

Tourism, Equalities, Communities & Culture Committee

Date: **5 March 2020**

Time: **4.00pm**

Venue **Hove Town Hall - Council Chamber**

Members: **Councillors:** Robins (Chair), Grimshaw (Deputy Chair), Ebel (Opposition Spokesperson), Nemeth (Group Spokesperson), Childs, Evans, Mears, Powell, Rainey and Simson

Invitees: Lola BanJoko (B&H - CCG), Anusree Biswas Sasidharan, Joanna Martindale (Community Voluntary Sector) and Nick May (Sussex Police)

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AGENDA

PART ONE

Page

PROCEDURAL MATTERS

47 PROCEDURAL BUSINESS

(a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

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

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

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

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

48 MINUTES

9 - 26

To consider the minutes (attached) of the meeting held on 16 January 2020.

Contact Officer: John Peel

Tel: 01273 291058

49 CHAIRS COMMUNICATIONS

50 CALL OVER

- (a) Items 54 - 60 will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

51 PUBLIC INVOLVEMENT

27 - 28

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

- (a) **Petitions:** To receive any petitions presented by members of the public:
 - (i) Brighton Community Workshop Project
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 28th February 2020;
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on 28th February 2020.

52 ITEMS REFERRED FROM COUNCIL

There was one item referred from the last meeting of Full Council held on 30 January 2020, which has been listed as **Item 53 (d) – Member Involvement – Notices of motion – Mary Clarke statue.**

53 MEMBER INVOLVEMENT

29 - 34

To consider the following matters raised by Members:

- (a) **Petitions:** To receive any petitions;
- (b) **Written Questions:** To consider any written questions:
 - (i) **Brighton Centre Catering Concession - Councillor Robert Nemeth**
 - (ii) **Shingle – Councillor Robert Nemeth**
 - (iii) **Waterhall Golf Course – Councillor Robert Nemeth**
 - (iv) **Self Build Register – Councillor Robert Nemeth**
 - (v) **Ice Rink – Councillor Robert Nemeth**
- (c) **Letters:** To consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.
 - (i) **Mary Clarke Statue**

54	BEACH ACCESS UPDATE	35 - 42		
Report of the Executive Director, Economy, Environment & Culture.				
<i>Contact Officer:</i>	<i>Ian Shurrock</i>	<i>Tel: 01273 292084</i>		
<i>Ward Affected:</i>	<i>Regency; Westbourne</i>			
55 PROPOSED SUBMISSION CITY PLAN PART 2				
Report of the Executive Director, Economy, Environment & Culture.				
<i>Contact Officer:</i>	<i>Helen Gregory</i>	<i>Tel: 01273 292293</i>		
<i>Ward Affected:</i>	<i>All Wards</i>			
56 REGULATION OF SHORT TERM HOLIDAY LETS				
Report of the Executive Director, Economy, Environment & Culture.				
<i>Contact Officer:</i>	<i>Jo Player</i>	<i>Tel: 01273 292488</i>		
<i>Ward Affected:</i>	<i>All Wards</i>			
57 SWIFT BOXES IN NEW DEVELOPMENT				
Report of the Executive Director, Economy, Environment & Culture.				
<i>Contact Officer:</i>	<i>Paul Vidler</i>	<i>Tel: 01273 291292</i>		
<i>Ward Affected:</i>	<i>All Wards</i>			
58 REVIEW OF PLANNING SERVICE FEES & CHARGES 2020/21				
Report of the Executive Director, Economy, Environment & Culture.				
<i>Contact Officer:</i>	<i>Simon Barrett</i>	<i>Tel: 01273 290000</i>		
<i>Ward Affected:</i>	<i>All Wards</i>			
59 ROYAL PAVILION AND MUSEUMS SERVICE - ANNUAL SERVICE PLAN				
Report of the Executive Director, Economy, Environment & Culture.				
<i>Contact Officer:</i>	<i>Steve Foster</i>	<i>Tel: 01273 291646</i>		
60 REVIEW OF THE WASTE AND MINERALS LOCAL PLAN				
Report of the Executive Director, Economy, Environment & Culture.				
<i>Contact Officer:</i>	<i>Steve Tremlett</i>	<i>Tel: 01273 292108</i>		
<i>Ward Affected:</i>	<i>All Wards</i>			
61 ITEMS REFERRED FOR FULL COUNCIL				
To consider items to be submitted to the 2 nd April 2020 Council meeting for information.				

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

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Kat Hoare, (01273 291064, email kat.hoare@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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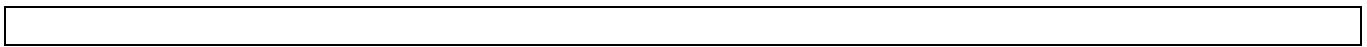
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BRIGHTON & HOVE CITY COUNCIL
TOURISM, EQUALITIES, COMMUNITIES & CULTURE COMMITTEE
4.00pm 16 JANUARY 2020
HOVE TOWN HALL - COUNCIL CHAMBER

MINUTES

Present: Councillor Robins (Chair) Grimshaw (Deputy Chair), Rainey (Opposition Spokesperson), Nemeth (Group Spokesperson), Childs, Ebel, Mears, Powell, Simson and O'Quinn

Other Invitees: Anusree Biswas Sasidharan, Joanna Martindale, Lola Banjoko and

PART ONE

30 PROCEDURAL BUSINESS

30(a) Declarations of substitutes

30.1 Councillor O'Quinn was present as substitute for Councillor Moonan.

30(b) Declarations of interest

30.2 Councillor Powell indicated an interest as she was employed by Sussex Police.

30(c) Exclusion of press and public

30.2 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

30.4 **RESOLVED –** That the press and public be excluded from the meeting during consideration of the items contained in part two of the agenda.

31 MINUTES

31.1 Anusree Biswas-Sasidharan referred to item 25.6 of the minutes and noted that previous comments had been omitted.

31.2 **RESOLVED –** That the minutes of the previous Committee held on the 21 November 2019 were agreed and signed as a correct record.

32 CHAIRS COMMUNICATIONS

32.1 The Chair gave the following communication:

"Good afternoon and welcome to this meeting of the Tourism, Equalities, Communities & Culture Committee. I'd like to inform those present that this meeting is being webcast live and will be capable of repeated viewing

As the Committee will be aware, there is a deal of public interest in the Golf Courses report today.

In order to be fair to those that have attended, I will be making changes to the order of the agenda.

On public involvement, I will be taking the deputation on Beach Chalets as the first item. I will then take each of the three petitions we have received in turn and will provide a joint response to all three.

Due to the level of public interest in the matter, we will then move to consider the Golf Courses report. Once we have considered that report, we will then move on to Member Involvement and the report items as they are listed in the agenda."

33 CALL OVER

33.1 The following items were reserved for discussion:

- | | |
|---------|--|
| Item 36 | Community Safety and Crime in Brighton & Hove |
| Item 37 | Hollingbury Park and Waterhall Golf Courses |
| Item 38 | Outdoor Events Strategy |
| Item 40 | Provision of Viability Consultancy Advice to the Planning Service |
| Item 41 | Citywide Article 4 Direction – Houses in Multiple Occupation |
| Item 42 | Planning Application Validation Review – Community Infrastructure Levy |
| Item 43 | Adoption of Updated Design Guide for Extensions and Alterations SPD |

33.2 The following item was withdrawn for further consideration:

- Item 39 Brighton Centre Catering Concession

34 PUBLIC INVOLVEMENT

(A) PETITIONS

(i) Keep Hollingbury Golf Course as a Golf Course.

34.1 The Committee considered a petition signed by 1689 people requesting that Brighton & Hove Council ensure Hollingbury Park Golf Course continue to remain as a golf course available to the general public.

(ii) Keep Waterhall Golf Club as a Golf Course.

- 34.2 The Committee considered a petition signed by 386 people which called on Brighton & Hove City Council to ensure Waterhall continue its use as a golf course.
- (iii) **Create a Haven for Wildlife and Wellbeing by Restoring Biodiversity of Hollingbury and Waterhall golf courses.**
- 34.3 The Committee considered a petition signed by 5216 people which requested that Brighton & Hove City Council pause for sufficient time to carefully consider the future of Hollingbury and Waterhall golf courses to further undertake a full public consultation with all stakeholders and assess the environmental resources of the two sites before committing to any long-term business arrangements.
- 34.4 The Chair gave the following joint response to both petitions:

"Thank you for your petitions. The committee will consider the future of the golf course in the agenda item for this meeting and your various petitions will be useful to inform that discussion. The Council did include golf, rewilding and leisure uses as potential options when advertising a long-term lease for the course as we are aware the current users would wish to retain the site as a gold course and other residents were seeking other potential uses for the site."

- 34.5 **RESOLVED** – That the committee note the petition.

(C) DEPUTATIONS

(i) Call for Review of Beach Chalet Licenses (Rottingdean Parish Council)

- 34.1 The committee considered a deputation that requested a review of the frequency of inspections.
- 34.2 The chair gave the following response:

"Thank you for your deputation and I will propose for officer to bring a report to a future committee on this issue. I appreciate that Beach Chalets which are rented from the council are very popular with local residents which is shown by the long waiting lists. As you indicate this is a sensitive matter and we will need to be mindful of those sensitivities while considering the legal issues of any measures that may impact upon the waiting lists."

- 34.3 Councillor Mears welcomed the request for a report and enquired of the timescale.
- 34.4 The Chair stated that the report would be brought to a future TECC Committee.
- 34.3 **RESOLVED** – that the Committee receive an officer report on the matter raised within the deputation to a future meeting.

35 MEMBER INVOLVEMENT

(B) QUESTIONS

(i) Madeira Terraces

- 35.1 Councillor Nemeth put the following question:

“What is (a) the likely cost of the repairs that will now be necessary following the recent theft/vandalism incident at Madeira Terraces and (b) what is the approximate annual cost of security measures that might have been taken to avoid such an incident happening in the first place?”

- 35.2 The Chair provided the provided the following reply:

“The council is not in a position to speculate on the cost of repairs until the structures have been examined and a comprehensive assessment of the overall condition has been undertaken. A quotation would then be sought but only when it is safe and viable to carry out repairs. The council has instructed a contractor to install a felt covering to the canopy of the Madeira Lift mid-station to prevent any further deterioration as there is currently a safe access route to this structure. The cost of this short-term repair is not yet known but can be shared with Cllr Nemeth when the information becomes available.

The options for security provision are as follows:

To install CCTV along the length of the terraces would involve an initial one off capital cost of £45K (assuming there was a suitable electrical supply available). In addition to this, there would be an annual monitoring cost of £37k per year.

Due to the marine environment there would also be an ongoing servicing and maintenance cost of approx. £7K per year. Therefore, the total cost for the first year would be approximately **£89k**.

Alternatively, for hourly mobile security patrols along the length of the terraces from 9pm to 6am, 365 days a year, the cost would be **£45K** per year

To employ 2 static dedicated security guards patrolling along the length of the terraces from 9pm to 6am, 365 days a year would be **£70K** per year.”

(ii) King Alfred Leisure Centre

- 35.3 Councillor Nemeth provided the following question:

“When will the first meeting of the new King Alfred Project Board be held and what representations will the Chair of this committee be making in his capacity as head of sport for the city?”

- 35.4 The Chair provided the following response:

“At its meeting last month, the Policy & Resources Committee agreed to the reintroduction of cross-party Project Boards. Group Leaders have been asked to confirm their representatives for a number of boards and working groups, the King Alfred Project Board among them. It is hoped that this will enable the first meeting of the King Alfred Project Board by the end of next month, or in early March.

As with the previous project I will retain a keen interest in the project as it develops. I will work closely with the Labour representative on the Board and ensure appropriate engagement throughout the process”

- 35.5 Councillor Nemeth sought further clarification as to the date of the next meeting of the King Alfred Project Board.
- 35.6 The Chair offered to provide a written response.

(iii) King Alfred Leisure Centre

- 35.7 Councillor Nemeth provided the following question:

“At the 19th November meeting of this committee, I was assured that detailed information on which tenants and user groups at the King Alfred had been contacted, or would urgently be contacted, about the site’s future. As of 6th January, nothing has been received by me. When will the information be provided?”

- 35.8 The Chair gave the following response:

“The understanding of your request from the November committee was for confirmation of the relationship between the council, Freedom Leisure and other users of the King Alfred site. This information has been provided to you prior to this meeting.

As indicated at the committee in November, Freedom Leisure the council’s tenant for the King Alfred Leisure Centre were notified on the 13th August 2019 that Crest Nicholson had withdrawn from the King Alfred redevelopment. Furthermore, when the council has agreed a way forward with regards to the facility Freedom Leisure will be notified to enable staff, sub-tenants and user groups to be updated.

Cheetahs Gym and Fun Play Leisure (Hove) are also tenants of the council on the King Alfred site and they have both been directly notified by the council that Crest Nicholson had withdrawn from the King Alfred Redevelopment.”

- 35.9 Councillor Nemeth disputed the initial section and noted that at the last meeting, tenants and user groups were technically sub tenants. It was stated reassurances were provided that this technicality would not interfere with dissemination and requested that confirmation that concrete steps had been taken to contact sub tenants.
- 35.10 The Executive Director, Economy, Environment & Culture stated that the sports leisure team would be contacted in order to provide a response as soon as possible.
- 35.11 Councillor Nemeth further requested agreement that sub tenants would be contacted.
- 35.12 The Chair agreed.

(iv) Planning Process

- 35.13 Councillor Nemeth provided the following question:

“What, if any, plans are in place to introduce AI routines to the planning system, as is happening in other authorities such as Milton Keynes, to speed up planning applications?”

35.14 The Chair provided the following response:

“The existing Planning service modernisation programme is already delivering improvements in the time taken to process the majority of planning applications, as reported quarterly to the Planning Committee.

The use of AI in a few pilot authorities is at an embryonic stage and is mainly focused on improving the customer experience including self-service, advice and information sharing rather than process re-design to speed up decision making. The Planning Service is monitoring these initiatives and will be submitting prioritised bids for future Modernisation Programme funding, and government grants where available, when the business case can be justified, and the necessary ICT skills and capacity secured.”

(v) Webcasts

35.15 Councillor Nemeth provided the following question:

“Will past webcasts of this committee be made available soon as was suggested upon first usage of the new system on the council website?”

35.16 The Chair provided the following response:

“Thank you for your question Councillor Nemeth.

I can confirm that the past webcasts for this committee’s meetings in September and November are available on the council’s web site and can send you the link should you require it.”

(vi) Brighton Town Hall

35.17 Councillor Nemeth provided the following question:

“Will the Chair arrange for a briefing to be sent to committee members with an update on this project?”

35.18 The Chair provided the following response:

“Thank you for your question.

Yes, a briefing note can be circulated to the committee members after this meeting.”

(D) NOTICES OF MOTION

(i) Party Houses

35.19 The Committee considered a Notice of Motion, referred from the Full Council meeting of 19 December 2019.

35.20 The Chair gave the following response:

"I can confirm that I have asked for a report on Short Term Lets to come to this Committee in March and it will consider and make recommendations in line with those set out in this Notice of Motion."

35.21 **RESOLVED** – That a report be brought to March TECC Committee.

36 COMMUNITY SAFETY AND CRIME IN BRIGHTON & HOVE

36.1 The Committee considered a report of the Interim Director of Housing Neighbourhoods and Communities which sought to provide an update on work being undertaken by the Safer Communities team and partners in relation to the Community Safety and Crime Reduction Strategy 2017-20. The report was provided by the Head of Safer Communities.

36.2 Councillor Simson noted her concern in the increase in crime and sought clarification of the following points:

- In regard to 3.29 clarity was sought as to when this had commenced,
- In regard to 3.32 information regarding the success of the consultation was requested.
- In regard to item 3.34 Councillor Simson stated that they had attended the Taxi Forum and noted that there were still some drivers that had not received training.
- Councillor Simson referred to page 37 and enquired if this would be considered a small or large number.

36.3 The Head of Safer Communities responded to Councillor Simson's questions with the following:

- It was stated that the MARAC Hub pilot was in its first week and hoped to move to Johns Street.
- In regard to 3.32 it was stated that an update to members via email would be looked into.
- In regard to 3.34 it was stated that the Taxi Forum would take place in November however further work was being undertaken to liaise with providers which has further pushed back dates.
- A rise in the number of burglaries was acknowledged and that this comprised of a residential, garden and commercial burglaries. It was, however, confirmed that these

had been carried out by a relatively low number of people and did not reflect the national trend.

- 36.4 Anusree Biswas Sasidharan echoed Councillor Simson's concerns, noted the good work that had been carried out so far and enquired if contextual safeguarding was an approach that had been concerned by BHCC.
- 36.5 The Head of Safer Communities confirmed that BHCC was considering this.
- 36.6 Nick May, Sussex Police, noted that although there had been a rise in issues, a positive trend was reflected in the rise of reports of cases.
- 36.7 Councillor Powell noted a domestic violence event in November and enquired of the knock on effect of external pressures and if further issues would arise as a result of further budgetary cuts.
- 36.8 The head of Safer Communities stated that through the recommissioning of services, only a small reduction in services was proposed and that this did not constitute a large amount of money. Members were assured that work with CCG and Sussex Police would continue.
- 36.9 Councillor Simson stated that Crime Stoppers was a very effective organisation that was 100% confidential and requested if further information on the organisation be disseminated across the City.
- 36.10 Nick May echoed his support for Crime Stoppers and vouched for their commitment to confidentiality.
- 36.11 Councillor Childs noted the upward trajectory across violent crime and sexual assault and sought clarification on the reasons for this on the ease of reporting a crime.
- 36.12 Nick May acknowledged rising crime rates and noted that Brighton was nationally very strong at reporting crime. It was noted that the category of violent crimes encompassed an entire range of offences that included threats and malicious communication and stalking. It was further noted that although there was a rise there was also a marked improvement in reporting crime.
- 36.13 **RESOLVED:** That the Committee

1. Noted the information contained in the report which provides an update on work being undertaken by the Safer Communities team and partners in relation to the Community Safety and Crime Reduction Strategy 2017-20.

37 HOLLINGBURY PARK AND WATERHALL GOLF COURSES

- 37.1 The Committee considered the report of the Executive Director, Economy, Environment & Culture regarding Hollingbury Park and Waterhall Golf Courses. The report was introduced by the Assistant Director Culture, Tourism & Sport.

- 37.2 The Assistant Director Culture, Tourism & Sport gave a brief overview of the report which sought to make recommendations to lease the Waterhall Course to a Community Interest Company for re-wilding and to authorise officers to clarify the bids of Hollingbury Golf Course with a view to make recommendations to Policy & Resources Committee.
- 37.3 On behalf of the Conservative Party, Councillor Nemeth moved a motion to amend recommendations 2.2 and 2.4 as shown in strikethrough and bold italics below:
- 2.2 Recommends to Policy & Resources Committee that it agrees to lease Waterhall Golf Course to the Community Interest Company (CIC) described in the bid appended to the Part 2 report for a period of 25 years ***with the caveat that having considered the legal, financial and practical implications it should ensure golf continues at one of the two courses.***
- 2.4 Authorises officers to continue to interrogate and clarify the bids received in relation to Hollingbury Park Golf Course and ***instructs notes that officers hope to make a recommendation to Policy & Resources Committee on 23 January as to the future of the site following consultation with the lead members of three political groups on the committee.***
- 37.4 Introducing the amendment, Councillor Nemeth stated that membership had been already affected as a result of neglect and that a negative impact on mental health as well as a dissolution of community bonds and local programs needed to be considered.
- 37.5 Councillor Mears formally seconded the amendment. Concern was raised regarding the possibility of a golf course being sold redevelopment and that the report did not reference this issue.
- 37.6 On behalf of the Green Group, Councillor Ebel moved a motion to add recommendations 2.4, 2.5 and 2.7 and to re-number the original recommendation 2.4 to 2.6. as shown in bold italics below:
- 2.4 ***Requests a report on the progress of the rewilding and the use of the educational centre is brought to the Tourism, Equalities, Communities & Culture Committee once a year, and asks that officers engage with the tenant to request detail on the following:***
- ***use of pesticides and herbicides;***
- ***public access plans - any increase in diverse habitats and species;***
- ***engagement with local communities***
- ***any environmental audit or similar***
- 2.5 ***Recommends to the tenant that they use sustainable materials for the renovation of the events venue and implement environmentally friendly solutions such as solar panels, air-to-air heating, rain water harvesting and grey water recycling.***
- 2.7 ***That if no clearly beneficial bid is identified for Hollingbury Park Golf Course, TECC recommends to Policy & Resources Committee that it orders a review 7 which considers whether to carry out a new bidding process***

which encourages proposals for rewilding or a mixed golf/rewilding use and that Policy & Resources considers extending the Mytime Active contract whilst the review and bidding process is undertaken.

- 37.7 Introducing the motion, Councillor Ebel expressed concern regarding the tendering process and noted that golfers wanted better consultation. It was stated that BHCC had to consider access to the Waterhall site.
- 37.8 Councillor Rainey formally seconded the amendments.
- 37.9 Councillor Simson echoed concerns regarding the short period assigned to the tendering process. Further concern was expressed regarding the management of the site and that the duration of lease was too long.
- 37.10 Councillor Mears noted that both golf courses had already attained a certain level of rewilding. It was stated that the Asset Management Board was working with the South Down National Trust to consider this.
- 37.11 Councillor O’Quinn noted that Hollingbury ought to remain as a Golf Course and that Waterhall housed an abundance of wildlife.
- 37.12 Councillor Childs noted that provision of leisure facilities was critical for the City’s health and wellbeing. It was noted that Hollingbury Golf Course had a legacy from being in operation for 112 years and that the issue lay with the potential of rejecting a bid as a result of unnecessary regulation. Clarification was sought as to the likely implications of allowing the bidding process to be reopened.
- 37.13 The Assistant Director, Tourism & Sport stated that following the end of the contract, should no action be taken, the golf course would continue to operate with mothballing costs. It was noted that officers currently involved would cease to be involved and that a decline in service provided by BHCC would follow including a decline in provided equipment and security services. It was noted that a new consultation process would further prolong the issue by at least another 6 months.
- 37.14 Councillor Mears expressed concern in regard to the uncertainty brought about by the lack of clarity on this issue.
- 37.15 The Executive Director Economy, Environment & Culture referred to 3.21 of the report and stated that officers had actively been seeking this information. It was stated that the intention was to provide a positive recommendation to the upcoming Policy & Resources Committee. Further clarification of the mothballing costs was provided.
- 37.16 Councillor Powell enquired as to what level members had been involved in the process.
- 37.17 The Executive Director Economy, Environment & Culture stated that it was usual for officers to undertake the marketing and tendering exercises of land and that the approach that BHCC had taken was the approach that was agreed as amended at the previous Tourism, Development and Culture Committee in June 2019.
- 37.18 The Chair put the Conservative amendment to the vote which was lost.

37.19 The Chair then put the Green Group amendment to the vote which was passed.

37.20 The Chair then put the recommendations as amended to the vote which were agreed.

37.21 **RESOLVED** that the committee:

1. Noted the current management contract with Mytime Active to operate the council's golf courses at Hollingbury Park and Waterhall expires on 31st March 2020.
2. Recommended to Policy & Resources Committee that it agrees to lease Waterhall Golf Course to the Community Interest Company (CIC) described in the bid appended to the Part 2 report for a period of 25 years.
3. Recommended to Policy & Resources that it delegates authority to the Executive Director, Economy, Environment & Culture to conclude the lease arrangements for Waterhall Golf Course as per 2.2
4. Requested a report on the progress of the rewilding and the use of the educational centre is brought to the Tourism, Equalities, Communities & Culture Committee once a year, and asks that officers engage with the tenant to request detail on the following: - use of pesticides and herbicides; - public access plans - any increase in diverse habitats and species; - engagement with local communities - any environmental audit or similar
5. Authorised officers to continue to interrogate and clarify the bids received in relation to Hollingbury Park Golf Course and notes that officers hope to make a recommendation to Policy & Resources Committee on 23 January as to the future of the site.
6. That if no clearly beneficial bid is identified for Hollingbury Park Golf Course, TECC recommended to Policy & Resources Committee that it orders a review which considers whether to carry out a new bidding process which encourages proposals for rewilding or a mixed golf/rewilding use and that Policy & Resources considers extending the Mytime Active contract whilst the review and bidding process is undertaken.

38 OUTDOOR EVENTS STRATEGY

38.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture which sought to advise committee of the implications of amending the Outdoor Events Strategy. The report was provided by the Assistant Director Culture, Tourism & Sport and the Events Manager.

38.2 The Assistant Director Culture, Tourism & Sport gave a brief overview of the report and the amendments brought at previous committees. An annual report on compliance with the outdoor events charter was proposed where events that comprised of 5000 people or more were provided with an environmental impact assessment and action plan by organisers; and where events comprised of less than 5000 people, a sustainable events

commitment was supplied. It was noted that this had been developed and prepared for event organisers in the coming year and beyond.

It was further noted that the actions proposed on 3.2 to 3.21 be adopted along with the banning of “skylitter” at BHCC parks and open spaces as part of the outdoor events program. Finally it was stated that fees and charges be approved acknowledging that there would be a 5% increase across the board for outdoor events. Councillors were asked to note the budget implications should this not be agreed.

- 38.3 On behalf of the Green Party, Councillor Rainey moved a motion to amend recommendations 2.2 to 2.5 and add recommendations 2.6 to 2.8 as shown in bold italics below:

- 2.1 That the Committee agrees to receive an annual report on compliance with the Outdoor Events Charter.
- 2.2 That the Committee agrees the requirement for outdoor events with over 5000 participants/attendees to complete an Environmental Impact Assessment and Action Plan and that this is included as part of the Outdoor Events Charter ***and requests that officers provide a briefing to the Chair and the Opposition Spokespersons on the details of the proposed Environmental Impact Assessment and Action Plan before its introduction in March 2020.***
- 2.3 That the Committee agrees the actions proposed in paragraphs 3.2 to 3.21 below are adopted ***with the addition of recommendations 2.6 to 2.8.***
- 2.4 That the Committee agrees that releases which result in sky litter are not permitted at ***any events on any land owned by the Council.***
- 2.5 That the Committee agrees the increase in fees and charges for Outdoor Events for 2019/20 as listed in appendix 2 ***and brings a report to the next committee which explores the option of profit-sharing with the council for commercial (not community or charity) events with over 5000 participants/attendees.***
- 2.6 ***That the Committee requests that all outdoor events on council-owned land sign up to the Outdoor Events Charter. Events with less than 500 participants/attendees need only comply with the Sustainable Event Commitment.***
- 2.7 ***All events of over 500+ attendees to be required to submit a Travel Plan to be agreed with Events & transport officers. All events required to produce an EIA should also be required to submit an Equalities Impact Assessment with particular focus on the impact of the event on disabled people's ability to access both the event and the surrounding area.***
- 2.8 ***The following items on the Sustainable Event Commitment will be mandatory rather than optional: Recycling plastic, glass and cans; Consider where products and services are coming from; Minimise damage to the site by protecting grass, flowerbeds and other vegetated areas; The reduction and ultimate elimination of single-use plastic.***

- 38.4 Councillor Powell formally seconded the motion.
- 38.5 Councillor Nemeth queried the use of the term “skylitter”. It was stated that this term was obscure as it encompassed a wide array of items such as fireworks and enquired if fireworks were to be banned under this rubric.
- 38.6 The Events Manager stated that the term encompassed a series of objects identified by many external bodies such as the RSPCA. It was clarified that the focus was more on items such as sky lanterns than fireworks.
- 38.7 Councillor Nemeth acknowledged the clarification and stated that in spaces such as school fields which came under the BHCC’s remit; it was not possible to stop releases of skylitter as they were tied up in leases. As a result it was noted that it was not possible to stop this at sites.
- 38.8 The Head of Commercial Law confirmed that BHCC could not ban sky litter for land that had already been leased.
- 38.9 Councillor Childs clarified that school fields were owned by the Council however that management was delegated by statute to the governing body of the school.
- 38.10 Councillor Simson noted that a voluntary school could proceed with this regardless.
- 38.11 The Head of Commercial Law proposed to remove ambiguity by amending recommendation 2.4 to read as shown below in bold italics:
- 2.4 That the Committee agrees that releases which result in sky litter are not permitted at any event on any land owned by the Council ***to the extent permitted by law.***
- 38.12 Councillor Simson referred to the banning of performing animals and sought clarity on if this included dogs.
- 38.13 The Chair confirmed that dogs and horses were exempt from this.
- 38.14 Anusree Biswad Sasidharan sought clarity as the reason for the absence of an equalities impact assessment.
- 38.15 The Events Manager stated that this amended proposed that all events submitted an Equalities Impact Assessment.
- 38.16 Councillor Mears requested that a background paper clarifying everything be provided.
- 38.17 The Executive Director – Economy, Environment & Culture ensured that finalised documents would be scrutinised to ensure that they were not open to challenge.
- 38.18 Councillor Childs expressed concern of recommendation 2.5 in regard to the possibly putting off event organisers and the further possibility of impeding organisers from generating money

38.19 The Chair noted Councillor Childs concern.

38.20 Councillor Rainey clarified that the recommendation only sought to look at this as an option and that this could be brought to TECC at a later date in the year.

38.21 Councillor Powell noted that the Green Group had brought the Animal Charter to TDC in the past and enquired if a revised edition could be brought back and shared.

38.22 The Executive Director – Economy, Environment & Culture stated that this would be sent to Councillor Powell.

38.23 The Head of Commercial Law stated that there was legislation that constrained what BHCC could place in the Charter and offered to send this to Councillor Powell as well.

38.24 The Chair put the amendments to the vote.

38.25 Recommendations 2.1 – 2.4 were passed, Item 2.5 fell and Items 2.6-2.8 passed.

38.26 **RESOLVED:** That the Committee:

1. Requested an annual report on compliance with the Outdoor Events Charter.
2. Agreed the requirement for outdoor events with over 5000 participants/attendees to complete an Environmental Impact Assessment and Action Plan and that this is included as part of the Outdoor Events Charter and requests that officers provide a briefing to the Chair and the Opposition Spokespersons on the details of the proposed Environmental Impact Assessment and Action Plan before its introduction in March 2020.
3. Agreed the actions proposed in paragraphs 3.2 to 3.21 of the report are adopted with the addition of recommendations 2.6 to 2.8.
4. Agreed that releases which result in sky litter are not permitted at any events on any land owned by the Council to the extent permitted by law.
5. Agreed the increase in fees and charges for Outdoor Events for 2020/21 as listed in appendix 2.
6. Requested that all outdoor events on council-owned land sign up to the Outdoor Events Charter. Events with less than 500 participants/attendees need only comply with the Sustainable Event Commitment.
7. Required all events of over 500+ attendees to submit a Travel Plan to be agreed with Events & transport officers. All events required to produce an EIA should also be required to submit an Equalities Impact Assessment with particular focus on the impact of the event on disabled people's ability to access both the event and the surrounding area.

8. Decided that the following items on the Sustainable Event Commitment will be mandatory rather than optional: Recycling plastic, glass and cans; Consider where products and services are coming from; Minimise damage to the site by protecting grass, flowerbeds and other vegetated areas; The reduction and ultimate elimination of single-use plastic.

39 BRIGHTON CENTRE CATERING CONCESSION**40 PROVISION OF VIABILITY CONSULTANCY ADVICE TO THE PLANNING SERVICE**

- 40.1 The Committee considered a report of the Executive Director Environment, Economy & Culture which sought to seek approval to secure suitable arrangements for BHCC to continue to access high quality and timely advice on the provision of independent development viability assessment reviews. The report was provided by the Business Development Manager.
- 40.2 On behalf of the Green Party, Councillor Powell moved a motion to amend recommendation 2.2 as shown in bold italics below:
 - 2.2 That the Committee agree that the viability reviews undertaken by the consultants utilise a standard model and set parameters (for profit levels, contingencies, professional fees etc) as agreed and reviewed by the Planning Committee Cross Party Members' Working Group ***and to request a review to come to this Committee two year after this comes into effect to assess the impact on the percentage of affordable housing being built.***
- 40.3 Councillor Rainey formally seconded the motion.
- 40.4 The Chair put the amendment to the vote which was passed.
- 40.5 **RESOLVED** that the Committee:
 1. Authorised the Head of Planning to establish a framework of suitably experienced and qualified viability consultants for the council to utilise to undertake independent viability assessment reviews of evidence submitted by planning applicants.
 2. Agreed that the viability reviews undertaken by the consultants utilise a standard model and set parameters (for profit levels, contingencies, professional fees etc) as agreed and reviewed by the Planning Committee Cross Party Members' Working Group and to request a review to come to this Committee two year after this comes into effect to assess the impact on the percentage of affordable housing being built.

41 CITYWIDE ARTICLE 4 DIRECTION - HOUSES IN MULTIPLE OCCUPATION

- 41.1 The committee considered a report of the Executive Director, Economy, Environment & Culture which sought to confirm Article 4 direction to allow changes of use from dwelling houses to small houses in multiple occupation replacing the existing Article 4 Direction confirmed in 2013. The report was provided by the Principle Planning Officer.

- 41.2 The Principle Planning Officer noted that steps to implement the directive had been taken since 2019 TDC Committee and that consultation had occurred last year. The Committee were advised that respondents were in favour of Article 4 being confirmed.
- 41.3 Councillor Simson welcomed the report and noted that this could have been undertaken sooner.
- 41.4 Councillor Mears referred to items 5.2 and 5.3 and noted that the significant knock on effect at East Brighton Ward.
- 41.5 The Chair stated their support for this report.
- 41.6 **RESOLVED:** That the Committee:
1. Noted the representations made during the consultation period.
 2. Authorised the confirmation of the Direction made under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove permitted development rights relating to changes of use from a C3 dwelling house to a C4 small HMO.
 3. Authorised the making of a Direction ("the Cancellation Direction") cancelling the existing Article 4 Direction confirmed in 2013 within the wards of Hanover and Elm Grove, Hollingdean and Stanmer, Moulsecoomb and Bevendean, Queen's Park and St. Peter's and North Laine as these wards will be covered by the new citywide Direction.
 4. Authorised the Head of Planning to confirm the Cancellation Direction subject.

42 PLANNING APPLICATION VALIDATION REVIEW – COMMUNITY INFRASTRUCTURE LEVY

- 42.1 The Committee considered a report of the Executive Director Economy, Environment & Culture which sought to amend the planning application local validation criteria to require a completed Community Infrastructure Levy (CIL). The report was provided by the Planning Manager who noted that this would be introduced in March.
- 42.2 The Planning Manager moved a motion which sought to amend recommendation 2.2 as shown below in strikethrough and bold italics:
- 2.2 ~~That the Committee agrees the validation requirement set out in paragraph 2.1 will lapse if Full Council does not approve the commencement of CIL on 2 April 2020~~ **14 May 2020.**
- 42.3 The chair put the amendment to the vote which passed.
- 42.4 **RESOLVED:** That the Committee:

1. Agreed the amendment of the planning application local validation criteria to require a completed CIL Additional Information Form 1 as part of the validation process from 2nd March 2020 for all applications for full planning permission, including householder applications and reserved matters following an outline planning permission, and applications for lawful development certificates.
2. Agreed the validation requirement set out in paragraph 2.1 will lapse if Full Council does not approve the commencement of CIL on 14 May 2020.

43 ADOPTION OF UPDATED DESIGN GUIDE FOR EXTENSIONS AND ALTERATIONS SPD

- 43.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture which sought to adopt the Updated Design Guide for Extensions and Alterations Supplementary Planning Documentary (SPD). The report was provided by the Principle Planning Officer.
- 43.2 The Principle Planning Officer gave a brief overview of the report and noted the changes needed due to national policy. It was stated that the more positively framed report sought a balance of good design and flexible guidance. It was noted that the sustainability section boosted alignment with the emerging city plan part 2.
- 43.3 Councillor Powell requested clarification of decisions appeals.
- 43.4 The Principle Planning Officer stated that BHCC had carried out analysis and responded to the direction of the analysis. It was noted that development rights had become more relaxed.
- 43.5 Councillor Powell sought clarity on the scope of minor alterations.
- 43.6 The Principle Planning Officer stated that minor alterations referred to the changes in guidance and reaffirmed that each application would be considered on its own merits.
- 43.7 Councillor Powell enquired if this would make it harder or easier for future applicants.
- 43.8 The Principle Planning Officer stated that the recommendations sought to make things easier for applicants.
- 43.9 Councillor Nemeth sought clarity on the process in place.
- 43.10 The Principle Planning Officer stated that further clarification was mentioned in the guidance on page 9.
- 43.11 Councillor Nemeth expressed concern at the terminology employed such as “might be used” as opposed to “has to be used”. It was noted that previous Committees had mandated that this be carried out to remove ambiguity.
- 43.12 The Principle Planning Officer stated that BHCC that legal advice received stated that policy could not deliver policy through supplementary planning documents. It was noted that BHCC would be requiring the attachment of this condition on all new developments

and that the best way to achieve this was through policy. It was stated that efforts to strengthening wording could be looked at.

- 43.13 The Chair agreed that further scrutiny of the terminology used could be considered.
- 43.14 Councillor Grimshaw expressed concern in planning's interpretation that was too descriptive and requested reassurance that it was not.
- 43.15 The Principle Planning Officer reassured Councillor Grimshaw that this was a lot less prescriptive than the previous document. It was noted that a lot of work had been carried out with the planning forum and others.
- 43.16 Councillor requested reassurance that this was linguistically accessible.
- 43.17 The Principle Planning Officer stated the guidance was a lot clearer for Councillors and their residents.

43.18 **RESOLVED:** That the Committee:

1. Noted the consultation undertaken on the draft SPD (Appendix 1) and endorses the changes made to the document.
2. Agreed the Updated Design Guide for Extensions and Alterations SPD (Appendix 2) for adoption as part of the city's suite of planning documents subject to any minor grammatical and non-material text and illustrative alterations agreed by the Head of Planning in consultation with the Chair of the Committee prior to publication.

44 HOLLINGBURY PARK AND WATERHALL GOLF COURSES- EXEMPT CATEGORY 3

45 PART TWO PROCEEDINGS

46 ITEMS REFERRED FOR FULL COUNCIL

The meeting concluded at Time Not Specified

Signed

Chair

Dated this _____ day of _____

Subject:	Petitions
Date of Meeting:	5 March 2019
Report of:	Monitoring Officer
Contact Officer: Name:	John Peel
	Tel: 01273 291058
	E-mail: john.peel@brighton-hove.gov.uk
Wards Affected:	Various

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To receive any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website.

2. RECOMMENDATIONS:

2.2 That the Committee responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options, including the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- calling a referendum

3. PETITIONS

3. (i) Brighton Community Workshop Project – Garry Meyer

To receive the following petition signed by 106 people at the time of publication:

"We the undersigned petition Brighton & Hove Council to provide a space for the Brighton Community Workshop Project to use as a space to create, and as a space to house a tool library.

The Tool Library and Community Workshop would be fantastic examples of how a shared or circular economy can work and Brighton & Hove City Council says it wants to embrace ideas like this.

There is currently no community run facility available for a Tool Library or

Community Workshop so that traditional crafts can be practiced, learnt and taught.

This space or facility should be useable by the Brighton Community Workshop Project as a Workshop Space and Tool Library Space at least by 1st April 2020 and by the latest date of May 31st 2020. This space should be made available on a lease of at least two years and the rent should be either free or a peppercorn rent”

WRITTEN QUESTIONS FROM MEMBERS

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

The following written questions have been received from Members:

(i) Brighton Centre Catering Concession - Councillor Nemeth

“At the last meeting of this committee, why was the item ‘Brighton Centre Catering Concession’ pulled from the agenda at the last moment and why is it not due to be considered at this meeting?”

(ii) Shingle - Councillor Nemeth

“What assessment has been made of, and what updated policies are now in place to counter, the impact of shingle on the promenade during the winter period to (i) disabled or elderly users of the seafront and (ii) those organising or participating in outdoor events?”

(iii) Waterhall Golf Course – Councillor Nemeth

“Given that Waterhall Golf Club will needlessly fold if a new operator does not take over the course immediately after the impending deadline, and that mothballing costs are potentially huge, will a TECC Urgency Sub-committee be formed imminently to consider options?”

(iv) Self-Build Register – Councillor Nemeth

“Please supply the following figures in advance of City Plan Part Two discussions:

- (i) How many people are currently on the Self-Build Register which is maintained by the Council?
- (ii) How many have joined each year since its creation?
- (iii) How many communications have been made with its members?
- (iv) How many sites have been put forward by the Council?
- (v) How many homes are known to have been built as a result of the Council’s work in this area?

(v) Ice Rink – Councillor Nemeth

“Following numerous promises that were made to members of the public campaigning for an ice rink in the city, what progress has been made in finding a site and making the idea a reality?”

Subject:	Items referred from the Council meeting held on the 30 January 2020	
	Mary Clarke Statue – Notice of Motion	
Date of Meeting:	13 February 2020	
Report of:	Executive Lead Officer for Strategy, Governance & Law	
Contact Officer: Name:	Mark Wall	Tel: 01273 291006
	E-mail: mark.wall@brighton-hove.gov.uk	
Wards Affected:	All	

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive the following Notice of Motion which was debated at and referred from the full Council meeting held on the 30 January 2020.

2. RECOMMENDATIONS:

- 2.1 That the Committee responds to the motion concerning the Mary Clarke Statue either by noting it or where it is considered more appropriate, calls for an officer report on the matter as requested, which may give consideration to a range of options.

3. CONTEXT / BACKGROND INFORMATION

Mary Clarke Statue, Notice of Motion

- 3.1 To receive the following extract from the minutes of the full council meeting held on the 30 January 2020 setting out the motion and recommendation for the committee to consider as detailed below:

(3) Mary Clarke Statue

This council is honoured to have granted £10,000 to the Mary Clarke Statue Appeal - to provide a bronze maquette (model) of the eventual statue - and recognises the historical importance of this memorial statue and its social and educational potential as a symbol of democracy, equality and women's rights and should therefore continue to actively support and publicise this initiative.

This council requests the Chair of the TECC Committee ensures that officers bring a report to the next meeting of the committee that details ways in which the council, working across its departments and in liaison with the Mary Clarke Statue Appeal, can promote public awareness and help raise the remaining £60,000 required to fund the statue.

Supporting Information:

Mary Jane Goulden, later Mary Clarke, was born in 1862 in Salford. She ran a shop with her sister Emmeline Pankhurst, was a co-founder of the Women's Social and Political Union (WSPU) and became Organiser for Brighton from 1909 to 1910.

Mary had escaped a deeply unhappy nine-year marriage to John Clarke, during which she experienced abuse, destitution and homelessness. Thereafter she dedicated her life to the struggle for women's suffrage and was deeply committed to the cause. Mary was imprisoned three times for minor offences and led at least one delegation to Parliament in January 1909, which led to her arrest and imprisonment.

During her time as WSPU organiser in Brighton Mary lodged with Minnie Turner in her boarding house 'Sea View' at 13 Victoria Road. From this address and the WSPU office at the Quadrant near Brighton's Clock Tower, she helped build the WSPU operation in the South East of England and in 1910 ran the General Election campaign.

Mary attended the notorious 'Black Friday' events on 18th November 1910, where, over a period of six hours, 300 women outside Parliament were brutally beaten and deliberately sexually assaulted by uniformed and plain-clothed police. She was arrested for breaking a window and imprisoned in Holloway Prison for one month. Despite her frailty, Mary went on hunger strike and was forcibly fed. Two days after release from prison, on Christmas Day 1910, she collapsed and died of a brain haemorrhage.

Mary's death never received the publicity of Emily Wilding Davison's violent end under the Kings' horse on Derby Day 2013. Nonetheless, her grief-stricken sister Emmeline understood the political significance of her death. She wrote to C.P. Scott of the woman she called her "Dearest Sister" and said "She is the first to die. How many must follow before the men of your Party realise their responsibility."

3.2 The extract relating to the motion above from the full Council meeting is detailed below:

COUNCIL

4.30pm 30 JANUARY 2020

HOVE TOWN HALL - COUNCIL CHAMBER

MINUTES

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

PART ONE

72. NOTICES OF MOTION

(3) MARY CLARKE STATUE

- 72.1 The Notice of Motion as listed in the agenda was proposed by Councillor Janio as an Independent Member. Councillor Janio noted that a local charity had been seeking support and funding to enable the provision of a statue to mark the work of Mary Clarke, who was one of the first suffragettes to die in seeking to gain the vote for women. The charity had sought to work with the council, but progress had been slow, and he hoped that approval of the motion would show the council's support and enable the project to move forward.
- 72.2 Councillor Grimshaw formally seconded the motion and stated that she was pleased to be able to confirm the Labour Group's support for the motion. She hoped that officers would be able to work with the Charity to progress matters and enable the recognition of the contribution made by Mary Clarke to the cause to be made.
- 72.3 Councillors Deane and Robins spoke on the motion and expressed their support for the provision of a statue for Mary Clarke.
- 72.4 Councillor Janio thanked colleagues for their comments and the support for the aims of the motion, which he hoped would be approved.
- 72.5 The Mayor then put the following motion to the vote:

This council is honoured to have granted £10,000 to the Mary Clarke Statue Appeal - to provide a bronze maquette (model) of the eventual statue - and recognises the historical importance of this memorial statue and its social and educational potential as a symbol of democracy, equality and women's rights and should therefore continue to actively support and publicise this initiative.

