evidence from the Brighton & Hove Build to Rent Study 2019¹⁰ which assessed the viability of build to rent development in the city and its potential to deliver affordable housing that meets identified local needs.

2.19 The policy outlines how developers of build to rent schemes will be required to provide private affordable rented (discounted market rent) units on site integrated within the development. As set out in the policy, the council will negotiate with the build to rent developer to:

- seek provision of up to 20% affordable housing at genuinely affordable rents to be agreed with the council¹¹, taking account of the overall viability of the proposed development and subject to consideration of criteria i. to v. in Policy CP20;
- agree eligibility criteria for the occupants of the affordable homes to be included in the Section 106 agreement;
- agree the size mix of affordable housing units;
- ensure that the affordable homes are secured in perpetuity through the inclusion within the Section 106 agreement of a 'clawback' arrangement in the event of affordable units being sold or taken out of the build to rent sector. This could be achieved through the alternative provision of other affordable housing or a financial contribution equivalent to the value of the affordable housing lost as a result of the sale/conversion of the build to rent scheme.

¹⁰ [Brighton & Hove Build to Rent Study, Dixon Searle Partnership, August 2019](#)

¹¹ This will generally require that the affordable rents are set no higher than the Local Housing Allowance (LHA) Housing Benefit limit (including service charges).

- 2.20 As set out in the supporting text to Policy DM6, the council will require build to rent scheme operators to produce an annual statement confirming the approach to letting the units, rent charged, ongoing status and clearly identifying how the affordable housing provision specified in the planning permission is being met.
- 2.21 Planning Practice Guidance indicates that both the proportion of affordable private rent units, and the discount offered on them can be varied across a development, over time. Provision for this will be addressed through viability review mechanisms ^{sw} will be set out in Section 106 agreements.
- 2.22 Policy DM6 also sets out other general policy requirements for build to rent schemes, including that the homes are held as build to rent under a covenant for at least 15 years; that the build to rent housing is under unified ownership and will be subject to common management; and that the development will offer tenancies of at least 3 years available to all tenants with defined in-tenancy rent reviews.

Housing type

- 2.23 For the city as a whole the preferred affordable housing mix in terms of unit size and type as set out in Policy CP20 is:
- 30% one bedroom units;
 - 45% two bedroom units;
 - 25% three + bedrooms.
- 2.24 Assessments of housing need show that the highest need numerically is for smaller, one and two bedroom properties. However, there is also significant pressure on larger, family sized homes with those households on the Housing Register seeking a three bed or larger property having to wait significantly longer for a suitable home.
- 2.25 Where the affordable housing is provided by a Registered Provider the council will be able to nominate people from the Housing Register for 100% of all affordable rented homes on initial lets and 75% on subsequent lets, in accordance with the council's [Housing Allocations Scheme and Guidance](#).
- 2.26 For affordable housing provided through alternative providers, the form of nominations from the council and a Local Lettings Plan will be agreed as part of the planning process/Section 106 Agreement.
- 2.27 Affordable home ownership provision must meet the national household income and other requirements and should be targeted to house those currently resident and/or working in the city as priority. The council will expect marketing to reflect this.
- 2.28 All planning applications for 10 or more residential units that provide policy compliant levels of onsite affordable housing should be supported by an Affordable Housing Statement setting out details of the

proposed affordable housing offer. This should include information on the individual affordable units, including floor area (sqm); tenure; housing type; number of storeys; bedrooms; bedspaces etc. For schemes of between 5 and 14 residential units where an in lieu financial contribution (commuted payment) is to be provided, a separate Affordable Housing Proforma should be completed. Further information is set out on the council's website.¹²

Affordable housing design

- 2.29 The council will expect high standards of design, layout and landscaping for all developments which reflect the character of the area and local distinctiveness.
- 2.30 The affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy.
- 2.31 The council will require all housing to meet the technical standards set out in CPP2 Policy DM1. These are:
- all residential units should meet the nationally described space standards;
 - all residential units should as a minimum be accessible and adaptable in accordance with Building Regulation M4(2);
 - for proposals providing 10 or more dwellings, 10% of the affordable residential units and 5% of all the residential units should be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3). Where this is not practicable onsite an equivalent financial contribution should be provided; and
 - all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development.
- 2.32 The preferred tenure for wheelchair accessible housing is affordable rent, where viable and practicable. For clarification, the council will require such units to be wheelchair accessible at the point of completion and will nominate suitable occupants for the wheelchair housing.
- 2.33 Schemes funded through Homes England or other funding programmes must meet any additional standards as required by the funder.

Viability assessment


- 2.34 Applications for development which do not comply with the Policy CP20 affordable housing policy requirements for reasons of development viability must be supported by a detailed viability assessment submitted alongside the planning application. Specific requirements for any such viability assessment are set out in the Viability Assessment Checklist¹²

¹² See details on the [Affordable Housing Validation Requirements webpage](#).

on the council's website. The submitted viability assessment will be made publicly available in the same manner as the other documents that form part of the planning application submission.

- 2.35 The council will review the viability assessment provided and consider whether the approach adopted and the inputs applied are appropriate and adequately justified by evidence. In doing so, specialist advice will be sought from the Valuation Office Agency (VOA) or other external consultants and the applicant will be required to pay the costs of this process.

Review mechanism

- 2.36 Where a scheme does not comply with the council's policy requirements for affordable housing for viability reasons and following an independently assessed open book appraisal of the scheme's costs and revenue, a review mechanism (or re-appraisal of scheme viability) will be incorporated into the Section 106 agreement. This is to ensure that any future uplift in development value is shared with the council in the form of an improved affordable housing contribution up to a policy compliant level.
- 2.37 The Section 106 agreement will specify the details of the review mechanism, setting out clear, simple triggers for any viability review. These may include:
- where there is a significant delay in starting on site;
 - commencement of phases for large sites;
 - on submission of reserved matters application(s);
 - at a specified point prior to the completion of the development 
- 2.38 A review will also be required in the event that an applicant or developer seeks to reduce the provision of affordable housing after the grant of planning permission on the basis of updated viability information. In such cases, it will be necessary to amend the Section 106 agreement to reflect any review findings.

3. Alternative developer contributions

Introduction

- 3.1 Onsite provision of affordable housing remains the council's first priority.
- 3.2 Other than the policy requirements for smaller sites (5-14 units) as set out in CP20 Affordable Housing in the City Plan Part One, offsite provision of affordable housing on an alternative site or by way of a financial payment in lieu (or commuted sum) will only be sought in after full investigation of all onsite options.
- 3.3 For sites of 15 or more units, there will need to be good planning or housing reasons to accept offsite provision or a commuted payment in

lieu. Such justification will need to be clearly evidenced, as the general presumption will remain for onsite provision unless specific circumstances indicate otherwise. This is a matter for the developer to demonstrate and for the council to consider and agree.

3.4 Circumstances which might justify offsite provision or payment in lieu are set out below:

- Where mixed community objectives/housing priorities could be better met in an alternative location. For example where family sized (3+ bedroom, outdoor space) housing cannot easily be provided on the development site itself or where there is already a concentration of social housing in an area, it may be preferable to seek offsite provision or a commuted sum to fund affordable housing elsewhere.
- Where there are high housing costs for occupiers associated with the development. For example, in expensive flatted developments such as conversions of listed buildings leading to high service/maintenance charges and where this cannot be satisfactorily overcome or avoided by alternative design, massing or separate new build for the affordable housing.
- Where on small sites it is not practical from a management perspective to provide and manage a small number of onsite affordable housing units.
- Where the location of the development is less suitable for those on lower incomes (e.g because it is remote from public transport, local facilities, employment, etc).

3.5 It is important to note that economic viability will not on its own determine whether there should be on or offsite provision. Viability determines the overall amount of the affordable housing contribution, i.e the appropriate percentage of affordable housing overall, the type (tenure, size mix) of affordable housing sought, and whether provided onsite, offsite or as a commuted sum payment.

3.6 Neither offsite provision nor financial contributions will be a less expensive option than onsite provision but will be equitable. In circumstances where the proportion of affordable housing is being negotiated, the council may require the development's financial information be provided on an open book basis which will be required as part of the process.

Offsite provision on an alternative site

3.7 Where the case for no onsite provision is agreed, the council may consider offsite affordable housing provision on an alternative development site. An example may be where a private developer can 'pair' up development sites.

- 3.8 Provision of affordable housing on an alternative development site will be in addition to any requirement arising from the development of the alternative site itself. Where an alternative site is insufficient in area to accommodate all the affordable housing requirement then financial contributions to remedy the shortfall will be sought.

Commuted payments formula

- 3.9 The council's Developer Contributions Technical Guidance¹³ sets out the approach and methodology for calculating commuted sums for affordable housing based on the difference between Open Market Values and Affordable Housing Values. The commuted sums are updated on a regular basis to reflect changes in the average housing market values. Details can be accessed by following this link: [Affordable Housing Commuted Sums](#)

Commuted payments: Proposed uses

- 3.10 The use of any commuted sum will be secured via a Section 106 legal agreement. Sums will be negotiated for planning sites where affordable housing is required, but where the provision cannot easily be made on site, nor can it be provided on an alternative site within the locality.
- 3.11 For maximum flexibility it is proposed that the council will use commuted payments to fund affordable housing in the city in the following ways:
- To contribute to the costs of building new affordable housing;
 - To contribute to the costs of area regeneration in connection with council owned land that will provide new affordable housing;
 - To contribute to the costs of purchasing land or properties for use as affordable housing;
 - To contribute to the cost of bringing long term empty homes back into use as affordable housing.

