

# Council

Date: **20 October 2022**

Time: **4.30pm**

Venue: **Hove Town Hall - Council Chamber**

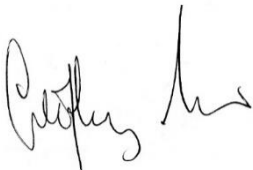
Members: **Councillors:** Deane (Chair), O'Quinn (Deputy Chair), Allcock, Appich, Atkinson, Bagaeen, Barnett, Bell, Brennan, Brown, Childs, Allbrooke, Davis, Druitt, Ebel, Evans, Fishleigh, Fowler, Gibson, Grimshaw, Hamilton, Heley, Henry, Hills, Hugh-Jones, Janio, John, Knight, Lewry, Littman, Lloyd, Meadows, Mears, Mac Cafferty, Mcintosh, McNair, Moonan, Nemeth, Nield, Osborne, Phillips, Pissaridou, Platts, Powell, Rainey, Robins, Shanks, Simson, C Theobald, West, Wilkinson, Williams and Yates.

Contact: **Anthony Soyinka**  
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Chief Executive  
Hove Town Hall  
Norton Road  
Hove BN3 3BQ

Date of Publication - Wednesday, 12 October 2022

# AGENDA

Part One

Page

## 28 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 Monitoring Officer or Democratic Services Officer preferably before the meeting.

## 29 MINUTES

To approve as a correct record the minutes of the last Council meeting held on the 21 July 2022.

Contact Officer: Anthony Soyinka

Tel: 01273 291006

## 30 MAYOR'S COMMUNICATIONS.

To receive communications from the Mayor.

## 31 TO RECEIVE PETITIONS AND E-PETITIONS.

To receive any petitions to be presented to the Mayor by members of the public and/or Members as notified by the due date of 6 October 2022 (10 working days).

## 32 WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC.

A list of public questions received by the due date of 12noon on the 14 October 2022 will be circulated separately as part of an addendum for the meeting.

## 33 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

A list of deputations received by the due date of 12noon on the 14 October 2022 will be circulated separately as part of an addendum for the meeting.

## PETITIONS FOR DEBATE

Petitions to be debated at Council. Reports of the Executive Director for Governance, People & Resources.

### **34 CALL OVER FOR REPORTS OF COMMITTEES.**

- (a) Call over (items ) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) To receive or approve the reports and agree with their recommendations, with the exception of those which have been reserved for discussion.
- (c) Oral questions from Councillors on the Committee reports, which have not been reserved for discussion.

### **35 WRITTEN QUESTIONS FROM COUNCILLORS.**

**7 - 20**

A list of the written questions submitted by Members has been included in the agenda papers. This will be repeated along with the written answers received and will be taken as read as part of an addendum circulated separately at the meeting.

*Contact Officer: Anthony Soyinka*

*Tel: 01273 291006*

### **6.30 - 7.00PM REFRESHMENT BREAK**

Note: A refreshment break is scheduled for 6.30pm although this may alter slightly depending on how the meeting is proceeding and the view of the Mayor.

### **36 ORAL QUESTIONS FROM COUNCILLORS**

**21 - 22**

A list of Councillors who have indicated their desire to ask an oral question at the meeting along with the subject matters has been listed in the agenda papers.

*Contact Officer: Anthony Soyinka*

*Tel: 01273 291006*

### **REPORTS FOR DECISION**

### **37 ADOPTION OF THE BRIGHTON & HOVE CITY PLAN PART 2**

**23 - 194**

Draft Minutes Extract from the proceedings of the Tourism, Equalities, Communities & Culture Committee meeting held on the 15 September 2022; together with a report of the Executive Director, Economy, Environment & Culture.

Note: A copy of the adoption version of the City Plan Part 2 with all the modifications incorporated has been circulated separately to the agenda papers and copies will made available at the meeting.

*Contact Officer: Helen Gregory*

*Tel: 01273 292293*

*Ward Affected: All Wards*

### **38 ALLOCATION OF SEATS TO COMMITTEES**

**195 - 206**

Report of the Executive Director for Governance, People & Resources.

*Contact Officer: Elizabeth Culbert*

*Tel: 01273 291515*

*Ward Affected: All Wards*

## REPORTS REFERRED FOR INFORMATION

### **39 COST OF LIVING UPDATE INCLUDING THE HOUSEHOLD SUPPORT FUND TRANCHE 3 207 - 268**

Extract from the proceedings of the Policy & Resources Committee meeting held on the 06 October 2022, together with a report of the Executive Director Governance People & Resources and amendments.

## NOTICES OF MOTION

The following Notices of Motion have been submitted by Members for consideration:

### **40 COST-OF-LIVING CRISIS SUPPORT 269 - 270**

Proposed by Councillor Wilkinson on behalf of the Labour Group.

### **41 COST-OF-LIVING AND ENERGY CRISIS 271 - 272**

Proposed by Councillor Evans on behalf of the Labour Group.

### **42 SAFETY OF COUNCIL TENANTS 273 - 274**

Proposed by Councillor Meadows on behalf of the Conservative Group.

### **43 LEISURE CENTRES AND ENERGY-INEFFICIENCY 275 - 276**

Proposed by Councillor Bagaeen on behalf of the Conservative Group.

### **44 FREE PERIOD PRODUCTS IN PUBLIC BUILDINGS 277 - 278**

Joint motion proposed by Councillor Heley on behalf of the Green and Labour Groups.

### **45 SAFE PASS 279 - 280**

Proposed by Councillor West on behalf of the Green Group.

### **46 STOP THE ATTACK ON NATURE 281 - 282**

Proposed by Councillor Allbrooke on behalf of the Green Group.

### **47 CLOSE OF MEETING**

The Mayor will move a closure motion under Procedure Rule 17 to terminate the meeting 4 hours after the beginning of the meeting (excluding any breaks/adjournments).

*Note:*

- 1. The Mayor will put the motion to the vote and if it is carried will then:-*

(a) *Call on the Member who had moved the item under discussion to give their right of reply, before then putting the matter to the vote, taking into account the need to put any amendments that have been moved to the vote first;*

(b) *Each remaining item on the agenda that has not been dealt with will then be taken in the order they appear on the agenda and put to the vote without debate.*

*The Member responsible for moving each item will be given the opportunity by the Mayor to withdraw the item or to have it voted on. If there are any amendments that have been submitted, these will be taken and voted on first in the order that they were received.*

(c) *Following completion of the outstanding items, the Mayor will then close the meeting.*

2. *If the motion moved by the Mayor is **not carried** the meeting will continue in the normal way, with each item being moved and debated and voted on.*

3. *Any Member will still have the opportunity to move a closure motion should they so wish. If such a motion is moved and seconded, then the same procedure as outlined above will be followed.*

*Once all the remaining items have been dealt with the Mayor will close the meeting.*

## **FOR INFORMATION**

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **Webcasting notice**

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Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

### **Access notice**

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.**Fire & emergency evacuation procedure**

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so

### **Further information**

For further details and general enquiries about this meeting contact Anthony Soyinka, (01273 291006, email [anthony.soyinka@brighton-hove.gov.uk](mailto:anthony.soyinka@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

# Brighton & Hove City Council

## Council

## Agenda Item 35

**Subject:** Written questions from councillors.

**Date of meeting:** 20 October 2022

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

**Contact Officer:** Name: Anthony Soyinka  
Tel: 01273 291006  
Email: [anthony.soyinka@brighton-hove.gov.uk](mailto:anthony.soyinka@brighton-hove.gov.uk)

**Ward(s) affected:** All

### For general release

The following questions have been received from Councillors and will be taken as read along with the written answer detailed below:

#### 1. Councillor Grimshaw

Removal of flooring and furniture in housing – The minutes of the Housing Committee held on 22 June 2022, presented to Housing Committee on 28 September 2022, under clause 10.4 read as follows:

“10.4 Councillor Evans was informed by the Assistant Director Housing Management that the removal of flooring was not done automatically when tenants move. Furniture recycling project was being expanded and flooring was being left in place now. The service has changed.”

With this in mind, can the Chair of Housing Committee please confirm the date that the furniture recycling project was expanded and flooring was being left in place as of?

Can the Chair of Housing please explain the process of how recycling is carried out? Does an officer attend properties and make judgements about what can be kept? If it is agreeable, for example, that flooring can be kept, who receives this information and how is this passed on to operatives who are tasked with clearance of properties?

What household items and items in the garden are considered as useful and beneficial to be kept in place? Can I have a list please? Is this list open to common sense situations where, for example, say a rotary washing line is left in a garden but it is not on a list, can an officer make the decision to keep it for the benefit of the new homeowner and to minimise waste? And if this decision is made who is responsible for ensuring it is kept and who has oversight?

Is the Chair of Housing aware of any properties where the recycling project guidelines have not been adhered to and why? Who checks up on properties to see if guidance has been followed and completed?

Is there a difference between recycling in council-tenanted local authority property and those being bought back under the Buy Back Scheme?

Does the Chair of Housing agree that items such as blinds, curtain poles, laminate flooring, vinyl and garden sheds and washing lines etc. are all items that could be considered to be of huge benefit to future tenants and that asking those selling back to BHCC under the Buy Back scheme to remove them is utterly wasteful and contributes to requests to the Brighton Fund where families frequently ask for help – especially with flooring?

**Reply from Councillor Gibson / Hugh-Jones, Joint Chair of the Housing Committee**

**2. Councillor Grimshaw**

Do Brighton & Hove City Council provide any supported housing accommodation for vulnerable people that qualify for 'Exempt Accommodation'? If so can I request an update of which of the providers and which accommodation this is and how many residents are housed with 'exempt accommodation' in the city and the financial impact?

**Reply from Councillor Gibson / Hugh-Jones, Joint Chair of the Housing Committee**

**3. Councillor Grimshaw**

Please can the Chair of Housing explain why Councillors no longer receive two-weekly Homemove advert cycle updates? Can this situation be rectified and updates sent as previously?

Can the Chair of housing give an update on any issues with residents accessing Homemove - as social media feedback is showing there are a lot of accessibility issues with people being locked out and unable to bid for various reasons?

**Reply from Councillor Gibson / Hugh-Jones, Joint Chair of the Housing Committee**

**4. Councillor O'Quinn**

What has been the cost of the materials and human resources put in place to support Homewood School since it was placed in special measures in late 2021?

**Reply from Councillor Allbrooke, Chair of the Children, Young People & Skills Committee**



**5. Councillor O'Quinn**

Will the pruning of street tree side shoots, some of which are now mini-hedges, take place this Autumn and if not, why not?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**6. Councillor O'Quinn**

A number of drains are blocked by weeds and soil in Goldsmid Ward and other areas of the city. In heavy rain these drains will be unable to divert water as they should and this will cause flooding. What is the planned schedule for dealing with this issue?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**7. Councillor Wilkinson**

Can the Co-Chairs of the Environment, Transport and Sustainability Committee explain why they have decided to limit the number of member-involved written questions at recent meetings and is this decision replicated in other council committees and council?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**8. Councillor Wilkinson**

The national Green Party co-leader recently said that he would back Brighton and Hove's Green administration if it held a referendum to raise council tax by more than 3%.

Has the administration given any consideration to raising council tax by more than 3%?

**Reply from Councillor Mac Cafferty, Leader of the Council**

**9. Councillor Wilkinson**

The cost-of-living pressures currently facing councils are immense with many facing considerable challenges in sustaining essential services because of the rising costs of energy and other inflationary pressures. Many of these, for example libraries, leisure centres and community hubs-are the very services that people depend on to stay healthy and connected, and to access advice and support.

Will the Leader of the Council confirm that there will be no cuts to the city's library services, including to the splendid renaissance style Carnegie Hove library?

**Reply from Councillor Mac Cafferty, Leader of the Council**

**10. Councillor Wilkinson**

In light of the cost of living crisis, what plans does the Council have to (a) support residents to access help with energy bills and (b) to help the extremely large number of residents who very likely will not be able to afford to heat their homes, in particular how vulnerable residents will be supported and whether 'warm banks' in Council-owned buildings are being planned?

**Reply from Councillor Mac Cafferty, Leader of the Council**

**11. Councillor Wilkinson**

Will the Leader of the Council explain what help is being considered by the council for people who find themselves struggling with the rising cost of living but are not in groups previously classed as vulnerable?

**Reply from Councillor Mac Cafferty, Leader of the Council**

**12. Councillor Wilkinson**

Will the Leader of the Council outline what steps the administration is taking to support disabled people who are disproportionately affected by the rising cost of living?

**Reply from Councillor Mac Cafferty, Leader of the Council**

**13. Councillor Wilkinson**

Is the council considering grant funding to organisations working with those affected by the cost-of-living crisis, such as food services, money and debt advice organisations, networks for older people and vulnerable adults and those working with families in need?

**Reply from Councillor Mac Cafferty, Leader of the Council**

**14. Councillor Grimshaw**

Procurement – At At P&R on the 29th July 2022, the recommendation from the cross party working group looking to procurement recommended that any future procurement that affects people with protected characteristics and will have impact politically on the city should involve councillors. Also Community Wealth Building must be taken into account.

Has this taken place with the procurement of the old brewery Portslade? Why have third sector organisations in the city lost contracts to a charity from the north of England?

**Reply from Councillor Mac Cafferty, Leader of the Council**

**15. Councillor Fishleigh**

How much Council Tax was billed for 2022/23 and to how many homes in the marina, Roedean, Ovingdean, Rottingdean and West Saltdean? Please would you break out the info by area.

**Reply from Councillor Mac Cafferty, Leader of the Council**

**16. Councillor Bell**

**Twin Victoria monuments**

There is concern for current state of the city's heritage in the Old Steine Gardens and Victoria Gardens precinct and a strong sense among residents and their associations that this council has stopped caring for our heritage.

Under this Council, the City's twin Victoria monuments have been allowed to enter into disrepair and veterans have reported that the Old Steine War Memorial has not been cleaned ahead of important commemorations on several occasions.

The Twin Victoria monuments include the Victoria Fountain and the Queen Victoria Statue. The Victoria Fountain dates back to 1846 and the Victoria statue to 1897. The Fountain was last restored between 1990 and 1995, when it was reopened by Prince Charles on his visit to the City. This is recorded in a plaque at the base of the Victoria Fountain.

The Victoria Fountain (a grade II listed structure) was last switched off by the Council in 2019 at the end of the summer season. It was not switched back on because it was found to be listing and tilting. This situation was not helped when the Council allowed a giant ferris wheel and other heavy fairground equipment to be stationed next to the fountain during last year's Brighton Christmas Festival. After the equipment was removed a sinkhole and several depressions appeared in the surface of the fragile Old Steine Gardens, which had been turned into a muddy quagmire. It seems there was little thought for the Victoria Fountain which was known by the council to be tilting and in need of repairs. This caused public outcry from the Old Steine Community Association.

In the 2022-3 City Budget, £250,000 was secured to fix the Victoria Fountain. A timeline was set out by the Council in its February briefing for undertaking this work. It was stated that between June and November the following would be undertaken:

Contract mobilisation, site set up for works, hoardings erected, crane moved in. Fountain to be dismantled in specific order for repair by specialist sub-contractor. Electrical and water repairs to be carried out.

Fountain to be re-assembled in specific order.

The plan was for the site to be made good in December.

It would appear the council is behind in this repair schedule as there are currently no signs of any hoardings at the site and the Fountain still sits covered in weeds and graffiti, awaiting repairs.

Further up Valley Gardens, the Victoria Statue has also fallen into disrepair and there have been a number of reports in the press recently following the arm of the statue falling off. There has been no explanation from the Council as to why this occurred.

Monuments such as the Victoria Fountain and Statue are highly valued by local residents and visitors to the city alike and a source of city pride. For most local authorities, such wonderful heritage assets would be looked after and be centrepieces of public parks.

It is a great shame that the Council is not maintaining or looking after its heritage. Under this Council we have seen an the city's historic lamps put up for sale on facebook marketplace and Madeira Terraces fall further into delapidation.

The Conservatives want to see a city that respects its heritage. My belief is, if you don't respect the past, then you have no investment in the future.

Can the Chair please outline:

- a) What is the current status of the budgeted work to repair Victoria Fountain?
- b) What was the cause of the damage to Victoria statue? Has CCTV been reviewed to determine what caused the damage?
- c) What is the current status of the work to repair Victoria Statue?

**Reply from Councillor Osborne / Powell, Joint Chair of the Tourism, Equalities, Communities & Culture Committee**

## 17. Councillor Nemeth

### Public Toilets

In its briefing on 6<sup>th</sup> October the Council announced that it would be closing 10 of the City's public toilets over the course of the winter season, which the Council defines as the period between 1 October 2022 and Good Friday (7 April 2023). The reason given was 'the measures are needed to effectively manage the public toilet budget'.

These 10 public toilets that the council is closing for the next 6 months are listed as:

- Blaker's Park
- Easthill Park
- Queen's Park
- Rottingdean Recreation Ground
- Royal Pavilion Gardens
- Stanmer Village
- The Level
- Vale Park
- West Pier Arches
- Wild Park

In addition to these 10 closures, the Council has stated that a further 3 public toilets will also close while awaiting refurbishment (King's Esplanade in Hove, Saltdean Undercliff and Station Road in Portslade).

This means that 13 out of the city's 31 public toilet blocks (over 40% of the City's public toilet facilities) will be closed to the public over the next 6 months.

This is unacceptable and has not been properly explained by the Council. Other Councils are keeping their public toilets open and in good condition all year round. Brighton & Hove City Council is classified as a high taxing local authority and charges some of the highest council tax rates in the country. Residents should be receiving a better service for their high council tax contributions.

This follows the summer when there have been recurring stories in the local newspaper of the poor state of the public conveniences

Will the Chair:

- a) Provide a further explanation as to why Brighton & Hove City Council is closing 40% of its public toilets over the next 6 months;
- b) Advise if any other measures will be put in place to compensate for the closures; and

- c) Outline which public toilets are due to be upgraded over the next 12 months and whether this includes the notorious Pavilion Gardens toilets?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**18. Councillor Meadows**

Carden park in Hollingbury has an excellent new playground, while Mackie Park's new playground, close to three schools, has had less money spent on it and has been disappointing to many parents and children. When will the new consultation for Mackie park be held? How much will be spent on the upgrade? Can we be assured the equipment will be for older children? And when will Vale Avenue park be upgraded?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**19. Councillor Lewry**

**City Clean breakdowns**

It has now been one year since the Brighton & Hove bin strikes that took place from 5-19 October 2021 and there are still major problems with the services that residents are receiving.

One issue we are seeing lately in Hangleton is the regular break-downs of city clean bin lorries midway through their routes. After these breakdowns, the areas of the round not completed are never returned to by other vehicles and residents are left with overflowing bins for the week.

Other excuses given to residents so far include that the council forgot to charge the city clean vehicle fully or that the weather was becoming too hot.

I am aware of several areas that have been affected by problems up to 9 times this year. Some examples of the problems with the service include:

- **Meads Avenue** - 3 missed bin collections, with overflowing rubbish and lots of flies during the summer.
- **Lark Hill, Park Rise and High Park Avenue** - 9 missed collections so far this year. With nothing being collected until the usual day the week after the problem or breakdown, residents are left in the lurch. They have had enough and want answers.
- **The Community bins at Harmsworth Crescent** - These were overflowing on the day of the Queen's funeral when the community centre was showing the funeral in its entirety for residents to sit with others so not to be alone and also for residents to enjoy some complimentary tea and homemade cakes. Contents of the overflowing bins were strewn all over the ground with rats, seagulls

and foxes having a field day. Residents had to clear the site filling five black bags before the event started.

Can the Chair advise:

- a. How many city clean mid-round breakdowns have been recorded in the past twelve months since the bin strikes concluded?
- b. Is there is a problem with the road worthiness of the city clean fleet that services the Hangleton area?
- c. Can a policy be put in place whereby rounds impacted by breakdowns or other issues such as 'hot weather' or 'failure to charge vehicles beforehand' are fully completed by other vehicles when this occurs?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**20. Councillor Bagaeen**

**Gateway signage projects**

Projects to install large gateway signage and artwork at several key entry points across the city to welcome tourists and provide a sense of place for locals as well were agreed to at the City Budget in 2021-2.

Funding for these projects was secured by the Conservative Group as part of a package of proposals aimed at boosting the City's tourism industry and restoring civic pride post-pandemic.

The proposals budgeted and agreed to included the following:

- a) New signage installations were agreed for the City's three main gateway train stations at Brighton, Hove and Portslade, the entry points for many visitors
- b) Additional signage and an iconic piece of welcoming artwork was proposed for the Patcham Roundabout for those arriving in the City by car.
- c) A second set of signage for the seafront, with iconic 'Brighton' and 'Hove' signs - similar to those in other cities around the world that lend themselves to social media and go onto promote the City as a destination - set to be commissioned

All these measures were designed to help attract overnight visitors, with more to do, rather than just day visitors to the city, with a flow on boost to the city's £886m tourism sector, which is such a big part of the City's overall economy. We also hope this gateway signage will help to lift city pride.

In the last update received (December 2021) the Council advised that planning and commissioning phases had begun and that a long list of artists was being developed in partnership with Brighton's Centre for Contemporary Art for which is part of the University of Brighton. A project manager was to be appointed to work on the site negotiation and development of artworks. The artists' brief had been expanded to explore ideas of welcome through different artforms such as sculpture, painting and installations.

Can the Chair please provide an update to all Councillors on the status of the above Gateway signage projects as it has been a significant amount of time since the last time Councillors were updated on this matter.

**Reply from Councillor Osborne / Powell, Joint Chair of the Tourism, Equalities, Communities & Culture Committee**

**21. Councillor McNair**

**Patcham & Hollingbury dog poo bins**

Many of the dog poo bins around Patcham & Hollingbury ward, for example at Greenfield Crescent, have suddenly been removed by the Council without warning.

As a result of these removals the remaining dog poo bins in the ward are overflowing and other areas are a mess, with examples of dog poo bins being left on residents' walls. Places where bins are overflowing include: Rotherfield Crescent, Keymer Road, Chelwood Close (2); Horsdean Recreation Ground (2); Wilmington Way and Carden Park.

The dog poo bins still there also look in poor condition. Patcham and Hollingbury has many dog walkers so we desperately need new bins to make it easier for the waste to be disposed of. The vast majority of dog walkers take dog poo home but bins should be provided.

There are hardly any bins near prime dog walking sites such as the nature reserve at the top of Ladies Mile where they are really needed.

Can the Chair please advise:

- a) How many dog poo bins have been removed from the Patcham & Hollingbury ward this year?
- b) Why have they been removed without being replaced?
- c) Will the removed dog poo bins eventually be replaced?
- d) Is there a plan for bigger dog poo bins to be installed in Patcham & Hollingbury ward in the near future?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**



**22. Councillor Barnett**

**Benfield Valley**

Residents are unhappy with several issues at Benfield Valley which remain unresolved, including (a) dumped chalk and (b) the damaged flint wall next to Benfield Barn.

The Chalk was dumped in April 2021 but still hasn't been removed, despite an enforcement notice having been issued by the council at the time. The historic flint wall behind Benfield Barn has been in a state of disrepair for a similar amount of time after being partially destroyed.

Can the Chair please provide an update on the council's progress relating to:

- a) The implementation of enforcement notice issued by the Council to have the dumped chalk on Benfield Valley removed.
- b) Organising the repair of the historic flint wall at Benfield Barn.

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**23. Councillor Simson**

In January, residents of McWilliam Road Woodingdean were left unhappy after pavements were left in a patchwork state following the contractual work to install fibre optic broadband.

Holes in the pavements were covered over with tarmac, leaving mismatched walkways.

Back in January when concerns were raised, the Council indicated that its policy on the restoration of pavements had been breached and that it would work with the company to redress the issues and ensure the finished surface was consistent in future.

This however hasn't solved the situation on McWilliam Road, which remains a patchwork of tarmac and paving slabs.

Can the Chair advise whether McWilliam Road will be resurfaced and restored to a consistent surface, as should have happened in line with the Council's policy on restoring pavements?

Supporting information:

<https://www.theargus.co.uk/news/19865456.construction-works-leave-woodingdean-residents-furious/>

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**24. Councillor Theobald**

**Parking revenue**

Since the last Council Elections how many roads have had bicycle lanes introduced in place of car parking and how much annual income has been lost by the loss of parking fees?

How many roads are proposed to have bicycle lanes and what will be the amount of annual income that will be lost by the Council from removing the car parking?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**25. Councillor Brown**

**Ongoing parking issues in Nevill Avenue & Nevill Road**

Residents are unhappy that at the most recent Environment, Transport and Sustainability Committee meeting, the Chair voted against their request for an officer report to explore solutions to ongoing parking issues in Nevill Avenue and Nevill Road, without providing any explanation why.

The residents spent a great deal of time preparing their deputation in good faith, which was dutifully presented to the full council and then referred to the Environment, Transport & Sustainability Committee meeting in accordance with the Council procedures. They do deserve a response as to why the Chair and the Administration voted against a report.

Can you please provide the reason why the Greens voted against such a report into addressing ongoing parking issues on Nevill Avenue and Nevill Road?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**26. Councillor Nemeth**

**Speed Trials**

Despite the great efforts of the organisers of the Brighton Speed Trials, there was huge disappointment again amongst motor-racing enthusiasts concerning the non-participation of motorcycles.

The decision to not allow motorcycles ultimately stems from a decision by the Auto-Cycle Union (ACU) to not grant a track licence following concerns about surface materials. Last year, there were concerns about the green

cycle lane. This year, there were concerns over the type of white paint that has been used for line markings.

The ACU has clearly stated that there are suitable types of white paint which are available for the job in question.

Given that this Council resolved to ensure that this event continues – with no excuses or caveats – please detail precisely what conversations and meetings took place (with dates) with the appropriate licensing authorities prior to the paint being administered.

**Reply from Councillor Mac Cafferty, Leader of the Council**

**27. Councillor Nemeth**

**Welcome Back Fund**

A response to a written question at Full Council on 7<sup>th</sup> April 2022 confirmed broad funding arrangements for the five high streets to which the Welcome Back Fund applied.

The project included both planting and street-cleaning elements.

Please now provide a full breakdown of costings for each street along with an explanation as to why plants were picked that immediately died.

**Reply from Councillor Mac Cafferty, Leader of the Council**

**28. Councillor Theobald**

**A27 litter clean-up operation**

It was good to see a five-night council operation to clear A27 roadside litter take place from 26-31 September between Portslade junction and Falmer.

Can the Chair provide an update on the results of this including the following:

- a) How much litter was removed?
- b) Did the council identify where the litter mostly came from (for example construction materials or general rubbish) and will any further action taken based on these conclusions?
- c) What was the cost of this 5-day litter clearing effort to the budget?
- d) How many times per year are these operations carried out and at what annual budgeted cost?

**Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee**

**29. Councillor Atkinson**

**Preparing for winter and the fuel/cost of living crisis – vulnerable elderly people**

Can you outline what plans the council are putting in place for elderly and other vulnerable residents, who may be in fuel poverty, to keep warm this winter?

Are we looking to offer public buildings as a warm haven for residents and, if so, how will this be publicised?

Also, are we also looking to use facilities such as sheltered accommodation lounges and other council buildings?

How can we facilitate travel to these facilities if and when they are available?

**Reply from Councillor Mac Cafferty, Leader of the Council**

# Brighton & Hove City Council

Council

Agenda Item 36

**Subject: Oral questions from councillors.**

A period of not more than 30 minutes is set aside for oral questions from Members, at the expiry of which, the mayor will call a halt and proceed to the next item of business of the agenda. Any Member whose question then remains outstanding will be contacted to determine whether they wish to have a written answer provided or for their question to be carried over to the next meeting.

The following Members have indicated that they wish to put questions to the Leader, Chairs of Committees or Members of the Council that have been appointed to an outside body. The Councillor asking the question may then ask one relevant supplementary question which shall be put and answered without discussion:

The following questions have been received from Councillors and will be taken as read along with the written answer detailed below:

**Date of meeting: 20 October 2022**

- 1. Councillor Allcock**  
Subject Matter: **The impact of the cost-of-living crisis on the private rented sector in the City**

Reply from Councillor Gibson/Hugh-Jones

- 2. Councillor Bell**  
Subject Matter: **Brighton Marathon**

Reply from Councillor Mac Cafferty, Leader of the Council

- 3. Councillor Appich**  
Subject Matter: **Waterhall Rewilding**

Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee

- 4. Councillor Moonan**  
Subject Matter: **Sussex ICS (Integrated Care System)**

Reply from Councillor Shanks, Chair of the Health & Wellbeing Board

- 5. Councillor Theobald**  
Subject Matter: **Public Toilets**

Reply from Councillor Mac Cafferty, Leader of the Council

- 6. Councillor Pissaridou**  
Subject Matter: **Warm Spaces**

Reply from Councillor Osborne / Powell, Joint Chair of Tourism Equalities Communities & Culture Committee

- 7. Councillor Robins**  
Subject Matter: **Mental Health Community Pathway**

Reply from Councillor Shanks, Chair of the Health & Wellbeing Board
- 8. Councillor Bagaeen**  
Subject Matter: **Hiring freeze**

Reply from Councillor Mac Cafferty, Leader of the Council
- 9. Councillor Fishleigh**  
Subject Matter: **Carbon Neutral Funds**

Reply from Councillor Davis / Heley, Joint Chair of the Environment, Transport & Sustainability Committee
- 10. Councillor Williams**  
Subject Matter: **HMO Licensing Scheme**

Reply from Councillor Gibson / Hugh-Jones, Joint Chair of the Housing Committee
- 11. Councillor Barnett**  
Subject Matter: **City Plan Part 2**

Reply from Councillor Osborne / Powell, Joint Chair of Tourism Equalities Communities & Culture Committee
- 12. Councillor Wilkinson**  
Subject Matter: **Cost of Living Crisis**

Reply from Councillor Mac Cafferty, Leader of the Council

# Brighton & Hove City Council

## Council

## Agenda Item 37

**Subject:** Adoption of the Brighton & Hove City Plan Part 2

**Date of meeting:** 20 October 2022

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

**Contact Officer:** Anthony Soyinka  
Email: [anthony.soyinka@brighton-hove.gov.uk](mailto:anthony.soyinka@brighton-hove.gov.uk)

**Ward(s) affected:** All

### 1. Action required of Council:

To receive the report and draft minutes extract from the Tourism, Equalities, Communities & Culture Committee on 15 September 2022 and agree the recommendations.