This council requests the Chair of the TECC Committee ensures that officers bring a report to the next meeting of the committee that details ways in which the council, working across its departments and in liaison with the Mary Clarke Statue Appeal, can promote public awareness and help raise the remaining £60,000 required to fund the statue.

- 72.6 The Mayor confirmed that the motion had been carried unanimously.

Subject:	Beach Access Update	
Date of Meeting:	5th March 2020	
Report of:	Executive Director Economy, Environment & Culture	
Contact Officer:	Name:	Tel: 01273 292084
	Ian Shurrock Toni Manuel	01273 290394
		ian.shurrock@brighton-hove.gov.uk
	Email:	toni.manuel@brighton-hove.gov.uk
Ward(s) affected:	All	

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 At the meeting of the Tourism Development & Culture (TDC) Committee held on 17th January 2019 the Committee considered a petition referred from the meeting of Full Council held on 13 December 2018.
- 1.2 The petition was signed by nearly 2000 people requesting the council to improve access to the city's beach for disabled people and those with access needs.
- 1.3 The Chair of the Toursim, Development & Culture Committee (TDC), Councillor Robins, acknowledged the challenges facing people with mobility difficulties and noted productive meetings already held between the council's Seafront Team and participants of the Local People projects in Brighton and Hove, supported by Scope the national charity. The Local People programme is a People's Health Trust initiative which involves supporting residents to develop a shared vision for their community and take action on the issues that matter most to local people.
- 1.4 The Chair welcomed the opportunity to work together with members of Scope's project team (called the Beach Access Team) to find innovative solutions to improving access across Brighton & Hove seafront and beaches. While all involved recognised the particular challenges the terrain creates in Brighton & Hove with a shingle beach which is constantly moving and steep in many areas.
- 1.5 It was agreed by the TDC Committee that the Committee would receive a report on the matter to a future meeting.

- 1.6 This report provides an update on the subsequent work undertaken by Beach Access Team Brighton & Hove and the council and sets out the plans for further beach access improvements.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the progress already made towards improving beach access in Brighton & Hove.
- 2.2 That the Committee supports the continuation of improvements to beach and seafront access in Brighton & Hove.
- 2.3 That, where appropriate, Transport and other allocations from Section 106 and future Community Infrastructure Levy (CIL) contributions be used to facilitate beach access improvements as identified by the Beach Accessibility Working Group (BAWG).
- 2.4 That the Beach Access Team (BAT) are established as a key consultee for all seafront infrastructure and redevelopment projects.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Since the TDC Committee meeting in January 2019, regular meetings have taken place with members of Scope's project team and there is now an established Beach Accessibility Working Group (BAWG). This is an Officer working group in which Elected Members are welcome to attend if this is of interest to them.
- 3.2 In January 2019 the BAWG undertook a site visit to establish the possible locations for viewing platforms.
- 3.3 In March 2019, BAWG agreed to work towards the following priorities.

3.4 Phase I – January 2019 – April 2020

- Formation of a regular working group (BAWG)
- One beach wheelchair to be moved to the Hove Seafront Office
- Improved basic signage
- Ongoing updates to online resources, maps and information
- Improved access to seafront traders e.g. awareness-training, basic equipment etc.
- Purchase of new beach wheelchair

3.5 Phase II - May 2020 – April 2021

- Installation of seasonal beach pathway

- Full Access Audit
- Full engineering survey
- Viewing Platforms
- Replacement of current beach wheelchairs
- Further signage
- Volunteer training

3.6 Phase III - May 2021 – April 2022

- Improved lighting
- Accessible Safe Hub, comprising numerous access features. Possibly extended to provide designated accessible beach area and ringed-off swimming area
- To further develop and refine technical proposals concerning permanent access: research project for universities locally as well as seeking regional and national input

3.7 Phase IV

- Permanent access to provide those with access needs, particularly wheelchair users, with year round independent access to the water's edge and into the sea
- 3.8 In May 2019, Beach Access Team Brighton & Hove (BAT) was formally constituted with the support of the Local People project in Hove, supported by Scope.
- 3.9 In July members of BAWG attended a site visit to Sea Lanes to discuss potential future collaborations BAT also made their second appearance at Disability Pride.
- 3.10 On 24th August 2019, wheelchair trials took place on the beach in Hove involving stakeholders and members of the public. A number of manual and electric wheelchairs were put through their paces to establish whether any were effective in tackling the challenging terrain of the city's shingle beaches.
- 3.11 Over the same weekend a second public event was held at the Brighton Centre, supported by Brighton & Hove City Council and the Local People project in Hove. The aim of this event was to continue to engage as widely as possible with all interested parties, to illustrate the issues as identified in BAT research to date, to update the public on the plans and potential phased development plan to address the identified access needs, and to draw ideas and support from as many interested parties and potential stakeholders as possible.
- 3.12 A beach wheelchair was temporarily loaned to the Seafront Office. This supplements the one remaining all-terrain wheel chair available for public use currently located at the Brighton Seafront Office.
- 3.13 In September 2019 discussions commenced with various university departments concerning possible student involvement. Unfortunately, due to time constraints,

it was not possible to coordinate arrangements to coincide with the students study programme.

- 3.14 Informal discussions commence with local architect & engineering firms concerning possible collaborations.
- 3.15 More recently, preliminary discussions have also begun with significant additional stakeholders, such as the Sea Lanes development on Madeira Drive, and several keen and supportive professionals and possible partners have already come forward to offer their services pro bono.
- 3.16 October-December 2019: various funding applications submitted. Results awaited.
- 3.17 December 2019: ABIR Architects offers to work alongside BAT to address access.
- 3.18 BAT continues to work closely with the Council, with regular meetings of the BAWG.

4. NEXT STEPS

4.1 Beach Wheelchairs

The council has allocated £10,000 toward the cost of purchasing new beach wheelchairs, and BAT has identified 4 different types of chair, and then the most appropriate model of each type, chosen to meet a variety of needs. An electric all-terrain wheelchair, designed in the USA, is currently being optimised for use on our beaches, and will be in place for the start of the summer season. BAT will organise onsite trials to confirm the final models of each of the remaining types of beach wheelchair, and continues to source possible funding, including a possible collaboration with Whizz-Kidz to ensure appropriate paediatric provision.

4.2 Seasonal beach pathway

BAWG has identified an area of beach in front of the Seafront Office to trial a temporary pathway. A heavy but flexible rubber matting will be laid from the top of the beach down to the high water mark to facilitate access across the shingle for wheelchairs, buggies and anyone with mobility difficulties. The matting will be left in place throughout the summer to establish whether this method can be used elsewhere.

4.3 Changing Places

A new Changing Places facility will be opening this summer as part of the new Shelter Hall developments. The facility will be located a few metres away from the ramped subway access from West Street onto the seafront as well as by the seasonal pathway and permanent viewing platform.

4.4 Accessible Safe Hub

As a relatively new idea to emerge from research and user-consultation, this idea still requires significant development. It is envisioned that this would provide a single location to act as a central hub for many of the identified beach improvements. A possible location with an existing seemingly unused building that could potentially be repurposed has been identified, and BAT continues to research into what equipment and services this hub should incorporate. ABIR architects have offered their services to BAT and have already begun work on this brief.

4.5 Permanent Viewing Platforms

The council plans to re-purpose an area of tarmac on the beach which is currently being used as part of the Shelter Hall construction site. This will be converted into a publicly accessible hardstanding area to create a prominent viewing area. This will support wheelchair users to feel more connected to the beach and sea.

In addition to this permanent structure a suitable material has been identified and an approximate quote obtained to install a decked platform. Design ideas submitted by users have been gathered, and a request for a guide price for the indicative design options obtained. Final design, number and location of platforms still to be confirmed by BAWG.

4.6 Permanent Pathway

Beach pathways and access improvements are included within the Planning applications for Black Rock improvement works and Sea Lanes development.

4.7 Potential Funding

BAT will continue to seek further funding opportunities for beach access improvements from local community and charitable grants. The BAWG will work with officers in Planning, Seafront and Transport in order to direct relevant Section 106 developer contributions and future Community Infrastructure Levy (CIL) allocations specifically to beach access improvement projects.

4.8 Recognised Consultee

The BAWG will work closely with officers in Planning and City Regeneration to ensure that BAT become a recognised consultee on Planning applications for all seafront infrastructure and redevelopment projects. This is to ensure that beach accessibility is at the forefront of any future developments on the seafront.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

5.1 Alternative options to improve beach access have been identified in the body of the main report.

6. COMMUNITY ENGAGEMENT & CONSULTATION

Consultation with BAT is on-going as part of the BWAG. In addition, over the last few years, BAT has sought to collate a significant evidence-base from those living with, or whose lives are impacted by, disability and additional needs. Various methods have been employed, all of which have sought to answer fundamental questions concerning the access issues experienced by disabled people or those with access needs in Brighton & Hove. BAT has held two public consultation events (May 2018, August 2019) and also held stalls at Disability Pride (2018 & 2019). From these events, and from interactions across various social media platforms, a significant body of evidence has been collated to begin to answer these questions, and to work out the most appropriate steps forward. BAT and BAWG is committed to ensuring all changes are informed by user-feedback, and user-led.

6. CONCLUSION

- 6.1 The terrain of the Brighton & Hove seafront presents particular challenges to improve accessibility. However, by working with interested local parties it has been possible to identify a range of improvements that are being progressed.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The recommendations on beach access in this report have no direct financial implications. The investment of £10,000 in beach wheelchairs (paragraph 4.1) is expected to be funded from within existing service budgets. The assumption is that any additional spending or investment will either be funded from existing service budgets or from one-off external funding (CIL/Section 106). This will be reviewed and monitoring as part of budget monitoring and setting.

Finance Officer Consulted: Name Jess Laing

Date: 14/02/2020

Legal Implications:

- 7.2 The BWAG is an officer working group which has been attended by the Chair of the Tourism, Equalities, and Communities & Culture Committee previously. Members may be invited to events in the future but the intention is not to establish a member working group. There are no other legal implications arising from this report.

Lawyer Consulted:

Alice Rowland

Date: 21/2/20

Equalities Implications:

- 7.3 The focus of this report is to improve accessibility for everyone who visits the beaches in Brighton & Hove.

Sustainability Implications:

- 7.4 The sustainability of proposed improvements has been a key issue, particularly to seek sustainable improvements that are able to withstand the harsh seafront environment.

Brexit Implications:

- 7.5 None

Any Other Significant Implications:

- 7.6 None

SUPPORTING DOCUMENTATION

Appendices:

1. None

Background Documents

1. None

Subject:	Proposed Submission City Plan Part Two
Date of Meeting:	5 March 2020 - Tourism, Equality, Communities & Culture Committee 2 April 2020 - Council
Report of:	Executive Director, Economy, Environment & Culture
Contact Officer: Name:	Helen Gregory
	Email: helen.gregory@brighton-hove.gov.uk
Ward(s) affected:	(All Wards);

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks approval for the publication of the Proposed Submission City Plan Part Two, along with its supporting and background documents, for a six week period of public consultation May - June 2020 prior to submission to the Secretary of State for independent examination.
- 1.2 The main role of City Plan Part Two 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 includes new policies and builds upon and complements the strategic plan and will help facilitate the delivery of high quality development by setting out an up to date suite of detailed development management policies and additional site allocations.
- 1.3 Once adopted, Part Two will also replace the currently retained 2005 Brighton & Hove Local Plan (BHLPL) policies to provide a more streamlined and straightforward set of development management policies. This will result in one City Development Plan (Parts One and Two) which will provide local policies to manage new development as it comes forward. It will be simpler to use for developers, residents and the council's development management services.

2. RECOMMENDATIONS:

That Tourism, Equality, Communities & Culture Committee:

- 2.1 Notes the summary of the main issues raised in the consultation on the draft City Plan Part Two carried out 5 July – 13 September 2018 (included at Appendix 2 with a full summary schedule set out in the Statement of Consultation published on the City Plan Part Two webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>);
- 2.2 Notes the procedural note for tabling amendments at Full Council (included at Appendix 6)

- 2.3 Recommends that the Proposed Submission City Plan Part Two (along with the policies map and other proposed submission documents) is referred to Full Council for consideration.
- 2.4 Approves the following studies as supporting evidence for the City Plan: Student Accommodation Study, SHLAA update, Gypsies and Travellers Needs Assessment Update, Build to Rent Study, an Update to the 2018 Wildlife Study, the Strategic Flood Risk Assessment Level 1 and 2 Screening and the Older Person Housing Needs Assessment 2019.

That Full Council:

- 2.5 Notes the summary of the main issues raised in the consultation on the draft City Plan Part Two carried out 5 July – 13 September 2018 (included at Appendix 2 with a full summary schedule set out in the Statement of Consultation published on the City Plan Part Two webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>);
- 2.6 Approves the Proposed Submission City Plan Part Two (along with the policies map and other proposed submission documents) for statutory public consultation for a period of six weeks commencing May 2020 in accordance with Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012;
- 2.7 Authorises the subsequent submission of the documents to the Secretary of State under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012 subject to no material changes, other than alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections, being necessary;
- 2.8 Authorises the Head of Planning to agree any draft “main modifications” to the City Plan Part Two necessary to make it sound and to authorise the publication of such draft modifications for public consultation save that should any draft modification involve a major shift in the policy approach of City Plan Part Two the draft modification shall be referred by the Head of Planning to the Tourism Equalities, Communities & Culture Committee for approval.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Brighton & Hove City Plan Part One (CPP1) was adopted in March 2016 and contains strategic planning policies setting out the overall amounts of development (housing, employment, retail etc.) required across the city to 2030 and the broad locations and Development Areas where significant development will take place. It allocates key strategic sites and also sets out key citywide policies to guide development including urban design, transport, affordable housing, biodiversity and sustainability policies.
- 3.2 The role for the City Plan Part Two (CPP2) is to support the implementation and delivery of CPP1. It builds upon and complements the strategic planning framework; identifies and allocates additional development sites; and sets out a more detailed and positive development management policy framework to assist

in the determination of planning applications. It covers the same time period (up to 2030) and geographical area as the CPP1. It will help to deliver other city council strategies, for example the Economic Strategy and Housing Strategy.

The City Plan Part Two

- 3.3 The Proposed Submission City Plan Part Two (included in Appendix 1) comprises:
- **46 development management policies** arranged in the following topics: Housing, Accommodation and Community (including HMO and student housing policies), Employment and Retail, Design and Heritage, Transport and Travel and Environment and Energy.
 - **A Special Area Policy for Benfield Valley** to ensure a coordinated policy approach to ensure the positive and ongoing management and maintenance of Benfield Valley's open spaces, wildlife habitats and heritage assets whilst allowing some development.
 - **7 Strategic Site Allocations** - larger mixed use sites (including the Brighton General Hospital site, Sackville Trading Estate and Coal Yard and Land at Lyon Close)
 - **A schedule of 55 housing sites** (39 sites within the existing built up area and 16 urban fringe site allocations) and 3 Purpose Built Student Accommodation sites (Lewes Road Bus Garage and 118-130 London Road; 45 & 47 Hollingdean Road Brighton)
 - An additional **employment site opportunity** at Hangleton Bottom alongside its safeguard as a waste site.
- 3.4 Planning policies in the City Plan Part Two will help deliver a fairer city with a sustainable future and support the priorities set out in the Council Plan (Our Plan 2020 to 23) Some of the key matters addressed within the City Plan Part Two include:
- Improving housing quality, choice and mix through introducing minimum internal space standards, higher optional accessibility standards for new housing and supporting the provision of a range of accommodation that meets the city's needs including new policies for older persons housing and community led housing (policies DM1 – DM5).
 - New policy addressing concerns with Houses in Multiple Occupation (HMO) concentrations to consider impacts at both the immediate and wider neighbourhood level alongside an additional policy to manage the type and quality of purpose built student accommodation (policy DM7).
 - Providing more flexibility within the city's defined shopping centres for a broader range of town centre uses to ensure future proofing retail centres against the changing nature of high streets (policies DM12-13).
 - Updated and new policies recognising the role of community facilities, public houses, markets and local shops in providing access to local community facilities and shops (policies DM9, 10, 12-16).
 - Policies to ensure attractive, high quality design and places; encouraging development in conservation areas to be of the highest quality; making clear that well designed new development of appropriate scale will be supported and that heritage policies do not preclude good modern design (policies DM18 – DM32).

- Protecting water quality and quantity; ensuring developments on the seafront are resilient to the effects of climate change. A new policy requires sustainable drainage to be included in the design and layout of all new buildings, car parking and hardstanding recognising the wider benefits they can play in providing improved biodiversity and enhanced landscape/townscape (policies DM42 - 43).
- Policies seeking biodiversity net gains through new development and requiring development to demonstrate that it safeguards and/or contributes positively to green infrastructure recognising the multifunctional benefits (policy DM 37 and specific references in strategic site allocations).
- New policy extending the minimum sustainability standards set out in the adopted City Plan Part 1 to all development (not just new build residential). In addition requiring development to achieve a higher minimum energy performance in advance of government targets and encouraging opportunities for community energy and integrated heat network infrastructure/ communal heating systems (policies DM43-46). These policies will support the council ambition to become a carbon neutral city by 2030.

Consultation on the City Plan Part Two

- 3.5 Consultation on the Draft City Plan Part Two ended on 13 September 2018 after 10 full weeks of formal consultation (this was the second stage of consultation on the City Plan Part Two following an earlier issues and options consultation in 2016 that lasted 12 weeks). 1308 representations were received in relation to the draft City Plan Part Two policies from 349 respondents together with a petition signed by a further 518 residents. 66% of the representations were supporting policies in the draft CPP2. Of those, two-thirds were a mixture of general support, support with caveats and often with suggested changes to policies. There was particularly strong support for new policies introducing national minimum space standards and higher accessibility standards for new housing, the older person housing policy and additional restrictions on HMOs.
- 3.6 All the comments received during this consultation have been carefully considered and, where appropriate, changes have been made to the draft City Plan Part Two to reflect them. A summary of the main issues raised and how these have been addressed is set out in the Statement of Consultation (appendix 4) made available on the City Plan Part Two webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>). This has been further summarised in Appendix 2 of this report.

Development Management Policies

- 3.7 The development management policies were generally well received and it has not been necessary to make major changes in response to representations other than:
- **DM6 Build to Rent** – whilst there was general support for the policy, developers/ consultants raised concerns about a number of the policy requirements. A Build to Rent Study was commissioned and the recommendations from this Study have informed changes to the policy relating to the affordable housing target in the policy.

- **DM12 Primary, Secondary and Local Shopping frontages** – in response to a number of representations concerned that the wording was too restrictive and did not sufficiently reflect the changing nature of high streets and changes brought forward in the National Planning Policy Framework (“NPPF”) the policy has been amended (and re-named) to widen the range of town centre uses that shop units can change to.
- **DM37 Nature Conservation and Green Infrastructure** – in response to consultation responses the policy has been restructured to provide greater clarity and to better reflect the NPPF. The changes made clarify that development should conserve, enhance and provide net gains in biodiversity and clarify the approach to designated sites.

3.8 Some minor changes to policy wording have also been made to address representations from statutory consultees such as Heritage England and Natural England seeking clarity or to strengthen policies such as seeking biodiversity net gains on site allocations or Southern Water seeking reference to infrastructure requirements. There have also been some amendments to the supporting text for reasons of clarification and in response to changes in national policy and updated background evidence.

Site Allocations

- 3.9 Representations to some of the Strategic Site Allocations (**SSA1 – SSA4**) and to the Special Area policy for **Benfield Valley (SA7)** from landowners/potential developers sought to increase the indicative housing figures. Following consideration of these representations the amounts of development (expressed as a minimum) have remained unchanged to ensure that other policy objectives such as place-making, the need to bring forward a mix of uses (where relevant) and the protection of heritage / environmental assets can be achieved. In relation to Benfield Valley, it is not considered that Benfield Valley is a suitable site for large scale strategic development. Such development would lead to the loss of a high proportion of the existing open space which would irreversibly change the character of the valley, leading to unacceptable impacts on the landscape, ecology and heritage which would not be possible to mitigate.
- 3.10 A representation was put forward by the landowners/ operators of **Brighton Racecourse** seeking its allocation as an additional strategic site allocation to support the refurbishment and upgrade of the racecourse and allow for additional uses such as a hotel and residential. The site is recognised as a major sporting venue and its refurbishment and upgrade is supported in principle by the Council. However, the aspirations and masterplanning set out in the representation were acknowledged to be at an early stage and there was a lack of detailed information regarding the scale of development and siting. Given a number of identified constraints/ sensitivities which included: scheduled ancient monument designation, landscape sensitivities (due to the sites elevated and prominent position) the fact that the site was not identified as suitable for housing in the 2014 Urban Fringe Assessment and its close proximity to the South Downs National Park, the site was not considered suitable for a strategic site allocation in the CPP2.
- 3.11 With respect to **Policy H1 Housing Sites and Mixed Use Sites**, a number of representations were received from landowners/ developers which sought a

higher amount of housing or a change to the mix of uses on sites than indicated in Tables 6 and 7 in Policy H1. Where appropriate the indicative housing number or the mix of uses has been amended. Eight housing sites have come out of Tables 6 and 7 where development has now commenced or where information submitted with representations indicated sites were no longer considered available within the plan period or where a lack of information was not able to confirm site availability. Two new sites have been added in response to the ‘call for sites’ exercise (Outpatients Department, RSCH and Royal Mail Sorting Office, Denmark Villas).

- 3.12 Policy H2 proposes to allocate a number of **urban fringe sites** for housing, this principle was clearly established through the adoption of City Plan Part One. Representations were received from landowners, developers, local residents and other stakeholders with regard to the suitability and deliverability of a number of the proposed urban fringe housing site allocations under Policy H2. Some representations considered the urban fringe and/or specific proposed allocations offer potential to achieve higher housing numbers. Of the proposed urban fringe allocations, the largest number of objections related to the two urban fringe housing sites in Patcham Ward. This included a petition against the allocation of Land at/adjacent to Horsdean Recreation Ground (UF Site 16). Representations made raised a number of concerns including site capacity and density, impact on character of the area, loss of valued open space, site access, traffic & parking impacts, pressure on local services/ facilities and impacts on surface & foul water drainage and water extraction. Following consideration of the concerns, both sites are still considered suitable for housing development as identified in the policy, having regard to the evidence and recommendations in the 2014 and 2015 Urban Fringe Assessments.
- 3.13 **Policy H2 Housing Sites – Urban Fringe** has been amended to include new criteria requiring biodiversity net gains and opportunities for higher standards of energy efficiency and renewable energy provision and additional criteria relating to waste water infrastructure requirements. Indicative housing figures to a number of sites have been updated to reflect recent planning consents or updated information on deliverability (such as at Land at and adjacent to Brighton Race Course UF30 where the quantum of indicative development has been reduced). For clarity some clusters of sites have been split in Table 8 to reflect recent planning consents.
- 3.14 Policy **H3 Purpose Built Student Accommodation** has been amended to include a third site (45 & 47 Hollingdean Road, Brighton) for purpose built student accommodation to reflect the deliverability, suitability in principle and availability of the site established through a recent planning application.

City Plan Part Two Supporting Documents

- 3.15 The City Plan Part Two has to be prepared in accordance with the Planning and Compulsory Purchase Act 2004; the Town and Country Planning (Local Planning) (England) Regulations 2012; the Environmental Assessment of Plans and Programmes Regulations 2004; and the Conservation of Habitats and Species Regulations 2017. Therefore a number of supporting documents including proposed changes to the Policies Map are also required to accompany the Plan and these are summarised in Appendix 3 and published on the City Plan

Part Two webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>.

Background Evidence

- 3.16 This report also seeks approval of the following studies that provide background and supporting evidence for the City Plan Part Two. Full copies of each study are published on the City Plan Part Two webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>). Appendix 4 provides an outline of the purpose of the studies and a summary of the key findings. Although background studies inform the policy approach they do not determine policy. The 7 studies are: Student Accommodation Study, Build to Rent Study, the Older Persons Housing Needs Assessment 2019, Gypsies and Travellers Needs Assessment Update, SHLAA 2019 Update, Local Wildlife Study Update, and Strategic Flood Risk Assessment Level 1 and 2 Screening.
- 3.17 A number of Background Topic Papers have been prepared to support the City Plan Part Two and to set out in more detail the rationale for and evidence to support a number of policies in the Plan: Benfield Valley Background Topic Paper, Local Green Space Topic Paper, Housing Quality and Choice – Space and Accessibility Standards Topic Paper, Duty to Cooperate Update Topic Paper; Sequential and Exceptions Test Update and Transport Technical Paper. In addition Topic Papers prepared at the draft City Plan Part Two stage have been updated (Retail Topic Paper, Site Allocation Topic Paper and Housing Provision Topic Paper) to reflect changes made to the Plan. Copies have been published on the City Plan Part Two webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>).

Next Stages

- 3.18 Subject to council approval, statutory consultation for six weeks at the proposed submission stage provides a formal opportunity for the local community and other stakeholders to make any further representations on the City Plan Part Two prior to its submission for independent examination. This consultation will, in accordance with the relevant legislation, specifically focus on whether the Plan is ‘sound’ and has been prepared in accordance with legal and procedural requirements. More information on the tests of soundness is included in Appendix 5.
- 3.19 Subject to there being no further material changes to the Plan in light of representations received during the next formal consultation stage, or no new issues raised that could risk the City Plan Part Two being found not ‘sound’ at examination, the Plan will be submitted to the Secretary of State who will appoint an Inspector to conduct an independent examination of the City Plan Part Two. The Inspector will be required to test the Plan for compliance with certain statutory provisions, including whether the Plan is ‘sound’.
- 3.20 In examining the Plan, the Planning Inspector will consider the preparation process and content of City Plan Part Two and the background evidence

submitted by the council together with the representations received as a result of the proposed submission consultation. It is anticipated that the examination will include public hearing sessions which are expected to take place in winter 2020/early 2021. Following receipt of the Inspector's final report, the Plan will be brought back to council for formal adoption (estimated winter 2021).

- 3.21 It should be noted that as the City Plan Part Two moves closer to adoption, the greater the weight that may be given to its policies in the determination of planning applications depending on their compliance with the NPPF and the level of support (as explained in Appendix 5). Until the adoption of the City Plan Part Two, retained policies in the Brighton & Hove Local Plan 2005 will remain part of the Development Plan.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 It is important that the Council has a complete, up to date and robust planning policy framework. Whilst the City Plan Part One provides the overarching strategic planning framework for the City, including the eight Development Areas and 22 strategic site allocations, it does not allocate all of the sites that will be required to meet the city's identified needs such as housing. Nor does it include a full set of up-to-date detailed development management policies. City Plan Part Two will provide a full policy framework to deliver the strategy. Without City Plan Part Two in place national policy will carry more weight and there will be loss of local control in shaping and managing new development.
- 4.2 The process of preparing the City Plan Part Two involves testing of reasonable alternative policy options. This testing includes consultation, a robust evidence base and the Sustainability Appraisal.
- 4.3 The Committee could defer or decide not to publish the proposed submission City Plan Part Two for formal consultation, however, this would delay the progress of City Plan Part Two towards adoption and the Council would not have a complete, up to date Development Plan to guide development across the city. This could increase the risk of planning applications being allowed at appeal where out of date policies are relied upon. This option is therefore not recommended.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A Statement of Consultation has been prepared which details the consultation undertaken on the draft City Plan Part Two, the consultation responses received through formal written representations and the officer responses to address the representations.
- 5.2 The Planning Policy Cross-Party Working Group met on 21 October 2019 and was advised of the outcomes of the draft City Plan Part 2 consultation and the proposed key changes to be made to the plan as a result of the consultation responses.
- 5.3 Consultation on the Proposed Submission City Plan Part Two will accord with the approach and standards set out in the council's adopted Statement of Community Involvement and will take into account the Community Engagement

Framework (CEF). This will include directly notifying statutory consultees together with individuals or organisations that previously commented on the City Plan Part Two or have asked to be kept informed on progress on the City Plan Part Two. The consultation will also be publicised on the council's website, through press releases and social media. The proposed submission CPP2 along with all the supporting documents will be made available on the council's website and through the consultation portal and also at the council's main deposit points (the customer service centres and Jubilee, Hove and Portslade Libraries). Copies of the CPP2, policies map and non-technical SA will also be made available at the other city libraries.

- 5.4 The statutory consultation period is for at least six weeks rather than the twelve week requirement set out in the CEF. The consultation will specifically focus on whether the document is 'sound' and has been prepared in accordance with legal and procedural requirements (the test of soundness are explained in Appendix 5).

6. CONCLUSION

- 6.1 The main role of City Plan Part Two is to support the implementation of City Plan Part One (adopted March 2016) and to help deliver high quality and sustainable development and places in the city. Through the Plan, additional development sites are allocated and a suite of detailed, updated and new development management policies that complement the strategic policies set out in the City Plan Part One.
- 6.2 In accordance with statutory requirements, before the City Plan Part Two can be adopted it is required to go through the next formal stage of consultation before it can be submitted to the Secretary of State for independent examination.
- 6.3 Approving the proposed submission Plan for public consultation before it is submitted for examination will ensure the City Plan Part Two is progressed towards adoption in a timely manner, thereby supporting the implementation and delivery of the City Plan Part One.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs of preparation and consultation for the City Plan Part Two, and of holding an examination, will be met from within existing PPH revenue budgets.

Finance Officer Consulted: Jessica Laing

Date: 17/10/19

Legal Implications:

- 7.2 Once adopted, the City Plan Part Two will be a Development Plan Document ("DPD") within the meaning of the Planning and Compulsory Purchase Act 2004 and will be a material consideration in the determination of planning applications. The detail as to the preparation of this type of document is found in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 of the 2012 Regulations provides that, prior to submission to the Secretary of State

for independent examination, a DPD must be publicised for a period of at least 6 weeks and representations invited. Any representations received by the local planning authority within the timescale set out will be forwarded to the Secretary of State for consideration.

Lawyer Consulted: Hilary Woodward

Date: 16/10/19

Equalities Implications:

- 7.3 The Plan will help deliver equalities outcomes from new development. A Health and Equalities Impact Assessment (HEQIA) has been carried out on the draft City Plan Part 2 and revisited following changes to the policies to ensure that the policies are coordinated to address equalities, health and well-being outcomes throughout the city. This is set out in an addendum to the HEQIA. The HEQIA concludes that CPP2 represents a comprehensive and inclusive suite of policies geared to fostering a healthy, vibrant, cohesive and sustainable population. The plan addresses various health objectives, with certain policies specifically addressing some of the health needs of people with certain protected characteristics, including younger people, older people and disabled people.

Sustainability Implications:

- 7.4 A Sustainability Appraisal (SA) incorporating the requirements of Strategic Environmental Assessment (SEA) has been prepared to inform and support the City Plan Part Two. This included assessment of options at draft stage to ensure the Plan is the most sustainable approach and will therefore support the delivery of sustainable development and outcomes. The SA has assessed the changes to the City Plan Part 2 and 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 Plan contributes positively to delivering a Carbon Neutral City by 2030.

Crime & Disorder Implications:

- 7.5 The City Plan Part 1 addressed crime and disorder issues through Development Area proposals, Special Area policies and a number of citywide policies. During the preparation of the City Plan Part 2 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).

Risk and Opportunity Management Implications:

- 7.6 Formal consultation on the proposed submission City Plan Part Two will ensure that any new issues that risk Plan being found unsound can be considered before it is submitted to the Secretary of State for examination.

Public Health Implications:

- 7.7 A HEQIA assessment has been carried out to inform the draft version of the City

Plan Part Two to ensure that the policies are co-ordinated to address health and well-being outcomes throughout the city and revisited following changes to the policies to ensure that the policies are coordinated to address equalities, health and well-being outcomes throughout the city. This is set out in an addendum to the HEQIA, see also paragraph 7.3.

Corporate / Citywide Implications

- 7.8 The City Plan Part Two will help with the implementation and delivery of priorities set out in the City Plan Part One. It will contribute to delivering the Corporate Plan, Plans and Strategies across the city council directorates and the Sustainable Community Strategy. The City Plan Part Two will also help to deliver city-wide strategies of public and voluntary sector partners and promote investment and economic growth.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed Submission City Plan Part 2 (copies circulated to Members and published on the City Plan Part Two webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>)
2. Summary of main issues raised at Draft CPP2 Consultation and summary of changes to policy wording
3. Summary of Supporting Documents
4. Summary of Background Studies
5. Tests of Soundness
6. Protocol

Background Documents

Proposed Submission City Plan Part Two Supporting Documents

1. CPP2 Policies Map
2. Sustainability Appraisal and non-technical Summary
3. Implementation and Monitoring Targets
4. Statement of Consultation
5. Health and Equalities Impact Assessment
6. Habitats Regulation Assessment

Background Evidence Documents

7. Gypsy and Traveller Accommodation Assessment 2019 Update
8. Student Accommodation Study
9. Older Person Housing Needs Assessment 2019
10. Build to Rent Study 2019
11. Strategic Housing Land Availability Assessment (SHLAA 2019)
12. BHCC Level 1 and 2 Strategic Flood Risk Assessments 2018
13. Brighton & Hove Wildlife Study 2017 – Update 2020

CPP2 Topic Papers

14. Benfield Valley Background Topic Paper,
15. Local Green Space Topic Paper
16. Housing Quality and Choice – Space and Accessibility Standards Topic Paper
17. Duty to Cooperate Update Topic Paper
18. Sequential and Exceptions Test Update
19. Transport Technical Paper
20. Retail Topic Paper
21. Site Allocation Topic Paper
22. Housing Provision Topic Paper

Previous versions of CPP2

23. Draft City Plan Part 2 – Tourism, Development & Culture Committee 21 June 2018
24. Draft City Plan Part 2 (June 2018)
25. City Plan Part Two Report 16 June 2016 Economic Development & Culture Committee
26. City Plan Part Two Scoping Report (June 2016)

Proposed Submission City Plan Part Two

Brighton & Hove City Council's
Development Plan
April 2020



Economy, Environment & Culture

Supporting economic growth and maintaining
an attractive, connected and well run city for
residents, businesses and visitors



**Brighton & Hove
City Council**

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Section 1

Introduction

Introduction

1.1 The Brighton & Hove City Plan Part One was adopted in March 2016 and sets out the long term vision, strategic objectives and a strategic planning policy framework to guide the new development required across the city to 2030. The Part One Plan sets the overall amounts of new development to be planned for (e.g. housing, employment and retail) and the broad locations (e.g. eight 'Development Areas') where new development will take place. It also allocates key strategic sites and sets out key strategic policies to guide future development including policies for urban design, transport, affordable housing, biodiversity and sustainability. This strategic planning framework is now part of the statutory Development Plan for Brighton & Hove.

1.2 The adopted City Plan Part One sets out how the council will respond to local priorities such as ensuring that by 2030 the city will have a sustainable, resilient low carbon economy; that the city remains a safe and healthy place to live, work and visit; that the city will have made significant progress towards becoming a resource-efficient zero carbon city and ensuring everyone has access to a decent home, a good education, a job that pays for a decent standard of living, good healthcare and to feel safe in their community. Recognising the need to plan positively to meet the needs of a growing city, the spatial strategy in the adopted City Plan Part One sets out the need to achieve a balanced and sustainable approach to accommodating the city's development needs, particularly for jobs and homes, with the continuing need to protect and enhance the city's high quality environments and the nationally designated landscapes that surround the city.

1.3 The role of the City Plan Part Two is to support the implementation and delivery of City Plan Part One; to complement the strategic policy framework; to identify and allocate additional development sites and to set out a detailed development management policy framework to assist in the determination of planning applications.

1.4 Through planning policies in the City Plan Part One and Part Two, the council will help deliver a fairer city with a sustainable future. The policies in the City Plan Part One and Part Two will support council priorities to:

- improve access to good quality and affordable housing; reducing homelessness and rough sleeping in the city;
- protect and support small businesses and ensure the city is working for all with high quality jobs for local people and to become a global centre for innovation and ensuring local people and organisations benefit from prosperity in the city;
- ensure the city continues to be a place where people feel safe, supported and valued;
- ensure access to schools and services for children, young people and families.

- increase healthy life expectancy and reduce health inequalities ensuring the needs of the most vulnerable residents in the city are met.
- support the ambition to become a carbon neutral city by 2030.

1.5 The City Plan Part Two is:

- Consistent with the vision, strategy, objectives and strategic policies set out in City Plan Part One; and it will cover the period up to 2030;
- Covers the administrative area of the city council that is not within the South Downs National Park. The South Downs National Park Authority has adopted the South Downs Local Plan¹ which covers the administrative area of Brighton & Hove that falls within the National Park as shown on the Policies Map);
- Contains site allocations (e.g. for housing and mixed use sites) so that the City Plan Part One strategy for accommodating development needs can be implemented;
- Contains amended/updated or new shopping centre boundaries and heritage/nature conservation designations;
- Contains a suite of development management policies that will replace some of the saved 2005 Local Plan policies and delete others to ensure there is a more streamlined and straightforward set of development management policies;
- Conforms with the National Planning Policy Framework (NPPF) and responds to government changes to the planning system; and
- Results in one City Development Plan (Parts 1 and 2) which will be simpler to use for applicants and development management.

Policies Map

1.6 The Policies Map illustrates the areas of the city where policies in Development Plan Documents apply and is updated each time a new plan is adopted. Amendments to the Policies Map that would result from the policies in City Plan Part Two once adopted have been published alongside the Proposed Submission City Plan Part 2. These include the proposed site allocations, new and/or updated policy designations related to City Plan Part Two and to remove those allocations/designations related to BHLB policies that will be superseded on the adoption of City Part Plan 2 (a schedule of the proposed changes is set out in Appendix 6).

Superseded BHLB policies

1.7 On adoption, the City Plan Part Two will replace the remaining ‘saved’ policies from the Brighton& Hove Local Plan (BHLB) 2006 (the list of retained BHLB policies that will be replaced are set out in Appendix 5).

¹ The South Downs Local Plan was adopted 02 July 2019: www.southdowns.gov.uk

Relationship with other DPDs

1.8 The following adopted Plans form part the development plan framework for Brighton & Hove:

City Plan Part 1 (adopted March 2016) sets out the vision and objectives for the development and growth of Brighton & Hove up to 2030; identifies broad locations for development and allocates strategic sites and employment sites and a set a of city wide policies to guide decisions on planning applications.

Waste and Minerals Local Plan (WMLP) – the Waste and Minerals Plan (adopted February 2013) and Waste and Minerals Sites Plan (adopted February 2017) are the statutory plans for waste and minerals developments in Brighton & Hove and East Sussex.

1.9 The following emerging development plan documents, will when adopted, form part of the development plan framework for Brighton & Hove:

Shoreham Harbour Joint Area Action Plan (JAAP)² – provides a comprehensive, deliverable plan for the future revitalization of Shoreham Harbour. The JAAP was prepared jointly with Adur District Council and West Sussex County Council.

Community Infrastructure Levy (CIL) – once adopted CIL³ allows local authorities to raise funds from development for the provision of infrastructure in and around their areas.

Neighbourhood Plans – once a neighbourhood development plan passes independent examination and referendum and is adopted ('made') it sits alongside other development plans listed above to guide development and to help decide the outcome of planning applications in the area. Four Forums and Rottingdean parish council have been formally designated as neighbourhood areas for the purpose of preparing neighbourhood plans. Neighbourhood plans enable local people to play a leading role in responding to the needs and priorities of the local community. A neighbourhood plan must be in general conformity with the relevant local plan and can promote more, but not less, development than the local plan.

Supplementary Planning Documents – will provide guidance on specific areas and topics and adopted and emerging SPDs are listed in the Local Development Scheme.

Duty to Co-operate

1.10 The NPPF requires councils to work together to address strategic priorities across boundaries and development requirements which cannot be wholly met within

² The Shoreham Harbour JAAP was adopted 24 October 2019.

³ Following an examination in public and consultation on proposed modifications CIL is expected to be adopted introduced in June 2020.

their own areas. The council will continue to engage constructively, actively and on an ongoing basis with neighbouring authorities and public bodies to address unmet needs as a member of the East Sussex Strategic Planning Members Group and the Coastal West Sussex and Greater Brighton Strategic Planning Board. A duty to Cooperate Update Paper is published alongside the Proposed Submission City Plan Part 2.

Supporting Documents

1.11 The Proposed submission City Plan Part 2 is also accompanied by a number of supporting documents:

Sustainability Appraisal (SA) – the role of the SA is to consider all the likely significant effects that the City Plan Part 2 may have on various environmental, economic and social factors. The process incorporates the requirements of the Strategic Environmental Assessment (SEA) Directive. Information on the reasonable alternative options that have been considered and discounted in favour of the City Plan Part Two policies are set in the SA Report and published as a separate document.

Habitat Regulations Assessment (HRA) – a Habitats Regulations Assessment (HRA) is required for any proposed plan or project which may have a significant effect on one or more European sites and which is not directly related with or necessary to the management of those sites. The purpose of the HRA is to determine whether or not significant effects are likely and to suggest ways in which they could be avoided. An HRA screening has been carried out to establish if the City Plan Part Two might have any Likely Significant Effects (LSEs) on any European site. This has screened out all potential impacts on European sites with the exception of air quality impacts on the Ashdown Forest SAC and SPA, where more detailed evidence is needed to satisfy the requirement for ‘appropriate assessment’ in the HRA Regulations. Further traffic and air quality modelling has been undertaken which concluded that growth in Brighton & Hove City will not result in an adverse effect on the integrity of Ashdown Forest SAC either on its own or ‘in combination’ with other plans and projects. Published as separate documents.

Health and Equalities Impact Assessment (HEQIA) – has been undertaken to ensure the policies are coordinated to address equalities, health and well-being outcomes throughout the city. The study found where there was potential for impact, this was generally positive and many policies were found to be inclusive for various communities. Some policies have specific positive effects for certain groups, for instance older people and disabled people, particularly policies in relation to housing and those that improve accessibility. Some policies have been refined through recommendations arising from the HEQIA. Published as a separate document.

Consultation Statement – provides full information on how organisations, groups and individuals were consulted at the draft City Plan Part Two stage (July -

September 2018) and how the consultation responses helped shape this proposed submission version of the City Plan Two. Published as a separate document.

Monitoring and Implementation Targets – sets out the proposed monitoring indicators and targets and identifies how the City Plan Part Two will be implemented. It is proposed that these monitoring indicators targets will be included in an update to Annex 1 of the City Plan Part 1 which will be updated at adoption. The Authority Monitoring Report (AMR) is the key evaluation tool to monitor performance and will be revised to take into account new policies contained within this plan when it has been adopted. Published as a separate document.

Supporting Evidence

1.12 A number of background studies have also been completed which provide evidence to inform the policies and site allocations and include a Strategic Flood Risk Assessment Update, Urban Fringe Further Assessment Studies, Brighton & Hove Visitor Accommodation Update Study, Housing and Employment Land Study; Brighton & Hove Local Wildlife Study, Gypsy and Travellers Site Assessments and Updated Needs Assessment, Build to Rent study and Older Peoples Housing Need Assessment and CPP2 Energy Study. These have been published alongside the City Plan Part Two for information. Topic papers have also been prepared to outline the approach to site allocations, housing provision and retail frontages and published for information.

1.13 A Glossary of terms is included in Appendix 1.

Table 1 Timetable for the Preparation of City Plan Part Two

City Plan Part Two stage of plan preparation	Date
Scoping Document (Regulation 18)	June 2016
Draft Plan and SA (Regulation 18)	Summer 2018
Publication stage (Regulation 19)	May - June 2020
Submission to the Secretary of State	Autumn 2020
Examination in Public	Spring 2021
Adoption of City Plan Part Two	Winter 2021

How to Comment on the Proposed Submission City Plan Part Two

1.14 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 compliant⁴. 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.

1.15 We recommend you make your comments using the council's online consultation portal: <http://consult.brighton-hove.gov.uk/portal>. This will help us handle your comments quickly and efficiently.