Appendices

Appendix 1: Preferred partners for the provision of affordable housing

For more information contact the Housing Strategy & Enabling Team:

Housing Strategy & Enabling

Tel: 01273 293297

Email: housing.strategy@brighton-hove.gov.uk

¹³ [BHCC Developer Contributions Technical Guidance](#)

Appendix 1

Preferred partners for the provision of new affordable housing

The council has established a good relationship through the Brighton & Hove Affordable Housing Delivery Partnership with a number of Registered Providers and works in partnership with these preferred partners to provide affordable housing which meets local housing needs.

The current preferred Registered Provider partners adhere to the requirements of the council's Affordable Housing Brief and actively contribute to the council's strategic housing objectives. As such, the council requires developers to meet their affordable housing obligations by working in partnership with these preferred partners.

Brighton & Hove City Council

The council is exploring a range of ways to provide more affordable housing including purchase of Section 106 units.

Contact:

Emma Kumar, Housing Strategy & Enabling Team

T:01273 293297

emma.kumar@brighton-hove.gov.uk or housing.strategy@brighton-hove.gov.uk

Registered Providers

Clarion Housing Group

www.clarionhg.com

Over 125,000 homes

Contact:

Matthew Beard

Partnerships Manager

07976 009549

Matthew.Beard@clarionhg.com

Guinness Trust

www.guinnesspartnership.com

The Guinness Trust has over 65,000 homes cross England.

Contact:

Michael Gray, Area Development Manager

01293 874203

michael.gray@guinness.org.uk

The Hyde Group

www.hyde-housing.co.uk

The Hyde Group has around 50,000 affordable homes, mainly in the South East of England & London.

Contact:

Rhys Daniel, Principle Development Director

01273 234284

Rhys.Daniel@hyde-housing.co.uk

Moat Housing Group

www.moat.co.uk

Owns and manages over 20,000 homes throughout Kent, Sussex, Essex, Hertfordshire and South London

Contact:

Jack Crabtree, Land & New Business Manager

0845 359 6394

Jack.Crabtree@moat.co.uk

Optivo Housing Group

www.optivo.org.uk

44,000 homes across London, the South East and the Midlands

Contact:

Joanne Maunders

Head of Development Delivery – London & Midlands

020 803 62271

Joanne.Maunders@optivo.org.uk

Orbit Housing Group

www.orbitgroup.org.uk

45,000 homes across London, the South and the Midlands.

Contact:

Clive Astall,

Land & New Business Director

01622 633285 / 07973 861022

Clive.Astall@orbit.org.uk

Southern Housing Group

www.shgroup.org.uk

The Southern Housing Group has approx. 24,000 affordable homes throughout the south of England and in London.

Contact:

Jeremy Barkway

Regional Development Manager;

01403 224850

Jeremy.barkway@shgroup.org.uk

Community-Led Housing

Brighton & Hove Community Land Trust (BHCLT)

bhclt.org.uk

The council is working with BHCLT to increase the supply of community-led housing in the city. BHCLT is in the process of becoming a Registered Provider.

Contact:

admin@bhclt.org.uk

DRAFT

Subject:	Fees and Charges 2022-23		
Date of Meeting:	13 January 2022		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Various	Tel: Various
	Email:	Various	
Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is to set out the proposed 2022/23 fees and charges for the service areas covered by the Tourism, Equalities, Communities and Culture Committee, including Planning and Building Control, in accordance with corporate regulations and policy.

2. RECOMMENDATIONS:

- 2.1 That the Committee approves the proposed fees and charges for 2022/23 as set out within the report.
- 2.2 That Committee delegates authority to the Executive Director of Economy, Environment & Culture (in relation to paragraphs 3.4 - 3.33) and to the Executive Director of Housing, Neighbourhoods & Communities (in relation to paragraph 3.34) to change fees and charges as set out in the report and as set by central Government during the year.

Note: If the above recommendations are not agreed, or if the committee wishes to amend the recommendations, then the item will need to be referred to the Policy & Resources Committee meeting on 10 February 2022 to be considered as part of the overall 2022/23 budget proposals. This is because the 2022/23 budget proposals are developed on the assumption that fees and charges are agreed as recommended and any failure to agree, or a proposal to agree different fees and charges, will have an impact on the overall budget proposals, which means it needs to be dealt with by Policy & Resources Committee as per the requirements of the constitution. This does not fetter the committee's ability to make recommendations to Policy & Resources Committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The council's Corporate Fees and Charges Policy requires that all fees and charges are reviewed at least annually and should normally be increased by

either: the standard rate of inflation, statutory increases, or actual increases in the costs of providing the service.

- 3.2 Policy & Resources Committee in July 2021 specified the assumption of a standard inflation increase to fees and charges of +1.5% with exceptions including Penalty Charge Notices (parking fines) where the level of fines are set by government and cannot be changed independently. The council's Standard Financial Procedures states that service committees shall receive a report from Executive Directors on fees and charges variations above or below the corporately applied rate of inflation.
- 3.3 It is not always possible when amending fees and charges to increase by the exact inflation figure due to rounding. As a result, some fees and charges are rounded for ease of payment and administration.

City Development and Regeneration

Building Regulations Applications Fees

- 3.4 It is proposed to increase the Building Control Fees by 1.5% for smaller domestic work and 5% for works of a higher value and complexity. Building Control operates in competition with the private sector and works hard to deliver a quality professional service that maintains its market share. Retaining professional surveying staff is increasingly difficult and failure to deliver the service can result in refunds of fees charged. However, Building Control provide an efficient and professional service that is valued by its customers and customer loyalty is high. Recent benchmarking suggests that the service charges are average for comparable authorities. The service considers that the proposed increase may not adversely affect market share or potential income to the council. It should be noted that the service's fees and charges have increased in the past 3 to 4 years by over 33%. The estimated value of the potential additional income is £0.018m.
- 3.5 Full details of the existing building control fees are set out on the council's website: [Building Regulations Application Fees 2021/22](#)

Pre-Application Planning Advice Service

- 3.6 It is proposed to increase the fees for planning pre-application advice by 5%. This increase is required to fully recover costs due to increases in building construction prices over recent years.
- 3.7 Full details of the existing planning pre-application advice fees are set out on the council's website: <https://www.brighton-hove.gov.uk/content/planning/planning-applications/pre-application-planning-advice-service>

Seafront

- 3.8 There are a range of fees and charges linked with the Seafront including licences for beach huts, boats and boat lockers, volleyball court hire, Volk's Railway and use of the Bandstand. The proposal is to increase smaller charges by 10% for 2022/23. For beach chalets and use of the Bandstand the proposal is to increase these fees by 5% for 2022/23 and then by another 5% for 2023/24. The proposed charges for the Seafront for 2022/23 are included in **Appendix 1**.
- 3.9 The proposals detailed below identifies an above inflation increase to all Seafront fees and charges.

Volk's Railway Fees & Charges

- 3.10 The proposal for 2022/23 is to increase all ticket prices by 10%. This will mean an adult return ticket (the most frequently bought) will increase by 55p to £5.60 while a child return will increase by 35p to £3.50. As a comparable, the Crazy Mouse ride on the Palace Pier is £5 for a single ride. Wristbands can be purchased for unlimited rides for £25 or £13 depending on height. Therefore, even with a 10% increase officers consider the Volk's Railway still provides value for money.

Beach Huts

- 3.11 There are 459 wooden beach huts on Hove seafront that are privately owned by Brighton & Hove residents. The licence fee to place the owner's hut on Council land is currently £416.20 Inc. VAT for the year 2021/22 giving an approximate annual income to the Council of £160,000 excluding VAT.
- 3.12 A beach hut can be sold on when it has been owned for three years but only to other Brighton & Hove residents. The transfer fee is currently £82.
- 3.13 In recent years, the value of a beach hut on the seafront has risen well above inflation and more in line with the increases in the local property market. Huts sold will range in price depending on the location and the condition of the hut. There are currently two advertised for sale both with an asking price exceeding £32,000.
- 3.14 The proposal for the annual licence fee for the year 2022/23 is for an increase of 10% to £457.82. This is an actual increase of £41.62. The transfer fee will remain at £82.00.

Beach Chalets

- 3.15 There are 105 brick built beach chalets in Brighton & Hove which are owned by the council and rented for an annual fee by tenants. The council is responsible for the on-going maintenance costs of the chalets and utility charges. The demand for beach chalets is extremely strong. The waiting lists have been closed since 2017 with over 150 people waiting for the opportunity to rent a chalet.

- 3.16 Currently, more than half of the chalet tenants are on indefinite tenancies and pay a higher fee than those on 5 year fixed-term tenancies. As of 1st April 2022, (following a decision made by the TECC Committee) all indefinite tenancies will end and those chalet tenants who wish to remain will be transferred to an eight year fixed-term tenancy. From this point, all chalet tenants will pay the proposed fees which reflect the location and services available in their beach chalet and are not distinguished by the length of tenure.
- 3.17 The proposal is for a 5% increase in 2022/23 with a further 5% the following year. For tenancies in Saltdean & Rottingdean this equates to a charge of £2.43 per day with a further £3.70 per month increase in year 2. For tenancies in Hove this equates to a charge of £4.16 per day with a further £6.33 per month increase in year 2. This stepped increase will enable chalet tenants to make an informed decision over next summer as to whether they are maximising the use and value of their chalet. This also allows for the tenant to hand the chalet back before the further 5% increase the following year.
- 3.18 Comparisons with chalets in other seafront locations and with a similar type of facility are not easy to make. The best comparator that has been identified are the brick-built chalets in Worthing which have water but no electricity supply. The charge for these beach chalets is £1,520 per annum for the current financial year. The proposed increased charge of £1,521.20 for 2022/23 for the Hove chalets compares very favourably with Worthing, as the Hove chalets have an electricity supply met by the council.