### 2. Recommendations

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.

**Brighton & Hove City Council**

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

**4.00pm 15 September 2022**

**Brighton Town Hall - Council Chamber**

**(DRAFT) Minutes Extract – Item 32**

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

**Apologies:** Councillor Simson

**Part One**

**31 ADOPTION OF THE BRIGHTON & HOVE CITY PLAN PART 2**

**31.1** Helen Gregory introduced the report starting on page 257 of the Agenda.

**31.2** Councillor Littman raised that:

- The recommendations in this report would allow the Planning committee greater control over what gets built in the city.
- More weight can be given to local concerns and to benefit tourism, business, and culture.
- Requisite infrastructure can become part of the requirement for development.
- The plan protects some of the green spaces in the city instead of giving free range to developers for all greenfield sites.

**31.3** Councillor Ebel raised that:

- The plan will give protection to local shopping parades and community facilities.
- The plan protects the city's heritage.
- The plan will provide new housing to combat the housing crisis.
- The plan contains policy to manage HMOs better.

**31.4** Councillor Robins raised that the reason the Council is not developing brownfield sites is because it doesn't own them, so green spaces have to be utilised.

**31.5** Councillor Rainey raised that:

- The plan is a necessary response to a requirement to provide housing in the city.



- Landscaping is considered early in the design process ensuring the retention of trees and opportunities for pollinators.
- The plan will help the Councils objective to become carbon neutral by 2030.
- The requirement for measured biodiversity net gain as a result of new developments will be in place ahead of the Government mandate.

**31.6** Councillor Bagaeen raised the following points:

- Numerous petitions to save green spaces in the city haven't been given a voice.
- Even without the 930 new homes in the city plan, the city would have met housing targets.

**31.7** Councillor Littman raised that an officer has been appointed to find out why brownfield sites aren't being developed on, and that the city plan isn't a conscious choice to build on the urban fringe, it is a necessary step to protect more green spaces than without a plan.

**31.8** Sandra Rogers confirmed that there was a clear direction from the City Plan part 1 inspector that all sites need to be looked at which included the urban fringe.

**RESOLVED:**

That the Tourism, Equalities, Communities & Culture Committee recommend to Full Council:

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. To agree amendments needed for planning application validation requirements.
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.

The meeting concluded at 7.05pm

Signed

Chair

Dated this

day of

# 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](mailto: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](#))

## **Report to Brighton and Hove Council**

**by R Barrett IHBC MRTPI**

an Inspector appointed by the Secretary of State

Date: 19 July 2022

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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 16<sup>th</sup> 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 3<sup>1</sup>) 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-

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<sup>1</sup> 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 hedgerows 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 20<sup>th</sup> 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 sites<sup>2</sup> 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 reprovision 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

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<sup>2</sup> 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 list<sup>3</sup>. 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

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<sup>3</sup> 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 regard<sup>4</sup>.
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

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<sup>4</sup> 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 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

### 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><b><i>DM1 Housing Quality, Choice and Mix</i></b>  <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)<sup>9</sup>. <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 provided<sup>10</sup>; and</p> <p><sup>9</sup> Building Regulations M4(3) or as amended.  <sup>10</sup> 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><b><i>DM3 Residential conversions and the retention of smaller dwellings</i></b>  <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
		<sup>1</sup> 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	<b><i>DM3 Residential conversions and the retention of smaller dwellings</i></b> <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	<b><i>Policy DM4 Housing and Accommodation for Older Persons</i></b> <i>Amend second paragraph to read:</i>  <del>Development proposals to meet the specific accommodation needs of older people will be supported</del> <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	<b><i>Policy DM4 Housing and Accommodation for Older Persons</i></b> <i>Amend fourth paragraph to read:</i>  Proposals that will result in the loss of residential accommodation for older people will <del>be resisted unless it can be</del> <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	<b><i>DM4 Housing and Accommodation for Older Persons</i></b> <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	<p><b>DM4 Housing and Accommodation for Older Persons</b>  <i>Amend the final sentence in the fourth bullet point in paragraph 2.36 to read:</i></p> <p>Extra-care/assisted living homes normally fall either within Use Class C2 or C3, this <del>varies</del> <u>may vary</u> depending on the level of care provided and <del>whether overnight care is available</del> <u>the scale of communal facilities provided.</u></p>	To ensure consistency with national planning practice guidance (Ref ID: 63-014-20190626)
MM04	Policy DM5, page 28	<p><b>Policy DM5 Supported Accommodation (Specialist and Vulnerable Needs)</b>  <i>Amend second paragraph to read:</i></p> <p><del>Proposals for development aimed to meet the specific accommodation requirements of people with specialist needs will be permitted</del> <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></p>	To ensure the policy wording is clear and unambiguous.
	Policy DM5, page 28	<p><b>Policy DM5 Supported Accommodation (Specialist and Vulnerable Needs)</b>  <i>Amend third paragraph to read:</i></p> <p>Proposals that will result in the loss of residential accommodation for people with special needs will <del>be resisted unless it can be</del> <u>only be permitted where it is</u> demonstrated that at least one of the following criteria apply:</p>	To ensure the policy wording is clear and unambiguous.
MM05	Supporting text to Policy DM8, paragraph 2.77	<p><b>DM8 Purpose Built Student Accommodation</b>  <i>Amend last sentence of paragraph 2.76:</i></p> <p>In order to provide a greater strategic benefit to the city developments should provide a <del>predominance</del> <u>at least 50% of bedspaces in the form</u> of cluster flats in order to be available to a broad spectrum of students, rather than only the wealthiest.</p>	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><i>Delete the following text in paragraph 2.77:</i></p> <p><del>“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.”</del></p>	To reflect the council no longer using planning conditions to restrict access to parking permits.
MM06	Policy DM9, page 40	<p><b><i>DM9 Community Facilities</i></b>  <i>Amend part 1 of policy to read:</i></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><b><i>DM9 Community Facilities</i></b>  <i>Amend the bullet points in paragraph 2.79 to read:</i></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"> <li>• <u>Medical or health services (use class E(e));</u></li> <li>• <u>Creche, day nursery or day centre (use class E(f));</u></li> <li>• <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/creches, law courts, training centres, museums, public libraries, public halls and places of worship;</u></li> <li>• <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></li> </ul>	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"> <li>• <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></li> <li>• <del>Essential community public sector infrastructure including to meet the needs of the city.</del> This includes: <ul style="list-style-type: none"> <li>○ <del>Facilities for the emergency services including the NHS and Fire, Police and Ambulance Services;</del></li> <li>○ <del>Public toilets; and</del></li> <li>○ <del>Prison and custody facilities.</del></li> </ul> </li> <li>• <del>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.</del></li> <li>• <u>Public houses. These are protected by Policy DM10.</u></li> </ul> <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><b><i>DM10 Public Houses</i></b>  <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 future<sup>38</sup>; 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
	Policy DM10, page 42	<p><b>DM10 Public Houses</b>  <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><b>DM10 Public Houses</b>  <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><b>DM10 Public Houses</b>  <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><b>DM11 New Business Floorspace</b> Amend Policy DM11 to read:</p> <p>Development proposals involving the provision of new <del>B1a, b and c</del> <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 <del>B1</del> <u>E(g)</u> uses and activities; and for new <del>B1c</del> <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 <del>B1</del> <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><b>Policy DM11 New Business Floorspace</b> Amend paragraph 2.97, first sentence to read:</p> <p>Flexible design features for new <del>B1a</del> <u>E(g)(i)</u> office floorspace include:</p> <p>Amend paragraph 2.98, first sentence to read:</p> <p>Where new <del>B1b</del> <u>E(g)(ii)</u> or <del>B1c</del> <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 <del>B</del> <u>E(g)</u>, 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 <del>B1</del> <u>E(g)</u>, B2 and B8 uses making efficient use...</p>	
MM10	DM12, pages 48-49	<p><b><i>DM12 Changes of Use within Regional, Town, District and Local Shopping Centres</i></b>  <i>Amend Policy DM12, including name to read:</i></p> <p><del>DM12 Changes of Use within Regional, Town, District and Local Shopping Centres</del></p> <p><del>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;</del></p> <p>A) Regional, Town and District Shopping Centres</p> <p>i) <del>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;</del></p> <p>ii) <del>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.</del></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><i>iii)</i> 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><i>iv)</i> 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><i>v)</i> A shop front has been retained or provided;</p> <p><b>B) Local Shopping Centres</b></p> <p><i>i)</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><i>ii)</i> 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><i>iii)</i> 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 Lanes<sup>1</sup> and North Laine<sup>2</sup> 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 <del>considered</del> <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><del>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.</del></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><sup>1</sup> <u>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.</u></p> <p><sup>2</sup> <u>Within the North Laine area this includes frontages within Bond Street, Gardner Street, Church Street, North Road, Kensington Gardens, Sydney Street, Gloucester Street and Trafdmalgar Street.</u></p>	
	<p>Supporting text to Policy DM12, pages 49-52</p>	<p><b>DM12 Changes of Use within Regional, Town, District and Local Shopping Centres</b>  <i>Amend Policy DM12 supporting text paragraphs 2.103 – 2.121 to read:</i></p> <p><del><b>Review of and designation of shopping frontages</b></del></p> <p><del>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.</del></p> <p><u>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 &amp; 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’).</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>

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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><b><u>Proposals within the Regional Centre</u></b></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>	



Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<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><b><u>Primary Shopping Area</u></b></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><u>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.</u></p>	

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p data-bbox="562 344 1733 539">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 data-bbox="562 592 842 619"><b>Primary Shopping Area</b></p> <p data-bbox="562 635 1733 703">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 data-bbox="562 756 972 783"><b>Primary and Secondary Frontages</b></p> <p data-bbox="562 799 1704 994">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 data-bbox="562 1046 1733 1211">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 data-bbox="562 1264 1704 1358">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><b>Local Centres</b></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><b>Table 3 – Brighton &amp; Hove’s Retail Hierarchy (adopted City Plan Part 1 Policy CP4 Retail Provision)</b></p> <table border="1" data-bbox="577 1066 1704 1348"> <thead> <tr> <th data-bbox="577 1066 853 1161">Centre Definition</th> <th data-bbox="853 1066 1402 1161">Defined Centres</th> <th data-bbox="1402 1066 1704 1161">Linked City Plan Part 1 Policies</th> </tr> </thead> <tbody> <tr> <td data-bbox="577 1161 853 1225">Regional Centre</td> <td data-bbox="853 1161 1402 1225">Brighton</td> <td data-bbox="1402 1161 1704 1225">DA1, SA2, CP4</td> </tr> <tr> <td data-bbox="577 1225 853 1289" rowspan="2">Town Centres</td> <td data-bbox="853 1225 1402 1289">Hove</td> <td data-bbox="1402 1225 1704 1289">CP4</td> </tr> <tr> <td data-bbox="853 1289 1402 1348">London Road</td> <td data-bbox="1402 1289 1704 1348">DA4, CP4</td> </tr> </tbody> </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, Kempton		
			Warren Way, Woodingdean		
			Whitehawk Road, Whitehawk		

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed		Reason for Modification
			<p>High Street, Rottingdean</p> <p>Lustrell’s Vale, Saltdean</p> <p>Longridge Avenue, Saltdean</p> <p>Brunswick Town</p>	
		<p><b>Implementation and Monitoring</b></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 <del>numbers of retail units</del> <u>uses and vacancy levels</u> within defined shopping centres <u>to be reported in the Authority Monitoring Report.</u> <del>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.</del></p> <p>2.115 <del>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.</del></p> <p><b>Evidence of Marketing</b></p>		

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p data-bbox="562 344 1742 555"><del>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.</del></p> <p data-bbox="562 596 943 624"><b>Permitted Development Rights</b></p> <p data-bbox="562 639 1727 791">2.1137 <del>Several changes to the Permitted Development Rights affecting change of use to and from retail have been introduced in recent years.</del> 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 data-bbox="562 847 1727 999">2.118 <del>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.</del></p> <p data-bbox="562 1054 920 1082"><b>New Development in Centres</b></p> <p data-bbox="562 1098 1727 1222">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 data-bbox="562 1270 1715 1367">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>	

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<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><b><i>DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units</i></b>  <i>Amend Policy DM13 to read:</i></p> <p><b><i>DM13 Important Local Parades, <del>Neighbourhood Parades and Individual Shop Units</del></i></b></p> <p>A) <del>Important Local Parades</del></p> <p>The following <del>shopping</del> areas are designated as Important Local Parades<sup>1</sup> within the retail hierarchy as shown on the Policies Map;</p> <ul style="list-style-type: none"> <li>• Cowley Drive, Woodingdean</li> <li>• Goldstone Villas, Hove</li> <li>• Hove Park Villas, Hove</li> <li>• Islingword Road, Brighton</li> <li>• Old Shoreham Road/Sackville Road, Hove</li> <li>• Preston Drive, Preston Park</li> <li>• Valley Road, Portslade</li> <li>• Victoria Terrace, Hove</li> <li>• Warren Road, Woodingdean</li> <li>• Woodland Parade, Hove</li> </ul>	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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		<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"> <li>a) <u>The proposal will maintain and enhance the vitality, viability and the character of the shopping area;</u></li> <li>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></li> <li>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></li> <li>d) <u>Shopfront design should be in accordance with the council's shop front policy (DM23).</u></li> </ul> <p><del>In Important Local Parades, changes of use involving the loss of units in A1 use class, will be permitted where;</del></p> <ul style="list-style-type: none"> <li><del>a) The proposal would not result in the number of units in class A1 use falling below 50%;</del></li> <li><del>and</del></li> <li><del>b) The shop unit has been marketed for a minimum of one year;</del></li> </ul> <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 <del>considered</del> <u>supported</u> where they help activate and revitalise <del>retail centres</del> <u>parades and can generate increased footfall.</u></p> <p><del>B) Neighbourhood Parades and Individual Shop Units</del></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><sup>1</sup> As designated on the Policies Map.</p>	
	Supporting text to Policy DM13, pages 54-55	<p><b><i>DM13 Important Local Parades, <del>Neighbourhood Parades and Individual Shop Units</del></i></b>  <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 (<del>five-six</del> 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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Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<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><b><i>DM14 Commercial and Leisure Uses at Brighton Marina</i></b>  <i>Amend Policy DM14 to read:</i></p> <p><u>Within the Brighton Marina Inner Harbour area<sup>1</sup> 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 <del>special commercial</del> <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"> <li>a) The proposed use would improve the vitality and viability of the Marina, by encouraging combined trips and attracting pedestrian activity; and</li> <li>b) The <del>development</del> <u>proposed use</u> would not be materially detrimental to the amenities of occupiers of nearby properties or the general character of the Marina;</li> <li>c) <del>A window display is provided to retain an active frontage.</del> <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></li> <li>d) <u>The proposed use would not have a harmful impact on amenity due to noise, odour, disturbance or light pollution.</u></li> </ul> <p>A change of use at ground floor level to residential in retail / commercial/ <del>leisure</del> <u>service</u> frontages will not be permitted but may be considered appropriate on upper floors.</p> <p><sup>1</sup> 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><b><i>DM14 Commercial and Leisure Uses at Brighton Marina</i></b>  <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 <del>being performing as</del> a working harbour. 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, the <u>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 Framework<sup>1</sup>.</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> <del>Both retail and non-retail uses (including community facilities)</del> <u>Uses 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. 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><sup>1</sup>National 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.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
MM13	Policy DM15, page 57	<p><b><i>DM15 Commercial and Leisure Uses on the Seafront</i></b>  Amend Policy DM15 to read:</p> <p>Development proposals, including change of use, for new <del>shop</del> retail, food and drink premises (class E (a) &amp; (b)), hot food takeaways, and bars, pubs drinking and nightclubs establishments (A1-A5 Use Class) (sui generis use) and galleries (D1 Use Class Class F1b) and museums (D2 Use Class Class F1c) will be permitted on the lower promenade, Madeira Drive and within the seafront arches, <del>will be permitted</del> provided that all of the following criteria are met;</p> <ol style="list-style-type: none"> <li>The existing diversity and mix of retail sport, leisure, cultural and recreation uses along the seafront will be retained or enhanced;</li> <li>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);</li> <li>The proposal will support the role of the seafront as recreation and tourist destination helping to extend footfall and reduce seasonality; and</li> <li>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</li> </ol>	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><b><i>DM15 Commercial and Leisure Uses on the Seafront</i></b>  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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		<p>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.</p>	<p>To futureproof the wording in case of future changes to planning legislation.</p>
MM14	Policy DM18 page 63	<p><b><i>Policy DM18 High quality design and places</i></b>  <i>Amend the first sentence of the policy to read:</i></p> <p><del>Development proposals must demonstrate</del>  <u>Planning permission will be granted for development proposals that demonstrate</u> 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>	<p>To ensure the policy wording is clear and unambiguous.</p>
	Policy DM18 page 63	<p><b><i>Policy DM18 High quality design and places</i></b>  <i>Amend the last sentence of the policy to read:</i></p> <p><del>should also consider that are likely to have an impact on public realm are required to incorporate the incorporation of an artistic element.</del>  <u>In addition to the above, major development proposals on strategic and/or prominent sites</u> <del>should also consider that are likely to have an impact on public realm are required to incorporate the</del> <u>incorporation of an artistic element.</u></p>	<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.</p>

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Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	Supporting text to Policy DM18, para 2.147, page 63	<p><b>Policy DM18 High quality design and places</b>  <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, <del>will form part of the</del> <u>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</u> 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 <del>will be</del> is included in <u>SPD17</u>.</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><b>DM18 High Quality Design and Places</b>  <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><b>DM18 High Quality Design and Places</b>  <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 <del>will be</del> <u>are</u> set out in <del>the SPD17 Urban Design Framework SPD</del>.</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021.
	Supporting text to Policy DM18, paragraph 2.156 page 66	<p><b>DM18 High Quality Design and Places</b>  <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><b>DM18 High Quality Design and Places</b>  <i>Amend the supporting text at paragraph 2.158:</i></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 <del>is</del> are likely to have an impact on the public realm will need to demonstrate how they have had regard to the objectives of the council's Public Art Strategy and 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><b>DM20 Protection of Amenity</b>  <i>Amend the policy to read:</i></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 or nearby 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><b>DM20 Protection of Amenity</b>  <i>Amend the supporting text at paragraph 2.169:</i></p> <p>Further guidance will be provided in the SPD17 Urban Design Framework. Supplementary Planning Document (UDF SPD<sup>49</sup>)</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021.
	Footnote 29, page 70	<p><b>DM20 Protection of Amenity</b>  <i>Delete footnote:</i></p> <p><sup>49</sup> 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><b>Policy DM22 Landscape Design and Trees</b>  <i>Amend (d) and (e) of policy to read:</i></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) <del>e)-</del>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; <del>for example by reason of it being severely diseased or dangerous.</del></p>	To ensure the policy wording is clear and unambiguous.
	Policy DM22 page 73	<p><b>DM22 Landscape Design and Trees</b>  <i>Add new footnote after the words “national importance” in the second paragraph on page 73:</i></p> <p><i>New footnote to read:</i>  <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><b>Policy DM22 Landscape Design and Trees</b>  <i>Amend final sentence of paragraph 2.175 of supporting text to read:</i></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	<p><b>DM22 Landscape Design and Trees</b></p> <p><i>Amend paragraph 2.177, after fifth sentence to read:</i></p> <p>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></p>	To add further clarity to policy point (h).
	Supporting text to DM22 para. 2.178 page 74	<p><b>DM22 Landscape Design and Trees</b></p> <p><i>Amend paragraph 2.178 to read:</i></p> <p>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></p>	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	<p><b>Policy DM22 Landscape Design and Trees</b></p> <p><i>Amend paragraph 2.179 of supporting text to read:</i></p> <p>...provide shelter; <u>support climate change mitigation and resilience;</u> and can help to reduce noise and atmospheric pollution.</p>	To better accord with NPPF paragraph 131.
	Supporting text to DM22, para. 2.180 page 75	<p><b>DM22 Landscape Design and Trees</b></p> <p>At the end of supporting text paragraph 2.180 add the following:</p>	For thoroughness and to ensure cross-references to all relevant adopted supplementary

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		<p>Proposals will be expected to have taken into account the guidance provided in <u>SPD06 Trees and Development Sites</u>.</p> <p><b>DM22 Landscape Design and Trees</b>  <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>	<p>planning guidance are included.</p> <p>To reflect practice and to ensure policy is clear and unambiguous.</p>
<b>MM17</b>	Policy DM25 Page 81	<p><b>Policy DM25 Communications Infrastructure</b>  <i>Amend criterion b) to read</i></p> <p>b) The significance, <del>appearance, character and setting</del> of heritage assets <u>and their settings</u> 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><b>Policy DM25 Communications Infrastructure</b>  <i>Amend last two paragraphs of policy to read:</i></p> <p>New development or major renovation works to existing buildings should <del>ensure that provide</del> <u>sufficient ducting space for future digital full fibre connectivity infrastructure is provided</u> as part of the development.</p> <p>Where <del>possible/feasible</del>, <del>the council will encourage the removal of</del> 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.
<b>MM18</b>	Policy DM26, page 85	<p><b>Policy DM26 Conservation Areas</b>  <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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		<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 conservation area/s affected.</u></p>	<p>consistent with paragraphs 201-202 of the NPPF.</p>
	<p>Supporting text to policy DM26, page 85</p>	<p><b>Policy DM26 Conservation Areas</b>  <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>	<p>To ensure the wording is clear and unambiguous and for consistency with the site allocation policies.</p>
<p><b>MM19</b></p>	<p>Policy DM27, page 86</p>	<p><b>Policy DM27 Listed Buildings</b>  <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>	<p>To ensure the policy wording is clear, effective and consistent with paragraphs 201-202 of the NPPF.</p>
	<p>Supporting text to policy DM27, page 86</p>	<p><b>Policy DM27 Listed Buildings</b>  <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. <del>Where substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF.</del> 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>	<p>To ensure the wording is clear and unambiguous in support of the modified policy.</p>

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	Supporting text to policy DM27, page 87	<p><b>Policy DM27 Listed Buildings</b>  <i>Amend paragraph 2.218 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.
<b>MM20</b>	Policy DM28, page 88	<p><b>Policy DM28 Locally Listed Heritage Assets</b>  <i>Amend the 2<sup>nd</sup> paragraph of the policy to read:</i></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) <del>(or, where not included, within a submitted heritage statement.</del></p>	To ensure the policy wording is clear and unambiguous in respect of potential non-designated heritage assets identified during the application or pre-application process.
	Supporting text to policy DM28, page 88	<p><b>Policy DM28 Locally Listed Heritage Assets</b>  <i>Amend paragraph 2.221 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.
<b>MM21</b>	Policy DM29, page 89	<p><b>Policy DM29 The Setting of Heritage Assets</b>  <i>Amend the policy by adding the following new paragraph after the list of criteria:</i></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><b><i>Policy DM29 The Setting of Heritage Assets</i></b>  <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> <del>priority should be given to enhancing the setting of the asset(s) of greatest significance.</del></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><b><i>Policy DM29 The Setting of Heritage Assets</i></b>  <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 <del>both</del> townscape/urban design and of the character and appearance of conservation areas. This policy does not <del>therefore</del> 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><b><i>Policy DM29 The Setting of Heritage Assets</i></b>  <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><b>Policy DM30 Registered Parks and Gardens</b>  <i>Amend the second sentence of the first paragraph of policy to read:</i></p> <p>In assessing <del>this</del> <u>the</u> impact of such proposals on the significance of the park or garden, the council will have particular regard to the impact of <u>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><b>Policy DM30 Registered Parks and Gardens</b>  <i>Amend the first sentence of the current second paragraph of policy to read:</i></p> <p><del>As an exception to the above, and w</del>Where 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><b>Policy DM30 Registered Parks and Gardens</b>  <i>Amend the policy by inserting a new 2<sup>nd</sup> paragraph as follows:</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 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><b>Policy DM30 Registered Parks and Gardens</b>  <i>Amend paragraph 2.234 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>	For clarity and for consistency with the site allocation policies.



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	Supporting Text to Policy DM30, page 91	<p><b>Policy DM30 Registered Parks and Gardens</b>  <i>Amend paragraph 2.235 by adding new second sentence to read:</i></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.
<b>MM23</b>	Policy DM31 page 93	<p><b>Policy DM31 Archaeological Interest</b>  <i>Amend the first sentence of the fourth paragraph of the policy to read:</i></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><b>Policy DM31 Archaeological Interest</b>  <i>Amend paragraph 2.237 of the supporting text to read:</i></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.
<b>MM24</b>	Policy DM32, page 95	<p><b>Policy DM32 The Royal Pavilion Estate</b>  <i>Amend criterion d) of part 1 of the policy to read:</i></p> <p>d) <del>Transform</del> <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><b>Policy DM32 The Royal Pavilion Estate</b>  Amend the second sentence of paragraph 2.245 of the supporting text to read:</p> <p><del>This should include improving the infrastructure within the gardens, such as</del> Whilst the gardens were positively restored in the late 20<sup>th</sup> 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><b>Policy DM32 The Royal Pavilion Estate</b>  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. The impact Impacts on public views and access will also form a key part of considerations.</u></p>	To ensure the wording is clear and unambiguous and to reflect the significance of the garden.
MM25	Policy DM33	<p><b>Policy DM33 Safe, Sustainable and Active Travel</b>  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) <del>(and any subsequent revisions)</del></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	<p><b><i>Policy DM33 Safe, Sustainable and Active Travel</i></b>  <i>Amend part 4(c):</i></p> <p>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) <del>and the council's Road Safety/Safer Roads Strategy;</del> and</p>	Factual update as Road Safety Strategy has expired
	Policy DM33	<p><b><i>Policy DM33 Safe, Sustainable and Active Travel</i></b>  <i>Amend footnote 64 to read:</i></p> <p>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></p>	To clarify that 'non-standard cycles' includes cycles designed for those with disabilities.
	Supporting text to Policy DM33, paragraph 2.253 page 100	<p><b><i>Policy DM33 Safe, Sustainable and Active Travel</i></b>  <i>Add sentence to end of paragraph 2.253:</i></p> <p><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></p> <p><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 &amp; Hove Bus Service Improvement Plan.</u></p>	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><b>Policy DM34 Transport Interchanges</b>  <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><b>Policy DM34 Transport Interchanges</b>  <i>Amend footnote 65 as follows:</i></p> <p><sup>65</sup><u>The test set out in Department for Transport C2/13 para 10 and NPPF para. 32. Circular 02/2013, particularly paragraphs 9 &amp; 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><b>Policy DM35 Travel Plans and Transport Assessments</b>  <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 <del>line</del> <u>accordance</u> with the NPPF <del>or and</del> <u>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><b>Policy DM35 Travel Plans and Transport Assessments</b>  <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> <del>considered to inform decisions about</del> whether an AQA is required.</p>	To ensure the policy wording is clear and unambiguous.

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	Policy DM35, page	<p><b>Policy DM35 Travel Plans and Transport Assessments</b>  <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.
<b>MM28</b>	Policy DM36, criterion 2, page 107	<p><b>Policy DM36 Parking and Servicing</b>  <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' <del>(and any subsequent revisions)</del> 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' <del>(and any subsequent revisions)</del>.</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><b>Policy DM36 Parking and Servicing</b>  <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. <del>Any future revisions to these standards will replace those currently set out in the Appendix 2.</del></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><b>Policy DM36 Parking and Servicing</b>  <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 use Traffic Regulation Orders <del>add conditions to</del> <u>add conditions to</u> <del>planning permissions</del> 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.
<b>MM29</b>	Policy DM37 page 110	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <i>Amend first paragraph in Nature Conservation section of policy to read:</i></p> <p><u>Development should avoid adverse impacts and All development should seek to conserve and enhance biodiversity and geodiversity features ensuring:</u></p>	To ensure the policy wording is consistent with NPPF paragraph 180a.
	Policy DM37 page 110	<p><b>DM37 Green infrastructure and nature conservation</b>  <i>Nature Conservation section. Amend first two bullet points to read:</i></p> <ul style="list-style-type: none"> <li>• <u>accordance with the mitigation hierarchy requirements of the NPPF*(link to footnote);</u></li> <li>• <u>an additional measurable net gain in biodiversity is achieved;</u></li> </ul> <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <i>Amend bullet point list in Nature Conservation Section of policy to read:</i></p> <ul style="list-style-type: none"> <li>• that recognised <u>protected and notable priority</u> species and habitats are protected and supported;</li> </ul>	To encompass a wider representation of species.

