

Tourism, Equalities, Communities & Culture Committee

Date: **15 September 2022**

Time: **4.00pm**

Venue **Brighton Town Hall – Council Chamber**

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

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

PART ONE

Page

17 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.

18 MINUTES

9 - 22

To consider the minutes of the meeting held on 16 June 2022.

Contact Officer: Thomas Bald

Tel: 01273 295709

19 CHAIRS COMMUNICATIONS

20 CALL OVER

- (a) Items 25 – 33 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.

21 PUBLIC INVOLVEMENT

23 - 24

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 14 September 2022;
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 9 September 2022;
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 9 September 2022;

22 ITEMS REFERRED FROM COUNCIL

25 - 28

Items referred from the last Public Engagement Meeting of Full Council held on 21 July 2022 (copies attached):

- 1) Deputation – Gender Equality

23 MEMBER INVOLVEMENT

29 - 30

To consider the following matters raised by Members:

- (d) **Petitions:** To receive any petitions;
- (e) **Written Questions:** To consider any written questions;
- (f) **Letters:** To consider any letters;
- (g) **Notices of Motion:** to consider any Notices of Motion submitted directly to the Committee.

24 LGBTQ+ HOUSING MANIFESTO PRESENTATION

31 - 62

Presentation from Jacob Bayliss, CEO of Brighton & Hove LGBT Switchboard

Health & Inclusion Project (Attached)

25 ANTI RACISM PLEDGE UPDATE

63 - 70

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

Contact Officer: Jamarl Billy
Ward Affected: All Wards

26	BRIGHTON & HOVE'S RESPONSE TO REFUGEES AND ASYLUM SEEKERS	71 - 100
	Report of the Executive Director Housing, Neighbourhoods & Communities (Copy Attached).	
	<i>Contact Officer: Lucy Bryson</i>	<i>Tel: 01273 292572</i>
	<i>Ward Affected: All Wards</i>	
27	DEVELOPMENT OF AN ACCESSIBLE CITY STRATEGY	101 - 168
	Report of the Executive Director Housing, Neighbourhoods & Communities (Copy Attached).	
	<i>Contact Officer: Emma McDermott</i>	<i>Tel: 01273 296805</i>
	<i>Ward Affected: All Wards</i>	
28	POOL PASSAGE PUBLIC SPACE PROTECTION ORDER 2022	169 - 186
	Report of the Executive Director Housing, Neighbourhoods & Communities (Copy Attached).	
	<i>Contact Officer: Simon Bannister</i>	<i>Tel: 01273 293925</i>
	<i>Ward Affected: Regency</i>	
29	SHORT TERM LETS	187 - 208
	Report of the Executive Director Economy, Environment & Culture (Copy Attached).	
	<i>Contact Officer: Howard Barden</i>	<i>Tel: 01273 292646</i>
	<i>Ward Affected: All Wards</i>	
30	TOURISM RECOVERY AND VISITBRIGHTON	209 - 256
	Report of the Executive Director Economy, Environment & Culture (Copy Attached).	
	<i>Contact Officer: Howard Barden</i>	<i>Tel: 01273 292646</i>
	<i>Ward Affected: All Wards</i>	
31	ADOPTION OF THE BRIGHTON & HOVE CITY PLAN PART 2	257 - 424
	Report of the Executive Director Economy, Environment & Culture (Copy Attached).	
	<i>Contact Officer: Helen Gregory</i>	<i>Tel: 01273 292293</i>
	<i>Ward Affected: All Wards</i>	
32	LOCAL ENFORCEMENT PLAN AND PROACTIVE ENFORCEMENT PROJECTS	425 - 476
	Report of the Executive Director Economy, Environment & Culture (Copy Attached).	
	<i>Contact Officer: Marina Briggishaw</i>	<i>Tel: 01273 291297</i>
	<i>Ward Affected: All Wards</i>	

33 STREET NAMING AND NUMBERING SERVICE: INTRODUCTION OF CHARGES 477 - 486

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

Contact Officer: Simon Barrett

Tel: 01273 290000

Ward Affected: All Wards

34 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the 20 October 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, 7 September 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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- Do not re-enter the building until told that it is safe to do so.

Brighton & Hove City Council
Tourism, Equalities, Communities & Culture Committee

4.00pm 16 June 2022

Hove Town Hall - Council Chamber

Minutes

Present

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

Co-Optees: Jessica Sumner, Chief Superintendent Justin Burtenshaw, Harpreet Kaur.

Part One

1 PROCEDURAL BUSINESS

Apologies from Stephanie Prior.

- (a) *Councillor Brown Substituting for Councillor Bagaeen.*
Jessica Sumner Substituting for Joanna Martindale.
- (b) *Councillor Powell declared an interest that she works for Sussex Police.*

2 MINUTES

2.1 Councillor Simson requested clarification on point 78.2.

RESOLVED:

The Minutes of the previous meeting were agreed as an accurate record.

Clarified Minutes from the last meeting to be sent to Councillor Simson.

3 CHAIRS COMMUNICATIONS

3.1 The Chair gave the following communications:

Please note that item 14 has been withdrawn from the Agenda and deferred to a different meeting, and the Pool Passage Space Protection Order report has been added as item 9A..

Before we start the meeting, Councillors were deeply saddened to hear of the passing of Ann NORMAN, former Councillor and Mayor. Ann was well liked by councillors across the political divide and popular with residents. She was a really caring and kind person, who was a shining example of what it means to be an elected councillor. Our thoughts are with her husband Ken,

and her family and friends. Another former Mayor, Pat Hawkes has also passed away recently. Could we all take a minute to remember Ann and Pat, please.

Welcome to the meeting everyone, today is Sussex Day and we are flying the Sussex flag outside of Hove Town Hall.

Tourism

I was pleased to attend the DEG and to hear from partners about how they have been performing. Although in general we are still missing out on as many international visitors as pre-pandemic, the level of domestic tourism is strong and footfall into Brighton has bounced back to levels last seen in 2019, as you will have seen if you have been out and about in the city centre over the last few weekends. The main concerns remain about how the cost of living crisis may affect people and we'll have to closely monitor this going forward but it seems when people go out they still spend money, it's just perhaps that they do this less frequently than before.

From the Council's side, we will continue working on the 4 priorities agreed in the tourism recovery plan last year which are (1) Promote the city locally, regionally and nationally, (2) Build back consumer confidence and awareness, (3) Enhance the look and feel of the city, and (4) Extend the season to make the city an 'all year round' destination. However, also alongside the DEG, we want to begin to tentatively look forward more long term and this is why we will be beginning review the management plan which was passed in 2018 and runs until 2023.

On the first point in the recovery plan, the promotion of B&H internationally, partnering with the Brighton Centre and the Hilton Brighton Metropole, from 31 May – 2 June VisitBrighton exhibited at IMEX Frankfurt, Europe's leading meeting, incentive, conference and exhibition (MICE) trade show which welcomes over 5000 international decision makers. After a live events hiatus of two years, buyers were delighted to 'talk shop' with Brighton, discovering more about our enviable conference facilities. They were encouraged to attend the European Meetings and Events Conference, which we're delighted to be hosting at the Hilton Brighton Metropole in March 2023, to get first-hand experience of Brighton. The team generated enquiries which have the potential to generate over £5m of economic benefit for the City from international associations, corporate buyers and conference agencies; now the hard work starts to convert them to firm business!

VisitBrighton will also be in London at the Meetings Show at the end of month trying to tempt people to bring their business down here and this sits alongside the work they do year round to ensure we have a strong list of bookings and pipeline of future opportunities and general campaign work including the Never Normal Brighton and Never Normal Sussex campaigns. In previous years there has been an annual update highlighting the activity of VisitBrighton, and we'll be bringing this back later in the year so members and public can better understand the important work that they do so look forward to that. Finally, they have a new website which I'd recommend you check out.

Sports

Over the last month the main issue has been to deal with the national chlorine shortage that has been caused by the main factory producing this closing down early for planned updates and due to unavailability of getting chlorine from other sources. Freedom Leisure as our leisure

facility managers have been stockpiling chlorine so that we can keep our pools open for as long as possible and have been working on installing new equipment at the Prince Regent which will enable that site to make its own chlorine. All are pools are still open; but we've had to close the paddling pools in the city and this situation is constantly being assessed- if there is to be any closures of the pools, we'll let everyone know in due course.

However, there is another issue with our sports facilities which is the cost of energy which is really hitting the sector badly given the amount of energy that these facilities take up. The trade association representing the leisure sector, UK Active, alongside Swim England, the Local Government Association and others have lobbied the government for urgent talks and an emergency support package to help out, and we'll wait to see if any support is forthcoming, but we're working closely with FL on this locally and will keep on top of the situation as best as we can.

The wider issue with the state of facilities remains and the work on the investment plan continues though. We will be arranging visit to other modern facilities to see how they work and with additional staff resource in place for this plan, the work on this will be able to take place more quickly over the coming months.

Events

The late spring is always a very lively time of the year over and over the last month we have had a successful Fringe and festival despite the numerous challenges, so thank you to both for their work in the city and I know you'll agree that Brighton wouldn't be the same without them. Throughout the summer there is a lot more to look forward to including Women's Euros throughout July, the return of Paddle round the Pier on 3rd July, Trans Pride and Pride weekend at start of August and more.

Culture

The events feed on nicely to my final update on the cultural side of things.

The ABCD Cultural Recovery programme has come to an end of an intense period of activity, with 10 projects delivering in person and online, employing over 100 artists and creative freelancers, with 1000's of people enjoying events like Third Thursdays, which ended on 21st April with one of the largest audiences yet (and hopefully we were able to come to one of the 5 evenings) and the Turner Community Glow Festival. There has also been further artwork commissioned in the city and the final piece of wall art – by Lee Eelus on the wall of Gresham Blake – is now complete, after a Covid interruption, so if you haven't walked along the Enliven art trail yet, now is the time to do it, and details can be found on the Culture in Our City website. You may have also attended the Igniter events or been on one of the Alternative Tour of Brighton and Hove, developed by South East Dance Network, or participated in one of the other activities. Earlier this week there was an Open Space session for people to reflect on the work so and look forward so I'm sure more will come out of this.

We are delighted to say that we have been successful with an application to Coast to Capital LEP for funding from their Regional Projects Business Case Development fund to support the Space to Grow strand. The funding will support a working group and significant research and evidence gathering to help articulate the need and build the case for support for creative space in the city, very important issue for the city going forward.

In addition, to the main update on the cultural recovery plan, I wanted to mention that the formal launch of the public arts strategy took place in May at University of Brighton Centre for Contemporary Arts, which myself Cllr MacCafferty and Cllr Deane were at. This has already been through the committee process and now in place so looking forward to the impact this will have on the city and influence in future art.

Finally, I just wanted to mention about the new exhibition of the RPMT which connects sport, heritage and culture called Goal Power exhibition. This will open to the public this Saturday and is part of the cities celebrations of hosting the Women's Euros. The exhibition will highlight women who have dedicated their lives to the 'beautiful game', sharing in their stories of resistance, perseverance, but above all a love for football that means they have trailblazed the way for women and girls today. From the feminist players of 1894 and the war worker footballers of the First World War to those who defied the Football Association to play and those who have changed the Football Association from within, it's a great exhibition to go along to if you get the chance.

Planning

Few announcements about projects and related planning matters:

The Kingsway to the Sea project had two drop in events at the King Alfred ballroom and was happy to see lots of residents at the one on Friday. The consultation closed last week, with officers compiling responses.

There is another live consultation running until the 21st June on the proposed West Saltdean area neighbourhood area and forum. Please get your comments in before that deadline. This will then be coming back to committee later this year.

Finally, we've heard back from the government on the A4D against conversion of class E to residential and unfortunately the government have pushed back on this. We still believe that it is vitally important to protect our local parades and city centre so will work to refine this and resubmit and committee will get the chance to look at this again later in the year.

On 10th April Cllrs Steph, Martin, Amanda Grimshaw, Leo, Dee and others attended the annual IFTAR dinner event, with the theme this year of "Rekindling Community Spirit" after a 2-year Covid break. It was a beautiful event where we got a chance to eat together after sundown; to network, to promote community spirit, social cohesion, mutual understanding, and solidarity.

On 12th May Steph attended the Inclusive Cities project in Oxford, where she met with council officers from all the UK cities involved in the work. One of the themes was exploring the link between migration and climate change, and what more we can be doing as a City of Sanctuary.

We attended IDAHBOIT (international day against homophobia, biphobia and transphobia) on May 17th, with the theme: "Our Bodies, Our Lives, Our Rights". Founded in 2004, this important day aims to raise awareness of violence and discrimination against lesbian, gay, bi, trans and queer (LGBTQ+) people to drive positive change, and is now celebrated in more than 130 countries around the world.

IDAHOBIT reminds us that there is still a long way to go until all LGBTQ+ people are free and safe from harm. This year's theme reflects community calls for claiming our rights to live our sexualities and to express our gender(s) freely, but also demanding to be free from physical violence, from conversion so-called "therapies", to forced sterilisation of Trans and Intersex people.

We attended the BIPC launch on 18th May. The BIPC, in partnership with the British Library, is located within Jubilee library. It serves as a key resource for anyone wanting to start or to grow their business in the city.

We attended Cllr ROBINS' last event as MAYOR at the unveiling of a blue plaque to the Hilton Sisters on 26th May in Riley Road. Violet and Daisy Hilton were the once world-famous conjoined twins who were born in Brighton, and who went on to become international entertainers during the 1920s and 30s.

The month of May also saw us complete a tour of the building works at the Corn Exchange, which is hoping to open later in the year, and which will be very exciting indeed. It will be a stunning city centrepiece for the arts, concerts and for events.

And lastly, several councillors did a tour of the gardens and woodlands at Stanmer, on fortunately, a beautiful sunny day. It's a stunning place with much to see, and well worth a visit.

Upcoming:

- The university is hosting an LGBTQ Housing summit in the city in July that both of us are attending.
- Trans Pride is on Saturday 16th July, where Steph & her partner are volunteering.
- And the city is gearing-up for a truly spectacular Pride on 6th August, after a 2-year gap. The theme for this year is "Love, Protest and Unity".
- And on 11th July we will remember the 8,372 Bosnian Muslims who were murdered for their identity in Srebrenica, as well as the tens of thousands of others on Srebrenica Memorial Day

Some info regarding our Libraries:

- Refugee Week starts on 20th June. It is a UK-wide festival celebrating the contributions, creativity and resilience of refugees and people seeking sanctuary. The theme for 2022 is Healing.
- Brighton & Hove Libraries programme of cultural events, topical discussions and information sharing will celebrate and raise awareness of Refugee Week. Libraries have worked with guest programmers Luqman Onikosi and Sara Alsherif whose contributions have been important in reflecting those seeking sanctuary and have shaped this year's offer.
- Stock collections for all ages will be highlighted throughout the library and in online displays. Information about Refugee Week and events happening across the city will be available to pick up from the Jubilee Library foyer on 20-24th June. And on Sunday 26th June members of the Ukrainian community will be at Jubilee Library to share information about Ukraine and answer questions.
- And lastly, Councillors are looking forward to the much-awaited second tour of our libraries on 7th July, this time focussing on the eastern part of the city. Cllrs if you've not booked already, then please contact Sally McMahon or Kate Rouse to book your place.

4 CALL OVER

The following items were called:

- 8 Anti Racism Pledge Update
- 9 Domestic Abuse Act New Burdens Funding 2022/23
- 13 Implementation of a Principal Residence Policy

The following items were agreed as per the recommendations set out in the report:

- 9A Pool Passage Public Space Protection Order
- 10 Biodiversity and Nature Conservation Supplementary Planning Document
- 11 Brunswick Town Conservation Area Character Statement
- 12 Update on Conservation Area at Risk
- 14 Local Enforcement Plan and Proactive Enforcement Projects
- 15 Sports Facilities Contract Extension

5 PUBLIC INVOLVEMENT

Petitions

5.1 The Chair invited Liz Cook to present the petition on page 21 of the Agenda.

5.2 Liz Cook presented the petition '*Rethink the Skateboard and Bike Pump and Hove Lagoon.*'

5.3 The Chair gave the following response:

Thank you for the petition and for raising this issue.

As you are aware, "The Kingsway to the Sea project" is a scheme to rejuvenate West Hove Seafront, and since the idea first began in 2018, when the West Hove Forum approached the council to work on plans to develop the area, the council officers have been engaging with local residents and representatives from businesses, clubs and voluntary organisations as part of the West Hove Seafront Action Group whose involvement is continuing to help shape the scheme. I think it's important to consider all this engagement alongside your petition so that we make the decision that best reflects the needs of the city.

The proposed plans to-date have been informed by public consultation in Sept 2021. And essentially, these plans include what residents and businesses in the area have told us they would like to see.

Last month, in May, two engagement sessions gave locals an opportunity to see the plans and give their feedback through an online survey. Overall feedback is positive with 86% of respondents recognising the plans will improve the seafront and in favour of the range of facilities proposed.

An objective of the project is to create an integrated park with attractive green spaces, better biodiversity and a range of recreational facilities and improved amenities for people of all ages.

We now have an opportunity to rejuvenate and enhance these open spaces and provide something new that caters for our younger age groups.

As the demographic of West Hove has changed over recent years and there are many more families and young people in the area, we now have an opportunity to rejuvenate and enhance the open spaces and provide something new that caters for our younger age groups.

The proposed skate park, pump track and roller area are an important element of the scheme that meets the needs of younger age group. And its proposed location, next to Hove Lagoon, would link with existing family amenities such as the play park and paddling pool.

The scheme includes provision of more toilets, and the project has also brought forward the refurbishment of the WCs at Hove Lagoon which will make this a more attractive and accessible facility for all, whether people are in the skate park area or visiting the Lagoon.

Green space is a very important aspect of the scheme and current plans demonstrate this. The scheme includes designated green spaces for people to meet, picnic, exercise and play, and regarding provision for dogs, dog walking would be welcome across the majority of the park (except play and the specific sports areas). And it's worth noting that there are also adjacent dog friendly beaches available all year-round

We will continue to engage with local groups and there will be an opportunity for further consultation as part of the planning process and you may wish to make comments on the planning application when this is published, but I'm confident we can achieve a good balance for all.

RESOLVED: The Committee agreed to note the petition.

Written Questions

5.4 The Chair invited Ruth Farnell to put the question to Committee.

5.5 Ruth Farnell asked the question regarding Equality Impact Assessments.

5.6 The Chair gave the following response:

Equality Impact Assessments (EIA) were completed by Brighton and Hove City Council, East Sussex County Council and West Sussex County Council for the Pan Sussex Strategy for Domestic Abuse Accommodation and Support 2021- 2024 and have not been published. This was an oversight and Officers will rectify this omission and ensure that the BHCC EIA is published on our webpages.

5.7 The Chair invited Nicola Benge to put the question to Committee.

5.8 Nicola Benge asked the question regarding Refuge Accommodation.

5.9 The Chair gave the following response:

Thank you for the question. Councillors have been informed that there is a dedicated manager available at the refuge during the week. Additional management support is also available via the extended Stonewater management team.

Council officers are aware that one flat was without heating for two days earlier in the year. However electric showers in the flats did mean that there was access to hot water. Officers were told that As soon as the refuge staff were made aware of the issue they contacted the building owner who is responsible for the maintenance to undertake the necessary repairs and that additional heating was available to the resident.

Council officers have been informed that Residents are supported to make benefit claims where required and to access GP surgeries and school admissions and that Key workers are available to residents through weekly sessions and ad hoc discussions when required. A choice of well being activities is provided for residents including Music therapy and gardening provided by RISE. RISE also work with the support workers to deliver support for women and children around their mental health and well being. As well as this additional activities are available including yoga and kick boxing which was specifically asked for by residents. A new craft club has also been established at the request of the women and there are specific activities for children.

The contract is monitored quarterly and as well as providing data, the provider meets with the commissioner each quarter to discuss any concerns with the delivery of the contract and how these can be overcome. Council Officers have recently visited the refuge and are satisfied that services are being delivered in line with the contract. Councillors have requested sight of the monitoring information for these contracts.

5.10 Nicola Benge asked a supplementary question regarding a report from the Brighton Council Cross Party Working Group looking into the 2021 Violence Against Women & Girls Commissioning process. The Chair responded that the report would be publicly available from the 7th July going to P&R.

RESOLVED: Democratic Services to email all public question responses to Nicola Benge.

5.11 The Chair invited Lesley Hammond to put the question to Committee.

5.12 Lesley Hammond asked the question regarding Domestic Abuse Support.

5.13 The Chair gave the following response:

The post has been appointed to and the postholder has been in post since 7th February 2022. The first meeting of the Lived Experience Board took place on 19th April 2022.

RESOLVED: Lesley Hammond to be sent details of the new Community Engagement Officer in post.

5.14 The Chair invited Richard Valder-Davis to put the question to Committee.

5.15 Richard Valder-Davis asked the question regarding a Storage Unit at Saltdean Beach.

5.16 The Chair gave the following response:

Thank you for attending the meeting Richard. The work you do is really important. It would depend on the specifics of what needs to be stored, but please get in contact with Please could

Mr Valder-Davis contact Toni Manuel, Seafront Development Manager directly to discuss what storage options might be available.

RESOLVED: Richard Valder-Davis to get in touch with Toni Manuel to discuss storage solutions.

6 ITEMS REFERRED FROM COUNCIL

Notice of Motion

6.1 The Chair asked the Committee to agree the actions in the cross-party Notice of Motion on page 23 of the agenda regarding Solidarity with Refugees, and the Motion was agreed.

Petitions

6.2 The Chair invited Lawrence Leather to introduce the petition starting on page 29 of the Agenda.

6.3 The Chair gave the following response:

Thank you for your petition. We've been in contact about this and other issues regarding the site and thank you for your constructive engagement on this all. We are expecting the City Plan Part Two Examination Inspector's report later this Summer but there has been no indication from the Inspector that she is looking to remove urban fringe sites from the Plan - other than the site adjacent to Horsdean Recreation Ground (which was agreed during the public hearing sessions). Legal advice is that if the council now wanted to remove urban fringe sites the entire plan would need to be withdrawn and could not be adopted. This would have the result of making all urban fringe sites far more vulnerable to unwanted levels and types of development. It would also mean the loss of all the other important policies in the new Plan that will protect and enhance the city. You can be assured, however, that if or when planning applications are brought forward on urban fringe sites – they will be required to include detailed ecological evidence that will be carefully scrutinised by officers. Further to this, I'm happy to work with you and others on taking forward proposals with the site. I therefore propose the Committee notes your petition.

RESOLVED: The petition was noted by Committee.

7 MEMBER INVOLVEMENT

Notices of Motion

7.1 The Chair invited Councillor Simson to introduce the Notice of Motion on page 31 of the Agenda, regarding Black Rock Disabled Access.

7.2 Councillor Simson introduce the Notice of Motion which was seconded by Councillor Brown.

7.3 Councillor Rainey supported the Notice of Motion, citing the 850 metre beach boardwalk which was opened earlier in 2022, as well as the plans to build a new lift linking Madeira Drive and Marine Parade. Councillor Powell also expressed her support for the Notice of Motion.

7.4 Councillor Robins raised that it is important to pay recognition to the Volunteers at Black Rock, and supported the Notice of Motion. Councillor Evans also expressed her support for the Notice of Motion.

RESOLVED: The Notice of Motion was agreed by Committee.

Written Questions

7.5 Councillor Simson asked the question on page 33 regarding Victoria Fountain.

7.6 The Chair gave the following response:

The Victoria Fountain, Old Steine is temporarily propped and has been made safe following the structural engineer HOP's condition report that identified structural problems in early 2020. There were delays to carrying out intrusive surveys due to the pandemic and HOP were commissioned to do further in-depth surveys of the structure in 2021 to be able to specify the repair works for all the specialisms associated with the repair works for the Fountain which they have been working on earlier this year. HOP have been appointed to project manage the major refurbishment and repairs required to renovate the Victoria Fountain and it is part of their brief to assess the ground conditions to ensure safe working methods on the project.

The update is that the tender package has been put together and the route to market has been agreed with Corporate Procurement. Some final information about the mechanical and electrical specification, and minor amendments to the health and safety documents, are required, but we forecast the tender going live this week. Completion of the project is expected by the end of December 2022.

The condition of the fountain cannot be fully assessed until the upper sections are craned out of position during the construction stage. There is, as a result, a potential likelihood that the works phase of the contract could extend past December and the project is of course also weather dependent.

7.7 Councillor Simson asked if members could be updated on the progress of the works – the Chair confirmed that any updates would be mentioned in Chairs Comms or briefing notes to members.

7.8 Councillor Simson asked the question on page 33 of the Agenda regarding funding for community safety.

7.9 The Chair gave the following response:

The £94k contribution from the PCC office for 2022/23 is pooled with the public health substance misuse service budget to provide the full range of substance misuse interventions including those to engage and support offenders into treatment.

The Youth Offending Service contribution from the Office of the Sussex Police Crime Commissioner is added to a pooled budget from other statutory partners including the Police and the Local Authority. This budget funds the Youth Offending Service, including the pre court and post court work with children involved in offending behaviour. The OPCC contribution was 1.5% of the total budget for the Adolescent Service in 2021/22.

The community safety contribution from the OSPCC also forms part of a pooled budget for the safer communities team and allows the service to deliver against the community safety strategy as well as funding a post in the ASB casework team.

7.10 Councillor Brown asked the question on page 33 of the Agenda regarding the Anti Racism Strategy (in place of Councillor Bagaeen).

7.11 The Chair gave the following response:

The Police was very positive about attending the Anti-Racism Community Advisory Group established by the city council to facilitate dialogue between services and communities. However, the members of the CAG prioritised their time for council services as they felt the Police already had several engagement groups with BME groups that should be used.

The council core funds the Racial Harassment Forum (RHF) which provides support to people who have experienced race/faith hate and liaises and feeds back to the Police on improving its processes and services.

The council has funded three third party community-based reporting centres. All three are now opened. There is one hosted by the RHF specifically for BME communities. Individuals can be supported to report to statutory agencies or can complete a report which can be submitted on their behalf. They may also decide that they do not wish to report to statutory agencies at all. Officers will be monitoring the success of these going forward.

7.12 Chief Superintendent Justin Burtenshaw added that the Police are heavily involved with the Council regarding the Racial Harassment Policy, and the Public Engagement Group is used to consult residents on all aspects of policing in the city.

7.13 Councillor Nemeth asked the question on page 5 of Addendum 1, regarding the Chlorine Shortage.

7.14 The Chair gave the following response:

The national and global chlorine shortage was first mentioned to me when the Sports Facilities Investment Plan Working Group Members toured the King Alfred Leisure Centre. I asked questions at the time regarding the situation and potential impact and followed up in conversations with officers. I was satisfied that Freedom Leisure were doing what they could to stockpile chlorine in containers, order as much chlorine from suppliers as could be safely stored and was also interested to learn about the planned installation of new equipment at the Prince Regent to increase resilience and enable the direct generation of the required chlorine on site. I was recently alerted to an unplanned closure of one the main chlorine generating plants in the UK which was impacting on the chemical deliveries nationwide and within Brighton & Hove. This unexpected additional issue meant that we could run out of the stored chemicals before new stocks could be delivered and after considering options, we circulated

the information via a briefing as soon as possible to keep other councillors informed. There was also a press release to keep the public informed and difficult decisions made in order to agree a priority for chlorine allocation with Freedom Leisure to prioritise keeping the main swimming pools open.

7.15 Councillor Nemeth asked the Chair how he plans to prioritise between outdoor and indoor pools. The Chair responded that numerous outdoor facilities except the Level are closed until the new Chlorine delivery at the start of July, to prioritise indoor pools.

8 ANTI RACISM PLEDGE UPDATE

8.1 Jamarl Billy introduced the report starting on page 35 of the Agenda.

8.2 Councillor Grimshaw was informed that she'd be sent the attendance numbers for the drop-in session mentioned in 3.6.3.

8.3 Councillor Simson was informed that that the £110,000 funding previously reserved for the world reimagined project would be discussed by local community groups as to how it should be spent and signed off by Emma McDermott and Rachel Sharpe as they have delegated authority for grant giving up to a certain amount.

8.4 Councillor Evans was informed that discussions are being held about including businesses and tourism in the Anti-Racist Strategy for BME people in the city. He also added that an action list would come to TECC to be signed off.

8.5 Councillor Powell thanked Jamarl Billy for his report and thanked the Community Advisory Group for their hard work. She also agreed that the World Reimagined funding should be led by the Community as to how it is spent. She added that it would be helpful to get the civic leadership programme completed as there would be an election the following year.

8.6 Councillor Osborne requested that figures be included in the next report relating to the BIPC. He was informed that Oxford Council have a good anti-racism strategy which can be viewed on their website.

RESOLVED:

- That Committee agreed to allocate available funding as set out in paragraphs 4.1 to 4.3 of this report.
- Jamarl Billy to send Cllr Grimshaw attendance numbers for the drop in session mentioned at point 3.6.3

9 DOMESTIC ABUSE ACT NEW BURDENS FUNDING 2022/23

9.1 Anne Clark introduced the report starting on page 41 of the Agenda.

9.2 The Chair invited Councillor Grimshaw to propose the Amendment on page 5 of Addendum 3, which was seconded by Councillor Evans.

9.3 Councillor Simson was informed that the Pan-Sussex Domestic Abuse Strategy had identified gaps in the service for people with complex needs, and the extra £27,000 had been allocated to that, but there were no other gaps identified.

9.4 The Committee agreed the Labour Amendment.

RESOLVED:

That Committee:

- Agree to allocate available funding as set out in paragraphs 4.1 to 4.3 of this report, *with the exception of £30,000 to the Domestic Violence and Abuse Specialist Support Service (IDVA) which should be allocated by the Executive Director Housing, Neighbourhoods and Communities following consultation with the Procurement & Social Value Working Group.*

-

10 BIODIVERSITY AND NATURE CONSERVATION SUPPLEMENTARY PLANNING DOCUMENT

There was no discussion.

11 BRUNSWICK TOWN CONSERVATION AREA CHARACTER STATEMENT

There was no discussion.

12 UPDATE ON CONSERVATION AREA AT RISK

There was no discussion.

13 IMPLEMENTATION OF A PRINCIPAL RESIDENCE POLICY

There was no discussion.

13.1 Helen Gregory introduced the report starting on page 259 of the Agenda.

13.2 The Chair invited Councillor Evans to propose the Labour Group Amendment on page 7 of the Agenda, which was seconded by Councillor Grimshaw.

13.3 Councillor Ebel raised that second homes cause massive problems for the housing market, especially if they are being used as holiday lets which cause noise disturbances – and therefore regulation is needed.

13.4 Councillor Robins was informed that data from the 2021 census hasn't been published but should be from Autumn 2022. He also emphasised that it is important to distinguish between reducing party houses and reducing second homes in general.

13.5 The Committee agreed to the amended recommendations, with the 2 Conservative Councillors voting against.

RESOLVED:

1. That Committee noted the policy option analysis in paragraphs 3.18 – 3.22 and the recommendation for a combination of Options 2 and 3 for further consideration during the city plan review, *as well as the possibility of a citywide Principal Residence Policy. All options will remain under investigation subject to the results of the 2021 Census and further analysis of up-to-date statistics.*

2. That Committee further noted that the Notice of Motion as passed at Full Council intended the Principal Residence Policy to cover all buyers purchasing properties in new developments specifically as holiday or 2nd homes and that the 15%-20% threshold discussed should therefore include these figures.

2. That Committee agreed to officers undertaking further actions set out in the report at paragraphs 3.8 in terms of further research and analysis as part of the City Plan Part 1 Review.

14 SPORTS FACILITIES CONTRACT EXTENSION

There was no discussion.

15 ITEMS REFERRED FOR FULL COUNCIL

There was no discussion.

16 SPORTS FACILITIES CONTRACT EXTENSION – EXEMPT

There was no discussion.

The meeting concluded at 6:00pm.

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Tourism, Equalities, Communities & Culture Committee

Agenda Item 21 (b)

Subject: Public Questions

Date of meeting: 15 September 2022

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by a member of the public.

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 of the public:

(1) Russell Mimms – Kayak Storage Saltdean Beach

Please can Saltdean residents put a community kayak storage rack on, or near the beach at Saltdean.

The idea is that this will ease the significant effort required to transport kayaks to the beach for local residents, and make our local beach more accessible for water sports / leisure, and thus make our lovely beach even better. Kayak racks are often seen at other beach locations around the UK.

We will fund and organise it ourselves with the help of Councillor Bridget Fishleigh.

(2) Christopher Hawtree – Full-Time Head of Libraries

For many years, we have had here a part-time Head of Libraries system. In these unprecedented times, with a need for well-stocked libraries necessary to foment social inclusion, would the Chair please tell us what steps are being taken to appoint a full-time Head of Libraries?

Brighton & Hove City Council

Tourism, Equalities, Communities & Culture Committee

Agenda Item 22

Subject: **Gender Equality**
Deputation referred from the Public Engagement meeting held on the 12 July 2022

Date of meeting: **15 September 2022**

Report of: **Executive Director for Governance, People & Resources**

Contact Officer: **Name: Anthony Soyinka**
Email: anthony.soyinka@brighton-hove.gov.uk

Ward(s) affected: **All**

1. Purpose of the report and policy context

- 1.1 To receive the following deputation which was presented at and referred from the public engagement meeting held on the 12 July 2022.

2. Recommendations

- 2.1 That the Committee responds to the deputation either by noting it or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options and writes to the deputation spokesperson setting out the committee's decision(s).

3. Context and background information

- 3.1 To receive the following deputation:

Gender Inequality in Brighton & Hove

Gender inequality is clearly a major issue internationally, nationally, but also here locally.

The disastrous US Supreme Court decision to overturn Roe v Wade has garnered a lot of international media attention, but abortion is still criminalised in England, Wales and Scotland under the Abortion Act 1967 unless specific exceptions and tests are met and abortion services are yet to be commissioned in Northern Ireland.

In the justice system, recent data shows that almost 1,800 rapes were reported in Sussex last year, but only 50 cases went to trial and only 22 men were convicted. There is so more to be done to counteract violence against women and girls (VAWG), and to stop women and girls being killed, raped or physically assaulted in their homes and on the streets. That includes rethinking how we educate our children before sending them out into the world.

In health, recent NHS data shows over a third of women in Brighton & Hove missed smear tests and cervical screenings last year, despite cervical cancer killing hundreds of women every year. This can be down to fear, lack of understanding, and NHS pressures. We need greater public health awareness to help people receive the healthcare they need.

In the economy, women and girls are disproportionately impacted by the cost-of-living crisis, the pandemic, the benefits cap and the cuts to universal credit. Extortionate childcare costs unfairly impact women, preventing many who want to work from doing so. Period poverty has escalated and there are charities providing red boxes in schools and food banks, but there is more the council can do to tackle period poverty.

What we need to see is the Council working with organisations across Brighton & Hove to set up a Gender Equality Strategy, to focus on issues such as Health, VAWG and Safety, Economic Disadvantage and Education. We need investment in public health awareness campaigns to address gender health inequalities.

We need a proper Night Time Safety Charter to support vulnerable people in our bars and clubs and streets at night. We need funding to tackle period poverty, and more places for those in need to access free sanitary products.

We need gender equality training and education in our schools, so boys are taught about patriarchy, misogyny and VAWG from a young age and the next generation of men can be better allies in the struggle for equality.

We acknowledge the positive work being done by women's organisations across the city, and we recognise and applaud their efforts. We are also proud of Brighton & Hove's reputation as an inclusive, diverse city. However, the gender inequality issues we face in this city are not just reflective of the national picture, in some areas they are acute and they are worse.

For this reason, we hope that the council will respond to this deputation in good faith, and honestly engage with the specific issues we have raised, and not try to distract by focusing on work being done in parallel areas.

Signed:

R Wilkinson

R Baylis

T Burden

B Sankey

J D Allen

P Palmano

L A Pumm

Brighton & Hove City Council

Tourism, Equalities, Communities, and Culture Committee

Agenda Item 23 (b)

Subject: Member Questions

Date of meeting: 15 September 2022

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
This Committee:

(1) Councillor Childs – Swimming for Under 18s

The Council offer free swimming to resident under 18s in the City, but in reality access is severely restricted after school due to priority being given to private swimming lessons at these times. What action will the Council take to ensure that private swimming lessons do not prevent access to under 18s after school for drop in swims and what will they do to increase open swims for under 18s in term time after school?

JUNE 2021

IMPACT OF COVID-19 ON LGBTQ COMMUNITIES OF BRIGHTON & HOVE







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EXECUTIVE SUMMARY



The Covid-19 pandemic is unique because it affects the entire population in a way very few events do. However the stark reality laid bare by the past 18 months is that the fault lines of inequality underlie even the most universal of challenges.

Before the pandemic Switchboard supported around 3000 people every year, and demand for our services has continued to rise. We are seeing people with increasingly complex needs and are supporting more people in crisis than ever.

This report makes for uncomfortable reading and confirms both national data, and our experience at Switchboard; from mental health to housing, and from drug use to job opportunities, LGBTQ people are struggling uniquely and facing many inequalities.

If we look closer, we also see that the most marginalised of LGBTQ people have struggled the most. That includes people of colour, people living in poverty, insecurely housed people, young people, people without internet access, and trans and non binary people.

Despite these stark findings, when it comes to building resilient communities we have much to learn from the LGBTQ population. The care and generosity demonstrated and received by so many of our respondents shone throughout the stories they shared with us.

While it is easy to see marginalised communities as victims or as a problem to be solved, we should ensure we value the assets, ideas and solutions that these communities bring, without which our findings would surely be far graver.

A difficult funding landscape for the voluntary community sector and statutory organisations alike can make finding a strategic approach to ending these inequalities challenging. We do, however, see many opportunities to address these challenges together as a city. We must move forward creatively, collaboratively, and with the most marginalised communities at the centre of our work and investment.

Brighton & Hove has one of the largest LGBTQ populations in Europe. For many of those who live and work here this is a point of pride. As a city we often lead the way when it comes to improving outcomes for these communities.

We have a once in a lifetime chance to emerge stronger from the pandemic. As we start to shape our city for the future, this data gives us a way to advocate for LGBTQ people in that future.

Please read it, please share it, and please use it to drive change and improvement; addressing the real and pressing challenges of Covid-19, but also as a further catalyst in reducing the pre-existing inequalities the pandemic has worsened.



Jacob Bayliss
CEO

KEY FINDINGS



of respondents felt they were depressed and 86% stressed/anxious as a result of the pandemic.

of respondents used drugs or alcohol to manage their mental health during the pandemic.

40%

"The pandemic has removed my previous support structure and isolated me from my queer community. I've felt lonelier this year than any other time in my life."



68%

of LGBTQ people felt lonely or isolated as a result of the impacts of the pandemic.

This increased to 87% of people aged 18-24 and 73% with a disability, mental or physical health condition or neurodivergence.



24%

of LGBTQ people said they could not access support when they needed it.

Factors included feeling there was no one to talk to, a home environment where they couldn't speak in case they were overheard, no appointments being available, worry about putting pressure on health services, financial barriers due to loss of income, and professional boundaries due to working in the sector.



33%

had considered suicide as a result of the impacts of the pandemic.

This rose to 68% of 18-24 age group and 43% among trans and non binary respondents.



22%

of respondents were experiencing an unsafe living situation

Rising to 60% of those aged 24 or under and 40% of trans or non-binary people



45%

of trans and non-binary respondents had enjoyed not having to navigate spaces where they felt uncomfortable or unsafe because of their identities.

Compared to 23% of all respondents.

"I have felt so lonely without the support of my friends, groups or people. It's not the same without being able to gather in one place, even a park has been out of bounds. I have been cruising as it's the only place to feel I am 'with' other gay men and see some happy gay faces and safely pass the time of day with other gay men. The loss of this feels like going back 40 years."



ABOUT US



Our Vision

Our Vision is an inclusive and diverse society in which all LGBTQ people can realise their own unique potential.

Our Mission

Our Mission, as a charity run by and for LGBTQ people is to work to understand and respond to the needs of all LGBTQ+ communities.

Our Story

Switchboard has been listening to, supporting & connecting LGBTQ people in Sussex since 1975. We focus on the health and wellbeing of multiply marginalised communities. As well as our volunteer-led helpline we deliver 10 other services across Sussex, including dementia support, bereavement support, social prescribing, older peoples and disability projects, and trans specific services.

Our Health & Inclusion Project supports and informs organisations to better involve and affirm LGBTQ people in what they do; working for better access, experiences and outcomes for the communities we serve.



BACKGROUND

Switchboard were commissioned by Sussex NHS Commissioners and Brighton and Hove City Council to explore the experience of the LGBTQ community through the Covid-19 pandemic in order to inform and influence priorities for the 'recovery period'.

The pandemic has exacerbated inequalities across socio-economic status, education, age, gender, ethnicity and geography across all of society, and this intersects with the longstanding inequalities we know already that LGBTQ people face.

The Institute of Fiscal Studies (IFS) has stressed that the impact of Covid-19 will emphasise inequalities across a range of life domains. People of colour will be hardest hit economically with young people, lower paid people and women being challenged most by business closure. People with disabilities, older people and people with long term health conditions are not only impacted most by Covid-19 itself but by the national lockdown.

There is mounting national evidence that LGBTQ people have been profoundly impacted across a range of aspects of life and wellbeing, with multiple marginalised groups being particularly impacted.

While this report focuses on the key issues and areas of need faced by LGBTQ communities and businesses, we also found throughout this research a great deal of resilience, informal networks of support, and community assets that have proven hugely valuable and effective during the Covid-19 crisis.





The survey was open to people who lived, worked or studied in Brighton & Hove and identified as LGBTQ. A total of 595 people responded during March and April 2021

We wished to explore the general health and wellbeing of the community during the pandemic but there were also key areas that we were asked to research by Brighton & Hove City Council and Brighton and Hove NHS Clinical Commissioning Group (CCG).

These included:

- Impact on mental health
- Access to health services and telehealth
- Housing
- Vaccination attitudes and uptake
- Impact on LGBTQ business and community sector



We asked 26 questions plus demographic data. We offered respondents entry into a prize draw, and people were also asked if they would be happy to be contacted for further interviews or focus groups. It was acknowledged that reflecting on the past year could be difficult for some and resources for support were given.



We used our existing networks across the city, including our own online reach and projects, as well as local trusts, local authority networks and large local businesses with LGBTQ Networks such as Govia Thameslink Railway, AMEX, and Bupa.

We would like to thank all of the organisations and individuals who shared and responded to our survey, and particular thanks to those who then gave further time to focus groups and interviews.

We'd also like to thank our funders, Brighton & Hove City Council and Brighton and Hove CCG.

74% of all LGBTQ people
92% of 18-24s,
81% of trans and non binary people, and
81% of disabled and neurodivergent people
told us they experienced depression during lockdown.

33% of all respondents had considered suicide, rising to 68% of 18-24s,
43% amongst trans and non-binary people and 41% amongst people of
colour.

24% of people could not access support when they needed it, rising to
35% of trans and non binary respondents.

In the recent Just Like Us study 68% of young people said their mental
health worsened in Covid-19 compared to 49% of their peers.

*"It's ripped my heart out, I have lost myself in anxiety and become
deeply mentally unwell like I haven't been in twenty years. Without
[LGBTQ] community support I am in crisis"*

*"Being in a home where I constantly get dead named and
misgendered has made my gender dysphoria much worse, affecting
my mental health as I haven't been able to reach out to friends as I
normally do"*

*"I have had increased periods of destabilisation in terms of mood.
My PTSD symptoms have increased since the therapy I was having
stopped and has been on pause since the beginning of the
pandemic. I have had two periods of Crisis Intervention in the last
eight months and one brief hospital admission."*



ACCESSING SUPPORT



8% of respondents contacted an emergency helpline rising to 15% of trans and non binary people. 27% contacted their GP or NHS Mental Health Services with 25% starting or continuing with medication, and 25% with counselling.

53% of respondents thought the NHS priority should be mental health. The importance of choice with online and face to face support was important to many of the respondents. Many people commented that counselling by Zoom was not as effective or they felt unable to talk about their feelings over video, whilst some felt they had been able to access more support because of the move online.



There was a desire for greater availability of counselling and transparency about waiting times. A large number of people raised the issue of the need for more long term counselling than many services provide, particularly trans and non-binary people, especially related to survivorship and PTSD.

Accessing support was explored within focus groups with suggestions of more explicit information about LGBTQ affirmative services available and that shared values and perspectives with the therapist was important.

Only 8% of people contacted LGBTQ charities. Reasons given for not contacting were people worried they were needed for those worse off than them or they did not know about them.

Organisations positively mentioned were Arch Healthcare, the NHS Mental Health Crisis Team, MindOut, Mind, The Clare Project, Switchboard and Trans Survivors Project, Samaritans, Cruse, University or Employee Assistance programmes.

"I have contacted 3 places for mental health support on the suggestion of my GP, the first suggested I contact the second instead, the second it turned out did not actually provide mental health support and suggested the third. I am now waiting for an appointment with the third. The process has taken around 6 months so far"

MENTAL HEALTH



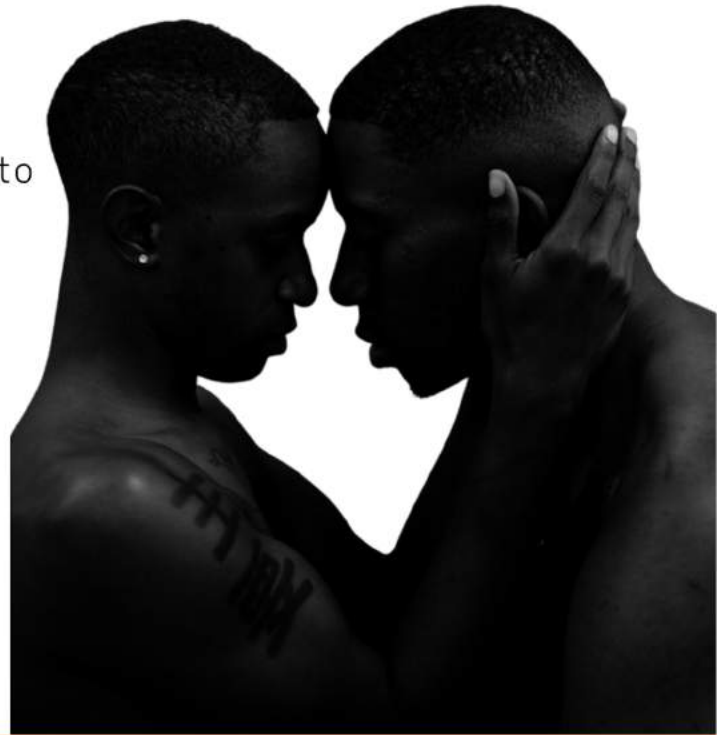
Despite many people struggling, lockdown measures also contributed to some positive outcomes for mental health and wellbeing.

23% of people had enjoyed not having to navigate spaces where they felt uncomfortable or unsafe because of their identities, rising to 45% of trans and non-binary respondents.

33% of people stated their mood improved during lockdown. This could be attributed to other positive outcomes such as spending more quality time with their household (34%), enjoying working from home (40%) and not commuting (41%).

35% felt that lockdown meant they had paid closer attention to their mental health, had time to reflect on their gender or sexuality and/or spend time doing positive activities.

Less time in public has meant less public toilet/changing room decisions.



One interviewee was severely mentally ill and had to be admitted nearly 40 miles away in order to have access to gender neutral toilets. They also felt unsafe due to experiencing transphobia from other unwell patients.

The pandemic has had a massive impact on the mental health of the population as a whole, however our survey reflects the national picture from multiple organisations that LGBTQ communities have been profoundly affected.

The Queerantime study found particularly high levels of stress and depression in the younger, trans and gender diverse respondents and there is evidence that minority stress is a key factor.



LGBT people get a lot of our resilience from each other, whether that is at venues or by gathering with chosen family. Without our communities many of us don't have another person to look out for us, to notice when we are struggling or to offer support."

"I'm a teacher and think our LGBTQ students have struggled without the peer support that school and their friends/teachers offer. I can only imagine that is also true of the wider community"

DURING THE COVID-19 PANDEMIC

(THIS IS THE USE OF PHONE OR VIDEO FOR HEALTH APPOINTMENTS)

75% of respondents had accessed telehealth during the pandemic. Those who were disappointed with consultations cited the inability to articulate a physical conditions, not feeling listened to or feeling rushed, inadequate phone signal or a lack of privacy/safety.

Some preferred phone or video as it saved time, avoided travel and felt less intimidating

26% of people of colour preferred consultations by email/text/phone compared to 8% of other respondents

On average people felt 64% able to explain the issue that was concerning them.



Did the consultation achieve what you hoped?



19% No
44% Yes
37% Somewhat

What's your preference for consultations?



3% Text
32% A Mix
53% In person
5% Don't Mind
7% Phone/ Video

"I should just be able to see my consultant by a phone call, take myself to get my bloods - if there is a problem they will get a flag and call me. This happened because of the pandemic. I would add a facility to text photos of rashes"

"It was harder to communicate how I was feeling without the visual cues. It's been more challenging to access support virtually, especially as i'm moderately deaf. It's been hard to access mental health support and has led to me only getting support when it is nearly too late"

"I actually liked it better, I'm always nervous with health professionals and feel intimidated, so for me this was a much more relaxing a system"

"Seeing the counsellor remotely wasn't helpful. I wasn't feeling comfortable discussing my problems from home where other people may overhear what I say."





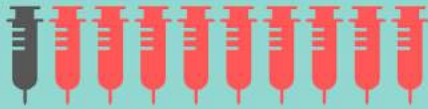
"I think the implications Covid has had for GLC waiting lists and trans healthcare have been enormous."

"I have noticed far more trans people needing to crowdfund for surgeries and almost everyone I know (trans) has had their appointments pushed back more than once"

LGBTQ+ ATTITUDES & UPTAKE OF COVID-19 VACCINATION



98% of respondents had either had or were happy to have the Covid-19 vaccine




"My lovely vaccinator had a rainbow lanyard!"

There were no reasons given for not having the vaccine related to sexual orientation or gender identity.

Second Vaccination  **95%**

Of those vaccinated 95% received or would be receiving their second dose. Reasons given for not having it were side effects, allergy and pregnancy.

 **17%** of trans or non-binary people were misgendered or addressed incorrectly during their vaccination.

The majority of people were extremely complimentary about their experience of receiving the vaccine.

Some respondents cited difficulty making or getting to the appointment and insufficient information about the vaccine, while others were anxious about the risks of getting Covid-19 on their way to or at the appointment.

"I can't be more complimentary of the NHS staff and volunteers running the venue."





SUBSTANCE USE



Previous national research by Stonewall and YouGOV. has shown that LGBTQ people are more likely to drink alcohol every day and to take illicit drugs.

40% of all respondents used alcohol or drugs to support their mental health. and this increased to:

50% of 18-24 year olds

49% of people who reported having a mental health condition

47% of trans and non-binary people.

13% reported worsening of an addiction and this increased to:

29% of 18-24 year olds

28% people of colour

18% of trans and non binary people.

"Employment sector (arts/culture) in continuous rolling crisis - lost my place in the world for a while and coped with daily/daytime cannabis & wine - unhealthy behaviours. First proper experience of mental health issues and so far not sought professional support."

RELATIONSHIPS, FAMILIES AND SEXUAL HEALTH



34% of people had experienced grief or loss of a loved one with many not knowing where to access LGBTQ affirmative services.

"The rise in domestic abuse disproportionately affects all women (particularly trans and bi women) and gay men. It took a long time for the gov't to acknowledge that the home is not the safest place for many people"

14% felt less able to manage their sexual health.

4% of respondents reported being unable to access PrEP or PEP.

2% had taken part in more chemsex while 1% had taken part in less.

"Often LGBT people aren't in traditional family groups or have strained relationships with family. This has led to more isolation during lockdown"

27% experienced relationship issues with an established partner and felt there was nowhere to access support for queer couples

5% had experienced domestic abuse

"I took the option to come off prep temporarily and avoided meeting guys but when I felt it was safe to resume sexual activity I was still unable to get a routine sexual health checkup"

A national study reported that many were unaware that PrEP and PEP could be obtained from GUM services or A&E during lockdown. Others chose not to access it there for fear of discrimination, and many stopped event based PrEP during lockdown.

"I've been told [PREP is] available now, but can't seem to find where to access it..."



"The LGBTIQ community needs to talk more about loss, dying, dignity and ageing."

We have no plans for social care in old age as a community and we are going to be left vulnerable.

It is a fear I hold deeply. Who will wash my trans body when I am old?

What if my partner dies before me?

Losing people over Covid made me starkly aware of how desperately unprepared I am to cope with grief and ageing."





"We moved to Brighton to be in a city we knew was very gay-friendly and had a huge community of lesbian mums, schools etc. We have been hugely affected by not having safe spaces and lgbt community spaces to be in. I have felt the huge loss of meeting with other mothers and lgbt families all year. It feels like a form of grief. Only knowing that it would eventually change has made the loss bearable. We have a lot of rebuilding to do, and not just entertainment venues, but places for all types of lgbt people to meet and socialise. Community means meeting other people and sharing a bit of ourselves."

27% of 18-24 people reported having to return to living with families. Many were in the closet or experiencing bi/homo/transphobia

7% of LGBTQ parents and young people had experienced challenges with home schooling

LGBTQ parents identified they and their children missed the support of meeting other queer families.



"I was forced back to my parents' house ... which greatly worsened my depression, anxiety and PTSD.... put into emergency accommodation after deeming my parents' place an unsafe living situation. Being homeless and living in a damp dark basement with black mould for 4 months did bad things for my mental health, and it is only now I have found a private rented, safe place to live that I am starting to be able to recover. However, my PTSD has increased significantly."

60% of young people were experiencing an unsafe living situation

including bi/homo/transphobia in the home, worry about becoming homeless or had been made homeless during the pandemic. This was the case for 43% of trans/non binary people and compared to 22% of all respondents.



Akt (formally Albert Kennedy Trust) found that 61% of young people feared their families, or were threatened or abused by family before becoming homeless. This included emotional, physical and sexual abuse by family members or romantic partners.

The high prevalence of LGBTQ homelessness is often invisible, with few services collecting data about sexual orientation or trans status. LGBTQ people (particularly trans, disabled and/or people of colour) are less likely to go to local authorities for assistance, fearing discrimination. Additionally, many LGBTQ people feel vulnerable in social or supported housing.

"I have ended up in an unsafe environment at homophobic parents' home. I have become out of work, and continually scared and stressed out."

"I have had no indoor space to go at all other than in my homophobic parents' home. I am not even welcome there..."

"I have been unable to be in a safe environment to apply for jobs or reach for help. Phone calls have had to be made out in the rain, wind, and cold."

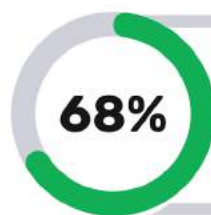
"This has all hugely affected my self-esteem and self-worth and confidence... I went from being super happy and confident in life and work to this awful situation."



"As an older LGBTQ+ person it has made me really think about future living.

Many of us now live alone and want to remain independent in later life.

The pandemic has highlighted a need to know that there might be a housing opportunity for the older LGBTQ+ community"



of LGBTQ people felt lonely or isolated during the pandemic rising to 87% of those aged 18-24, 73% of people with a disability, 72% of trans/non-binary people and 72% for people of colour.



There were numerous comments about missing the positive impact of local LGBTQ choirs, churches and sports groups.

"I feel part of my identity is gone, and i can't celebrate being me, or meet with anyone like me. I know i am lucky as many people have had a terrible time during the pandemic, but not having any space to be me, to be gay, with other gay people feels crushing."



79%

Impacted by LGBTQ community events not taking place

This rose to 89% of trans and non binary respondents. Events such as Pride, Trans Pride and Bears Weekend remain really important to local LGBTQ+ communities.



74%

Impacted by not being able to attend LGBTQ specific entertainment such as comedy and theatre



40%

Impacted by being unable to access LGBTQ specific sport.

This rose to 53% of trans and non binary respondents.

THE IMPORTANCE OF HAVING SHARED LGBTQ COMMUNITY SPACES AND EVENTS WAS A STRONG THEME IN THE SURVEY.

 **72%**

Were impacted by not being able to go to LGBTQ venues such as pubs and clubs

Several of these venues have now closed during the pandemic

"Spaces that are accessible and appropriate for LGBTQ disabled people - for socialising rather than support. Wholesome daytime activities that don't involve alcohol and loud noise. I've developed a long term health condition this year and I'm struggling to see a place for myself in the LGBTQ community now that bars and clubs are too overwhelming and I know a lot of people who feel the same - whether they be neurodivergent, chronically ill or in other ways disabled."

 **30%**

Identified a need for non-alcoholic LGBTQ space such as cafes, accessible spaces and family space

 **75%**

Accessible community venues and events are essential, many commented that there are very few in the city.

Of respondents told us that they had a physical impairment or mobility issues, a physical/mental health diagnosis, neurodivergence, or were living with a long term condition.





IN SPITE OF ALL THE CHALLENGES THERE WERE SO MANY EXAMPLES OF RESILIENCE AND CONCERN FOR EACH OTHER WITHIN THE LGBTQ COMMUNITY.

"My mental health got to crisis level, so I had to address it and began crisis counselling. I have made good progress and have more control over my addictions that flared in the first lock down and my mental health is improving because of the concerted effort I have been making"

"A real roller coaster of emotions, even day to day. Sometimes doing ok, coping and surviving, other times very low mood, despair, fear, anxiety, hopelessness. Somehow managing to keep it all from spiraling. Using skills I've learned re mental health management- exercise, doing fun things, getting in the fresh air"

"My wife and I went through IVF in November and I successfully got pregnant on our first try so this has been a really wonderful and positive time for us despite the pandemic."

52% told us they were able to speak to family and friends for support.

"Local charity Trans Can Sport has been an amazing support."

"We had our first picnic together last weekend. Just the joy of being in a public space with other same sex parents was energising."

"I have been supporting unpaid carers in an LGBTQ peer support group. We started the group due to the acute isolation that some were feeling during the pandemic"

"Our house is daily pride, we have flags and lights up and each Sunday we have a 'pride march' around the garden, just to share with friends on Zoom, some silly time."



"It's so needed to feel part of something bigger."

We moved here for the sense of being with others like us, we so miss that meeting up with others like us.

To be LGBT is to be part of something bigger."



It is difficult to ascertain whether businesses owned or frequented by LGBTQ people have been disproportionately affected as this specific data is not currently collected. We know some LGBTQ businesses have applied for and received financial support, administered by Brighton & Hove City Council.

32% of all respondents reported loss of earnings rising to 38% for people of colour and 37% of people aged 18-24 .

12% of all respondents had lost their job rising to 18% of non binary people and 13% of women compared with 9% of men.

Many charities rely on funding from businesses and organisations such as Pride for keeping services running. Pride estimate that there was a reduction in money raised by them in excess of £186000 in 2020.

Fundraising events have been cancelled and at least 5 LGBTQ charities have needed to access additional grants from the council.

"I have enjoyed working from home to some extent... and although I saved money I also lost my job and all my self-employed earnings so I lost more money than I saved."

"Job market is awful, making trying to find work as a gay trans person with a foreign name even harder :("

"I work at a zero hours contract and have been given no shifts since March 2020. I was on furlough until October 2020 when my employer took me off furlough without telling me. This has caused a lot of stress and uncertainty".

"I know many, many LGBT creatives who have lost jobs or been forced to move out of the area due to the financial impact of Covid-19."



We already knew from national studies that LGBTQ people have poorer outcomes in many of the key areas identified throughout this report and that their needs are not widely understood. This consultation, however, has helped us to understand that the pandemic has exacerbated inequalities and highlighted the unique challenges which LGBTQ people face. Discrimination or fear of discrimination leads to poorer outcomes and experiences across LGBTQ communities, particularly for young people, trans and non binary people, and people of colour.

Respondents were generous with sharing their experiences, but also their ideas about what's needed to reduce these inequalities at a local level.

Communities Called For:

- 1** Increased access to timely LGBTQ+ affirming mental health support.
- 2** Provision of safe housing for LGBTQ people in unsafe or insecure living situations, such as homophobic or transphobic environments or domestic abuse.
- 3** Access to gender affirming care for trans and non-binary people.
- 4** Support for LGBTQ venues in recognition of their importance as a protective factor in peoples health and wellbeing - reducing social isolation and fostering informal community support.
- 5** Provision of LGBTQ affirmative support around specific issues such as grief and loss, relationships, ageing, and disability, from Switchboard and other community organisations.

DEMOGRAPHICS



595 people completed our survey, 100% of respondents lived, worked or socialised within the city of Brighton & Hove.

SEXUAL ORIENTATION

22% identified as lesbian
40% identified as gay
20% identified as queer
19% identified as bisexual
14% identified in another way including asexual, pansexual or unsure
1% identified as heterosexual

ETHNIC BACKGROUND

Asian/Asian British - Chinese 0.20%
Asian/Asian British - Indian 0.80%
Asian/Asian British - Other Asian background 0.40%
Asian/Asian British - Pakistani 0.20%
Black/Black British - African 1.0%
Black/Black British - Caribbean 0.60%
Black/Black British - Other Black background 0.20%
Mixed - White and Asian 1.0%
Mixed - White and Black African 0.2%
Mixed - White and Black Caribbean 0.6%
Mixed - Other Mixed background 1.41%
Other Ethnic Group - Arab 0.40%
Other Ethnic Group - Turkish 0.20%
White - British 71.69%
White - European 11.65%
White - Irish 5.42%
White - Gypsy/Traveller 0.60%
White - Other white background 4.82%
Preferred to self describe - 1.81%

We use the term people of colour when referring to people of Asian, Black, Mixed Asian and Mixed Black ethnicity.

GENDER

44% identified as a man
37% identified as a woman
13% identified as non-binary
6% identified in another way

22% were trans
1% had an intersex variation

AGE

12% were aged 18-24
27% were aged 25-34
23% were aged 35-44
20% were aged 45-54
12% were aged 55 - 64
6% were aged over 65

DISABILITY & HEALTH

31% had a long-term illness or health condition
51% had a mental health condition
21% were neurodivergent
10% had physical impairment or mobility issues
8% had a social or communication condition
10% had a specific learning condition
7% have visual or hearing issues



This data represents 595 voices that were able to talk to us. We know there are many more that still need to be heard and are committed to amplifying those whenever we can. We would encourage further engagement both at Switchboard and elsewhere with LGBTQ young people, people of colour, and older people.

BIBLIOGRAPHY & FURTHER READING



To support you with wider reading around the issues raised in our report we recommend visiting some of these sources:

- Akt 2021 The LGBTQ+ Youth Homelessness Report Available at: www.akt.org.uk/report
- LGBT in Britain Health Report Available at: Stonewall.org.uk
- COVID-19 and Inequalities Report, Blundell - 2020 - Fiscal Studies the journal of applied economics Vol 41 issue 291-319.
- What Are LGBT+ Inequalities in Health and Social Support—Why Should We Tackle Them? Available at: doi.org/10.3390/ijerph18073612
- Growing Up LGBTQ+ Just Like Us available at justlikeus.org
- The mental health and experiences of discrimination of LGBTQ+ people during the COVID-19 pandemic: Initial findings from the Queerantime Study, Available at: medrxiv.org
- Hidden Figures: LGBT Health Inequalities in the UK, LGBT Foundation Available at: lgbt.foundation/hiddenfigures
- Hidden Figures: The Impact of the Covid-19 Pandemic on LGBT Communities in the UK. Available at lgbt.foundation/hiddenfigures
- LGBT Hero 2021 LGBTQ+ Lockdown Wellbeing Report: One Year On. Available at LGBTQ+ Lockdown Wellbeing Report 2021 | One Year On | LGBT HERO



BIBLIOGRAPHY & FURTHER READING



- 'The mental health of lesbian, gay and bisexual adults compared with heterosexual adults: results of two nationally representative English household probability samples'. Available at: doi.org/10.1017/S0033291721000052
- The disparities in health and social care experienced by LGBT people. Available at: publications.parliament.uk/pa/cm201919/cms/elect/cmwomeq/94/9405.htm#_idTextAnchor012
- Queering Public Space. Available at: arup.com/perspectives/publications/research/section/queering-public-space
- Mental Health. Count Me In Too: LGBT Lives in Brighton & Hove. Available at: cpb-eu-w2.wpmucdn.com/blogs.brighton.ac.uk/dist/2/6377/files/2019/12/CMIT_MentalHealth_Report_May08.pdf
- How Covid-19 has exacerbated LGBTQ+ health inequalities. Article available at www.bmj.com/content/bmj/372/bmj.m4828.full.pdf
- No Place Like Home. Houseproud/University of Surrey. Available at: www.clarionhg.com/media/1745/no-place-like-home-final.pdf



"Give us the tools to 'build back better' ourselves and to think about new ways of using space, outdoor space and unusual & unused space for communities.

Clear away red tape, make it easy for groups to get space and make it work for everyone.

We need gay family space, space for older women, space for trans people, space for people of colour, space for HIV groups, there is great need.

The council should do what it does well; enable local communities to do what they do well."

Switchboard



Connecting you to LGBTQ support



Contact Us: info@switchboard.org.uk



Follow us @LGBTSwitchboard



To find out more, donate, or sign up to our newsletter visit: www.switchboard.org.uk



Author: Jane Woodhull, RGN
Health and Inclusion Coordinator

Switchboard, Community Base, 112 Queens Road, Brighton
BN1 3XG | Charity No. 1088133

Subject:		Anti-Racism pledge update	
Date of Meeting:		15th Sept 2022	
Report of:		Executive Director Housing, Neighbourhoods, Communities	
Contact Officer:	Name:	Jamarl Billy	Tel: 01273 291952
	Email:	Jamarl.billy@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The initial report on actions being taken by the council towards becoming an anti-racist council was presented at TECC committee on 29th July 2020 and an update was presented on 19th November 2020. At this meeting officers were instructed to provide brief updates as a standing item at every TECC committee meeting. This report provides an update on actions since the last progress report to TECC committee.

2. RECOMMENDATIONS:

- 2.1 That committee note the report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The report to TECC Committee on 19th November 2020 and all subsequent reports contain the full background and details of actions taken up to the last TECC committee meeting and this report should be read in that context.

- 3.2 Updates are noted where specific activities or progress has been made.

3.3 Anti Racism Strategy Document

- 3.3.1 The council's Anti Racist Strategy document is now being developed. The aim of the strategy is to highlight the anti racism work being undertaken across the council, and to provide a clear action plan for the next steps to take. The strategy will use local data, national data and information gleaned from community engagement to identify the next set of actions. Internal engagement with teams and services across the council is underway. These discussions focus on embedding anti racist best practice into the service. Additionally, a focus group for external stakeholders has been planned for October. Up to £5,000 of funding has been allocated to support engagement around the anti racism strategy.

3.4 Civic Leadership Programme

- 3.4.1 £53,000 has been confirmed for the Civic Leadership Programme. Operation Black Vote (OBV) has been selected to deliver the programme based on a track record of successful delivery elsewhere in the country. The aim is to support a cohort of 30 Black & Racially Minoritised residents through the programme, to encourage future uptake from BME communities of leadership and decision-making roles in the political sphere and other public bodies. OBV plan to begin preparation for the programme in October 2022. This will include engaging with organisations in Brighton & Hove that represent Black & Racially Minoritised Communities. They plan to promote and recruit participants in early 2023, with the full programme launching in spring. The programme aims to include observations and shadowing of various council roles, learning seminars and a graduation ceremony. The programme is due to be completed in November 2023, with an evaluation report produced in January 2024.

3.5 Business & Intellectual Property Centre

- 3.5.1 The Business & Intellectual Property Centre (BIPC) is based in Jubilee Library and formally launched by the Council this year. It is a service dedicated to supporting entrepreneurs at every stage of their business journey. Although the service is not exclusively for Black & Racially Minoritised entrepreneurs, they have specific anti-racism targets from the British Library. BME engagement target for 2022-23 is 14% (up from last year's 11%). The BIPC outperformed the target set for 2021-22, with our end of year BME engagement result as 16%. Officers expect to outperform 2022-23 targets.

3.6 Engagement with Communities

- 3.6.1 The tenth meeting of the Anti Racism Community Advisory Group was held on 7th June. The meeting was focused on the council's Third Sector Commission (TSC) and its Communities Fund and how it could better support the BME community and voluntary sector. It predominantly explored the issues and barriers for BME groups accessing the Commission and learning to be taken forward into the next iteration of the Commission.
- 3.6.2 The council's Equality, Diversity & Inclusion Officer leading with BME communities continues to maintain working relationships with key voluntary sector stakeholders. Alongside direct outreach to community groups, the officer produces a monthly bulletin to BME groups in the city. The aims of the bulletin are to share information about the council with specific BME groups who may otherwise not be reached, share events and opportunities available in the city and facilitate networking between groups. Feedback from the bulletin has been very positive, with many recipients expressing their gratitude for circulating culturally relevant opportunities and information.
- 3.6.3 Funding was granted to four community groups to enable community led discussions about their experiences of racism and racial inequality. Community groups brought their members together between March and July to discuss how racism affects specific ethnicities differently and what the next steps are in tackling racism. The groups that were funded are Black Anti Racism Community Organisation (BARCO), Bridging Change, Sussex Indian Punjabi Society (SIPS)

and Socially Engaged Art Salon (SEAS). These groups have now successfully completed their activities.

- 3.6.4 Funding of £10,000 has been allocated to engage with BME communities around the topic of the covid vaccine, covid recovery and public health. This funding has been made available via the Department for Levelling Up Housing and Communities (DLUHC) and is part of a wider neighbourhoods and communities engagement project around covid vaccine. The groups that have been funded are: Bridging Change, Sussex Indian Punjabi Society, the Old Boat Community Centre, Hangleton and Knoll Project Multicultural Women's Group and the Chinese Educational Development Project. Activities took place between May and September, with most groups having now delivered their activities. We are expecting all activities to be completed and reported on shortly.

3.7 BME Community and Voluntary Sector

- 3.7.1 The second application deadline for the Communities Fund, the council's annual CVS grants programme, passed on 8th July. In total 33 bids were received, with 6 applications from organisations that serve Black & Racially Minoritised communities. This equates to 18% of overall applications received. Groups applied for a total of £38,387. Applications are currently being appraised and community groups will be informed of the outcome of their bids late September/early October.
- 3.7.2 £110,000 has been reallocated from The World Reimagined (TWR) funding to strengthen the BME community and voluntary sector. How to best utilise this funding was discussed at the most recent meeting of the Anti Racist Community Advisory Group (see 3.6.1). A small part of the funding will be used to work with a local BME-led consultancy that will engage with BME communities to generate a more nuanced understanding of what model of infrastructure support would best serve the city's Black & Racially Minoritised community voluntary sector, and how the remaining funding could be used to have the greatest impact. This initial engagement is to ensure Black & Racially Minoritised communities are involved at the early stages of decision making regarding TWR reallocated funding. This will make the use of the funding more efficient when a decision is agreed on. Officers are currently reviewing a proposal from an external consultancy and the aim is to start the project in early October.
- 3.7.3 An Anti-Racism Project Officer will also be employed on a fixed term basis to support the infrastructure project. This will include but will not be limited to the following: establishing and convening a task and finish group of BME organisations to provide direction and oversight; contract managing the external consultancy to carry out the research project on the needs of, and investment into, the BME CVS; producing a recommendation report on investment into the BME CVS for Brighton & Hove Anti-Racism Community Advisory Group (CAG), Brighton & Hove City Council (BHCC) senior management and BHCC Members Advisory Group for consideration.

3.8 Council Workforce & Fair & Inclusive Action Plan (FIAP)

- 3.8.1 The 6-month Diverse Talent Programme pilot has now been completed. The programme was set up to support BME staff with personal and professional

development, increasing confidence to progress in their careers and to overcome barriers in accessing opportunities and gaining promotion. It was established in response to council workforce data which shows that BME staff are under-represented in roles grades SO1/2 and above. 16 staff members who were in grades 3-6 and identified as Black or Racially Minoritised took part in the programme after being successful in their application. Their application included a statement outlining their motivation for the role and a supporting statement from their manager. Staff involved in the programme were assigned a sponsor from a pool of senior staff members that had applied. All sponsors were in management positions, including Executive Directors, Assistant Directors and Heads of Service. Participants remain in contact with their sponsors and continue to engage in shadowing or similar opportunities where possible. There was a celebration event on September 13th, with feedback and evaluation of project to follow shortly afterwards.

3.8.2 The HR Diversity Recruitment Consultant continues to run fortnightly inclusive recruitment surgeries to offer timely advice to recruitment managers such as developing inclusive shortlisting questions, promotion of roles on social media and inclusive advert writing. Since the inception of these sessions, 32 managers have attended the inclusive recruitment surgeries. This breaks down as 23 during 2021-22, and 9 so far in 2022-23.

3.8.3 Our HR Diversity Recruitment Consultant also works with partners including Trust for Developing Communities and the Adult Education Hub to deliver 'Insight into Working at the Council' sessions for community members. To date, 132 people have attended these sessions.

3.8.4 More detailed information about the council's workforce and the Fair & Inclusive Action Plan can be found in the Workforce Equalities Report 2020-21 that was presented to Policy & Resources Committee on 24th March 2022.

3.9 Our Legacy

3.9.1 Discussions are taking place with community stakeholders about the next phase of engagement around the 'Our Legacy' project. This is to build on the work the council undertook to officially rename its new temporary accommodation on Hartington Rd Manoj House. The focus is ensuring community groups and BME residents are involved from the start in choosing the next piece of work to prioritise regarding the colonial legacy of the city. The council are working with Urban Flo, a Black led creative arts organisation, to deliver a round of engagement with Black & Racially Minoritised residents. Online promotion of the engagement is due to begin in September and an open call will be going out to local Black & Minoritised artists to design a logo for the project. A launch event is planned for October to coincide with Black History Month.

3.10 Emergency Food

3.10.1 The council has allocated funding of £15,000 for an exploratory piece of research on the emergency food access needs of Black, Asian and Minority ethnic communities and Refugees & Asylum Seekers. The Commission aims to reduce

inequality and address immediate concerns about malnutrition, health and well being. This funding has now been granted to Brighton & Hove Food Partnership and Bridging Change, who will be collaborating to deliver the outcomes of the research. Together, these two community organisations will provide research and feedback about the different communities access needs, best practise by providers in meeting needs, and recommendations on strengthening organisations providing support. This will supplement our current understanding of the city's food needs. We expect to identify initial findings by the end of October.

3.11 Community Safety

3.11.1 The council has partnered with the Racial Harassment Forum to provide a Third-Party Reporting Centre. Launching in May 2022, this service has been commissioned by the council in response to national and local feedback that informs us that those from Black & Racially Minoritised backgrounds may be less likely to report racist incidents directly to the police or local authorities. Therefore, this new service ensures that Black and Racially Minoritised residents can report racism directly to a BME led community organisation. This service is being promoted with flyers, posters at community centres, emails via various council and community networks, social media, and word of mouth via community engagement. A formal engagement event was held on Wednesday 7th September.

3.12 Education

3.12.1 The Anti Racist Education Advisor continues to work closely with schools to inform anti racist best practice in education. A termly newsletter is distributed to educators in Brighton & Hove to inform of updates of the work, news, and opportunities. The latest newsletter included information about racial literacy training opportunities for education workers, unconscious bias training opportunities for governors and an overview of work in the previous terms, among other topics.

3.13 Adult Education Hub

3.13.1 The Adult Education Hub continues to provides courses and education opportunities for adults and has a particular focus on ensuring people with lived experience of racism have access to education. So far the Adult Education Hub has had many people from different backgrounds use the service including residents from the Black diaspora, Syrian residents, Iranian, Afghani & Hong Kongese residents.

3.14 Social Care

3.14.1 In Children's Safeguarding & Care, the anti-racist project board continues to meet on a monthly basis, after its establishment in late 2019. The project was set up following an audit of our work with families from Black and minoritised communities and feedback regarding staff experiences. The aims of the project are: to support the development of an anti-racist organisational culture and anti-racist social work practise; to identify, challenge and tackle racism; to support an improvement in the experience of staff from Black and minoritised communities so that they feel that Brighton and Hove is a safe and supportive place to work; to improve social work practice with families from Black and minoritised communities, making sure that

issues around race culture and ethnicity are considered when we are assessing, supporting and recording our work with families.

3.14.2 The anti-racist project board continues to oversee an action plan based on three workstreams: supporting staff; how we work with families; and the voices of children families and carers.

3.14.3 Actions taken include providing learning events such as webinars on anti-racist practise in collaboration with the University of Sussex; reviewing our training offer around anti-racist practise; weekly practice discussions for all staff and taking steps to ensure engagement from all staff at these sessions.

3.14.4 The work of the anti-racist project board also feeds into the action plan for the Workforce Race Equality Standard for Social Care that Brighton Hove City Council (WRES) is now a part of. The WRES is a national project to improve the experience and progression of staff from Black and minoritised communities. It is being piloted in 18 local authorities across adult and children's social care. The WRES allows us to be publicly accountable for our anti-racist work as the WRES action plan is published on our website.

3.14.5 One example of how this work is making a difference is that we have seen an increase in diversity of staff in roles graded SO1/2 to M9.

3.15 Health & Care

3.15.1 In July, two council officers attended the Sussex Workforce Race Equality away day. This was an event that brought together anti-racism and EDI stakeholders from across Sussex to discuss the Sussex Integrated Care System's Anti Racist Strategy. The aim was to establish an anti racist statement and strategy that other partners across Sussex could sign up to. It was agreed that Brighton & Hove City Council would continue it's current timeline of publishing it's own Anti racism Strategy and delivering it's Fair & Inclusive Action Plan. BHCC continues to be represented in ongoing conversations about Anti-racism in Sussex healthcare at the Ethnically Diverse Workforce Network hosted by Sussex Health & Care Partnership.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The progress outlined above is on actions undertaken in response to the council's pledge to become an anti-racist council, anti-racism Notices of Motion and petitions accepted by full council/committees and previously Member agreed work under the Fair & Inclusive Action Plan.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Engagement is as outlined above in Section 3.

6. CONCLUSION

6.1 TECC committee requested a standing item on every agenda updating on progress towards the council's anti-racism commitments.

- 6.2 This report updates on progress and the contents are for Members to note.

7. FINANCIAL & OTHER IMPLICATIONS

- 7.1 There are no direct financial implications arising from this report, which is for noting.

Finance Officer Consulted: Mike Bentley

Date: 24/08/22

8. LEGAL IMPLICATIONS

- 8.1 There are no legal implications arising from this report which is for noting. All of the actions proposed are in line with the Council's powers and duties, in particular under the Equality Act 2010.

Lawyer Consulted:

Alice Rowland

Date: 29/8/22

9. EQUALLITIES IMPLICATIONS

- 9.1 The intention of this work is to address identified racial inequalities and racism experienced by people who live in, work in and visit the city. The range of engagement planned with people who share other characteristics in addition to their ethnicity will ensure that perspectives are heard from a wide range of people. This will enable the development of tailored and bespoke actions to address all forms of racism, where it is based on ethnicity, skin colour or any other attribute.
- 9.2 The work is central to the council's legal duties under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations between communities, as well as to encourage civic engagement by under-represented groups. It also complements and supports the council's Fair & Inclusive Action Plan in addressing the findings of the review of race diversity by Global HPO.

10. SUSTAINABILITY IMPLICATIONS

- 10.1 No implications arising from this report.

11. SOCIAL VALUE & PROCUREMENT IMPLICATIONS

- 11.1 There are no direct social value and procurement implications that arise from this report

12. CRIME & DISORDER IMPLCATIONS

- 12.1 Crime & Disorder implications are covered in section 3.10 & above

13. PUBLIC HEALTH IMPLICATIONS

- 13.1 As outlined in 3.4.4, engagement around the topic of the Covid-19 vaccine may provide us with clearer data on uptake of the vaccine. This will then inform all of

our COVID and vaccination related actions going forward and may lead to changes in our current methods of making the vaccine accessible. In particular, the implications of this engagement may inform new mobile vaccination unit locations and the information shared about accessing public health services.

14. OTHER IMPLICATIONS

14.1 There are no other implications that arise from this report.

Brighton & Hove City Council

Tourism, Equalities, Communities and Culture Committee

Agenda Item 26

Subject: Brighton & Hove's response to refugees and asylum seekers

Date of meeting: 15th September 2022

Report of: Executive Director of Housing, Neighbourhoods and Communities

Contact Officer: Name: Lucy Bryson
Tel: 01273 292572
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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The report updates the Tourism, Equalities, Communities and Culture Committee on the Brighton & Hove response to the government's national schemes to receive refugees, including those from Ukraine, and to support immigration from Hong Kong. The report also updates members of the committee on the local response to asylum seekers placed in the city by the Home Office and unaccompanied asylum seeking children cared for by the council.
- 1.2 The report gives detail about the income and expenditure to date on the Homes for Ukraine scheme.
- 1.3 The report is presented to Committee to fulfill the request of the Notice of Motion '*Solidarity with refugees*' to Full Council on 7th April 2022 in which the council restated its ongoing commitment to support refugees and asylum seekers. It was also requested that the TECC committee should '*receive regular reports, so residents and councillors remain informed of ongoing work to support all refugees, as well as any capacity and resource needs affecting the local authority*'.

2. Recommendations

- 2.1 That the Tourism, Equalities, Communities and Culture Committee notes the council's work related to refugees and asylum seekers.

- 2.2 That the Tourism, Equalities, Communities and Culture Committee notes the Homes for Ukraine funding received by the council to date and its expenditure as detailed in paragraph 3.17 and the detailed breakdown at Appendix One.
- 2.3 That the Tourism, Equalities, Communities and Culture Committee notes the priorities for the council's support of refugees and asylum seekers (paragraph 3.60) for the coming year.
- 2.4 That the Tourism, Equalities Communities & Culture Committee recommends that the Policy & Resources Committee notes the Homes for Ukraine funding received and expenditure defrayed to date to fulfil the obligations placed on local authorities by the government's Homes for Ukraine Sponsorship Scheme.
- 2.5 That the Tourism, Equalities Communities & Culture Committee recommends that the Policy & Resources Committee notes the priorities for the council's support of refugees and asylum seekers for the coming year as set out in the report.
- 2.6 That the Tourism, Equalities Communities & Culture Committee recommends that the Policy & Resources Committee gives delegated authority to the Executive Director Housing, Neighbourhoods & Communities, in consultation with the Chief Finance Officer, to defray unallocated current and future resources in accordance with the Homes for Ukraine Sponsorship Scheme requirements and conditions and to fulfil the council's obligations under the scheme.

3. Context and background information

Ukraine

- 3.1 In mid-March, the government launched its Homes for Ukraine Sponsorship Scheme. This gave Ukrainians the right to apply for a visa if they have a named eligible sponsor (or host) who will provide accommodation in the UK. Committee will note that updates on this scheme have previously been provided by a written briefing to all members dated 29th July as well as verbal updates at Policy and Resources Committee on 24th March 2022 and 12th May 2022.
- 3.2 The Ukrainian refugees covered by the scheme have 3 years right to remain, the right to live, work and study and to access public funds, for example, a care assessment, statutory homeless duty, benefits, a pension.
- 3.3 The original/initial matches between sponsor and refugee are made privately and central government carries out checks on the individuals concerned. Local councils have no role in the initial matching and none of the obligations on local authorities influence the government's decision on granting a visa to Ukrainians through the scheme. The council is informed about hosts and guests on the Homes for Ukraine scheme through a government portal

3.4. Ukrainians can also apply to enter the UK on the Ukraine Family Scheme if they have pre-existing family in the UK. Local authorities are not informed about arrivals in their area on the Family Visa Scheme. However staff developing services for Ukrainians are mindful of the needs of this additional population of new arrivals, whose size is unknown.

3.5 Local authorities have the following obligations in the scheme:

- Ensure the hosts have Basic or Enhanced DBS checks
- Carry out at least one in-person visit to the host property for a property and welfare check
- Pay a one-off £200 subsistence payment to each guest (all ages)
- Pay a monthly optional £350 'thank you' payment to the host for up to 12 months.
- Assist the refugees to access education, benefits and encourage community integration

3.6 Local authorities receive funding to fulfil their obligations:

- One-off un-ringfenced payment of £10,500 per guest (all ages with the exception of new born babies). The £200 subsistence payment comes from this funding
- Education costs: one-off per child/young person of £3,000 at early years, £6,580 primary age and £8,755 at secondary age. These tariffs include support for children with special educational needs and disabilities.
- Ringfenced funding for the £350 thank you payments to hosts.

3.7 The purpose of the Homes for Ukraine tariff grant of £10,500 per head is to support local authorities to provide wrap-around support to individuals and families to rebuild their lives and fully integrate into communities. Government has confirmed funding for one year only.

3.8 The council has mobilized and re-orientated the community hub established during the Covid pandemic to provide both an inward and outward point of contact for the hosts on the Homes for Ukraine scheme as well as any Ukrainian arriving in the city, regardless of their route into the country. The hub provides information, advice, and referral to other services. It also provides valuable community intelligence to the rest of the programme about the emerging needs of the Ukrainians. The hub staff have built up trusted relationship with the majority of guests and the hosts on the Homes for Ukraine Scheme.

3.9 The community response to the arrival of Ukrainians started promptly as soon as the first arrivals were in the city. The Network of International Women and the nascent Stand for Ukraine group set up weekly drop-in sessions at All Saints Church in Hove for guests and hosts, allowing access to a wide range of services who also attend these sessions. This built on the valuable relationships already formed to provide a social space for the asylum seeker residents of the hotel (see below).

- 3.10 Apart from the sessions at All Saints, many and varied initiatives are underway to support the Ukrainians arriving in the city. There is strong collaboration between services supporting refugees and other newcomers towards education and employment, This was evidenced at a recent employability event held at Brighton Job Centre, attended by council teams, Brighton Chambers of Commerce, the voluntary sector and many employers and providers. This was extremely well attended with around 160 jobseekers of whom around 120 were Ukrainian.12 hiring employers promoted 43 vacancies and 121 interviews took place with 54 progressions towards employment.
- 3.11 By the end of the summer term, the vast majority of Ukrainian children arriving in the city had started school and were being supported when needed by the city's Ethnic Minority Achievement Service.
- 3.12 A multi – agency operational group meets fortnightly including a range of council departments, the DWP, Sussex Police, East Sussex Fire and Rescue Service and the Third Sector. A number of workstreams feed into this operational group including: Housing sustainment, employment and benefit support, access to education, unaccompanied minors, community tensions and safeguarding, access to health and public health.
- 3.13 There is a fortnightly community support and integration workstream which brings the local third sector together with representatives from the Ukrainian community, the community hub and Communities, Equality and Third Sector team to co-ordinate the wider third sector response in partnership with the council. Sanctuary on Sea are present at this meeting to ensure join-up with the established refugee support sector.
- 3.14 Council officers including public health staff attend a range of NHS meetings where access to health care for refugees and asylum seekers – including those from Ukraine – are discussed.
- 3.15 The end of the 6 month initial hosting period on the Homes for Ukraine Scheme presents a challenge for all local authorities. As outlined in Appendix 1, resource has been allocated towards homelessness prevention staff and an initial fund to be spent to assist, when needed, Ukrainians to enter the private rental sector if no other solution (such as rematching with a second host) can be found.

3.16 Numbers as at 26/8/2022, taken from the government 'Foundry' system

Total number of registered hosts in Brighton & Hove	281
Number of hosts with guests who have arrived	201
Number of guests who have arrived	385 (246 adults and 139 children)

Age ranges of children who have arrived	1-4 = 18 5-11 = 62 12-15 = 35 16-18 = 24
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Current income and expenditure on Homes for Ukraine to date

- 3.17 Below is a summary of spending commitments from the Homes for Ukraine budget as at 22/08/2022 with further detail in Appendix One. These figures exclude the 'thank you' payments made to hosts which are reimbursed to local authorities in addition to the per head tariff payments. Funding requests have been agreed since the start of the project at the fortnightly Homes for Ukraine Strategy group chaired by the Executive Director of Housing, Neighbourhoods and Communities. The council has received (as detailed in paragraph 3.6 above) £2,835,000 from the Home Office so far for this scheme. This is the per head tariff payment for the first 270 guests who arrived in the city before the end of June 2022.
- 3.18 Plans are being worked up to use the unallocated spend in a range of ways which will benefit all those who have had to seek sanctuary in the city including, for example : a programme of staff training to improve awareness and good practice in working with newcomers, improvements to the city-wide systems for co-ordinating and allocating learners to ESOL provision, possible partnerships with the local Third Sector to step up the provision of immigration legal advice. The funding may also be used to further support the Ukrainian community groups and initiatives which have been springing up as a result of the enormous resourcefulness and skills of the Ukrainians themselves as well as further support and information for hosts.

Recipient Service/organisation	Funding spent or allocated £	Explanation - see more detail in Appendix One
Per head payments to guests and property check costs	80,500	£200 welcome payments, DBS checks, property checks
Brighton & Hove City Council staffing and spending directly through council services	1,180,187	See detail in Appendix One
Funding to Third Sector	167,294	See detail in Appendix one
Total funds allocated	1,427,981	
Grant funding to Date	2,835,000	Payments for first 270 guests
Yet to be allocated	1,407,019	

Other managed and funded refugee and migration programmes

- 3.19 'Refugee resettlement' refers to the managed and funded process by which refugees, usually identified by the United Nations High Commissioner for

Refugees (UNHCR) are given permission to enter the UK, transported and settled in local authority areas. Brighton & Hove's recent history of refugee resettlement begins with the Gateway Protection Programme in 2006 when a group of mostly Oromo refugees from East Africa settled in the city. More recently resettled refugees have arrived on the Vulnerable Person's resettlement scheme (VPRS) for those fleeing Syria, the new UK Resettlement Scheme (UKRS) and the two schemes set up to resettle Afghans.