Volleyball

- 3.19 The council operates a sand court on the seafront which can be hired by the public to play beach sports. The proposal is to increase the hourly hire fee by £3 to £30 which equates to an 11.1% increase. This price is still considered affordable as most people hire the court as part of a group and split the fee. The only comparable to this court is Yellowwave where you can currently hire a court for £25.00 per hour.
- 3.20 A review of the fees and charges has highlighted that there needs to be greater disparity between current coaching session fees and the general volleyball court hire fee. This is to differentiate from users who are playing the sport purely for recreation and those who are operating a business from the council's facility. The proposal is to increase the hourly hire fee by £6 to £36 which equates to a 20% increase. The increased costs will either be passed on and split by the group of people being coached or will be absorbed by the coach/business profit.

Bandstand

- 3.21 The proposal to increase the hire fee for the Bandstand by 5% in 22/23 and a further 5% in 23/24 is intended to reduce the impact of a significant uplift applied to the rest of seafront services. As the hire fees are already high in comparison with any other seafront facility a 10% increase may have the adverse effect of driving business away.

Tourism and Venues

Brighton Centre

- 3.22 A 5% increase can be added to the Brighton Centre's daily room hire charges for 2022/23; however, based on the current levels of confirmed and agreed contracts into future years, the impact of this increase will take at least 24 months to come to fruition. In due course, this could yield an additional £0.050m of revenue by the end of 2023/24. In addition, officers retain delegated authority to negotiate the most appropriate fees & charges for specific commercial arrangements.
- 3.23 The proposed fees and charges are set out in **Appendix 2**.

Visit Brighton

- 3.24 For Visit Brighton, no fee increases are proposed for 2022/23, but it is intended that fees will be increased by at least 3% in 2023/24, sympathetic to the difficult trading conditions that tourism businesses have encountered in the past 18 months, ensuring their continued buy-in and re-engagement.
- 3.25 The proposed fees and charges are set out in **Appendix 3**.

Outdoor Events

- 3.26 There are a range of fees and charges relating to Outdoor Events including charges for the hire of land for outdoor events, filming permission charges, hire charges for the use of land for promotions, and advertising sites managed by the Events Team.
- 3.27 It is proposed that an application fee is charged to contribute towards the cost of administering the processing of event applications. The administration fee is set at three different amounts, dependent on whether an event is commercial at £100, charity at £50 or a community event at £25. This arrangement is commonplace in cities and towns across the country.
- 3.28 Benchmarking against charges for filming by similar cities including Oxford and Bristol has been used to propose the increase of charges for permissions to film in Brighton & Hove by an average of 10%. Charges for filming and photoshoots vary according to what is being filmed and how long for. Filming and photoshoots relating to news and tourism remain free of charge.
- 3.29 In previous years, reinstatement bonds charged to event organisers have been fixed, dependent on whether the event is a commercial one or a charity/community event. It is proposed that for events in 2022/2023, all reinstatement bonds are negotiated and determined based on the event location, size of event, potential impact on the land, mitigation measures in place by the event organiser and their reputation.
- 3.30 A proposal of an average increase of 9.7% for the hire charges made to events using the council's parks, open spaces and Madeira Drive has been made whilst considering the current trend in high demand for the use of space in Brighton &

Hove for events. There is a need to be sympathetic to the difficult operating conditions that the events industry has experienced during the last 18 months, however the proposed charges are in line with land hire charges made by local authorities in comparative cities.

- 3.31 A 9% increase is proposed on the charges made for seafront poster advertising sites, increasing the cost by 50p to £5.80 per poster for a ten day period. This remains cheaper than other advertising sites across the city. For example, a bus stop poster campaign which lasts two weeks costs on average £400-£500 for one poster. Keeping this charge affordable helps our event organisers reach a wider audience in prime space on Brighton & Hove seafront and ensures that the sites are always being used and not left empty.
- 3.32 A proposal is made to increase the charges for commercial promotions by 4% on weekend days and 5% on weekdays, at all sites across the city. This brings the charges in line with comparative cities, for example Bristol City Council who charge £1,500 for promotions in the city centre. Brighton & Hove's seafront can attract 250,000 people past the Palace Pier on a busy day, which justifies the charge of £1,800 on a weekend day for promotional activity. This is an increase of £75 based on 2021/2022.
- 3.33 The proposed fees and charges are set out in **Appendix 4**.

Libraries

- 3.34 The majority of the Library Service fines and charges are small and are always a multiple of 5p to reduce the overheads and cash handling. Therefore, each year a selection of the charges are inflated to meet the corporate inflation target as a minimum. The charges increasing this year are listed in **Appendix 5**. These increases are based on comparisons with our nearest neighbours in East and West Sussex and the current market in Brighton and Hove for conference room hire. More vulnerable users and those over 65 are given concessionary rates to some of the charges, and Access and Exempt card holders are exempt from some charges.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The proposed fees and charges in this report have been prepared in accordance with the council's fees and charges policy and form part of the proposed budget strategy. They take account of the requirement to increase by the corporate inflation rate of +1.5% (unless otherwise stated) and consideration has been given to other factors such as statutory requirement, cost recovery and prices charged by competitor / comparator organisations.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Not undertaken.

6. CONCLUSION

- 6.1 Fees and charges are considered to be an important source of income in enabling services to be sustained and provided. A wide range of services are

funded or part funded by fees and charges including those detailed in this report. The overall budget strategy aims to ensure that fees and charges are maintained or increased as a proportion of gross expenditure through identifying income generating opportunities, ensuring that charges for discretionary services and trading accounts cover costs, and ensuring that fees and charges keep pace with price inflation and/or competitor and comparator rates.

- 6.2 Fees and charges budgets for 2022/23 are assumed to increase by a standard inflation rate of +1.5% with the exception of those listed within this report. The council's Corporate Fees and Charges Policy requires that all fees and charges are reviewed at least annually and should normally be increased by either; the standard rate of inflation, statutory increase or increases in the costs of providing services.

7 FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The fees and charges recommended in this report have been reviewed in line with the Corporate Fees & Charges Policy and all relevant regulations and legislation. The anticipated recurring financial impacts of fee changes will be reflected within service revenue budgets. Increases to meet the corporate rate of inflation of +1.5% are normally applied to all council income budgets (exceptions include statutory Penalty Charge Notices) to ensure income is maintained as a proportion of the net cost of service. Increases above or below the corporate rate of inflation must be approved by the relevant service committee or Policy & Resources Committee and can result in additional contributions toward either the cost of services and/or overheads. This can also result in the achievement of a net budget saving to the council. Where this is the case, this will be reflected in proposals for the relevant service and will be incorporated within the revenue budget report to Policy & Resources Committee and Budget Council in February 2022. Income from fees and charges is monitored as part of the Targeted Budget Monitoring (TBM) process.

Finance Officer Consulted: Jeff Coates

Date: 20/12/21

Legal Implications:

- 7.2 The council needs to establish for each of the charges imposed both the power to levy charges of that type, and, where applicable, the power to set the charge at a particular level. In some cases the amount of the charges is set by Government. In other cases where a figure is not prescribed, for example the general power to charge for discretionary services under the Local Government Act 2003, the amount that can be charged is restricted to cost recovery. In some prescribed cases, such as charging for trade waste collection, legislation enables the Council to set charges at a commercial rate. In all cases the council must act reasonably and ensure that any statutory formalities which govern the particular charge are complied with.

Lawyer Consulted: Alice Rowland

Date: 22/12/21

Equalities Implications:

- 7.3 Management of fees and charges is fundamental to the achievement of council priorities. The council's fees and charges policy aims to increase the proportion of costs met by the service user. Charges, where not set externally, are raised by corporate inflation rates unless there are legitimate anti-poverty considerations.

Sustainability Implications:

- 7.4 There are no direct sustainability implications arising from the recommendations in this report.