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	Policy DM37 page 110	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  Amend bullet point list under Nature Conservation section to read:</p> <ul style="list-style-type: none"> <li>• <u>ancient woodland and irreplaceable habitats are protected</u></li> <li>• 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 recovery<sup>67</sup>; and</li> </ul>	To better accord with NPPF paragraphs 179b and 180b.
	Policy DM37 page 110 Footnote 67	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  Amend first paragraph of policy on page 111 that follows bullet point list to read:</p> <p><del>Proposals for development within a designated site of importance to nature conservation or which could impact upon a designated site</del> must <u>also</u> satisfy the following criteria:</p>	Deletion of unnecessary text.
	Policy DM37 page 111	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  Amend Part A. Internationally protected sites to read:</p> <p><u>All development must comply with the Conservation of Habitats and Species Regulations (as amended) (link to new footnote)</u>. 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 <del>will be subject to Habitat Regulations Assessment and</del> will not be permitted unless the council is satisfied that:</p> <ol style="list-style-type: none"> <li>There is no alternative solution (which can be adequately demonstrated by the developer); <u>and</u></li> </ol>	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><b><i>Policy DM37 Green Infrastructure and Nature Conservation</i></b>  <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, <del>unless the only exception is if:</del></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) <del>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.</del></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><b><i>Policy DM37 Green Infrastructure and Nature Conservation</i></b>  <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <i>Amend policy at Part C. Locally protected sites to read:</i></p> <p><del>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):</del></p> <p>i) <del>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;</del> and</p> <p>ii) <del>the loss impacts can be mitigated through on or off-site habitat creation; and to achieve a net gain in biodiversity/geodiversity.</del></p> <p>iii) <del>on site or off site as part of a local strategic ecological network additional measurable net gains in biodiversity/geodiversity can be achieved.</del></p>	<p>To ensure effectiveness of policy.  To ensure consistency with NPPF paragraph 179a.  To ensure consistency with NPPF paragraph 179b and Environment Act.</p>
	Policy DM37 page 112	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <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 hierarchy<sup>71</sup>. 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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <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 <del>cause direct or indirect harm</del> <u>impact</u> to a designated sites, they must provide:</p> <p>a) evidence to demonstrate that the objectives of the designation and integrity of the area will not be undermined;</p> <p>b) funded management plans that secure the long term protection and enhancement of remaining features<sup>72</sup>; and</p> <p>c) up-to-date information about the biodiversity/geodiversity which may be affected, <del>and how loss can be mitigated to achieve measurable net gains.</del></p>	To ensure consistency with NPPF paragraph 180 and to improve effectiveness of policy.
	Supporting text to Policy DM37 paragraph 2.275 page 112	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <i>Amend the final paragraph 2.278 of supporting text to read:</i></p> <p>The opportunity for nature recovery networks should be considered <del>in accordance with</del> <u>regards to</u> the emerging Natural Capital Investment Strategy for Sussex and future Local Nature Recovery Strategies, <del>which will become a requirement under the Environment Act.</del> 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	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <i>Amend paragraph 2.279 to read:</i></p> <p>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></p>	To reflect local strategy.
	Supporting text to Policy DM37 paragraph 2.281 page 115	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <i>Amend fourth sentence of paragraph 2.281 to read:</i></p> <p>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></p>	For thoroughness and to ensure cross-references to all relevant guidance are included.
	Supporting text to Policy DM37 paragraph 2.282 page 115	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <i>Amend eighth sentence to supporting text at paragraph 2.282 to read:</i></p> <p>Alongside this, opportunities should be explored to provide new benefits for wildlife <u>to deliver measurable biodiversity net gains.</u></p>	To clarify links to biodiversity net gain.
	Supporting text to Policy DM37 paragraph 2.282 page 115	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <i>Add sentence to end of paragraph 2.282 to read:</i></p> <p><u>Nature-based solutions to carbon storage and sequestration should also be sought.</u></p>	To support the council's ambition to achieve carbon neutrality.

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	Supporting text to Policy DM37 page 115	<p><b><i>Policy DM37 Green Infrastructure and Nature Conservation</i></b>  <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><b><i>Policy DM37 Green Infrastructure and Nature Conservation</i></b>  <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* (<i>new footnote</i>), 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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <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.
<b>MM30</b>	Policy DM39 page 119	<p><b>Policy DM39 Development on the Seafront</b>  <i>Amend part a) of policy to read:</i></p> <p>a) <del>accord with</del> <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><b>Policy DM39 Development on the Seafront</b>  <i>Amend last paragraph of policy to read:</i></p>	To ensure the policy wording is clear and

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		<p>All developments providing sea-based activities or with a potential impact upon the marine environment should <del>have appropriate regard to the Beachy Head West Marine Conservation Zone</del> 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></p>	<p>consistent with Policy DM37 and NPPF paragraph 180.</p>
	<p>Supporting text to Policy DM39 paragraph 2.300 page 120</p>	<p><b><i>Policy DM39 Development on the Seafront</i></b>  <i>Amend Supporting text at end of sentence at paragraph 2.300 to read:</i></p> <p>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></p>	<p>To clarify that any adverse impacts should be considered against the requirements of Policy DM37.</p>
<p><b>MM31</b></p>	<p>Policy DM40 Page 122</p>	<p><b><i>DM40 Protection of the Environment and Health – Pollution and Nuisance</i></b>  <i>Amend criteria a)iii to read:</i></p> <p>iii. Appropriate measures can and will be incorporated to attenuate/mitigate existing and/or potential problems in accordance with national <u>policy and having regard to national and local</u> guidance; and</p>	<p>To clarify the status of these guidance documents as material considerations but do not have full weight of a Development Plan/ national policy.</p>
	<p>Policy DM40 page 122</p>	<p><b><i>DM40 Protection of the environment and health-pollution and nuisance</i></b>  <i>Amend and combine criteria (e) and (f) to read:</i></p> <p>(e) <del>particular regard must be given to</del> <u>assess</u> the impacts of emissions from transport, flues, fixed plant, and, heat and power systems. <del>(f) n</del> <u>New biomass combustion and CHP plants associated with</u></p>	<p>To ensure the policy wording is clear and unambiguous.</p>

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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	<p><b><i>DM40 Protection of the Environment and Health – Pollution and Nuisance</i></b>  <i>Amend criteria (g) to read:</i></p> <p>g) ensure <del>outdoor</del> 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 &amp; highway safety, biodiversity, in particular priority habitats and species, the night sky and the South Downs National Park International Dark Sky Reserve.</p>	To ensure the policy wording is consistent with NPPF para 185(c).
	Supporting text to Policy DM40, para 2.305 page 123	<p><b><i>Policy DM40 Protection of the environment and health-pollution and nuisance</i></b>  <i>Amend supporting text paragraph 2.305 to read:</i></p> <p><del>Two</del> Six Air Quality Management Areas (AQMAs) are currently designated within the city; <del>one</del> covering the city centre, <u>Rottingdean, South West Portslade, Sackville Road-Old Shoreham Road, South Road-Preston Road, and Eastern Road (Hospital)</u>, and <del>Portslade</del>, and a second smaller area that includes <u>Rottingdean High Street and its junction with the A259</u>.</p>	Factual update to reflect the new AQMA 2020 designation.
	Policy DM40 paragraph 2.311 page 125	<p><b><i>DM40 Protection of the environment and health-pollution and nuisance</i></b>  <i>Amend 4<sup>th</sup> sentence of paragraph 2.311 to read:</i></p> <p>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> <sup>89</sup>.</p>	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><b><i>DM40 Protection of the Environment and Health – Pollution and Nuisance</i></b></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><b><i>DM41 Polluted and hazardous substances and land stability</i></b></p> <p><i>Amend first sentence of policy to read:</i></p> <p><del>Development proposals must ensure that</del> <u>Planning permission will be granted for developments that can demonstrate they do not prejudice health, safety, natural capital and the quality of the city's environment.</u></p>	To ensure the policy wording is clear and unambiguous.



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MM33	Policy DM43 page 131	<p><b>Policy DM43 Sustainable Drainage</b>  <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 practice<sup>97</sup>, 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><b>Policy DM43 Sustainable Drainage</b>  <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><b>Policy DM44 Energy Efficiencies and Renewables</b>  <i>Amend first sentence of policy to read:</i></p> <p><del>The council will encourage all development to improve energy efficiency and achieve greater reductions in CO2 emissions in order to contribute towards Brighton &amp; Hove's ambition to become a carbon neutral city by 2030. In addition to the requirements set out in Policy CP8 Sustainable Buildings<sup>#</sup>, <del>the</del> following standards of energy efficiency and energy performance will be required</del></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><b><i>DM44 Energy Efficiency and Renewables</i></b> <i>Amend parts one and two of the Policy to create four parts and to read:</i></p> <ol style="list-style-type: none"> <li>1. <del>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;</del><sup>100</sup></li> <li>2. <del>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.</del></li> <li>2. <del>All development to achieve a minimum Energy Performance Certificate (EPC) rating of:</del> <ol style="list-style-type: none"> <li>3. A minimum Energy Performance Certificate EPC rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use<sup>101</sup>.</li> <li>4. A minimum Energy Performance Certificate EPC rating 'B' for new build residential and non-residential development.</li> </ol> </li> </ol> <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><b><i>DM44 Energy Efficiency and Renewables</i></b> <i>Amend part footnote 100 to read:</i></p>	To future proof policy with respect to the

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		<p>100 <del>Including changes to Part L of the Building Regulations or the approved calculation methodology.</del> <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></p>	Future Homes Standard and Future Buildings standards
	Policy DM44 Pages 134 -135	<p><b><i>DM44 Energy Efficiency and Renewables</i></b> <i>Amend first sentence of last paragraph of policy to read:</i></p> <p>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. <del>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.</del></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.
	Policy DM44 paragraph 2.335 Page 135	<p><b><i>DM44 Energy Efficiency and Renewables</i></b> <i>Amend paragraphs 2.335 of supporting text to read:</i></p> <p>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<sup>102</sup>. This policy sets out the further steps the council will take to reduce carbon emissions associated with <del>all new</del> development...</p>	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><b>DM44 Energy Efficiency and Renewables</b> Amend paragraph 2.345 of supporting text to read:</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 <del>versions</del> updates). It is anticipated that on developments where carbon savings from certain technologies (e.g. gas-engine CHP and solar PV) do not <del>achieve the carbon savings set out in</del> meet City Plan Part One Policy CP8, <u>fabric energy efficiency measures and alternative or additional technologies will need to be utilised to meet the 19% improvement against part L 2013.</u></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><b>DM44 Energy Efficiency and Renewables</b> Add new paragraph after the supporting text in paragraph 2.345 to read:</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>*Add new footnote: <u>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><b>DM44 Energy Efficiency and Renewables</b> Amend first sentence of paragraph 2.346 of supporting text to read:</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 <del>this</del> <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><b><i>DM44 Energy Efficiency and Renewables</i></b></p> <p><i>Delete paragraph 2.351, and amend 2.359 – 2.361 of supporting text to read:</i></p> <p><del>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.</del></p> <p>...</p> <p>2.359 <del>For major residential and non-residential development, the</del> 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 <del>If required, D</del>etailed 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><b><i>DM46 Heating and cooling network infrastructure</i></b>  <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)<sup>120</sup> and demonstrate that heating and cooling systems have been selected in accordance with the heating and cooling hierarchy, <del>and CIBSE Heat Network Code of Practice<sup>121</sup> and address the requirements in Policy DM40</del> <u>and have had regard to the CIBSE Heat Network Code of Practice<sup>121</sup></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><b><i>SA7 Benfield Valley</i></b>  <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><b><i>SA7 Benfield Valley</i></b>  <i>Amend paragraph 3.9, first bullet point to read:</i></p> <p>A Landscape and Visual <u>Character Impact</u> Assessment<sup>139</sup> 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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		<p><sup>139</sup> To be carried out in accordance with Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition (Landscape Institute and IEAM 2013).</p>	support development proposals.
MM37	Policy SSA1, page 153	<p><b>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road</b>  <i>Amend Policy to read:</i></p> <ul style="list-style-type: none"> <li>• 10,000 – 12,000 sq m health and care facility (<del>D1E(e)</del>);</li> </ul>	<p><i>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</i></p>
	Policy SSA1 Page 153	<p><b>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road</b>  <i>Amend requirements a) and b) of the Policy to read:</i></p> <p>a) Achieve a high quality of design which preserves <del>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.</del> 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><b>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road</b>  <i>Amend paragraph 3.12 of the supporting text to read:</i></p> <p>The main Brighton General Hospital Arundel Building and the later <del>built</del>-infirmary blocks form a prominent group of landmark buildings on <del>the high ridge on</del> the east side of Brighton. The site occupies an elevated position with extensive viewpoints <u>from</u> 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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		<p><del>formerly</del> 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 <del>and are therefore also may</del> be <u>curtilage listed or non-designated heritage assets</u>. <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 Heritage Impact Assessments</u>.</p>	
	Supporting text to Policy SSA1, Paragraph 3.18 page 155	<p><b><i>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road</i></b>  <i>Delete last two sentences of paragraph 3.18 and create new paragraph to read:</i></p> <p><del>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.</del></p> <p><i>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.</i></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><b><i>SSA2 Combined Engineering Depot, New England Road</i></b>  <i>Amend policy at first paragraph second bullet point policy to read:</i></p>	To ensure consistency with changes to the Use Classes Order, as



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		<ul style="list-style-type: none"> <li>the provision/replacement of a minimum of 1,000 sq m <del>B1</del> <u>E(g)</u> workspace and managed starter office units.</li> </ul>	amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Policy SSA2 Page 156	<p><b>SSA2 Combined Engineering Depot, New England Road</b> <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. The site itself may contain railway heritage buildings that meet the criteria for non-designated heritage assets (see DM28 ‘Locally Listed Heritage Assets’). 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><b>SSA3 Land at Lyon Close, Hove</b> <i>Amend policy to read:</i></p> <p><i>(Second paragraph, first bullet point)</i></p> <ul style="list-style-type: none"> <li>the retention/ replacement of a minimum of 5,700 sq m net <del>B1a</del> <u>E(g)</u> office floorspace through the mixed use development of the following sites:</li> </ul> <p><i>(Second paragraph, third bullet point)</i></p> <ul style="list-style-type: none"> <li>expanded <del>D1</del> health facilities (GP surgery) and/or community uses subject to demonstration of need and deliverability; and</li> </ul> <p><i>(Third paragraph)</i></p> <p>Should the retail warehouse units<sup>134</sup> come forward for redevelopment during the Plan period then the council will seek a mix of <del>B1</del> <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

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p><i>(Fourth paragraph, criterion b.)</i></p> <p>All proposals, including changes in existing business uses (<del>Use Class B1-B8</del>) (<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><b><i>SSA3 Land at Lyon Close, Hove</i></b>  <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.
<b>MM40</b>	Policy SSA4, page 161	<p><b><i>SSA4 Sackville Trading Estate and Coal Yard</i></b>  <i>Amend policy first paragraph, second bullet point to read:</i></p> <ul style="list-style-type: none"> <li>• A minimum of 6000m2 <del>E(g)B1</del>-employment floorspace</li> </ul>	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><b><i>SSA4 Sackville Trading Estate and Coal Yard</i></b>  <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.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	Supporting text to Policy SSA4, paragraph 3.37 Page 162	<p><b>Policy SSA4 – Sackville Trading Estate and Coal Yard</b> Amend paragraph 3.37 to read:</p> <p>The Hove Station area is identified in the <del>Tall Buildings</del> <u>Urban Design Framework SPD<sup>138</sup></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><b>SSA4 Sackville Trading Estate</b> Amend supporting text at paragraph 3.38 to read:</p> <p><del>“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 AQMA at the junction of Sackville Road and Old Shoreham Road 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.”</del></p>	Factual update to reflect 2020 revised AQMA
	Supporting text to Policy SSA4 paragraph 3.39 Page 163	<p><b>Policy SSA4 – Sackville Trading Estate and Coal Yard</b> 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><b>Policy SSA4 – Sackville Trading Estate and Coal Yard</b> Amend footnote 138 to read:</p> <p><del>www.brighton-hove.gov.uk/sites/brightonhove.gov.uk/files/downloads/localplan2001/15_SPGBHTall_buildings.pdf</del> <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

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
MM41	Policy SSA5, page 164	<p><b>SSA5 Madeira Terrace and Madeira Drive</b> Amend Policy SSA5 to read:</p> <ul style="list-style-type: none"> <li>• Retail uses (Use Classes <del>A1, A3, A4, A5</del> <u>E (a), E (b)</u>, <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>);</li> <li>• Commercial space (Use Class <del>B1-E</del> <u>(g)</u>);</li> <li>• Small <u>scale/ boutique hotel visitor accommodation</u> (Use Class C1);</li> <li>• Galleries/museum(s) (Use Classes <del>D1F1</del> <u>(b) and F1(c)</u>); and/or</li> <li>• Leisure uses (Use Classes <del>D2</del> <u>E (d) and F2</u>) appropriate to the character of the seafront.</li> </ul>	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><b>SSA5 Madeira Terrace and Madeira Drive</b> 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><b>SSA5 Madeira Terrace and Madeira Drive</b> 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 <del>Grade II listed</del> 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.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p><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></p>	
	<p>Policy SSA5 paragraph 3.45 page 165</p>	<p><b>SSA5 Madeira Terrace and Madeira Drive</b>  <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> <del>and Proposals will need to be financially sustainable commercially viable in order to pay for its</del> <u>contribute to its restoration and long term maintenance. A potential option is to develop new uses and activities within</u> <del>It is likely that a variety of commercial uses will be placed in the arches of Madeira Terrace.</del></p>	<p>Factual update to refer to the Conservation Management Plan and updated listing status.</p>
	<p>Supporting text to Policy SSA5 paragraph 3.46 page 165</p>	<p><b>SSA5 Madeira Terrace and Madeira Drive</b>  <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)</u> <del>boutique hotel</del>. However, residential use will not be permitted. Careful consideration needs to be given to the relationship and connection between <del>potential the</del> <u>businesses within the arches and 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>	<p>Factual update to refer to the council’s Madeira Terrace 30 Project and to clarify the scale and type of visitor accommodation.</p>

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p><i>And add new footnote: <sup>#</sup>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></p>	
	<p>Supporting text to Policy SSA paragraph 3.47 page 165</p>	<p><b>SSA5 Madeira Terrace and Madeira Drive</b>  <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 <del>such as the feasibility</del> <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>	<p>To clarify the potential to improve access to Madeira Terrace and Madeira Drive.</p>
	<p>New footnote for supporting text to Policy SSA5 paragraph 3.48 page 165</p>	<p><b>SSA5 Madeira Terrace and Madeira Drive</b>  <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<sup>#</sup>.</p> <p><sup>#</sup> <u>The Eastern Seafront Masterplan SPD is due to be adopted in 2022</u></p>	<p>Factual update on progress on the Eastern Seafront Masterplan SPD.</p>
<p><b>MM42</b></p>	<p>Policy SSA6, page 167</p>	<p><b>SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive</b>  <i>Amend the two bullet points under first paragraph of policy to read:</i></p> <ul style="list-style-type: none"> <li>• <u>leisure uses (Use Classes <del>D2E</del> (d) and F2) or art and heritage uses (Use Classes <del>D1</del> F1(b) and F1 (c)) appropriate to the character of the seafront providing the main use of the site; and</u></li> <li>• <u>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 consumption of that food is mostly undertaken off the premises (Sui Generis).</u></li> </ul>	<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>

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	Supporting text to Policy SSA6, para. 3.52 page 168	<p><b>Policy SSA6</b>  <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>  <del>e</del>Development 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.
<b>MM43</b>	Policy SSA7, page 169	<p><b>SSA7 Land Adjacent to American Express Community Stadium, Village Way</b>  <i>Amend bullet point under first paragraph of policy to read:</i></p> <ul style="list-style-type: none"> <li>• <del>B1a</del> <u>E(g) (i)</u> (offices), <del>D1</del> <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.</li> </ul>	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><b>SSA7 Land Adjacent to American Express Community Stadium, Village Way</b>  <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 <del>B1a</del> offices or <del>D1</del> 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><b>SSA7 Land Adjacent to American Express Community Stadium, Village Way</b>  <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.						
<b>MM44</b>	Policy H1 page 172	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b>  <b>Amend second sentence of first paragraph of policy to read:</b></p> <p>Planning permission will be granted for proposals that accord with the Development Plan and which provide the <del>minimum</del> 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><b>Policy H1 Housing Sites and Mixed Use Sites</b>  <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><b>Policy H1 Housing Sites and Mixed Use Sites</b>  <i>Table 6 – Residential Site Allocations amend Table 6 to delete the following sites:</i></p> <table border="1" data-bbox="562 1246 1234 1358"> <thead> <tr> <th data-bbox="562 1246 786 1358">Site Name</th> <th data-bbox="786 1246 1010 1358">Indicative number of Residential</th> <th data-bbox="1010 1246 1234 1358">Permitted additional Uses</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Site Name	Indicative number of Residential	Permitted additional Uses				For 2-18 The Cliff site, deletion in response to discussions at during the examination hearings as the site’s inclusion would not be justified.
Site Name	Indicative number of Residential	Permitted additional Uses							



Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification			
		Land between Marine Drive and rear of 2-18 The Cliff, Brighton	Units (Use Class C3) 10 <sup>147</sup>		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.			
		2-16 Coombe Road	33	B1 starter business units/affordable workspace at ground floor.				
	Policy H1, Table 6 page 175	<p><i>Delete associated footnote 147:</i> Development will mitigate any adverse impacts on designated sites and provide biodiversity net gains in accordance with Policy CP10 and DM37</p> <p><b>Policy H1 Housing Sites and Mixed Use Sites</b> <b>Table 6 – Residential Site Allocations amend the table to add the following rows to read:</b></p> <table border="1" data-bbox="562 1031 1234 1249"> <tr> <td data-bbox="562 1031 786 1249">Land at the corner of Fox Way and Foredown Road, Portslade#</td> <td data-bbox="786 1031 1010 1249">10 <u>14</u></td> <td data-bbox="1010 1031 1234 1249"></td> </tr> </table>			Land at the corner of Fox Way and Foredown Road, Portslade#	10 <u>14</u>		For Fox Way, to reflect an extant planning consent for the site.
Land at the corner of Fox Way and Foredown Road, Portslade#	10 <u>14</u>							
	Policy H1, Table 6 page 175	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b> <b>Table 6 – Residential Site Allocations amend the table to add the following rows to read:</b></p>			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.
		<u>Land at Preston Road / Campbell Road, Brighton</u>	<u>24</u>		
		<u>154 Old Shoreham Road, Hove</u>	<u>30</u>	<u>E class uses on ground floor</u>	
	Policy H1, Table 6	<b><i>Policy H1 Housing Sites and Mixed Use Sites</i></b> <b><i>Table 6 – Residential Site Allocations amend Table 6 to delete:</i></b>			Deletions to reflect the substantial completion of development on these sites.
		Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses	
		<del>87 Preston Road, Brighton, BN1 4QG</del>	<del>25</del>		
		<del>George Cooper House, 20-22 Oxford Street, Brighton</del>	<del>20</del>	<del>Retail at ground floor level.</del>	
		<del>Whitehawk Clinic, Whitehawk Road, Brighton#</del>	<del>38</del>		
		<del>Buckley Close garages, Hangleton #</del>	<del>12</del>		
		<del>189 Kingsway, Hove #</del>	<del>60</del>		

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	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b>  <i>Table 6 – Residential Site Allocations amend the Total row to read:</i></p> <table border="1" data-bbox="562 523 1673 563"> <tr> <td data-bbox="562 523 936 563"><b>TOTAL</b></td> <td data-bbox="936 523 1301 563"><b><del>1,051</del> 752</b></td> <td data-bbox="1301 523 1673 563"></td> </tr> </table>			<b>TOTAL</b>	<b><del>1,051</del> 752</b>		Factual update of housing total to reflect changes to site allocations detailed above.						
<b>TOTAL</b>	<b><del>1,051</del> 752</b>													
	Policy H1, Table 6 pages 173 - 175	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b>  <i>Table 6 – Residential Site Allocations amend the following rows in Table 6 to read:</i></p> <table border="1" data-bbox="562 703 1565 1201"> <thead> <tr> <th data-bbox="562 703 958 911">Site Name</th> <th data-bbox="958 703 1176 911">Indicative number of Residential Units (Use Class C3)</th> <th data-bbox="1176 703 1565 911">Permitted additional Uses</th> </tr> </thead> <tbody> <tr> <td data-bbox="562 911 958 1078">Land between Manchester Street/Charles Street, Brighton, BN2 1TF#</td> <td data-bbox="958 911 1176 1078">12</td> <td data-bbox="1176 911 1565 1078"><del>B1-E class employment</del> floorspace or <del>D2</del> entertainment <u>and leisure</u> uses.</td> </tr> <tr> <td data-bbox="562 1078 958 1201">Saunders Glassworks, Sussex Place, Brighton, BN2 9QN#</td> <td data-bbox="958 1078 1176 1201">49</td> <td data-bbox="1176 1078 1565 1201"><u>E class uses</u></td> </tr> </tbody> </table>			Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses	Land between Manchester Street/Charles Street, Brighton, BN2 1TF#	12	<del>B1-E class employment</del> floorspace or <del>D2</del> 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	<del>B1-E class employment</del> floorspace or <del>D2</del> entertainment <u>and leisure</u> uses.												
Saunders Glassworks, Sussex Place, Brighton, BN2 9QN#	49	<u>E class uses</u>												
	Policy H1, page 176	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b>  <i>Amend the following rows in Table 7 Mixed Use Housing Site Allocations to read:</i></p>			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 <u>number of</u> 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 <del>10</del>	<del>B1 E(g)</del> 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 <del>B1 E(g)</del> employment floorspace.			
27-31 Church Street (corner with Portland Street)#Ω	10	630sqm E(g) employment floorspace <del>B1 Offices.</del>			
Former Dairy Crest Site, 35-39 The Droveway, Hove, #	14	500sqm <del>B E</del> 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 <del>B1 E(g)</del> and B2 at Basin Road North level, use classes <del>E A2, B1 and ancillary A1</del> 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
		Prestwich House, North Street, Portslade (Site SP1 in JAAP Policy CA3)	15	Use class <del>B1</del> <u>E(g)</u> on lower storeys.	
		Regency House, North Street, Portslade (Site SP4 in JAAP Policy CA3)	45	Use class <del>B1</del> <u>E(g)</u> on lower storeys	
		Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP Policy CA3)	45	Use class <del>B1</del> <u>E(g)</u> 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.	
		Church Road/ Wellington Road/ St Peter's Road (Site SP6 in JAAP Policy CA3)	25	The southern portion of the site is allocated for new employment development (use classes <del>B1</del> <u>E(g)</u> , B2 and B3).	
		Station Road site, Portslade (Site SP7 in JAAP Policy CA3)	15	Use classes <del>A1, A2, A3 and B1</del> <u>E</u> fronting Station Road.	
	Policy H1, Table 7 page 176	<b>Policy H1 Housing Sites and Mixed Use Sites</b> <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														
		<b>TOTAL</b>		<b>519479</b>			allocations detailed above.														
<b>MM45</b>	Policy H2 – Table 8 Urban Fringe Allocations, page 180	<p><b>Policy H2 Housing Sites – Urban Fringe</b>  <i>Table 8 Urban Fringe Allocations, amend heading in fifth column of table as shown:</i></p> <table border="1"> <thead> <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 Units<sup>1</sup></th> <th>Indicative Percentage of Family Sized Housing (3+ bedroom)</th> <th>Key Site Considerations</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units <sup>1</sup>	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 <sup>1</sup>	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations														
	Policy H2 – Table 8 Urban Fringe Allocations, page 180	<p><b>Policy H2 Housing Sites – Urban Fringe</b>  <i>Table 8 Urban Fringe Allocations amend table to delete ‘Land at and Adjoining Horsdean Recreation Ground, Patcham’ and associated detail:</i></p> <table border="1"> <thead> <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 Units<sup>1</sup></th> <th>Indicative Percentage of Family Sized Housing (3+ bedroom)</th> <th>Key Site Considerations</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units <sup>1</sup>	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 <sup>1</sup>	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations															

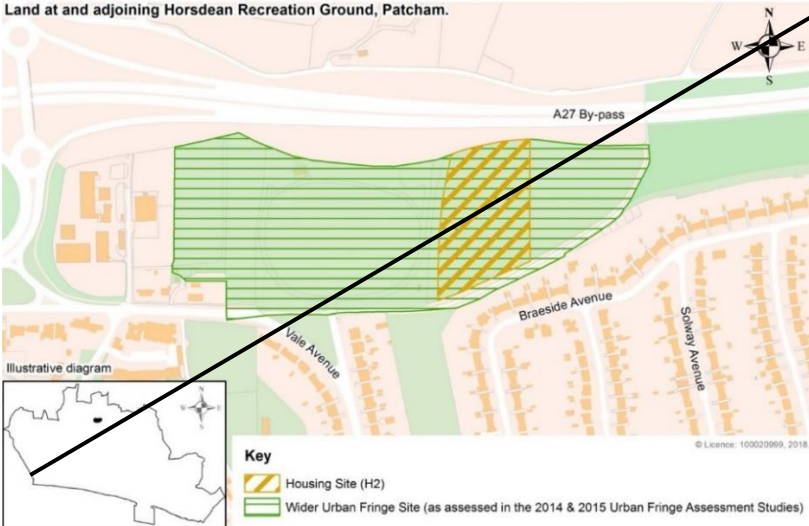
Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed							Reason for Modification								
		<b>Land at and adjoining Horsdean Recreation Ground, Patcham</b>	Site 16 (2014 UFA); Study Area L4 (2015 UFA);	6.32	1.17	25	50%	<ul style="list-style-type: none"> <li>•ecology</li> <li>•heritage</li> <li>•open space</li> <li>•landscape</li> <li>•Groundwater Source Protection Zone</li> <li>•archaeology</li> <li>•ground water flooding<sup>146</sup></li> </ul>									
	Policy H2 – Table 8 Urban Fringe Allocations, page 182	<p><b>Policy H2 Housing Sites – Urban Fringe</b>  <i>Table 8 Urban Fringe Allocations amend the following row to read:</i></p>							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.								
<table border="1"> <thead> <tr> <th data-bbox="562 847 719 1121">Site Name</th> <th data-bbox="719 847 860 1121">UFA Reference</th> <th data-bbox="860 847 1005 1121">Total Site Area (Hectares)</th> <th data-bbox="1005 847 1184 1121">Area of Development Potential (Hectares)</th> <th data-bbox="1184 847 1319 1121">Potential Indicative Number of Dwelling Units<sup>1</sup></th> <th data-bbox="1319 847 1453 1121">Indicative Percentage of Family Sized Housing (3+ bedroom )</th> <th data-bbox="1453 847 1686 1121">Key Site Considerations</th> </tr> </thead> <tbody> <tr> <td data-bbox="562 1126 719 1378"><b>Land at former nursery, Saltdean #</b></td> <td data-bbox="719 1126 860 1378">Site 46a (2014 UFA); Study Area E14 (2015 UFA);</td> <td data-bbox="860 1126 1005 1378">0.96 0.83</td> <td data-bbox="1005 1126 1184 1378">0.96 0.75</td> <td data-bbox="1184 1126 1319 1378">24 18</td> <td data-bbox="1319 1126 1453 1378">50%</td> <td data-bbox="1453 1126 1686 1378"> <ul style="list-style-type: none"> <li>• surface and ground water flooding<sup>139</sup></li> <li>• landscape</li> <li>• Groundwater Source Protection Zone</li> <li>• wastewater infrastructure</li> </ul> </td> </tr> </tbody> </table>		Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units <sup>1</sup>	Indicative Percentage of Family Sized Housing (3+ bedroom )	Key Site Considerations		<b>Land at former nursery, Saltdean #</b>	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"> <li>• surface and ground water flooding<sup>139</sup></li> <li>• landscape</li> <li>• Groundwater Source Protection Zone</li> <li>• wastewater infrastructure</li> </ul>	
Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units <sup>1</sup>	Indicative Percentage of Family Sized Housing (3+ bedroom )	Key Site Considerations											
<b>Land at former nursery, Saltdean #</b>	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"> <li>• surface and ground water flooding<sup>139</sup></li> <li>• landscape</li> <li>• Groundwater Source Protection Zone</li> <li>• wastewater infrastructure</li> </ul>											