- 3.20 Since 2015 the council has commissioned local charity Voices in Exile to deliver a programme of support to resettled refugees from Syria and Afghanistan. Resettled refugees are eligible to work, claim benefits and can settle indefinitely in the UK, eventually being eligible for British Citizenship.
- 3.21 Housing for the above programmes has been sourced from the private rental sector. In many cases sympathetic private landlords have offered affordable rents and therefore a sustainable home in the city. When this has not been possible, discretionary housing payments have been made and/or the refugee resettlement budget has made up the shortfall when needed.

Syria

- 3.22 Twenty one vulnerable Syrian households (around 80 individuals) arrived in the city on the VPRS between 2015 and 2021. The funding package of £20,520 per head (tapering off over 5 years) has covered the support from Voices in Exile, administration of the programme, childcare, English language provision, deposits and other housing costs associated with setting the refugees up in tenancies etc as well as emergency interventions when needed. Additional funds are made available for support in schools and to the NHS for primary and secondary care.
- 3.23 A number of the families brought to Brighton & Hove under the VPRS include disabled children and/or family members with chronic health conditions or injuries sustained in the conflict in Syria, requiring a high degree of care and support from services. Exceptional costs associated with this extra support were claimed from central government.
- 3.24 The VPRS ended in 2021 and became the UK Resettlement Scheme. The funding arrangements and requirements for this scheme are almost identical to the VPRS but the difference is that the British government has undertaken to take refugees needing protection from anywhere in the world. Brighton & Hove has taken two cases through the UKRS, both Syrian families with high support needs.
- 3.25 Brighton & Hove has pledged to take two more UKRS cases in the current financial year.

Afghanistan

- 3.26 In the months following the withdrawal of Western powers from Afghanistan in August 2021, and the subsequent air evacuation of 15,000 Afghans from

Kabul under Operation Pitting, the government set up two resettlement programmes for Afghan citizens – the Afghan Relocation and Assistance Policy (ARAP) which resettles Afghans who were working with British forces in Afghanistan and the Afghan Citizens Resettlement Scheme (ACRS) which provides protection to others at risk in Taliban-ruled Afghanistan: those who have stood up for values such as democracy, women's rights, freedom of speech, and rule of law and vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBT+).

- 3.27 The funding for local authorities, for schooling and the NHS are the same as for the VPRS and the UKRS but the local authority funding is spread over a three year period, rather than the five years of the aforementioned schemes. There are also additional payments available to help secure accommodation.
- 3.28 Brighton & Hove has so far resettled twelve households on these schemes. The first three cases were the families of Masters students at the University of Sussex who were on the Chevening Scholarship programme. All the households who have arrived in the city have been transferred to Brighton & Hove from 'bridging' hotels in London and the South East or Birmingham. The government is now encouraging refugees in hotels to find their own accommodation in the private rental sector before receiving local authority support and one of the above families did this before the local authority accepted responsibility for supporting them under the scheme.
- 3.29 As with the VCRS and UKRS, housing has been found from the private rental sector for the Afghans and Voices in Exile have provided casework for the new arrivals. The profile of the arriving refugees has differed from the Syrian arrivals. Often (but not always) a member of the family, usually the male head of the household, has had excellent English prior to arrival in the UK. The long stays in hotels have also changed the advice and support required once people arrive in the city. There are no Afghan 'bridging hotels' in Brighton & Hove.
- 3.30 A letter of 27th June to local authorities from the Minister for refugees outlined the ongoing challenge for government as 12,000 Afghan citizens remain in hotels where they were placed following their evacuation. Thousands more Afghans entitled to evacuation from the region are also still waiting to be brought to the UK.
- 3.31 The council has pledged to government that it will take twelve Afghan households during 2022 – 23, of which four have already been received.

Hong Kong

- 3.32 A new immigration route opened on 31 January 2021, providing British National (Overseas) (BN(O)) status holders from Hong Kong and their dependants with the opportunity to come to the UK to live, study and work, on a pathway to citizenship. This is not a refugee resettlement programme as such, though local authorities have received some government funding to

assist the newly arriving Hong Kongers who are leaving their homes as a result of the actions of the Chinese government. This is referred to as the Hong Kong UK Welcome Programme.

- 3.33 The city council is working closely with neighbouring authorities to understand the extent of immigration from Hong Kong and the needs of the new arrivals. Officers are also engaging with the community group formed from the Hong Kong diaspora. Current estimates are that around 2000 Hong Kongers have arrived in the greater Brighton area.
- 3.34 Hong Kong BN(O)s are permitted to work and study in the UK but do not have access to benefits. There is additional funding from English Language tuition (ESOL) and to cover costs of accommodating and supporting those who may become destitute. To date research into the Hong Kongers arriving in the UK indicates that the new arrivals have financial resources and are able to rent or purchase properties.
- 3.35 The city council has so far focused on a programme of support for entrepreneurs and start up businesses to be delivered and commissioned by the Business and IP Centre in Jubilee Library, using £11k from the above 'Welcome Programme' funds which have been distributed to local authorities via the South East Strategic Partnership for Migration.

Asylum seekers

- 3.36 An asylum seeker is someone seeking protection from the British government through being recognised as a refugee under the 1951 UN Convention on Refugees. The top countries of origin for those seeking asylum in the UK during the early part of 2022 include Afghanistan, Albania, Iran, Syria and Eritrea.
- 3.37 The number of those seeking asylum in the UK (after crossing the channel or entering by other means) has been rising at a time when the Home Office accommodation and support system was already strained by the effects of the pandemic and delays in asylum determination decisions. As a result, many thousands of asylum seekers are housed in hotels as a form of emergency accommodation until longer term accommodation (known as 'dispersal accommodation') can be found for them.
- 3.38 The Home Office currently provides 67 bedspaces of dispersal accommodation in Brighton and Hove which are generally in Houses of Multiple Occupation (HMOs) for adults. The properties are acquired and managed by Clearsprings Ready Homes who hold the Home Office contract for all asylum accommodation across London and the South East of England. Ward members have been informed confidentially about accommodation in their wards.
- 3.39 A multi-agency asylum dispersal stakeholder group which includes Clearsprings, local and national charities and other services is chaired by the city council to monitor and co-ordinate services to asylum seekers dispersed to the city.

- 3.40 The council is not provided with details of those resident in dispersal accommodation until their asylum claims have been decided and they are asked to leave the accommodation by the housing provider. Those who have been granted asylum are eligible to work, claim benefits and to homelessness assistance in the same way as any other resident. One challenge is that only 28 days notice is given between notification of a decision and the cessation of accommodation and support from the Home Office, leading to challenges for newly recognised refugees and those supporting them in finding suitable accommodation.
- 3.41 In an effort to increase the estate of self-contained accommodation available to the Home Office (thereby reducing the need for asylum seekers to live in hotels) as well as spreading the accommodation more equitably around the UK, a new policy of 'Full Dispersal' has been implemented by Government since July 2022. This means that local authorities no longer have to consent in principle to the acquisition of dispersal accommodation in their areas, although there is still a commitment on the part of the Home Office and Clearsprings to consult with the authority and local police on individual addresses before they are acquired for this purpose.
- 3.42 An un-ringfenced one off payment of £3500 will be made to local authorities for each new bedspace acquired through the 'Full dispersal' programme in their areas.
- 3.43 Whilst Brighton & Hove city council has welcomed asylum seekers since 2019, the policy of 'full dispersal' is likely to result in a stepping- up of the acquisition of properties in the city if the high cost of rental accommodation allows. This is because Government is planning to link the number of dispersal units to local population numbers across the country meaning that target numbers for the South East region will greatly increase. Officers are attending the relevant meetings and briefings on these issues convened by the South East Strategic Partnership for Migration on behalf of the Home Office. As of 2nd September 2022, no new asylum dispersal properties had been acquired in Brighton & Hove under these new 'full dispersal' arrangements.
- 3.44 Separate to the dispersal accommodation and due to the stress on the system as described in 3.36 above, there is currently one contingency hotel for asylum seekers in Hove where (as at 2/9/22) 107 people (mostly families and single women) are housed. The hotel is managed by a sub-contractor of Clearsprings on behalf of the Home Office. Meals are supplied and the asylum seekers receive only a very small amount of cash. Children are enrolled in schools as soon as possible to get them out of the hotel setting but the key challenge remains the length of time that the asylum seekers have had to live in the hotel, originally envisaged as a short-term solution at a time of acute stress on the system. Council officers chair regular meetings with all the stakeholders, including the Home Office, Clearsprings, Migrant Help and other statutory services, as well as Sanctuary on Sea who represent the wider community and voluntary sector at the meetings.

- 3.45 Local migrant support and faith groups are tirelessly providing support on the ground to the hotel residents. Groups are well networked through regular meetings (chaired by Sanctuary on Sea) which were originally set up to co-ordinate the migrant sector response to Covid and which council officers attend. National charity Migrant Help provide remote advice to asylum seekers in dispersal and hotel accommodation via a multilingual helpline and website, under a national Home Office contract.

Unaccompanied asylum seeking children

- 3.46 There is a second hotel in Hove which, alongside three other hotels in the south east, acts as a short term reception facility for unaccompanied asylum seeking children (UASC) before they are placed with local authorities around the UK under the government National Transfer Scheme. The hotel and the move-on process for the young people are managed directly by the Home Office. Over one thousand young people have moved through the facility (including a second hotel for UASC in Hove, now closed) since it opened in July 2021.
- 3.47 The local authority maintains oversight of child safeguarding matters for those resident at the hotel and there is regular liaison between the Home Office staff managing the hotel, the council's safeguarding team, and other agencies including Sussex Police to pick up concerns, including when children go missing from the hotel. As with the family hotel, the local community, voluntary and faith groups have provided a range of support and activities for the young people for the short time (usually under a month) that they remain in the area.
- 3.48 Brighton & Hove city council is also responsible for a population of children in care and care leavers who entered the UK as UASC. At the end of July there were 40 UASC children in care (10% of all children in care). The number of former UASC care leavers was 119. The numbers have risen since 2021 and are predicted to continue to rise substantially. A dedicated team of social work staff support these children and young people to help them settle in the city and navigate the asylum system. The younger children are in foster care and supported lodgings provide a home for many of the care leavers.
- 3.49 Some areas of challenges the UASC Social Work team face are:
- absorbing and managing the complexities of National Transfer Scheme work, including the impact on children waiting up to/ over 12 weeks to be transferred to another local authority
 - developing the infrastructure to meet the support and care needs of UASC with complex needs including in particular the current lack of mental health support to address issues such as Post Traumatic Stress Disorder. Some children require inpatient treatment and support from Child and Adolescent Mental Health Services.
 - the lack of appropriate education provision – particularly ESOL courses when children arrive – as courses are often full or have waiting lists, leading to placement in private language schools.
 - The lack of affordable and stable local placements

- the needs of this cohort in terms of the commitment to anti-racist practice given the day to day lived experiences of racism.
- 3.50 One consequence of asylum dispersal and the reception of UASC in a local authority area is a potential rise in the population of those who have been refused asylum and no longer have access to Home Office support. People in this position are likely to have No Recourse to Public Funds (NRPF) and also no right to work.
- 3.51 The situation is exacerbated by the lack of immigration legal advice, as illustrated by a recent [Refugee Action report](#) .Without immigration legal advice, those who might have grounds to regularise their immigration status find it more difficult to argue this case. Moreover the impact on those in the asylum determination process, including UASC and those caring for them, is very detrimental – mental health suffers considerably as people wait in limbo for progress on their asylum cases
- 3.52 In a small number of cases the local authority is responsible for accommodating and supporting people with NRPF if they have children or identified care needs under the Care Act 2014.

City of Sanctuary and Inclusive Cities

- 3.53 Committee should note that the above groups do not represent the entirety of those seeking sanctuary in Brighton & Hove. Given the diversity of the city, there will be others who were forced to flee their home countries who choose to settle in the city without government intervention, joining settled communities from particular countries and those who speak their language. The 2021 census figures should provide more information on this population.
- 3.54 Moreover not all refugees require support over a long period if and when they have the right to work. Many are highly skilled and qualified and can move quickly into employment and start contributing to the city's economy and community efforts to assist the more vulnerable, including by joining the city council's own workforce This process is greatly assisted through the creation of a culture of welcome at a local level as promoted by the City of Sanctuary movement.
- 3.55 An intersection with the city's anti-racism strategy is also important and made easier by the fact that the work on anti -racism is being led from within the Communities, Equality and Third Sector (CETS) team which is leading the work on refugees. Moreover the siting of this work within the CETS team maximises the opportunity of the response to international migration taking an intersectional approach to those with protected characteristics under the Equality Act 2010.
- 3.56 As agreed by this committee in September 2019 (see Appendix 2) , the council is a participant city in the [Inclusive Cities programme](#) which provides the council and the city with insight into new approaches to newcomer inclusion through our partner cities as well as the evidence based work and recommendations from the Centre on Migration Policy and Society at the

University of Oxford. Originally due to end in 2022, the project has been extended to June 2023 due to delays caused by the pandemic.

- 3.57 This work on newcomer inclusion goes hand in hand with Brighton & Hove's City of Sanctuary status. This committee instructed officers in March 2021 to work with the local City of Sanctuary Group (Sanctuary on Sea) to progress an application to City of Sanctuary UK for the council's reaccreditation as a City of Sanctuary, endorsing the City of Sanctuary Charter being a member of the City of Sanctuary Local Authority Network steering group. (Appendix 3)
- 3.58 Being a member of this steering group enables Brighton & Hove to play a part in leading the national advocacy carried out by the City of Sanctuary movement, in particular to raise concerns facing local authorities as a result of government policy and new legislation.
- 3.59 The Covid19 pandemic and the urgent operational responses required for the opening of the asylum contingency hotel, the Afghan resettlement programme and the Ukraine response have all meant that less work was carried out over the past two years on strategic work such as the Inclusive Cities Action Plan and the City of Sanctuary re-accreditation.

3.60 Priorities for coming 12 months September 2022 – September 2023.

- A. Further develop the city's coordinated, flexible and holistic package of **support for all Ukrainian refugees in partnership with the Third sector and business community** (see paragraph 3.14 above for some examples). The city will use the government funding and the heightened interest and awareness of how to help and safely accommodate Ukrainians to benefit all those seeking sanctuary in the city wherever possible within the constraints of the funding instructions issued by government.
- B. Develop **pro-active and positive communications** in partnership with the Third Sector, including Sanctuary on Sea, celebrating Brighton & Hove's welcome to refugees and other migrants, including at a neighborhood level, and enabling the voices of individual refugees and other newcomer residents (adults and children) to be amplified. This is a key objective of the Inclusive Cities work –*Leading in the development of a shared local story of inclusion.*
- C. **Review the support package for refugees arriving on the current resettlement programmes** (UKRS, ARAP and ACRS), learning from the experiences of beneficiaries of the programmes to date (including the above schemes and the experiences of those who have been here significantly longer through the VPRS and even the GPP). The package will be improved in line with this review which will include consultation on the specification of the integration and support services to refugees commissioned by the city council.
- D.** Continue to work collectively with partners in the Third Sector to improve **housing pathways for all non UK nationals** This includes **reviewing the**

current package offered to landlords interested in renting their properties to refugees, learning from best practice in other Inclusive City local authorities. This will maximise the chance of recruiting and retaining interested landlords whilst offering accommodation solutions to newcomers which are as sustainable as possible in the current housing crisis, and do not impose further pressures on council housing and homelessness provision.

- E. Continue the partnership work between the local NHS, BHCC and third sector to **improve mental health services** for refugees, asylum seekers and other migrants, including children. For adults this has already been taking place through the work of the Migrant, Refugee and Asylum Seekers Mental Health Working Group which feeds into the transformation of community mental health services. Some of the work already undertaken by this group includes the development of a trauma screening protocol as well as training for primary care staff.
- F. Work with local Third sector partners, the two universities, existing providers of legal advice, funders and neighbouring authorities (through the South East Strategic Partnership for Migration) to progress initiatives to **increase access to free immigration legal advice** for newcomers on a low or no income. This will prepare the city for the possible future advice needs of the Ukrainians as well as help other adults and children with insecure immigration status.
- G. Continue to support the local Third Sector to create a culture of welcome for adults and children seeking sanctuary in the city, through the council community grants programmes and ringfenced funding for refugee resettlement and asylum seeker support.
- H. Review the infrastructure which supports English for Speakers of Other Languages (ESOL) to **strengthen connectivity between ESOL and pathways to employment**. This includes ensuring there is joined up and sufficient provision of ESOL from pre-entry to Functional Skills Level 2(English for Speakers of Other Languages) and exploring opportunities to prepare learners for jobs where the city has labour shortages such as the visitor economy, voluntary sector, and health and social care. A new 'Refugee Employment workstream' will pick up the employability work with the Ukrainian arrivals and bring this together with other employment initiatives to maximise the benefits of learning and good practice in this area.
- I. The local NHS in Brighton & Hove is identifying their PLUS groups to support the Integrated Care Board in its delivery of the NHS Planning Guidance, working jointly as a Place-based partnership (ICP) under the new Integrated Care System structure. The council is setting out plans for reducing health inequalities (poorer access, experience or outcomes) experienced by these groups, and are proposing interventions to support them in navigating and accessing complex health and care systems. It is suggested that 'globally displaced communities' form one of these PLUS groups and if this is agreed, the local authority will continue to work with the local NHS to develop those interventions for refugees, asylum seekers and other globally displaced adults and children resident in the city.

- 3.61 Alongside the ongoing work and using the above priorities as a guide, the city council will continue to work with Sanctuary on Sea to agree the actions needed for re-accreditation as a City of Sanctuary. These priorities and their linked actions will form the council's Inclusive Cities Action Plan. The council and Sanctuary on Sea will also, together, review the remaining recommendations of the International Migrants Needs Assessment (published in 2018) which have not yet been prioritized for action.

4. Analysis and consideration of alternative options

- 4.1 No alternative options are suggested

5. Community engagement and consultation

- 5.1 The local City of Sanctuary group has been consulted on these priorities.
5.2 The priorities have been identified by officers based on numerous meetings with community partners and the questions and queries which arise during the quarterly Refugee & Migrant Forum meetings which have continued throughout the pandemic.
5.3 The Community Support and Integration Workstream has met fortnightly at the council and engages directly with representatives from the Stand for Ukraine group who have been able to bring the concerns arising in the community for discussion.

6. Conclusion

- 6.1 The report lays out the complexity of the current local authority 'landscape' around the arrival of refugees and asylum seekers. In particular it describes the Homes for Ukraine spending so far which Committee is requested to note.

7. Financial implications

- 7.1 The income and expenditure to date on the Homes for Ukraine Sponsorship scheme is set out in the main body of the report, alongside the funding arrangements for the arrival of refugees and asylum seekers.

Name of finance officer consulted: Michael Bentley Date consulted
06/09/22

8. Legal implications

- 8.1 A refugee is defined under the Refugee Convention 1951 as someone who has fled their country due to a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion". The report sets out the various schemes under which refugees and asylum seekers are settling in the city and the funding streams available to support them. Funding under such schemes may only be distributed in accordance with the specifics of the scheme. Specific legal duties and the entitlements of individuals in terms of support vary according to their status and

situation, alongside potential general duties to secure welfare under such legislation as the Care Act and Children Act.

Name of lawyer consulted: Natasha Watson

Date consulted: 06/09/2022

9. Equalities implications

9.1 As a public authority we must have due regard to the need to:-

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations between people who share a protected characteristic and those who do not.

9.2 The work described in this report describes the holistic approach taken across the city to advance equality of opportunity for newcomers.

9.3 The primary focus of the City of Sanctuary approach is the promotion of good relations between sanctuary seekers and the longstanding communities. The council continues to promote a nuanced understanding of the needs of newcomers who may have protected characteristics alongside their country of birth, nationality or first language.

9.4 The longstanding community tensions meetings monitor tensions that may be arising as a result of immigration to the city and decide on appropriate action.

10. Sustainability implications

No specific implications identified

Public health implications:

11.1 Work to promote the inclusion of refugees, asylum seekers and other newcomers to the area benefits public health by increasing trust and confidence and encouraging engagement with NHS and other health services.

Supporting Documentation

1. Appendices

1. Appendix One : table detailing breakdown of Homes for Ukraine spend as of 22/8/2022
2. Appendix Two: previous report to TECC on Inclusive Cities
3. Appendix Three: previous report to TECC on City of Sanctuary.

APPENDIX ONE – detailed breakdown of Homes for Ukraine Spend to date 22/8/2022

Recipient Service/organisation	Funding spent or allocated £	Explanation
Per head payments to guests and property check costs		
Post office deposit	70,000	This enables guests to pick up their £200 per head initial welcome payments from the Post Office which is a convenient and flexible way of getting these funds to them quickly
Post Office administration fee	1,500	
Property visits	4,000	
DBS reimbursement	5,000	To be paid to hosts if required
Brighton & Hove City Council staffing and spending directly through council services		
Ukrainian Programme Co-ordinator post	54,415	Postholder due to start September 2022
Ukrainian Programme part-time administrator	13,830	
Finance team	50,000	Staffing costs
Ethnic Minority Achievement Service	87,398	Ukrainian speaking staff to work with the newly arriving children in schools and their families
Home to School Transport	360,000	Contingency fund set aside for this purpose
Homelessness Prevention	120,000	Staffing costs
Homelessness Prevention	100,000	Flexible fund to be used on a case by case basis to prevent homelessness and facilitate move on to private rental sector.
Front Door for Families	30,350	Staffing costs
Integrated Team for Families	43,194	Family coach to work with the most complex cases
Adult Education hub	40,000	Staffing costs - development of the council's adult education offer, especially English for Speakers of Other Languages (ESOL)

Community Hub	275,000	Staffing costs of the Ukrainian.Support helpline
Libraries	6,000	Adult and Children's stock – digital and hard copy; Communications; support visits/tours/coffee mornings; activities; workshops.
Funding to Third Sector		
Trust for Developing Communities	50,000	Funds to deliver community development support to Ukrainian community group and to provide bilingual employability support through the pre-existing Multicultural Employability Support Hub.
Midsummer 'Kupala night' community celebrations	750	
Together Co and Sussex Interpreting Services	51,144	Social Prescribing Plus (bilingual link workers and buddying scheme) and Language support –interpreting and translation outside of existing funding arrangements
Hummingbird young refugees projects	31,400	Increased capacity for the Global Social Club for young refugees
Chamber of Commerce	4,000	Job Matching
Network of International Women	20,000	Drop in sessions at the All Saints Church June – December 2022
Brighton swimming school	10,000	Swimming lessons for children
Cumulative TOTAL allocated so far 22/8/22	1,427,981	
Income	2,835,000	First quarter claim to DLUHC 13 th June for 270 guests
Funds currently remaining unallocated	1,407,019	

Subject:	Inclusive Cities Project		
Date of Meeting:	26th September 2019		
Report of:	Executive Director for Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Lucy Bryson	Tel: 01273292572
	Email:	lucy.bryson@brighton-hove.gov.uk	
Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report describes the Inclusive Cities project that Brighton & Hove has been invited to join and the commitments expected of the local authority if we are to become part of this project.
- 1.2 The report also describes the benefits of Brighton & Hove joining this project and the ways in which it would enhance the city's work on diversity, inclusion, equalities and Brighton and Hove's status as a City of Sanctuary.

2. RECOMMENDATIONS:

- 2.1 That the Committee agree to Brighton & Hove City Council joining eleven other UK local authorities as part of the Inclusive Cities project which runs from now until June 2022.
- 2.2 That the Committee agree that the elected member representative to work on this project will be Councillor Grimshaw, lead member for equalities, alongside the operational lead within the Communities, Equality and Third Sector Team.
- 2.3 That the committee note that the task force to lead this piece of work – as required for participation in the project (see paragraph 3.3) will form a sub-group of and report into the city's Equality and Inclusion Partnership.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 [Inclusive Cities](#) is a knowledge exchange initiative funded by the Paul Hamlyn Foundation which has, since March 2017, facilitated peer learning between 6 UK cities (currently Bristol, Cardiff, Liverpool, Glasgow, Peterborough and London). It aims to deliver a step change in the approach to the inclusion of newcomers at the local level. Facilitated by the Global Exchange on Migration and Diversity at the Centre on Migration Policy and Society ([COMPAS](#)), at the University of Oxford, it draws on research expertise to inform the development of an action plan delivering tangible change in its key priority areas. A Taskforce of senior stakeholders is appointed by each city to drive forward the work.

- 3.2 Brighton & Hove has been formally invited to participate in the next phase of Inclusive Cities which will run from June 2019-June 2022 and which expands the original six to twelve participating cities. The local authority will be supported by the Director of the Global Exchange on Migration and Diversity, Jacqui Broadhead and their researcher Denis Kierans to develop an action plan based on the newly launched Inclusive Cities Framework and will have the opportunity to share and promote learning between the cities and to participate in knowledge exchange and learning through a partnership with Welcoming International, a similar initiative in the United States.
- 3.3 No financial commitment is required. However the following is required from each participating city:
- A commitment to developing an Inclusive Cities action plan, in partnership with a Taskforce of senior stakeholders and to monitor and report on progress against this plan using the Inclusive Cities Framework, developed in partnership with the 6 founder Inclusive Cities. It is proposed that this is formed as a sub group of the Equalities and Inclusion Partnership with includes representation from across the City Council and other public sector bodies, the universities, voluntary and community sector and the Chamber of Commerce.
 - A named senior sponsor for the project (either an elected official at Leader/ or Executive level or an officer at chief Executive or Director level) and one operational lead for the project. This would be the Community Safety Manager – Refugees and Migrants, based in the Communities, Equality and Third Sector (CETS) Team within the Neighbourhood, Communities and Housing Directorate.
 - A commitment that the senior and operational sponsors will commit to attending 5 city convenings over the course of the project (including the first meeting in Cardiff 23rd/24th October 2019) and one European exchange in 2021 as well as bilateral learning exchanges between cities on particular topics. Costs are covered by the project.
 - A commitment that, subject to further confirmation of the details, Brighton & Hove will host a convening of the Inclusive Cities.
- 3.4 For their part, COMPAS will make the arrangements for, and cover the expenses of, the meetings and European learning exchange; provide the support of their project manager throughout the project, assist in raising any funds that might be needed in the city to implement the action plan, and provide opportunities for BHCC to profile the city's work at national and international level. They commit to respecting the confidentiality of information relating to the city which is not in the public domain.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 At a time when reports of hate crime are increasing and there are concerns about the rise of extremist narratives, in particular those that target migrant groups, there is currently no overarching plan to promote community cohesion in Brighton & Hove.
- 4.2 The needs and assets of Brighton & Hove's migrant populations were examined in the [International Migrants Needs Assessment](#) (published as part of the Joint Strategic Needs Assessment in January 2018). Progress against the forty two recommendations arising from this document was last reported to the

- 4.3 Recommendation 5 states '*City and community leaders to continue to promote the integration of migrants into the life of the city*'. In this context the term 'integration' is seen as a process which equips new residents with the skills and confidence to flourish in the city while city services and communities adapt to welcome them. Support to develop a coherent strategy or approach which also addresses the inclusion of more established migrant communities and the wider population would be a beneficial outcome of involvement in the Inclusive Cities project.
- 4.4 Recommendation 6 states that the city should '*Maintain and develop local commitment to City of Sanctuary status*'. Support for Brighton & Hove's City of Sanctuary status was also included in the and followed up with a motion to the Policy Resources and Growth Committee with an amendment to 'Our People Promise' to include more effective methods to support the recruitment of refugees into work..
- 4.5 The City of Sanctuary movement relates primarily to creating a culture of welcome for those fleeing danger and seeking sanctuary (ie refugees and asylum seekers).. There are many local third sector groups and community initiatives working to improve the lives of refugees and asylum seekers. Discovering what changes we could implement in partnership with these groups to further enhance our status as a City of Sanctuary - and implementing these changes – is a further expected benefit of involvement in this Project.
- 4.6 The Inclusive Cities project would help us to place this work within a wider programme to support any newcomers to the UK who have arrived in Brighton & Hove, -particularly those who are more vulnerable, as well as the process by which these migrants settle and develop a sense of belonging in the city alongside established migrant communities and the wider population. This in turn could be reflected in the corporate strategy and, in turn at a city-wide strategy level.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The process of writing the International Migrants Needs Assessment (IMNA) was assisted and advised by a Steering group comprising a wide range of statutory and voluntary sector organisations with a specialism in supporting refugees and migrants. Whilst the group has not been reconvened since the production of the IMNA, members of this group could join the new Taskforce, alongside members of EQUIP.

6. CONCLUSION

- 6.1 The Inclusive Cities Project would provide the council and the city with insight into new approaches through our partner cities as well as the rigorous evidence-based work and recommendations from COMPAS who are a very highly regarded academic institute in the field of migration.

- 6.2 It would provide the framework and corporate commitment for a more strategic approach to the creation of an Inclusive city.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The project does not require any financial commitment from BHCC. Any staff involvement will be manageable from within existing resources.

Finance Officer Consulted: Michael Bentley

Date: 09/08/19

Legal Implications:

- 7.2 There are no legal implications arising from this report.

Lawyer Consulted: Elizabeth Culbert

Date: 09/09/19

Equalities Implications:

- 7.3 The recommendations propose a way for us to address inequalities facing migrants in Brighton & Hove, as outlined in the International Migrants Needs Assessment within the wider context of encouraging the development of a city culture which is inclusive of all residents.

Sustainability Implications:

- 7.4 A stronger and more cohesive community will be more likely to recognise and make best use of local assets.

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. Other Implications

Background Documents

1. None

Crime & Disorder Implications:

- 1.1 This proposals in this report aim to improve community cohesion and address community tensions through the inclusion of newcomers and others in the community who are marginalised and may be vulnerable to exploitation or being drawn into criminal activity.

Risk and Opportunity Management Implications:

- 1.3 There is a risk that the project is perceived as prioritising migrants to the city over and above established communities and community members. The membership of the task force will be carefully considered to be as inclusive as possible and communications related to this project will also be carefully considered to avoid this perception.
This project is an opportunity to take forward our work on cohesion by learning from other cities.

Public Health Implications:

- 1.4 The proposals will help address recommendations as outlined in the International Migrants Needs Assessment, produced by the Public Health Team which focus on addressing inequalities in health and the wider determinants of health including our approach to inclusion and integration.

Subject:	Brighton & Hove's Re-accreditation as a City of Sanctuary		
Date of Meeting:	11th March 2021		
Report of:	Executive Director of Housing, Neighbourhoods and Communities		
Contact Officer:	Name:	Lucy Bryson	Tel: 01273 292572
	Email:	Lucy.bryson@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report informs the committee about the city council's current status with regard to the national City of Sanctuary movement and outlines the steps that need to be taken to become 're-accredited' as a city of sanctuary.
- 1.2 The city council's Corporate Plan 2020-2023 includes the following commitment: *"We will continue to play our part in the international refugee crisis and promote our status as a proud City of Sanctuary"*. Also, a recommendation in the International Migrants Needs Assessment, accepted by the Neighbourhoods, Inclusion, Communities and Equality (NICE) committee in January 2018 is for the council to *'maintain and develop local commitment to City of Sanctuary status.'*

2. RECOMMENDATIONS:

That the Tourism, Equalities, Communities & Culture Committee:

- 2.1 instructs officers to progress an application to City of Sanctuary UK for the council's reaccreditation as a City of Sanctuary as per outlined in appendix 2.
- 2.2 recommends to Full Council that it endorses the City of Sanctuary Charter (appendix 1).
- 2.3 instructs officers to work with the local city of sanctuary Group – Sanctuary on Sea – to support the group and the council's commitment to Brighton & Hove being a place of sanctuary.
- 2.4 approve the council joining the City of Sanctuary Local Authority Network and being a member of the Network's steering group (paragraph 3.5)
- 2.5 note the City of Sanctuary application process will be carried out as part of the council's development of its Inclusive Cities Action Plan agreed at TECC committee September 2019.

That Full Council:

- 2.6 endorses the City of Sanctuary Charter (appendix 1).

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Since 2007, City of Sanctuary UK, (a national umbrella organisation), has supported the development of a network of 'groups' in villages, towns and cities across the UK to encourage places to become 'cities of sanctuary'. Brighton & Hove's City of Sanctuary group – called [Sanctuary on Sea](#) – has existed since 2013. Brighton & Hove was designated as a City of Sanctuary in June 2015.
- 3.2 While City of Sanctuary UK started with a narrow focus on people seeking sanctuary, welcoming people fleeing persecution and violence, it has widened to a welcome 'for all', albeit with an emphasis on offering sanctuary.
- 3.3 At the City of Sanctuary UK AGM in June 2020 the membership voted to discontinue the ad-hoc recognition process for local authorities and to establish a UK wide City of Sanctuary Local Authority Network, as a way of designating and assessing 'City of Sanctuary' status. Any local authority can apply to become a member of the network. There are two types of membership: 'Awarded' member and 'Non-awarded' member. As Brighton & Hove City Council had already been awarded City-wide recognition, the city will be classed as an 'awarded member' but will be expected to submit an application form for re-accreditation within six months of its membership application.
- 3.4 In applying for membership of the Local Authority Network, the city council is pledging:
- To support the 'City of Sanctuary' vision that *the UK will be a welcoming place of safety for all and proud to offer sanctuary to people fleeing violence and persecution.*
 - To endorse the City of Sanctuary Charter (appendix 1) and agree to act in accordance with City of Sanctuary values, applying the network principles within its work (as far as the Brighton & Hove context enables this).
 - To recognise the contribution of people seeking sanctuary, welcoming, including and supporting them within the Brighton & Hove context. The council is also expected to support Sanctuary on Sea in their work.
 - To add the city council's name to a list of supporters of City of Sanctuary and a list of members of the Local Authority Network on the national website.
 - To agree to work towards a City of Sanctuary Local Authority Award with the aim of becoming a recognised Council of Sanctuary.
- 3.5 Given the longstanding nature of its commitment to supporting sanctuary seekers, Brighton & Hove City Council has also been invited to join the Steering Group of the Local Authority Network, alongside the Brighton & Hove Sanctuary on Sea group. This smaller group oversees the above membership process for

the local authority network and makes decisions about the city of sanctuary movement – as it applies to local government – at a national level.

- 3.6 The procedure to be followed by a local authority in applying for a City of Sanctuary Award is included as Appendix 2 to this report. Publicly agreeing to be a member of the Local Authority Network and endorsing the City of Sanctuary charter is the first requirement of the application process.
- 3.7 Thereafter local authorities are expected to produce an action plan describing how the criteria will be met. These criteria (outlined in Appendix 2) follow the principles of 'Learn, Embed and Share'. Once the plan is developed, the city council can apply to become a city of sanctuary, with the endorsement of the Sanctuary on Sea group.
- 3.8 The criteria also include participating in collective representations to national government on relevant policy issues and the production of a written strategy (either an independent strategy or as part of a broader strategy) which is publicly available and sets out commitment for at least three years. The intention is for this to be part of the council's Inclusive Cities Action Plan. The Inclusive Cities programme is focused on areas' making a step change in their welcome and settling of 'newcomers'. TECC committee approved the council's participation in the programme in September 2019. The work on this was paused due to the Covid pandemic and has recently restarted with the first meeting of the local task force on 8th February 2021, chaired by the TECC co-chair Cllr Powell.
- 3.9 Given the work on the two action plans (for City of Sanctuary and Inclusive Cities) is running concurrently and is intrinsically linked, to maximise resources and avoid duplication the City of Sanctuary action plan will become a part of the Inclusive Cities action plan. Newcomers arriving seeking sanctuary from violence and persecution are a particularly vulnerable sub-set of the wider population of newcomers to the UK. Therefore, the actions required to advance the city's welcoming approach to seekers of sanctuary will enhance the wider work on inclusivity for all newcomers. The chair of Sanctuary on Sea has therefore been invited to join the Inclusive Cities Task Force to facilitate this joint working.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

In light of the corporate plan commitment "*We will continue to play our part in the international refugee crisis and promote our status as a proud City of Sanctuary*". and the council's involvement in the Inclusive Cities programme no other alternative options have been considered.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The local City of Sanctuary group (Sanctuary on Sea) has been consulted about the council pursuing re-accreditation and joining the Network. The group has agreed to work with and support the council's application for re-accreditation.
- 5.2 The creation of the wider Inclusive Cities action plan (within which the City of Sanctuary actions will be embedded) will include a programme of community engagement with newcomers and longstanding residents, to include sanctuary seekers.

6. CONCLUSION

Given the city council's commitment to being a city of sanctuary within the 2020-23 corporate plan, these recommendations represent the best way of achieving this ambition.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications arising from the recommendations made in report. The application process will be taken forward from within existing staffing resources.

Finance Officer Consulted: Michael Bentley Date: 12/02/21

Legal Implications:

- 7.2 The Council's Constitution requires decisions to endorse, approve or otherwise commit the Council to any charter, alliance or pledge are taken by Full Council.

Lawyer Consulted: Alice Rowland Date: 15/2/21

Equalities Implications:

By analysing its own policies, procedures and work as part of the City of Sanctuary reaccreditation process, the city council will be enhancing its work to counteract discrimination against Black, Asian and minority ethnic residents and its anti-racism work.

Sustainability Implications:

- 7.3 None

Brexit Implications:

- 7.4 It is not yet clear what implications post Brexit changes to the immigration rules will have on Brighton & Hove's migrant population and the risk of migrants in precarious situations becoming more numerous or more marginalised.

Any Other Significant Implications:

Crime & Disorder Implications:

- 7.5 None

Risk and Opportunity Management Implications:

- 7.6 Assets based approach to diverse city, welcoming refugees and migrants from across the globe.

Public Health Implications:

- 7.7 Multi- agency work to consider the needs of the city's most vulnerable migrant and refugee residents helps fulfil the council's duty to promote the public health and wellbeing of our residents. For example it is more likely that those with a sense of belonging to the local area and who have a good understanding of local services will register with a GP and seek timely medical advice, follow public health advice and take up vaccinations when offered to them.

Corporate / Citywide Implications:

SUPPORTING DOCUMENTATION

Appendices:

1. City of Sanctuary Charter
2. Council of Sanctuary Award – Procedure and Criteria

Background Documents

[Inclusive Cities Project](#) -report to meeting of the Tourism, Equalities, Communities and Culture Committee 26th September 2019

**Tourism, Equalities,
Communities & Culture Committee**

Agenda Item 27

Brighton & Hove City Council

Subject: Accessible City Strategy

Date of meeting: 15th September 2022

Report of: Executive Director Housing, Neighbourhoods and
Communities

Contact Officer: Name: Emma Mcdermott
Tel: 01273 291577
Email: emma.mcdermott@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report provides an overview of the progress in developing an Accessible City Strategy for the council and the next steps.
- 1.2 The development of the Accessible City Strategy is a follow on from the Council's Corporate Plan commitment to "improve access to all parts of our city and our services for people with physical, sensory, and learning disabilities. We will support disabled people into work, tackle discrimination and disability hate crime, and improve access to learning and leisure activities."
- 1.3 The creation of an Accessible City Strategy is also aligned with the important new policy initiative local authorities are being asked to commit to, signing up to and implementing the new Disability Impact Pledge, the principles of which are aligned with those of the new Accessible City Strategy.

2. Recommendations

That the Tourism, Equalities, Communities & Culture Committee:

- 2.1 notes the report and agrees to receive further update reports.

2.2 recommends to Full Council that it agrees that the Council should sign the Disability Impact Pledge.

That Full Council:

2.3 Agrees that the Council should sign the Disability Impact Pledge.

3. Context and background information

3.1 Brighton & Hove City Council has an ongoing commitment to ensuring that the city is accessible for all its residents and visitors. To ensure a systematic approach to embedding accessibility throughout council services, local disability-led consultancy firm – Freeney Williams – was commissioned in 2021 to draw up initial documents setting out the parameters and scope for the strategy – phase 1 of the development of the strategy. Phase 1 was concluded in May 2022.

3.2 Key documents produced to inform the strategy development are attached and include:

- a) A principles document setting out the key approaches and issues, including synergy with other initiatives and the need to address and embed intersectionality (appendix a)
- b) A strategic framework, to be populated as the strategy is developed, covering over-arching organisational issues as well as commitments, activities and proposed outcomes by Business Directorates (appendix b)
- c) A terms of reference for a new officer Task & Finish Group, with representation from each Directorate (appendix c)
- d) A terms of reference for a new Disability Panel, which will provide strategic, expert and impartial advice on the development, implementation, monitoring and review of the Accessible City Strategy (appendix d)
- A draft terms of reference for a Wider Reference Group, to enable engagement and involvement by the disabled community across the City in the strategy, providing further targeted expertise on specific disability issues by subject matter experts (appendix e)
- A good practice report detailing best practice models for possible consideration by the City Council (appendix f)
- An external stakeholder analysis (appendix g)

3.3. Easy read versions of the terms of reference for the Disability Panel and the Wider Reference Group were also produced to facilitate the active involvement of people with lived experience of disability in these key strategic groups.

3.4. Research undertaken indicates that Brighton & Hove City Council appears to be the first council in England to take such a holistic, integrated council-wide approach.

4. Engagement

- 4.1. In late autumn of 2021, the consultants delivered a presentation providing an overview of the Accessible City Strategy initiative to each of the City Council Directorate Equality Delivery Groups. These presentations were followed up with one-to-one meetings with internal stakeholders. The consultants also engaged with the internal Disabled and Carers Workers' Network. The outcome of this internal engagement is evidenced in an Internal Stakeholder Report (appendix h), which sets out the key considerations and aims, according to the specific context of the respective directorates.
- 4.4. The consultants also engaged with a number of disability organisations as well as with individual disabled people, the results of which are documented in the External Stakeholder Report produced (appendix g).
- 4.5. Briefings were delivered to the Equality and Inclusion Partnership and to Member Equality Leads, with regular updates going to the respective Directorate Equality Delivery Groups.
- 4.6. The inaugural meeting of the Task & Finish Group, comprising Directorate representatives as well as the Independent Chair of the Disability Panel and the Equalities Team took place on 28th April.
- 4.7. The foundation meeting of the Disability Panel was held on 27th July 2022 and the first meeting of the wider reference group is scheduled for September.

5. Next Steps

- 5.1. Phase 2 of the strategy's development runs from July 2022 to March 2023 and includes the following activities:
- a) Regular meetings of the officer task and finish group to steer and inform engagement with each directorate to secure awareness and understanding of the strategy and to develop actions to deliver the aims of the strategy.
 - b) Development of actions for inclusion in the strategy's action plan by council services with the support and guidance of the council's Equality, Diversity and Inclusion Team.
 - c) Series of meetings of the Disability Panel to establish and consolidate its purpose and membership and to provide external stakeholder oversight of the development of the strategy. Key will be recruitment of the individual D/deaf disabled and neurodiverse people to the panel.
 - d) Recruitment to and meetings of the wider reference group to ensure a broad range of disability organisations have input and can comment on the strategy.
 - e) The drafting of the front end of the strategy by Freeney Williams consultancy based on documents produced in phase 1.

- f) Discussion of the draft with Lead Members for equality from the three political groups Autumn 2022
- g) Presentation of the draft strategy to Disability Panel, Wider Reference group, BHCC Executive Leadership Team through January and February 2023.
- h) Presentation of the strategy for approval by the Tourism, Equalities, Communities and Culture Committee in March 2023.

6. Disability Impact Pledge

- 6.1. The Disability Policy Centre, a new thinktank on best practice around disability, aimed at ensuring accessibility is at the heart of decision-making, especially regarding the engagement and involvement of disabled people, has created a new Disability Impact Pledge. In their report 'Breaking Down Barriers' – launched in the House of Commons in March 2022 one of the key recommendations was to ensure that Local Authority buildings and services were accessible to local people.

The pledge is intended to demonstrate a Local Authority's commitment to ensuring that disabled people across their community are empowered across all areas of society; there are no associated costs for signing up.

The specific requirement of councils signing up to the pledge is that they strive for excellence in 10 key areas, which are:

- i. Review the accessibility of our council buildings, so that all our venues are welcoming to our community
- ii. Improve accessibility in the way that people can contact us as council, ensuring that there are several methods available for people with various needs
- iii. Review our website to ensure that it meets guidelines for best practice on accessibility
- iv. Make sure our communications are provided in accessible formats
- v. Appoint a designated Equality and Diversity Lead
- vi. Ensure our compliance with the Public Sector Equality Duty
- vii. Host all of our meetings in accessible venues
- viii. Ensure our staff are trained in equality, diversity and inclusion
- ix. Promote flexible working, assistive technology and other reasonable adjustments for our employees, to ensure that we as employers are 'Disability Confident'
- x. Consult and engage with our disabled residents and disability community groups on how decisions impact them. Be open to their feedback and continuous development

- 6.4. The pledge is valid initially for one year; no benchmark is expected.

- 6.5. To date Basildon and Cornwall Councils have signed the pledge, with 30

more Local Authorities reported to be interested.

- 6.6. Signing up to the pledge would send out a positive message to the disabled communities in Brighton & Hove of the City Council's proactive commitment to promoting access and inclusion for disabled people.
- 6.7 The council is already undertaking work associated with the ten key areas and the Accessible City Strategy will provide a much-needed framework for the council's activities now and into the future.

7. Conclusion

- 7.1 The development of the Accessible City Strategy and the Disability Panel and wider reference group will provide a strategic framework, currently lacking, to guide holistic, integrated council -wide actions to ensure accessibility by default.
- 7.2 As a leader in this approach the council recognises that this is the start of the process and the strategic framework being established will provide a tool to monitor the council's progress.

8. Financial implications

- 8.1. Project management and leadership of the work is being carried out as part of core business of the Communities, Equality and Third Sector (CETS) team. A budget of £20,000 has been allocated from the CETS initiatives budget to support the work – principally funding the consultant. Financial implications arising from the strategy's action plan will be considered by the relevant service as part of their budget management processes and decisions on allocation of funding will be made in line with council's budget setting process.

Name of finance officer consulted: Mike Bentley Date consulted: 08/08/2022

9. Legal implications

- 9.1 Endorsing, approving or otherwise committing the Council to any charter, alliance or pledge is a responsibility of Full Council.

Name of lawyer consulted: Alice Rowland Date consulted: 16/8/22

10. Equalities implications

- 10.1. The intention of this work is to address identified disadvantage and lack of access experienced by disabled people who live, work, study or visit the city. The work is central to the council's legal duties under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations between communities, as well as to encourage civic engagement by under-represented groups. This links into the positive duty in the Equality Act to promote opportunities for disabled people including participation in

civic life. It also links in with and complements other key City Council Strategies including but not exclusively the Brighton & Hove Special Educational Needs and Disability (SEND) Strategy, and the Fair and Inclusive Action Plan.

11. Sustainability implications

11.1. No sustainability implications arise from this report.

12. Other implications

Social Value and procurement implications

12.1. No social value and procurement implications arise from this report.

13. Crime & disorder implications:

13.1 No crime and disorder implications arise from this report.

14. Public Health implications:

14.1 No public health implications arise from the report.

11. Appendices



Freemey Williams

Brighton and Hove City Council

Developing an Accessible City Strategy

Considerations and principles

Aim:

This document sets out the key considerations and underpinning principles to be adopted when developing Brighton and Hove City Council's (BHCC) Accessible City Strategy and underpinning action plans.

NB: For ease of reference the term disabled person or person with access requirement is used throughout the document as a generic term and in doing so the authors recognise the different views and attitudes of stakeholders towards the use of terminology in this area.

1 Introduction

BHCC strongly believe the City should be accessible for all of its residents and visitors irrespective of their access requirements. To do this it recognises the need to establish a strategy and underpinning action plans which will act as the driving force to achieve this desire. Such a strategy will not only provide a focus for its own contribution but also enable it to take a civic lead by harnessing its influence and networks. This document discusses the key issues that the Council and its various Directorates need to consider in developing such a strategy and ensure its effectiveness.

In developing this strategy it is important to recognise the positive and widespread existing work of the Council and its contribution to accessibility within the city. The strategy must incorporate and learn from such work whilst taking the opportunity to review its current approaches and identify gaps and initiate new work.

There are a wide range of service specific legal obligations placed on the Council in the way it delivers services to the city's residents and visitors and which, clearly, must be taken into account when considering an accessible city. Additionally, there are broader legal obligations under the Equality Act 2010 and the associated Public Sector Equality Duty. This legal framework provides a baseline on which to build a

strategy but the overall approach should be based on best practice rather than on compliance; this document will explore what this might look like in practice.

2 What is an Accessible City?

An accessible city is one where people who have access requirements have, as far as is practicable, independent and barrier free access to Council services, the city's public spaces and areas, facilities, transport, retail, leisure infrastructure, learning opportunities and so on. However, the Council needs to bear in mind that it is not possible to have a fully accessible city simply because of the limiting relationship between the effect of someone's impairment, their confidence and competence in dealing with it, its effect and the barriers encountered. Nevertheless, by adopting a best practice and inclusive design approach in all of its work, and using its influence to take a civic lead, it will be possible to make a marked improvement in the ability of those with access requirements to access the City's facilities and services. It will also facilitate the Council's ability to plan long term, make decisions within a best practice framework and ensure consistency of approach – within resources and legal constraints.

BHCC is taking part in the Inclusive Cities Programme. This is a knowledge exchange initiative supporting UK cities and their local partners to achieve a step-change in their approach towards the inclusion of newcomers. This will support the Council in becoming an accessible city for everyone, whether a newcomer or a long-standing community member.

Accessible for Who?

In summary the strategy is designed to provide equal access to anyone who might have a specific access requirement and seek to ensure, as far as is practicable, equal access to all those who live, work and visit the city irrespective of those requirements. This will involve the adoption of a best practice approach and needs to be based on inclusive design principles – see Section 4. It must address the underlying causes of barriers experienced by individuals who might have access requirements and seeks to establish a process by which such barriers are identified and removed from existing services, facilities and so on and 'designed out' of new areas of work. Where this is not practical it needs to establish alternative approaches to ensuring access is as equal as possible to others who don't have access requirements.

The strategy needs to determine what outcomes are intended and what successful achievement of those outputs looks like. This is likely to include improvement in all areas of City life and include areas such as:

- social and economic engagement;
- access to health, well-being and social care;
- independent living;
- barrier free built environment;
- safe and accessible public spaces and facilities;
- housing and its suitability for people's access needs;

- access to work opportunities, training and education;
- accessible public services and facilities; and
- access to involvement in decision-making and participation in all aspects of city life

3 Developing the strategy

Structure and content

Developing an accessible city is a long-term project which will require prioritised objectives which are rooted in the real world. This is not to say that the strategy and action plans should not set challenging targets. The strategy and action plan will need to establish both short and long-term objectives and underpinning activities. Consequently it cannot be a one-off exercise and will need to be a living document used to drive action and monitor performance over time. This means it will need to be monitored, revised and updated regularly and be kept at the centre of the Council's work, as ensuring inclusion by design is a business-as-usual process and involves all business areas. The Council's involvement in the Inclusive Cities Programme will support the development of this approach.

The strategy will consist of two key components:

- An overarching statement of intent supported by ambitious aims outlining the Council's general approach to developing an accessible city over time (see Appendix 1); and
- Underpinning action plans from each Directorate setting out the activities and projects from across the Council which will, over time, achieve the aims.

In doing this it will need to consider a number of key themes:

- The built environment and public spaces
- Public facilities
- Council services
- Health, wellbeing and social care
- Transport and related infrastructure
- Information and communication, including new ICT projects
- Education and lifelong learning
- Leisure services and activities

Additionally, two aspects will need to be considered in each of these themes: those areas for which the Council has direct or indirect control as well as those areas where it can use its influence as the civic lead, e.g., other public sector bodies' approach to inclusive design, highlighting the need for staff training in the retail and hospitality sectors and so on.

Roles and responsibilities

The process of developing the strategy is set out in Document B and Head of Communities, Equality and Third Sector will be the Council lead for this work and in summary responsible for:

- initialising project and associated planning;
- development and publication;
- internal and external co-ordination;
- monitoring and 'chasing' actions;
- facilitation of involvement, engagement and consultation;
- briefing and co-ordination to facilitate role of civic lead;
- monitoring and reporting on progress.

A Task and Finish Group will be commissioned to ensure these actions are completed.

Each Directorate will need to:

- contribute to the drafting of the overarching strategy;
- map and review its current contribution against the overarching aims and the themes;
- identify any gaps within its area of control and plan to address them;
- identify opportunities to take a civic lead and use its influence to drive change;
- establish an action plan against which progress can be monitored and assessed.

Intersectionality with wider BHCC strategies and initiatives

The strategy must take account of wider Council policies, strategies, initiatives and proactively interlink with them in order to ensure a joined-up approach and avoid inconsistencies and duplication of effort.

There are a number of key strategies and policies which need to be reflected on and referenced, including:

- Council Plan
- Equality and Inclusion Policy Statement and Strategy
- Fair and Inclusive Action Plan
- Special Educational Needs and Disability Strategy
- Customer Experience Strategy
- Health and Wellbeing Strategy
- Alzheimer Friendly Community

The **Council Plan** makes commitments to achieve a number of outcomes including creating:

- a fairer city with a sustainable future
- a city working for all

- a stronger city
- a city to call home
- a healthy and caring city

Within the commitment to a stronger city, the Council has committed to improving access to disabled people to all parts of the city and to services for people with physical, sensory and learning disabilities. It further commits to supporting disabled people into work, to tackle discrimination and disability hate crime, as well as improving access to learning and leisure activities.

Within the commitment to a healthy and caring city, it commits to increasing healthy life expectancy and to reduce health inequalities. Part of this commitment is to support people to live independently and to work to increase understanding and reduce prejudice and discrimination related to disability and mental health problems.

In ensuring the Council provides health and care services that meets the needs of all, there is a recognition of the need to work with disabled people to ensure services are accessible and meet their needs.

The council's existing **Equality and Inclusion Policy Statement and Strategy** vision is to ensure Brighton & Hove is a vibrant city that is culturally, economically and socially diverse. It will take a leading role in seeking Council's increase equality, inclusion and fairness in the city and ensure that no one is left behind.

The Fair and Inclusive Action Plan makes a commitment to communities which includes:

- Services across the council understand and respond effectively to communities they work with and the changing demographic of the city;
- The Council has a reputation as a leader for equality and inclusion and community cohesion in the city, engaging in a joined-up way with cultural events across the city;
- Council staff are aware of and engaging with volunteering opportunities available to enable them to work with different communities across the city; and
- The council has a reputation in Schools, Colleges and HE as a leader for equality and inclusion and an employer of choice in the city for young people.

The **Special Educational Needs and Disability Strategy** aims to enhance the outcomes and life chances of children and young people with SEND and adults with Learning Disabilities (LD) across the city. The Local Authority (LA) and the NHS Clinical Commissioning Group (CCG) are the leads for the strategy. The strategy sets out the six co-produced key priorities.

The **Customer Experience Strategy** aims to embed a consistently good standard of service delivery with resilience and efficiency in a fair and inclusive way. This requires a strong **Customer Focus**, by putting the customer at the heart of everything the Council does.

Key to creating accessible outcomes will be to work with customers to identify what excellent service looks like to them – which must take account of the potentially different access requirements of disabled people.

The **Health and Wellbeing Strategy** sets out the Council's vision for improving the health and wellbeing of local people and reducing health inequalities. The vision is for everyone in Brighton & Hove to have the best opportunity to live a healthy, happy and fulfilling life.

Alzheimer Friendly Community

When it comes to developing the individual Directorate action plans care will also need to be taken to link them into the overarching strategies. BHCC's ambition is for Brighton & Hove to be an age and dementia friendly city. Somewhere that's a great place for everyone to grow older and where those living with dementia and their carers are an active part of their city.

Consultation with stakeholders

When considering its own role, the Council must engage with others to ensure their expertise and insights are taken into account. Such stakeholders will need to include disabled people's organisations (DPOs) as well as provide opportunities for disabled people to contribute as individuals. Also it will be necessary to include, for example, others who have a role in delivering broader city services such as transport, leisure, the retail sector and so on and other public sector bodies.

To be an accessible city, the lived experience of disabled people needs to be understood and they need to be central in developing a strategy to meet their needs; assumptions should not be made about any aspect of need or barriers and Council activities need to be evidence-based with full input from those who understand the issues from a personal viewpoint.

This means such stakeholders should be consulted in a meaningful way with regard to the overarching aims of the strategy as well as any associated activities and projects including the action plan.

To do this there needs to be a process which ensures such engagement and to facilitate this a Disability Panel will be established with agreed terms of reference to support a strategic approach. Please also refer to Document B and the Consultation and Engagement Plan to ensure this is undertaken effectively and at the right time.

4 Considering Disability: Underpinning issues and principles

There are a number of underpinning issues and principles relating to disability which need to be adopted when developing an Accessible City Strategy. This section explores those issues and makes recommendations about their use.

Best practice and disability

The understanding, attitudes and language towards access and disability can be subjective, vary widely and be open to differing interpretation. Therefore, the first requirement to achieving best practice is to establish a common approach and understanding of the key issues.

It is not uncommon for organisations to ask themselves questions like, “what do blind people need in order to travel independently” or “what should we do for those residents with learning disabilities to help them find work?” or “how do we make sure deaf people can access our call centre?” While the intention is understandable, these questions assume that people with the same disability face the same challenges and barriers. However, focusing on the impairment in this way can lead to assumptions about the implications of that condition, and lays the ground for generalisation and stereotyping with delivery features or adjustments which don’t work as well as they may or not at all. The final challenge to this approach is where does the list of disabilities to be considered in this way stop?

Nevertheless, it is useful to have a shared understanding of the broad range of functions which, when not working effectively for an individual, might lead to an access requirement when living, working and visiting the city. Such functions can be summarised as:

- physical, e.g. manual dexterity and mobility limitations;
- mental health, e.g., severe depression or anxiety;
- sensory, e.g. sight, hearing;
- learning disabilities, e.g. Asperger’s and Downs syndrome, cerebral palsy (Mencap);
- learning difficulties and neuro-difference, e.g. dyslexia, dyspraxia, ADHD (Mencap);

Impairments and any barriers people might face affect different people in different ways and on a scale which ranges from mild to severe and often not consistently. In reality the effect of an impairment on an individual is a dynamic balance between the confidence and competence of the individual, the effect of their impairment and the barriers experienced in any given context of whatever they are doing.

A best practice approach does not think about the nature of a disability but rather its effects. For example, some disabilities such as Dyslexia or a visual impairment or learning difficulty, may make signage hard to understand for some people. The designers’ challenge is not to try to counter the effects of each disability but to minimise the understanding barrier for everyone by creating well-positioned signs in plain language in a clear, high contrast typeface supported by good graphics.

This means that attempting to design a fully accessible city from the perspective of specific conditions is not possible and cannot be considered best practice.

Best practice versus compliance

Relying on the definition of disability under the Equality Act 2010 to consider the nature of disability and what needs to be taken into account will also prove challenging. The legal definition of disability is complex and based on a range of apparently subjective tests and not on a list of conditions (there are only 5 conditions specifically covered by the Act.) Clearly eligibility for some services is based around the legal definition or other impact-based assessments and these specific 'rules' allow no or little flexibility. Where this is not the case though, a best practice approach should not rely on trying to comply with the Equality Act and by applying the definition of disability to identify eligibility, but rather assess and consider the effect of the impairment and address the barriers which might be identified.

As discussed above the effect of an individual's disability is a dynamic balance and is hugely variable. This means it is simply not possible to design all facilities, the built environment, systems or Council services and so on to be barrier free to all. Indeed one person's access solution might well be another's barrier. This means that there needs to be two linked elements to considering how to deliver maximum accessibility:

- design as much of the city's infrastructure, facilities, Council services and so on to be as barrier free as practicable as a matter of course (inclusive design); and
- be able to make further adjustments for individuals where barriers still remain.

This is also referred to as the Social Model approach.

The models for managing disability

To implement a best practice approach an organisation also needs to adopt a methodology and understanding of disability and its implications which allows inclusion to be 'business as usual' and not a 'bolt-on'. Current thinking is that this can only be achieved by using the concepts established in the social model. To understand the social model it is useful to consider earlier models which have not delivered Inclusion and access to services and social engagement.

Charity and medical models

Traditionally the way society and organisations managed disability issues was based around the 'charity' and 'medical' models.

The charity model, while no longer used in terms of policy and management, still plays a strong part in some people's attitudes towards disabled people, which then impacts on their understanding, behaviour and assessment of access requirements

of this group. At its core is the perception that disabled people need sympathy, looking after, protecting, and that there is little expectation that they will lead an independent and 'normal' life.

As its title implies, the medical model concentrates on disease and impairments and puts what is wrong with someone at the heart of how to address the issue; 'fixing or mitigating the problem' the individual might experience. This might be useful when dealing with health issues and, indeed, the approach is a basic driver for some Council services. However, it is less helpful when thinking about how a disabled person might access city transport or Council services, navigate the built environment and so on.

The limitation of the medical model is that it concentrates thinking on the conditions and its symptoms, or more likely its stereotypical symptoms, and not any barriers which might be 'designed out'. Based on these views, judgements are made about what individuals can and can't do, what barriers might exist, types of adjustments that might be appropriate and so on. It also makes it harder for an organisation to deal with disability as a mainstream issue, as it is centred on the individual impairment and not on how to identify and address the barriers an individual experiences. Given the range and the variability of the effects of impairments on individuals, this approach cannot deliver a universal solution.

The social model

The social model says it is society or an organisation which creates 'disability' by limiting access to services, products, employment and use of infrastructure by the way they go about what they do. If society and organisations worked differently and developed an inclusive approach across the board, a person's impairment would not be an issue. A good example of the social model in action relates to modern buildings. They are required to be accessible and step-free to everyone. This means, if there are no steps into reception, then making a one-off adjustment is not required such as providing a temporary ramp or a separate entrance for people requiring step-free access. Everyone accesses the building in the same way. Access is mainstreamed and no one really thinks about this anymore, as it is just the way things are. In other words, the social model seeks to deal proactively with the root cause of the barriers and not their symptoms.

Intersectionality with other protected characteristics

It is important to recognise that for disabled people, their disability or long-term health condition is not their only characteristic. There will also be a range of other factors affecting their life, which can create a unique set of circumstances that interrelate with each other.

For example, we know that race and disability can interact to create a further set of challenges in terms of accessibility. Disability is viewed in a variety of different ways through a cultural or racial lens which can make it more difficult for disabled people from these communities to access services. How disability is viewed by different communities can make it more challenging for people within these communities to engage with the reality of their disability or long-term health condition and therefore make accessing the support they may need more challenging.

We know that disabled people as a group are more likely to be in the lower quartile of average earnings, meaning that poverty and social deprivation may impact their lives. This means that there will be a direct relationship between addressing issues relating to the economically disadvantaged group but which can be made more challenging by access requirements to any initiatives aimed at dealing with those issues.

There is also the question of connectedness between the work of the Council when considering intersectionality. For example, if a positive action employment scheme was being developed for a specific protected characteristic the approach and procedures should also ensure their accessibility and not assume the target group should be considered as a stand-alone issue. This principle equally applies to the provision of all Council services.

Inclusion as business-as-usual

Any Accessible City Strategy needs to be based on the social model. It's an approach that says... 'everything the Council does (directly or indirectly) will seek to ensure inclusion as a matter of course and facilitate independence irrespective of any access requirements'.

The subsequent challenge then is to ensure inclusive design principles are implemented consistently across all of its work alongside using a similar approach within its sphere of influence.

The final strand of a best practice approach uses the impact of someone's impairment when considering barriers and adjustments and not the cause. For example, if someone needs to use a mobility aid which might prove problematic with stairs, then that is the issue which needs addressing, not what causes that individual to need to use the mobility aid in the first place. Considering the cause is not helpful in identifying and finding a solution to the barrier; any strategy needs to 'think effect, not cause'.

Barriers to inclusion

To be able to implement the social model, it is important to understand what creates barriers which need to be identified and addressed in the first place.

Barriers exist as a result of the following factors:

- institutional: the culture and approach to equality and discrimination within an organisation and its willingness to be inclusive;
- practical and systemic: the procedures and systems in use within the organisation, e.g., requiring photo ID, using a self-service restaurant;
- physical: the built environment, e.g., building's design, lighting levels and accessible washrooms;
- attitudinal: attitudes and consequential behaviours of Council staff, designers, etc.

Consequently, to develop a social model approach based on best practice, BHCC will need to use a process of barrier analysis on its existing approaches, policies, engagement protocols and so on in all aspects of the Council's work which might impact on disabled people within the city. It also needs to develop a consistent and comprehensive inclusive design approach with input from subject matter experts. Clearly this is a large undertaking and needs to be prioritised.

At the same time it will need to use its influence to support others to adopt a similar approach.

The Local, Regional and National Context

Local / regional context

We know that Brighton and Hove is experiencing rising population levels, which will impact upon the delivery of services. We also know that the overall cost of living is growing quickly within the city area.

Our current customer intelligence shows that:

- 1 in 20 residents say their day-to-day activities are "limited a lot" due to a long-term health condition or being disabled.
- the group classed as the "oldest old" group is growing
- mental ill health has been recognised as a significant issue for people within the city
- changes to the welfare and benefits system are having a disproportionate impact on people with a disability or long-term health condition
- there is a growing migrant community across the region which bring an extra dimension to accessibility
- there are specific issues in the city linked to geography and heritage buildings which lack accessibility.

These are all issues which need to be addressed as part of the Accessible City Strategy.

Government Disability Strategy

In July 2021, the Government launched its National Disability Strategy, which will need to inform BHCCs approach to an Accessible City Strategy.

The Government's vision is to transform the everyday lives of disabled people. This includes a commitment to level up opportunity at every stage of disabled people's lives, as well as in all areas of disabled people's lives.

The strategy identifies 5 areas which will guide the Government's approach to disability, which are:

- ensure fairness and equality – empowering disabled people by promoting fairness and equality in opportunities, outcomes, experiences, including work;
- consider disability from the start – embedding inclusive and accessible approaches and services to avoid creating disabling experiences from the outset;
- support independent living – actively encourage initiatives that support all disabled people to have choice and control in life;
- increase participation – enabling greater inclusion of a diverse disabled population in the development and delivery of services, products and policies; and
- deliver joined-up responses – working across organisational boundaries and improve data and evidence to better understand and respond to complex issues that affect disabled people.

Appendix 1

Brighton and Hove City Council Creating an accessible City Draft content of overarching strategy

- 1 Purpose of the strategy
- 2 Foreword
- 3 Introduction and background
- 4 Our vision and aims
- 5 How we developed the strategy
- 6 Who was involved and how we engaged, involved and consulted with disabled people and their organisations.
- 7 The role of the Disability Panel
- 8 The underpinning principles:
 - what we mean by disability
 - the social model of disability
 - inclusive design
- 9 Delivering the strategy: The Action plans
- 10 Monitoring and evaluating

Appendix 2

In considering contributions to the strategy and action plans do they:

- use a common understanding and approach to disability based on best practice and the social model (NB unless this is constrained by other legislative approaches, i.e., eligibility for specific services);
- develop and use the social model principles in all of its public-facing interactions and services;
- ensure that disabled people and their organisations are fully involved;
- ensure all new procedures, activities, policies etc. are developed against the social model and inclusive design principles;
- over time review all existing arrangements and services with input from critical friends who are subject matter experts;
- ensure in-house management protocols are in place to ensure the principles are 'business as usual';
- support staff to facilitate their use of these principles;
- use the Council's broader role in the city to influence others to adopt an inclusive design approach and mirror it.

Brighton and Hove City Council

Developing the Accessible City Strategy

Task & Finish Group Terms of Reference

1 Purpose of the Group

The Task and Finish Group is to ensure the successful development and approval of the Brighton & Hove City Council (BHCC) Accessible City Strategy within the project's deadlines.

It will ensure all agreed tasks required to deliver the strategy are undertaken using the approved methodologies, including the consultation, engagement and involvement of disabled people and their organisations.

2 Core tasks

The Group's role is to oversee the development and implementation of the Accessible City Strategy by ensuring the development and delivery of a project plan; it is not to undertake the activities within that plan. Consequently, there are a number of key tasks:

- Agreement of a project plan with timelines in line with the outputs from Phase 1;
- Oversee the development of the Strategy in line with the project plan;
- Ensure the activities required for the strategy's development take place including but not limited to:
 1. Development of the overarching vision and Council wide strategic ambition;
 2. Development of individual Action Plans for each Business Directorate;
 3. Overseeing the effective delivery of the Consultation, Engagement and Involvement Plan;
 4. Liaising with other relevant stakeholder groups including the Disability Panel;
 5. Ensuring the strategy's development adopts a proactive approach to influencing partners and encourages the Council to take a civic lead role in relation to accessibility.
- Seek comments and feedback from relevant stakeholders on the draft Strategy; and
- Obtain elected representatives' and Council wide approval of the Strategy and its underpinning action plans.

3 Membership and structure

The Chair of the Task and Finish Group will be held by Head of Communities, Equality and Third Sector

The role of Group Secretary will be held by EDI officer (disabilities lead)

The Task & Finish Group will be made up of:

- Emma McDermott (as chair)
- Equalities Manager (as project lead)
- EDI officer (as secretary)
- Rick Williams / Clare Cromarty (for a time limited period during the establishment of the group)
- Independent Chair of the Disability Panel
- A representative of each directorate equality delivery group

It is expected that the group will operate through consensus, including in making key decisions. If any dispute arises, the Chair of the Task & Finish Group will have the final say.

Deputies

If the designated member of the Task & Finish Group is unable to attend, they may nominate one person to act as their deputy. For continuity purposes this should be the exception and where possible, should always be the same deputy.

4 Timeline & Frequency of meetings

The Group will meet on a monthly basis for the duration of the project with additional meetings being agreed if required.

The Group may appoint additional members on an ad hoc basis if it believes they can help facilitate its work. Such appointments are subject to the approval of the Chair.

The Group may create sub-groups to focus on specific areas of its work and such sub-groups may co-opt additional members to facilitate their work subject to the Chair's agreement.

Once the strategy has received approval of all relevant Council bodies, the Task & Finish Group will have achieved its goal and will therefore be disbanded. From this stage, the implementation of the Accessible City Strategy will be monitored as per normal Council performance management arrangements.

5 Resources

The following resources will be made available to the Group:

- Secretariat and administrative support (EDI administrator)
- Meeting space for any face-to-face meetings
- Online meeting portal to hold virtual meetings

Accessible City Strategy Disability Panel

Accessibility

If you would like this letter or information in an alternative format, for example large print or easy read, or if you need help communicating with us, for example because you use British Sign Language, please let us know. You can call us on 01273 291952 or email EDI.Officer-Disability@brighton-hove.gov.uk

Brighton & Hove City Council (BHCC) is registered with signlive.co.uk, and British Sign Language (BSL) users can use the service to make a video call via a BSL interpreter and leave a message on the number above.

Purpose and expectations of the Panel

What is expected from Disability Panel members?

- support Brighton & Hove City Council to meet their Public Sector Equality Duty, by prioritising accessibility when the Council considers developing or changing a policy, project or service
- help the City Council to enact its positive duty regarding treating disabled people more favourably
- help Brighton & Hove City Council understand the experience of any barriers faced by disabled people
- advise on potential solutions to removing barriers which might be found during the strategy's development and implementation
- highlight gaps in provision for D/deaf, disabled and neurodiverse people across all Brighton & Hove City Council departments, so that the gaps can be addressed by the Accessible City Strategy
- proactively offer guidance on how best to consult, engage with and involve disabled people in developing and reviewing the Accessible City Strategy and other relevant strategies
- advise Brighton & Hove City Council on the monitoring and reporting framework that should be set up to effectively implement the Accessible City Strategy

- be prepared to voice their lived experience, but not be focused solely on a single issue, as panel members are expected to speak for a range of disabled people in the community
- accept that once a particular issue has been sufficiently explored, it will not be revisited unless for a critical reason
- respect confidentiality and not share confidential information outside the Panel (including within their organisations, in the press or on social media, without prior written permission from Brighton & Hove City Council): this applies both during and after the Panel Members' term of appointment.

In its work the Panel must recognise it does not have the authority to:

- expect their views wholly or in part, to be accepted and acted upon by the Council
- commit or expend resources on the Council's behalf
- commit the Council to any actions
- consider any matter outside its specific areas of activity
- direct Council employees in the performance of their duties
- represent the Council in any communication with the public or media
- act in the name of the Panel outside the remit of the Panel.

What is expected of Brighton & Hove City Council?

- ensure that the Disability Panel's expertise is used at the strategic level
- consult the Panel at all appropriate points of the Accessible City Strategy's life cycle
- provide a reasonable amount of time for the Panel to undertake its work on any specific issue
- adjust the way the Panel runs to ensure it is fully accessible to Panel members
- report back to the Panel on how their input has been incorporated and what actions or outcomes have been achieved as a result
- provide a response to issues raised and discussed by the Panel in as timely as possible a way, ensuring a clear feedback loop

- consult with the Panel prior to the release of any Press Releases regarding the Accessible City Strategy
- give due reference to the Disability Panel, wherever appropriate, in either the Community Engagement or Equality Impact Assessment sections of BHCC committee reports
- host an annual stakeholder event/conference with relevant partners, at which progress on the Accessible City Strategy and the work of the Disability Panel will be shared and then reported to the relevant Council Committees
- facilitate a wider reference group of D/deaf, disabled and neurodiverse people's organisations to provide support and subject matter expertise to the Panel.

How the Panel will operate

1: Introduction

The Disability Panel is a key component in the effective development and delivery of Brighton and Hove City Council's (BHCC) Accessible City Strategy. It ensures that D/deaf, disabled people and neurodiverse people and their organisations are centrally involved in the development and implementation of this strategy.

2: Role of Panel

The Panel is created by the council for the purpose of providing strategic, expert and impartial advice to the Council on the development, implementation, monitoring and review of the Accessible City Strategy and associated action plan(s).

3: Principles

The following principles of good governance will guide the functions of the Panel:

- Participatory;
- Respectful;
- Accountable;
- Transparent;
- Responsive;
- Effective and efficient;
- Equitable and inclusive;
- Ethical;
- Abide by the Nolan principles¹

¹ [The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/the-seven-principles-of-public-life)

4: Conduct and Confidentiality

Panel members will need to declare any conflicts of interest and must adhere to BHCC's policy and procedure in this respect.

Panel members may be given access to information not yet in the public domain or which is policy under development. This information must not be shared outside the Panel, including within their organisations, in the press or on social media, without prior written permission from BHCC. This applies both during and after the Panel Members' term of appointment.

5: Membership and Term

The Panel shall consist of a maximum of twelve members. The membership will consist of four independent D/deaf, disabled people and neurodiverse people and representatives from eight different D/deaf, disabled people and neurodiverse people's organisations (DPOs)

It is important to have Panel members who are people with lived experience of disability whether personally or through a caring and support role.

The D/deaf, disabled people and neurodiverse people's organisations represented on the Panel shall include:

1. a pan-disability organisation with a broad role of delivering and supporting disabled people within the city [Possability People];
2. an organisation with a focus on working with children and young disabled people [Amaze];
3. an organisation with a focus on working with people with a learning or neuro-difference [Grace Eyre/Speak Out];
4. an organisation with a focus on working with disabled people from a range of ethnic and cultural backgrounds [tbc following panel discussion];
5. An organisation with a focus on sensory impairment [tbc following panel discussion];
6. An organisation with a focus on mental health [Mind];
7. An organisation with a focus on long term, limiting condition [tbc following panel discussion];
8. An organisation with a focus on non-visible disabilities [tbc following panel discussion]

A list of Panel members shall be posted on the Council's website.

One member of the Panel shall be appointed by the Panel members as the Chair of the Panel and will serve in this role for two years with the option to

be re-appointed for a further one year. The role of the Chair of the Disability Panel will be to:

- lead and chair Disability Panel meetings;
- determine the agenda for Panel meetings;
- represent the Panel in a wider Council context where required;
- Act as a conduit for other organisations not on the Panel to ensure their views and ideas are heard within the Panel.

If members of the Disability Panel or an appropriate Executive Officer of the Council has concerns with the way the Chair is delivering on their role, a vote of the whole Disability Panel shall take place to determine whether there is confidence in this individual. They may be removed from the role of Chair if a majority equal to or greater than two thirds of the Disability Panel vote that they do not have confidence in the individual continuing in that role.

The term of membership for individuals shall be two years with a right to reappoint for a further year. Individuals may serve for up to a maximum of three years.

Organisational membership will be reviewed every two years by the Council to ensure they remain representative of the sector.

A person or organisation ceases to be a Panel member if they:

- resign;
- are absent from two consecutive meetings without notification or valid reason; or
- fail to follow these Terms of Reference.

Any member may resign by giving written notice to the Panel's Chair.

To ensure consistency there is an expectation that organisations are represented by one nominated employee member throughout the term of membership, and that if need be one proxy is nominated to attend.

The Panel may, at its own discretion, decide to co-opt members on to the Panel to work on short projects or to bring a specific expertise/lived experience to an issue. Anyone co-opted on to the Panel will be a member for an agreed timeframe and purpose. In addition, any co-optee will agree to work within these Terms of Reference.

The Panel will be supported in its work by a Wider Reference Group consisting of disabled persons' organisations (DPOs), whose remit will be to support and inform the work of the Disability Panel, providing further targeted expertise on specific disability issues as subject matter experts.

6: Recruitment

Vacant individual positions on the Panel will be proactively promoted via D/deaf, disabled people and neurodiverse people 's organisations, stakeholders, advocates and community organisations with a call for Expressions of Interest. Additionally, the vacancies will be promoted through a range of other channels which may include:

- social media;
- BHCC website; and
- disability sector networks.

D/deaf, disabled people and neurodiverse people from diverse backgrounds will be encouraged to apply.

Applicants will be requested to express their interest in being on the Panel by addressing the selection criteria which will be articulated in the promotional material.

A group made up of the Chair of the Disability Panel, at least one other member of the Panel and at least one senior BHCC employee will oversee and determine the process for selection. Where more suitable people have expressed an interest than seats available on the Panel, a recruitment exercise will be undertaken. If the same number of suitable people express an interest as seats available, these individuals may be directly appointed to the Panel.

In the setting up of the Disability Panel, adjustments will be made to the recruitment arrangements to ensure access requirements are addressed.

7: Selection Criteria

An assessment of applicants' suitability will be undertaken against the following selection criteria:

- have demonstrated direct or transferable skills or experience in being part of a committee or advisory panel;
- live, work or study in the BHCC area;
- have a lived experience of disability whether personally or through a caring and support role; and
- demonstrated knowledge, experience or an interest in providing independent and/or strategic advice on disability access and inclusion issues that will support one or more of the focus areas of the strategy.

8: Meeting Administration and Protocols

The Panel will be convened by its Chair or their nominee.

The Council will provide administrative support including:

- scheduling meetings of the Panel and provide virtual meeting links where appropriate
- compiling and circulating agenda and attachments to all members
- taking and distributing minutes
- coordinating other meeting arrangements and ensuring the accessibility of meeting procedure and materials

The Panel will meet a minimum of four times a year on dates and at places to be set out in advance for each year. However, additional meetings can be called and must be advised at least 10 working days before the scheduled date.

Where applicable and advised by Panel members, adjustments will be made for all members including adjustments around communications and correspondence and business, for example, a sign language interpreter, printed material in alternate formats, audio captioning services, water bowl for guide dogs, narrative information regarding design plans, PowerPoint presentations prior to meetings and/or any other requirements.

9: Fees

Individual Panel members will be provided with a fee of £40 for each official Panel meeting they attend. The meetings are for a maximum of 3.5 hours with appropriate breaks.

An attendance register will be kept for all meetings for reimbursement purposes.

There may be times when Individual Panel members prepare for a meeting but are unable to attend. In these circumstances a proportional reading time fee can still be paid, in negotiation with the Panel Chair.

Individual Panel members will be reimbursed out-of-pocket expenses incurred by attending Panel meetings such as payment for a personal support worker and transport expenses.

It is expected that Panel members who are organisational representatives will be supported by their organisation to attend where they are a paid member of staff. For volunteer led organisations, the appropriate fee will be paid. The council will ring-fence funding for members of the Disability Panel to recognise the time and expertise of those involved, and to help foster sustainable change.

Recognition can be in variety of forms including but not exclusively training, development, opportunities.

10: Reporting, Monitoring and Evaluation

Activities of the Panel will be reported 6 monthly to BHCC.

A formal evaluation with the Panel will take place in the last meeting of the year and reported to the council's Corporate Equality Delivery Group and the TECC [Tourism, Equalities, Communities & Culture] Committee as part of updates on the Accessible City Strategy.

11: Disputes

Where disputes within the Panel occur, it will be the role of the Chair to seek resolution within the group. Where this is not possible, the involvement of the Council Lead for the Disability Panel will engage with the Chair (and wider Panel if appropriate) to determine the most appropriate resolution to the issue.

BHCC reserves the right for the Council Lead for the Disability Panel to follow the process laid out in section 12 of these Terms of Reference and move to dissolve the Panel if they deem this is the most appropriate course of action.

12: Dissolution

If the Panel becomes unable to meet these Terms of Reference or the Council Lead for the Panel determines it is no longer fit for purpose, BHCC reserves the right to dissolve this Disability Panel. It may be replaced in an alternative format or may not be replaced at all.

Accessible City Strategy Wider Reference Group

Accessibility

If you would like this letter or information in an alternative format, for example large print or easy read, or if you need help communicating with us, for example because you use British Sign Language, please let us know. You can call us on 01273 291952 or email EDI.Officer-Disability@brighton-hove.gov.uk

Brighton & Hove City Council is registered with signlive.co.uk, and British Sign Language (BSL) users can use the service to make a video call via a BSL interpreter and leave a message on the number above.

Note:

The term 'disabled' is used throughout this document as defined by The Equality Act 2010, which states that a person has a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on person's ability to carry out normal day-to-day activities. In this document the term 'disabled' also includes individuals with long-term limiting or fluctuating health conditions.¹

Purpose of the Group, expectations and how the Group will operate

1. Role of the Group

The role of the Brighton and Hove's Wider Reference Group is to provide a safe, inclusive space for D/deaf, disabled people and neurodiverse people to give their views and participate in discussion on how the City and Council services can become more accessible.

¹ [Disability: Equality Act 2010 - Guidance on matters to be taken into account in determining questions relating to easy-read.pdf](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/428211/Disability_Equality_Act_2010_-_Guidance_on_matters_to_be_taken_into_account_in_determining_questions_relating_to_easy-read.pdf) (publishing.service.gov.uk)

The discussions of and feedback from the Group will inform the recommendations given by the Brighton and Hove's Disability Panel to the Council on improving accessibility in the City and in Council services. The Group's views will also inform the development and delivery of the Council's Accessible City Strategy.

The Group will function as a membership group, whereby there is no set limit to the number of people on the Group. People may join the Group and participate in the work of the Group when and if the focus of the Group's work is relevant. The Group will seek to work in a range of ways, including, but not exclusively, online surveys and meetings and in-person meetings, to maximise inclusivity and opportunity for participation.

In its work Wider Reference Group must recognise it does not have the authority to:

- Expect their views, wholly or in part, to be accepted and acted upon by the Brighton and Hove City Council.
- Commit or expend resources on the Council's behalf.
- Commit the Council to any actions.
- Consider any matter outside its specific areas of activity.
- Direct the Council employees in the performance of their duties.
- Represent the Council in any communication with the public or media.
- Act in the name of the Wider Reference Group outside the remit of the Group.

2. Values and Ground Rules

The values of the Group are:

- Respect
- Honesty
- Openness
- Kindness
- Confidentiality
- Equitability
- Accessibility
- Effectiveness
- Ethicality.

All Members participating in the Group or in the Group's name agree to observe and respect the Group's values.

3. Conduct and Confidentiality

Group Members must declare any conflicts of interest and must adhere to Brighton and Hove City Council's policy and procedure in this respect. Group Members may be given access to information not yet in the public domain or to policies under development. This information must not be shared outside the Group, including within their organisations, in the press or on social media, without prior written permission from the Council. This applies both during and after Members' time on the Wider Reference Group.

4. Membership

The Group is open to:

- Representatives from Disabled People's Organisations that support and empower D/deaf, disabled people and neurodiverse residents of Brighton & Hove – ideally with lived experience of disability themselves.

Membership of the Wider Reference group is limited to one or two representatives per group/organisation.

There is no set term for membership of the Group.

A Member will cease to be a Group Member if they:

- Request to be removed from the Group.
- Do not participate in the work of the Group for more than a year.
- Do not abide by the values and ground rules of the Group.

Members can request to be removed from the Group by contacting the council's Equality, Diversity and Inclusion Team by:

- E-mailing edi.officer-disability@brighton-hove.gov.uk
- Telephoning 01273 291952

5. Meeting Administration

The Group will be co-facilitated by a representative of Possability People and the Council's Equality, Diversity and Inclusion Team.

The Group will be administrated and convened by the Council's Equality, Diversity and Inclusion Team.

This will include:

- Scheduling meetings of the Group and providing virtual meeting links where appropriate.
- Compiling and circulating agenda and papers to all Members.
- Taking and distributing minutes of meetings.
- Coordinating other meeting arrangements, including ensuring the accessibility of meeting venue, procedures and materials, for example, a British Sign Language interpreter, Makaton interpreter, printed materials in alternative formats (for example Easy Read, Braille), audio captioning services, water bowl for guide dogs, narrative information regarding design plans, PowerPoint presentations prior to meetings and/or any other requirements (i.e. comfort breaks as required).

The Group will meet a minimum of four times a year. The dates and venues for the meetings to be set

Additional meetings can be called and must be advised of at least 10 working days before the scheduled date.

6. Fees

Groups/organisations will be paid a donation of £20 for each meeting that they attend, regardless of whether one or two representatives attend. The organisation is being paid the donation rather than the individuals themselves.

Groups/organisations will be paid a donation of £10 for each survey response they return.

An attendance register will be kept for all meetings for reimbursement purposes.

7. Reporting, Monitoring and Evaluation

Activities of the Wider Reference Group will be reported annually to Brighton and Hove City Council's Corporate Equality Delivery Group (CEDG) and the Tourism, Equality, Culture and Communities (TECC) Committee as part of updates on the Accessible City Strategy. This will include a formal evaluation with the Group in the last meeting of the year.

8. Disputes

Should a dispute occur within the Group, the co-facilitators of the Group from Possability People and the Council will seek to mediate and resolve the dispute.

Where this is not possible, the Council Lead for the Disability Panel will engage with the Group to determine the most appropriate resolution to the issue.

In the event of a dispute between the Wider Reference Group and Brighton and Hove City Council arising, a representative agreed by the Group shall provide a written notification to the Council Lead for the Disability Panel with a statement of the nature and grounds of the dispute. The Council Lead for the Disability Panel shall convene a meeting with the representatives of the Group within ten working days. If no agreement is reached because of that meeting, by mutual agreement the parties may seek local mediation. The Council is committed to resolving disputes in partnership with the Group with a view of the parties reaching agreement at the earliest possible stage.

BHCC reserves the right for the Council Lead for the Disability Panel to follow the process laid out in section 9 of these Terms of Reference and move to dissolve the Group if they deem this to be the most appropriate course of action.

9. Dissolution

In the event of Wider Reference Group becoming unable to meet these Terms of Reference or if the Council Lead for the Disability Panel determines it is no longer fit for purpose, Brighton and Hove City Council reserves the right to dissolve the Wider Reference Group. It may be replaced in an alternative format or may not be replaced at all.

10. Expectations of the Disability Panel and the Council

The Disability Panel is expected to:

- Utilise support and subject matter lived expertise provided by the Wider Reference Group.
- Ensure that the expertise of the Wider Reference Group is heard, respected and constructively used at the strategic level.
- Report back to the Wider Reference Group on how their input has been incorporated and what actions or outcomes have been achieved as a result.

Brighton and Hove City Council is expected to:

- Provide a response to issues raised and discussed by the Wider Reference Group in as timely as possible a way, ensuring a clear feedback loop.
- Give due reference to the Wider Reference Group, wherever appropriate, in either the Community Engagement or Equality Impact Assessment sections of BHCC committee reports.
- Host an annual stakeholder event/conference with relevant partners, at which progress on the Accessible City Strategy and the work of the Wider Reference Group will be shared and subsequently reported to the relevant Brighton and Hove City Council Committees.



Freeney Williams

Brighton and Hove City Council

Accessible Strategies

External Environment Review

April 22

1 Introduction and methodology

As part of Brighton and Hove City Council's (BHCC) project to develop an accessible City strategy, we were asked to undertake a comparative review of various strategic approaches adopted by local authorities at a local, regional and national level in relation to accessibility. This was to identify any additional best practices not already included in BHCC's approach which might prove beneficial.

It was agreed the research for this report would need to be via web searches. Consequently, we reviewed in detail three authorities local to Brighton, i.e., Chichester, Lewes, Easbourne; three City authorities, i.e., London (including Mayor of London and the GLA), Leeds and Guildford that are broadly comparable with BHCC. In addition we undertook a deep dive into 20 local authorities plus a further skim review of 10 authority sites.

We also reviewed the Local Government Association (LGA) advice and the linkage with the government's Disability Strategy.

Clearly the results can only include published information and cannot identify any strategies being developed by authorities where they do not appear on individual websites.

2 Overview of findings

In essence the approach being adopted by BHCC, an authority-wide integrated and holistic strategy based on best practice, was not found to be duplicated anywhere else. This means BHCC should be considered a field and thought leader in its approach.