Any Other Significant Implications:

- 7.5 There are no other significant implications arising from the recommendations in this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed Seafront Fees and Charges 2022/23
2. Proposed Room Hire Fees and Charges 2022/23
3. Proposed Visit Brighton Fees and Charges 2022/23
4. Proposed Outdoor Events Fees and Charges 2022/23
5. Proposed Library Service Fees and Charges 2022/23

Documents in Members' Rooms

1. None

Background Documents

1. None

Appendix 1 - Proposed Seafront Fees and Charges 2022/23			
	2021/22	2022/23	
	Charge	Proposed Charge	Change
Beach Huts (Incl VAT)			
Beach Hut Licence Fee	£416.20	£457.82	10.0%
Beach Hut Transfer Fee	£82.00	£82.00	0.0%
Seafront Charges (Incl VAT)			
Winch or Capstan Site	£31.00	£34.50	11.3%
Beaching Permit for pleasure/sailing/rowing boat	£39.50	£43.50	10.1%
Beach Lock Site – small (self build)	£31.00	£34.50	11.3%
Beach Lock Site – large (self build)	£59.50	£65.50	10.1%
Beach Locker – (locker owned by council)	£96.50	£106.50	10.4%
Beach Volleyball court hire	£27.00	£30.00	11.1%
Beach Volleyball (coaching hire rate)	£30.00	£36.00	20.0%
Beach Basketball Court	Free	Free	N/A
Beach Chalets (Incl VAT)			
Hove	£1,448.76	£1,521.20	5.0%
Madeira Drive	£998.02	£1,047.92	5.0%
Saltdean	£847.24	£889.60	5.0%
Rottingdean	£847.24	£889.60	5.0%
Ovingdean	£946.75	£994.09	5.0%
Volks Railway			
Adult single	£3.95	£4.35	10.1%
Adult return	£5.05	£5.60	10.9%
Child single	£2.45	£2.70	10.2%
Child return	£3.15	£3.50	11.1%
Senior single	£2.75	£3.05	10.9%
Senior return	£3.95	£4.35	10.1%
Family single	£9.70	£10.70	10.3%
Family return	£13.25	£14.60	10.2%
Adult group return	£3.75	£4.15	10.7%
Child group return	£2.55	£2.85	11.8%
Halfway Adult single	£2.45	£2.70	10.2%
Halfway child single	£1.65	£1.85	12.1%
VERA Members	£1.25	£1.40	12.0%
Special	£1.25	£1.40	12.0%
3 yrs & under	Free	Free	N/A
Volks Railway (leisure Card)			
Adult single	£2.20	£2.45	11.4%
Adult return	£2.90	£3.20	10.3%
Child single	£1.30	£1.45	11.5%
Child return	£1.80	£2.00	11.1%
Senior single	£1.50	£1.65	10.0%
Senior return	£2.30	£2.55	10.9%
Family single	£5.50	£6.05	10.0%
Family return	£7.50	£8.25	10.0%
Bandstand Ceremony Hire Fees			
Bandstand (top deck)	£680.00	£715.00	5.1%
Bandstand + west wing	£930.00	£980.00	5.4%

Appendix 2 - Proposed Room Hire Charges (Per day) Brighton Centre Fees and Charges 2022/23			
	2021/22	2022/23	
	Charge	Proposed Charge	Change
Auditorium 1			
* Open Days	£13,030.00	£13,680.00	5.0%
* Prep / Clearing Days	£8,460.00	£8,885.00	5.0%
Per hour charge after 1800pm			
* 1800pm - 0100am	£495.00	£520.00	5.1%
* 0100am - 0800pm	£610.00	£640.00	4.9%
Auditorium 2			
* Open Days	£4,460.00	£4,685.00	5.0%
* Prep / Clearing Days	£3,040.00	£3,190.00	4.9%
Per hour charge after 1800pm			
* 1800pm - 0100am	£230.00	£240.00	4.3%
* 0100am - 0800pm	£270.00	£285.00	5.6%
Syndicate 1,2,3 & 4			
* Open Days	£2,290.00	£2,405.00	5.0%
* Prep / Clearing Days	£1,430.00	£1,500.00	4.9%
The Restaurant	£1,430.00	£1,500.00	4.9%
MASS MEDIA AREA			
* Open Days	£1,790.00	£1,880.00	5.0%
* Prep / Clearing Days	£1,190.00	£1,250.00	5.0%
Meeting Room 1			
* Open Days	£1,380.00	£1,450.00	5.1%
* Prep / Clearing Days	£950.00	£995.00	4.7%
Office 2	£275.00	£290.00	5.5%
Meeting Rooms/Office 3-5			
Meeting Room 3	£750.00	£785.00	4.7%
Office 4	£275.00	£290.00	5.5%
Meeting Room 5	£540.00	£565.00	4.6%
Entire Suite			
- Per day up to 4 days	£790.00	£830.00	5.1%
- Per day for additional days	£345.00	£365.00	5.8%
Meeting Rooms/Office 6-8			
Meeting Room 6	£275.00	£290.00	5.5%
Office 7	£190.00	£200.00	5.3%
Meeting Room 8	£275.00	£290.00	5.5%
Entire Suite			
- Per day up to 4 days	£650.00	£680.00	4.6%
- Per day for additional days	£325.00	£340.00	4.6%
Meeting Rooms/Offices 9-13	£710.00	£745.00	4.9%
Meeting Room 14	£275.00	£290.00	5.5%
Meeting Room 15	£270.00	£285.00	5.6%
FOYER DISPLAY AREAS			
* Open Days per m2	£13.00	£13.65	5.0%
* Prep / Clearing per m2	£11.00	£11.50	4.5%
TEMP BANK	£240.00	£255.00	6.3%
MEZZANINE BARS	£640.00	£670.00	4.7%
First Aid	£19.50	£20.50	5.1%

Notes:

Stewarding costs are charged separately from Hire Fees

Normal Working Day : 0800am – 1800pm

Brighton Centre charges are all shown net of VAT.

Appendix 3 - Proposed Visit Brighton Fees and Charges 2022/23			
	2021/22	2022/23	
	Charge	Proposed Charge	Change
Accommodation			
(Hotels, Guest Houses, Self Catering, Hostels & Campus)			
1-25 room properties	£640.00	£640.00	0.0%
26-100 room properties	£700.00	£700.00	0.0%
101+ room properties	£760.00	£760.00	0.0%
* plus per room/property	£13.00	£13.00	0.0%
Business Directory	£400.00	£400.00	0.0%
Restaurants	£400.00	£400.00	0.0%
Activities	£420.00	£420.00	0.0%
Tour Guides	£190.00	£190.00	0.0%
Attractions			
(Annual Visitors)			
Up to 20,000 Visitors	£380.00	£380.00	0.0%
20,001 to 200,000 Visitors	£1,180.00	£1,180.00	0.0%
200,001 + Visitors	£1,900.00	£1,900.00	0.0%
Cafes, Bars, Pubs & Clubs	£330.00	£330.00	0.0%
Language Schools	£350.00	£350.00	0.0%
Shopping Centres / Areas	£1,100.00	£1,100.00	0.0%
Entertainment Venues			
Up to 500 seats	£550.00	£550.00	0.0%
501 to 1,000 seats	£970.00	£970.00	0.0%
1001 + seats	£1,500.00	£1,500.00	0.0%
Campsites	£300.00	£300.00	0.0%
Places of Worship	£100.00	£100.00	0.0%
Shops	£300.00	£300.00	0.0%

Appendix 4 - Proposed Outdoor Events Fees and Charges 2022/23			
	2021/22	2022/23	
	Charge	Proposed Charge	Change
Application Fee - Non refundable application fee for all events (VAT applicable)			
Commercial	New	£100.00	N/A
Charity	New	£50.00	N/A
Community	New	£25.00	N/A
Hire of Parks & Open Spaces			
Commercial			
Small	£1,170.00	£1,300.00	11.1%
Medium	£2,365.00	£2,500.00	5.7%
Large (fee based on size, ticket sales, location etc)	To be negotiated	To be negotiated	N/A
Charity			
Small (local)	£580.00	£600.00	3.4%
Medium (regional)	£1,165.00	£1,300.00	11.6%
Large (national)	£2,335.00	£2,700.00	N/A
Community			
Small	£137.00	£145.00	5.8%
Medium	£290.00	£320.00	10.3%
Large	£580.00	£640.00	N/A
Madeira Drive Hire, Daily Event Charge for road closure 6am until 6pm. Daily charge applicable for build and derig days is agreed on a case by case basis.			
Commercial	£9,865.00	£10,000.00	1.4%
Charity (National and Regional)	£3,125.00	£3,450.00	10.4%
Enthusiast	£2,015.00	£2,200.00	9.2%
Community (Includes local charity)	£1,750.00	£1,800.00	2.9%
Commercial Promotions - all sites			
Per day (weekends and bank holidays)	£1,725.00	£1,800.00	4.3%
Per day (weekdays)	£1,430.00	£1,500.00	4.9%
Reinstatement Deposit			
Commercial	£5,000.00	To be negotiated	N/A
Charity/Community	£500.00	To be negotiated	N/A
Advertising Sites (VAT applicable)			
Poster Sites 10 Day Period - per poster, advertising rate only	£5.30	£5.80	9.4%
Filming			
Television drama or series/advert (up to 2 hours)	£220.00	£230.00	4.5%
Television drama or series/advert (up to 5 hours)	New	£550.00	N/A
Television drama or series/advert (per day, 5-12 hours)	£445.00	£650.00	46.1%
Documentaries/ music videos/pieces to camera (up to 2 hours)	£210.00	£220.00	4.8%
Documentaries/ music videos/pieces to camera (up to 5 hours)	New	£300.00	N/A
Documentaries/ music videos/pieces to camera (per day, 5-12 hours)	£330.00	£400.00	21.2%
General Views (defined as the capturing of images of Brighton landmarks, streets, views, outdoor spaces, buildings and general city activity)			
Half Day	New	£140.00	N/A
Full Day	New	£250.00	N/A
Commercial Stills/ Photographs (up to 2 hours)	New	£220.00	N/A
Commercial Stills/ Photographs (up to 5 hours)	New	£350.00	N/A
Commercial Stills/ Photographs (5-12 hours)	£330.00	£400.00	21.2%
Feature Films/Larger long run productions	New	To be negotiated	N/A
News/ weather/ tourism	£0.00	£0.00	N/A
Student pieces (administration fee only)	£50.00	£55.00	10.0%
Unit Bases (24 hour hire)	£555.00	£600.00	8.1%
Officer fees outside core hours (per hour)	£45.00	£50.00	11.1%