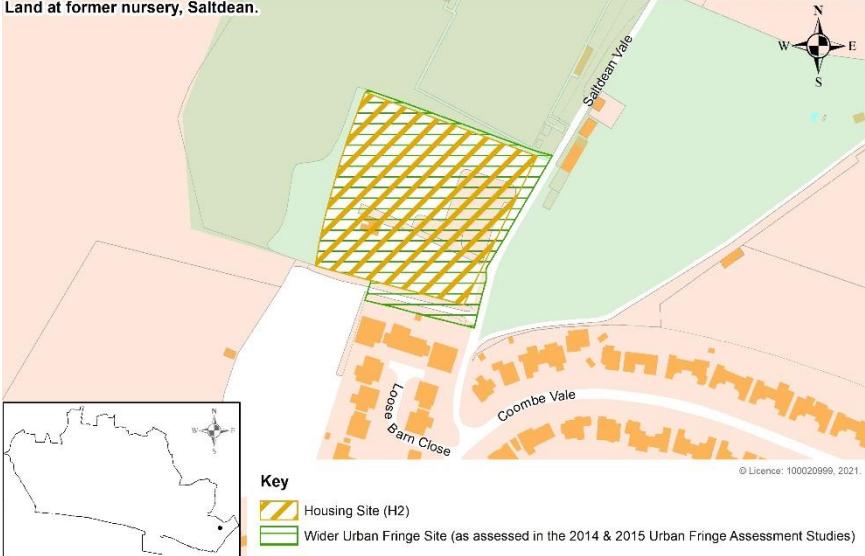
Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	Supporting text to Policy H2 Paragraph 3.69 page 183	<p><b>Policy H2 Housing Sites – Urban Fringe</b>  <i>Amend final sentence of supporting text at paragraph 3.69 to read:</i></p> <p>In addition, <del>the provision of serviced plots for self-build and custom build housing and proposals for community led housing will be strongly encouraged</del> <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).</p>	To provide greater clarity and ensure supporting text is consistent with policy criterion i).
	Supporting text to Policy H2 Paragraph 3.73 page 184	<p><b>Policy H2 Housing Sites – Urban Fringe</b>  <i>Amend part of final sentence in the supporting text at paragraph 3.73 5o read:</i></p> <p><del>Ecological Assessment including Protected Species Survey</del> <u>Ecological Impact Assessment</u></p>	To reflect good practice and provide clarity for applicants.
	Supporting text to Policy H2 Paragraph 3.73 page 184	<p><b>Policy H2 Housing Sites – Urban Fringe</b>  <i>Add new footnote after the words ‘Heritage Statement’ in the final sentence in the supporting text at paragraph 3.73:</i></p> <p><i>New footnote to read: In accordance with Historic England Advice Note 12: Statements of Heritage Significance.</i></p>	To provide clarity and guidance on Heritage Statement requirements.
	Supporting Text to Policy H2 Paragraph 3.76 page 185	<p><b>Policy H2 Housing Sites – Urban Fringe</b>  <i>Amend second sentence of supporting text at paragraph 3.76 to read:</i></p>	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 <del>detailed</del> 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	<p><b>Policy H3 Purpose Built Student Accommodation</b> Amend Table 9 to read</p> <table border="1" data-bbox="562 663 1267 810"> <thead> <tr> <th data-bbox="562 663 958 735">Site Name</th> <th data-bbox="958 663 1267 735">Indicative number of bedspaces</th> </tr> </thead> <tbody> <tr> <td data-bbox="562 735 958 810"><del>45 &amp; 47</del> 39-47 Hollingdean Road, Brighton</td> <td data-bbox="958 735 1267 810">40 <del>99</del></td> </tr> </tbody> </table>	Site Name	Indicative number of bedspaces	<del>45 &amp; 47</del> 39-47 Hollingdean Road, Brighton	40 <del>99</del>	To reflect an extant planning permission (BH2019/03700)		
Site Name	Indicative number of bedspaces								
<del>45 &amp; 47</del> 39-47 Hollingdean Road, Brighton	40 <del>99</del>								
	Policy H3, Table 9 page 186	<p><b>Policy H3 Purpose Built Student Accommodation</b> Amend policy at Table 9 Purpose Built Student Accommodation Sites - delete row:</p> <table border="1" data-bbox="562 922 1581 1110"> <thead> <tr> <th data-bbox="562 922 904 1010">Site Name</th> <th data-bbox="904 922 1245 1010">Indicative number of bedspaces</th> <th data-bbox="1245 922 1581 1010">Other Required Uses</th> </tr> </thead> <tbody> <tr> <td data-bbox="562 1010 904 1110"><del>118-132 London Road, Brighton</del></td> <td data-bbox="904 1010 1245 1110">232</td> <td data-bbox="1245 1010 1581 1110"><del>Ground floor uses must comply with Policy DM12</del></td> </tr> </tbody> </table>	Site Name	Indicative number of bedspaces	Other Required Uses	<del>118-132 London Road, Brighton</del>	232	<del>Ground floor uses must comply with Policy DM12</del>	Development of this site for PBSA is substantially complete.
Site Name	Indicative number of bedspaces	Other Required Uses							
<del>118-132 London Road, Brighton</del>	232	<del>Ground floor uses must comply with Policy DM12</del>							
	Supporting text to Policy H3, para. 3.81 page 186	<p><b>Policy H3 Purpose Built Student Accommodation</b> Add new paragraph after paragraph 3.81 to read:</p> <p><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></p>	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><b>Policy E1 Opportunity site for business and warehouse uses</b>  <i>Amend bullet point after first paragraph of policy to read:</i></p> <ul style="list-style-type: none"> <li>• Business and warehouse premises (Use Classes <del>B1</del> <u>E(g)</u> and B8).</li> </ul>	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><b>E1 Opportunity site for business and warehouse uses</b>  <i>Amend last sentence of supporting text at paragraph 3.87 to read:</i></p> <p><del>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.</del></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><b>Policy E1 Opportunity Site for business and warehouse uses</b>  <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<sup>#</sup></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
		# <a href="#">South Downs Landscape Character Assessment (LCA) 2020</a>	
MM48	Appendix 2, page 198	<p><b>Appendix 2 Parking Standards</b>  <i>Add wording before table in Appendix 2:</i></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><b>Appendix 4 Policy H2 Urban Fringe Housing Site Maps</b>  <i>Delete indicative map titled 'Land at and adjoining Horsdean Recreation Ground':</i></p> 	As consequence of proposed deletion of site allocation in response to further evidence relating to site developability (Urban Fringe Assessment 2021 Update).

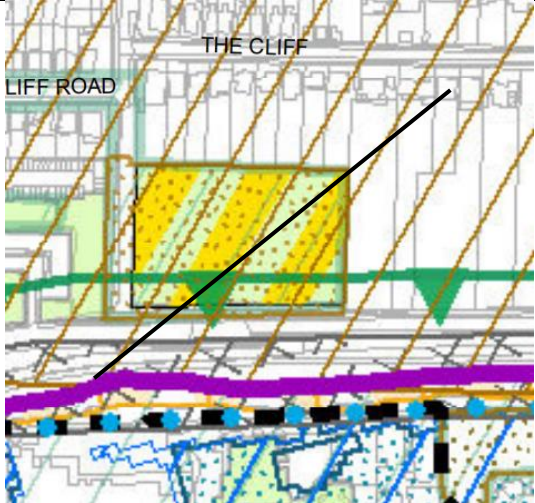
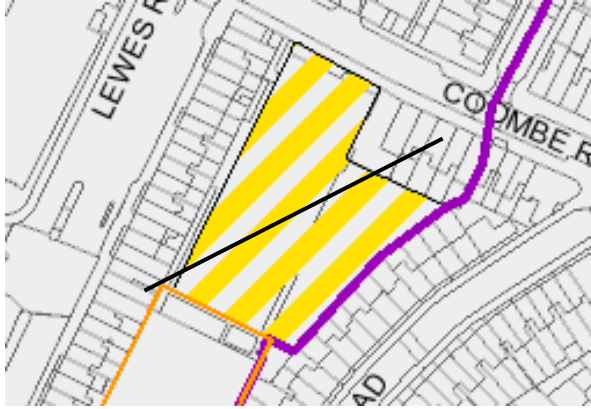
Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	<p>Appendix 4 - Policy H2 Urban Fringe Housing Site Maps, page 215</p>	<p><b>Appendix 4 Policy H2 Urban Fringe Housing Site Maps</b></p> <p><i>Amend the site boundary of the indicative map titled 'Land at former nursery, Saltdean' (see also proposed changes to the Policy Map). New map is shown below:</i></p>  <p>Land at former nursery, Saltdean.</p> <p>© Licence: 100020999, 2021.</p> <p><b>Key</b></p> <ul style="list-style-type: none"> <li>Housing Site (H2)</li> <li>Wider Urban Fringe Site (as assessed in the 2014 &amp; 2015 Urban Fringe Assessment Studies)</li> </ul>	<p>Amendment to boundary of Policy H2 Site 46a to remove land in the ownership of a neighbouring landowner.</p>

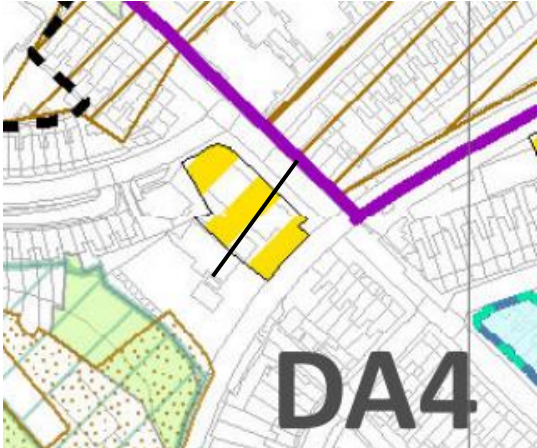

## Appendix 4 Schedules of Changes to Policy Map and Additional Modifications


### 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><b><i>Policy H1 Housing Sites and Mixed Use Sites</i></b>  <i>Delete the following housing site allocations from the H1 layer as shown on the proposed changes to the policy map:</i></p> <p><b>Land between Marine Drive and rear of 2-18 The Cliff, Brighton</b></p>	To align with proposed changes to Policy H1


			
Map2	Policy H1	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b> <i>Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map:</i></p> <p><b>2-16 Coombe Road</b></p> 	

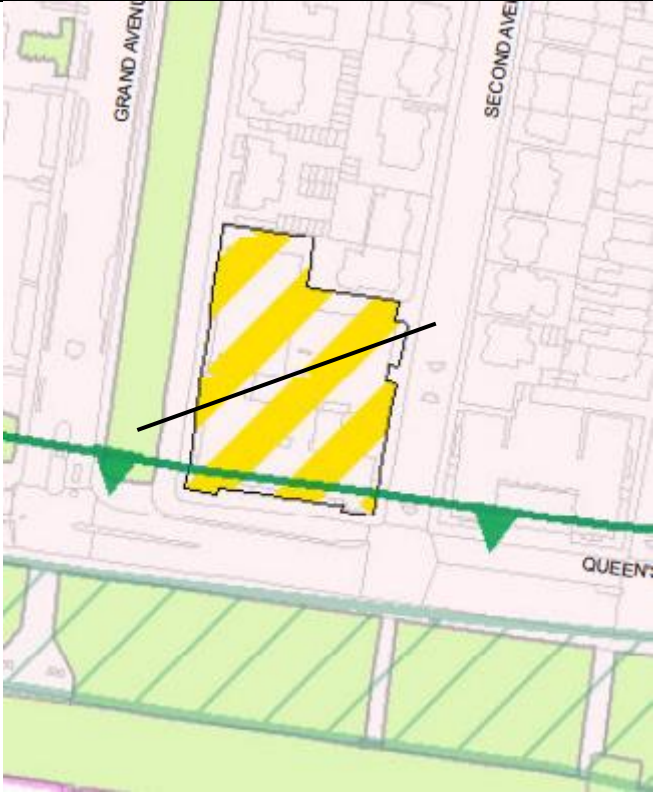
Map3	Policy H1	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b>  Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map:  <b>87 Preston Road, Brighton, BN1 4QG</b></p> 	
Map4	Policy H1	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b>  Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map:  <b>George Cooper House, 20-22 Oxford Street, Brighton</b></p> 	To align with proposed changes to Policy H1

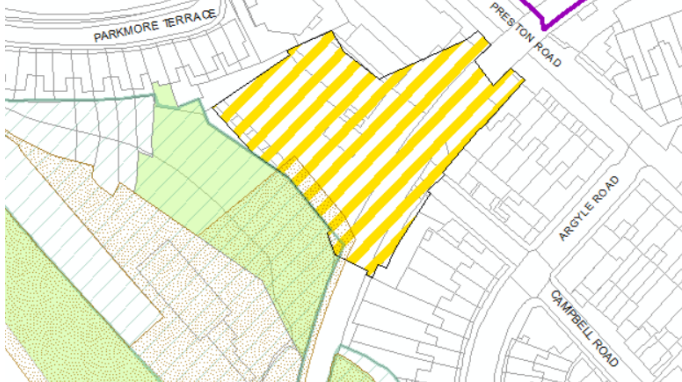

Map5	Policy H1	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b>  Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map</p> <p><b>Whitehawk Clinic, Whitehawk Road, Brighton#</b></p> 	To align with proposed changes to Policy H1
Map6	Policy H1	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b>  Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map</p> <p><b>Buckley Close garages, Hangleton</b></p>	To align with proposed changes to Policy H1

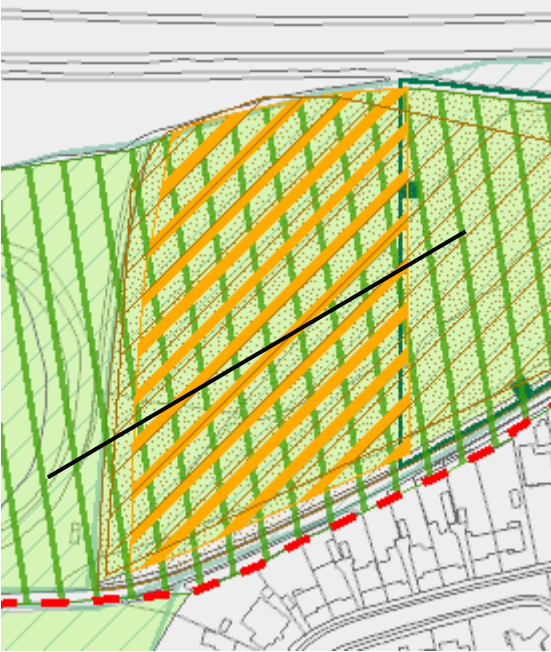




			
<p>Map7</p>	<p>Policy H1</p>	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b>  <i>Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map:</i>  <b>189 Kingsway, Hove #</b></p>	<p>To align with proposed changes to Policy H1</p>


			
Map8	Policy H1	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b> <i>Delete the following housing site allocation from the H1 layer as shown on the proposed changes to the policy map:</i> <b>Kings House, Grand Avenue, Hove #</b></p>	To align with proposed changes to Policy H1

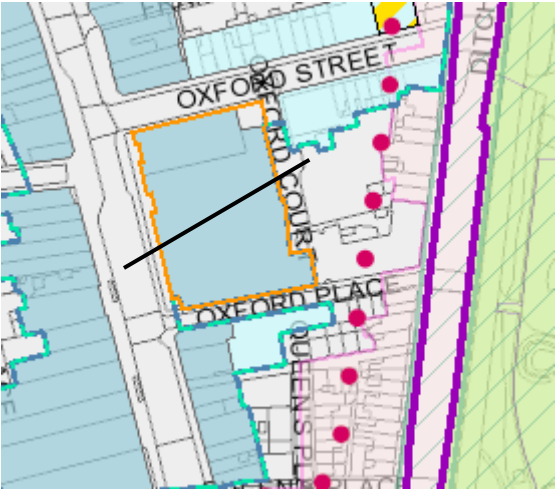
			
Map9	Policy H1	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b> <i>Add the following site allocation to the H1 layer as shown on the proposed changes to the policy map:</i></p> <p><b>Land at Preston Road / Campbell Road, Brighton</b></p>	To align with proposed changes to Policy H1

			
Map10	Policy H1	<p><b>Policy H1 Housing Sites and Mixed Use Sites</b> <i>Add the following site allocation to the H1 layer as shown on the proposed changes to the policy map:</i></p> <p><b>154 Old Shoreham Road, Hove (Furniture Village site and car park, corner of Old Shoreham Road and Sackville Road)</b></p> 	To align with proposed changes to Policy H1

Map11	Policy H2	<p><b>Policy H2 Urban Fringe Housing</b>  Delete the following housing site allocation from the H2 layer as shown on the proposed changes to the policy map:  <b>Land at and Adjoining Horsdean Recreation Ground, Patcham</b></p> 	To align with proposed changes to Policy H2
Map12	H2	<p><b>Policy H2 Urban Fringe Housing</b>  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  <b>Land at former nursery, Saltdean</b>  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><b>Policy H3 – Purpose Built Student Accommodation</b> <i>Amend the site boundary of the site in Hollingdean Road as follows:</i></p> <p><i>Site allocation before boundary amendment</i></p>	To reflect an extant planning permission (BH2019/03700)

		 <p><i>Site allocation after boundary amendment</i></p>	
Map14	Policy H3	<p><b>Policy H3 Purposed Built Student Accommodation</b> <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><b>118–132 London Road, Brighton</b></p>	To align with proposed change to Policy H3

			
Map15	Proposed Changes to the Policy Map legend	<p><b><i>Proposed Changes to the Policy Map legend</i></b>  Amend the legend to read:  Waste &amp; Minerals Sites – SP1 &amp; SP2 (WMSP)  Amend to <u>“Waste site allocations and areas of opportunity”</u></p>	For clarification
Map16	ANA layer on Policy Map	<p><b><i>Archaeological Notification Layer update</i></b>  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	<b><i>Relationship with other DPDs</i></b> <i>Move the following text from paragraph 1.9 to paragraph 1.8 and amend as follows:</i>  “ <b>Shoreham Harbour Joint Area Action Plan (JAAP)</b> <sup>2</sup> – provides a comprehensive, deliverable plan for the <u>regeneration future revitalization</u> 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 “ <b><u>Review of the Waste and Minerals Local Plan</u></b> – a focussed review of certain policies in the <b>Waste &amp; Minerals Local Plan</b> ”.	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><b>Community Infrastructure Levy (CIL)</b> – <del>once adopted</del> 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><del>1. Following an examination in public and consultation on proposed modifications CIL is expected to be adopted in June and introduced in October 2020.</del></p>									
AM03	Introduction, paragraph 1.10 page 9	<p><b><i>Duty to Cooperate</i></b>  <i>Amend the last sentence at the end of the paragraph to read:</i></p> <p>A duty to Cooperate <del>Update</del> Paper is published alongside the Proposed Submission City Plan Part 2 and will include an updated Statement of Common Ground prepared by the <u>West Sussex and Greater Brighton Local Planning Authorities.</u></p>	Factual update.								
AM04	Table 1 page 10	<p><b><i>Table 1 Timetable for the Preparation of City Plan Part Two</i></b>  <i>Delete table and associated footnote:</i></p> <p><b><del>Table 1 Timetable for the Preparation of City Plan Part Two</del></b></p> <table border="1" data-bbox="557 1059 1718 1343"> <thead> <tr> <th data-bbox="557 1059 1285 1145">City Plan Part Two stage of plan preparation</th> <th data-bbox="1285 1059 1718 1145">Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="557 1145 1285 1198">Scoping Document (Regulation 18)</td> <td data-bbox="1285 1145 1718 1198">June 2016</td> </tr> <tr> <td data-bbox="557 1198 1285 1251">Draft Plan and SA (Regulation 18)</td> <td data-bbox="1285 1198 1718 1251">Summer 2018</td> </tr> <tr> <td data-bbox="557 1251 1285 1343"><b>Publication of Proposed Submission City Plan Part 2</b></td> <td data-bbox="1285 1251 1718 1343"><b>Approved by Council 23 April 2020</b></td> </tr> </tbody> </table>	City Plan Part Two stage of plan preparation	Date	Scoping Document (Regulation 18)	June 2016	Draft Plan and SA (Regulation 18)	Summer 2018	<b>Publication of Proposed Submission City Plan Part 2</b>	<b>Approved by Council 23 April 2020</b>	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										
<b>Publication of Proposed Submission City Plan Part 2</b>	<b>Approved by Council 23 April 2020</b>										

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed		Reason for Modification
		Regulation 19 Consultation	Dates to be confirmed after Coronavirus (Covid-19) restrictions are lifted.	
		Submission to the Secretary of State	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.	
		Examination in Public		
		Adoption of City Plan Part Two		
AM05	Introduction paragraph 1.14 -1.18, page 11	<p><b><i>How to Comment on the Proposed Submission City Plan Part Two</i></b>  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: <a href="http://consult.brighton-hove.gov.uk/portal">http://consult.brighton-hove.gov.uk/portal</a>. 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 (<a href="https://www.brightonhove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposedsubmission-stage-2020">https://www.brightonhove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposedsubmission-stage-2020</a>) 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 <a href="mailto:planningpolicy@brighton-hove.gov.uk">planningpolicy@brighton-hove.gov.uk</a></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: <a href="http://consult.brighton-hove.gov.uk/portal">http://consult.brighton-hove.gov.uk/portal</a> Email: <a href="mailto:planningpolicy@brighton-hove.gov.uk">planningpolicy@brighton-hove.gov.uk</a> (please respond using the Response Form) Post: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton &amp; Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ</p>	
AM06	footnote 11 Page 15	<p><b>Policy DM1 Housing Quality, Choice and Mix</b> Amend footnote 11 to read: National Planning Policy Framework (NPPF) (<del>2019</del>) (<u>2021</u>) paragraph <del>61-62</del></p>	Factual update to paragraph number following updated NPPF 2021
AM07	Policy DM4 page 22	<p><b>DM4 Housing and Accommodation for Older Persons</b> <i>Add the following numbering to the second paragraph of policy to read:</i></p>	For clarity to avoid confusion between

Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		' <u>1.</u> Development proposals....'	the two sets of policy criteria.
AM08	Policy DM4 page 22	<b>DM4 Housing and Accommodation for Older Persons</b> Add the following numbering to the fourth paragraph of policy to read:  ' <u>2.</u> Proposals that....'	For clarity to avoid confusion between the two sets of policy criteria.
AM09	Policy DM5 page 27	<b>DM5 Supported Accommodation (Specialist and Vulnerable Needs)</b> Add the following numbering to the second paragraph of policy to read:  ' <u>1.</u> Proposals for development ....'	For clarity to avoid confusion between the two sets of policy criteria.
AM10	Policy DM5 page 27	<b>DM5 Supported Accommodation (Specialist and Vulnerable Needs)</b> Add the following numbering to the third paragraph of policy to read:  ' <u>2.</u> Proposals that....'	For clarity to avoid confusion between the two sets of policy criteria.
AM11	Policy DM6 Page 30, footnote 30	<b>Policy DM6 Build to Rent Housing</b> Amend footnote 30 to read:  MHCLG National Planning Policy Framework, February <del>2019</del> <u>2021</u>	Factual update to paragraph number following updated NPPF 2021
AM12	Supporting text to Policy DM8, paragraph 2.72 page 37	<b>DM8 Purpose Built Student Accommodation</b> Amend the first sentence of the supporting text at paragraph 2.72 to read:  "However, the number of permitted PBSA bedspaces, <del>currently assessed to be 12,699,</del> remains below the number of students in the city requiring accommodation, particularly for students at the University of Brighton."  Delete associated footnote 36:	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
		<p><del>36 3,146</del> bedspaces managed by University of Brighton, <del>8,167</del> managed by University of Sussex, and <del>1,386</del> privately managed.</p>	<p>figure in the Plan would rapidly become out-of-date. Stating it remains below the number of students will remain factually correct.</p>
AM13	Supporting text to Policy DM8, paragraph 2.73	<p><b>DM8 Purpose Built Student Accommodation</b>  <i>Amend the first sentence of the supporting text paragraph 2.73 to read:</i></p> <p>“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.”</p>	Factual update.
AM14	Footnote 43 Page 56	<p><b>Policy DM14 Commercial and Leisure Uses at Brighton Marina</b>  Amend footnote to read:</p> <p>National Planning Policy Framework (NPPF) <del>(2019)</del> (2021) paragraphs <del>89-90</del> <u>90-91</u></p>	Update to paragraph number following updated NPPF 2021
AM15	Supporting text to Policy DM16 Paras 2.137 and 2.138	<p><b>DM16 Street Markets</b>  <i>Amend supporting text at the first sentence of paragraph 2.137 and the first sentence of paragraph 2.138 to read:</i></p> <p>Street markets <u>and stalls</u> are also important for the establishment of new entrepreneurial business by Brighton &amp; Hove residents.</p>	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	<b><i>DM25 Communications Infrastructure</i></b> 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	<b><i>Policy DM33 Safe, Sustainable and Active Travel</i></b> <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, <del>and the addition of</del> 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	<b><i>Policy DM37 Green Infrastructure and Nature Conservation</i></b> <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	<b><i>Policy DM37 Green Infrastructure and Nature Conservation</i></b> <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 <sup>73</sup> , seek to minimise the impact and give full consideration to achieving biodiversity net gains, in particular to species and habitats of <del>particular</del> <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <i>Delete repeated text from footnote 75 as follows:</i></p> <p><del>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</del></p>	Editorial correction.
AM23	Supporting text to Policy DM37 paragraph 2.280 page 114	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  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) <del>may also</del> holds <u>additional data, specifically regarding geodiversity</u> <del>that may be relevant for nature conservation surveys.</del></p>	Factual correction
AM25	Supporting text to Policy DM37 paragraph 2.282 page 115	<p><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  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 <del>management</del> <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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  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><b>Policy DM37 Green Infrastructure and Nature Conservation</b>  Amend first sentence of paragraph 2.285 to read:</p> <p>Locally important sites include locally designated wildlife or geological sites; <del>{local geological sites (LGeoS) - (formerly called Regionally Important Geological and Geomorphological Sites (RIGGS))}</del> of regional significance), local wildlife sites (LWS) and local nature reserve (LNRs).</p>	Editorial correction
AM28	Policy DM38, Footnote 81 Page 117	<p><b>Policy DM38 Local Green Spaces</b>  Amend footnote 81 to read:  National Planning Policy Framework (NPPF) <del>(2018)</del> paragraphs <del>101 103</del> and <del>143-147 147-151</del>.</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	<b>Policy DM40 Protection of the Environment and Health – Pollution and Nuisance</b> 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 <del>184</del> <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	<b>DM40 Protection of the Environment and Health – Pollution and Nuisance</b> Amend footnote 91 to read: National Planning Policy Framework (NPPF) (2021), Paragraph <del>182-186</del> .	Factual update to paragraph number following updated NPPF 2021
AM31	Policy DM44, footnote 103 Page 135	<b>DM44 Energy Efficiencies and Renewables</b> <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	<b>SA7 Benfield Valley</b> <i>Add footnote to Figure 2 Illustrative Diagram:</i>  #Please note that this diagram is illustrative. Please view the Policies Map for detailed site allocation boundaries.	For clarification that figure 2 is an illustrative diagram
AM33	Supporting text to Policy SSA4 Page 162	<b>SSA4 Sackville Trading Estate</b> <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 <del>summer 2018</del> <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	<b>SSA7 Land Adjacent to American Express Community Stadium, Village Way</b> Amend footnote text and weblink to: <sup>154</sup> <a href="https://www.southdowns.gov.uk/planning/planning-advice/landscape/">https://www.southdowns.gov.uk/planning/planning-advice/landscape/</a> <u>South Downs Landscape Character Assessment (LCA) 2020</u>	Factual update
AM35	Footnote 152, page 184	<b>Policy H2 Housing Sites – Urban Fringe</b> <i>Amend Footnote 152 to read:</i>  <sup>152</sup> Brighton & Hove City Council Planning Advice Note 06 Food Growing and Development <del>September 2011</del> <u>Updated September 2020</u>	Factual update
AM36	Footnote 154 page 185	<b>Policy H2 Housing Sites – Urban Fringe</b>  Amend footnote text and weblink to: <sup>154</sup> <a href="https://www.southdowns.gov.uk/planning/planning-advice/landscape/">https://www.southdowns.gov.uk/planning/planning-advice/landscape/</a> <u>South Downs Landscape Character Assessment (LCA) 2020</u>	Factual update
AM37	Appendix 6 pages 221-223	<b>Appendix 6 Proposed Changes to Policies Map – Tables 1 and 2</b> <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 <del>Percentage of residential units permitted<sup>+</sup> meeting nationally described space standards</del>  <u>Percentage of residential units permitted not meeting nationally described space standard</u></p> <p>LOI <del>Percentage of residential units permitted<sup>+</sup> meeting minimum accessibility and adaptability standards set out in Building Regulation M4(2)</del>  <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><del>LOI Number and percentage of units in Class A1 use</del>  <u>LOI Increase in the number of active commercial units in defined centres</u></p> <p><del>Targets: Regional, Town and District Shopping Centres Percentage of Class A1 retail units</del>  <ul style="list-style-type: none"> <li>● <del>Primary frontages 75%</del></li> <li>● <del>Secondary frontages – Regional centre 35% – Town &amp; District centres 30%</del></li> </ul> <u>Local Shopping Centres 50% of Class A1 units</u>  <u>Target: Net gain in number of commercial units</u></p> <p><del>Timescale: Ongoing monitoring through retail health checks</del>  <u>Timescale: Ongoing monitoring through health checks</u></p> <p><del>Trigger: Percentage of Class A1 units falls below target levels</del>  <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><del>LOI Number and percentage of units in Class A1 use in Important Local Parades</del>  <u>LOI Increase in the number of active commercial units in Important Local Parades</u></p> <p><del>Target: At least 50% units in Important Local Parades to remain in Class A1 use</del>  <u>Target: Net gain in number of commercial units</u></p> <p><del>Timescale: Ongoing monitoring through retail health checks</del>  <u>Timescale: Ongoing monitoring through health checks</u></p> <p><del>Trigger: Percentage of Class A1 use units falls below target levels</del>  <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  <del>Appropriate Implementation and siting of modern communications Infrastructure</del>  <u>Appeal success rate for applications where appearance/ impact on setting/ clutter are principal issues.</u></p> <p><del>Targets: No specific target</del>  <u>70% appeals dismissed where appearance/ impact on setting/reducing clutter are principal issues</u></p> <p><del>Timescale: Ongoing Annual monitoring through Plan period</del></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: <del>No specific target</del> <u>Targets as per CP11 and SA1</u></p> <p>Trigger: <del>Not applicable</del> <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: <del>All developments including conversions and changes of use to</del> <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 achieve at least 19% improvement on carbon emission targets set by Part L of Building Regulations 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: <del>No specific indicator</del> <u>Addressed by Policies DM37, DM38 and H2</u></p> <p>Targets: <del>No specific target</del></p> <p>Trigger: <del>Not applicable</del> <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> <ul style="list-style-type: none"> <li>• 10,000 – 12,000 sq m health and care facility (<del>D1E(e)</del>);</li> </ul>	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"> <li>• 1,000 sq m <del>B1</del> <u>E(g)</u> workspace and managed starter office units.</li> </ul>	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"> <li>• 5,700 sq m net <del>B1a</del> <u>E(g)</u> office</li> <li>• <del>D1</del> health facilities (GP surgery) and/or</li> </ul>	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"> <li>• 6000m2 <u>E(g)</u><del>B1</del> employment floorspace</li> </ul>	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: <del>No specific target or timescale</del> No consent by 2030</p> <p>Trigger: <del>Not applicable</del> <u>Review through City Plan Part One</u></p>	To include a timescale and trigger





## 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.



# Brighton & Hove City Council

## COUNCIL

## Agenda Item 38

**Subject:** Review of Political Balance October 2022

**Date of meeting:** 20 October 2022

**Report of:** Chief Executive

**Contact Officer:** Elizabeth Culbert

**Email:** [elizabeth.culbert@brighton-hove.gov.uk](mailto:elizabeth.culbert@brighton-hove.gov.uk)

**Tel:** 01273 291515

**Ward(s) affected:** All

**For general release**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT:**

- 1.1 The Council is required to review the allocation of seats on Committees and Sub Committees in certain circumstances in accordance with Section 17 of the Local Government (Committees and Political Groups) Regulations 1990. In other circumstances, the Council may choose to review the allocation of seats in order to reflect changes that have taken place.
- 1.2 The purpose of this report is to undertake a discretionary review of the allocation of seats following a change in membership of the Labour Group.