1.16 The Proposed Submission City Plan Part Two and supporting documents including the proposed changes to the Policies Map and the Sustainability Appraisal (SA) are available on the Council's website (<https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>) and can also 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 can also be viewed at all other libraries during normal opening hours. Word versions of the Response Form are available on request to planningpolicy@brighton-hove.gov.uk

1.17 Consultation on the Proposed Submission City Plan Part Two will run for 6 weeks from 4 May 2020.

Council's Consultation Portal: <http://consult.brighton-hove.gov.uk/portal>

Email: planningpolicy@brighton-hove.gov.uk (please respond using the Response Form)

Post: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

⁴ The tests of soundness set out in National Planning Policy Framework (paragraph 35) are that the plan is positively prepared, justified, effective and consistent with national policy

Section 2

Development Management Policies

Topic – Housing, Accommodation and Community

DM1 Housing Quality, Choice and Mix

The council will seek the delivery of a wide choice of high quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities.

Proposals for new residential development will be required to:

- a) incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs (see also City Plan Part One policies SA6, CP14, CP19, CP20⁵); and,**
- b) make provision for a range and mix of housing /accommodation formats subject to the character, location and context of the site for example, self and custom build housing, build for rent, community led housing, starter homes and other types of provision supported by national and local policy.**

In addition, planning applications for new residential development (including residential extensions and residential accommodation falling outside Use Class C3) will be expected to comply with the following requirements:

- c) all residential units should meet the nationally described space standards⁶;**
- d) all residential units should as a minimum be accessible and adaptable in accordance with Building Regulation M4(2)⁷;**
- 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)⁸. Where this is not practicable on-site an equivalent financial contribution should be provided⁹; and**

⁵ See also the Objectively Assessed Need Report 2015 (GL Hearn) and subsequent updates.

⁶ The nationally described space standards as set out in the policy or as amended. Residential accommodation that does not fall within a C3 use class (e.g extra care accommodation, assisted living housing and Housing in Multiple Occupation) and residential extensions will be expected to meet the standards where relevant. As a minimum such accommodation should meet the standards for bedroom sizes, storage, ceiling heights and provision of level access.

⁷ Building Regulations M4(2) or as amended.

⁸ Building Regulations M4(3) or as amended.

⁹ 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.

- f) all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development.

Exceptions to criteria c) – e) will only be permitted where the applicant has provided a robust justification and the council is satisfied that particular circumstances apply.

The Nationally Described Space Standards are to be applied as shown below (October 2015 or as subsequently updated):

Table 2 - Minimum gross internal floor areas and storage (sq.m)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey residential units	2 storey residential units	3 storey residential units	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Technical Requirements:

- a. the residential unit provides at least the gross internal floor area and built-in storage area set out in Table 2 above
- b. a residential unit with two or more bedspaces has at least one double (or twin) bedroom
- c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5 sqm and is at least 2.15m wide
- d. in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m
- e. one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide
- f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1sqm within the Gross Internal Area)

- g. any other area that is used solely for storage and has a headroom of 900 - 1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
- h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72sqm in a double bedroom and 0.36sqm in a single bedroom counts towards the built-in storage requirement
- i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area

Notes (added 19 May 2016):

1. Built-in storage areas are included within the overall GIAs and include an allowance of 0.5sqm for fixed services or equipment such as a hot water cylinder, boiler or heat exchanger.
2. GIAs for one storey dwellings include enough space for one bathroom and one additional WC (or shower room) in dwellings with 5 or more bedspaces. GIAs for two and three storey dwellings include enough space for one bathroom and one additional WC (or shower room). Additional sanitary facilities may be included without increasing the GIA provided that all aspects of the space standard have been met.
3. Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39sqm to 37sqm, as shown bracketed.
4. Furnished layouts are not required to demonstrate compliance.

Supporting Text

2.1 National planning policy encourages local authorities to deliver a wide choice of quality homes by planning for a range and mix of housing based on current and future demographic trends, market trends and the differing needs of various sectors of the community¹⁰. Policies SA6, CP14, CP19 and CP20 in the City Plan Part One set out the general approach for the provision of a range of housing types, sizes and tenures.

2.2 Future development should seek to provide for a diverse range and mix of tenure blind housing products within the local housing market including the affordable sectors. This is necessary to meet the housing needs of the city, including units suitable for families, older people, people wishing to build their own homes and Starter Homes.

2.3 In addition, housing quality also encompasses other aspects which can have a direct and critical impact on the health and well-being of occupiers, including internal space, accessibility and adaptability, and suitably adapted homes to support independence at home.

2.4 Brighton & Hove has some of the most deprived areas in the South East and has a population with significant health needs and inequalities¹¹. Much of the existing housing stock in the city is formed from flats in converted buildings and much is inaccessible for many people. People are living longer and wish to live independently. This brings with it a planning responsibility for ensuring that homes are capable of responding to the changing lifetime needs of the city's population.

¹⁰ National Planning Policy Framework (NPPF) (2019) paragraph 61

¹¹ Joint Strategy Needs Assessment (2017) Executive summary and in section titled "Our Population".

2.5 The importance of internal space and layout in the delivery of quality homes within the city has long been recognised by the council. Since 2005 it has applied lifetime home standards to all new dwellings and required the provision of a proportion of wheelchair accessible units, within schemes of 10 or more units. These standards were superseded and replaced in 2015 by new optional standards set by Government subject to inclusion in a development plan policy.

2.6 The three standards being applied by virtue of this policy include the optional Nationally Described Space Standards, which cover minimum gross internal floor, ceiling heights and storage space requirements. The wider lifetime home and wheelchair user requirements are addressed in optional provisions in the Building Regulations [M4(2) and M4(3)]. These standards are enforced through building regulations with the requirements applied through planning policy by way of condition attached to planning consents. The policy sets out the space standards at the time of writing but the policy will apply in respect of any future revision to the national optional standards or approach.

2.7 The council will expect all forms of residential accommodation to have regard to these standards including those not considered to fall within the C3 use class. Such accommodation can include Houses in Multiple Occupation (HMOs), extra care, assisted living and other such schemes designed for frail older people or others with disabilities and those in need of care or support. In respect of a property being extended, the new extension will be expected to accord with the respective standards and it must not make the existing accommodation worse.

2.8 It is recognised that there may be some instances when an exception to an element of the requirements might be justified. For example, it may not be viable to provide level access via a lift to all units within small residential schemes. In such instances the accessible and adaptable standard should be met as far as possible applying where practicable an alternative solution to lift provision, such as an accessible stairway capable of providing a stair lift. A flexible approach to the standards might also be justified with regard to a conversion of a listed building. Where it is considered full compliance with the standards would not be possible, applicants must address this at an early stage in the planning process and involve a building control officer when considering alternative solutions. Robust justification for exceptions will be required.

2.9 National planning policy makes clear planning authorities should plan positively to meet a full range of housing needs. Self or custom build housing is housing built

or commissioned by individuals (or groups of individuals) for their own occupation¹². The council is required to keep a register of individuals and groups of individuals who are seeking to acquire serviced plots of land in their area in order to build homes for those individuals to occupy. This provides information regarding the demand for custom/ self-build plots in Brighton & Hove. The council is keen to support and encourage individuals and communities who want to build their own homes.

2.10 Proposals for community led and self/custom build housing will be supported on appropriate sites throughout the city. Opportunities to make available serviced plots of land for self/custom build housing are restricted by the limited availability of greenfield development sites and the generally constrained land supply. However, the sites allocated on the city's urban fringe offer particular scope for providing serviced land for this type of housing and this is encouraged in Policy H2.

2.11 The policy also requires that an element of useable private outdoor amenity space is provided for the occupants of new residential development. Private amenity space can make an important contribution in improving the health, well-being and general quality of life of the city's residents. It also has the potential to support and enhance local biodiversity and can contribute to existing ecological and green infrastructure networks. The provision of space for seating, play, drying and storage space is part of securing good design and a good standard of residential development in the city.

2.12 It is recognised that Brighton & Hove has a variety of townscapes with different densities, dwelling types and sizes. In considering the type and amount of useable private amenity space the council will have regard to the type, scale, location and context of residential development. It is accepted that it may be difficult to provide outdoor amenity space where development involves conversion of existing buildings, particularly with regard to upper floors. Appropriate forms of provision include gardens, balconies, patios, roof terraces and shared amenity spaces in flatted forms of development. Factors such as access to the amenity space, its orientation, scope for privacy, size and usability will be key considerations. It will also be important to ensure, where relevant, that outdoor space is appropriate to the needs of intended occupiers, e.g. in the case of housing for older people and/or specialist housing for disabled people.

2.13 Outdoor amenity space for dwelling units should provide sufficient space to accommodate a table and chairs suitable for the size of the dwelling and, where relevant, space for refuse and recycling bins, an area to dry washing and circulation space. Where sites are constrained it may still be possible to achieve innovative and useable solutions to the delivery of outdoor amenity space.

¹² The Community Infrastructure Levy Regulations include a definition of "self-build housing" as a dwelling built by (or commissioned by) someone to be occupied by them as their sole or main residence for at least three years.

DM2 Retaining Housing and residential accommodation (C3)

The council will seek to resist any net loss of existing residential accommodation (Use Class C3) in the city. Planning applications that result in the loss of residential accommodation will not be permitted unless one or more of the following exceptions apply:

- a) it can be demonstrated that the accommodation cannot be rehabilitated or redeveloped to achieve satisfactory housing standards required by other policies in the City Plan;**
- b) the proposal would result in a net gain in units of affordable housing;**
- c) the loss would enable sub-standard residential units to be enlarged to meet residential space standards (in accordance with Policy DM1 Housing Quality, Choice and Mix);**
- d) the proposed change of use will provide a local community service/ facility that meets an identified need;**
- e) it can be demonstrated that a proposed change of use is the only practicable way of preserving the special architectural or historic interest of a listed building or other building of heritage significance; or**
- f) where the previous use of the building would be a material consideration.**

Proposals for the de-conversion / amalgamation of C3 residential units involving a net loss will be considered on their merits and with regard to assessments of local housing need/demand.

NB Policies CP21 and DM7 will be applied to proposed change of use from C3 to C4.

Supporting Text

2.14 The constrained housing land supply in Brighton & Hove together with the need to make the best use of sites and properties that are available mean that it is important to retain existing housing and residential accommodation (Use Class C3) in the city. There is also a need to ensure a range of dwelling types and sizes to meet the city's identified housing needs, facilitate housing choice and achieve mixed and balanced communities.

2.15 The policy makes provision for a number of exceptions where a net loss of residential accommodation might be justified. These largely address issues regarding the standard of accommodation, e.g. where it can be demonstrated that the accommodation cannot realistically be rehabilitated to meet accepted standards or in terms of housing not being able to achieve the required housing space /access standards as set out in Policy DM1 without incurring a net loss.

Other exceptions allow for a loss where proposals would result in a net gain of affordable housing or where a loss would be the only way to preserve a building of special architectural or historic interest, including listed buildings. All exceptions will need to be clearly justified and accompanied by suitable supporting information.

2.16 Where development involves the demolition and redevelopment of homes, the council will generally expect proposals to provide an equivalent or greater number of replacement homes. Where an application involves a small scale net loss of C3 residential units (for example the de-conversion of small flats back to a family sized home) then applications will be considered on their merits taking account of other considerations including, for example, amenity considerations and evidence regarding the city's identified housing needs. The council's objectively assessed housing need evidence base¹³ demonstrates that over the Plan period there will be considerable demand for family sized homes (2 and 3+ bedroom properties) and the de-conversion of small flats back to family sized homes can make a contribution to this element of identified need. The council does not seek to resist schemes combining dwellings that involve the loss of a single home.

2.17 Where it can be demonstrated that there has been a material change of use from a residential use (as may be the case for some holiday lets), then this policy may be used for enforcement purposes. The intensification of such uses on a permanent basis can harm the residential amenity or character of the locality due to levels of activity that cause excessive noise and disturbance to residents.

2.18 A change of use may be permitted where a local need can be demonstrated to provide an essential local community facility (see Policy DM9 Community Facilities). The Infrastructure Delivery Plan (Annex 2 to City Plan Part One) provides an evidence base for the provision of suitable facilities. Proposals will be considered on their merits having regard to the impact on the amenity of residents, car parking and traffic etc.

2.19 This policy will help to ensure that measures aimed at delivering additional housing and residential accommodation, including through rehabilitation and repair, are not undermined through losses to the existing housing stock. The policy is consistent with the council's Housing Strategy objectives to improve housing standards and conditions, boost the supply of affordable housing and bring vacant housing back into use, and complements the council's Empty Property Service Plan.

¹³ Brighton & Hove objectively assessed housing need, June 2015, GL Hearn.

DM3 Residential conversions and the retention of smaller dwellings

Planning permission for the conversion of dwellings into smaller units of self-contained accommodation will be granted where all the following criteria are met;

- a) The original floor area¹ is greater than 115sqm or the dwelling has 4 or more bedrooms as originally built;**
- b) At least one unit of the accommodation provided is suitable for family occupation and has a minimum of two bedrooms, and**
- c) The proposal provides a high standard of accommodation that complies with requirements set out in Policy DM1 Housing Quality, Choice and Mix.**

The requirement within criterion b) for a unit of family accommodation will not apply where it is demonstrated that;

- i) A different mix of units is essential to preserve the character of a listed building; or**
- ii) A different mix of units is necessary to meet the needs of existing occupants who will remain on completion of the conversion; or**
- iii) The proposal is specifically for people with special housing needs.**

¹The original floor area excludes later additions such as extensions, garages (including converted garages) and loft conversions. The calculation of the original floor area must be based on internal dimensions only.

Supporting Text

2.20 The aim of this policy is to manage the subdivision of single residential units into smaller self-contained units in order to ensure that conversions provide a high standard of accommodation and promote and retain housing choice in the city.

2.21 The council gives a high priority to the importance of achieving a good housing mix and choice of housing (in terms of types and sizes of accommodation). Larger housing units can provide a valuable resource to meet the needs of larger families and provide housing choice. At the same time the conversion of larger properties into smaller residential units plays an important role in increasing housing supply, contributes toward the provision of a wider range of housing and helps to meet the needs of a growing number of smaller households. It is also consistent with the objective of making the best use of the land available within the city.

2.22 There also remains a high level of demand for smaller dwellings suitable for family accommodation (i.e 2 or 3 bedroom units). The policy therefore seeks to prevent the conversion/sub-division of these smaller family dwellings (i.e. those

where the original floor area is less than 115sqm) and to ensure that the sub-division of larger residential units (with a floor area greater than 115 sqm) will provide for at least one unit suitable for family occupation (a minimum of 2 bedrooms). This is consistent with Brighton & Hove City Plan Part One Policy CP19 Housing Mix.

2.23 Too much conversion activity can have an adverse impact on residential amenity, particularly in those areas where dwelling densities are already high. The conversion of properties below the threshold stated in the policy would result in a poor standard of accommodation and as such the policy is consistent with the aims of the Nationally Described Space Standards.

DM4 Housing Accommodation for Older Persons

The council will seek to ensure there is a sufficient supply and range of housing and accommodation suitable for older people.

Development proposals to meet the specific accommodation needs of older people will be supported where the development meets all of the following criteria:

- a) the proposal demonstrates that it will contribute towards meeting an identified need¹⁴ within the city and is targeted towards the needs of local residents;
- b) is accessible to public transport, shops, services, community facilities, and social networks appropriate to the needs of the intended occupiers;
- c) will be suitable for the intended occupiers in terms of the standard of facilities, the level of independence and the provision of support and/or care;
- d) provides appropriate facilities for carers and visitors;
- e) provides internal and external communal space as appropriate, including space that gives residents the ability to grow plants and food;
- f) complies with the requirements set out in Policy DM1 Housing Quality, Choice and Mix as relevant to the accommodation provided¹⁵¹⁶; and having regard to good practice design principles¹⁷; and
- g) contributes to creating a mixed, inclusive and sustainable community.

In accordance with City Plan Part One Policy CP20 Affordable Housing, the council will seek an element of affordable housing provision for older persons as part of appropriate market-led developments for older people.

Proposals that will result in the loss of residential accommodation for older people will be resisted unless it can be demonstrated that at least one of the following criteria apply:

- a) the existing provision is surplus to identified needs within the city;
- b) the existing provision is incapable of meeting contemporary standards for the support and/or care required and appropriate alternative provision is available and has been secured for the occupants; or
- c) the loss is necessary to enable the provision of accommodation for older people which is better able to foster independent living and meet changes in the support and care needs of the occupants.

¹⁴ As set out in the Older People's Housing Needs Assessment 2019 or subsequent updates to that study.

¹⁵ See also Policy DM1 footnote 2.

¹⁶ Accommodation where care and treatment are delivered is also required to comply with the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (subject to any relevant updates) as regulated by the Care Quality Commission.

¹⁷ As highlighted in the ten components for the design of housing for older people identified in 'Housing our Ageing Population: Panel for Innovation' (HAPPI) Report (2009) and subsequent published HAPPI reports.

Where the council is satisfied that development involving the loss of accommodation for older persons is justified, the priority will be for an alternative form of supported housing or general housing (Use Class C3) including an appropriate amount of affordable housing.

Reasoned Justification

2.24 The population of Brighton & Hove is growing and the profile of the city's population is also changing. Population growth over the next 20 years is likely to be strong for those aged 60 and over. City-wide plans and strategies¹⁸ seek to ensure that the older population ages well, through promoting good physical and mental health, promoting age-friendly living environments and the provision of a range of suitable housing /accommodation options.

2.25 Whilst Brighton & Hove currently has a relatively small proportion of its population falling within the older age groups¹⁹, almost one third of those 65 or over are aged over 80. Within the city, there are higher concentrations of older people in the outer wards in the north and east of the city. Demographic projections indicate there will be 68,100 people aged 60 and over living in the city by 2030, an increase of 41% from 2010²⁰. Older people in the City are now also more likely to have multiple long-term conditions²¹ than in previous decades. It is therefore important there is an appropriate range of accommodation and care provision to meet specific needs.

2.26 The council has commissioned an Older People's Housing Needs Assessment²² which included detailed analysis of the accommodation and support needs of older people in Brighton & Hove and involved local consultation with older people about their preferences for housing and care. The study also considered the supply of specialist housing and housing support for older people in terms of its suitability in relation to older people's needs, and assessed the projected future need/demand for specialist accommodation for older people.

2.27 Many older people want to retain as much independence as possible and want to remain in their own homes. Community based health and support services enable many people to do so. Accessibility is often a key issue for older people and Policy DM1 Housing Quality, Choice and Mix seeks to ensure that new residential development can appropriately cater for the needs of residents throughout their life.

¹⁸ For example, Brighton & Hove Housing Strategy and the Health and Well Being Strategy.

¹⁹ Based on Mid-Year Estimates (ONS) 2016 there are 38,395 people age 65 or over in Brighton & Hove, representing 13.3% of the total population (England Average = 17.9%)

²⁰ Source: GL Hearn Objectively Assessed Needs Report June 2015. Table 9 in the report provides a projected future need for specialist housing

²¹ Source: Annual Report of the Director of Public Health 2016/17

²² Older People's Housing Needs Assessment, Housing LIN (2019)

Many needs will be met by providing support for people to live in suitable homes within the general housing stock, but there is still likely to be an ongoing need for development built specifically to meet the needs of older people.

2.28 An important conclusion of the Older People's Housing Needs Assessment is that there needs to be a wider mix of housing and accommodation options for older people. This will include supporting people to live well in their own homes, but also requires the provision of a mix of purpose-built housing types and tenures that will facilitate 'downsizing'/'rightsizing', creating a climate where moving in later life becomes a realistic and positive choice. The availability of a range of suitable accommodation options for older people can help release family accommodation, improve quality of life and reduce the need for residential care. In addition, some older people require levels of care not normally provided at home (e.g as a result of a fall or a hospital admission). More specialist forms of housing for older people, including extra care housing, have the potential to provide the level of support needed to help people to remain part of the community and maintain independence for longer through the integration of accommodation and care. The availability of such housing can help reduce hospital admissions and enables discharge of older people from acute hospital beds.

2.29 Taking account of existing provision in the city, the Older People's Housing Needs Assessment includes projections of need for specialist housing and accommodation for older people in Brighton & Hove over the period to 2030 and beyond. This analysis²³ indicates:

- significant future demand for housing for older people, comprising both sheltered housing to rent and private sector retirement housing for sale (649 units);
- some identified demand for housing with care (i.e extra care/assisted living) both for sale and rent (227 units); and
- an expected decline in demand for traditional residential care (-37 beds), but an increase in the use of nursing care due to increasing population of older people with complex care needs (246 beds).

2.30 These indicative projections will be used for planning purposes to give a broad indication of the scale of requirements in the city over the Plan period to 2030. However, it should be noted that these figures do not include any allowance for the replacement of existing specialist housing/accommodation that may be out-dated and no longer suitable to meet older people's needs.

2.31 The study recommends that to meet the full range of needs of older people, it will be necessary to plan for a mix of housing and care models, including:

- 'Care ready' housing for rent and for sale, i.e. without care onsite, but designed to enable people to age in place, to allow for decreased mobility and permit

²³ The figures shown indicate the projected additional demand in the city over the period 2019-2030.

- individuals to be cared for easily in their own homes if required. This should include a mix of age-designated and inter-generational care-ready housing.
- Housing with care options that will enable the use of residential care to decrease, including extra care housing for rent and for sale with onsite domiciliary care services. Such developments should provide a ‘balanced’ community, i.e. having residents with a mix of care needs. Housing with care schemes would typically provide a minimum of 60/70 units, but there is potential within the city to support a larger scheme of 150+ units of mixed tenure with a wide range of facilities including onsite domiciliary care.
 - Specialised housing for older people that will cater for growing number of people living with dementia and complex care needs, including hybrid housing and nursing care models that can cater for people living with dementia and other complex care needs to end of life.

2.32 The report emphasises the need to deliver high quality housing that meets the needs and aspirations of older households based on the good practice design principles set out in the ‘Housing our Ageing Population: Panel for Innovation’ Report (2009) and subsequent HAPPI reports.

2.33 The City has a higher percentage of pensioners in poverty compared with the national average (18.4% in the City compared to England’s average of 13.8%)²² and evidence indicates that those most deprived are more likely to suffer multiple long-term conditions²⁴. The Older People’s Housing Needs Assessment highlights that the affordability of housing/accommodation is a key issue for many older people that prevents many from moving. The study also highlights the demand for affordable sheltered homes in the city. It is therefore important to ensure that there is adequate provision to address the need for affordable accommodation for older people.

2.34 Where market housing in Use Class C3 is specifically proposed for older people, a proportion of affordable housing provision will be sought in accordance with City Plan Part One Policy CP20. As far as possible an equivalent amount of affordable provision for older people will be sought to meet needs. Taking account of criteria i. to v. in Policy CP20, a flexible approach may be taken to the nature of provision and whether the affordable provision can be made on site.

2.35 Development that attracts additional care users into the city is likely to have a significant impact on council resources. The council will therefore expect development proposals for housing and accommodation for older people to be supported by evidence demonstrating that they are targeted towards and will contribute towards meeting the city’s identified needs. The council will require, as a minimum, that the accommodation is marketed and made available for sale, rent or

²⁴ Source: Annual Report of the Director of Public Health 2016/17

as appropriate within the city for a period of at least 6 months before it is marketed more widely.

2.36 From a land use planning perspective, specialist housing/accommodation for older people will include development falling within both Use Classes C3 and C2. Examples of the types of housing and accommodation that will be covered by this policy include:

- Age restricted occupancy housing commonly known as retirement housing (Use Class C3) - accommodation where an age restriction is placed on occupants who live independently in self-contained homes;
- Warden assisted housing (Use Class C3) - clusters of accommodation where people live independently in self-contained homes where a warden is contactable between specified times to manage communal areas and may check on residents. Sometimes a communal meeting lounge and gardens are provided;
- Sheltered housing - clusters of accommodation where people live independently in self-contained homes where low intensity support is available, sometimes on site (usually within Use Class C3). Often with a communal meeting lounge, guest room and gardens;
- Extra-care/assisted living homes (also known as close care, very sheltered or continuing care housing) - independent living in purpose built self-contained homes, but designed to enable a range of care needs to be provided as occupiers' needs increase, with on-site care facilities available (up to 24 hours). On-site facilities may also provide support for older people in the wider community. Shared lounges, dining areas and other social and leisure facilities are sometimes provided. Extra-care/assisted living homes normally fall either within Use Class C2 or C3, this varies depending on the level of care provided and whether overnight care is available;
- Residential/nursing homes (including end of life/hospice care and dementia care) where higher intensity care is available 24 hours - commonly bedsit rooms with shared lounges and eating - this may involve residential care only, nursing homes staffed by qualified nursing staff, or dual-registered care homes where medical assistance is provided to occupiers that need it (care homes are usually within Use Class C2);

DM5 Supported Accommodation (Specialist and Vulnerable Needs)

The council will seek to ensure there is an appropriate range and supply of residential accommodation for people with special needs, including supported housing not covered by Policy DM4 Housing and Accommodation for Older Persons.

Proposals for development aimed to meet the specific accommodation requirements of people with specialist needs will be permitted where the development meets all of the following criteria:

- a) contributes towards meeting a demonstrable need within the city and is targeted to meeting the needs of local residents;
- b) is accessible, appropriately located and suitable to meet the needs of the intended occupiers in terms of the standard of facilities, the level of independence, and the provision of support and/or care, including appropriate facilities for carers and visitors;
- c) complies with the standards set out in Policy DM1 Housing Quality, Choice and Mix except where reduced standards are agreed with the council, or comply with Care Quality Commission regulations and standards²⁵ as relevant to the accommodation provided; and
- d) contributes to creating a mixed, inclusive and sustainable community.

Proposals that will result in the loss of residential accommodation for people with special needs will be resisted unless it can be demonstrated that at least one of the following criteria apply:

- a) the existing provision is surplus to needs within the city;
- b) the existing provision is incapable of meeting contemporary standards for the support and/or care required and appropriate alternative provision is available and has been secured for the occupants; or
- c) the loss is necessary to enable the provision of residential accommodation which is better able to meet the support and care needs of the occupants.

Supporting Text

2.37 The approach set out in the City Plan seeks to provide for an integrated society which cares for the vulnerable and people with specialist accommodation needs. This policy facilitates the delivery of supported and specialised housing or accommodation not covered by Policy DM4 Housing and Accommodation for Older Persons²⁶. This includes hostels; refuges; supported housing; and other types of

²⁵ Or respective standards as amended

²⁶ Housing or accommodation for older people will generally be covered by Policy DM4, except where such accommodation is aimed specifically at one of the groups listed in Paragraph 2.38.

accommodation designed to meet the specific requirements of persons or groups of people with specialist needs and/or classed as vulnerable.

2.38 Such development may offer accommodation on a temporary or long term/permanent basis, to meet the needs of people who are:

- homeless
- disabled and/or vulnerable, including people with:
 - learning disabilities
 - mental health problems
 - dependency addictions
 - victims of domestic abuse or violence

2.39 The policy does not cover student housing, houses in multiple occupation (HMOs), hospitals, or hostels offering visitor accommodation such as backpacker or youth hostels (see policies CP6 Visitor Accommodation, CP21 Student Housing and Housing in Multiple Occupation, and DM7 Houses in Multiple Occupation (HMOs)).

2.40 In determining the appropriate use class for self-contained facilities, the council will consider whether the development will be a registered location with the Care Quality Commission²⁷, the degree of care, and the proportion of units for which care is likely to be available. In some cases a development may be deemed to provide units within both the C2 and C3 Use Classes and some may be deemed to be ‘sui generis’.

2.41 Where a proposal for specialist residential accommodation involves the conversion of an existing dwelling, regard should be given to Policy DM3 Residential Conversions and the Retention of Smaller Dwellings.

2.42 Other relevant policies will be taken into account when considering if a proposal is appropriately located, for example impacts upon transport, local amenity and the character of an area.

²⁷ Unlike residential care homes in Use Class C2, the private address of a person who uses care services is not defined as a location by the Care Quality Commission for the purposes of its registration process. However, the delivery of the domiciliary care component to individual residents is registered by the Care Quality Commission. Further information on registration is available on the Care Quality Commission website.

DM6 Build To Rent Housing

- 1. Proposals for the development of Build to Rent housing will be required to meet all of the following criteria:**
 - a) the development will improve housing choice and make a positive contribution to the achievement of mixed and sustainable communities in accordance with City Plan Part One Policy CP19 Housing Mix;**
 - b) all of the dwellings are self-contained and let separately;**
 - c) the homes are held as build to rent under a covenant for at least 15 years;**
 - d) the build to rent housing is under unified ownership and will be subject to common management;**
 - e) the development will provide professional and on-site management;**
 - f) the development will offer tenancies of at least 3 years available to all tenants with defined in-tenancy rent reviews; and**
 - g) the development provides a high standard of accommodation that complies with the requirements in Policy DM1 Housing Quality, Choice and Mix;**
- 2. Build to rent developments will be expected to contribute towards meeting the city's identified need for affordable housing. The council will negotiate to achieve the following requirements:**
 - a) provision of up to 20% affordable housing at genuinely affordable rents to be agreed with the council²⁸, taking account of the overall viability of the proposed development and subject to consideration of criteria i. to v. in Policy CP20;**
 - b) eligibility criteria for the occupants of the affordable homes to be agreed with the council and included in the S106 agreement;**
 - c) the size mix of affordable housing units to be agreed with the council in accordance with Policy CP20; and**
 - d) the affordable homes to be secured in perpetuity - the council will seek inclusion within the S106 agreement of a 'clawback' arrangement in the event of affordable units being sold or taken out of the build to rent sector.**

Supporting Text

2.43 'Build to rent' is a growing sector in the housing market, comprising large purpose-built developments for private rent. This type of housing is associated with long term institutional funding/investment and is expanding particularly in major urban areas.

²⁸ This will generally require that the affordable rents are set no higher than the Local Housing Allowance (LHA) Housing Benefit limit (including service charges). Further guidance on the rent levels sought by the council will be provided in the Affordable Housing Brief.

2.44 The Government is promoting build to rent as a means of improving the supply, choice and quality of private rented accommodation. Build to rent has been defined as a distinct housing category in the NPPF²⁹ and the Government has published Planning Practice Guidance³⁰ covering the delivery and management of this type of accommodation. The NPPF defines build to rent as:

“Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development scheme comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.”

2.45 The NPPF and PPG indicate that affordable housing in build to rent schemes should normally be provided in the form of ‘affordable private rent’ with the rents set at a level that is at least 20% less than the private market rent (inclusive of service charges) for the same or equivalent property. Both market and affordable private rent units within a development should generally be managed collectively by a single landlord. The PPG indicates that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided and maintained in perpetuity in any built to rent scheme, subject to evidence on local housing need and development viability.

2.46 The council accepts that build to rent can help to boost the supply of housing to rent in the city by providing more choice of good quality rented accommodation and secure longer term tenancies. The policy aims to facilitate the delivery of high quality build to rent schemes that will contribute towards meeting identified local housing needs in the city. In accordance with Policy CP19 in City Plan Part One, build to rent proposals should form part of an appropriate mix of housing type, size and tenure across the city.

2.47 The policy requires that the homes are held as build to rent under a covenant for the long term (i.e. at least 15 years). To ensure that there is no financial incentive to break the covenant, the council will seek the inclusion within S106 agreements of a ‘clawback’ mechanism in the event that private market rent homes are sold before the end of the agreed covenant period.

2.48 The policy seeks to ensure that developments offer longer term tenancies of at least 3 years to all tenants whether paying market or affordable rent (however shorter tenancies should also be made available where tenants want these). The council will use S106 agreements to set out the key details of the lettings agreement,

²⁹ MHCLG National Planning Policy Framework, February 2019

³⁰ MHCLG Planning Practice Guidance (published 13 September 2018)

the rent levels and apportionment of the homes across the development, a management and service agreement, and a marketing agreement setting out how their availability is to be publicised.

2.49 The policy also seeks to ensure that build to rent homes are designed, constructed and managed to a high quality standard, meeting the requirements in Policy DM1 Housing Quality, Choice and Mix, with affordable homes constructed and managed to the same standards as private rented homes. Build to rent developments will also be expected to meet open space and sports provision needs in accordance with City Plan Part One Policies CP16 Open Space and CP17 Sports Provision.

2.50 Brighton and Hove has a substantial level of local housing need and therefore it is important that build to rent schemes include or contribute towards the provision of housing that is genuinely affordable for local households on the council's housing register. To support the policy, the council has undertaken assessment of the viability of build to rent development in the city and its potential to deliver affordable housing³¹. The study demonstrates that, subject to the variables tested, build to rent schemes in the city are capable of supporting up to 20% affordable units provided at discounted rents at least 20% below equivalent local market rents. However, greater levels of discount would be required to deliver units that are genuinely affordable to most of those eligible to join the council's housing register. Therefore in negotiating the affordable element of build to rent schemes, the council will consider the trade-off between the number of affordable units to be provided and the level of affordable discount that may be achieved.

2.51 Taking account of the viability evidence and the guidance in the PPG, the council will seek to secure the provision of up to 20% of the housing at genuinely affordable rents taking account of the overall viability of affordable housing in build to rent schemes, with provision made to maintain the affordability in perpetuity. This will generally require that the affordable rents are set no higher than the Local Housing Allowance (LHA) Housing Benefit limit (including service charges). The number of affordable units sought and level of the discount against market rents will be negotiated for each individual site/planning application taking consideration of criteria i. to v. in Policy CP20 in City Plan Part One, including development viability and the location and character of the proposed development. Where it is not feasible to deliver genuinely affordable rented units integrated and managed within a build to rent scheme, the council may seek to negotiate and equivalent financial contribution in lieu of onsite affordable housing.

2.52 The council will seek to agree eligibility criteria for the occupants of the affordable homes and will include this in the S106 agreement for the relevant

³¹ Brighton & Hove Build to Rent Study 2019, Dixon Searle Partnership

development scheme. The council will also require build to rent scheme operators to produce an annual statement, confirming the approach to letting the affordable units, their ongoing status, and clearly identifying how the scheme is meeting the overall affordable housing level required in the planning permission.

2.53 The PPG indicates that both the proportion of affordable private rent units, and the discount offered on them can be varied across a development, over time. This can potentially be addressed through provision for viability review mechanisms to be included in the S106 agreement. The council will expect applications for build to rent to provide justification for their proposed approach to affordable housing provision and to provide a transparent viability assessment which will be subject to independent assessment in line with the council's affordable housing validation requirements. The cost of such assessment will be expected to be met by the applicant.

2.54 The council will seek to ensure that affordable housing included within a build to rent scheme is maintained as a community benefit in perpetuity. To cover any circumstances where all or part of a build to rent scheme is sold or converted to another tenure, the council will seek the inclusion within the S106 agreement of specified mechanisms for recouping ("clawing back") the value of the affordable housing provision. This could be achieved through the alternative provision of other affordable housing or a financial contribution equivalent to the value of the affordable housing lost as a result of the sale/conversion of the build to rent scheme.

2.55 Further guidance on the provision of affordable housing as part of build to rent developments will be set out in the council's Affordable Housing Brief.

DM7 Houses in Multiple Occupation (HMOs)

1. Planning permission will be granted for the conversion of *sui generis* Houses in Multiple Occupation to self-contained family homes (use class C3).

2. Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a *sui generis* HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:

- a) fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;**
- b) the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;**
- c) the proposal does not lead to a continuous frontage of three or more HMOs;**
- d) the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;**
- e) communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants.**

Supporting Text

2.56 A House in Multiple Occupation, commonly known as a HMO, is defined as a property rented to at least three people who are not from one 'household' (e.g. a family) but share facilities such as a bathroom and kitchen. Examples include bedsits, shared houses, lodgings, accommodation for workers/ employees and refuges. Planning use classes distinguish between 'small' HMOs of up to six people (C4 use class), and 'large' HMOs of seven or more occupants which are *sui generis*.

2.57 High concentrations of HMOs can cause a number of negative impacts on local communities, for example more frequent noise nuisance, depopulation of neighbourhoods during academic vacations, increased pressure on parking due to higher population densities, and higher levels of population transience leading to a possible longer-term breakdown of community cohesion.

2.58 Larger HMOs are likely to have a proportionately greater impacts on surrounding occupants and neighbourhoods as each additional resident will increase the level of activity, for example through more frequent comings and goings, different patterns of behaviour and consequential noise and disturbance. A property occupied by a group of unconnected adults is likely to have a greater impact than a typical family home with a similar number of occupants as lifestyles and movement patterns will be less connected. It is also considered that individual unconnected occupants are more likely to generate additional refuse and parking pressures than a typical family home.

2.59 Equally, the cumulative effect of incremental intensification in an area caused by numerous changes of use from small HMOs to large HMOs can be significant, affecting both immediate neighbours and the wider area. Applications for such changes will therefore be assessed using the same criteria as conversions from other uses.

2.60 There are approximately 5,000 licensed HMOs in the city. This high number is partly due to housing costs and availability in the city, and partly due to the supply of Purpose Built Student Accommodation (PBSA) not matching the past expansion of student numbers. The city's housing market has responded to the imbalance in supply and demand through increasing numbers of family dwellings being converted to HMOs.

2.61 Many HMOs do not house students - the cost of housing in the city and overall shortage of new planned housing compared to the assessed need mean that many young professionals and people on low incomes also live in HMOs. A balance must be struck between maintaining this sector of the housing market, and permitting reversion to C3 family homes given the potential negative impacts and demand for additional family housing in the city.

2.62 The above policy responds to this by allowing for further conversion to HMOs where the defined criteria are met, but also supporting reversions to C3 use class family homes³². Policy support is provided for changes in use in both directions, whilst guarding against exacerbating the negative impacts that can occur where there are over-concentrations of HMOs.

2.63 City Plan Part One Policy CP21 has been effective in preventing new HMO development from exacerbating existing concentrations within a short 50m radius of application sites, whilst allowing further conversions in areas of lower proliferation. However, additional HMOs can also impact on residential amenity where they lead to concentrations in the immediate vicinity of an application site, as well as creating other impacts where they proliferate at a broader neighbourhood level wider than the immediate 50m radius.

2.64 This policy therefore extends Policy CP21 by introducing additional criteria to address these issues which will be used in addition to the criteria in CP21 to determine applications. The planning policy framework for determining applications for HMOs is therefore:

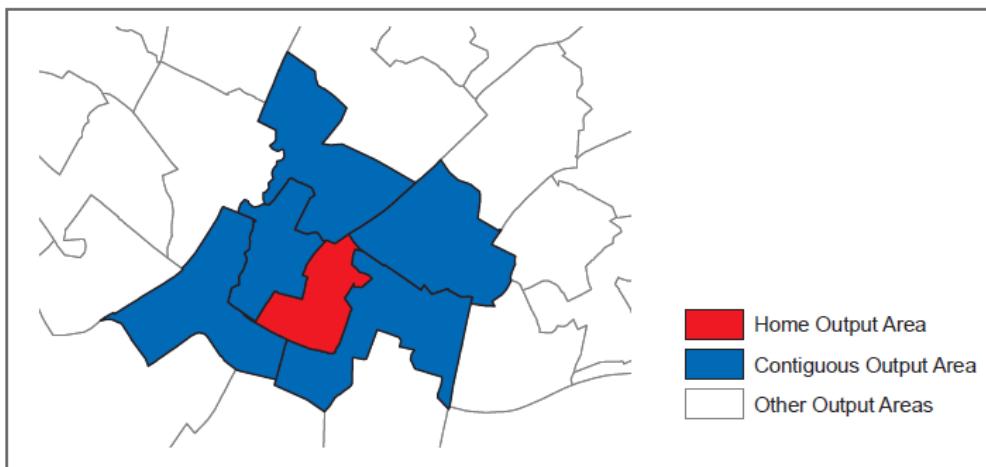
³² A change of use from a small HMO (use class C4) to C3 falls under permitted development and does not require planning permission.

- **Local level.** City Plan Part One Policy CP21 states that HMO development will not be permitted where more than 10% of dwellings within a radius of 50 metres of the application site are already in HMO use.
- **Immediate vicinity.** Additional criteria in Policy DM7 to ensure that a non-HMO is not 'sandwiched' between two HMOs in a continuous frontage as well as preventing continuous frontages of 3 or more HMOs. In situations where properties are not traditional houses situated along a street frontage, the policy can be applied flexibly depending on the individual circumstances of the proposal.
- **Wider neighbourhood level.** Policy DM7 introduces an additional criteria that will look at HMO concentrations across a cluster of contiguous (i.e. immediately adjoining) census output areas³³. HMOs will be assessed at this wider neighbourhood level to ensure that existing HMOs do not exceed 20% of all properties across the neighbourhood level.

2.65 The 20% level is considered appropriate for assessing wider neighbourhood areas with indirect impacts that affect the character of communities (for example a decreasing demand for local schools and changes in types of retail provision) rather than the specific impacts on individual properties that the existing other criteria in this policy and CP21 are intended to address.

2.66 The number of contiguous output areas may vary depending upon local circumstances but typically clusters will be comprised of between 5 and 7 output areas. Output areas generally comprise around 125 households and it is expected that 5-7 output areas would capture approximately 625 to 875 properties.

Figure 1 Example of Contiguous Output Areas



³³ Output areas (OA) were created for Census data, specifically for the output of census estimates. They are the smallest area for which census data is provided and were designed to have similar population sizes.

2.67 It is important that adequate living conditions are provided for occupants of HMOs. The Housing Act 2004 requires landlords of larger HMOs to apply for licences, and the city council has also introduced a city-wide additional HMO licensing for small HMOs. This is a separate regulatory regime to planning and seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The planning system has a wider responsibility for ensuring that the quality of accommodation will provide more than the bare minimum for its occupants by ensuring an adequate standard of living for long term occupants.

2.68 Where additional bedrooms are created in both new build HMOs and conversions of existing buildings, these will be expected to meet the internal space standards set out in Policy DM1 Housing Quality, Choice and Mix. Appropriately sized, proportioned and equipped communal areas and adequate bathroom and cooking facilities should be provided, relative to the expected number of occupants.

2.69 Communal living space should be provided within the main structure of the building and not within conservatories due to the inferior noise insulation and consequent effect on amenity of neighbours. Insufficient communal areas increase the time occupants must spend in their individual bedrooms and can therefore hinder social cohesion within the property. The minimum size of usable communal living space³⁴ should be 16 sqm, equating to 4 sqm per person, assuming a small four person size HMO, however other factors such as the usability and configuration of the space will also be taken into account. For HMOs accommodating more residents, proportionately more communal lounge space should be provided. The size of the bedrooms and the extent of their ability to function as social areas will be taken into account in determining whether communal space provision is sufficient. Large HMOs will be expected to provide at least two bathrooms with showering facilities.

Bedrooms should be located no more than one level from the nearest bathroom.

2.70 HMO proposals are also required to provide useable private outdoor amenity space appropriate to the scale and character of the development as required by Policy DM1 Housing Quality, Choice and Mix.

³⁴ Living space includes lounge, kitchen and dining areas.

DM8 Purpose Built Student Accommodation

Planning permission will be granted for new purpose built student accommodation (PBSA) developments, subject to the criteria set out in City Plan Part One Policy CP21, which provide all of the following:

- a) predominantly cluster units;**
- b) bedrooms of a sufficient size for living and studying;**
- c) communal living space, cooking and bathroom facilities commensurate in size to the number of occupants of cluster flats;**
- d) communal hub space commensurate in size to the number of studio units;**
- e) acceptable daylighting to all habitable rooms;**
- f) measures to promote the use of and provide access to sustainable transport including management arrangements to ensure occupants do not keep cars in Brighton & Hove; and**
- g) effective and appropriate 24 hour security presence.**

Supporting Text

2.71 Brighton's two universities, the University of Brighton and University of Sussex, are major assets that are vital to the city's economy and make an important contribution to its economic and cultural life and its positive national and international reputation.

2.72 However, the number of permitted PBSA bedspaces, currently assessed to be 12,699³⁵, remains below the number of students in the city requiring accommodation, particularly for students at the University of Brighton. It is therefore expected that applications for new PBSA development will continue to come forward over the plan period.

2.73 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. Additionally, the Falmer Released Land is identified in City Plan Part One Policy DA3 Lewes Road Area as being suitable for development of a range of uses, including PBSA. Additional site allocations are set out in Policy H3 Purpose Built Student Accommodation.

³⁵ 3,146 bedspaces managed by University of Brighton, 8,167 managed by University of Sussex, and 1,386 privately managed.

2.74 The greatest demand for student accommodation stems from the two universities, and the occupation of new developments by university students is preferred due to the large numbers currently residing in HMOs. Although there are approximately 50 language schools in the city, these are understood to currently house the vast majority of students with host families.