APPENDIX 5

LIBRARY SERVICE PROPOSED FEES AND CHARGES 2022-23

(Please note that library fines and charges are always a multiple of 5p to reduce the overheads of cash handling):

Summary of Proposals:	Current	Proposed	% increase
AUDIO VISUAL			
DVD loans to adults – Hire charge per week for premium films	£3.10	£3.50	12.9%
DVD loans to adults – Hire charge per week for other DVDs	£2.00	£2.50	25%
DVD loans to children and young people – Hire charge per week	£1.50	£2.00	33%
Nb All audio-visual loans to Access and concessionary card holders	Half price	Half price	
Nb All audio-visual loans to Exempt Card Holders (people with learning disabilities)	Free	Free	
OVERDUE CHARGES			
Books on loan to adults, Spoken Word recordings, music CDs and language courses - overdue charge per book per day with maximum charge of £9.60 (previously £8) per loan	25p	30p	20%
Books on loan to children 0-19 - overdue charge per day with a maximum charge of £3 (previously £2.50) per loan	10p	15p	50%
Nb Books and Spoken Word recordings on loan to Access card holders and Exempt card holders (people with learning difficulties)	No charge	No charge	
Nb There are no charges for eBooks as they automatically stop working beyond the return date			
Nb Staff have discretion to waive part or all charges in cases of genuine hardship			
HIRE OF JUBILEE LIBRARY CONFERENCE ROOMS			
7.3% average increase across all rooms at both standard and discounted rates.	Various	Various	7.3%

Subject:	Outdoor Events - Parks & Open Spaces 2022/23		
Date of Meeting:	13th January, 2022		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Mark Fisher, Jo Osborne	Tel: 01273 292711
	Email:	Mark.Fisher@brighton-hove.gov.uk Jo.Osborne@Brighton-Hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To seek landlord's consent for each of the proposed events in parks & open spaces in 2022.
- 1.2 Members are reminded that they are considering each event individually rather than the programme as a whole.

2. RECOMMENDATIONS:

- 2.1 That the committee grants landlord's consent (subject to the execution of a formal agreement) for each of the proposed events listed in Appendix 1.
- 2.2 That the committee authorise officers to enter into formal agreements with event organisers to determine conditions, fees and levels of support as appropriate.
- 2.3 That the committee authorises the Executive Director, Economy, Environment & Culture, after consultation with the Chair of the committee and opposition spokespersons, to make any alterations to the events programme as necessary including approving new applications in accordance with the Outdoor Events Strategy 2019-2024 and cancelling events if required.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Covid-19 Pandemic has continued to have a devastating effect on the Outdoor Events Industry throughout 2021, with only a handful of events being able to take place nationally, including in Brighton & Hove. The UK events industry has lost £57bn of its £70bn pre-pandemic value over the past 12 months. The Business Visits and Events Partnership (BVEP) reports a 95% drop in events, a 17% reduction in the size of the sector and the loss of 126,000 jobs, all statistics that resonate heavily in Brighton & Hove.

- 3.2 The Council has an important role to support the return of outdoor events in the city. The annual calendar is important for cultural recovery, tourism and fundraising by charities and community groups. At a national level, around £10 billion has been lost in the last six months by the hard-hit charity sector, a notable proportion of which is due to loss of engagement with public supporters at events (research carried out by the Events Industry Board).
- 3.2 Outdoor events made a return to Brighton & Hove in the summer of 2021, with only a few taking place. The need for social distancing and Covid-safe operation meant that some events were not financially viable. Whilst restrictions eased in the second half of 2021, there is still a need for caution and event organisers remain nervous about what the 2022 season will bring.
- 3.3 Outdoor events support the reputation of the city as a leisure destination and contribute significantly to the economic impact of tourism. The Visitor Economy Strategy 2018-2023 highlights the economic contribution of tourism to the city's economy at £886m per year which supports 21,000 jobs. The economic impact of events staged in the city is largely through associated hotel, leisure and retail spend.
- 3.4 Whilst many of the events listed in Appendix 1 have taken place before and retain their traditional place in the annual calendar, officers have received requests for several new events in 2022. A summary of these is outlined in paragraphs 3.6 to 3.14 of this report. There is a strong desire in the events industry for a return to normal operations where possible, and the city continues to be attractive for new events.
- 3.5 A balanced approach is required to prevent overuse of popular areas. Appendix 1 to this report shows the range of spaces and sites where events are proposed to take place. Officers will ensure that all events taking place on council land will comply with the Council Outdoor Events Strategy 2019-2024 which includes signing up to the new Events Charter. An emphasis will be put on event organisers adopting high sustainability standards and minimising their impact on the environment, their surroundings and the land they are using.

New/Amended Events

- 3.6 Land Beyond/Naughty 90's Festival, Waterhall, 30 April – 1 May 2022: Previously held in East Brighton Park, the event requested to move to Waterhall over two days in 2021, receiving landlord's consent. However, the event didn't go ahead because of Covid restrictions in place at the time. They are seeking landlord's consent for a ticketed music event which offers a different genre of music on each day. They are looking at a capacity of 10,000 per day subject to planning and approval. The event will apply for its own Premises Licence and pay a commercial hire fee for the land.
- 3.7 Brighton Fringe, May 2022 - Spiegel tent, Old Steine, Ladyboys of Bangkok Cabaret, St Peter's Square, Fringe Venue, Victoria Gardens South

Officers have yet to receive detailed requests from Brighton Fringe temporary venue organisers for their outdoor event venues. However, Brighton Fringe have made the request to hold spaces in order to enter into negotiations for the use of

Victoria Gardens South, St Peter's Square and the Old Steine throughout the Fringe Festival in May 2022. The intention is to allow the Fringe Festival to operate using the Council's Premises Licences, operating venues between 10am and 2am with capacities up to 1500 people across all venues at any one time.

- 3.8 Brighton Festival Outdoor Programme May 2022: The Souk, Hove No 1 Lawn. Officers are aware of a request by Marwa Al-Sabouniis, an architect of international standing working with Brighton Festival, to create a temporary venue in Brighton & Hove inspired by the marketplaces in her home country of Syria. The Souk will be designed as a place for bringing people together in a spirit of exchange. A location for events and gatherings, a natural home for some of the Festival's community engagement in the Our Place programme. The Souk would require a build time of several weeks starting in April 2022 with the structure removed by 12 June 2022.
- 3.9 One World Festival, Stanmer Park 4/5 June 2022: An International Music Festival that will encompass and embrace diversity, cultural and artistic elements of religions across the world. International and local talent will come together using dance and live music to celebrate 'One World'. A ticketed event for 4,000 per day. Low ticket cost to encourage inclusivity for all and not compete with the other music events proposed for the city. This event is being organised collaboratively by Apache Indian Music (AIM) Academy which is opening a branch in Brighton in 2022, and Global Beats, a Brighton-based production company.
- 3.10 Footprint+ Conference, Hove Lawns 7-10 June 2022: Brighton & Hove will be the host city of the UK's carbon conference for the property industry, to be held in a temporary marquee conference hall located on Hove Lawns. The event received landlord's consent at a previous TECC Committee Meeting, with it being scheduled for September 2021. Unfortunately, it was postponed due to Covid-19 and is now seeking renewed landlord's consent for June 2022.
- 3.11 UEFA Women's Euro 2022, July 2022: Members of the Committee will be aware of the city hosting three matches at the American Express Community Stadium, as part of the Women's Euro tournament in July 2022. As part of our commitment as a host city, we are required to provide space for fan zones for the nations visiting Brighton & Hove. The intention is to use Valley Gardens for various experiential activities, screens (matches will not be shown), food and drink, entertainment etc. The Fan Zone event will be open on match days and six weekend days, a total of nine days during July. There will also be a roadshow event in June to promote ticket sales for the matches, this will be located on Hove Lawns.
- 3.12 This is the Modern World, St Peter's Square August 2022: Previously granted landlord's consent to take place on the seafront in 2020, this exhibition will feature a vast collection of memorabilia, fashion, vinyl and imagery from one of the most iconic UK bands of all time –The Jam. Previously exhibited in London's Somerset House (70,000 visitors) and Liverpool's Cunard Building (30,000), it has been trying to visit Brighton since 2020 but this has not happened due to Covid-19. The organisers are requesting a change in space which is now available and can be used in conjunction with inside space at St Peter's Church.

- 3.13 Pub In the Park, Preston Park 16-18 September 2022: Tom Kerridge presents a three day food and music festival celebrating gastropub dining. Under an invitation from Tom Kerridge, celebrity chefs will be on site preparing dishes from their own gastropubs whilst the audience enjoys music and shopping in a pub garden atmosphere. Brighton will be added to a tour of the event, that has already taken place successfully in Marlow, Bath, Tunbridge Wells, Chichester amongst other locations. The organisers will be supporting local communities, using local suppliers and offering free tickets to the NHS.
- 3.14 Luna Cinema presents The Big Top, The Level, 24 November- 21 December 2022: Landlord's Consent is requested to be only provisional at this time. Luna Cinema have successfully organised an outdoor cinema attraction in Brighton in 2018 and 2019, and they have requested the same seafront space during Summer 2022. However, the footfall at the seafront location in the summer works best when there is a sporting event taking place at the same time. The Qatar World Cup is scheduled to take place in Winter 2022 so the company is looking for a suitable alternative location to move their event to. The Level is a suggested location and this would be as an alternative to their summer event, not in addition. Officers are seeking committee approval to enter into negotiations with Luna Cinema for use of The Level in November/December and to discuss the event proposal further with members of the Safety Advisory Group.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Not applicable.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Consultation is taking place with Ward Councillors, Sussex Police, East Sussex Fire & Rescue Service, South East Coast Ambulance Service, NHS Trust, Environmental Health & Licensing, City Parks, Civil Contingencies, Sustainability and Highways. Detailed consultation will also follow as the events are developed between the respective event organiser and our partner agencies.
- 5.2 Due to the timing of this report and consultation falling over the festive period, officers will provide a verbal update on the consultation responses at the committee meeting.