### **2. RECOMMENDATIONS:**

- 2.1 That the Council appoints/re-appoints its committees with the sizes and allocation of seats between political groups as set out in Appendix 1 to the report;
- 2.2 That the allocation of seats as detailed in the report and in Appendix 2 to the report be approved.

### **3. CONTEXT / BACKGROUND INFORMATION:**

- 3.1 In August 2022 Councillor Nick Childs resigned from the Labour Group and became an Independent Councillor. The political composition of the Council is therefore now: Green (20 Members); Labour (15 Members); Conservative (12 Members) and 7 Independent Members.
- 3.2 The resignation of a member from a political group does not trigger a requirement to review the allocation of seats, however there is discretion to undertake a review. Following consultation with Group Leaders, a review was considered appropriate in this case.
- 3.3 The Chief Executive is under a duty, whenever such a review takes place, to submit a report to the Council showing what allocation of seats would in his

opinion best meet the principles set out in Section 15 of the Local Government and Housing Act 1989.

3.4 The principles of determination for the allocation of seats are that:

- (a) All seats are not allocated to the same Group,
- (b) The majority of the seats go to the Group (if any) which has an overall majority on the Council (i.e. more than 27 seats),
- (c) Subject to the above two principles, that the number of seats on the total of all the committees/sub-committees allocated to each Group bears the same proportion to the proportion on the Full Council, and
- (d) Subject to (a) and (c), that the number of seats on each committee/sub-committee allocated to each Group bears the same proportion to the proportion on the Full Council.

Overall Political Group split on the Council

3.5 Following the change referred to at paragraph 3.1 above, it is proposed that the political groups will have the seats on the Council as set out below. This is a decrease to the Labour Group of one seat and an increase of Independent Members with a seat on Committees by one.

<b>Party</b>	<b>Seats on the Council</b>	<b>Initial Allocation (rounded)</b>		<b>Proposed Allocation for 96 seats</b>
Green	20	35.56	(36)	<b>39</b>
Labour	15	26.70	(27)	<b>29</b>
Conservative	12	21.33	(21)	<b>22</b>
Independent	1	1.78		<b>1</b>
Independent	1	1.78		<b>1</b>
Independent	1	1.78		<b>1</b>
Independent	1	1.78		<b>1</b>
Independent	1	1.78		<b>1</b>
Independent	1	1.78		<b>1</b>

Committee Sizes and Review of Committees

3.6 The total number of Committee places (excluding sub-committees) used for the determination of the allocation of seats to the political groups is 96 as detailed in Appendix 1. (Note that the Political Balance Regulations do not apply to the Licensing Committee (2003 Act) or the Health & Well Being Board or its sub-committee).

3.7 The proposed allocations above leave the Green Group with 3 seats above their initial allocation, the Labour Group with 2 seats above their revised allocation and the Conservative Group with 1 seat above their initial allocation (a 3:2:1 split which accords as closely as possible with political proportionality for the division of 6 roles). This outcome takes into account the allocation of 1 seat each to 6 of the 7 Independent Members and ensures that all committees have a full membership.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 The proposed committee allocations have been discussed with the respective Group Leaders and are in keeping with the Regulations governing the political balance of committees.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 The Leaders of the three political groups have been consulted on the proposed allocations.

#### **6. CONCLUSION**

6.1 Having taken into consideration the number of committees and seats available for the distribution of places between the three political groups represented on the Council, the allocations proposed are considered to be compatible with the requirement of the Regulations.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

7.1 All associated costs for the payment of Members Allowances relating to the arrangements outlined in the above report are expected to be met within the existing Members' Allowances budget.

*Finance Officer Consulted: Nigel Manvel*

*Date: 11/10/22*

##### Legal Implications:

7.2 The proposals in this report comply with the legal duties and principles regarding the allocation of seats to political groups as set out in the report.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 09/10/22*

##### Equalities Implications:

7.3 The Regulations provide the principles that must be followed for the distribution of seats amongst the political groups.

##### Sustainability Implications:

7.4 There are no sustainability issues arising from the report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

- Appendix 1 Committee seat allocations;
- Appendix 2 Committee membership.

### **Documents in Members' Rooms**

None

### **Background Documents**

None

## ALLOCATIONS OF COMMITTEES

Agenda Item 9 Appendix 1

APPENDIX 1

Committees, Sub-Committees, Boards and Joint Committees	No. Seats	Green	Labour	Conservative	Independents
Policy & Resources	10	4	4	2	
Children, Young People & Skills	10	4	3	3	
Environment, Transport & Sustainability	10	4	4	2	
Housing	10	5	3	2	
Tourism, Equalities, Communities & Culture	10	5	3	2	
Audit & Standards	8	3	2	2	1
Licensing	15	6	4	3	2
Planning	10	4	2	2	2
Personnel Appeals Sub-Committee (Panel)	3	1	1	1	
Health Overview & Scrutiny	10	3	3	3	1
<b>Total</b>	<b>96</b>	<b>39</b>	<b>29</b>	<b>22</b>	<b>6</b>





## APPENDIX 2

## MEMBERSHIP OF COMMITTEES &amp; SUB-COMMITTEES 2022/2023

## POLICY COMMITTEES:

## POLICY &amp; RESOURCES COMMITTEE (10)

Green Group	Labour Group	Conservative Group	Standing Invitee
Cllr <b>Mac Cafferty (Chair)</b>	Cllr Allcock (Opp Spokes)	Cllr Bell (Spokes)	Anusree Biswas Sasidharan
Cllr Druitt (Joint Deputy Chair: Finance)	Cllr Appich (Finance Spokes)	Cllr McNair (Finance Spokes)	
Cllr Gibson (Joint Deputy Chair: Finance)	Cllr Evans		
Cllr Clare	Cllr Yates		

## CHILDREN, YOUNG PEOPLE &amp; SKILLS COMMITTEE (10)

Green Group	Labour Group	Conservative Group	Co-optees
Cllr <b>Clare (Chair)</b>	Cllr O'Quinn (Opp Spokes)	Cllr Brown (Spokes)	Trevor Cristin
Cllr John (Deputy Chair)	Cllr Grimshaw	Cllr Meadows	Ben Lewis
Cllr Lloyd	Cllr Hamilton	Cllr McNair	Adam Muirhead
Cllr Nield			

## ENVIRONMENT TRANSPORT &amp; SUSTAINABILITY COMMITTEE (10)

Green Group	Labour Group	Conservative Group
Cllr <b>Heley (Chair)</b>	Cllr Wilkinson (Opp Spokes)	Cllr Nemeth (Spokes)
Cllr <b>Davis (Joint Chair)</b>	Cllr Fowler	Cllr Bagaeen
Cllr Lloyd (Deputy Chair)	Cllr McIntosh	
Cllr Hills	Cllr Platts	

### HOUSING COMMITTEE (10)

Green Group	Labour Group	Conservative Group
Cllr <b>Gibson (Joint Chair)</b>	Cllr Williams (Opp Spokes)	Cllr Meadows (Spokes)
Cllr <b>Hugh-Jones (Joint Chair)</b>	Cllr Fowler	Cllr Mears
Cllr Powell	Cllr McIntosh	
Cllr Osborne		
Cllr Phillips		

### TOURISM, EQUALITIES, COMMUNITIES & CULTURE COMMITTEE (10)

Green Group	Labour Group	Conservative Group	Co-optees / Standing Invitee
Cllr <b>Osborne (Joint Chair)</b>	Cllr Evans (Joint Opp Spokes)	Cllr Bagaeen (Spokes)	Lola Banjoko
Cllr <b>Powell (Joint Chair)</b>	Cllr Grimshaw (Joint Opp Spokes)	Cllr Simson	Joanna Martindale
Cllr Rainey (Deputy Chair)	Cllr Robins		Nick May
Cllr Ebel			Stephanie Prior
Cllr Littman			

### SUB-COMMITTEES:

#### PERSONNEL APPEALS SUB-COMMITTEE (3)

Green Group	Labour Group	Conservative Group
Cllr Littman	Cllr Grimshaw	Cllr

*Personnel Appeals Panels – (Taken from the Sub-Committee and a pool of trained Members)*

**REGULATORY COMMITTEES:**

**AUDIT & STANDARDS COMMITTEE (8) (with 2 Independent Co-optees)**

<b>Green Group</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Independent</b>	<b>Co-optees</b>
Cllr Hugh-Jones (Spokes)	Cllr Wilkinson ( <b>Chair</b> )	Cllr (Spokes)	Cllr Atkinson	H. Ashton
Cllr West	Cllr Yates	Cllr Meadows		D. Bradley
Cllr Shanks				

**LICENSING & LICENSING (2003) COMMITTEES (15)**

<b>Green Group</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Independent</b>
Cllr John ( <b>Chair</b> )	Cllr Henry (Opp Spokes)	Cllr Simson (Spokes)	Cllr Knight
Cllr Davis (Deputy Chair)			Cllr Pissaridou
Cllr Heley	Cllr Fowler	Cllr Theobald	
Cllr Ebel	Cllr Moonan	Cllr Lewry	
Cllr Phillips	Cllr O'Quinn		
Cllr Rainey			

*Licensing Panels – (These are a Sub-Committee and membership is taken from the Committee Members)*

**PLANNING COMMITTEE (10)**

<b>Green Group</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Independent</b>
Cllr <b>Littman (Chair)</b>	Cllr Moonan	Cllr Theobald (Spokes)	Cllr Childs
Cllr Ebel (Deputy Chair)	Cllr Yates	Cllr Barnett	Cllr Janio
Cllr Shanks			
Cllr Hills			

*Substitutes taken from a pool of trained Members*

## Brighton & Hove City Council

### OVERVIEW & SCRUTINY

#### HEALTH OVERVIEW & SCRUTINY COMMITTEE (10)

Green Group	Labour Group	Conservative Group	Independent
Cllr Rainey	Cllr <b>Moonan (Chair)</b>	Cllr	Cllr Brennan
Cllr John	Cllr Grimshaw	Cllr Barnett	
Cllr West (Spokes)	Cllr O'Quinn	Cllr Lewry	

#### Boards, Committees, Working Groups and Panels

not included in the political balance calculations, but where the proportional balance is applied:

#### HEALTH & WELLBEING BOARD (5)

Green Group	Labour Group	Conservative Group	CCG Reps (references to CCG will be interpreted as references to its successor body)
Cllr <b>Shanks (Chair)</b>	Cllr Robins (Opp Spokes)	Cllr Brown (Spokes)	Dr Andy Hodson (Deputy Chair)
Cllr Nield (Deputy Chair)	Cllr Appich		Lola Banjoko
			Malcolm Dennett
			Dr Jim Graham
			Ashley Scarff

#### HWB SUB-COMMITTEE:

##### ADULT SOCIAL CARE & PUBLIC HEALTH SUB-COMMITTEE (5)

Green Group	Labour Group	Conservative Group
Cllr <b>Nield (Chair)</b>	Cllr Robins	Cllr Barnett
Cllr Shanks	Cllr Appich	

**JOINT BOARDS:**

**GREATER BRIGHTON ECONOMIC BOARD (2)**

<b>Green Group</b>	<b>Labour Group</b>
Cllr Mac Cafferty	Cllr Appich

**GREATER BRIGHTON ECONOMIC BOARD  
CALL-IN PANEL (1)**

<b>Conservative Group</b>	
Cllr	Bell

**JOINT COMMITTEES**

**SUSSEX HEALTH & CARE ASSEMBLY (SHCA) (1)**

A Joint Committee of Brighton & Hove City Council, West Sussex County Council, East Sussex County Council and the NHS Sussex Integrated Care Board with the provisional terms of reference attached at Appendix 4

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<b>Green Group</b>
Cllr Shanks



# Brighton & Hove City Council

## Council

## Agenda Item 39

**Subject:** Cost of Living Update including the Household Support Fund Tranche 3

**Date of meeting:** 20 October 2022

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

**Contact Officer:** Lisa Johnson  
Email: [lisa.johnson@brighton-hove.gov.uk](mailto:lisa.johnson@brighton-hove.gov.uk)

**Ward(s) affected:** All

1. **Action required of Council:** To receive the report, amendments and draft minutes considered at the Policy & Resources Committee on 6 October 2022 for information.

**Brighton & Hove City Council**

**Policy & Resources Committee**

**4.00pm 6 October 2022**

**Hove Town Hall - Council Chamber**

**Minutes**

**Present:** Councillor Mac Cafferty (Chair) Druitt (Joint Deputy Chair), Gibson (Joint Deputy Chair), Allcock (Joint Opposition Spokesperson), Appich (Joint Opposition Spokesperson), Bell (Group Spokesperson), Allbrooke, Evans, McNair and Yates

**Also present:** Dr Anusree Biswas Sasidharan, Standing Invitee

**Part One**

**59 COST OF LIVING UPDATE INCLUDING THE HOUSEHOLD SUPPORT FUND TRANCHE 3**

59.1 The Committee considered the report of the Executive Director Governance People & Resources regarding the current cost of living increases, and the Household Support Fund Tranche 3. The report was introduced by the Assistant Director Policy & Communications.

59.2 The Committee noted the following Officer Amendment:

*Due to a technical fault, automated paragraph references in Item 59 have not correctly updated. The following error references should be corrected as follows:*

**Paragraph 2.8:** The wording Error! Reference source not found' should read **5.12**.

*The amended Paragraph 2.8 should read:  
2.8 That the Policy & Resources Committee agrees the approach to developing potential warm banks for use over the winter period, including working with the Community & Voluntary Sector regarding their assets, as set out in paragraphs 5.9 to **5.12**.*

**Paragraph 2.9:** The wording Error! Reference source not found' should read **9**.

*The amended Paragraph 2.9 should read:*



*2.9 That the Policy & Resources Committee agrees the proposed communications campaign set out in Section 9 to promote awareness of available advice and support for those in need, and to re-promote charitable giving toward the Cost of Living crisis from those who are able and willing to help.*

**Paragraph 10.3:** *The wording Error! Reference source not found should read **3.1**.*

*The amended Paragraph 10.3 should read:*

*10.3 On a household-by-household basis, this means that vulnerable residents were assisted with a mixture of food vouchers, meals, help with fuel bills and other essential items. The various Cost of Living working groups (see paragraph 3.1) and the Cost of Living Officer Group have reviewed and discussed these allocations and there is general agreement that these allocations have worked well, have enabled widespread reach through a range of appropriate settings and avoid, as far as possible with the funds available, lots of re-referrals between different agencies and services.*

- 59.3 Dr Sasidharan referred to recommendation 2.2 regarding the Council lobbying the government for urgent and sustained support throughout the Cost of Living crisis, and suggested the issues raised should include an increase to the Household Support Fund and an increase to the discretionary housing payments to help rising homeless pressures and any unspent Covid relief funds be repurposed to support businesses that were struggling, and for the Council to make it easier for people to access advice centres and for households to track down support and to find local welfare assistance. It would also be useful to be more explicit that the Council would work with smaller voluntary organisations which were sometimes overlooked. She referred to the Equality Impact Assessment (EIA) and the section on Race/Ethnicity which stated that they had a 'distrust with government and council departments'. This was concerning as it characterised them as being problematic and instead the Council should be looking at what the barriers people faced in accessing the services and therefore suggested that the wording be changed. The Assistant Director Policy & Communications said that they would discuss with officers who completed the EIA and review the wording and make changes where required, and the points on lobbying the government were well made and would be considered. The Revenues & Benefits Manager referred to the EIA and said that it had been built on previous ones used during the pandemic, and the issues raised had been made before and not to characterise everyone in the same way and distrust of local authorities was not just linked to people with protected characteristics. This was pertinent to the service this related to with collecting council tax as well as delivering the welfare side, but accepted the points raised and the wording would be adjusted.
- 59.4 The Chair noted that there was an amendment from the Labour Group and asked Cllr Allcock to propose it.

59.5 Cllr Allcock said that the cost of living situation would be severe, and this was not a cost of living crisis but a cost of living emergency. Residents were saying that they were feeling an increasing sense of pressure trying to support family members and were worried about the future and were having to cut back on food, heating etc and were finding it difficult to pay their rent or mortgage. There would also be an unsustainable strain on an already oversubscribed public services. Although there were many positive actions in the report, there was a focus on asking the Chief Executive to write to and lobby the government. Unfortunately, we know that these asks aren't going to be heard, and therefore the administration and the Council must take a lead as if this was a civil emergency. The Labour Group were therefore proposing the following amendment (additional recommendation 2.13), for the Council to lead in coordinating support for residents across the city:

*2.13 That the Policy & Resources Committee agrees that the Council has a leadership role to play in co-ordinating support for residents across the city through this crisis. We agree to bring key partners together in a urgent 'Cost of Living Crisis Summit' to request commitments from the city's anchor institutions of how they can help to build longer term community resilience. This summit should bring together key stakeholder organisations in Brighton & Hove, including:*

- *Financial advice and support organisations such as Citizens Advice Bureau, Money Advice Plus and the Credit Union*
- *Large private sector anchor institutions such as Legal & General, American Express, Brighton & Hove Football Club, Sussex County Cricket Club and others*
- *Brighton & Hove Economic Partnership*
- *Brighton & Hove Food Partnership*
- *Community Works*
- *Local Trade Unions*
- *The local NHS Integrated Care Board*

59.6 Councillor Evans seconded the amendment.

59.7 Cllr Druitt said that he agreed that the Council should take a leading role in addressing the crisis and noted that in February it published a leaflet delivered to all households with advice on dealing with fuel and food poverty and what help was available. The Council had been working with the Economic Partnership and Chamber of Commerce and had put in place a number of working groups to ensure a cognitive response to the cost of living crisis. However, the Council should always do more and the suggestion of a Summit was a good one and would be happy to support.

59.8 The Committee voted on the amendment and it was agreed, with the Conservative Group voting against.

**59.9 RESOLVED:** That the Committee –

- (i) Noted the updates on the local situation regarding the Cost of Living impact including the ongoing and planned work and actions, with

statutory and Community & Voluntary Sector partners, to provide advice and support to households in need;

- (ii) Agreed that the city council should lobby government for urgent and sustained support throughout the Cost of Living crisis including:
- Fully funding Cost of Living pay increases for schools and local government in the current year and 2023/24;
  - Immediately increasing the minimum wage in line with September 2022 inflation;
  - Reintroducing a top-up to Universal Credit of £20 pw until at least March 2024;
  - Introducing a rent freeze or cap to reduce the incidence of evictions and homelessness, as has been done by the Scottish Government;
  - Providing increases in Local Housing Allowance rates in line with rent increases and welfare benefits in line with RPI to ensure that they keep pace with inflation as a minimum;
  - Reintroducing a temporary ban on evictions during this exceptional inflationary period (until at least March 2024); and
  - Providing Free School Meals for every primary school child in England, and the city council will endorse this lobbying point by signing the [Free School Meals For All Open Letter](#) to the Prime Minister.
- (iii) Agreed that the city council should formally support the #BusinessSOS campaign and further recommend to government the measures and support for small and medium-sized enterprise (SME). The campaign has seen over 150,000 businesses from across the UK lobbying the government to support small and medium sized businesses by taking the following actions:
- Suspension of Covid loan debt repayments for up to two years (with potential eligibility criteria);
  - Reduction of tourism VAT to 5% (i.e. holiday and hospitality services and packages), and;
  - Introduction of dedicated Business Grant support for SMEs and pubs to help with costs over the winter (with potential eligibility criteria).
- (iv) Agreed that the council will work with the city's MPs to lobby for:
- Extension of business rates relief for all SME's and pubs – using usual Treasury relief mechanisms
  - Reduction of VAT on energy for businesses to 5%
  - Energy prices to return to 2021 levels for SME's and pubs
- (v) Agreed that the council will work with local business representatives to understand their members' concerns and work with them to continue supporting small businesses. These representatives include Brilliant Brighton (the local Business Improvement District - BID), the BH

Economic Partnership, BH Chamber of Commerce and BH Federation of Small Business;

- (vi) Instructed the Chief Executive to write to the Secretary of State for the Department for Business, Energy and Industrial Strategy, advocating for the advantages and business literacy of adopting the Brighton Hove Living Wage;
- (vii) Agreed the council will work with regional public and private sector partners in the Greater Brighton Economic Board to assess the impact of the cost of living to support local SME businesses through sharing intelligence and offering mutual support;
- (viii) Agreed the approach to developing potential warm banks for use over the winter period, including working with the Community & Voluntary Sector regarding their assets, as set out in paragraphs 5.9 to 5.12;
- (ix) Agreed the proposed communications campaign set out in Section 9 to promote awareness of available advice and support for those in need, and to re-promote charitable giving toward the Cost of Living crisis from those who are able and willing to help;
- (x) Agreed the council will support the ['Warm This Winter'](#) campaign which calls for government support to provide immediate emergency support, help to upgrade homes and access to cheap energy to lessen reliance on gas and oil;
- (xi) Approved the proposed indicative allocation of HSF tranche 3 as set out at paragraph 10.7, noting the associated Equality Impact Assessment at Appendix 1;
- (xii) Agreed that officers may make adjustments to allocations where there is evidence of changing need throughout the 6 month period of HSF3, to ensure that all of the fund is spent;
- (xiii) Agreed that the Council has a leadership role to play in co-ordinating support for residents across the city through this crisis. We agree to bring key partners together in an urgent 'Cost of Living Crisis Summit' to request commitments from the city's anchor institutions of how they can help to build longer term community resilience. This summit should bring together key stakeholder organisations in Brighton & Hove, including:
  - Financial advice and support organisations such as Citizens Advice Bureau, Money Advice Plus and the Credit Union
  - Large private sector anchor institutions such as Legal & General, American Express, Brighton & Hove Football Club, Sussex County Cricket Club and others
  - Brighton & Hove Economic Partnership
  - Brighton & Hove Food Partnership
  - Community Works

- Local Trade Unions
- The local NHS Integrated Care Board



**Subject:** Cost of Living Update including the Household Support Fund Tranche 3

**Date of meeting:** 6 October 2022

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

**Contact Officer:** Name: Paul Ross-Dale, Tabitha Cork, Debbie Abbott

**Email:** [Paul.ross-dale@brighton-hove.gov.uk](mailto:Paul.ross-dale@brighton-hove.gov.uk)  
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**Ward(s) affected:** All

**For general release**

## **1 Purpose of the report and policy context**

- 1.1 This report follows on from the report to Policy & Resources Committee in May 2022 which outlined the causes of the current Cost of Living increases, focusing in particular on the expected local impacts on households in relation to food, energy and fuel, welfare benefits, housing and homelessness.
- 1.2 The May report identified a range of planned actions for developing a holistic approach, with Community & Voluntary Sector partners, to ensure that support and advice could be targeted and provided to those households most impacted across the city. This response was underpinned by financial support of £2.571m including allocations of £2.140m from tranche two of the Household Support Fund (HSF) together with additional one-off resources of £0.431m provided by the City Council. The council, including schools, also increased pay for its lowest paid staff groups, the great majority of whom reside in the city.
- 1.3 The report noted that the situation was rapidly moving and since then energy prices have escalated significantly, prompting government to provide both energy payments and energy discounts. This culminated in the latest announcement of an energy price cap, an energy relief plan for businesses, third and public sector organisations and a package of tax cuts as part of the Growth Plan 2022. However, the announcements are not sufficiently targeted at households most in need, risk increasing inequality and, with no support for those in the private rented sector facing rising rents, a rise in homelessness. The Growth Plan also represents a missed opportunity to reduce overall energy demand, with nothing in place to help put local authorities on a more sustainable financial footing.
- 1.4 There is increased concern about the national growth of entrenched poverty and destitution, with residents unable to afford food, shelter and warmth, and the means to keep clean. This first grew through the pandemic and is growing again (JRF: <https://www.jrf.org.uk/blog/what-destitution>) This is exemplified in increased growth of the work of Disability and Elderly Plumbing and Heating Emergency Repair (Depher) <https://www.depher.com/>

- 1.5 High inflationary increases are being experienced by households particularly in relation to rents, food, fuel/travel, sanitation and other necessities. They are also having a growing and serious impact on a significant element of the business sector, particularly small and medium sized enterprise, where the government protections are both temporary and limited. An increase in insolvencies would be very damaging and have the twofold impact of dampening the local economy and increasing local unemployment.
- 1.6 Aside from energy caps and discounts, the government's key response is the Household Support Fund, for which tranche 3 (HSF3) will cover the period 1 October 2022 to 31 March 2023. The value of HSF3 is the same as the previous two tranches at £2.140m, however previous restriction regarding the distribution of the fund have been removed, which was widely requested by Local Authorities.
- 1.7 The report seeks delegations to officers to make adjustments to allocations where there is evidence of changing need throughout the 6 month period.
- 1.8 Alongside HSF3, the council will continue to provide a wide range of welfare advice services as well as financial hardship support. This would include discretionary funds, community grants, and Council Tax Reduction discounts. A key focus will be on continuing to develop advice and support to improve energy efficiency, including pushing ahead with the council's Brighton & Hove Warm Homes programme to retrofit private sector homes with insulation and energy saving adaptations. However, this report also considers other potential options for using council resources to provide assistance to people and households over the winter period, as well as asking Policy & Resources Committee to agree the measures that should be recommended to government to further support both households and businesses.
- 1.9 The council also notes that the Local Government Association (LGA) is taking a lead role on behalf of the sector, particularly in terms of gathering evidence and case studies to present to government to promote understanding of where support is needed, to challenge current welfare benefit policies that are having unintended consequences, and recommend sustainable funding solutions to enable local government to provide effective ongoing support from April 2023 onward. We are working with the LGA to provide case studies including for their COL hub [Cost of living: Fuel and energy | Local Government Association](#). We continue to work with them as they collate evidence with bodies such as Joseph Rowntree Foundation and Money & Pensions service.

## **2 Recommendations**

- 2.1 That the Policy & Resources Committee notes the updates on the local situation regarding the Cost of Living impact including the ongoing and planned work and actions, with statutory and Community & Voluntary Sector partners, to provide advice and support to households in need.
- 2.2 That the Policy & Resources Committee agrees that the city council should lobby government for urgent and sustained support throughout the Cost of Living crisis including:
  - Fully funding Cost of Living pay increases for schools and local government in the current year and 2023/24;



- Immediately increasing the minimum wage in line with September 2022 inflation;
  - Reintroducing a top-up to Universal Credit of £20 pw until at least March 2024;
  - Giving the city council the powers and resources to freeze private rents for two years or, in the absence of this, introducing a national rent freeze or cap to reduce the incidence of evictions and homelessness, as has been done by the Scottish Government
  - Providing increases in Local Housing Allowance rates in line with rent increases and welfare benefits in line with RPI to ensure that they keep pace with inflation as a minimum;
  - Reintroducing a temporary ban on evictions during this exceptional inflationary period (until at least March 2024); and
  - Providing Free School Meals for every primary school child in England, and the city council will endorse this lobbying point by signing the [Free School Meals For All Open Letter](#) to the Prime Minister.
- 2.3 That the Policy & Resources Committee agrees that the city council should formally support the #BusinessSOS campaign and further recommend to government the measures and support for small and medium-sized enterprise (SME). The campaign has seen over 150,000 businesses from across the UK lobbying the government to support small and medium sized businesses by taking the following actions;
- Suspension of Covid loan debt repayments for up to two years (with potential eligibility criteria);
  - Reduction of tourism VAT to 5% (i.e. holiday and hospitality services and packages), and;
  - Introduction of dedicated Business Grant support for SMEs and pubs to help with costs over the winter (with potential eligibility criteria).
- 2.4 That the Policy & Resources Committee agrees that the council will work with the city's MPs to lobby for:
- Extension of business rates relief for all SME's and pubs – using usual Treasury relief mechanisms
  - Reduction of VAT on energy for businesses to 5%
  - Energy prices to return to 2021 levels for SME's and pubs
- 2.5 That the Policy & Resources Committee agrees that the council will work with local business representatives to understand their members' concerns and work with them to continue supporting small businesses. These representatives include Brilliant Brighton (the local Business Improvement District - BID), the BH Economic Partnership, BH Chamber of Commerce and BH Federation of Small Business.
- 2.6 That the Policy & Resources Committee instructs the Chief Executive to write to the Secretary of State for the Department for Business, Energy and Industrial Strategy, advocating for the advantages and business literacy of adopting the Brighton Hove Living Wage.
- 2.7 That the Policy & Resources Committee agrees the council will work with regional public and private sector partners in the Greater Brighton Economic

Board to assess the impact of the cost of living to support local SME businesses through sharing intelligence and offering mutual support.