2.75 The policy seeks to ensure that PBSA developments are designed to provide an adequate standard of accommodation. Whilst it is recognised that PBSA is rarely long term accommodation for the occupants, it is important that adequate standards of design are maintained. Poor quality, noisy, cramped and poorly laid out accommodation with inadequate daylighting can be contributory factor to a sense of isolation, loneliness and related health impacts in some occupants, who may struggle to adjust to unfamiliar surroundings in a new city or country.

Accommodation should therefore facilitate convenient social interaction by providing communal living space and cooking facilities appropriate in size to the number of occupants in a development or within a cluster flat, and appropriately sized communal hub space to reflect the number of studio units. Rooms should have sufficient space for a bed, storage space, a desk space with good natural light, and adequate circulation space around these items to ensure they are all usable. In addressing criterion e) daylight and sunlight levels should meet the recommended standards for living rooms set out in current BRE guidance and any subsequent revisions.

2.76 It is important to deliver a mix of accommodation types. Studio flats can meet a specific demand in the market as they provide a greater degree of independence (e.g. for mature students), however they are generally more expensive for students to rent and are unaffordable for many. Occupants of more expensive studio flats are less likely to otherwise reside in HMOs due to the greater disparity of typical rental costs, and their provision therefore is less likely to contribute positively towards the overarching policy aim of mitigating the impacts of concentrations of HMOs in some neighbourhoods by providing alternative accommodation options. Cluster flats are a more affordable option and also encourage greater social interaction. In order to provide a greater strategic benefit to the city developments should provide a predominance of cluster flats in order to be available to a broad spectrum of students, rather than only the wealthiest.

2.77 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. As the locational criteria for PBSA developments in Policy CP21 include the need for them to be located on sustainable transport corridors easily accessible to the universities, it is considered unlikely that students would need private transport. In order to reduce the impact on neighbouring streets,

management arrangements will be expected to ensure that occupants do not keep cars in Brighton & Hove. Exceptions may apply in the case of disabled students. Other measures to support sustainable transport use such as discounted bus tickets and cycle loans should also be provided.

2.78 Developments should also maintain effective 24 hour staffing/security to ensure the safety and security of residents and to enable a rapid response to any incidents of anti-social behaviour. This should not take the form of student volunteers.

DM9 Community Facilities

1. Planning permission will be granted for new community facilities where all of the following criteria are met:

- a) the proposed use is compatible with adjoining and nearby uses;**
- b) the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and**
- c) where feasible and appropriate, community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel (for example at Community Hubs).**

2. Development that would lead to the loss of community facilities will only be permitted where it has been demonstrated that at least one of the following circumstances applies:

- a) replacement facilities of an appropriate quality and size will be provided as part of new development proposals or in an alternative suitable location that meets the criteria in part 1 of this policy; or**
- b) the facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility; or**
- c) the building or land is no longer suitable to accommodate the current use or an alternative suitable community use and cannot be reasonably adapted to do so; or**
- d) it has been demonstrated that there is no current or future need or demand for the space, either in its current use or any alternative community use and evidence of active, flexible and appropriate marketing of the site for community use has been provided.**

Partial loss of floorspace through change of use will be supported where it can be clearly demonstrated that the operational need of the community use requires less floorspace or where continuation of the existing use would otherwise be unviable and can be sustained by cross-subsidy.

Supporting Text

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 nature³⁶. They can be broadly separated into the following types of use:

- Non-residential Institutions (Use Class D1) – these are defined by the Use Classes Order and include education uses (non-residential), health clinics/GP surgeries, day nurseries/crèches, law courts, training centres, museums, public libraries, public halls and places of worship.

³⁶ National Planning Policy Framework – paragraph 83

- Essential community infrastructure to meet the needs of the city. This includes:
 - Facilities for the emergency services including the NHS and Fire, Police and Ambulance Services;
 - Public toilets; and
 - Prison and custody facilities.
- Cultural and social facilities which perform an important role in the health and wellbeing and ‘quality of life’ of the city’s residents. 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.

2.80 New development adds to the demand for existing community facilities and can lead to the need for entirely new facilities. City Plan Part One Policy CP7 sets out how the council will work with partners to ensure that the necessary social, environmental and physical infrastructure is appropriately provided in time to serve new development. The Infrastructure Delivery Plan (Annex 2 to the City Plan Part One) is updated periodically and identifies existing infrastructure, current shortfalls, and existing and future infrastructure needs to support the planned new development in the city over the Plan period up to 2030. The council will encourage developers to engage with providers of essential city infrastructure at an early stage where a specific need has been identified as part of the development.

2.81 This policy links to those requirements by setting out the development management considerations that will be taken into account in determining applications for new community facilities or proposals that would involve their loss. The council will seek to retain existing facilities by permitting proposals for alternative uses or redevelopment which would result in their loss to the community only where it can be demonstrated that the facility is not needed or the premises are not suitable for continued community use.

2.82 In order to demonstrate that a facility is not needed or is not suitable for alternative community use, evidence of active, flexible and appropriate marketing of the site for community use for a period of at least 12 months should be submitted.

2.83 The policy supports the provision of new community facilities where they are compatible with existing uses and are easily accessible to the community that will use them. Community facilities serve all parts of the community, including more vulnerable people, and it is therefore essential that they are readily accessible by sustainable means of travel, particularly given the relatively low level of car ownership in Brighton & Hove. Consideration will therefore need to be given to the availability of existing public transport services/routes, especially buses, to ensure that levels of accessibility are adequate, in addition to any associated infrastructure requirements.

2.84 The policy includes flexibility by allowing partial loss of floorspace where this would not affect the ability of the existing use to effectively operate, to sustain an otherwise unviable community use through the introduction of a higher value use on part of the site.

DM10 Public Houses

Public houses will be protected. Planning permission will not be granted for redevelopment and/or change of use except where:

- a) it has been demonstrated that use as a public house is not economically viable now and could not be made viable in the future³⁷; and
- 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.

Where an alternative use can be justified, priority will be given to re-use of the premises or site for alternative community facilities.

Supporting Text

2.85 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.

2.86 A significant number of pubs have been lost to other uses in Brighton & Hove in recent years, and others have been subject to high profile local campaigns when threatened with alternative development proposals. It can be difficult to provide for new public houses due to a lack of suitable sites and concerns regarding amenity where the use is not established, particularly in residential areas of the city.

2.87 Applicants will be expected to submit a full viability assessment which should include trading accounts for the past three years of operation and have regard to the Campaign for Real Ale's public house viability test and any subsequent guidance³⁸. Details should also be provided of any changes that may have impacted on the business in the period that corresponds with the trading information plus one year beforehand (i.e. 4 years in total), for example, changes/reductions in opening hours; removal of facilities or cancellation of events that could increase patronage.

³⁷ Applicants will be required to provide detailed evidence that the existing use as a public house is unviable and that initiatives to improve viability have been fully explored.

³⁸ Campaign for Real Ale Public House Viability Test, November 2015 - <https://s3-eu-west-1.amazonaws.com/www1-camra/wp-content/uploads/2019/03/08155247/Public-House-Viability-Test-v.2015.pdf>

2.88 Recent lack of success using a purely economic analysis does not necessarily indicate lack of need or demand. Clear evidence will be required to demonstrate that the pub is no longer viable and could not be made viable, and that options to increase viability have been fully explored. These could include expanding the choice of food and/or drink to meet current market expectations and trends or gaps in the local market; making genuine attempts to attract new customers through initiatives such as pub quizzes and live music; consideration of using the space for alternative community uses at less popular times; providing guest accommodation where space exists; and sharing the premises with other businesses. The Bevy pub in Bevendean is an example of how a pub can act as a community hub with numerous initiatives involving different age groups undertaken to boost patronage³⁹.

2.89 It should be demonstrated that the pub is actively seeking to attract customers, for example by being kept in a good state of external and internal repair, maintaining an active social media presence, and being reliably open for business.

2.90 Evidence will also be required that the site/premises has been appropriately and prominently marketed for a period of at least 24 months at an independently verified fair price for ongoing use as a public house. Both freehold and leasehold options should be made available without a ‘tie’ requiring the purchase of drinks through the vendor and without restrictive covenants that would otherwise prevent re-use as a public house such that other pub operators, breweries, local businesses or community groups wishing to take over the premises and trade as a pub are not excluded.

2.91 Public houses meet a range of needs, and it cannot be assumed that all are directly comparable. For example, a traditional wet-led community pub meets a different need and serves a different market to a gastropub. In assessing the range of alternative provision in the locality of a site, consideration should therefore be given to the diverse nature of pubs and the particular elements of the community they serve. Consideration should also be given to possible increases in demand if significant new housing is proposed in the locality of if other pubs in the locality have recently closed.

2.92 If the application site has been registered as an Asset of Community Value (ACV), this will be treated as a material consideration, alongside all viability and marketing evidence, in determining if the site has a future as a viable public house business. Whilst being registered as such does not in itself indicate that a public house use can continue to be viable, it does provide a strong indication that there is local support for its retention.

³⁹ www.thebevy.co.uk/

2.93 The council will seek to retain public house uses in their original buildings, as many of the intangible elements of pubs which are valued by their customers, for example a sense of authenticity, character, history and nostalgia, are extremely difficult to replicate in new premises. However, where it has been demonstrated that retention of the original business is not possible, it may be possible to retain a public house function as part of a full redevelopment of a site. If this is proposed, the townscape, streetscape and heritage significance of the public house will be assessed in determining if this approach is acceptable.

2.94 Where an alternative use can be justified, priority will be given to alternative community facilities, as these may be able to provide an alternative focus and meeting point for the community.

Topic – Employment and Retail

DM11 New Business Floorspace

Development proposals involving the provision of new B1a, b and c Use Class business floorspace, either in stand-alone commercial or mixed-use schemes, should provide for well-designed buildings and layouts suitable for incorporating a range of unit sizes and types that are flexible, with good natural light, suitable for sub-division and configuration for new B1 uses and activities; and for new B1c light industrial, B2 industrial and B8 storage and warehousing premises include adequate floor to ceiling heights; floor loading, power, servicing and loading facilities.

Redevelopment proposals on protected industrial estates will be supported where they provide an efficient use of the site/ premises to provide higher density and flexibly designed business premises for B1, B2 and/or B8 uses in accordance with City Plan Part 1 Policy CP3 Employment Land.

Supporting Text

2.95 New business floorspace needs to be designed to respond to changing economic conditions and support economic growth. It is important to ensure that new employment floorspace is ‘future proofed’ as far as possible allowing capacity and flexibility for add-on space to support enterprise growth or demand for move-on accommodation and larger footplate space⁴⁰. Unless it is demonstrated that a commercial occupier has been identified to occupy the employment land/floorspace and has particular requirements for the premises or land being developed, proposals should incorporate flexible design features to provide future adaptability for a range of uses and occupants and business size, such as small and medium sized companies and ‘start up’ businesses as well as larger sized accommodation to support growing/ larger businesses. Premises should have good natural lighting (and avoid basement and windowless offices).

2.96 Flexible design features for new B1a office floorspace include:

- Adequate floor to ceiling heights (at least 3 metres of free space) with few supporting columns, if this can be avoided;
- Appropriate location of entrances, entry cores, lift cores, loading facilities and fire escapes, to allow mixing of uses within the building;
- Availability of a range of unit sizes and types suitable for occupation by small, medium and large businesses;
- Grouping of services, plumbing, electrics, cabling, communications infrastructure and circulation;
- Flexible ground floor access systems that can easily be adapted for goods delivery (e.g. through adaptable façade panels);

⁴⁰ Productive, Inclusive, Transformative: An Economic Strategy for Brighton & Hove 2018

- Good standards of insulation to mitigate any overspill from future alternative uses in the building, and good natural daylight;
- Digital connections (see Policy DM25), meeting room facilities, flexible desk arrangements, service lifts, and flexible space for events;
- Charging points and other infrastructure to support the use of low emission vehicles (see DM36)
- Design out waste - ensure that waste reduction is planned from project inception to completion including the consideration of standardised components, modular build and re-use of secondary products and materials (see City Plan Part One Policy CP8 Sustainable Buildings and Policy WMP3d of the East Sussex, Brighton & Hove and South Downs Waste and Minerals Plan).

2.97 Where new B1b or B1c units are proposed the council will seek flexible design features to allow the reconfiguration of internal space to suit new occupiers with different space requirements and/or allow the retention of existing businesses occupying the premises to expand in situ. This could also include, for example, at least 3 metres of free space but up to a minimum of 5 metres in B2 industrial buildings and B8 Storage and Warehousing uses to allow for the introduction of mezzanines; full height delivery doors, and being able to site additional delivery doors to enable subdivision of buildings and/or reallocation of space to meet the requirements of new users. Appropriate design features should include adequate floor to ceiling heights; floor loading, power, servicing and loading facilities suitable for industrial and/ or storage and warehousing use.

2.98 With speculative proposals, applicants must also demonstrate to the council's satisfaction that the business floorspace is appropriate to meet the likely needs of a range of potential end users and this may include details of the marketing strategy that will be employed to ensure the successful take up of the employment floorspace. New build business premises should be provided with an internal fit out to an appropriate standard to attract new occupiers. In implementing this policy the council, in consultation with the applicant, will give careful consideration to the needs of potential end users for the premises being provided as part of the development, and will take into account all relevant circumstances when assessing the level of fit-out that will need to be provided.

2.99 Proposals that provide mix of B use class employment uses must be designed to demonstrate there is adequate separation of uses, to ensure high standards of amenity.

2.100 Small businesses often seek premises that have flexible, layouts that can adapt as the business grows or changes and networking space to interact with other small business or to meet with clients. Innovative new employment floorspace in

developments that provide a range of facilities including: flexible occupancy terms; flexible layouts; a mix of offices, studios; workshop space; as well as networking, socialising and meeting space will be encouraged where it meet the needs of a range of business types and sizes. However the council also considers that co-working, micro space, maker space and creative space will not meet floorspace needs of all occupiers/ growth sectors in the city. Consideration should also be given to the provision of larger flexibly designed space to meet the needs of businesses in the middle stage of growth that need to expand.

2.101 There is a very limited supply of land for business class uses in the city. This places importance on making best use of existing business sites and premises that are suitably located and commercially attractive to business uses. Policy CP3.4 in the City Plan Part One is supportive of proposals for the upgrade and refurbishment of the identified and protected industrial estates and premises. Where opportunities for redevelopment of older/ poor quality/ lower density industrial premises come forward on safeguarded industrial estates/ business parks, in accordance with CPP1 Policy CP3 Employment Land, the council will seek a mix of flexibly designed unit sizes suitable for a range of B1, B2 and B8 uses making efficient use of the site or premises so these sites can continue to meet the needs of businesses in the city. Successful examples include the phased development of Woodingdean Business Park, and the mix of self-contained office and workshop units at Hove Technology Centre, Westergate House and English Close Business Centre.

DM12 Changes of Use within Regional, Town, District and Local Shopping Centres

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;

A) Regional, Town and District Shopping Centres

- i) Changes of use of a ground floor Class A1 unit in the primary shopping frontages will only be permitted where the proportion of Class A1 units would not fall below 75% in the Regional Centre, and 50% in Town and District Centres (as a proportion of total units measured across the total Primary Shopping Frontage), taking into account unimplemented planning permissions for changes of use;
- ii) Changes of use of a ground floor Class A1 unit in the secondary shopping frontages will only be permitted where the proportion of Class A1 units would not fall below 35% in the Regional Centre and below 30% in the Town and District Centres (as a proportion of total units measured across the total Secondary Shopping Frontage), taking into account unimplemented planning permission for changes of use.
- iii) Within the Lanes and North Laine areas the change of use should not result in a group of three or more adjoining units being in non-A1 use.
- iv) The unit has been marketed for a minimum of 6 months, at an appropriate rent (providing three comparable shop rents within the centre) with the marketing information clearly demonstrating that there is no realistic prospect of the unit being used for A1 use in the foreseeable future; and
- v) A shop front has been retained or provided;

B) Local Shopping Centres

- 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;
- ii) The shop unit has been marketed for a minimum of 6 months, at an appropriate rent (providing three comparable shop rents within the centre) with the marketing information clearly demonstrating that there is no realistic prospect of the unit being used for A1 use in the foreseeable future; and

iii) A shop front has been retained or provided.

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.

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.

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.

Supporting Text

Review of and designation of shopping frontages

2.102 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.

2.103 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.

2.104 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.

2.105 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.

Primary Shopping Area

2.106 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.

Primary and Secondary Frontages

2.107 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.

2.108 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.

2.109 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.

2.110 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.

2.111 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.

Local Centres

2.112 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.

Table 3 – Brighton & Hove’s Retail Hierarchy (adopted City Plan Part 1 Policy CP4 Retail Provision)

Centre Definition	Defined Centres	Linked City Plan Part 1 Policies
Regional Centre	Brighton	DA1, SA2, CP4
Town Centres	Hove	CP4
	London Road	DA4, CP4
District Centres	St James’s Street	CP4
	Lewes Road	DA3, CP4
	Boundary Road/Station Road	DA8, CP4
Local Centres	Mill Lane, Portslade Portland Road, Hove 'The Grenadier', Hangleton Road Richardson Road, Hove Eldred Avenue, Withdean Old London Road, Patcham Ladies Mile Road, Patcham Seven Dials Fiveways Hollingbury Place, Hollingdean Beaconsfield Road, Preston Park St George’s Road, Kemptown Warren Way, Woodingdean Whitehawk Road, Whitehawk High Street, Rottingdean Lustrell’s Vale, Saltdean Longridge Avenue, Saltdean Brunswick Town	SA6, CP4 (all centres)

Implementation and Monitoring

2.113 Implementation of the policy will be assisted by continuing to monitor numbers of retail units within defined shopping centres. 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.

2.114 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.

Evidence of Marketing

2.115 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.

Permitted Development Rights

2.116 Several changes to the Permitted Development Rights affecting change of use to and from retail have been introduced in recent years. Where prior approval is needed, the Council will interpret 'key shopping areas' referred to in the General Permitted Development Order as being designated Primary and Secondary Shopping Frontages.

2.117 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.

New Development in Centres

2.118 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.

2.119 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, 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.

2.120 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.

DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units

A) Important Local Parades

The following shopping areas are designated as Important Local Parades⁴¹ within the retail hierarchy as shown on the Policies Map;

- Cowley Drive, Woodingdean
- Goldstone Villas, Hove
- Hove Park Villas, Hove
- Islingword Road, Brighton
- Old Shoreham Road/Sackville Road, Hove
- Valley Road, Portslade
- Victoria Terrace, Hove
- Warren Road, Woodingdean
- Woodland Parade, Hove

In Important Local Parades, changes of use involving the loss of units in A1 Use Class, will be permitted where;

- a) the proposal would not result in the number of units in class A1 use falling below 50%; and
- b) the shop unit has been marketed for a minimum of one year;

Changes of use at ground floor to residential will be permitted to the rear or on upper floors in Important Local Parades.

Temporary and ‘meanwhile’ use of vacant buildings by start-up businesses as well as creative, cultural and community organisations will be considered particularly where they help activate and revitalise retail centres

B) Neighbourhood Parades and Individual Shop Units

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;

- a) there are alternative shopping facilities within reasonable walking distance (300 metres);
- b) the shop unit has been marketed for a minimum of one year;

⁴¹ As designated on the Policies Map.

Supporting Text

2.121 The term ‘Important Local Parades (ILPs)’ as defined on the Policies Map refers to a group of shops (five 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, within walking distance from home.

2.122 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.

2.123 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.

2.124 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 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.

2.125 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.

2.126 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.

2.127 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.

2.128 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.

DM14 Commercial and Leisure Uses at Brighton Marina

In order to maintain and enhance the special commercial and leisure offer within Brighton Marina, changes of use will be permitted provided that all of the following criteria are met;

- a) The proposed use would improve the vitality and viability of the Marina, by encouraging combined trips and attracting pedestrian activity; and**
- b) The development would not be materially detrimental to the amenities of occupiers of nearby properties or the general character of the Marina; and**
- c) A window display is provided to retain an active frontage.**

A change of use at ground floor level to residential in retail / commercial/leisure frontages will not be permitted but may be considered appropriate on upper floors.

Supporting Text

2.129 Brighton Marina, functions as an independent component of the city's urban area. The Marina provides a mix of housing, shopping, commercial, leisure and recreational buildings in addition to being a working harbour. This creates a unique commercial and leisure environment.

2.130 The majority of existing retail activity takes place in the Merchant's Quay /Marina Square 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 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 Framework⁴².

2.131 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. Both retail and non-retail uses (including community facilities) 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.

⁴²National Planning Policy Framework (NPPF) (2019) paragraphs 89-90

DM15 Commercial and Leisure Uses on the Seafront

Development proposals including change of use for new shop, food and drink and drinking establishments (A1 – A5 Use Class) and galleries (D1 Use Class) and museums (D2 Use Class) on the lower promenade Madeira Drive and within the seafront arches, will be permitted provided that all of the following criteria are met;

- a) The existing diversity and mix of retail, sport, leisure, cultural and recreation uses along the seafront will be retained or enhanced;**
- b) The proposed development is of appropriate scale and design to complement the historic character and setting of the seafront (See City Plan Part One Policies SA1 and CP4);**
- c) The proposal will support the role of the seafront as recreation and tourist destination helping to extend footfall and reduce seasonality; and**
- d) The proposed development or uses will not have a harmful impact on the amenity of local residents, visitors and the seafront due to noise, odour, disturbance and light pollution.**

The council will encourage temporary uses which help animate and activate vacant buildings or sites before regeneration/ construction commences.

Provision of ancillary small-scale retail outlets will be permitted on identified seafront development sites or to support existing or proposed leisure/ tourism schemes (see SSA5 and SSA6).

Supporting Text

2.132 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.

2.133 Any use extending for more than 28 days (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.

DM16 Markets

Proposals for new or improved markets and market stalls will be permitted within defined shopping centres where they would not cause individual or cumulative harm to the local area in terms of residential amenity, pedestrian and highway safety, parking congestion, impact on cycle routes or the free flow of traffic, especially public transport.

Planning permission will be refused for development which would result in the permanent loss of markets or pitches unless appropriate comparable replacement provision is made subject to the impact on existing shopping facilities and markets.

The council will ensure the appropriate control of hours of operation and that adequate arrangement is made for storage and disposal of litter and refuse, parking, including cycle parking and servicing.

Temporary permissions and/or planning conditions may be used to assess or regulate the impact of markets, including proposals for farmers markets, temporary markets or car boot sales.

Supporting Text

2.134 It is recognised that street markets make an important contribution to the variety and attraction of shopping in the city and to the character of local areas, particularly where the character of the street markets contributes to enhancing the available retail offer and providing opportunities to support access to local produce and healthier food. The city has a variety of markets operating weekly and monthly as well as those that visit on a seasonal basis.

2.135 The Open Market at Marshall's Row, London Road is the city's permanent indoor market operating on a daily basis. The council will support improvements to the market's environment and management where appropriate. The policy sets out that markets should be located within the city's defined Shopping Centres to complement these centres, and add to their vitality and viability, ensuring a diverse offer of goods to the shopper. Markets located outside the Shopping Centres would detract from their role. The council will resist development proposals that would result in the loss of markets and pitches, unless appropriate comparable re-provision is made.

2.136 Street markets are also important for the establishment of new entrepreneurial business by Brighton & Hove residents. Additional or expanded markets are encouraged and will be supported within defined shopping centres subject to the criteria listed.

2.137 The council will use conditions and/or obligations to ensure that the operation of markets 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. In addition to planning controls, the council manages proposals for new markets through its role in determining applications for street trading licenses.

DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities

The following City Plan Part 1 Strategic Allocations/ Development Areas are identified as search areas for new hotel development:

- 1. DA1.B.1 New Brighton Centre and Expansion of Churchill Square**
- 2. DA2.C.1 Brighton Inner Harbour**
- 3. DA2.C.3 Black Rock Site**
- 4. DA4.C.1 New England Street Area**
- 5. DA6 Hove Station Area**

Proposals will be assessed against Policy CP6 Visitor Accommodation, and should not compromise the priorities and aspirations set out in the adopted Development Area proposals and delivery of the allocated mix of permitted uses set out in the Strategic Allocations.

Safeguarding Conference Facilities

In order to maintain the city's role as a conference destination existing large capacity conference facilities will be maintained and enhanced.

Proposals for loss of these facilities would need to demonstrate:

- a) availability of adequate provision elsewhere in the city; and**
- b) that the existing use was no longer viable or could no longer be sustained on a long-term basis; or**
- c) partial loss enables the upgrade of remaining conference and banqueting provision; or**
- d) Re-provision within a new development in accordance with City Plan policies or in accordance with a Strategic Allocation set out in City Plan Part One.**

Supporting Text

2.138 Brighton and Hove has one of the strongest hotel markets in the UK. An updated Visitor Accommodation Study⁴³ has identified a greater requirement for additional hotel provision over the Plan period than was projected in the 2006 Brighton & Hove Hotel Future Study, as a result of much stronger than anticipated growth in the city's hotel market and significantly improved hotel performance since 2006. A range of indicators suggests continuing growth for all forms of visitor accommodation particularly from the leisure tourist market over the next five years⁴⁴.

⁴³ Visitor Accommodation Study Update April 2018.

⁴⁴ The Brighton & Hove Visitor Accommodation Study Update 2018 estimated that visitor accommodation demand in the city could grow by 2-4% over the next 5 years.

2.139 As a tourist destination, the city cannot grow staying tourism without additional hotel accommodation because currently the city's hotels are full and are turning business away for much of the time at weekends and during the peak holiday season but also during peak conference months. The city is also under-represented in terms of international hotel brands which can help drive new business to the city and can help it remain competitive as a destination. New contemporary hotel products and brands can also attract new tourist markets to the city as identified in the council's Visitor Economy Strategy 2018-2023. The Brighton & Hove Visitor Accommodation Study Update 2018 emphasises the need to attract hotel products and brands to Brighton that will help to attract new markets to the city and strengthen its competitive position as a business and leisure tourism destination in terms of:

- International hotel brands that will bring new business to the city through their customer base, national and international marketing, brand strength, loyalty programmes and distribution channels.
- Lifestyle and budget boutique hotels and aparthotels, to attract the pre-family couples, business traveller and leisure guest.
- London-based hotel brands that are looking to expand beyond the capital that can bring their customers to Brighton.

2.140 The Brighton & Hove Visitor Accommodation Study Update 2018 forecast a need for a further two new hotels⁴⁵ in Brighton by 2022 in addition to the planned pipeline hotels that are set to open in the next 2-3 years⁴⁶ and longer-term forecasts (2023-2030) indicate a potential for further 4-8 hotels in the city. Given the sensitivity of the longer term forecasts the City Plan is guided by the low-growth forecast requirement of up to 5 new hotels over the plan period.

2.141 City Plan Part One Policy CP6 Visitor Accommodation directs new hotels firstly to the central Brighton area in accordance with the NPPF. Whilst a number of windfall hotel sites have come forward within SA2 Central Brighton, and more may do so over the Plan period, there are limited future site opportunities in central Brighton to accommodate the potential need.

2.142 New hotels could also be delivered through extensions to existing hotels or through the re-positioning and redevelopment of existing hotels. The following suitable search areas for new hotels are identified to guide future planning applications:

- **DA1 Brighton Centre and Churchill Square Area** - allows for new hotel as part of the redevelopment opportunities for the strategic allocation. This would allow for the re-provision of existing hotels and additional seafront hotels for the leisure market

⁴⁵ Assuming an average size of hotel of 150 bedrooms

⁴⁶ Including Hotel Indigo and the Premier Inn West Street.

- **DA4 New England Quarter and London Road Area** – the primary purpose is employment-led redevelopment of sites in the New England Street Area to create a new business quarter for the city. Policy allocations also require a minimum amount of residential development to be delivered. Where masterplanning indicates the capacity for a hotel to be delivered alongside the net additional allocation requirements for new office floorspace and housing this will be considered.
- **DA2 Brighton Marina, Gas Works and Black Rock Area** – to support the emerging Brighton Waterfront Proposals and the ongoing regeneration of the seafront the capacity for new hotel at the Black Rock site should be considered and the potential for a hotel as part of the mix of permitted uses for the Inner Harbour site at Brighton Marina;
- **DA6 Hove Station Area** – sustainable transport hub with links to Hove town centre and seafront but not considered a significant hotel location. Potential for a budget hotel alongside other uses if there is sufficient capacity.

2.143 This planned approach and locational strategy to securing hotel development could both create the capacity to underpin the desired growth in the visitor economy and support the city as a visitor destination.

2.144 The City Plan Part One through Policies DA1 and DA2 supports a council priority to position Brighton as one of Europe's leading conference and meeting destinations through the development of a new state-of-the-art conference centre in a landmark building. The council is progressing with the Waterfront Project proposals for a replacement world class conference and events venue, including an entertainment venue. There are a number of established large-capacity conference facilities in the city. These facilities play an important role in attracting major conferences to the city and facilities within hotels attract large scale residential conferences. In order to maintain the city's competitive position as a conference destination the policy resists the substantial loss of conference facilities unless the exceptions set out in the policy are met.

Topic – Design & Heritage

DM18 High quality design and places

Development proposals must demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment. The council will require an integrated approach to the design process from project inception where place making and sustainable development are considered as one.

Proposals for development will be expected to consider the following key design aspects:

- a) the local context; including responding positively to the urban grain;**
- b) the scale and shape of buildings;**
- c) the building materials and architectural detailing; and**
- d) the spaces between and around buildings taking into account:**
 - (i) purpose and function;**
 - (ii) access and linkages;**
 - (iii) uses and activities; and**
 - (iv) comfort, image and sociability.**

Major development proposals will be required to demonstrate how the criteria listed above have been considered and addressed in their plans.

In addition to the above, major development proposals on strategic and/or prominent sites should also consider the incorporation of an artistic element.

Supporting Text

2.145 Where attractive buildings and spaces are created within and around a development, their contribution to the local environment can be far greater than the sum of their parts. The layout of buildings and spaces within a development is critical to the creation of a sense of identity. Place-making focuses on ways to deliver attractive, successful places by improving the city's buildings and public spaces so that they invite greater interaction between people and promote better connected healthier, more social and more economically viable communities.

2.146 More detailed design guidance for developers, including area- and site-specific design principles, will form part of the Urban Design Framework Supplementary Planning Document which will support City Plan Part 1 Policies CP12 Urban Design and City Plan Part 2 Policy DM18 High Quality Design and Places.

Local context

2.147 The successful integration of new development into the local context is dependent upon an understanding of and positive response to existing development patterns of the local area – its ‘urban grain’. Given the diverse character and urban grain of the city’s neighbourhoods, appropriate design responses can range from repeating or reinterpreting local building patterns through to considered contrast. The urban grain can provide a good starting point when considering the layout of new buildings and spaces. Important elements include local patterns of roads and streets; building lines and set-backs; building types and densities; plot sizes and patterns; open spaces; and orientation. The scale of consideration of local context should be commensurate with the scale and impact of the proposals. 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 larger and/or strategic development.

2.148 A detailed Tall Buildings Statement will be required to support proposals for buildings of 18 meters or taller (approximately 6 storeys) as set out City Plan Part One Policy CP12 Urban Design and local guidance on tall buildings.

Scale and shape of new buildings

2.149 This is a major factor in determining the visual character of an area. Generally the aim should be to create a sense of harmony and visual continuity between existing and new. The basic proportions of a building, including its height, width and depth, the shape of its gables and the pitch of the roof, can be varied to suit the local context. What matters is not so much the absolute size of a new building or development, but its size relative to its surroundings, and how apparent the scale of a building or development will be. Elements of any building that are visible from a highway are of particular importance.

Building materials and architectural detailing

2.150 The selection of external materials and finishes is often a critical factor in determining how well a new development relates visually to its surroundings. Adopting the local palette of materials, and the ways in which these are combined and detailed, is one way in which new development can reinforce local distinctiveness. Other important aspects of local building design include the pattern and proportions of the windows in nearby buildings, and the ways that elevations are divided horizontally and vertically. Development proposals should aim for high sustainability standards (City Plan Part One Policy CP8 Sustainable Buildings and Policy DM43) and take into account the principles of the circular economy⁴⁷ to minimise the use of new materials, avoid waste and support high recycling rates through consideration of innovative building design, designing for adaptability,

⁴⁷ The Circular Economy principles encourage materials and resources to be kept in use for as long as possible by re-using, recycling, remanufacturing and sharing resources. Using the principle of the circular economy leads to fewer materials being thrown away and better use of local resources, reducing carbon emissions and impact on the environment as well as reducing costs.

flexibility and re-use (see Policy CP8 Sustainable Buildings and Policy WMP3d of the East Sussex, Brighton & Hove and South Downs Waste and Minerals Plan).

Spaces between buildings

2.151 Too often attention is focused on buildings and their architectural detail at the expense of proper consideration of the design of the spaces between buildings. In many instances it is the quality of these spaces rather than the appearance of the buildings that makes places memorable. Poorly conceived places can sometimes undermine high quality architecture, with street clutter and infrastructure obscuring views. The sensitive application of certain well-proven design principles can help to ensure that a sense of identity is created in new development.

2.152 Buildings within a development should be arranged to create well defined spaces, each with a clear **purpose and function**. The spaces within a development should not consist simply of the land left over once the footprints of buildings and the positions of roads and accesses have been established. Defining the nature and use of the spaces early in the design process can help inform the siting and design of buildings, hard and soft landscape and, if applicable, distribution of uses that will enclose these spaces.

2.153 A successful place is easy to get to, visible and easy to move through. Physical elements can enhance **access and links** such as a clearly marked street-crossing or a shopping parade leading to the space. These can add interest and help create a safer environment. The ability to see a public space from a distance, parking arrangements and convenient public transport can also contribute to better access.

2.154 Successful public places typically offer a variety of **uses and activities** in and/or around it that suits its users. The right mix and spatial clustering of uses can be critical to attracting a range of people and animating a space. In Brighton & Hove where availability of open public space is limited, opportunities should be taken to optimise the use of open spaces. Streets and spaces should be flexibly designed to accommodate a range of activities. New development should present an interesting and attractive frontage and open spaces particularly at street level for pedestrians.

2.155 In general, **comfort, image and sociability** relate to people's sense of safety, cleanliness and overall character of a place. In design terms, this can range from the provision of and/or arrangements to enable the use of public toilet facilities to a choice of places to sit along with shade, shelter or other protection from the elements. The presence and quality of hard and soft landscaping and the nature of vehicular traffic will also influence these perceptions. Substantial traffic and associated perceptions about danger, noise and air quality may make movement through spaces difficult and deter people from lingering in them.

2.156 The **incorporation of art into the design of buildings and spaces** can be a useful and effective way of creating and/or enhancing local distinctiveness and developing a desirable sense of place. It can provide important opportunities to involve the local community and offer work opportunities to artists, many of whom will be local, and to promote and strengthen the city's appeal as a tourist attraction.

2.157 Proposals for major applications on strategic or prominent sites or development that is likely to have an impact on public realm will need to demonstrate how an artistic element has been incorporated into development design and how proposals meet the objectives of relevant art- and public realm-related strategies and guidance.

2.158 Applicants proposing major development and/or development in a sensitive location should engage with the council's **design review** service at an early stage in the design process. In addition, such applicants are encouraged to make use of the council's pre-application service.

DM19 Maximising Development Potential

To avoid underdevelopment of sites proposals should seek to maximise opportunities for the development and use of land to ensure the efficient and effective use of available sites.

Planning applications will be expected to demonstrate that development proposals meet all of the following requirements:

- a) maximise opportunities for an appropriate mix of uses across the site;**
- b) residential development should seek to optimise densities taking account of Policies CP14 Housing Density, SA4 Urban Fringe and SA5 The Setting of the SDNP in City Plan Part One;**
- c) achieve efficient use of the site in terms of building layouts and design; and**
- d) make efficient use of land to provide for effective open space, amenity space, access and car parking.**

Supporting Text

2.159 Development opportunities in Brighton & Hove are constrained by the South Downs and the sea leaving only a limited supply of land suitable for development within the City Plan area. Underdevelopment of sites can compromise the ability of the city to meet land use targets set out across the City Plan. It is important that new development proposals make efficient use of land and maximise the potential of available sites, whilst avoiding promoting over-crowding, congestion, excessive densities and negative amenity/infrastructure impacts on surrounding areas. This requires consideration of the efficient and effective use of sites, not only in terms of the design and layout of buildings, but also considering open space, access, car parking and other uses where relevant.

2.160 Policy CP14 Housing Density in the City Plan Part One sets general policy parameters for the density of residential development setting a general expectation for a minimum net density of 50 dwellings per hectare (dph) with a minimum of 100 dph within Development Areas DA1-6 and DA8. Policy CP14 also sets out circumstances where a residential density below 50 dph may be appropriate, for example to reflect a neighbourhood's characteristics, meet the housing needs of a particular group or contribute towards creating a sustainable neighbourhood. However, even where a lower density of development may be appropriate, it is still important to ensure that an efficient use of the site is achieved in terms of mix of uses, layouts and design, etc. Proposals that are inconsistent with the density levels in Policy CP14 will need to demonstrate that a satisfactory balance has been achieved between respecting local context and maximising site potential to meet the city's needs, in particular in relation to housing provision.

2.161 When considering the density and design of development, proposals will also need to take account of other policies in this Plan, in particular the impact on amenities and the design and quality of spaces between buildings (see City Plan Part One Policies CP8 Sustainable Buildings, CP12 Urban Design and CP13 Public Streets and Spaces, and DM18 High Quality Design and Places and DM20 Protection of Amenity policies).

DM20 Protection of Amenity

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 users, residents, occupiers or where it is not liable to be detrimental to human health.

Supporting Text

2.162 In a dense city like Brighton & Hove proposals for new development need to give full consideration to their impact upon neighbours as well as future users, residents and occupiers. Most potential negative impact can be addressed through design and mitigation measures if these are considered early in the design stage of a development. When designing new development, applicants will be required to consider the effect of their proposal upon:

- visual privacy and overlooking;
- outlook and overshadowing; and
- sunlight and daylight.

2.163 Applicants will be encouraged to engage and consult with neighbours at an early stage in the development of the proposed scheme. In addition, they should seek advice from the Local Planning Authority as early as possible to identify and address sensitive amenity issues for example relating to extensions and alterations (see Policy DM21 Extensions and Alterations) and minimum internal residential space standards (see Policy DM1 Housing Quality, Choice and Mix).

Spaces that are overlooked lack visual privacy.

2.164 New buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The most sensitive areas are: living rooms; bedrooms; kitchens; and the part of a garden nearest to the house. Public spaces and communal areas will benefit from a degree of overlooking due to the increased level of surveillance it can provide. For information about the impact of material nuisance interfering with the comfort, convenience, or health of new, existing and neighbouring occupants such as foul odours, noxious gases, smoke, dust, loud noises, excessive light or high temperatures please refer to Policy DM40 Protection of the Environment and Health – Pollution and Nuisance.

Outlook

2.165 Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. New development should ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. Particular care should be given to development that adjoins properties

with a single aspect. However the protection of specific views from a property is not a material planning consideration.

Overshadowing

2.166 New development should take reasonable steps to avoid overshadowing windows to habitable rooms or open spaces and gardens. This may be particularly difficult in the denser areas of the city. However, it is important in these areas to prevent overshadowing of amenity space and open spaces given the limited amount of open spaces and the existing amount of overshadowing.

Sunlight and daylight

2.167 Sunlight and daylight will be affected by the location of the proposed development and its proximity to, and position in relation to, nearby windows. The council will use existing, well-established guidance on these issues to assess whether acceptable levels of daylight and sunlight are available to habitable spaces. Reports may be required for both minor and major applications depending on whether a proposal has the potential to reduce daylight and sunlight levels.

2.168 Further guidance will be provided in the Urban Design Framework Supplementary Planning Document (UDF SPD⁴⁸).

⁴⁸ A draft version of the Urban Design Framework is currently being prepared and adoption is anticipated in 2020.

DM21 Extensions and alterations

Planning permission for extensions or alterations to existing buildings, including roof extensions, will be granted if the proposed development:

- a) is well designed and scaled, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;**
- b) takes account the existing character of the area; and**
- c) uses materials that complement the parent building.**

Supporting Text

2.169 Brighton & Hove is a densely built-up city where development often involves the extension or alterations of existing buildings. High quality designed extensions and alterations that respond creatively to the site and its context will be supported where they meet the policy.

2.170 The main design elements which should be considered include:

- the materials, design and detailing used for the original property;
- scale, form, mass and height;
- vertical and horizontal rhythm;
- proportion;
- principles of accessible and inclusive design; and
- the relationship with adjoining properties and streetscape, including the building line, roofscape, orientation, and the slope of the site (see Policy DM18 High Quality Design and Places).

2.171 As a general rule, extensions are expected to play a subordinate role that respects the design, scale and proportions of the host building and the streetscape and not lead to unacceptable impacts on amenity of neighbouring properties (see Policy DM20 Protection of Amenity).

2.172 Where possible, development proposals should maximise opportunities to improve the energy performance of existing buildings beyond Building Regulations. Minimum standards may apply to large extensions (see City Plan Part One Policy CP8 Sustainable Buildings and Policy DM44 Energy Efficiency and Renewables).

2.173 Further guidance on design is set out in SPD 12 Design Guide for Extensions and Alterations⁴⁹.

⁴⁹ Adopted January 2020.

DM22 Landscape Design and Trees

Development proposals will be required to retain, improve and wherever possible provide, appropriate landscape elements/ landscaping, trees and planting as part of the development taking into account the need for:

- a) the inclusion of landscape design from the outset so that it informs the overall design of development and is fit for purpose⁵⁰ having regard to: suitable microclimates, amenity, sense of place, natural capital⁵¹ and ecosystem services – including the provision of nature based solutions⁵², SuDs, green roofs/walls, plants for pollinators, climate control and climate change adaptation measures;**
- b) clear, legible landscape plans and material details;**
- c) accurate identification of all existing trees, shrubs, hedgerows and landscape features;**
- d) the retention of existing trees and hedgerows with details of appropriate protection during construction. Where removal is unavoidable, the provision of plans that clearly identify the location and species of all those to be lost and all those to be retained;**
- e) replacement trees along with appropriate associated planting space and works of a type, size and location to the satisfaction of the council for any tree felled; for example, by reason of it being severely diseased or dangerous;**
- f) the planting and maintenance of street trees of appropriate species and intervals should be provided where appropriate by major development proposals with significant street frontage;**
- g) effective use of existing landscape features or levelling to facilitate greater flexible and multi-functional use including, where practicable, informal/formal sports, children's play and food growing;**
- h) high quality planting and landscape materials appropriate to the site and its proposed use including the planting of native and wildlife/pollinator-friendly non-native species, new trees⁵³, hedges and the use of permeable hard landscape materials wherever practicable;**

⁵⁰ Fit for purpose includes the need to have regard to minimum required activity areas and relevant standards including British Standards, for example, playgrounds: BS EN 1176, BS EN 1177

⁵¹ Natural Capital is defined as the elements of nature that directly or indirectly produce value to people, including ecosystems, species, freshwater, land, minerals, the air and oceans, as well as natural processes and functions.

⁵² Nature based solutions are solutions to 'problems' using natural measures such as water, vegetation and green roofs/walls to: help cool, help irrigate, reduce noise, provide shade, slow rainwater run-off and provide a visual and/or wind screen. Also appropriate planting can help ameliorate air quality issues.

⁵³ Regard should be given to the provision of native trees and Sussex fruit trees whilst providing a wide diversity of species and range of tree ages fundamental to avoid threats from disease and climatic extremes such as hurricanes in line with the council's emerging Tree Strategy.

- i) viable long-term maintenance and durable materials, including the submission of a funded maintenance plan to be approved by the council, so as to secure a high quality attractive environment;
- j) meeting the generated open space requirements (see City Plan Part One Policies CP16 Open Space and CP17 Sports Provision); and
- k) capitalising on opportunities to facilitate social integration, improve public health and safety, accessibility, connectivity, leading to net gains to biodiversity and enhancements to Green Infrastructure and/or create green links for wildlife and public access.

Works to a protected tree⁵⁴ will be permitted only where they do not damage the amenity value and health of the tree and/or are the minimum consistent with good arboricultural practice⁵⁵.

The felling of a protected tree will only be permitted where it is severely diseased or dangerous, or, it is necessary to accommodate development of national importance which cannot be located elsewhere; and, a replacement tree is provided of a type, size and location to the satisfaction of the council.

On major and public realm schemes a Green Infrastructure plan and details of structural landscaping⁵⁶, which contribute to the existing overall landscape quality of an area, will need to be agreed with the council prior to the determination of a planning application. It may be a requirement, in appropriate cases, that some landscaping is planted prior to development commencing (See Policy DM37 Green Infrastructure and Nature Conservation).