The key features which underpin BHCC's approach are:

- The establishment of underpinning principles, e.g., using the social model and removing barriers
- An authority-wide overarching strategy with agreed underpinning best practice principles and with the social model being at the heart of its approach;
- All Directorates to contribute to the strategy with their own action plans for which they will be accountable
- A central engagement and expert role being played by a Disability Panel and Wider Reference Group consisting of disabled people's organisations from around the City, as well as individuals with lived experience of disability
- The use of the Council's position to influence non-authority organisations to proactively engage with and support the Council's work and approach, e.g., other public sector bodies.

In the sections below we explore the key features of BHCC's approach and compare those approaches commonly adopted elsewhere.

It should be noted whilst no other authorities were identified as using a similar approach in its entirety, this does not mean other authorities are not addressing the issue of inclusion for disabled people. However, generally speaking, approaches appear to be based on themes and legal obligation.

Additionally, the term "accessibility" is widely used by all authorities but it is typically not defined and appears to be narrow in its application. As an example, many Local Authorities have what they define as an Accessibility Strategy, however, commonly they are limited to specific areas such as children, young people and SEND responsibilities and the built environment.

Through our research we did identify a range of operational good practice initiatives. Whilst it was not in our remit to identify such activities, we have shared these in Appendix 1 as they could prove a useful reference resource for some Directorates.

3 Underpinning principles

BHCC have established a series of underpinning principles based on best practice which inform its approach in this area. For example, using the social model and removing barriers as part of a business-as-usual process, ensuring disabled people are central to all aspects of the strategy, developing specific action plans and monitoring of performance.

This approach was not found anywhere else although The Greater London Authority (GLA) has established a set of underpinning values regarding their approach to promoting disability equality with high level outcomes. This was a good example which highlighted the following principles as central to their strategy and approach:

- Choice
- Independence
- Dignity
- Being welcoming

- Offering flexibility
- Being convenient
- Offering easy access
- Disabled people feeling comfortable
- Disabled people feeling safe
- Providing opportunities for everyone to fulfil their potential.

Despite these useful principles being identified, there was no evidence of an integrated strategic approach across all of the GLA's work. Nevertheless, establishing these values provides a useful touch point for the work of the GLA although they appear to be used in a limited manner. As a political / structural point, it does not have the degree of practical involvement in local contexts, e.g. infrastructure.

BHCC may wish to consider developing their own set of principles as an overt statement of understanding and their approach and include these in their overarching strategic aims.

All authorities have accessibility statements, but these tended to focus entirely on website access and there was no evidence of using this mechanism to drive inclusion across the board. BHCC should consider using accessibility statements as part of its public statement about its approach. However, it should take care to ensure such statements go further than itemising issues around websites. Indeed, such statements might well be linked to the values discussed above.

4 Authority-wide strategy

We could not identify any authorities who have developed a comparable organisational-wide strategic approach which is being adopted by BHCC. All authorities considered the specific issues related to accessibility and disabled people, however, typically these were contained in issue-specific strategies and often in support of legal obligations. Most common were:

- Transport
- Education
- Adult social care
- Children's' services
- Housing and the built environment
- Tourism and the wider visitor economy.

A number of Councils we reviewed had specific strategies for some or all of these areas, which did take account of disabled people and their accessibility requirements. However, their approaches lacked the consistent and strategic approach planned by BHCC and we found no evidence of best practice underpinning principles.

The main priorities for authorities in relation to accessibility considerations were:

- Transport and access to the town centre
- Creating equal life chances for all

- Housing design and choice
- The protection and enhancement of social infrastructure
- Building an accessible visitor infrastructure
- Building safe and accessible neighbourhoods and communities
- Creating an inclusive environment for all.

Any plans around these issues then addressed specific issues by, for example, issuing guidance on planning and inclusive design, building sustainable communities and so on.

Our research did identify some good examples of specific strategies which, although not taking an organisation-wide approach, do provide some good practice examples for BHCC to consider.

The London Assembly offered a number of good practice examples which are shared here.

- [The Mayor's strategy for equality, diversity and inclusion | London City Hall](#) – this is a strategy that incorporates all aspects of inclusion, rather than focusing on the single issue of accessibility for disabled people. However, it does not take a whole organisation approach and addresses disability specifically.
- This overall EDI strategy has been supplemented by a set of specific commitments to support Deaf and disabled people across London, which is detailed at [Deaf and disabled communities | London City Hall](#)
- [Accessible communication policy | London City Hall](#) is a good example of how London has built accessibility into its communications approach.

Leeds City Council also provided a number of issue specific approaches and strategies which we have identified as providing best practice approaches. These include:

- A strategy that focused the Council's priorities on building a healthy environment for people of all ages across the city. This can be found at [Health and wellbeing strategy \(leeds.gov.uk\)](#)
- The Council's Parks and Green Spaces strategy specifically focused on accessibility for all and ensuring disabled people have access to these outdoor opportunities. This can be found at [Parks and Green Spaces Strategy 2022 to 2032 \(leeds.gov.uk\)](#)
- The Council's strategy on dementia identified the building blocks required to be a dementia-friendly city and both the priorities and actions required by the Council and their partners. Details can be found at [Dementia strategy \(leeds.gov.uk\)](#)

5 Accessibility is everyone's responsibility

BHCC will require all of its Directorates to develop their own approach to ensuring accessibility in their areas of responsibility within an overarching framework. This will include establishing action plans which link directly into the authority-wide strategic

aims. These plans will take into account the overlaps and intersectionality issues which exist between Directorates. The end result of this approach will be an integrated authority-wide action plan directly linked to delivering the overarching strategic aims.

Given the above it was not surprising, therefore, that our research has been unable to identify any authority which required each of their Directorates to develop an action plan related to ensuring accessibility for all of their work and services. Clearly such issues were considered but not at a strategic level.

6 Engagement of disabled people and their organisations

BHCC's approach has at its core, a panel of disabled peoples' organisations and individuals with lived experience of disability which is further informed by a Wider Reference Group. This Panel and Wider Reference Group will play a key role in supporting the Council develop, plan, monitor and evaluate its approach. This Panel will also ensure wider engagement amongst disabled people and their organisations to ensure a broad base approach and that varying views are taken into consideration.

We found that most authorities have some degree of consultation and involvement from disabled people. However, we found no comparable examples to the approach in use by BHCC. The range of the approaches adopted is illustrated below.

The GLA has developed an Advisory Group specifically focused on developing the Arts whilst supporting and involving disabled people. This is an interesting approach in ensuring accessibility is not only about practical day-to-day elements, but also includes involvement in wider community events. Details of the group can be found at [Liberty Advisory Group | London City Hall Liberty Advisory Group](#). The details of what the approach is achieving can be found at [Liberty, inclusivity and the arts' recovery | London City Hall](#)

Transport for London has created a specific involvement and engagement group, details of which can be found at [https://madeby.tfl.gov.uk/2020/12/02/idag-members/#:~:text=Our%20Independent%20Disability%20Advisory%20Group%20\(IDAG\)%20is%20a%20panel%20of,barriers%20to%20accessing%20public%20transport](https://madeby.tfl.gov.uk/2020/12/02/idag-members/#:~:text=Our%20Independent%20Disability%20Advisory%20Group%20(IDAG)%20is%20a%20panel%20of,barriers%20to%20accessing%20public%20transport). This demonstrated a specific commitment to ensure that transport across all forms was made as accessible as possible. This is similar to the approach taken by BHCC and offers some best practice ideas for BHCC to consider.

Guildford Borough Council has a long-established disability advisory group, which has been in existence since 1978. This is a voluntary group which advises the Council and provides feedback on key issues that impact on disabled people. As with other examples, this group offers operational feedback on services, rather than contributing to the strategic direction of the authority. Given the length of time this group has been in existence, connecting in with this group may offer valuable insight for BHCC. Further details can be found at [The Guildford Access Group - Guildford Borough Council](#)

Eastbourne Council has a Disability Involvement Group with 25 members and includes one Council representative. The group provides feedback on issues such as transport, dropped kerbs and development plans. Further details can be found at <https://www.lewes-eastbourne.gov.uk/community/eastbourne-disability-involvement-group/>.

The Group has an agreed Terms of Reference which can be found at [EASTBOURNE DISABILITY INVOLVEMENT GROUP \(lewes-eastbourne.gov.uk\)](https://www.lewes-eastbourne.gov.uk/eastbourne-disability-involvement-group/). In some ways These are similar to the terms agreed for the BHCC Disability Panel, however, the group sets its own agenda and does not include a specific link to supporting the development of any Council strategy.

Chichester Council has a District Access Group which is made up of volunteers, but there is no apparent formal link to Council strategy development. Further details can be found at <https://www.chichesterdistrictaccessgroup.org.uk/>

7 Influencing beyond the authority

BHCC intends to use its wider influence and role to drive change outside its direct areas of responsibility.

We found limited examples of other Local Authorities using their influence with partner organisations and other stakeholder to address accessibility for disabled people. This is not to suggest this does not occur, but rather this is not publicised on Council websites or appear to be part of any strategic approach. However, there was one example, again albeit limited, which involved the Health Agencies within the Leeds area working together with the Local Authority under the banner of the health economy. Details of this approach can be found at [One minute guide: Health economy \(leeds.gov.uk\)](https://www.leeds.gov.uk/one-minute-guide-to-health-economy/)

8 Local Government Association (LGA)

The LGA does provide a range of resources including case studies, research and comment on accessibility issues within the local government sector.

We have set out below a number of case studies from the LGA of Local Authority initiatives which have begun to address accessibility for disabled people in specific situations. These tend to be more operational in nature, but again these, along with others on the LGA site, might prove a useful reference resource for Directorates.

The LGA has showcased Leeds as a positive example of building equality into their planning approach. Further details of the case study can be found at [Equality and Strategic Planning – Leeds City Council | Local Government Association](https://www.localgovernmentassociation.org.uk/equality-and-strategic-planning-leeds-city-council/)

They also provide a number of potentially useful case studies which focus on support that Local Authorities can provide in terms of making life accessible for people with learning disabilities.

Again Leeds was highlighted as an example of providing leadership in this area. The case study can be found at [Leeds 'Good Lives Leaders' | Local Government Association](#)

A further series of useful case studies across different Local Authorities can be found at [Health inequalities: Learning disabilities case studies | Local Government Association](#). These examples showcase good practice around:

- Supported and independent living
- Improving communication skills
- Unlocking potential
- Promoting good health.

9 National Disability Strategy

The UK National Disability Strategy was launched in 2021 and will clearly need to be considered in the development of BHCC's Accessible City Strategy.

The national strategy was widely consulted on and the views used to inform the strategy. This involved disabled people, their families and carers. The strategy is rooted in the lived experience of disabled people and focuses on the social model as an approach to identify and tackle barriers. However, it should also be noted that the strategy was not well received by many disabled people and their organisations and they believed the consultation with them was flawed and insufficient. Nevertheless some aspects of the strategy may help inform BHCC's work in this field.

The consultation identified 7 core areas that disabled people experienced barriers with in their everyday lives and included:

- At home
- When commuting
- At work or in education
- When shopping or getting about
- When accessing public services online
- In feeling connected to others.

Clearly these are key touch points that the Accessible City Strategy will need to address through the Directorate's contributions and action plans.

The National Strategy has 3 parts, which will need to be reflected in the development of BHCC strategic approach and include:

- Part 1: Action now – practical steps to improve disabled people's everyday life
- Part 2: The longer-term ambition: putting disabled people at the heart of the design and delivery of services
- Part 3: A cross-government effort to transform disabled people's everyday life.

Part 3 will inevitably involve local government in the delivery of these outcomes including housing, transport, health and social care and education (amongst others).

Further details of the National Disability Strategy can be found at [National Disability Strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-disability-strategy).

Alongside the publication of the National Disability Strategy, the Government also published the results of the UK Disability Survey. Again this may prove a useful resource for Directorates in shaping their approach.

The survey identified that public perceptions of disabled people were a significant barrier to participation in areas including employment and education, and that the majority of disabled respondents to the survey felt that public attitudes towards disabled people were unhelpful. These findings underscore the need to improve public understanding and awareness of disability, to improve public attitudes towards disabled people, and to inspire social change across the UK. Clearly this will need to inform many of the actions that BHCC Directorates will need to develop.

Over half of disabled respondents reported being worried about being insulted or harassed in public places, and a similar proportion reported being mistreated because of their disability. Stronger measures are needed to tackle disability discrimination and hate crime. This is one of the key barriers discussed in the BHCC's principles document and will need to be addressed alongside more outcome-based actions within the Directorates.

Many disabled people and carers who had experienced difficulty accessing public buildings also reported difficulty accessing important public services. These findings highlighted the need to make accessing public services, including online services, as smooth and easy as possible.

Finally, over half of disabled respondents not in employment reported that they would like more help finding and keeping a job. Of those in employment, half of disabled respondents felt their employer was flexible and made sufficient reasonable adjustments, and half of carers felt their employer was supportive of their caring responsibilities. Only a quarter of disabled people and carers felt they had the same promotion opportunities as their colleagues. These findings highlight the need to improve support for disabled people to start or stay in work, to create more inclusive workplaces where disabled employees have equal chance to progress, and to strengthen rights in the workplace for both disabled people and carers

The full research report can be found at [UK Disability Survey research report, June 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97444/UK_Disability_Survey_research_report_June_2021.pdf)

Further research was undertaken by the Disability Unit and Policy Lab. This research focused on case studies around the lived experiences of disabled people, rather than providing research based on a representative sample.

The key areas explored included:

- Feeling valued and having a sense of self-worth
- Participants' identities (e.g., labelling, stigma etc.)
- Receiving and living with a diagnosis
- Using the benefits system

- Accessing formal support
- Family relationships and friendships
- Going outdoors.

Full details of the research report can be found at [Exploring the everyday lives of disabled people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/research-data-and-analysis/publications/exploring-the-everyday-lives-of-disabled-people)

The final piece of research from a national level which might assist BHCC was specifically related to COVID. The research undertaken in 2020 by the Disability Unit focuses on the experiences disabled people had during the COVID pandemic response. This is likely to be an important focus for BHCC as it develops the Accessible City Strategy, whilst beginning to come out of its pandemic response.

The report can be found at [The lived experience of disabled people during the COVID-19 pandemic - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/research-data-and-analysis/publications/the-lived-experience-of-disabled-people-during-the-covid-19-pandemic)

9 Conclusions

BHCC should be seen as a leader in the development of a comprehensive Accessible City Strategy, which aims to address, in an integrated way, all forms of access requirements for both residents and visitors to the area.

The majority of other Local Authorities do consider accessibility issues, but they tended to be driven by individual departments or initiatives.

Appendix 1

Supplementary examples of good practice initiatives

Transport

This is a common issue for Authorities when planning their approach to accessibility. Providing information about the accessibility of transport (both public, private, cycling and on foot) is seen as critical in any approach to the success of an accessible strategy.

In the pursuit of accessible transport a range of approaches were used:

- Creating an illustrated journey through an accessible environment to allow people to visualise the journey
- Providing accessible information points throughout a person's journey
- Ensuring access to sufficient and suitable blue badge parking facilities
- Ensuring staff providing public transport are suitably trained in supporting disabled people using the transport.

Older infrastructure and inaccessible vehicle legacy issues continue to be a factor in providing accessible transport which inevitably had a broader impact on other accessible priorities such as social engagement and employment.

To seek to achieve a level of consistency in ensuring accessible transport the Department for Transport issued a policy paper entitled The Inclusive Transport Strategy: achieving equal access for disabled people which can be found at [Inclusive Transport Strategy: achieving equal access for disabled people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/Inclusive_Transport_Strategy.pdf)

Housing and the Built Environment

The Greater London Authority has developed specific guidance included in the Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment – Supplementary Planning Guidance.

This document provided advice to boroughs, developers, designers and planning applicants on implementing inclusive design principles.

Further details can be found at [Accessible London: Achieving an Inclusive Environment | London City Hall](https://www.london.gov.uk/what-we-do/transport-and-roads/accessible-london)

The City of London made similar strategic commitments, particularly to building an inclusive environment and published a number of guidance documents to support this approach. Further details can be found at [Inclusive design - City of London](https://www.cityoflondon.gov.uk/what-we-do/transport-and-roads/inclusive-design)

Transport for London has created a Streetscape Guidance document, which sets a high standard for the design of streets and spaces to take account of inclusive design practice. The key elements of the guidance include:

- Footways
- Carriageways

- Crossings
- Kerbside activity
- Footway amenities
- Safety and functionality
- Street environment
- Transport interchanges.

Further details of this approach can be found at [Streetspace funding and guidance - Transport for London \(tfl.gov.uk\)](https://www.tfl.gov.uk/streetspace-funding-and-guidance)

Leeds City Council has also taken a strategic approach to building accessibility across the City. One of the key focuses is a commitment to build and develop an accessible City infrastructure.

It has provided supplementary planning guidance to ensure accessible and inclusive design principles are factored into all relevant decisions. The guidance is pan-impairment and provides a clear flowchart of where inclusive design principles sit within the design and planning process, including impacting on key decisions.

It specifically considered inclusive design and accessibility when making planning decisions around:

- Change of use
- New shop front applications
- Access alterations
- New build development
- Aesthetics.

It provided a checklist for applicants and developers around issues they need to consider when making an application.

The Council also provided Inclusive Design Information Sheets to provide further guidance which covers:

- Paths and path gradients
- Seating and street furniture
- Ramps (external)
- Steps (external)
- Disabled parking (off highway)
- Entrance doors
- Glazing manifestations
- Colour / visual contrast
- Accessible toilets
- Sources of further information.

Further details can be found at [Supplementary Planning Documents and guidance \(leeds.gov.uk\)](https://www.leeds.gov.uk/supplementary-planning-documents-and-guidance)

A significant number of local authorities are using the Lifetime Homes Standard, which incorporates inclusive by design principles, to supplement their thinking,

planning and decision making when looking at all planning applications (whether for new build developments, refurbishments or changes). A checklist has been created which a number of Local Authorities reference using in making key decisions.

Further information can be found at [Microsoft Word - Lifetime Homes Standards Checklist - April 2015 \(lbbd.gov.uk\)](#)

The Planning Advisory Service provided further guidance and a number of case studies involving Local Authorities.

As a further resource the Improvement and Development Agency has produced a Good practice Guide in Access to Housing and Good Housing Services. This can be found at [Layout 1 \(housinglin.org.uk\)](#).

Tourism and the Wider Visitor Economy.

Research by Accessible suggests that 98% of people with access requirements checked the location criteria before visiting a location for the first time. The research further suggests that 76% of disabled people with access needs choose not to visit a location if they are unable to find the accessibility information they require.

To achieve this, some local authorities are requiring all new hotel developments to have a minimum number of accessible rooms. This allows the planning process within the Council, to directly influence this key element of the visitor economy.

Chester is recognised across the UK as a city with a significant heritage culture. Like in Brighton, this has created challenges to disabled people who have access requirements. The City has addressed these challenges head on and became the first UK city to win the European Access Award in 2017.

Chester has undertaken a wide ranging, comprehensive and ongoing programme of works to ensure it is as accessible as possible. Actions have included:

- Creating wheelchair access wherever possible to heritage parts of the City, including installing lifts and escalators where this was an option
- Providing accessible information panels in the city
- Accessible visitor information is available via a dedicated App
- Ability Angels (volunteers) who provide friendly company and support with shopping for disabled visitors who require this
- Building strong links with ShopMobility
- Providing significant amounts of Blue Badge parking throughout the City
- All City transport is fully accessible, together with a Dial-A-Ride service which provides wheelchair accessible vehicles
- Having a strong focus on providing appropriate changing places and accessible toilets across the City.

In addition an Action Forum (similar to the planned Disability Panel) has been established to guide and support much of this development. The Forum has a key role in the design of major new developments including retail, culture, leisure, transport and health facilities.

As a further resource In terms of guidance, English Heritage in 2015 produced a guidance document called Easy Access to Historic Buildings which may be of use in determining what is appropriate within the context of Brighton's heritage environment. Further details can be found here [Easy Access to Historic Buildings \(historicengland.org.uk\)](http://historicengland.org.uk)

Health

The LGA has undertaken research specifically related to people with learning disabilities and highlighted their experience during the COVID situation. This research can offer BHCC suggestions on how to ensure this group of people are not left behind in the recovery period from the pandemic. Full details can be found at [Health inequalities: Learning disabilities and COVID-19 | Local Government Association](#)

Wider Community

The LGA has provided some useful case studies and commentary on supporting disabled people to be able to take an active part in the community and in democracy. They have provided two specific resources around supporting disabled people to become involved in local Government and in the wider community. These can be found at:

- [The 'So what, what next?' project: supporting people with a learning disability, autism or both to use their skills and interests to play a part in the community \(local.gov.uk\)](#)
- [Make a difference. Be a councillor. A guide for disabled people. \(local.gov.uk\)](#)

External Stakeholder Analysis

Section 1: Introduction

This external stakeholder analysis is based on meetings and conversations with a wide range of organisations and people across Brighton & Hove. We engaged with 9 Disabled People's Organisations and 6 individual disabled people.

The organisations we engaged with were pan-impairment and covered physical, sensory and cognitive disabilities. Those who engaged were from both larger DPOs and some of the smaller organisations supporting people in the area. The organisations who engaged are listed in Appendix 1.

The conversations focused around 3 key themes:

- What does disability mean?
- What does accessibility mean?
- What are the issues for you and the disabled people you support?

These themes are addressed in detail below.

All stakeholders were made aware that this project was intended to support BHCC's planning process and thinking prior to the development of the Accessible City Strategy. They understood that further consultation and engagement will be undertaken in order to develop the strategy itself. Inevitably thoughts and ideas were shared about what the Council could do to make the city as accessible as possible. These ideas are reported here, so as not to lose this vital voice.

The experiences and views expressed during this project have not been edited in this report and are reflected as the issues participants chose to focus on. Much of the focus was on physical access, as many participants were focusing on the practical aspects of accessibility in their every day life.

Section 2: What does disability mean?

As would be expected, the views on what disability means are wide ranging. Clearly physical disabilities (such as wheelchair users) were a key element in understanding what disability means.

There was also a strong view expressed about the importance of recognising mental health and emotional wellbeing as part of any definition and understanding of disability. A strong focus on both visible and non-visible disabilities was identified as a key factor here.

DPOs focused heavily on the importance of using the social model in interpreting what disability means and how this needs to be reflected both in the development and approach of the strategy and the language used throughout.

It was also recognised that not everyone who has accessibility needs identifies as disabled, so there is a need to ensure the strategy has far reach and is communicated with this in mind.

A number of organisations and individual disabled people expressed the view that, certainly for children and young people with a disability, the definition should be extended to include family members who support that person.

As will already be recognised by BHCC, it is important to reference the Deaf community as distinct from the disabled community. Although clearly not all deaf people agree with this, it was the view expressed by those involved in this project.

Section 3: What is Accessibility?

A recurring theme throughout the discussions was the importance of being able to live as independently as possible. This means being able to access services with minimal barriers, even though disabled people may need to do this differently (such as providing alternative means of contacting specific services if the typical route would not work for that person).

Living independently means that everything should to be accessible on the journey a person is taking from leaving home to arriving at their destination and include whatever activity they are undertaking. This might include things such as:

- suitable, appropriate and available changing spaces;
- the use of accessible toilet facilities (without having to ask permission to use them as this does not maintain a persons dignity);
- appropriate parking facilities for people who are unable to take public transport;
- roads and pavements that are free of barriers; and
- accessible public transport.

Accessibility was about quality of life and feeling welcome across the City. It was felt that Brighton & Hove was a fairly welcoming City, but this was not experience for all. For some people the City was seen as inaccessible when people do not receive the support that they need. There was an understanding that the City is old, with many heritage building which can be difficult to access and the steps the Council can take may be limited.

There was a concern that accessibility sometimes was seen as an inconvenience and not important enough to invest time and money. As an example, during the COVID response the focus was on the need to provide outside space for leisure activities (such as dining). However, this had a detrimental impact on some disabled people who have physical access requirements who found it difficult to navigate around a significant increase in street furniture. There was a view that non-disabled people were prioritised at the expense of disabled people.

British Sign Language users felt that their needs were seen as negligible so not taken into account. As an example, online services do not routinely provide subtitles or BSL interpretation.

There was a feeling that where accessibility needs are not planned for, disabled people can become excluded. There would appear to be the need to think more

carefully about the customer experience and journey specifically for a disabled person. This would involve asking key questions such as:

- What are the potential barriers?
- How do we remove or minimise these barriers?

Research shows (and is supported by the views of people engaging in this project) that disabled people do not always push for what they need. This is particularly the case if there appears to be barriers in the way of accessing what they need. This can leave disabled people both excluded and frustrated.

As mentioned previously in this report, a focus on the social model of disability would actually improve access for all. For the people who engaged with this review, BHCC needs to recognise the social impact of getting things wrong and not being accessible

Accessibility also requires a focus on information. This includes:

- How information is presented
- How easy it is to find and understand
- How meaningful it is in supporting disabled people.

There was a strong feeling that some of the key messages and priorities communicated by BHCC can leave disabled people feeling excluded. For example, there is a strong messaging campaign focused on “leave your car at home” and walk, cycle or take public transport. For some disabled people and their families, this is not a realistic alternative. This led some disabled people they subsequently felt an inconvenience and were judged by others for not embracing this principle. They also felt that their options were becoming increasingly limited, because of this environmental focus.

Accessibility features are available in some areas of the City and this is valued. However, there were many experiences of accessible toilets being filled with baby changing facilities which meant there was insufficient room for the disabled person to move in the area or it being used as a storage facility (e.g. for cleaning products or spare chairs).

Some accessible services (such as trikes to be able to access the beach) were not being reserved for people with the need for it but used by people who wanted to have fun. This lack of prioritisation reduced a disabled person access to spending time on the beach.

Accessibility also means being able to enjoy all of the services offered to disabled people, rather than this being limited. For example, in a local leisure centre a hoist was provided to access the main swimming pool, but not the jacuzzi or hydrotherapy pool. This meant the disabled person was limited in terms of what they could use.

It is also important to recognise intersectionality when considering accessibility. A disabled person has many other characteristics alongside being disabled. In considering accessibility, BHCC needs to take account of the additional barriers disabled people may face such as the impact of poverty, lack of accessible housing,

health inequalities, a lack of meaningful social engagement and access to meaningful work experience and employment.

Section 4: What are the issues for you and the disabled people you support?

During this project, a number of issues were raised by disabled people which they would like BHCC to be aware of as they develop an Accessible City Strategy. These are explored below.

Impact of COVID

COVID has made things much harder for many, particularly disabled people and there is a concern that disabled people are being left behind as life gets back to “normal”. A number of face-to-face services (such as day centres for people with learning disabilities) have been closed and which are unlikely to return.

The Disabled People’s Organisations we engaged with recognised there had been a significant increase in the number of people with mental ill health during this time. There was a concern that if all services are moved online, this may lead to some disabled people feeling isolated and thereby left behind.

Building community

Partly linked to the impact of COVID, but also reflective of a longer-term trend, some disabled people involved in this project report experiencing a somewhat fractured sense of community which has led to feelings of marginalisation. This is due in some part to a reduction in face-to-face services for disabled people. There was a sense that to feel part of their own, as well as the wider, community, proactive steps need to be taken to rebuild this sense of community. For some, the absence of a sense of community has led to feelings of isolation and loneliness.

In a practical sense, there was a view that BHCC needs to give clearer thought to what a “community hub” means. This has been used as part of planning applications, where businesses have been granted a licence to operate, partly on the grounds of being a community hub. It was unclear to some participating in this project what the definition of community hub was. Their experience was that it allowed businesses to attract customers who could afford to pay for their services, rather than attracting those people who lived in the locality and would benefit from being involved in community activities. Of course not all disabled people who engaged in this project saw themselves as part of a disabled community as such.

Developing Council strategy and services

In terms of developing Council strategy and services, a strong view was expressed that disabled people and their needs should be placed at centre of what the strategy is about and not seen as add on. For example, when events are organised in the City, access requirements should be central to the planning of this. There was a feeling amongst those taking part in this project that accessibility was an “extra thought”.

It was seen as important that BHCC think about impact of its decisions on disabled people. For example, disabled parking removed during the COVID response so

others could exercise outdoors. For some, this implied that disabled people and their needs were less important. Other examples included temporarily changing the layout of City, closing roads, cafes etc coming out into pavement – without thinking about the impact on disabled people. When temporary changes are made which result in accessible provisions being removed, alternative provision is not always provided.

Connectivity across Council services / policies / initiatives was seen as critical. For example, cycle lanes were a good idea, but need to take account of disabled people and their accessibility needs. Ensuring that all aspects are connected would reduce the risk of silo thinking.

Linked to this was the need to ensure that accessibility and the needs of disabled people are reflected in every strategy and that this becomes business as usual for BHCC. The experience of some disabled people is that Council services and strategies are not linked up, which results in difficulty in accessing these services. A common experience reported was some disabled people needing to repeat themselves to numerous departments in order to access what they needed. A suggestion was made that involving disability specialists in the development of every strategy may improve this situation.

The organisations we engaged with recognised the need to have flexibility around how people accessed services. This included both the times when a person would be available to speak to them and whether the services was available face to face or only online. It was recognised that moving all services online could lead to digital exclusion for some disabled people. Having a range of ways to access the Council was seen as critical.

Some of the disabled people we engaged with found the system quite intimidating, specifically the number of forms they needed to complete and keeping up with changing rules and regulations. This led to a degree of disengagement with some people feeling “it just wasn’t worth it”.

Representation & Governance

In relation to representation and governance, there was a view that having a greater number of disabled Councillors would be beneficial to the disabled community. Of course, this may already be the case, given the nature of hidden disabilities. If this is the reality, then increasing the visibility of disabled Councillors may reassure people that their specific needs and experiences are at the heart of Council decision making.

Having lived experience of disability, particularly within the Brighton & Hove area was seen as critical when making decisions which affect the everyday life of disabled residents.

Linked to this was a desire to see disabled people represented across Council Directorates. Again, the actual representation of disabled employees at BHCC is not known to residents, so this concern may be based on perception rather than reality.

A key practical concern was the need to make all council meetings accessible. Specific concerns raised included the requirement to have subtitles available from the beginning, wheelchair accessible

Involvement and consultation

The importance of structured and meaningful involvement and consultation was identified as a key priority. There was a feeling that consultation currently was sometimes non-existent or tokenistic, meaning that disabled people's voices were not always heard or valued. This has led to a lack of trust in BHCC when people are asked to share information.

Clear signposting of available opportunities for consultation and involvement was important. Equally offering a variety of access routes to these activities was important, with not all being available only online.

Public transport and parking

A strong theme for a number of people involved in this project was the importance of being able to access a range of travel options.

There was excellent feedback provided from a range of stakeholders about the City bus services, both in terms of physical access and the training provided to bus drivers. This meant that for many people, they were able to travel around the City in a barrier free way.

For others, they were not able to access public transport because of their specific requirements and therefore relied on their own private transport. There was a concern that wider Council policy which encouraged alternative, green means of travel had, in effect, "demonised" the use of cars. The strong messaging around taking public transport, cycling or walking left some disabled people feeling judged because they were not able to do this.

The importance of having accessible parking options, throughout the City was seen as critical. There was also a sense of unfairness that some disabled parking spaces were time limited (such as on the seafront) whereas equivalent non-disabled parking did not have the same criteria applied.

The size of some parking spaces was also identified as a barrier. Although it was recognised that parking policy was intended to limit the parking of large camper vans overnight, this did restrict the ability for wheelchair accessible vehicles to use this space.

Section 5: Ideas to consider

Throughout this external stakeholder analysis, a number of ideas were put forward by stakeholders. These are recorded below in order to inform the development of the Accessible City Strategy.

- BHCC could take the lead in the provision of work experience and subsequent employment opportunities for disabled people, both within the Council and as an influencer with other stakeholders.

- City Accessibility Ambassadors, drawn from across BHCC and their partners who ensure that the needs of disabled people are taken into account when making decisions (such as the planning of public events)
- Advocates who are trained in supporting disabled people to be able to access Council services as easily as possible.
- Training made available to businesses on how to support disabled people across the City
- Accessible changing rooms and places across the City, which are freely available to disabled people and their families, preferably without the requirement to ask permission to use them
- Wheelchair friendly swings installed in play parks when they are being refurbished or developed.
- Ensuring that all communication uses simple language, simple concepts and visual illustrations. This could include, as an example, signs and symbols in play parks such as the use of Makaton

Appendix 1

Disabled People's Organisations that engaged with this project include:

- Possability People
- Scope
- Grace Eyre
- Speak Out
- Amaze
- Parent Carers Forum
- BADGE
- Mind
- Deaf Cog

Internal Stakeholder Analysis Report

Introduction

This report details the responses provided by each of the Directorates at Brighton & Hove City Council as part of the internal stakeholder analysis.

We attended a leadership team meeting with each Directorate to provide background to the Accessible City Strategy and the work this project was intended to undertake.

At each leadership team meeting there was a significant amount of enthusiasm expressed and commitments made to engage in follow up discussions about what accessibility meant to each Directorate. However, despite several requests, there was very limited engagement following these meetings. This has a major limiting impact on the amount and type of information this report can provide.

Additionally, we reviewed Directorate Business Plans to seek further opportunities to reflect the work of each business area and included this where possible.

The information provided tended to focus either on existing projects which Directorates are currently undertaking or broader and more generic accessibility issues (such as the importance of accessible communication routes). It is also worth noting their comments were more related to what a strategy might include rather than the process they will need to undertake to successfully support its development.

This indicates there is likely to be a need for a significant amount of support and direction to be provided by the EDI team as contributions to the strategy are sought from Directorates.

Directorate Analysis

Health & Adult Social Care

There was a recognition that an accessible city is one that is designed in a way that disabled people can live as they wish to, with choice and control. This needs to be much broader than access to statutory services and also incorporate quality of life. It should give disabled people the ability to access all services easily and in a timely way, without barriers. There was an acknowledgement that currently some disabled people have unequal outcomes and that equity rather than equality should be the driver.

The engagement of disabled people was seen as critical in understanding the goals of disabled people and avoiding a situation where the views of the Council are imposed on them.

Wider legislation clearly has a significant impact on the work of this Directorate and this needs to be part of an Accessible City Strategy. The Care Act does set clear criteria for access to services, which may create a bar for people in some circumstances.

Access to resources is also seen as a barrier that this may prevent a wider focus on achieving people's full potential.

The Directorate saw its role as one of signposting and partnership working in order to build equal outcomes for disabled people. Part of this is a need to seek advocacy partnerships across a range of disabilities and health impacts and a recognition that it needs to have conversations with different communities to understand the range of support options that may be required.

The Directorate wants to be part of a fair city with the best opportunities for all, including disabled people in order to reduce inequalities.

It felt that the attitude and approach of the wider community was important, which included a need for education and awareness interventions.

One of the key priorities of the Directorate was identified as mental health, particularly as the City starts to come out of its Covid response. This was linked to the importance of promoting a Dementia Friendly City.

It also recognised the opportunities it has to influence the outcomes for disabled people through connections with the NHS, CCG, mental health foundation oversight board, community services, care networks and 3rd sector providers in the City. Co-production of services across both Council Directorates and wider partners was seen as integral to accessibility for all.

On a practical note, it was acknowledged that the Council health impact assessment needed to include disability and accessibility in order to improve its effectiveness.

Language and labels were also seen as a key element to consider when developing an Accessible City Strategy. There was a view that the term “services” may not always be helpful and may lead some disabled people to feel limited by this label.

Housing, Neighbourhood & Communities

This Directorate recognised the need to building homes for the future, which are created from the start as “lifetime homes”. This included a focus on building homes for families, including those with children who have a disability.

Part of this focus is around the need for people to feel safe in their homes and neighbourhoods and to build safer communities. Therefore addressing Anti-Social behaviour and disability related hate crime was seen as critical.

Information sharing across the Council and with other service providers was identified as a key issue. An important aspect of accessibility was seen to be how residents can access information, including through digital means.

One of the key lessons learnt from the COVID response was seen to be the proven agility of services. The Directorate is committed to ensuring this is not lost as they come out of the immediate response to the pandemic.

Families, Children & Learning

This Directorate highlighted a wide range of services and support that they provided for disabled people, including children and families. The development and implementation of the SEND strategy and SEN plan was seen as a critical element of this delivery plan.

A number of projects within schools were highlighted including:

- The Accessibility Plan which each school has, published on their website and which the Board of Governors review
- Front line practitioner sessions were being delivered, both in mainstream and special school provision.
- A home to school improvement plan was in place.

Accessibility was seen to include a wide range of issues including:

- Health outcomes
- The involvement of business
- The impact on the environment
- Access to public transport

In terms of wider issues to be addressed within the Accessible City Strategy, this Directorate highlighted:

- The City infrastructure is challenging and should be considered when looking at accessibility
- It is important to engage with non-disabled people to build awareness around accessibility and the inclusion of disabled people

Strategy, Governance & Law

In this Directorate accessibility was identified as having confidence that the disabled persons voice was heard in the democratic process. This included ensuring that all Council meetings are accessible to the public, both in terms of physical space and support a disabled person may need during the meetings.

It was about consistency across Directorate's which led to a 1 Council approach. This required a clearer alignment of projects across the Council, which would avoid ad hoc projects and a stronger framework in the corporate plan for how to ensure an accessible city is built and developed. Procurement was identified as a specific workstream where accessibility was important.

Communication and engagement was seen as key, particularly in ensuring the Directorate was hearing the responses of disabled people. Part of this challenge was ensuring appropriate channels through which disabled people could communicate

Specific areas to address within this Directorate included:

- Access to cemeteries, including those on the risk register and where signage needed to be improved
- Access to registration services (death, marriage, approved venues) with the desire to maintain changes made during the COVID response which allowed people to access these services online.
- Electoral services including providing safe elections, voting venues and count venues
- Conducting an impact assessment before any major project was commenced (e.g. refurbishment of building projects).

Finance & Resources

The Directorate's welfare support response was highlighted as a key contribution to the Accessible City Strategy. This includes

- mental health support
- addressing issues benefit dependency and debt for disabled people
- addressing the post-COVID response for this Directorate, including the reduction in COVID specific funding which was anticipated

The local transport plan was also identified as an issue to consider, including travel, bus partnerships and the impact of kerb heights.

Digital accessibility was identified as important, with links made to the Customer Digital Strategy. Specifically this was about the need to ensure that planning and consultation portals were accessible for disabled people.

Economy, Environment and Culture

This Directorate has responsibility for a wide range of services, many of which link in with wider Council departments.

A key element of this was planning, building controls and regeneration. There was a recognition of the need to provide genuinely affordable homes, which are accessible and fit for purpose. An opportunity to achieve this was identified when working on affordable housing developments, where the Directorate recognises the importance of working with partners to ensure properties are accessible and fit for the future

Currently all buildings are accessible within current legal requirements, although there is a desire to stretch beyond this legal minimum. To achieve this, inclusion by design principles will need to be built into specifications. This is currently governed by the National Planning Policy Framework.

The implementation of the City Plan is also a key driver in ensuring access is maintained. Equality Impact Assessments that are completed for planning and building controls (which cover equality, public interest and sustainability) can support in this process.

As a corporate landlord, the Directorate recognises the need to ensure physical and cognitive access to disabled customers.

As has been acknowledged by a number of Directorates, Brighton & Hove is a densely populated city with a high number of heritage buildings and old infrastructure. This can limit the changes that can be made to these buildings and may reduce the accessibility options. However, it is still acknowledged that the City needs to make reasonable adjustments to allow disabled people to access these buildings where possible.

The Directorate also recognises its role in supporting local businesses to be accessible, by understanding and delivering the needs of disabled people. There can be conflicts here, as the COVID response has led to an increasing number of businesses operating outside. However, this does have the potential to negatively impact on disabled people (e.g. by limiting the physical space to move around the City)

The visitor economy, was seen as critical to Brighton & Hove and linked to this was the importance of accessibility of information and services. This linked into the wide range of public events organised by BHCC, with a recognition that accessibility needed to be taken into account when organising such events.

There was a further recognition that BHCC had a unique opportunity to support the creative expression of disabled people and saw opportunities to commission art and other similar installations that recognised this talent.

This Directorate also has responsibility for environmental services, including parks, outside space and green spaces. As an example, there was a commitment to better communicate where walking paths were and to maintain these paths appropriately to allow wider access.

The Local Transport Plan was flagged, with a recognition that accessibility was key to the success of this. An important element of the Local Transport Plan was the Active Travel project and there was an ongoing focus on accessibility for disabled people as part of this.

Given the broad nature of the work this Directorate undertakes, there was a concern that accessibility could have a significant cost implication for this department. There was a strong commitment to deliver on this agenda, provided that the appropriate level of resource was provided to achieve this. As an example, any major infrastructure projects would involve significant investment, if BHCC wanted to go beyond the projects already being implemented.

Conclusions

It can be seen there is a significant amount of thinking which has already been undertaken and enthusiasm for these issues in the individual Directorates. However, care will need to be taken to ensure this is converted into prioritised, practical actions and outcomes and that cross Directorate issues are picked up to ensure a coherent Council wide approach.

The EDI team will need to support Directorates in how to focus their thinking at a strategic level, rather than addressing individual activities.

Brighton & Hove City Council

Tourism, Equalities, Communities and Culture Committee

Agenda Item 28

Subject: Pool Passage Public Space Protection Order 2022

Date of meeting: September 2022

Report of: Executive Director Housing, Neighbourhoods and Communities

Contact Officer: Name: Simon Bannister
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Ward(s) affected: Regency

For general release

1. Purpose of the report and policy context

- 1.1 The purpose of this report is to report back to committee on the consultation and engagement activities which have taken place following the request for a Public Space Protection Order (PSPO) access restriction at Pool Passage which was agreed at the TECC meeting of June 2022. The PSPO was requested as a response to criminal and antisocial behaviour taking place in and around Pool Passage and the consultation and engagement has explored this further with the community and key stakeholders.

2. Recommendations

- 2.1 That the committee grant the Pool Passage Public Space Protection Order (See appendix 1)

3. Context and background information.

- 3.1 Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area and may include highway restrictions to limit access to some areas which may be affected by crime and antisocial behaviour. The terms and criteria for delivering a PSPO are laid out in the [Anti-social Behaviour, Crime and Policing Act 2014](#) (The Act)
- 3.2 Following the June TECC ,which agreed to a statutory consultation on the draft PSO proposal further consultation has taken place which has included:
- Stakeholder meetings with residents to confirm the final design proposal for the scheme (including proposed hours of operation) and to agree the proposed community agreement. (see appendix 2)
 - The final scheme proposal has been placed on the BHCC website, placed on-site and posted to all properties along and adjoining Pool Passage

- All Properties along and adjoining Pool Passage have also been contacted with a further questionnaire asking specifically about any impact on access for themselves, customers, or visitors from this proposal
- The final scheme proposal has been circulated to key statutory and other stakeholders including Sussex Police, BHCC Safety Communities, the Police & Crime Commissioner, BHCC Highways. BHCC Planning and Cityclean
- This process supplements the community safety survey which was completed by local stakeholders in June of this year. (see appendix 3)

3.3 Consultation responses: As residents and businesses had recently completed a community safety survey (May/June 22) which outlined their concerns and support for a gated restriction, we did not receive any further resident submissions at this stage in response to the consultation notice. We have however received further crime reports from residents, and further responses from the police, ward councilors and the MP for Brighton Pavilion. There were no expressions of opposition to the proposal from residents or other consultees.

3.4 In granting a PSPO the following criteria is outlined in The Act and must be met in relation to the behavior being restricted.

- be having a detrimental effect on the quality of life of those in the locality.
- be persistent or continuous
- be unreasonable.
- justifies the restrictions imposed.

In response to these criteria, in addition to the recent community safety survey the council and police have been provided with residents' testimony outlining the issues of concern. These outline the serious and threatening nature of the criminal and antisocial activities experienced, which include drug taking and dealing, street fouling, intimidating behavior and making threats toward residents and damage to and entering property.

Resident testimony is supported by crime and incident data from Sussex Police which show substantial levels of reported crime taking place in Pool Passage, and a strong link with crime and ASB taking place on Pool Valley, which suggests that the proposed gate location would be of help in disrupting activities and providing protection for residents and traders along Pool Passage. (See appendix 4)

3.3 Where a PSPO is used to restrict a public right of way, the council must consider the impact upon the streetscape and access that the proposed restriction would have

- What impact will the restriction have? For instance, is it a primary means of access between two places and is there a reasonably convenient alternative route?

The proposed restriction is for night-time gating only (between the hours of 7pm and 9am). The route primarily provides access to properties on Pool

Passage and is of little value as a through route as it is very narrow in part (between 75 and 85 cm in width leading from the Pool Valley junction), and access between Pool Valley to Old Steine is more conveniently afforded by making use of the wider and better lit existing alternative routes.

- How would a proposed restriction impact upon access to residential property?

An important condition within the Act is that;

65 (5) A public spaces protection order may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.

As Pool Passage contains dwellings which cannot be accessed by any other route, the scheme has been designed to maintain access at all times from the northern (Old Steine) entry, with the gated access restriction to be placed at the southern (Pool Valley) entry only. This enables the proposal to meet the conditions within the Act around access to residential properties

The proposed restriction will be night-time only. Under the terms of this proposal the gate would be fitted with a PIN code for access, and all residents and businesses based on Pool Passage would be given this code.

- Would a restriction have an impact from an equality's perspective on those with protected characteristics – in particular people with disabilities?

This proposal recommends a gated restriction at the southern end of Pool Passage only. The passage at this point is very narrow (75 – 85 cm width in the section leading from Pool Valley) providing very poor existing access. The northern entry which will not be restricted is far wider and provides more convenient and accessible access.

In the second stage consultation a mailout was sent to all residents and businesses asking for information about any access issues which may be presented by this proposal, and no issues were raised.

Under this proposal, the design of the gate and locking mechanism and its upkeep and maintenance fall to the responsibility of residents as outlined in the community agreement (See appendix 2). This includes the requirement that the residents group will ensure that the gate and locking mechanism are accessible to all of those living or working on Pool Passage and making use of it, and that this will be reviewed and adapted as necessary to meet changing needs within the community

- 3.4** Under the terms of the Community Agreement, residents within the affected area will be responsible for the design, installation and upkeep of any gating scheme approved. They will also be responsible for management of the daily locking and unlocking. Failure to uphold the community agreement may result in amendment or revocation of an order granted and could lead to the removal of any gate.

Following stakeholder meetings with the residents, a draft community agreement has been drawn up (appendix 2). The residents have also been able to access funds from their ward councillors ward member budget scheme and are confident that – with additional resident contribution as required – they will be able to fund all aspects of this work.

Design guidance from BHCC Planning – particularly around the heritage sensitivity of the site – has been provided and will be followed for the commissioning and installation of any gate,

4. Analysis and consideration of alternative options

Over the past two years, residents have taken all measures at their disposal to try to bring about improvement. This has included regular repainting of graffiti, installing their own CCTV, intervening, and engaging with perpetrators where they feel it is safe to do so, and reporting issues consistently to the police and council. Although this has helped, the ongoing and dynamic nature of the problems experienced mean that these approaches have been limited. Residents who have expressed a view strongly feel that a gated access restriction is the only way to secure lasting improvement. This view is echoed and supported by Sussex Police, the Regency ward councillors and Caroline Lucas MP.

5. Community engagement and consultation

- 5.1 Over the past two years the council, ward councillors and Sussex Police have received numerous reports and submissions from residents concerned about criminal and antisocial behaviour on Pool Passage and its impact upon their safety and quality of life. For resident testimony and reported crime statistics see appendix 4. To better understand the issues experienced and be able to inform the investigation around the requested access restriction, all residents and businesses along Pool Passage have been given a Community Safety Survey to complete and a summary of responses to this survey can be found in appendix 3

6. Conclusion

- 6.1 This report outlines the background to the Pool Passage PSPO request and provides evidence to support the granting of a PSPO for this location which meets legal criteria and which can provide significant respite and protection from the impacts of serious crime and antisocial behaviour experienced by residents.

7. Financial implications

- 7.1 Costs for the council in delivering the recommendations of this report are limited to staffing costs and standard administration costs, which will be met from within existing budget resources.

Name of finance officer consulted: Michael Bentley Date consulted
08/08/2022

8. Legal implications

- 8.1 A PSPO may be used to restrict the public right of way over a highway in order to prevent anti-social behaviour and may authorise the installation, operation, and maintenance of barriers for enforcing the restriction.

Name of lawyer consulted: Alice Rowland Date consulted: 19/8/22

9. Equalities implications

- 9.1 As an access restriction, the proposed order has the potential to impact upon those with additional access needs or disabilities. Because the passage does not form a useful through route, and the extreme narrowness (just 75cm at the narrowest point) however, the impact on those not accessing property along the passage is felt to be limited – particularly as this proposal is for a night-time only gated scheme. All properties along the passage have been contacted with specific enquiries around the access implications of this proposal and have not raised any concerns.

Alternative routes from Pool Valley to Old Steine which are wider, better lit, safer and with better surfacing are readily available and do not incur any greater distance or inconvenience.

It is not felt that this proposal would have a significant negative impact from an Equalities perspective, and the broader benefit to public safety and the reduction of community harm though this scheme is felt to outweigh any limited inconvenience which may be caused.

10. Sustainability implications

- 10.1 The proposal subject to the recommended consultation will restrict pedestrian access along Pool Passage at its southern entry, however, because access along this route does not offer a strategic or well used local route it is felt that this proposal will have a limited impact on sustainable transport choices and would not result in additional journeys by motorised transport.
- 10.2 Because the activities which we seek to address in the twitten are strongly linked to criminal and antisocial behaviour taking place in the locality of Pool Valley, this process may result in reduced criminal and antisocial behaviour in the area, benefiting pedestrian safety more widely.

Crime & disorder implications:

- 11.1 The purpose of the proposed scheme is to support crime reduction, better enable positive policing and offer protection to residents and businesses by addressing crime and antisocial behaviour which is having an impact on their quality of life

Public health implications:

- 11.2 In seeking to address significant and ongoing neighbourhood disorder, this proposal supports the public health and wellbeing of residents by addressing an ongoing threat to their health, wellbeing and safety. For perpetrators – particularly those impacted by drug or alcohol intoxication – Pool Passage offers a very unsafe environment. The level of street fouling and the challenges of cleaning the tarmac also offers public health concerns.

Supporting Documentation**Appendices**

1. Draft Order BRIGHTON AND HOVE CITY COUNCIL (Pool Passage)
PUBLIC SPACE PROTECTION ORDER 2022 (including site plan)
2. Draft Community Agreement
3. Community safety survey – summary of responses
4. Sussex Police crime/incident report

DRAFT ORDER

BRIGHTON AND HOVE CITY COUNCIL (Pool Passage) PUBLIC SPACES PROTECTION ORDER 2020

Brighton & Hove City Council in exercise of its powers under Section 59, 64 and 72 of the Antisocial Behaviour, Crime and Policing Act 2014 ("the Act") hereby makes the following Order:-

1. This Order shall come into operation on on xxxxxxxxxx and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
2. This Order relates to the footpath known as Pool Passage which runs from Pool Valley to Old Steine as shown on the attached Plan
3. The effect of this Order is to restrict the public right of way over the highway at the junction of Pool Passage and Pool valley shown on the attached plan (a) from 7pm to 9am each day except for owners or occupiers of property adjoining the highway affected by this order needing to access the property. This order does not affect the entry to Pool Passage at Old Steine.

This Order authorises the installation of a lockable gate at the junction of the affected highway with Pool Valley, as shown on the attached plan

4. The alternative route for those needing to access Pool Passage between 7pm and 9am is via its northern entry at Old Steine.
5. Responsibility for the maintenance of the gate will lie with the residents and businesses within the affected area and will be governed by a management agreement which will be put in place before this order is enacted.
6. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of reducing crime and antisocial behaviour in and around the affected area. The Council makes the Order because criminal and antisocial behaviour in and around the affected area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
8. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.



DRAFT FOR CONSULTATION

THIS AGREEMENT is made the day of Two thousand and twenty two

BETWEEN *(Residents and businesses with access requirements over the affected highway)*

(hereinafter together called “the Residents and Traders”) of the one part and **BRIGHTON & HOVE CITY COUNCIL** of Hove Town Hall, Norton Road, BN3 3BQ acting by the officer who has signed this document (hereinafter called “the Council”) of the other part

WHEREAS

- (1) The Council is the highway authority for Brighton and Hove for the purposes of the Highways Act 1980 (“the 1980 Act”) and is empowered to make a public space protection order pursuant to Section 59, 64 and 72 of the Antisocial Behaviour, Crime and Policing Act 2014 restricting access into Pool Passage for the purposes of reducing crime or anti-social behaviour
- (2) The Council has resolved to make the Pool Passage Public Space Protection Order (PSPO) 2022 permitting the maintenance of the gate at the junction of Pool Passage and Pool Valley (the Gate) subject to the provision and day to day operation of the Gate being operated by the Residents and Traders
- (3) The Residents and Traders have agreed to operate the Gate in accordance with the provisions hereinafter appearing

WITNESSETH

1. The Residents hereby jointly and severally agree as follows:
 - (i) To install and maintain the Gate to the satisfaction of the Council. This will include maintaining the appearance of the Gate and ensuring it continues to function.
 - (ii) To provide a secure locking mechanism including a PIN operated entry lock and to maintain this in good working condition

DRAFT FOR CONSULTATION

- (i) To maintain and replace when necessary, the locking mechanism, Gate or any part requiring replacement
- (ii) To ensure that the gate and locking mechanism remain accessible to all those with a right of access and to ensure that the needs of those with disabilities requiring access are met, recognising that these needs may change over time
- iii) To ensure that the footway beyond the Gate remains free of litter and debris, liaising with the Council's Cityclean where necessary
- iv) To ensure that the Council's Highways, Cityclean and out of hours service are informed of any change to the combination code or access arrangements
- (iv) To remove the Gate within 14 days of the termination of this Agreement pursuant to paragraph 3. below

2. **IT IS HEREBY AGREED AND DECLARED** that all costs associated with this Agreement (and which for the avoidance of doubt include the installation maintenance and removal of the Gate) shall be borne by the Residents and Traders jointly and severally
3. **THE** Council reserves the right to terminate this Agreement should there be any default by the Residents and Traders in the terms of the same or should the Council be satisfied that the restriction imposed by the Public Space Protection Order is no longer expedient in all the circumstances for the purpose of reducing crime or anti-social behaviour

SIGNED by the said

SIGNED by the said

Pool Passage Area Community Safety Survey

Summary of responses

This survey was open from May 24th – June 1st 2022 and was released following the council decision to investigate reports of criminal and antisocial behaviour taking place in and around Pool Passage and to consider the value of a Public Space Protection Order (PSPO) highway restriction/gating scheme as a helpful response.

Fourteen residential/business addresses were identified as being within or accessing onto Pool Passage, and a paper copy of the survey was delivered to each of them, with email copies provided on request. Of the fourteen potential addresses, eleven completed forms were received, and these are summarised below.

1. Do you feel safe in and around Pool Passage?

YES 1 NO 10

If 'NO' what are your main concerns?

Respondents provided lengthy and detailed responses and the issues below were frequently identified. The most common concerns are around threatening behaviour, physical attack, intimidation, and general disorderly conduct connected to widespread drug and alcohol misuse taking place in the Passage.

Issue	Number of mentions	Issue	Number of mentions
Drug use	8	Physical attack	3
Drug dealing	8	graffiti	3
urinating	8	Prostitution	3
Intimidation	8	People entering properties	3
defecating	7	breaking bottles	2
Threats of violence to residents	7	unconscious inebriated people	2
needles & drug litter	5	Sex acts	2
Robbery	5	Shouting	2
Disorderly groups	5	Dumping of stolen property	1
vandalism	5	Indecent exposure	1
Dangerous for girls and women	4	violence	1
Damage to property	4	Poor lighting	1
vomiting	4	Rough sleeping	1
alcohol use	4		

2. It has been suggested that access into Pool Passage should be restricted by placing a lockable gate at the Pool Valley entrance to Pool Passage. (See the red circle on the map above). Do you think that this might be helpful?

YES 10 NO 1

The majority of respondents felt that a gate would be helpful for the reasons given below. The one objection related to the first comment and only concerned a gate at the Old Steine end and was not an objection to a gate at the Pool Valley end. One resident commented that a gate at both ends would be helpful, however, because of a specific exclusion in the legislation, this would not be possible at this location.

Comment	Number of mentions
We would object to a gate at the Old Steine end as this is our fire exit route. A gate at Pool Valley would be acceptable	1
Yes - it would be helpful and safer for the community	4
It might help by deterring people from that side of the passage but there should be a gate on both ends to effectively deter offenders	1
Helpful for security and to deter ASB	6
Would reduce illegal and antisocial behaviour from people leaving bars, clubs and beach at Pool Valley end	3
No entry signs at the Old Steine end would be needed	1
A gate would solve most of our problems and I would feel more safe	3

3. Are there any other spaces in and around the Pool Passage/Pool Valley which you feel are problematic?

YES 9 NO 1

The other clear area of concern is around the north end of the Passage as it joins Old Steine, followed by Pool Valley itself.

Comment	Number of mentions
The area around the Film School at the Old Steine end also attracts drug use, ASB, street fouling and disorderly groups	6
The passage is badly lit at the film school end	3
In Pool Valley when the clubs close there is a lot of fighting and shouting	2
The middle of Pool Passage outside the Terre a Terre doorway sees drug use, street fouling and disorder.	
crowds of drinkers outside the East Street Tap and the East Street Bar	
The whole of Pool Valley area is full of people being loud and drinking	

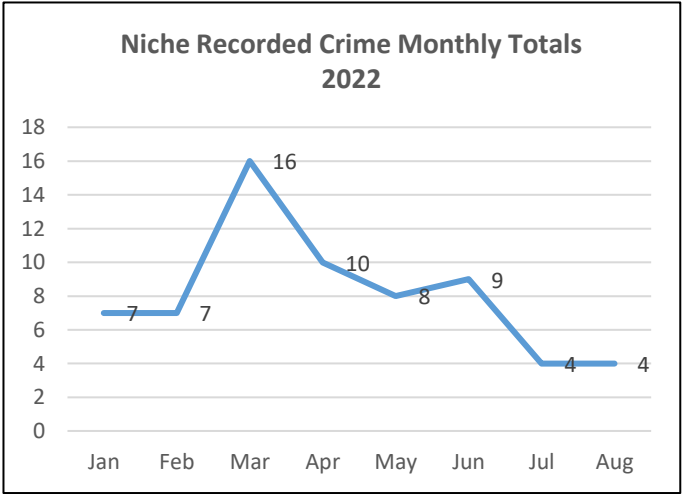
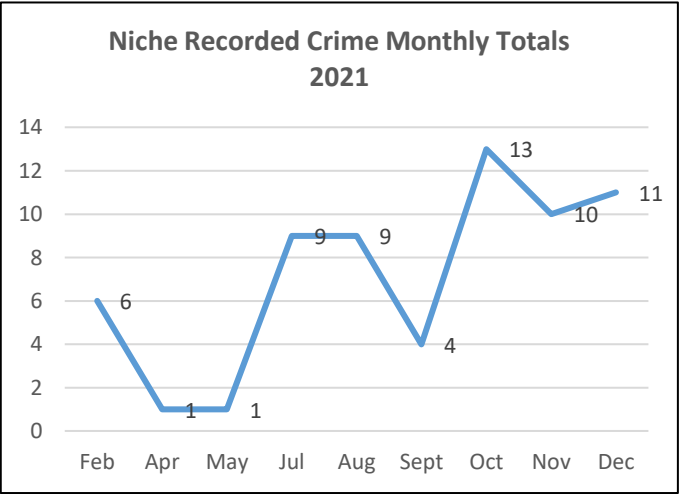
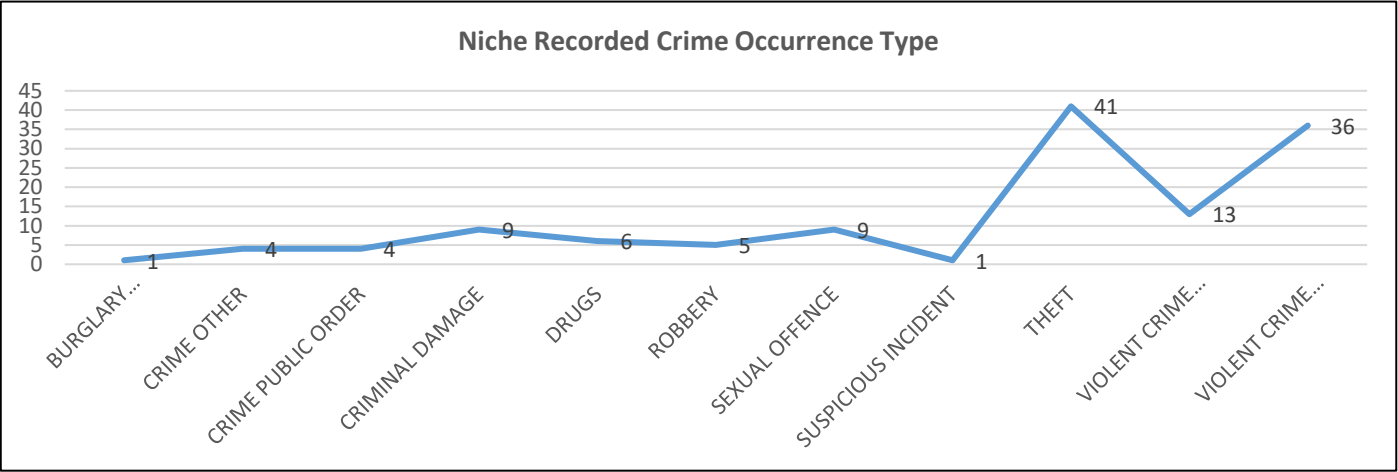
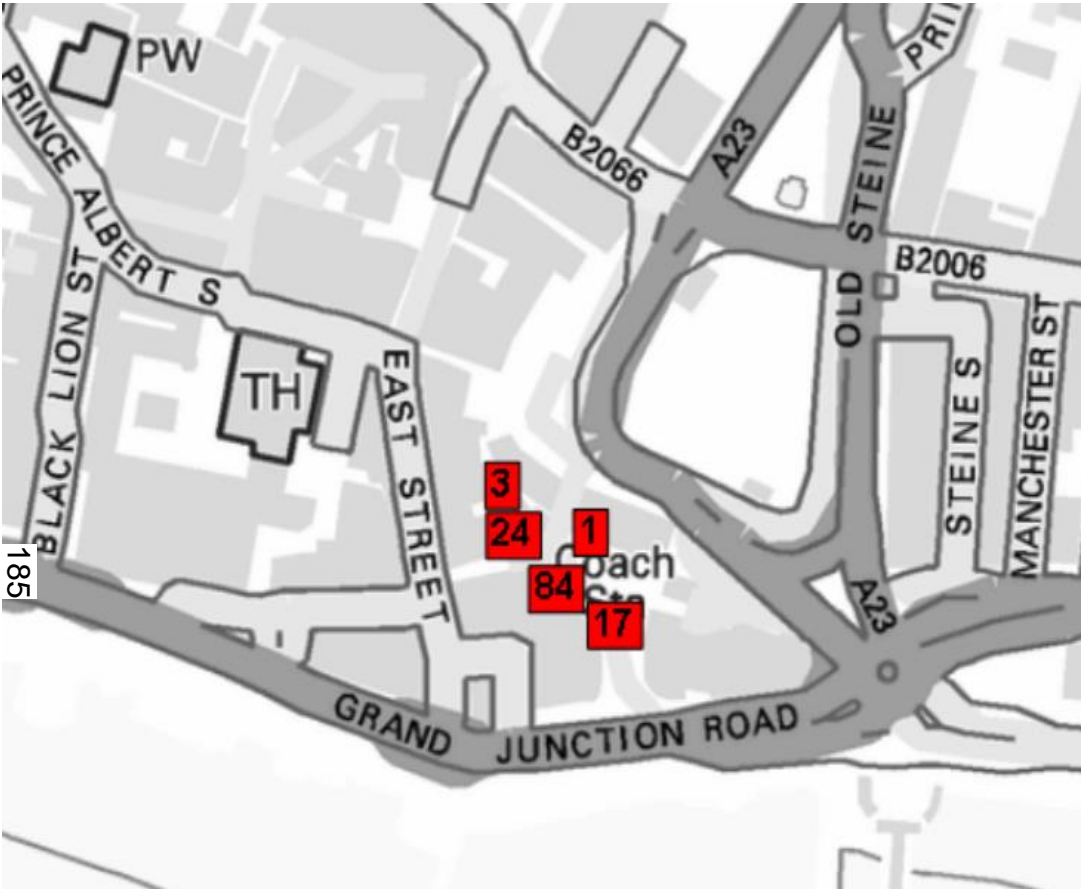
4. Do you have any ideas or suggestions for any environmental improvements to improve the look of the area or make it more pleasant or safer to use?

Comment	Number of mentions
Regular cleaning	5
More lighting and cameras around the film school	5
CCTV	3
Better lighting in the passage	2
No through route signage	2
Restrictions on drinking outside of venues	
An area for bins away from the Film School	

5. Thank you for your contribution. Please use the box below for any other comments.

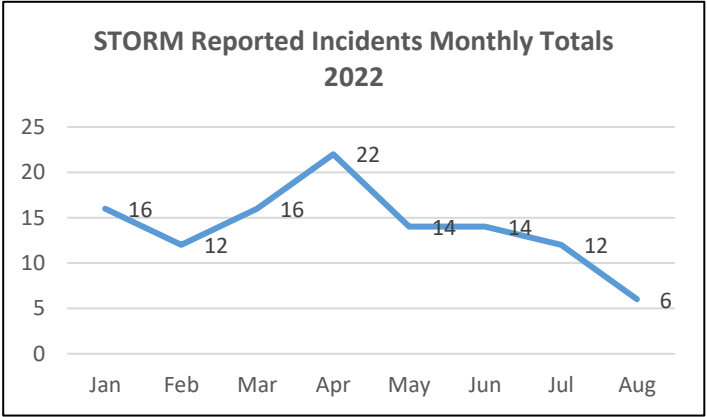
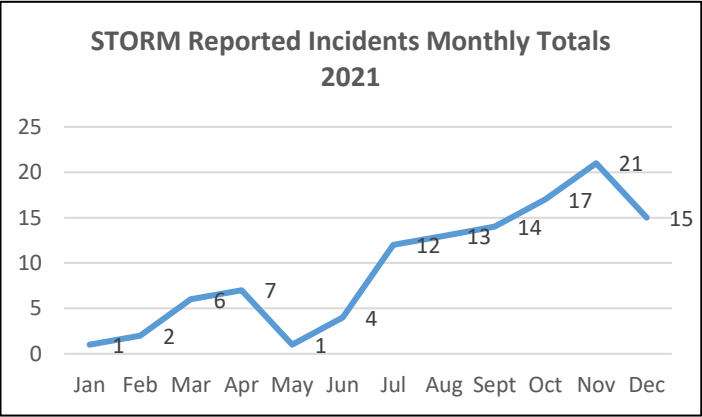
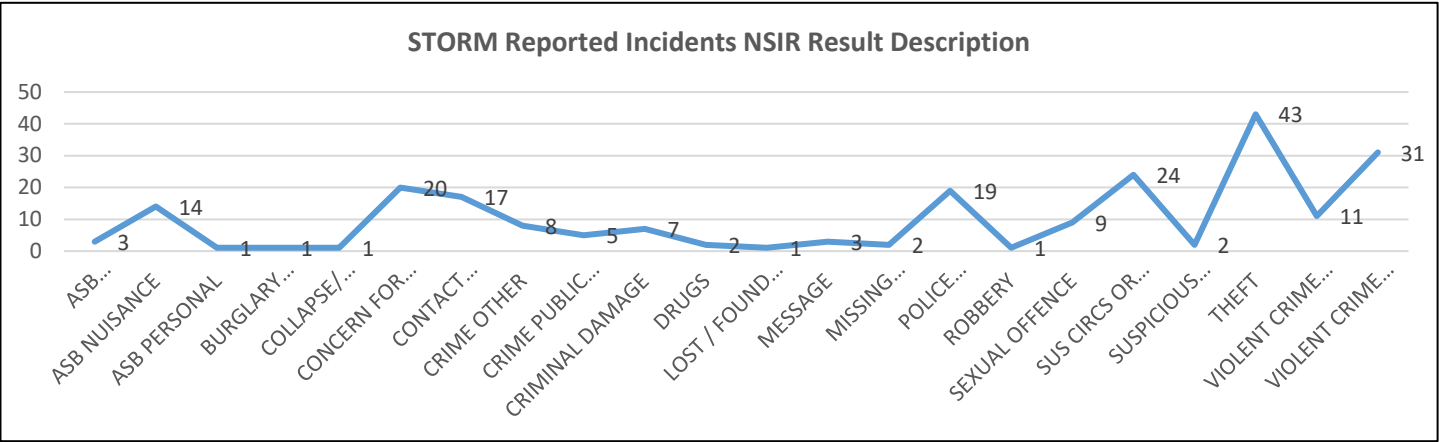
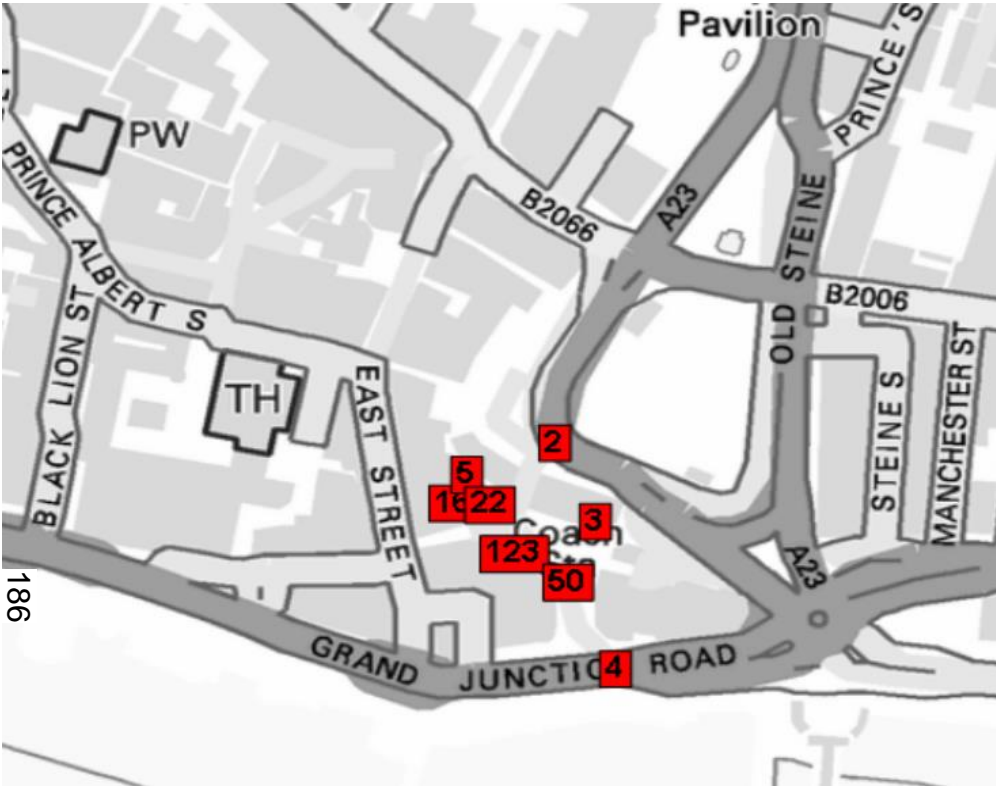
Comment	Number of mentions
Strong support for a gate and other improvements	7
From a safety perspective any gate should be openable from the Inner side, and make sure the gate is open every day	

Overview of Crime - Pool Valley & Pool Passage, Brighton
01/01/2021– 09/08/2022



- Key Findings:
- There were 129 crimes recorded for Pool Valley & Pool Passage, Brighton between 1st Jan 2021 – 9th Aug 2022.
 - Crimes were recorded as ‘Burglary Residential’, ‘Crime Other’, ‘Crime Public Order’, ‘Criminal Damage’, ‘Drugs’, ‘Robbery’, ‘Sexual Offence’, ‘Suspicious Incident’, ‘Theft’, ‘Violent Crime Other’ & ‘Violent Crime Public Place’ Offences.
 - 32% (41 actual) of crimes were recorded as ‘Theft’, followed by ‘Violent Crime Public Place’ – 28% (36 actual).
 - March 2022 had the highest number of offences recorded –12% (16 actual).
 - 91% (118 actual) of offences relate to Pool Valley, 9% (11 actual) of offences relate to Pool Passage, Brighton.

Overview of ASB - Pool Valley & Pool Passage, Brighton
01/01/2021– 09/08/2022



- Key Findings:
- There were 225 incidents reported for Pool Valley & Pool Passage, Brighton between 1st Jan 2021 – 9th Aug 2022.
 - 113 incidents were reported over a 12 month period between 01/01/2021 – 31/12/2021 and 112 incidents were reported over a 7 month period between 01/01/2022 – 09/08/2022.
 - Incidents reported include 'ASB Personal/Nuisance/Environmental', 'Burglary Residential', 'Collapse/Illness/Injury', 'Concern for Safety', 'Contact Record/Information', 'Crime Other', 'Crime Public Order', 'Criminal Damage', 'Drugs', 'Lost/Found Property', 'Message', 'Missing Persons', 'Police Generated Resource Act', 'Robbery', 'Sexual Offence', 'Suspicious Package', 'Sus Circs/Insecure Premises', 'Theft', 'Violent Crime Other' & 'Violent Crime Public Place'.
 - 19% (43 actual) of incidents reported were recorded as 'Theft', followed by 'Violent Crime Public Place' – 14% (31 actual).
 - April 2022 had the highest number of incidents reported –10% (22 actual).
 - 6% (14 actual) of calls were recorded as ASB Nuisance. Multiple calls for similar incidents relating to ongoing issues in Pool Passage (assaults, drug related activity and persons using the location to defecate/urinate) and Pool Valley (groups of people congregating on benches). Concerns around this group are linked to nuisance and rowdy behaviour, intoxication and drug use. Reports of aggressive and intimidating behaviour towards members of the public, loud music and general ASB.
 - The top repeat callers were identified as local residents and local businesses who are impacted by the ongoing issues at the location.

Subject:		Short Term Lets	
Date of Meeting:		15th September 2022	
Report of:		Executive Director for Economy, Environment & Culture	
Contact Officer:	Name:	Julia Gallagher	Tel: 01273 292592
	Email:	julia.gallagher@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report provides an update on the paper presented to this Committee on 5th March 2020. The update was requested by Council in a Notice of Motion on 21st July 2022, when the following was agreed:

1) "To request a report to come to the next TECC Committee which provides updates on the report from March 2020, including new legislation in Wales, changes in tax policy, and suggestions made by AirBnB themselves (5)

2) Submit a response to the government's call for evidence

3) Request the Chief Executive write to the Housing Secretary, lobbying for powers to;

- Designate a minimum percentage of rented housing to be reserved for long term lets, and place a cap on the number of holiday lets
- Introduce a licensing scheme similar to that laid out by the Welsh Government, to not only limit the number of second homes and holiday lets, but to ensure fair taxation is extracted from them
- Change planning laws to require landlords wishing to convert their property into a holiday let to have to apply for change of use to a new class use for holiday lets".

- 1.2 The council has previously reviewed options to regulate short term lets, which have confirmed that it has no current powers to license short term lets.

- 1.3 The government have recently assessed the impact of short term lets in England and have launched a consultation on regulation in June 2022, which closes on 21st September.

2. RECOMMENDATIONS:

- 2.1 That Committee agrees that officers should submit a response to the government's call for evidence to inform the development of a tourist accommodation registration scheme. (see appendix 3).

- 2.2 That Committee note the updated information in this paper following the previous report to TECC in March 2020.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Following a deputation to the Tourism, Equalities, Communities & Culture Committee (TECC) on 26th September 2019, on 5th March 2020 the Interim Executive Director Housing Neighbourhoods and Communities presented a report to TECC outlining what action could be taken to address large-scale short-term holiday lets in residential areas. On 21st July 2022 Full Council agreed that an update on this should be considered by TECC Committee.
- 3.2 The TECC Committee in March 2020 agreed to officers using existing powers to investigate and respond to complaints about short term holiday lets, ensuring a co-ordinated approach to enforcement between services. and that legislation to deal with issues can be used more effectively to address some of the issues such as noise and anti-social behaviour. To that end officers established:
- A single point of contact of complaints available on the Environmental Protection website, ehl.environmentalprotection@brighton-hove.gov.uk however, the number of complaints received is small;
 - Joint work was undertaken by officers to join up work relating to complaints about short term holiday lets to ensure there is a coordinated approach;
 - A letter was sent by the Chief Executive to the Secretary of State to lobby in relation to the matters requested by TECC Committee; and a letter was sent to AirBnB setting out concerns raised
- 3.3 Officers have considered whether the Council's existing powers would enable it to set up a registration scheme. Whilst the Council would not have any enforcement powers, such a scheme might allow officers to have a better idea of the number of such properties in the City and where they are located. However, with the potential number of properties identified there would be resourcing implications in terms of staff to administer such a scheme. Given the government's current consultation on developing a tourist accommodation registration scheme in England it is prudent to wait for the outcome of the consultation prior to taking any further action to avoid duplication and unnecessary expenditure. The consultation closes on 21st Sept 2022.
- 3.4 The Welsh Government and Plaid Cymru have a Co-operation Agreement which includes a commitment to tackle the issue of second homes affecting many communities in Wales.

The package of measures being announced by the Welsh Government includes:

- Changes to planning regulations by the end of the summer. These will introduce three new planning use classes – a primary home, a second home and short-term holiday accommodation. Local planning authorities, where they have evidence, will be able to make amendments to the planning system to require planning permission for change of use from one class to another. They will also introduce changes to national planning policy to give local authorities the ability to control the number of second homes and holiday lets in any community.

- Plans to introduce a statutory licensing scheme for all visitor accommodation, including short-term holiday lets, making it a requirement to obtain a license. This will help raise standards across the tourism industry.
- Following a consultation about varying land transaction tax locally in areas with large numbers of second homes, work has started with local authorities to develop a national framework so they can request increased land transaction tax rates for second homes and holiday lets to be applied in their local area.

The Welsh Government has already introduced a range of measures to address the issue of second homes, including giving councils the discretionary power to increase council tax premiums on second and empty homes and it has changed the rules on holiday lets so owners and operators make a fair contribution to their local communities. This is an accommodation Tax and regulation on home ownership.

- 3.5 During 2019 AirBnB commissioned BritainThinks to undertake a series of in-depth qualitative consultation with stakeholders in the housing and tourism sectors, on the implementation of a registration scheme for Short Term Lets (STLs). The consultation reached over 70 stakeholders through a combination of regional roundtables, in-depth interviews, and an online questionnaire. Officers from Brighton & Hove City Council engaged with this AirBnB – BritainThinks consultation, when one of their regional roundtables was held in Brighton during February 2020.
- 3.6 In June 2021 Airbnb published its Whitepaper (Appendix 2), calling for a UK registration system for short-term lets operators. The White Paper asks Government to create a simple-to-use, national registration system for the short-term letting sector, which would empower local authorities and communities, hosts and guests in equal measure.
- 3.7 Airbnb is proposing the Government should introduce a registration system that is simple, centralised and cost-effective, requiring hosts to obtain a registration number in order to list their homes on all short-term letting platforms in the UK. The system would be:
 - Simple, centralised and digital.
 - Industry-wide and mandatory for hosts in order to capture all short-term letting activity.
 - Provide data and transparency for local enforcement bodies.
 - Drive awareness of existing health and safety standards.
 - At a minimal cost to hosts.

As well as the registration system, their paper proposes two additional policies to ensure hosting can continue to grow and support the UK economy:

- Clarifying planning rules.
 - Removing barriers to hosting, reforming leasehold agreements, tenancy agreements and mortgage terms.
- 3.8 Forming part of their Tourism Recovery Plan (Appendix 1) page 48, item 90, and on 29th June 2022 the government launched a call for evidence to inform the

development of a tourist accommodation registration scheme, with evidence to be submitted by 21st September 2022.

3.9 The purpose of the call for evidence is to give the government a better understanding of the benefits and challenges of the increase in short-term and holiday letting, focusing on the size and shape of the market; the application, awareness, and enforcement of regulations regarding the health and safety of customers; and on the impact on the housing market and local communities. They will also gather initial evidence on the potential impact of a range of possible policy responses in this space. The evidence base will help the government to consider options for a tourist accommodation registration scheme.

3.10 The government recognises the challenges that have come with the expansion of short-term and holiday letting which include:

- The rapid expansion in the market has weakened our data on the size and nature of the guest accommodation sector, particularly at a sub-national level. Enforcement agencies, for example, have argued that they do not know how many lets are offered in their area, making it difficult to enforce regulations in areas such as fire safety.
- An 'uneven playing field' in the application, awareness and enforcement of regulations that apply to operators of paid for guest accommodation. For example, it is argued that some new entrants in the market are not abiding by existing key health and safety legislation designed to keep consumers safe. There are also concerns with potential breaches by hosts of mortgage and tenancy agreements.
- Negative housing and community impacts, such as the impact on housing supply and reports of anti-social behaviour from guests.

The government also recognises that there could be differences in how these challenges manifest in different regions of the country. They acknowledge that anti-social behaviour is greater in urban areas, or that housing supply is more adversely affected in tourist 'honeypots' in rural or coastal areas.

3.11 There are six potential responses the government could consider after taking into account the evidence gathered by this call for evidence:

- Do nothing
- Provide more information to the sector
- Develop a self-certification registration scheme
- Develop a registration scheme with light-touch checks
- Develop a registration scheme with physical checks of the premises
- Address any issues through a regulatory alternative to a registration system

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Not applicable.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 During 2020 Brighton & Hove City Council Officers engaged with the AirBnB – Britain Thinks consultation on the implementation of a registration scheme for Short Term Lets.
- 5.2 Brighton & Hove City Council officers have formulated a response to the governments call for evidence on the development of a tourist accommodation registration scheme, which will be submitted by 21st September 2022. Please see Appendix 3.
- 5.3 As agreed by full Council the Chief Executive will be writing to the Secretary of State (DLUHC), lobbying for powers to;
- Designate a minimum percentage of rented housing to be reserved for long term lets, and place a cap on the number of holiday lets
 - Introduce a licensing scheme similar to that laid out by the Welsh Government, to not only limit the number of second homes and holiday lets, but to ensure fair taxation is extracted from them
 - Change planning laws to require landlords wishing to convert their property into a holiday let to have to apply for change of use to a new class use for holiday lets

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 There are no direct financial implications arising from the recommendations of 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 Tourism 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: 15/08/22

Legal Implications:

- 6.2 If new powers are brought forward by the government, the legal implications will be carefully considered in future reports. If the Council was considering setting up its own registration scheme it would need to obtain specialist advice to determine the extent of its existing powers.

Lawyer Consulted: Alice Rowland

Date: 2/8/22

Equalities Implications:

- 6.3 None

Sustainability Implications:

- 6.4 None

Brexit Implications:

- 6.5 Unknown

Public Health Implications:

6.6 None

Corporate / Citywide Implications:

6.7 Awaiting the outcome of the governments call for evidence on the development of a tourist accommodation registration scheme.

SUPPORTING DOCUMENTATION

Appendix 1 – The Governments Tourism Recovery Plan, June 2021:
[The Tourism Recovery Plan \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/94421/the-tourism-recovery-plan.pdf)

Appendix 2 – AirBnB Short-term Lets Registration White Paper:
[UK RegistrationWhitepaper 2021.pdf \(airbnb.com\)](https://www.airbnb.com/press/uk-registration-whitepaper-2021.pdf)

Appendix 3 – Brighton & Hove City Council Response to Tourist
Accommodation Scheme Consultation

Question 1: Are you able to provide us with evidence illustrating the size and nature of the short-term and holiday letting market in England and/or its regions, and how that has changed over time?

This question is concerned with painting a picture of the market in England, in both revenue and people terms. Your answer should therefore focus on providing objective evidence, and not on providing an assessment of its consequences (e.g. on the housing market, which is covered in later questions).

For this question, the government is particularly interested in the following:

If you are a local authority / destination management organisation it would be helpful to have data illustrating short-term letting activity in your area.

This question is concerned with painting a picture of the market in England, in both revenue and people terms. Your answer should therefore focus on providing objective evidence, and not on providing an assessment of its consequences (e.g. on the housing market, which is covered in later questions).

In Brighton & Hove an AirDNA report commissioned in December 2017 indicated the following number of properties listed on AirBNB as short term and holiday lets:

Month	No. of entire homes listed	No. of rooms listed
June 16	921	779
July 16	1147	843
Aug 16	1307	919
Sept 16	1200	911
Oct 16	1135	937
Nov 16	1086	883
Dec 16	1235	922
Jan 17	1197	944
Feb 17	1044	831
Mar 17	1080	900
Apr 17	1301	946
May 17	1344	1022
Jun 17	1504	1073
July 17	1693	1120
Aug 17	1833	1188
Sept 17	1611	1089
Oct 17	1564	1041
Nov 17	1411	980
Dec 17	1562	1055

In 2017 data from AirDNA showed AirBNB entire home listings as achieving an average annual occupancy of 59% in 2017.

In January 2018 the Brighton & Hove Visitor Accommodation Study Update noted the following availability being advertised in January 2018, with the study noting that these figures increased during summer months:

Booking Agency/Site	Size of Property						Total Properties
	Sleeps 2	Sleeps 3-5	Sleeps 6-9	Sleeps 10-20	Sleeps 21-30	Sleeps 31-40	
Brighton Holiday Homes	28	75	22	33	8	1	167
Crown Gardens	6	16	16	38	2		78
City Pad Brighton	8	23	21	13	1		66
Best of Brighton	12	28	8				48
Owners Direct/HomeAway	49	62	15	27	3		156
Holiday Lettings/TripAdvisor	44	153	110	85	11		403
Airbnb	636	458	303	159	4		1254
Wimdu	26	15	9				33
Cottages.com		7	1				8
Total	809	837	505	355	29	1	2213
booking.com							146
Total							2359

Clearly the number of short term property and holiday lets grew rapidly when comparing 2016 to 2017 on AirDNA data. Based on the growth illustrated in 2016 vs 2017 it would not be unreasonable to extrapolate additional 35% year on year growth in 2018 and 2019, with numbers remaining static in 2020 and 2021 due to COVID, and a 15% year on year growth in rooms listed in the equivalent years. The following figures are based on this growth model:

Month	No. of entire homes listed	No. of rooms listed
Jan 21	1197	1248
Feb 21	2181	1098
Mar 21	1968	1190
Apr 21	2371	1251
May 21	2449	1351
Jun 21	2741	1419

July 21	3085	1481
Aug 21	3340	1568
Sept 21	2936	1440
Oct 21	2850	1376
Nov 21	2571	1296
Dec 21	2846	1395

Brighton & Hove's estimated private rented stock is 37,518. The 'growth' calculated at December 2021 for 'entire homes' based on the 2016/17 data suggests 2,846 properties were let as Air BnB (or equivalent) If this 'growth' has continued then this number would have increased. However, even at Dec21 estimate, this represents 7.6% of the private rented market no longer being available as a home for local residents.

Information received from colleagues at East Sussex Fire and Rescue Service in 2020 suggested that that there are approximately 1700 lets where the entire home is let, and approximately 1000 properties where someone can book a room in a person's residence. One booking company has stated that they have 3000 properties in the city and 60% of these are let out as an entire house However there are also several other companies offering these types of short term lets.

In March 2022 the website airdna.co indicated 3,118 properties ([Airbnb Data on 3,118 Vacation Rentals in Brighton And Hove | MarketMinder \(airdna.co\)](#)).

Question 2: What do you consider to be the main benefits of short-term and holiday letting for:

a) Homeowners

b) Consumers

c) Businesses and the wider economy

Where possible, please provide detailed quantitative evidence. Quantitative data will assist with producing robust estimates of the costs and benefits of any policy responses.

A) For homeowners, there are opportunities to:

- Make money from spare rooms in their own home
- Rent their home on a short-term basis when they are on not in residence eg on holiday
- To create an income stream from a second home / apartment when it is not in use
- To invest in property where the sole purpose is to generate revenues from the short term let market

B) For consumers

- There is a greater choice and type of accommodation available to them, with the opportunity to 'live like a local'.
- Strong weekend demand for group houses in Brighton & Hov for both family gatherings and 'hen' and 'stag' parties
- Do we have information about relative affordability short term holiday lets provides compared with traditional visitor accommodation?
- C)For business and the wider economy
- Short term and holiday letting properties offer additional overnight capacity, allowing us to accommodate additional visitors. Brighton has one of the strongest hotel markets in the UK with occupancy averaging at 80% in 2017, so the short-term let offer can augment capacity during our busiest periods of school holidays and while the City hosts large conferences.
- The sector has also facilitated the creation of ancillary businesses to service the accommodation including cleaning companies

Question 3: How do you assess levels of compliance with regulations on:

a) Fire safety b) Gas safety c) Health and safety d) Food and drink within the short-term and holiday letting market in England?

- **Option 1 - Compliance is very good**
- **Option 2 - Compliance is good**
- **Option 3 - Compliance is fair**
- **Option 4 - Compliance is poor**
- **Option 5 - Compliance is very poor**

For each of these, please give reasons for your answer. If you believe there is significant non-compliance, please provide specific examples/evidence. Alternatively, if you believe compliance is generally strong, please also provide evidence.

If you are a platform, how do you inform hosts about their legal requirements?

If you are a host, are you aware of your legal requirements? How have you been informed of these requirements?

What assessment do you make of how effectively the regulation is enforced?