- 2.8 That the Policy & Resources Committee agrees the approach to developing potential warm banks for use over the winter period, including working with the Community & Voluntary Sector regarding their assets, as set out in paragraphs 5.9 to 5.12.
- 2.9 That the Policy & Resources Committee agrees the proposed communications campaign set out in Section 9 to promote awareness of available advice and support for those in need, and to re-promote charitable giving toward the Cost of Living crisis from those who are able and willing to help.
- 2.10 That the Policy & Resources Committee agrees the council will support the ['Warm This Winter' campaign](#) which calls for government support to provide immediate emergency support, help to upgrade homes and access to cheap energy to lessen reliance on gas and oil.
- 2.11 That the Policy & Resources Committee approves the proposed indicative allocation of HSF tranche 3 as set out at paragraph 10.7, noting the associated Equality Impact Assessment at Appendix 1
- 2.12 That the Policy & Resources Committee agrees that officers may make adjustments to allocations where there is evidence of changing need throughout the 6 month period of HSF3, to ensure that all of the fund is spent.

### **3 Cost of Living Crisis**

- 3.1 As reported in May, the council has put in place a number of working groups to ensure a co-ordinated response to the Cost of Living crisis with the Community & Voluntary Sector (CVS). The groups include:
  - Cost of Living Officer Group (Leads)
  - Welfare Support & Financial Assistance Group
  - Fuel Poverty & Affordable Warmth Steering Group
  - Food Cell
  - Mental Health and Debt Steering Group
- 3.2 These groups ensure that data and knowledge are shared, for example 'Low Income Family Tracker' (LIFT) data, so that support can be effectively prioritised and aligned to optimise the use of the limited resources and funding available. This has enabled provision of a joined-up range of advice and financial support focused on identified households and individuals in need, both through the council's Welfare Support teams and its Community Hub and through partner and associate CVS organisations. This is provided through both the substantial existing resources and programmes provided by the council, together with emergency resources provided by government, mainly the Household Support Fund.
- 3.3 The Household Support Fund tranche 3 (HSF3) should enable continuation of additional emergency support over the winter period from October through to March but, as noted in the introduction, there are concerns that this response will not be sufficient to outweigh growing food and fuel poverty across the city, or prevent additional homelessness, and will do nothing to support small

businesses, whose failures would further compound financial hardship through job losses.

- 3.4 The report below considers these matters and provides brief updates on key topic areas together with proposed actions to gear up for the winter period. The support and responses needed from government are also discussed and proposed recommendations to government are set out for Policy & Resources Committee consideration and approval alongside recommended allocation of the forthcoming HSF3.

## 4 Emergency Food Update

### Current Developments and Approach

- 4.1 A funding pot of £30,000 for CVS Emergency Food organisations was recently launched and made available for bids, as approved by July Policy & Resources Committee. This will top up funding provided to organisations via the current and forthcoming Household Support Fund to bolster emergency food provision.
- 4.2 Support to a successful communications campaign to raise [money via JustGiving](#) for fuel & food to residents in partnership with Citizens Advice Brighton & Brighton & Hove Food Partnership. This has raised over £40,000 to date for the city and continues to receive donations.
- 4.3 BHCC has funded Brighton & Hove Food Partnership (BHFP) to continue to support the Emergency Food Sector. BHFP liaises with statutory services, businesses and community groups. The partnership enables sharing of information on a national level, learning from other local responses, and development of solutions to food insecurity. Similarly, the Household Support Fund has provided support to over 28 emergency food organisations for them to purchase food, give out vouchers or fuel payments to their beneficiaries.
- 4.4 Impact Initiatives, a local charity, also continues with their Food Access service, supporting elderly and housebound residents to access food. They also deliver an 'on the day' emergency voucher or parcel if they cannot refer to another food bank that day. East Brighton Food Co-op city-wide meal delivery service has also received funding support from the Household Support Fund and takes referrals for housebound residents who cannot afford to pay for food, but need a meal delivered.
- 4.5 Elsewhere, the Balfour Mutual Aid group have agreed to provide a city-wide food parcel delivery service to housebound residents, only via referral from Impact Initiatives.
- 4.6 This builds on the work the city council is doing with a lease of a building in its ownership to the Brighton and Hove City Mission (BHCM Foodbank). This was agreed by members in the Spring. BHCM submitted an offer for 5 Preston Circus (a council owned premises) being used for community food related purposes on 12 May 2022. BHCM have also applied for planning permission for a change of use into a food bank and café. Existing facilities are inappropriate and do not allow BHCM to offer all their support services under the one roof. BHCM await final decisions on their offer and plans.
- 4.7 The Community Hub has continued since the height of the pandemic and although its focus has changed over time to include other priorities, including

test and trace, and now Homes for Ukraine, the Hub continues to be part of the overall welfare and food response.

- 4.8 A 'cash-first' approach has been adopted with CVS advice agencies to help people maximise their incomes by helping them to manage money effectively and maximise the welfare benefits and other support they may be able to access. This is supported by using Household Support Fund to provide, for example, discretionary social fund payments, vouchers for Free School Meal recipients over the holidays, and vouchers from the Children's Centre food bank.
- 4.9 The Food Cell continues to be an effective mechanism for co-ordinating and delivering support and while support from the Household Support Fund is critical to its work, there is a need to consider potential longer term, sustainable funding to enable the cell to develop and implement more resilient strategies for food security and provision. This should pool support from across different areas such as Public health, Adult Social Care, and the NHS who can also provide important insight on safeguarding and health issues.

#### Levels of Food Insecurity and Demand on CVS Provision

- 4.10 The [Emergency Food Network report from July 22](#) identified 44 food banks, social supermarkets and meal projects working out of 50 locations in the city. At least 5,159 people are being supported weekly, an increase of 18% from the previous year. However, 69% of organisations are reporting a reduction in food and financial donations, 63% report a reduction in food supply from surplus sources plus stock levels being low, and 63% report needing to spend more money because of the increases in the cost of food & essentials.
- 4.11 Organisations reported that 63% of people who access their services are doing so indefinitely. This translates that there are over 3,000 people in the city who currently appear to need ongoing help to buy food. Reports from the sector are that individuals are being referred around different agencies and services but have already accessed all the support that is available to them.
- 4.12 Low incomes, the cost-of-living crisis and ill health/disability were the main reasons given by the Emergency Food Network's 44 members for people using their services. Other findings from the survey showed:
- 53% of members saw a rise in the numbers of people in work coming to them;
  - More than 60% were supporting a growing number of refugees, migrants and asylum seekers who had no recourse to other funds;
  - 68% saw an increase in lone-parent families and 43% dual-parent families.
- 4.13 The concerns raised by CVS partners have been reiterated by NHS Leaders, including Stephen Lightfoot as chair of NHS Sussex, through the NHS Confederation, in a letter to the Chancellor in August. The letter stressed: "If people cannot afford to heat their homes sufficiently and if they cannot afford nutritious food, then their health will quickly deteriorate."  
<https://www.nhsconfed.org/publications/letter-chancellor-exchequer-0>
- 4.14 Bridging Change and BHFP continue with their research on the food access needs of Black, Minority Ethnic Communities and Refugees and Asylum

seekers. An interim report is expected in October 2022, with a final report in March 2023.

## **5 Energy & Fuel Update**

### Current Support and Approach

- 5.1 Energy and fuel have seen unprecedented price increases with many domestic and business energy costs set to rise dramatically in October. In response, the government had provided a £150 Council Tax Energy Boost payment (now almost fully distributed by councils) and an energy discount of £400 per household. Households on low incomes will also receive a further £650 Cost of Living payment. Recognising that this would provide inadequate support, the government has recently gone further and announced an 'Energy Price Guarantee' to try and limit average household bills to £2,500 for the next 2 years, but the detail of this is still to be released. This is in addition to an energy relief plan for businesses, third and public sector organisations as part of the Growth Plan 2022 announcements.
- 5.2 While these are substantial measures, many middle to higher income households will benefit more significantly than low income households and this may therefore not only leave low income households struggling but may not represent an optimum use of public resources. Our comms plan and website will ensure that the public is fully and accurately informed about how the Energy Price Guarantee works. It will be important to be clear about what this would mean financially to each individual household in real terms.
- 5.3 Locally, co-ordination of the response is through the Fuel Poverty & Affordable Warmth Steering Group whose membership consists of representatives from the Council's Public Health, Housing, Food Policy and Welfare, Revenues & Business Support (WRBS) teams, as well as multiple Community & Voluntary Sector (CVS) organisations including Brighton & Hove Energy Services Cooperative (BHESCo), Citizen's Advice Brighton & Hove (CABH), Money Advice Plus (MAP), National Energy Action (NEA), East Sussex Fire & Rescue Service (ESFRS), British Red Cross (BRC) and Brighton Peace & Environment Centre (BPEC). The steering group continues to meet on a monthly basis to facilitate and coordinate collaboration and synergies between key partners, projects and support available to residents in the city.
- 5.4 Working with partners, the council's website has been updated accordingly with advice on available energy support ([Help with fuel bills \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/help-with-fuel-bills)) and provides a link to the Local Energy Advice Partnership (LEAP) who can provide support and advice on energy saving measures as well as information on the full range of government discounts and grants available. The comms plan will ensure that all relevant self-help support and advice is clearly provided, including how to monitor energy use and save on water.
- 5.5 The council's Public Health service also commissions the city's 'Warmth for Wellbeing' programme each winter, providing money advice and small grants, and (with BHESCo) home energy checks and advice. In May 2022, in response to increasing demand and the Cost of Living crisis, Public Health allocated an additional grant fund to continue provision of money advice and small grants from June 2022 to March 2023. This is a one-off investment for 2022/23, delivered by Moneyworks partners Citizen's Advice Brighton & Hove and Money Advice Plus. This year, BHESCo will also provide awareness

sessions to key frontline teams working with people with health vulnerabilities (e.g. NHS community teams).

- 5.6 The above Public Health funding enables the service, known as 'Energyworks', to provide one-to-one money advice and casework, as well as distribute hardship grants to approximately 600 clients, and provide capacity for a dedicated answerphone and triage of clients to the most appropriate support. Energyworks is also administering grants funded by other sources, including HSF and the city's Cost of Living charitable fund. Eligibility for the service is based on groups who are at highest health risk when living in a cold home, drawn from national NICE guidelines.
- 5.7 Onward referrals are also made to organisations for additional support, including BHESCo (Brighton & Hove Energy Services Cooperative), LEAP (Local Energy Advice Partnership) and East Sussex Fire and Rescue Service. Both advice/casework and grant distribution are planned to increase significantly during the colder months when need will be highest.
- 5.8 Alongside this, the council continues to develop the 'Brighton & Hove Warmer Homes' programme. The programme which is due to be launched in Spring 2023 has a capital allocation of £7.2m to support energy efficiency improvements for eligible owner occupiers and households in the private rented sector. To provide support to households in the immediate future a further allocation from this capital fund will go to the Disabled Facilities Grant funded Warm Safe Homes Grant, which will see the initial investment increased from £0.400m to £1m as set out in the recent report to Housing Committee on 28 September to enable retrofit and insulation of more private sector properties. This is separate to the work the council is undertaking to retrofit and improve the energy efficiency of its council housing stock. This is also separate from the main Warmer Homes Capital Grant programme of £7.2m.

### Warm Banks

- 5.9 Whilst the council and its CVS partners have attempted to identify households and people in need of support, for example using analysis provided by LIFT to identify those in fuel poverty, there are not only limitations to the level of support available nationally and locally, but there are also people and groups that are harder to reach or who may not always seek or accept assistance. The council will therefore explore, with the local CVS sector, the practicalities of using their buildings and public spaces to provide warm spaces for people, both to help them avoid impacts on their health, and therefore avoid greater demand on health and social care services, but also to contribute to helping them to manage energy use and costs.
- 5.10 Setting up a network of Warm banks is not a simple or straightforward proposal. No additional resources have been provided to the council or partners to enable this. There are a number of risks and costs to consider including rising Covid cases, lease/licence agreements, safeguarding considerations, appropriateness for open access, financial constraints, considerations regarding food and drink being available, facilities, fire regulations, adequate seating and washroom facilities as well as a sufficient comms campaign. These considerations are detailed in greater depth at Appendix 2 of this report.

- 5.11 Policy & Resources Committee is recommended to support the use of the council's community spaces (such as libraries) as warm banks, subject to an assessment against the caveats above (and in Appendix 2) to determine which would be the most practical and viable properties. As a result, some of these may be mobilised more quickly than others, which will be set out in a phased mobilisation plan ahead of winter. Officers are currently coordinating information across council services, working in collaboration with third sector partners, and will ensure information on access to warm banks is clearly disseminated.
- 5.12 The council is currently collating a list of all potential sites across its services that could be considered and will work through the above considerations in drawing up proposals. Officers will also link with CVS organisations, including churches and faith organisations, to understand how they would wish to engage in this initiative and understand which organisations will be able to offer warm banks. Consideration will also be given to reaching out to statutory partners in the city and businesses to encourage them to consider similar offers through their estates.

## **6 Housing Update**

- 6.1 Although the council is currently seeing fewer people in temporary accommodation, evidence shows that the main reason people are becoming homeless is they are unable to afford rents in private rented housing. The Cost of Living crisis means we can expect to see more households becoming homeless because they can't afford to maintain their existing private rented home, as well as fewer people being able secure alternative accommodation in the private rented sector. This problem is expected to escalate over the next 6 months, leading to an increase in the number of people going into temporary accommodation with the associated financial impact for the council.
- 6.2 The recommendations to the report seek to alleviate anticipated housing pressures through lobbying of government ministers to introduce rent freezes, something lobbied for by the TUC and the Warm This Winter campaigns. The recommendations also include lobbying for the introduction of rent freezes or caps, however, this would again be very indiscriminate and would almost certainly benefit far more people who do not need support compared with those on low incomes. However, it would have the advantage of halting the increasing unaffordability in general. A more targeted intervention would be to lobby for both Local Housing Allowances to keep pace with local rents and for government to consider a top-up to Universal Credit (e.g. re-introduction of the £20 pw top-up). Similarly, welfare benefits should be increased in line with current inflation to provide more protection against Cost of Living increases. A further important measure would be to re-introduce the ban on evictions during this exceptional inflationary period.
- 6.3 The city council could also support the calls from the LGA to review other welfare reforms including the Removal of the Spare Room Subsidy, the Shared Accommodation Rate and the Benefit Cap to ensure these reforms are not having unintended impacts on households which are struggling to meet their rental and living costs.

## 7 Impact on Business

- 7.1 The impact of Cost of Living increases not only affects individuals but there is growing concern for the impact on businesses, particularly small and medium sized enterprise (SME). [The Economic Strategy Evidence Base](#) (2018) found that 86% of businesses in Brighton & Hove were micro, employing 10 or less people. In total 99.7% businesses in the city are SME, making them the lifeblood of the city's economy. These businesses employ a substantial number of people from across the region. On the back of the pandemic, which suppressed business activity for most, they are now experiencing substantial increases in energy and supply chain costs. Unlike large businesses, there are limitations on the financial shocks they can absorb and on their ability to cross-subsidise activities. There is a serious risk of widespread business failure, and more government support is needed.
- 7.2 The Brighton Business Improvement District and Brighton & Hove Economic Partnership (BHEP) are backing the **#BusinessSOS** campaign seeking further government support. The campaign warns of mass closure and redundancies if immediate and effective action isn't taken by the Government in the face of spiralling energy costs that are proving more detrimental than the pandemic. The Chancellor's Growth Plan 2022 does not provide specific new measures of support for businesses, in particular SMEs. Financial support business improvement districts across the country are saying more help is needed.
- 7.3 The #BusinessSOS campaign has a three point plan to support ailing businesses:
- Reduce VAT – including dropping the headline rate to 12.5% (from 20%) and business energy bills reduced from 20% to 5% to match domestic billing.
  - Business rates relief – 100% rate relief until 31 March 2023.
  - Energy rates relief – Discounted kwh price on all business energy bills.
- 7.4 Policy & Resources committee is recommended to support the objectives of the #BusinessSOS campaign through lobbying government and to press government to consider additional support including:
- Suspension of Covid loan debt repayments for up to two years (with potential eligibility criteria);
  - Reduction of tourism VAT to 5% (i.e. holiday and hospitality services and packages), and;
  - Introduction of dedicated Business Grant support for SMEs and pubs to help with costs over the winter (with potential eligibility criteria).
- 7.5 It is recommended to explore the potential for joint lobbying with partners through the Greater Brighton Economic Board subject to agreement on the suggested areas of support set out above.

## 8 Lobbying Government for Urgent and Sustainable Support

- 8.1 The issues set out above clearly indicate that a much wider and deeper response is required from government to avoid widespread impacts on people's health & well-being and therefore help to avoid unmanageable demands on health and social care services, as well as homelessness and



rough sleeping services. Together with the potential impacts on business, which will suppress the economy and employment opportunities, there is an urgent need for more targeted and sustained support through the Cost of Living crisis.

- 8.2 A key factor for individuals concerns wages. The Real Living Wage (RLW) foundation brought forward its announcement for next year's RLW (normally announced in November) and set a wage of £10.90 (a 10.1% increase) outside of London, its largest annual increase by far. The council's minimum pay is already above this level having taken steps to increase the pay of its lowest paid staff earlier this year. However, the council would encourage employers in the city to adopt the Real Living Wage as a minimum given the higher Cost of Living (particularly rents) in the city. The council recognises that many employers still pay the National Minimum Wage and Policy & Resources Committee are therefore recommended to call on government to significantly increase the minimum wage, at the very least, in line with September inflation.
- 8.3 The council and schools (non-teaching staff) are also awaiting the conclusion of the NJC negotiations for the 2022/23 local government pay award. The Employers side have offered a flat-rate increase of £1,925 which offers higher percentage increases at lower pay grades but this (if agreed) is far in excess of the funding provided to councils in the 2022/23 local government financial settlement. Similarly, schools have been notified of a potential 5% pay increase for Teachers but the indicative 2023/24 Dedicated Schools Grant settlement offers a funding increase of less than 2%. Further to a letter from the Leader of the council to the #BusinessSOS campaign, Kit Malthouse on 23/09, P&R committee, Policy & Resources Committee is recommended to call on government to provide adequate funding in 2022/23 and 2023/24 to support reasonable Cost of Living increases for staff, which would mitigate the risk of impact on service quality and provision across schools and council services.
- 8.4 Together with other concerns highlighted in the report, the Policy & Resources Committee is recommended to call on government to:
- Immediately increase the minimum wage in line with September inflation;
  - Fully fund Cost of Living pay increases for schools and local government in the current year and 2023/24;
  - Introduce a rent freeze or cap to reduce the incidence of evictions and homelessness;
  - Reintroduce a top-up to Universal Credit of £20 pw until March 2024;
  - Provide increases in Local Housing Allowances in line with rent increases and welfare benefits in line with RPI to ensure that they keep pace with inflation as a minimum, and;
  - Reintroduce a temporary ban on evictions during this exceptional inflationary period (until March 2024).

## **9 Communication and Awareness Campaign**

- 9.1 The council works within a strong network of statutory and CVS partners who help to identify, target and reach out to the many different people, groups and households in need.. This is supported by the use of the Low Income Family Tracker (LIFT) analytical tool within the council which analyses various data sets, particularly welfare benefit data, and also enables correlation with other

data captured by various organisations including the B&H Food Partnership, Public Health and other CVS organisations (e.g. from money advice services). However, to maximise the reach of the advice and financial support available, a strong communications campaign is being developed to ensure that all households and agencies across the city know where to turn, or where to advise those in need to turn, when help is needed.

- 9.2 Communication of the Cost of Living package of support needs to be clear, simple and widespread in order for residents to be clear about where they, or their neighbours, friends and family in need, can get help. The Household Support Fund guidance allows for some of the fund to be used to provide information and promote awareness and it is therefore proposed to deploy £30,000 from the fund to maximise impact. However, by doubling-up the campaign to also promote charitable giving to the city's Cost of Living Charity, it is anticipated that the investment will more than repay itself in terms of charitable support for those in need. We will promote where the donated funds are being spent and demonstrate how the funds are being used to improve lives.
- 9.3 Using the funds above, the council will create and distribute materials about where to seek help, as well as targeting communications messages to different audiences e.g. those that have never asked the council or its CVS partners for support before, or to different age groups. It is proposed to provide amongst others, the following resources:
- An information and advice leaflet to all households in the city (approx. 118,000 households) – the leaflet will contain key advice and links regarding support for the Cost of Living as well as containing promotion of the Cost of Living Charity (Just Giving);
  - Improving the digital offer via the council website including wide ranging information, tips, support and signposting around all issues of financial vulnerability;
  - Targeted social media advertising;
  - Bus and bus shelter advertising over the autumn/winter period;
  - Print advertising in local community media;
  - Significant promotion through BHCC's social media;
  - Provision of copy for external press releases and news stories;
  - Internal news stories and briefing/information for councillors and staff (many live in the city and are worthy champions for disseminating information);
  - Partnership communications taking a city-wide partnership approach, for example BHCAB and BHFP, sharing communications through their channels and audiences. Also, through schools, children's centres and nurseries which have significant reach.

## **10 Allocation of the Household Support Fund Tranche 3 (HSF3)**

- 10.1 The government is allocating more money to local authorities in order for the Household Support Fund (HSF) to continue through the winter and early spring. The government requires local authorities to spend all of the allocation by the end of the period and no funding can be carried over. The current HSF finishes at the end of September 2022, and HSF3 will start from 1 October

through to March 2023. As each HSF tranche is a separate fund with new guidance, HSF3 will require approval of a new local allocation of the funds.

- 10.2 The first HSF tranche was focused on Covid support but the second tranche was re-focused to Cost of Living support which will continue to be the focus of HSF3. The second tranche of HSF was used to provide the following:
- Free School Meals to cover the school holiday periods ;
  - Enhanced funding for the Local Discretionary Social Fund (LDSF);
  - Funding for the Brighton & Hove Food Partnership (BHFP);
  - Funding for the voluntary sector to give practical help directly to their service users;
  - Increased funding for Discretionary Council Tax Reduction (DCTR) and help with Council Tax arrears;
  - Discretionary Council Tax fund for financially vulnerable households with cyclical arrears issues who are not in receipt of Council Tax Reduction (CTR) and therefore cannot be awarded DCTR;
  - A fund for households who were struggling financially, but not in receipt of means tested benefits, also known as 'Just About Managing' (JAM) households.
- 10.3 On a household-by-household basis, this means that vulnerable residents were assisted with a mixture of food vouchers, meals, help with fuel bills and other essential items. The various Cost of Living working groups (see paragraph 3.1) and the Cost of Living Officer Group have reviewed and discussed these allocations and there is general agreement that these allocations have worked well, have enabled widespread reach through a range of appropriate settings and avoid, as far as possible with the funds available, lots of re-referrals between different agencies and services.
- 10.4 For the second tranche of HSF, the government made a key change to the guidance, stipulating that one third of the fund must be spent on support to pensioners. Due to the fact that the local population of pensioners is less than 14%, this presented challenges in terms of being able to spend the required proportion on pensioners and still support other residents where demand continued to be high. The HSF was therefore supplemented by one-off council resources in order to maintain the balance of support to non-pensioner households, particularly in relation to the provision of vouchers for Free School Meal families.
- 10.5 The full amount of HSF tranche 2, including the pensioner element, will be spent. However, this has necessarily been achieved by disproportionately applying financial support to pensioners over non-pensioners and delivering financial payments in bulk to pensioner households on Housing Benefit or eligible for Council Tax Reduction discount. In contrast, demand for support of non-pensioner households continues to rise and has increased over the summer. There was a similar position across many local authorities which resulted in significant lobbying against this restriction and, fortunately, this appears to have been heeded with the draft HSF3 guidance indicating no such restrictions.
- 10.6 The government published draft guidance for the third HSF on 26th August and announced the funding allocation on 22 September which confirms that it will be the same value as tranches 1 and 2; that is £2.140m. For HSF3, there

is a new requirement within the guidance that states at least some of the fund must be made available through an application-based scheme, so that households in need are able to self-refer themselves in for support. The committee is advised that BHCC already has this system in place through its Local Discretionary Social Fund (LDSF) scheme.

- 10.7 It is proposed that HSF3 should broadly follow the previous method of allocation which was seen as successful but with the added advantage of not having to disproportionately support pensioners. Assuming the same level of funding, the proposed allocation is as follows:

<b>Ref</b>	<b>Proposed Support:</b>	<b>Allocation</b>
1	Free School Meals for 6 weeks (Christmas, Oct and Feb half terms, and Easter 2023), continuing with £15 per child, including early years and sixth form	£0.810m
2	Local Discretionary Social Fund (LDSF)	£0.640m
3	Community organisations	£0.130m
4	Sustainable energy solutions (e.g. BHESCO, LEAP and similar)	£0.050m
5	Warmth for Wellbeing, including £15k for staffing and extra admin	£0.115m
6	Addition to Council Tax debt and Discretionary Council Tax Reduction funds	£0.040m
7	LDSF staffing - 2 x Assessment Officers, LDSF Admin x 1, Community Hub Officer x 1	£0.065m
8	Scheme to support JAM households (Local Lift-Up Scheme)	£0.040m
9	BH Food Partnership	£0.040m
10	Carers Centre allocation	£0.020m
11	Food club and providers of delivered meals	£0.060m
12	Children's Centres	£0.060m
13	Family Children and Learning – pods / section 17 payments	£0.040m
14	Cost of Living communications and charitable giving campaign	£0.030m
	<b>TOTAL</b>	<b>£2.140m</b>

- 10.8 One of the challenges of managing the HSF is that the fund is not large enough to sustain any individual household throughout the Cost of Living crisis. For example, it cannot act as a regular income supplement, even though many households are unable to meet the increased Cost of Living each month.
- 10.9 In this regard, services across the council and the voluntary sector are reporting that households are presenting multiple times either at the same service, or at different services. Whilst there is an aim to avoid duplication of help, there is nothing in the HSF guidance to prohibit multiple awards of support. The pressure across all sectors is increasing and the extent to which this demand will rise during the winter is currently unknown and will be very dependent on other government support and measures.
- 10.10 The deficit in regular household income is a national policy issue, but there will need to be a considered approach to a citywide strategy beyond the ending of

the HSF, because the financial deficit for vulnerable households in the city will almost certainly continue beyond this period. However, councils themselves are severely constrained by resource limitations and therefore government needs to provide sustainable funding through local government if it is to be able to provide a continued and effective local welfare response.

### **Commentary on Proposed Allocations**

- 10.11 It is proposed that Free School Meals vouchers will continue to be provided in the school holidays to support children in low-income households. The proposed allocation of £0.810m will cover 6 weeks (Christmas, two half terms and Easter) at the standard amount of £15 per child, in line with previous programmes. As Easter falls on 31 March (the deadline for spending HSF3) it is considered safest to provide an allocation for Easter in case further support is not forthcoming in April.
- 10.12 Demand for help from the LDSF has increased significantly throughout the last 12 months. This fund is one of the primary sources of crisis help for households in the city, providing help such as:
- Food vouchers and vouchers for household items
  - Support for the payment of energy bills
  - Furniture
  - White goods
  - Clothing and bedding (and beds)
- 10.13 The introduction of the HSF brought much-needed additional funding for LDSF. However, it also coincided with the Cost of Living crisis intensifying, and with the withdrawal of the £20 Universal Credit top-up that supported households during Covid restrictions. The corresponding impact on the LDSF team was that expenditure increased from an average £0.021m per month to in excess of £0.100m per month and over 400 applications per month.
- 10.14 It is anticipated that through the winter months, LDSF demand could rise even higher and the annual expenditure could exceed £1.2m. As a comparison, the running budget for LDSF, pre-Covid, without additional HSF funding was £0.180m per annum. The proposed allocation of £0.640m will enable the LDSF to maintain monthly expenditure of around £0.100m throughout the winter months up until 31 March 2023. However, it may not adequately support an increase in demand above the current levels.
- 10.15 Due to the increase of applications, it is not possible for the LDSF and Community Hub teams to process awards within a reasonable timeframe without additional resources. The suggested allocation therefore includes an amount for continued provision of staffing on the LDSF team and in the Community Hub, who deal with JAM cases. Without this, cases will take an inordinate amount of time to turn around resulting in backlogs, a slow distribution of funds, and a significant increase in complaints.
- 10.16 The HSF3 guidance emphasises relieving the financial pressure mounting from the increase in energy costs, making reference to those who have not received support from other targeted government financial support schemes such as the additional Cost of Living payment. However, the guidance does not ringfence or make any further directives in this regard. In this respect, a £0.100m allocation from HSF3 is proposed for the Warmth for Wellbeing

programme. There is also a proposed £0.050m allocation for energy efficiency organisations/programmes such as BHESCo and LEAP. However, it should be noted that the funding provided for HSF3 cannot provide for widespread payments to offset the effects of the increasing energy price cap.