Supporting Text

2.174 The spaces between and around buildings are just as important as the buildings themselves. They provide an important visual setting for the building(s). It is essential that careful attention is given to these spaces within the overall design of a scheme, including schemes for change of use, in order to achieve good design and multi-functionality. Through appropriate placement and orientation these spaces should provide usable outdoor amenity space appropriate to the scale and character of the development. Indeed, good design involves consideration of the landscape as an integral part of the design process helping to optimise its ability to fulfil several functions. Early consideration ensures advantage of the 'additional' opportunities landscape provides can be taken, such as, climate change mitigation and resilience,

⁵⁴ Protected trees include those covered by a Tree Preservation Order and/or lies within a conservation area.

⁵⁵ Regard must be given to British Standard 5837 (Trees in Relation to Design, Demolition and Construction) and any subsequent revisions.

⁵⁶ Structural landscaping includes features such as changes in ground levels, retaining walls, fences, ornamental structures, street furniture and other types of hard landscaping.

water purification, air pollution mitigation⁵⁷, habitat creation, accessibility and connectivity to the city's green infrastructure network, sustainable drainage, secure drying space as well as visual amenity and recreation.

2.175 An objective of any proposal should be to integrate development into its surroundings with minimal impact on the environment, whilst at the same time creating an attractive setting in the immediate vicinity. All development should incorporate green infrastructure measures that are appropriate to the type and context of the proposal as part of an overall landscape design. Major development schemes should seek to demonstrate how landscape has informed the overall design by the submission of a Green Infrastructure masterplan/strategy (see Policy DM37 Green Infrastructure and Nature Conservation). Temporary functions, events and structures will need to ensure the integrity of green infrastructure is not compromised.

2.176 A high standard of design is expected. New developments are encouraged to express individuality and a legible sense of identity whilst retaining the character of the local area. Landscape schemes will be sought which are attractive and distinctive and make a positive contribution to the site, its surroundings and biodiversity. It is important in terms of 'quality of life' for people to have easy access to natural open space. Materials should be carefully selected to suit and work with the function of the space. Native species will be encouraged in particular those of local origin subject to climate change adaptability. High pollinator value trees, shrubs and trees will be encouraged. Landscape design should consider opportunities to protect vulnerable wildlife such as wildflower/flower rich grass and 'hedgehog highways'. Personal and community safety should be carefully considered in all schemes.

2.177 Effective landscaping will also be required where proposals involve changes of use. A change of use to a building may require an alteration to the materials in the landscaped area so that the new function of the building, and consequently its character, is reflected in its surroundings. The landscape and external space can play an important role in determining access into areas, use of spaces and the hierarchy of public / private outdoor spaces with differing levels of privacy and security. Careful consideration should also be given to ensure that the role of the landscaping does not conflict with the requirements of the Building Regulations, for example, landscape schemes should not hinder emergency access points.

2.178 As far as practicable existing trees and hedgerows should be retained and new ones planted where appropriate. They help to add maturity to schemes; provide essential habitat for a wide range of wildlife; integrate developments into the existing environment; contribute to the character of the city; are valuable in softening the

⁵⁷ Through appropriate siting, choice of species and pruning regime landscaped features such as trees and vegetation can help mitigate air pollution (see NICE Guidance 70 Air Quality and Health June 2017).

appearance of the built-up area; help emphasise highway and pedestrian routes; help to identify site boundaries; provide shelter; and can help to reduce noise and atmospheric pollution.

2.179 Planning applications for any development that affects trees will be expected to be accompanied by an appropriately detailed arboricultural report and plan. The plan should be accurately plotted to scale and should indicate tree species, trunk diameter at breast height and crown spread. Hedgerows should also be plotted with species height and spread indicated. The footprint of the development, underground services, driveways, hardstanding areas and ground level changes should also be indicated. Plans should clearly set out which trees and hedgerows will be retained, removed and where new will be provided. Where development is permitted in the vicinity of trees or hedgerows, details about protective fencing will also be required in accordance with British Standard 5837 (Trees in Relation to Design, Demolition and Construction) and any subsequent revisions.

2.180 Brighton has been an Area of (Elm) Disease Management since the 1970s and has the only significant population of Elms in England making it home to the National Elm collection. Particular regard will therefore be given to the need to maintain and expand the presence of a range of different varieties and ages of Elm trees in different locations within the city.

2.181 Works to a tree covered by a Tree Preservation Order or within a conservation area will be permitted only where the works do not damage the amenity value or health of the tree. Any work carried out will be done using good arboricultural practice, such as that detailed in British Standard 3998 'Recommendations for tree work'. Where trees are removed, replacement trees of an agreed species, size and location will be required. Developers will be expected to protect trees covered by Tree Preservation Orders. It should be noted that it is a criminal offence to do works to a tree in contravention of a Tree Preservation Order.

2.182 Larger trees provide the eco-system services at much greater levels than smaller ones. Consequently, where large trees are felled they should be replaced with trees that are proportionate to the size and value of the trees to be lost delivering at least similar levels of ecosystem services. The number of replacement trees should be sufficient to compensate the lost stem/trunk diameter from all those felled. The compensation provided by each replacement trees shall be as measured at planting out based on the stock size. This will be calculated in accordance with the Capital Asset Value for Amenity Trees (CAVAT) methodology. Reasonable deductions will be permitted based on the value of any replacement planting works. The council encourages species and genetic diversity amongst the tree population within its future planting programme⁵⁸.

⁵⁸ A list of suitable tree species will be included in the council's emerging Trees Strategy.

2.183 New trees including trees on the highways should be provided with sufficient above and below ground planting space requirements (soil volumes, water supply and drainage) to allow for healthy growth to maturity without creating conflicts with buildings, pavements and utility infrastructure. With major development proposals with a significant street frontage the provision and maintenance of street trees will be expected. Where the provision and maintenance of street trees are not feasible consideration will be given to overhanging planting within development sites at the highway edge. 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. Further guidance will be provided in the council's emerging Trees Strategy.

DM23 Shop Fronts

Permission will be granted for a new, replacement or altered shop front provided that the shop front:

- a) Respects the scale, style, proportions, detailing, materials and finish of the parent building and surrounding buildings;**
- b) Retains a visible means of support to the building above and does not interrupt or obscure any architectural details;**
- c) Has a fascia that is proportionate in depth to the scale of the shop front and which retains or reinstates vertical breaks between buildings;**
- d) Integrates all elements of the shop front, including provision for security measures, blinds and advertisements where required;**
- e) Incorporates all reasonable measures to make the shop front accessible to all.**

In conservation areas and in listed buildings shop front proposals must preserve or enhance the special architectural and historic interest of the area or building. Good quality traditional shop fronts or surviving elements must be retained and where necessary restored. New or replacement shop fronts in traditional buildings should be based upon historic evidence or nearby historic examples wherever possible.

Security measures will be permitted where they are well designed, integrated into the shop front and maintain a window display. Solid shutters will only be permitted where at least one of the following criteria is met:

- a) In isolated locations or in special circumstances where supporting evidence demonstrates that security poses a special problem and all other appropriate security measures have been explored; or**
- b) Where the shop front is of an open type such as a traditional greengrocers and where no alternative solution would be possible; or**
- c) Where there is no acknowledged need to retain a visible display outside opening hours.**

Where temporary security measures are necessary, such as when a property is vacant, any boarding up should be decorated in a single colour to match the shop front or should be in the form of a public art commission.

Blinds or awnings will be permitted where they are sensitively designed and located. They should relate to a shop window and cover the full width of the fascia but not obscure any architectural features. On a listed building or a historic building in a conservation area a traditional retractable canvas blind will be permitted where this would not adversely affect the building's proportions or harm a historic shop front or other important feature.

Permission will not be granted for blinds above fascia level.

This policy will apply to all town centre uses that have a ground floor commercial frontage with public access.

Supporting Text

2.184 A well designed shop front should form an integral part of the building. Each frontage may be separate with its own individual style, but respecting the form of the building above and frontages to each side. This gives the shopping street rhythm and harmony without monotony. In the case of uniform parades or distinct architectural groups, however, the council will seek to ensure that the shop fronts achieve a visual coherence.

2.185 The key to achieving a good shop front design is proportion. It should make full use of the original ground floor height and have a vertical or horizontal emphasis consistent with the building as a whole. A vertical emphasis will normally be the appropriate approach where the building is Regency or Victorian in period. Good proportion will be achieved by careful consideration of the inter-relationship between the five principal elements of a shop front: pilasters; fascia; stall riser; shop window; and entrances(s).

2.186 Many local shop fronts incorporate traditional features such as a recessed doorway, a timber frame and fascia with mouldings, and a rendered or brick stall riser. These features make a valuable contribution and their retention will be expected. Where two or more adjacent units are being combined to form one unit, the shop front should be designed so as to retain the appearance of separate units, especially within a conservation area or on a listed building.

2.187 The prevalence of solid shutters in a street can transform it into a more threatening environment that increases the fear of crime to pedestrians in particular. For the avoidance of doubt, shutters with a 'pin hole' design are considered to be 'solid' for the purposes of this policy. In considering whether there is a need to maintain a visible display outside opening hours the council will take into account whether the shop unit falls within a defined retail centre or local parade (see Policies DM12 Changes of Use within Regional, Town, District and Local Shopping Centres and DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units).

2.188 Blinds and awnings can add interest and vitality to a shopping street and provide protection from sunlight but should be carefully considered as an integral element of a shop front design. Blinds which can retract into a recessed box are usually more appropriate, especially on listed buildings or within conservation areas.

2.189 Further detailed policy guidance is set out in SPD02 on Shop Front Design.

DM24 Advertisements

Consent will be granted for advertisements and/or signs where they are sensitively designed and located so that they do not harm the visual amenity of the site or wider area and do not adversely affect public safety.

Consideration will be given to:

- a) The character of the area**
- b) The siting of advertisements**
- c) Size and proportion**
- d) Design**
- e) Materials**
- f) Lettering and colour**
- g) Means of fixture**
- h) Method and extent of illumination**
- i) Cumulative impacts**

Advertisements affecting a heritage asset or its setting must cause no harm to the identified significance of the asset. Particular regard will be had to the impact on any important architectural or historic features of the site and to the chosen materials and finish of the advertisement(s). Any illumination should be by means of individual halo or internally illuminated letters on an unlit background or by means of discreet external trough lights or spot lights.

Advertisements outside the built up area must be discreetly sited and sensitively designed to be in keeping with the rural area and landscape character. Illumination should be strictly limited and must respect the setting of the South Downs National Park.

Where advertisements are viewable from the Strategic Road Network they must not distract roads users.

Applications for advertisement hoardings or scaffold shrouds will be subject to particular scrutiny due to their scale and potential impact on amenity and public safety. Any consent granted will be for a strictly limited period only.

Supporting Text

2.190 The definition of an advertisement is set out in national legislation. The council has control over advertising in the interests of ‘amenity’ and ‘public safety’. The term ‘amenity’ covers the effect of advertising on the appearance of a building or group of buildings and on visual or aural amenity in the locality where the advertisement is to be displayed. Relevant considerations are those scenic, historic, architectural or cultural features that contribute to the distinctive character of the locality. The term

'public safety' refers to the potential impact on road-users (including pedestrians) and on crime prevention and protection.

2.191 Advertising is important to the viability of commercial enterprises and to the health of the local economy. It can be informative and, when well designed and sited, can add interest and vitality to the street scene. However, a proliferation of signs can create a cluttered appearance with no visual cohesion which may be damaging to the appearance of buildings, streets or areas. Moreover, because advertising only works where it can be clearly seen, a clutter of signs may simply cause confusion, defeating its object and potentially impacting on public safety. A proliferation of A boards on streets can have particularly negative impacts on public safety.

2.192 The council will seek to ensure that advertisements are kept to a minimum and that they relate well to the function and use of the building or structure on which they are displayed. Any sign should be proportionate to the scale of the building or structure to which it is fixed and should not extend over any window or other architectural feature. The presence in an area of some existing poorly located or designed advertisements will not be considered to set a precedent for others.

2.193 Advertisement hoardings can be particularly intrusive in a locality because of their size and positioning. Permanent advertisement hoardings will be considered inappropriate where they would harmfully affect heritage assets or their settings or would be within the seafront area or within the countryside. Large LED screens will only be acceptable in commercial areas where they would not impact on heritage assets or their settings. Temporary advertisement hoardings or shrouds may be acceptable around building sites where their display would enhance a street scene during the course of the works. Hoardings or shrouds will not be considered acceptable in wholly residential streets or areas.

2.194 Where necessary the council will take proactive action to secure the removal of advertisements that are harmful to amenity or public safety, having regard to this policy, particularly to reduce a clutter of signage.

2.195 Further detailed policy guidance is set out in SPD07 on Advertisements, which includes the statutory definition of an advertisement.

DM25 Communications Infrastructure

Planning applications for communications infrastructure and associated ancillary development will be permitted where all of the following criteria have been met:

- a) There will be no unacceptable impact on the character or appearance of the building on which, or space within which, the equipment is located, including contributing to an over accumulation of street clutter, (see also Policy DM18 High Quality Design and Places);
- b) The significance, appearance, character and setting of heritage assets are conserved or enhanced, in accordance with City Plan Part One Policy CP15 Heritage;
- c) The proposal is appropriately designed, minimising size and scale, and camouflaging appearance wherever possible;
- d) There is no unacceptable impact on important wildlife sites, areas of landscape importance and their setting including the setting of the South Downs National Park;
- e) All options have been thoroughly assessed for sharing of existing equipment and/or erecting masts on existing tall buildings or other structures;
- f) All masts and additions to existing masts are self-certified to meet International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards;
- g) It has been demonstrated that the communications infrastructure will not cause significant and irremediable interference with respect to other electrical equipment, air traffic services or instrumentation operated in the national interest.

Criteria a) to d) apply to satellite antenna (dish or aerial).

New development or major renovation works to existing buildings should ensure that sufficient ducting space for future digital full fibre connectivity infrastructure is provided as part of the development.

Where possible, the council will encourage the removal of older communication equipment that is no longer required in order to minimise visual impact.

Supporting Text

2.196 The council supports the provision and maintenance of efficient and reliable digital/electronic and telecommunication infrastructure across the city (City Plan Part One Policy CP2.4). There are a range of technologies that can provide next

generation connectivity, from fixed line broadband, to mobile, wireless, and satellite connections. The council will seek to ensure that acceptable provision is made, whilst ensuring that the impact on the environment, visual and residential amenity is minimised.

2.197 The provision and maintenance of new infrastructure, including masts and road side cabinets, has the potential to contribute to street clutter and impact on visual amenity. The aim is to keep the amount of communication infrastructure and the sites for such installations to the minimum necessary for the efficient operation of the network. Any new equipment should only be considered after fully exploring all opportunities for the use of existing infrastructure, provided that the visual impact is less than the installation of additional equipment. There may be occasions when two smaller masts are considered to be more appropriate than one larger mast. Where mast sharing is not possible siting on tall structures and buildings should be prioritised, and all new equipment should be suitably designed minimising size and scale wherever possible and taking opportunities to camouflage equipment. The council will expect applicants to show clear documentary evidence that these options have been fully explored.

2.198 Whilst recognising that there may be potential for the siting of communications infrastructure and associated structures in conservation areas and on/around statutory and locally listed buildings, the council is concerned to ensure that the amenity, character and quality of its conservation areas and listed buildings and their settings are protected. Similarly the council is concerned to ensure that there is no unacceptable effect on important wildlife sites (see Policy DM37 Green Infrastructure and Nature Conservation), areas of landscape importance and their setting, including the setting of South Downs National Park. Proposals will be required to avoid environmental harm, where this is not possible, it should be minimised and adequate mitigation measures delivered.

2.199 In accordance with Government guidance, applications for new telecommunications masts and additions to existing masts must include a statement that self-certifies the equipment meeting International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards. Subject to this the council may not determine health safeguards different from the International Commission guidelines when assessing applications for telecommunications equipment. Neither should local planning authorities set health safeguards different from the International Commission guidelines for public exposure⁵⁹. However, all applications should include the outcome of pre-submission consultations with residents and other organisations with an interest in the development, in particular where a mast is to be installed near a school or college.

⁵⁹ National Planning Policy Framework (NPPF), paragraph 116.

2.200 This policy applies to satellite equipment for individual buildings at a domestic or business level which require planning permission and or listed building consent.

2.201 New development allows for the opportunity of installing new digital and communications infrastructure. From 1 January 2017 all new developments are required to meet the digital connectivity speed thresholds set out in Building Regulations. Ensuring the city's digital infrastructure is future ready, by requiring higher grade infrastructure which could deliver greater connectivity speeds, will allow the city to maintain its role as a leading digital tech hub at a time of rapid technological change. The council will seek the effective provision and maintenance of digital connectivity that supports innovation and choice. Sufficient ducting space should be provided throughout the site that is useable by any supplier and available to all end users within new developments. Developers should engage early with a range of network operators, and development proposals need to be appropriately designed to be capable of providing sufficient connectivity to all end users. Mechanisms should also be put in place to enable further future infrastructure upgrades.

2.202 It will also be important to ensure that as well as the provision of in-building and site physical infrastructure that, where the opportunity exists (for example through s278 works on the adjacent highways), sufficient connections to the site are also provided. Developers are encouraged to consider how their proposals may contribute to and integrate with active digital hubs within the city. To support the council's smart city⁶⁰ aspirations, major developments, streetworks and improvements to the public realm will be encouraged to consider wired and wireless connectivity, open access communication networks and smart technology.

⁶⁰ Smart city has been defined as the 'effective integration of physical, digital and human systems in the built environment to deliver a sustainable, prosperous and inclusive future for its citizens'
[SOURCE: PAS 180:2014, 3.1.62]

DM26 Conservation Areas

Development proposals within conservation areas, including alterations, change of use, demolition and new buildings, will be permitted where they preserve or enhance the distinctive character and appearance of that conservation area, taking full account of the appraisal set out in the relevant character statement. Particular regard will be had to:

- a) The urban grain and/or historic development pattern of the area, including plot sizes, topography, open space and landscape.
- b) The typical building forms and building lines of the area, including scale, rhythm and proportion.
- c) The cohesiveness or diversity of an area.
- d) The retention of buildings, structures and architectural features that contribute positively to the identified character and appearance of the area.
- e) The preservation or enhancement of key views.
- f) The primary importance of street elevations (or other publicly visible elevations) and the roofscape.
- g) The importance of hard boundary treatments and the distinction between public and private realm.
- h) The retention of trees and gardens where these are integral to the significance of the area.
- i) The use of building materials and finishes that respect the area.
- j) The retention of historic street furniture.

The council will give particular consideration to the retention of a mix of uses in areas where such a mix contributes positively to the character and appearance of the area, including any cumulative impacts.

New development within a conservation area should be of the highest design quality and should take the opportunity to enhance the special interest of the area wherever possible, having regard to any adopted management plan.

Supporting Text

2.203 Opportunities for enhancement of a conservation area, including beneficial change, may be set out in a character statement or management plan for the area. The council will have regard to management plans when instigating proactive programmes of action to secure the repair and redecoration of buildings, through enforcement where necessary.

2.204 The demolition of a building which makes a positive contribution to a conservation area will only be permitted if it has been satisfactorily demonstrated that the building does not have a viable use, having regard to its significance and

underlying condition. It is important that a use is viable for the long term future conservation of the building, as well as for the current owner.

2.205 In addition, to prevent the possibility of vacant gap sites, demolition will only be permitted where there are acceptable plans for the site's development. Conditions will be imposed to ensure a contract exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition. Exceptions may be made where the demolition would not result in an unsightly gap in the street frontage.

2.206 The council will support the removal or improvement of buildings that have been identified in a character statement as harming a conservation area.

2.207 Contemporary and innovative design approaches in conservation areas will be supported where they meet the policy. Such approaches may be most appropriate in those conservation areas that are diverse in character and appearance. In all cases applications should demonstrate that they have been subject to careful design and heritage analysis.

2.208 New development in back gardens or other backland plots will be acceptable where the size of the plot is sufficient to accommodate development without detriment to the historic development pattern of the area and where a satisfactory means of access is available. In such cases any new building should be clearly subservient in scale and form to the main building(s). Extensions to existing buildings will also be expected to avoid excessive plot coverage so that gardens and courtyards remain of appropriate size for the area.

2.209 Matters of detailed design will be carefully considered to avoid the gradual erosion of historic character. The retention of architectural features and materials that positively contribute to conservation areas is vital. The planning authority will seek the restoration or reinstatement of such features when considering planning applications, subject to clear evidence.

2.210 A more flexible approach will be taken in respect of rear elevations that are not publicly visible, particularly where the rear of a terrace or group has been subject to past incremental alteration that has eroded its significance.

2.211 Further detailed policy guidance on alterations to buildings in conservation areas is set out in Supplementary Planning Documents (SPDs): SPD02 on Shop Front Design and SPD09 on Architectural Features. Information on future conservation area designation and management is set out in the council's Conservation Strategy (2015).

DM27 Listed Buildings

A listed building should be retained in viable use and good repair. Proposals involving the alteration, extension, or change of use of a listed building will be permitted where they would not harm the special architectural or historic interest of the building, having particular regard to:

- a) The exterior of the building, its design, construction, fabric, finishes and architectural features.
- b) The interior of the building, its plan form, internal hierarchy, construction, fabric, finishes, features and fixtures.
- c) Any curtilage structures or hard surfaces.
- d) Any boundary wall, railings, gates or fences etc.
- e) Any group value the building possesses.
- f) The significance of any past additions to the building or later phases of its development.
- g) Any historical associations that the building has.
- h) The design quality of any proposed additions.
- i) The use of materials which are appropriate historically, functionally and aesthetically.
- j) The impact of any excavation works on the building's structural integrity and archaeological interest.
- k) The potential reversibility of any alterations.

Where vacancy is an on-going concern, consent will be granted for a new viable use that is consistent with the conservation of the building's special interest, provided that this would not unacceptably conflict with other policies or material considerations. In applying other policies the council will have special regard to the benefits of bringing the listed building back into use.

Supporting Text

2.212 There is a general presumption in favour of the preservation of listed buildings. Where substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF. Any substantial public benefits put forward must directly relate to the development itself, must benefit the local community in the long term and must not otherwise be achievable.

2.213 In addition, demolition or major alteration will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure that a contract exists for the construction of the new building(s) and / or for the landscaping of the site prior to the commencement of any demolition works.

2.214 The council will give particular consideration to benefits arising from the reuse of a listed building or associated structure(s), or removing risks to its long term

future. Consideration will also be given to any proposed enhancements or mitigating measures, such as carefully researched restoration or reinstatement works.

Speculative or conjectural restoration proposals will not be regarded as beneficial works.

2.215 Where excavations are proposed, the main elements of listed buildings which contribute to their significance and which may be affected include: structural integrity, historic architectural features, plan form, hierarchy of spaces and (in the case of residential buildings) domestic scale.

2.216 This policy does not preclude sensitive and imaginative contemporary additions to listed buildings where shown to be appropriate.

2.217 Recording of a building may be required where historic fabric or features are to be lost or irreversibly altered. In such cases the council will expect the recording to be proportionate to the scale of the loss and to be carried out in accordance with the appropriate recording level set out in Historic England's guidance.

2.218 Where necessary, the council will use the powers available to it under the Planning Acts to secure the repair of listed buildings, particularly where a building is identified as being 'at risk'.

2.219 Further detailed policy guidance on alterations to listed buildings will be set out in a Supplementary Planning Document (SPD), which will complement existing SPDs such as SPD09 on Architectural Features. Further information on the council's approach to buildings at risk is set out in the council's Conservation Strategy (2015).

DM28 Locally Listed Heritage Assets

The council will strongly encourage the retention of locally listed heritage assets and their continued use. Applications for demolition or substantial alteration (including any loss of key components) should demonstrate that the potential for retention and reuse of the asset has been explored, in order to enable an informed and balanced judgement to be made.

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 (or, where not included, within a submitted heritage statement).

Other potential non-designated heritage assets may on occasion be identified as part of the pre-application process, particularly where they occupy sites or locations that are not readily visible from a public viewpoint. Where they possess a sufficient degree of significance they will be subject to this policy. In all such cases that significance will be assessed against the selection criteria set out in The Local List of Heritage Assets (PAN07).

Supporting Text

2.220 A locally listed heritage asset is defined as a non-designated heritage asset under the terms of the NPPF; it has been identified as having a degree of significance meriting consideration in planning decisions. This policy recognises the desirability of sustaining and enhancing the significance of heritage assets. It is important that any new use is viable for the long term future conservation of the asset, as well as for the current owner.

2.221 The council has adopted and published a Local List of Heritage Assets (2015), which will be periodically reviewed. The list covers buildings, other structures and parks and gardens, which were selected following public consultation and according to consistent criteria. The special interest of each asset is set out in an individual summary entry. Given the very different heritage values of a building and a park or garden, this policy will be applied appropriately dependent on the nature of the asset.

2.222 A Planning Advice Note on the Local List of Heritage Assets (PAN07) provides further information on what local listing means, the implications of inclusion, the selection criteria and process for review.

2.223 This policy does not include non-designated heritage assets of archaeological interest. Such assets take the form of Archaeological Notification Areas (ANAs) and are covered by policy DM31 Archaeological Interest.

2.224 Locally listed buildings are covered by the detailed policy guidance set out in Supplementary Planning Document SPD09 on Architectural Features.

DM29 The Setting of Heritage Assets

Development within the setting of a heritage asset will be permitted where its impact would not harm the contribution that setting makes to the asset's significance, by virtue of the development's siting, footprint, density, scale, massing, design, materials, landscaping or use.

In assessing the contribution that setting makes to significance, and the impact of a development on that setting, the council will have particular regard to the following considerations:

- a) The physical surroundings of the asset, including topography and townscape;
- b) The asset's relationship with the Downland landscape, the sea or seafront and with other heritage assets;
- c) The asset's historic or cultural associations with its surroundings, including patterns of development and use;
- d) The importance of any sense of enclosure, seclusion, remoteness or tranquillity;
- e) The way in which views from, towards, through and across the asset allow its significance to be appreciated;
- f) Whether the asset is visually dominant and any role it plays as a focal point or landmark; and
- g) Whether the setting was designed or has informally occurred over time, including the degree of change to the setting that has taken place.

Opportunities should be taken to enhance the setting of a heritage asset through new development. Where a major development impacts on the setting of multiple heritage assets, priority should be given to enhancing the setting of the asset(s) of greatest significance.

Supporting Text

2.225 Setting is defined in the glossary of the NPPF whilst the NPPG explains that all heritage assets have a setting. However, the extent to which the setting makes a contribution to an asset's significance will vary and therefore the degree to which a setting can accommodate change will also vary. The considerations set out in this policy are not intended to be exhaustive but to best reflect the context of Brighton & Hove.

2.226 Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, will often overlap with considerations both of townscape/urban design and of the character and appearance of conservation areas. This policy does not therefore preclude a bold architectural approach where appropriate.

2.227 For smaller developments that are not likely to be prominent or intrusive, the assessment of effects on setting may often be limited to the immediate surroundings; the degree of physical separation between the development and an asset may be relevant. Proposals affecting very significant assets or multiple assets and/or changes likely to have a major effect on significance will require a detailed approach to analysis and assessment.

2.228 Assessment of the contribution of setting to the significance of heritage assets will almost always include the consideration of views, which can be static or dynamic, long or short. Early identification of key views will be essential and in more complex cases a formal views analysis will be required. However, views and visual considerations will generally only form part of an assessment of impact on settings.

2.229 In Brighton & Hove the influence of the Downland topography and landscape on the development of the city, as seen in different ways in both the urban townscape and semi-rural fringes, will often be a contributory element of an asset's setting, as will any relationship with the sea in general and seafront in particular. The inter-relationship of the major historic set piece developments (such as squares and crescents) and the relationship of the grand terraces with the smaller service streets are other notable contributory elements.

2.230 Where enabling development is proposed within the setting of a heritage asset it must not materially harm the heritage values of the asset or its setting. Further detailed guidance on the setting of heritage assets can be found in the Historic England Good Practice Advice Note 3: 'Setting and Views'; further guidance on enabling development can be found in the Historic England publication 'Enabling Development and the Conservation of Significant Places'.

DM30 Registered Parks and Gardens

Permission will be granted for development proposals that would preserve or enhance the historic layout, character, designed features and principal components of a registered park and garden of special historic interest. In assessing this, the council will have particular regard to the impact of development on any notable view of, within or across the park or garden.

As an exception to the above, and where permission is required, temporary uses or events (including associated structures) may be permitted where any harm caused would be strictly temporary, 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. The council will expect any applicant to demonstrate that alternative, non-registered sites have been considered and assessed.

The production of management plans for registered parks and gardens and the implementation of identified enhancement works will be positively encouraged.

Supporting Text

2.231 Parks and gardens are key components of the historic environment. Registered parks and gardens are designed landscapes of national importance, including: public parks; communal gardens of historic groups of houses; and cemeteries.

2.232 Historic designed landscapes invariably include buildings and structures. They can be the reason that it was designated or may predate it. These buildings and structures may follow particular architectural styles. The degree of ornamentation and quality of materials usually reflects a building's intended status within a designed landscape.

2.233 Where feasible the council will seek the removal of structures and uses that detract from the special historic interest of the park and garden. New landscaping and other works within these parks and gardens should be based upon a clear understanding of the significance of the park and garden.

2.234 In assessing temporary uses and events, particular consideration will be given to: the duration of the use; the numbers of people expected to attend; the time of year when the use is to occur; the scale, form and fixing of any physical structures; and the impacts on public views and access. The cumulative impact of uses or events on a specific park or garden, including recurrent events, will be subject to additional scrutiny in assessing potential harm. Any application will also be expected to include details of necessary measures to be carried out on cessation of the use/event in order to restore the park and garden to its prior condition.

2.235 Further detailed policy guidance on alterations to historic buildings within registered parks and gardens is set out in Supplementary Planning Document SPD09 on Architectural Features. Information on the future management of registered parks and gardens is set out in the council's Conservation Strategy (2015) and the Open Spaces Strategy (2017).

DM31 Archaeological Interest

Development proposals affecting heritage assets with archaeological interest will be permitted where it can be demonstrated that development will not be harmful to the archaeological interest of the heritage assets or their settings, having regard to their significance. This will include: direct impacts on designated sites (e.g. developments requiring Scheduled Monument Consent); indirect impacts on the settings of designated sites; and impacts on sites that have the potential to include heritage assets with archaeological interest, (having consulted the Historic Environment Record).

In all such cases the applicant will be expected to consult with the Historic Environment Record (HER) in order to provide for one of three outcomes:

- i) No significant impact considered likely and no further consultation with the HER considered necessary;
- ii) A Historic Environment Consultation Report
- iii) A desk-based assessment.

The results of any report or assessment should be included within a Heritage Statement, which must accompany the planning application.

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.

In some cases permission may be granted subject to a requirement that no development shall take place until the developer has secured the implementation of a programme of archaeological work (including field work, post excavation analysis, reporting and archiving), in accordance with a Written Scheme of Investigation approved by the council.

Preservation in situ of archaeological sites or remains is the preferred option. Wherever practical, opportunities should be taken for the enhancement and interpretation of remains left in situ.

Where the assessment shows that preservation in situ is not justified, developers will be required to:

- a) Record any heritage assets to be lost (wholly or in part) in a manner proportionate to their significance and to make this record publicly accessible; and
- b) Make provision for the conservation and storage of artefacts.

Planning conditions may be imposed, or a planning obligation sought, in order to secure these requirements.

Supporting Text

2.236 Archaeological remains are finite and irreplaceable resources which are particularly vulnerable to the effects of new development. Archaeological interest is defined in the NPPF.

2.237 Designated sites of archaeological interest are Scheduled Monuments. The NPPF identifies two categories of non-designated sites of archaeological interest: those that are demonstrably of equivalent significance to Scheduled Monuments and so considered subject to the same policies as those for designated heritage assets; and other non-designated sites.

2.238 The known areas of archaeological interest within Brighton & Hove are included within the Historic Environment Record (HER) as Archaeological Notification Areas (ANAs). The identification of ANAs is a dynamic process that changes over time as new evidence comes to light and it is therefore important to check the HER for the latest areas. Some heritage assets within ANAs, or even outside, might on further detailed investigation merit designation as a Scheduled Monument.

2.239 Archaeology does not relate to below ground remains only. Buildings and other standing structures may also have archaeological interest as they hold evidence of past human activity and are a primary source of evidence about the substance and evolution of places and the people and cultures that made them. Archaeological recording of standing buildings will therefore be required where necessary in order to properly understand significance.

2.240 In applying this policy the council will expect that field evaluation includes trial trenching, topographical surveying and geophysical surveying.

2.241 Where important archaeological features or remains are uncovered during an approved programme of archaeological works, it is essential that these are subject to recording, storage and interpretation. There is currently no museum or archive space available within Brighton & Hove for the storage of archives arising from archaeological investigations. Therefore where an application is subject to a programme of archaeological works the developer will be expected to make a financial contribution towards the costs of the storage facility, as set out in the council's Infrastructure Delivery Plan, and to ensure that the archive is prepared to accepted standards and made available for deposition.

2.242 Where structures or land uses exist on Scheduled Monuments or other important archaeological sites that are damaging or potentially damaging to their archaeological interest, the council will seek their removal where practicable. Where

appropriate, the council will also consider making Article 4 Directions to control developments that are considered to be harmful.

DM32 The Royal Pavilion Estate

1. Proposals that seek to re-establish the Royal Pavilion estate as a single historic estate will be encouraged and supported. Such proposals should be informed by the adopted Conservation Plan⁶¹. It is expected that a successful scheme should achieve the following:

- a) Provide a more legible and coherent perimeter treatment;**
- b) Enhance entrances and create a sense of arrival;**
- c) Improve security within the estate and design out anti-social behaviour;**
- d) Transform the quality and infrastructure of the gardens and enable the management of activities within them;**
- e) Provide better management of vehicular traffic into and within the estate;**
- f) Ensure more effective and attractive pedestrian circulation through the estate;**
- g) Provide a clutter-free environment with better signage and appropriate interpretation;**
- h) Enhance key views into and across the estate; and**
- i) Encourage conservation of heritage planting and seek net biodiversity gains within the gardens.**

2. With regard to the Royal Pavilion itself proposals will be supported where they seek to contribute to at least one of the following objectives:

- a) Improve the visitor welcome;**
- b) Increase accessibility;**
- c) Restore additional areas of the building and open them up for public access; and/or**
- d) Improve catering facilities for functions and events.**

3. Proposals for temporary uses or events within the gardens will be assessed against the policy on Registered Parks and Gardens with particular regard to all of the following:

- a) The role of the gardens as a setting for the listed buildings;**
- b) The protection of key views;**
- c) Potential impacts on historic fabric and any protective measures;**

⁶¹ The Royal Pavilion Gardens Conservation Plan adopted at the Tourism, Development & Culture Committee on 17 January 2019.

- d) Potential impacts on planting and biodiversity; and**
- e) The importance of the formal and quieter character of the east lawn.**

Supporting Text

2.243 The Royal Pavilion estate is a unique collection of multiple heritage assets and cultural facilities clustered around the intimate historic gardens, which are intrinsically linked by their history as a ‘Royal estate’. The estate forms the heart of the city centre’s ‘cultural quarter’. However these links have been eroded and undermined by past changes and fragmented management and through poor presentation. This has resulted in an unsatisfactory visitor experience and a lack of understanding of, and respect for, the heritage significance of the estate. At its worst this results in anti-social behaviour and damage to historic fabric.

2.244 In order to reunify the Royal Pavilion estate it will be essential to re-awaken the potential of the gardens as the means to mediate and connect the complex relationships between the historic buildings, so restoring the character of a ‘Royal estate’. This should include improving the infrastructure within the gardens, such as protective fencing, better paths and lighting levels, improved irrigation and waste disposal and better facilities for the gardening staff. The gardens and buildings should not be cluttered by unnecessary or inappropriate additions. Permanent statues, commemorative objects or public art will generally be considered inappropriate in the gardens unless a convincing case can be made based upon strong historic associations of national interest and that no other, more appropriate site is available.

2.245 Operational and commercial pressures of the cultural venues must be balanced with conservation of the heritage assets. Where it has been demonstrated that no suitable alternative site exists, temporary cultural events and uses within the gardens must give careful consideration to potential impacts on the fabric and significance of the heritage assets and their settings. The impact on public views and access will form part of this consideration. The more formal east lawn is particularly sensitive to such events; large structures should be avoided there, particularly during the summer months. The cumulative impact of uses or events, including recurrent events, will be subject to additional scrutiny in assessing potential harm. This will include the impact of vehicular movements into and through the gardens. The William IV Gate (North Gate) has been identified as especially vulnerable to vehicular traffic impacts.

2.246 The first phase of works to re-establish a single historic estate is already underway, focusing on the Corn Exchange and Studio Theatre. This will modernise the performance spaces and ticket office and provide a new artist creation space, as well as a new café that will connect both visually and physically with the gardens.

The adopted Conservation Plan should inform future phases and ensure that all phases are considered as part of a wider, integrated scheme.

2.247 Future proposals should also demonstrate co-ordination with public realm works and public facilities on the approaches to the Royal Pavilion estate. This should include works to rejuvenate the Valley Gardens and improvements to the operation and appearance of the public toilets at Princes Place and the adjacent commercial refuse storage area, as well as enhancing the approach from Palace Place.

Topic – Transport and Travel

DM33 Safe, Sustainable and Active Travel

The council will promote and provide for the use of sustainable transport and active travel by prioritising walking, cycling and public transport in the city. This will support the objectives, projects and programmes set out in the Local Transport Plan and other strategy and policy documents. New developments should be designed in a way that is safe and accessible for all users, and encourages the greatest possible use of sustainable and active forms of travel.

1. Pedestrians (including wheelchair users)

In order to encourage walking, new development should:

- a) provide for safe, comfortable and convenient access to/from proposed development for all pedestrians, irrespective of their level of personal mobility and cognition; and**
- b) where appropriate contribute towards improvements to the wider pedestrian environment, providing for a safe and attractive public realm, including signage, seating, shade/shelter and planting, including consideration of assigning some parts of streets and spaces for shared use by pedestrians and small numbers of vehicles; and**
- c) maintain, improve and/or provide pedestrian/wheelchair accessible routes that are easy, convenient and safe to use, giving consideration to pedestrian desire lines within and outside site boundaries**

2. Cyclists

In order to ensure a safe and accessible environment for cyclists, new development should:

- a) provide for safe, easy and convenient access for cyclists to/from proposed development; and**
- b) where appropriate improve or contribute towards the city's network of high quality, convenient and safe cycle routes; and**
- c) protect existing and proposed cycle routes unless satisfactory mitigation is provided or provision is made for an alternative alignment; and;**
- d) provide for sufficient levels of cycle parking facilities in line with the Parking Standards for New Development (Appendix 2) (and any subsequent revisions) which must, wherever possible, be universally accessible, under cover, secure, convenient to use, well-lit and as close to the main entrance(s) of the premises as is possible. Short stay visitor cycle parking could be uncovered but must be located close to the building entrance(s) and benefit from high levels of natural surveillance; and**

- e) make provision for high quality facilities that will encourage and enable cycling including communal cycle maintenance facilities, workplace showers, lockers and changing facilities;

3. Public Transport Users

In order to promote and provide for greater levels of public transport usage in the city (including bus, coach, taxi and rail travel), new development should:

- a) be located and designed to provide good access to public transport services and facilities; and
- b) where appropriate provide or contribute towards improvements to the public transport network/infrastructure including passenger interchanges and facilities; and
- c) directly fund or contribute towards improvements and/or extensions to existing bus services and/or the provision of new bus routes; and
- d) protect and, where appropriate, enhance existing and proposed public transport routes.

4. Safe and Inclusive Travel

Planning permission will be granted for developments that meet all of the following criteria:

- a) Do not create road safety problems or dangers for any road user, especially those who are most vulnerable;
- b) Provide inclusive access for disabled people, older people, and other vulnerable road users wherever it can be reasonably achieved having been afforded significant priority;
- c) Do not prejudice the implementation of proposed road safety improvements set out in the Local Transport Plan (and subsequent revisions/successor documents or programmes) and the council's Road Safety/Safer Roads Strategy; and
- d) Create safe and secure layouts which minimise the risk of collision or potential conflict between road users.

Supporting Text

2.248 The council has a strategic aim of increasing walking and cycling, with a long term goal that these should be the first choice for shorter journeys such as those to and from school, college, work or leisure trips. Increasing the proportion of shorter trips made by walking and cycling has the twin benefits of improving the health of the population, and improving traffic flow on local roads and air quality in local neighbourhoods by reducing the number of car journeys.

2.249 Brighton & Hove is already one of the country's least car-dependent cities outside London, with 38.2% of households not owning a car⁶². A number of high

⁶² 2011 Census data

quality improvements to the public realm have been implemented in recent years. These have taken different forms, for example the award-winning shared space scheme on New Road, and the addition of wayfinding boards and fingerposts throughout the city centre, with further improvements in the pipeline, notably the redesign of Valley Gardens. Brighton & Hove is a compact city, and the distances between key destinations in the city centre are not significant. High quality, legible pedestrian routes and environments, particularly when segregated from traffic, can encourage people to choose to walk more as an alternative to other forms of transport. The policy aims to support further improvements in the public realm to make walking in the city more attractive, including providing measures to assist more vulnerable people, such as those with mobility difficulties.

2.250 Infrastructure for cyclists in the city has been greatly improved in recent years through the implementation of measures such as the award-winning Lewes Road scheme with floating bus-stops to minimise conflict between cyclists and vehicles. It is important that the integrity of these cycle routes is maintained and that new development does not hinder their ability to be used in the manner intended. A cycle hire/Bike Share scheme has been successfully introduced to further encourage the use of cycling for short trips, and the provision of the necessary infrastructure to allow the effective implementation of this scheme is supported.

2.251 To encourage further increases in the level of cycling in the city, better facilities for cyclists need to be provided at destinations. For example, adequate shower and changing facilities should be provided in larger work place developments; as set out within the council's Parking Standards SPD (incorporated within Appendix 2).

2.252 Cycle routes are more likely to be used if people can leave cycles safely and securely at either end of a journey. Secure, convenient to use, clearly marked and wherever possible, undercover cycle parking, should be provided as an integral part of all new development; as set out within the Parking Standards SPD. 'Sheffield' or similar universally-accessible stands should be provided, and hanging racks are not acceptable. An element of the provision should be accessible for non-standard cycles⁶³. When providing cycle parking for facilities that are open after dark, such as restaurants, cinemas and theatres, it is essential that spaces and approaches to them benefit from natural surveillance and are well-lit. Where the need generated by the development cannot be met on site, the planning authority may negotiate with the applicant for the provision of cycle parking facilities nearby on the public highway. Existing public cycle parking provision in the vicinity of the site should be reviewed the need to provide additional visitor stands in excess of the minimum requirement in the Parking Standards SPD to contribute towards meeting apparent unmet demand should be considered.

⁶³ Non-standard cycles are those which do not easily fit into standard cycle racks, for example tricycles.

2.253 In partnership with rail, bus, coach and taxi operators, the council will ensure that new developments that increase demand for public transport provides for any required improvements to services and infrastructure. This will include contributions to the provision of new bus passenger facilities (for example, accessible and sheltered bus stops and improved bus services), where appropriate.

DM34 Transport Interchanges

The development of purpose-built interchanges including park and ride facilities, coach stations and parking, lorry parking or freight consolidation centres will be supported where proposals meet all of the following criteria:

- a) it can be demonstrated that the development will have a significant positive effect in reducing congestion in the city centre and/or mitigating other issues within designated areas, for example through air quality improvements in AQMAs;**
- b) the need to travel through residential areas, the central area and Conservation Areas is minimised;**
- c) appropriate design and landscape measures are incorporated to minimise the visual and amenity impact;**
- d) there is no unacceptable impact on the local and strategic road network and its capacity to safely and efficiently accommodate the movement generated or attracted by the development⁶⁴;**
- e) provision is made for the needs of those with mobility difficulties and for the safety and security of all users;**
- f) the site is located on or close to a major radial route into the city; and**
- g) for park and ride sites, complementary measures are implemented to ensure the reliability of the service and enhance the attractiveness for users of using such a facility.**

Supporting Text

2.254 Brighton & Hove currently lacks a large-scale park and ride facility, although a number of sites are used on a short-term temporary basis to support outdoor events at the American Express Community Stadium at Falmer. The development of a purpose-built park and ride scheme could assist in reducing and improving traffic flow in the city's central areas and help reduce congestion, and when combined with complementary priority measures, could provide other benefits such as speeding up public transport journeys and improving air quality. The potential wider impacts of a scheme on local neighbourhoods and traffic flows and the need for parking provision in the city centre should be considered in order to ensure that the objectives of the scheme can be realised.