Option 5 – Compliance is poor

Given the volume of operators using premises for short-term and holiday let operators it is highly likely that they are not aware of the relevant regulations or not abiding to them.

We consider it very likely that providers are not undertaking risk assessments before letting their properties. This may be more prevalent where hosts are letting individual

rooms or during limited periods, where they will not provide first aid equipment and ensure basic electrical equipment has been tested or is fit for purpose.

In terms of fire safety and gas safety, similarly, ad hoc hosts are unlikely to undertake a fire risk assessment or obtain a gas safety certificate and put in place relevant measures.

If the relevant authorities do not have data indicating which properties are being utilised for short-term and holiday lets they cannot carry out any basic checks or request paperwork to ensure that appropriate risk assessments are in place and safety certificates have been obtained; this is totally at the discretion of individual 'hosts', putting consumers at significant risk, of which they may be unaware.

Given Expedia is rebranding discrete categories of short term rentals / hotels / guest houses to a generic 'lodging' category, with other providers likely to follow suit, consumers will no longer be able to differentiate between these categories so it is imperative that there is parity in the requirements for traditional hotel accommodation and short-term and holiday lets to protect the safety of the consumer.

East Sussex Fire and Rescue Service have undertaken meetings with many short term holiday let providers in the Brighton and Hove area, to explain their jurisdictions under the Regulatory (Fire Safety) Order 2005. All premises must have a fire risk assessment completed, and any significant findings found must be completed in a suitable time frame.

Because many of these premises are old houses converted, many of them do not have a protected route to allow a safe means of escape for persons sleeping on the premises. This could be overcome with an engineered solution; a strategy would have to be submitted to East Sussex Fire and Rescue Service, whereby a Fire Engineer would need to review the detail to determine whether the proposals could be considered. In the meantime if a premises is that unsafe for persons to sleep there until works have been completed, a prohibition notice may be issued. An inspection programme is in place to audit all short term holiday lets within Brighton and Hove. East Sussex Fire & Rescue Service are starting to audit the larger capacity premises managed by holiday letting companies and working through a list of known premises. If any complaints are made with regards these types of premises, an inspection may take place prior to the audit date. The approach to Airbnb will be considered further once these initial audits have been completed.

The fire service would expect the benchmark standard in the sleeping accommodation guidance written by the Department of Local Government to be met within these types of premises www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation

East Sussex Fire & Rescue Service advised the council in 2018 that they are finding it a major challenge to enforce fire safety regulations in the holiday let sector because of the number of holiday let properties that are now listed on online booking sites and the difficulties in making contact with owners.

Question 4: Do you consider there to be a problem with breach of contractual agreements in the short-term and holiday letting market in England? If so, why?

- **Option 1 – Yes, this is a major problem**
- **Option 2 – Yes, but this is only a minor problem**
- **Option 3 – No, there is no problem**

Please give reasons for your answer, as well as specific examples/evidence. The government is particularly interested in breaches of mortgage, tenancy and social housing agreements.

Option 1 – this is a major problem

Due to the proliferation of short term let accommodation in Brighton & Hove this is undoubtedly a major issue.

It is highly unlikely that the majority of 'hosts' do not have the requisite permissions from their mortgage companies, particularly those that are participating in the market on an ad hoc basis to supplement income during peak holiday periods.

Similarly, it has come to our attention that there is a growing cohort of tenants sub-letting properties to capitalise on the demand for accommodation during peak holiday periods in the City; it is extremely probable to assume that variations in tenancy agreements have not been sought so these 'hosts' are illegally offering their premises as short term let accommodation.

Similarly, it is unlikely they have gained the necessary permissions from insurance companies to cover short term and holiday lets.

Brighton & Hove City Council has a new procedure in operation whereby tenants have to request permission to take in paying guests with relevant health and safety considerations (fire safety) and other factors taken into account before permission is granted. Tenants are not allowed to sublet the whole of their premises and this would be a breach of tenancy matter. Legal advice taken on the position with leaseholders as well as leases specify that the property must be used as a private residential dwelling and therefore not used for business purposes e.g. Airbnb.

Question 5: Do you consider there to be other legal provisions concerning the supply of short-term and holiday letting to paying guests which are not covered elsewhere in this call for evidence but where there are issues with awareness, compliance and/or enforcement?

- **Option 1 – Yes**
- **Option 2 – No**

If yes, please be specific about the legal provisions concerned and provide supporting evidence.

Option 1 – Yes

We are concerned that there is no regulation in place to ensure that hosts are not discriminating against potential customers; as a city that prides itself on being fair and inclusive it is extremely important to us that this issue is addressed and monitored, ensuring that hosts comply with the Equality Act 2010.

There is also no regulation to ensuring that premises are not mis-sold and that any charges levied for damages are fair and proportionate. Our Visitor Services Team have been approached by consumers who have leased non-existent properties or have rented premises which have been misrepresented, and have sought help from the Local Authority to provide urgent solutions to issues, which clearly we are not in a position to resolve. We appreciate that there is an element of user referral and rating in the consolidator platforms but this clearly does not mitigate totally against risk.

In a City with a substantial portfolio of heritage properties, it is also likely that health and safety regulations around asbestos and safety glass is not being adhered to.

Question 6: Do you consider the increase in short-term and holiday letting in England to have had adverse consequences on the housing market?

- **Option 1 – Yes, this is a major problem**
- **Option 2 – Yes, but this is only a minor problem**
- **Option 3 – No, there is no problem**

Please give reasons for your answer, including specific examples/evidence of any adverse effects, particularly at a local level.

It would also be useful to get views on whether you think the COVID-19 pandemic has accelerated or altered some of these adverse consequences. For example, could there be an impact as a result of changes in the way people choose to work?

Option 1 – Yes this is a major problem

The short-term letting and holiday letting market has undoubtedly had a major impact on the Brighton & Hove housing market. Both to buy and to rent, inflicting disruption, distress and exacerbating the housing supply crisis.

With over 3,000 entire homes and rooms in approx 1,500 houses being used for short-term and holiday letting, some short-term and holiday lets have replaced long term rental accommodation, stifling the supply of rented accommodation and in turn driving rents up and conditions down. The detrimental impact holiday lets the rental sector is severely constrained, resulting in increased prices for renters.

Brighton & Hove's estimated private rented stock is 37,518. The 'growth' calculated at December 2021 for 'entire homes' based on the 2016/17 data suggests 2,846 properties were let as Air BnB (or equivalent) If this 'growth' has continued then this number would have increased. However, even at Dec21 estimate, this represents 7.6% of the private rented market no longer being available as a home for local residents.

A report commissioned by [ARLA in 2019](#), indicates between 3.8% to 8.7% of private rented properties would no longer be available for local residents). In a city like Brighton & Hove, with high levels of tourism, it reasonable to assume we would be at the top end of this estimate. 8.7% loss in the private rented sector represents 3,264 homes no longer being available for local residents.

This loss has a number of implications for the city.

- This loss of stock means we would be seeing more households being threatened with homelessness as a result of tenancies ending.
- The Jan22-Mar22 the council's H-CLIC returns to Government indicate 35.2% of homelessness during this period was due to a loss of PRS accommodation. For the whole of the South East, this figure 28.4%
- Not only would this mean more presentations due to loss of PRS accommodation, but our ability to prevent homelessness is largely driven by us helping people access a new private rented sector tenancy. The loss of available stock impacts this
- It's reasonable to assume this would lead to higher number of households in temporary accommodation – more households being homeless due to loosing private rented sector accommodation, and less ability to prevent/relieve that homelessness by securing alternative PRS accommodation. According to the latest available DLUHC data³, BHCC has the 14th highest number of households in TA. 11 of those higher than us are London boroughs and the other two are Birmingham and Manchester (both with much higher populations)
- Every household in TA costs the local authority an average of £7,000 per annum. It is estimated that we have 111 more households currently in TA, than our comparator local authorities in the area, as a result of loss of PRS stock. This is therefore a cost to Brighton & Hove of £780,000 pa. If the available PRS stock continues to reduce as a consequence of more short-term lets, this cost will increase year on year.
- Evidence of a recent case indicates landlord practice of re-letting private sector vacancies as 'short-term lets', but requesting 6 months' rent in advance. This clearly isn't a short-term let, but is practice being used to avoid issuing an assured shorthold tenancy, and also licensing the property as an HMO. This is an isolated example, brought to the council's attention due to

complaints from other tenants in the block. The scale of the issue is unknown as it relies on private tenants to bring to our attention.

- Housing demand and rising private sector rents have an adverse effect on affordability of housing in the city. The lack of affordable housing supply has an economic impact on our ability to retain lower income working households and employment in the city across all sectors. With less available stock and the same (or increasing) numbers trying to access this, this will result in higher market rents being charged. We continue to see an increase in advertised rents across most sized properties. Statistics from the Valuation Office Agency and the Office for National Statistics indicate the following rent levels were paid on the following sized properties (based on a sample of 3,720 lets) during 2021/22.

Size	Rent pcm
Room	£516
Studio	£715
1 bed	£930
2 bed	£1,259
3 bed	£1,541
4 bed	£2,235

These are consistently higher than England and South East comparators.

Demand for properties has also lead to sharp price increases Brighton & Hove. The Land Registry House Price Index figures show that the average property price in the city in June 2022 was £438,264, an increase over the last few months and higher than a year ago. The gap between the average property price for Brighton & Hove and England & Wales increased with average price in the city now £138,408 (46.2%) more. Between June 2021 and June 2022 prices in Brighton & Hove saw 10.8% increase compared to 7.3% increase nationally. By property type the averages are:

- Detached £859,000
- Semi detached £556,000
- Terraced £494,000
- Flat £336,000

Where flats and houses are used for short-term and holiday lets it not only reduces the number of housing units but causes massive problems for neighbours, such as anti-social behaviour.

The impact on price and availability of housing significantly impacts on the ability of workers to live in the City which undermines our aim for a circular local economy that builds community wealth of the visitor economy. In 2019 there were 17,894 full time equivalent jobs supported by the visitor economy in Brighton and Hove; with wages averaging £23k per annum it is clear that the holiday and short-term lettings market is creating a major issue in housing affordability with the disparity in terms of income and

price of accommodation has contributed to chronic labour shortages in the hospitality industry in the City.

Question 7: Do you consider noise, anti-social or other nuisance behaviour in short-term and holiday lets in England to be a problem? If so, why?

- **Option 1 – Yes, this is a major problem**
- **Option 2 – Yes, but this is only a minor problem**
- **Option 3 – No, there is no problem**

Please give reasons for your answer, including specific examples/evidence and detail on the type of noise, anti-social or nuisance behaviours you think are the problem, including data at a local level where possible.

Where you are aware of/or have experienced issues and you complained, what assessment do you make of how the incident was dealt with? How could this complaints procedure be improved?

Whether further regulation is necessary and proportionate or whether existing powers and authorities are able to adequately deal with these issues where they arise?

If you are an online platform or a host, what steps do you take to minimise the likelihood of anti-social or nuisance behaviour occurring?

Option 1 – Yes, this is a major issue

Brighton & Hove City Council have received complaints about noise from late night partying and departures and arrivals, waste not being disposed of correctly causing health and safety issues and illegal parking in residents parking areas and contravening parking regulations.

In the last two years the Council's Environmental Protection team has received 12 complaints about these types of properties relating to noise issues. Two complaints have been received by the Anti Social Behaviour and Casework team, but these were received from the Environmental Protection team.

Brighton & Hove City Council has registered the following number of noise complaints from short term and holiday lets:

	No. of noise complaints
--	-------------------------------

	from holiday let / party house
2018	13
2019	30
2020	80
2021	54
2022 to date	16

A noise-abatement notice was served on a “party house” in Court Close, Patcham, September 2019.

The Brighton & Hove Planning Enforcement team started to receive complaints about short term holiday lets in 2011. Of the cases received since 2011, 0.7% involved concerns about short term holiday lets. However, per annum since 2020 just over 1% of cases related to short term holiday lets so there is an upward trend in complaint terms.

Due to the volume of complaints to Brighton & Hove City Council caused by short-term and holiday lets, we are in the process of establishing a central point of contact (POC) for residents and others to raise concerns about short term holiday lets with, who will be responsible for co-ordinating response from council-wide enforcement agencies and liaising with the complainants.

We have also set up mechanisms to further promote the options available to residents affected by a short-term holiday let or ‘party house’, raising awareness of the (POC) and jurisdiction of the planning enforcement team and raising awareness of the role of the council’s noise complaint service.

Question 8: Aside from the impacts on housing and incidents of anti-social/nuisance behaviour, do you consider the increase in short-term and holiday letting in England to have had other adverse impacts on local communities and residents?

- **Option 1 – Yes**
- **Option 2 – No**

Please give reasons for your answer and provide specific examples/evidence.

Option 1 – Yes

In Brighton & Hove, areas of the city, particularly those in central locations, are becoming dominated by short-term and holiday lets. Creating stress and challenges for long-term residents who are finding that societal cohesion is being eroded.

Officers, through discussions with police colleagues, are also aware that there has been a rise in a number of these properties being used for illegal activity such as drug supply.

Short-term and holiday lets also add significantly to parking pressures and rubbish generation and recycling. Anecdotally, larger properties are being rented for use as 'party houses' which has the potential of turning residential streets into night clubs for 24-hour partying over the weekends.

Whilst formal complaints seem low regarding noise and anti-social behaviour ward councillors have heard from residents on the range of issues that residents have faced with some properties : [Phone line for anti-social behaviour in Brighton | The Argus](#)

The issue of uncontrolled short term holiday lets was raised as an issue of concern by residents and hoteliers during the scoping consultation on the City Plan Part 2 (June – September 2016) www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two

Question 9: Which of the following do you consider to be the most appropriate form of response in the short-term letting market?

- **1 - Do nothing**
- **2 - Provide more information to the sector**
- **3 - Develop a self-certification registration scheme**
- **4 - Develop a registration scheme with light-touch checks**
- **5 - Develop a licencing scheme with physical checks of the premises**
- **6 - Regulatory alternative to a registration system, such as extension of the Deregulation Act 2015**

Please give reasons for your answer, including why you consider other options to be inappropriate.

Are there other options that should be considered?

Brighton & Hove City Council would support a combination of:

- 4 - Develop a registration scheme with light-touch checks**
- 5 - Develop a licensing scheme with physical checks of the premises**

Our preferred option would be:

Develop a registration and licensing scheme with light touch checks

This would ensure that short-term and holiday lets are brought in line with rented accommodation in terms of the standards we expect and enforce as a local authority. Licenses would be dependent upon owners producing relevant health and safety documentation and risk assessments, gas and electrical safety certificates, proof of agreement from mortgage company / tenancy agreements and relevant insurance documentation, as per the current Portuguese system with the national tourist board maintaining a publicly available National Tourism Register.

Local authorities would have the power to rescind licenses if a threshold of unresolved complaints were submitted against the license holder.

Registration and licensing would be for property owners, not management companies; management companies would legally require a registration number and proof of license prior to representing individual properties.

We would also request that powers are delegated to local authorities to designate a minimum percentage of housing to be reserved for long-term lets and place a cap on the number of short-term and holiday lets, as per the system in Portugal where local councils have powers to implement 'containment areas' within their locale which can restrict the number of short-term rental properties. For example, in some parts of Lisbon no new registrations are being processed because more than 20% of the properties are short-term rentals.

Licensing is also needed in order to create a database of providers, which provides a robust data set, adding to the understanding of the sector and allows for communication and contact, creating resilience.

We would support the introduction a licensing scheme similar to that laid out by the Welsh Government, to not only limit the number of second homes and short-term holiday lets, but to ensure fair taxation is extracted from them.

In terms of the remaining options:

1 – Do nothing

We would not support this option as we believe that the current situation is impacting adversely both on the accommodation supply in Brighton & Hove for renters and buyers, impacting on residents co-existing in close proximity with short-term and holiday lets and does not provide a safe and regulated experience for consumers.

2 - Provide more information to the sector

The various providers including AirBNB and VisitEngland have been providing information to providers for many years detailing their legal requirements. Unfortunately, this approach has proved not to work in terms of ensuring obligations are met and does not resolve the issue of the proliferation of short-term let and holiday rentals impacting on price and availability of housing stock for long-term residents; the issue is not just about legal compliance but about ensuring parity with the long-term rental sector.

3 - Develop a self-certification registration scheme

We suggest that a self-certification scheme does not allow effective regulation of the sector as there would be no checks on the veracity of the information supplied. A 'tick box' exercise would not deter the providers who are not ensuring their properties are maintained and run to acceptable standards; even worse it gives some legitimacy to businesses who have no obligation to comply with H&S regulations, thus misleading consumers.

6 - Address any issues through a regulatory alternative to a registration system, such as extension of the Deregulation Act 2015

The stipulation that use of any residential premises in Greater London as temporary sleeping accommodation is considered a 'material change of use' for the purposes of planning permission, if used in this way for more than 90 nights per calendar year, is problematic to monitor and administer, given the proliferation of platforms that exist to market properties.

The council is aware that in London under the Deregulation Act 2015, use of C3 residential premises as short term lets for up to 90 days per calendar year does not need planning permission but above 90 days would require planning permission. The council recognises that as a first step in controlling existing C3 residential properties that the government could extend this provision to all local authorities. There would however need to be a clear requirement for data sharing by all the various online letting platforms in order that this regulatory alternative would be effective ie so that it could be easily enforced by local planning authorities and the council considers that it would not remove the need for a mandatory licensing scheme to support its effective implementation and address the other issues raised in this consultation around ensuring health and safety regulations etc are met.

Question 10: What do you consider to be the costs and associated burdens of these options, who would bear the costs and how might they be mitigated?

Please consider in particular (3) develop a self-certification registration scheme, (4) develop a registration scheme with light-touch checks, and (5) develop a licensing scheme with physical checks of the premises.

Please also consider what the benefits are of the market operating as it currently does, as well as what might be the benefits of each of all of the above options, either to businesses, property owners, or to the consumer.

For options: (3) develop a self-certification registration scheme, (4) develop a registration scheme with light-touch checks, and (5) develop a licensing scheme with physical checks of the premises, cost will be entailed to develop and maintain an

appropriate online portal through which hosts register or license their properties, be this hosted via central government or via individual local authorities.

Costs would also be incurred if hosts are required to submit evidence of compliance, albeit this would be a paper exercise so costs would be minimised. If physical checks were stipulated, then this would obviously increase costs significantly.

Any scheme introduced should be funded by contribution from short-term and holiday let hosts. A stepped approach would be welcomed whereby a basic license fee is levied, augmented by a cost per room ensuring that costs and charges are proportional to property size.

Option 6 would require additional resources for local planning authorities' enforcement to ensure the regulation could be adequately enforced.

Question 11: Do you have any insight or evidence on the impact of schemes that are already running, or approaches taken elsewhere in the world?

The government would also be keen to learn about any other approaches that have been taken.

Amsterdam

Amsterdam has well defined policies for holiday rentals and short stay rentals. The policy on holiday rentals allows city residents to rent out their home while they are away, to a maximum of four guests for up to 60 days a year. Each holiday rental must be reported to the City Council. The tourist tax must be paid on all holiday rentals. The rental must not cause any nuisance to neighbours and the property must meet appropriate fire safety standards. Property owners who do not report holiday rentals can be fined €6,000 or more. The Amsterdam short stay policy is designed to cover the commercial rental of non-subsidised housing for periods from seven nights to six months to people working in the city on a temporary basis, in the city for conferences, and longer staying tourists. Short stay letting is only allowed in the privatised rental sector, to ensure the availability of affordable housing for city residents on low incomes. The owner of the property must first secure a permit for short stay rentals. In order to protect the housing market only 10% of the private housing in each of the city districts can be licensed for short stay rentals. The City Council stopped granting new short stay permits at the beginning of 2014 because this level of short stay provision had been reached. As such, only newly constructed buildings can now apply for a short stay permit. The presence of short stay residents in the city must not be at the expense of the quality of life in city neighbourhoods. There is a 24/7 hotline for city residents to report any disturbances. The City Council strictly monitors landlords who provide short stay rentals for valid permits, fire prevention and safety measures, the number of overnight stays, and nuisance to neighbours. Transgressing landlords may lose their permits and can face fines of up to €20,500.

Berlin

From 1 May 2016, Berlin has banned home owners and tenants from renting out their home to short-term visitors unless they occupy at least 50% of the home themselves. This is a ban therefore on entire home renting for short-term lets. Shared home renting is still legal. The law was introduced to protect the residential lettings market. It is now illegal in Berlin to rent out apartments to tourists that should be available to residential tenants. Fines of up to €80,000 can be imposed on those that are found to be contravening the new law. The ban does not apply to apartments that were registered as commercial holiday apartments before 1 May 2014. The Berlin ban resulted in a 49% reduction in entire home listings on airbnb, a 5% increase in the prices charged by the remaining airbnb hosts, and a 55% reduction in monthly income from airbnb properties.

Question 12: What has been the impact of the Deregulation Act 2015, specifically changes made by section 44 to the Greater London Council (General Powers) Act 1973?

Please consider the extent to which these provisions have allowed local authorities to respond to challenges posed by short term lettings.

Please also consider the potential use and impact such stipulations may have in other areas of the country

Short-Term Lets in London | London Councils suggest:

- It has not stopped the growth in short term lettings
- Multiple online letting platforms mean property owners can circumvent the rules
- Lack of data and onerous task for enforcement officers to access the information to proactively engage with breaches with the concerns that properties may become immune from enforcement action after 10 years

They cite the example of LB Camden: *‘Ongoing research from the London Borough of Camden has indicated that, of the 7,000 properties used as short-term lets in Camden in 2019, 48 per cent exceeded the 90-day limit, significantly higher than the figures that Airbnb are suggesting elsewhere.’*

Subject:		Tourism Recovery and VisitBrighton	
Date of Meeting:		15th September 2022	
Report of:		Executive Director for Economy, Environment & Culture	
Contact Officer:	Name:	Howard Barden	Tel: 01273 292646
	Email:	howard.barden@brighton-hove.gov.uk	
Ward(s) affected:		All	

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report outlines the performance of the visitor economy in 2021/22 and highlights the work done by VisitBrighton to promote the city and to support the recovery of the sector.
- 1.2 Covid-19 dealt a devastating blow to many tourism and hospitality businesses in Brighton & Hove, causing what maybe long-term damage to investment and employment. Business, operators, employees, and freelancers saw their livelihoods catastrophically impacted as they were forced to close during the Pandemic.
- 1.3 This report looks at the actions and activity of VisitBrighton over the course of a year, supporting the recovery of the visitor economy, generating economic and social value for the city.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes and acknowledges the work of VisitBrighton in supporting tourism and the wider visitor economy of Brighton & Hove.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In 2019, Brighton & Hove welcomed 12.37 million visitors, of which 1.67 million stayed overnight. The Visitor Economy was worth just under £1billion (£976.4m) in economic benefit and supported more than 24,000 jobs in the city, which equates to 17.5% of all employee jobs in Brighton & Hove¹
- 3.2 In 2020, Brighton & Hove welcomed 9m visitors, which represented a decrease of 27% on 2019 figures. This decrease was in line with other destinations across the UK.

¹ *The Economic Impact of Tourism Study, Brighton & Hove, 2019*

- 3.3 In 2020 the city welcomed 8.4m day visitors who generated £144m in economic benefit, down 64% on 2019, plus 0.6m overnight visitors who generated 2.03m bed nights creating £226m in economic benefit (a decrease of 61% on 2019).
- 3.4 In 2020 a day visitor generated £17.14 of economic benefit on their trip whilst a staying visitor generated £377 of economic benefit during their visit, equivalent to £111.33 in 24 hours; by attracting increased numbers of staying visitors, we can ensure that the economic impact of tourism grows in a sustainable manner, increasing revenues while minimising the impact on the city infrastructure.
- 3.5 In total, tourism generated £370m of economic benefit for Brighton and Hove in 2020, down 61% on 2019. The sector supported 6,748 FTE jobs and 9,213 jobs in Brighton & Hove which equates to around 7% of all employee jobs in Brighton & Hove, down from 17.5% in 2019. The visitor economy not only supports jobs which are directly generated in businesses where visitors spend money, for example, hotels but also indirectly supports jobs due to the purchases of goods & services by businesses benefiting from visitor expenditure i.e. jobs with local suppliers.²
- 3.6 The annual figures for 2021 will be available in December 2022 but we are hoping to see an increase in visitor numbers as the city began to recover over the course of the year.
- 3.7 Predictions for the continued recovery of the visitor economy in 22/23 are uncertain. COVID concerns are still impacting travel plans, and as overseas travel increases, the 'staycation' boom, from which Brighton has benefitted in 21/22, may become less buoyant. The cost-of-living crisis will impact on the decision to take day trips and short breaks while business are seeing their profitability squeezed due to the increase in food and fuel prices.³ Businesses face an uncertain 22/23.

VisitBritain does not predict tourism in the UK to return in full to 2019 levels of volume and expenditure until 2025-6⁴

- 3.8 VisitBrighton's primary objective is to support the ongoing recovery of the visitor economy, ensuring Brighton stays a destination of choice, encouraging day visitors to extend their visit to a staying trip and encouraging short breakers to choose Brighton, optimising the economic contribution from tourism, sustaining employment, and generating wealth for the city.

VisitBrighton Impact 21/22

- 3.6 VisitBrighton has four main areas of activity: Marketing, Convention Bureau, Partnership and Visitor Services.
- 3.7 VisitBrighton Marketing is responsible for promoting the city to both leisure and business visitors, uniting a fragmented landscape of chain, independent, SMEs, micro business and sole traders, representing the whole City with cohesive messaging to engage target domestic and international visitors and take them

² *The Economic Impact of Tourism Study, Brighton & Hove, 2020*

³ *Domestic Sentiment Tracker, VisitBritain, July 2022*

⁴ *The Tourism Recovery Plan, DCMS, June 2021*

on a customer journey from “looking to booking to visiting to returning & recommending”.

VisitBrighton promotes Brighton & Hove as the destination of choice to:

- Domestic mid-week staying leisure visitors, filling a ‘need’ period outside of weekends and school holidays
- Staying international leisure visitors
- Domestic and international business visitors

In 2021/22 VisitBrighton worked with the national press and media, providing content, imagery and pitching story ideas to generate positive domestic travel media coverage about the city with an advertising value equivalent value (AVE) of £1.8million in regional and national titles including: The Guardian, Sunday Times, Evening Standard, Metro, Daily Telegraph, OK Magazine, and Olive Magazine (see Appendix 1). All content focused on driving staycation visitors to Brighton & Hove. As increasing numbers of destinations compete for coverage, the work of VisitBrighton essential to ensure the city maintains prominence in on and offline media,

The main online marketing tool www.visitbrighton.com was redeveloped integrating User Generated Content, which encourages engagement and dwell time, and was successfully re-launched in April 2022. From April 2021 to March 2022 www.visitbrighton.com attracted 2.5m page views made by over 1m users, with visitors seeking information on things to do and planning their visit. (see Appendix 1).

VisitBrighton has in excess of 120,000 follows on social media channels and 10,000 subscribers to monthly newsletter with organic content receiving over 44m impressions in 20/21. Social engagement is critical for inspiring younger audiences, encouraging them to develop lifelong loyalty to Brighton & Hove.

- 3.8 The Convention Bureau is responsible for promoting the city as a conference and meetings destination to domestic and international conference bookers, including political parties, associations, unions, and corporate organisations, who require a joined up citywide approach to secure their business. As more UK destinations enhance and augment their venues, the work of VisitBrighton is essential to ensure we continue to successfully compete with domestic and international destinations. In an average year, the Convention Bureau confirms approx. 60 conferences for the city, delivering 100,000 high-spend conference delegates, generating £40m of economic impact. Conferences take place mid-week Sept – June, outside of the key leisure periods, so it is essential this business is secured to ensure a buoyant year-round visitor economy. (see Appendix 1).
- 3.9 Central to and cutting across all VisitBrighton’s work is its Partnership Scheme whereby local businesses engaged in tourism pay an annual fee, supporting VisitBrighton’s work in promoting the city nationally and internationally. In 2021/22 VisitBrighton worked with businesses including: accommodation providers, attractions, restaurants, shops, experience providers, venues, events, and conference venues.
- 3.10 The number of businesses in the VisitBrighton partnership declined post pandemic from a peak in 2018/19 of 550 to 355 partner businesses in 21/22 The decline was primarily due to business failure and the impact of financial

pressures, but partnership numbers are recovering in 22/23 with post-pandemic start-up businesses keen to join.

VisitBrighton has supported city businesses over the past two years by developing a Business Support Hub sign-posting citywide businesses engaged in tourism to relevant grants, resources and support. Regular newsletters were issued to businesses providing updates on latest government guidance and funding opportunities which obtained an average open rate of 32.97%. Support was also given to Brighton & Hove City Council colleagues assisting in processing of numerous grant funding applications.

- 3.11 Visitor Services supports and trains employees of businesses engaged in the visitor economy to provide information to visitors and residents, ensuring a citywide welcome, and supplies literature for 14 official Visitor Information Points (VIPs) across the city. Approximately 8,000 telephone and email enquiries from visitors were answered in 21/22 and we support two volunteer programmes including VisitBrighton Greeters and City Champions. Service achievements were recognised in 2021 with the VisitBrighton Visitor Services Officer winning 'Unsung Hero Award' at Tourism South East's Beautiful South Awards.
- 3.12 VisitBrighton is a well-liked and trusted service within the business community of Brighton & Hove. In terms of overall economic value, they significantly contribute to the overall economic impact value of £976.4m in 2019 and will continue to support the city through recovery and beyond to re-achieve these economic value figures.

4. Collaborative Working

- 4.1 VisitBrighton works collaboratively ensuring that the needs of the Brighton & Hove visitor economy are represented locally, regionally, nationally and internationally.
- 4.2 VisitBrighton played a crucial role in developing and now delivering the Brighton & Hove Tourism Recovery Plan (see Appendix 2), working collaboratively with the Brighton & Hove Destination Experience Group. The plan was developed to aid the recovery of the visitor economy in the City post-pandemic with four key Strategic priorities:
 - To ensure Brighton visitor economy is represented locally, regionally, and nationally to ensure maximum support.
 - To build back consumer confidence and awareness.
 - To enhance 'look and feel' of the city to encourage repeat, high value visits.
 - To extend season to make Brighton a 'must visit' destination for high spend UK and international visitors year-round.

The Brighton & Hove Tourism Recovery Plan was formerly adopted by the Tourism, Equalities and Culture Committee on the 17 June 2021

- 4.3 During 2020 VisitBrighton was instrumental in setting up the Sussex Visitor Economy Group comprising officers from Brighton & Hove City Council, West Sussex County Council, East Sussex County Council and Destination

Management Organisations (DMOs) Experience West Sussex, Visit Eastbourne and Visit 1066 Country. Market insight tells us we have an opportunity to significantly increase our market share of longer staying domestic and overseas visitors by working together in a stronger joined-up approach across Sussex. The group will capitalise on the opportunities of cross-county working, including strong representation to the government, which is increasingly important considering the governments soon to be launched Local Visitor Economy Partnership accreditation scheme.

VisitBrighton collaborates closely with Gatwick Gateway, Govia, Tourism South East, the Tourism Alliance, VisitEngland and VisitBritain, ensuring that the Brighton & Hove visitor economy is considered and represented regionally and nationally, amplifying our messaging to visitor audiences and ensuring we have a prominent voice in the development of national strategies.

- 4.4 VisitBrighton secured £100k digital media spend from DCMS to amplify VisitEngland's 'Enjoy Summer Safely' campaign with #nevernormalbrighton messaging in Summer 2021
- 4.5 VisitBrighton lead on a bid to secure £100k funding from VisitBritain, in collaboration with Visitor Economy Sussex Group, to amplify 'Escape the Everyday' campaign in May/June 2022. The campaign developed and delivered by VisitBrighton, had incredible impact receiving over 15m impressions on digital channels, ensuring Sussex was a key destination consideration for visitors.
- 4.6 The Brighton & Hove Destination Experience Group is working collaboratively with VisitBrighton to develop a Destination Management Plan to drive the visitor economy forward in 2023 and beyond.
- 4.7 During 2023 consultation will begin with local businesses, regional partners, and national tourism agencies, to start the process of delivering a renewed Visitor Economy Strategy for Brighton & Hove from 2024 to 2030.

5. Financial Arrangements

- 5.1 The cost of VisitBrighton comprises salaries of £386,460 and expenditure on marketing activity, software licensing and tools at £346,790. The service had an annual budget of £733,250 in 2021/22.
- 5.2 VisitBrighton generates revenue of £391,170, through income streams including partnership fees, hotel and conference commissions and advertising which means the cost to Brighton & Hove City Council for this service is £342,080.
- 5.3 Through the VisitBrighton funding model of Partnership fees and Conference and Accommodation Commissions the service is currently 53% funded via the Private Sector and 47% funded by Brighton & Hove City Council. By supporting VisitBrighton, Brighton & Hove City Council are safeguarding the visitor economy which supports 7% of the population who are employed as a result of the visitor economy in Brighton & Hove and delivering high levels of economic impact for the city. The work of VisitBrighton benefits the whole city by keeping the destination top-of-mind for both leisure & business visitors and by encouraging

them to extend their stay in the city thereby increasing the economic benefit for all.

6. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 6.1 N/A - this is a committee paper for noting.

7. COMMUNITY ENGAGEMENT & CONSULTATION

- 7.1 VisitBrighton regularly consults through its Business Partner network. The Brighton & Hove Destination Experience Group (DEG) was inaugurated in 2018 and is a working group made up of tourism business leaders in the city, combined with council officers. The purpose of the group is to provide a collaborative mechanism for monitoring, reviewing and improving the visitor experience across the city.

8. CONCLUSION

- 8.1 The work of VisitBrighton in 21/22 has been critical in supporting the visitor economy in Brighton & Hove and will play an essential role in sustaining and growing the sector in future years.

In 21/22 VisitBrighton played a key role in shaping and delivering the Brighton & Hove Tourism Recovery Plan, leading on the representation of the citywide visitor economy locally, regionally, and nationally. Online and off-line press coverage and marketing campaigns delivered by VisitBrighton was critical in building back consumer awareness and confidence, while VisitBrighton was pivotal in ensuring the interests of tourism businesses have been represented across Council departments, ensuring their needs were understood. The work of VisitBrighton effectively promoted the city as a year-round destination, ensuring maximum revenues were generated from tourism throughout the year.

- 8.2 The value contribution that VisitBrighton generates in supporting the visitor economy is significant; the cost of the service to Brighton & Hove City Council is £342,080, which equates to a high value return on a relatively small city investment.

The city has been deeply affected by the pandemic since the first lockdown commenced in March 2020. The effect on health, wellbeing, the economy and on individual livelihoods has been immense. It may take years for the city to fully recover, for example in lost jobs, accumulated debts and small businesses that have folded.

This is clearly demonstrated in Economic Impact figures for 2020 where £370m of economic benefit for the city was generated, down 61% on 2019.

Looking to the future, it is evident that the visitor economy will require ongoing support and representation as the continued impacts of Covid and emerging impacts of the cost-of-living crisis are felt. The role of VisitBrighton is critical to

support the visitor economy, protecting jobs and revenues in a sector which generates major employment and enhances the city's reputation as a premier destination.

9. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 9.1 There are no direct financial implications arising from this report. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Finance Officer Consulted: John Lack

Date: 5/8/22

Legal Implications:

- 9.2 There are no legal implications arising directly from this report which is for noting.

Lawyer Consulted: Alice Rowland

Date: 1/8/22

Equalities Implications:

- 9.3 None

Sustainability Implications:

- 9.4 None

Brexit Implications:

- 9.5 Unknown

Public Health Implications:

- 9.6 None

Corporate / Citywide Implications:

- 9.7 The city has been deeply affected by the pandemic since the first lockdown commenced in March 2020. The effect on health, wellbeing, the economy and on individual livelihoods has been immense. It may take years for the city to fully recover, for example in lost jobs, accumulated debts. The best route to recovery is through collective action which, via constructive dialogue with stakeholders, and VisitBrighton will be pivotal in identifying actions and working collaboratively with the business stakeholders of the city.

SUPPORTING DOCUMENTATION

Appendices:

1. VisitBrighton Overview 2021-22
2. Brighton & Hove Tourism Recovery Plan
3. Brighton & Hove Visitor Economy Strategy 2018-2023

visitBrighton

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Overview 2021 / 22

Marketing

2.5 MILLION PAGE VIEWS
to VisitBrighton.com

Most popular pages:

Things to Do: 600,000 page views

What's On: 550,000 page views

Plan Your Visit: 300,000 page views

Monthly consumer newsletter
to **10k database**
with an open rate of
40%+

Digital **#nevernorbrighton**
campaign with over
4.1 million
impressions



60k

Users on Twitter



33k

Users on Instagram



29k

Users on Facebook

Resulting in over
44 million
impressions



£1.8 million +
AVE in press coverage

Secured coverage in regional and
national titles including:

The Guardian
Sunday Times,
Evening Standard
Metro
Daily Telegraph
OK Magazine
Olive Magazine

visitBrighton

Campaigns

Secured grant funding of

£125,000

from DCMS for 'Enjoy
Summer Safely' campaign

VisitBrighton campaign
with

Hotels.com

gained **1.2m impressions**
resulting in bookings
for **3,800 room nights** creating
£420k of spend

Created & delivered the
'**Welcome Local**'
campaign

The campaign highlighted
the unique offer of **local**
'**villages**'

Trafalgar Street
St James Street
London Road
Portland Road,
Richardson Road
George Street
Blatchington Road
Boundary Road.

Reached **850k** social media
accounts & was viewed nearly
3m times

VisitBrighton created
TEN
one minute
promotional videos
which are available for use
by all of our
city-wide stakeholders

visitBrighton

Partnership & Visitors Services

355

Partner Businesses including:

Accommodation providers,
attractions, restaurants, shops,
experience providers, bars,
events and conference venues

VisitBrighton partner pages
averaged

7,690

page views each

26,690

**Partnership
Newsletter**

emails delivered with
an average open rate of

35%

Manages two volunteer groups:

**City Champions &
VisitBrighton
Greeters**

Train staff & supply
literature for

14

**Visitor
Information
Points**

VisitBrighton Visitor Services
Officer won the

**‘Unsung Hero
Award’**

at Tourism South East’s
Beautiful South Awards, 2021

visitBrighton

Convention Bureau

Promoted Brighton at

FIVE

leading conference trade
shows & events

Meet GB
Meetings Show
IMEX
IBTM
The PA Show

Each year the Convention Bureau confirms **60**
conferences delivering:

100,000

Delegates

10,000

Bed Nights

generating over:

£1.7million

in venue hire fees

£1.2 million

Accommodation revenue

Overall Economic Impact
to the city:

£40 million

In 2021/22 hosted:

Labour Party
Conference

Alzheimers Research
UK Conference

UNISON National
Delegate Conference

British Medical
Association
Conference

Liberal Democrats
Conference

visitBrighton

Sample Press Generated



Condé Nast
Traveler

BRIGHTON AND HOVE, ENGLAND

The UK's quirkiest seaside town is packed with ice-cream-wielding tourists come summer, but in spring, things are decidedly more low key. When the weather is good, bracing walks along the pebble seafront call, but there are plenty of offbeat stores in the winding Lanes to dip into if the famous British rain rears its soggy head. A couple of annual events draw a creative crowd towards the end of the season: the [Great Escape music festival](#) spotlights an obscure line-up of bands in May, while England's biggest open-access arts festival, [Brighton Fringe](#), also sets up across town.

The Guardian

Brighton festival and fringe



▲ Artwork, part of Brighton's pier-to-pier sound installation

Interactive art in the Pavilion Gardens, dancing in the streets and a pier-to-pier sound installation will span 14 miles of pebbly beachfront from Brighton to Worthing. Brighton's month-long live arts festival is followed by its fringe programme. The festival offers distanced lunchtime concerts at Brighton Dome, an otherworldly night-walk around Shoreham port and a lantern-lit trail with choral music and light sculptures through Stanmer woods at dusk. This year's guest director, the poet Lemn Sissay, has helped schedule nearly 100 shows and installations. One of several world premieres is *Tenebrae: Lessons Learnt in Darkness*, a moving all-day spectacle inspired by the past year, at Brighton's reopened Theatre Royal. And there's a multi-sensory woodland from mid-May in Olafur Eliasson's immersive *The Forked Forest Path* under the Fabrica gallery's Regency church beams, and a fake-news-era *War of the Worlds* at Worthing theatre.

● Festival 1-31 May, [brightonfestival.org](#); fringe 28 May-27 June, [brightonfringe.org](#)

TimeOut
THE SOUL OF THE CITY



Photograph: Shutterstock

The 16 best things to do in Brighton right now

Want to know what's what in 'London by the sea'? Here's our ultimate guide to the best things to do in Brighton as soon as lockdown lifts

HELLO!

Best things to do in Brighton

Arguably one of the UK's most vibrant cities, Brighton boasts a bustling high street and unbeatable seaside escape for the curious city dweller. Stroll through Brighton's Lanes for the best vintage finds, or indulge in the history of Brighton's Pavilion. Be warned, the beach is pebbled, but still ample enough to lay down your towel, soak up the sun and tuck into a bag of freshly baked donuts – just beware of the seagulls!

The best way to explore a city? By bike of course! Experience Brighton on two wheels on a leisurely 2.5-hour guided cycling tour, allowing you to explore the artistic back streets of the North Laines, the flamboyant architecture of the Royal Pavilion, quaint Fishing Quarter, Georgian architecture of Brunswick Square, and more.



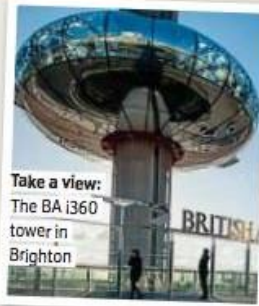
Grand Brighton Bike Tour, £29.99, [Get Your Guide](#)

METRO
ACCESS ALL AREAS

New research has revealed the most-improved UK destinations for disabled travellers – good news for accessible staycations. Car insurer [adrianflux.co.uk](#) has researched which areas are most wheelchair-friendly by considering accessible accommodation, sights and taxis. At the top is Nottinghamshire, home to Skylarks, the UK's first wheelchair-accessible nature reserve



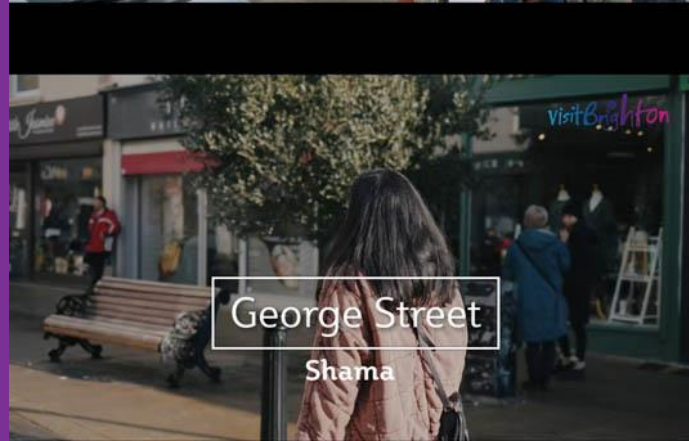
([nottinghamshirewildlife.org](#)), and Sherwood Forest, with its well-maintained pathways (left) and free wheelchair hire ([visitsherwood.co.uk](#)). Also high on the chart is Brighton & Hove (check out the accessible i360 viewing platform; [britishairwaysi360.com](#)), Norfolk (with accessible boat hire on the Broads; [visitthebroads.co.uk](#)) and Cornwall, with sights such as the Eden Project ([edenproject.com](#)).



Take a view:
The BA i360
tower in
Brighton

visitBrighton

Sample Campaign Assets



#NEVERNORMALBRIGHTON

VISITBRIGHTON.COM

FOUR WALLS YOU'LL NEVER



WANT TO LEAVE

It's time for something different. Make yourself
at home in some of Brighton's historic buildings.

**NEVER
NORMAL**
Brighton

visitBrighton



Brighton & Hove Tourism Recovery Plan 2021-23



Strategic Priorities

1. Ensure the city's visitor economy is represented locally, regionally and nationally to ensure maximum support
2. Build back consumer confidence and awareness
3. Enhance 'look and feel' of city to encourage repeat, high value visits
4. Extend season to make the city a 'must visit' destination for high spend UK and international visitors all year round

1. Represent Brighton visitor economy locally, regionally and nationally

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Action	Lead Partner
Locally	
Regular engagement with BHCC Councillors	DEG / BHCC Officers
Quarterly meetings of DEG to ensure Recovery Plan is reviewed and updated regularly	DEG
Representation at Brighton & Hove Economic Partnership	DEG Chair
Regionally	
Lead member on Sussex Tourism & Culture Recovery Group focusing on Sussex-wide rebuilding and market positioning	BHCC Officers
Collaboration with Tourism South East ensuring destination visibility	VisitBrighton (VB)
Representation on Gatwick Gateway Group to maximise leverage of partnership	Brilliant Brighton BID / VB

1. Represent Brighton visitor economy locally, regionally and nationally (cont.)

Action	Lead Partner
Regionally (cont.)	
Engagement with GTR ensuring maximum exposure and consideration in forward planning	VB / Tourism Alliance (TA local)
Nationally	
Membership and collaboration with National Coastal Tourism Academy, informing government strategy	VB
Membership and collaboration with Tourism Alliance (national), feeding in to DCMS consultations	VB and BHCC officers
Regular engagement with VisitBritain building a strategic relationship to maximise inclusion in future marketing campaigns and future grant funding initiatives	BHCC with regional partners

2. Build back consumer confidence and awareness

Action	Lead Partner
Encourage adopters of 'Good to Go' accreditation to recognise Brighton as having adopted UK standardised protocols	All businesses
Share 'Step by Step' comms plan to ensure clear and consistent messaging from all City businesses to visitors	VB with all businesses
UK PR programme, welcoming journalists and influencers from targeted media	VB with key partners
#nevernormalbrighton campaign Apr-Dec2021 targeted at high spend off season visitors with toolkit to be amplified by city businesses	VB with all businesses
Engagement with English Tourism Week, 22-31 May to promote the innovation, quality and range of products and services on offer in the City to encourage more domestic breaks.	All businesses
New www.visitbrighton.com website by Jan 2022 to optimise potential visitor experience	VB

3. Enhance 'look and feel' of Brighton & Hove

Action	Lead Partner
Recruitment of a full lifeguard service, expansion of the COVID Marshalls team and additional Environmental Health Officer(s)	BHCC Teams
Removal of graffiti on public and private buildings etc.	BHCC City Clean and all businesses
Additional waste collection services along the seafront and busiest areas and the provision of extra waste bins in our heavy footfall areas	BHCC City Clean
Pop-up shops and window dressing to re-animate high streets	Brilliant Brighton BID with landlords
Local Place Making projects to include St James Area, Brighton Station, Trafalgar Street.	Tourism Alliance / VB

4. Extend season to make a year-round city

Action	Lead Partner
Year-round citywide events programme that is organised in accordance with the government Road Map and guidance on COVID-safe event management	BHCC Outdoor Events Team and event organisers
Establishment of Christmas market and Christmas Festival at Victoria Gardens and across the City.	E3 Productions with BHCC and partners
Focus on building back conference and events programme with Brighton presence at MICE events both UK and internationally and development of a MICE marketing campaign	VB with all conference venues and hotels
Royal Pavilion and Museums - Bowie/MacCormack 1973-76 and Royal Collection to end of Jan 2022.	Royal Pavilion and Museums Trust
Brighton Centre event programme restart September 2021, including Labour Party Conference and full events programme.	BHCC

4. Extend season to make a year-round City

Action	Lead Partner
Re-engage with Santa Monica Travel & Tourism via Hills Balfour and look to develop cross working partnership for Spring 2022 with events and activations across both Cities. Sister City Project with Santa Monica to be explored for Summer 2022.	VB
Sealife Centre - running evening events through 2021, leading up to their 150th anniversary celebrations in 2022 'The World's Oldest Aquarium'.	SeaLife and partners

Brighton & Hove Visitor Economy Strategy

2018-2023



Economy, Environment & Culture

Supporting economic growth and maintaining an attractive, connected and well run city for residents, businesses and visitors

visitBrighton



Brighton & Hove
City Council

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FOREWORD



Councillor Alan Robins
Chair of the Tourism Development & Culture Committee

This is a Visitor Economy Strategy (VES) for Brighton & Hove. It is a strategy for the city first but looks outside to identify how the city and region can work together on tourism for mutual benefit. The work has been commissioned by the City Council but this is a strategy for everyone with a responsibility or an interest in the visitor economy. Its success relies on everyone getting behind the priorities and recommendations set out here and working together to deliver them. The strategy has been informed by consultation with national tourism agencies, regional partners and local businesses. A separate Destination Management Plan, sets out priority actions for partnership working to improve visitors' experience of the City, and arrangements for a new Destination Experience Group.

The City Council is relooking at the city's future, its priorities, approach and the delivery structures needed to realise its potential. This VES has been developed at the same time as the Brighton & Hove Economic Strategy and Action Plan, and the Greater Brighton Inward Investment and Export Strategy. It is designed to work with these documents, to align with the Cultural Framework for Brighton and inform the 20-year Vision for Brighton & Hove. It draws on the findings and recommendations of the hotel study undertaken for the city. It looks at how it can support wider city objectives to ensure tourism continues to deliver for Brighton & Hove and its businesses.



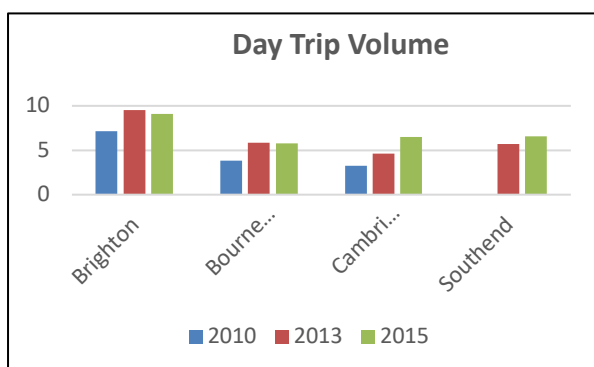
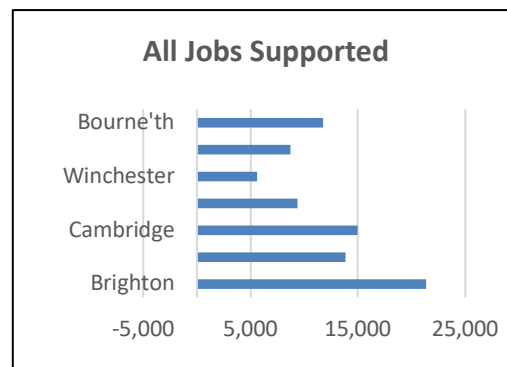
Anne Ackord
Chief Executive Officer of the Brighton Pier Group and Chair of the Tourism Alliance

Brighton & Hove is a tourist city, the visitor economy keeps the destination thriving year-round and helps to make it such a special place to live, work and study in. As the CEO of the Brighton Pier Group, I know how important tourism is to my business but the city as a whole needs to work collaboratively in order to ensure that the visitor economy continues to grow. I became chair of the Tourism Alliance in order to encourage joined-up thinking across the industry and I am pleased to see that Brighton & Hove City Council has echoed that sentiment within this strategy, looking at the wider region as well as within the city limits. Tourism businesses within Brighton are passionate about our city and we are keen to ensure that the visitor economy continues to thrive in the years to come and this Visitor Economy Strategy is an important first step.

1 SETTING THE SCENE

THE BIG PICTURE

The Visitor Economy Strategy 2018 - 2023 recognises the value of all visitors to the city and continues, alongside important work on 'target leisure markets' outlined in the strategy, to improve the visitor experience for everyone. Tourism is big business in Brighton & Hove. The city attracts over 11 million trips that deliver nearly £886 million of spend in Brighton & Hove. Tourism accounts for around 14% of all employment, equivalent to 21,000 direct jobs in the local economy¹.



Tourism is thriving and Brighton & Hove outperforms its peers² on volume and value and in the number of tourism jobs it supports. However, headline figures tell only part of the story.

An analysis of the performance of tourism shows that **day visitors and conference tourism account for the strong performance of tourism in Brighton & Hove**. Conference tourism is high value and important to retain and nurture, but

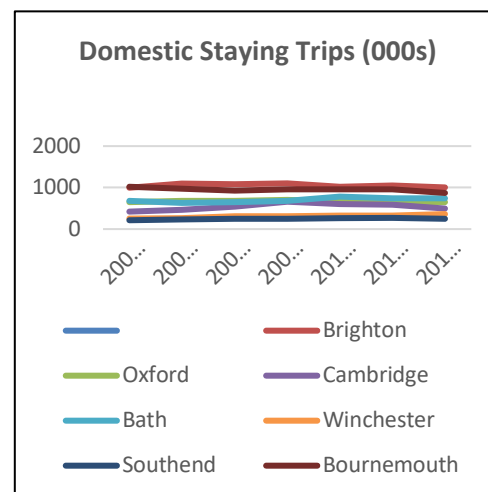
day trips have a lower per head spend than short breaks. Brighton welcomes over 9.5m day visitors each year accounting for just over 85% of all visitors to the city³.

Brighton receives almost twice as many day visitors than Bournemouth, Cambridge or Southend.

A vibrant city centre – day and evening – plus a good rail service from London and a good road network, makes Brighton an easy day trip out of the capital.

Day visitors tend to come at weekends, in the summer months and for big festivals and events.

This concentration of day trips at certain times makes them more visible and brings higher and fluctuating management issues and costs.



¹The Economic Impact of Tourism Brighton & Hove 2016, Tourism South East

² Blue Sail compared the performance of Brighton in day trips, domestic overnight trips, volume and value, international tourism and jobs with six other comparable cities and resorts chosen variously because of their accessibility from London, conference tourism, international profile, cultural and heritage offer and proximity to a national park. The cities are Bournemouth, Bath, Cambridge, Oxford, Winchester and Southend (outlier).

³ The Economic Impact of Tourism Brighton & Hove 2016, Tourism South East

Conference tourism is important to Brighton and forms most of business tourism in the city. The city competes directly for some very significant major conferences against cities such as Belfast, Liverpool, Manchester, Glasgow and Birmingham. This discretionary business is hard won but also brings significant high value trips, predominantly at times of the year which complement other activity. Conferences account for 154,000 trips⁴ to Brighton & Hove. Because the city has limited non-discretionary business travel and a limited number of corporations, Brighton's volume of business tourism trips appear lower than similar sized cities, e.g. Bristol 523,000 trips, Nottingham 291,000 trips⁵.

The city's hotels are busy at most times of the year, achieving an average 80% occupancy⁶, but there is some capacity and a recognised need to attract more weekday leisure short breaks, outside the conference season and peak summer months. Brighton's volume of overnight trips and international visitors has not grown significantly over the last five years. Longer staying, higher spending visitors build a relationship with the place, and consequently are more likely to value and love Brighton & Hove in the way that local people do.

Brighton & Hove attracts over 465,000 overnight international visitors⁷. Proximity and easy access from Gatwick is a contributory factor to the city's performance in international tourism. 5.5 million overseas visitors arrived via Gatwick in 2017. These visitors were predominantly from Europe, travelling to the UK on holidays or to visit friends and relatives (VFR). And over half of their bednights were spent in London with a further quarter in the South East. Brighton & Hove receives 1,820 international bednights from international visitors who arrived via Gatwick⁸.

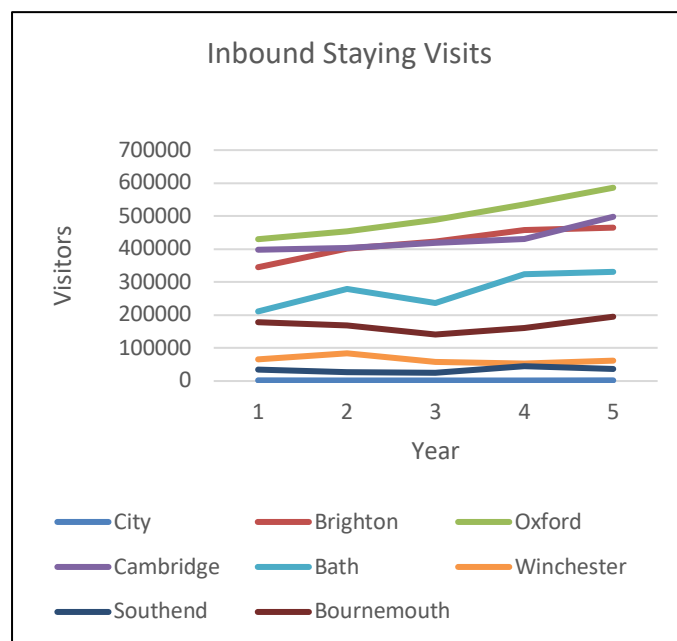
Because tourism is well-established and successful, the focus in Brighton & Hove in recent years has been primarily on day-to-day management and tactical activity, all essential for the smooth running of the sector and the city. But in a highly competitive marketplace no destination can stand still. Also, when tourism is doing well, some of its wider benefits become forgotten and tourism becomes under-valued.

Much of the wider success of the city relies on tourism activity to support it. This is not only about visitor spend. Tourism is a complex sector that touches many aspects of the day-to-day life of a place and supports the facilities that create a high quality of life that make Brighton & Hove a good

SPEND PER TRIP FOR INTERNATIONAL VISITORS ARRIVING AT GATWICK

All visitors - £705
 Holiday visitors - £710
 Visiting Friends & relatives - £535
 Business trips - £750

Gatwick Airport's Impact on the Visitor Economy, Oxford Economics, 2017



⁴ combined value from the IPS and Great Britain Tourism Survey 2016.

⁵ Great Britain Tourism Survey 3 year moving average 14-16; and International Passenger Survey, 2016

⁶ The Brighton & Hove Visitor Accommodation Study Update 2018 (awaiting adoption)

⁷ Staying Visits by Inbound Visitors, International Passenger Survey (IPS), 2016

⁸ Gatwick Airport's Impact on the Visitor Economy, Oxford Economics, 2017

place to live, work and study. Tourism in Brighton & Hove:

- Creates a platform and a big audience for the arts and heritage in the city, helping to sustain a vibrant arts scene enjoyed by local people.
- Delivers an extensive choice of independent shops and places to eat and drink that the resident population alone could not support.
- Ensures a vibrant weekday city centre which becomes increasingly important as more of Brighton's population commute to jobs outside of the city.
- Creates job opportunities in the city that cannot be outsourced to another location or automated – tourism is based on personal service delivered in the destination.
- Provides a platform to talk about the city at a national and international level that creates profile and positioning.

Tourism jobs are important to the city, but tourism nationally is undervalued as a career option. Many of the jobs in hotels, cafés and bars are seasonal and low paid, taken up by people who come to Brighton to work temporarily, frequently from EU countries. Fluctuations in exchange rates and Brexit means the number of EU workers is already declining and the industry in Brighton is concerned about recruitment. The scale of the challenge ahead is bigger in Brighton than for many other destinations because of the high volume of hotels, bars and restaurants.

Brighton is a compact city, with little room for further physical development and, like most of Britain, with a need for more housing. The city wants to attract more offices to create local employment, though high land values are a barrier. Yet a competitive visitor destination needs to deliver what their target markets want, and some new tourism development will be needed to remain competitive and retain market share. That requires a strong rationale for investment in the face of competing land uses, and creative thinking about how Brighton & Hove can fill any gaps in its offer.

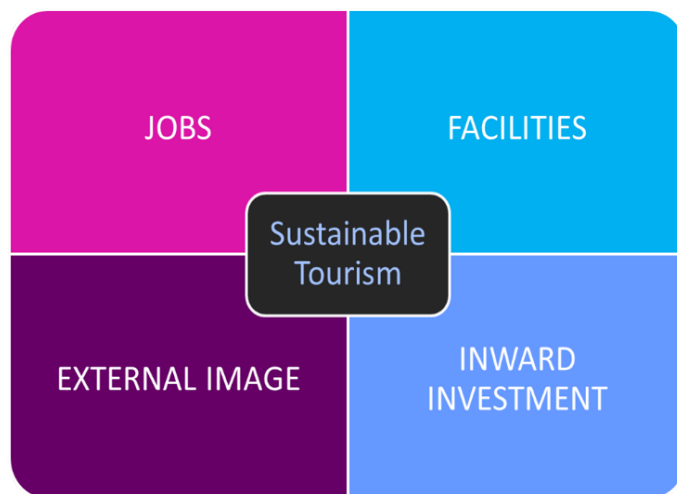
Destinations across England are increasingly working together to find creative and cost-effective ways to access new markets, in particular international leisure visitors and international conference trips. By taking a big picture view of tourism they are sharing ideas, experience and tourism resources, working regionally to achieve more in individual destinations. Brighton's proximity to Gatwick Airport and to London present currently unchanneled potential. VisitEngland as part of a potential sector deal with government are looking to create tourism zones as a way of focusing sustained investment. It is imperative that Brighton & Hove ensures it is at the table in the discussions about collaborative working.

This strategy is about new ways of thinking about tourism to channel these opportunities and potential, and how that will change the way stakeholders develop, market and manage tourism.

2 WHAT WE WANT TO ACHIEVE

As a successful and thriving destination, the goal for tourism in Brighton & Hove is **to safeguard the long-term sustainability of tourism**.

That does not mean standing still and maintaining the status quo. It means selective, clearly defined and carefully managed growth which will influence how Brighton talks about the place to the outside world - to potential visitors, buyers and investors – and how city partners value tourism and integrate tourism into the wider planning of the city. It means going about the day-to-day business of tourism in different ways. It also means safeguarding jobs and nurturing the facilities that attract visitors and looking at creative ways to fill the gaps.



Achieving the goal delivers four benefits for tourism in Brighton & Hove.

- **The value of tourism grows** – delivered through higher-spend year-round overnight visitors, from markets that will visit on weekdays as well as at weekends. The number of visitors and trips will not change significantly but the type of people, when they visit and how long they stay will.
- **There's a deeper cultural fit between the city and local people** – tourism is embedded more strongly in the city's futures planning and the type of tourism developed chimes with local culture and lifestyles, which helps to increase the appeal of tourism as a career choice.
- **Brighton is the city in the region** – that strengthens the voice and role of tourism, and its benefits to the city.
- **Businesses become more resilient** – because everyone shares the same focus, there is year-round tourism, and focused investment in people and place.

HOW WE ARE GOING TO GET THERE

- Be clear about the **visitor markets** that offer best prospects to deliver more leisure short breaks and added value conferences and what needs to be done to reach them.
- Develop a **place brand** that builds on the values in the destination brand and sharing it across all sectors including the tourism industry and applying it consistently across the city.
- **Work more closely with regional partners** where it helps to boost Brighton's positioning as the city in the region and delivers new tourism activity that creates a sustainable tourism sector.
- Raise the city's **profile with national decision-makers** to realise tourism objectives and access support and funding.
- Make tourism central to the emerging Economic Strategy for the city.
- Make visitor needs integral to city planning and management to tackle visitor management effectively.
- Develop a **five-year Destination Management Plan (DMP) which creates the Action Plan** for this strategy. The plan will be worked up with input from the tourism industry and from different departments within the Council to ensure shared purpose and to align city services around the priorities set out here.

TARGETS

Growth targets are about **value** not volume. This means a focus on growing higher spend overnight leisure and business trips and extending the length of stay.

- 5% annual growth in value of conferences from a baseline of £53m.
- 3% annual growth in bednights and overnight visitor spend per annum – achieved through attracting more higher spending visitors and extending the length of trip⁹.

⁹ Great Britain Tourism Survey 3 year moving average 14-16; and International Passenger Survey 2016.

3 MARKETS FOR THE FUTURE

Brighton & Hove should focus on attracting higher-spend, year-round overnight visitors – both business and leisure – who will visit on weekdays as well as at weekends. People who are attracted by the city's assets, in tune with the city's vibe and potentially good ambassadors for the city (i.e. trend setters and influencers who will help to reposition it). They should be able to reach the city relatively easily using direct transport links, and they should be reachable via existing and cost-effective marketing channels. **Prioritising these targets doesn't mean that other people will stop coming but it does mean that product development and marketing spend will have a sharper focus, more impact, and better return on investment, and consequently deliver a sustainable future for tourism.**

TARGET LEISURE MARKETS – TYPE, GEOGRAPHY, LIFESTAGE

TYPE	GEOGRAPHY	LIFESTAGE*
Urban dwellers who are active and frequent break takers, with an optimistic and socially liberal outlook. They are likely to be relatively time-poor, media-literate, brand-conscious, trend-sensitive and culturally-aware. They will have above-average disposable income. Urban dwellers are more likely to use public transport – an important consideration for the city both practically and ideologically. They also have a higher tolerance for the more negative aspects of urban life – e.g. litter, graffiti, traffic, crowds, begging, drunkenness, noisy nights etc.	<ul style="list-style-type: none"> UK: Urban areas within 1 to 4 hours' travel time. (This could include cities with domestic flights into Gatwick.) NB People living within 60 minutes are much more likely to see Brighton as a day-trip destination. International: Cities with direct routes into Gatwick and/or repeat visitors to GB wanting to travel beyond the honeypots. 	<ul style="list-style-type: none"> 55+: A clear off-peak growth opportunity given the ageing population trend (both UK and international) and the city's current younger visitor profile. Pre-family, childfree and empty nesters: Targeting pre-family, childfree and empty nester urban dwellers makes sense, as they are they are more likely to travel outside school holidays. Also, compared to other coastal destinations, the city's offer is less competitive for staying families.

* People are living longer more active lives and are less likely to transition through life stages at the same ages or in the order they once did. But age and life stage do still have a part to play in targeting future visitors for the city.

CONFERENCE MARKETS

Here are the priority markets for conferences in Brighton. They are markets that reinforce the profile of current conference business to the city and the markets where the city has competitive advantage. They align with the priority sectors from the city's emerging Economic and Inward Investment Strategy and reinforce the city's international role and profile.

Brighton & Hove will focus on attracting conferences from the identified priority sectors for the city. These sectors are Digital, Life Sciences, Advanced Engineering and Creative Sectors. All competitive

sectors. The city will need to present a strong market and location case to grow market share. It will set out the city's intellectual capital by emphasising the international standing of the research, thinking and innovation in the city's universities, hospitals and corporate research & development.

The following markets are not mutually exclusive.

- **Association conferences** – a clear strength for the city that brings staying visitors outside the summer months and during weekdays – the strategy will be retention and market penetration.
- **Academic, medical, scientific, public sector conferences** – potential to grow conferences in these specialist fields identified by the city's Ambassadors Programme which resonate with the city's sector strengths – the focus is attracting more of existing types of events and encouraging Ambassadors to develop new events.
- **London-based corporates** – a huge potential market on Brighton's doorstep, positioning the city as a place for product launches, sales conferences and team-building. Brighton & Hove will need to strengthen its place brand to support direct sales activity.
- **International conferences** – there is relatively low awareness of most UK cities among international buyers outside London. Selectively using the city's proximity to London creates a unique opportunity to win business in new international markets. That means targeted activity with intermediaries, agents, professional conference organisers and buyers with direct routes into Gatwick.

4 INVESTING IN BRIGHTON'S BRAND

A NEW PLACE BRAND

The city needs a strong, shared place brand that captures its distinctive personality and tells a compelling, contemporary story to external audiences.

This is not simply about communications. A shared brand for the city should inform investment and place management, as well as marketing.

The place brand should be integral to the Vision 2030 work and shared across sectors. Ideally a strong place brand should be owned and used by everyone in the city – especially those who project the city's values externally. It should not be a straitjacket, but rather be flexible enough to “turn up the volume” on different aspects depending on the sector and the audience.

Tourism provides the city with a unique opportunity to communicate its values to external audiences – both in the UK and internationally – in ways that other sectors cannot. It makes sense that the place brand is developed by a cross-sector partnership, with tourism playing a key role.

THE CURRENT DESTINATION BRAND

In a sentence

A creative city with a blend of modern culture and exotic architecture, sea and countryside, and a distinctive free-spirited atmosphere you won't find anywhere else.

In a couple of words

'Free-thinking city'

Who we are

- **Creative** - Brighton is an inspiring and forward-thinking city in which the arts, business, culture and opportunity for learning thrive.
- **European** - Brighton is a cosmopolitan meeting place with international recognition and broad appeal.
- **Free** - Brighton exudes a lively, free-spirited personality with an easy-going atmosphere.
- **Energy** - Brighton is a compact, dynamic and young city with passionate, imaginative and welcoming people.

Extract from “Our Brand – Official brand guidelines for Brighton” published by VisitBrighton

The current destination brand (see box) contains components that are applicable to place branding. The work done to date developing and building the Brighton Brand should not be lost. They form a sound starting point from which to discuss and develop a place brand.

The city's brand must respond to market trends and be motivating to potential new growth markets across all sectors, and relevant whether Brighton & Hove is being talked about as a place to live, work, invest, study or visit. It is important to make sure that people see the city as more than just for day trips, more than just for seaside fun, more than just a summer or fine-weather destination, and more than just a party town. Its history of alternative thinking is key – and that has already been recognised in the current brand's “free-thinking city” and talk in the brand materials of “an independent spirit” and “the story of alternative thought”. A refreshed positioning for tourism that responds to market trends and future markets could be:

It's a free-thinking, independent place: a place that people with alternative ideas have been escaping to for more than 200 years.

The reference to “more than 200 years” of free-thinking brings credibility and authenticity, and reinforces the city’s distinctive heritage – of people, architecture and social history. It provides a hook to use the heritage of the city more creatively and extensively and to reach out beyond the city to extend the heritage offer.

There are two aspects of the current Brighton Brand which are thematic strengths and should be a focus for tourism. They will shape the priorities for leisure and business tourism – how it is developed and communicated. They work more widely for the city as a place to live and study too, and therefore have potential value for place branding.

- Culture – which includes heritage, the arts, architecture and events & festivals.
- Wellness – this is defined in the broadest sense and for Brighton & Hove means escape, fresh air, nature and good food.

The brand should be applied consistently, creatively and widely. This means VisitBrighton always taking a brand-led approach to their marketing content, and everyone having a shared understanding about what it truly means to be a *free-thinking city* and the difference that makes to what they say, show and share ... and *how* they say, show and share it.

The current brand materials also talk about “an independent spirit” and the story of alternative thought” as an extension of these ideas which need to be reflected in the experiences visitors have in the city and in how things are communicated using emphasis, language, tone and style in all media channels.

Experiences

The city needs to use its assets to create experiences that bring to life “free-thinking city” and make it mean something to visitors. The focus will be on experiences that are led by Culture and Wellness. For example, that could include developing experiences connected with Wellness in the National Park, on the seafront, connected with the Biosphere, about vegan and vegetarian places to eat. These experiences should immerse visitors in the “real” Brighton; help them build a relationship with the city and encourage them to stay longer.

Brighton & Hove already has a rich choice of experiences, but they need to be much better packaged, presented and promoted to visitors. There is also potential to develop more engaging experiences that help to roll out the brand values and provide reasons for visitors to stay longer. That requires getting small tourism and cultural businesses working together. VisitBrighton will facilitate and support new business activity and collaboration. They will provide the business tools to help groups understand what they need to do to capitalise on tourism opportunities and how to take these experiences to market directly and via the travel trade.

The cultural experience is largely about small specialist venues and events and is therefore fragmented. Much of what makes Brighton & Hove a cultural city is its creative businesses which are not part of the visitor experience, though they create a colourful backdrop and a demand for creative, specialist and alternative shops, places to eat and entertainment that are part of the visitor experience. That makes it essential to take an experience-led approach to opening up the cultural offer of the city.

Brighton & Hove has a varied seafront. Much more could be made of drawing out the range of experiences through combining seafront and city centre experiences together, around Wellness and Culture, to integrate the seafront and city centre in the minds of the visitor and encourage visitors to explore more of the seafront.

Events & Festivals

Events and festivals are a very important part of the visitor offer of any destination. They provide a reason to visit now rather than at some point in the future, they enhance the experience of a place for visitors by providing entertainment and offer an insight into a destination's character and personality. They provide opportunities to promote the city's brand values, raise the profile of the city among new markets and provide a reason for new visitors to choose Brighton.

The city hosts many events and festivals throughout the year. Some events are targeting a local audience (though visitors might go to them during a visit); some are more commercial touring events that attract a regional audience because Brighton is the most convenient location to experience the event; and a few are signature events that are unique to the city and high profile, with the ability to attract visitors to the city and shape the reputation of Brighton, e.g. the Brighton Festival. Brighton & Hove also has some growth events (they maybe specialist or regional but have the potential to become a signature event).

Many of Brighton's events are well-established. A root and branch review of all events is needed to identify those with growth potential, especially events which could deliver short breaks to the city but are not currently targeting their promotion or working with local tourism partners to achieve that.

Wherever possible, existing events and festivals should be encouraged to evolve their programming and promotion to bring it closer to the brand.

Brighton & Hove has excellent signature events but there is potential to create an additional high-profile signature event with originality, preferably outside the summer months, designed to appeal to the city's target market. The festivals would be themed around either Wellness or Culture and reinforce the brand. There may be opportunities that arise from the Cultural Framework that could be brought forward to create it.

VisitBrighton will support and take to market signature events and growth events that reinforce the brand, appeal to target markets and have the capability of attracting visitors now, or the potential to do so in the future. Decisions about bought-in events should prioritise those with a wider-than-regional reach and which reinforce the brand.

5 PLANNING FOR SUSTAINABLE GROWTH

Sustainable growth means embedding new ways of thinking about tourism in the city and working in new ways and with new partners.

MAKING BRIGHTON THE CITY IN THE REGION

Brighton & Hove has an important role to play in raising the profile and performance of tourism in the region, which in turn will support the sustainable growth of tourism in the city. Brighton & Hove will take a proactive approach to establishing its role as city in the region by:

- Initiating areas for joint working with regional partners on tourism bids and programmes to achieve more funding into market intelligence, research and product development.
- Working with regional partners on cross-destination work including on growing international tourism, tourism packaging, market intelligence, e.g. big data, bespoke research on particular markets and visitor behaviour.
- Representing the city and region on tourism and working with national partners on the big tourism issues that are relevant to Brighton & Hove including on Brexit, skills and training – to ensure the city has a strong voice among decisionmakers and that the specific needs and opportunities of tourism for Brighton & Hove and the region are represented on a national stage.

Metropolitan cities such as Liverpool, Manchester and Birmingham have successfully used this approach to strengthen the role of tourism and help the sector become better understood and better integrated into the wider functions of the city. In turn this has helped drive tourism forward, make the destination more appealing as a place to invest resulting in new products and experiences.

Making Brighton & Hove the “city in the region” is also about making that mean something to visitors. There is an opportunity to create a Brighton Plus experience that brings benefits to tourism in the city and to other destinations in the region. It is about getting visitors to stay longer in the city – two or three nights rather than one – and spend some time exploring the wider region including The South Downs National Park, historic houses and gardens and vineyards, art galleries, cultural venues and festivals. There are opportunities to create some very special experiences with high quality distinctive attractions, for example Glyndebourne or Charleston Farmhouse, and to develop a strong art gallery experience along the coast.

This approach enables the city to deliver richer Culture and Wellness experiences and positions Brighton & Hove more strongly as a base to explore beyond the city. Other destinations and attractions benefit from increased visits and the opportunity to become connected with the brand for the city and its values. As national and regional organisations increasingly favour working across larger geographies, this approach will deliver stronger opportunities to attract funding for projects.

CREATING MORE PLACES TO STAY

Brighton & Hove has a large volume of hotels and a collection of Airbnb but the range and choice of hotels and apartments is limited. The city lacks many of the new innovative hotel brands that the city’s target city dwelling visitors will want to stay in and some of the accommodation falls short of the brand values. The development of the city’s hotel offer requires upgrading lower quality hotels as boutique or themed hotels, most likely through new ownership. But to grow leisure breaks and be a competitive conference destination requires investment in new hotels. Brighton & Hove should

also be front of mind for companies developing new brands and looking to expand out of London to reinforce its city region role. The recent Visitor Accommodation Update study for the city identified significant potential for hotel development but the lack of sites is going to continue to be a major constraint on hotel growth.

The preparation of the emerging City Plan Part Two may offer the opportunity to look at how to deliver new hotels in the city. Growth might be achieved through the Council supporting extensions and upgrades to existing hotels or through windfall hotel sites coming forward in the city centre or through identifying areas for new hotels. The Visitor Accommodation Update Study may recommend other mechanisms to support hotel development, for example producing a Hotel Investment Strategy that focuses on attracting new hotel brands to Brighton & Hove.

MANAGING THE CITY

Most visitors are concentrated in a very small footprint in the city centre. Many of the great places to eat are tucked away, it is hard to navigate the city and understand its different quarters, and visitors are often unaware of the different experience in other neighbourhoods such as Kemp Town or Hove, or the specialist trails that introduce visitors to new parts of the city and provide a reason to stay longer. Developing new experiences should be designed to give visitors a reason to explore further and understand the city better.

Signing and interpretation needs a refresh to help visitors navigate the city, designed to positively encourage visitors to explore different areas and take routes that encourage wider exploration. Much of signing and interpretation can be digital, enabling it to be customised and adapted overtime to work with the city and its businesses.

First impressions and the visitor journey from arrival to departure are essential to get right for leisure and business visitors. They can be hard to achieve in a city with as many visitors as Brighton & Hove. Valuing tourism and understanding the importance of managing the destination well is integral to a sustainable destination. Lower levels of visitor satisfaction in the city compared with other destinations¹⁰ and concerns of the industry and tourism stakeholders are largely about the day-to-day management of Brighton city centre: arrival points, traffic management and litter collection.

There is a proven connection between public realm design, how people use and treat public spaces and their day-to-day management. Gehl Architects and Landscape Projects produced 'Public Space Public Life' study for Brighton & Hove City Council in 2014. Some, though not all the recommendations in that study have been implemented. The tourism, planning and economic development departments in the City Council should review that work in the context of any recent changes in the city and explore how more of its recommendations can be implemented that require a review.

Brighton & Hove also needs to identify best practice on what works in similar destinations elsewhere in UK and set up discussions with the relevant local authorities to learn more about how changes in place management approaches are funded and delivered.

¹⁰ Brighton Destination Report, Kubi Kalloo and Quadrangle for VisitEngland. Undated. Research carried out between April 2015 and September 2016.

6 CONFERENCES

Business tourism is high value. Prestigious events give the city a positive profile in the marketplace nationally and in Brighton & Hove's target industries. Conferences can showcase local talent and cutting-edge research, exposing local businesses to national and international business markets. The economic vitality of Brighton's tourism is dependent on maintaining and supporting conference tourism.

Conferences are all about bringing together people to share knowledge, exchange ideas and develop new working collaborations. There is a strong synergy between those objectives and the positioning of Brighton & Hove as "a free thinking city" and an opportunity to use conference tourism as a platform for the place brand. Conferences are an important part of sustainable growth.

ASSOCIATION CONFERENCES

Association event delegates spend more than other types of conference visitor and are more likely to extend their stay for a leisure break.

International conference delegate spend per head per trip £1,021

UK conference delegate spend per head per trip £448.

Source: Business Events Research 2016. VisitBritain and Strategic Research International

Brighton has a wide range of conference and meeting facilities and a long history and reputation of holding business events. The Brighton Centre is the showcase venue with a capacity of 4,400 in the main auditorium but the city hosts conferences and business events in a very wide range of venues from hotels and academic institutions to sports and cultural venues. The commercial success of these venues relies to some degree on conference business. Conferences support the volume and viability of the large number of hotels in the city because they deliver weekday business, frequently at times of year when fewer leisure visitors come. Brighton has carved a successful niche within the high value association conference market.

The importance of conference tourism is recognised through the way city partners work together to secure and deliver conference business in the city. Brighton has a reputation for delivering a professional, city-wide (Team-Brighton) experience for organisers and that reputation underpins and sustains repeat business and word of mouth recommendation.

Looking to the future, the city has some competitive positioning opportunities:

- Easy access from London and from Gatwick.
- Its seafront location that enables it to integrate health and wellbeing into event programmes to meet the needs of the Millennium conference goer looking to develop different and creative ways to engage with fellow delegates and exhibitors, e.g. morning yoga, event runs and local walks.
- A loyal and supportive client base built up over the years with opportunities to further nurture these ambassadors and share their experiences.

But the city also faces some challenges:

- Brighton & Hove has very few large corporate businesses with headquarters or regional offices in the city – that means limited homegrown demand for conferences and business events.
- Despite punching above its weight in conference tourism, it is being outspent by many of its major UK rivals. With a similar population and similar sized venue, Visit Belfast for example has an operating budget of £3.6m.
- Brighton's awareness among international buyers could be stronger and current levels of awareness are not translated into bookings.¹¹
- There is a growing supply of conference venues that outstrips demand, e.g. a new conference centre in Aberdeen (due to open 2018), a major new venue agreed in Newcastle-Gateshead, major refurbishments to venues including Eastbourne (£50m) and at the Fairfield Halls, Croydon (£30m).
- The average size of an ICCA registered event has declined from around 800 in the late 1970's to around 400 in 2012. Nearly all events held in the ICCA database have fewer than 1000 delegates.

GROWTH OPPORTUNITIES

The growth opportunities are about deriving added value from existing market and sector strengths and using Brighton's proximity to London creatively and productively. They are also about ensuring conference activity reinforces Brighton & Hove's sector strengths. The target is to narrow the gap between the proportion of business visitors to Brighton & Hove (10%) and the all England average (14%)¹². Achieving that will add an additional £8-10m into the local economy from domestic business visitors and a similar amount (circa £10m) from international visitors.

¹¹ VisitBritain research shows London achieves 90% awareness of its conference offer, Brighton managed just 28% putting it in 7th place of destinations surveyed. 62% of all conference visits are to London and just 7% to the South East. The International Congress & Convention Association (ICCA) data places London 5th globally in the ICCA league table while Brighton manages 279th.

¹² Great Britain Tourism Survey. 2016. Kantar TNS. International Passenger Survey. 2016. Office for National Statistics

The main focus remains association conferences because Brighton has developed experience and competitive advantage. In addition:

- To develop **London as a source market for corporate business** – to attract some of this business to Brighton, taking advantage of good transport links and a seaside location.
- To position **Brighton alongside London for targeted international buyers** who are currently only considering the capital – playing to Brighton’s location, access and sector strengths.
- To **exploit London Gatwick** - targeting international opportunities served by airlines operating out of Gatwick.
- To exploit **Brighton as a compact conference destination** - the event can become embedded in the city and the conference ‘owns’ Brighton for a few days. That means working with businesses to deliver a bespoke welcome and dressing the city for specific conferences.
- To work more closely with **the universities and with key industries** to nurture new events and bring them together to bid for international events to develop a proposition that takes advantage of the rich **digital and creative clusters in Brighton** and better engages with it.
- To call out the international standing of the research, thinking and innovation in the city’s institutions and businesses.
- To develop a **distinctive conference experience** that encourages conference businesses to use the brand in its sales and marketing.

However, to achieve that growth requires delivering contemporary venues that meet what conference buyers want in a highly competitive marketplace. The main venue is the conference showcase and must be able to compete alongside other UK venues. That means the main venue must deliver:

- **Flexible quality space** - of sufficient scale and quality to meet or exceed organisers requirements, compete with other venues in major UK conference cities and be capable of managing large scale entertainment events as well as conferences.
- **Good connections** – to all the city facilities – as a compact city, Brighton & Hove can deliver this through good transport and public realm design.
- **State-of-the-art technical infrastructure** – that is regularly refreshed to ensure it continues to meet organiser and delegate expectations.
- **Creative workspaces and networking areas** – that reflect the brand values and which foster inspiration and engagement between delegates.

The Waterfront Project creates the opportunity to deliver a new state of the art conference venue with these facilities at Black Rock. The location must also deliver the business buzz that communicates the city’s intellectual credentials and sector strengths. It must be a new quarter of the city, with a corridor of activity and easy transport that links it with the city centre and the seafront.

7 MARKETING FOCUS

To achieve sustainable tourism growth in the longer term, the city's tourism marketing communications will:

- **Target priority markets** as tightly as possible – this should strongly influence the creative approach and ideas, the content and the channels.
- **Use the brand** consistently and creatively – and encourage, support and enable others within the council and the city to use the brand and promote the brand values too.
- **Involve partners beyond tourism in marketing the city** – to increase resources and channels and have greater impact.
- **Work with organisations and attractions beyond the city** itself to reach target visitor markets – strengthening the product offer and increasing marketing resources and reach – developing new itineraries and experiences and benefiting from partners' routes to market.
- **Develop and deliver creative campaigns** – to position Brighton as a place for “culture” and “wellness”.

These are the practical actions for the short to medium term:

- Review current marketing content and channels in the light of priority markets.
- Apply the destination brand values to current marketing content – prioritise and foreground content that highlights the brand values.
- Set up a City Marketing Group that brings together the key organisations promoting Brighton & Hove as a place to invest, live and study as well as visit and meet – to review and develop a place brand and to identify areas to collaborate on marketing communications where it makes sense to do so.

8 DELIVERING THE PLAN

RECRUITMENT, JOBS & SKILLS

Brighton & Hove has around 21,000 tourism jobs¹³. Like the rest of Britain, and London in particular, Brighton's travel and tourism industry relies on employing a significant number of immigrants. Any changes limiting the sector's ability to recruit or employ foreign nationals, including those from the EU, could challenge many travel and hospitality businesses in Brighton & Hove filling a number of roles. This situation is likely to be made acute by the current high levels of UK employment, existing skills shortages and poor perception of tourism as a career choice.

EU nationals comprised 11% of the total workforce. As unemployment fell from 8.1% to 5.4% between 2011 and 2015, the percentage of EU nationals being employed by the tourism industry increased to 46%.

As fewer UK nationals become available with the skills required, the industry grew increasingly dependent on foreign labour.

People 1st/Tourism Alliance

There are no quick fixes to these challenges but businesses in Brighton & Hove are already finding it hard to recruit as numbers of available EU workers begin to decline. There is a need for short as well as long term action. There are two areas to consider:

- Sourcing skilled employees – which is a current and ongoing challenge.
- Developing a skilled workforce – how the soft skills needed for tourism can be better appreciated and taught, what industry incentives will be needed to train and retain employees, the implications on business costs and subsequent competitiveness of the sector.

Because the scale of the challenge is big in Brighton, the city needs to be in the vanguard of piloting new schemes and programmes to generate more employment now. That means:

- The different Council departments and the different training and skills providers in the LEP area becoming much better connected; sharing information and knowledge to draw up a more accurate picture of the immediate and medium-term challenge, identifying the pinch-points and agreeing action.
- Setting up a tourism skills group – potentially as a working or sub-group of a city region wide skills group – with industry, skills organisations and local authority representatives. The group will be charged with developing and overseeing the strategic implementation of a Tourism Skills Plan. This needs to be undertaken as part of the new city delivery structure. The Plan needs to work for Brighton & Hove and the region. It should include the input of major players in the industry e.g. Gatwick Airport, major hotel chains with strong representation in the region.

¹³ The Economic Impact of Tourism Brighton & Hove 2016, Tourism South East

- Brighton & Hove City Council working with destinations where the challenge is of a similar scale including working with London to lobby government and to bring forward suggested programmes and projects for pilot funding.

Potential solutions to the skills shortage that have been put forward for consideration by The Tourism Alliance and which might offer opportunities for Brighton, are:

- To expand the TIER 5 Youth Mobility Scheme which allows young people from some Commonwealth countries to work in the UK. This could be enlarged to include EU countries so that EU nationals could apply for a visa to work in the UK for two years before they turned 27.
- For funding to incentivise the delivery of tourism programmes and tourism apprenticeships rather than those schemes being directed to STEM sectors.
- To relax the rules governing the ability of overseas students in the UK to work in the industry while they are studying.

The third of these options could have immediate impact. All these approaches require government intervention but there may be opportunities to pilot these and other ideas.

The Tourism Industry Council¹⁴ are working with government to establish a Tourism Sector Deal which is looking at four areas: Connectivity, Productivity, Tourism Action Zones and Skills. If established the Deal will be instrumental in delivering a 10-year tourism hospitality and skills campaign. The current discussions on Tourism Action Zones are to create large zones, for example aligning with LEP boundaries. Brighton & Hove has the potential to be the city at the heart of a new Tourism Action Zone. The objective is for the zones to deliver ongoing tourism funding to support sustainability of the sector. Given the significance of tourism employment in Brighton & Hove and more widely in the Gatwick Diamond area, Brighton & Hove will explore the opportunities for Brighton & Hove to deliver a tourism skills pilot for England, working closely with VisitBritain and leading industry partners.

¹⁴ The Tourism Industry Council is a collaboration between Government and the tourism industry focusing on improving the tourism sector including jobs, transport and de-regulation.

NEW WAYS OF WORKING

This strategy is about a new refreshed focus for tourism that delivers a sustainable sector for the future. For that to be successful requires a change in approach to the role and function of tourism. The sector must be strategically aligned with economic development and its role and contribution to the cultural life of the city better understood and supported. That means placing tourism centrally in the economic development of the city and positioning Brighton & Hove as the tourism city in a wider geography. That has implications for the role and remit of the Council's tourism team, its relationship with the tourism industry, with other departments in the Council and with other organisations in the city, regionally and nationally.