Social Value Impact

- 5.3 Events can affect the way places are perceived and people's relationships with their place of residence, making them feel connected to it. It may encourage people to contribute more towards local projects or take more care of the local environment. Events act as vehicles to bring people together, encouraging social contact leading to enhanced individual wellbeing and more resilient communities. People benefit from participating in events, but also by volunteering and getting involved in planning and organising them helping to build capacity of communities to organise events and other projects in the future.
- 5.4 Involvement in events can enhance people's quality of life by providing enjoyable, sociable experiences to look forward to and reflect on as well as

encouraging personal development to equip people with skills, confidence and knowledge to help them in their lives.

- 5.5 Events are not universal appreciated and there may be some associated negative effects that diminish their social value including disruption to everyday routines.

Noise Management

- 5.6 All events involving the use of amplified music will be required to provide the council with a noise management plan which will be shared with colleagues in Environmental Protection for comment. Event organisers will need to adhere to specific restrictions on levels of noise at their event, as well as provide the council with evidence of mitigation measures in place to reduce the impact on nearby businesses and residents.

6. CONCLUSION

- 6.1 Landlord's consent is required for the staging of all major outdoor events on council land in Brighton and Hove.
- 6.2 Events continue to form a significant part in the council's overall tourism strategy. As well as bringing substantial cultural and economic benefits to the city, people experience civic pride when major recreational, sporting and entertainment events take place in their locality.
- 6.3 Granting Landlord's Consent for the 2022/23 events programme in the city's parks and open spaces provides support for a sector that has been devastated by the Covid-19 pandemic over the course of 2020/21, with restrictions continuing into 2022. The support of the City Council for the events sector has never been more important.
- 6.4 Officers will ensure that all events meet the requirements of the Outdoor Events Strategy 2019-2024, including the need for all event organisers to sign up to the Outdoor Events Charter.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications arising from the recommendations of this report. Staff time required in implementing these events will be contained within the existing Outdoor Events budgets. The Outdoor Events budget does contain an income target of £0.367m for fee income which has been impacted by the effect of COVID19 in the current financial year. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Finance Officer Consulted: John Lack

Date: 18/11/21

Legal Implications:

- 7.2 Brighton & Hove City Council is empowered under the East Sussex Act 1981 to close “parks and pleasure grounds” in its area for up to 28 days a year in order to facilitate the staging of major outdoor events. Should any event require road closures or certain other traffic management measures, a traffic regulation order under the provisions of the Road Traffic Regulation Act 1984 or the Town Police Clauses Act 1847 will be required.
- 7.3 The proposals in this report are made in accordance with the Outdoor Events Strategy 2019-2024.
- 7.4 The terms of the agreements with the event organisers will allow the Council to withdraw consent on public health grounds if the Council does not feel the event should go ahead.

Lawyer Consulted:

Alice Rowland

Date: 14/12/21

Equalities Implications:

- 7.5 The Events Programme caters for people from all sectors of the community as there are a diverse range of events that are staged in the city each year. Issues such as physical access to an event and designated viewing areas are developed and detailed in event plans where applicable. Major event organisers will be required to complete an Equalities Impact Assessment, new for 2022.

Sustainability Implications:

- 7.6 All events are planned and staged in accordance with the statutory powers and planning obligations as set out in the Outdoor Events Strategy 2019-2024.
- 7.7 The nature of outdoor events means that they often involve a range of potential sustainability impacts (both positive and negative) from travel, energy and water use, food, local economic and social impacts, use of outdoor spaces and production of waste. Event organisers continue to be strongly encouraged to sign up to the Council’s Sustainable Event Commitment, helping them to improve sustainability at their events. The Sustainable Events Programme is certified to the international standard for environmental management ISO 14001.
- 7.8 The Sustainable Events Programme also meets the requirements of the British Standard for Sustainable Events that was developed for the London 2012 Games and helped them deliver a highly visible sustainability programme, particularly around event waste recycling and encouraging people to use public transport. The standard was superseded by the International Standard ISO 20121 and the council’s programme has been amended to meet the requirements of the new standard and help the council continually improve its engagement with event organisers to improve sustainability.
- 7.9 Environmental Impact Assessment and Action plans will be required to be undertaken by organisers wishing to stage their events in the city.
- 7.10 All applications for events to be held on council land will be reviewed by the Events Team to assess the potential impact and risk of the event to Brighton & Hove City Council land. Factors such as location, size, type of event, and what

ground protection measures the event organiser has confirmed will be considered when agreeing if a reinstatement bond is required, and the value of this bond. Event organisers will be responsible for the reinstatement of the grounds used if damage occurs as a result of their event. It is important to recognise that the impact on our open spaces by some events is inevitable, but the positive social and economic impacts of these events outweigh the immediate effects on the land.

Brexit Implications:

- 7.11 There are no identified implications.

8. Any Other Significant Implications:

Crime & Disorder Implications:

- 8.1 Sussex Police are involved in both the consultation and planning of all major events.

Risk and Opportunity Management Implications:

- 8.2 The City's Safety Advisory Group has an overview of all the events that take place in Brighton and Hove that have the potential to attract significantly large numbers of people. A protocol and good working partnerships between the council and emergency services are in place in the city and close agency working will be integral to both the planning and delivery of these events. Public health advisers are present at the Safety Advisory Group to input on COVID safe practices. The Safety Advisory Group is convened to scrutinise plans but does not have the power to decide whether or not an event should go ahead; this decision is made by the Event Management Group for the relevant event.
- 8.3 Event-specific Safety Advisory Groups can be convened for all major outdoor events taking place in Brighton and Hove.
- 8.4 Event-specific Event Management Groups meet on a regular basis for the planning of all major events across the city.

Public Health Implications:

- 8.5 The diverse range of events has the potential to contribute positively to the health and well-being of the participants. This includes the direct benefits of taking part in physical activity events such as those for running, walking and cycling. Furthermore, events can contribute to a sense of community, local pride and cultural identity which can have a positive impact on the well-being of those involved. However, events will need to meet covid safe requirements in accordance with national guidelines. Public Health advisers will be updated with event plans and, via the Safety Advisory Group, asked for comment in relation to Covid-19. All organisers will be required to ensure their plans include Covid-19 risk assessments.

- 8.6 Initial landlord's consent for outdoor events is determined by the council many months in advance, however, whether any event can go ahead is still very much dependent on all the safety and event permissions being in place at the time of the event. With regards to the pandemic this also includes operating within government restrictions and guidance in place at the time, as well as taking local epidemiology into account.
- 8.7 Officers attend regular meetings held by the Sussex Resilience Forum, to ensure consistency as a region in relation to guidance, advice and information being given to event organisers with regards to Covid-19. It is recognised regionally that keeping visitors and residents safe is our priority.

SUPPORTING DOCUMENTATION

Appendices:

1. List of proposed outdoor events in parks and open spaces for 2022/23

Documents in Members' Rooms

1. None

Background Documents

1. None

APPENDIX 1

EVENTS – PARKS AND OPEN SPACES

Events requiring the use of parks and open spaces in Brighton & Hove 2022

DATE	EVENT	VENUE	TIMES	ATTENDANCE
Saturday 9 th April	Mini Mile Races	Preston Park	9.30 – 16.00	3,000
Sunday 10 th April	Brighton Marathon	Preston Park	08.00 – 14.00	12,000
Thursday 28 th April – Sunday 8 th May	Festival Funfair	The Level	13.00 daily	10,000
Saturday 30 th April – Monday 2 nd May	Foodies Festival	Preston Park	11.00 – 21.00	5,000 per day
Saturday 30 th April – Sunday 1 st May	Land Beyond/ Naughty 90's Festival	Waterhall *new site*	12.00 – 22.00	10,000 per day
Thursday 5 th May – Sunday 5 th June	Brighton Fringe Event	Victoria Gardens (South)	TBC	TBC
Thursday 5 th May – Sunday 5 th June	Rotunda Theatre	Regency Square	Until 22.00 daily	120 per show
Friday 6 th May – Monday 6 th June	Brighton Fringe Event/Ladyboys	St Peters Square	Until 22.30 daily	800 capacity
Friday 6 th May – Sunday 5 th June	Brighton Fringe Event/Spiegel tent	Old Steine	10.00-02.00 daily	1500 capacity
Saturday 7 th May – Sunday 29 th May	Brighton Festival Outdoor Programme	Various	Various	TBC
Saturday 7 th May	Festival Children's Parade	City Centre	06:00- 16:00	12,000
Wednesday 11 th – Saturday 14 th May	The Great Escape	Seafront - Beach east of the Pier	Various	2500 capacity
Wednesday 18 th – Sunday 22 nd May	International Circus	Preston Park	Various	800 capacity
Saturday 21 st May	Spring Festival	St Ann's Well Gardens	11.00-19.30	5,000
Saturday 4 th – Sunday 5 th June	One World Festival *new*	Stanmer Park	13.00 – 23.00	4,000 per day
Tuesday 7 th – Friday 10 th June	Footprint+ Conference *new*	Hove Lawns	10.00 – 21.00	2,000 per day