2.255 Brighton & Hove also lacks a dedicated lorry or coach park for tour buses and their drivers, as well as a purpose-built, centrally located coach station with passenger facilities for scheduled coach services. At present tour buses park along the seafront on Madeira Drive and at Roedean but there are no facilities for drivers or for cleaning between trips. Proper layover facilities could be located on brownfield sites or shared sites used for parking at other times of the year. The city's current coach station at Pool Valley is recognised as not being of a suitable standard and quality of arrival or departure point for the volume of residents and visitors that use it.

⁶⁴ The tests set out in Department for Transport C2/13 para 10 and NPPF para. 32.

2.256 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 Traffic Network Management Strategy and Interchange Strategy.

2.257 The success and commercial viability of park and ride services requires a complementary town centre parking strategy to ensure that park and ride services compare favourably to long stay parking provision and tariffs in the town centre, as well as high frequency services and bus priority over general traffic to make them appealing.

DM35 Travel Plans and Transport Assessments

Transport Statements, Transport Assessments, Construction and Environmental Management Plans and Travel Plans should be provided to support planning applications for all developments that are likely to generate significant amounts of movement/travel in line with the NPPF or any subsequent national or locally derived standards and guidance.

- 1) Larger developments requiring Transport Assessments should also consider the cumulative transport impacts arising from other committed or planned developments (i.e. development that is permitted or allocated and there is a reasonable degree of certainty delivery will occur). Development will not be permitted where the residual cumulative impact of the development is severe, unless provision is made for appropriate mitigation.**
- 2) Major developments within AQMAs should be supported by a Transport Statement or Transport Assessment (as appropriate) so that the potential impact of traffic on air quality can be adequately considered within a separate Air Quality Assessment (AQA). Transport Statements or Transport Assessments for developments elsewhere should consider traffic impacts within AQMAs to inform decisions about whether an AQA is required.**
- 3) All development proposals should include appropriate measures to ensure that journeys by private car are minimised and to make the greatest possible use of sustainable travel in order to deliver the objectives for sustainable transport set out in Policy CP9 of the City Plan Part One. Where necessary, planning obligations will be sought to facilitate or support such measures.**
- 4) Proposals that could cause significant noise or air quality impacts or create significant disturbance or intrusion during the demolition and construction processes will be required to submit a Construction & Environmental Management Plan.**

Supporting Text

2.258 Travel decisions and behaviour can be significantly influenced by a number of factors. These can include awareness of the choices available; the availability and accessibility of associated information about using them and their potential benefits; and the availability of parking at the journey's origin and destination.

2.259 Travel Plans and Transport Assessments seek to reduce traffic generation and mitigate the effects of development proposals by encouraging the use of walking, cycling, public transport and journey sharing through the provision of specific facilities, opportunities and incentives to employees, which might include reduced-

cost rail or bus passes and cycle allowances. They are effective tools in promoting and increasing the use of sustainable transport and help reduce the need for car travel and associated parking. Transport Assessments and Travel Plans or Transport Statements will be requested for development depending on its anticipated scale and impact on the transport network in line with recognised, published best practice guidance or subsequent national or locally derived standards.

2.260 Whilst awaiting further locally defined standards, the need for major applications to submit a Transport Assessment, Statement and/or Travel Plan should be agreed with the Council. Where development is being contemplated that would exceed 60% of the lower thresholds in Appendix B of the Department for Transport's 2007 'Guidance on Transport' then prospective applicants will be expected to submit a scoping appraisal as Appendix A of the same document. Where the Council deems that these assessments and plans are unnecessary, major and minor applications will nonetheless be required to set out the transport impact of their proposals.

Matters to be considered will include accordance with SPD14 parking standards, 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. This might include new or improved public transport services, walking and cycling links and facilities. Where necessary, planning obligations will be sought to ensure these measures are in place to support new residents and businesses but also to avoid adverse impacts of new development on existing occupiers. Where low-car or car-free development is proposed enhanced measures are likely to be necessary to ensure that the private car trips that would otherwise be expected actually transfer to sustainable transport as intended.

2.261 Assessments should primarily be based on normal traffic flow and usage conditions (e.g. non-school holiday periods, typical weather conditions) but it may also be necessary to consider the implications for any regular peak traffic and usage periods (such as rush hours). In considering the cumulative impact of a development, Transport Assessments should include allocations and permitted developments in other local authority areas where appropriate.

2.262 Travel Plans for low-car and car-free development should include substantial additional measures to those typically required for other development to ensure that otherwise expected car trips transfer to sustainable transport.

2.263 Any development that is likely to impact on the safe and efficient operation of the Strategic Road Network (SRN) or requires direct connection to the SRN will require consultation with Highways England, who may have their own requirements for a Transport Assessment/ Statement.

2.264 The preparation and implementation of Construction & Environmental Management Plans (CEMPs) is widely considered to be best practice (by statutory and non-statutory bodies as well as major companies in many sectors) to manage the construction and environmental effects of development projects and to demonstrate compliance with environmental legislation. In order to minimise the impacts of construction on the city and local neighbourhoods, certain developments will be required to submit a CEMP to the council. Where appropriate these will be expected to include assessments of vehicle movements associated with staff and contractor access to the construction site (i.e travel to work) and associated measures to prevent unreasonable impact on local parking and public transport services.

DM36 Parking and Servicing

Provision of parking, including ‘blue badge’ holder and cycle parking, in new developments should follow the standards in SPD14 ‘Parking Standards for New Development’ (and any subsequent revisions) as set out in Appendix 2. In addition:

- 1) Where a development is likely to result in overspill car parking on-street, applicants will be required to submit information, including parking surveys, to demonstrate there is sufficient car parking capacity in the immediate vicinity of the site to support the extra demand created by the new development. Where this cannot be demonstrated the council may require the development to be ‘permit free’.**
- 2) New developments should include infrastructure to support the use of low emission vehicles, including electric vehicle charging points.**
- 3) Parking spaces for people with a mobility related disability ('blue badge' holders) should be located close to the main or most suitable access, to the development. Where these spaces cannot be laid out within the development site, developers may be required to provide dedicated spaces on-street or, where appropriate, support a mobility scheme or specially adapted public transport infrastructure.**
- 4) Provision for large vehicles to service new developments should be provided on-site, including sufficient, safe manoeuvring space. Major developments of flats and apartments should provide appropriately designed external loading facilities to accommodate vehicle movements generated by ride-hailing and online shopping/delivery services.**
- 5) Major development should include transport infrastructure that improves equality of access to travel and supports the efficient use of space, such as cycle hire and car club schemes.**

Supporting Text

2.265 The availability of parking, especially for cars, can have a major influence on transport and travel choices that people make for their journeys, especially for destination land uses (those other than residential). In October 2016 the council adopted a revised Parking Standards for New Development SPD which builds on and supports City Plan Part One Policy CP9 by providing detailed requirements which should be applied to all new development within the city. The SPD provides clear information and guidance to assist in determining the right level and quality of parking for developments in different locations and with different land uses. The guidance in the SPD on parking levels is now transposed into policy and is set out in full in Appendix 2. This reflects local circumstances and aims to strike the right

balance between providing appropriate levels of car parking spaces whilst also promoting sustainable forms of transport in areas of good public transport accessibility. Any future revisions to these standards will replace those currently set out in the Appendix 2.

2.266 On-street car parking is at a premium in many parts of Brighton & Hove, with much of the central areas of the city subject to Controlled Parking Zones. To avoid adding to parking pressure in areas of high demand, developments likely to lead to overspill parking will need to demonstrate that there is sufficient on-street parking capacity in the immediate vicinity of a development site to support the extra demand that the development could create. A parking survey is required as an aspect of this case. Within Controlled Parking Zones consideration will also be required of the possible existence of waiting lists for permits at any time of the year.

2.267 In locations where it cannot be demonstrated that on-street parking capacity would be sufficient to accommodate overspill, the council may add conditions to planning permissions to ensure that developments are 'permit free', i.e. that future occupants of a development are not eligible to apply for council-issued on-street parking permits. This will prevent further deterioration in parking availability for existing residents, and assist in reducing the negative effects on air quality, congestion and amenity which can result from motorists spending time circulating whilst searching for a parking space.

2.268 The council will also support the provision of infrastructure to support low and ultra-low emission vehicles (ULEVs - motor vehicles that emit extremely low levels of motor vehicle emissions compared to other vehicles) and plug-in vehicles (motor vehicles that can be recharged from an external source of electricity), for example electric vehicle charging points. ULEVs are expected to make an increasingly important contribution in reducing greenhouse gas emissions and assisting the UK to comply with legal obligations regarding air quality.

2.269 A shift to ULEVs offers the potential to decarbonise road transport locally, thereby making a contribution towards reducing the UK's greenhouse emissions, whilst still enabling mobility. These benefits will be maximised if the source of the power is also part of a grid-decarbonisation programme, or generated more sustainably. Plug-in and ULEV infrastructure should be considered by both commercial and residential developers, looking at provision as part of the development and forward planning for future demand. Where appropriate, developments should also include passive provision to allow conversion at a later date.

2.270 Where appropriate and feasible, provision should be made on-site for large vehicles necessary to service the development allowing sufficient space for them to load / unload and manoeuvre. The need for sufficient space for proper manoeuvring of waste collection vehicles is covered by adopted Policy WMP3e of the Waste &

Minerals Plan. On-site access allows for more efficient servicing with a reduced risk of obstructing the public highway, therefore maintaining its safety and minimising delays to other users.

2.271 With changes in shopping habits and technology, developments of residential flats now attract increasing numbers of ride-hailing and on-line delivery vehicles. It is important that convenient external facilities for such vehicles are provided close to main resident entrances. Where such facilities cannot be laid out within the external parts of the development site then the developer may be required to provide them on the public highway.

2.272 Technologies and systems that provide communal access to personal vehicles, such as bike share and car clubs, have the potential to improve access whilst making more efficient use of land. They may also encourage increases in the use of more sustainable modes of transport by encouraging reductions in car ownership.

Topic – Environment and Energy

DM37 Green Infrastructure and Nature Conservation

Green Infrastructure

Development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces; the interrelationship between these spaces and; ensure that the natural capital of the area is retained, enhanced and complements UNESCO Biosphere objectives⁶⁵.

Where practicable, green infrastructure should be integral to the design and layout of the scheme ensuring it is planned and managed to realise current and potential value to communities and to support the widest delivery of linked environmental, social and economic benefits.

Nature Conservation

All development should seek to conserve and enhance biodiversity and geodiversity features ensuring:

- **a net gain in biodiversity is achieved;**
- **that recognised priority species and habitats are protected and supported;**
- **that appropriate and long-term management of new or existing habitats is secured to ensure a network of nature recovery⁶⁶; and**
- **where relevant, the control and eradication of any invasive non-native species present on site.**

Developers will be expected to work with existing partnerships to support and enhance the following green infrastructure and nature conservation features:

- **the Nature Improvement Area⁶⁷**

⁶⁵ The [Brighton and Lewes Downs UNESCO Biosphere](#) aims to pioneer and inspire a positive future by connecting people and nature, as an international demonstration area for sustainability. Its objectives are threefold: conserve and enhance nature; pursue sustainable development of society and economy; and, encourage environmental knowledge, learning and awareness and engagement.

⁶⁶ Nature recovery networks allows opportunities for enhancement of existing nature assets including protected sites and wildlife-rich habitats to be identified and prioritised within a local area.

⁶⁷ The South Downs Way Ahead Nature Improvement Area (NIA - the NPPF defines NIA as: "Inter-connected networks of wildlife habitats intended to re-establish thriving wildlife populations and help species respond to the challenges of climate change."

- protected and notable species and habitats⁶⁸
- ancient woodland
- aged/veteran trees
- protected trees⁶⁹
- the City's National Elm Collection
- marine and coastal biodiversity
- geodiversity

Proposals for development within a designated site of importance to nature conservation or which could impact upon a designated site must satisfy the following criteria:

A. Internationally protected sites

Development likely to have significant effects on an international site (either individually or in combination with other plans or projects) and which would affect the integrity of the site will be subject to Habitat Regulations

Assessment and will not be permitted unless the council is satisfied that:

- i) There is no alternative solution (which can be adequately demonstrated by the developer);
- ii) There are imperative reasons of overriding public health or public safety for the development; and
- iii) Adequate compensatory provision is secured.

B. Nationally protected sites

Development proposals should avoid impacts on nationally protected sites. Development proposals likely to have an adverse effect on the sites' notified special interest features will not be permitted unless:

- i) the benefits of the development, at this site, clearly outweigh the likely impact to notified features on the site and any broader impacts on the network of nationally protected sites; and
- ii) the loss can be mitigated through on or off-site habitat creation to achieve a net gain in biodiversity/ geodiversity.

⁶⁸ Protected species/habitats include species of animal or plant, or its habitat (including feeding, resting and breeding areas) protected under National and European legislation and/or included on a Red List (ie complies with criteria set by the International Union for Conservation of Nature [IUCN] or similar following a process review). Notable species/habitats include those identified as being of principal importance in England, Section 41 of the Natural Environment and Rural Communities Act 2006; priority UK Biodiversity Action Plan (BAP) and Local BAP habitats and species; and, those listed on the Sussex Rare Species Inventory (held by Sussex Biodiversity Record Centre). See also Annex 1 of the adopted Nature Conservation SPD (SPD11)

⁶⁹ Protected trees includes those covered by a Tree Preservation Order and/or lie within a conservation area.

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.

C. Locally protected sites

Unless allocated for development in the City Plan, 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:

- i) exceptional circumstances outweighing the adverse effects are clearly demonstrated; and
- ii) the loss can be mitigated through on or off-site habitat creation to achieve a net gain in biodiversity/geodiversity.

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.

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 hierarchy⁷⁰. Measures to avoid or prevent harmful effects will be required. Where proposals are liable to cause direct or indirect harm to a designated site, they must provide:

- a) evidence to demonstrate that the objectives of the designation and integrity of the area will not be undermined;
- b) funded management plans that secure the long term protection and enhancement of remaining features⁷¹; and
- c) up-to-date information about the biodiversity/geodiversity which may be affected and how loss can be mitigated to achieve measurable net gains.

Supporting Text

2.273 The natural environment is critical to all living things. Its conservation and enhancement also brings about social and economic benefits and it can support climate resilience in built up urban areas. A development proposal's impact upon the natural environment must be considered early in the design process, including cumulative impacts and impacts upon the wider environment. Applicants must properly assess the harmful effects of their proposals on the natural

⁷¹ Remaining features includes those retained in situ, translocated and/or provided to compensate for lost features.

environment/natural capital⁷², seek to minimise the impact and give full consideration to achieving biodiversity net gains, in particular to species and habitats of particular importance (formerly known as BAP habitats) and the value of incorporating appropriate green infrastructure solutions into the design (see also Policies DM22 Landscape Design and Trees, DM1 Housing Quality, Choice and Mix, DM43 Sustainable Drainage and City Plan Part One policies, CP8 Sustainable Buildings, CP10 Biodiversity, CP16 Open Space and CP17 Sports Provision).

2.274 Green infrastructure is a multi-functional and connected network of predominantly green spaces, water and other environmental features in urban and rural areas that delivers a wide range of environmental, social, economic benefits and quality of life benefits. It can help strengthen climate change resilience, health and well-being of communities, economic vibrancy, and, provide habitats and wildlife corridors as well as urban cooling. Green infrastructure is a fundamental part of sustainable development and the city plan is committed to ensuring that new development protects and enhances a network that is vital to the future of Brighton and Hove. A Natural Capital Investment Strategy for Sussex⁷³ is being prepared which when adopted will guide the implementation of this policy.

2.275 In Brighton & Hove the key spatial backbone/framework for green infrastructure is formed by the South Downs Way Ahead Nature Improvement Area (NIA) which includes the City's Green Network⁷⁴ along with other identified open space (including allotments, orchards and community food production spaces), designated nature conservation sites and the seafront (promenade, beach and sea) including brownfield land in urban areas and former industrial land. 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 (eg bird/bat boxes and bee bricks) are also important to the overarching concept in the City.

2.276 A key element of green infrastructure is identifying, retaining and enhancing a rich ecological network. The presence of protected species is a material consideration in planning decisions. Many other species are nationally rare or vulnerable although not currently protected by law. In some cases these species have specialised habitat requirements and survive in a few, localised areas. Some

69 Natural Capital is the world's stocks of natural assets which include geology, soil, air, water and all living things. It is from this Natural Capital that humans derive a wide range of services, often called ecosystem services, which make human life possible.

⁷³ Sussex Local Nature Partnership 'Natural Capital Investment Strategy for Sussex'

70 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

habitats are irreplaceable such as ancient woodland and aged/veteran trees whilst the City's remaining population of elm trees (known as the 'National Elm collection') is nationally important. The council considers that species and habitats that are protected, rare or vulnerable should be conserved, with appropriate buffer strips, as part of the development management process. The opportunity for nature recovery networks should be considered in accordance with the emerging Nature Capital Investment Strategy for Sussex and future Local Nature Recovery Strategies. Any invasive non-native species should be removed in accordance with legislation (see also DM40 Protection of the Environment and Health – Pollution and Nuisance).

2.277 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.

2.278 Proposals must assess potential impacts on, nature conservation features (which includes geodiversity). This may require an ecological/geodiversity survey and reference to previous surveys, where appropriate. Proposals which may affect protected or rare species, within or outside a designated site, must be fully informed by expert survey and advice⁷⁵. Appropriate regard should be given to current and historical data, regeneration/repopulation potential, species' adaptability to climate change, irreplaceability of habitats, the significance of the site for the connectivity of habitats and species, and, where possible an assessment of 'natural capital'. Proposals will be expected to have taken into account the advice provided in SPD11 'Nature Conservation and Development', SPD06 'Trees and Development Sites' and any subsequent detailed guidance.

2.279 When applying this policy, regard will be given to the achievement of national and local Biodiversity Action Plan (BAP) Targets⁷⁶. Enhancement opportunities should focus on habitats and species of principal importance - Brighton & Hove's local BAP habitats (e.g chalk grassland) and priority species (e.g. swifts, peregrines, house sparrows, starlings, white-letter hairstreaks, hornet robberfly etc.). Strong consideration should also be given to the protection of native species, and provision of roosting/nesting boxes for bat/birds (including swifts, house martins and swallows), gaps/holes at ground level in boundaries for hedgehogs, biodiverse roofs and walls, and, appropriate innovative and creative measures. All new build, refurbishment, and renovation schemes should incorporate swift boxes and bee bricks where possible ensuring their installation follows best practice guidance.

⁷⁵ 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) also holds data that may be relevant for nature conservation surveys.

⁷⁶ Brighton & Hove Local Biodiversity Action Plan (2013) or any subsequent updates.

2.280 Any proposal affecting nature conservation features and/or designated sites should include a nature conservation/ecological report which demonstrates evidence of working within the mitigation hierarchy (avoid, mitigate and as a last resort compensate) any losses and identifies opportunities to enhance the nature conservation value of the site. Ecological reports should be produced in line with the British Standard on biodiversity management BS42020:2013 and CIEEM Technical Guidance (and subsequent revisions). Reports should include evidence that they have followed the mitigation hierarchy set out in BS42020 which seeks as a preference to avoid impacts, then to mitigate unavoidable impacts, and, as a last resort, to compensate for unavoidable residual impacts that remain after avoidance and mitigation measures. This includes a need to undertake a full life cycle analyses of developments including the impact of construction and materials over the long term). Alongside this opportunities should be explored to provide new benefits for wildlife. 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 DM43 Energy Efficiency and Renewables).

Designated Sites:

2.281 **International/ European Sites:** These include Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar Sites. There are currently no sites of International or European importance for nature conservation within the City Plan area. 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. Large scale development within the City Plan area may still detrimentally affect the SAC by reason of additional pressure from visitors and traffic.

2.282 **National Sites:** These include National Nature Reserves (NNRs) and Sites of Special Scientific Interest (SSSIs), both of which are designated by Natural England. There is one Site of Special Scientific Interest (SSSIs): Brighton to Newhaven Cliffs which lies partly within the City Plan area. There are currently no National Nature Reserves (NNRs) within the City Plan area. However there is both a designated NNR and SSSI at Castle Hill. Therefore, similar to the SAC, care is needed to ensure they are not affected by detrimental impacts from development within the City Plan area.

2.283 **Local sites:** Locally important sites include locally designated wildlife or geological sites (LGeoS - formerly called Regionally Important Geological and Geomorphological Sites (RIGGS)) of regional significance, local wildlife sites (LWS) and local nature reserve (LNRS).

2.284 There are currently 6 Local Nature Reserves⁷⁷ that lie in part or wholly within the City Plan area. These are:

- Bevendean Downland
- Ladies Mile
- Withdean Woods and Westdene Woodlands
- Whitehawk Hill
- Wild Park/Hollingbury
- Beacon Hill (majority lies within the National Park)

2.285 There are 51 Local Wildlife Sites and 1 candidate Local Wildlife Site within the City Plan area⁷⁸ these are listed in Appendix 3 (as assessed in the 2017 LWS Review Report and updated in February 2020 following consultation with landowners).

2.286 There are three Local Geological Sites within the City Plan area⁷⁹, these are listed below (nb the first two adjoin one another):

- Black Rock, Brighton - (Sussex RIGS number: TQ30/236) (forms part of Brighton to Newhaven Cliffs SSSI Geological Site)
- Coastal Section, Friar's Bay to Black Rock Marina - (Sussex RIGS number: TQ40/174) (forms part of Brighton to Newhaven Cliffs SSSI Geological Site)
- The Goldstone, Hove Park – (Sussex RIGS number: TQ20/121) (Large sarsen about 2x3m set up on end in concrete and surrounded by 10 smaller stones) Grid ref: TQ286060

⁷⁷ Benfield Hill and Stanmer and Coldean LNR lie wholly within the National Park and are covered by policies in the adopted [South Downs Local Plan](#).

⁷⁸ There are 36 LWS that lie within the administrative area of Brighton & Hove City Council that lie within the National Park and are covered by policies in the adopted South Downs Local Plan

⁷⁹ A fourth Local Geological Site within the administrative area of Brighton & Hove City Council – Stanmer Village TQ30/135 lies within the South Downs National park and is covered by policies in the adopted South Downs Local Plan.

DM38 Local Green Spaces

The following green areas, as defined on the policies map, are designated and protected as Local Green Spaces:

- Hollingbury Park
- Three Cornered Copse
- Ladies' Mile
- Benfield Valley

Development will not be permitted within a Local Green Space designated within the City Plan or an approved Neighbourhood Plan unless there are very special circumstances⁸⁰ where the public benefits of the development proposed would outweigh the harm that would be caused by development within the Local Green Space.

Enhancements consistent with Local Green Space designation will be supported and will be required where proposed development, judged to meet the very special circumstances test, may impact the Local Green Space⁸¹.

Supporting Text

2.287 In 2012 national policy introduced the concept of Local Green Space designation as a way to provide special protection for green areas that are considered of particular importance to local communities.

2.288 The designation rules out development other than in very special circumstances. To qualify the spaces have to be demonstrably special to a local community, hold a particular local significance and capable of enduring beyond the end of the plan period. It is not appropriate to designate sites purely to resist development.

2.289 The purpose of this policy is therefore to designate Local Green Spaces which qualify and warrant special protection. Further Local Green Spaces may be designated in future Neighbourhood Development Plans.

2.290 In Brighton & Hove the open spaces identified on the policies map are already afforded significant protection by policies CP16 Open Space and CP17 Sports Provision in the City Plan Part One. In general, the designation signifies greater protection and enhanced accessibility where it does not conflict with biodiversity matters. Development on land designated as Local Green Space therefore should be compatible with the designation, should preserve the open character and the local

⁸⁰ National Planning Policy Framework (NPPF) (2018) paragraphs 101 and 143-147.

⁸¹ Enhancements that may be consistent with Local Green Space designation include access improvements, interpretation boards and management facilities ancillary to the open space use.

significance placed on such green areas which make them valued by their local community.

2.291 The four sites identified in this policy are designated due to their value to the local community and their local significance in their role as areas for enjoyment of recreation, tranquillity, wildlife, heritage and their linkages to the adjacent urban area. All four also act as important green wedges into the urban area which act as wildlife corridors and important routes for people accessing the South Downs and offer good gateway enhancement opportunities to the South Downs National Park. Their designation is supported by the recommendations of the 2014 and 2015 Urban Fringe Assessment Studies.

2.292 The NPPF is clear that designation of Local Green Space should be consistent with the wider planning policy for the area and should look to complement investment in the provision of new homes and employment services and other essential services. Adjacent to Ladies' Mile and Benfield Valley lie potential housing development sites. This is done on the basis that new housing development will be expected to secure the effective management, protection and enhancement of the retained open space so that it can endure as valuable public open space beyond the plan period. Where essential to the delivery of the Benfield Valley developable areas it may be necessary for highway access routes to encroach upon the Local Green Space. This must however be kept to the minimum.

2.293 Within Hollingbury Park regard will be given to the operational needs of the site such as those associated with the existing telecommunication facilities and Southern Water operational land. However robust justification will be required to support any additional development associated with operational needs. This would need to demonstrate that there are no alternative options, the development is essential to the provision of viable ongoing service delivery, the development is the minimum necessary and appropriately located, designed and, where relevant, screened. For Benfield Valley regard will be given to the provision of appropriate facilities for outdoor sport and recreation, as long as it does not conflict with the purpose of designating the Local Green Space. It is acknowledged that there may be scope for further sites to be designated through the preparation of neighbourhood plans where it can be demonstrated that all the criteria set out in the NPPF are met. This would enable local communities to gather, through local consultation, evidence of local community support for any Local Green Space designations, including setting out how any proposed sites are demonstrably special to the local community and their particular local significance.

DM39 Development on the Seafront

Proposals which generate a need for enhanced coastal defences will be required to meet all of the following criteria:

- a) accord with the relevant Shoreline Management Plan and Coastal Strategy Study;
- b) be of a design and appearance that is in keeping with their surroundings;
- c) be maintained as part of the development and not be detrimental to coastal processes⁸², existing and/or proposed coastal defences/coastal protection works and their maintenance; and
- d) where appropriate, include access and escape routes in the event of tidal flooding, where possible, on north side of buildings, providing windows and access ways that are capable of withstanding storm attack.

Proposals should be designed to take account of the particular conditions experienced in the coastal zone, for example in layout, design, landscaping and materials proposed, and should be resilient to the effects of climate change and designed to avoid adverse impacts from and on the coastal and marine environment in accordance with Policy DM37 Green Infrastructure and Nature Conservation.

Proposals should safeguard the importance of the seafront and beach as an open space and maintain and enhance public access to and along the coast and to sea-based activities (see City Plan Part One policies CP16 Open Space and CP17 Sports Provision).

There will be a presumption against development extending onto the shingle beach. As an exception the council will support the provision of new small scale public amenities of an appropriate design (such as toilets and facilities for coastal sport uses such as showers, changing rooms and lifeguard facilities) or improvements to existing areas of hardstanding or access to the beach, shoreline and sea-based activities.

All developments providing sea-based activities or with a potential impact upon the marine environment should have appropriate regard to the Beachy Head West Marine Conservation Zone and be in accordance with the South Marine Plans.

⁸² A collective term covering the action of natural forces on the shoreline, and nearshore seabed, CIRIA Beach Management Manual 2nd Edition

Supporting Text

2.294 The City Plan Part One sets out a coordinated overarching strategy for the seafront with identified priorities for defined areas. Through Strategic Allocations, major regeneration proposals are made for Brighton Marina, the Black Rock site, Brighton Centre and Churchill Square Redevelopment area and Shoreham Harbour. Policy CP11 set outs the approach to managing flood risk. This policy requires that planning applications must demonstrate that account has been taken of the particular conditions experienced within the coastal zone and where appropriate be accompanied by appropriate coastal defences. Proposals should protect and enhance the beach, shoreline and marine environment as open space and valuable natural habitats.

2.295 The city's beaches divide in character at Black Rock. To the west are large shingle beaches controlled by a 'field' of concrete and timber groynes which have developed over the decades. To the east of Black Rock and the Marina, a chalk cliff line runs all the way to the River Ouse at Newhaven⁸³. The beaches here have formed as a result of the retreat of the cliffs, leaving a wave cut platform. The foot of the cliffs is now protected by a seawall and the Undercliff Walk. The timber groynes and shingle beaches play an important role in protecting the city and it is imperative that any improvements or changes to the seafront do not compromise the effectiveness of these defences. The council's policies for coastal management and coast defence works are set out in Coastal Strategy Studies and the Shoreline Management Plan.

2.296 Access arrangements to enable maintenance and repair are required to ensure the ongoing integrity and effectiveness of sea defences. Development which generates a need for enhancements to the defences will not be permitted unless developer funding is secured to cover the full costs of such enhancements and future maintenance directly related to the proposed development.

2.297 If development is permitted in the vicinity of coastal and flood defences, the council, following consultation with the Environment Agency, will require appropriate measures to be incorporated into the scheme in order to ensure that the stability and continuity of the defences is maintained. Developers will be expected to cover the costs of any such measures, including their long term monitoring and management.

2.298 The council will seek to ensure that any new or enhanced sea defences integrate sensitively with the local environment.

2.299 The coastal waters of Brighton & Hove contain important marine habitats, chalk cliffs, undersea chalk reefs and areas of internationally rare undisturbed

⁸³ Forms the western half of the 'Beachy Head West' designated Marine Conservation Zone, and the terrestrial part is designated as the Brighton to Newhaven Cliffs SSSI.

vegetated shingle (including Local Wildlife Sites). These coastal habitats including the coastal SSSI and Beachy Head West Marine Conservation Zone are therefore a key environmental asset as well as valued open space, and opportunities to protect and enhance them will be sought where appropriate as part of any development proposals in the seafront area (see City Plan Part One Policy SA1 The Seafront and Policy DM37 Green Infrastructure and Nature Conservation).

2.300 Whilst there is a presumption against development on the shingle beach, building hard surfacing on shingle beaches can help improve access for disabled persons (including wheel chair users), young and elderly beach users and can be a positive way to enhance the public realm. Hard standing areas can also provide opportunities to improve shelter, shade, signage and lighting and provide small scale public amenities such as toilets, lifeguard facilities and small kiosks. However it is important to recognise that coastal processes and climate change are likely to see narrowing of the beach in the medium to long term⁸⁴. For this reason, provision of public amenities should be small scale and of appropriate design, complementing other structures along the seafront and should not impede the maintenance of coastal defences including beach management. To help reduce clutter and physical barriers the council will seek the removal of redundant structures on the seafront.

2.301 The city's coastal location means the council must have regard to the UK Marine Policy Statement and the South Marine Plans⁸⁵. The council is not responsible for planning beyond the coastal mean low water mark however it needs to ensure that policies across the land/sea boundary are integrated. All developments providing sea-based activities (such as jet skiing, surfing or boat facilities) or with a potential impact upon the marine environment (including the designated Beachy Head West Marine Conservation Zone) should be in accordance with the South Marine Plans. Where appropriate the Marine Management Organisation will be consulted.

⁸⁴ Shoreline Management Plan 2006

⁸⁵ [The South Inshore and Offshore marine plans](#) were adopted on the 17th July 2018

DM40 Protection of the Environment and Health – Pollution and Nuisance⁸⁶

Planning permission will be granted for development proposals that can demonstrate they will not give rise nor be subject to material nuisance and/or pollution that would cause unacceptable harm to health, safety, quality of life, amenity, biodiversity and/or the environment (including air, land, water and built form). Proposals should seek to alleviate existing problems through their design.

Proposals liable to cause or be affected by pollution and/or nuisance will be required to meet all the following criteria:

- a) be supported by appropriate detailed evidence that demonstrates:**
 - i. the site is suitable for the proposed use and will not compromise the current or future operation of existing uses;
 - ii. pollution and/or nuisance will be minimised;
 - iii. appropriate measures can and will be incorporated to attenuate/mitigate existing and/or potential problems in accordance with national and local guidance; and
 - iv. appropriate regard has been given to the cumulative impact of all relevant committed developments as well as that of the proposal and/or effect of an existing pollution/nuisance source.
- b) support the implementation of local Air Quality Action Plans and help support the local authority meet the Government's air quality and other sustainability targets;**
- c) provide, when appropriate, an Air Quality Impact Assessment to consider both the exposure of future and existing occupants to air pollution, and, the effect of the development on air quality. Air quality improvements and/or mitigation must be included wherever possible;**
- d) have a positive impact, where practicable, on air quality when located within or close to an Air Quality Management Area and not worsen the problem;**
- e) particular regard must be given to the impacts of emissions from transport, flues, fixed plant, and, heat and power systems;**
- f) new biomass combustion and CHP plants associated with major developments will not be acceptable in or near an Air Quality Management Area and sensitive receptors such as the Royal Sussex**

⁸⁶ Pollution and nuisance include: noise, vibration, smell/odour, light, heat, dust, dirt, PM10, NO2 fumes, gases, steam, radiation, smoke, invasive non-native species/diseases (including Japanese knotweed, Himalayan Balsam and Dutch Elm Disease), electromagnetism, other polluting and nuisance emissions, and other forms of disturbance.

County Hospital due to the need to comply with nitrogen dioxide limits; and

- g) ensure outdoor lighting is well designed; low impact; efficient; the minimum necessary with an appropriate balance between intensity, fittings, height and structures; and, not cause unacceptable detriment to public and highway safety, biodiversity, in particular priority habitat and species, the night sky and the South Downs National Park International Dark Sky Reserve.**

When a proposal, including the remediation measures, invokes the need for an Environmental Impact Assessment the findings of the assessment must be appropriately taken into account.

Supporting Text

2.302 Pollution and nuisance can have a detrimental impact on amenity as well as serious health impacts on people, the environment and nature conservation.

Government policy advises that policies and decisions must ensure that development is appropriate to its location and new use to prevent unacceptable risks from pollution. It highlights the need to take into account health, quality of life, amenity, the natural environment and the potential sensitivity of certain areas or a proposed development when assessing the adverse effects of pollution. The need to protect the water environment is addressed in Policies DM42 and DM43.

2.303 The issue of air pollution and improving the quality of the air that people breathe is one of the city's principal challenges and is a strategic objective in City Plan Part One. Two Air Quality Management Areas (AQMAs) are currently designated within the city; one covering the city centre and Portslade, and a second smaller area that includes Rottingdean High Street and its junction with the A259. The main cause of pollution in both areas is emissions from diesel vehicles. A key contributor to poor air quality in the city is emissions from all types of vehicles in confined spaces. The city council has published an Air Quality Action Plan (AQAP) which sets out a series of measures to address and mitigate the causes of pollution in these areas. The AQAP is updated annually in the Air Quality Annual Status Report.

2.304 The AQAP builds on a series of measures that have already been implemented in the city including one of the UK's first bus Low Emission Zones and the introduction of lower-emission buses. The main aim of the 2015 renewed AQAP is to achieve compliance with the $40 \mu\text{g}/\text{m}^3$ level for nitrogen dioxide in residential areas parallel to transport corridors, which became a legally binding standard in 2010. A targeted approach is intended to tackle the most polluting ground level sources within narrow streets where wind flow and ventilation is restricted.

2.305 Proposals for new development should consider air quality issues⁸⁷ and, where necessary, undertake detailed assessments of air quality impacts.

Assessments should consider potential impacts resulting from traffic generated by the proposed development, and also consider the impact of any existing air quality problems on the future occupants of the scheme and adjacent properties. The council may seek to control the volume and flow of traffic to and from a proposed development to comply with this policy (see also City Plan Part One Policy CP9 Sustainable Transport).

2.306 This policy complements the AQAP by ensuring that new development in or near AQMAs or near sensitive receptors like the Royal Sussex County Hospital, assists in achieving its aim of improving air quality. New development proposals should take account of their impact on local air quality, be consistent with the latest AQAP and minimise increased exposure to existing poor air quality within an AQMA. Improvements and/or mitigation will be sought wherever possible. It is important that cumulative impacts are taken into account including impacts from development beyond the boundary of the City Plan area.

2.307 Where a development includes new residential premises in a known area of poor air quality, remedial measures will be required such as: the provision of passive or hybrid ventilation systems; appropriate amendments to uses and design; alternatives to the provision of, or a set-back in balconies and living quarters at roadside; provision of charging infrastructure for electric vehicles, or passive provision to allow conversion at a later date; and also travel plans to encourage reduced car use. Alterations to the massing and position of buildings close to confined slow moving roads can avoid enclosure that is liable to inhibit emission dispersion. Subject to other amenity considerations, development should be designed so as to increase the distance between bedrooms/living rooms and road traffic emissions. Where it is not practicable to achieve a positive impact on air quality on-site then off-site mitigation or financial contributions will be sought in accordance with CP7 Developer Contributions.

2.308 It is important to ensure that sustainable building measures intended to reduce fuel consumption and carbon dioxide are not detrimental to local air quality; namely oxides of nitrogen, dust, smoke and particulate matter. For example, biomass fuel combustion and combined heat and power systems will not be acceptable in certain areas of the city; in or near AQMA and the Royal Sussex County Hospital as a sensitive receptor due to a need to comply with nitrogen dioxide limits.

Developments in or close to an AQMA should prioritise generation of heat and power through means that do not influence air quality and minimise emissions to air from combustion, such as electrification and energy storage. The impact on surrounding occupants from flues on top of buildings also needs to be taken into account

⁸⁷ Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location (National Planning Policy Guidance) Paragraph: 005 Reference ID: 32-005-20140306

especially within areas with existing tall buildings or with potential to deliver taller buildings.

2.309 Noise and vibration, even from a proposed means of ventilation, can potentially have a serious impact on residential amenity, quality of life and biodiversity. Detrimental noise impacts can occur continuously or intermittently and the effects can vary depending on the pitch, tone and frequency. It is not practicable, therefore, to clearly indicate when noise impact studies will be expected. Any noise impact study and noise assessment must be carried out in accordance with current authoritative guidance and British Standards⁸⁸. Indoor environmental quality is dependent on air quality (passive/ mechanical ventilation), thermal comfort and acoustic comfort. These factors are interdependent. When considering the mitigation of noise impact on new development, particularly residential development, the interdependence between acoustics, ventilation and overheating should be carefully considered⁸⁹.

2.310 A number of uses and environments can be particularly sensitive to pollution and/or nuisance. For example, schools, nurseries, hospitals, housing, the South Downs National Park and sites important for nature conservation as well as the Brighton Chalk Block Aquifer.

2.311 Sensitive developments/uses should not be located in proximity to significant pollution and / or nuisance generating uses except where appropriate mitigation can be provided by the developer prior to occupation. In accordance with the ‘agent of change principle’ set out in the NPPF⁹⁰, where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant will be required to provide suitable mitigation prior to occupation. Where appropriate, covenants will be required to remove the right of occupants of new development to complain about disturbance in order to protect existing uses and businesses from the imposition of operating restrictions which could affect their ability to function. Sussex local authorities have developed guidance on noise to provide advice for developers and their consultants when making a planning application⁹¹.

2.312 Development proposals should avoid excessive and unnecessary lighting, 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). In May 2016 the South Downs National Park was designated as an International Dark Sky Reserve (IDS). Lighting within the setting of the National

⁸⁸ For example, BS4142, BS8233:2014, Noise Action Plan Brighton Agglomeration, the Noise Policy Statement for England and any subsequent revisions.

⁸⁹ Further guidance can be found in ProPG: Planning & Noise, Professional Practice Guidance on Planning & Noise - New Residential Development, May 2017 and Acoustic Ventilation and Overheating Residential Design Guide January 2020

⁹⁰ National Planning Policy Framework, Paragraph 182.

⁹¹ Planning Noise Advice Document: Sussex 2020

Park should therefore take particular care to avoid unnecessary direct or reflected illumination of the sky at night.

DM41 Polluted sites, hazardous substances & land stability

Development proposals must ensure that they do not prejudice health, safety, natural capital⁹² and the quality of the city's environment. Proposals must be supported by a desktop survey and where appropriate a site investigation⁹³ and must demonstrate that all of the following requirements are met:

- a) the development is appropriate for the location taking account of ground conditions, land instability and vulnerability of future and surrounding occupants;
- b) appropriate measures have been taken, or are provided for, to address hazardous substances, installations and notifiable pipelines;
- c) the development provides for the suitable re-use of polluted land and buildings and delivers appropriate remediation to safeguard and protect the end users of the site and prevent leaching; and
- d) provision is made for appropriate measures necessary to protect the environment, future users and surrounding occupants.

Supporting Text

2.313 Industrial activity, waste disposal, accidental spillages and transportation can cause the potential contamination of land. The presence of even small-scale undertakings can leave land in a contaminated state. Often the causal processes or activities have ceased and are no longer evident.

2.314 The re-use of polluted land and buildings will be encouraged in order to promote the re-use of brownfield sites, reduce the need for the development of greenfield sites, and reduce the threats posed by contamination to health, safety and the environment. It offers a sustainable approach to redevelopment and a means of regenerating specific areas and has the potential for delivering significant environmental benefits. Very few sites are so badly polluted that they cannot be re-used at all, but the contamination and the cost of dealing with it may restrict the choice of new uses. After remediation land should be appropriate for the proposed use and as a minimum should not be capable of being determined as contaminated

⁹² Natural capital is defined as the elements of nature that directly or indirectly produce value to people, including ecosystems, species, freshwater, land, minerals, the air and oceans, as well as natural processes and functions.

⁹³ A site investigation must be undertaken where: development is proposed on a site which has historically been built upon; where a desk survey determines additional investigation is needed; and, when a site is known to be polluted.

land under s78(R) Part IIA of the Environmental Protection Act 1990 or as revised by national legislation and policy.

2.315 When there is cause to suspect that a proposed development site is polluted an assessment must be undertaken. Regard should be given to the city council's Contaminated Land Strategy for Brighton & Hove. Where appropriate, a detailed site investigation will be required to establish the extent of pollution and to ascertain the potential of the proposal to cause harm to the environment (including groundwater), human health and non-human receptors. Where proposals involve the use of a polluted site, remediation prior to development and/or during construction, will be required appropriate to its future use and to prevent leaching of pollutants. The council will apply phased conditions to secure any necessary remediation, and ensure future verification, monitoring and/or maintenance. Any desktop study, site investigation, remediation and verification work should be undertaken by a competent person/company in accordance with the National Quality Mark Scheme for Land Contamination Management (NQMS), Government guidance and any applicable national standards.

2.316 Whilst it is the developer's / landowner's responsibility to ensure that land is physically suitable for development, land stability can also be a material planning consideration. It is important that land stability is taken into account at an early stage in the development process in order to prevent risks to occupiers of the development and surrounding area. In appropriate cases the council may require planning applications to be accompanied by supporting information describing and analysing the issues relevant to ground instability and indicating how any foreseeable problems would be overcome including any necessary stabilisation measures. Where a slope stability report is required, it should take account of ancient landslides, geological fault lines, water courses/ditches and natural ground water routes.

2.317 Where the suspected stability or contamination of a site is not considered to be significant or not of a high risk, permission may be granted subject to conditions requiring site investigation, discovery strategy and any remedial measures as deemed necessary once a competent person has carried out an options appraisal.

2.318 The Planning (Hazardous Substances) Act 1990 provides for the control of the presence or use of hazardous substances⁹⁴. Whilst it is not the role of the planning system to enforce legislation covered by other bodies, it is appropriate to consider the land use issues. For example, the site implications of accommodating the necessary pollution control measures, consideration of the risks notwithstanding the delivery of legally required measures, 'Sensitivity Level', and, appropriate distances between hazardous establishments and population or environmentally sensitive areas. The Health and Safety Executive (HSE) specifies consultation zones around hazardous installations in order to control development in the vicinity for reasons of

⁹⁴ Storage and use of certain, toxic, highly reactive, inflammable or explosive substances in excess of the controlled quantities set out in the Planning (Hazardous Substances) Regulations 2015 or subsequent revisions.

public safety. Where applicable, compliance with technical advice from the Health and Safety Executive will be expected. There are currently two HSE consultation zones affecting the City Plan area: the Gas Works near Brighton Marina and also the outer zone from a site in Adur District Council at Shoreham Harbour/Port.

2.319 This policy will be assisted and complemented by the powers and duties exercised under Environmental Health legislation (in accordance with the Environmental Protection Act 1990 and Environment Act 1995), Building Regulations legislation, and by other agencies, for example, the Environment Agency and the Health and Safety Executive.

DM42 Protecting the Water Environment

In consultation with the council and relevant statutory bodies, planning applicants should consider the potential impacts on water quality and quantity resulting from the design, construction and operation of proposed development. Where necessary, development proposals should include measures to reduce any risk to the water environment and its ecology; and aim to protect and improve water quality (of surface water, groundwater and the sea).