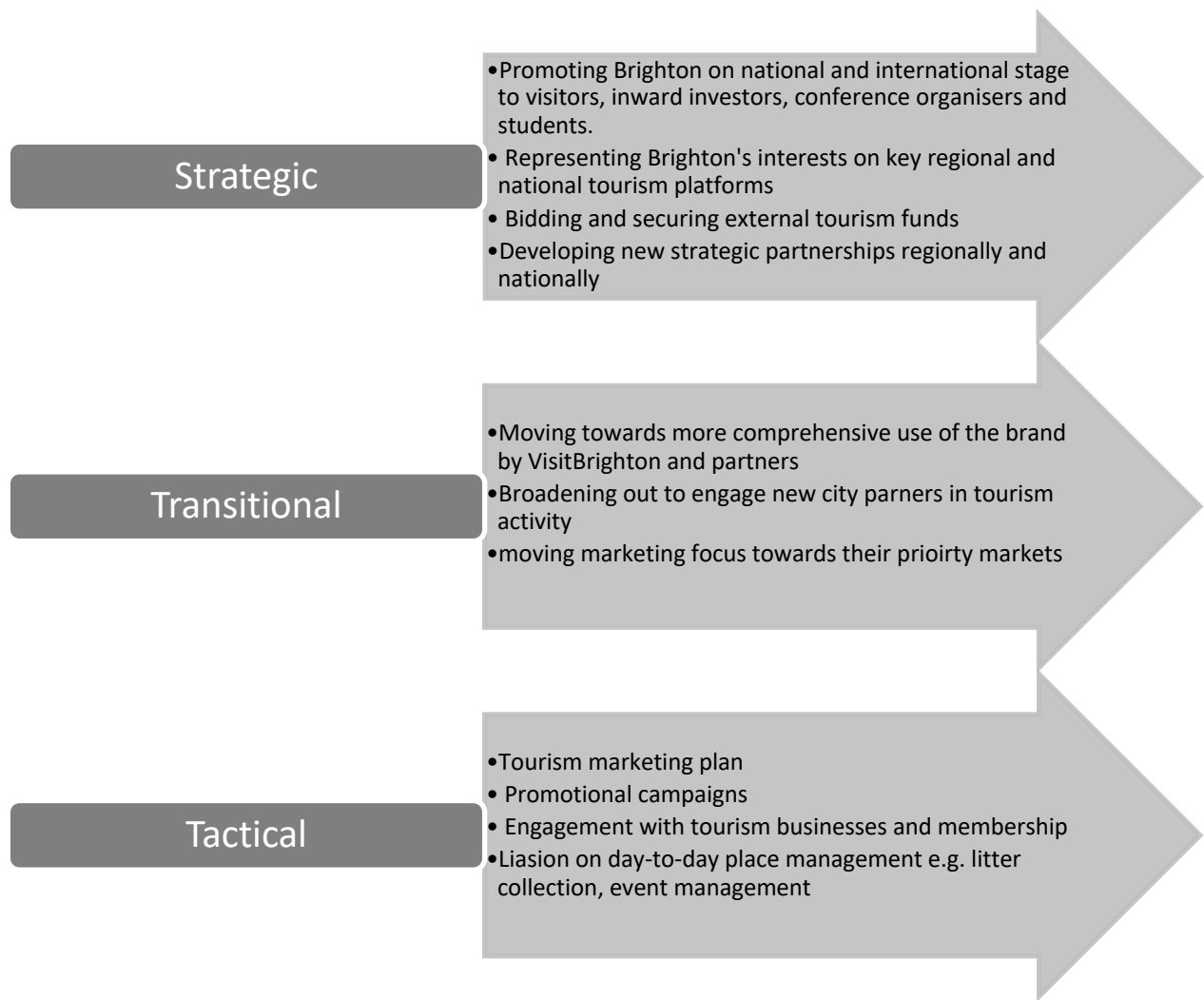
Brighton & Hove is looking at a new model for the City Council functions. Tourism needs to be a key part of that. This is not about carrying across current functions but about evolving the role of tourism from tourism marketing to place marketing and making tourism much more central to the city's policy and decision making and integral to place management. That means retaining current functions and introducing a new strategic tier that better enables the city to maximise the wider opportunities tourism brings to Brighton & Hove and to put the city in a much stronger position to access national and regional funds for tourism. There are several models for how this might be delivered. This approach is well established in larger cities and works well in Liverpool and in Manchester because there is clarity between roles and responsibilities. The model supports industry membership for marketing and promotional activity. Brighton & Hove is a smaller city; it needs a bespoke model.

Currently, VisitBrighton is delivering a professional marketing and sales operation. Its focus is market retention and market penetration. This is a valid strategy given the scale and importance of tourism to the city. It is also a successful model given the number and diversity of businesses using VisitBrighton's marketing services (530+), the rate at which they rebook the partner programme each year (80%+) and the continuing success of the convention bureau's sales in extremely competitive circumstances. The management of events at the Brighton Centre also seeks to balance commercial activity for the Centre, with activity which is good for the profile of the city and to deliver a mix of events which variously benefit hotels and places to eat. This is all achieved by a small team. The approach ensures businesses are engaged and served by VisitBrighton and creates a funding stream for activity.

VisitBrighton's industry partners are mostly looking for reliable short to medium-term returns on their investment. Significant departures from the current marketing programme could jeopardise support and income from partners, which would in turn reduce VisitBrighton's resources. In Manchester for example, their tourism model retains this element of industry engagement through Visit Manchester, which sits within Marketing Manchester.

In Brighton & Hove, the introduction of a strategic tier of tourism activity will mean an additional focus on product and market development – which is higher risk and slower yield. Return on this investment will be in years, not months, and is unlikely to come from SMEs and micro businesses, or from the national chains of tourism, hospitality and retail businesses. VisitBrighton will need to work with external stakeholders beyond tourism who have a vested interest in the city's long-term sustainable growth.

Looking ahead, tourism functions would sit in three tiers – strategic, transitional and tactical. The transitional tier is the first incremental steps towards new ways of working. This tier would disappear over time as roles and functions evolve. Here are the types of function that might be covered by each tier. This is illustrative and not fully comprehensive.



The new model for tourism needs to be designed to work with the new model for the city and implemented alongside it.

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Find out more at -
www.visitbrighton.com

Brighton & Hove City Council

Tourism, Equalities, Communities & Culture Committee

Agenda Item 31

Subject: Adoption of the Brighton & Hove City Plan Part 2

Date of meeting: 15 September 2022 TECC
20 October 2022 Full Council

Report of: Executive Director, Economy, Environment & Culture

Contact Officer: Name: Helen Gregory
Tel: 01273 292293
Email: helen.gregory@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 The purpose of this report is to recommend adoption of the Brighton & Hove City Plan Part Two (CPP2). This follows the receipt (July 2022) of the Examination Inspector's Report which concludes that, subject to modifications, the CPP2 is sound. Once adopted, the CPP2 will supersede the 2005 Brighton & Hove Local Plan retained policies and become part of the statutory development plan for the city.
- 1.2 The main role of CPP2 is to support the implementation and delivery of City Plan Part One (adopted March 2016) which sets out the strategic planning framework for the city to 2030. Part Two builds upon and complements the Part One Plan and will ensure the delivery of high quality, sustainable place making development by setting out an up-to-date suite of detailed development management policies and additional site allocations.
- 1.3 An adopted CPP2 will ensure that decisions on new development are based on local priorities and that full weight can be given to locally adopted development plan policies. An adopted Plan gives certainty and confidence to local communities and the development industry and will ensure development schemes progress in a planned and coordinated manner with the timely provision of necessary infrastructure.

2. Recommendations

Tourism, Equalities, Communities & Culture Committee recommend to Council:

- 2.1 To agree to adopt and publish the Proposed Submission Brighton & Hove City Plan Part Two, as amended to include all the main modifications required by the CPP2 Examining Inspector to make the plan sound, in

accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 and Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This includes changes required to the adopted Policies Map, together with other additional (minor) modifications already noted by the 16 March 2022 Tourism, Economy, Culture & Communities Committee (including any consequential and other appropriate alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections, being necessary).

- 2.2 To agree amendments needed for planning application validation requirements.
- 2.3 To note that on adoption of the City Plan Part Two the policies in the retained 2005 Brighton & Hove Local Plan will be superseded. These superseded policies are listed in Appendix 5 of the City Plan Part Two.

3. Context and background information

- 3.1 In April 2020 Council approved the CPP2 for publication consultation and submission to the Secretary of State for formal examination. The Inspector was appointed in June 2021 and examination hearings took place in November 2021. The Inspector's Post Hearing Note (November 2021) indicated that public consultation was necessary on a number of proposed changes/ main modifications she was considering necessary to find the Plan sound. The 10 March TECC committee agreed the Schedule of Main Modifications for consultation which took place 15 March - 5 May 2022. Twenty respondents made representations; 49 representations related to the Main Modifications and were sent to the Inspector for her consideration and published on the examination website in May 2022.
- 3.2 The CPP2 has been found to be sound and legally compliant subject to the main modifications required by the Inspector. At this point, the Council cannot adopt a Plan that is materially different from that recommended by the Examination Inspector; the Council cannot choose to accept some of the modifications and not others. The only options available to the Council at this stage are to either adopt the Plan in its entirety, with all of the Main Modifications required by the Inspector, or to not adopt the Plan at all.

Inspector's Report

- 3.3 The Inspector's Report, in Appendix 1, was received 19 July 2022 and published in accordance with the Regulations shortly after. The receipt of the Inspector's Report formally closed the examination. The Inspector's Report concludes that, subject to a number of main modifications, appended to her report (in Appendix 3) the '*CPP2 provides an appropriate basis for the planning of the city...*' and is sound, legally compliant and capable of adoption.
- 3.4 In overall terms, the Inspector found that:
 - The Duty to Co-operate and all other legal requirements had been met.

- The plan will further the public sector equality duty. It is inherently inclusive of a wide population demographic, including those with protected characteristics, thus helping to advance equality of opportunity for all.

3.5 In relation to the **detailed development management** policies, the report concludes that, subject to the main modifications recommended:

- The plan has been positively prepared, is justified and effective with regard to policies aimed at meeting the city's local housing needs; building a strong, competitive local economy; promoting high quality design and requiring the protection of the city's built and natural environments; policies promoting and providing for sustainable transport and those which encourage energy efficiency and reduction in carbon dioxide emissions in new development.
- The Plan will help ensure a range of house types, tenures and sizes are provided to support mixed, balanced and sustainable communities to deliver the aims of CPP1. This includes policies to raise the quality of new housing and require minimum internal space standards.
- Changes to the retail hierarchy, adjustments to shopping centre boundaries and identification of Important Local Parades were based on a thorough review, are appropriate and provide a sound basis for seeking to protect the city's regional, town and local centres.
- The approach to protecting community facilities was considered appropriate and will guard against the unnecessary loss of valued local facilities.
- The approach towards infrastructure, viability and monitoring was positively prepared, justified, effective and consistent with national policy.

3.6 In relation to the **site allocations**, the report concludes:

- The scale and distribution of development proposed and the approach to site allocations has been positively prepared, is sound and consistent with the spatial strategy and framework set out in CPP1.
- Through strategic site allocations, mixed use housing allocations, and safeguarded land, CPP2 will help maintain the delivery of additional employment land over the Plan period and fulfil its role in reducing the shortfall of employment floorspace against the forecast need.
- The proactive approach to site allocations will help maximise the sustainable provision of housing and help address concerns of the CPP1 Examining Inspector regarding a lack of flexibility in housing supply.
- With respect to the *principle* of allocating housing in the urban fringe, the report notes it is not the role of the CPP2 to revisit the overall approach to development needs established in CPP1, including the role of the urban fringe: *'...allocations in the Urban Fringe are a requirement of CPP1 policy CP1, which sets a minimum housing requirement of 1,060 on greenfield sites in the Urban Fringe to be allocated in CPP2. To be consistent with CPP1, CPP2 will need to deliver that requirement.'*
- The methodology used to allocate specific urban fringe sites was considered thorough and robust and the proposed allocations consistent with national planning policy and guidance. The Inspector notes that mechanisms to ensure site specific assessment and mitigation are

included in Policy H2 and that any development will also be subject to other policies in the Plan.

- That one urban fringe site, land at and adjoining Horsdean Recreation Ground, Patcham (site no.16) should be removed as the Inspector considered an appropriate planning balance had not been struck with regard to the benefits of planned housing provision and the need to safeguard components of local wildlife habitats.
- In relation to Policy DM38 Local Green Space and those representations seeking the inclusion of Whitehawk Hill LNR and wider racecourse as a Local Green Space, the Inspector concluded its designation would not meet national policy or guidance but there may be scope for an amended smaller boundary to come through the preparation of a neighbourhood plan.
- In relation to SA7 Benfield Valley, the Inspector concluded the allocated housing sites (north and south of Hangleton Lane) were within the least sensitive parts of the open space, the potential for mitigation and biodiversity net gain had been demonstrated and the allocation would enable the open space as whole to still function as a 'green wedge'.

Schedule of Main Modifications to the Plan

- 3.7 The schedule of changes to the Plan required by the Inspector in order for it to be found sound are set out in Appendix 3. They are the same as the Schedule of Main Modifications that were considered at the 10 March TECC committee and agreed for public consultation. No further changes to the Plan have been recommended by the Inspector other than a factual correction to a Policy Reference in MM10. A summary of the main changes to the Plan that will result from the main modifications is included at Appendix 2 before the schedule.
- 3.8 A number of proposed Additional (Minor) Modifications (factual updates or editorial corrections) were agreed by March TECC 2022 and published as part of the Main Modifications consultation. These additional modifications (in Appendix 4) will be incorporated into the adopted version of the CPP2.

Policies Map

- 3.9 The council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. The policies map will be updated accordingly and published on the council's website following adoption.

Next Stages

- 3.10 Following adoption (which takes effect immediately on the resolution of Council), the council must make the amended CPP2 publicly available as soon as reasonably practicable in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The amended Policies Map, an adoption statement and the final Sustainability Appraisal report must also be published and made available for inspection. Parties involved in the process will also be notified.

- 3.11 There will be a 6 week period for legal challenge to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004. This would need to be based on the grounds that the document is not within the appropriate powers, or that a procedural requirement has not been complied with. The adopted CPP2 would remain in effect pending the outcome of any challenge unless the Court grants an interim order suspending its operation until the final determination of the challenge.
- 3.12 On adoption, CPP2 will supersede retained policies in the Brighton and Hove Local Plan 2005. The CPP1 (2016), the Waste and Minerals Plan (2013), the Waste and Minerals Sites Plan (2017), the Shoreham Harbour Joint Area Action Plan (2019) and, on adoption, CPP2, and made Neighbourhood Plans, will together comprise the development plan for Brighton and Hove Council's administrative area (not within the South Downs National Park). All decisions on applications and appeals (notwithstanding when an application or appeal was submitted) will need to be in accordance with the adopted Development Plan unless material considerations indicate otherwise. Amendments are needed for planning application validation requirements.

4. Analysis and consideration of alternative options

- 4.1 The CPP2 has been found to be sound and legally compliant subject to the main modifications required by the Inspector. As provided by s23(4) of the Planning and Compulsory Purchase Act 2004 the Council cannot adopt a Plan that is materially different from that recommended by the Planning Inspector; the Council cannot choose to accept some of the modifications and not others. The only options available to the Council at this stage are to either adopt the Plan in its entirety, with all of the Main Modifications required by the Inspector, or to not adopt the Plan at all.
- 4.2 The Council is expected to have an up-to-date, National Planning Policy Framework (NPPF) compliant, sound local plan in place. If this Plan is not adopted the city will not have its own local planning policy framework in place to make planning decisions and will need to continue to rely on out-of-date policies and the NPPF. Also, the process will have to be started again, either in its entirety or on focused elements. Each of the legal stages of its preparation, including submission and examination would need to be undertaken at significant additional financial cost. It would also impact on the review of the City Plan Part 1 which is due to commence this year.

5. Community engagement and consultation

- 5.1 Four phases of public consultation since 2016 have informed the preparation of the CPP2. At each stage, full details of the consultation undertaken, and representations received were included in published Statements of Consultation along with a main summary of issues raised and how they were taken into account. Bespoke workshops and events were held at the early stages with formal responses sought at the later stages. As well as views collated from the issues and options events, 5,068 representations were received from 838 respondents and seven petitions (9,579 signatures in

total). Further detail is set out at Appendix 5. The Inspector found the consultations complied with the Council's Statement of Community Involvement.

6. Conclusion

- 6.1 An adopted CPP2 will ensure that decisions on new development are based on local priorities and that full weight can be given to locally adopted development plan policies. An adopted Plan gives certainty and confidence to the development industry, gives communities more influence and certainty about how the city will develop. It will ensure better quality development and place-making and help to ensure that development schemes progress in a planned and coordinated way in the right places with supporting infrastructure.

7. Financial implications

- 7.1 There are no direct financial implications arising from the recommendations of 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.
- 7.2 The decision not to proceed with the City Plan Part 2 would require the legal stages to be undertaken again adding additional officer time and financial costs.

Name of finance officer consulted: John Lack Date consulted (15/08/22):

8. Legal implications

- 8.1 The statutory background to the adoption of City Plan Part Two is set out in the body of the report.

Name of lawyer consulted: Hilary Woodward Date consulted (9/8/22):

9. Equalities implications

- 9.1 The Plan will help deliver equalities outcomes from new development. A Health and Equalities Impact Assessment (HEQIA) was undertaken during the preparation of the CPP2. In her report, the Inspector notes that the HEQIA concludes that the CPP2 has largely neutral or positive benefits for health and equalities and overall CPP2 was found to be inherently inclusive of a wide population demographic including those with protected characteristics thus helping to advance equality of opportunity for all.

10. Sustainability implications

- 10.1 The Plan contributes positively to delivering a Carbon Neutral City by 2030 through a suite of policies that widen the application of sustainability

standards, encourage developers to deliver low and zero carbon energy solutions, ensure development is designed for adaptability, flexibility and re-use, climate change adaptation and resilience.

- 10.2 A Sustainability Appraisal (SA) incorporating the requirements of Strategic Environmental Assessment (SEA) was undertaken to inform and support the CPP2. The SA concludes that the plan provides a policy framework that seeks to avoid, reduce and mitigate the risk of any adverse effects, thereby resulting in positive social, economic and environmental effects overall. The Inspector noted that the SA methodology used to test the plan was robust and resulted in improvement in the sustainability of policies.

11. Other Implications

Social Value and procurement implications

- 11.1 With respect to Policy DM45 Community Energy, developers of medium scale and major development schemes are encouraged to actively seek community energy partners to deliver low and zero carbon energy solutions which are 'led by' or 'meet the needs' of communities through full community ownership and control of a low carbon energy solution or project and that can add social value.
- 11.2 There are no procurement implications.

Crime & disorder implications:

- 11.3 During the preparation of the CPP2 the site assessment and sustainability assessment process has considered crime and disorder issues. A number of policies also address crime and public safety issues (DM8, DM18, DM20, DM23, DM24, and DM40)

Public health implications:

- 11.4 A HEQIA assessment has been carried out to inform the draft version of the City Plan Part Two to ensure that the policies are coordinated to address health and well-being outcomes throughout the city. In her report, the Inspector notes that the HEQIA concludes that the CPP2 has largely neutral or positive benefits for health.

Supporting Documentation

1. Appendices

1. Inspector's Report
2. Summary of changes to the CPP2 resulting from the Main Modifications
3. The Inspector's Schedule of Main Modifications (as appended to her report)
4. Schedule of Additional Modifications including change to the Policies Map
5. Summary of City Plan Part 2 Consultation stages

2. Background documents

1. 10 March 2022 TECC Committee - City Plan Part 2 – Consultation on Modifications arising from Examination Hearings (Agenda Item 83)
2. 23 April 2020 Council report - Proposed Submission City Plan Part 2 – Extract from the proceedings of the Tourism, Equalities, Communities & Culture Committee held on the 5 March 2020 (Agenda Item 88)
3. [Proposed Submission City Plan Part 2 \(April 2020\)](#)
4. Proposed Changes to the Policies Map ([SD 03a](#), [b](#) and [c](#))

Appendix 2 - Summary of Inspector's Schedule of Main Modifications

This appendix provides a summary of the Inspector's Schedule of Main Modifications appended to her final report and included at Appendix 3 of the committee report.

The majority of the main modifications recommended by the Inspector propose either factual updates or improve the clarity of the wording for the decision maker and ensure policy wording remains consistent with the government's National Planning Policy Framework (NPPF, July 2021).

Some main modifications are also recommended to ensure consistency with changes to the Use Class Order that came into effect 1st September 2020.

Those MMs that relate to a change in the wording of policies include:

- **DM1 Housing Quality, Choice and Mix** – additional wording in criterion e) to clarify when the council will seek 'wheelchair accessible' homes to more adequately reflect national planning policy guidance and part M4(3) of the Building Regulations.
- **DM10 Public Houses** – additional criterion proposed to ensure that where proposals involve loss of floorspace (eg gardens) and facilities ancillary to the operation of a public house, the impact on the future viability of the pub is considered.
- Revising the **retail policies (DM12-DM16)** to ensure consistency with the Use Classes Order that came into effect 1st September 2020 and the introduction of the single E Use Class Commercial, Business and Service Use. The recommended main modifications recognise the changing nature of the high street, encourage a range of uses that maintain and enhance the vitality, viability and character of the shopping area, retain active ground floor uses and ensure appropriately designed shop fronts.
- **DM18 High Quality Design and Places** – the main modification to the policy wording recommended by the Inspector clarifies that an artistic element is required to be incorporated in major development on strategic and/ or prominent sites.
- For a number of **heritage policies (DM26-29)** and **relevant Strategic Site Allocations (SSA 1, 3, 5 and 7)** additional wording to the policies and supporting text is recommended by the Inspector to refer to the need for Heritage Impact Assessments and to refer to heritage balance considerations to ensure consistency with the NPPF.
- Amending and restructuring parts of **Policy DM37 Green Infrastructure and Nature Conservation** are recommended through the main modifications to ensure more clarity with overarching principles and mitigation hierarchy set out upfront to ensure more robust policy wording regarding the mitigation hierarchy and seeking measurable net gain. The main modifications will ensure requirements for internationally protected sites appropriately reflect the Habitats Regulations, that provisions in relation to nationally protected sites better align with national policy, and that provision relating to locally protected sites accords

with the mitigation hierarchy. Amendments to part C. locally protected sites to clarify and improve the effectiveness of the policy

- **DM39 Development on the Seafront** – additional wording is recommended to the policy to refer to the mitigation hierarchy and assessment requirements if development would be likely to have an adverse impact on designated sites including the Beachy Head West Marine Conservation Zone.
- **DM43 Sustainable Drainage** – the recommended main modification encourages a landscape led approach early at the design process to improve the effectiveness of the policy.
- **DM44 Energy Efficiency and Renewable Energy** – main modifications recommended clarify the remit of the policy - the types of development that the standards set out in the policy will apply to and information requirements of applicants. Main modifications refer to the Future Homes Standards and Future Building Standards due to come into effect in 2025 with an interim uplift coming into effect 15 June 2022 to future proof the policy and ensure the policy is effective. These will supersede and exceed DM44.
- **SSA1 Brighton General Hospital** – the main modifications include revised wording to the supporting text on the need to safeguard, protect and support swift colonies throughout the entirety of development.
- **H1 Housing and Mixed Use Sites** – the main modifications recommend updating the site allocations tables (Tables 6 and 7) to remove 6 sites substantially completed and one site no longer available for development due to its current use (2-16 Coombe Road). The removal of the site allocation Land at Marine Drive and rear of 2-18 The Cliff is recommended to be removed from the table as it could not be demonstrated to the satisfaction of the Inspector that the delivery of 10 dwelling units would not have a significant impact on the Local Wildlife Site or that adequate ecological mitigation and biodiversity net gains would be possible. Two omission housing sites put forward during the consultation are recommended by the Inspector for inclusion: Land at Preston Road / Campbell Road, Brighton and 154 Old Shoreham Road, Hove as they were found to be suitable, available and deliverable.
- **H2 Housing Sites – urban fringe** – the Inspector's main modifications propose the deletion of one site: Site 16 (Land at and adjacent to Horsdean Recreation Ground) in light of updated evidence (UFA Update 2021) that the proposed scale development for 10 dwellings could not be achieved without causing a significant loss of habitat that contributes to the LWS and would be unlikely to achieve the required ecological mitigation and biodiversity net gain. A boundary amendment was also recommended to site 46a Land at former nursery, Saltdean and a reduction in the potential number of dwelling units from 24 to 18 units to respond to a landowner representation and the need to retain existing vegetation around the northern and western boundaries.
- The Inspector having considered all the evidence, representations, submitted matter statements and the hearing discussions has not recommended in her report any other changes to the list of H2 urban fringe sites or the housing allocation at Benfield Valley.

Appendix 5 - Summary of City Plan Part 2 Consultation Stages

Four phases of public consultation since 2016 have informed the preparation of the CPP2. At each stage, full details of the consultation undertaken, and representations received were included in published Statements of Consultation along with a main summary of issues raised and how they were taken into account.

- **Twelve week Issues and Options scoping consultation (2016)** enabled residents, local groups, stakeholders and statutory consultees to influence the shape of the plan and its policies and involved focused workshops/stakeholder events and a 'call for sites'. Around 458 people attended the various events. 197 respondents made formal 2,901 representations. Two petitions; one related to St Aubyn's Playing Field (1,766 signatures) and one related to controlling HMOs (1,295 signatures) were submitted. The issues raised at the events, the consultation responses and petitions helped shape the draft Plan.
- **Ten week Draft City Plan Part Two consultation (2018)** allowed detailed responses on the draft site allocations and policy wording. 1,308 representations were received from 349 respondents together with a petition signed by 518 residents against the allocation of land at and adjacent Horsdean Recreation Ground. The comments and petitions informed the preparation of the final version of the Plan.
- **Eight week consultation on the Proposed Submission City Plan Part 2 (2020)** allowed respondents to focus their comments on legal compliance and soundness. 272 respondents raised 810 representations. Four petitions were submitted regarding urban fringe sites with over 6,000 signatures. The petitions, representations and evidence submitted were submitted for the Inspector to consider.
- **Seven week Main Modification consultation (March 2022)** allowed representation on the changes the Inspector was considering necessary to the plan. Twenty respondents made 49 representations which were sent to the Inspector to consider.

Report to Brighton and Hove Council

by R Barrett IHBC MRTPI

an Inspector appointed by the Secretary of State

Date: 19 July 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the City Plan Part Two Brighton and Hove Council's Development Plan April 2020

The Plan was submitted for Examination on 13 May 2021

The Examination hearings were held between 2nd and 16th November 2021

File Ref: PINS/F0114/429/7

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Abbreviations used in this report

AQMA	Air Quality Management Area
CPP1	Brighton and Hove City Plan Part One
CPP2/ the Plan	Brighton and Hove City Plan Part Two
CIL	Community Infrastructure Levy
DA	Development Area
DtC	Duty to Co-operate
GDPO	Town and Country Planning General Permitted Development Order 2015 (as amended)
GTAA	Gypsy and Traveller Accommodation Assessment
HDAP	Housing Delivery Action Plan
HRA	Habitats Regulation Appraisal
HEQIA	combined Health & Equalities Impact Assessment
LDS	Local Development Scheme
LNR	Local Nature Reserve
LWS	Local Wildlife Site
National Park	South Downs National Park
National Park Authority	South Downs National Park Authority
NDSS	Nationally Described Space Standards
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PBSA	Purpose built student accommodation
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SHLAA	Strategic Housing Land Availability Assessment
SoCG	Statement of Common Ground
SPD	Supplementary Planning Document
SUDs	Sustainable Urban Drainage Systems
UFA	Urban Fringe Assessment
the Council	Brighton and Hove City Council
the Habitats Regulations	Conservation of Habitats and Species Regulations (2012) (as amended)

Non-Technical Summary

This report concludes that the City Plan Part Two Brighton and Hove Council's Development Plan April 2020 (the Plan/CPP2) provides an appropriate basis for the planning of the City, provided that a number of Main Modifications (MMs) are made to it. Brighton and Hove City Council (the Council) has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed MMs and, where necessary, carried out Sustainability Appraisal (SA) [BHCC45], Habitats Regulations Assessment (HRA) [SD08] and combined Health & Equalities Impact Assessment (HEQIA) [BHCC46] of them. The MMs were subject to public consultation over a seven-week period. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the results of the SA, HRA and HEQIA and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Amending, deleting or adding site allocations to ensure they are positively prepared, justified, effective and consistent with the National Planning Policy Framework (NPPF)
- Rewording policies to ensure they are positively prepared, justified, effective and consistent with the Brighton and Hove City Plan Part One (CPP1) and the NPPF
- Amendment to leading policy in relation to the natural environment to ensure consistency with national policy (DM37)
- A number of MMs to ensure that the Plan's approach to the historic environment (including policies DM26-32) reflect the statutory tests and national policy
- A number of other MMs to ensure that the CPP2 is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the CPP2 in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether its preparation has complied with the Duty to Co-operate. It then considers whether CPP2 is compliant with the legal requirements and whether it is sound. NPPF paragraph 35 makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound plan. The City Plan Part Two Brighton and Hove Council's Development Plan April 2020 [SD01], submitted in May 2021 is the basis for my Examination. It is the same document as was published for consultation from the beginning of September through to the end of October 2020.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the CPP2 unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the Examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out SA, HRA and HEQIA of them. The MM schedule was subject to public consultation for seven weeks. I have taken account of the consultation responses in coming to my conclusions in this report. Subsequent to this, I have made a factual amendment to the detailed wording of MM10. That amendment does not materially alter the content of the MMs as published for consultation or undermines the participatory processes or other necessary assessment that has been undertaken. I have highlighted that amendment in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for Examination, the

Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Proposed Changes to the Policies Map, West, Central and East April 2020 [SD03a, b and c].

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
7. These further changes to the policies map were published for consultation alongside the MMs [BHCC48].
8. When the CPP2 is adopted, in order to comply with the legislation and give effect to its policies, the Council will need to update the adopted policies map to include all the changes proposed in the Proposed Changes to the Policies Map West, Central and East April 2020 and the further changes published alongside the MMs.

Context of the Plan

9. The Plan area is the Council's administrative area that is not within the South Downs National Park (the National Park). It includes the City bounded to the north by the A27 and National Park and to the south by the sea. It is a tightly constrained and compact city, with a population of approximately 272,000. With a limited legacy of derelict or vacant sites the 'natural boundaries' of sea and the National Park define and limit the outward expansion of the City. The Built Up Area is roughly half of the City's geographical area.
10. The Plan area includes conservation areas, a significant number of heritage assets, internationally, nationally and locally protected sites of nature conservation interest, along with Sites of Special Scientific Interest, Special Areas of Conservation and a Marine Conservation Zone.

11. The South Downs National Park Authority (the National Park Authority) has adopted the South Downs Local Plan (2019), which covers the administrative area of Brighton and Hove that falls within the National Park.
12. The CPP1 was adopted in March 2016. That document sets out the long term vision, strategic objectives and planning policy framework to guide new development required across the City to 2030. It sets the overall amount of new housing, employment and retail development planned over the Plan period and broad locations where such development should take place. That includes the broad distribution of housing and employment land between eight Development Areas (DAs), outside the Development Areas within the Rest of the City and within the Urban Fringe. It also allocates strategic sites and sets out strategic policy in relation to matters such as urban design, transport, affordable housing, biodiversity and sustainability.
13. The role of CPP2, as identified in the Local Development Scheme 2020-2030 (LDS) [CD11], and confirmed in the introduction to the Plan, is to support the implementation and delivery of CPP1. This is to be delivered by allocating additional development sites and setting out a detailed development management framework to complement the strategic framework set out in the CPP1. In addition, it sets out some specific requirements, which are addressed later on in my report.
14. CPP1, the Waste and Minerals Plan (2013), the Waste and Minerals Sites Plan (2017), the Shoreham Harbour Joint Area Action Plan (2019) and, on adoption, CPP2, and made Neighbourhood Plans, will together comprise the development plan for Brighton and Hove Council's administrative area. On adoption, CPP2 will supersede saved policies in the Brighton and Hove Local Plan 2005. In compliance with Reg 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012, CPP2 includes a schedule which identifies all policies that it is intended to supersede.
15. A number of those who made representations disagreed with the CPP2's approach to the allocation of housing sites in the Urban Fringe. In this regard, the LDS sets out the scope of the CPP2 and its relationship with the CPP1. It is clear from the LDS and the CPP2 itself, that it is not intended to supersede any of the policies in the CPP1, including its approach to the scale of development to be accommodated

within the Urban Fringe. The CPP2 is required to be consistent with the adopted CPP1 under the terms of Reg 8(4) of the Regulations.

16. It is not the role of the CPP2, which is clearly intended to implement and be consistent with the adopted CPP1, to revisit the overall approach to development needs, including the matter of the Urban Fringe. The key tests in respect of the scale and distribution of development proposed are whether the CPP2 is consistent with the CPP1 and whether it would realistically deliver the scale and distribution of development envisaged. I deal with these issues in more detail further on in my report.

Public Sector Equality Duty

17. A HEQIA was undertaken at various stages of plan preparation to assess and identify the health and equalities impacts of CPP2. That concludes that CPP2 has largely neutral or positive benefits for health and equalities. Certain policies were found to be particularly beneficial for those with certain protected characteristics. Overall, CPP2 was found to be inherently inclusive of a wide population demographic, including those with protected characteristics, thus helping to advance equality of opportunity for all.
18. In examining CPP2, I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the Examination including, the provision of housing to meet local needs, including affordable housing and accessible and adaptable housing. It also includes consideration of matters such as the communal value of heritage, protection of community services, facilities and employment space, encouragement of sustainable forms of transport, and high quality communications.

Assessment of Duty to Co-operate

19. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
20. Strategic, cross boundary planning matters were addressed through the preparation and Examination of the CPP1. As the Duty to Co-operate is an ongoing activity, the Council has continued to engage with neighbouring authorities and other groups/prescribed bodies on a regional basis throughout the preparation of the CPP2. This included co-operation on strategic planning matters (e.g. housing and

employment land provision within West Sussex and Brighton & Hove sub-region) that go beyond the scope of this Plan.

21. The Council through that co-operation has addressed strategic matters arising since the adoption of the CPP1 that affect the implementation of its strategic policies through the CPP2. That co-operation helped to address matters such as gypsy and travellers, transport infrastructure, water quality and flood risk, biodiversity in terms of national and international designated habitats and species.
22. In respect of the provision for gypsy and traveller accommodation, the Council undertook joint working with neighbouring authorities including the National Park Authority to address the requirements of CPP1. A joint Gypsy and Traveller Accommodation Assessment (GTAA) carried out in association with the National Park Authority [ED04] to cover the period 2019-2034 was undertaken. That concluded that there was no unmet need for this CPP2 to accommodate. However, a need for additional pitches within the National Park within the Brighton & Hove administrative area was identified. A Statement of Common Ground (SOCG) with the National Park Authority agreeing to work jointly to seek to address the outstanding need is before me, [SD10], along with a SOCG with all neighbouring authorities regarding their capacity to meet unmet need arising within the National Park area of Brighton & Hove [SD10].
23. In relation to cross-boundary issues in relation to the Ashdown Forest Special Area of Conservation (SAC), consultation with Natural England, following HRA, concluded that planned growth in Brighton & Hove arising from the CPP1 and taken forward by the CPP2 will not adversely impact the integrity of the SAC either on its own or in combination with other plans and projects.
24. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the Duty to Co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

25. The CPP2 has been prepared in general accordance with the Council's LDS. In addition, consultation on the CPP2 and the MMs was carried out in compliance with the Council's Statement of Community Involvement.

26. The Council carried out a SA at each stage of CPP2 preparation, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. The appraisal was updated to assess the MMs. The overall process has evaluated, amongst other things, anticipated environmental and infrastructure constraints of proposed policies and sites, along with the consideration of alternatives.
27. A number of representors queried the methodology adopted in the SA and its findings. The methodology adopted included professional planning judgement in evaluating sites and policies against defined criteria. Generally, I find that the methodology assisted in choosing sites and resulted in some improvements in the sustainability of policies through the incorporation of mitigation measures.
28. I find the methodology adopted and its findings robust and conclude that the CPP2 has been positively prepared and is justified, effective and consistent with national policy in this respect.
29. The HRA Screening Report (June 2018) [SD08a] screened out all potential impacts on European sites with the exception of air quality impacts on the Ashdown Forest SAC. Supplemented by the Air Quality Impact Assessment of Traffic Related Effects on Ashdown Forest [SD08b] overall, the Council's HRA concluded that the planned growth of the CPP1 taken forward in CPP2 policies and site allocations will not result in an adverse effect on the integrity of Ashdown Forest SAC either alone or 'in combination' with other plans and projects. Natural England was formally consulted on the HRA work and agreed its findings [SD08c]. The HRA's methodology and findings are robust and, in this regard, the CPP2 has been positively prepared and is justified, effective and consistent with national policy in this respect.
30. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the Council's area. In addition, it includes policies designed to secure that the development and use of land in the Council's area contribute to the mitigation of, and adaptation to, climate change. This includes CPP1 policies CP8 (sustainable buildings), CP9 (sustainable transport), CP10 (biodiversity), CP11 (flood risk) supported by CPP2 policies. Relevant policies in CPP2 include DM22 (landscape design and trees), DM37 (green infrastructure and nature conservation), DM39 (development on the seafront), DM42 (protecting the water environment), DM43 (sustainable drainage), and DM44 (energy efficiency and renewables).

31. Overall, the Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

32. Taking account of all the representations, the written evidence and the discussions that took place at the Examination hearings, I have identified 13 main issues upon which the soundness of the CPP2 depends. This report deals with those main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1: Whether the CPP2 is consistent with the CPP1 strategy and whether it has been positively prepared, is justified, effective and consistent with national policy in relation to the scale and distribution of development proposed and the approach to site allocations?

33. Given the City's constraints, of the National Park to the north and the sea to the south, the CPP1 spatial strategy seeks to focus the majority of housing, employment and retail development on brownfield (previously developed) sites within the City's Built Up Area, directed to eight specific DAs (DA1-DA8) and brownfield sites in the Rest of the City. Given the significant scale of the City's housing need, the strategy for accommodating growth also includes the Urban Fringe as a broad source of potential for housing development.
34. Through Examination of my main issues, I find that the location of planned development in CPP2 generally reflects this broad spatial strategy set out in CPP1. It reflects the distribution of development across the City and Urban Fringe as set out in CPP1 Tables 2 and 3 and the broad requirements of CPP1 DA1-DA8 and SA1-SA6, which together, form the basis for the distribution of growth outlined in the above CPP1 strategy.

Housing

35. CPP1 policy CP1 sets a minimum housing requirement of 13,210 to be completed over the Plan period (2010-2030). Part B of that policy indicates the broad distribution of development and the expected sources within parts of the City, including DAs, the Rest of the City, greenfield sites in the Urban Fringe, small identified sites and through small windfalls.

36. CP1 part C sets out that the rate of housing delivery will be managed so that it delivers the broad amount and distribution of housing to meet the requirements. It confirms that the adequacy of housing delivery (in terms of a five year supply of housing and in meeting planned housing delivery targets over the CPP1 full plan period) will be assessed regularly in accordance with the Housing Implementation Strategy (as referred to in CPP1 policy CP1) and through annual reviews of the Strategic Housing Land Availability Assessment (SHLAA), reported through the Council's Authority Monitoring Report (AMR).
37. The SHLAA Update 2021 [ED15] indicates a total housing supply of 15,096 net dwellings by the end of the CPP1 Plan period (the Plan period). A total of 4,391 dwellings have already been completed which leaves a minimum figure of 8,819 to meet the CPP1 requirement. In meeting that requirement, CPP1 policy CP1 clarifies that the role for the CPP2 is to allocate additional sites to help ensure that housing delivery is maintained over the Plan period.
38. I deal specifically with the issue of housing land supply and delivery in more detail under Issue 2. Suffice to say, taking account of CPP2 site allocations, completions since the beginning of the Plan period, commitments, and all other identified sources of supply, the CPP1 strategic housing requirement is likely to be exceeded at the end of the Plan period. CPP2 allocations provide for at least 3,230 dwellings, which will contribute 37% of the outstanding City Plan housing requirement.
39. Therefore, I conclude that the contribution made by CPP2 is in accordance with CPP1 requirements in Policy CP1. The allocated housing sites to meet the requirements of CPP1 are concentrated in DAs, on brownfield sites in the Rest of the City and the Urban Fringe. Therefore, in terms of the location of site allocations, the overall approach taken in the CPP2 is broadly consistent with CPP1. In this regard, it has been positively prepared, is justified, effective and consistent with national policy.

Employment Land

40. CPP1 focuses employment development towards DAs (DA1-DA8) which provide opportunities for regeneration and include strategic allocations. Together, they will bring forward employment floorspace to meet a proportion of the forecast need over the Plan period. CPP1 policy CP3 sets out the strategic approach to safeguarding needed employment sites and bringing forward new employment sites. CPP1 acknowledges that there is a shortfall of employment sites to meet forecast need, which will fall to be addressed through a co-ordinated partnership approach with neighbouring authorities and the Local Enterprise Partnership. CPP1 policy CP3 clarifies the role for CPP2 in al-

locating additional employment sites and mixed use allocations to ensure employment land delivery is maintained over the Plan period (CPP1 policy CP3.6).

41. CPP1 forecasts a need for 112,240sq m of office space and 43,430sq m of industrial floorspace. CPP1 provides for 90-96,000sq m of office floorspace and 9,500 sq m of industrial floorspace. That leaves an outstanding requirement for 16-21,000sq m of office floorspace and 34,000sq m of industrial floorspace for CPP2.
42. CPP2 provides for a minimum of 10,000sqm of office space on strategic sites and mixed use allocations in accordance with the CPP1 spatial strategy and safeguards an opportunity site for business and warehouse uses. Through a positive policy framework, it also promotes the best use of land in existing industrial estates encouraging higher density flexibly designed business floorspace.
43. Overall, through strategic site allocations, mixed use housing allocations, and safeguarded land, CPP2 will help maintain the delivery of additional employment land over the Plan period. Whilst the allocations of the CPP2 will not fully meet the outstanding employment requirements from the CPP1, when taken with opportunities arising from the positive policy framework, I am satisfied that it will fulfil its role in reducing the shortfall of employment floorspace against the forecast need. In this respect, I conclude the overall approach to employment land is consistent with the CPP1. In this respect, CPP2 has been positively prepared and is justified, effective and consistent with national policy.

Site Allocations

Allocations in the Built Up Area

44. Evaluation of site allocations for housing, mixed-use and student accommodation allocations in the Built-Up Area were carried out through a series of City wide assessments. Sites were initially identified through the SHLAA and call for sites at Regulation 18 stage. The Council commissioned a Housing and Employment Land Study [ED17] to further test sites against CPP1 policy objectives. That included a review of the methodology for site identification and yield analysis in the SHLAA and consultation with stakeholders. In addition, the Council carried out an SA at each stage of the production of the CPP2. Further environmental assessment took place through HRA.
45. A number of representations are before me supporting a different amount or mix of development on allocated sites. Site boundaries, proposed capacities and uses are based on policy requirements and thorough on-site assessment [TP07]. Site profiles have been produced for all allocated sites. In this regard, I find the methodology used to indicate uses, site capacities and identify development

constraints to be thorough, robust and soundly based.

46. Due to the City's constraints and the limited land availability, the approach taken resulted in the allocation of all suitable sites, delivering more than 10 dwellings that are developable sites within the Plan period. This proactive approach helps to maximise the sustainable provision of housing through CPP2. It will help to address the concerns of the CPP1 Examining Inspector regarding the lack of flexibility in the housing supply. In this respect, I conclude that the CPP2 has been positively prepared and is justified, effective and consistent with national policy.

Allocations in the Urban Fringe

47. Proposed allocations in the Urban Fringe were informed by the suite of Urban Fringe Assessments (UFA) [ED21-24]. Those studies involved comprehensive examination of all Urban Fringe sites not subject to 'absolute constraints' such as national or international designations. Together, they assessed each site's potential to accommodate housing development. An initial analysis identified potential sites, which were then subject to further landscape, ecology and archaeological assessment. Further analysis of environmental constraints followed, particularly in relation to local designations such as Local Wildlife Sites (LWS) and Local Nature Reserves (LNR). Specific issues raised in consultation were also assessed through those latter studies.
48. A number of objectors queried the methodology adopted in the studies that identified sites, particularly those subject to local designations. It is acknowledged that the methodology included the exercise of professional judgement. This was particularly the case in relation to safeguarding components of local wildlife rich habitats and wider ecological networks in accordance with NPPF paragraph 179. The UFA studies concluded that, for the sites now being proposed in the Plan, the potential adverse impacts of development can be avoided, minimised and/or mitigated to an acceptable degree and that Biodiversity Net Gains are achievable. The proposed allocations are therefore considered to be consistent with national planning policy and national planning practice guidance.
49. Within this context, the ecological/ biodiversity value of sites and potential impacts of development on LWS and LNR were assessed initially in the UFA 2014 [ED21a-c] and then in more detail in UFA 2015 [ED22a-g]. That study included a Desktop Study and Phase 1 Habitat Survey for all sites where potential for significant adverse impacts on ecology were identified. It sets out specific recommendations for avoidance, mitigation and enhancement options linked to the development of each site. The UFA 2015 also included a separate archaeological assessment of sites where potential heritage impacts had been identified [ED23]. The 2021 UFA update [ED24]

provides updated ecological assessments for selected sites taking account of recent changes in legislation and national policy and guidance, including the requirements to achieve biodiversity net gains. Mechanisms to ensure site specific assessment and mitigation are included in policy H2. Any development will also be subject to other policies in the Plan. Overall, I find that the approach taken by the Council in this regard is justified and soundly based.

50. I accept that planning judgement was required to balance the benefits of the provision of housing with the need to safeguard components of local wildlife rich habitats and wider ecological networks. I find the methodology adopted enabled that exercise to be robust. In this respect, I conclude that the CPP2 has been positively prepared and is justified, effective and consistent with national policy.

Strategic Allocations

51. Strategic Site Allocations are larger mixed use sites that are either likely to come forward for large-scale redevelopment and regeneration over the Plan period, or cover a larger area where significant redevelopment is occurring on multiple proximate sites.
52. Strategic allocations were identified through officers' knowledge of development potential or, through the call for sites at the CPP2 scoping consultation stage. Where sites are located within CPP1 DAs, those higher level strategic priorities have informed development aspirations, quantum and proposed mix, along with site size and location. Regard was also had to previous development proposals where appropriate and stakeholder engagement and consultation as appropriate. In this respect, I conclude that the CPP2 has been positively prepared and is justified, effective and consistent with national policy.

Retail

53. CPP1 Policy CP4 identifies the City's retail hierarchy. It clarifies that additional retail sites will be allocated and proposed changes to retail centre boundaries or the allocation of new centres will be executed through CPP2 or other development plan documents. It clarifies also that CPP2 should set out detailed policies regarding the appropriate mix of A1 and non-A1 uses within defined shopping centres.
54. CPP1 sets out significant retail allocations, which include an extension to the Churchill Square Shopping Centre (DA1) and some retail as part of the Brighton Marina development (DA2). Evidence indicates no requirement for CPP2 to provide additional sites for comparison retail floorspace. Nonetheless CPP2 strategic site allocations do include ancillary retail provision, where appropriate, as part of mixed use allocations. However, that is mainly to deliver high quality development that meets place making objectives, rather than meeting an identified

need for comparison retail floorspace. Given my previous comments, this accords with the requirements of CPP1.

55. CPP2 does propose some changes to the retail hierarchy, adjustments to shopping centre boundaries and the identification of Important Local Parades. Those are all based on a thorough review of all the primary, secondary, and local frontages throughout the retail hierarchy.
56. The aforementioned methodology used appropriate criteria, having regard to Planning Practice Guidance (NPPG) and the definitions in NPPF annex 2, (prior to the changes to the Use Classes Order). Annual retail health checks carried out over consecutive years were used to inform the review. Desk top studies were supplemented by survey work and on-site judgement. Generally, I find the evidence to support these relatively minor changes to the shopping centre designations proportionate and justified. They would provide an appropriate and sound basis for the application of CPP2 Policies DM12 and 13, which seek to protect main town centre uses. In this regard CPP2 has been positively prepared, is justified, effective and consistent with national policy.

Gypsy and Travellers

57. CPP1 Policy CP22 makes provision for gypsy and traveller accommodation up to 2019. At that time, it identified a need for CPP2 to provide permanent pitches by 2019. No need for travelling show people plots or transit pitches in the City was identified. CPP2 is required to review traveller accommodation needs to cover the remaining Plan period to 2030 and facilitate outstanding pitch requirements post 2019 through site allocations or through joint working with adjacent local planning authorities.
58. To underpin CPP2, and meet those CPP1 requirements, the Council undertook an updated GTAA in 2019 [ED04]. That assessed need 2019-2034 and reflected the Government's revised definition for gypsies and travellers in the Planning Policy for Traveller Sites (2015) (PPTS), covering the Brighton & Hove administrative area (including the area within the National Park). That concluded that there was no outstanding need within Brighton & Hove (outside the National Park) to be met by CPP2. However, as set out under my findings in relation to the Duty to Co-operate, the Council continues to work with neighbouring authorities, including the National Park Authority, to meet the outstanding need within the National Park (within Brighton and Hove administrative area) up to 2034. The criteria based part of CPP1 policy CP22 will continue to provide a basis for the assessment of sites should they come forward.

59. No evidence is before me as to whether there is any outstanding need for sites for gypsies and travellers who do not meet the PPTS definition. Whilst any proposals that come forward can be assessed against CPP1 policy CP22, NPPF paragraph 60 confirms that in general terms, such need should be addressed as part of general housing need and planning policies dealing with housing mix and type. NPPF paragraph 62 confirms that the needs of different groups in the community are best assessed at a strategic level. This matter therefore should be considered as part of the review of CPP1. Overall, in respect of this issue, CPP2 has been positively prepared, is justified, effective and consistent with national policy.
60. In my deliberations on this aspect of CPP2, I have had regard to the aims expressed in S149(1) of the Equality Act 2010. The CPP2's approach would be capable of directly benefitting Gypsy and Travellers, who share protected characteristics as defined in S149(7) of that Act. In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic. There is no compelling evidence that the approach would bear disproportionately or negatively on them.

Conclusion

61. Overall, I conclude that CPP2 is consistent with the CPP1 strategy and it has been positively prepared, is justified, effective and consistent with national policy in relation to the scale and distribution of development proposed and the approach to site allocations.

Issue 2: Whether the CPP2 has been positively prepared and whether it is justified, effective and consistent with national policy in relation to its approach to the supply and delivery of housing?

Meeting the housing requirement

62. I have previously identified that the role of CPP2, in respect of housing, is confined to allocating additional sites to meet the CPP1 requirement and helping to ensure that housing delivery is maintained over the Plan period, in accordance with the CPP1 spatial strategy. CPP2 also sets out a policy framework, to help in the assessment of development proposals against CPP1 strategic aims.
63. The SHLAA update [ED15] identifies a potential supply of 15,096 dwellings (2010-2030), taking account of deliverable housing from all sources. That figure exceeds the CPP1 requirement. A total of 4,391 net dwellings have already been completed over the CPP1 plan period to date (2010-2020). That leaves a minimum of 8,819 dwellings left to meet the CPP1 requirement.

64. The Council's housing land supply is to a great extent dependent on sites allocated within the CPP1. It is not within my remit to examine the deliverability of those sites. However, some high level examination of the Council's housing land supply is required in order to make the judgement as to whether the CPP2 is meeting the requirements of the CPP1, in its approach to housing supply.
65. CPP2 provides for at least 3,230 dwellings through site allocations, which will contribute 37% of the outstanding CPP1 housing requirement. That contribution to housing supply comprises 1,225 dwellings in DAs (Policies H1, SSA2, SSA4); 2,051 dwellings in the Rest of the City, including 1,106 on strategic and non-strategic sites within the Built-Up Area (Policy H1, SSA1, SSA3); and 899 dwellings on Urban Fringe sites (Policy H2). There is a substantial supply from other sources to contribute to the remainder of the CPP1 requirement. I assess each source below.

Large identified sites in DAs (6 plus dwellings)

66. CPP1 identifies a total housing potential of 6,005 net dwellings to be delivered across eight DAs and sets out an expected quantum for each. CPP2 allocates housing in two strategic sites which fall within DAs identified in CPP1 policy CP1 (SSA2 in DA4 and SSA4 in DA6). Those have a combined capacity of 600 dwellings. In addition, CPP2 policy H1 allocates sites with a combined expected capacity of 625 dwellings. CPP2 therefore allocates 1,225 dwellings within DAs, which accounts for 25% of the remaining CPP1 target for DAs, taking account of net completions since the start of the Plan period (1,041 net dwellings to 2020). That is a meaningful contribution that will help to maintain supply throughout the Plan period.
67. Further, taking account of sites under construction, existing commitments, and land on the Brownfield Land Register, the overall estimated housing supply from DAs totals 6,351 new dwellings. That total would exceed the CPP1 provision figure in policy CP1, thereby providing some headroom should some sites fail to come forward, generally fulfilling the CPP1 requirements.
68. In respect of the distribution of site allocations between the DAs, I am satisfied that the CPP2 site allocations would generally accord with the requirements of CPP1. The total identified housing supply is likely to be above or meet the CPP1 target for four of the DAs. The CPP2 strategic allocations would contribute towards meeting the requirements for DA4 and DA6. Overall dwelling numbers would be lower than the provision in CPP1 for two of the DAs; Brighton Marina/Black Rock Area (DA2) and Lewes Road (DA3). However, CPP1 policy CP1 makes it clear that the expectation is for development to be broadly in line with the distribution set out in that policy. CPP2 allocations will contribute to achieving that.

Rest of the City

69. The CPP1 identified a total potential housing figure of 5,190 net dwellings on large sites in the Rest of the City (outside DAs), comprising 4,130 within the Built Up Area and 1,060 on greenfield sites in the Urban Fringe. Completions to 2020 in the Rest of the City were 1,889; all being within the Built-Up Area.
70. CPP2 allocates sites to contribute 1,106 dwellings within the Built Up Area. That would account for 49% of the outstanding CPP1 requirement (given completions to date). It allocates 899 dwellings within the Urban Fringe, which accounts for 85% of the outstanding CPP1 requirement. Together they would amount to 61% of the remaining CPP1 Rest of the City requirement. As such when taken with allocations in CPP1, and other sources of identified supply, (sites under construction, existing commitments, and land on the Brownfield Land Register), the estimated housing supply in the Rest of the City would be just below the provision set out in CCP1.
71. The shortfall is largely accounted for within the Urban Fringe. However, this is a fairly small shortfall, which responds to the environmental and other constraints that relate to many greenfield sites in the Urban Fringe. All capacity assumptions for proposed allocations are set as indicative. That means that there is scope for more housing to come forward, in line with a design led approach which responds to the environmental constraints of those sites in particular.

Small identified sites (5 or less dwellings)

72. CPP1 identifies a potential supply of 2,015 net dwellings to be delivered on small sites. This includes 765 net dwellings on small sites already identified. Completions on small sites have been roughly double the provision indicated in CPP1 (1,461 net dwellings April 2020) [SHLAA ED15], in addition to dwellings under construction and planning permissions not yet commenced. That figure includes an evidenced 10% non-implementation rate. I find this assessment to be evidence based and justified.
73. CPP1 indicates an expected small sites windfall allowance of 1,250 as part of its housing delivery supply breakdown included in policy CP1. The Council's housing supply assessment has calculated a windfall allowance based on the average net housing delivery over the last five years (2015-2020). This is calculated at 157 dwellings per year (33% of all housing completions over the same period). This has been projected forward as an annual small sites' windfall allowance for the period 2022-2030. Adjustments have been made to avoid double counting with existing planning permissions.
74. Recent changes to national planning policy through expansion of Permitted Development Rights will further increase the potential for

small residential developments through changes of use and extensions. Taking all matters into account, including the higher than expected delivery from small sites over the CPP1 Plan period to date, (1,461 2010-2020), the identification of sites in the most recent SHLAA, and some evidence to indicate that trend should continue in the future, I consider that there is compelling evidence that they will provide a reliable source of supply in the future in accordance with NPPF paragraph 71.

75. CPP2 does not allocate sites below 10 units so does not meaningfully contribute to this source of supply, in accordance with CPP1. However, taking completions, commitments and windfalls into account, the total supply from small sites is significantly above the provision indicated in CPP1.

Other sources of supply

76. The Council includes other sources within its assessment of housing delivery, including prior approvals. It is estimated that this source will deliver 429 net dwellings within the Plan period. In accordance with the SHLAA methodology a 30% non-implementation rate is then applied. Given past delivery rates and the recent expansion of permitted development rights, I consider this to be a realistic assessment of this future supply.
77. The Housing Delivery Action Plan (HDAP) [ED16] commits the Council to a range of actions to boost housing delivery, including accelerating its direct delivery of affordable housing and taking action to unlock stalled sites. The Council's assessment therefore also includes net dwellings delivered through the Council's Estate Regeneration Programme. That commits the Council to deliver at least 500 homes on its own land. Taking account of potential sites under consideration, the extent of the Council's land holdings, and its corporate commitment in this regard, I consider this to be a realistic source of delivery, within the Plan period.
78. The Council's monitoring indicates that housing delivery since the start of the CPP1 period has fallen short of the CPP1 target. However, the SHLAA and the HDAP demonstrate improved housing delivery in 2017/18 and 2019/20. This improved delivery plus the identification of housing sources that will deliver in excess of the CPP1 provides confidence that the CPP1 housing target will be met within the Plan period. In addition, it provides flexibility should some of the sites fail to come forward in that same period.

Five year supply

79. Whilst I am satisfied that the proposals in CPP2 are such that the aims of CPP1 will be met and housing development delivered in accordance with it, it is not appropriate for me to consider specifically

whether the Council has a five year housing supply as part of this Examination. This is because that would require me to examine sites already allocated in other plans that are not before me. Having said that, the Council provided information on its five year supply. That concluded that it would not be able to demonstrate a five year housing land supply on adoption of CPP2; a matter that was undisputed in evidence.

80. The Council, using the most recent published figures setting out the housing land supply position (SHLAA) Update 2021, indicates a five year housing shortfall of 342 net dwellings (equivalent to 4.7 years housing supply). However, since it is more than five years since adoption of CPP1, in accordance with national policy, local housing need must now be calculated using the Government's standard method rather than the CPP1 housing requirement. In addition, the Council is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list. The local housing need figure using the standard method (including the 35% uplift) is 2,311 homes per year which compares to the CPP1 average annual figure of 660 homes per year. Set against this increased housing need figure, the 5-year housing supply figures (as set out in the SHLAA Update 2020) shows a current shortfall of 6,604 net dwellings (equivalent to 2.2 years of housing supply).
81. Given the City's significant constraints in finding land for housing already outlined, a revised vision and spatial strategy is required to meet that significantly increased housing figure and realise a five year supply. This would require a review of CPP1. That is not within the remit of this Examination. This Examination concerns a subsidiary plan to CPP1, which deals with the allocation of sites for an amount of housing which has already been considered in CPP1 and found sound. The NPPF does not require such a plan to address the question of whether any further housing provision needs to be made.
82. It is clear that the delivery of housing has not been at the pace anticipated and that the monitoring provisions of the CPP1 have been engaged and considered. The LDS indicates that a review of CPP1 will take place early in 2022 with anticipated adoption 2025. The Council has confirmed that this review is underway. However, adoption is some way off.
83. It is acknowledged that the lack of a five year housing supply is a threat to the intended plan led approach of CPP1 and CPP2 when taken together. However, the Plan will still provide more certainty for the CPP2 site allocations and policy framework. It will enable CPP2 to contribute to meeting identified needs. Given the constraints faced by the City, this weakness is not sufficient to render the CPP2 unsound.

Overall, it is better to have a Plan in place, even with some deficiencies. However, this matter will need to be addressed as part of the review of CPP1.

84. My deliberations under Issues 9-12 conclude that I have found compelling evidence that most of the housing site allocations, (bar 3¹) in the CPP2 have a reasonable prospect of being available and viably developed during the Plan period. In reaching my conclusions, I set out MMs which include site deletions that are generally compensated for through the addition of new sites. The MMs also include deletions of sites that are substantially complete (6 sites within policy H1), together with some minor adjustments to site capacities where necessary. In those regards, the proposed housing site allocations have been identified within the policy framework provided by the CPP1. Within this context there is a reasonable degree of variety in terms of the size, character and location of sites.
85. Taking all of these factors into account and the lower requirement for certainty in terms of specific sites later in the Plan period (NPPF paragraph 68), I consider that the total potential supply of housing sites in the CPP2 will effectively contribute to meeting the residual requirement in the Plan period and there would be some flexibility should sites not come forward as envisaged. In this regard CPP2 would help to meet the objective set out in NPPF paragraph 60, in boosting significantly the supply of homes.

Conclusion

86. Overall, therefore, I conclude that CPP2 has been positively prepared and is justified, effective and consistent with national policy in relation to its approach to the supply and delivery of housing.

Issue 3: Whether the CPP2 has been positively prepared and whether it is justified, effective and consistent with national policy in relation to its approach to meeting particular housing needs?

87. CPP1 policy CP1, seeks to ensure that all new housing development contributes to the creation and/or maintenance of mixed and sustainable communities. In furthering that aim, CPP2 includes a range of policies including Policies DM1-DM8 aimed to deliver a mix and type of housing development to take account of housing needs in the local area. CPP2 policies address the needs of an ageing population, stu-

¹ Policy H1 Table 6 Land between Marine Drive & rear of 2-18 the Cliff Brighton and 2-16 Coombe Road

Policy H2 Table 8 Land at and adjoining Horsdean Recreation Ground Patcham

dents, those wishing to build their own homes and those with specialist needs or those who are vulnerable. In this regard, CPP2 will help ensure a range of house types, tenures and sizes are provided to support mixed, balanced and sustainable communities to deliver the aims of CPP1 Policy CP1. I consider each in turn below.

Policy DM1 Housing quality, choice and mix

88. Policy DM1 seeks a wide choice of high quality homes which will contribute to the creation of mixed and balanced communities in accordance with national policy. It includes requirements for accessible housing, in terms of accessible and adaptable homes and homes suitable for wheelchair users. The policy wording does not adequately reflect part M4(3) of the Building Regulations or the NPPG, in making a distinction between wheelchair adaptable and wheelchair accessible homes; the latter being applied in circumstances in which the Council has nomination rights. **MM01** will correct this and is necessary to ensure that the policy is justified and effective.

Policy DM3 Residential conversions and retention of smaller dwellings

89. Policy DM3 seeks to protect the City's stock of smaller family homes in response to the identified needs and constrained supply. The threshold of 120 sq m specified in the policy relates directly to the Nationally Described Space Standards (NDSS). It will ensure that any sub-division of existing residential units will provide at least one residential unit of 70+ sq m (i.e. a 2 bedroom 4 person unit), whilst still allowing space for a smaller flat of 50+ sq m (1 bedroom 2 person unit). I consider it to be a reasonable threshold, which will enable the protection of smaller dwellings and the provision of a mix of units using the NDSS as a basis.
90. **MM02** is necessary to clarify what is meant by 'original floor area' to ensure consistency with the Town and Country Planning General Permitted Development Order 2015 as amended and clarify the size requirements of part B of the policy in respect of a minimum of two bedrooms. Both changes are necessary to improve clarity and therefore ensure effectiveness.

DM4 Housing and accommodation for older persons

91. This policy seeks to ensure that there is sufficient supply and range of housing accommodation suitable for older people. Proportionate evidence is provided to demonstrate the local need [ED01] and the policy requirements have been viability tested [OD80a-j]. The supporting text at present is not consistent with the NPPG in respect of the Use Class for extra care/ assisted living. Other detailed changes to the policy wording and supporting text are necessary to support inter-generational communities and ensure the policy requirements are

clear. Those changes are necessary to ensure that the policy is effective in meeting local need, supporting mixed and balanced communities, and consistent with national policy. **MM03** would do this.

Policy DM5 Supported accommodation (specialist and vulnerable needs)

92. Policy DM5 seeks to ensure an appropriate range and supply of residential accommodation for people with special needs. **MM04** clarifies the policy wording to ensure that it clearly indicates the way in which a decision maker would react to a proposal. That change is necessary to ensure that the policy is effective.

Policy DM8 Purpose built student accommodation (PBSA)

93. Policy DM8, together with CPP1 policy CP21, supports PBSA. It requires a predominance of cluster flats within PBSA, to ensure that developments provide suitable accommodation for a broad spectrum of students. However, the requirements are not specific. **MM05** will rectify that by including a specific requirement for at least 50% of bed-spaces to be provided in the form of cluster units as opposed to a predominance. That change is necessary to ensure that the policy is effective. That MM will also update the supporting text to reflect the Council's current practice in controlling access to parking permits, again necessary to ensure effectiveness.

Conclusion

94. I conclude therefore that, subject to the MMs recommended, CPP2 has been positively prepared and is justified, effective and consistent with national policy in relation to its approach to meeting particular housing needs.

Issue 4: Whether the CPP2 has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach towards building a strong, competitive local economy?

Employment Land

95. Informed by the Industrial Estates Audit [OD78], CPP2 policy E1 provides the potential for a shortfall in industrial and warehouse floorspace against the CPP1 target to be further reduced. It safeguards the opportunity for new business and warehouse floorspace to come forward during the Plan period, alongside the delivery of a strategic waste facility at Land at Hangleton Bottom. Use of the site for a waste management facility was established through the East Sussex, South Downs and Brighton and Hove Waste and Minerals Site Plan (2017) [CD10b]. Potential for business and floorspace provision was identified through site assessment and

recent developer interest. However, as submitted the policy does not adequately address the constraints of Benfield Valley LWS or any potential impacts on the National Park. **MM47** would address these deficiencies and update the Use Classes to ensure consistency with the Use Classes Order. Those changes are required to ensure that the policy is consistent with national policy, effective and justified.

Community Facilities

96. Policy DM9 supports the provision of new community facilities in appropriate locations and seeks to guard against the unnecessary loss of existing facilities. The criteria in DM9 are considered appropriate and will guard against the unnecessary loss of valued facilities in line with NPPF paragraph 93. However, the policy does not reflect recent changes to the Use Classes Order, or the implications of it, in terms of their location within a retail centre. **MM06 and MM07** would rectify this and ensure consistency with other retail policies in CPP2 (DM12 and 13). Those MMs are necessary to ensure effectiveness and consistency with national policy.
97. Policy DM10 seeks to protect public houses where it is demonstrated that they are economically viable and meeting local community needs. It does not seek to control the loss of ancillary facilities such as gardens, visitor accommodation etc, the loss of which can impact the ability to trade and its attractiveness. **MM08** will rectify this, both in the policy wording and supporting text. It also confirms how proposals for new or extended public houses will be assessed. This MM is necessary to ensure that the policy is effective.

Employment

98. CPP1 Policy CP3 sets out the strategy for safeguarding existing employment land and premises. Part 3 requires the identification and protection of industrial estates and premises and encourages upgrading and refurbishment. Policy DM11 seeks to ensure that new business floorspace is designed to respond to the changing economic conditions and to support economic growth. However, it does not reflect recent changes in the Use Classes Order. **MM09** addresses this and is necessary to ensure that the policy is effective and consistent with national policy.
99. In its categorisation of sub-uses under Class E, it would ensure consistency with CPP1. It would help to ensure that applications for new office floorspace on allocated sites are delivered successfully, to address the City's identified forecast and market demand for office floorspace over the plan period.

Shopping Centres and Parades

100. Policy DM12 seeks to control changes of use within shopping centres. In identifying primary and secondary shopping frontages and seeking to control changes of use from retail, it is at discord with national policy and fails to reflect recent changes in the Use Classes Order. **MM10** amends the policy and supporting text to support a wide range of uses appropriate to a shopping centre, subject to justified criteria that seek to enhance vitality and viability, in accordance with NPPF paragraph 86. It adds additional criteria to protect the character and appearance of the Lanes and North Laine, given the change in emphasis of the amended policy. In the supporting text, it gives assurance that, in light of the impact of the Covid 19 pandemic, effective monitoring with external organisations as appropriate will take place. Those amendments are necessary to ensure that the policy, as a whole, is positively prepared, justified, effective and consistent with national policy.
101. Post consultation, I have made an amendment to correctly reference other CPP2 policies in DM12 1c; a change that is required to ensure effectiveness. That minor change is included in **MM10**. As it is a factual change, it does not materially affect the content of the MM as published for consultation for the reasons set out in paragraph 4 of this report.
102. Policy DM13 seeks to control changes of use in smaller shopping parades and individual shops. For the same reasons as the previous policy, amendments are required to ensure consistency with national policy and the Use Classes Order and properly reflect associated Permitted Development Rights. **MM11** does this. In addition, it includes changes that restrict the policy to Important Local Parades and refine the criteria for assessing other uses, including removing the threshold on retail units and the need to demonstrate marketing to support a change of use from retail. Those changes are necessary to ensure that the policy is justified, effective and consistent with national policy. The amended policy and supporting text would provide a positive strategy for growth in Important Local Parades, whilst protecting the amenity of neighbouring uses.
103. The same issues relate to policy DM14, which aims to support the commercial and leisure uses at Brighton Marina. It restricts changes of use to retail, commercial and leisure. **MM12** would ensure that the policy supports the range of uses included in Use Class E and F2, which include service and local community uses. It would ensure that the policy as a whole is effective and consistent with national policy.

104. Policy DM15 seeks to control changes of use on the seafront. The restrictions do not accord with the Use Classes Order. **MM13** would address this introducing a wider range of uses according with the Use Classes Order and national policy. Those changes are necessary to ensure consistency with national policy and effectiveness.

Conclusion

105. I conclude therefore that, subject to the MMs recommended, the CPP2's approach towards building a strong, competitive local economy has been positively prepared, is justified, effective and consistent with national policy.

Issue 5: Whether the CPP2 has been positively prepared and whether it is justified, effective and consistent with national policy in relation to its approach to design and heritage?

Design

106. Policy DM18 promotes high quality design in accordance with NPPF paragraphs 126 and 127. The wording of that policy is not clear as to how a decision maker would react to a development proposal, particularly in relation to the requirements for incorporation of public art. **MM14**, clarifies the type of development that should incorporate an artistic element, having regard to the Council's Public Art Strategy. It amends policy wording to ensure the requirement for high quality design is clear and, in the supporting text, clarifies the varying scales of local context, how design can impact the comfort, sociability and image of a place, and clarifies the role of the Urban Design Framework and future design codes in supporting CPP1 and CPP2 design policies. These changes will ensure that the policy is clearly expressed, unambiguous and therefore effective.
107. Policy DM20 seeks to protect the amenity and human health of proposed, existing and nearby users, residents or occupiers. The policy wording fails to capture the full range of harms that can arise to those adjacent and nearby. **MM15** would rectify this. It also provides clarity on the status of Supplementary Planning Document (SPD)¹⁷ Urban Design Framework as a factual update. The modification as a whole will ensure that the policy is clearly expressed and effective.
108. Policy DM22 promotes high quality landscape design and protection of trees within new development. Policy requirements as submitted, in relation to the retention of existing trees and hedgerows lack clarity. **MM16** will address this, providing the necessary clarity and explanation in the supporting text of those and other policy requirements, such as the multi-functional uses of existing landscape fea-

tures, in terms of food growing, the role of existing trees and hedge-rows in supporting climate change mitigation and resilience. It would also acknowledge other SPD relevant to trees in relation to development, their maintenance and funding. Those changes are necessary to ensure consistency with NPPF paragraph 131 in relation to tree planting and to ensure that the policy is effective.

109. Policy DM25 supports the provision of efficient and reliable digital/electronic and telecommunications infrastructure across the City. At present the policy requirements in relation to heritage assets, new development or major renovation works to existing buildings and the removal of older communications equipment are not clearly expressed. **MM17** clarifies the policy requirements, which is necessary to ensure that the policy is effective and consistent with national policy.

Heritage

110. Policies DM26 and DM27 seek to protect both conservation areas and listed buildings. At present neither properly reflects the heritage balance set out NPPF paragraphs 201-202. **MM18 and MM19** will address this and set out the requirement for a heritage impact assessment where appropriate. Those changes are necessary to ensure that the policies are justified, effective and consistent with national policy.
111. Policy DM28 seeks to identify and protect locally listed buildings. **MM20** is necessary to ensure clarity in the policy provisions in respect of assets identified during or prior to the development process. It also explains the need for a heritage impact assessment in appropriate cases. Those amendments are required to ensure that the policy is justified, effective and consistent with national policy.
112. A specific policy seeks to protect the setting of heritage assets. Policy DM29 does not properly reference the heritage balance set out in NPPF paragraph 201-202, the requirements of NPPF paragraph 199, in according great weight to the conservation of a heritage asset, and does not include a requirement for a heritage impact assessment as appropriate, in accordance with Historic England latest advice. **MM21** would address this and provide clarity in policy wording. Those changes are necessary to ensure that the policy is justified, effective and consistent with national policy.
113. Policy DM30 seeks to preserve or enhance Registered Parks and Gardens. The policy does not properly reflect the heritage balance set out in NPPF paragraph 201-202, require a heritage impact assessment in accordance with Historic England latest advice or clearly express the requirements for temporary uses. **MM22** would

address these deficiencies, which is necessary to ensure the policy is justified, effective and consistent with national policy.

114. The protection of archaeological remains is dealt with in policy DM31. However, that policy does not clearly express the heritage balance set out in NPPF paragraph 201-202, nor the requirement for archaeological field evaluation or survey prior to any determination on a planning proposal. **MM23** would introduce amendments to correct this, which is necessary to ensure that the policy is justified, effective and consistent with national policy.
115. Policy DM32 seeks to preserve or enhance the Royal Pavilion Estate, the building and its gardens. In relation to proposals that seek to re-establish the Royal Pavilion Estate as a single historic estate, the term 'transform' in relation to the quality and infrastructure of the gardens does not properly reflect conservation philosophy. Further, it fails to clearly explain, in the supporting text, the reasons for potential adverse impacts of temporary cultural events on the historic interest of the promenading gardens, in particular on public views and access. It also fails to acknowledge the positive impacts of the 20th century restoration scheme. **MM24** would introduce amendments to address those failings, both in policy wording and supporting text, and is necessary to ensure that the policy is clear and unambiguous and thereby effective.

Conclusion

116. I conclude therefore that, subject to the MMs recommended, the CPP2's approach towards design and heritage has been positively prepared, is justified, effective and consistent with national policy.

Issue 6: Whether the CPP2 has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to transport?

117. Policy DM33 promotes and provides for sustainable transport. In requiring development to be in line with subsequent revisions to the parking standards set out within CPP2, the policy would not be effective, as an update to the parking standards must take place through a review of CPP2. In addition, requiring high quality specific facilities that encourage and enable cycling in all development, would be onerous. **MM25** addresses these points, clarifies that non-standard cycles include cycles designed for those with disabilities and provides factual updates and references to relevant national and local documents. Those changes are required to ensure that the policy is clear, unambiguous and effective when read as a whole.

118. Policy DM34 supports the development of purpose-built transport interchanges, including park and ride facilities and coach stations. It does not correctly explain the role of the Local Transport Plan in progressing the provision of strategic transport interchange facilities. **MM26** will correct this and provide accurate reference to national policy and guidance, all of which is necessary to ensure that the policy is clear, unambiguous and effective.
119. Policy DM35 sets out the requirements for transport plans and assessments in seeking to reduce traffic generation and encouraging sustainable forms of transport. The requirements in relation to major development in Air Quality Management Areas (AQMA) are ambiguous and the requirement for development to be in accordance with locally derived untested standards renders the policy ineffective. **MM27** provides necessary changes in those respects. It also clarifies that any impacts on air quality are assessed within a transport statement or assessment, including the need for an air quality assessment. This is necessary to ensure that the policy is consistent with national policy and effective.
120. CPP2 parking and servicing requirements are expressed in policy DM36. It requires development to accord with any subsequent revisions to the Council's parking standards (expressed in SPD and CPP2 appendix 2). As any revisions to an SPD cannot change a policy requirement and any revision to CPP2 would need to be made through an update to the Plan, the policy would not be effective. **MM28** addresses this and in the supporting text clarifies how the Council can ensure that developments are permit free when applicable. These changes are necessary to ensure that the policy is effective.

Conclusion

121. I conclude therefore that, subject to the MMs recommended, the CPP2's approach towards transport has been positively prepared, is justified, effective and consistent with national policy.

Issue 7: Whether CPP2 has been positively prepared and whether it is justified, effective and consistent with national policy in relation to its approach to the environment and energy?

122. CPP2's requirements for green infrastructure and nature conservation are set out in Policy DM37. As submitted the policy fails on a number of fronts. Overall, it is not clearly structured, so as to set overarching principles up front, followed by specific requirements

relating to the hierarchy of designations. Due to this and failings of the detailed policy wording and omissions, overall, it does not appropriately reflect national policy in relation to net gain or the mitigation hierarchy. In those respects, it also fails to clearly set out that all proposals liable to affect green infrastructure and nature conservation must be supported by assessment and mitigation measures. Furthermore, provisions in relation to Internationally Protected Sites do not accurately reflect the Conservation of Habitats and Species Regulations (2012) (as amended) (the Habitats Regulations). In addition, it does not accord with national policy and the mitigation hierarchy in relation to nationally protected sites, implying that the loss of a nationally designated site can be mitigated. Finally, no reference is made of the Beachy Head West Marine Conservation Zone. As such it does not cover all appropriate designations.

123. Given the extent of amendment necessary, **MM29** effectively rewrites the policy to address these failings. In short it has a new structure, with provisions that clearly set out the mitigation hierarchy as an overarching principle and ensure requirements for internationally protected sites appropriately reflect the Habitats Regulations. It amends provisions in relation to nationally protected sites to ensure alignment with national policy, stating that biodiversity net gain principles cannot be used to assess impacts on statutory sites and that provision relating to locally protected sites accords with the mitigation hierarchy. It also ensures that any on or off site additional measurable net gains are part of the local strategic ecological network, ensuring that they are local to the designated site. Those changes are necessary to ensure that the policy accords with national policy, is clear in its requirements and therefore is effective.

124. Much concern was expressed regarding this policy and extensive discussion took place at hearings. Most concerns are addressed in the MM proposed. Overall, I consider, in relation to the nature conservation requirements, that the use of the word 'protected and notable species' referring to protection under the Habitats Regulations, Wildlife & Countryside Act and Natural Environment and Rural Communities Act, is more encompassing than priority species. It would include notable species such as swifts, of particular relevance to the City.

125. In relation to internationally protected sites, the inclusion of text that explains the application of the Habitats Regulations, although it repeats national policy, has a useful purpose and does not make the

policy as modified unsound. In relation to locally designated sites, clearly setting out that sites allocated in CPP2 could be an exception to the general protection accorded to locally protected sites, would ensure that the policy would be effective. Without this, the site allocations would not be justified and effective. In addition, the policy wording overall, recognises that there could be adverse impacts but those would have to be mitigated in accordance with the policy provisions. In this respect, policy DM37 generally accords with the NPPF when read as a whole, including paragraph 179, which seeks to identify, map and safeguard components of local wildlife rich habitats and wider ecological networks.

126. Policy DM38 designates a number of Local Green Spaces and sets out a policy framework to ensure their protection. The list of four were initially identified through the UFA (2014) [ED21], as part of a comprehensive assessment of the Urban Fringe. Generally, those are green wedges into the urban area, which act as wildlife corridors and important routes for people wishing to access the National Park. Concerns regarding the methodology used and those sites not included in the list were addressed in subsequent studies [ED22 and ED24]. Overall, I find that the designations proposed have been identified through the application of an appropriate and robust methodology that accords with the criteria set out in NPPF paragraph 102. Each site is in reasonable proximity to the community it serves, demonstrably special to the local community and local in character. It is acknowledged that the methodology included the exercise of professional judgement, both in site selection and boundaries. However, that judgement has been fairly and reasonably applied.
127. A number of representors put forward sites for inclusion in the policy. The Council has carried out a detailed site assessment [TP04] of promoted smaller City sites. However, a comprehensive assessment of all sites in the Built Up Area has not been undertaken. Insufficient evidence is therefore available to support inclusion of these sites, particularly in relation to value to the local community and their demonstrable special qualities.
128. In relation to Urban Fringe sites, I have a significant number of representations requesting that Whitehawk Hill LNR and the wider Racecourse landscape should be included as a Local Green Space. That is a large site extending to some 50 hectares, and an even greater area if surrounding open space is included. It covers an extensive area of the Urban Fringe. I consider that it therefore falls within the definition of an extensive tract of land, rather than being local in character. Its designation would meet neither national policy

nor guidance. Representors suggested the designation of part of that land and put forward suggested boundaries. However, I have limited substantive evidence to identify robust boundaries to identify a smaller designation. There may be scope for further sites to be designated through the preparation of neighbourhood plans subject to meeting NPPF criteria. The omission of Whitehawk Hill LNR and Racecourse landscape does not render CPP2 unsound in this regard.

129. Policy DM39 seeks to control development on the seafront, requiring account to be taken of conditions in the coastal zone and where appropriate the provision of coastal defences. The policy does not clearly accord with the mitigation hierarchy set out in NPPF paragraph 180, in relation to designated sites and incorrectly references untested documents. **MM30** rectifies this, making it clear that development affecting the Marine Conservation Zone will need to accord with the mitigation hierarchy set out in policy DM37 and sets out the requirement, where appropriate, for a Marine Conservation Zone Assessment.
130. Policy DM40 seeks development that does not give rise to nuisance and/or pollution. Requirements in relation to emissions from transport, heat and power systems and new biomass combustion and combined heat and power plants in relation to AQMAs are not clear, and the lighting requirements are restricted to outdoor lighting only. In addition, it inappropriately refers to compliance with untested local documents. **MM31** addresses these failings and in the supporting text clarifies the potential impacts of internal lighting referring to best practice guidance. These changes are necessary to ensure that the policy is effective.
131. Policy DM41 ensures that development proposals do not prejudice health, safety, natural capital or the City's environment. The policy requirements are ambiguous. **MM32** introduces wording that clearly sets out the circumstances in which planning permission will be granted. That is necessary to ensure that the policy is clear and effective.
132. Policy DM43 sets out the requirement for Sustainable Urban Drainage Systems (SUDs) in new development. It does not clearly set out the need to consider SUDs as an integral part of the design process. **MM33** encourages a landscape led approach, integrating SUDs into the early design process in accordance with best practice. That, together with correct referencing to untested documents, introduced in **MM33**, is a necessary change to ensure that the policy is effective.

133. Policy DM44 encourages energy efficiency and reduction in carbon dioxide emissions in new development. That policy does not clearly set out its relationship with the requirements of CPP1 CP8, which deals with sustainable buildings. Further, the extent of the policy requirement, which includes changes of use, conversions and non-residential development are not clear and do not appropriately take account of the emerging Future Homes Standards and Building Standards. **MM34** restructures the policy and changes detailed wording to ensure the remit of the policy and its requirements are clear, refers to the Future Home Standards and Future Buildings Standards to ensure that the policy is future proofed and explains the additions and the supporting information requirements in the supporting text. These changes are required to ensure that the policy is effective and consistent with national policy.
134. Policy DM46 encourages the inclusion of integrated heat and communal heating systems, where appropriate. **MM35** is necessary to ensure that the policy correctly refers to guidance that does not have the status of the development plan. That change is required to ensure that the policy is effective.

Conclusion

135. I conclude therefore that, subject to the MMs recommended, CPP2's approach towards the environment and energy has been positively prepared, is justified, effective and consistent with national policy.

Issue 8: Whether the Special Area policy (Benfield Valley) has been positively prepared, is justified, effective and consistent with national policy?

136. Special Area policy SA7 Benfield Valley aims to facilitate the positive and ongoing management and maintenance of the area's open spaces, wildlife and heritage assets and to improve and enhance public access and connectivity with adjoining urban areas including the National Park. It is a strategically important green space in the west of the City which is a LWS, an important open space for local communities and an important green wedge linking the urban area to the National Park. It includes heritage assets; a listed barn and surrounding conservation area, along with a broad and linear area designated in CPP2 as a Local Green Space; a designation that I have previously found to be sound. That designation will help to ensure the Valley's green wedge landscape role in the City and to protect its character.
137. Part of the open space, to the north and south of Hangleton Lane is designated as a policy H2 housing allocation. Those sites are within

the least sensitive part of the open space, being visually relatively contained. It has been demonstrated that there is the potential to mitigate the adverse impacts of development. However, given the area's significance within the City and the prospect of development on the H2 allocated sites² I consider that a strategic approach to the area's management and maintenance is justified.

138. Furthermore, the policy does not refer to the policies map and the requirement for a landscape and visual impact assessment to inform landscape led masterplans to accompany residential development is not clear. **MM36** would address this, which is necessary to render the policy effective.

Conclusion

139. I conclude therefore that, subject to the MM recommended, the CPP2's approach towards the identified Special Area policy has been positively prepared, is justified, effective and consistent with national policy.

Issue 9: Whether the CPP2 strategic allocations have been positively prepared, are justified, effective and consistent with national policy?

SSA1 Brighton General Hospital site

140. Policy SSA1 allocates Brighton General Hospital for comprehensive redevelopment to include health, care, community facilities and a minimum of 200 dwellings.
141. The City's hospital site is a brownfield site. It occupies a prominent and elevated position on a high ridge to the east of the City. The main Arundel building with its later infirmary and workhouse blocks form a group of landmark buildings. Prominent mature trees, hedgerows and planting complement the walled enclosure. Its redevelopment has the potential to meet City-wide priorities through the reprovion of new purpose built health and care facilities alongside new housing and community facilities.
142. The policy, as submitted, does not accurately reflect national policy in relation to the conservation of heritage assets, including the listed building, its setting and the non-designated assets. Further provisions are not sufficient to ensure the protection of any swift colonies, which are notable species. Additionally, the provisions refer to outdated Use Classes Order. **MM37** addresses all these points, both within the

² Assessed at paragraphs 186-187 of this report

policy wording and supporting text and ensures that the policy is justified, effective and consistent with national policy.

SSA2 Combined Engineering Depot

143. Comprising operational railway land, this site sits adjacent to Brighton mainline station. The site falls within CPP1 policy DA4, which seeks a co-ordinated use of this mixed use area. It contains some railway buildings, set within a deep cutting contained within the railway lines and the main road. Close to the listed railway station, viaduct and West Hill Conservation Area, this mixed use allocation adequately takes account of its heritage neighbours. However, it fails to make provision for the potential railway heritage within its site.

MM38 therefore sets out the potential for heritage assets meeting the criteria for non-designated assets within the site and the need for a heritage impact assessment to accompany any planning application. It also amends the Use Classes of the workspace and managed starter units promoted in the allocation to accord with the most recent changes to the Use Classes Order. These changes are necessary to ensure that the policy is effective.

SSA3 Land at Lyon Close

144. This site includes a range of buildings, including office buildings and retail warehouses. The allocation promotes housing and the provision/retention of 5,700 sqm of flexible business floorspace, which recognises the changing nature of employment in this area of the City.

145. Representors questioned the quantum and mix of uses promoted within this allocation. However, several developments have already come forward that have defined site capacity and proposed uses and are a strong indicator of the site's deliverability within the Plan period.

146. However, the policy does not refer to the current Use Classes Order and inappropriately refers to untested documents. **MM39** would address that and ensure that the policy is effective.

SSA4 Sackville Trading Estate and Coal Yard

147. This allocation relates to a trading estate with retail warehouses and some light industrial and storage units, along with a car pound and coal yard. Planning permission has been granted for its comprehensive redevelopment and during hearings site clearance was underway. The permission has defined the site capacity and indicates deliverability.

148. **MM40** corrects the Use Classes referred to in the policy, ensures protection for groundwater sources and includes a number of factual updates relating to the Urban Design Framework and the Hove

Station Area SPDs. Together, those changes are necessary to ensure that the policy is clear, unambiguous and effective.

SSA5 Madeira Terrace and Madeira Drive and SSA6 Former Peter Pan leisure site

149. SSA5 and SSA6 are sites with unique development requirements, the latter being a seafront site sitting within the Madeira Terrace and Drive locality. They both contribute to the restoration and revitalisation of the Madeira Terrace and Madeira Drive part of the seafront, which requires regeneration and investment to better relate to the area of the seafront to the west of the Palace Pier. The policies support the strategic approach to regeneration of this area set out in CPP1 policy SA1. Heritage and biodiversity impacts are key considerations and the CPP2 policies contain appropriate criteria to ensure that development impacts on designated sites and heritage assets are appropriately mitigated.

150. However, alterations to both policies are necessary to ensure effectiveness and that they accord with national policy. **MM41** ensures that SSA5 refers to the current Use Classes Order, ensures proposals respect heritage assets, provides factual updates to the status of some listed buildings, refers to the conservation management plan and Eastern Seafront Masterplan SPD and clarifies the scale and type of visitor accommodation promoted. It also refers to the potential to improve access to Madeira Parade and Madeira Drive by reopening the closed staircases or improving lift access between the two.

151. **MM42**, in relation to SSA6, ensures Use Classes are up to date, updates the At Risk status of some listed buildings and sets out how potential impacts should be assessed. That MM is necessary to ensure effectiveness.

SSA7 Land adjacent to American Express Community Stadium

152. The SA identified this site to have potential for employment uses. The policy complements a similar policy in the adjoining adopted Lewes Local Plan Part Two [OD83]. The site is close to the National Park and appropriate criteria are included to ensure impacts on the National Park and its setting are appropriately mitigated. Site capacity has been identified through pre-application discussions. The requirement for sustainable transport infrastructure is justified, given the proximity of sustainable transport options. In addition, CPP1 policy CP9 requires development in such locations to minimise and mitigate car use. The requirement for a training place agreement, is justified on the basis of the additional development that would come forward, regardless of training provided by the Community Stadium

at present. At the end of the day both requirements will be tested through the development management function.