Saturday 11 th June	Classic Car Show & Concours	Hove Park	09.30 – 18.00	1,000
Thursday 9 th – Sunday 19 th June	Fun Fair	Victoria Recreation Ground	13.00 Daily, closed Mon, Tues, Wed	1,000
Saturday 18 th June	Rottingdean Lions Fayre	Village Green & Kipling Gardens	07.30 – 19.00	1,500
Saturday 18 th June	Take Part Sport Festival	The Level	10.00 – 17.00	5,000
Saturday 25 th – Sunday 26 th June	Women's Euros 2022 Roadshow *new*	Hove Lawns	TBA	TBA
Saturday 25 th – Sunday 26 th June	Marathon Trail Weekend *new*	Stanmer Park	10.00 – 20.00	24,000
Saturday 2 nd – Sunday 3 rd July	Brighton Football Club (RFU) Music Event	Waterhall – Rugby Club leased area	12.00-22.00	6000 per day
Saturday 2 nd – Sunday 3 rd July	Race for Life/Pretty Muddy	Stanmer Park	10.00 – 16.00	2,000 per day
Saturday 2 nd – Sunday 3 rd July	Paddle Round The Pier	Hove Lawns	10.00 – 19.00	15,000 per day
Wednesday 6 th – Sunday 10 th July	Brighton Comedy Garden	Preston Park	13.00 – 22.30	1,500 capacity
Saturday 9 th – Sunday 10 th July	Brighton Kite Festival	Stanmer Park	10.00 – 17.00 daily	2,500
Saturday 9 th – Wednesday 20 th July	Women's Euros Fan Zone Activities *new*	St Peter's Square/Valley Gardens	TBA	TBA
Saturday 16 th July	Lions Saltdean Gala Day	Saltdean Oval	07.30 – 19.00	2,000
Saturday 16 th July	RSPCA Open Day	Braypool Sports Field	10.00 – 17.30	5,000
Saturday 16 th July	Trans Pride	Brunswick Square	10.00 – 20.00	5,500
Wednesday 27 th – Sunday 31 st July	Fun Fair	Saltdean Oval	13.00 daily	1,000
Friday 22 nd July – Thursday 18 th August	Luna Cinema Summer Screenings	Seafront – Beach East of Brighton Pier	TBC	5,000 capacity
Thursday 21 st July – Sunday 24 th July	Concorde 2 'On the Beach'	Seafront	12.00 – 23.00 daily	8,000 per day

Friday 29 th July – Tuesday 30 th August	This is The Modern World *new*	St Peters Square	10am – 7pm	750 capacity
Friday 5 th – Sunday 7 th August	Brighton Pride Pleasure Gardens	Old Steine	16.00 – 02.00	2000 capacity
Saturday 6 th – Sunday 7 th August	Brighton Pride	Preston Park	12.00 – 22.00	57,000 Sat 30,000 Sun
Saturday 20 th – Sunday 21 st August	Thai Festival	Preston Park	10.00 – 17.00	5,000 daily
Tuesday 31 st August – Tuesday 6 th September	Zippos Circus	Hove No.1 Lawn	Various	500 per show
Thursday 8 th September – Sunday 18 th September	Funfair	The Level	13.00 daily Closed mon / Tue / Weds	10,000
Friday 16 th – Sunday 18 th September	Pub in the Park *new*	Preston Park	12.00 – 22.30	5000 per day
Saturday 17 th – Sunday 18 th September	Brighton International Triathlon	Hove Lawns	06.00 – 17.00	2,500 per day
Saturday 24 th September	Boundary Festival	Stanmer Park	12.00 – 22.30	20,000
Wednesday 2 nd November	Coles Fireworks	Preston Park	17.00 – 22.30	10,000
Thursday 24 th November – 21 st December	Luna Cinema presents The Big Top *new*	The Level	TBC	2000 capacity
Friday 25 th November – Saturday 31 st December	Brighton Christmas Festival	St Peters Square, Valley Gardens & Old Steine	10.00 – 23.00	10,000 per day

Subject:	Outdoor Events - Madeira Drive 2022/23		
Date of Meeting:	13th January, 2022		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Mark Fisher Jo Osborne	Tel: 01273 292711
	Email:	mark.fisher@brighton-hove.gov.uk jo.osborne@brighton-hove.gov.uk	
	Ward(s) affected:	All	

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To seek approval from Councillors for landlord's consent for each of the proposed events on Madeira Drive in 2022/23 and the associated road closures. Councillors are reminded that they can grant consent for each event request individually and not only the whole programme.

2. RECOMMENDATIONS:

- 2.1 That the committee grants landlord's consent (subject to the execution of a formal agreement) for each of the proposed events on Madeira Drive and the associated road closures as listed in Appendix 1.
- 2.2 That the committee authorises officers to enter into formal agreements with event organisers to determine conditions, fees and levels of support as appropriate.
- 2.3 That the committee authorises the Executive Director, Economy, Environment & Culture, after consultation with the Chair of the committee and opposition spokespersons, to make any alterations to the events programme as necessary including approving new applications in accordance with the Outdoor Events Strategy 2019-2024 and cancelling events if required.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Madeira Drive continues to be a very important venue for events in the city. The long heritage of events on Madeira Drive is reflected by most of the events listed in Appendix 1 having taken place at this location previously. The events programme draws residents and visitors to Madeira Drive which extends the Seafront offer both geographically away from the main tourism area between the piers and seasonally, by holding events throughout the year.
- 3.2 In line with the current City Council Outdoor Events Strategy 2019-2024, none of the new proposals listed in Appendix 1 are events that involve vehicles with combustion engines. All other events have taken place previously on Madeira

Drive and add to the financial and cultural contribution that outdoor events bring to the city.

- 3.3 In 2021 there was a slow return of outdoor events to the city following the negative impact of the Covid-19 Pandemic and the effects of regulations that have been in place. This was the first year that events on Madeira Drive had to take into consideration a new road design, including the newly widened cycle lane between the Pier and Black Rock. The organisation of almost all events in Appendix 1 requires the temporary closure of this cycle lane. This follows the same arrangements put into place for events in 2021.
- 3.4 The closure of the Madeira Terraces has not resulted in a reduction in proposals for events on Madeira Drive. However, the safety fence adjacent to the Terraces has impacted upon the operational requirements of some events.
- 3.5 A new crossing point is currently being installed across the Volks Railway, as part of the Sea Lanes Development. This will assist event organisers to move infrastructure onto the beach and make up for the loss of space from the closure of Madeira Terraces. Officers will ensure that organisers work closely with Volks Railway to minimise disruption.
- 3.6 The events industry has been badly impacted by the effects of the pandemic and the restrictions that have been put in place. Entry numbers are still much lower than normal for mass participation sports events. However, 2021 did see the return of the Brighton & Hove Half Marathon and Brighton Marathon where the organisers managed their events in line with government guidance for Covid-19. Officers will continue to work with Public Health to ensure that event organisers follow government guidance and provide the council with the relevant documentation.
- 3.7 The city's Safety Advisory Group including representation from Public Health will review on an on-going basis the potential implications of the covid pandemic on the operation of outdoor events. This group will also continue to scrutinise event management plans in line with its Terms of Reference.
- 3.8 Officers will ensure that event organisers requiring the use of Madeira Drive are kept informed of development works relating to Madeira Terraces, Sea Lanes and Black Rock, allowing event organisers to adapt their plans accordingly and work alongside the three developments. Officers will work together to ensure that no event is cancelled as a result of any of the developments along Madeira Drive, as far as is reasonably practicable.
- 3.9 Whilst many of the events listed in Appendix 1 have taken place before and retain their traditional place in the annual calendar, officers have received requests for two new events in 2022, and a change of location for the Kemptown Carnival that usually takes place in Kemptown but is requesting Madeira Drive as a new location for 2022. A summary of these events is outlined in paragraphs 3.10 to 3.12 of this report.

New and Amended Events

- 3.10 Brighton Carnival (previously Kemptown Carnival) Saturday 11th June 2022: Consent was previously granted for Kemptown Carnival to move to Madeira Drive in 2021, allowing the event to be more easily managed in a larger space. Due to Covid-19 restrictions, the event didn't take place. In 2022 it is the centenary of the 1922 Brighton Carnival and with the new location, the event is being rebranded to acknowledge its history. Brighton Carnival will bring local communities together, encourage local artists to perform and remain a free, open access event.
- 3.11 Brighton Trail Weekend Saturday and Sunday 25th/26th June 2022: A new proposal from Grounded Events, the team behind Brighton Marathon Weekend. The weekend incorporates a Trail Marathon, 10k and Mini Miles, with the latter two events taking place in Stanmer Park. The Trail Marathon will start on Madeira Drive on Sunday 26th June, in the same place as the Brighton Marathon but will finish in Stanmer Park. This will be the first major city trail running event in the UK.
- 3.12 Brighton Velocity/Tour of Sussex Sunday 3rd July 2022: A new seafront cycling festival for Brighton & Hove, combining the Tour of Sussex with an inclusive festival of cycling and cycle sport. The Brighton Velocity event is focused on promoting cycling as a green way to travel, a great way to get fit and a fantastic and exciting sport. The event will work with partners and stakeholders to promote general sustainable transport and to include electric and alternate modes of transport. The event would be created as the finishing point of the 2022 Tour of Sussex events.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Not applicable.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Consultation is taking place with Ward Councillors, Sussex Police, East Sussex Fire & Rescue Service, South East Coast Ambulance Service, NHS Trust, Environmental Health & Licensing, City Parks, Civil Contingencies, Sustainability and Highways. Detailed consultation will also follow as the events are developed between the respective event organiser and our partner agencies.
- 5.2 A verbal update on the consultation responses will be given at the committee meeting.