- 10.17 Support is included again for a wide range of organisations in the Community and Voluntary Sector. However, the sector is reporting back that they are also experiencing an increase of demand and pressure on their staff. In addition, there are mounting funding pressures for operational costs, including premises and energy bills. In both previous HSF programmes, partners in the voluntary sector have ensured that help reaches parts of the community that may not otherwise present themselves to the council. Also, in providing funds to the voluntary sector, recommended at £0.130m, this provides greater assurance that the HSF will reach groups and households with protected characteristics.
- 10.18 HSF is part of a broader funding solution for the overall food strategy. Officers have consulted with representatives from the Brighton & Hove Food Partnership to ensure that there is adequate coverage for food provision. The recommended allocation to BHFP is £0.040m with a higher amount for other organisations and food clubs recommended (£0.070m) based on feedback from BHFP.
- 10.19 Council services delivering HSF funds will use all available data and analytics tools (EFN survey/LIFT/national/DWP info) to ensure that those groups most impacted by the cost-of-living crisis are reached through the food response. This would include identifying key at-risk groups such as those housebound, with disability or long-term health conditions, refugees & asylum seekers, for example.

## **11 Analysis and consideration of alternative options**

- 11.1 Including FSM vouchers through the Easter holidays adds £270m (an additional 50% of the total FSM budget, or 12.5% of the total HSF budget) to the cost of providing FSM vouchers. Redistributing the funding to include this has meant reducing the allocations for key areas such as LDSF, Families, Children & Learning (FCL) and CVS, all of which provide a wider coverage of need throughout our community. Their reach is therefore reduced, but all indications are that the need for financial support will be at its greatest through the colder winter months, prior to the Easter holidays in April. An alternative is therefore not to provide for Easter 2023 and redistribute funds to other lines accordingly.
- 11.2 Another alternative would be to change the Free School Meal methodology in common with some other Local Authorities. Whilst some have stopped providing Free School Meals entirely, others have started giving a lower lump sum for the whole six months to families who qualify for Free School Meals, instead of giving weekly amounts. In some authorities, this has enabled funding of other support initiatives. However, feedback from the voluntary sector and from recipients is that there is a high demand from families for the vouchers, as it is an expectation that has been set by successive HSF schemes.
- 11.3 The possibility of bulk payments to households has also been considered, either to compensate for households who have not received any Cost of Living support (i.e. those not on one of seven qualifying means-tested benefits), or to help with energy payments. It would not be possible for the HSF budget to

stretch far enough to cover the cost of such a scheme. It would mean introducing an element of differentiation between households to determine which ones receive an award. It would also limit the ability to respond flexibly to newly arising needs from households that are falling into difficulty for the first time. Feedback from services including the LDSF team is that they are now seeing an increasing number of applications from such households. It is likely that this new cohort will grow in the coming months.

## **12 Community engagement and consultation**

- 12.1 As with previous HSF programmes, this is a short-term emergency scheme and there is no practical way of conducting a full public consultation in the limited timescale between the government confirming the grant conditions and the implementation of the scheme. However, as with the previous two schemes, officers have called upon partners across the council and in the voluntary sector to help devise the proposed allocation plan. Also we will ensure the scheme is promoted to the public through the aforementioned communications plan, once the scheme has been approved by this committee.
- 12.2 Representatives of the voluntary sector and a cross-section of council services met on 25 August 2022 as part of the Welfare Support & Financial Assistance Cost of Living forum. A follow-up meeting was held on 7 September 2022. Attendees included representatives from Community Works, the Moneyworks and Advice Matters partnerships, and council services including Housing, Families, Children & Learning, and Welfare, Revenues and Business Support. As noted earlier in the report there was general approval for following the same broad approach as the previous HSF scheme.
- 12.3 Officers also met with the Food Policy Co-Ordinator and BHFP to discuss the approach to funding for the food partnership. The feedback was that it would be more effective to channel funding directly to the main foodbanks and organisations involved with food support, although the food partnership would still need funding to support harder to reach communities and organisations. However, if HSF3 funding is greater than previous HSF allocations, this provides a clear steer on how to allocate additional funding.

## **13 Conclusion**

- 13.1 HSF3 will provide much needed support to households across the city during the winter and beyond and this scheme is one of the key mechanisms that the council can employ to support its most vulnerable residents.

## **14 Financial implications**

- 14.1 The Household Support Fund tranche 3 was announced on 22 September and is set at the same value as the two previous tranches (£2.140m). Final guidance is awaited but the draft guidance indicates that HSF3 is unrestricted, within the overall objectives of the fund, and can therefore be allocated to any households in need, in any proportion. It can also be used to support limited administrative and technical resources and staffing, as well as communication and awareness resources. It must be expended by 31 March 2022 and cannot be carried forward. Provided that payment-over of funds to the voucher provider for the Easter 2023 holiday period is made prior to 31 March 2023, this can be funded from HSF3.

## **15 Legal implications**

- 15.1 Policy & Resources Committee has delegated authority for the financial and other resources of the Council. It is the correct body to receive this report and to note and agree the actions referred to in the recommendations including the allocation of the specified funds.

Lawyer consulted: Elizabeth Culbert Date consulted: 26 September 2022

## **16 Equalities implications**

- 16.1 Some protected groups and those with lower incomes will be over-represented in the households intended to be supported by the fund. The proposed allocations therefore attempt to address and mitigate these impacts by providing targeted funding. More details on the impacts and mitigations are contained in Appendix 1 of this report.

## **17 Sustainability implications**

- 17.1 There are specific sustainability implications around fuel and energy. In particular, the council's retrofit programmes, programmes such as Warmth for Wellbeing, and the proposed support to organisations such as BHESCo and LEAP, to provide advice and support on how to save energy or improve energy efficiency, will all contribute to carbon reduction.

## **18 Public health implications:**

- 18.1 There are specific Public Health implications around food and energy poverty. The health risks for certain groups are significantly higher from living in a cold home i.e. older people and people with disabilities and long term health conditions. Often these groups will incur a higher energy cost due to these issues and therefore not adequately heating their homes will have a disproportionate effect on health. The council's response to the Cost of Living situation, including its core budgets for local welfare assistance, working with partners and CVS organisations to provide support and advice, lobbying and recommendations to government, and local allocation and management of government support such as the Household Support Fund all contribute to minimising negative public health impacts.

## **Supporting Documentation**

### **Appendices**

1. Equality Impact Assessment
2. Warm Banks considerations



## Appendix 1

### Equality Impact and Outcome Assessment

<b>Title of EIA<sup>1</sup></b>	Household Support Fund, Phase 3 (October 2022- March 2023), appendix to Household Support Fund and Cost of Living Update (CoL) P&R (recovery) Committee report	<b>ID No.<sup>2</sup></b>	<b>HSF 2022</b>
<b>Team/Department<sup>3</sup></b>	Welfare, Revenues & Business Support (WRBS)		
<b>Focus of EIA<sup>4</sup></b>	<p><b>The following is adapted from an EIA that was drafted in 2020 for the Welfare Support and Financial Assistance (WSFA) Workstream, as part of the Covid 19 response. The contents have gone on to inform similar EIAs, for example concerning Household Support Fund (HSF) phase 1 and 2, Cost Of Living Report, review of the Council Tax Reduction Scheme and now has been updated with updated and new data from the Low Income Family Tracker and revisions to impacts and outcomes to reflect the end of COVID restrictions. This EIA now informs the Household Support Fund phase 3 and Cost of Living Report (Sep 2022).</b></p>		

**2. Update on previous EIA and outcomes of previous actions<sup>5</sup>**

<b>What actions did you plan last time?</b> (List them from the previous EIA)	<b>What improved as a result?</b> What outcomes have these actions achieved?	<b>What <u>further</u> actions do you need to take?</b> (add these to the Action plan below)
Not Applicable		

DRAFT

### 3. Review of information, equality analysis and potential actions

Groups to assess	<b>What do you know<sup>6</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>7</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>8</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>9</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>												
<b>Age<sup>10</sup></b>	<p>There is a limited set of current data available on the financial resilience of this characteristic group. Our assessment has mostly been based on face to face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.</p> <p>Source: Mid Year Estimates ONS 2018</p> <table border="1" data-bbox="427 954 792 1406"> <tr> <td>Population</td> <td>290,395</td> </tr> <tr> <td>0-15</td> <td>45,375</td> </tr> <tr> <td>Working Age</td> <td>206,515</td> </tr> <tr> <td>Over 65</td> <td>38,505</td> </tr> <tr> <td>Household one pensioner</td> <td>14,468*</td> </tr> <tr> <td>Household claiming Pension Credit</td> <td>6,525*</td> </tr> </table> <p>*Source: DWP Feb 2020</p>	Population	290,395	0-15	45,375	Working Age	206,515	Over 65	38,505	Household one pensioner	14,468*	Household claiming Pension Credit	6,525*	<ul style="list-style-type: none"> <li>• Cost of Living (CoL) crisis affecting all age groups, but increased fuel costs make older people more vulnerable to unaffordable fuel bills. Older people are on a fixed income and cannot increase this as needed, through work. They may require additional heating, due to health conditions.</li> <li>• Despite COVID restrictions have now eased, older people may still feel vulnerable to infection and are more likely to continue to shield. As such they may be limited in their ability to shop for their essential needs or socialise.</li> </ul>	<ul style="list-style-type: none"> <li>• Older people's health is more at risk if they cannot afford to heat their homes or eat adequately.</li> <li>• Those shielding will be shopping less, shopping locally or not shopping in person at all. They may not have access to full variety of goods, or the best deals (if shopping locally). This could mean food costs rise. Older people may be more likely to be digitally excluded, therefore not accessing on-line shopping slots</li> <li>• Young people</li> </ul>	<p>Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own Welfare Support Hub.</p> <p>Ensuring community organisations representing at-risk groups are funded in order to provide financial support outside of formal council protocol.</p> <p>Information to be made clear and accessible for all and for all front-line services to be aware of support available and signpost</p>
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	<p><sup>1</sup><a href="https://www.ifs.org.uk/publications/14848">https://www.ifs.org.uk/publications/14848</a></p> <p>Data from LDSF applications delivered during Household Support Fund, phase one:</p> <table border="1" data-bbox="427 655 770 1007"> <thead> <tr> <th>Age Group</th> <th>Count</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Under 25</td> <td>263</td> <td>11%</td> </tr> <tr> <td>25-39</td> <td>1174</td> <td>47%</td> </tr> <tr> <td>40-65</td> <td>1006</td> <td>40%</td> </tr> <tr> <td>Over 65</td> <td>60</td> <td>2%</td> </tr> <tr> <td><b>Total</b></td> <td><b>2503</b></td> <td></td> </tr> </tbody> </table> <p>Low Income Family Tracker (LIFT) data, available pp23 and 24, shows that households where the main claimant is between 45 and 59 also have a higher incidence of being in a lower financial resilience category and therefore more likely to be in need of crisis support.</p>	Age Group	Count	%	Under 25	263	11%	25-39	1174	47%	40-65	1006	40%	Over 65	60	2%	<b>Total</b>	<b>2503</b>		<ul style="list-style-type: none"> <li>• Young people, aged 18-25 less likely to secure employment and so more likely to be applying for Universal Credit. This age group also at high risk of contracting COVID-19 (C-19).</li> <li>• Mental Health issues are continuing to increase and demand has been identified in Youth Services such as Youth Advice Centre (YAC).</li> <li>• Children at risk of insufficient or inadequate diets during holiday and isolation periods, due to additional financial strains on the household.</li> <li>• Working age households more at risk of income reduction following impacts of C-19</li> </ul>	<p>less financially independent as a result of decrease in employment opportunities. More likely to be on a fixed income. If they contract C-19, they will likely choose to shield, preventing others from accessing work, community, shops etc.</p> <ul style="list-style-type: none"> <li>• Households made redundant as a result of business closures or scaling back will need to adjust to lower income, regardless of pre-existing financial commitments based on their employed income – mortgage, rent, hire purchase, mobile phones,</li> </ul>	<p>accordingly.</p> <p>Preventative work by Revenues and Benefits using LIFT dashboard to identify households who may be struggling with Council Tax debt and offering early intervention.</p>
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		<p>restrictions on city employment levels.</p> <ul style="list-style-type: none"> <li>• Older people with limited mobility may be more reliant on public transport and therefore at greater risk of contracting C-19</li> <li>• Older people more likely to have additional requirements for electronic equipment.</li> <li>• Older people more likely to have more expensive food costs due to specialist dietary needs.</li> </ul>	<p>debt repayments.</p> <ul style="list-style-type: none"> <li>• Older people may make a choice of taking taxis as opposed to using the bus, to reduce risk of contracting Coronavirus.</li> </ul>	
<b>Disability<sup>11</sup></b>	There is a limited set of current data available on the financial resilience of this characteristic group. Our assessment has been based on face to face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.	<ul style="list-style-type: none"> <li>• Disabled people more likely to be limited in their ability to be able to increase their income to afford additional costs, due to their health/disability</li> </ul>	<ul style="list-style-type: none"> <li>• Increased fuel costs due to heating requirements and additional equipment for their accessibility and health needs.</li> </ul>	Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own

<b>Groups to assess</b>	<b>What do you know<sup>6</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>7</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>8</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>9</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>								
	<p>Source: Department for Work and Pensions Feb-Jul 2020</p> <table border="1" data-bbox="427 582 799 922"> <tr> <td>PIP Claimants</td> <td>10,710</td> </tr> <tr> <td>Attendance Allowance</td> <td>5,020</td> </tr> <tr> <td>UC – Limited capability for work</td> <td>1,955</td> </tr> <tr> <td>DLA</td> <td>6,615</td> </tr> </table> <p>Data from LDSF applications delivered during Household Support Fund, phase one shows 36% of claims came from a household with a Disabled person in the household.</p> <p>Low Income Family Tracker (LIFT) data, available pp23 and 24, shows that in general households in receipt of Disability benefits are more likely to be in a higher financial resilience category (91%) than a household in receipt of benefits where disability components are not in payment. However, within this disability group,</p>	PIP Claimants	10,710	Attendance Allowance	5,020	UC – Limited capability for work	1,955	DLA	6,615	<p>needs.</p> <ul style="list-style-type: none"> <li>• Disabled people may be more likely to need to keep their homes warm for their health.</li> <li>• Disabled people more likely to have additional requirements for electronic equipment.</li> <li>• Disabled people more likely to have more expensive food costs due to specialist dietary needs.</li> <li>• In the event of increased rates or further restrictions, more likely to be shielding due to pre-existing health conditions.</li> <li>• More likely to be digitally excluded.</li> <li>• May be more reliant on public transport and therefore at greater risk of</li> </ul>	<ul style="list-style-type: none"> <li>• Those digitally excluded may not be accessing cheaper deals on the internet</li> <li>• Those on a fixed income less likely to have savings or financial contingency for increased cost in food and other expenses</li> </ul>	<p>Welfare Support Hub.</p> <p>Ensuring community organisations representing at-risk groups are funded in order to provide financial support outside of formal council protocol.</p> <p>Information to be made clear and accessible for all and for all front-line services to be aware of support available and signpost accordingly.</p> <p>Preventative work by Revenues and Benefits using LIFT dashboard to identify households who may be struggling with Council Tax debt and offering early</p>
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	those aged between 45 and 60 have a higher incidence of being in a lower financial resilience category and therefore more likely to be in need of crisis support.	contracting C-19.		intervention.
<b>Gender reassignment<sup>12</sup></b>	There is a limited set of current data available on the financial resilience of this characteristic group. Our assessment has been based on face to face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.	<ul style="list-style-type: none"> <li>• More likely to be financially disadvantaged or living on a fixed income.</li> </ul>	<ul style="list-style-type: none"> <li>• Those on a fixed income less likely to have savings or financial contingency for increased cost in fuel and food expenses</li> </ul>	<p>Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own Welfare Support Hub.</p> <p>Ensuring community organisations representing at-risk groups are funded in order to provide financial support outside of formal council protocol.</p> <p>Information to be made clear and accessible for all and</p>

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<b>Pregnancy and maternity<sup>13</sup></b>	There is a limited set of current data available on the financial resilience of this characteristic group. Our assessment has been based on face to face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.	<ul style="list-style-type: none"> <li>• Already reduced income placed under greater pressure due to CoL</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced income risks deepening or newly establishing debt. Unable to comfortably adapt to additional costs associated with CoL, ie additional meals for the whole family, but specifically children of school</li> </ul>	Ensuring community organisations representing at-risk groups are funded in order to provide financial support outside of formal council protocol.  Family Information Service, with links into Children's Centres, Community



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			<p>age. Less able to buy in more food to manage isolation and holiday periods, as well as post-natal period when less able to get out.</p>	<p>Midwifery and Health Visiting service, are part of the WSFA board, so issues can be identified and considered strategically across the council.</p> <p>Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own Welfare Support Hub.</p> <p>Information to be made clear and accessible for all and for all front-line services to be aware of support available and signpost accordingly.</p>

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<p><b>Race/ethnicity<sup>14</sup></b> Including migrants, refugees and asylum seekers</p>	<p>There is a limited set of current data available on the financial resilience of this characteristic group. Our assessment has mostly been based on face to face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.</p> <p>Source: Census 2011</p> <table border="1" data-bbox="432 560 795 1315"> <tr> <td>White British</td> <td>220,020</td> </tr> <tr> <td>Non-White</td> <td>29,855</td> </tr> <tr> <td>White Non-British</td> <td>23,495</td> </tr> <tr> <td>Mixed</td> <td>10,410</td> </tr> <tr> <td>Asian</td> <td>11,280</td> </tr> <tr> <td>Black</td> <td>4,190</td> </tr> <tr> <td>Other ethnic group</td> <td>3,985</td> </tr> <tr> <td>Households with multiple ethnicities</td> <td>18,340</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>No members of household have English as first language</td> <td>5,925</td> </tr> </table> <p>Data from LDSF applications delivered during Household Support</p>	White British	220,020	Non-White	29,855	White Non-British	23,495	Mixed	10,410	Asian	11,280	Black	4,190	Other ethnic group	3,985	Households with multiple ethnicities	18,340			No members of household have English as first language	5,925	<ul style="list-style-type: none"> <li>• More likely to be on a low or fixed income or having limited hours of work.</li> <li>• Residents with No Recourse to Public Funds including EU nationals without access to benefits in precarious employment or working in the black economy are already vulnerable to destitution if they lose employment.</li> <li>• Engagement issues with advice, stemming from a reported distrust with government and council departments.</li> <li>• Some communities will have specific dietary needs</li> </ul>	<ul style="list-style-type: none"> <li>• Specific dietary needs may be impacted by food shortages or price rises on high demand products</li> <li>• Emergency food support available may not include items specific to dietary needs.</li> <li>• Due to distrust in official organisations, some groups may not be aware of support available through grants, additional benefit support or crisis intervention routes (eg food banks, Local Discretionary Social Fund (LDSF) etc</li> <li>• No Recourse to Public Funds (NRPF) households may be at particular financial risk if not eligible for all support mechanisms that have been put in place.</li> <li>• Residents with</li> </ul>	<p>Ensuring community organisations representing at-risk groups are funded in order to provide financial support outside of formal council protocol.</p> <p>Ensure information about support is accessible to all groups and encourage this information to be distributed through community-based groups. Consider all options of how financial support can be devolved to community-based groups.</p> <p>Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own Welfare Support Hub</p> <p>Information to be made clear and accessible for all, including translated</p>
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AnyOther	25	1%																																																																	
Arab	26	1%																																																																	
Asian Bangladeshi	16	1%																																																																	
Asian Indian	5	0%																																																																	
Asian Other	9	0%																																																																	
Asian Pakistani	1	0%																																																																	
Black African	45	2%																																																																	
Black Caribbean	19	1%																																																																	
Black Other	8	0%																																																																	
Chinese	3	0%																																																																	
GypsyTraveler	4	0%																																																																	
Mixed African	20	1%																																																																	
Mixed Asian	9	0%																																																																	
Mixed Caribbean	24	1%																																																																	
Mixed Other	15	1%																																																																	
Not Stated	585	23%																																																																	
White British	1581	63%																																																																	
White Irish	14	1%																																																																	
White Other	94	4%																																																																	
<b>Total</b>	<b>2503</b>																																																																		
<p><b>Religion or belief<sup>15</sup></b></p>	<p>There is a limited set of current data available on the financial resilience of this characteristic group. Our</p>	<ul style="list-style-type: none"> <li>Engagement issues with advice, stemming from a reported distrust with</li> </ul>	<ul style="list-style-type: none"> <li>Specific dietary needs may be impacted by food</li> </ul>	<p>Ensuring community organisations representing at-risk</p>																																																															

assessment has mostly been based on face to face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.

Source: Census 2011

Christian	117,275
Buddhist	2,740
Hindu	1,790
Jewish	2,670
Muslim	6,095
Sikh	340
Other	2,410
No religion	115,955

Data from LDSF applications delivered during Household Support Fund, phase one:

Religion	Count	%
Buddhist	23	1%
Christian	328	13%
Hindu	2	0%
Jewish	2	0%
Muslim	80	3%
None	816	33%
Not Stated	1169	47%

government and council departments.

- Some religious groups will have specific dietary needs

shortages or price rises on high demand products (like rice, for example).

- Emergency food support available may not include items specific to dietary needs.
- Due to distrust in official organisations, some groups may not be aware of support available through grants, additional benefit support or crisis intervention routes (eg food banks, LDSF etc)

groups are funded in order to provide financial support outside of formal council protocol.

Ensure information about support is accessible to all groups and encourage this information to be distributed through community-based groups. Consider all options of how financial support can be devolved to community-based groups.

Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own Welfare Support Hub.

	Other	82	3%									
	Sikh	1	0%									
	<b>Total</b>	<b>2503</b>										
<b>Sex/Gender<sup>16</sup></b>	<p>There is a limited set of current data available on the financial resilience of this characteristic group. Our assessment has mostly been based on face to face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.</p> <p>Other data available:</p> <table border="1"> <tr> <td>Total Population:</td> <td>290,395</td> </tr> <tr> <td>Female</td> <td>145,778</td> </tr> <tr> <td>Male</td> <td>144,616</td> </tr> </table> <p>95% of single parents with an open Housing Benefit claim are women. (Northgate report 15/10/2020)</p> <p>Low Income Family Tracker (LIFT) data, available pp23 and 24, shows that single parent households (which are more likely to be women) have a higher incidence of being on a low financial resilience category than couples with children. Single parents are therefore more likely to be in need of crisis support than couples with children.</p>			Total Population:	290,395	Female	145,778	Male	144,616	<ul style="list-style-type: none"> <li>• Women are more likely to be working part time, or on a fixed income, than men</li> <li>• Women more likely to be single parents.</li> <li>• Significant increase in reports of domestic abuse and violence throughout the pandemic, disproportionately affecting women. This results in women fleeing their homes and facing financial vulnerability through the homelessness process.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional burdens due to the cost of Living could have disproportionate impact on women due to the nature of their employment types and barriers to employment for those with sole childcare responsibilities</li> </ul>	<p>Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own Welfare Support Hub.</p> <p>Ensuring community organisations representing at-risk groups are funded in order to provide financial support outside of formal council protocol.</p>
Total Population:	290,395											
Female	145,778											
Male	144,616											

<b>Sexual orientation<sup>17</sup></b>	<p>There is a limited set of current data available on the financial resilience of this characteristic group. Our assessment has mostly been based on face to face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.</p>	<p>No known issues reported to disproportionately affect this group</p>		<p>Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own Welfare Support Hub.</p>						
<b>Marriage and civil partnership<sup>18</sup></b>	<p>There is a limited set of current data available on the financial resilience of this characteristic group. Our assessment has mostly been based on face to face feedback from residents accessing third sector support and wider reports published since the onset of the pandemic.</p> <table border="1" data-bbox="432 1013 808 1203"> <tr> <td>Married Households</td> <td>28,335</td> </tr> <tr> <td>Co-Habiting</td> <td>15,430</td> </tr> <tr> <td>Lone Parent</td> <td>8,635</td> </tr> </table> <p>Source: Census 2011</p>	Married Households	28,335	Co-Habiting	15,430	Lone Parent	8,635	<ul style="list-style-type: none"> <li>• The strain of economic pressures and debt caused by an increase in the cost of living can impact on the relationships of householders and their Mental Health</li> <li>• Significant increase in reports of domestic abuse and violence throughout the pandemic, disproportionately affecting women. This results in women fleeing their homes and facing financial vulnerability through the homelessness process.</li> <li>• When fleeing DV, the family is often relocated away from their network of family and friends.</li> </ul>	<ul style="list-style-type: none"> <li>• Homelessness places women at a significant financial disadvantage as well as impacting on their mental health and the wellbeing of the family, as a whole.</li> <li>• Without a network of support, increased expenses may follow due to a loss of informal childcare. Or hours of work may need to be reduced.</li> </ul>	<p>Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own Welfare Support Hub.</p> <p>Ensuring community organisations representing at-risk groups are funded in order to provide financial support outside of formal council protocol.</p>
Married Households	28,335									
Co-Habiting	15,430									
Lone Parent	8,635									
<b>Community Cohesion<sup>19</sup></b>	<p>Low Income Family Tracker (LIFT) data, available pp23 and 24, shows that the financial resilience of households in different wards can</p>		<ul style="list-style-type: none"> <li>• There could be multiple factors that are affecting this affordability</li> </ul>	<p>Ensure easy access to and smooth referrals into the advice sector for those identified as</p>						

	<p>vary, with some wards having a higher incidence of households in financial vulnerability than other wards. St Peter's and North Laine and Regency wards are showing as having a higher proportion of households on the lower end of the financial resilience categories</p>		<p>representation in central wards. This could include higher rents, a higher representation of one bed flats and studios (single income households), or a higher proportion of hostel and supported accommodation. More investigation and research needs to be undertaken in order to better understand this demographic representation.</p>	<p>in need of financial support, including council's own Welfare Support Hub.</p> <p>Information to be made clear and accessible for all and for all front-line services to be aware of support available and signpost accordingly.</p>
<p><b>Other relevant groups<sup>20</sup></b></p>	<p><b>Carers</b></p> <p>Data from LDSF applications delivered during Household Support Fund, phase 1 showed 6% of claims came from a household in receipt of Carers Allowance.</p> <p>Carers UK research March 2020, <a href="#">'Caring and the Cost of Living crisis'</a> Identified both formal and informal carers were disproportionately at risk by the Cost of Living Crisis.</p>	<ul style="list-style-type: none"> <li>• More likely to be on a limited and fixed income due to caring requirements</li> <li>• More likely to have higher fuel costs due to health or disability requirements of the people they care for.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased fuel costs due to heating requirements and additional equipment for their accessibility and health needs.</li> <li>• Those on a fixed income less likely to have savings or financial contingency for increased cost in food and other expenses</li> </ul>	<p>Ensure easy access to and smooth referrals into the advice sector for those identified as in need of financial support, including council's own Welfare Support Hub.</p> <p>Information to be made clear and accessible for all and for all front-line services to be aware of support available</p>



				and signpost accordingly.
<b>Cumulative impact<sup>21</sup></b>	No adverse impacts identified as yet, but this will be kept under review.			
<b>Assessment of overall impacts and any further recommendations<sup>22</sup></b>				

**4. List detailed data and/or community feedback that informed your EIA**

<b>Title</b> (of data, research or engagement)	<b>Date</b>	<b>Gaps in data</b>	<b>Actions to fill these gaps: who else do you need to engage with?</b> (add these to the Action Plan below, with a timeframe)
<b>LDSF systems reporting</b>	<b>Ongoing</b>		
<b>ONS data</b>	<b>Ongoing</b>		
<b>Housing Benefit data from Northgate (NEC) system</b>	<b>Ongoing</b>		
<b>LIFT Programme Data</b>	<b>TBC</b>	<b>Data in development</b>	
<b>DWP Data</b>	<b>Ongoing</b>		

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**EIA sign-off:**

**Staff member completing Equality Impact Assessment:** Tabitha Cork

**Date:** 28/04/2022

**Directorate Management Team rep or Head of Service/Commissioning:** Nigel Manvell

**Date:** 29/04/2022

**CCG or BHCC Equality lead:** Janice Markey

**Date:** 28/04/2022

## References

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- <sup>1</sup> **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing
- <sup>2</sup> **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)
- <sup>3</sup> **Team/Department:** Main team responsible for the policy, practice, service or function being assessed
- <sup>4</sup> **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

<sup>5</sup> **Previous actions:** If there is no previous EIA or this assessment is of a new service, then simply write 'not applicable'.

<sup>6</sup> **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?<sup>6</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#> ) and national ones where they are relevant.

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<sup>7</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.
- Try to consult in ways that ensure all perspectives can be considered.
- Identify any gaps in who has been consulted and identify ways to address this.

<sup>8</sup> Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
  - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims
  - Do the effects amount to unlawful discrimination? If so the plan must be modified.
  - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>9</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

<sup>10</sup> **Age:** People of all ages

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<sup>11</sup> **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

<sup>12</sup> **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

<sup>13</sup> **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

<sup>14</sup> **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

<sup>15</sup> **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

<sup>16</sup> **Sex/Gender:** Both men and women are covered under the Act.

<sup>17</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

<sup>18</sup> **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

<sup>19</sup> **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

<sup>20</sup> **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

<sup>21</sup> **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

<sup>22</sup> **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.

- 
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
  - Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

Data taking from Low Income Family Tracker (LIFT), using our July 2022 data set (most recent refresh), representing available equalities groups by their financial resilience status.

NB: The Financial Resilience Metrics used in LIFT to create the financial status score is updated every 6 months. We are due a refresh in our October data set. This will then more accurately represent the current higher levels of inflation and affordability levels that we are seeing in this Cost of Living crisis. This may then affect the overall representation of financial resilience among low income households in the city.