153. **MM43** corrects the Use Classes of development supported by the policy and sets out the requirement for a heritage impact assessment. That is required to accord with national policy and to protect the setting of the Registered Park and Garden at Stanmer Park, and the listed buildings of the University of Sussex campus. All changes are necessary to ensure consistency with national policy and effectiveness.

Conclusion

154. I conclude therefore that, subject to the MMs recommended, CPP2's approach towards the allocation of strategic sites has been positively prepared, is justified, effective and consistent with national policy.

Issue 10: Whether the CPP2 housing and mixed use allocations have been positively prepared, are justified, effective and consistent with national policy?

155. Policy H1 allocates a list of housing and mixed use sites, identified in accordance with the methodology set out in paragraphs 44-46 of this report. CPP2 table 6 sets out residential allocations and clarification of permitted additional uses, whilst CPP2 table 7 lists mixed use housing allocations and sets out minimum policy requirements for other acceptable uses.
156. Amendments to policy H1 are necessary to replace 'minimum' residential units with 'indicative'. That wording will provide a reasonable degree of certainty about the scale of development (and allow overall supply to be calculated), whilst providing flexibility to allow a design-led approach. That would not discount the potential for sites to deliver more or less housing should detailed design indicate.
157. Sites of less than one hectare allocated in CPP2 will contribute approximately 17% towards the outstanding CPP1 requirement. Overall, the Council estimates that approximately 60% of the CPP1 housing target is likely to be provided on sites of less than one hectare within the Plan period. That is well above the minimum 10% required by national policy (NPPF paragraph 69a). This should be clarified in this policy. Correction of the Use Classes referred to in tables 6 and 7, in accordance with recent updates, is required to ensure compliance with national policy.

158. Sites which are complete or substantially complete should be deleted from the list³. In addition, I have concluded that some sites are not available/deliverable/developable within the Plan period. Those sites should be removed from the tables, and others I have found sound that have become available and are deliverable or developable within the Plan period should be added. My reasoning on each change is below. Associated alterations to overall numbers should be made. **MM44** addresses all of these matters and is necessary to ensure that the policy has been positively prepared, consistent with national policy, is justified and effective. My reasoning for changes in relation to proposed allocations are set out below.

Land at Marine Drive and rear of 2-18 The Cliff

159. This is a greenfield site allocated for 10 residential units. It was an allocation in the previous Plan and was granted planning permission for 16 low density and low environmental impact dwellings. That planning permission has now lapsed. Since that time the site has been designated as a LWS. I have limited substantive evidence to assure me that any impacts of development could be mitigated or indeed that biodiversity net gains could be delivered. Reducing the number of dwellings does not alleviate my concern in this regard. On this basis I am not assured that the site could be delivered within the Plan period, if at all. It should therefore be deleted.

2-16 Coombe Road

160. This site is in use by a storage company and is proposed for allocation of 33 dwellings with business space on the ground floor. The landowner has confirmed that the site will not be delivered within the Plan period. That is an impediment to its timely delivery. It should therefore be deleted. This and the site deletion referred to in the previous paragraph are included within **MM44**; changes that are necessary to ensure that the Plan is positively prepared, justified and effective.

Land at corner of Fox Way and Foredown Road

161. This is a privately owned greenfield site, fronting two roads, within a low density residential area. Whilst it is presently publicly accessible, it is unknown whether access is authorised. It is allocated for 10 dwellings.

162. However, the site has outline planning permission for 14 dwellings. That confirms developer interest and gives assurance on site capacity. Whilst there are some constraints to development, including a small area at low risk of flooding and biodiversity concerns, the

³ 87 Preston Road; George Cooper House; Whitehawk Clinic; Buckley Close Garages; 189 Kingsway; Kings House, Grand Avenue.

planning permission indicates that mitigation is possible. The indicative number of residential dwellings should therefore be increased in accordance with the most recent planning permission. That change is included within **MM44** and is necessary to ensure that the Plan is positively prepared, justified and effective.

Land between Manchester Street/Charles Street

163. This site is centrally located and is currently in use as a car park. It is allocated for 12 dwellings, with the potential for some business or entertainment uses. Whilst it was previously allocated for a greater number of residential units, at the landowner's request provision for commercial uses was included as part of **MM44**.

164. As amended the allocation does not set a maximum number of dwellings, or the requirement for a mix. Rather it expresses an indicative dwelling number and other permitted uses. The indicative dwelling number or indeed the scale of development generally, could be increased if that is justified through a detailed examination of site specific considerations. Given on site heritage constraints the site capacity and proposed use is justified. I have no reason to consider the allocation unsound. It is justified, the policy effective and consistent with national policy as amended by **MM44**.

165. An allocation for commercial use, with no housing, would fail to make best use of a brownfield urban site and would not contribute towards meeting the significant need for housing in the area.

71-76 Church Street

166. **MM44** includes a reduction in the capacity of this site from 50 to 10 dwellings with employment floorspace allocated in the northern part of the site. The policy as submitted did not take full account of the constraints relating to the listed former drill hall in the northern part of the site. The landowner's feasibility work indicating a greater capacity is predicated on the demolition of that listed structure. Given the heritage constraints and nature of the former drill hall, a reduced dwelling capacity is justified. Further, the former drill hall is likely to be able to accommodate sensitive adaptation to E Class uses, rather than the amount of intervention likely to be associated with a residential use. Taking all these matters into consideration, this change is necessary to ensure that the allocation is consistent with national policy, justified and effective.

Saunders Glassworks

167. This site is centrally located near Brighton commercial centre. A former glassworks, it has an extant planning permission for 49 dwellings, site clearance has been carried out and it is in use as a

coach park. That provides confidence that the site is suitable, available and provides some justification for the site capacity proposed. Given on site conditions, some additional E class uses could be accommodated. That change is included in the **MM44**. It will ensure best use of previously developed land, that the allocation is consistent with national policy, justified and effective.

154 Old Shoreham Road

168. This is an omission site. Currently a furniture store, it is within CPP1 policy DA6. That is a mixed-use area, adjacent to the Sackville Estate (SSA4). The site is promoted for inclusion as a housing allocation for an indicative 30 units, with ground floor E Class uses, intended to help activate the frontage. The site capacity accords with the 100dph density expected in the CCP1 policy DA6. That density is justified, given the highway, potential contamination, ground water flooding and other site constraints. The site has been put forward as an allocation by the landowner which indicates its availability. It should therefore be included as an allocation to help meet the overall shortfall in housing. That change is included in the **MM44**. It will ensure best use of previously developed land, that the allocation is consistent with national policy, justified and effective.

Land at Preston Road/ Campbell Road

169. This is another omission site. This site is located within CPP1 policy DA4 and is in active Class B2 use. It is relatively back land in nature, enclosed on all sides by either residential or commercial uses, and railway embankment or viaduct. It has a limited outlook. Given the minimum densities sought by CPP1 policy DA4, the heritage constraints, including the listed railway viaduct, policy constraints relating to any loss of B2 uses and the impact of development on future occupiers and those nearby, the relatively low proposed site capacity is justified. Developer interest has been confirmed indicating its availability. Taking all matters into consideration, the site is suitable and available for development within the Plan period. It should therefore be included as an allocation to help meet the need for housing. That change is included in the **MM44** and is necessary to ensure consistency with national policy, and that the Plan is positively prepared, justified and effective.

170. Changes throughout the policy have been made by **MM44** to ensure consistency with the current Use Classes Order; a change required to ensure effectiveness and consistency with national policy.

Conclusion

171. I conclude therefore that, subject to the MM recommended, the CPP2's approach towards the allocation of housing and mixed use

sites has been positively prepared, is justified, effective and consistent with national policy.

Issue 11: Whether the CPP2 housing allocations in the Urban Fringe have been positively prepared, are justified, effective and consistent with national policy?

172. Policy H2 allocates a list of housing sites within the Urban Fringe, identified in accordance with the methodology set out in paragraphs 47-50 of this report. Table 8 lists the allocations, along with critical information including the site area, area of development potential, potential dwellings numbers, indicative percentage of family homes and an indication of key considerations in relation to each site.
173. A significant number of representations relate to the principle of allocation of land in the Urban Fringe. However, that matter was dealt with in CPP1. Allocations in the Urban Fringe are a requirement of CPP1 policy CP1, which sets a minimum housing requirement of 1,060 on greenfield sites in the Urban Fringe to be allocated in CPP2. To be consistent with CPP1, CPP2 will need to deliver that requirement.
174. In accordance with my findings in paragraphs 47-50 of this report, the methodology used to identify sites is thorough and robust. It is based on a comprehensive assessment that then goes on to assess each site, its constraints and potential to accommodate development. It also addresses specific concerns raised regarding potential constraints to development including landscape, ecology and archaeological constraints.
175. Some sites included LWS and LNR. This attracted objection in principle. I have dealt with this matter in paragraphs 47-50 of this report. Suffice to say here that the CPP1 Examination established the need to identify some housing in the Urban Fringe, including considering development potential on sites not subject to national designations. That is included within CPP1 policy CP1. In this respect, CPP2 accords with CPP1.
176. Some objected to the visual impacts of proposals. Whilst I accept that development on these sites is likely to have some visual impact, I am content that, in each case, site specific mitigation would be capable of mitigating harms as identified in the UFA studies [ED21-24].
177. Table 8 refers to 'potential' number of dwellings. That implies a cap on the number of dwellings that could come forward. Amendment is necessary to replace 'potential' with 'indicative'. That wording will provide a reasonable degree of certainty about the scale of development (and allow overall supply to be calculated) whilst

providing flexibility to allow a design-led approach. That would not discount the potential for sites to deliver more or less housing should detailed design indicate.

178. In addition, clarification that all development is expected to include a proportion of serviced plots for self and custom build dwellings is required to ensure that CPP2 accords with NPPF paragraph 62 in relation to those types of dwelling. That will help to meet the needs of those wishing to commission or build their own homes enabling the Council to deliver its statutory duty in this regard⁴.
179. Corrections to terms such as ecological impact assessment and heritage statement are required for clarity, along with clarification of the ecological assessments underpinning the allocations undertaken to date. **MM45** addresses these matters and is necessary to ensure that the policy, as a whole is justified, effective and consistent with national policy.
180. Sixteen sites are proposed for allocation, some of which have planning permission. Robust evidence was presented indicating that most sites are available, suitable and likely to come forward within the Plan period. I address particular matters relating to individual sites below.

Land at former nursery Saltdean

181. The landscape appraisal in the 2021 UFA update recommends that existing boundary vegetation around the northern and western sides of the site should be retained. That would reduce the developable area of the site, which would reduce the dwelling yield. **MM45** includes an amendment to reduce the area of site with development potential from 0.96ha to 0.75ha and reduce the number of dwelling units from 24 to 18. That would result in a developable area of just over 75% of the total site area. These amendments are necessary to ensure that the policy is justified, effective and consistent with national policy. **MM49** amends the boundary indicated on the site map of this allocation in CPP2 appendix 4. That is necessary for the same reasons.

Land at and adjoining Horsdean Recreation Ground Patcham

182. Patcham Court Field has recently been designated as a LWS. Following ecological assessment in the UFA 2021 Update, it was concluded that the proposed scale and extent of development (25 dwellings) could not be achieved without causing a significant loss of habitat that contributes to the LWS. The significant mitigation required would be unachievable within the allocation, even with a lower dwelling number of 10. In summary, ecological constraints

⁴ Self Building and Custom Housebuilding Act 2015

indicate that this site should be deleted. **MM45** does just that and is necessary to ensure that the Plan is justified, effective and consistent with national policy. **MM49** deletes the site map of this allocation in CPP2 appendix 4. That is necessary for the same reason.

Land at and adjoining Brighton Race Course (Land at Whitehawk Hill)

183. A proposal to develop this site for 200 dwellings was not pursued by Homes for Brighton & Hove (the Council's joint venture partnership with the Hyde Group) in 2019. That was because the proposal would be challenging in terms of financial viability, due to a number of significant access and technical difficulties requiring significant structural/engineering works. Those technical challenges were found to harmfully impact development viability.
184. However, the structural/engineering requirements for a smaller scale development such as in this allocation would be less significant. This allocation is for 30 dwellings. Sufficient information has been provided to convince me that a significantly smaller development would not impact viability in a similar way.
185. Full recognition has been given to the site's location within a LNR and LWS and the potential impacts of development have been carefully considered through the methodology outlined in paragraphs 47-50 of this report. Whilst the allocation is located within the central part of the LNR, it includes a very small proportion of it. It would not result in the loss of any habitats for which the LNR and LWS are designated. In addition, the scale and density of development would allow for mitigation to compensate for loss of other habitats and features, which contribute to the LNR's overall diversity and ecological value, including the dense scrub.
186. Whilst it would inevitably narrow the semi-natural corridor within the LNR as a whole, an ecological network would still persist. That would avoid fragmentation of the LNR as a whole. There would be potential to deliver biodiversity net gains that could enhance the ecological features for which the LNR is designated. Further, the proposed development would be located adjacent to existing, which would reduce its visual impact.
187. Overall, I am satisfied that mitigation could significantly reduce any adverse impacts of development, so as to avoid unacceptable harm. Any development proposals will be subject to all development plan policies and further tested through the development management process.

Benfield Valley

188. The suggested boundary and scale of housing accords with the conclusions of the ecological and landscape assessments undertaken as part of the UFA, supplemented by the UFA 2021 Update. At the hearings additional evidence from the County Ecologist and County Landscape Architect was heard that supported those conclusions. Additional justification including assessment of impacts on ecology, historic environment, open space, accessibility, highways, and transport is provided in the Benfield Valley Topic Paper [TP05].
189. Overall, the allocated land, on either side of Hangleton Lane, would be a small part of the overall area. The more sensitive northern part of the open space would be free of development. The allocation would enable the open space as a whole to still function as a 'green wedge' into the urban area and maintain the north-south visual and wildlife corridors. They would be located some distance from heritage assets. The terms of the policy, clearly set out the criteria required to assess any development proposal, which would also be subject to other development plan policies. The policy recognises that more detailed ecological assessments will be required at the planning application stage to identify specific development impacts, and to further inform any appropriate mitigation requirements. Overall, I find that the allocation of the two sites is soundly based.

Conclusion

190. I conclude therefore that, subject to MMs recommended, the Plan's approach towards the allocation of sites in the Urban Fringe has been positively prepared, is justified, effective and consistent with national policy.

Issue 12: Whether the CPP2 PBSA has been positively prepared, is justified, effective and consistent with national policy?

191. Policy H3 allocates three sites for PBSA, setting indicative bedspaces and other required uses in CPP2 table 9. Sites have been identified and assessed in accordance with the methodology set out in paragraphs 44-46 of my report, which I have previously found to be robust and justified.
192. As the London Road site is now substantially complete it should be removed from the list. In addition, the site capacity for the Hollingdean Road site should be increased in accordance with a recent planning permission and the site address amended. Those matters are corrected by **MM46**. That modification also includes reference to Ground Water Protection Zones, which is required to ensure ground

water resources are protected in accordance with CPP2 policy DM42. That will ensure consistency with other CPP2 allocations. Those changes are necessary to ensure that the policy is justified, effective and consistent with national policy.

Conclusion

193. I conclude therefore that, subject to the MM recommended, the CPP2's approach towards the allocation of PBSA sites has been positively prepared, is justified, effective and consistent with national policy.

Issue 13: Whether the CPP2 is positively prepared and is justified, effective and consistent with national policy and CPP1 in relation to its approach to infrastructure viability and monitoring?

Infrastructure

194. Infrastructure requirements to support planned development were comprehensively considered through the preparation and Examination of the CPP1. CPP1 policy CP7, sets out the approach to identifying infrastructure requirements through the Infrastructure Delivery Plan (Annex 2) and securing appropriate developer contributions towards infrastructure through S106 planning obligations. Since then, the Council has adopted its Community Infrastructure Levy (CIL) charging schedule.

195. Where appropriate, CPP2 identifies specific infrastructure required to support planned development associated with specific designations and site allocations.

196. In relation to traffic infrastructure requirements, updated traffic modelling considered the cumulative impacts of planned development on the strategic road network. Traffic modelling supported the quantum of development in CPP1. Additional updated modelling assessed the need for updated junction mitigation as a result of the distribution of development supported in CPP2. A SoCG between the Council and National Highways sets out agreement that mitigation measures, in principle, are realistically achievable and a solid basis for successfully mitigating the strategic road network impacts attributable to this Plan [BHCC34]. A positive policy framework will support its provision.

Viability

197. As part of the preparation and formal Examination of CPP1, the Council was required to produce a whole plan Combined Policy Viability Study. That study took account of all policy requirements to ensure that, taken together, they would not undermine the deliverability

of the Plan as a whole. The role of the CPP2 is to assist in the implementation and delivery of the adopted CPP1. In only a few policy areas does it introduce additional policy requirements, as previously identified.

198. The CIL Viability Studies [OD80a-j] build upon and assist in updating the CPP1 viability evidence base. They take account of all the relevant CPP1 policy requirements and factor in additional CPP2 ones to ensure that a CIL would not prevent chargeable forms of development coming forward.

199. Where policy requirements in CPP2 go beyond what was required in CPP1 (e.g. the standards set in DM44 for all types of development), it is clearly acknowledged that viability considerations will be taken into account when considering development proposals. That will ensure development is not unduly prohibited from coming forward. Generally, I am content that viability assessments were undertaken in accordance with relevant national guidance and that they are proportionate and robust.

Monitoring

200. CPP1 Annex 1 Implementation and Monitoring [CD02] sets out the key monitoring indicators and targets and identifies how the CPP1 will be implemented. CPP2 is accompanied by Implementation and Monitoring Targets [SD04, as modified by Table 2 of BHCC49, in light of discussion at hearings]. It is proposed that these monitoring targets will be included in an updated Annex 1 [CD02] to the CPP1. This will be updated as an addendum following adoption of the CPP2.

201. The monitoring framework includes specific and measurable indicators and targets as applicable and actions to be taken if a target is not achieved. Many of the indicators have been used in previous Plans and have been found to be effective. Together they will enable assessment as to whether the policies are being delivered.

202. As the parking standards set out in CPP2 Appendix 2 refer to outdated Use Classes, **MM48**, which addresses this, is required to ensure consistency with national policy, and that relevant policies are justified, effective and consistent with national policy.

Conclusion

203. I conclude therefore that, subject to the MM recommended, the CPP2's approach towards infrastructure, viability and monitoring has been positively prepared, is justified, effective and consistent with national policy.

Overall Conclusion and Recommendation

204. The CPP2 has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

205. The Council has requested that I recommend MMs to make the CPP2 sound and capable of adoption. I conclude that the Duty to Co-operate has been met and that with the recommended MMs set out in the Appendix the CPP2 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

R Barrett

Inspector

This report is accompanied by an Appendix containing the MMs.

Appendix

Schedule of MMs to CPP2

As part of the examination process a number of proposed MMs have been identified. An MM is an amendment which is considered necessary to make the Plan sound or legally compliant, addressing issues raised during the examination process and those set out in Inspector Note 09.

This schedule identifies the MMs. They are generally expressed in the form of ~~strike through~~ for deletions of text and underlined for additions of text and are set out in the same order as the CPP2.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
MM01	Policy DM1 Page 13	<p><i>DM1 Housing Quality, Choice and Mix</i> <i>Amend policy criterion e) to read:</i></p> <p>e) 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)⁹. <u>Where the Council is responsible for allocating or nominating the occupier, these homes should be ‘wheelchair accessible’ at the point of completion, whilst in other cases they may be ‘wheelchair adaptable’.</u> Where this is not practicable on-site an equivalent financial contribution should be provided¹⁰; and</p> <p>⁹ Building Regulations M4(3) or as amended. ¹⁰ PartM4(3) - the extra cost per dwelling to provide was assessed in the CIL Viability Study (2017) to be £26,816 for houses and £15,691 for flats. These figures will form the basis for any financial contribution for off-site provision, taking into account inflation. The council will publish updated Technical Guidance on Developer Contributions following the introduction of CIL.</p>	To reflect Part M4(3) of the Building Regulations and Planning Practice Guidance on Housing: Optional Technical Standards (paragraph 56-009).
MM02	Policy DM3 page 20	<p><i>DM3 Residential conversions and the retention of smaller dwellings</i> <i>In footnote 1 to the policy, amend first sentence to read:</i></p>	To clarify and simplify the policy criteria of ‘original floor area’ and to be consistent

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		¹ The original floor area excludes later additions such as extensions, garages (including converted garages) and loft conversions <u>since the dwelling was built or as built on 1st July 1948</u> . The calculation of the original floor area must be based on internal dimensions only.	with the definition of original dwelling in The Town and Country Planning (General Permitted Development) Order 2015 as amended.
	Policy DM3, page 20	<i>DM3 Residential conversions and the retention of smaller dwellings</i> <i>In part B, insert footnote after 'minimum of two bedrooms' to read:</i> <u>*i.e., a 2-bedroom, 4-person unit (70sqm) or larger.</u>	To clarify what is meant by 'suitable for family accommodation' for policy purposes.
MM03	Policy DM4, page 23	<i>Policy DM4 Housing and Accommodation for Older Persons</i> <i>Amend second paragraph to read:</i> Development proposals to meet the specific accommodation needs of older people will be supported <u>Planning permission will be granted for older persons housing and accommodation where the development meets all of the following criteria:</u>	To ensure the policy wording is clear and unambiguous.
	Policy DM4, page 23	<i>Policy DM4 Housing and Accommodation for Older Persons</i> <i>Amend fourth paragraph to read:</i> Proposals that will result in the loss of residential accommodation for older people will be resisted unless it can be <u>only be permitted</u> where it is demonstrated that at least one of the following criteria apply:	To ensure the policy wording is clear and unambiguous.
	Supporting text to Policy DM4, paragraph 2.28, page 25	<i>DM4 Housing and Accommodation for Older Persons</i> <i>Amend paragraph 2.28, third sentence to read:</i>	To provide support for the principle of inter-generational housing

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		The availability of a range of suitable accommodation options for older people, <u>including as part of inter-generational communities</u> , can help release family accommodation, improve quality of life and reduce the need for residential care.	
	Supporting text to DM4 Paragraph 2.36 page 36	DM4 Housing and Accommodation for Older Persons <i>Amend the final sentence in the fourth bullet point in paragraph 2.36 to read:</i> Extra-care/assisted living homes normally fall either within Use Class C2 or C3, this varies <u>may vary</u> depending on the level of care provided and whether overnight care is available <u>the scale of communal facilities provided</u> .	To ensure consistency with national planning practice guidance (Ref ID: 63-014-20190626)
MM04	Policy DM5, page 28	Policy DM5 Supported Accommodation (Specialist and Vulnerable Needs) <i>Amend second paragraph to read:</i> Proposals for development aimed to meet the specific accommodation requirements of people with specialist needs will be permitted <u>Planning permission will be granted for supported accommodation for people with specialist and vulnerable needs where the development meets all of the following criteria:</u>	To ensure the policy wording is clear and unambiguous.
	Policy DM5, page 28	Policy DM5 Supported Accommodation (Specialist and Vulnerable Needs) <i>Amend third paragraph to read:</i> Proposals that will result in the loss of residential accommodation for people with special needs will be resisted unless it can be <u>only be permitted where it is</u> demonstrated that at least one of the following criteria apply:	To ensure the policy wording is clear and unambiguous.
MM05	Supporting text to Policy DM8, paragraph 2.77	DM8 Purpose Built Student Accommodation <i>Amend last sentence of paragraph 2.76:</i> In order to provide a greater strategic benefit to the city developments should provide a predominance at least 50% of bedspaces in the form of <u>predominance at least 50% of bedspaces in the form of</u> cluster flats in order to be available to a broad spectrum of students, rather than only the wealthiest.	To provide clarity on the meaning of the policy requirement for predominantly cluster units.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p>Delete the following text in paragraph 2.77:</p> <p>“The majority of new PBSA developments in recent years have been located along the Lewes Road academic corridor due to the accessibility to the universities. Some of these locations are in areas not covered by Controlled Parking Zones so the council cannot restrict the number of cars brought to the city by occupants through permit-free developments.”</p>	To reflect the council no longer using planning conditions to restrict access to parking permits.
MM06	Policy DM9, page 40	<p>DM9 Community Facilities Amend part 1 of policy to read:</p> <p>1. Planning permission will be granted for new community facilities <u>in Regional, Town, District and Local Centres in accordance with Policy DM12 and in other locations</u> where all of the following criteria are met:</p>	To ensure consistency with Policy DM12
MM07	Supporting text to Policy DM9, paragraph 2.79 pages 40 -41	<p>DM9 Community Facilities Amend the bullet points in paragraph 2.79 to read:</p> <p>2.79 The term ‘community facilities’ encompasses a wide range of facilities and services which are defined in national policy as being social, recreational and cultural in nature. They can be broadly separated into the following types of use:</p> <ul style="list-style-type: none"> • <u>Medical or health services (use class E(e));</u> • <u>Creche, day nursery or day centre (use class E(f));</u> • <u>Learning and non-residential Institutions (Use Class F1 D1) – these are defined by the Use Classes Order and include education uses (non-residential), health clinics/GP surgeries, day nurseries/crèches, law courts, training centres, museums, public libraries, public halls and places of worship;</u> • <u>Local community uses (use class F2) – isolated local shops selling essential goods, halls or meeting places for the principal use of the local community. Areas of outdoor sport or</u> 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and for added clarity and brevity.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<ul style="list-style-type: none"> • <u>recreation, swimming pools and skating rinks also fall within the F2 use class, and are protected by City Plan Part One Policy CP17;</u> • Essential community public sector infrastructure including to meet the needs of the city. This includes: <ul style="list-style-type: none"> ○ Facilities for the emergency services including the NHS and Fire, Police and Ambulance Services; ○ Public toilets; and ○ Prison and custody facilities. • Cultural and social facilities which perform an important role in the health and wellbeing and 'quality of life' of the city's residents. Arts and performance venues. These include theatres, cinemas, public houses, social clubs, night time venues, bingo halls, and sport facilities. These types of venue are already protected by City Plan Part One Policy CP5. • <u>Public houses. These are protected by Policy DM10.</u> <p><u>Some changes of use fall under permitted development and would not be covered by the scope of this policy, however it is considered important to maintain a range of community facilities by applying this policy where permitted development rights do not apply.</u></p>	
MM08	Policy DM10, page 42	<p>DM10 Public Houses <i>Amend sentence of policy as follows:</i></p> <p>Public houses will be protected.</p> <p><u>1. Planning permission will not be granted for development that would result in the loss of a pub redevelopment and/or change of use except where:</u></p> <p>a) it has been demonstrated that use as a public house is not economically viable now and could not be made viable in the future³⁸; and</p> <p>b) It has been demonstrated that the local community no longer needs the public house and alternative provision meeting a similar need is available in the locality.</p>	To ensure the policy wording is clear and unambiguous.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
322	Policy DM10, page 42	<p>DM10 Public Houses <i>Insert new Part 2:</i></p> <p>2. <u>Proposals involving the loss of floorspace (including external areas) and facilities ancillary to the operation of the public house, will not be supported where the operation or customer appeal of the public house will be adversely affected.</u></p> <p>Where an alternative use can be justified, priority will be given to re-use of the premises or site for alternative community facilities.</p>	To reflect the discussion at the hearing session regarding protection against losses of floorspace or facilities that could adversely affect the future viability of the pub.
	Supporting Text to Policy DM10, para. 2.85, page 42	<p>DM10 Public Houses <i>Amend paragraph 2.85 with an additional sentence at the end to read:</i></p> <p>Public houses are important contributors to the character and vitality of communities, providing opportunities for social interaction, strengthening social cohesion and acting as a focus for the local community. <u>Proposals for new or extended public houses will be assessed using Part 1 of Policy DM9.</u></p>	To ensure clarity on relevant policy that would apply in circumstances of proposals for new/ extended public houses.
	Supporting Text to Policy DM10, para. 2.93, page 44	<p>DM10 Public Houses <i>Insert new paragraph after 2.93:</i></p> <p><u>The partial loss of a public house including ancillary facilities such as outdoor amenity spaces, covered shelters, dining areas, gardens and visitor accommodation can be detrimental to character, attractiveness to customers and consequently future viability, potentially leading to a pub being lost altogether. In determining whether the proposed changes are acceptable, the Council will consider the likely effect on the public house's continuing ability to operate successfully and to attract customers.</u></p>	To reflect the discussion at the hearing session regarding protection against losses of floorspace or facilities that could adversely affect the future viability of a public house.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
MM09	Policy DM11, page 45	<p>DM11 New Business Floorspace Amend Policy DM11 to read:</p> <p>Development proposals involving the provision of new B1a, b and c <u>E(g) (i), (ii) and (iii)</u> Use Class business floorspace, either in stand-alone commercial or mixed-use schemes, should provide for well-designed buildings and layouts suitable for incorporating a range of unit sizes and types that are flexible, with good natural light, suitable for sub-division and configuration for new B1 <u>E(g)</u> uses and activities; and for new B1c <u>E(g) (iii)</u> light industrial, B2 industrial and B8 storage and warehousing premises include adequate floor to ceiling heights; floor loading, power, servicing and loading facilities.</p> <p>Redevelopment proposals on protected industrial estates will be supported where they provide an efficient use of the site/ premises to provide higher density and flexibly designed business premises for B1 <u>E(g)</u>, B2 and/or B8 uses in accordance with City Plan Part 1 Policy CP3 Employment Land</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Supporting text to Policy DM11, pages 45 -47	<p>Policy DM11 New Business Floorspace Amend paragraph 2.97, first sentence to read:</p> <p>Flexible design features for new B1a <u>E(g)(i)</u> office floorspace include:</p> <p>Amend paragraph 2.98, first sentence to read:</p> <p>Where new B1b <u>E(g)(ii)</u> or B1c <u>E(g)(iii)</u> units are proposed the council...</p> <p>Amend paragraph 2.100, first sentence to read:</p> <p>Proposals that provide mix of B-E(g), B2 and B8 use class employment uses must be designed to demonstrate there is adequate separation of uses, to ensure high standards of amenity.</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p><i>Amend paragraph 2.102, fourth sentence to read:</i></p> <p>Where opportunities for redevelopment of older/ poor quality/ lower density industrial premises come forward on safeguarded industrial estates/ business parks, in accordance with CPP1 Policy CP3 Employment Land, the council will seek a mix of flexibly designed unit sizes suitable for a range of B1 E(g), B2 and B8 uses making efficient use...</p>	
MM10	DM12, pages 48-49	<p><i>DM12 Changes of Use within Regional, Town, District and Local Shopping Centres</i></p> <p><i>Amend Policy DM12, including name to read:</i></p> <p>DM12 Changes of Use within Regional, Town, District and Local Shopping Centres</p> <p>To allow for diversification in shopping centres, change of use of an existing class A1 unit to non-A1 town centre uses within the following designated shopping centres and as shown on the Policies Map, will be permitted where the following criteria are met;</p> <p>A) Regional, Town and District Shopping Centres</p> <p>i) — Changes of use of a ground floor Class A1 unit in the primary shopping frontages will only be permitted where the proportion of Class A1 units would not fall below 75% in the Regional Centre, and 50% in Town and District Centres (as a proportion of total units measured across the total Primary Shopping Frontage), taking into account unimplemented planning permissions for changes of use;</p> <p>ii) — Changes of use of a ground floor Class A1 unit in the secondary shopping frontages will only be permitted where the proportion of Class A1 units would not fall below 35% in the Regional Centre and below 30% in the Town and District Centres (as a proportion of total units measured across the total Secondary Shopping Frontage), taking into account unimplemented planning permission for changes of use.</p>	<p>To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020</p> <p>To rectify error in tracked change version discussed at hearing session where text was repeated (see BHCC40).</p>

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p>iii) Within the Lanes and North Laine areas the change of use should not result in a group of three or more adjoining units being in non-A1 use.</p> <p>iv) The unit has been marketed for a minimum of 6 months, at an appropriate rent (providing three comparable shop rents within the centre) with the marketing information clearly demonstrating that there is no realistic prospect of the unit being used for A1 use in the foreseeable future; and</p> <p>v) A shop front has been retained or provided;</p> <p>B) Local Shopping Centres</p> <p>i) The proportion of Class A1 units in the centre would not fall below 50% (as a proportion of total units in the whole centre) taking into account unimplemented planning permission for changes of use;</p> <p>ii) The shop unit has been marketed for a minimum of 6 months, at an appropriate rent (providing three comparable shop rents within the centre) with the marketing information clearly demonstrating that there is no realistic prospect of the unit being used for A1 use in the foreseeable future; and</p> <p>iii) A shop front has been retained or provided.</p> <p><u>Commercial, business and service uses (use class E), learning and non-residential institutions (use class F1) and local community uses (use class F2) will be supported within the city's defined Regional, Town, District and Local Centres (as set out in CPP1 policy CP4 and as shown on the Policies Map).</u></p> <p>1. <u>Proposals for other uses will be permitted where it can be demonstrated that the scheme meets all of the following criteria;</u></p> <p>a) <u>The proposal will maintain and enhance the vitality, viability and the character of the shopping area;</u></p>	

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p>b) <u>The proposal will retain active ground floor uses and frontage and provide a direct service or sales to visiting members of the public;</u></p> <p>c) <u>The proposed development or uses will not have a harmful impact on the amenity of local residents due to noise, odour, disturbance or light pollution (see DM20, DM40); and</u></p> <p>d) <u>Shop front design should be in accordance with the council's shop front policy (see DM23).</u></p> <p>2. <u>In addition to criteria a-d) above, proposals within the Lanes¹ and North Laine² areas of the Regional Centre should not result in the amalgamation of three or more adjoining units resulting in an overly dominant unit, in order to retain the unique character of the area.</u></p> <p>3. Residential use may be appropriate above or to the rear of units in shopping centres provided the active frontage is not compromised and that satisfactory residential amenity can be achieved.</p> <p>4. Temporary and 'meanwhile' use of vacant buildings and sites by start-up businesses as well as creative, cultural and community organisations will be considered <u>supported</u> particularly where they help activate and revitalise retail centres <u>and can generate increased footfall.</u></p> <p>As an update to the hierarchy of shopping centres as set out in policy CP4 of the City Plan Part One, the secondary frontage of the Regional Centre has been amended to facilitate a new centre called Brunswick Town Local Centre. This centre is shown on the updated Policies Map.</p> <p>Residential use may be appropriate above or to the rear of units in shopping centres provided the active frontage is not compromised and that satisfactory residential amenity can be achieved.</p>	

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p>Temporary and 'meanwhile' use of vacant buildings and sites by start-up businesses as well as creative, cultural and community organisations will be considered particularly where they help activate and revitalise retail centres.</p> <p>As an update to the hierarchy of shopping centres as set out in policy CP4 of the City Plan Part One, the secondary frontage of the Regional Centre has been amended to facilitate a new centre called Brunswick Town Local Centre. This centre is shown on the updated Policies Map.</p> <p>¹ Within the Lanes area this includes frontages within Market Street, Bartholomews, Meeting House Lane, Nile Street, Brighton Square, Union Street, Ship Street (east), Prince Albert Street, Brighton Place, Hanningtons Lane and Clarence Yard.</p> <p>² Within the North Laine area this includes frontages within Bond Street, Gardner Street, Church Street, North Road, Kensington Gardens, Sydney Street, Gloucester Street and Trafalgar Street.</p>	
	Supporting text to Policy DM12, pages 49-52	<p>DM12 Changes of Use within Regional, Town, District and Local Shopping Centres <i>Amend Policy DM12 supporting text paragraphs 2.103 – 2.121 to read:</i></p> <p>Review of and designation of shopping frontages</p> <p>2.103 Primary and secondary frontages are defined within the Regional, Town and District Centres of the city in order to assist in the safeguarding and managing of retail uses and related facilities and services.</p> <p>2.103 Policy DM12 supports the City Plan Part One policy CP4 Retail provision and SA2 Central Brighton, as the focus of commercial activity in the centres identified in the Retail Hierarchy of Brighton & Hove. The policy contributes towards maintaining and enhancing the attractiveness of town centres by encouraging more people to use these locations. The main uses encouraged within these ground floor frontages to support footfall will be class E ('commercial, business and service').</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

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		<p><u>2.104 Over recent years the increasing importance of internet shopping has changed the focus of shopping in town centres. The Covid-19 pandemic has exacerbated this trend and a change has been seen in primary shopping areas of the city as retail stores have closed and many national companies have downsized or ceased to trade.</u></p> <p><u>2.105 Increasing economic activity within town centres supports high street vitality. The council will therefore be supportive of alternative uses where proposals enhance the vitality and viability of the centre, provide services or sales to visiting members of the public, maintain an active ground floor use and frontages such as commercial window displays and sight of a reception or arrivals area. Where appropriate proposals should be in accordance with the council's shop front policy DM23. Recognising that our town centres also have a high residential population, the council will ensure that proposals will not have a harmful impact on the amenity of local residents.</u></p> <p><u>2.106 Appropriate alternative uses which could contribute to vitality and viability may include sui generis uses such as launderettes, takeaways, pubs, bars, and cinemas which help generate footfall to an area.</u></p> <p><u>Proposals within the Regional Centre</u></p> <p><u>2.107 One of the council priorities is to maintain central Brighton's role as the city's vibrant, thriving Regional Centre for shopping, leisure, tourism, cultural, office and commercial uses.</u></p> <p><u>2.108 The different but interconnecting shopping areas within the Regional Centre are identified and described in the Retail Study Update 2011. There is active support for the protection of existing and provision of new small unit space, largely catering for local independent traders, located within the Lanes and North Laine areas.</u></p> <p><u>2.109 The availability of small units provides improved choice for business location and affordability. This in turn provides choice for consumers and this contributes significantly towards</u></p>	

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		<p><u>maintaining and enhancing the attractiveness and viability. Small units are often more affordable and encourage more specialist or independent retailers. Therefore in order to assist in maintaining the unique/niche/independent retailers in the Lanes and the North Laine as well as the supply of smaller units, changes of use should not result in the amalgamation of three or more adjoining units in order to create a larger unit.</u></p> <p><u>Primary Shopping Area</u></p> <p><u>2.110 In the case of the Regional, Town and District Shopping Centres, the Primary Shopping Area is the extent of the identified primary and secondary frontages. Local Centres tend to be small, therefore they do not have distinctive primary and secondary frontages.</u></p> <p><u>2.111 In 2017 a review was undertaken of the primary and secondary shopping frontages of the current hierarchy of shopping centres in the city. As part of the review some frontage designations have now changed between primary and secondary designation and a new Local Centre in Brunswick Town and some newly identified Important Local Parades have been included within the retail hierarchy. New developments adjacent to shopping frontages have also been designated where it was appropriate to do so. The review's recommendations are now reflected in the updated Policies Map.</u></p> <p>2.105 The review indicated that it is appropriate to continue the approach of controlling the amount of class A1 uses and non A1 uses in each centre. This has proven to be a practical approach in the past and one that allows some flexibility for change of uses within the frontages and an achievement of a good mix of uses.</p>	

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		<p>2.106 For a shopping centre to operate successfully it is necessary for shops to group together. Interruption of retail frontages by non-retail uses, such as a restaurant, pub or estate agent can be complementary to the centre's primary shopping function because they can be considered as providing a local service but, the retail function will be adversely affected if the mix of uses is affected by the dilution of too many A1 units.</p> <p>Primary Shopping Area</p> <p>2.107 In the case of the Regional, Town and District Shopping Centres, the Primary Shopping Area is the extent of the identified primary and secondary frontages.</p> <p>Primary and Secondary Frontages</p> <p>2.108 In the Primary Frontages of each centre a higher percentage of A1 uses is set out in the policy to help to ensure that class A1 acts as the dominant use and core function of the centres and to reinforce the overall vitality and viability. The primary frontage sees the highest levels of activity and footfall; therefore it is also appropriate to locate uses to these areas which enhance the character and attractiveness of the centre as a place to visit.</p> <p>2.109 Within the secondary frontages, a wider mix of uses is supported and consequently a lower minimum threshold for class A1 uses is appropriate. Although these areas do not form part of the primary shopping frontages they do still contribute to the overall vitality and viability of the centre offer. Therefore it would not be appropriate for clusters of non-retail uses to form in these locations either.</p> <p>2.110 The percentage of class A1 uses required in the Regional Centre is the highest, in order to maintain its role as the principle shopping centre in East Sussex, which is of considerable importance to the economic and social life of Brighton and Hove.</p>	

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification											
		<p>2.111 In order to assist in maintaining the unique/niche/independent retailers in the Lanes and the North Laine, changes of use should not result in a group of three or more adjoining units being in non-A1 use in order to ensure that there are a range of retail premises to promote and encourage retailers in these areas of the city centre.</p> <p>2.112 Community uses (e.g. doctors and dentists) which would draw people to the centre and may generate combined shopping visits will also be considered to be appropriate town centre uses where they are considered complementary to the town centre, and where they would maintain a window display and draw pedestrian activity into the centre.</p> <p>Local Centres</p> <p>2.113 Local centres are small groupings, usually comprising a newsagent and a general grocery store and occasionally a sub post office, pharmacy, a hairdresser and other small shops of a local nature. As local centres tend to be small, they do not have primary and secondary frontages. A threshold of 50% A1 use is stipulated to ensure that these centres remain functional to the communities that they serve in providing top up shopping and local services</p> <p>Table 3 – Brighton & Hove’s Retail Hierarchy (adopted City Plan Part 1 Policy CP4 Retail Provision)</p> <table><tr><th>Centre Definition</th><th>Defined Centres</th><th>Linked City Plan Part 1 Policies</th></tr><tr><td>Regional Centre</td><td>Brighton</td><td>DA1, SA2, CP4</td></tr><tr><td rowspan="2">Town Centres</td><td>Hove</td><td>CP4</td></tr><tr><td>London Road</td><td>DA4, CP4</td></tr></table>	Centre Definition	Defined Centres	Linked City Plan Part 1 Policies	Regional Centre	Brighton	DA1, SA2, CP4	Town Centres	Hove	CP4	London Road	DA4, CP4	
Centre Definition	Defined Centres	Linked City Plan Part 1 Policies												
Regional Centre	Brighton	DA1, SA2, CP4												
Town Centres	Hove	CP4												
	London Road	DA4, CP4												

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification
		District Centres	St James's Street	CP4	
			Lewes Road	DA3, CP4	
			Boundary Road/Station Road	DA8, CP4	
		Local Centres	Mill Lane, Portslade	SA6, CP4	
			Portland Road, Hove	(all centres)	
			'The Grenadier', Hangleton Road		
			Richardson Road, Hove		
			Eldred Avenue, Withdean		
			Old London Road, Patcham		
			Ladies Mile Road, Patcham		
			Seven Dials		
			Fiveways		
			Hollingbury Place, Hollingdean		
			Beaconsfield Road, Preston Park		
			St George's Road, Kemptown		
			Warren Way, Woodingdean		
			Whitehawk Road, Whitehawk		

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification
			High Street, Rottingdean Lustrell's Vale, Saltdean Longridge Avenue, Saltdean Brunswick Town		
		<p>Implementation and Monitoring</p> <p>2.1124 <u>The long-term impact of the pandemic on our town centres is not fully known at this stage and therefore it is critical that the Council continues to monitor the impacts in cooperation with other internal teams as well as external organisations.</u> Implementation of the policy will be assisted by continuing to monitor numbers of retail units <u>uses and vacancy levels</u> within defined shopping centres <u>to be reported in the Authority Monitoring Report.</u> The council will use retail survey data, the lawful use and unimplemented extant permissions to help calculate the proportion of units in A1 use. The council's retail survey data will be updated at least bi-annually. The council will report on this in their Authority Monitoring Report. The performance of existing centres will be monitored by the Council. This might result in a centre being moved higher or lower in the hierarchy; an amendment to an existing centre boundary; or, in the larger centres, a change to the defined prime retail frontage within that boundary. Any forthcoming changes will be undertaken in any review of the City Plan Part One.</p> <p>2.115 As part of the development management process, applicants may wish to conduct similar studies themselves to justify that proposals for changes of use would not result in the proportions of A1 units within the primary and secondary frontages falling below the threshold set out in the policy.</p> <p>Evidence of Marketing</p>			

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p>2.116 In demonstrating that marketing for at six months has been carried out, the council will expect the applicant to outline where and how marketing has been undertaken, with details provided to demonstrate that the asking rent has been at a realistic rate, evidence that a prominent advertisement was displayed during the marketing and submitting details of at least three comparable properties for rent. It would be expected that the site has been actively marketed nationally and locally on commercial property websites.</p> <p>Permitted Development Rights</p> <p>2.1137 Several changes to the Permitted Development Rights affecting change of use to and from retail have been introduced in recent years. Where prior approval is needed, the Council will interpret 'key shopping areas' referred to in the General Permitted Development Order as being designated Primary and Secondary Shopping Frontages.</p> <p>2.118 Ongoing monitoring of the concentration of non-retail uses in shopping centres will be maintained in order to continue to examine the feasibility of implementing Article 4 Directions to remove permitted development rights where shopping areas are showing over-concentrations of particular non A1 uses.</p> <p>New Development in Centres</p> <p>2.1149 The policy will be applied to new units that are constructed within designated frontages or where they form a logical extension to an existing frontage. <u>Due to the predominance of larger units in the Primary Frontages, proposals for larger format retail will generally be suited to these defined areas.</u></p> <p>2.11520 Residential development contributes to the overall health of centres and to meeting the city's housing target. There is scope to increase housing stock in the centres, by increasing densities or by introducing housing on upper floors, or to the rear of commercial properties,</p>	

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		<p>provided that this does not lead to amenity issues or an unacceptable loss of commercial space and that the commercial uses on the ground floor remain of a viable size <u>to include adequate storage space and staff facilities.</u></p> <p>2.11621 From time to time, temporary uses are sought for vacant buildings or cleared sites that are awaiting redevelopment. Although temporary in nature and therefore often lacking the standards of design and finish that would usually be expected from permanent development, such uses can provide jobs and add much to the vitality and vibrancy of an area in the meantime.</p>	
MM11	Policy DM13, page 53	<p><i>DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units</i> <i>Amend Policy DM13 to read:</i></p> <p><i>DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units</i></p> <p>A) Important Local Parades</p> <p>The following shopping areas are designated as Important Local Parades¹ within the retail hierarchy as shown on the Policies Map;</p> <ul style="list-style-type: none"> • Cowley Drive, Woodingdean • Goldstone Villas, Hove • Hove Park Villas, Hove • Islingword Road, Brighton • Old Shoreham Road/Sackville Road, Hove • Preston Drove, Preston Park • Valley Road, Portslade • Victoria Terrace, Hove • Warren Road, Woodingdean • Woodland Parade, Hove 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to ensure clear interpretation.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p><u>Commercial, business and service uses (E Use Class) will be supported within Important Local Parades.</u></p> <p><u>Proposals for other uses will be permitted where it is demonstrated that the scheme meets the following criteria:</u></p> <ul style="list-style-type: none"> a) <u>The proposal will maintain and enhance the vitality, viability and the character of the shopping area;</u> b) <u>The proposal will retain an active ground floor use and provide a direct service or sales to visiting members of the public;</u> c) <u>The proposed development or use(s) will not have a harmful impact on the amenity of local residents, due to noise, odour, disturbance or light pollution; and</u> d) <u>Shopfront design should be in accordance with the council's shop front policy (DM23).</u> <p>In Important Local Parades, changes of use involving the loss of units in A1 use class, will be permitted where;</p> <ul style="list-style-type: none"> a) The proposal would not result in the number of units in class A1 use falling below 50%; and b) The shop unit has been marketed for a minimum of one year; <p>Changes of use at ground floor to residential will be permitted to the rear or on upper floors in Important Local Parades.</p> <p>Temporary and 'meanwhile' use of vacant buildings by start-up businesses as well as creative, cultural and community organisations will be considered <u>supported</u> where they help activate and revitalise retail centres <u>parades and can generate increased footfall.</u></p> <p>B) Neighbourhood Parades and Individual Shop Units</p>	

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p>Planning permission will be granted for change of use of shops (use classes A1 to A5) to non A1 A5 uses outside of designated centres and Important Local Parades provided that;</p> <p>a) There are alternative shopping facilities within reasonable walking distance (300 metres);</p> <p>b) The shop unit has been marketed for a minimum of one year;</p> <p>¹ As designated on the Policies Map.</p>	
	Supporting text to Policy DM13, pages 54-55	<p><i>DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units</i> <i>Amend Policy DM13 supporting text paragraphs 2.122 2.129 to read:</i></p> <p>2.122 The term ‘Important Local Parades (ILPs)’ as defined on the Policies Map refers to a group of shops (five <u>six</u> or more). ILPS have a key role in contributing to sustainable development, providing access to day-to-day necessities such as a newsagent, convenience store off-licence, pharmacies and post offices, <u>which are easily accessible to people without a car or with restricted mobility within walking distance from home. Access to these local facilities have become more important during the Covid-19 pandemic. Parades complement the local shopping facilities provided in the city’s designated centres and ensure that local convenience shopping facilities are within walking distance to residential areas. ILP’s tend to be characterised as areas of smaller shops with traditional shopfronts, offering a range of services, located in close proximity to residential neighbourhoods.</u></p> <p>2.123 <u>An assessment of 35 shopping parades was undertaken in 2017 and reviewed in 2019 in order to identify areas that could be designated as Important Retail Parades in City. The assessment was set out in the council’s Shopping Frontage Review Paper (April 2020) and its subsequent amendments.</u></p>	<p>To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.</p> <p>To adequately reflect description of ILP in evidence base of being six or more shops and to provide clarity on ‘character of ILP’.</p>

		<p><u>2.124 There may be some circumstances where alternative uses will be acceptable such as when they also provide services or sales to visiting members of the public, maintain an active ground floor use and frontages such as commercial window displays and sight of a reception or arrivals area. Where appropriate proposals should be in accordance with the council's shop front policy DM23. Recognising that Important Local Parades tend to be in close proximity to residential areas, the council will ensure that proposals will not have a harmful impact on the amenity of local residents.</u></p> <p>2.123 The term 'Neighbourhood Parade' refers to a cluster of three or more units in class A1 use such as a newsagent, convenience store or off-licence, together with A2 uses, for example estate agents or A3, A4 or A5 uses, that function as a group and are capable of serving the convenience needs of a local residential catchment population particularly for older people, people with disabilities and the very young who cannot easily travel far, it is important that convenience retail needs can be met within an easy walking distance within their neighbourhood. In terms of sustainable development, it is important that people are not dependant on use of the car for their day to day retail needs. In areas not close to larger retail centres, parades and isolated shop units provide convenient access to goods and services which are needed on a day to day basis. To support sustainable communities the loss of retail and services will be resisted in under-served areas.</p> <p>2.124 The function of parades has gradually changed over time, and in addition to shops that perform a local shopping function, many parades now provide more specialist retailers (for example, bridal wear or musical instruments) together with a range of non-retail uses such as takeaways. Whilst non-retail uses can provide an important local function, there is risk that the presence of too many can undermine the ability of the parade to meet local shopping needs and are still anchored by at least one convenience retailer. It is vital, therefore, that each neighbourhood parade continues to offer a good balance of shops and services to support residents' day-to-day needs, whilst providing flexibility to allow for other appropriate uses.</p> <p>2.125 When determining applications for planning permission or prior approval for retail to residential permitted development, the council will not normally permit development resulting in the loss of local retail and service provision unless there is alternative equivalent provision within</p>	
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		<p>300 metres. This is considered a reasonable walking distance (5 minutes for the average person) to access convenience shopping and local services. Provision will be considered equivalent where it provides a similar offer which meets the same need, such as the need for fresh food or a financial service.</p> <p>2.126 Where applications involve the loss of units in A1 use class, the council will require supporting evidence that retail use(s) are no longer economically viable. Applicants will be expected to demonstrate an active marketing campaign for a continuous period of at least a 12 months with evidence submitted showing that a prominent advertisement was displayed during the marketing, whilst the premises was vacant or in 'meanwhile use', which has been shown to be unsuccessful. In addition, for neighbourhood parades and individual retail units where there is no equivalent alternative provision within 400 metres, it will also need to be demonstrated that Use Classes A2, A3 and laundrettes are not viable, before any other uses will be permitted. However, subject to the policy requirements, change of use to a community facility such as a community centre may be permitted where it can be demonstrated there is a need for such provision.</p> <p>2.127 In all cases, demonstration of need must include evidence of consultation with service providers and the local community and an audit of existing provision within the local area.</p> <p>2.128 Brighton and Hove has numerous small local shopping parades and individual shops located in local residential communities. It is important that these shopping facilities remain vibrant, attractive and accessible. Providing local shopping and related facilities within walking distance enables the less mobile, including the elderly and low income groups, access to food and services close to where they live, and is important in achieving equality of opportunity and sustainable neighbourhoods.</p> <p>2.129 From time to time, temporary uses are sought for vacant buildings or cleared sites that are awaiting redevelopment. Although temporary in nature and therefore often lacking the standards</p>	

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		of design and finish that would usually be expected from permanent development, such uses can provide jobs and add much to the vitality and vibrancy of an area in the meantime.	
MM12	Policy DM14, page 56	<p><i>DM14 Commercial and Leisure Uses at Brighton Marina</i> <i>Amend Policy DM14 to read:</i></p> <p><u>Within the Brighton Marina Inner Harbour area¹ commercial, business and service uses (E use class) and local community uses (F2 use class) will be supported.</u></p> <p>In order to maintain and enhance the special commercial <u>existing commercial</u> and leisure offer within Brighton Marina, changes of use in existing retail/commercial/service frontages will be permitted provided that all of the following criteria are met;</p> <ul style="list-style-type: none"> a) The proposed use would improve the vitality and viability of the Marina, by encouraging combined trips and attracting pedestrian activity; and b) The development <u>proposed use</u> would not be materially detrimental to the amenities of occupiers of nearby properties or the general character of the Marina; c) A window display is provided to retain an active frontage. <u>The proposal will retain an active ground floor use and frontage and provide a direct service or sales to visiting members of the public;</u> d) <u>The proposed use would not have a harmful impact on amenity due to noise, odour, disturbance or light pollution.</u> <p>A change of use at ground floor level to residential in retail / commercial/ leisure <u>service</u> frontages will not be permitted but may be considered appropriate on upper floors.</p> <p>¹ The Brighton Marina Inner Harbour area is a strategic site allocation in the adopted City Plan Part One (DA2.C.1)</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to ensure clear interpretation.

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	Supporting text to Policy DM14, page 56	<p><i>DM14 Commercial and Leisure Uses at Brighton Marina</i> <i>Amend supporting text paragraphs 2.130 -2.132 to read:</i></p> <p>2.130 Brighton Marina, functions as an independent component of the city's urban area. The Marina provides a mix of housing, shopping, commercial, leisure and recreational buildings in addition to being performing as <u>a working harbour</u>. This creates a unique commercial and leisure environment.</p> <p>2.131The majority of existing retail activity takes place in the Merchant's Quay /Marina Square, <u>the Waterfront</u> and at the ASDA superstore. Brighton Marina contains a range of bars, restaurants and factory outlet stores related to its wider recreation and leisure role City Plan Part One Policy DA2 Brighton Marina, Gas Works and Black Rock Area). Brighton Marina is no longer designated as a shopping centre in the retail hierarchy and therefore any proposals for additional retail development not allocated by policy DA2 in City Plan Part One will need to meet the tests of policy CP4 and the National Planning Policy Framework¹.</p> <p>2.132 The purpose of this policy is to broaden and strengthen the choice and performance of commercial activity in the Marina by proposing a flexible approach to ensure that its vitality and viability is maintained and enhanced <u>whilst protecting the amenity, public safety and security of existing residents and visitors</u>. Both retail and non-retail uses (including community facilities) <u>Uses</u> should draw additional pedestrian activity to the Marina to strengthen its offer and provide other facilities required to support existing residents and visitors, as well the increased population that will be generated by the proposed additional residential developments. <u>There may be some circumstances where alternative uses will be acceptable, such as when they provide services or sales to visiting members of the public and maintain an active ground floor use and frontages such as commercial window displays and sight of a reception or arrivals area.</u></p> <p>¹National Planning Policy Framework (NPPF) (2019) paragraphs 89-90</p>	To ensure the supporting text is consistent with proposed changes to policy wording and to provide clarity.

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MM13	Policy DM15, page 57	<p><i>DM15 Commercial and Leisure Uses on the Seafront</i> Amend Policy DM15 to read:</p> <p>Development proposals, including change of use, for new shop retail <u>retail</u>, food and drink <u>premises</u> (class E (a) & (b)), hot food takeaways, and bars, pubs drinking and nightclubs establishments (A1-A5 Use Class) <u>(sui generis use)</u> and galleries (D1 Use Class Class F1b) and museums (D2 Use Class Class F1c) <u>will be permitted</u> on the lower promenade, Madeira Drive and within the seafront arches, will be permitted provided that all of the following criteria are met;</p> <ul style="list-style-type: none"> a) The existing diversity and mix of retail sport, leisure, cultural and recreation uses along the seafront will be retained or enhanced; b) The proposed development is of appropriate scale and design to complement the historic character and setting of the seafront (See City Plan Part One Policies SA1 and CP4); c) The proposal will support the role of the seafront as recreation and tourist destination helping to extend footfall and reduce seasonality; and d) The proposed development or uses will not have a harmful impact on the amenity of local residents, visitors and the seafront due to noise, odour, disturbance and or light pollution 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to ensure clear interpretation.
	Supporting text to Policy DM15, page 57	<p><i>DM15 Commercial and Leisure Uses on the Seafront</i> Amend the supporting text at paragraph 2.133 and 2.134 to read:</p> <p>2.133 The City's seafront arches are occupied by a variety of tenants and provide an eclectic offer to visitors and residents alike. The seafront traders occupy the length of the arches loosely by 'zone', such as sport, outdoor leisure, artist quarter leisure, restaurants and bars, as well as recreation. Opportunities exist for additional shops and food and drink facilities to cater for visitors from small kiosks to small scale shops, cafes or restaurants in certain areas. There is the potential to enhance the range of uses in order to increase activity in the evening, reduce seasonality and extend footfall along the seafront to the east. Policy CP17 Sports Provision will apply to new sport or leisure proposals.</p>	To remove duplication of word leisure.

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		2.134 Any <u>temporary</u> use extending for more than <u>the time allowed under permitted development rights 28 days</u> (consecutively or in a single year) requires planning permission. Interim or 'meanwhile' uses such as pop-up cafés, performance space/ community uses shops and temporary uses of empty property and land can help to animate and activate vacant buildings/ sites before regeneration or development begins. This can have the benefit of providing an interim income stream whilst also enhancing the attractiveness of a site or location for potential future tenants.	To futureproof the wording in case of future changes to planning legislation.
MM14	Policy DM18 page 63	<p><i>Policy DM18 High quality design and places</i> <i>Amend the first sentence of the policy to read:</i></p> <p><u>Planning permission will be granted for development proposals that demonstrate</u> Development proposals must demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment. The council will require an integrated approach to the design process from project inception where place making and sustainable development, including the principles of the circular economy, are considered as one.</p>	To ensure the policy wording is clear and unambiguous.
	Policy DM18 page 63	<p><i>Policy DM18 High quality design and places</i> <i>Amend the last sentence of the policy to read:</i></p> <p>In addition to the above, major development proposals on strategic and/or prominent sites should also consider that are likely to have an impact on public realm are required to <u>incorporate the</u> incorporation of an artistic element.</p>	To ensure the policy wording is clear and unambiguous that proposals likely to have an impact on public realm will need to demonstrate how an artistic element has been incorporated.

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	Supporting text to Policy DM18, para 2.147, page 63	<p>Policy DM18 High quality design and places <i>Amend the supporting text at paragraph 2.147 to read:</i></p> <p>More detailed design guidance for developers, including area- and site-specific design principles, will form part of the are set out in the National Design Guide, SPD17 Urban Design Framework Supplementary Planning Document and future design codes the council will bring forward to which will support City Plan Part 1 Policies CP12 Urban Design and City Plan Part 2 Policy DM18 High Quality Design and Places. Guidance on identified strategic views and how new strategic and local views can be identified will be is included in SPD17.</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021, and updates to the NPPF (paragraphs 127 and 128) in respect to the preparation of codes and to reference the National Design Guide.
	Supporting text to Policy DM18, paragraph 2.148 page 64	<p>DM18 High Quality Design and Places <i>Amend the supporting text at paragraph 2.148 after the third sentence to read:</i></p> <p>The scale of consideration of local context should be commensurate with the scale and impact of the proposals <u>as well as significant and exceptional site constraints</u>. For example, from the street scale in the case of a single dwelling proposal to a neighbourhood, and/or city-wide scale in the case of a larger and/or strategic development.</p>	To clarify that the impact of significant and exceptional site constraints upon design solutions will also be taken into consideration.
	Supporting text to Policy DM18, para 2.149, page 64.	<p>DM18 High Quality Design and Places <i>Amend the last sentence of the supporting text at paragraph 2.149 to read:</i></p> <p>Criteria for assessing proposals for tall buildings, including cumulative impact will be <u>are</u> set out in the <u>SPD17</u> Urban Design Framework SPD.</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021.
	Supporting text to Policy DM18, paragraph 2.156 page 66	<p>DM18 High Quality Design and Places <i>Amend the supporting text at paragraph 2.156 after the first sentence to read:</i></p> <p><u>It refers to providing amenities that allow users to take advantage of the micro-climate conditions, such as sunshine/ shade, and are conducive to relaxation, play and social engagement.</u></p>	To provide additional clarity on the meaning of comfort, image and socialbility.

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	Supporting text to Policy DM18, paragraph 2.158 page 66	<p>DM18 High Quality Design and Places Amend the supporting text at paragraph 2.158:</p> <p>The council's vision for public art in the city is set out in the Public Art Strategy. Proposals for major applications on strategic or prominent sites or development that is<u>are</u> likely to have an impact on the public realm will need to demonstrate <u>how they have had regard to the objectives of the council's Public Art Strategy and</u> relevant art- and public realm-related strategies and guidance.</p>	To provide greater clarity in respect the role and weight of the council's emerging Public Art Strategy which will set out the overarching strategy for public art in the city.
MM15	Policy DM20 page 69	<p>DM20 Protection of Amenity Amend the policy to read:</p> <p>Planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing, and / or adjacent <u>or nearby</u> users, residents, occupiers or where it is not liable to be detrimental to human health.</p>	To capture the full range of harms that can arise to those adjacent and nearby.
	Supporting text to Policy DM20, para 2.169, page 70	<p>DM20 Protection of Amenity Amend the supporting text at paragraph 2.169:</p> <p>Further guidance will be<u>is</u> provided in the SPD17 Urban Design Framework.Supplementary Planning Document (UDF SPD⁴⁹)</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021.
	Footnote 29, page 70	<p>DM20 Protection of Amenity Delete footnote:</p> <p>⁴⁹ A draft version of the Urban Design Framework is currently being prepared and adoption is anticipated in 2020.</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021.

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MM16	Policy DM22 page 72	<p>Policy DM22 Landscape Design and Trees Amend (d) and (e) of policy to read:</p> <p>d) the retention of existing trees and hedgerows with details <u>provided</u> of appropriate protection during construction.</p> <p>e) Where removal <u>of a tree</u> is unavoidable, <u>for example by reason of it being severely diseased or dangerous</u>:</p> <p>(i) the provision of plans <u>is required</u> that clearly identify the location and species of all those to be lost and all those to be retained; <u>and</u></p> <p>(ii) e)-replacement trees along with appropriate associated planting space and works of a type of tree, size and location to the satisfaction of the council for any tree felled; for example by reason of it being severely diseased or dangerous.</p>	To ensure the policy wording is clear and unambiguous.
	Policy DM22 page 73	<p>DM22 Landscape Design and Trees Add new footnote after the words “national importance” in the second paragraph on page 73:</p> <p>New footnote to read: <u>Development of national importance includes, for example, infrastructure projects, where the public benefit would outweigh the loss or deterioration of habitat, as defined by footnote 63 of the NPPF (2021).</u></p>	To add further clarity to policy.
	Supporting text to policy DM22 para. 2.175 page 74	<p>Policy DM22 Landscape Design and Trees Amend final sentence of paragraph 2.175 of supporting text to read:</p>	To better accord with NPPF paragraph 131.

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		Early consideration ensures advantage of the ‘additional’ opportunities landscape, <u>trees and planting</u> provides can be taken, such as, climate change mitigation and resilience, water purification, air pollution mitigation...	
	Supporting text to Policy DM22 para. 2.177 page 74	DM22 Landscape Design and Trees <i>Amend paragraph 2.177, after fifth sentence to read:</i> Native species will be encouraged in particular those of local origin subject to climate change adaptability. <u>Tree stock sourced from the UK or Ireland, and locally sourced seeds is encouraged.</u>	To add further clarity to policy point (h).
	Supporting text to DM22 para. 2.178 page 74	DM22 Landscape Design and Trees <i>Amend paragraph 2.178 to read:</i> 2.178 <u>Existing landscape features can be used more effectively if they have multi-functional uses. For example, natural landscape design features can provide opportunities for informal play or sports; productive plants that form part of the landscape design can provide opportunities for food growing. Provision of food growing opportunities should have regard to the Food Growing Planning Advice Note. Effective landscaping will be required...</u>	To add clarity to policy point (g) and cross refer to the Food Growing Planning Advice Note for further guidance.
	Supporting text to DM22, para. 2.179 page 75	Policy DM22 Landscape Design and Trees <i>Amend paragraph 2.179 of supporting text to read:</i> ...provide shelter; <u>support climate change mitigation and resilience;</u> and can help to reduce noise and atmospheric pollution.	To better accord with NPPF paragraph 131.
	Supporting text to DM22, para. 2.180 page 75	DM22 Landscape Design and Trees At the end of supporting text paragraph 2.180 add the following:	For thoroughness and to ensure cross-references to all relevant adopted supplementary

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		<u>Proposals will be expected to have taken into account the guidance provided in SPD06 Trees and Development Sites.</u>	planning guidance are included.
	Supporting text to Policy DM22 para. 2.184 page 76	<p>DM22 Landscape Design and Trees <i>Amend penultimate sentence of paragraph 2.184 to read:</i></p> <p>If trees are (or will become) owned or maintained by the council then, alongside maintenance plans, applicants will be expected to provide adequate funding to manage additional maintenance that is foreseeable as a result of development <u>in consultation with City Parks and in accordance with Policy CP7 Developer Contributions.</u></p>	To reflect practice and to ensure policy is clear and unambiguous.
MM17	Policy DM25 Page 81	<p>Policy DM25 Communications Infrastructure <i>Amend criterion b) to read</i></p> <p>b) The significance, appearance, character and setting of heritage assets and their settings are conserved or enhanced, in accordance with City Plan Part One Policy CP15 Heritage;</p>	To ensure the policy word is clear and consistent in describing heritage assets and their settings.
	Policy DM25 page 81	<p>Policy DM25 Communications Infrastructure <i>Amend last two paragraphs of policy to read:</i></p> <p>New development or major renovation works to existing buildings should ensure that <u>provide</u> sufficient ducting space for future digital full fibre connectivity infrastructure is provided as part of the development.</p> <p>Where possible/feasible, the council will encourage the removal of older communication equipment that is no longer required <u>should be removed</u> in order to minimise visual impact.</p>	To ensure the policy wording is clear and unambiguous.
MM18	Policy DM26, page 85	<p>Policy DM26 Conservation Areas <i>Amend policy by adding a new paragraph after the list of criteria as follows:</i></p>	To ensure the policy wording is clear, effective and

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		<u>Where either substantial harm or less than substantial harm is identified, the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the conservation area/s affected.</u>	consistent with paragraphs 201-202 of the NPPF.
	Supporting text to policy DM26, page 85	<p>Policy DM26 Conservation Areas <i>Amend paragraph 2.208 of the supporting text to add a final sentence as follows:</i></p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on 'Statements of Heritage Significance'.</u></p>	To ensure the wording is clear and unambiguous and for consistency with the site allocation policies.
MM19	Policy DM27, page 86	<p>Policy DM27 Listed Buildings <i>Amend the policy by adding the following new paragraph after the list of criteria:</i></p> <p><u>Where either substantial harm or less than substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the listed building/s affected.</u></p>	To ensure the policy wording is clear, effective and consistent with paragraphs 201-202 of the NPPF.
	Supporting text to policy DM27, page 86	<p>Policy DM27 Listed Buildings <i>Amend paragraph 2.213 of the supporting text to state as follows:</i></p> <p>There is a general presumption in favour of the preservation of listed buildings. Where substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF. Any substantial public benefits put forward <u>to be balanced against substantial harm</u> must directly relate to the development itself, must benefit the local community in the long term and must not otherwise be achievable.</p>	To ensure the wording is clear and unambiguous in support of the modified policy.

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	Supporting text to policy DM27, page 87	<p>Policy DM27 Listed Buildings Amend paragraph 2.218 of the supporting text to add a final sentence as follows:</p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on 'Statements of Heritage Significance'.</u></p>	To ensure the wording is clear and unambiguous and for consistency with the site allocation policies.
MM20	Policy DM28, page 88	<p>Policy DM28 Locally Listed Heritage Assets Amend the 2nd paragraph of the policy to read:</p> <p>Alterations and extensions to a locally listed heritage asset, or new development within its curtilage, should be of a high standard of design that respects the special interest of the asset as set out in the Local List entry (or as otherwise identified within a submitted Statement of Heritage Significance) (or, where not included, within a submitted heritage statement.</p>	To ensure the policy wording is clear and unambiguous in respect of potential non-designated heritage asets identified during the application or pre-application process.
	Supporting text to policy DM28, page 88	<p>Policy DM28 Locally Listed Heritage Assets Amend paragraph 2.221 of the supporting text to add a final sentence as follows:</p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on 'Statements of Heritage Significance'.</u></p>	To ensure the wording is clear and unambiguous and for consistency with the site allocation policies.
MM21	Policy DM29, page 89	<p>Policy DM29 The Setting of Heritage Assets Amend the policy by adding the following new paragraph after the list of criteria:</p>	To ensure the policy wording is clear, effective and consistent with

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		<u>Where either substantial harm or less than substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the heritage asset/s affected.</u>	paragraphs 201-202 of the NPPF.
	Policy DM29, page 89	<p><i>Policy DM29 The Setting of Heritage Assets</i> <i>Amend the last paragraph of the policy to read:</i></p> <p>Opportunities should be taken to enhance the setting of a heritage asset through new development. Where a major development impacts on the settings of multiple heritage assets, <u>the scale of impact should be assessed against the importance of the heritage asset and the degree to which setting contributes to its significance</u> priority should be given to enhancing the setting of the asset(s) of greatest significance.</p>	The ensure the policy wording is effective and for consistency with paragraph 199 of the NPPF.
	Supporting text to Policy DM29, para. 2.227 page 89	<p><i>Policy DM29 The Setting of Heritage Assets</i> <i>Amend the first sentence of paragraph 2.227 of the supporting text to read:</i></p> <p><u>Reference to scale in the policy includes height.</u> Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, will often overlap with considerations of both townscape/urban design and of the character and appearance of conservation areas. This policy does not therefore preclude a bold architectural approach where appropriate.</p>	To ensure the wording is clear and unambiguous and aligns with the definition in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
	Supporting text to policy DM29, page 90	<p><i>Policy DM29 The Setting of Heritage Assets</i> <i>Amend paragraph 2.228 of the supporting text to add a final sentence as follows:</i></p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on 'Statements of Heritage Significance'.</u></p>	To ensure the wording is clear and unambiguous and for consistency with the site allocation policies.

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MM22	Policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens Amend the second sentence of the first paragraph of policy to read:</p> <p>In assessing this the impact of such proposals on the significance of the park or garden, the council will have particular regard to the impact <u>of development</u> on any notable view of, within or across the park or garden.</p>	To ensure the wording is clear and unambiguous.
	Policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens Amend the first sentence of the current second paragraph of policy to read:</p> <p>As an exception to the above, and wWhere permission is required, temporary uses or events (including associated structures) may <u>exceptionally</u> be permitted where any harm caused would be strictly temporary, <u>clearly</u> minor and easily reversible, having regard to the significance of the site within the park and garden, the scale of impact, timing and any public benefits arising from the use or event.</p>	To ensure the wording is clear and unambiguous
	Policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens Amend the policy by inserting a new 2nd paragraph as follows:</p> <p><u>Where either substantial harm or less than substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the parks/s and garden/s affected.</u></p>	To ensure the policy wording is clear, effective and consistent with paragraphs 201-202 of the NPPF.
	Supporting text to policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens Amend paragraph 2.234 of the supporting text to add a final sentence as follows:</p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on 'Statements of Heritage Significance'.</u></p>	For clarity and for consistency with the site allocation policies.

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	Supporting Text to Policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens Amend paragraph 2.235 by adding new second sentence to read:</p> <p><u>All applications will be expected to include evidence to show what alternative sites have been considered and why they are not deemed suitable.</u></p>	To ensure the wording is clear and unambiguous in respect of temporary uses or structures.
MM23	Policy DM31 page 93	<p>Policy DM31 Archaeological Interest Amend the first sentence of the fourth paragraph of the policy to read:</p> <p>Where the council has reason to believe, either from the archaeological assessment or from other evidence sources, that significant archaeological remains may exist, a suitable field evaluation and/or survey (e.g. for standing buildings and structures) will be required <u>pre-determination</u>.</p>	To ensure the policy wording is clear and effective.
	Supporting text to Policy DM31, page 93	<p>Policy DM31 Archaeological Interest Amend paragraph 2.237 of the supporting text to read:</p> <p>Archaeological remains are finite and irreplaceable resources which are particularly vulnerable to the effects of new development. Archaeological interest is defined in the NPPF. <u>Where either substantial harm or less than substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF.</u></p>	To ensure the policy wording is clear, effective and consistent with paragraphs 201-202 of the NPPF.
MM24	Policy DM32, page 95	<p>Policy DM32 The Royal Pavilion Estate Amend criterion d) of part 1 of the policy to read:</p> <p>d) Transform <u>Enhance</u> the quality and infrastructure of the gardens and enable the <u>better</u> management of activities within them;</p>	To ensure the policy wording is clear and unambiguous and to acknowledge the previous restoration scheme.

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	Supporting text to Policy DM32, page 96	<p>Policy DM32 The Royal Pavilion Estate Amend the second sentence of paragraph 2.245 of the supporting text to read:</p> <p>This should include improving the infrastructure within the gardens, such as Whilst the gardens were positively restored in the late 20th century, opportunity should be taken to enhance that <u>previous scheme with, for example,</u> protective fencing, better paths and lighting levels, improved irrigation and waste disposal and better facilities for the gardening staff.</p>	To acknowledge the positive impact of the late 20th century restoration scheme.
	Supporting text to Policy DM32, page 96	<p>Policy DM32 The Royal Pavilion Estate Amend paragraph 2.246 of the supporting text by adding a new third sentence and by amending the fourth sentence so that they read as follows:</p> <p><u>The garden's historic interest is in part its use as a promenading garden and place for reflection.</u> The impact <u>Impacts</u> on public views and access will <u>also</u> form <u>a key</u> part of considerations.</p>	To ensure the wording is clear and unambiguous and to reflect the significance of the garden.
MM25	Policy DM33	<p>Policy DM33 Safe, Sustainable and Active Travel Amend criterion 2(d) of the policy to read:</p> <p>provide for sufficient levels of cycle parking facilities in line with the Parking Standards for New Development (Appendix 2) (and any subsequent revisions)</p> <p>Amend criterion 2(e) of the policy to read:</p> <p>3) <u>where appropriate</u> make provision for high quality facilities that will encourage and enable cycling <u>including such as</u> communal cycle maintenance facilities, workplace showers, lockers and changing facilities;</p>	<p>For legal compliance. An update to the Parking Standards must take place through a review of the Plan.</p> <p>To clarify that such facilities are not required to be included within all developments.</p>

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	Policy DM33 Page 98	<i>Policy DM33 Safe, Sustainable and Active Travel</i> <i>Amend part 4(c):</i> c) Do not prejudice the implementation of proposed road safety improvements set out in the Local Transport Plan (and subsequent revisions/successor documents or programmes) and the council's Road Safety/Safer Roads Strategy ; and	Factual update as Road Safety Strategy has expired
	Policy DM33	<i>Policy DM33 Safe, Sustainable and Active Travel</i> <i>Amend footnote 64 to read:</i> Non-standard cycles are those which do not easily fit into standard cycle racks, for example tricycles <u>and cycles for those with disabilities.</u>	To clarify that 'non-standard cycles' includes cycles designed for those with disabilities.
	Supporting text to Policy DM33, paragraph 2.253 page 100	<i>Policy DM33 Safe, Sustainable and Active Travel</i> <i>Add sentence to end of paragraph 2.253:</i> <u>In providing new infrastructure for cycling and walking, applicants should also have regard to 'The Guide to Inclusive Cycling' (Wheels for Wellbeing, 2020), national guidance in 'Cycle Infrastructure Design (Local Transport Note 1/20)' and 'Gear Change; A bold vision for cycling and walking', in addition to the council's Local Cycling and Walking Infrastructure Plan.</u> <i>Add sentence to end of paragraph 2.254:</i> <u>In providing new infrastructure for public transport, applicants should have regard to the Brighton & Hove Bus Service Improvement Plan.</u>	To include reference to important and relevant new national and local documents.

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MM26	Supporting text to Policy DM34 paragraph 2.257 page 103	<p>Policy DM34 Transport Interchanges <i>Amend paragraph 2.257 as follows:</i></p> <p>2.257 The policy seeks to facilitate the provision of purpose-built and strategic transport interchange facilities where they would help to reduce traffic congestion across the city and are suitably located and designed. This issue will be considered further as part of a future <u>Local Transport Plans Traffic Network Management Strategy and Interchange Strategy.</u></p>	Factual update to reflect the intentions of the Local Highway Authority.
	Policy DM34 footnote 65 Page 102	<p>Policy DM34 Transport Interchanges <i>Amend footnote 65 as follows:</i></p> <p>⁶⁵<u>The test set out in Department for Transport C2/13 para 10 and NPPF para. 32. Circular 02/2013, particularly paragraphs 9 & 10, and the NPPF (2019), particularly paragraphs 110 and 111</u></p>	Factual update on circular advice and NPPF 2021 paragraph references updates (paragraphs 110-111)
MM27	Policy DM35, page 104	<p>Policy DM35 Travel Plans and Transport Assessments <i>Amend the part (1) to read:</i></p> <p>Transport Statements, Transport Assessments, Construction and Environmental Management Plans and Travel Plans are required to support planning applications for all developments that are likely to generate significant amounts of movement/travel in-line <u>accordance</u> with the NPPF or <u>and having regard to any subsequent national or</u> locally derived standards and guidance.</p>	To clarify the status of locally derived standards and guidance following discussions at the hearing sessions.
	Policy DM35, page 104	<p>Policy DM35 Travel Plans and Transport Assessments <i>Amend the second sentence of part (3) to read:</i></p> <p>Where Transport Statements or Transport Assessments are required for developments elsewhere, as set out in criterion (1), <u>the likely</u> traffic impacts within AQMA should be <u>considered and agreed with the council in order to determine</u> considered to inform decisions about whether an AQA is required.</p>	To ensure the policy wording is clear and unambiguous.

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	Policy DM35, page	<p>Policy DM35 Travel Plans and Transport Assessments <i>Amend the fourth sentence of paragraph 2.261 to read:</i></p> <p>Matters to be considered will include accordance with SPD14 <u>the parking standards set out in Appendix 2</u>, likelihood and impact of potential overspill parking onto nearby streets, trip generation, and arrangements for servicing and deliveries. Whilst development should generally be located in the most accessible locations, some development proposals, for example in urban fringe locations, may give rise to the need for a package of transport measures to support sustainable travel.</p>	To ensure the policy wording is clear and unambiguous.
MM28	Policy DM36, criterion 2, page 107	<p>Policy DM36 Parking and Servicing <i>Amend policy introduction and criterion 2 to read:</i></p> <p>Provision of parking, including 'blue badge' holder and cycle parking, in new developments should follow the standards in SPD14 'Parking Standards for New Development' (and any subsequent revisions) as set out in Appendix 2. In addition:</p> <p>2) Car-free residential developments will be supported and encouraged subject to consideration of relevant factors as set out in SPD14 'Parking Standards for New Development' (and any subsequent revisions).</p>	For legal compliance. An update to a SPD cannot change a policy requirement.
	Supporting text to Policy DM36, paragraph 2.266, page 108	<p>Policy DM36 Parking and Servicing <i>Amend paragraph 2.266 to read</i></p> <p>...The guidance in the SPD on parking levels is now transposed into policy and is set out in full in Appendix 2. This reflects local circumstances and aims to strike the right balance between providing appropriate levels of car parking spaces whilst also promoting sustainable forms of transport in areas of good public transport accessibility. Any future revisions to these standards will replace those currently set out in the Appendix 2.</p>	For legal compliance. An update to a SPD cannot change a policy requirement

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	Policy DM36 Paragraph 2.268, page 108	<p>Policy DM36 Parking and Servicing <i>Amend the first sentence in paragraph 2.268 to read:</i></p> <p>In locations where it cannot be demonstrated that on-street parking capacity would be sufficient to accommodate overspill, the council may <u>use Traffic Regulation Orders</u> add conditions to planning permissions to ensure that developments are 'permit free', i.e. that future occupants of a development are not eligible to apply for council-issued on-street parking permits.</p>	Update to the policy wording to reflect the means by which the council can ensure developments are permit free.
MM29	Policy DM37 page 110	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend first paragraph in Nature Conservation section of policy to read:</i></p> <p>Development should avoid adverse impacts and All development should seek to conserve and enhance biodiversity and geodiversity features ensuring:</p>	To ensure the policy wording is consistent with NPPF paragraph 180a.
	Policy DM37 page 110	<p>DM37 Green infrastructure and nature conservation <i>Nature Conservation section. Amend first two bullet points to read:</i></p> <ul style="list-style-type: none"> • <u>accordance with the mitigation hierarchy requirements of the NPPF*(link to footnote);</u> • <u>an additional measurable net gain in biodiversity is achieved;</u> <p><i>Footnote to read:</i></p> <p>The "mitigation hierarchy" is set out in <u>the NPPF paragraph 180</u>, the Biodiversity – code of practice for Planning and Development and the British standard for Biodiversity management (BS42020) 2013. In essence it seeks avoidance of harm; then mitigation; then compensation alongside new benefits for wildlife.</p>	To ensure the policy wording is consistent with NPPF paragraphs 170b, 180 and 180c.
	Policy DM37 page 110	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend bullet point list in Nature Conservation Section of policy to read:</i></p> <ul style="list-style-type: none"> • that recognised <u>protected and notable priority</u> species and habitats are protected and supported; 	To encompass a wider representation of species.

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	Policy DM37 page 110	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend bullet point list under Nature Conservation section to read:</p> <ul style="list-style-type: none"> ancient woodland and irreplaceable habitats are <u>protected</u> that appropriate and long-term management of new or existing habitats is secured <u>and opportunities to connect habitats are secured</u> to ensure a network of nature recovery⁶⁷; and 	To better accord with NPPF paragraphs 179b and 180b.
	Policy DM37 page 110 Footnote 67	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend footnote 67 to read:</p> <p>Nature recovery networks allows opportunities for <u>protection and</u> enhancement of existing nature assets including protected sites and wildlife-rich habitats, <u>and creation of new habitats</u>, to be identified and prioritised within a local area.</p>	To better reflect Nature Recovery Networks' aims and objectives.
	Policy DM37 page 111	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend first paragraph of policy on page 111 that follows bullet point list to read:</p> <p>Proposals for development within a designated site of importance to nature conservation or which could impact upon a designated site must <u>also</u> satisfy the following criteria:</p>	Deletion of unnecessary text.
	Policy DM37 page 111	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend Part A. Internationally protected sites to read:</p> <p>All development must comply with the Conservation of Habitats and Species Regulations (as amended) (link to new footnote). Development likely to have significant effects on an international site (either individually or in combination with other plans or projects) and which would affect the integrity of the site will be subject to Habitat Regulations Assessment and will not be permitted unless the council is satisfied that:</p> <p>i) There is no alternative solution (which can be adequately demonstrated by the developer); <u>and</u></p>	To better reflect and accord with the Habitats and Species Regulations.

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		<p>ii) There are imperative reasons of overriding public health or public safety for the development; and</p> <p>iii) Adequate compensatory provision is secured.</p> <p><i>New footnote to read:</i> <u>The Conservation of Habitats and Species Regulations 2017 (as amended)</u></p>	
	Policy DM37 page 111	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend Part B. Nationally protected sites to read:</i></p> <p>Development proposals should avoid impacts on nationally protected sites (<i>link to new footnote</i>). Development proposals likely to have an adverse effect on the site's notified special interest features will not be permitted, <u>unless the only exception is if:</u></p> <p>i) the benefits of the development, at this site, clearly outweigh <u>both</u> the likely impact to notified features on the site and any broader impacts on the network of nationally protected sites; and</p> <p>ii) the loss impacts can be mitigated in accordance with the mitigation hierarchy; through on or off-site habitat creation to achieve a net gain in biodiversity/ geodiversity.</p>	To ensure consistency with the NPPF paragraph 180 and to reflect Government guidance that specifies biodiversity net gain is not applicable to statutory designations.
	Policy DM37 page 112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Move the first paragraph of page 112 and place as a footnote linked to the first sentence of Part B. Nationally protected sites. In addition, add text to footnote to refer to MCZ assessment.</i></p> <p><i>Footnote to read:</i></p> <p><u>#Development likely to have a significant effect on nationally protected sites will be required to assess the impact by means of an Environmental Impact Assessment. Development likely to have an effect on the Marine Conservation Zone will be required to assess the impact by means of a Marine Conservation Zone Assessment.</u></p>	Unnecessary as policy text. To ensure effectiveness of policy and reflect policy DM39.

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	Policy DM37 page 112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend policy at Part C. Locally protected sites to read:</i></p> <p>Unless allocated for development in the City Plan, d Development proposals that will result in an adverse effect on the integrity of any local site which cannot be either avoided or adequately mitigated will not be permitted, unless*(link to new footnote):</p> <p>i) the site is allocated for development in the City Plan or there are exceptional circumstances that justify the development of the site and can be demonstrated to outweighing the adverse effects on the local designation are clearly demonstrated; and</p> <p>ii) the loss impacts can be mitigated through on or off-site habitat creation; and to achieve a net gain in biodiversity/geodiversity.</p> <p>iii) on site or off site as part of a local strategic ecological network additional measurable net gains in biodiversity/geodiversity can be achieved.</p>	<p>To ensure effectiveness of policy.</p> <p>To ensure consistency with NPPF paragraph 179a.</p> <p>To ensure consistency with NPPF paragraph 179b and Environment Act.</p>
	Policy DM37 page 112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Move the final paragraph of Part C Locally Protected Site and place as a footnote linked to the first sentence of Part C. Locally protected sites.</i></p> <p><i>Footnote to read:</i></p> <p><u>#Development proposals considered to have a significant effect on local sites will be required to assess the impact by means of an Ecological Impact Assessment.</u></p>	<p>Unnecessary as policy text.</p>
	Policy DM37 page 112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Move and amend the following section of the final paragraph from page 112 to follow the bullet point list on page 111. Paragraph reads:</i></p> <p>Proposals liable to affect green infrastructure and nature conservation features either directly or indirectly must be supported by an appropriate and detailed site investigation/assessment and accord with provisions set out in the mitigation hierarchy71. Measures to avoid or prevent harmful effects will be required.</p>	<p>To clarify this section of the policy applies to all sites, whether designated or not.</p>

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	Policy DM37 p.112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Move and amend the following section of the final paragraph from page 112 to follow the new proposed section heading entitled “Designated Sites” on page 111 and prior to existing paragraph that reads “Proposals for development within a designated site of importance to nature conservation...”</i></p> <p><u>Designated Sites</u> Where proposals are liable to cause direct or indirect harm <u>impact</u> to a designated sites, they must provide:</p> <ul style="list-style-type: none"> a) evidence to demonstrate that the objectives of the designation and integrity of the area will not be undermined; b) funded management plans that secure the long term protection and enhancement of remaining features⁷²; and c) up-to-date information about the biodiversity/geodiversity which may be affected, and how loss can be mitigated to achieve measurable net gains. 	To ensure consistency with NPPF paragraph 180 and to improve effectiveness of policy.
	Supporting text to Policy DM37 paragraph 2.275 page 112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend the second sentence of paragraph 2.275 of the supporting text to read:</i></p> <p>A development proposal’s impact upon the natural environment must be considered early in the design process, including cumulative <u>and in-combination</u> impacts and impacts upon the wider environment.</p>	To reflect good practice.
	Supporting text to Policy DM37 paragraph 2.278 page 114	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend the final paragraph 2.278 of supporting text to read:</i></p> <p>The opportunity for nature recovery networks should be considered in accordance with <u>regards to</u> the emerging Natural Capital Investment Strategy for Sussex and future Local Nature Recovery Strategies, which will become a requirement under the Environment Act. Any invasive non-native</p>	To clarify the status of these guidance documents as material considerations but do not have full weight of a Development

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		species should be removed in accordance with legislation <u>and having regard to best practice guidance</u> (see also DM40 Protection of the Environment and Health – Pollution and Nuisance).	Plan/legislation. To reflect forthcoming legislation. To reflect practice.
	Supporting text to Policy DM37 paragraph 2.279 page 114	<i>Policy DM37 Green Infrastructure and Nature Conservation</i> <i>Amend paragraph 2.279 to read:</i> The council will continue to work with the Brighton and Lewes Downs UNESCO Biosphere partners, including the South Downs National Park Authority and other surrounding authorities, to secure a landscape scale approach to biodiversity and green infrastructure <u>as recommended by People and Nature Network (PANN) 2020, which builds upon the Sussex Natural Capital Investment Strategy.</u>	To reflect local strategy.
	Supporting text to Policy DM37 paragraph 2.281 page 115	<i>Policy DM37 Green Infrastructure and Nature Conservation</i> <i>Amend fourth sentence of paragraph 2.281 to read:</i> All new build, refurbishment, and renovation schemes should incorporate swift boxes and bee bricks where possible ensuring their installation follows best practice guidance <u>including local guidance set out in the Guidance Note for Provision of Swift Boxes in New Development, 2020.</u>	For thoroughness and to ensure cross-references to all relevant guidance are included.
	Supporting text to Policy DM37 paragraph 2.282 page 115	<i>Policy DM37 Green Infrastructure and Nature Conservation</i> <i>Amend eighth sentence to supporting text at paragraph 2.282 to read:</i> Alongside this, opportunities should be explored to provide new benefits for wildlife <u>to deliver measurable biodiversity net gains.</u>	To clarify links to biodiversity net gain.
	Supporting text to Policy DM37 paragraph 2.282 page 115	<i>Policy DM37 Green Infrastructure and Nature Conservation</i> <i>Add sentence to end of paragraph 2.282 to read:</i> <u>Nature-based solutions to carbon storage and sequestration should also be sought.</u>	To support the council's ambition to achieve carbon neutrality.