Social Value Impact

- 5.3 Events can affect the way places are perceived and people's relationships with their place of residence, making them feel connected to it. It may encourage people to contribute more towards local projects or take more care of the local environment. Events act as vehicles to bring people together, encouraging social contact leading to enhanced individual wellbeing and more resilient communities. People benefit from participating in events, but also by volunteering and getting involved in planning and organising them helping to build capacity of communities to organise events and other projects in the future.

- 5.4 Involvement in events can enhance people's quality of life by providing enjoyable, sociable experiences to look forward to and reflect on as well as encouraging personal development to equip people with skills, confidence and knowledge to help them in their lives.
- 5.5 Events are not universally appreciated and there may be some associated negative effects that diminish their social value including disruption to everyday routines.

Noise Management

- 5.6 All events involving the use of amplified music will be required to provide the council with a noise management plan which will be shared with colleagues in Environmental Protection for comment. Event organisers will need to adhere to specific restrictions on levels of noise at their event, as well as provide the council with evidence of mitigation measures in place to reduce the impact on nearby businesses and residents.

6. CONCLUSION

- 6.1 Landlord's consent is required for the staging of all major outdoor events on council land in Brighton and Hove.
- 6.2 Events form a significant part of the council's overall tourism strategy. As well as bringing substantial economic benefits to the city, people experience civic pride when major recreational, sporting and entertainment events take place in their locality. These help to bring regional and national recognition to the city as well as bringing significant economic benefits.
- 6.3 Granting Landlord's Consent for the 2022/23 events programme on Madeira Drive provides support for a sector that has been devastated by the Covid-19 pandemic over the course of 2020/21, with restrictions continuing into 2022. The support of the City Council for the events sector has never been more important.
- 6.4 Officers will ensure that all events meet the requirements of the Outdoor Events Strategy 2019-2024, including the need for all event organisers to sign up to the Outdoor Events Charter.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 In accordance with the existing Outdoor Events policy, fees are charged for commercial events and any costs incurred are the responsibility of the organiser. In addition, a reinstatement deposit is usually held, and evidence of adequate insurance cover is required. The fees charged are determined by negotiation based on a number of factors including capacity, whether a new or established event, whether an admission fee is to be charged and infrastructure required; all of these are subject to agreement by officers as per the recommendations of this report.

- 7.2 The income generated from fees charged for commercial events on Madeira Drive contributes to the Outdoor Events Team annual income target and has, in a normal financial year, enabled charitable and community events and free public entertainments to be supported at reduced rates across the city. As set out elsewhere in this report, it will also be financially beneficial for the local economy/events sector if events can plan to go ahead in 2022/23.

Finance Officer Consulted: Name John Lack

Date: 18/11/21

Legal Implications:

- 7.3 The Council is empowered under the East Sussex Act 1981 to use Madeira Drive for up to 28 days a year in order to facilitate the staging of major outdoor events.
- 7.4 The proposals in this report are made in accordance with the Outdoor Events Strategy 2019-2024.
- 7.5 The terms of the agreements with the event organisers will allow the Council to withdraw consent on public health grounds if the Council does not feel the event should go ahead.

Lawyer Consulted:

Alice Rowland

Date: 14/12/21

Equalities Implications:

- 7.6 The outdoor events programme caters for people from all sectors of the community as there are a diverse range of events that are staged in the city each year. Issues such as physical access to an event and designated viewing areas are developed and detailed in event plans where applicable. Equalities Impact Assessments will be required of major event organisers.

Sustainability Implications:

- 7.7 All events are planned and staged in accordance with the statutory powers and planning obligations as set out in the Outdoor Events Strategy 2019-2024.
- 7.8 The nature of outdoor events means that they often involve a range of potential sustainability impacts (both positive and negative) from travel, energy and water use, food, local economic and social impacts, use of outdoor spaces and production of waste. Event organisers continue to be strongly encouraged to sign up to the Council's Sustainable Event Commitment, helping them to improve sustainability at their events. The Sustainable Events Programme is certified to the international standard for environmental management ISO 14001.
- 7.9 The Sustainable Events Programme also meets the requirements of the British Standard for Sustainable Events that was developed for the London 2012 Games and helped them deliver a highly visible sustainability programme, particularly around event waste recycling and encouraging people to use public transport. The standard was superseded by the International Standard ISO 20121 and the council's programme has been amended to meet the requirements of the new standard and help the council continually improve its engagement with event organisers to improve sustainability.

- 7.10 Environmental Impact Assessment and Action plans will be required to be undertaken by organisers wishing to stage their events in the city.

Brexit Implications:

- 7.11 There are no implications identified.

8. Any Other Significant Implications

Crime & Disorder Implications:

- 8.1 Sussex Police are involved in both the consultation and planning of all major events.

Risk and Opportunity Management Implications:

- 8.2 The City's Safety Advisory Group has an overview of all the events that take place in Brighton and Hove that have the potential to attract significantly large numbers of people. A protocol and good working partnerships between the council and emergency services are in place in the city and close agency working will be integral to both the planning and delivery of these events. Public health advisers are present at the Safety Advisory Group to input on COVID safe practices. The Safety Advisory Group is convened to scrutinise plans but does not have the power to decide whether or not an event should go ahead; this decision is made by the Event Management Group for the relevant event.
- 8.3 Event-specific Safety Advisory Groups can be convened for all major outdoor events taking place in Brighton and Hove.
- 8.4 Event-specific Event Management Groups meet on a regular basis for the planning of all major events across the city.

Public Health Implications:

- 8.5 Outdoor events have a positive impact on the health and well-being of participants and spectators. However, events will need to meet covid safe requirements if they are able to take place.
- 8.6 Initial landlord's consent for outdoor events is determined by the council many months in advance, however, whether any event can go ahead is still very much dependent on all the safety and event permissions being in place at the time of the event. With regards to the pandemic this also includes operating within government restrictions and guidance in place at the time, as well as taking local epidemiology into account.
- 8.7 Officers attend regular meetings held by the Sussex Resilience Forum, to ensure consistency as a region in relation to guidance, advice and information being given to event organisers with regards to Covid-19. It is recognised regionally that keeping visitors and residents safe is our priority.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – Proposed Madeira Drive road closures 2022

Documents in Members' Rooms

1. None

Background Documents

1. None

Appendix 1

Events requiring the closure of Madeira Drive in 2022

DATE	EVENT	CLOSURE	ATTENDANCE
Sun 27 th February	Brighton & Hove Half Marathon	Sat 06:00 – 23.59 Aquarium to Dukes Mound Sun Aquarium to Black Rock 00.00-20.00	15,000
Sun 10 th April	Brighton Marathon	Fri/ Sat 00.00 – 23.59 Aquarium to base of Dukes Mound Sun Aquarium to Black Rock 00.00-23.59 Mon 00.00 – 22.00 Aquarium to base of Dukes Mound	40,000
Sat 23 rd April	InCarNation	Aquarium to Black Rock 00:00 – 20.00	5,000
Sat 7 th May	Brighton Festival Children's Parade	Aquarium to base of Duke's Mound 06:00- 16:00	15,000
Sun 8 th May	Historic Commercial Vehicle Run	Aquarium to Black Rock 06:00-19:00	7,000
Sun 15 th May	Mini Owners Rally	Aquarium to Black Rock 05.00 – 19.00	10,000
Sun 29 th May	Classic Car Run	Aquarium to base of Dukes Mound 06.00 – 18.00	2,500
Sat 11 th June	Brighton Carnival (previously Kemptown Carnival) *new location*	Aquarium to base of Dukes Mound 06.00 – 23.59	15,000
Sun 19 th June	British Heart Foundation London to Brighton Bike Ride	Sat 06.00 – 23.59 Aquarium to Dukes Mound Sun Aquarium to Black Rock 00.00 – 23.59	30,000
Sat 25 th June	Electric Vehicle Run	Aquarium to base of Dukes Mound 06.00 – 18.00	2,000
Sun 26 th June	Brighton Trail Weekend *new*	00.00 – 17.00 Aquarium to Dukes Mound	15,000
Sun 3rd July	Brighton Velocity – Tour of Sussex *new*	00.00 – 23.59 Aquarium to Black Rock	5,000
Sat 3rd September	Speed Trials	Fri 06.00 – 23.59 Aquarium to Dukes Mound Aquarium to Black Rock 00.00 – 22:00	10,000
Sun 4th September	Ace Café Reunion	Aquarium to Black Rock	15,000

		05.00 – 22:00	
Sun 11 th September	Skyline London to Brighton cycle event	Base of Duke's Mound to Black Rock 00.00 – 23.59	4,000
Sun 2 nd October	Brightona (Charity Motorcycle Event)	Aquarium to Black Rock 06:00 – 20:00	8,000
Sun 6 th November	Veteran Car Run	Fri 00.00 – 23.59 Aquarium to Dukes Mound Sat/Sun 00.00 – 23.59 Aquarium to Black Rock	10,000
Wednesday 21 st December	Burning the Clocks	15.00 – 22.00 Aquarium to base of Duke's Mound	15,000