Financial Status By Ward										
Ward	Coping	%	Struggling	%	Risk	%	Crisis	%	Grand Total	% Total
Brunswick and Adelaide	550	85%	29	4%	59	9%	10	2%	648	3%
Central Hove	592	86%	20	3%	59	9%	15	2%	686	3%
East Brighton	1,774	86%	67	3%	185	9%	45	2%	2,071	9%
Goldsmid	922	88%	28	3%	87	8%	16	2%	1,053	5%
Hangleton and Knoll	1,159	89%	35	3%	98	7%	16	1%	1,308	6%
Hanover and Elm Grove	838	86%	24	2%	93	10%	22	2%	977	4%
Hollingdean and Stanmer	1,192	86%	25	2%	147	11%	27	2%	1,391	6%
Hove Park	204	89%	9	4%	14	6%	1	0%	228	1%
Moulsecoomb and Bevendean	1,221	88%	45	3%	114	8%	12	1%	1,392	6%
North Portslade	662	88%	22	3%	52	7%	13	2%	749	3%
Patcham	623	90%	15	2%	47	7%	10	1%	695	3%
Preston Park	557	85%	22	3%	66	10%	12	2%	657	3%
Queen's Park	1,852	86%	58	3%	195	9%	61	3%	2,166	10%
Regency	573	79%	31	4%	89	12%	31	4%	724	3%
Rottingdean Coastal	511	89%	15	3%	37	6%	13	2%	576	3%
South Portslade	802	90%	13	1%	60	7%	15	2%	890	4%
St. Peter's and North Laine	2,336	68%	163	5%	750	22%	182	5%	3,431	15%
Westbourne	590	88%	16	2%	54	8%	9	1%	669	3%
Wish	540	89%	12	2%	47	8%	10	2%	609	3%
Withdean	440	87%	16	3%	41	8%	8	2%	505	2%
Woodingdean	530	90%	12	2%	41	7%	4	1%	587	3%
<b>Grand Total</b>	<b>18,578</b>	<b>100%</b>	<b>683</b>	<b>100%</b>	<b>2,407</b>	<b>100%</b>	<b>548</b>	<b>100%</b>	<b>22,216</b>	<b>100%</b>

Financial Status by Age																					
Financial R	100+	16-17	18-21	22-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85-89	90-94	95-99	Grand Total	% of total
Coping	21	4	108	223	677	1,083	1,277	1,427	1,490	1,772	1,780	1,467	1,602	1,782	1,601	1,098	711	364	91	18,578	84%
Struggling			14	21	48	55	42	67	81	131	100	81	32	4	2	5				683	3%
Risk			76	103	165	226	238	263	282	327	356	258	92	8	6	6		1		2,407	11%
Crisis		1	34	34	51	52	52	61	68	66	61	48	16	1	3					548	2%
<b>Grand Tot</b>	<b>21</b>	<b>5</b>	<b>232</b>	<b>381</b>	<b>941</b>	<b>1,416</b>	<b>1,609</b>	<b>1,818</b>	<b>1,921</b>	<b>2,296</b>	<b>2,297</b>	<b>1,854</b>	<b>1,742</b>	<b>1,795</b>	<b>1,612</b>	<b>1,109</b>	<b>711</b>	<b>365</b>	<b>91</b>	<b>22,216</b>	<b>100%</b>



Financial Status - Disability																				
Financial Risk	100+	18-21	22-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	85-89	90-94	95-99	Grand Total	% of Total
Coping	18	30	72	279	492	575	704	861	1,215	1,345	1,215	932	731	600	472	357	197	63	10,158	91%
Struggling		2	1	10	12	10	12	23	48	40	35	15	1	1	1				211	2%
Risk		21	29	44	67	61	67	76	107	137	88	47	1	3	4				752	7%
Crisis		2	7	1	8	7	7	12	11	12	5	1							73	1%
<b>Grand Total</b>	<b>18</b>	<b>55</b>	<b>109</b>	<b>334</b>	<b>579</b>	<b>653</b>	<b>790</b>	<b>972</b>	<b>1,381</b>	<b>1,534</b>	<b>1,343</b>	<b>995</b>	<b>733</b>	<b>604</b>	<b>477</b>	<b>357</b>	<b>197</b>	<b>63</b>	<b>11,194</b>	<b>1</b>

Financial Status - Single Parent by Age															
Financial Risk	18-21	22-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	Grand Total	%Total
Coping	29	72	242	454	555	532	431	309	126	30	17	13	5	2,815	83%
Struggling	2	6	18	23	16	17	12	22	2	1				119	4%
Risk	5	17	45	66	68	58	50	28	12	2				351	10%
Crisis	5	18	20	24	16	14	9	2	4	1				113	3%
<b>Grand Total</b>	<b>41</b>	<b>113</b>	<b>325</b>	<b>567</b>	<b>655</b>	<b>621</b>	<b>502</b>	<b>361</b>	<b>144</b>	<b>34</b>	<b>17</b>	<b>13</b>	<b>5</b>	<b>3,398</b>	<b>1</b>

Financial Status - Couples with Children by Age																
Financial Risk	18-21	22-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75-79	80-84	Grand Total	% Total
Coping	3	19	63	148	221	234	173	149	76	35	11	4	1	1	1,138	89%
Struggling	1	1	4	6	7	6	1	3		1	1				31	2%
Risk	3	3	13	13	12	15	16	10	5		3				93	7%
Crisis		1	2	1	1	3	1	1	1	1					12	1%
<b>Grand Tot</b>	<b>7</b>	<b>24</b>	<b>82</b>	<b>168</b>	<b>241</b>	<b>258</b>	<b>191</b>	<b>163</b>	<b>82</b>	<b>37</b>	<b>15</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>1,274</b>	<b>1</b>



## **Appendix 2 -Warm Banks- considerations**

As advised in the body of the report, setting up a warm banks network is not a simple or straightforward proposal and also carries with it significant potential risks and additional costs. There are a number of issues to consider including:

1. **Covid** Incidences of Covid are expected to increase again in the winter alongside other infections such as flu. The council's own severe weather facility (SWEP) for rough sleepers is therefore provided on a 'non-congregate' basis with separate rooms provided for service users. Providing open access and encouraging congregation in council or CVS buildings therefore needs careful consideration in light of the potential to increase the transmission of infections.
1. **Leased or licenced** Many council and CVS properties are leased or licenced which will normally preclude them from being used for public access due to the terms of the leases or licences unless specifically provided for.
2. **Safeguarding** will be an important issue in some buildings, particularly where other personal care or community services are also provided for children, young people and families.
3. **Appropriateness for open access.** Similarly, some buildings provide venues or services for customers, local groups or clients such as drop-in services, registration services, registry office weddings, community events or groups and so on and may not be appropriate for open access.
4. **Financial constraints** Due to the severe financial constraints on both council and many CVS organisations, not all buildings or services are open all day. There could therefore be significant additional staffing/security, heating and lighting costs to extend the opening hours of many buildings. This is likely to restrict possibilities to those buildings and services that already have longer opening times and staff, volunteers and/or security on site.
5. **Consideration needs to be given to linking food and drink provision** to the availability of warm banks as this could further contribute to the prevention of negative health impacts. This may be through providing facilities for people to cook or heat food or linking to emergency food provision which could be cost effective (e.g. addressing food and fuel poverty in one place). However, this requires further co-ordination and planning and may need to be a secondary aim in the first instance.
6. **Facilities** Similarly, consideration will need to be given to **fire regulations**, availability of **washroom facilities**, and availability of **seating** etc in order to determine safe occupancy numbers for each type of warm bank. Extending these, particularly seating, may require the purchase of additional furniture.
7. **Comms**-A carefully considered communication and reach-out campaign needs to be drawn up to optimise the spaces proposed for use as warm banks for use by people who really need to use them. Also, many CVS spaces are small and run by few people and therefore these services and organisations may prefer to manage communications on a locality level rather than as part of a wider campaign.



# Brighton & Hove City Council

## COST OF LIVING Policy & Resources Committee

## Agenda Item 59

Date of meeting 6<sup>th</sup> October 2022

### LABOUR GROUP AMENDMENT

#### Cost of Living and Household Support Fund 3

That the relevant changes are made to the recommendations as shown below in strikethrough and ***bold italics***:

#### Recommendations

- 2.1 That the Policy & Resources Committee notes the updates on the local situation regarding the Cost of Living impact including the ongoing and planned work and actions, with statutory and Community & Voluntary Sector partners, to provide advice and support to households in need.
- 2.2 That the Policy & Resources Committee agrees that the city council should lobby government for urgent and sustained support throughout the Cost of Living crisis including:
  - Fully funding Cost of Living pay increases for schools and local government in the current year and 2023/24;
  - Immediately increasing the minimum wage in line with September 2022 inflation;
  - Reintroducing a top-up to Universal Credit of £20 pw until at least March 2024;
  - Introducing a rent freeze or cap to reduce the incidence of evictions and homelessness, as has been done by the Scottish Government;
  - Providing increases in Local Housing Allowance rates in line with rent increases and welfare benefits in line with RPI to ensure that they keep pace with inflation as a minimum;
  - Reintroducing a temporary ban on evictions during this exceptional inflationary period (until at least March 2024); and
  - Providing Free School Meals for every primary school child in England, and the city council will endorse this lobbying point by signing the [Free School Meals For All Open Letter](#) to the Prime Minister.
- 2.3 That the Policy & Resources Committee agrees that the city council should formally support the #BusinessSOS campaign and further recommend to government the measures and support for small and medium-sized enterprise (SME). The campaign has seen over 150,000 businesses from across the UK lobbying the government to support small and medium sized businesses by taking the following actions;
  - Suspension of Covid loan debt repayments for up to two years (with potential eligibility criteria);

- Reduction of tourism VAT to 5% (i.e. holiday and hospitality services and packages), and;
  - Introduction of dedicated Business Grant support for SMEs and pubs to help with costs over the winter (with potential eligibility criteria).
- 2.4 That the Policy & Resources Committee agrees that the council will work with the city's MPs to lobby for:
- Extension of business rates relief for all SME's and pubs – using usual Treasury relief mechanisms
  - Reduction of VAT on energy for businesses to 5%
  - Energy prices to return to 2021 levels for SME's and pubs
- 2.5 That the Policy & Resources Committee agrees that the council will work with local business representatives to understand their members' concerns and work with them to continue supporting small businesses. These representatives include Brilliant Brighton (the local Business Improvement District - BID), the BH Economic Partnership, BH Chamber of Commerce and BH Federation of Small Business.
- 2.6 That the Policy & Resources Committee instructs the Chief Executive to write to the Secretary of State for the Department for Business, Energy and Industrial Strategy, advocating for the advantages and business literacy of adopting the Brighton Hove Living Wage.
- 2.7 That the Policy & Resources Committee agrees the council will work with regional public and private sector partners in the Greater Brighton Economic Board to assess the impact of the cost of living to support local SME businesses through sharing intelligence and offering mutual support.
- 2.8 That the Policy & Resources Committee agrees the approach to developing potential warm banks for use over the winter period, including working with the Community & Voluntary Sector regarding their assets, as set out in paragraphs 5.9 to **Error! Reference source not found.**
- 2.9 That the Policy & Resources Committee agrees the proposed communications campaign set out in Section **Error! Reference source not found.** to promote awareness of available advice and support for those in need, and to re-promote charitable giving toward the Cost of Living crisis from those who are able and willing to help.
- 2.10 That the Policy & Resources Committee agrees the council will support the ['Warm This Winter'](#) campaign which calls for government support to provide immediate emergency support, help to upgrade homes and access to cheap energy to lessen reliance on gas and oil.
- 2.11 That the Policy & Resources Committee approves the proposed indicative allocation of HSF tranche 3 as set out at paragraph 10.7, noting the associated Equality Impact Assessment at Appendix 1
- 2.12 That the Policy & Resources Committee agrees that officers may make

adjustments to allocations where there is evidence of changing need throughout the 6 month period of HSF3, to ensure that all of the fund is spent

**2.13 That the Policy & Resources Committee agrees that the Council has a leadership role to play in co-ordinating support for residents across the city through this crisis. We agree to bring key partners together in a urgent 'Cost of Living Crisis Summit' to request commitments from the city's anchor institutions of how they can help to build longer term community resilience. This summit should bring together key stakeholder organisations in Brighton & Hove, including:**

- **Financial advice and support organisations such as Citizens Advice Bureau, Money Advice Plus and the Credit Union**
- **Large private sector anchor institutions such as Legal & General, American Express, Brighton & Hove Football Club, Sussex County Cricket Club and others**
- **Brighton & Hove Economic Partnership**
- **Brighton & Hove Food Partnership**
- **Community Works**
- **Local Trade Unions**
- **The local NHS Integrated Care Board**

Proposed by: **Cllr Allcock**

Seconded by: **Cllr Evans**

**Recommendations to read, if carried:**

- 2.1 That the Policy & Resources Committee notes the updates on the local situation regarding the Cost of Living impact including the ongoing and planned work and actions, with statutory and Community & Voluntary Sector partners, to provide advice and support to households in need.
- 2.2 That the Policy & Resources Committee agrees that the city council should lobby government for urgent and sustained support throughout the Cost of Living crisis including:
- Fully funding Cost of Living pay increases for schools and local government in the current year and 2023/24;
  - Immediately increasing the minimum wage in line with September 2022 inflation;
  - Reintroducing a top-up to Universal Credit of £20 pw until at least March 2024;
  - Introducing a rent freeze or cap to reduce the incidence of evictions and homelessness, as has been done by the Scottish Government;
  - Providing increases in Local Housing Allowance rates in line with rent increases and welfare benefits in line with RPI to ensure that they keep pace with inflation as a minimum;
  - Reintroducing a temporary ban on evictions during this exceptional inflationary period (until at least March 2024); and

- Providing Free School Meals for every primary school child in England, and the city council will endorse this lobbying point by signing the [Free School Meals For All Open Letter](#) to the Prime Minister.
- 2.3 That the Policy & Resources Committee agrees that the city council should formally support the #BusinessSOS campaign and further recommend to government the measures and support for small and medium-sized enterprise (SME). The campaign has seen over 150,000 businesses from across the UK lobbying the government to support small and medium sized businesses by taking the following actions;
- Suspension of Covid loan debt repayments for up to two years (with potential eligibility criteria);
  - Reduction of tourism VAT to 5% (i.e. holiday and hospitality services and packages), and;
  - Introduction of dedicated Business Grant support for SMEs and pubs to help with costs over the winter (with potential eligibility criteria).
- 2.4 That the Policy & Resources Committee agrees that the council will work with the city's MPs to lobby for:
- Extension of business rates relief for all SME's and pubs – using usual Treasury relief mechanisms
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- 2.7 That the Policy & Resources Committee agrees the council will work with regional public and private sector partners in the Greater Brighton Economic Board to assess the impact of the cost of living to support local SME businesses through sharing intelligence and offering mutual support.
- 2.8 That the Policy & Resources Committee agrees the approach to developing potential warm banks for use over the winter period, including working with the Community & Voluntary Sector regarding their assets, as set out in paragraphs 5.9 to 5.12
- 2.9 That the Policy & Resources Committee agrees the proposed communications campaign set out in Section 9 to promote awareness of available advice and support for those in need, and to re-promote charitable



giving toward the Cost of Living crisis from those who are able and willing to help.

- 2.10 That the Policy & Resources Committee agrees the council will support the ['Warm This Winter'](#) campaign which calls for government support to provide immediate emergency support, help to upgrade homes and access to cheap energy to lessen reliance on gas and oil.
- 2.11 That the Policy & Resources Committee approves the proposed indicative allocation of HSF tranche 3 as set out at paragraph 10.7, noting the associated Equality Impact Assessment at Appendix 1
- 2.12 That the Policy & Resources Committee agrees that officers may make adjustments to allocations where there is evidence of changing need throughout the 6 month period of HSF3, to ensure that all of the fund is spent
- 2.13 That the Policy & Resources Committee agrees that the Council has a leadership role to play in co-ordinating support for residents across the city through this crisis. We agree to bring key partners together in an urgent 'Cost of Living Crisis Summit' to request commitments from the city's anchor institutions of how they can help to build longer term community resilience. This summit should bring together key stakeholder organisations in Brighton & Hove, including:
  - Financial advice and support organisations such as Citizens Advice Bureau, Money Advice Plus and the Credit Union
  - Large private sector anchor institutions such as Legal & General, American Express, Brighton & Hove Football Club, Sussex County Cricket Club and others
  - Brighton & Hove Economic Partnership
  - Brighton & Hove Food Partnership
  - Community Works
  - Local Trade Unions
  - The local NHS Integrated Care Board



# Brighton & Hove City Council

## Policy & Resources Committee

## Agenda Item 59

Date of meeting: 6 October 2022

### OFFICER AMENDMENT

#### COST OF LIVING UPDATE INCLUDING THE HOUSEHOLD SUPPORT FUND TRANCHE 3

Due to a technical fault, automated paragraph references in Item 59 have not correctly updated. The following error references should be corrected as follows:

**Paragraph 2.8:** The wording Error! Reference source not found should read **5.12**.

The amended Paragraph 2.8 should read:

2.8 That the Policy & Resources Committee agrees the approach to developing potential warm banks for use over the winter period, including working with the Community & Voluntary Sector regarding their assets, as set out in paragraphs 5.9 to **5.12**.

**Paragraph 2.9:** The wording Error! Reference source not found should read **9**.

The amended Paragraph 2.9 should read:

2.9 That the Policy & Resources Committee agrees the proposed communications campaign set out in Section **9** to promote awareness of available advice and support for those in need, and to re-promote charitable giving toward the Cost of Living crisis from those who are able and willing to help.

**Paragraph 10.3:** The wording Error! Reference source not found should read **3.1**.

The amended Paragraph 10.3 should read:

10.3 On a household-by-household basis, this means that vulnerable residents were assisted with a mixture of food vouchers, meals, help with fuel bills and other essential items. The various Cost of Living working groups (see paragraph **3.1**) and the Cost of Living Officer Group have reviewed and discussed these allocations and there is general agreement that these allocations have worked well, have enabled widespread reach through a range of appropriate settings and avoid, as far as possible with the funds available, lots of re-referrals between different agencies and services.



# Brighton & Hove City Council

## Council

## Agenda Item 40

**Subject:** Cost-of-living Crisis Support

**Date of meeting:** 20 October 2022

**Proposer:** Councillor Wilkinson

**Seconder:** Councillor O'Quinn

**Ward(s) affected:** All

### Notice of Motion

#### Labour Group

Council notes:

- a. The severity of the current cost-of-living crisis, exacerbated by surging energy bills and rising inflation, and the impact this is already having on Brighton and Hove residents;
- b. That whilst an urgent change of course from the Central Government is necessary, there are steps we as a local authority can take to support residents through this crisis;

Therefore, Council:

1. Declares a cost-of-living emergency and a readiness to consider launching into full crisis-footing, akin to the Covid-19 pandemic and climate emergency;
2. Requests the continued promotion of communication and awareness campaigns helping residents in need understand where they can access help, including an emphasis on benefits that have a low-take up rate\*;
3. Welcomes P&R\*\* committing to an urgent 'Cost-of-Living Crisis Summit', bringing together key stakeholders and partners\*\*\* and requests officers work with them to consider existing and emerging risks, and develop plans and a formal emergency response
4. Requests officers consider rising childcare costs whilst distributing the Household Support Fund and explore any additional grant funding opportunities available for childcare costs;
5. Declares its support for the formation of a Local Economy Recovery Organisation and a Mutual Credit Network to help businesses and residents struggling with inflationary pressures;
6. Restates its commitment to ramping up community wealth building efforts, particularly through procurement and support for small and medium independent local businesses to help them weather this storm;
7. Requests officers report back to Policy & Resources Committee regularly to outline progress in responding to this emergency.

## Supporting Information:

*\*i.e. Council Tax Reduction, Pension Credits and associated benefits such as TV License Fee support for elderly people*

*\*\*P&R (Policy & Resources Committee)*

*\*\*\*i.e. health, social care, emergency services, the voluntary and community sector and our business community*

- The UK is entering a recession, with inflation at over 10%, a 40 year high, interest rates increasing and the cost-of-living spiralling.
- Despite rising costs, the real value of pay fell by 3% up to August 2022.
- According to a report by the Day Nurseries, the average cost of sending a child under two years old to a nursery part-time (25 hours per week) in the UK has increased to £7,212 in 2022, compared to £7,160 in 2021.
- A new poll from Credit Karma UK shows a quarter (24%) of parents have seen their childcare costs increase significantly, by an average of £110 per month. The survey also found almost one in five parents are being forced to cut down their work days while others are having to quit their jobs entirely to take care of their children due to a crippling increase in nursery fees.

<https://www.forbes.com/uk/advisor/personal-finance/2022/09/30/inflation-rate-update/>

<https://www.theguardian.com/business/live/2022/aug/16/uk-real-pay-falls-record-3-inflation-job-vacancies-decline-business-live>

[Parents forced to quit jobs as nursery fees soar | The Independent](#)

# Brighton & Hove City Council

**Council**

**Agenda Item 41**

**Subject: Cost-of-living and Energy Crisis**

**Date of meeting: 20 October 2022**

**Proposer: Councillor Evans**

**Seconder: Councillor Appich**

**Ward(s) affected: All**

## **Notice of Motion**

### **Labour Group**

Council notes with concern the Government's:

- a) Lacklustre response to the cost-of-living crisis it has helped create, particularly regarding rising energy costs;
- b) Decision to lift the ban on fracking, identifying the Jurassic Weald Basin as a possible site despite scientists and economists warning fracking will not ease the energy crisis or bring down utility bills but will imperil climate targets;

Therefore, Council:

1. Requests the Chief Executive writes to Government lobbying for;
  - The ban on fracking to be reinstated;
  - Adopting a Warm Homes Plan
  - Adopting plans to form a GB Energy Company;
  - Adopting plans for green growth and self-sufficient zero carbon power by 2030
2. Welcomes existing work, reported to P&R\*, supporting residents with energy and fuel costs;
3. Requests officers explore all avenues to obtain further support for residents warming homes this winter, including grant funding and best practices from other local authorities;
4. Welcomes the commitment made at P&R\* to work with the community and voluntary sectors to explore establishing a network of 'warm zones'.
5. Requests that officers consider the use of all public spaces, including libraries, schools and museums, as 'warm zones' for those in need, and that officers consider reaching out to private and public sector anchor institutions in the city to encourage them to contribute spaces to the 'warm bank' network;
6. Restates strong opposition to fracking and reiterates Brighton & Hove's declaration of a frack-free zone, and requests officers consider working with neighbouring authorities and bodies\*\* to resist any fracking in the region.

## Supporting Information:

<https://www.bgs.ac.uk/geology-projects/shale-gas/shale-gas-in-the-uk/>

<https://www.theguardian.com/environment/2022/sep/08/fracking-uk-not-fix-fuel-bills-economically-high-risk>

Labour's Warm Homes Plan – insulating 19 million homes to bring down energy bills;

Labour's plans to form GB Energy – a publicly-owned renewable energy provider offering cheaper, greener energy;

Labour's plans for green growth and self-sufficient zero-carbon power by 2030 – permanently cutting bills through doubling onshore wind, tripling solar power and more than quadrupling offshore wind power;

<https://labour.org.uk/issue/clean-energy-by-2030/>

<https://labour.org.uk/issue/labours-plan-to-cut-bills/>

<https://labour.org.uk/issue/economic-growth/>

*\*P&R (Policy & Resources Committee)*

*\*\*i.e. GBEB (Greater Brighton Economic Board), Coast2Capital LEP (Local Enterprise Partnership)*



# Brighton & Hove City Council

**Council**

**Agenda Item 42**

**Subject: Safety of Council Tenants**

**Date of meeting: 20 October 2022**

**Proposer: Councillor Meadows**

**Seconder: Councillor Barnett**

**Ward(s) affected: All**

## **Notice of Motion**

### **Conservative Group**

This Council:

- a. Acknowledges repeated concerns from tenant, leaseholder and resident associations that the City is not cooperating or sharing CCTV footage when requested by Sussex Police;
- b. Notes further serious concerns expressed by the above groups concerning:
  - i. An increase in drug-dealing and cuckooing on council estates since regular officer inspections were ended by the council in 2018;
  - ii. The current allocations policy;
  - iii. Lack of adherence to the tenancy pathway from street to council home, with placements made before addictions have been overcome; and
  - iv. The high number of empty council homes in estates detracting from amenity; and

Therefore, resolves to:

1. Calls for a report to Housing Committee that outlines a strategy for resolving the above issues.



# Brighton & Hove City Council

**Council**

**Agenda Item 43**

**Subject: Leisure Centres and Energy-inefficiency**

**Date of meeting: 20 October 2022**

**Proposer: Councillor Bagaean**

**Seconder: Councillor Nemeth**

**Ward(s) affected: All**

## **Notice of Motion**

### **Conservative Group**

This Council:

- a. Notes the antiquated and dilapidated state of most of Brighton & Hove's leisure centres, which are no longer fit for purpose for a modern city;
- b. Further notes the poor energy-efficiency of many of these leisure centres and the current early closures to mitigate the effects of their poor energy performance 1;
- c. Expresses concern about the lack of firm plan or impetus to upgrade our leisure facilities to modern standards; and

Therefore, resolves to:

1. Calls for a report to be presented to Policy & Resources Committee, which:
  - a. Reviews the state of these assets from an energy-efficiency standpoint; and
  - b. Provides a costed plan to upgrade the city's leisure facilities in the run-up to the 2030 deadline.

Supporting information:

Research from international real estate advisor Savills reveals that a total of 185 million sq ft of UK retail space is at risk of becoming unlettable by 2023 if the Minimum Energy Efficiency Standards (MEES) are not met<sup>2</sup>. It will be prohibited to let commercial buildings with an EPC (Energy Performance Certificate) rating of Grade F or G from 1st April 2023, with a longer term target for all commercial buildings to be rated a minimum of EPC B by 2030.

<sup>1</sup> <https://www.theargus.co.uk/news/22804150.brighton-leisure-centres-change-hours-amid-energy-crisis/>

<sup>2</sup> [Savills UK | UK retail reaches EPC cliff edge with 185 million sq ft at risk of being unlettable by next year](#)



# Brighton & Hove City Council

## Council

## Agenda Item 44

**Subject:** Free period products in public buildings

**Date of meeting:** 20 October 2022

**Proposer:** Councillor Heley

**Seconder:** Councillor Appich

**Ward(s) affected:** All

### Joint Notice of Motion

### Green & Labour Group

This Council believes that:

- a) Everyone who requires period products should be able to access them for free
- b) A person's period should not prevent them from succeeding in life

This Council resolves to:

1. Build on the positive work being done in Brighton & Hove since working closely with schools across the city, and in light of the cost-of-living crisis, pay further attention to period poverty
2. Explore the provision of sanitary products in public buildings including the Town Hall and community centres - in female, male, disabled and gender neutral facilities
3. Explore whether any free disposable period products provided by the council can be sustainably sourced
4. Explore the provision of sanitary waste bins in all toilets, not just female toilets
5. To publicise the provision of free period products through council communication channels
6. To encourage the Council to widen access to free period products across Brighton & Hove providing free period products in toilets of all public buildings including libraries, schools and colleges
7. To request the Chief Executive to write to the UK government to press for funding to public bodies in England that would enable them to make period products free and available to all those who need them, as has been done in Scotland and Wales

### Supporting Information:

- The average menstruating person spends £4800 on period products in their lifetime (Bloody Good Period, 2019)
- 36% of girls aged 14-21 in the UK struggled to afford or access period products during the coronavirus pandemic, equivalent to over a million people (Plan International, 2021)

- Half of these girls could not afford period products at all and 73% said they had to use toilet paper instead of pads or tampons at some point
- Inability to buy period products leads to social exclusion, particularly from education (Global Citizen, 2018)
- Period poverty is a particular problem for refugees and those in the asylum system, who receive under £40 a week in state support (Bloody Good Period/Women for Refugee Women, 2019)
- More than three million people in the UK are unable to afford basic everyday health essentials such as period products (Hygiene Bank, 2022)

# Brighton & Hove City Council

## Council

## Agenda Item 45

**Subject:** Safe Pass

**Date of meeting:** 20 October 2022

**Ward(s) affected:** All

**Proposer:** Councillor West  
**Seconder:** Councillor Hugh-Jones

### NOTICE OF MOTION Green Group

This council notes the:

- a. updated highway code rule 163 which states that drivers should give motorcyclists, horse riders and cyclists at least 1.5 metres when overtaking at a speed of up to 30mph and more space overtaking at higher speeds
- b. failure of communications from the Department for Transport in outlining changes to the highway code which protects all road users. [1]
- c. significant and dangerous impact close passing by motorists can have on people travelling by cycle, horse or motorbike [2] [3]
- d. infrastructure improvements that have been proposed in the city's Local Cycling and Walking Infrastructure Plan (LCWIP)

This council resolves to request the:

1. Chief Executive write to the Secretary of State for the Department for Transport asking them to do more with the Think! PR campaign to promote new highway code rules and distribute more funding to local authorities to enable them to introduce infrastructure to make all road users safer
2. Executive Director for Economy, Environment and Culture liaise with taxi and bus providers calling on them to outline how they have promoted this rule change to their staff
3. Chief Executive writes to the Sussex Safer Roads Partnership calling for an update and extension of their Safe Pass campaign.

## Supporting Information:

- [61% of drivers not read updated Highway Code \(roadsafetygb.org.uk\)](https://roadsafetygb.org.uk)
- Police attribute "passing too close to the cyclist" as a contributory factor in a staggering 25% of serious collisions between cyclists and large vehicles. ([Too Close For Comfort | Cycling UK](#))
- 62% of people in the UK consider cycling on the roads 'too dangerous'. ([Too Close For Comfort | Cycling UK](#))



**Council**

**Agenda Item 46**

**Subject: Stop the attack on nature**

**Date of meeting: 20 October 2022**

**Ward(s) affected: All**

**Proposer: Councillor Allbrooke**

**Seconder: Councillor Hills**

**NOTICE OF MOTION  
Green Group**

This council notes:

- a. Recent government plans to amend or scrap crucial environmental laws which protect some of our most vulnerable nature and wildlife protections across the UK.
- b. Broken promises and commitments from Government to ban harmful practices like the importing of Foie Gras and of fur
- c. the extraordinary number of environmental charities that have called out the governments attack on nature, including the RSPB and The Wildlife Trusts [1]

This council resolves to:

1. Request the Chief Executive write to the Secretary of State for Environment, Food and Rural Affairs outlining this council's wish for strong animal welfare and nature protection legislation
2. Request a report to the Tourism, Equalities, Communities and Culture committee exploring a ban on the product 'foie gras' made by force-feeding animals at events organised on council-owned land
3. Call for restaurants and retailers who still sell foie gras to cease, securing Brighton & Hove as a 'Foie Gras Free City'
4. Endorse Animal Equality UK's campaign to ban Foie Gras
5. Request a report to a future meeting of the Children, Young People and Skills committee outlining the progress made the 'Our City, our World' environmental education programme in expanding young people's knowledge and access to nature and the environment

**Supporting Information:**

[1] [Green charities urge millions of members to oppose Tories' 'attack on nature' | Environmental activism | The Guardian](#)