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	Supporting text to Policy DM37 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Add new paragraph after existing paragraph 2.282. New paragraph to read:</i></p> <p><u>In addition to any measures required to mitigate impacts, net gains in biodiversity should also be achieved. Biodiversity net gain should be delivered on site where possible, or off site as appropriate and should still be secured where proposals have negligible or no adverse impacts on biodiversity. The Sussex Local Nature Partnership (LNP) has an ambition to achieve a 20% target for biodiversity net gain from developments. The council will work with the LNP to bring forward evidence to support this target. The updated SPD will also address biodiversity net gain and include examples of achievable targets.</u></p>	To reflect net gain principles. To reflect Sussex Local Nature Partnership ambition for net gain target and forthcoming update to Nature Conservation SPD.
	Supporting text to Policy DM37 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Add new supporting text paragraph prior to the section entitled "Designated Sites" and new footnote to read:</i></p> <p><u>In relation to Part C of the policy, examples of exceptional circumstances include development required in relation to flood defences or coastal management, key infrastructure that meets the wider needs of the city, and transport related infrastructure. Where land within locally designated sites is subject to an allocation for development in the City Plan* (new footnote), it is considered that the exceptional circumstances required under section C i) of the policy have been demonstrated specifically through the examination and adoption of the City Plan Part One and the need to plan positively for housing within the context of a significant citywide housing shortfall. However, any development proposals on these sites will still be required to meet the requirements under section C ii) and C iii) for mitigation and net gain in biodiversity/geodiversity as well as requirements relating to ecological assessment.</u></p> <p><i>Footnote to read:</i> <u>This applies to a small number of housing sites allocated in Policy H2 and one site allocated in Policy H1.</u></p>	To ensure policy wording is clear and unambiguous.

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	Supporting text to Policy DM37 paragraph 2.283 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend paragraph 2.283 to read:</i></p> <p>However, Castle Hill is designated a Special Area of Conservation (SAC) and lies within the South Downs National Park and the administrative area of the city council <u>and there are several designated European sites (SPAs and SACs) elsewhere within East and West Sussex. Large scale development within the City Plan area may still detrimentally affect the SAC by reason of additional pressure from visitors and traffic. As part of the preparation of City Plan Part Two, the council has undertaken a Habitats Regulations Assessment which concluded that the development proposed in the plan will not have significant adverse impacts on any designated European sites within 20km of the plan area boundary.</u></p>	To clarify the presence of other European sites within East/West Sussex and to reflect the findings of the Habitats Regulations Assessment undertaken on City Plan Part Two.
	Supporting text to Policy DM37 paragraph 2.284 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Add new sentence at end of paragraph 2.284 to read:</i></p> <p><u>National sites also include Marine Conservation Zones (MCZ), designated through the Marine and Coastal Access Act 2009. The Beachy Head West MCZ lies partly within the City Plan area.</u></p>	To rectify omission.
MM30	Policy DM39 page 119	<p>Policy DM39 Development on the Seafront <i>Amend part a) of policy to read:</i></p> <p>a) accord with <u>have regard to</u> the relevant Shoreline Management Plan and Coastal Strategy Study#;</p> <p>include new footnote: #<u>Beachy Head to Selsey Bill Shoreline Management Plan 2006; Brighton Marina to Saltdean Strategy 2001 and Brighton Marina to River Adur Strategy 2014 or their updates.</u></p>	To clarify the status of these management plans and strategies as material considerations but do not have full weight of a Development Plan. Strategies are named in full in new footnote.
	Policy DM39 page 119	<p>Policy DM39 Development on the Seafront <i>Amend last paragraph of policy to read:</i></p>	To ensure the policy wording is clear and

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		All developments providing sea-based activities or with a potential impact upon the marine environment should have appropriate regard to the Beachy Head West Marine Conservation Zone and be in accordance with the South Marine Plans. <u>Development that would be likely to have an adverse impact on designated sites including the Beachy Head West Marine Conservation Zone will need to accord with DM37 Green Infrastructure and Nature Conservation. Development likely to have an effect on the Marine Conservation Zone will be required to assess the impact by means of a Marine Conservation Zone Assessment.</u>	consistent with Policy DM37 and NPPF paragraph 180.
	Supporting text to Policy DM39 paragraph 2.300 page 120	<i>Policy DM39 Development on the Seafront</i> <i>Amend Supporting text at end of sentence at paragraph 2.300 to read:</i> The council will seek to ensure that any new or enhanced sea defences integrate sensitively with the local environment <u>and avoid an adverse impact on nature conservation assets in accordance with Policy DM37 Green Infrastructure and Nature Conservation.</u>	To clarify that any adverse impacts should be considered against the requirements of Policy DM37.
MM31	Policy DM40 Page 122	<i>DM40 Protection of the Environment and Health – Pollution and Nuisance</i> <i>Amend criteria a)iii to read:</i> iii. Appropriate measures can and will be incorporated to attenuate/mitigate existing and/or potential problems in accordance with national <u>policy</u> and <u>having regard to national and</u> local guidance; and	To clarify the status of these guidance documents as material considerations but do not have full weight of a Development Plan/ national policy.
	Policy DM40 page 122	<i>DM40 Protection of the environment and health-pollution and nuisance</i> <i>Amend and combine criteria (e) and (f) to read:</i> (e) particular regard must be given to <u>assess</u> the impacts of emissions from transport, flues, fixed plant, and, heat and power systems. (f) New biomass combustion and CHP plants associated with	To ensure the policy wording is clear and unambiguous.

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		major developments will not be acceptable in or near an Air Quality Management Area and sensitive receptors such as the Royal Sussex County Hospital due to the need to comply with nitrogen dioxide limits; and	
	Policy DM40 Page 123	<i>DM40 Protection of the Environment and Health – Pollution and Nuisance</i> <i>Amend criteria (g) to read:</i> g) ensure outdoor lighting is well designed; low impact; efficient; the minimum necessary with an appropriate balance between intensity, fittings, height and structures; and, not cause unacceptable detriment to <u>health and amenity</u> , public & highway safety, biodiversity, in particular priority habitats and species, the night sky and the South Downs National Park International Dark Sky Reserve.	To ensure the policy wording is consistent with NPPF para 185(c).
	Supporting text to Policy DM40, para 2.305 page 123	<i>Policy DM40 Protection of the environment and health-pollution and nuisance</i> <i>Amend supporting text paragraph 2.305 to read:</i> Two Six Air Quality Management Areas (AQMA's) are currently designated within the city; one covering the city centre, <u>Rottingdean, South West Portslade, Sackville Road-Old Shoreham Road, South Road-Preston Road, and Eastern Road (Hospital), and Portslade, and a second smaller area that includes Rottingdean High Street and its junction with the A259.</u>	Factual update to reflect the new AQMA 2020 designation.
	Policy DM40 paragraph 2.311 page 125	<i>DM40 Protection of the environment and health-pollution and nuisance</i> <i>Amend 4th sentence of paragraph 2.311 to read:</i> Any noise impact study and noise assessment must be carried out in accordance with current authoritative guidance and British Standards <u>and having regard to the local noise action plan</u> ⁸⁹ .	To clarify the status of these guidance documents as material considerations but do not have full weight of a Development Plan/ national policy.

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	Supporting text to Policy DM40 paragraph 2.314 page 125	<p>DM40 Protection of the Environment and Health – Pollution and Nuisance</p> <p><i>Amend supporting text paragraph 2.314 as follows:</i></p> <p>2.314 <u>Criteria g applies to any proposals which involve the installation of external lighting and where the design of developments may result in light spill from internal lighting.</u> Development proposals should avoid excessive and unnecessary lighting <u>to limit the potential for impacts on human health and biodiversity</u>, whilst at the same time recognising the important role of lighting in optimising the effective use of land outside daylight hours and addressing crime and antisocial behaviour (such as floodlighting for the extension of operating hours/crime deterrent). <u>Lighting design should have regard to the Institute of Lighting Professionals (ILP) Guidance Note 1 for the Reduction of Obtrusive Light (2020).</u> In May 2016 the South Downs National Park was designated as an International Dark Sky Reserve (IDSR). Lighting within the setting of the National Park should therefore take particular care to avoid unnecessary direct or reflected illumination of the sky at night.</p>	For clarity and to better accord with NPPF para 185(c). To ensure cross-reference to all relevant guidance.
MM32	Policy DM41 page 126	<p>DM41 Polluted and hazardous substances and land stability</p> <p><i>Amend first sentence of policy to read:</i></p> <p>Development proposals must ensure that <u>Planning permission will be granted for developments that can demonstrate</u> they do not prejudice health, safety, natural capital and the quality of the city's environment.</p>	To ensure the policy wording is clear and unambiguous.

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MM33	Policy DM43 page 131	<p>Policy DM43 Sustainable Drainage <i>Amend first sentence of third paragraph of policy to read:</i></p> <p>SuDS should be sensitively located and designed <u>from the outset, in line with having regard to recognised best practice⁹⁷, the Urban Design Framework SPD and in accordance with the Sustainable Drainage SPD</u> to ensure that the quality of local water is not adversely affected;</p>	To clarify the status of these guidance documents as material considerations but do not have full weight of a Development Plan and to include reference to the adopted Urban Design Framework as relevant local guidance.
	Supporting text 2.333 to Policy DM43 page 132	<p>Policy DM43 Sustainable Drainage <i>Amend paragraph 2.333 to read:</i></p> <p>2.333 The choice of appropriate sustainable drainage measures for a site/development should be informed by specific catchment and ground characteristics, and will require the early <u>design stage</u> consideration of a wide range of issues relating to the <u>design, location, management, long term adoption and maintenance of SuDS. A landscape-led approach to sustainable drainage techniques should be undertaken. Best practice and detailed guidance is set out in the South East Authorities Water People Places masterplanning guidance together with the Urban Design Framework SPD, the Sustainable Drainage SPD and the CIRIA (2015) guide for master planning sustainable drainage into developments.</u></p>	To clarify that consideration of SUDs should be undertaken early in the design stage encouraging a landscape-led/ masterplanning approach and to refer to relevant local guidance.
MM34	Policy DM44 page 134	<p>Policy DM44 Energy Efficiencies and Renewables <i>Amend first sentence of policy to read:</i></p> <p>The council will encourage all development to improve energy efficiency and achieve greater reductions in CO2 emissions in order to contribute towards Brighton & Hove's ambition to become a carbon neutral city by 2030. In addition to the requirements set out in Policy CP8 Sustainable Buildings[#], the following standards of energy efficiency and energy performance will be required</p>	In response to discussions during the examination hearings in order to clarify the application of the policy in combination with Policy CP8.

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		<p>unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable:</p> <p><i>Add New Footnote: #Policy CP8 sets out the energy performance and water efficiency standards for residential new build and the BREEAM standards for non-residential and greenfield development.</i></p>	
	Policy DM44 Page 134	<p><i>DM44 Energy Efficiency and Renewables</i></p> <p><i>Amend parts one and two of the Policy to create four parts and to read:</i></p> <ol style="list-style-type: none"> All development including conversions and change of use of existing buildings to new residential dwellings to achieve at least 19% improvement on the carbon emission targets set by Part L (2013) until the Future Homes Standard or any interim uplift in Part L which exceeds 19% improvement come into effect unless superseded by national policy or legislation;¹⁰⁰ <u>Non-residential development (major and non-major[#]) including conversions and changes of use to achieve at least 19% improvement on the carbon emission targets set by Part L (2013) until the Future Buildings Standards or any interim uplift in Part L which exceeds 19% improvement come into effect.</u> All development to achieve a minimum Energy Performance Certificate (EPC) rating of: <ol style="list-style-type: none"> <u>3. A minimum Energy Performance Certificate EPC rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use¹⁰¹.</u> <u>4. A minimum Energy Performance Certificate EPC rating 'B' for new build residential and non-residential development.</u> <p><i>Insert new footnote:</i> <i>#As defined in the supporting text to Policy CP8 at Table 6</i></p>	<p>In response to discussions during the examination hearings sessions in order to clarify the application of the required standards set out in the policy.</p> <p>To futureproof the policy with respect to the emerging Future Homes Standards and Future Building standards.</p> <p>For clarity</p>
	Policy DM44 Page 134	<p><i>DM44 Energy Efficiency and Renewables</i></p> <p><i>Amend part footnote 100 to read:</i></p>	To future proof policy with respect to the

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		100 including changes to Part L of the Building Regulations or the approved calculation methodology. <u>Following consultation, the government has indicated in its response to the Future Homes Standard consultation (The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings, January 2021) that it will introduce a Future Homes Standard and a Future Buildings Standard for non-domestic buildings in 2025 and an interim uplift to Part L will come into effect in June 2022.</u>	Future Homes Standard and Future Buildings standards
	Policy DM44 Pages 134 -135	<i>DM44 Energy Efficiency and Renewables</i> <i>Amend first sentence of last paragraph of policy to read:</i> All <u>major residential and-non-residential development</u> will be expected to submit an energy statement to provide details of the <u>building fabric energy efficiency and</u> low and zero carbon energy technologies used including the size/capacity of the systems and the estimated CO2 savings that will be achieved. Through preparation of the technical guidance the LPA will review and clarify what developers provide in the Energy Statement to ensure their robustness. For example, ensuring the statement will clearly set out how each element of the design will help to achieve carbon reductions.	In response to discussions during the examination hearings to clarify the requirements for supporting information should not be overly onerous in relation to non-major development.
	Policy DM44 paragraph 2.335 Page 135	<i>DM44 Energy Efficiency and Renewables</i> <i>Amend paragraphs 2.335 of supporting text to read:</i> 2.335 The purpose of this policy is to ensure that development delivers secure, affordable, low carbon growth, increases future energy resilience, and delivers the strategic objectives of City Plan Part One to become a zero- carbon city by 2050 ¹⁰² . This policy sets out the further steps the council will take to reduce carbon emissions associated with all new development...	In response to discussions during the examination hearings to clarify the application of the policy.

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	Supporting text to Policy DM44 para. 2.345 Page 137	<p>DM44 Energy Efficiency and Renewables <i>Amend paragraph 2.345 of supporting text to read:</i></p> <p>To ensure the assessment of new development better reflects the actual carbon emissions associated with their expected operation, planning applicants are required to use the government's updated carbon emission factors (SAP 10.1 or subsequent versions <u>updates</u>). It is anticipated that on developments where carbon savings from certain technologies (e.g. gas-engine CHP and solar PV) do not achieve the carbon savings set out in <u>meet</u> City Plan Part One Policy CP8, <u>fabric energy efficiency measures and</u> alternative or additional technologies will need to be utilised to meet the 19% improvement against part L 2013.</p>	To future proof the policy with respect to the Future Homes Standard and Future Buildings standards.
	Supporting text to Supporting text to Policy DM44 page 137	<p>DM44 Energy Efficiency and Renewables <i>Add new paragraph after the supporting text in paragraph 2.345 to read:</i></p> <p><u>New paragraph: The government indicated in January 2021* its intention to introduce the Future Homes Standard and Future Buildings Standards in 2025 with interim uplifts to Part L anticipated to come into effect in June 2022. For new homes, the interim uplift in Part L will be expected to produce 31% less CO2 emissions compared to current standards. The 19% improvement against part L 2013 will continue to apply until superseded by 2025 standards or any interim uplifts in Part L brought into effect before 2025 if these are higher than the 19%. In order for the city to achieve greater reductions in CO2 emissions and to meet the council's aspiration to become a carbon neutral city by 2030 the council will encourage developers to work towards the interim uplift in Part L before it comes into effect.</u></p> <p><u>*Add new footnote: The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings, January 2021.</u></p>	To future proof policy with respect to the Future Homes and Buildings standards
	Supporting text to Policy DM44 paragraph 2.346 page 137	<p>DM44 Energy Efficiency and Renewables <i>Amend first sentence of paragraph 2.346 of supporting text to read:</i></p>	To ensure the wording is clear and unambiguous.

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		2.346 If a developer can demonstrate that there is a technical or financial reason why this <u>the 19% improvement against Part L 2013</u> target cannot be achieved they would be expected to deliver as close to this target as possible.	
	Supporting text to Policy DM44 paragraphs 2.351, 2.359 and 2.361 pages 138 -140	<p>DM44 Energy Efficiency and Renewables</p> <p><i>Delete paragraph 2.351, and amend 2.359 – 2.361 of supporting text to read:</i></p> <p>2.351 Developers are required to confirm the predicted EPC ratings for all buildings when submitting a planning application, to submit a copy of the final EPC to the planning on completion. It is assumed no additional work will be required from the developer as it is a legal requirement to produce a draft EPC before work starts on site and a final EPC at completion for submission.</p> <p>...</p> <p>2.359 For major residential and non-residential development, the achievement of the CO2 emission reduction standard can be demonstrated through an Energy Statement prior to commencement of development.</p> <p><i>Split 2.359 to create new paragraph:</i></p> <p>At post construction stage, achievement of the standard can be demonstrated <u>as follows: for dwellings, through final ‘as built’ reports produced for Building Regulations compliance e.g. SAP (Standard Assessment Procedure) for dwellings or EPC; and for non-residential development, through SAP, EPC and /or SBEM (Simplified Building Energy Model) or BRUKL (Building Regulations UK Part L) for non-domestic development.</u> The council will <u>also expect ‘as built’ reports for larger non-domestic developments to demonstrate compliance to Policy CP8 BREEAM standards by producing a BREEAM final certificate, ie: most developments should meet BREEAM UK New Construction assessment; shell only developments should meet BREEAM UK New Construction ‘Shell only’ assessment; and refurbishment and fit-out should meet BREEAM UK Refurbishment and Fit- out Parts 2, 3 or 4 assessments as appropriate.</u></p>	<p>In response to discussions during the examination hearings to clarify the requirements for supporting information should not be overly onerous in relation to non-major development.</p> <p>To include references to the emerging Future Homes Standard and Future Homes Building.</p>

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		<p>2.360 <u>If required</u>, Ddetailed information relating to the specific information required, format and presentation of this information in Energy Statements will be set out in a technical guidance document to ensure consistency of reporting and evidence requirements.</p> <p>2.361 This <u>Energy</u> Statement should provide details of the low and zero carbon energy technologies used including the size/capacity of the systems and the estimated CO2 savings that will be achieved. A technical guidance document will be produced to provide support on the specific information required to demonstrate compliance as well as guidance on passive design, good building fabric and avoiding over-heating.</p>	To ensure the wording is clear and unambiguous.
MM35	Policy DM46, page 143	<p><i>DM46 Heating and cooling network infrastructure</i> <i>Amend the second paragraph of the policy to read:</i></p> <p>Where proposals come forward with combined heat and power (CHP) they must meet CHP Quality Assurance standards (CHPQA)¹²⁰ and demonstrate that heating and cooling systems have been selected in accordance with the heating and cooling hierarchy, and CIBSE Heat Network Code of Practice¹²¹ and address the requirements in Policy DM40 <u>and have had regard to the CIBSE Heat Network Code of Practice¹²¹</u>;</p>	To clarify the status of the code of practice as a material consideration but does not have full weight of a Development Plan/ national policy.
MM36	Policy SA7, page 156	<p><i>SA7 Benfield Valley</i> <i>Amend first sentence of policy to read:</i></p> <p>Land at Benfield Valley <u>as shown on the Policies Map</u> will be protected and enhanced as an important green wedge into the urban area, a valued Local Wildlife Site and Local Green Space.</p>	To ensure the policy wording is clear and unambiguous.
	Supporting text to Policy SA7, paragraph 3.9, page 158	<p><i>SA7 Benfield Valley</i> <i>Amend paragraph 3.9, first bullet point to read:</i></p> <p>A Landscape and Visual Character <u>Impact</u> Assessment¹³⁹ which will inform landscape led masterplans for development sites and associated</p>	To clarify that a Landscape and Visual Impact Assessment will be required to

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		¹³⁹ To be carried out in accordance with Guidelines for Landscape and Visual Impact Assessment 3 rd Edition (Landscape Institute and IEAM 2013).	support development proposals.
MM37	Policy SSA1, page 153	<p>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road Amend Policy to read:</p> <ul style="list-style-type: none"> • 10,000 – 12,000 sq m health and care facility (D1E(e)); 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Policy SSA1 Page 153	<p>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road Amend requirements a) and b) of the Policy to read:</p> <p>a) Achieve a high quality of design which preserves and where possible enhances the setting of the Grade II Listed Building and the most significant non-designated heritage assets and where possible enhances the setting of the listed building. A comprehensive Heritage Impact Assessment will be required;</p> <p>b) Create active frontages along Freshfield Road and Pankhurst Road through selective openings on the flint wall that do not undermine the heritage character <u>and appearance of the wall.</u></p>	To clarify the requirements in respect of the heritage assets.
	Supporting text to Policy SSA1 Page 154	<p>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road Amend paragraph 3.12 of the supporting text to read:</p> <p>The main Brighton General Hospital Arundel Building and the later built infirmary blocks form a prominent group of landmark buildings on the high ridge on the east side of Brighton. The site occupies an elevated position with extensive viewpoints from across the city and requires a high quality architectural response. The Arundel Building is a Grade II listed building and was <u>originally</u></p>	To ensure the wording is clear and unambiguous and to clarify the term 'heritage character'.

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		formerly used as the city's workhouse. There are a number of 19th Century Infirmary and Workhouse Blocks located within the <u>curtilage setting</u> of the principal listed building that and are therefore also may be curtilage listed or non-designated heritage assets. <u>The site is attractively bounded by continuous high flint walls with brick piers that hold a heritage character deriving from the strong sense of enclosure they create and the use of local vernacular construction and materials.</u> Development proposals with the potential to affect the listed building or its settings should be supported by <u>a appropriately scaled</u> Heritage Impact Assessments.	
	Supporting text to Policy SSA1, Paragraph 3.18 page 155	<p>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road Delete last two sentences of paragraph 3.18 and create new paragraph to read:</p> <p>The site holds around 15 swift nests considered to be the oldest swift breeding colony in Brighton and Hove and thus offers a unique opportunity to safeguard and enhance biodiversity. Any new scheme will be required to make provision for installing and maintaining swift boxes in appropriate locations.</p> <p><u>New paragraph: The site is understood to hold around 15 to 20 swift nests that are considered to be the oldest and largest swift breeding colony in Brighton and Hove and thus the site offers a unique opportunity to safeguard and enhance biodiversity. Any new scheme will be required to make robust and appropriate provision to safeguard, protect and support the swift colony throughout the entirety of the development phasing: demolition, construction and operation. Any demolition should not occur before the end of a swift breeding season. A phased approach to both demolition and construction may be necessary as part of measures to provide an interim solution to safeguard the colony which could include the provision of additional swift bricks/boxes on remaining existing on-site buildings. Interim solutions will need to be proven to be successful.</u></p>	In response to discussions at examination hearing sessions new wording provides detail in the supporting text regarding the need to provide robust and appropriate provision to safeguard, protect and support the swift colony throughout the entirety of the development phasing
MM38	Policy SSA2, page 156	<p>SSA2 Combined Engineering Depot, New England Road Amend policy at first paragraph second bullet point policy to read:</p>	To ensure consistency with changes to the Use Classes Order, as

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		<ul style="list-style-type: none"> the provision/replacement of a minimum of 1,000 sq m B1 <u>E(g)</u> workspace and managed starter office units. 	amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Policy SSA2 Page 156	<p><i>SSA2 Combined Engineering Depot, New England Road</i> <i>Amend paragraph 3.23 of the supporting text to read:</i></p> <p>Brighton mainline station is a Grade II* listed building, the Railway Bridge is Grade II listed and the site is situated adjacent to West Hill Conservation Area. <u>The site itself may contain railway heritage buildings that meet the criteria for non-designated heritage assets (see DM28 ‘Locally Listed Heritage Assets’).</u> Building heights and massing should respect strategic city wide views and enhance the setting of nearby heritage assets (see DM29 ‘The Setting of Heritage Assets’). <u>A Heritage Impact Assessment will be required with any application for the site.</u></p>	To clarify the heritage assets relevant to the site and how potential heritage impacts should be identified.
MM39	Policy SSA3, page 158	<p><i>SSA3 Land at Lyon Close, Hove</i> <i>Amend policy to read:</i></p> <p><i>(Second paragraph, first bullet point)</i></p> <ul style="list-style-type: none"> the retention/ replacement of a minimum of 5,700 sq m net B1a <u>E(g)</u> office floorspace through the mixed use development of the following sites: <p><i>(Second paragraph, third bullet point)</i></p> <ul style="list-style-type: none"> expanded Ð1 health facilities (GP surgery) and/or community uses subject to demonstration of need and deliverability; and <p><i>(Third paragraph)</i></p> <p>Should the retail warehouse units¹³⁴ come forward for redevelopment during the Plan period then the council will seek a mix of B1 <u>E(g)</u> business and residential uses.</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

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		<p>(Fourth paragraph, criterion b.)</p> <p>All proposals, including changes in existing business uses (Use Class B1-B8) (<u>Use Classes E(g), B2 and B8</u>), will be expected to contribute to the provision of a range of office and flexible workspaces including medium floor plate offices and start up business floorspace suitable for small business;</p>	
	Supporting text to Policy SSA3, para 3.27, page 160.	<p>SSA3 Land at Lyon Close, Hove <i>Amend last sentence of supporting text at paragraph 3.27 to read:</i></p> <p>However, proposals for tall buildings will need to be tested for visual impact from key viewpoints, <u>be in accordance with as well as taking into account City Plan Part One policies and have regard to the supplementary guidance on tall buildings (to be reviewed in the forthcoming set out in SPD17 Urban Design Framework).</u></p>	To reflect adoption of SPD17 Urban Design Framework in July 2021 and to be precise on the weight to be attached to Development Plan policies/ SPDs.
MM40	Policy SSA4, page 161	<p>SSA4 Sackville Trading Estate and Coal Yard <i>Amend policy first paragraph, second bullet point to read:</i></p> <ul style="list-style-type: none"> • A minimum of 6000m2 E(g)B1-employment floorspace 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Policy SSA4 Page 162	<p>SSA4 Sackville Trading Estate and Coal Yard <i>Add criterion (k) to policy to read:</i></p> <p><u>k) Development must ensure that groundwater sources are protected to the satisfaction of the Environment Agency.</u></p>	To reflect advice from the Environment Agency and for consistency with other strategic site allocations.

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	Supporting text to Policy SSA4, paragraph 3.37 Page 162	<p>Policy SSA4 – Sackville Trading Estate and Coal Yard Amend paragraph 3.37 to read:</p> <p>The Hove Station area is identified in the Tall Buildings <u>Urban Design Framework SPD¹³⁸</u> as having opportunities for tall building development.</p>	Factual Update to reflect adoption of the Urban Design Framework SPD
	Supporting text to Policy SSA4 Page 162	<p>SSA4 Sackville Trading Estate Amend supporting text at paragraph 3.38 to read: “An Air Quality Management Area extends along Sackville Road to the junction with Old Shoreham Road. The effect of the new development on this the <u>the AQMA at the junction of Sackville Road and Old Shoreham Road</u> will require careful consideration in order to achieve compliance with the requirements of Policies CP9 Sustainable Transport and DM40 Protection of the Environment -Pollution and Nuisance.”</p>	Factual update to reflect 2020 revised AQMA
	Supporting text to Policy SSA4 paragraph 3.39 Page 163	<p>Policy SSA4 – Sackville Trading Estate and Coal Yard Amend paragraph 3.39 with additional sentence at end of paragraph:</p> <p><u>The Hove Station Area Supplementary Planning Document (adopted 16 September 2021) provides guidance on improving linkages in and from the Hove Station Area which is adjacent to this site.</u></p>	Factual update to reflect Hove Station Area SPD was adopted 16 September 2021.
	Footnote 138 Page 162	<p>Policy SSA4 – Sackville Trading Estate and Coal Yard Amend footnote 138 to read:</p> <p>www.brighton-hove.gov.uk/sites/brightonhove.gov.uk/files/downloads/localplan2001/15_SPGBHTall_buildings.pdf <u>www.brighton-hove.gov.uk/planning-and-building-regulations/spd17-urban-design-framework-supplementary-planning-document-udf</u></p>	Factual update to reflect adoption of the Urban Design Framework SPD

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MM41	Policy SSA5, page 164	<p>SSA5 Madeira Terrace and Madeira Drive Amend Policy SSA5 to read:</p> <ul style="list-style-type: none"> • Retail uses (Use Classes A1, A3, A4, A5 E (a), E (b), <u>public house, wine bar, or drinking establishment (Sui Generis) and hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises (Sui Generis)</u>); • Commercial space (Use Class B1-E (g)); • Small scale/ boutique hotel visitor accommodation (Use Class C1); • Galleries/museum(s) (Use Classes D1F1 (b) and F1(c)); and/or • Leisure uses (Use Classes D2 E (d) and F2) appropriate to the character of the seafront. 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to clarify the scale/ type of visitor accommodation.
	Policy SSA5 Page 164	<p>SSA5 Madeira Terrace and Madeira Drive Amend second paragraph of policy to read:</p> <p>Planning permission will be granted for proposals that accord with the Development Plan <u>and respect the significance of the Grade II* Madeira Terrace and other associated designated and undesignated heritage assets, prioritising their repair and restoration</u> and meet the following site specific requirements:</p>	Factual update of listing status of heritage assets and to emphasise that proposals will be expected to respect the heritage assets.
	Supporting text to Policy SSA5 paragraph 3.44 page 165	<p>SSA5 Madeira Terrace and Madeira Drive Amend first sentence of supporting text at paragraph 3.44 and add new sentence to end of the paragraph to read:</p> <p>Madeira Terrace is a Grade II listed unique structure running half a mile along the seafront and includes 151 separate arches, a Victorian promenade with raised walkway, access stairs, associated buildings and lift towers. It is considered to be the longest cast iron structure in Britain, running from the Aquarium Colonnade to the Volk's Railway maintenance building. Since 2012 Madeira Terrace has been closed to the public as the structure has degraded and become unsafe.</p>	Factual update of listing status of heritage assets.

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		<u>Madeira Terrace, Lift and Shelter Hall have been re-graded to II* and have been added to the Historic England list of heritage assets at risk. The East Cliff Conservation Area, within which Madeira Terrace plays a key part, has also been identified as at risk.</u>	
	Policy SSA5 paragraph 3.45 page 165	<p><i>SSA5 Madeira Terrace and Madeira Drive</i> <i>Amend first, third and fourth sentence of supporting text at paragraph 3.45 to read:</i></p> <p>The council is committed to the retaining, restoring and reactivating the Grade II* listed structure. The council has allocated £13.4million funding for Madeira Terraces restoration. The renovation of Madeira Terrace will need to be sensitive to the structure's unique <u>and intrinsic heritage value and informed by a Conservation Management Plan which will be a material planning consideration.</u> and Proposals will need to be financially sustainable commercially viable in order to pay for its contribute to its restoration and long term maintenance. A potential option is to develop new uses and activities within It is likely that a variety of commercial uses will be placed in the arches of Madeira Terrace.</p>	Factual update to refer to the Conservation Management Plan and updated listing status.
	Supporting text to Policy SSA5 paragraph 3.46 page 165	<p><i>SSA5 Madeira Terrace and Madeira Drive</i> <i>Amend paragraph 3.46 of supporting text to read:</i></p> <p>Uses should be complementary to the area and the vision for this part of the seafront and could include a wide variety of uses such as cafes, bars, restaurants, boutique retail, an arts centre/ Heritage Interpretation and Learning centre, an outdoor sports activity centre, museum space, a hub for creative industries with incubator/ workspace and small scale/ <u>boutique visitor accommodation (with limited service) boutique hotel.</u> However, residential use will not be permitted. Careful consideration needs to be given to the relationship and connection between potential the businesses within the arches and <u>Madeira Terrace's historic use for walking and as a 'grandstand' and the wider area's ongoing role as Brighton and Hove's premier events space and the beach. An initial phase of repair or regeneration is likely to inform a holistic strategy for Madeira Terrace*.</u></p>	Factual update to refer to the council's Madeira Terrace 30 Project and to clarify the scale and type of visitor accommodation.

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		<i>And add new footnote: [#]The Madeira Terrace 30 Project was commissioned in 2020 to consider the initial phase of repair and regeneration of part of the Madeira Terrace.</i>	
	Supporting text to Policy SSA paragraph 3.47 page 165	<p>SSA5 Madeira Terrace and Madeira Drive <i>Amend the second sentence in paragraph 3.47 of the supporting text to read:</i></p> <p>A number of options will need to be considered such as the feasibility <u>including the reopening of the closed staircases between Marine Parade and Madeira Drive and the feasibility of improving lift access to include whether Madeira Lift could be opened all year round and/or the provision of additional lift access, as well as improved wayfinding and reducing the severance caused by the Volks railway whilst improving its visual setting.</u></p>	To clarify the potential to improve access to Madeira Terrace and Madeira Drive.
	New footnote for supporting text to Policy SSA5 paragraph 3.48 page 165	<p>SSA5 Madeira Terrace and Madeira Drive <i>Add new footnote at the end of the last sentence in paragraph 3.48:</i></p> <p>A masterplan including public realm strategy will be developed to support the implementation of this policy[#].</p> <p>[#] <u>The Eastern Seafront Masterplan SPD is due to be adopted in 2022</u></p>	Factual update on progress on the Eastern Seafront Masterplan SPD.
MM42	Policy SSA6, page 167	<p>SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive <i>Amend the two bullet points under first paragraph of policy to read:</i></p> <ul style="list-style-type: none"> leisure uses (Use Classes D2E (d) and F2) or art and heritage uses (Use Classes D4 <u>F1(b) and F1(c)</u>) appropriate to the character of the seafront providing the main use of the site; and ancillary supporting retail uses (Use Classes A1, A3, A4 and A5-E (a), E (b), Public house, wine bar, or drinking establishment (Sui Generis) and hot food takeaway for the sale of hot food where <u>consumption of that food is mostly undertaken off the premises (Sui Generis).</u> 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

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	Supporting text to Policy SSA6, para. 3.52 page 168	<p>Policy SSA6 <i>Amend the first sentence of the supporting text 3.52 as follows:</i></p> <p>Ancillary retail uses will be permitted that support the new attraction and create footfall to the site. Due to the heritage assets (<u>the East Cliff Conservation Area and Grade II* listed Madeira Terraces and Shelter Hall which have been added to Historic England's list of heritage assets at risk</u>) a <u>Heritage Impact Assessment will be required with any application for the site.</u> dDevelopment at beach level should be primarily single storey and should not exceed the height of middle promenade to respect the historic setting and open nature of the area...</p>	Factual update of listing status and to clarify how potential heritage impacts should be identified.
MM43	Policy SSA7, page 169	<p>SSA7 Land Adjacent to American Express Community Stadium, Village Way <i>Amend bullet point under first paragraph of policy to read:</i></p> <ul style="list-style-type: none"> • B1a <u>E(g) (i)</u> (offices), D1 <u>E (e)</u> (health) F1 (a), (health/education) and/or other ancillary uses directly associated with the Stadium and/or Sussex and Brighton Universities. 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Supporting text to SSA7, page 170	<p>SSA7 Land Adjacent to American Express Community Stadium, Village Way <i>Amend final sentence in paragraph 3.54 to read:</i></p> <p>The site provides an opportunity to enhance the facilities of the Stadium by providing for example B1a offices or D1 health/ education uses associated with the Stadium or the Universities.</p>	To ensure consistency changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification		
	Supporting text to Policy SSA7 paragraph 3.59 page 170	<p>SSA7 Land Adjacent to American Express Community Stadium, Village Way <i>In paragraph 3.59 of supporting text amend first sentence to read:</i></p> <p>“The design and massing of any proposed development will need to consider <u>by way of a Heritage Impact Assessment</u> the visual impact of the Grade II registered historic Stanmer Park and Listed Buildings within the University of Sussex campus (see Policy DM29 The Setting of Heritage Assets).</p>	To clarify how potential heritage impacts should be identified.		
MM44	Policy H1 page 172	<p>Policy H1 Housing Sites and Mixed Use Sites <i>Amend second sentence of first paragraph of policy to read:</i></p> <p>Planning permission will be granted for proposals that accord with the Development Plan and which provide the minimum indicative amounts of development shown in the tables.</p>	To ensure the policy wording is clear and unambiguous.		
	Supporting text to Policy H1, paragraph 3.64, page 172	<p>Policy H1 Housing Sites and Mixed Use Sites <i>Add new sentence to Paragraph 3.64 to read:</i></p> <p>3.64 Only sites which are expected to bring forward 10 or more residential units are allocated in this policy. <u>Approximately 90% of this housing will be on sites of less than one hectare which considerably exceeds the 10% target set in the NPPF Paragraph 69a.</u> It is expected that smaller sites and windfall provision will continue to make a significant contribution towards the city’s planned housing requirements as accounted for in Policy CP1.</p>	To provide a direct reference to the requirement in NPPF 69a.		
	Policy H1, Table 6 page 174	<p>Policy H1 Housing Sites and Mixed Use Sites <i>Table 6 – Residential Site Allocations amend Table 6 to delete the following sites:</i></p> <table><tr><td>Site Name</td><td>Indicative number of Residential</td><td>Permitted additional Uses</td></tr></table>	Site Name	Indicative number of Residential	Permitted additional Uses
Site Name	Indicative number of Residential	Permitted additional Uses			

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification
			Units (Use Class C3)		For 2-16 Coombe Road site, deletion in response to a representation from the landowner confirming the site will not be made available for redevelopment during the plan period.
		Land between Marine Drive and rear of 2-18 The Cliff, Brighton	10 ¹⁴⁷		
		2-16 Coombe Road	33	B1 starter business units/affordable workspace at ground floor.	
		Delete associated footnote 147: Development will mitigate any adverse impacts on designated sites and provide biodiversity net gains in accordance with Policy CP10 and DM37			
	Policy H1, Table 6 page 175	Policy H1 Housing Sites and Mixed Use Sites Table 6 – Residential Site Allocations amend the table to add the following rows to read:			For Fox Way, to reflect an extant planning consent for the site.
		Land at the corner of Fox Way and Foredown Road, Portslade#	10 14		
	Policy H1, Table 6 page 175	Policy H1 Housing Sites and Mixed Use Sites Table 6 – Residential Site Allocations amend the table to add the following rows to read:			In response to consideration of omission sites put forward at Regulation

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification
		Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses	19 consultation stage which have been assessed to be suitable and available sites for housing development.
		Land at Preston Road / Campbell Road, Brighton	24		
		154 Old Shoreham Road, Hove	30	E class uses on ground floor	
Policy H1, Table 6	Policy H1 Housing Sites and Mixed Use Sites Table 6 – Residential Site Allocations amend Table 6 to delete:				Deletions to reflect the substantial completion of development on these sites.
Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses			
87 Preston Road, Brighton, BN1 4QG	25				
George Cooper House, 20-22 Oxford Street, Brighton	20	Retail at ground floor level.			
Whitehawk Clinic, Whitehawk Road, Brighton#	38				
Buckley Close garages, Hangleton #	12				
189 Kingsway, Hove #	60				

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed				Reason for Modification									
		Kings House, Grand Avenue, Hove #	169												
	Policy H1, Table 6 page 175	Policy H1 Housing Sites and Mixed Use Sites <i>Table 6 – Residential Site Allocations amend the Total row to read:</i> <table><tr><td>TOTAL</td><td><u>1,051</u> 752</td><td></td></tr></table>				TOTAL	<u>1,051</u> 752		Factual update of housing total to reflect changes to site allocations detailed above.						
TOTAL	<u>1,051</u> 752														
	Policy H1, Table 6 pages 173 - 175	Policy H1 Housing Sites and Mixed Use Sites <i>Table 6 – Residential Site Allocations amend the following rows in Table 6 to read:</i> <table><tr><th>Site Name</th><th>Indicative number of Residential Units (Use Class C3)</th><th>Permitted additional Uses</th></tr><tr><td>Land between Manchester Street/Charles Street, Brighton, BN2 1TF#</td><td>12</td><td>B1-E class employment floorspace or D2 entertainment <u>and leisure</u> uses.</td></tr><tr><td>Saunders Glassworks, Sussex Place, Brighton, BN2 9QN#</td><td>49</td><td><u>E class uses</u></td></tr></table>				Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses	Land between Manchester Street/Charles Street, Brighton, BN2 1TF#	12	B1-E class employment floorspace or D2 entertainment <u>and leisure</u> uses.	Saunders Glassworks, Sussex Place, Brighton, BN2 9QN#	49	<u>E class uses</u>	To ensure consistency changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and in response to a representation from the landowner of the Saunders Glassworks site
Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses													
Land between Manchester Street/Charles Street, Brighton, BN2 1TF#	12	B1-E class employment floorspace or D2 entertainment <u>and leisure</u> uses.													
Saunders Glassworks, Sussex Place, Brighton, BN2 9QN#	49	<u>E class uses</u>													
	Policy H1, page 176	Policy H1 Housing Sites and Mixed Use Sites <i>Amend the following rows in Table 7 Mixed Use Housing Site Allocations to read:</i>				For consistency with the heading in Table 6, to ensure consistency with changes to the									

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification
		Site Name	Indicative number of Residential Units (Use Class C3)	Minimum Requirements for Other Uses	Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to make the allocation at 71-76 Church Street justified and effective.
		71 - 76 Church Street, Brighton	50 10	B1 E(g) Employment floorspace in the northern part of the site on the ground floor which could include small scale workshop type units.	
		Post Office site, 62 North Road, Brighton#	110	3000sqm B1 E(g) employment floorspace.	
		27-31 Church Street (corner with Portland Street)#Ω	10	630sqm E(g) employment floorspace B1 Offices.	
		Former Dairy Crest Site, 35-39 The Drove way, Hove, #	14	500sqm B E use class employment uses, ancillary retail.	
		Kingsway/Basin Road North (Site AB4 in Shoreham Harbour Joint Area Action Plan (JAAP) Policy CA2)#	90	Use classes B1 E(g) and B2 at Basin Road North level, use classes E A2, B1 and ancillary A1 at Kingsway level, and use class C3 on upper storeys.	

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification
		<div>Prestwich House, North Street, Portslade (Site SP1 in JAAP Policy CA3)</div> <div>Regency House, North Street, Portslade (Site SP4 in JAAP Policy CA3)</div> <div>Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP Policy CA3)</div> <div>Church Road/ Wellington Road/ St Peter's Road (Site SP6 in JAAP Policy CA3)</div> <div>Station Road site, Portslade (Site SP7 in JAAP Policy CA3)</div>	<div>15</div> <div>45</div> <div>45</div> <div>25</div> <div>15</div>	<div>Use class B1 E(g) on lower storeys.</div> <div>Use class B1 E(g) on lower storeys</div> <div>Use class B1 E(g) on lower storeys and use class C3 on upper storeys. Associated leisure and assembly (use class D) uses may be permitted provided they are demonstrated to be compatible with residential and employment uses in the vicinity.</div> <div>The southern portion of the site is allocated for new employment development (use classes B1 E(g), B2 and B3).</div> <div>Use classes A1, A2, A3 and B1 E fronting Station Road.</div>	
	Policy H1, Table 7 page 176	Policy H1 Housing Sites and Mixed Use Sites <i>Table 7 – Residential Site Allocations amend the Total row to read:</i>			Factual update of housing total to reflect changes to site

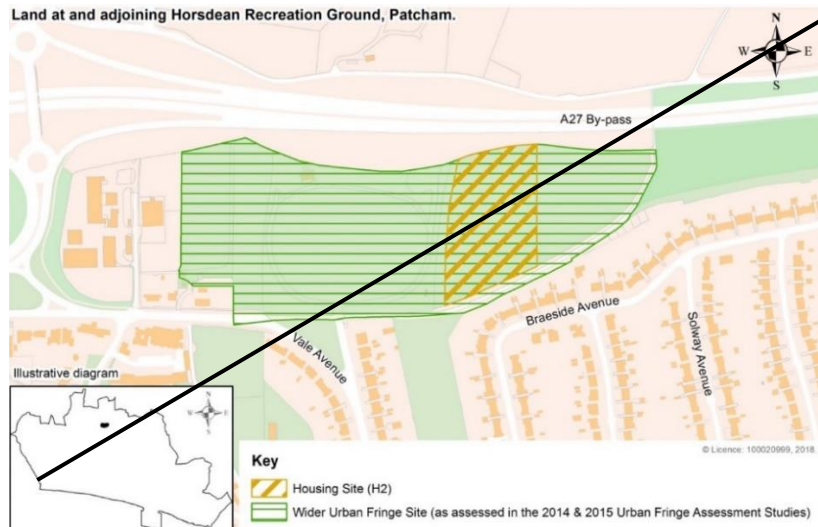
Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed						Reason for Modification														
		TOTAL		519479				allocations detailed above.														
MM45	Policy H2 – Table 8 Urban Fringe Allocations, page 180	<p>Policy H2 Housing Sites – Urban Fringe</p> <p><i>Table 8 Urban Fringe Allocations, amend heading in fifth column of table as shown:</i></p> <table><tr><th>Site Name</th><th>UFA Reference</th><th>Total Site Area (Hectares)</th><th>Area of Development Potential (Hectares)</th><th>Potential Indicative Number of Dwelling Units¹</th><th>Indicative Percentage of Family Sized Housing (3+ bedroom)</th><th>Key Site Considerations</th></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>						Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations								For consistency with the H2 policy wording.
	Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations															
	Policy H2 – Table 8 Urban Fringe Allocations, page 180	<p>Policy H2 Housing Sites – Urban Fringe</p> <p><i>Table 8 Urban Fringe Allocations amend table to delete ‘Land at and Adjoining Horsdean Recreation Ground, Patcham’ and associated detail:</i></p> <table><tr><th>Site Name</th><th>UFA Reference</th><th>Total Site Area (Hectares)</th><th>Area of Development Potential (Hectares)</th><th>Potential Indicative Number of Dwelling Units¹</th><th>Indicative Percentage of Family Sized Housing (3+ bedroom)</th><th>Key Site Considerations</th></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>						Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations								Deletion of site in response to further evidence relating to the potential impact of development on the Patcham Court Field Local Wildlife Site (Urban Fringe Assessment 2021 Update). DM25
Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations																

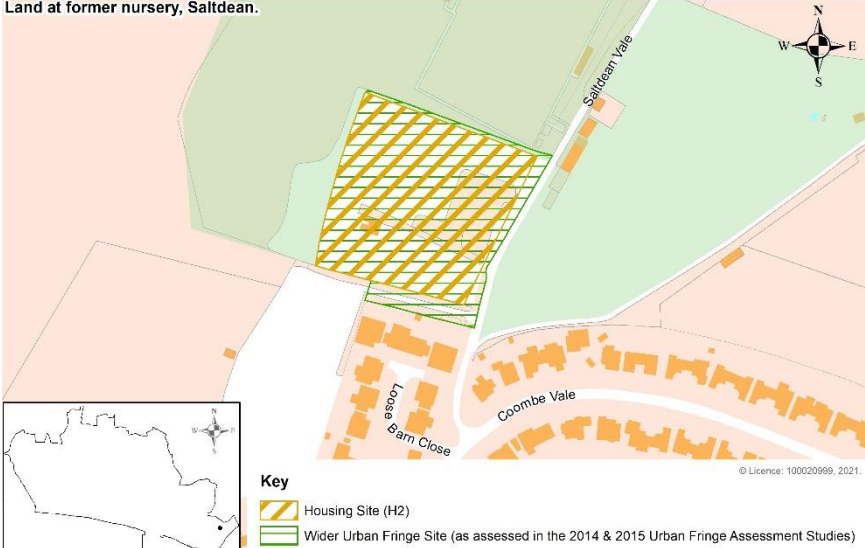
Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed							Reason for Modification
		Land at and adjoining Horsdean Recreation Ground, Patcham	Site 16 (2014 UFA); Study Area L4 (2015 UFA);	6.32	1.17	25	50%	<ul style="list-style-type: none"> ecology heritage open space landscape Groundwater Source Protection Zone archaeology ground water flooding¹⁴⁶ 	
	Policy H2 – Table 8 Urban Fringe Allocations, page 182	Policy H2 Housing Sites – Urban Fringe <i>Table 8 Urban Fringe Allocations amend the following row to read:</i>							Total Site Area amended to reflect proposed change to site allocation boundary as shown on the Policies Map. Area of development Potential and Potential Number of Dwelling Units amended to reflect recommendations of the Urban Fringe Assessment 2021 Update.
Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations			
Land at former nursery, Saltdean #	Site 46a (2014 UFA); Study Area E14 (2015 UFA);	0.96 0.83	0.96 0.75	24 18	50%	<ul style="list-style-type: none"> surface and ground water flooding¹³⁹ landscape Groundwater Source Protection Zone wastewater infrastructure 			

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed								Reason for Modification
	Supporting text to Policy H2 Paragraph 3.69 page 183	Policy H2 Housing Sites – Urban Fringe <i>Amend final sentence of supporting text at paragraph 3.69 to read:</i> In addition, the provision of serviced plots for self-build and custom build housing and proposals for community led housing will be strongly encouraged <u>all development proposals will be expected to include a proportion of serviced plots for self and/ custom build dwellings subject to viability considerations</u> (see also Policy DM1 Housing Quality, Choice and Mix).								To provide greater clarity and ensure supporting text is consistent with policy criterion i).
	Supporting text to Policy H2 Paragraph 3.73 page 184	Policy H2 Housing Sites – Urban Fringe <i>Amend part of final sentence in the supporting text at paragraph 3.73 to read:</i> Ecological Assessment including Protected Species Survey <u>Ecological Impact Assessment</u>								To reflect good practice and provide clarity for applicants.
	Supporting text to Policy H2 Paragraph 3.73 page 184	Policy H2 Housing Sites – Urban Fringe <i>Add new footnote after the words 'Heritage Statement' in the final sentence in the supporting text at paragraph 3.73:</i> <i>New footnote to read: In accordance with Historic England Advice Note 12: Statements of Heritage Significance.</i>								To provide clarity and guidance on Heritage Statement requirements.
	Supporting Text to Policy H2 Paragraph 3.76 page 185	Policy H2 Housing Sites – Urban Fringe <i>Amend second sentence of supporting text at paragraph 3.76 to read:</i>								To provide greater clarity and to emphasise the need for detailed ecological

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification						
		All sites where potentially significant impacts on ecology were identified in the 2014 Urban Fringe Assessment have been subject to detailed ecological assessments in the 2015 Urban Fringe Assessment, which included a Desktop Study and Phase 1 Habitat Survey. However, detailed surveys (including species surveys) will be required to support development proposals, and these must be used to inform the development of specific mitigation requirements.			surveys to inform mitigation of development.						
MM46	Policy H3 page 186	Policy H3 Purpose Built Student Accommodation <i>Amend Table 9 to read</i> <table><tr><th>Site Name</th><th colspan="2">Indicative number of bedspaces</th></tr><tr><td>45 & 47 39-47 Hollingdean Road, Brighton</td><td colspan="2">40 <u>99</u></td></tr></table>			Site Name	Indicative number of bedspaces		45 & 47 39-47 Hollingdean Road, Brighton	40 <u>99</u>		To reflect an extant planning permission (BH2019/03700)
	Site Name	Indicative number of bedspaces									
	45 & 47 39-47 Hollingdean Road, Brighton	40 <u>99</u>									
Policy H3, Table 9 page 186	Policy H3 Purpose Built Student Accommodation <i>Amend policy at Table 9 Purpose Built Student Accommodation Sites - delete row:</i> <table><tr><th>Site Name</th><th>Indicative number of bedspaces</th><th>Other Required Uses</th></tr><tr><td>118-132 London Road, Brighton</td><td>232</td><td>Ground floor uses must comply with Policy DM12</td></tr></table>			Site Name	Indicative number of bedspaces	Other Required Uses	118-132 London Road, Brighton	232	Ground floor uses must comply with Policy DM12	Development of this site for PBSA is substantially complete.	
Site Name	Indicative number of bedspaces	Other Required Uses									
118-132 London Road, Brighton	232	Ground floor uses must comply with Policy DM12									
Supporting text to Policy H3, para. 3.81 page 186	Policy H3 Purpose Built Student Accommodation <i>Add new paragraph after paragraph 3.81 to read:</i> “ <u>Where a site is located in an area with underground chalk aquifers identified as Groundwater Source Protection Zones by the Environment Agency, development will need to ensure that groundwater resources are protected from pollution and safeguard water supplies, in line with the requirements of Policy DM42.</u> ”			To ensure consistency with other site allocations located within Groundwater Source Protection Zones.							

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
MM47	Policy E1, page 187	<p><i>Policy E1 Opportunity site for business and warehouse uses</i> <i>Amend bullet point after first paragraph of policy to read:</i></p> <ul style="list-style-type: none"> • Business and warehouse premises (Use Classes B1 <u>E(g)</u> and B8). 	To ensure consistency changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Supporting text to Policy E1, paragraph 3.87, page 188	<p><i>E1 Opportunity site for business and warehouse uses</i> <i>Amend last sentence of supporting text at paragraph 3.87 to read:</i></p> <p>Regard should be given to the need to conserve and enhance biodiversity in accordance with CP10 Biodiversity and DM37 Green Infrastructure and Nature Conservation. In accordance with Policy DM37, development proposals must demonstrate that any adverse effects would not undermine the objectives of the designation, integrity of the local wildlife site and that impacts can be mitigated and biodiversity net gains achieved.</p>	To ensure consistency of wording with Main Modifications to DM37 and to better accord with the NPPF paragraph 180.
	Supporting text to Policy E1, paragraph 3.87 page 188	<p><i>Policy E1 Opportunity Site for business and warehouse uses</i> <i>Add new sentence to the end of paragraph 3.87 to read:</i></p> <p><u>The design and materials used in development will be expected to reflect the setting and natural beauty of the National Park and should reflect the South Downs Integrated Landscape Character Assessment (SDILCA), specifically the Landscape Management and Development Considerations described in Appendix A, Landscape Type A: Open Downland and A2: Adur to Ouse Open Downs area[#]</u></p> <p><i>Add new footnote:</i></p>	To ensure consistency with wording used for other site allocations where the setting of the National Park has been identified as a potential constraint.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		# South Downs Landscape Character Assessment (LCA) 2020	
MM48	Appendix 2, page 198	<p>Appendix 2 Parking Standards Add wording before table in Appendix 2:</p> <p><u>Where the parking standards set out below refer to a revoked use class the relevant standard should be applied as if they refer to the corresponding use in the new Use Class Order which came into effect in September 2020. For example, use class A1 has been revoked and is replaced by use class E(a).</u></p>	To ensure consistency given changes to Use Class Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
MM49	Appendix 4 - Policy H2 Urban Fringe Housing Site Maps, page 211	<p>Appendix 4 Policy H2 Urban Fringe Housing Site Maps Delete indicative map titled 'Land at and adjoining Horsdean Recreation Ground':</p> 	As consequence of proposed deletion of site allocation in response to further evidence relating to site developability (Urban Fringe Assessment 2021 Update).

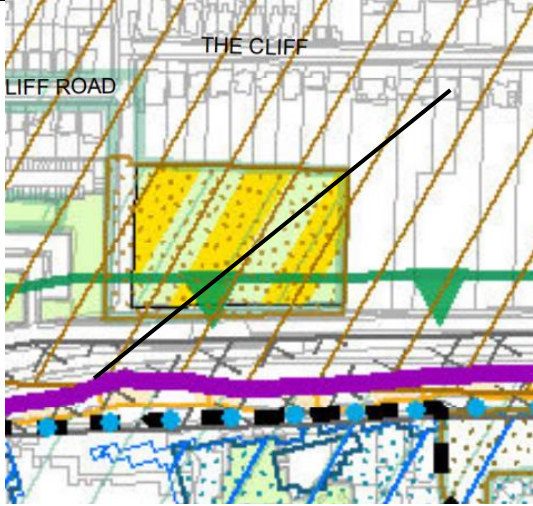

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	Appendix 4 - Policy H2 Urban Fringe Housing Site Maps, page 215	<p>Appendix 4 Policy H2 Urban Fringe Housing Site Maps</p> <p><i>Amend the site boundary of the indicative map titled ‘Land at former nursery, Saltdean’ (see also proposed changes to the Policy Map). New map is shown below:</i></p> 	Amendment to boundary of Policy H2 Site 46a to remove land in the ownership of a neighbouring landowner.

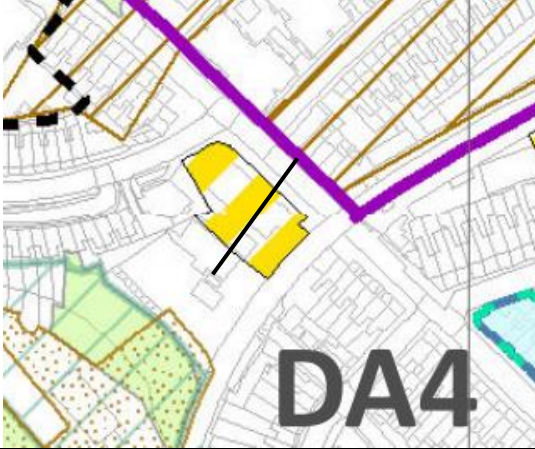

Appendix 4 Schedules of Changes to Policy Map and Additional Modifications


BHCC48 Schedule of Proposed Modifications to the Proposed Submission CPP2 Changes to the Policy Map

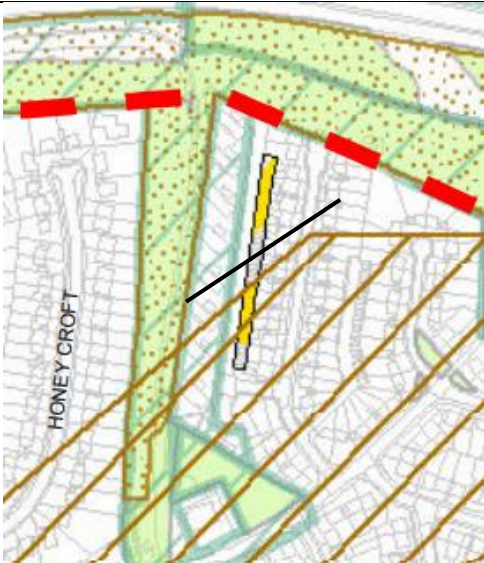
1. The Proposed Submission City Plan Part 2 was submitted to the Secretary of State on 13 May 2020. Public hearings were held in November 2021.
2. As part of the examination process a number of proposed Main Modifications (MMs) have been identified. A Main Modification is an amendment which is considered necessary to make the Plan sound or legally compliant, addressing issues raised during the examination process and those set out in Inspector Note 09
3. Some of the MMs will have an impact on the way the CPP2 will be shown on the Policies Map as set out in SD03a - proposed changes to the policies map - West - April 2020, SD03b - proposed changes to the policies map - Central - April 2020 and SD03c - proposed changes to the policies map - East - April 2020
4. This schedule identifies the map changes that are required to as a result of the Main Modifications:
 - diagonal line shows strike through of site allocation as shown on the Proposed Submission CPP2 Changes to the Policy Map
 - proposed amendments to site boundaries shown as dashed line overlain on the existing site boundary for ease of reading against the Proposed Changes to the Policy Map site boundary line


Proposed Policy Map Change	Policy Reference	Modification Proposed	Reason for Modification
Map1	Policy H1	<p><i>Policy H1 Housing Sites and Mixed Use Sites</i></p> <p><i>Delete the following housing site allocations from the H1 layer as shown on the proposed changes to the policy map:</i></p> <p>Land between Marine Drive and rear of 2-18 The Cliff, Brighton</p>	To align with proposed changes to Policy H1

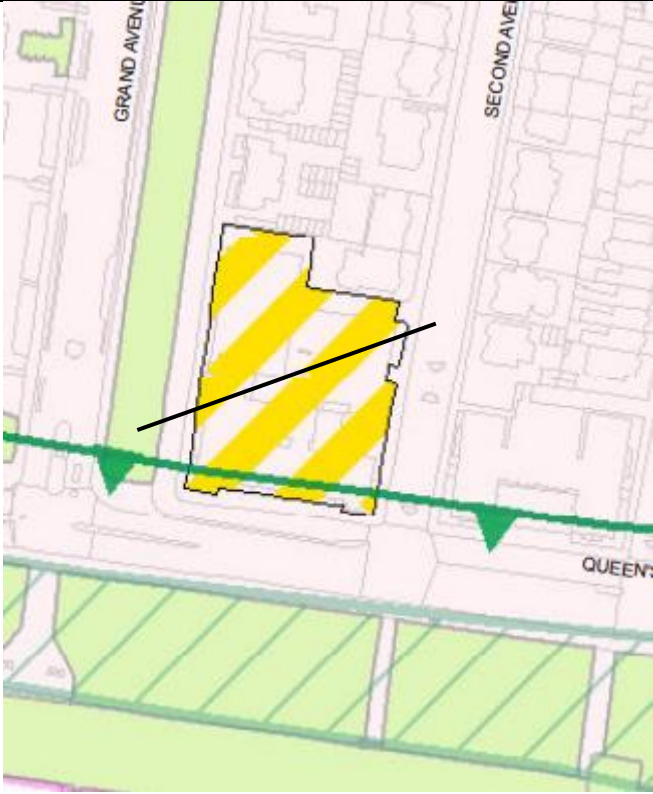
			
Map2	Policy H1	<p>Policy H1 Housing Sites and Mixed Use Sites</p> <p><i>Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map:</i></p> <p>2-16 Coombe Road</p> 	

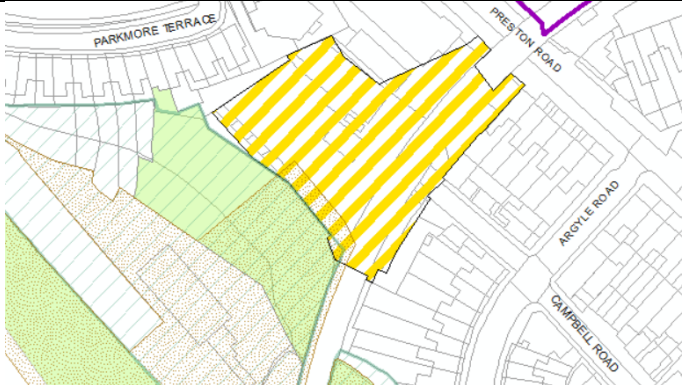

Map3	Policy H1	<p>Policy H1 Housing Sites and Mixed Use Sites Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map: 87 Preston Road, Brighton, BN1 4QG</p> 	
Map4	Policy H1	<p>Policy H1 Housing Sites and Mixed Use Sites Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map: George Cooper House, 20-22 Oxford Street, Brighton</p> 	To align with proposed changes to Policy H1

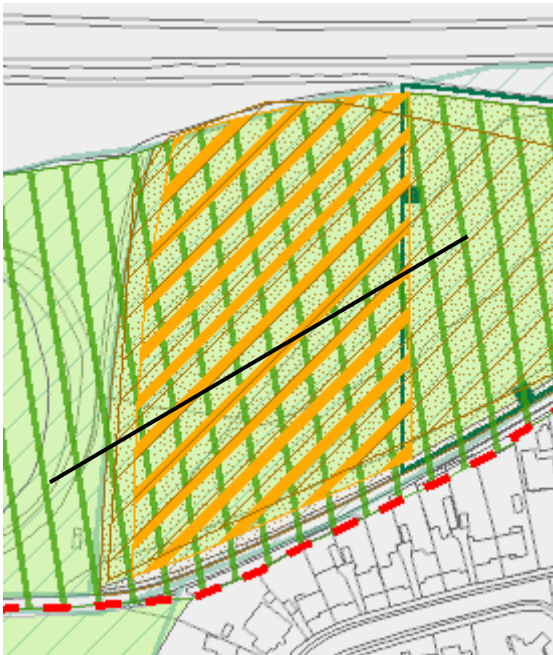
Map5	Policy H1	<p>Policy H1 Housing Sites and Mixed Use Sites Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map</p> <p>Whitehawk Clinic, Whitehawk Road, Brighton#</p> 	To align with proposed changes to Policy H1
Map6	Policy H1	<p>Policy H1 Housing Sites and Mixed Use Sites Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map</p> <p>Buckley Close garages, Hangleton</p>	To align with proposed changes to Policy H1

			
Map7	Policy H1	<p>Policy H1 Housing Sites and Mixed Use Sites</p> <p><i>Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map:</i></p> <p>189 Kingsway, Hove #</p>	To align with proposed changes to Policy H1


			
Map8	Policy H1	<p>Policy H1 Housing Sites and Mixed Use Sites</p> <p><i>Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map:</i></p> <p>Kings House, Grand Avenue, Hove #</p>	<p>To align with proposed changes to Policy H1</p>

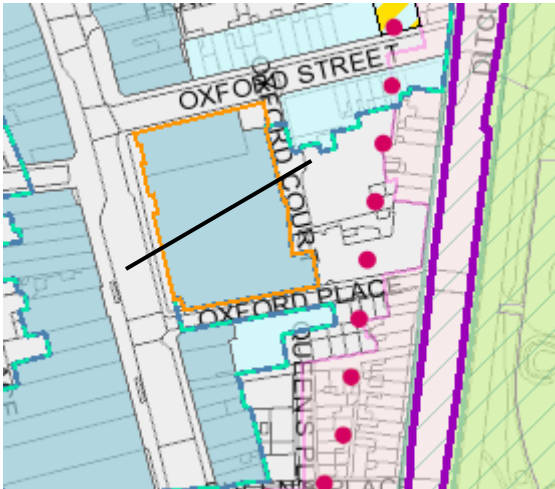
			
Map9	Policy H1	<p>Policy H1 Housing Sites and Mixed Use Sites</p> <p><i>Add the following site allocation to the H1 layer as shown on the proposed changes to the policy map:</i></p> <p>Land at Preston Road / Campbell Road, Brighton</p>	<p>To align with proposed changes to Policy H1</p>

			
Map10	Policy H1	<p><i>Policy H1 Housing Sites and Mixed Use Sites</i> <i>Add the following site allocation to the H1 layer as shown on the proposed changes to the policy map:</i></p> <p>154 Old Shoreham Road, Hove (Furniture Village site and car park, corner of Old Shoreham Road and Sackville Road)</p> 	To align with proposed changes to Policy H1

Map11	Policy H2	<p>Policy H2 Urban Fringe Housing</p> <p><i>Delete the following housing site allocation from the H2 layer as shown on the proposed changes to the policy map:</i></p> <p>Land at and Adjoining Horsdean Recreation Ground, Patcham</p> 	To align with proposed changes to Policy H2
Map12	H2	<p>Policy H2 Urban Fringe Housing</p> <p><i>Amend the southern and eastern boundaries of the following housing site allocation from the H2 layer as shown on the proposed changes to the policy map</i></p> <p>Land at former nursery, Saltdean</p> <p>Site allocation before boundary amendment</p>	To align with proposed changes to Policy H2

		 <p>Site allocation following boundary amendment</p> 	
Map13	Policy H3	<p>Policy H3 – Purpose Built Student Accommodation</p> <p><i>Amend the site boundary of the site in Hollingdean Road as follows:</i></p> <p><i>Site allocation before boundary amendment</i></p>	<p>To reflect an extant planning permission (BH2019/03700)</p>

		 <p><i>Site allocation after boundary amendment</i></p> 	
Map14	Policy H3	<p>Policy H3 Purposed Built Student Accommodation</p> <p><i>Delete the following purpose built student accommodation site allocation from the H3 layer as shown on the proposed changes to the policy map:</i></p> <p>118–132 London Road, Brighton</p>	To align with proposed change to Policy H3

			
Map15	Proposed Changes to the Policy Map legend	<p><i>Proposed Changes to the Policy Map legend</i></p> <p>Amend the legend to read:</p> <p>Waste & Minerals Sites – SP1 & SP2 (WMSP)</p> <p>Amend to “<u>Waste site allocations and areas of opportunity</u>”</p>	For clarification
Map16	ANA layer on Policy Map	<p><i>Archaeological Notification Layer update</i></p> <p>Prior to adoption to update the ANA to reflect the most recent layer as provided by the County Archaeologist.</p>	Factual Update

BHCC49 Schedule of Proposed Additional Modifications, February 2022

1. The Proposed Submission City Plan Part 2 was submitted to the Secretary of State on 13 May 2020. Public hearings were held in November 2021.
2. As part of the examination process a number of proposed Additional (Minor) Modifications have been identified. The Planning and Compulsory Purchase Act 2004 (as amended) allows the Local Planning Authority to make additional (minor) modifications to the plan on adoption, but only if they do not materially affect the Plan's policies. These additional modifications are not subject to the formal examination and generally address minor issues of clarity.
3. **Table 1** identifies the proposed Additional Modifications (AM) the Authority proposes at this stage. These Additional Modifications will only be considered by the Authority and not by the Planning Inspectorate as they do not relate to the soundness of the plan. To view the Main Modifications please refer to the Schedule of Proposed Main Modifications BHCC44.
4. **Table 2** identifies the proposed additional modifications the Authority proposes at this stage in relation to the Implementation and Monitoring Plan (SD04) identified as IMP#. These Additional Modifications will only be considered by the Authority and not by the Planning Inspectorate as they do not relate to the soundness of the plan.
5. The proposed additional modifications are generally expressed in the form of strikethrough for deletions of text and underlined for additions of text and are set out in the same order as the April 2020 Proposed Submission City Plan Part 2.

Table 1 Schedule of Additional Modifications

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
AM01	Introduction paragraph 1.8 page 8	<i>Relationship with other DPDs</i> <i>Move the following text from paragraph 1.9 to paragraph 1.8 and amend as follows:</i> "Shoreham Harbour Joint Area Action Plan (JAAP) ² – provides a comprehensive, deliverable plan for the regeneration future revitalization of Shoreham Harbour. The JAAP was prepared jointly with Adur District Council and West Sussex County Council."	Factual update to reflect adoption of JAAP.
AM02	Introduction paragraph 1.9 page 8	Add the following text to paragraph 1.9 " <u>Review of the Waste and Minerals Local Plan</u> – a focussed review of certain policies in the Waste & Minerals Local Plan".	Factual updates.

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification								
		<p>And amend the following text at paragraph 1.9 and delete associated footnote:</p> <p>Community Infrastructure Levy (CIL) – once adopted CIL <u>came into effect on the 5 October 2020. CIL</u> allows local authorities to raise funds from development for the provision of infrastructure in and around their areas.</p> <p>1. Following an examination in public and consultation on proposed modifications CIL is expected to be adopted in June and introduced in October 2020.</p>									
AM03	Introduction, paragraph 1.10 page 9	<p><i>Duty to Cooperate</i> <i>Amend the last sentence at the end of the paragraph to read:</i></p> <p>A duty to Cooperate Update Paper is published alongside the Proposed Submission City Plan Part 2 and will include an <u>updated Statement of Common Ground prepared by the West Sussex and Greater Brighton Local Planning Authorities.</u></p>	Factual update.								
AM04	Table 1 page 10	<p><i>Table 1 Timetable for the Preparation of City Plan Part Two</i> <i>Delete table and associated footnote:</i></p> <p>Table 1 Timetable for the Preparation of City Plan Part Two</p> <table><tr><th>City Plan Part Two stage of plan preparation</th><th>Date</th></tr><tr><td>Scoping Document (Regulation 18)</td><td>June 2016</td></tr><tr><td>Draft Plan and SA (Regulation 18)</td><td>Summer 2018</td></tr><tr><td>Publication of Proposed Submission City Plan Part 2</td><td>Approved by Council 23 April 2020</td></tr></table>	City Plan Part Two stage of plan preparation	Date	Scoping Document (Regulation 18)	June 2016	Draft Plan and SA (Regulation 18)	Summer 2018	Publication of Proposed Submission City Plan Part 2	Approved by Council 23 April 2020	Editorial – not required for final version of plan.
City Plan Part Two stage of plan preparation	Date										
Scoping Document (Regulation 18)	June 2016										
Draft Plan and SA (Regulation 18)	Summer 2018										
Publication of Proposed Submission City Plan Part 2	Approved by Council 23 April 2020										

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed		Reason for Modification
		<div>Regulation 19 Consultation</div> <div>Submission to the Secretary of State</div> <div>Examination in Public</div> <div>Adoption of City Plan Part Two</div>	<div>Dates to be confirmed after Coronavirus (Covid-19) restrictions are lifted.</div> <div>The timetable for next stages of the City Plan Part 2 will be published on the council's City Plan Part 2 webpage once a start date for the consultation has been set¹.</div>	
AM05	Introduction paragraph 1.14 -1.18, page 11	<p><i>How to Comment on the Proposed Submission City Plan Part Two</i> Delete paragraphs 1.14-1.18 and associated footnote as follows:</p> <p>How to Comment on the Proposed Submission City Plan Part Two</p> <p>1.14 The public consultation is delayed due to the Coronavirus (Covid-19) restrictions. The timetable for next stages of the City Plan Part 2 will be published on the council's City Plan Part Two webpage once a start date for the consultation has been set. Paragraphs 1.15 — 1.17 apply once the consultation has commenced.</p> <p>1.15 The City Council would like your views on the Proposed Submission City Plan Part Two and whether you think it meets the government's tests of soundness and legally compliant 5 . You do not have to comment on everything in the Proposed Submission City Plan Part Two. We want to hear your views on those aspects that are of most interest to you.</p>		Editorial - no longer required as consultation has occurred.

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p>1.16 We recommend you make your comments using the council's online consultation portal: http://consult.brighton-hove.gov.uk/portal. This will help us handle your comments quickly and efficiently.</p> <p>1.17 The Proposed Submission City Plan Part Two and supporting documents including the proposed changes to the Policies Map and the Sustainability Appraisal (SA) are available on the Council's website (https://www.brightonhove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposedsubmission-stage-2020) and once Coronavirus (Covid-19) restrictions are lifted, the council will make them available to be viewed at the customer service centres at Hove Town Hall and Bartholomew House Brighton and the main city Libraries (Jubilee, Hove and Portslade) during normal opening hours. The Proposed Submission CPP2 including the policies map and non-technical SA summary will be available to view at all other libraries during normal opening hours once Coronavirus (Covid-19) restrictions are lifted. Word versions of the Response Form are available on request to planningpolicy@brighton-hove.gov.uk</p> <p>1.18 The consultation period for the Proposed Submission City Plan Part Two will be set out in a Statement of Representations Procedure published on the council's City Plan Part Two webpage once a start date has been set. Council's Consultation Portal: http://consult.brighton-hove.gov.uk/portal Email: planningpolicy@brighton-hove.gov.uk (please respond using the Response Form) Post: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ</p>	
AM06	footnote 11 Page 15	<p>Policy DM1 Housing Quality, Choice and Mix Amend footnote 11 to read: National Planning Policy Framework (NPPF) (2019) (2021) paragraph 61-62</p>	Factual update to paragraph number following updated NPPF 2021
AM07	Policy DM4 page 22	<p>DM4 Housing and Accommodation for Older Persons Add the following numbering to the second paragraph of policy to read:</p>	For clarity to avoid confusion between

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<i>'1. Development proposals....'</i>	the two sets of policy criteria.
AM08	Policy DM4 page 22	<i>DM4 Housing and Accommodation for Older Persons</i> <i>Add the following numbering to the fourth paragraph of policy to read:</i> <i>'2. Proposals that....'</i>	For clarity to avoid confusion between the two sets of policy criteria.
AM09	Policy DM5 page 27	<i>DM5 Supported Accommodation (Specialist and Vulnerable Needs)</i> <i>Add the following numbering to the second paragraph of policy to read:</i> <i>'1. Proposals for development'</i>	For clarity to avoid confusion between the two sets of policy criteria.
AM10	Policy DM5 page 27	<i>DM5 Supported Accommodation (Specialist and Vulnerable Needs)</i> <i>Add the following numbering to the third paragraph of policy to read:</i> <i>'2. Proposals that....'</i>	For clarity to avoid confusion between the two sets of policy criteria.
AM11	Policy DM6 Page 30, footnote 30	<i>Policy DM6 Build to Rent Housing</i> Amend footnote 30 to read: MHCLG National Planning Policy Framework, February 2019 <u>2021</u>	Factual update to paragraph number following updated NPPF 2021
AM12	Supporting text to Policy DM8, paragraph 2.72 page 37	<i>DM8 Purpose Built Student Accommodation</i> <i>Amend the first sentence of the supporting text at paragraph 2.72 to read:</i> "However, the number of permitted PBSA bedspaces, currently assessed to be 12,699 , remains below the number of students in the city requiring accommodation, particularly for students at the University of Brighton." <i>Delete associated footnote 36:</i>	This figure is out-of-date as several large PBSA developments are currently being delivered. The number of bedspaces is changing and any

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		36 3,146 bedspaces managed by University of Brighton, 8,167 managed by University of Sussex, and 1,386 privately managed.	figure in the Plan would rapidly become out-of-date. Stating it remains below the number of students will remain factually correct.
AM13	Supporting text to Policy DM8, paragraph 2.73	DM8 Purpose Built Student Accommodation <i>Amend the first sentence of the supporting text paragraph 2.73 to read:</i> “The council welcomes the development of new PBSA on appropriate sites. In addition to setting out criteria to guide the suitable location of PBSA, City Plan Part One Policy CP21 allocated five sites for new development, of which Pelham Street remains undeveloped and without an extant permission.”	Factual update.
AM14	Footnote 43 Page 56	Policy DM14 Commercial and Leisure Uses at Brighton Marina Amend footnote to read: National Planning Policy Framework (NPPF) (2019) (2021) paragraphs 89-90-90-91	Update to paragraph number following updated NPPF 2021
AM15	Supporting text to Policy DM16 Paras 2.137 and 2.138	DM16 Street Markets <i>Amend supporting text at the first sentence of paragraph 2.137 and the first sentence of paragraph 2.138 to read:</i> Street markets <u>and stalls</u> are also important for the establishment of new entrepreneurial business by Brighton & Hove residents.	For clarity

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		The council will use conditions and/or obligations to ensure that the operation of markets <u>and stalls</u> do not have harmful impacts, and will require detailed layout plans as part of an application to allow consideration as to whether these matters have been properly addressed.	
AM16	Policy DM22, Footnote 60 Page 82	<i>DM25 Communications Infrastructure</i> Amend footnote 60 to read: National Planning Policy Framework (NPPF), (<u>2021</u>) paragraph 116 <u>-118</u> .	Factual update to paragraph number following updated NPPF 2021
AM17	Policy DM33, para 2.250 page 100	<i>Policy DM33 Safe, Sustainable and Active Travel</i> <i>Amend paragraph 2.250 to read:</i> Brighton & Hove is already one of the country's least car-dependent cities outside London, with 38.2% of households not owning a car. A number of high-quality improvements to the public realm have been implemented in recent years. These have taken different forms, for example the award-winning shared space scheme on New Road, and the addition of wayfinding boards and fingerposts throughout the city centre, <u>and with further improvements in the pipeline, notably the redesign of Valley Gardens.</u>	Factual update
AM18	Policy DM37 page 111	<i>Policy DM37 Green Infrastructure and Nature Conservation</i> <i>Add new section heading at start of section on protected sites to read:</i> <u>Designated Sites</u>	For clarity
AM19	Supporting text to Policy DM37 paragraph 2.275 page 113	<i>Policy DM37 Green Infrastructure and Nature Conservation</i> <i>Amend the third sentence in paragraph 2.275 to read:</i> Applicants must properly assess the harmful effects of their proposals on the natural environment/natural capital ⁷³ , seek to minimise the impact and give full consideration to achieving biodiversity net gains, in particular to species and habitats of particular <u>principal</u> importance (formerly known <u>as</u> BAP habitats)...	Editorial and typographic corrections

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
AM20	Supporting text to Policy DM37 paragraph 2.275 page 113	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend the last sentence of paragraph 2.275 of supporting text to read:</i></p> <p>A Natural Capital Investment Strategy for Sussex <u>2019</u> 74 is being prepared which when adopted will guide the implementation of this policy.</p>	Factual update.
AM21	Supporting text to Policy DM37 paragraph 2.277	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend the second and third sentences of paragraph 2.277 of supporting text to read:</i></p> <p>However, the City's green infrastructure encompasses more than this 'spatial backbone' and includes; street trees, residential gardens, green roofs/walls and landscaped/flood management areas including sustainable drainage systems (SuDS). Cycling/walking routes and manmade features designed to enhance biodiversity/recreation (e.g. bird/bat boxes and bee bricks) are also important to the overarching concept in the City.</p>	Typographical correction
AM22	Policy DM37 Footnote 75 page 113	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Delete repeated text from footnote 75 as follows:</i></p> <p>The South Downs Way Ahead Nature Improvement Area (NIA) is one of 12 NIAs that were announced by Government in February 2012. It sets a landscape scale approach to biodiversity and focuses on safeguarding endangered chalk grassland, vital for rare and endangered wildlife and the provision of clean drinking water and green space</p>	Editorial correction.
AM23	Supporting text to Policy DM37 paragraph 2.280 page 114	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend first sentence of paragraph 2.280 to read:</i></p> <p>Proposals must assess potential impacts on, nature conservation features (which includes geodiversity) <u>(see paragraph 2.282).</u></p>	For clarity.

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
AM24	Policy DM37 footnote 76 page 114	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend footnote to read:</p> <p>The Sussex Biodiversity Record Centre (Woods Mill, Henfield) is the principal source of up-to -date desktop biodiversity information. The Booth Museum (Dyke Road, Brighton) <u>may also</u> holds <u>additional data, specifically regarding geodiversity that may be relevant for nature conservation surveys.</u></p>	Factual correction
AM25	Supporting text to Policy DM37 paragraph 2.282 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend second sentence to supporting text at paragraph 2.282 to read:</p> <p>Ecological reports should be produced in line with the British Standard on biodiversity management <u>in planning and development</u> BS42020:2013 and CIEEM Technical Guidance (and subsequent revisions).</p>	Editorial correction
AM26	Supporting text to Policy DM37 paragraph 2.282 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend final sentence to supporting text at paragraph 2.282 to read:</p> <p>Opportunities to deliver higher carbon dioxide savings through greater passive design, fabric and energy efficiency measures and low and zero carbon technologies will also be required (see CP8 Sustainable Buildings and DM443 Energy Efficiency and Renewables)</p>	Editorial correction
AM27	Supporting text to Policy DM37 paragraph 2.285 page 116	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend first sentence of paragraph 2.285 to read:</p> <p>Locally important sites include locally designated wildlife or geological sites; {local geological sites (LGeoS)} - (formerly called Regionally Important Geological and Geomorphological Sites (RIGGS)) of regional significance), local wildlife sites (LWS) and local nature reserve (LNRs).</p>	Editorial correction
AM28	Policy DM38, Footnote 81 Page 117	<p>Policy DM38 Local Green Spaces Amend footnote 81 to read:</p> <p>National Planning Policy Framework (NPPF) (2018) paragraphs 101 103 and 143-147-147-151.</p>	Factual update to paragraph number

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
			following updated NPPF 2021
AM29	Supporting text to DM40, Paragraph 2.308 Page 124	Policy DM40 Protection of the Environment and Health – Pollution and Nuisance This policy complements the AQAP by ensuring that all new developments adhere to the NPPF guidance that developments should contribute towards national objectives for pollutants (paragraph 184 <u>186</u> of the NPPF <u>2021</u>)	Factual update to paragraph number following updated NPPF 2021
AM30	Policy DM40 Footnote 91 Page 125	DM40 Protection of the Environment and Health – Pollution and Nuisance Amend footnote 91 to read: National Planning Policy Framework (NPPF) (2021), Paragraph 182-186 .	Factual update to paragraph number following updated NPPF 2021
AM31	Policy DM44, footnote 103 Page 135	DM44 Energy Efficiencies and Renewables <i>Clarify Footnote 103:</i> 103: Carbon neutral recognises that it may not be possible to eliminate all emissions by this date, but that residual emissions can be off-set against carbon-positive measures such as tree planting. <u>The council will consider setting up a carbon offset scheme in the future.</u>	For clarification.
AM32	SA7 Benfield Valley Page 149	SA7 Benfield Valley <i>Add footnote to Figure 2 Illustrative Diagram:</i> <u>#Please note that this diagram is illustrative. Please view the Policies Map for detailed site allocation boundaries.</u>	For clarification that figure 2 is an illustrative diagram
AM33	Supporting text to Policy SSA4 Page 162	SSA4 Sackville Trading Estate <i>Amend supporting text at paragraph 3.34 to read:</i> 3.34 The site also falls within the Hove Station Neighbourhood Forum area. A draft Neighbourhood Plan has been produced and was <u>formally</u> consulted on in summer 2018 <u>Spring 2019</u> . The draft Plan	Factual update and to address representation by Hove Station

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		sets out aspirations and priorities for the site and wider area (identified in the draft Neighbourhood Plan as the Hove Station Quarter). <u>Once adopted the Neighbourhood Plan, will form part of the Development Plan for the city.</u>	Neighbourhood Forum
AM34	Footnote to SSA7, page 170	SSA7 Land Adjacent to American Express Community Stadium, Village Way Amend footnote text and weblink to: ¹⁵⁴ https://www.southdowns.gov.uk/planning/planning-advice/landscape/ South Downs Landscape Character Assessment (LCA) 2020	Factual update
AM35	Footnote 152, page 184	Policy H2 Housing Sites – Urban Fringe Amend Footnote 152 to read: ¹⁵² Brighton & Hove City Council Planning Advice Note 06 Food Growing and Development September 2011 <u>Updated September 2020</u>	Factual update
AM36	Footnote 154 page 185	Policy H2 Housing Sites – Urban Fringe Amend footnote text and weblink to: ¹⁵⁴ https://www.southdowns.gov.uk/planning/planning-advice/landscape/ South Downs Landscape Character Assessment (LCA) 2020	Factual update
AM37	Appendix 6 pages 221-223	Appendix 6 Proposed Changes to Policies Map – Tables 1 and 2 <i>Delete Appendix 6</i>	Editorial -description of changes not required for final adopted version of plan.

Table 2 Schedule of Additional Modifications to the CPP2 Implementation and Monitoring Plan (SD04)

Modification Number	Section, paragraph and page number	Additional Modification Proposed	Reason for Additional Modification
IMP1	DM1 Housing Quality, Choice and Mix	<p><i>Amend the following indicators for DM1 to read:</i></p> <p>LOI Percentage of residential units permitted⁴ meeting nationally described space standards <u>Percentage of residential units permitted not meeting nationally described space standard</u></p> <p>LOI Percentage of residential units permitted⁴ meeting minimum accessibility and adaptability standards set out in Building Regulation M4(2) <u>Percentage of residential units permitted that do not meet the minimum accessibility and adaptability standards set out in the Building Regulations (M4 (2)).</u></p>	It is considered easier to monitor exceptions to the policies and allow reasons to be analysed.
IMP2	DM12 Regional, Town, District & Local Centres, page 8	<p><i>Amend indicator, targets and trigger for Policy DM12 to read:</i></p> <p>LOI Number and percentage of units in Class A1 use <u>LOI Increase in the number of active commercial units in defined centres</u></p> <p>Targets: Regional, Town and District Shopping Centres Percentage of Class A1 retail units • Primary frontages 75% • Secondary frontages – Regional centre 35% – Town & District centres 30% Local Shopping Centres 50% of Class A1 units <u>Target: Net gain in number of commercial units</u></p> <p>Timescale: Ongoing monitoring through retail health checks <u>Timescale: Ongoing monitoring through health checks</u></p> <p>Trigger: Percentage of Class A1 units falls below target levels <u>Trigger: increase in vacancies in two successive health checks</u></p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to reflect proposed Main Modifications to policy.

		Action: Review policy approach and Development Management practice	
IMP3	DM13 Important Local Parades, Neighbourhood Parades and Individual shop units, page 9.	<p><i>Amend indicator, targets and trigger for Policy DM13 to read:</i></p> <p>LOI Number and percentage of units in Class A1 use in Important Local Parades <u>LOI Increase in the number of active commercial units in Important Local Parades</u></p> <p>Target: At least 50% units in Important Local Parades to remain in Class A1 use <u>Target: Net gain in number of commercial units</u></p> <p>Timescale: Ongoing monitoring through retail health checks <u>Timescale: Ongoing monitoring through health checks</u></p> <p>Trigger: Percentage of Class A1 use units falls below target levels <u>Trigger: Percentage of vacant units increases</u></p> <p>Action: Review policy approach and Development Management practice</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to reflect proposed Main Modifications to policy.
IMP4	DM25 Communications Infrastructure	<p><i>Amend indicator and target for DM25 to read:</i></p> <p>Indicator: LOI Appropriate Implementation and siting of modern communications Infrastructure <u>Appeal success rate for applications where appearance/ impact on setting/ clutter are principal issues.</u></p> <p>Targets: No specific target <u>70% appeals dismissed where appearance/ impact on setting/reducing clutter are principal issues</u></p> <p>Timescale: Ongoing Annual <u>monitoring through Plan period</u></p>	To provide an indicator and target to allow the effectiveness of the policy to be monitored.