Development proposals will not be permitted if they have an unacceptable impact on the quality and potential yield of local water resources used for public water supplies.

Planning permission may be refused if relevant site investigations and risk assessments have not been undertaken and if necessary mitigation measures are not provided.

Applicants will be required to demonstrate that capacity exists on and off-site in the sewerage network to serve the development or that occupation of the development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider, to avoid sewer flooding.

Supporting Text

2.320 All of the drinking water for Brighton & Hove is supplied from groundwater sources in the form of underground chalk aquifers and there are number of groundwater source protection zones (identified by the Environment Agency). There is a need to improve groundwater quality and quantity status in the Brighton Chalk Block Aquifer⁹⁵. Sea water quality is of equal importance in terms of environmental quality and its value as a key recreational asset, especially regarding the Beachy Head Marine Conservation Zone (See also City Plan Part One Policy SA1 The Seafrot and DM39 Development on the Seafrot). The city is within a 'highly water stressed' region with above regional average per capita water consumption. The European Water Framework Directive provides clear objectives for protecting and enhancing water quality, both surface and ground water. A River Basin Management Plan for the South East has been prepared by the Environment Agency under the European Water Framework Directive. The plan focuses on the protection, improvement and sustainable use of the water environment. A Greater Brighton Water Plan is being prepared which will set out further measures to ensure a more resilient water future in the region.

⁹⁵ Nitrates are a major contributor to the poor quality of the Brighton Chalk Block aquifer. A Chalk Management Partnership (ChAMP) has been established to help support the protection and improvement of the quality of groundwater in the Brighton Chalk.

2.321 The City Plan Part One requires that all new development reduces air, land and water pollution and safeguards water supplies if development is within groundwater Source Protection Zones (CP8.1). Policy CP8 Sustainable Buildings also aspires towards water neutrality in all new development by requiring the government's higher optional water efficiency standards and incorporating facilities to recycle, harvest and conserve water resources.

2.322 The council will require development proposals to consider and reduce risks to water quality, and where appropriate, aim to improve the water quality of both surface water and groundwater. In line with the requirements of the Water Framework Directive developments that adversely affect surface and ground water quality will be resisted. Development proposals should be designed to ensure that misconnections between foul and surface water networks are eliminated and not easily created through future building alterations.

2.323 Southern Water is the statutory water and sewerage undertaker for the City Plan area. New and improved water and wastewater infrastructure will be needed to serve the development proposed in the City Plan. New development must be co-ordinated with the provision of new and improved infrastructure. This will help to ensure that a high level of service can be maintained for both new and existing customers, and that unsatisfactory levels of service such as sewer flooding or poor water pressure are prevented. This also helps to ensure that, there is no deterioration to water quality and the environment, as required by the Water Framework Directive.

2.324 City Plan Part One Policy CP7 addresses infrastructure provision, and the phasing of development with necessary infrastructure. Water and wastewater infrastructure is included in the list of infrastructure or service provision where planning obligations/ CIL may potentially be sought. Relevant Development and Special Area policies make specific provision for the protection of water resources related to particular strategic site allocations.

2.325 Applicants should liaise with Southern Water in order to demonstrate that there is adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the development and that it would not lead to problems for existing users. In some circumstances, it may be necessary for applicants to carry out appropriate studies to ascertain whether the proposed development would lead to overloading of existing infrastructure. Where capacity assessments show there is a need, Southern Water will require occupation of development to be phased to align with the delivery of water or wastewater infrastructure.

DM43 Sustainable Drainage

The design and layout of all new buildings, and the development of car parking and hard standing, will be required to incorporate appropriate Sustainable Drainage Systems (SuDS) capable of ensuring that there is a reduction in the level of surface water leaving the site unless it can be demonstrated not to be reasonably practicable.

Subterranean development, for example, storage tanks, basements or subterranean car parks, will not be permitted in areas where there has been a history of groundwater emergence (or other sources of flooding).

SuDS should be sensitively located and designed, in line with recognised best practice⁹⁶ and in accordance with the Sustainable Drainage SPD to ensure that the quality of local water is not adversely affected; and should provide where possible improved biodiversity, an enhanced landscape/townscape and good quality spaces that improve public amenities in the area.

Details of the proposed SuDS should be submitted as part of any planning application including provision for arrangements for the whole life management and maintenance of the provided SuDS.

Supporting Text

2.326 The precise impacts of climate change on Brighton and Hove in the future are difficult to assess but it anticipated that the UK is likely to see more extreme weather events including increased flooding. The urban land use, steep topography and lack of watercourses in Brighton and Hove make it particularly susceptible to surface water flooding. The purpose of the policy is to reduce the city's vulnerability to surface water flooding through appropriate management and ensure there is no net increase in surface water run-off from new development.

2.327 The NPPF indicates that risk of flooding should be avoided by directing development away from the highest risk areas. The Council has produced an updated Strategic Flood Risk Assessment (SFRA)⁹⁷ which includes allowances for flood risk from all sources such as surface water, groundwater, coastal flooding and the likely effects of climate change. The SFRA has informed the location of proposed development in the City Plan and will be a consideration in the assessment of planning applications.

⁹⁶ Including CIRIA (2015) The SuDS Manual and BHCC and partner authorities: Water, People, Places – A guide for master planning sustainable drainage into developments.

⁹⁷ SFRA (2018).

2.328 The Sustainable Drainage Supplementary Planning Document (SPD) provides further detailed guidance⁹⁸. The SPD will also be relevant in the assessment of planning applications.

2.329 The NPPF states that when determining a planning application, local planning authorities should ensure that flood risk is not increased elsewhere as a result of a proposed development and indicates that priority should be given to the use of Sustainable Drainage Systems (SuDS). The starting position is that surface water drainage should be dealt with within a development site.

2.330 SuDS are designed to mimic natural drainage processes and cover a range of measures, including:

- infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities;
- filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns;
- filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed; and
- basins and ponds to hold excess water after rain and allow controlled discharge that avoids flooding.

2.331 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 consideration of a wide range of issues relating to the management, long term adoption and maintenance of SuDS. When determining the suitability of SuDS, vulnerability and the importance of local ecological resources, such as water quality, in particular within the Brighton & Hove aquifer and biodiversity should be considered. In some locations of the city only specific types of SuDS will be appropriate so as not to have an adverse impact on groundwater quality. SuDS should be designed to help cope with intense rainfall events and to overcome any deterioration in water quality status. SuDS if implemented and managed properly can also directly contribute to biodiversity gains and greater connectivity of the city's ecological network. See also policies DM42 Protecting the Water Environment, DM40 Protection of Environment and Health – Pollution and Nuisance and DM37 Green Infrastructure and Nature Conservation. The use of SuDS will be required as part of all development proposals other than in exceptional circumstances where it can be demonstrated that there is no appropriate SuDS solution which is reasonably practicable.

2.332 A particular issue in Brighton and Hove is the risk of groundwater flooding. For this reason, subterranean development, such as basements, storage tanks and underground car parks, will not be permitted in areas where there has been a history

⁹⁸ The Sustainable Drainage SPD adopted 26 September 2019

of, or documented risk of, groundwater emergence (and other sources of flooding) to ensure that there is no increased risk of groundwater flooding to a development or third parties. Adopted City Plan Part One Policy CP11 Flood Risk sets out the requirements for flood risk assessment and further guidance is set out in the most recent Strategic Flood Risk Assessment.

DM44 Energy Efficiency and Renewables

The following standards of energy efficiency and energy performance will be required unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable:

- 1. All development including conversions and change of use of existing buildings to achieve at least 19% improvement on the carbon emission targets set by Part L unless superseded by national policy or legislation;⁹⁹**
- 2. All development to achieve a minimum Energy Performance Certificate (EPC) rating of:**
 - i) EPC 'C' for conversions and changes of use of existing buildings to residential and non-residential use¹⁰⁰**
 - ii) EPC 'B' for new build residential and non-residential development.**
- 3. Opportunities for new development to achieve greater reductions in CO2 emissions through the use of passive design, fabric standards, energy efficiency measures and low and zero carbon technologies will be encouraged in the following areas:**
 - a) Development Areas 1- 7 (City Plan Part 1);**
 - b) Housing Allocations in the urban fringe (Policy H2);**
 - c) Within industrial areas identified and safeguarded in City Plan Part 1 Policy CP3.3.**

Where it can be demonstrated that the minimum CO2 reduction targets cannot be met on-site, mitigation measures may be sought in accordance with City Plan Part 1 Policy CP7 Infrastructure and Developer Contributions.

All development will be expected to submit an energy statement to 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.

⁹⁹ Including changes to Part L of the Building Regulations or the approved calculation methodology.

¹⁰⁰ Section 5 of The Energy Performance of Buildings (England and Wales) Regulations 2012 ("2012 Regulations") sets out circumstances that the duties relating to EPC do not apply to and includes: "*buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance;*"

Supporting Text

2.333 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 2050¹⁰¹. This policy sets out the further steps the council will take to mitigate carbon emissions associated with all new development. The policy will support the council's ambition to become a carbon neutral¹⁰² city by 2030.

2.334 The Climate Change Act (2008) sets a legally binding target to reduce UK carbon emissions by 80% by 2050, against a 1990 baseline. The Committee on Climate Change advises the Government on the setting of binding 5-year carbon budgets on a pathway to achieving the 2050 target. The first five carbon budgets covering the period up to 2032 have been set in law. The current budget requires a minimum 57% reduction in carbon emissions (compared with 1990 levels) by 2030. More recently the Committee on Climate Change recommended a new emissions target for the UK: net zero greenhouses gases by 2050, which was passed into law on 27 June 2019.

2.335 The UK is committed to supplying 15% of all energy from renewable sources by 2020 as part of an EU target to supply 20% of energy from renewables by 2020. The UK Renewable Energy Strategy (2009) anticipates that renewables will need to contribute around 30% of electricity supply, 12% of heating energy and 10% of transport energy to meet this target.

2.336 New development in Brighton and Hove will also need to support the government's Clean Growth Strategy objectives and be future-proofed against changes to the national energy system. Brighton & Hove is part of a national energy system and currently sources the majority of its energy from outside the city boundary. The city will need to shift from reliance on natural gas to a more diverse range of low and zero-carbon sources, including renewable energy. This can also have a positive impact on improving air quality in the city. Decentralised energy will become an increasingly important element of the energy supply and will help the city become more self-sufficient in relation to its energy needs. A Greater Brighton Energy Plan is being prepared which will develop an ambitious carbon pathway to becoming carbon neutral and help increase the security and resilience of energy supply.

2.337 Developments should maximise opportunities for on-site electricity and heat production from solar technologies (photovoltaic and thermal) and use innovative building materials and smart technologies. This will reduce carbon emissions, reduce

¹⁰¹ 'Carbon' is used as a shorthand term for all greenhouse gases. Carbon accounting is measured nationally in carbon dioxide equivalent, which includes the conversion of other greenhouse gases into their equivalent carbon dioxide emissions.

¹⁰² 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.

energy costs to occupants, improve the city's energy resilience and support the growth of green jobs.

2.338 Brighton & Hove's homes and workplaces are responsible for approximately 70% of the city's carbon emissions¹⁰³. For Brighton and Hove to achieve the City Plan Part One objective of becoming a zero-carbon city by 2050¹⁰⁴ and council ambition to be carbon neutral by 2030, improvement needs to be achieved in existing and new development through meeting at least the minimum standards set out above, and those in City Plan Part One policy CP8 Sustainable Development¹⁰⁵.

2.339 The following energy hierarchy should inform the design, construction and operation of new buildings:

- Be lean: use less energy
- Be clean: supply energy efficiently,
- Be green: use renewable energy

2.340 The priority is to minimise energy demand, and then address how energy will be supplied and renewable technologies incorporated. Fabric and energy efficiency measures are the most effective way to reduce energy demands, CO₂ emissions and costs for occupant of new buildings. These benefits are also more reliable as they are less reliant on the long-term operation and maintenance of equipment.

2.341 The energy sector is going through considerable changes with trends such as decarbonisation of the national electricity grid; increasing use of electric vehicles and increasing uptake of low and zero carbon (LZC) energy technologies. These changes will potentially put stress on existing energy infrastructure, increasing the need for energy efficient development with low energy use, managing and avoiding energy use at peak demand times.

CO₂ Reduction

2.342 Currently, the minimum 19% CO₂ reduction target required by City Plan Part 1 policy CP8 Sustainable Buildings applies to developments of new residential dwellings only.

2.343 To mitigate carbon emissions associated with all new development and meet local and national policy objectives for CO₂ emissions reduction, this minimum requirement now applies to all types of development. In order to meet the national and local carbon reduction targets, greater CO₂ emission reductions will need to be delivered in the future and these targets will be kept under review. To ensure the

¹⁰³ 1007.6 KtCO₂ as identified in Brighton and Hove City Plan Part 2 Energy Study (AECOM 2018)

¹⁰⁴ 'Carbon' is used as a shorthand term for all greenhouse gases. Carbon accounting is measured nationally in carbon dioxide equivalent, which includes the conversion of other greenhouse gases into their equivalent carbon dioxide emissions.

¹⁰⁵ The Planning and Energy Act 2008 enables local planning authorities to set requirements for energy use and energy efficiency in local plans.

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 or subsequent versions). It is anticipated that on developments where carbon savings from certain technologies (e.g. gas-engine CHP and solar PV) do not achieve the carbon savings set out in City Plan Part One Policy CP8, alternative or additional technologies will need to be utilised to meet the 19% improvement against part L.

2.344 If a developer can demonstrate that there is a technical or financial reason why this target cannot be achieved they would be expected to deliver as close to this target as possible. Where it can be demonstrated that the minimum CO₂ reduction targets cannot be met on-site, mitigation measures may be sought in accordance with City Plan Part One Policy CP7 Infrastructure and Developer Contributions. The council will consider setting up a carbon offset scheme in the future which could then be applied to the residual CO₂ emissions to enable the development to achieve compliance.

Energy Cost efficiency

2.345 Ensuring that new buildings have low energy consumption and CO₂ emissions will have benefits for the future residents and business occupants, through reduced energy bills. This will benefit the wider community through reduced CO₂ emissions and less pressure on local energy infrastructure.

2.346 The Minimum Energy Efficiency Standards (MEES) Regulations require all applicable properties for sale and rent in the UK to achieve an Energy Performance Certificate (EPC)¹⁰⁶ of E or better. The Clean Growth Strategy (2017)¹⁰⁷ has set a target for as many buildings as possible to achieve an EPC of C by 2030/35 and commits to keep energy efficiency standards under review.

2.347 The City Plan seeks to reduce inequalities and deliver energy efficient development¹⁰⁸. Given the importance of addressing energy consumption from domestic and non-domestic buildings, the council considers opportunities to improve the performance of existing and new developments should be taken in advance of the government target. Higher minimum (EPC) standards are sought for all new development in the city informed by 2018 Energy Study¹⁰⁹ unless it can be demonstrated that this is not feasible due to technical, practical, or viability considerations.

¹⁰⁶ An EPC gives an estimate of energy use, carbon dioxide (CO₂) emissions and fuel costs, providing an energy efficiency rating from A (most efficient) to G (least efficient).

¹⁰⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf

¹⁰⁸ Strategic Objectives: SO20, SO7 and SO8

¹⁰⁹ A higher minimum standard for new build reflects the City Plan Part 2 Energy Study¹⁰⁹ findings that in the city, the majority of new domestic properties (69%) and new non-domestic properties (78%) achieve an EPC of 'B' or above.

2.348 In Brighton & Hove fuel poverty was estimated to affect 11.9% of households, higher than national and regional averages¹¹⁰. The City Plan Part 2 Energy Study shows there is lower performance in existing buildings than in new buildings. In existing buildings, 57% of non-domestic properties, and 74% of dwellings achieve a 'D' rating or above. Of these dwellings, the majority have a 'potential' to achieve a 'C' or 'B' rating with some relatively straightforward cost effective energy efficiency improvements¹¹¹. Performance levels may be lower in existing buildings due to historic building fabric, and planning constraints associated with heritage designations. To protect tenants from fuel poverty, an EPC 'C' rating is expected of all development associated with existing development.

2.349 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 authority 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.

Low Carbon Opportunity Zones

2.350 There are certain locations within the city that offer greater potential for the installation of low and zero carbon technologies (LZCs). In these locations developers are encouraged to assess the potential to deliver higher CO₂ savings through greater passive design, fabric and energy efficiency measures and LZC technologies. These areas are identified as 'Low Carbon Opportunity Zones':

a) Development Areas 1- 7 (City Plan Part 1)

2.351 Analysis from the Energy Study 2018 shows that there are significant opportunities to install low and zero carbon energy technologies and heat networks within the identified development areas. Consideration should also be given to whether there is an existing energy schemes outside the boundary of the site which the development could connect to in order to achieve the best energy solution for the development.

b) Housing Allocations in the urban fringe (Policy H2)

2.352 Urban fringe housing sites could also reasonably be expected to deliver more in regards to low carbon and sustainable design and, as greenfield sites, these locations are also likely to offer greater flexibility in master-planning and design of buildings to maximise the use of energy and sustainable design measures.

c) Within industrial areas identified and safeguarded in City Plan Part One Policy CP3.3.

¹¹⁰ Annual Fuel Poverty Statistics Report (2015) quoted in Brighton & Hove Fuel Poverty and Affordable Warmth Strategy 2016-2020.

¹¹¹ Brighton & Hove City Plan Part Two Energy Study (AECOM 2018) Section 3.3

2.353 Development taking place within existing designated industrial areas is also likely to offer the potential for additional energy and sustainability measures, for several reasons. These locations will have fewer issues associated with visual impact and are likely to contain buildings with features, such as greater roof areas, that will support increased installations of solar energy. Additionally, uses on these sites may be more energy-intensive, in which case the use of LZCs could help to relieve pressure on local power networks. Furthermore, they may produce waste heat or materials that could be used to supply energy onsite or nearby.

2.354 It will be the developer's responsibility to assess the viability of installing more LZCs in specific locations. Community ownership of LZCs, could provide a means to finance LZC schemes and offers additional benefits to the community.

Evidence of compliance

2.355 The move towards zero-carbon development requires comprehensive monitoring of energy demand and carbon emissions to ensure that buildings are well designed, and to ensure planning commitments are being delivered.

2.356 The City Plan seeks to maximise the delivery of low and zero carbon (LZC) energy technologies associated with new development in the city. It is anticipated that developers will use LZCs to meet the CO₂ reduction and BREEAM targets once Part L targets have been achieved. Understanding what has been proposed will be important to support the Council in recording the types of technologies used and the scale of installations within Brighton and Hove.

2.357 The achievement of the CO₂ emission reduction standard can be demonstrated through an Energy Statement prior to commencement of development. At post construction stage, achievement of the standard can be demonstrated through final 'as built' reports produced for Building Regulations compliance e.g. SAP (Standard Assessment Procedure) for dwellings, and or SBEM (Simplified Building Energy Model) or BRUKL (Building Regulations UK Part L) for non-domestic development. The council will expect 'as built' reports for non-domestic developments to demonstrate compliance to Policy CP8 BREEAM standards, ie 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.

2.258 Detailed 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.

2.359 This 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.

DM45 Community Energy

Developers of medium scale and major development schemes¹¹² are encouraged to actively seek community energy partners to deliver low and zero carbon energy¹¹³ solutions which are ‘led by’; or ‘meet the needs’ of local communities

Supporting Text

2.360 The City Plan recognises the importance of enabling communities and residents to take a greater share in the benefits of the UK’s transition to low carbon energy. This policy follows on from City Plan Part One policy CP8 Sustainable Buildings, part 2 (a), (b), (c), and (d).

2.361 The Government’s Community Energy Strategy (2014)¹¹⁴ supports the role that communities can play in helping to meet the UK’s energy and climate change challenges, and asks all authorities to show leadership to help deliver community energy projects.

2.362 The local energy economy in Brighton & Hove can deliver significant long term benefits to the community, including reduced energy bills, increased energy sustainability and security, and a shift of ownership to local people.

2.363 Developers of medium scale and major development schemes are encouraged to actively seek community energy partners to deliver low 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 in accordance to the council social value framework¹¹⁵. This policy is particularly relevant where viability issues restrict the applicants’ ability to maximise the potential for low and zero carbon energy as part of their scheme.

¹¹² Medium scale and major developments are defined as:

- non-residential retail developments over 151sqm;
- other non-residential development over 236sqm; and
- residential development over 3 units.

¹¹³ Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels). (Definition from NPPF).

¹¹⁴ [UK Community Energy Strategy 2014 and update 2015](#)

¹¹⁵ [https://present.brighton-hove.gov.uk/Published/C0000912/M00006397/AI00051935/\\$20160713113212_009343_0038669_Brighton-and-Hove-Social-Value-Framework.docx.pdf](https://present.brighton-hove.gov.uk/Published/C0000912/M00006397/AI00051935/$20160713113212_009343_0038669_Brighton-and-Hove-Social-Value-Framework.docx.pdf)

2.364 ‘Full community ownership’ is defined as where the community, through an appropriately constituted community energy enterprise, has ownership and control of the revenue, surplus income and energy generated by the development (which could include being used to provide cheaper energy within the community through locally discounted tariffs). This model provides the greatest scope for long term accessible and inclusive benefits for the local community and will therefore receive the greatest level of support. Other models exist such as split ownership, joint venture, equity shares, and post-construction community buy out.

2.365 Some areas of Brighton & Hove have been identified as ‘low carbon opportunity zones’ where there is greater potential for the installation of renewable or low carbon energy, or which justify greater efforts to reduce environmental impacts. In these locations developers are encouraged to assess the potential to deliver higher CO₂ savings. A community energy approach where schemes are led by, and/or meet the needs of local communities and provide a positive local benefit, may assist in delivering higher levels of CO₂ savings in a viable way in these zones.

2.366 Neighbourhood Forums are encouraged to consider the potential for community energy when preparing Neighbourhood Plans.

DM46 Heating and cooling network infrastructure

The Council will encourage development proposals to consider the inclusion of integrated heat networks and/or communal heating systems in accordance with Policy CP8 in City Plan Part One¹¹⁶ .

Where proposals come forward with combined heat and power (CHP) they must meet CHP Quality Assurance standards (CHPQA)¹¹⁷ and demonstrate that heating and cooling systems have been selected in accordance with the heating and cooling hierarchy and CIBSE Heat Network Code of Practice¹¹⁸ and address the requirements in Policy DM40;

All proposals that include heat networks must demonstrate they offer heat service customer protection by adopting a customer protection scheme (such as Heat Trust¹¹⁹ or equivalent); and

All development incorporating heat network infrastructure which is proposed within or adjacent to a heat priority area¹²⁰ will be expected to meet the minimum standards specified in the CIBSE Heat Network Code of Practice and demonstrate its suitability to a future connection to a wider heat network, including;

- a) control systems and temperatures of operation;**
- b) routing of pipework and location of the energy centre;**
- c) safeguarded access for external pipework into the energy centre; and**
- d) space within the energy centre for a future heat substation.**

Supporting Text

2.367 This policy seeks to ensure that heat network infrastructure and communal heating systems are incorporated into new development where appropriate to support wider heat network development within Brighton & Hove. The policy will ensure that heat network infrastructure is constructed to a high quality to provide a reliable, affordable, quality and low carbon source of heat to end users as well as

¹¹⁶ City Plan Part 1 Development Areas 1-8 include priorities related to consideration/ incorporation of infrastructure to support low and zero carbon decentralised energy.

¹¹⁷ CHP Quality Assurance programme (CHPQA) is a government initiative www.gov.uk/guidance/combined-heat-power-quality-assurance-programme

¹¹⁸ CIBSE Heat Networks Code of Practice CP1 ‘Heat Networks: Code of Practice for the UK’ www.cibse.org/knowledge/knowledge-items/detail?id=a0q200000090MYHAA2

¹¹⁹ <http://heattrust.org/>

¹²⁰ Fourteen heat priority areas where identified in figure 23 in the [B&H Renewable & Sustainable Energy Study](#) and allocated in CPP1. These identify areas in the city with enhanced opportunity for the successful delivery of heat networks. Further heat priority areas may be identified when this study is updated.

consistency and connectivity of decentralised energy systems and protections for heat customers.

2.368 An increasing number of heat networks and communal heating systems¹²¹ are being integrated into development schemes across Brighton & Hove and in neighbouring authority areas. Heat and cooling networks along with decentralised energy schemes are expected to extend across the city and region in future years and decades. This policy expands on the existing Policy CP8 in City Plan Part One by providing additional criteria that should be addressed when such schemes come forward.

Heating and cooling hierarchy

2.369 City Plan Part One Policy CP8 at paragraph 4.85 sets out that an assessment of the energy demand and carbon dioxide emissions will be expected from all proposed residential and major developments (see also Policy DM44 Energy Efficiency and Renewable Energy). This should show how carbon emissions have been reduced, energy efficiency integrated, renewable energy installed, and connections facilitated or made to heat networks where they exist.

2.370 In addition to the criteria set out in the City Plan Part One, proposals should demonstrate that the heating and cooling systems have been selected in accordance with the heating and cooling hierarchy as set out in Table 4, with priority given to the first energy system and type of technology. This will ensure that development in the city contributes to meeting Strategic Objective 07 in the City Plan, to contribute to a reduction in the ecological footprint of Brighton & Hove.

2.371 Feasibility assessments should meet the minimum requirements in Section 2 of the CIBSE Heat Networks Code of Practice, providing a rationale for the preferred option and incorporating a high level assessment of the potential to extend the network beyond the development area in future. Centralised communal wet heating systems are encouraged rather than individual gas boilers or electric heating, particularly in locations within or near to the identified heat network priority areas.

2.372 Proposals for major developments should demonstrate and quantify how the development will comply with the heating and cooling hierarchy. In accordance with DM40 Protection of the Environment and Health – Pollution and Nuisance, biomass combustion and combined heat and power systems will not be acceptable in certain areas of the city due to a need to comply with nitrogen dioxide limits and improve air quality.

¹²¹ Communal heating means the distribution of thermal energy in the form of steam, hot water, or chilled liquids from a central source in a building which is occupied by more than one final customer, for the use of space heating, process heating, cooling or hot water.

Heat network means the distribution of thermal energy in the form of steam, hot water or chilled liquids from a central source of production through a network to multiple buildings or sites for the use of space heating or process heating, cooling or hot water.

Table 4 The Heating and Cooling Hierarchy

Heating and Cooling Hierarchy	
System	
1.	Connection to existing heat/cooling networks
2.	Site wide heat/cooling network
3.	Building heat/cooling network
4.	Individual heating/cooling systems
Technology	
1.	Systems using renewable/waste energy sources e.g. heat pumps and/or secondary sources
2.	Low carbon low emission technologies
3.	Conventional systems e.g. gas or direct electric

Combined heat and power quality assurance (CHPQA)

2.373 Combined Heat and Power (CHP) refers to the simultaneous generation of heat and power in a single process. This provides one of the most cost-effective approaches for making carbon savings and plays a crucial role in the UK Climate Change programme. The CHP Quality Assurance programme (CHPQA) is a Government initiative providing a practical, determinate method for assessing all types and sizes of CHP schemes throughout the UK and aims to monitor assess and improve the quality of CHP. The Government is committed to increasing the UK's CHP capacity because of the considerable environmental, economic and social benefits it can bring together with its contribution to security of supply.

Successful CHPQA certification grants eligibility to a range of benefits¹²². CHPQA, by assessing CHP schemes on the basis of their energy efficiency and environmental performance, ensures that the associated fiscal benefits are in line with environmental performance.

Customer protection for communal heat service users

2.374 The heating sector, unlike gas and electricity, is an unregulated market. This means that customers can be vulnerable to variable pricing and service standards

¹²² CHPQA current benefits at April 2017 include Renewable Heat Incentive, Carbon Price Floor (heat) relief, Climate Change Levy exemption (in respect of electricity directly supplied), Enhanced Capital Allowances and preferential Business Rates.

from their heat provider. To ensure customers receive fair and quality services, proposals for communal heat systems are expected to adopt a nationally recognised customer protection scheme in the delivery and management of their service. An example of a national scheme is the Heat Trust Customer Protection Scheme¹²³.

Heat Network Good Practice standards

a) Technical specifications for connection

2.375 Within City Plan Part One, Policy CP8, the Development Area policies and some of the Strategic Areas policies set out local priorities that proposed energy systems in heat priority areas should be ‘connection ready’ (to have capacity for future connection) or connect where a network is planned or exists.

2.376 Where there is requirement for heat network connection or to be ‘connection ready’, buildings connecting to an existing heat network should adhere to the relevant guidelines set in the CIBSE Heat Networks Code of Practice Chapter 3 ‘Design’.

b) Indicative space requirements

2.377 Buildings should allow adequate plant room space to allow for connection at a later date (indicative requirements are shown in the table below).

Table 5 - Indicative space requirements for heat exchange substation equipment within building plant rooms¹²⁴

Heating Capacity, kW (space heating + ventilation)	Approximate building size, m ³	Space required by the heating equipment, m ²
30	1,000-1,500	2
200	10,000-15,000	4
400	20,000-30,000	5
800	40,000-60,000	6

¹²³ Heat Trust Protection Scheme: www.heattrust.org. Heat customers that are served by heat networks registered with Heat Trust will benefit from the standards set out within the Scheme. These standards are designed to be comparable to the service standard required by gas and electricity companies and include: support for vulnerable consumers, responding to faults and emergencies, guaranteed service payments for interruptions in supply, metering and billing and complaints handling. Customers will also be able to access the Energy Ombudsman if they remain unhappy with how their heat supplier has managed their complaint.

¹²⁴ Greater London Authority. (2014). London Heat Network Manual. Pg.41.

https://www.london.gov.uk/sites/default/files/london_heat_map_manual_2014.pdf

a) Pipe routes

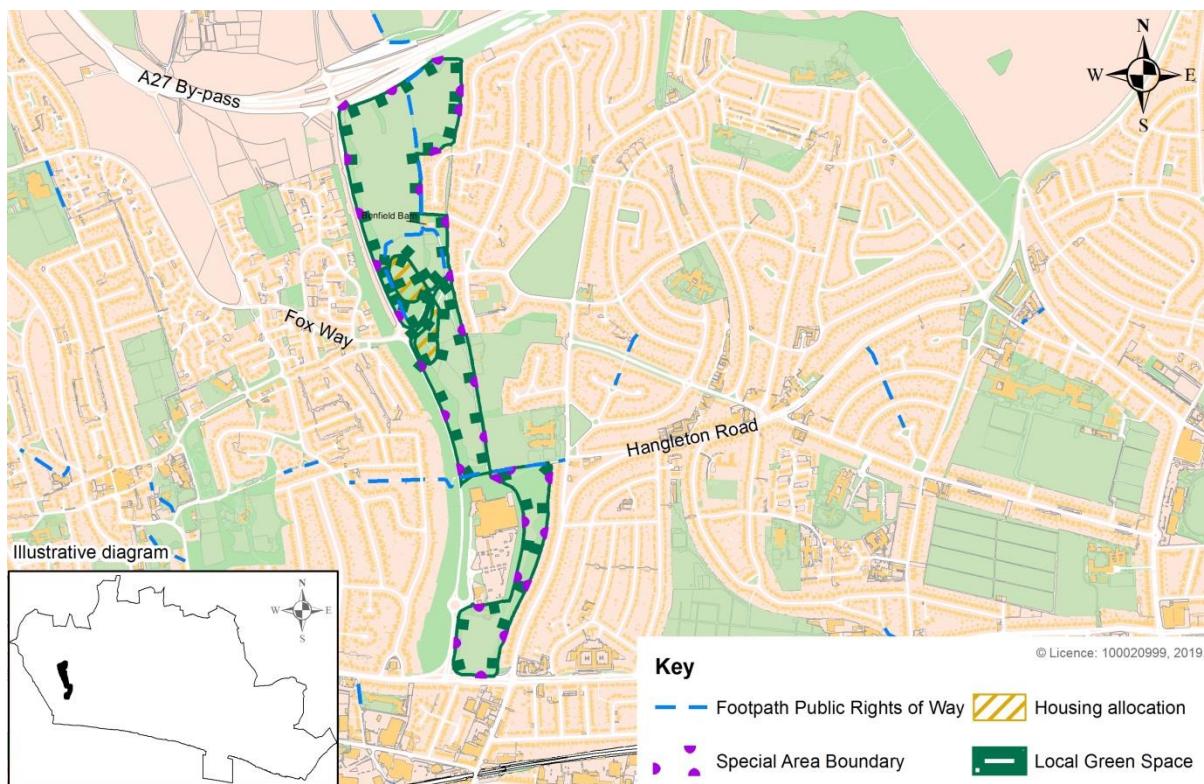
2.378 The developer should, with the support of the planning authority, identify and safeguard a pipe route to allow connection between the building and the highway or identified network route where available. The developer should not compromise or prevent the potential connection of the building to a planned network.

2.379 See also Policy DM40 Protection of Environment and Health – Pollution and Nuisance regarding air quality.

Section 3 - Special Area Policy, Strategic Site Allocations, Housing and Mixed Use Sites and other Site Allocations

Special Area SA7 Benfield Valley

Figure 2 Illustrative Diagram



Land at Benfield Valley will be protected and enhanced as an important green wedge into the urban area, a valued Local Wildlife Site and Local Green Space. The council will promote and support the careful use and management of land and buildings at Benfield Valley to achieve the following objectives:

- The continued protection and enhancement of the wider biodiversity and landscape role and character of Benfield Valley as an important green wedge connecting the urban area to the South Downs National Park;
- Securing biodiversity conservation and enhancements; including wildlife connectivity and buffer zones, as well as the ongoing and positive management of wildlife habitats and securing a long term funded management and maintenance plan to be agreed with the council;
- The creation of ‘gateway’ facilities and interpretation facilities in connection with the South Downs National Park;
- The protection and enhancement of the open spaces at Benfield Valley to include a long term funded management and maintenance plan to be agreed with the council;

- Improved public access through the site and to the wider natural environment through the provision and improvement of safe pedestrian and cyclist access including the north/ south linear footpath/cycleway on the eastern side of Benfield Valley and existing rights of ways;
- The sympathetic repair and re-use of Benfield Barn and its associated structures and walls in a way that is compatible with and integrates with the landscape character of Benfield Valley, the wider natural environment and the Benfield Barn Conservation Area.

Residential development in accordance with the identified development areas shown to the north and south of Hangleton Lane will be permitted provided that such development addresses the key considerations set out in Policy H2 Urban Fringe Housing Sites. Development proposals will be required to preserve the settings of the Benfield Barn and Hangleton Conservation Areas and contribute towards the achievement of the key objectives as listed above (see also Policy H2) and as set out in City Plan Part One Policy SA4 Urban Fringe.

Appropriate uses of the Benfield Barn and outbuildings within the conservation area will be non-intensive community and /or recreational facilities appropriate to the area. Proposals for the use of the buildings should include provision for a respective long term funded management and maintenance plan, to be agreed with the council.

Development proposals will also be subject to the criteria set out in City Plan Part One Policy SA4.

Supporting Text

3.1 The purpose of this policy is to facilitate the positive and ongoing management and maintenance of Benfield Valley's open spaces, wildlife habitats and heritage assets and to improve and enhance public access and connectivity with the adjoining urban areas and to the South Downs National Park, a key focus of the UNESCO Biosphere.

3.2 Benfield Valley is an important green wedge extending from the urban area in the south northwards to the National Park. It acts as an important 'green lung' with major open spaces at both the north and southern ends and is well used by the public for outdoor recreation. It also contains significant wildlife habitats and protected species and much of the area has been designated a Local Wildlife Site (LWS). It is proposed to maintain a broad linear Local Green Space to maintain the valley's green wedge landscape role and character. The designation of Benfield Valley as a Local Green Space was a recommendation of the 2014 Urban Fringe Assessment Study and was supported through public consultation at the Scoping Stage of City Plan Part Two (see also Policy DM38 Local Green Spaces).

3.3 Benfield Barn is a listed building and together with the historic outbuildings and flint walls in the vicinity of the Barn constitutes the Benfield Barn Conservation Area. The Barn and the surrounding area is ideally located to be a ‘stepping off’ point for the wider South Downs National Park and the Barn itself offers an ideal opportunity to secure a community / interpretation or gateway facility to forge stronger links between the urban area and the National Park.

3.4 The northern part of Benfield Valley north of Hangleton Lane lies within an Archaeological Notification Area (ANA). Saxon burials have been found in the area. The site has a good topographic location that would have been suited to settlement in the prehistoric and Romano-British periods. It has high potential for archaeology from these periods as well as the potential for early medieval graves.

3.5 A key aim of this policy is to secure long term and enduring positive management, maintenance and enhancement of Benfield Valley and Benfield Barn and the better connection of the valley both to the surrounding urban areas and to the National Park. To help facilitate this, and in recognition of the city’s wider housing needs, provision has been made for an element of residential development to correspond with the potential development areas lying identified to the north and south of Hangleton Lane. Proposals for development will need to fully address the development considerations set out in Policy H2 Urban Fringe Housing Sites and meet the specific development management criteria set out in Policy SA4 Urban Fringe in City Plan Part One.

3.6 The identified areas of development potential to the north and south of Hangleton Lane have potential for approximately 100 dwellings. Given the relatively contained nature of Benfield Valley, it is envisaged that residential densities within the areas of development potential could be higher than those of existing surrounding residential areas. It is considered that development of up to three storeys might be accommodated without harm to key views and the settings of nearby listed buildings. It is expected that any development proposals will need to incorporate appropriate buffers, landscaping and screening.

3.7 Proposals will be required to make provision for and secure long term management plans for the positive and enduring enhancement and management of the valley’s open spaces and wildlife habitats.

3.8 The most northern part of the Valley is important to the wider landscape character where informal public outdoor recreation, which is sympathetic to wildlife and the enhancement of habitat mosaics, would be appropriate. The middle section of the Valley, to the west of Greenleas in the southern part of the Valley, could provide opportunities for public outdoor recreation which could include provision for more formal sports provision provided appropriate regard is given to biodiversity. Any provision for indoor sports provision would need to demonstrate there is an identified

sports need and there are no deliverable alternatives in order to justify any exception to the local green space designation.

3.9 Proposals for development will therefore be required to provide detailed assessments to include the following:

- A Landscape and Visual Character Assessment¹²⁵ which will inform landscape led masterplans for development sites and associated management/maintenance plans;
- An Ecological Assessment¹²⁶ which will inform associated management/maintenance plans;
- An Archaeological Assessment;
- A Transport Assessment
- A Heritage Statement

3.10 In terms of connectivity to the wider urban area and to the National Park, as part of the UNESCO Biosphere, there are positive opportunities to secure better linkages through the site in terms of improved pedestrian and cycle routes particularly with regard to the existing north-south cycle/footway; the existing desire lines which cross the site at various points and existing rights of way. The need to enhance accessibility, maintain and improve the links to and through the site and deliver an effective and visually attractive gateway to the National Park will be important considerations in the determination of development proposals and agreed management plans.

¹²⁵ To be carried out in accordance with Guidelines for Landscape and Visual Impact Assessment 3rd Edition (Landscape Institute and IEAM 2013).

¹²⁶ To be carried out in accordance with BS42020:2013 and CIEEM guidance.

Strategic Site Allocations

SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road

The Brighton General Hospital site as shown on the Policies Map is allocated for comprehensive mixed use development to include:

- 10,000 – 12,000 sq m health and care facility (D1);
- a minimum of 200 residential units (Use class C3); and
- community facilities.

Planning permission will be granted for proposals that accord with the Development Plan and meet the following site specific requirements:

- a) Achieve a high quality of design which preserves and where possible enhances the setting of the Grade II Listed Building and non-designated heritage assets. A comprehensive Heritage Impact Assessment will be required;
- b) Create active frontages along Freshfield Road and Pankhurst Road through selective openings on the flint wall that do not undermine the heritage character;
- c) Maintain and improve the existing amenity greenspace through an integrated landscape, open space and public realm network to include the provision of children's playspace and/or a multiuse sports facility;
- d) Deliver sustainable transport infrastructure improvements that provide and promote public and sustainable transport and improved safe pedestrian and cyclist access to and through the site to support the mixed use development;
- e) The developer will enter into a training place agreement to secure training for local people;
- f) Occupation of development should be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider;
- g) The layout of new development should be planned to ensure future access to existing sewerage network infrastructure for maintenance and upsizing purposes is maintained; and
- h) The development should contribute towards Biodiversity Action Plan objectives and provide biodiversity net gains, green infrastructure and wider landscaping enhancements through creative landscaping solutions and make provision on-site to safeguard the swift colony.

Supporting Text

3.11 Brighton General Hospital is a prominent and important brownfield site within the city and can meet citywide priorities through the re-provision of new purpose built health and care facilities alongside new housing to help meet citywide needs and community facilities.

3.12 The main Brighton General Hospital Arundel Building and the later built infirmary blocks form a prominent group of landmark buildings on the high ridge on the east side of Brighton. The site occupies an elevated position with extensive viewpoints across the city and requires a high quality architectural response. The Arundel Building is a Grade II listed building and was formerly used as the city's workhouse. There are a number of 19th Century Infirmary and Workhouse Blocks located within the curtilage of the principal listed building and are therefore also listed. Development proposals with the potential to affect the listed building or its settings should be supported by appropriately scaled Heritage Impact Assessments.

3.13 As part of the Greater Brighton One Public Estate Work Programme the council has been working with Sussex Community NHS Foundation Trust to unlock the potential of surplus public land. Following high level assessment and masterplanning, the Sussex Community NHS Trust have indicated that they have a continuing requirement for health and social care facilities and administrative offices on the site with a desire to create a modern purpose built health and care campus.

3.14 New residential development will be expected to meet the requirements for new housing as set out in City Plan Part One policies e.g. CP14 Housing Density, CP19 Housing Mix and CP20 Affordable Housing together with those set out in DM1 Housing Quality, Choice and Mix. Community facilities will be sought as part of the residential development to serve the wider residential area where limited facilities exist at present.

3.15 Opportunities to promote public and sustainable transport will be sought in particular safe pedestrian and cyclist access to and through the site to support the mixed use development.

3.16 The site contains open space (classified as amenity greenspace) and the sub area will have an open space deficit by 2030¹²⁷. The existing open space should be maintained and improved through an integrated landscape, open space and public realm network to include the provision of children's playspace and or an informal multi use sports area (see City Plan Part One policies CP16 Open Space and CP17 Sports Provision). Opportunities also exist to incorporate sustainable drainage within the open space and landscaping improvements (DM43 Sustainable Drainage and DM22 Landscape Design and Trees).

¹²⁷ Open Space Study Update 2011

3.17 The site has been identified as requiring reinforcement of the water and waste water networks in order to provide additional capacity to serve the development. Occupation of development will need to be phased, and layout planned to align with the delivery of sewerage network reinforcement, in consultation with the service provider.

3.18 Opportunities to incorporate green infrastructure principles and enhance the biodiversity value of the new development and provide biodiversity net gains will be sought (DM37 Green Infrastructure and Nature conservation). Green infrastructure measures such as roof gardens, green walls and green roofs could be designed into the development to enhance the otherwise, very urban environment. 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.

3.19 The site has potential for contamination due to its previous use. Development proposals should undertake and submit to the Local Planning Authority supporting evidence where possible land contamination and remediation may prohibit the delivery of the specified uses and amounts, in line with the requirements of Policies DM40 and DM41.

SSA2 Combined Engineering Depot, New England Road

The Combined Engineering Depot, New England Road as shown on the Policies Map is allocated for comprehensive mixed use development to include:

- a minimum of 100 residential units (Use class C3); and
- the provision/replacement of a minimum of 1,000 sq m B1 workspace and managed starter office units.

Planning permission will be granted for proposals that accord with the Development Plan and meet the following site specific requirements:

- a) Contribute towards the local priorities for the wider Development Area as set out in City Plan Part One Policy DA4;
- b) Achieve a high quality of design and amenity which responds to the close proximity of the railway lines;
- c) Sustainable transport infrastructure improvements that provide and promote public and sustainable transport and improved safe pedestrian and cyclist access to the site to support the mixed use development;
- d) Improvements to the pedestrian environment along New England Road including the introduction of an active and engaging streetscape and improved lighting;
- e) Take into account impact on local air quality and seek improvements and/ or mitigation wherever possible;
- f) Enhance and strengthen green infrastructure and secure enhancements to biodiversity to provide biodiversity net gains in the area;
- g) Building heights and massing should respect strategic city wide views and enhance the setting of nearby heritage assets;
- h) The developer will enter into a training place agreement to secure training for local people; and
- i) Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider.