IMP5	DM39 Development on the Seafront	<p><i>Amend indicator, target and trigger for DM39 to read:</i></p> <p>Indicator: Policy CP11 indicator <u>Policy SA1 indicators</u></p> <p>Targets: No specific target <u>Targets as per CP11 and SA1</u></p> <p>Trigger: Not applicable <u>As for Policy CP11 and SA1</u></p>	To include reference to relevant targets and triggers referred to for CPP1 Policy SA1 The Seafront
IMP6	DM44 Energy Efficiencies and Renewables, page 27	<p><i>Amend target for Policy DM44 to read:</i></p> <p>Target: All developments including conversions and changes of use to <u>New residential created through conversions and changes of uses of existing buildings and for non-residential development (non-major and major) including conversions and changes of use to</u> achieve at least 19% improvement on carbon emission targets set by Part L of Building Regulations <u>until superseded by Future Homes Standards and Future Building Standards or interim uplift in Part L if greater than 19%.</u></p>	To reflect proposed changes to policy and government announcements and Main Modifications to DM44.
IMP7	SA7 Benfield Valley	<p><i>Amend indicator, target and trigger for DM39 to read:</i></p> <p>Indicator: No specific indicator <u>Addressed by Policies DM37, DM38 and H2</u></p> <p>Targets: No specific target</p> <p>Trigger: Not applicable <u>Addressed by Policies for Policy DM37, DM38 and H2</u></p>	To include cross reference to relevant indicators, targets and triggers under DM37, DM38 and H2.
IMP8	SSA1 – Brighton General Hospital Site, Elm Grove	<p><i>Amend target for Policy SSA1 to read:</i></p> <p>• 10,000 – 12,000 sq m health and care facility (D1E(e));</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town

			and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
IMP9	SSA2 – Combined engineering Depot, New England Road, page 30	<p><i>Amend target for Policy SSA2 to read:</i></p> <ul style="list-style-type: none"> 1,000 sq m B1 <u>E(g)</u> workspace and managed starter office units. 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
IMP10	SSA3 Land at Lyon Close, page 31	<p><i>Amend target for Policy SSA3 to read:</i></p> <ul style="list-style-type: none"> 5,700 sq m net B1a <u>E(g)</u> office D1 health facilities (GP surgery) and/or 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
IMP11	SSA4 Sackville Trading Estate and Coal Yard, page 32	<p><i>Amend target for Policy SSA4 to read:</i></p> <ul style="list-style-type: none"> 6000m2 <u>E(g)</u>B1-employment floorspace 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
IMP12	E1 – Opportunity Site for Business and Warehouse Uses	<p><i>Amend target and trigger for Policy E1 to read:</i></p> <p>Target: No specific target or timescale No consent by 2030</p> <p>Trigger: -Not applicable <u>Review through City Plan Part One</u></p>	To include a timescale and trigger

Brighton & Hove City Council

Tourism, Equalities, Communities, and Culture Committee

Agenda Item 32

Subject: Planning Local Enforcement Plan and Proactive Enforcement Projects

Date of meeting: 15th September 2022

Report of: Executive Director Economy, Environment and Culture

Contact Officer: Name: Marina Brigginsshaw
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Email: marina.brigginsshaw@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 Enforcement action under the Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990 is discretionary, but the investigation of complaints and the consideration of action is not. The National Planning Policy Framework identifies that Local Planning Authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area.
- 1.2 In 2018, the Council approved its Planning Enforcement Policy for the City. This report proposes an updated and revised policy for publication, which takes into account the outcomes of the last 4 years and forms the basis of the modernisation programme for planning enforcement. It also explores the options for proactive enforcement in the future and how updates will be provided to Planning Committee.

2. Recommendations

- 2.1 That Committee approves the Planning Local Enforcement Plan, included at Appendix 1 of this report, subject to any minor grammatical, non-material text and formatting agreed by the Head of Planning in consultation with the Chair of the Committee prior to publication.
- 2.2 That Committee notes that proactive projects are to be introduced as and when resource capacity is created.

3. Context and background information

- 3.1 In September 2018, the Council agreed the Planning Enforcement Policy for the City. This document set out the priorities for investigating complaints, service standards and when enforcement action should be taken for a

breach of planning control. This document was a step change in planning enforcement policy and focused upon customer service and in particular managing communications with complainants.

- 3.2 Whilst legislation has not changed since the implementation of the 2018 policy, it is common practice to review policy periodically to check that it is meeting requirements. In addition, in 2021 the service area embarked on a planning enforcement modernisation programme. Essential to this process is the review of the 2018 policy, in order to build in the necessary processes to facilitate modernisation. Further background information and context relevant to the proposed changes to the Planning Local Enforcement Plan is provided at Appendix 2.
- 3.3 The aim of the review is to provide good customer service for both complainants and alleged contraveners whilst creating capacity within current staff resources. By creating capacity, the service area has an opportunity to work on proactive projects. The new document seeks to manage expectations, focus on cases that are expedient to take action and reduce resource requirements on cases where action cannot be taken. A review of communication standards is also included.
- 3.4 The new Planning Local Enforcement Plan, at Appendix 1, is intended to be published in a web-based format and introduces:
- A greater level of detail as to what is a breach of planning control and the factors that will be taken into account when considering whether it is expedient to take enforcement action;
 - A detailed explanation as to how an investigation will be conducted, including when a site visit will be undertaken, when informal negotiations will take place to resolve a breach of planning control and the circumstances when formal enforcement action will be taken;
 - What constitutes a criminal offence in relation to planning breaches, how investigations will take place and how the public interest test will be considered;
 - New service targets and updated targets for communications to facilitate early engagement;
 - How complaints to multiple departments will be dealt with: and
 - Fees for certain service requests such as withdrawing an enforcement notice or verifying compliance.
- 3.5 It is proposed that information concerning the performance of the Enforcement Service will be reported to the Planning Committee through the Development Management Performance & Development Quarterly Report. In addition, there will be periodic reviews of the Plan.

Conditions monitoring and other proactive projects

- 3.6 The National Planning Policy Framework identifies that a local enforcement plan should identify how the Local Planning Authority will monitor the implementation of planning permissions. When capacity is created, monitoring of major permissions or permissions with Construction

Environment Management Plans and permissions which incorporate development involving equality of opportunity for a protected characteristic under the Equalities Act 2010 will be the priority.

- 3.7 It is proposed that if further capacity is created, the following projects will be subject to further consideration. This prioritisation has been informed by engagement with councillors:

- Short term holiday let regularisation.
- Buildings/ areas requiring maintenance and improvement.
- Conservation area improvement
- Compliance with historic notices

4. Analysis and consideration of alternative options

- 4.1 Whilst the current enforcement policy goes some way to help meet stated objectives, identified in Appendix 1, the new Planning Local Enforcement Plan is tailored to better meet these objectives. The Plan meets current legislation and national policy and whilst there is an option to undertake less negotiation, when we exercise our discretion to take enforcement action, this overall may cause delays through resulting appeals. Therefore, it is considered that the Plan creates a balance between informal resolution and taking formal action where it is expedient to do so.
- 4.2 The Plan also clarifies what is meant by expediency. There is an option to identify more circumstances where we would exercise our discretion not to take action, or where it would not be expedient to do so, because enforcement action is discretionary. However, the factors to be taken into account when considering expediency relate to the development plan, material considerations, national planning policy and guidance as well as matters that have been subject of case law. It also addresses issues of public interest and therefore the reasons for expediency seek to achieve a balanced reasonable outcome.

5. Community engagement and consultation

- 5.1 The Council receives customer feedback on planning enforcement cases on a regular basis. Customer feedback is obtained through formal complaints and complements as well as informal enquiries.
- 5.2 Since March 2021, the service area has dealt with some 13 formal complaints. Most complaints are concerned with the decision that either there was no breach of planning control or not to take enforcement action. In addition to this, complaints have been made about communication style, lack of response, the time taken for the investigation and the interaction between departments. In most cases, formal complaints are made by the persons requesting an investigation. This does not mean that contraveners do not voice concerns. However, this tends to be either made informally, through the appeal process or other channels. The appeal process can deal with issues such as the thoroughness of the investigation, whether the decision to take action was correct, whether the type of action was

appropriate and other relevant matters. Since March 2021, most enforcement appeals have been dismissed, although some amendments have been made to notices as is allowed through that process.

5.3 These insights, as well as a review of current practices, formed part of Members' Workshops in February and April 2022. These workshops gave an opportunity for all Members from all groups to contribute to the principles of the proposed Planning Local Enforcement Plan. In total 12 Members attended the workshops and a summary of the feedback as well as how issues have been addressed in the Plan is attached at Appendix 3. The key issues arising from the workshops include:

- A need to reduce the time taken to update complainants after receipt of complaint;
- Communications need to be improved, particularly creating accessible content;
- Priority should be given to cases which have the greatest harm and in particular impact on health and the environment;
- More information and clarity are required as to when action can and will be taken.

5.4 This feedback has had a direct impact upon the Plan, with a review of priorities and an emphasis on impact upon communities; as well as a change in when complainants are contacted. The expediency considerations were refined during the consultation process in order to better ensure that a balanced decision could be made. In addition to this more information has been provided about how an investigation is conducted and when negotiations will take place.

5.5 In terms of priorities for proactive projects some topic areas included, short term holiday lets, empowering communities to help deal with untidy land; and previous suggestions from Members relating to ensuring extant enforcement notices had been complied with.

6. Conclusion

6.1 The Planning Local Enforcement Plan will help guide investigations as well as decision making for planning enforcement cases. It will help manage customers' expectations and provide a framework to achieve better customer service. Ultimately the Plan will support modernisation of the service and assist in managing resources and caseloads to move from a complaint orientated service to encompass some proactive projects.

7. Financial implications

7.1 There are no direct financial implications arising from this report. The work programme is contained within the current resource and it is only if additional capacity is created that additional projects can be implemented. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted (19/06/22):

8. Legal implications

- 8.1 There are no direct legal implications arising from the report as enforcement action is regulated by relevant legislation but legal resources may be required in in respect of individual cases.

Name of lawyer consulted: Alison Gatherer Date consulted (17/05/22):

9. Equalities implications

- 9.1 The Planning Enforcement Service is complaint led and therefore customers, to an extent, are self-selecting. The Planning Local Enforcement Plan has been subject to an Equalities Impact Assessment and incorporates measures to create equality of opportunity for protected characteristics under the Equalities Act 2010. Further equalities monitoring will also take place to inform future reviews of the Planning Local Enforcement Plan.

10. Sustainability implications

- 10.1 In accordance with national policy enforcement decisions, in terms of whether it is expedient to take action, are made in accordance with the development plan unless material considerations indicate otherwise. This is captured within the Planning Local Enforcement Plan. Development plan policy is subject to a sustainability appraisal. In addition to this sustainability is a material consideration and decisions will be made in this regard.

11. Other Implications

Social Value and procurement implications

- 11.1 None identified.

Crime & disorder implications:

- 11.2 None identified.

Public health implications:

- 11.3 None identified.

Supporting Documentation

1. Appendices

1. Draft Planning Local Enforcement Plan
2. Planning Enforcement Context
3. Members Workshops Feedback

2. Background documents

1. Equalities Impact Assessment of the Local Enforcement Plan September 2022
2. National Planning Policy Framework

Planning Local Enforcement Plan

**Brighton & Hove City Council
September 2022**

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1. Introduction

Brighton and Hove City Council, as the Local Planning Authority, has the duty to determine whether a breach of planning control has taken place and if so whether it is expedient take enforcement action. As part of its role, it also undertakes investigations concerning unauthorised works to listed buildings as well as other planning breaches. This document is the Planning Local Enforcement Plan for Brighton and Hove City, excluding the area covered by the South Downs National Park Authority.

Background

The [National Planning Policy Framework](#) identifies that effective enforcement is important to maintain public confidence in the planning system.

Local planning authorities have responsibility for taking whatever enforcement action may be necessary, in the public interest, in their administrative areas. However, whilst all relevant cases received will be investigated, enforcement action is discretionary and should be exercised in a proportionate way. National Planning Practice Guidance advises that the Local Planning Authority has discretion to take enforcement action when it is expedient to do so having regard to the development plan and any other material planning considerations.

The National Planning Policy Framework guides local planning authorities to publish a local enforcement plan to manage enforcement in a way that is appropriate to their area. The local enforcement plan is a material planning consideration.

This document is the Planning Local Enforcement Plan for Brighton and Hove City excluding the South Downs National Park Authority area. Planning enforcement decisions will have regard to this Plan as a material planning consideration.

Planning enforcement is subject to various legislation, but of importance are the enforcement provisions contained within the [Town and Country Planning Act 1990, as amended](#) and the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#). Further, national policy is contained within the [National Planning Policy Framework](#) and guidance is provided through the [National Planning Practice Guidance](#). It is often the case that legislation and national guidance are subject to change. Where this takes place, the legislation and national guidance these will take precedence.

2. Aims and Objectives

The content, procedures and policies within this Planning Local Enforcement Plan seek to meet the aims of the Planning Enforcement Service, which in turn is based upon the legislation, national policy and guidance for planning enforcement and local circumstances.

The aims and objectives of the Planning Enforcement Service are:

- 1) To focus resources and prioritise planning enforcement cases where it is expedient to take enforcement action and where it is in the public interest to prosecute criminal offences relevant to planning breaches. To achieve this we will seek to:**
 - prioritise cases and action, based on the level of harm caused;
 - where resources permit, introduce a proactive approach to planning enforcement prioritising cases dependant upon local circumstances and the level of harm;
 - reduce the number of enquiries that are not matters dealt with the Planning Enforcement Service;
 - reduce the number of cases received that result in a conclusion of no breach;
 - close cases, where it is not expedient to take action; and
 - reduce, where possible, any duplication of resources with other departments or agencies; and
- 2) To manage customer expectations, and provide good customer service, we will:**
 - clarify the discretionary nature of planning enforcement and identify as early as possible when it is expedient to take action or not;
 - explain to customers, early on in the investigation, what the next steps are and possible outcomes;
 - to respond to customer enquiries in a timely manner; and
 - take a joint approach with other departments and agencies.
- 3) To apply a consistent approach. Where it is expedient to take action we will aim to negotiate a solution, where possible, but identify situations where it will be necessary to take enforcement action to remedy a breach or prosecute a criminal offence.**
- 4) To treat all customers, including complainants and contraveners, in a fair and inclusive manner and make decisions taking into account all relevant factors and circumstances.**
- 5) To introduce a paid for service to respond to customer enquiries concerning compliance with notices and conditions as well as withdrawing notices after the notice has taken effect.**

3. Planning Breaches

Types of planning breach

Planning breaches dealt with by the Planning Enforcement Team at Brighton and Hove City Council include:

- **breaches of planning control;**
- **unauthorised works to listed buildings;**
- **unauthorised advertisements;**
- **untidy land and poorly maintained buildings; and**
- **criminal offences relevant to these matters.**

Why is it important to explain the differences between the types of breaches?

Planning breaches, as described in this document, are treated differently in law. This means that each type of breach will be treated and considered differently as described below.

Breach of planning control

A breach of planning control is defined by the Town and Country Planning Act, 1990 as amended as:

- the carrying out of development without the required planning permission; or
- failing to comply with any condition or limitation subject to which planning permission has been granted.

Unauthorised development

Carrying out of development without the required planning permission or in breach of a planning condition or limitation is also known as unauthorised development.

Where it is alleged that a breach of planning control may have occurred, it is necessary for the Local Planning Authority to first consider whether development has taken place. [Section 55](#) of the Town and Country Planning Act 1990, as amended, identifies what constitutes development for planning purposes.

Development can take the form of:

- Operational development;
- Material change of use

Operational development is concerned with external physical changes and material changes of use relate to how buildings and land are used. Certain matters may not constitute development for planning purposes. This includes where operations do not materially affect the external appearance of the building; the change of use is not material; or the development is so minor it is considered to be de minimis. Please see [Section 55](#) of the Town and Country Planning Act 1990 for a full explanation as to what constitutes development.

Once the Local Planning Authority has identified that development has taken place it is then necessary to determine whether planning permission is required from the Local Planning Authority.

Planning permission is not required from the Local Planning Authority where:

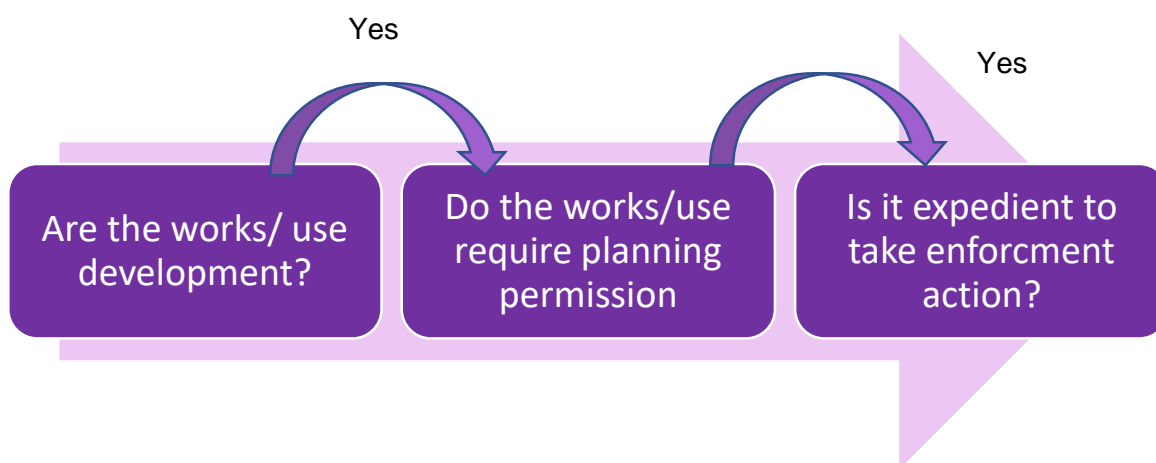
- General Permitted Development Order grants planning permission, known as permitted development;
- an enforcement notice allows for the development to take place, by under enforcing development;
- The development is immune from enforcement action.

We use both case law and appeal decisions to help us interpret whether development has taken place and whether planning permission from the Local Planning Authority is required. This interpretation can change as case law and appeal decisions update our understanding. However, it is often the case that planning permission is not required from the Local Planning Authority because it is permitted development.

In some cases, development is subject of a Lawful Development Certificate which confirms whether planning permission is required.

If it is considered that planning permission is required for the development, it is then necessary to consider whether it is [expedient](#) to take enforcement action. If it is not [expedient](#) then no further action will be taken. Expediency

Figure One: Steps for considering unauthorised development



Breach of Condition.

Planning permission may be granted subject to conditions. To attach a condition, there are certain [tests](#) identified in the National Planning Policy Framework that need to be met. Similarly planning permission granted by legislation (permitted development) is subject to conditions and limitations. Failing to comply with any condition or limitation subject to which planning permission has been granted is known as a breach of condition.

For enforcement action to take place it is necessary to ensure that the condition has met the tests identified in the National Planning Policy Framework. Breach of conditions are also subject to immunity. If a breach of condition has taken place for 10 years, or 4 years relating to a change of use to a dwelling house, then the breach may be lawful and enforcement action cannot be taken.

Whilst conditions attached to planning permission from the local planning authority may be in breach, it remains necessary to consider whether it is [expedient](#) to take enforcement action. This includes consideration of the development plan at the time of the breach as well as other material considerations. It will not be expedient to take enforcement action on a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area.

Unauthorised works to listed buildings

Works to listed buildings are controlled through the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#). Listed building consent is required for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. This can include physical works to the interior of a building which cannot be seen from the outside.

There is no immunity for unauthorised works to listed buildings. However, the date of when the building was listed is important because it is the features in place at the time of listing that are considered to constitute the character of the listed building.

In many cases, but not all the time, works can be both a breach of planning control and unauthorised works to a listed building. However, if the breach only relates to works to a listed building then the scope of considerations is limited to its impact on the listed building.

In the case of unauthorised works to a listed building, it will be necessary to consider whether it is [expedient](#) to take enforcement action, having regard to the effect of the works on the character of the building as one of special architectural or historic interest. Regard must be given to the grounds of appeal that exist under [section 39 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#).

Breaches of conditions attached to Listed Building consents and unauthorised works for the demolition or alteration of listed buildings can also be criminal offences, which are subject to different considerations, please see [evidential and public interest tests](#).

Unauthorised advertisements

Advertisements, which include flags, shop signs, awnings and estate agent boards, are different than breaches of planning of planning control.

Advertisements do not require planning permission. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) regulates whether advertisement consent is required.

However, it can be the case that signage on a listed building requires both advertisement consent and listed building consent.

Advertisement considerations are limited to amenity and public safety, although development plan policy is a material consideration. The display of an advertisement without consent may also be a criminal offence, which is subject to different considerations, please see [evidential and public interest tests](#).

Untidy land and poorly maintained buildings

Under Section 215 of the Town and Country Planning Act 1990, as amended, if it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may seek to remedy the condition of the land.

It is necessary to justify that amenity is adversely affected by the condition of the building or land. Case law has a significant part to play in the interpretation of this part of the legislation, but it generally means where there is a need for repair, maintenance and sometimes clearance of land.

4. Matters not investigated by the Planning Enforcement Team

The Planning Enforcement Team receive numerous enquiries everyday about matters taking place in the City. Not all of the complaints we receive are about planning breaches.

Examples of matters that are not planning breaches which are not investigated by the Enforcement Team:

- works or a use that has not commenced;
- rumours that work will take place;
- concerns regarding the [Party Wall Act 1996](#);
- health and safety issues not related to a planning breach (please contact the [Health and Safety Team](#));
- concerns regarding [vermin](#) not related to a planning breach;
- legal disputes not related to a planning breach;
- landownership and boundary disputes;
- [dangerous structures](#) and building control matters;
- [noise](#), [light and odour](#) nuisance not associated with a planning breach;
- Parking and highway [obstruction](#) issues not related to a planning breach;
- [high hedges](#);
- [works to trees](#) not associated with a planning breach; and
- [Antisocial behaviour](#) not associated with a planning breach.

If the Service receives a complaint that is not a planning breach, we will not commence an investigation. However, if it is a matter that may be dealt with by another service area, we will:

- let you know that it is not a planning breach dealt with by the Planning Enforcement Team;
- not commence a planning enforcement investigation;
- send the complaint and details to the service area we believe may be able to assist with your enquiries;
- let you know we have passed on your details; and
- close the case.

If the complaint is both a planning breach and another matter that maybe dealt with by another service area we will:

- Open an investigation for the planning breach only;
- Send the complaint and details to the service area we believe may be able to assist with your enquiries concerning non- planning matters;
- Let you know that we have passed on your details;
- Investigate the planning breach and liaise with other relevant departments.

Planning legal agreements

A Section 106 legal agreement is a contract between parties which usually includes (but not limited to) the Council, a developer and/or a landowner. The Planning Enforcement Team does not enforce against a breach of a Section 106 legal agreement. However, if a breach of a Section 106 legal agreement is identified by the Planning Enforcement Team this matter will be reported to the relevant persons within the Council for consideration with regard to a potential breach of contract.

5. Making a Complaint

Prior to making a complaint

Before making a complaint, you may wish to look at the [Planning Register](#) to see if planning permission, listed building consent or advertisement consent has been obtained. You can also see if a lawful development certificate has been approved.

There are several operations/ changes of use that can take place that do not require planning permission. This is called permitted development. To give you an idea as to what is permitted, prior to making your complaint, you can look at examples using the following link: [Planning portal](#)

You may also wish to speak to the person(s) you are making a complaint about if you feel that you can. You may be able to resolve your concerns by talking it through.

If your concerns relate to construction activities, and the site is registered with the [Considerate Constructors Scheme](#) you may also contact the scheme direct. This organisation provides a service to deal with complaints concerning construction activities if it is relevant to their Code of Considerate Practice, including matters that are not within the remit of the Local Planning Authority. However, if they look into the matter and consider the concern to be a planning enforcement issue, they will refer the matter to the planning enforcement service.

Complaint form

Our preference is that all complaints are made on the on-line complaint form which can be accessed using the following link <https://www.brighton-hove.gov.uk/planning/planning-enforcement-complaint>. The online complaint form will ask for personal details including information required for equalities monitoring.

We will not accept emails or other forms of submission except where the complainant has genuine issues with accessing the online service and/ or providing written communications. If this is the case, the Council will fill in a form on behalf of the complainant.

Anonymous complaints

Anonymous complaints will not be recorded and an investigation into the allegation will not commence. This is because we may need to validate the allegations made, ask for details and verify the harm being caused.

Complainant details

Complainant details and the nature of the complaint will be recorded and kept on file. In most cases complainant details will not be disclosed. However, we may be required to disclose the nature of the complaint or information provided to us. If this is the case, we will do so without providing personal data.

However, there may be circumstances where we may be required to disclose personal information, for example as part of a prosecution case. If you contact the

Council regarding a criminal matter, we may also ask you to provide a witness statement, for the case to progress.

If you make a complaint to the Planning Enforcement Team, but your concerns relate to another service we will forward on your complaint and details to that other service area within the Council.

Complaints from other service areas

Occasionally we will be forwarded information from another service area about a complaint that maybe a planning breach. In these circumstances, we will ask the complainant if they wish for the Planning Enforcement Team to open a case and record their details.

In certain circumstances, where the same breach can be dealt with by two or more departments under different legislation it may be necessary to identify a lead enforcement department. This may be necessary to avoid duplication. However, if the outcomes of the case will be different it may be necessary for both (or more) departments to consider the breach and liaise with each other.

Where there are two or more departments investigating a breach, this can often be difficult for both the complainant and the contravener to navigate because different teams will be working with different legislation which aim to achieve different results. We will aim to achieve a coordinated approach to investigations where possible, however this may impact upon timescales.

Re-opening of cases

After a decision has been made to close a case because it is considered that there is not a breach or it is not expedient to act, cases will not normally be reassessed. Cases will only be re-opened in the circumstances where it has been alleged that a thorough investigation has not been carried out, with associated relevant evidence to back the claim; or where it has been identified that it is not expedient to take action and new material information is provided to challenge the conclusion. However please note that decisions are a matter of planning judgement considering case law and appeals and whilst an outcome may be disappointing the Council cannot take action if it is considered that there is not a breach, or it is not expedient to take action.

6. No breach

After a complaint has been received and an investigation has taken place, a significant proportion of cases result in a conclusion that there is no planning breach. It will be for the case officer to determine whether there has been a breach, taking into account legislation which is interpreted taking into account case law and appeals concerning similar matters.

A decision of no breach will be concluded when:

- **There is no / not enough evidence to conclude that the allegation has taken place.**
- **The evidence provided by the complainant cannot be verified.**
- **Information is requested from the complainant, to confirm the breach, and not received after one month of the request.**
- **The alleged works are not development or, in the case of a listed building, do not affect its character as a building of special architectural or historic interest.**
- **The development is permitted development.**
- **The advertisement does not require or has deemed consent.**
- **The development has been granted planning permission or listed building consent, as relevant.**
- **The advertisement has consent from the Local Planning Authority.**
- **The untidy land is not considered to be of a condition that adversely affects the amenity of the area.**
- **The building is not considered to be sufficiently deteriorated to adversely affect the amenity of the area.**
- **An Enforcement Notice allows for the development to take place (including under enforcement).**
- **The Enforcement Notice/ Breach of Condition Notice/ Section 215 Notice has been complied with.**
- **Enforcement action cannot be taken because it is immune from enforcement action.**
- **The part of the listed building of concern was in place at the time of listing.**

Immunity

Where there has been a breach of planning control involving operational development, legislation prevents enforcement action being taken after the end of the period of four years beginning on the date on which the operations were substantially completed. Where there has been a breach of planning control resulting in a change of use of any building to a use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach. In most other cases, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. This includes breaches of conditions and other changes of use.

7. No Further Action

Where an investigation is carried out and a planning breach has been confirmed by the Local Planning Authority the next step is consider whether it is expedient to take enforcement action. This is because enforcement action is discretionary and, in relation to certain formal enforcement action, it is necessary for the Council to justify that it is expedient.

It will not be expedient to take enforcement action for planning breaches* taking into account the following:

- 1) Development is in accordance with local plan policy.**
- 2) In accordance with the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004 material considerations outweigh development plan policy.**
- 3) It is considered that unconditional planning permission would be granted for the development.**
- 3) There is a trivial or technical breach of planning control which causes no material harm or adverse impact on the amenity of the site or the surrounding area.**
- 4) An advertisement would be acceptable taking into account its affect on amenity and public safety.**
- 5)The harm is temporary in nature and there is an operational requirement for the breach. The acceptability of the temporary nature of the breach will be dependent on the level of harm caused, what is lawful and the consideration of other suitable methods to achieve the operational requirement.**
- 6) In relation to operational development there are a number of other similar breaches or permissions in the area, which have already changed the character of the area.**
- 7) Enforcement action would cause severe hardship** that outweighs the harm caused and does not prejudice any future prospects.**
- 8)The remedy would have consequences that would in itself cause harm in planning terms.**
- 9)The enforcement action would be disproportionate to the scale of the breach or the harm arising.**
- 10) The Local Planning Authority is reliant upon the complainant to verify the breach (and are unable to evidence the breach in any other way) and the complainant wishes to remain anonymous.**
- 11) The complaint has been made for the purposes of removing a competitor and no other harm is identified and/ or verified.**
- 12) The complainant is a landowner who has yet to try civil legal processes to rectify the breach.**

*excluding prosecutions which will be considered under evidential and public interest tests

** Includes adaptations required to create equality of opportunity for a protected characteristic under the Equalities Act 2010

If it is concluded that it is not expedient no further action will be taken. This does not mean the breach is lawful; it means that the Council will not pursue the matter.

Landownership and disputes

The Local Planning Authority often receive complaints from landowners regarding their own land/ property. Sometimes it is seen as a more economic option than dealing with the situation through civil legal processes. Where this is the case, and the civil legal process has not been pursued, we would normally consider that it is not expedient to take action. This is because there is another mechanism to deal with the issue without the need for planning intervention.

Also, it is the case that if an investigation progresses and the Council serves a Notice it will be served on the landowner as well as other interested parties. The Notice will then stay with the land and if a prosecution is recommended, it may be necessary to consider prosecuting the landowner. This means that public money is being used to pursue a private interest and is usually not considered to be in the public interest. Therefore, where a landowner submits an enforcement complaint upon their own land, we ask that they find a solution to stop the breach before seeking our help.

Evidential and Public Interest Tests

Criminal investigations and subsequent prosecutions are not subject to expediency considerations.

Criminal prosecutions are subject to trial at court and subject to different tests than breaches of planning control and other methods of regularising planning breaches. For a suspect to be found guilty of an offence it must be proven beyond reasonable doubt not on the balance of probabilities.

Balance of probabilities is a test that is used when considering whether a breach of planning control is immune from enforcement action by virtue of time. This is because no enforcement action after a certain length of time depending on the type of breach of planning control. Balance of probabilities is a judgement that is made as to whether an event or account is more likely than not to have occurred. Beyond reasonable doubt is a higher standard.

The first element that needs to be considered is the evidential test. This is a question of whether there is credible and reliable evidence to provide a realistic prospect of conviction. In this regard the defence of the suspect must be taken into account as well as evidence not used as part of the prosecution case. If the evidential test is not met then the public interest test will not be considered and the case will be closed.

The second, public interest, test is whether it is in the public interest to prosecute and for the matter to be considered by the court. In considering the public interest test the person authorising the prosecution must balance the factors for and against prosecution including:

- the harm caused as a result of the offence;

- allowing equality of opportunity for protected characteristics as identified under the Equalities Act 2010
- the degree of the breach;
- the knowledge of the breach;
- the suspect has failed to comply, in part or in full, with a statutory notice;
- there is evidence that the offence was premeditated;
- the level of cooperation to remedy the harm;
- the suspect's level of involvement;
- there are grounds to believe that the suspect was motivated solely by personal gain; and
- a prosecution would have a significant positive impact on maintaining community confidence.

8. What enforcement powers can be used for planning breaches

If it is considered expedient to take enforcement action, there are a number of formal enforcement actions that can be taken depending on the circumstances:

Breaches of Planning Control – Operational Development/ Material Changes of use

Enforcement Notices

If it is considered expedient to do so, the Local Planning Authority may issue and serve an enforcement notice on the landowner and other interested parties. The Council must justify that it is expedient to serve a notice and write a report recommending that a notice be served, which is agreed under delegated powers. Because the notice can be appealed on a number of grounds the following must be justified:

- that a breach has taken place and the evidence available proves, on the balance of probability, that it is not immune from enforcement action;
- the reasons for serving the notice including identifying that development is contrary to development plan policy and identifying any other material planning considerations; and
- what is required to be undertaken as part of the notice (for example we cannot ask for a better quality development than that was there previously), including the consideration of lesser steps if appropriate.

The Council may under enforce as part of an enforcement notice. This means the steps to remedy the breach are less than the steps that would be required to remove or cease all of the unauthorised development. It may be expedient to require lesser steps.

There are two dates on the enforcement notice. The first date is the date that it is issued and the second is the date the notice takes effect. If a valid appeal is submitted prior to a notice taking effect, the terms of the notice are held in abeyance until the appeal has been decided.

As it is the responsibility of the Council to identify the breach and the remedy required and to defend this at appeal, we are unable to take enforcement action simply based on the wishes of the local community. If we do not consider that there is a breach, the matter is not expedient or lesser steps should be taken, we will explain this to complainants as we cannot progress a case that would fail on appeal.

Stop Notices

In very exceptional circumstances, the Local Planning Authority may consider serving a stop notice. The purpose of a stop notice is to require relevant activity to cease before the expiry of the period for compliance specified in an enforcement notice.

In order to serve a stop notice the Local Planning Authority must justify its decision and identify why it is essential to safeguard amenity or public safety in the

neighbourhood; or to prevent serious and irreversible harm to the environment and the surrounding area. A stop notice is required to be served alongside an enforcement notice.

As an alternative to a stop notice a local planning authority can consider serving a temporary stop notice, which does not require the service of an enforcement notice. However, a temporary stop notice expires 28 days after the display of the notice on site. Again, a temporary stop notice can only be served where it is essential to safeguard amenity or public safety in the neighbourhood; or to prevent serious and irreversible harm to the environment and the surrounding area.

In both cases, consideration must be given to the economic impact of the notice as it can have a significant economic effect on businesses and individuals. It is for this reason that these notices are only used in very exceptional circumstances and the notice must be justified as being essential.

If an enforcement notice is overturned or amended on appeal or a stop notice is withdrawn the Council may be liable to compensation owing to the loss or damage the claimant has suffered.

Breaches of Planning Control – Breaches of Condition

For breaches of condition the Local Planning Authority has two options to remedy the breach one is to serve a breach of condition notice and the other an enforcement notice. It will be at the discretion of the Local Planning Authority as to the most appropriate form of action. In accordance with this policy, it is necessary to justify the decision to take enforcement action by considering the expediency of formal action.

Breaches of Planning Control – Injunctions

The most serious form of enforcement action is to serve injunction against a breach of planning control or an apprehended breach of planning control. In these cases, the Local Planning Authority must apply to the High Court or County Court for an injunction under the Town and Country Planning Act 1990. This can be a protracted and legally technical process and therefore prior to the use of injunctions other formal enforcement measures should be considered first before considering the use of an injunction.

Unauthorised Works to listed buildings

There are various formal mechanisms to deal with unauthorised works to listed buildings.

If a person undertakes certain works to a listed building, which affect its character as a building of special architectural or historic interest, without the necessary consent, it is a criminal offence under the relevant Act. Further, if a person executing or causing to be executed any works in relation to a listed building under a listed building consent fails to comply with any condition attached to the consent, they shall also be guilty of an offence.

Whilst it is an offence to undertake certain works to a listed building, legislation allows for remedial action to be specified within a Listed Building Enforcement Notice

in order to resolve the impact of the works. Therefore, the Local Planning Authority must make a decision as to how it will approach unauthorised works to listed buildings.

Theoretically, a punitive approach can be taken through prosecution, however this will not resolve the unauthorised works and in many cases it may be more suitable to require remedial works to be undertaken via a Listed Building Enforcement Notice. There is also the option to serve a Listed Building Stop Notice. The provisions regarding these types of notices are very similar to those outlined as breaches planning control but deal specifically with listed buildings.

Unauthorised Advertisements

It is a criminal offence to display an unauthorised advertisement. However, prosecution can only be initiated within six months of the date of the offence becoming known to the local planning authority and within three years of the offence taking place.

There are also provisions within legislation that allow removal notices to be served which require the removal of unauthorised advertisements.

However, advertisements are not considered in the same way as breaches a planning control and it is necessary to justify enforcement action taking into account the impact upon amenity and public safety.

Untidy land and poorly maintained buildings

If it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under Section 215 of the Town and Country Planning Act 1990 as amended. The notice shall require such steps for remedying the condition of the land in a specified timescale. If any owner or occupier of the land on whom the notice was served fails to take steps required by the notice within the period specified in it for compliance with it, they shall be guilty of an offence. In the event that the notice has not been complied with the Council also has power to enter the land and take the steps to remedy the harm and recover from the owner of the land any expenses incurred.

When the notice has been complied with a new investigation and notice will be required for any new breaches, even if they were similar to that previously encountered.

Concealment

If a breach of planning control has become immune by virtue of time, but where evidence exists that this has been concealed, the Council will consider applying to the magistrates' court for a planning enforcement order. However, this will only be considered in the case of an unauthorised dwelling which is now contrary to policy, or where other development causes significant harm when it becomes unconcealed and it is expedient to take enforcement action.

9. How will planning breaches be investigated and resolved?

The way in which planning breaches are investigated and resolved will be dependent on the type of planning breach that is alleged. This is because different breaches will require different styles of investigation.

Site Visits

Not all investigations will result in a visit to the site where the alleged breach has taken place. It may be the case that officers have enough information to make an informed decision without the need for visiting the site. The decision to undertake a site visit will be made on a case-by-case basis by the case officer. If it is considered that a site visit is necessary, which means entering private property where the alleged breach is occurring, this may result in a delay in the investigation and reaching a conclusion as to whether there is a planning breach.

If it has already been concluded that a breach is not taking place will not investigate further, including a site visit.

Only in exceptional circumstances will officers visit the complainant's address. Exceptional circumstances include where an officer considers that it is necessary for the case to witness the impact upon the complainant's address or where a complainant has a legitimate requirement for such a meeting to create equality of opportunity for a protected characteristic under the Equalities Act 2010. We are also not able to grant complainants entry onto land that we are investigating.

Rights of Entry

Under the Town and Country Planning Act, 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990 the Enforcement Team have rights to enter land and buildings to carry out certain enforcement duties. In most cases, it will be necessary to give 24 hours' notice to exercise that right to entry to a residential property. However, if entry is refused after providing 24 hours' notice the Council may seek a warrant to enter the premises without consent from the owner.

Planning Contravention Notices and Section 16 Notices

Planning contravention notices and section 16 notices are both formal notices which require certain information to be provided to assist with a planning enforcement investigation.

These notices do not require works to cease but are simply a method to obtain information. It is an offence not to provide information, however. Therefore if you receive a Section 16 Notice or a Planning Contravention Notice it is important for you to answer these within time and accurately.

If you do not respond either in time or accurately, it is a criminal offence and we will instigate an investigation into the alleged offence and will progress the matter further.

Breach of Planning Control

Operational development and Section 215

Operational development usually involves physical works to an external part of a building or land. Where it is alleged that operational development has taken place, we will ask for photographs so that we may assess the works that have taken place. From these photographs we may be able to determine whether there has been a breach of planning control. We may also look at other evidence to determine whether there has been a breach planning control. In the absence of such information, we will arrange a site visit to see the works that have been undertaken and the harm being caused.

Sometimes the work will not have progressed enough to decide that a breach of planning control has taken place. We are unable to take enforcement action through the service of an enforcement notice where the breach has not taken place or where the harm is not evident.

There are many reasons why it is concluded that there is no breach please see [Section 5. No Breach.](#)

Landowners and developers undertake works at their own risk. We cannot insist that works stop unless the local planning authority is prepared to serve a stop notice. However, landowners may wish to stop works to reduce their risk of progressing a development which will subsequently be required to be removed. The fact that the works have been completed will not prevent enforcement action being taken if it is deemed expedient to do so.

Where there has been a breach of planning control an assessment will be made of the harm caused by the breach taking into account the local development plan and any other material considerations. It will be considered whether it is expedient to take enforcement action see [Section 6. No Further Action.](#) If it is not expedient to take enforcement action the case will be closed and the persons involved informed.

If it is considered expedient to take enforcement action, further consideration will be made as to whether works can be undertaken to mitigate the harm. In circumstances where it is it considered expedient to take enforcement action, the landowner will be advised of the conclusions and will be given an opportunity to resolve the situation. This may include resolution by mitigation; resolution by submitting a planning application for conditional permission; or resolution by removing the breach. The resolution will include an agreement as to a suitable time scale identified by the Local Planning Authority.

If this time scale is not complied with, without reasonable excuse, the Local Planning Authority will prepare a case to serve an enforcement notice to remedy the breach of planning control. It will be for the Local Planning Authority to consider if the excuse is reasonable. Please note that in many circumstances this information can be either personal and/or sensitive and therefore it may be that we cannot provide the complainant this information.

Investigations regarding untidy land and possible service of Section 215 notice will follow a similar process to that of operational development.

Material Change of Use

To determine whether there has been a material change of use, it may be necessary to compare the use of the land or building prior to the change with the current use.

It is often the case that these changes are witnessed by members of the community. As Council Officers investigating breaches of planning control cannot do this covertly (unseen) there is a reliance upon witnesses providing information. Therefore, in order to investigate a material change of use it will usually be the case that we will ask for evidence to be provided by the complainant and possibly others. Depending on the breach concerned we may require up to three months' worth of information concerning the alleged breach of planning control.

For example, if an allegation is made of a business at a residential premises it may be necessary to ask for information relating to deliveries, employees and other people visiting the premises. This is because we are comparing the use at present with what would be expected in a household in the area.

In addition to this, it is likely that we will serve a planning contravention notice on the landowner or those persons with a material interest in the land. This will ask a number of questions about the use of the land.

From all of this information, including if necessary a site visit, it will then be determined whether there has been a breach planning control.

It may be the case that by reducing the activity the breach of planning control is resolved or maybe deemed to be suitable and not require action. Alternatively, a planning application with conditions may be a suitable resolution to the situation. If a material change of use has been identified there will be a discussion with the landowner as to whether there is a need to reduce the activity/use, submit a planning application with suitable conditions or change the use back to its lawful use in order for it to be suitable. This will be subject to a time scale. If the use has not reduced, an application submitted, or the use is not reverted back to the lawful use to that agreed within the time scales provided enforcement action will be recommended, subject to consideration of expediency.

Breach of conditions

There are different types of conditions that can be breached. These can include non-compliance with approved plans, breaches relating to times of construction, or breaches of physical details. Breaches that involve non-compliance with plans or other physical details will be treated in a very similar way to that of breaches of planning control involving [operational development](#). Breaches of conditions that involve matters such as opening times and construction times will be treated similar to that of [material changes of use](#) and may require the provision of evidence from the community in the area.

There may be circumstances where it is deemed not expedient take enforcement action if there is a breach or an alternative solution is negotiated that overcomes concerns raised by the Council. However, if it is identified that there is a breach that requires to be remedied and this is not undertaken in the time scale specified then enforcement action will be recommended. If an application is submitted to vary or

remove a condition as a result of the investigation, the matter will be considered on a case-by- case prior to progressing enforcement action.

Verification of Information/ Evidence

Officers will make all reasonable attempts to verify information provided by complainants, including asking other parties to corroborate allegations. If the Officer through the investigation identifies that the information provided is incorrect or misleading or if a breach is not found, the case will be closed.

Corroboration may include serving a planning contravention notice relating to all relevant breaches of planning control. A planning contravention notice is a document served on landowners and other relevant parties requesting information in relation to that breach.

In circumstances where alleged breaches cannot be proven/ corroborated independently the contravener's response in the planning contravention notice will be given significant weight. Please note planning contravention notices can only be used for alleged breaches of planning control.

Why Does the Local Planning Authority Use Informal Negotiations

In relation to breaches of planning control, we can only seek remedial measures. It is also necessary to ensure that the measures are proportionate and take into account the circumstances of the situation. Legislation does not provide us the powers to punish breaches of planning control, and we can only resolve breaches where it is expedient to do so. Therefore we seek where possible to conduct negotiations in order to resolve breaches of planning control and in particular any harm that is being caused by the breach planning control. It is generally a quicker and more cost-effective way of dealing with the situation. However it must be associated with time scales. This allows us to progress to formal enforcement action if deemed necessary.

When are Informal negotiations used

Informal negotiations are used in planning breaches where there is no significant irreversible harm caused. In circumstances where significant irreversible harm is taking place we will identify this with the landowner/ interest parties and explain that we are preparing to take formal enforcement action without negotiation. Negotiation will also not be undertaken where there is a reasonable prospect of immunity being reached by the development, in circumstances where it is considered expedient take enforcement action. Negotiation will also not be used where the landowner or other relevant persons are not engaging with the Planning Enforcement Team and it is expedient to take enforcement action. This includes non-response to communications including but not limited to planning contravention notices. Where written responses are not received, we will endeavour to provide alternative opportunities to communicate with the officer to ensure equality of access.

It will be for the Local Planning Authority to determine what is significant irreversible harm taking into account the circumstances of the case but will include the

consideration of the actual impact upon amenity of those persons affected by the breach.

Untidy land and poorly maintained buildings will be treated in the same way as breaches of planning control.

Regularisation

If it is considered not expedient to take enforcement action, officers will not invite a retrospective application before closing the case. The case will be closed, but the contravener will be advised they may apply for planning permission

If harm is identified and it is considered that, potentially, conditional permission would be granted then officers can invite an application and await the outcome prior to considering enforcement action. The case will be closed when the application has been submitted and determined. Unless a condition is directly breached at that time, the case will be closed on approval. If the application is refused, then consideration will be required as to whether it is expedient to pursue enforcement action.

If harm is identified and it is considered that planning permission will not be granted and it is considered that it would be expedient to take action an application will not be invited and remediation will be identified with a timescale. The contraveners will be asked their intention and a suitable timescale for remediation identified.

A retrospective planning application has been submitted – will this stop formal enforcement action?

There may be circumstances where a landowner applies for planning permission for the development, which has been deemed to be unacceptable in planning terms by the enforcement officer. Alternatively, a landowner may apply for permission for an alternative scheme.

Urgency of action in these circumstances will generally be dependent on the level of harm. If the harm is significant and on-going then formal enforcement action should be taken. However, if a decision is taken on a planning application within 8 weeks (or if determined by committee longer) and the harm is not urgent there will be discretion to await the outcome of the application. However, unless there are overriding circumstances, if the planning application is refused enforcement action will not be deferred for an appeal to be lodged and determined. If it is considered expedient to take action, and there is a prospect of the development becoming immune then formal enforcement action will not be deferred.

A Lawful Development Certificate/ Planning Application for an alternative scheme has been submitted – will this stop formal enforcement action?

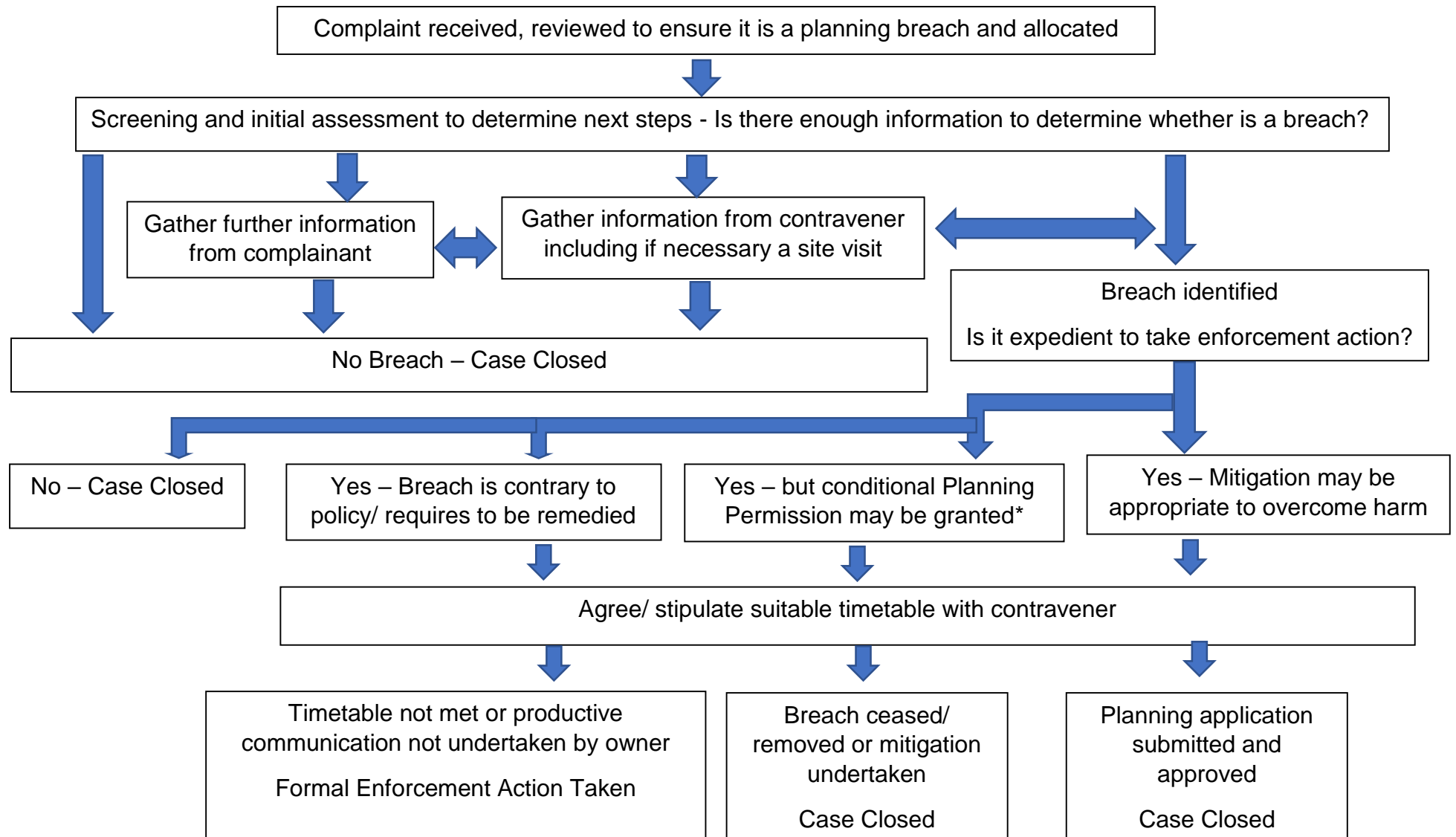
If an application is submitted for an alternative solution, which the Local Planning Authority considers has a reasonable prospect of being approved, further discussions should be undertaken. This would include discussing a reasonable timescale for submission of an application and works to meet the terms of the application. If neither of those timescales are met then enforcement action should be taken. It may also be necessary to serve an enforcement notice if the original

development is nearing immunity or where other circumstances require a notice to be served.

I have submitted an appeal to a retrospective planning application – will this stop enforcement action?

Unless there are overriding circumstances, if the application is refused enforcement action will not be deferred for an appeal to take place and enforcement action should be taken swiftly.

Figure One: Enforcement Process Breaches of Planning Control and Section 215



Unauthorised works to listed buildings

Unlike breaches of planning control unauthorised works to listed buildings are a criminal offence, but like breaches of planning control they can be remedied through the service of a formal notice.

Each investigation relating to unauthorised works to a listed building therefore will need to be treated as an investigation into an offence. However, we do appreciate that prosecuting an offence will not necessarily remedy the situation.

We will first determine whether unauthorised works to a listed building requires listed building consent. If it is the case, we will consider whether it is expedient to take action. If it is considered expedient to take action we will initially consider whether works can be undertaken to remedy the harm or resolve the breach. If it is the case that harm can be remedied, we will provide an opportunity to the relevant person to undertake those works to an agreed timescale. However, if works are not undertaken, and/ or productive communication does not take place enforcement action through a notice will be sought.

In addition to this, the Council may also consider whether the [evidential test and the public interest test](#) has been met to also pursue a prosecution.

However, if works are being undertaken to a listed building which in the opinion of the Council cannot be remedied, or if unauthorised works to a listed building is undertaken in the knowledge that it is a breach and permission is not obtained prior to undertaking the works then the Council will consider whether the [evidential test and the public interest test](#) has been met to prosecute the relevant parties.

Unauthorised Advertisements

Similar to unauthorised works to listed buildings, the display of advertisements without consent is a criminal offence but with legislation allowing for formal action to remedy the harm. However, unlike listed buildings there is a statutory time limit for prosecuting advertisements.

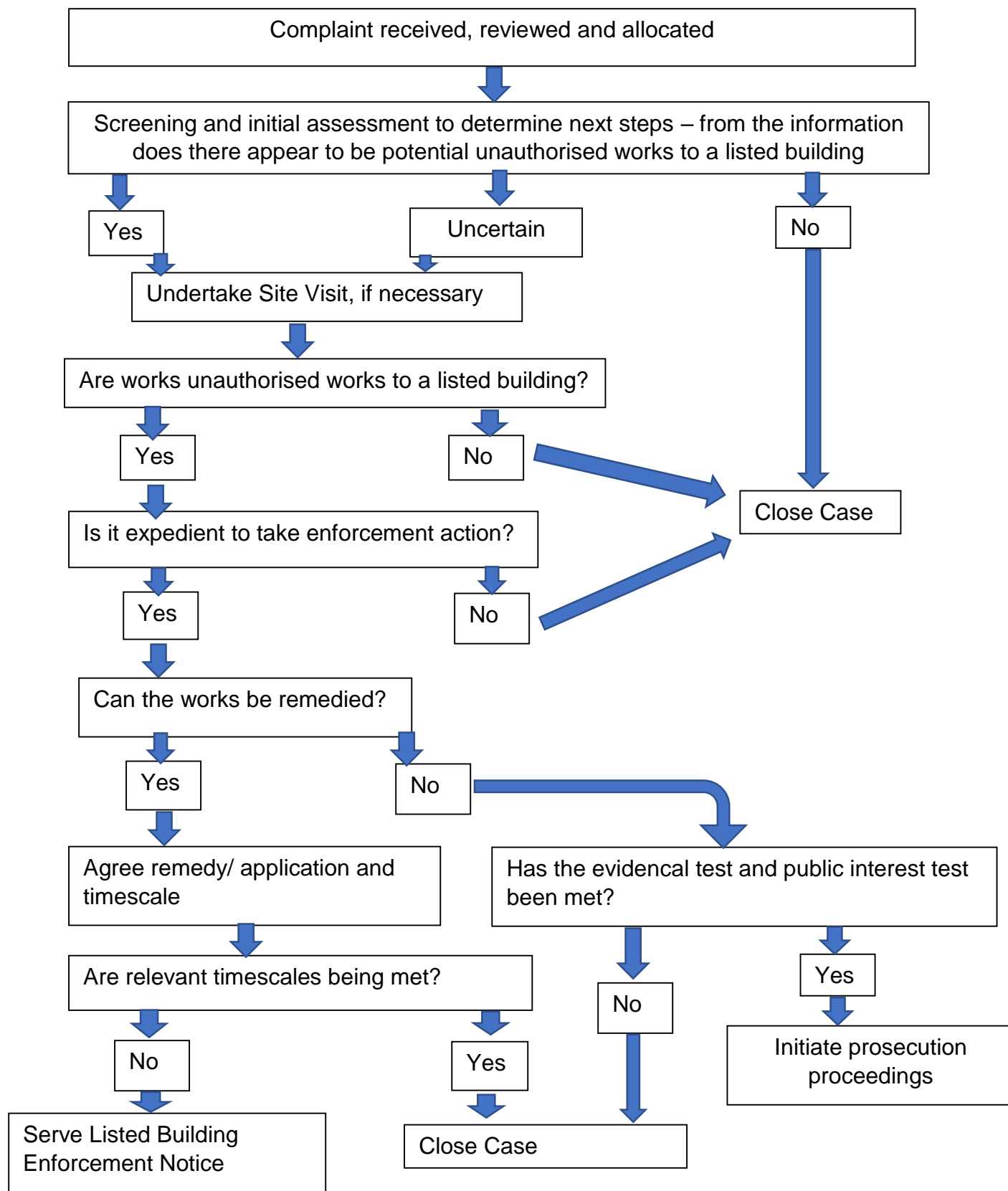
If advertisements are outside the statutory time frame for prosecution the Council will consider whether it is expedient to take action and, if justified, allow time for remedial works to take place. If the works do not take place the service of a relevant notice will be recommended. If advertisements are within the statutory timeframe, we will still consider whether it is expedient to take action, liaise with the landowner but if there is no response or compliance prosecution will take place subject to the [evidential test and the public interest test](#). If the Council becomes aware that unauthorised advertisements are being erected in the knowledge that permission is required but not obtained, subject to the [evidential test and the public interest test](#) prosecution proceedings will be initiated.

When are Informal negotiations used

In circumstances where there is unauthorised works to a listed building or an unauthorised advertisement, consideration will be given to the level of harm being caused. If it is considered there is a wilful breach in these circumstances and/ or the

level of harm is significant negotiations will not be progressed and criminal investigation and prosecution will be undertaken where the evidential and public interest tests are met. In circumstances where it is considered that the unauthorised works to a listed building and unauthorised advertisement can be remedied our preferred approach will be through informal negotiations.

Figure Two: Unauthorised Works to a Listed Building



Breaches of extant notices and other investigations into a criminal offence

A breach of an extant notice will be treated differently to other types of breaches. As a remedy has already been sought, the Council will not seek to negotiate a solution but proceed to criminal investigation and if the [evidential test and the public interest test](#) are met a prosecution will be initiated.

The following procedure will take place for a breach of extant notice and any other relevant criminal investigations:

- **Receive complaint that an offence has taken place.**
- **Where possible seek to verify the offence. If the verification rests with the complainant, then a witness statement needs to be taken. Even if a witness statement is not taken the information provided must be kept and potentially disclosed.**
- **Arrange site visit. In most cases a site visit is important.**
- **Any covert surveillance to be undertaken in accordance with Regulation of Investigatory Powers Act (RIPA) where appropriate.**
- **Undertake necessary investigation.**
- **Invite suspect to interview on disk and under caution (Police and Criminal Evidence Act – (PACE) compliance) or undertake a written interview.**
- **Compile all evidence and if necessary ask further questions of clarification of suspect.**
- **When all the information is gathered, consider both the evidential test and the public interest test and seek agreement as to whether the matter is passed to the prosecutor.**
- **Update suspected offender.**
- **Prosecutor to further consider case under the public interest test.**
- **Prosecution proceedings instigated or not, depending on the outcomes of consideration.**

10. Customer Service

The Enforcement Team have a variety of customers with different interests. These include:

- The complainant;
- The local community
- The contravener;
- Third parties involved in the contravention but not an interested party; and
- The Planning Agent/ or other Professional representative.

Each customer has certain expectations and in enforcement cases it is often the case that these expectations conflict. In some cases, customers will seek prioritisation without knowledge of other cases with greater priority. Therefore, it is necessary to prioritise competing demands based on the harm being caused by the breach that is being alleged. As the Enforcement Team is the only body aware of the types of breaches being dealt with at any one time and it will be for the Team to prioritise cases. This means we may have to say that your case is not a priority at this time. This does not mean that we will not investigate your complaint, but it may mean that there may be other cases where our urgent intervention is necessary at that time to prevent serious and irreversible harm.

In addition to this, owing to the mechanisms in place the planning enforcement system is relatively long and protracted. Planning enforcement is subject to a number of steps along the way to resolution. Each step can take time and may, in certain circumstances, be out of the control of the Planning Enforcement Team. As a result, a complex planning enforcement case can take time to resolve. That is why we seek to resolve cases through negotiation where possible.

Priorities

Cases will be investigated, taking into account the following priorities.

Level 1 Priority - Significant live works to listed buildings; breaches of Construction Environment Management Plan (CEMP)/ Demolition Environment Management Plan (DEMP) where there is immediate harm such as potential highway safety breaches, breaches of conditions which require works to meet the Equalities Act 2010 or where equality of opportunity for a protected characteristic under the Equalities Act 2010 is alleged to be prejudiced, and other breaches where there is immediate harm to human health or irreparable harm to the environment, especially sensitive designated sites.

Level 2 Priority – Operational development, material changes of use and breaches of conditions and breaches of notices that are currently taking place and have a proven impact upon amenity of occupants or adjoining neighbours. Works to listed buildings that are currently taking place or have taken place in the past but are causing harm to the fabric of the building.

Level 3 Priority - Operational development, material changes of use and breaches of conditions that are currently taking place.

Level 4 Priority – Historic breaches, including works to listed buildings

Level 5 Priority – Advertisements and Section 215 untidy land and buildings

Investigations Non- Criminal Planning Breaches

We aim that:

- All complaints will be acknowledged, and an officer allocated within 3 days of receipt;
- All complaints will be subject of a desk-top initial assessment within 10 days, unless it is considered that a more urgent assessment is required as it is a Level 1 Priority, and an update provided to the complainant within 15 days. In this update the complainant will be made aware when it is anticipated the next contact will be made. In normal circumstances this will be within 8 weeks, however there may be circumstances where this will be a longer period, for example where we have asked for further information, and this will be explained to the complainant.
- It may be the case that additional updates will be provided, and this will be arranged between the officer and complainant.
- However, in addition to the above, at a minimum the complainant will be contacted:
 - Within 7 days after a case is closed;
 - After an Enforcement Notice, Breach of Condition Notice or Section 215 Notice is served;
 - If a timescale for compliance is agreed between the Council and contravener.
- The contravener will be contacted:
 - Prior to a report for an Enforcement Notice, Breach of Condition Notice or Section 215 Notice being finalised;
 - Within 5 days after a case is closed (if they have been made aware of the complaint).

In circumstances where an initial complaint is made, and then further allegations are made this may delay both the initial update and the subsequent 8 week update. All references to days (and weeks) relate to working days and do not include weekends and public holidays.

Contact will usually be made in writing, but adaptations will be made to ensure equal opportunity of access to the service for both complainants and contraveners.

Resolution of Breaches

We are unable to provide a timeframe by which a case will be resolved. However, we will monitor the timescales of resolution of the priority levels. Our aim overall is to:

- Confirm if there is a breach of planning control, involving operational development, breach of conditions, breach of advertisement regulations, unauthorised works to listed buildings for 90% of cases within 8 weeks of a complaint being allocated.

- Confirm if there is a breach of planning control, involving a material change of use, within for 90% of cases within 16 weeks of a complaint being allocated.
- Resolve 50% of breaches of planning control involving operational development, breach of conditions, breach of advertisement regulations, unauthorised works to listed buildings within 12 weeks from a complaint being allocated (this does not include the submission of a planning application or listed building consent where appropriate).

Investigations into Criminal Planning Breaches

We aim that:

- All complaints will be acknowledged and an officer allocated within 3 days of receipt;
- All complaints will be subject of an initial desk-top assessment within 10 days and an update provided to the complainant within the 15 days. In this update the complainant will be made aware that a criminal investigation is taking place and when it is anticipated the next stage of contact will be made.
- It may be the case that additional updates will be provided and this will be arranged between the officer and complainant.
- However, in addition to the above, at a minimum the complainant will be contacted:
 - Within 10 days after a decision is made to refer the case to the legal team or a decision is made not to prosecute the case;

In circumstances where an initial complaint is made, and then further allegations are made this may delay both the initial update and the subsequent update. All references to days (and weeks) relate to working days and do not include weekends and public holidays.

- The alleged offender will be contacted:
 - Prior to a report to refer the case to the legal team has been written;
 - Within 5 days after a decision is made to refer the case to the legal team or a decision is made not to prosecute the case;

Whilst we do appreciate that complainants wish to be kept up to date, we will only inform the complainants after the contravener has been served a notice or a suspected offender has been made aware of a Council decision to prosecute. In addition to this we will not release sensitive and personal information about the alleged contravener/ offender to the complainant.

Contact will usually be made in writing, but adaptations will be made to ensure equal opportunity of access to the service for both complainants and alleged suspects.

Customer Satisfaction

The Council will, from time to time, seek feedback on customer service. However, this will only take place after a live enforcement case is closed and not during the

investigation. We will not request feedback on the outcome of the case but on the customer experience.

Equalities

The Enforcement Policy has been subject of an Equalities Impact Assessment and amendments made to meet the provisions of the Equalities Act 2010 and Council policy.

To create equality of access, accessible content will be created to provide an explanation of Planning Enforcement for introductory purposes

Personal data will be collected from complainants and other customers for the purposes of equalities monitoring. This will feed back into future iterations of the enforcement policy and service provision.

Reporting

Information concerning the performance of the Enforcement Service will be reported to the Planning Committee through the Development Management Performance & Development Quarterly Report.

11. Paid for Services

In addition to investigating complaints the Planning Enforcement Team deal with enquires concerning:

- Confirmation of compliance with notices;
- Requests for withdrawing notices; and
- Confirmation of compliance with conditions.

These are services to be paid for on request.

Compliance with Notices

The Enforcement Register holds information on all of the notices served on properties within the city, excluding planning contravention notices. When a notice is complied with the date of compliance is added to the register. However, this is compliance at one point in time and for most notices, the notice remains with the land.

On enquiry regarding compliance with a notice, we will look up the notice on the register and if available electronic records and let you know what we have on file. However, any investigation with regards current compliance will require a site visit and will be subject of a fee.

Withdrawing Notices

The Council will only withdraw an enforcement notice, breach of condition notice, listed building enforcement notice and stop notice in certain circumstances prior to the notice taking effect. After the notice has taken effect if the landowner or other interested party wishes to have a notice withdrawn it will need to be subject of consideration. This will involve applying to the Council to have the notice withdrawn stating reasons why it should be withdrawn with an associated fee. The Council will then consider if the Notice should be withdrawn.

Compliance with conditions

If an owner or other interested part wishes for a letter from the Council confirming that conditions have been complied with, it will be necessary for an application to be made. This will state the relevant conditions with an appropriate fee.

Timescales and Fees

The timescales for considering the above, with associated fee, will be advertised on the Council's website.

Appendix 2

Planning Local Enforcement Plan, Planning Enforcement Context, September 2022

1.0 Introduction

- 1.1 This document provides background information and context relevant to the proposed changes to the Planning Local Enforcement Plan.

2.0 Resources and case load

- 2.1 The Planning Enforcement Team currently consists of an FTE Team Leader and 1.6 FTE Senior Planning Officers and 2 FTE Assistant Planning Officers. The majority of cases investigated by the team are complaint led, as opposed to self-generated. Whilst the number of cases received varies year on year, from January 2019 to December 2021 the team received 1965 new cases. This means on average the team receives 54 new cases per month.
- 2.2 These new cases, in workload terms, are considered in the context of the outstanding cases held by the officer. Of the cases received from 1st January 2019 to 31st December 2021 it took on average 143 days to close the case with 41% of cases closed within 8 weeks. Some 12% of cases received remain outstanding. This means that there are cases that can take months and sometimes more than one year to resolve. However, these lengthy timescales can be because of period of inactivity on a case. For example, if a retrospective planning application has been invited and is being considered, an appeal has been lodged or if compliance with timescales in a notice is awaited which for residential cases can be lengthy. This means that a full-time equivalent case officer generally can have around 100 cases at any one time.
- 2.3 Currently there are around 450 cases allocated to the team. This is a significant reduction compared to some 550 cases around a year ago. Whilst there has been a concerted effort to make a decision on cases, there remains outstanding historic cases still being worked on that require resolution.

3.0 Enforcement Investigations resulting in a conclusion of no breach

- 3.1 Planning enforcement cases vary in type and complexity. The majority of cases received are breaches of planning control. These can include for example fences, extensions, and dormer windows. However, they can also include changes of use such as houses in multiple occupation, short term holiday lets, and businesses being run from home. Breaches of planning control also include breaches of condition, including, on larger developments, matters such as construction hours and noise. Each case is required to be investigated on its own merits but in many cases they result in a conclusion that there has been no breach. Of the cases closed since January 2019, the majority (45%) were closed because the investigation showed that there was no breach. There are a number of reasons for this outcome but it can be because the complaint received is not a planning matter, the breach alleged

was not unauthorised because it was permitted under legislation, or the development is immune from enforcement action owing to the time it had been unauthorised.

- 3.2 It can take time to determine whether there has been a breach of planning control, particularly if there is an allegation of a material change of use. As the Local Planning Authority is unable to control matters that are not a breach and as they form a majority of cases, an aim in the enforcement plan is to reduce these types of matters being reported. This will be through communications and the modernisation programme, but it is an important part of the plan to explain about these matters, as it is an issue that is often queried.

4.0 Types of breaches

- 4.1 Whilst the majority of cases dealt with by the Planning Enforcement Team are breaches of planning control, other types of planning breaches investigated include unauthorised works to listed buildings, untidy land (under Section 215 of the Town and Country Planning Act 1990), unauthorised advertisements and breaches of statutory planning notices. Unauthorised works to listed buildings do not have immunity from action, unlike breaches of planning control. These types of cases make up a proportion of historic breaches currently held by the Planning Enforcement Team.
- 4.2 It is not a criminal offence to breach planning control and the actions that can be taken are remedial and not punitive in nature. Enforcement action can only be taken through the issue of an enforcement notice where it is expedient to do so.

5.0 Expediency

- 5.1 Expediency is a common term in planning enforcement, but it is also enshrined in legislation. The National Planning Policy Framework advises that enforcement action should be proportionate, and the National Planning Practice Guidance explains that planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. A local enforcement plan is also material in considering whether it is expedient to take enforcement action.
- 5.2 Since January 2019, 23% of cases were closed because it was not expedient to take action (this included other planning breaches not falling within the remit of breaches of planning control). This means there is a planning breach but the circumstance of the breach means it does not warrant action being taken. It is often the case that this is a contentious part of a planning enforcement investigation. As part of a case, the team often receive communications from complainants who query the concept of expediency and ask for the Council to take action even if it is not expedient to do so and in some cases request that informal action be taken that would go beyond that which planning legislation will allow. In order to assist with this situation, and allow officer time to focus on expedient matters, it is proposed through the Planning

Local Enforcement Plan to provide more clarity with regards to expediency and how a decision concerning expediency impacts upon informal negotiations. This should, as a result, help improve decision making and manage customer expectations. In addition to this, it may assist in resolving historic cases held by the team.

6.0 Full Compliance

- 6.1 Some 22% of cases closed since January 2019 were as a result of full compliance. This could have been due to either informal negotiations or compliance with a Notice. Since January 2019 some 81 enforcement notices (included listed building enforcement notices), 7 breach of condition notices, 6 Section 215 notices, and 1 Stop Notice has been served. This means in most cases informal negotiations are used to resolve breaches of planning control where it is expedient to take action.
- 6.2 It can be the case that customers request that immediate action be taken, without informal negotiations being sought. If it expedient to take action it can often be the case that informal negotiations are a quicker route to resolving the breach. This is because there is a right for relevant parties receiving a notice to appeal. Once the appeal is lodged it holds any remedial steps in abeyance. This has meant in some of our cases that the resolution has been on hold for a number of months and in certain cases over a year. However, to provide certainty for all parties including complainants, contraveners and any other bodies it has been clarified in the policy where informal negotiations will not be used or when notices will be served. This includes where it is expedient to take action and significant irreversible harm is taking place, or where there is a reasonable prospect of immunity being reached by the development, or where the landowner or other relevant persons are not engaging with the Planning Enforcement Team.

7.0 Criminal investigations

- 7.1 Criminal investigations are treated differently to that of breaches of planning control. This is because different legislation is associated with criminal investigations. However, the main difference is that a criminal investigation will result in a decision as to whether the Council will prosecute an individual which may result in a trial at court. This includes the consideration of the evidential and the public interest test. These are not the same as determining whether there is a breach of planning control and expediency. For the first time the evidential and public interest test is identified within the Council's Local Enforcement Plan. This provides any person who is potentially committing a criminal act, in planning enforcement terms, an understanding of the situation and process. It also provides any complainant with the necessary information to understand the process which is followed.

8.0 Working with other departments

- 8.1 Planning enforcement can cross over with other enforcement functions of the Council. Sometimes different legislation can achieve the same outcome, but it

is often the case that a development in breach of planning control can be in breach of other legislation which seeks to achieve a different outcome. This can cause confusion for customers including both contraveners and complainants. The aim of the plan is to avoid duplication where possible, and to identify a lead enforcement agency in these circumstances and to identify where liaison between services will take place.

9.0 Customer Service

- 9.1 The 2018 policy identifies priorities and allocates a timescale to visit a site in accordance with that priority. There are three priority levels but in practice most cases fall within the mid category, and this is because the priority is based upon the information that is received from the complainant.
- 9.2 The proposed Planning Local Enforcement Plan also identifies priorities but does not associate a time scale with them. The process requires an initial desk top assessment by an officer and contact with the complainant within a specified timescale. At this stage the priority of the case can be identified. The new updates which occur sooner in the process will overcome an issue with the previous policy which meant a complainant was not contacted until 8 weeks post acknowledgement, which usually resulted in communications requesting an update. It also acknowledges that in many cases further information is required from the complainant. The Plan also clarifies that not all cases will result in a site visit and low priority cases may take longer to resolve. This change in policy seeks to help prioritise those cases which require formal enforcement action and as a result manages customers' expectations.
- 9.3 In this iteration of the Plan, service targets for resolution of cases have also been included to help consideration of whether resources match case load and also to give an indication to customers as to timescales that are being achieved in cases.

Introduction

Members workshops took place on 21st February 2022 and 26th April 2022 for the purpose of developing and refining the Planning local Enforcement Plan. Both workshops followed a similar format involving an interactive presentation. Members were first presented a background to planning enforcement including: the scope of the service; national policy; how breaches of planning control and criminal investigations are conducted; as well as an introduction to current policy.

Members were asked what feedback they were receiving from customers, and this was compared to what officers were being told by both complainants and contraveners. The balance between complainants and contravener's expectations were then explored. A summary of the outcomes of the 2018 policy was provided with information on number of cases and resolution times. Members were asked what our priorities should be for complainants and contraveners and any feedback on communications. Suggestions were made by officers on what the service could do and suggested changes. Comments on these issues were requested. Suggested reasons for expediency were presented and comments welcomed. Any recommendations on proactive projects, in addition to conditions monitoring, when capacity was created for the team was also requested.

Participants

Councillor Littman
Councillor Theobald
Councillor O'Quinn
Councillor Hugh-Jones
Councillor Pissaridou
Councillor Simson
Councillor Grimshaw
Councillor Appich
Councillor Ebel
Councillor Osborne
Councillor Bagaeen
Councillor Fishleigh

Summary of feedback from workshops and response within the Planning Local Enforcement Plan

General Feedback

Feedback	Response
Specific queries raised regarding current/recent enforcement cases and the steps being taken to address breaches.	General explanation provided in Planning Local Enforcement Plan about how planning breaches will be investigated and resolved.
The perception is that the longer the investigation takes it will not progress and the case will be closed.	Clarification provided in the Plan that cases can sometimes be lengthy but additional points of when communications will take

	place have been identified to assist.
Clarity required on the use of stop notices.	Explanation as to what is a stop notice and when they can be used provided within the Planning Local Enforcement Plan
What are the penalties of not complying with the notice – are they effective?	The Planning Local Enforcement Plan makes clear the penalties of non-compliance and for the first time identifies the public interest test for prosecutions. It is anticipated that this will assist in the effectiveness of notices and compliance.
Concern raised regarding permitted development and the use of permitted development rights (and similar) to prevent enforcement action being taken.	Explanation within the Planning Local Enforcement Plan on some of the limitations of Planning Enforcement including that it is not an offence to knowingly breach planning control. The Plan explains generally what can be undertaken without planning permission but also when it is not expedient to take action in order to manage expectations.
Perception is that a planning application should be submitted for a breach of planning control.	The Planning Local Enforcement Plan explains the scenarios when a retrospective application will be invited.
How effective is enforcement (for example how often are people required to remove unauthorised structures)?	The Plan identifies that the role of planning enforcement is to remedy harm caused by breaches of planning control and this can be through negotiation or through formal notice.

Timescales and priorities

Feedback	Response
Concern about the lack of interaction between complainant and officer after a complaint has been lodged. Consider 8 weeks too long to wait for any feedback.	Timescales provided in the Planning Local Enforcement Plan for initial update after an initial check has been made to overcome this issue. The timescales for initial interaction is reduced from 8 weeks to 15 working days.
Recognise there is a need to change priorities to take into account resources. There is potential to change current level 2. Noise and	Priorities have been modified in the Planning Local Enforcement Plan with a greater emphasis on

environmental impact should be given greater priority particularly as it can affect people's health.	subdividing level 2 and reflecting impact on people's health by virtue of a breach.
More information is required on timescales as some cases do take considerable time and residents are not aware of what is taking place.	Timescales provided in the Planning Local Enforcement Plan for initial update after an initial check has been made as well as subsequent updates. The Plan also provides some explanation as to what is involved in a case and how an investigation is conducted to help explain what is involved and why timescales, in some cases, can be lengthy (for example if planning application/ appeals and other factors are involved).
Investigations should take less time than 8 weeks	The Planning Local Enforcement Plan introduces a desk top initial assessment and together with a change in priorities will assist in the time taken for cases which have a higher priority and greater impact.

What more can we do

Feedback	Response
Communications are an important part of understanding enforcement, including improving website content and communicating in a way which is understandable. This should result in a more proactive service.	The Local Enforcement Plan will be available on the website, but there will also be further communications to help better communicate about planning enforcement.
Need to be clear about how different departments work together particularly when the breach is complex. There is a need for regular updates from different departments and next steps.	The Planning Local Enforcement Plan introduced a desk top initial assessment and early feedback to complainants. Specific reference has also been made about working with other departments and how complaints across different departments will be handled.
Provide information on how many complaints are received by ward.	Planning Local Enforcement Plan Report addresses reporting.
It is not clear why negotiations take place on one site and not on another and how cases are resolved. Can this be through mediation between complainant and contravener?	Planning Local Enforcement Plan encourages contact between complainant and contravener before contacting the Local Planning Authority if at all possible. If such communication has broken down, which is often the case, the Plan explains how an investigation is

	conducted and clarification is provided as to when negotiation will be used and when enforcement action will be taken.
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Expediency

Feedback	Response
Need to be clear on the meaning of expediency and concern raised regarding how decisions regarding expediency are reached and what is and what is not reasonable in terms of expediency.	Planning Local Enforcement Plan includes a section providing more information on expediency. This takes into account legislation and case-law.

Proactive projects

Feedback	Response
Providing communities a way in which they can assist, by encouraging a general improvement of the areas that can be seen by the public. Target specific streets and give guidance on how to approach the project.	This approach to looking at geographical areas is included as a potential future project.
Look at other examples such as “save our front gardens” campaign as this is already happening in the area.	This type of project can assist in a proactive project where a type of breach has been identified that needs to be targeted proactively.
Short term holiday lets are becoming more prevalent.	Included as a potential project in the report.

Brighton & Hove City Council

Tourism, Equalities, Communities and Culture Committee

Agenda Item 33

Subject: Street Naming and Numbering Service – Introduction of Charges

Date of meeting: 15th September 2022

Report of: Executive Director Economy, Environment and Culture

Contact Officer: Name: Simon Barrett
Tel: 01273 292222
Email: Simon.Barrett@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report advises Members of a proposal to introduce charges for the discretionary elements of the City Council's Street Naming and Building Naming/Numbering service as a contribution to the running costs of the service.

2. Recommendations

- 2.1 That Committee agrees the introduction of charges for the discretionary elements of the Street Naming and Numbering function.
- 2.2 That Committee agrees the schedule of charges set out in Appendix 1, to be applicable from 1st October 2022 (subject to the necessary changes to the ICT systems and procedures.)
- 2.3 That Committee agrees that the schedule of charges in Appendix 1 be subject to its first review as part of the annual process in Winter 2023

3. Context and background information

- 3.1 The Council's duties and powers in respect of naming and numbering of streets and buildings are set out in Sections 17 to 19 of the Public Health Act 1925, Section 21 of the Public Health Amendment Act 1907 and Sections 64 and 65 of the Towns Improvement Clauses Act 1847.
- 3.2 The statutory responsibilities are complemented by a discretionary service inviting applications to change addresses, discussing and consulting on such applications, and then notifying interested parties of the authorisation. This discretionary service, which encourages public involvement and best practice in naming and numbering, has until now been provided without charge. However, a local authority may charge for providing discretionary

services as a contribution to its running costs in accordance with Section 93 of the Local Government Act 2003.

- 3.3 The naming and numbering service processes applications to change street names or building names/numbers which are usually the result of the redevelopment of City buildings or their change of use or occupier. This involves proactive engagement with developers/owners to ensure compliance with our naming and numbering guidelines, consultation notices being posted on site, and notification of interested parties after authorisation.
- 3.4 In addition, the service regularly submits updated addressing data to the National Address Gazetteer where it is available for public, emergency service and commercial use through the Ordnance Survey Address Base product. National Address Gazetteer data is used widely within the City Corporation and beyond for indexing a range of property information (e.g. Planning, Building Control, Council Tax, Electoral Registration). Gazetteer updating will not be included in the proposed charges as it also fulfils the responsibility to keep a record of streets which are highways maintainable at public expense in accordance with the section 36 of the Highways Act 1980. It is also a contractual obligation under the national Public Sector Mapping Agreement by which we supply address updates and receive access to Ordnance Survey maps.
- 3.5 Charging for the processing of naming or numbering applications would contribute to the costs of providing this service and would help deliver service budget efficiency savings. It would help ensure the City Council continues to deliver an important, high-quality service and to maintain accurate and up to date addresses for local use and submission to the National Address Gazetteer.

Current Charging Context & Service Delivery

- 3.6 The City Council does not currently charge applicants to process a naming or numbering application. Most local authorities now charge for processing such applications to cover some of the processing costs incurred. All 12 district/borough councils across East and West Sussex currently charge for processing applications.
- 3.7 The City Council has discretion to set its own charge rates, but they must not generate an income which exceeds the cost of providing the discretionary service, taking one financial year with another, in accordance with powers in Section 93 of the Local Government Act 2003. The proposed approach is consistent with this Act and has had regard to the statutory guidance relating to the exercise of this power.
- 3.8 Following internal discussions, it is also proposed to transfer the responsibility for service delivery from IT&D to Planning and Building Control. This will enable IT&D to redirect resources to support existing systems. Planning and Building Control will be able to integrate the service within the existing support team, enabling service efficiencies also to be realised.

4. Analysis and consideration of alternative options

- 4.1 A comparison was made of the proposed schedule with both the 12 Sussex district and boroughs and nearby comparator unitary councils to ensure that the proposed rates broadly aligned with other councils (Appendix 1.)
- 4.2 Initial estimates indicate that fee income of around £15k per annum can be anticipated. However the actual sums achievable may be subject to significant variation year on year, as the demand for naming and numbering of larger developments fluctuates though completion of these schemes on site.
- 4.3 The option to continue to provide the discretionary work associated with street naming and numbering for free has been discounted, due to the budget pressures that the council is facing in the short and medium term.

5. Community engagement and consultation

- 5.1 The charges will be made to property developers (for creating and registering new addresses) and residents (wishing to officially change or name their property.)
- 5.2 The council appears to be in the minority of local authorities not charging for this service. Developers have not therefore been consulted, as they will expect an authority to usually make a charge and the proposed rates have been set to broadly align with other councils in the region.
- 5.3 As residents are only likely to want to name/re-name a property that they have recently acquired, it is not possible to identify particular groups to consult on this aspect with.

6. Conclusion

- 6.1 The introduction of charges for the discretionary elements of the naming and numbering service would provide a source of income to cover part of the cost of processing the applications. Most local authorities have introduced such charges and the charge rates being proposed are considered to strike a reasonable balance between cost recovery and not deterring formal applications which are desirable to maintain the quality and reliability of the National Address Gazetteer.

7. Financial implications

- 7.1.1 The introduction of charges for the discretionary elements of naming and numbering would bring the Council in line with other local authorities.
- 7.1.2 The estimated annual income is £15,000, based upon levels of activity in previous years. Therefore, if the charges were introduced wef 1st October 2022, additional income of £7,500 would be expected in the current financial

year. The schedule of charges would be reviewed in winter 2023, as part of the Council's annual review of fees and charges.

Name of finance officer consulted: Jill Scarfield Date consulted (23/08/22):

8. Legal implications

- 8.1 The powers and procedure for street naming can be found in the Public Health Act 1925 and the Public Health Amendment Act 1907 while the powers and procedure for numbering can be found in the Towns Improvement Clauses Act 1847.
- 8.2 The City Council may charge for the provision of discretionary services in accordance with the Local Government Act 2003 as outlined in the report.

Name of lawyer consulted: Alison Gatherer Date consulted (25/08/22):

9. Equalities implications

- 9.1 An EQIA has not been undertaken for this proposal for the reasons set out below.
- 9.2 The majority of clients using this service are developers undertaking development of new homes and commercial property across the city.
- 9.3 Charging for the discretionary parts of this service means that the city council is consistent with all other districts and boroughs across Sussex.
- 9.4 The proposed charging scheme will provide for any qualifying applicant (usually disabled residents, charities) to receive the same level of discount that they were eligible for when making their planning application for the development being named or numbered.

10. Sustainability implications

- 10.1 All application processes are undertaken online using existing ICT systems. Where site notices are required, these will be posted as part of the established routine within the Planning and Building Control Service, using the City Car Club or requiring applicants in residence to post the notices themselves.

11. Other Implications

- 11.1 None.

Supporting Documentation

1. Appendices

1. Analysis of Fee Charges by Sussex Councils and Unitary comparators and proposed charges

Street Naming & Numbering - Fee Benchmarking Exercise

Authority/Service/Rate (ex VAT)	Rother	Mid Sussex	Arun
Date of last Fee Review	Sep-17	Jan-18	Jan-19
Rename/renumber an existing residential property	£ 75.00	£ 30.00	£ 60.00
Confirmation of an existing/postal address	£ 35.00	No charge	No charge
Registration of new developments (including any post registration alterations)	£ 165.00	£ 150.00	£ 200.00
Registration & notification of each new property (including those on new developments)	£ 20.00	£ 15.00	£ 30.00

Authority/Service/Rate (ex VAT)	Portsmouth	BCP	Bristol
Date of last Fee Review	Jun-12	Oct-15	Apr-20
Rename/renumber an existing residential property	£ 100.00	£ 70.00	£ 23.00
Confirmation of an existing/postal address	No charge	No charge	No charge
Registration of new developments (including any post registration alterations)	£ 400.00	£ 400.00	£ 220.00
Registration & notification of each new property (including those on new developments)	£ 5.00	£ 65.00	£ 55.00

	Sussex		
Comparison Sussex/Unitary Results	Average	Lowest	Highest
Rename/renumber an existing residential property	£ 64.38	£ 30.00	£ 125.00
Confirmation of an existing/postal address	£ 33.74	No charge	£ 49.00
Registration of new developments (including any post registration alterations)	£ 224.00	£ 150.00	£ 350.00
Registration & notification of each new property (including those on new developments)	£ 37.53	£ 10.00	£ 91.30

Chichester	Lewes	Eastbourne	Adur	Worthing	Hastings	Wealden
Jan-19	Apr-21	Apr-21	Apr-22	Apr-22	Apr-22	Apr-22
£ 40.00	£ 50.00	£ 50.00	£ 90.00	£ 90.00	£ 91.30	£ 37.00
No charge	£ 25.00	£ 25.00	£ 49.00	£ 49.00	£ 46.15	£ 11.00
£ 150.00	£ 350.00	£ 350.00	£ 253.00	£ 253.00	£ 183.50	£ 212.00
£ 20.00	£ 50.00	£ 50.00	£ 38.00	£ 38.00	£ 91.30	£ 53.00

Medway	Thurrock	Southend	Southampton	Average	Lowest	Highest
Apr-22	Apr-22	Apr-22	Apr-22			
£ 76.50	£ 64.00	£ 115.01	£ 100.00	£ 78.36	£ 23.00	£ 115.01
No charge	No charge	No charge	No charge			
£ 545.00	£ 283.00	£ 554.12	£ 400.00	£ 400.30	£ 220.00	£ 554.12
£ 76.50	£ 42.00	£ 33.46	£ 20.00	£ 42.42	£ 5.00	£ 76.50

Unitary			BHCC Proposed
Average	Lowest	Highest	
£ 78.36	£ 23.00	£ 115.01	£ 85.00
No charge	No charge	No charge	No charge
£ 400.30	£ 220.00	£ 554.12	£ 400.00
£ 42.42	£ 5.00	£ 76.50	£ 50.00

Crawley	Horsham	Average	Lowest	Highest
Apr-22	Apr-22			
£ 34.20	£ 125.00	£ 64.38	£ 30.00	£ 125.00
£ 28.50	£ 35.00	£ 33.74	No charge	£ 49.00
£ 171.50	£ 250.00	£ 224.00	£ 150.00	£ 350.00
£ 10.00	£ 35.00	£ 37.53	£ 10.00	£ 91.30