Supporting Text

3.20 The Combined Engineering Depot, New England Road is located to the north of the Brighton mainline station site. Currently in operational use, owners Network Rail have indicated the potential for the majority of the site to come forward for redevelopment during the plan period following relocation of some of the current operations elsewhere in the rail estate. For Network Rail the priorities are to unlock surplus land for homes, drive economic growth in towns and cities and reinvest money into the rail network to help fund the Railway Upgrade Plan. The

redevelopment of this site offers the opportunity to deliver new housing whilst providing employment space for local jobs.

3.21 The redevelopment of the site needs to reflect the identified local priorities set out in City Plan Part One Policy DA4 New England Quarter and London Road area.

3.22 Careful consideration will need to be given on the siting of the residential element given the ‘island’ nature of the site which is bordered by the existing open railway lines and New England Road (B2122). Proposals will be required to address air quality, noise and vibration issues and create an attractive residential environment. Opportunities to improve links to the wider Brighton Station site should also be explored.

3.23 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. 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’)

3.24 The future redevelopment of the site provides an opportunity to improve the frontage of the site onto New England Road and create an attractive and active streetscape. Redevelopment proposals should enhance and strengthen green infrastructure (the Brighton Station Greenway is in close proximity) and secure enhancements and net gains to biodiversity in the area. Opportunities also exist to incorporate Sustainable Drainage¹²⁸ within the open space and landscaping improvements (in line with requirements of Policies DM43 Sustainable Drainage and DM22 Landscape Design and Trees). Environmental improvements should address air quality issues and include a better pedestrian environment in front of the site including the under the railway viaduct.

3.25 The industrial history of the site means there is the potential for land contamination. Development proposals should undertake and submit to the Local Planning Authority supporting evidence where possible land contamination and remediation may prohibit the delivery of the above uses and amounts, in line with the requirements of Policies DM40 and DM41.

¹²⁸ The site is located downstream of an adopted City Plan Part 1 strategic site allocation in the same watershed (Telecom House 123-135 Preston Road). The SFRA 2018 Update recommends that, the cumulative impact of these developments on flood risk should be considered through site specific Flood Risk Assessment.

SSA3 Land at Lyon Close, Hove

Land at Lyon Close, Hove as shown on the Policies Map is allocated for comprehensive mixed use redevelopment to deliver more effective and coordinated use of the whole site.

Development/ redevelopment across the allocated site will deliver the following:

- the retention/ replacement of a minimum of 5,700 sq m net B1a office floorspace through the mixed use development of the following sites:
 - i) Spitfire House, 141 Davigdor Road - 1,000 sq m (retention)
 - ii) 113-119 Davigdor Road - 700 sq m
 - iii) P&H House 106 - 112 Davigdor Road - 1,000 sq m
 - iv) Preece House 91-103 Davigdor Road – 2,000 sq m
 - v) Peacock Industrial Estate¹²⁹ – 1,000 sq m
- a minimum of 300 residential units (Use class C3);
- expanded D1 health facilities (GP surgery) and/or community uses subject to demonstration of need and deliverability; and
- ancillary small scale retail uses.

Should the retail warehouse units¹³⁰ come forward for redevelopment during the Plan period then the council will seek a mix of B1 business and residential uses.

Planning permission will be granted for proposals that accord with the Development Plan and meet the following site specific requirements:

- a. Proposals relating to individual buildings and/or sites forming part of the allocation will be required to demonstrate they will not prejudice delivery of the quantum of development and uses identified in this policy.
- b. All proposals, including changes in existing business uses (Use Class B1-B8), 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;
- c. Development should be of a high quality of design and amenity which responds to the close proximity of the railway lines; incorporate active uses at lower floor levels providing an active and engaging streetscape to Davigdor Road, Lyon Close and the upper part of Holland Road;

¹²⁹ Units A, B and C east of Lyon Close access road

¹³⁰ Retail Units 1 and 2 Peacock Industrial Estate

- d. Development should contribute to a coherent townscape; improved public realm and provide shared amenity space; biodiversity net gains, green infrastructure and wider landscaping enhancements through creative landscaping solutions;**
- e. Provision should be made for sustainable transport infrastructure improvements that provide and promote public transport and improved pedestrian and cyclist access to and through the site to support the mixed use development;**
- f. Development should provide for a mix of dwelling type, tenure and size to cater for a range of housing requirements and to improve housing choice (see Policy CP19);**
- g. The developer will enter into a training place agreement to secure training for local people;**
- h. Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider; and**
- i. Layout is planned to ensure future access to existing infrastructure for maintenance and upsizing purposes.**

Supporting Text

3.26 Land at Lyon Close includes a number of offices, retail and industrial units. There are adjacent healthcare uses and the site is close to two schools, a local retail parade, church and the well-used St Anne's Well Gardens. The site is identified as a strategic allocation reflecting the locality's diverse mix of uses and recognising that change is happening with a number of residential buildings under construction or approved within the allocated area. The allocation is intended to ensure a coordinated and comprehensive mixed use redevelopment of the wider site which will contribute to the housing supply in Brighton & Hove whilst maintaining an important employment role and ensure more efficient use of the land.

3.27 A coordinated masterplan approach to redevelopment will enable improvements to the permeability of the wider site; and to create active spaces and uses at lower floor levels whilst providing more vibrant and engaging streetscapes to Davigdor Road, Lyon Close and the upper part of Holland Road. There is also an opportunity to ensure shared/ private amenity space is provided for new residents and workers. There are opportunities to improve the image of the whole area with additional street trees on Davigdor Road, improvements in the public realm and improving pedestrian connectivity within the site and to the wider area in particular Somerhill Road. A coordinated approach will ensure improved vehicle access and connections into and

through the site. A set of Design Principles (created with the support of Design South East) has informed the strategic allocation and will be expected to be taken into consideration in design proposals¹³¹. The Design Principles identify the site allocation as being potentially suitable for taller buildings (defined as 18 metres or more in height/approximately 6 storeys) with the taller elements towards the north of the site. However, proposals for tall buildings will need to be tested for visual impact from key viewpoints as well as taking into account City Plan Part One policies and supplementary guidance on tall buildings (to be reviewed in the forthcoming Urban Design Framework).

3.28 The site at its western end is in close proximity to the boundary of the Willett Estate conservation area and any development on this site must give careful consideration, in terms of scale, massing and layout, to its impact on the setting of the conservation area. Consideration will also need to be given to the locally listed Montefiore Hospital. Any application will be expected to demonstrate that these considerations have informed the proposed development.

3.29 The Strategic Flood Risk Assessment Update 2018¹³² indicates the occurrence of surface water flooding at this site. In accordance with DM43 Sustainable Drainage, opportunities should be sought to incorporate appropriate sustainable drainage (SuDs) as part of development proposals and landscaping improvements to help reduce the risk of surface water flooding on site and support climate change adaptation. The Sustainable Drainage SPD provides further guidance.¹³³

3.30 Opportunities to incorporate green infrastructure principles and enhance the biodiversity value of the new development through biodiversity net gains will be sought (DM37 Green Infrastructure and Nature Conservation). Green infrastructure measures such as roof gardens, green walls and green roofs could be designed into the development.

3.31 The industrial history of the site means there is the potential for land contamination. Development proposals should undertake and submit to the Local Planning Authority evidence to support uses where possible land contamination and remediation may prohibit the delivery of the above uses and amounts, in line with the requirements of Policies DM40 and DM41.

¹³¹ Lyon Close, Hove Design Workshop Report January 2018

¹³² SFRA Update 2018, JBA consulting – Level 2 SFRA detailed site summary tables.

¹³³ Sustainable Drainage SPD (SPD16) adopted 26 September 2019.

SSA4 Sackville Trading Estate and Coal Yard

Land at Sackville Trading Estate and Coal Yard as shown on the Policies Map is allocated for a comprehensive mixed use development to include:

- A minimum of 500 residential units (Use Class C3);
- A minimum of 6000m² B1 employment floorspace;
- Ancillary retail and food and drink outlets;
- High quality public realm including a public square;
- Children's playspace and/or an informal multi use sports area; and
- Community facilities based on local need.

Planning permission will be granted for proposals that accord with Development Plan policies and meet the following site specific requirements:

- a) Contribute towards the local priorities for the wider Development Area as set out in City Plan Part One Policy DA6 and meet the policy requirements of a future Hove Station Neighbourhood Plan once adopted;
- b) Achieve a high quality of design and amenity which responds to the close proximity of the railway lines;
- c) Improve permeability into the site by providing accessible pedestrian linkages to Sackville Road, and from the eastern end of the existing Coal Yard to Hove Station or Fonthill Road or other location south of the railway line;
- d) Be designed to facilitate the creation of additional connections to Newtown Road should future redevelopment occur on adjacent sites;
- e) Make provision for sustainable transport infrastructure improvements that provide and promote public and sustainable transport in particular safe and improved pedestrian and cyclist access to and through the site to support the mixed use development;
- f) Take account of impacts on local air quality and seek improvements and/or mitigation wherever possible;
- g) The developer will enter into a training place agreement to secure training for local people;
- h) Enhance and strengthen green infrastructure and secure enhancements to biodiversity to provide biodiversity net gains in the area;
- i) Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider; and
- j) Layout is planned to ensure future access to existing infrastructure for maintenance and upsizing purposes.

Supporting Text

3.32 Sackville Trading Estate is located on the east side of Sackville Road, approximately 50 metres south of the junction with Old Shoreham Road, with the Coal Yard being a wedge shaped piece of land further to the south abutting the railway line, with Hove station situated to the east. The Trading Estate part of allocated site currently contains a number of small scale buildings, which comprise of a mix of employment, trade counter and restricted retail uses. The current floorspace on the site is understood to be 5,080sqm B uses. The Coal Yard comprises of a mix of sui generis employment generating uses, including the coal facility itself and the Council car pound.

3.33 Redevelopment of the site should be guided by local priorities for the Hove Station Development Area as set out in City Plan Part One Policy DA6, which sets a requirement for an attractive and sustainable mixed-use area focussed on employment. The additional land available through incorporation of the Coal Yard site will allow a more ambitious scheme than that previously permitted, and should enable the minimum quantum of development specified in Policy DA6 to be exceeded across the Development Area as a whole.

3.34 The site also falls within the Hove Station Neighbourhood Forum area. A draft Neighbourhood Plan has been produced and was consulted on in summer 2018.

3.35 The policy's employment floorspace requirement allows for the current level on the Trading Estate part of the site to be increased by a minimum of 20%. This is considered appropriate given the additional employment generating activities that would be lost through the redevelopment of the Coal Yard site. The local priorities include support for flexible employment space, and this should be provided as part of the redevelopment, together with move-on accommodation for growing businesses.

3.36 Ancillary retail and food and drink outlets should be small scale and intended to serve the residents and employees in the new development and local area.

3.37 The Hove Station area is identified in the Tall Buildings SPD¹³⁴ as having opportunities for tall building development. The inclusion of a well-designed and appropriate located tall building(s) could form part of a redevelopment scheme.

3.38 An Air Quality Management Area extends along Sackville Road to the junction with Old Shoreham Road. The effect of the new development on this AQMA 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.

¹³⁴ www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/localplan2001/15_SPGBHTall_buildings.pdf

3.39 Connectivity and pedestrian linkages from the southern part of the site are currently poor and redevelopment proposals need to ensure it becomes a successfully integrated part of the wider residential community. The site is located in close proximity to Hove Station, however there is no easy means of accessing the station by vehicle or on foot. Redevelopment proposals should robustly investigate the feasibility of providing improved access, for example through the provision of a footbridge to the existing station car park or by the creation of a new access to Fonthill Road from the east of the Coal Yard which would follow pedestrian desire lines.

3.40 Opportunities to incorporate appropriate sustainable drainage through site layout design including the public square and public realm and landscaping should be considered in order to avoid surface water flood risk and support climate change adaptation in accordance with DM43 Sustainable Drainage. Further guidance can be found in the Strategic Flood Risk Assessment Update 2018¹³⁵ and the Sustainable Drainage SPD¹³⁶. The site is located in an area with underground chalk aquifers identified as a Groundwater Source Protection Zone (zones 1, 2 and 3). Development in this location will need to ensure that groundwater resources are protected from pollution and safeguard water supplies in accordance with local priority DA6.8. The need to integrate new green infrastructure including green space, accessible green roofs, green walls and other features which support biodiversity objectives is a local priority for the Development Area (DA6.8) and secure net gains in biodiversity in accordance with CP10 and DM38.

3.41 The industrial history of the site means there is the potential for land contamination. Development proposals should undertake and submit to the Local Planning Authority supporting evidence where possible land contamination and remediation may prohibit the delivery of the above uses and amounts, in line with the requirements of Policies DM40 and DM41.

3.42 There is existing Southern Water infrastructure under the site which needs to be taken into account when designing the proposed development. An easement would be required, which may affect the site layout. This easement should be clear of all proposed buildings and substantial tree planting.

¹³⁵ SFRA Update October 2018, JBA consulting – Level 2 SFRA detailed site summary tables

¹³⁶ Sustainable Drainage SPD (SPD16) adopted 26 September 2019.

SSA5 Madeira Terrace and Madeira Drive

The refurbishment, restoration and revitalisation of Madeira Terrace is a key priority for the council. Madeira Terrace, as shown on the Policies Map is allocated for a vibrant and balanced mix of uses potentially including:

- **Retail uses (Use Classes A1, A3, A4, A5);**
- **Commercial space (Use Class B1);**
- **Small/ boutique hotel (Use Class C1);**
- **Galleries/museum(s) (Use Class D1); and/or**
- **Leisure uses (Use Class D2) appropriate to the character of the seafront.**

Planning permission will be granted for proposals that accord with the Development Plan and meet the following site specific requirements:

- a) **Seek the wider restoration and repair of the remainder of the Terraces and access points;**
- b) **Seek infrastructure improvements (including internet) along Madeira Drive.**
- c) **Provide improved sustainable transport, cycling infrastructure and pedestrian facilities to address severance along the seafront and to improve access to and along Madeira Drive for visitors and residents linking access improvements to the Black Rock site and the Marina;**
- d) **Provide improved access to and along the beach for visitors of limited mobility;**
- e) **Support and contribute towards a coordinated approach to public realm and event space improvements including the potential for shared spaces; improved lighting, signage and wayfinding;**
- f) **Allow small scale hardstanding areas on the ‘back of the’ beach parallel to Madeira Drive to provide basic visitor amenities such as toilets, shelter, kiosks and lifeguard facilities (see Policy DM39 Development on the Seafront policy);**
- g) **Conserve and enhance biodiversity in the area, in particular the vegetated seafront wall (Madeira Drive Green Wall Local Wildlife Site), and through landscaping provide opportunities for biodiversity net gains, shelter and shade;**
- h) **Encourage a variety of temporary/ pop up uses consistent with the area’s role as a centre for cultural, sports and family based activities.**

Supporting Text

3.43 A council priority is the successful regeneration of Madeira Drive to create a ‘seafront for all’ that features diverse and engaging attractions for residents and visitors. The approach will be based around introducing ‘activity clusters’ at key

points along the seafront, themed around different types of daytime and night time uses. These clusters will build upon areas along Madeira Drive that are already activated such as the 'Leisure Beach' cluster around the Yellowwave Beach Sports and the Former Peter Pan Leisure site (Policy SSA6). This will ensure that the seafront continues to be a year-round destination for sustainable tourism, leisure, recreation and culture, which in turn will support the city's economy and unlock future investment (see also Policy SA1 The Seafront).

3.44 Madeira Terrace is a Grade II listed 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.

3.45 The council is committed to the retaining, restoring and reactivating the Grade II listed structure. The renovation of Madeira Terrace will need to be sensitive to the structure's unique heritage and will need to be commercially viable in order to pay for its long term maintenance. It is likely that a variety of commercial uses will be placed in the arches of Madeira Terrace. This might take the form of single units, or a combination of units with an emphasis on creating a vibrant mix and balance of uses, with active and attractive frontages suitable for independent/ local businesses that do not duplicate activities offered elsewhere along the Seafront (see also Policy DM15 Special Retail Areas - The Seafront).

3.46 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 boutique hotel. However, residential use will not be permitted. Careful consideration needs to be given to the relationship and connection between the businesses within the arches and the area's ongoing role as Brighton and Hove's premier events space and the beach.

3.47 There is a need to improve connections between Marine Parade and Madeira Drive. This is important as it will help both to tackle severance and also to improve accessibility to Madeira Drive, the seafront and its attractions. A number of options will need to be considered such as the feasibility of reopening the closed staircases between Marine Parade and Madeira Drive; whether Madeira Lift could be opened all year round, improved wayfinding and reducing the severance cause by the Volks railway. Options to improve public transport along Madeira Drive will also need to be developed in the context of the Coastal Transport System (CTS) proposal, as well as the transport /access strategy for the proposed Waterfront East development at Black Rock (see Policy DA1 in the City Plan Part One) to improve access from Madeira Drive to Black Rock and Brighton Marina. Improvements to seafront

accessibility will require a comprehensive approach which considers all transport modes, as well as the various demands from different users of the space and beach including the elderly and disabled along the seafront. Improvements to seafront accessibility should support the implementation of the England Coast Path¹³⁷ and improve the cycling infrastructure (the South Coast Cycle Route - National Cycle Route 2).

3.48 The public realm along Madeira Drive needs improvement and a multifunctional / shared space approach will be promoted to address access and parking requirements, allowing for the use of the space for events as well as for pedestrians. A masterplan including public realm strategy will be developed to support the implementation of this policy.

3.49 Opportunities to improve and enhance the biodiversity of the area and access to areas of ecological importance (the Madeira Drive Green Wall Local Wildlife Site and the beach, including rare vegetated shingle habitats) will be required. Appropriate landscaping also offers the opportunity to provide biodiversity net gains, shelter and shade as well as incorporate sustainable drainage solutions to help reduce surface water flooding and support climate change adaptation, in accordance with Policy DM43 Sustainable Drainage and the Sustainable Drainage SPD.¹³⁸ High quality and sustainable development will be expected in accordance with the priorities set out in policies SA1 The Seafront in the City Plan Part One; Policy CP5 Culture and Tourism, DM39 Development on the Seafront and other city wide policies.

¹³⁷ Natural England has begun to investigate how to improve coastal access along a 50 km stretch of the Sussex coast between Shoreham-by-Sea and Eastbourne. This new access is expected to be ready in 2019.

¹³⁸ Sustainable Drainage SPD (SPD16) adopted September 2019.

SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive

The Former Peter Pan Leisure site, Madeira Drive as shown on the Policies Map is allocated for the following uses:

- **leisure uses (Use Class D2) or art and heritage uses (Use Class D1) appropriate to the character of the seafront providing the main use of the site; and**
- **ancillary supporting retail uses (Use Classes A1, A3, A4 and A5).**

Planning permission will be granted for proposals that accord with the Development Plan and meet the following site specific requirements:

- a. **Contribute towards the priorities for the Seafront as set out in City Plan Part One Policy SA1, including supporting the role of the seafront as an all year recreation attraction for residents and tourists;**
- b. **Achieve a high quality of design and sustainability which preserves and where possible enhances the setting of the East Cliff Conservation Area, adjacent Listed Buildings/ structures, the character of the seafront and strategic views;**
- c. **Development will need to be of an appropriate density to respect the open character of this area of the seafront and allow for sea views to be maintained through the development;**
- d. **Provide for sustainable means of transport to and from the site and demonstrate good linkages for pedestrians and cyclists;**
- e. **Complement the regeneration of Madeira Terraces and Drive (SSA5) and contribute to a coordinated approach to enhance the public realm;**
- f. **Improve accessibility and connectivity between the site and the beach and sea; and**
- g. **Conserve and enhance biodiversity in the area in particular the coastal vegetated shingle habitat at the adjacent Volks Railway LWS which is a rare and important habitat for local and migrating species and to provide biodiversity net gains;**

Supporting Text

3.50 Building on the success of the Seafront Development Initiative between the two piers the council wishes to establish the southern side of Madeira Drive as an all year round leisure destination for residents and visitors alike. Existing businesses on the southern side of Madeira Drive currently provide opportunities for a range of leisure opportunities for a variety of different user groups. Examples include Yellowwave and Peter Pan's playground. This last remaining site provides an opportunity for children and family themed leisure attractions; wet and dry sports

attractions or art and heritage related attractions to complement the existing uses, adding to the overall offer on Madeira Drive.

3.51 The allocation comprises a significant part of the Peter Plan Leisure Park area which has significant local heritage having been reclaimed from the sea in 1877. The site has remained vacant for many years. It has potential for a variety of uses and could be operated/ occupied with a mix of open air and indoor facilities. The use should ideally provide an all year round leisure destination for both residents and tourists and provide a different offer to the uses found elsewhere on the Seafront.

3.52 Ancillary retail uses will be permitted that support the new attraction and create footfall to the site. Due to the heritage assets (East Cliff Conservation Area and Grade II listed Madeira Terraces and Shelter Hall) 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. The expanse of open beaches is an integral element of the setting of the buildings. Buildings and structures should be clustered together in a visually co-ordinated manner. Development will need to respect the open character of this area of seafront and should allow clear gaps through for sea views. The Volk's Railway LWS lies adjacent to the site, development will be expected to conserve and enhance biodiversity in accordance with City Plan Part One Policy CP10 Biodiversity and DM37 Green Infrastructure and Nature Conservation.

3.53 High quality and sustainable development will be expected in accordance with the priorities set out in City Plan Part One Policy SA1 The Seafront and Policy CP5 Culture and Tourism in the City Plan Part One and Policy DM39 Development on the Seafront.

SSA7 Land Adjacent to American Express Community Stadium, Village Way

Land Adjacent to the American Express Community Stadium, Village Way as shown on the Policies Map is allocated for:

- **B1a (offices), D1 (health/education) and/or other ancillary uses directly associated with the Stadium and/or Sussex and Brighton Universities.**

Planning permission will be granted for proposals that accord with the Development Plan and meet the following site specific requirements:

- a. **Contribute towards the local priorities for the wider Development Area as set out in City Plan Part One Policy DA3 Lewes Road;**
- b. **Achieve a high quality of design which respects and enhances nearby heritage assets, the adjoining stadium development and downland character, providing visual connectivity to the South Downs National Park;**
- c. **Development should preserve and where possible enhance the setting of the South Downs National Park and nearby heritage assets;**
- d. **Sustainable transport infrastructure will be required to support proposals and to ensure that there is no adverse air quality impact;**
- e. **Contribute towards Biodiversity Plan objectives to provide net gains to biodiversity, green infrastructure and wider landscaping enhancements through creative landscape solutions;**
- f. **Development must ensure that groundwater sources are protected, to the satisfaction of the Environment Agency;**
- g. **The developer will enter into a training place agreement to secure training for local people.**

Supporting Text

3.54 The site is adjacent to the north-east of the American Express Community Stadium located within the boundaries of both the city and the Lewes District Council¹³⁹. The part of the site within the council's administrative area is located within the DA3 Lewes Road Development Area (City Plan Part One). A key priority for this area is to further develop and enhance the role of the Lewes Road area as the city's academic corridor but also to bring forward new employment floorspace. As a major sporting venue, the Stadium is protected by Policy CP17 Sports Provision in the City Plan Part One. The site provides an opportunity to enhance the facilities of

¹³⁹ The Lewes District Local Plan Part 2 allocates the part of the site within its administrative area for the uses outlined in the Policy.

the Stadium by providing for example B1a offices or D1 health/ education uses associated with the Stadium or the Universities.

3.55 Proposals for the site should not constrain the operation of the Stadium as a major sporting venue.

3.56 Although the site and the stadium are outside of the South Downs National Park boundaries, the Park is in close proximity and the stadium is visible in a number of key views from within the Park and acts as a gateway to the SDNP when exiting the City along a key transport route. In addition, sustainable transport infrastructure is required to ensure that the development does not have an adverse impact on the performance of the Falmer Interchange trunk road junction at the A27/B2123 Falmer junction. Any new development should conserve and enhance the locality and overall setting, to avoid damage to the special setting of the National Park and not detract from the character of the locality.

3.57 Proposals should address road and rail noise quality issues in line with Policy DM40 Protection of Environment and Health – Pollution and Nuisance.

3.58 The stadium with its curved and sloping design forms a prominent architectural element in the area and at the approach/entrance to the city from the east. As such proposals for the site will need to give careful consideration to the relationship of any proposed development with the Stadium to ensure that the new development does not erode or detract from the Stadium's architectural presence. The stadium itself was carefully designed to nestle within the curves of the surrounding downland and the existing bund on site provides an element of green buffer/screening which helps to lessen the bulk of the stadium and integrate it into the surrounding downland setting. The design and materials used should reflect the setting of the South Downs National Park, specifically paying reference to the South Downs Integrated Landscape Character Assessment (SDILCA) prepared by the South Downs National Park Authority¹⁴⁰.

3.59 The design and massing of any proposed development will need to consider 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). Careful consideration should be given to the choice of materials which should be complementary to those of the stadium yet distinct and subservient and designed to fit comfortably within the site's downland context.

3.60 The loss of the bund is acceptable providing that this loss is mitigated against, for example through the use of green walls, green roofs and landscaping. This will also provide opportunities for biodiversity enhancements and net gains in biodiversity in line with policies CP10 Biodiversity (City Plan Part One), DM37 Green Infrastructure and Nature Conservation and DM22 Landscape Design and Trees.

¹⁴⁰ <https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

There are also opportunities to improve the public realm in and around the stadium for users.

3.61 In accordance with Policy DM43 Sustainable Drainage, opportunities should be sought to incorporate appropriate sustainable drainage (SuDs) as part of development proposals and landscaping improvements to help reduce the risk of surface water flooding on site and support climate change adaptation. The Sustainable Drainage SPD provides further guidance¹⁴¹. The site is located in an area with underground chalk aquifers identified as a Groundwater Source Protection Zone (zones 1, 2 and 3) 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 Policies CP8 and DM42.

¹⁴¹ Sustainable Drainage SPD (SPD16) adopted September 2019.

H1 Housing Sites and Mixed Use Sites

The sites listed in Tables 6 and 7 below (as shown on the Policies Map) are allocated for housing (Use Class C3) or mixed-use development including housing and other specified uses. Planning permission will be granted for proposals that accord with the Development Plan and which provide the minimum indicative amounts of development shown in the tables.

The following additional criteria apply to certain sites where indicated:

- For sites marked with an omega (Ω), occupation of the development will be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider;
- For sites marked with a hash (#), the layout should be planned to ensure future access to existing water and/or wastewater infrastructure for maintenance and upsizing purposes.

Supporting Text

3.62 City Plan Part One Policy CP1 Housing Delivery sets out the city's housing target of 13,200 new homes over the Plan period to 2030 and states that additional sites will be allocated in Part 2 of the Plan to help ensure housing delivery is maintained over the plan period. The supporting text to City Plan Part One Policy CP3 Employment Land details the city's employment floorspace provision requirements. The very significant constraints on the capacity of the city to physically accommodate the required amount of development for both land uses mean that it is important to maximise the use of brownfield sites. This policy sets out a schedule of brownfield sites that are allocated for housing or mixed use developments including an element of housing and other uses as specified for each individual site listed. The sites have been identified through an update of the council's Strategic Housing Land Availability Assessment (SHLAA).

3.63 Table 6 contains sites allocated for residential development, and includes information on other uses which may also be suitable as part of the site's redevelopment. Table 7 contains housing sites specifically allocated for mixed use developments, and sets out the minimum requirements for the additional uses which must be provided as part of a development proposal. Both tables include an indicative number of residential units that should be provided on each identified site. The indicated numbers of residential units may be exceeded if this can be justified through detailed examination of site specific considerations.

3.64 Only sites which are expected to bring forward 10 or more residential units are allocated in this policy. 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.

3.65 The industrial history of some brownfield sites means there is the potential for land contamination. Development proposals should undertake and submit to the Local Planning Authority evidence to support uses where possible land contamination and remediation may prohibit the delivery of the specified uses and amounts, in line with the requirements of Policies DM40 and DM41.

3.66 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.

Table 6 - Residential Site Allocations

Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses
Former St Aubyn's School, 76 High Street, Rottingdean, Brighton, BN2 7JN	93	See Planning Brief for detailed guidance ¹⁴² .
Land between Marine Drive and rear of 2-18 The Cliff, Brighton	10 ¹⁴³	
25 Ditchling Rise / rear of 57-63 Beaconsfield Road, Brighton	15	Employment uses.
60-62 & 65 Gladstone Place, Brighton	10	Employment uses.
76-79 & 80 Buckingham Road, Brighton, BN1 3RJ#	34	
87 Preston Road, Brighton, BN1 4QG Ω	25	
Eastergate Road Garages, Moulsecoomb, Brighton, BN2 4PB#	24	

¹⁴² www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/St%20Aubyns%20Planning%20Brief%20January%202015.pdf

¹⁴³ Development will mitigate any adverse impacts on designated sites and provide biodiversity net gains in accordance with Policy CP10 and DM37

Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses
Land between Manchester Street/Charles Street, Brighton, BN2 1TF#	12	B1 employment floorspace or D2 entertainment uses.
Preston Park Hotel, 216 Preston Road, Brighton, BN1 6UU Ω	22	
George Cooper House, 20-22 Oxford Street, Brighton	10	Retail at ground floor level.
Old Ship Hotel (garage), 31-38 Kings Road Brighton#	18	Hotel floorspace (C1) and ancillary hotel uses
Saunders Glassworks, Sussex Place, Brighton, BN2 9QN#	49	
2-16 Coombe Road, Brighton, BN2 4EA#	33	B1 starter business units/affordable workspace at ground floor.
Outpatients Department, Royal Sussex County Hospital	35	
Whitehawk Clinic, Whitehawk Road, Brighton#	38	
Buckley Close garages, Hangleton #	12	
Former playground, Swanborough Drive, Whitehawk	39	
Former Hollingbury Library	10	
29-31 New Church Road, Hove	45	
189 Kingsway, Hove #	60	

Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses
Kings House, Grand Avenue, Hove #	169	
Victoria Road Former Housing Office (adjacent Portslade Town Hall), Victoria Road, Portslade Ω#	37	
Land at the corner of Fox Way and Foredown Road, Portslade#	10	
Smokey Industrial Estate, Corner of Church Road, Lincoln Road & Gladstone Road Portslade	32	
Land south of Lincoln Street Cottages, 15-26 Lincoln Street, Brighton #	18	
Hove Sorting Office, 88 Denmark Villas, Hove	67	Employment uses
Former Belgrave Centre and ICES, Clarendon Place, Portslade (Site SP2 in Shoreham Harbour Joint Area Action Plan (JAAP) Policy CA3) # ¹⁴⁴	104	
Wellington House (Site SP3 in JAAP Policy CA3)	20	
TOTAL	1,051	

¹⁴⁴ Shoreham Harbour Joint Area Action Plan adopted October 2019: <https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Shoreham%20Harbour%20Joint%20Area%20Action%20Plan%20%28JAAP%29.pdf>

Table 7 - Mixed Use Housing Site Allocations

The following sites are allocated for mixed use redevelopment:

Site Name	Indicative Residential Units (Use Class C3)	Minimum Requirements for Other Uses
City College, Pelham Tower (and car-park), Pelham Street, #	100	Site is allocated for 300 student bedspaces in City Plan Part One Policy CP21. Development should take place as part of a wider redevelopment of the site to improve the existing educational facilities.
71 - 76 Church Street, Brighton	50	B1 Employment floorspace on the ground floor which could include small scale workshop type units.
Post Office site, 62 North Road, Brighton#	110	3000sqm B1 employment floorspace.
27-31 Church Street (corner with Portland Street) #Ω	10	630sqm B1 Offices.
Former Dairy Crest Site, 35-39 The Droveway, Hove, #	14	500sqm B use class employment uses, ancillary retail.
Kingsway/Basin Road North (Site AB4 in Shoreham Harbour Joint Area Action Plan (JAAP) Policy CA2) #	90	Use classes B1 and B2 at Basin Road North level, use classes A2, B1 and ancillary A1 at Kingsway level, and use class C3 on upper storeys.
Prestwich House, North Street, Portslade (Site SP1 in JAAP Policy CA3)	15	Use class B1 on lower storeys.
Regency House, North	45	Use class B1 on lower

Site Name	Indicative Residential Units (Use Class C3)	Minimum Requirements for Other Uses
Street, Portslade (Site SP4 in JAAP Policy CA3)		storeys.
Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP Policy CA3)	45	(Use class B1 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 B1, B2 and B3).
Station Road site, Portslade (Site SP7 in JAAP Policy CA3)	15	Use classes A1, A2, A3 and B1 fronting Station Road.
TOTAL	519	

H2 Housing Sites – Urban Fringe

The developable areas of the sites listed in Table 8 below (as identified on the Policies Map) are allocated for housing development (Use Class C3). Planning permission will be granted for proposals that accord with the Development Plan (having particular regard to Policies SA4 and SA5) and which address all of the site considerations and indicative development requirements set out in Table 8 together with all of the following criteria:

- a) Provision is made for 3+ bedroom family-sized dwellings in accordance with the indicative percentages set out in Table 8;
- b) Opportunities to secure additional and /or improved publically accessible open space provision are incorporated within the proposed scheme;
- c) Green infrastructure and local food growing opportunities are incorporated within the proposed scheme;
- d) Development will mitigate any adverse impacts on designated sites and provide biodiversity net gains in accordance with Policies CP10 and DM37;
- e) Improved linkages and access to the South Downs National Park and surrounding areas are secured where feasible;
- f) Appropriate regard is given to the need for local community facilities; and
- g) Opportunities are considered to achieve high standards of energy efficiency and renewable energy provision in accordance with Policy DM44.

Provision of land for self and/or custom build serviced plots will be encouraged.

The following additional criteria apply to certain sites where indicated:

- For sites marked with an omega (Ω), occupation of the development should be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider;
- For sites marked with a hash (#), the layout should be planned to ensure future access to existing water and/or wastewater infrastructure for maintenance and upsizing purposes.

Table 8 Urban Fringe Allocations

Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Number of Dwelling Units ¹⁴⁵	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations
Land at Oakdene, Southwick Hill / Land West of Mile Oak Road	Sites 1 & 2 (2014 UFA); Study Area L1/E1 (2015 UFA)	4.75	1.12	30	50%	<ul style="list-style-type: none"> • ecology • open space • ground water flooding¹⁴⁶ • landscape
Land at Mile Oak Road. Portslade Ω #	Sites 4 & 4a (2014 UFA); Study Area L2/E2 (2015 UFA); Archaeological Assessment Area A1 (2016)	2.31	2.31	70	50%	<ul style="list-style-type: none"> • ecology • open space • surface and ground water flooding¹⁴⁶ • Groundwater Source Protection Zone • landscape • archaeology • wastewater infrastructure
Land off Overdown Rise, Mile Oak Ω #	Sites 4b, 5 & 5a (2014 UFA); Study Area L2/E2 (2015 UFA); Archaeological Assessment Area A1 (2016)	8.76	3.98	125	50%	<ul style="list-style-type: none"> • ecology • open space • surface and ground water flooding¹⁴⁶ • Groundwater Source Protection Zone • landscape • archaeology • wastewater infrastructure

¹⁴⁵ Sites denoted in italics form part of the wider urban fringe site and are not identified for development as required for mitigation

¹⁴⁶ More detail about flood risk is provided in the Strategic Flood Risk Assessment.

Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Number of Dwelling Units ¹⁴⁵	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations
Benfield Valley #	Sites 10, 11 & 12 (2014 UFA); Study Area L3/E3 (2015 UFA); Archaeological Assessment Area A2 (2016) (site 11 only)	Site 10 – 5.65 Site 11 – 8.75 Site 12 – 10.65	1.6 (Site 11 – 0.93 Site 12 – 0.67)	100 (60) (40)	50%	<ul style="list-style-type: none"> • archaeology • landscape • ecology • open space • heritage • archaeology • ground water flooding¹⁴⁶ • wastewater infrastructure
Land at and adjoining Horsdean Recreation Ground, Patcham	Site 16 (2014 UFA); Study Area L4 (2015 UFA);	6.32	1.17	25	50%	<ul style="list-style-type: none"> • ecology • heritage • open space • landscape • Groundwater Source Protection Zone • archaeology • ground water flooding¹⁴⁶
Land at Ladies Mile, Carden Avenue #	Site 17 (2014 UFA); Study Area L5/E4 (2015 UFA); Archaeological Assessment Area A3 (2016)	15.02	1.25	35	50%	<ul style="list-style-type: none"> • ecology • open space • landscape • archaeology • Groundwater Source Protection Zone • ground water flooding¹⁴⁶ • wastewater infrastructure
Land to north east of Coldean Lane	Site 21 (2014 UFA); Study Area L7/E6 (2015 UFA); Archaeological Assessment Area A5 (2016)	3.36	1.58	242	35%	<ul style="list-style-type: none"> • ecology • heritage • open space • landscape • Groundwater Source Protection Zone • archaeology • ground water flooding¹⁴⁶

Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Number of Dwelling Units ¹⁴⁵	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations
Land north of Varley Halls, Coldean Lane	Site 21a Study Area L7/E6 (2015 UFA); Archaeological Assessment Area A5 (2016)	4.14	0.94	12	35%	<ul style="list-style-type: none"> • ecology • heritage • open space • landscape • Groundwater Source Protection Zone • archaeology • ground water flooding¹⁴⁶
Land at and adjoining Brighton Race Course Ω	Site 30 (2014 UFA); Study Area L8/E7 (2015 UFA); Archaeological Assessment Area A6 (2016)	46.01	1.21	30	50%	<ul style="list-style-type: none"> • ecology • open space • landscape • archaeology • ground water flooding¹⁴⁶ • wastewater infrastructure
Land at South Downs Riding School & Reservoir Site #	Site 32 and 32a (2014 UFA); Study Area L10/E9 (2015 UFA); Archaeological Assessment Area A8 (2016)	2.18	0.57	15	50%	<ul style="list-style-type: none"> • archaeology • ecology • landscape • reservoir • ground water flooding¹⁴⁶ • wastewater infrastructure
Land north of Warren Road (Ingleside Stables) #	Site 33 (2014 UFA); Study Area L11 (2015 UFA);	5.24	1.2	30	50%	<ul style="list-style-type: none"> • ecology • open space • landscape • ground water flooding¹³⁹ • wastewater infrastructure
Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm Ω	Sites 38, 38a & 39 (2014 UFA); Study Area L14 (2015 UFA);	4.45	4.17	50	50%	<ul style="list-style-type: none"> • archaeology • heritage • landscape • surface and ground water flooding¹⁴⁶

Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Number of Dwelling Units ¹⁴⁵	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations
Land adjacent to Ovingdean and Falmer Road, Ovingdean	Site 42 (2014 UFA); Study Area L16/E13 (2015 UFA);	7.47	1.68	45	50%	<ul style="list-style-type: none"> • ecology • open space • landscape • surface and ground water flooding¹⁴⁶ • Groundwater Source Protection Zone
Land at former nursery, Saltdean #	Site 46a (2014 UFA); Study Area E14 (2015 UFA);	0.96	0.96	24	50%	<ul style="list-style-type: none"> • surface and ground water flooding¹³⁹ • landscape • Groundwater Source Protection Zone • wastewater infrastructure
Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean #	Sites 48, 48a, 48b & 48c (2014 UFA); Study Area L18/E15 (2015 UFA);	5.65	3.47	65	50%	<ul style="list-style-type: none"> • archaeology • landscape • ecology • surface and ground water flooding¹⁴⁶ • Groundwater Source Protection Zone • wastewater infrastructure
Land west of Falmer Avenue, Saltdean	Site 50 (2014 UFA); Study Area L19 (2015 UFA);	1.3	1.07	32	50%	<ul style="list-style-type: none"> • ecology • landscape • archaeology • surface and ground water flooding¹⁴⁶ • Groundwater Source Protection Zone

Supporting Text

3.66 The city is a tightly constrained urban area with very limited opportunities to physically expand to accommodate new development. City Plan Part One (Policies CP1 Housing Delivery and SA4 Urban Fringe) identified potential for some of the land within the city's urban fringe (areas of land that lie between the defined built up urban area boundary and the boundary of the South Downs National Park) to contribute towards meeting the city's housing requirement. The purpose of this policy is to allocate housing development on some of the Urban Fringe sites which were

identified through the 2014 Urban Fringe Assessment and further assessment through the 2015 Urban Fringe Assessment Study.

3.67 The number of dwellings proposed in the allocations schedule are indicative, showing what might reasonably be achieved on each site. Of key importance will be the need to adequately address the considerations identified for each site and other matters including design and layout, biodiversity, green infrastructure, open space provision and the relationship with the surrounding areas including, where relevant, the setting of the South Downs National Park (taking account of City Plan Part One Policy SA5) and Conservation Areas.

3.68 City Plan Part One Policy SA4 Urban Fringe clarifies that development within the urban fringe will not be permitted except where a site has been allocated for development or where a countryside location can be justified; and where it can be clearly demonstrated that proposals have had regard to the downland landscape setting of the city, any adverse impacts of development are minimised and appropriately mitigated and/or compensated for and where appropriate, the proposal helps to achieve the five policy objectives as set out in Policy SA4 Urban Fringe.

3.69 The site allocations on the urban fringe are suitable locations to deliver a significant proportion of family-sized housing (3+ bedrooms) and affordable housing to help meet the needs of the city. Demographic analysis set out in City Plan Part One (paragraph 4.213) identifies a potential demand/need across the city for 42% of housing to be 3 or more bedrooms (31% 3-bed and 11% 4+ bed properties)¹⁴⁷, whilst Policy CP20 sets a preferred affordable housing mix providing 25% 3+ bedroom units. However, the majority of the city's brownfield sites are more suitable for high density residential development comprising predominantly smaller residential units. For this reason, proposals on the urban fringe allocations will generally be expected to accommodate at least 50% family sized housing. Table 8 sets out the indicative proportion of 3+ bedroom units that will be sought on each allocated site subject to further assessment at the detailed planning stage. In addition, the provision of serviced plots for self-build and custom build housing and proposals for community led housing will be strongly encouraged (see Policy DM1 Housing Quality, Choice and Mix).

3.70 City Plan Part One Policy SA4 Urban Fringe promotes the urban fringe as part of the green network and encourages opportunities for multi-functional open space which can include appropriate recreation, cultural experiences, biodiversity and food growing. The site allocations will provide opportunities to enhance and expand the green network and provide biodiversity net gains (see Policy DM37 Green Infrastructure and Nature Conservation). Proposals should include the provision of public open space where possible and consideration should be given to ensuring long term management and maintenance. Provision for food growing should also be

¹⁴⁷ Housing Requirements Study Update, October 2012, para. 4.35 – 4.36

incorporated into the development and have regard to the Food Growing and Development Planning Advice Note¹⁴⁸ and any future Council planning guidance on this matter.

3.71 Regard should also be given to the need for community facilities. For example, in some instances the developable area may be able to incorporate a local facility such as a local shop, community meeting space and/or health facility.

3.72 As greenfield sites, the urban fringe housing allocations offer particular flexibility for masterplanning and building design to achieve low carbon and sustainable design¹⁴⁹. When planning the development of these sites, opportunities should be considered to incorporate passive design, fabric standards, energy efficiency measures and low and zero carbon technologies (LZCs) in accordance with Policy DM44.

3.73 The urban fringe allocations are by their nature sensitive locations for development, comprising greenfield land adjoining open countryside and the South Downs National Park. The suitability and development potential of the sites has been established through the 2014 and 2015 Urban Fringe Assessment studies, taking account of identified constraints such as designated nature conservation sites, historic designations, landscape character, open space designations and other environmental considerations including flood risk. However, in order to ensure that all potential development impacts are identified and that appropriate mitigation is secured developers will be required to submit detailed information/assessments at the planning application stage. This will be expected to include a Landscape Visual Impact Assessment together with other relevant information/studies such as:

- Ecological Assessment including Protected Species Survey
- Arboricultural Report and Plan(s) /Tree Survey(s)
- Archaeology Assessments
- Heritage Statement
- Traffic Assessment
- Flood Risk Assessment
- Drainage Strategy and Sustainable Drainage Report
- Open Space Assessment
- Hydrological/Hydrogeological Survey

3.74 In addition to the above, the following may also be required in order to comply with other City Plan policies:

- Noise Assessment
- Highways Assessment / Transport Statement
- Lighting Assessment
- Air Quality Assessment

¹⁴⁸ Brighton & Hove City Council Planning Advice Note 06 Food Growing and Development September 2011

¹⁴⁹ Brighton & Hove City Plan Part Two Energy Study (AECOM, 2018) Section 5.4.4

- Land Contamination Survey
- Environmental Impact Assessments
- Sustainability Checklist
- Foul Sewerage and Utilities Assessment

3.75 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 area¹⁵⁰.

3.76 Several of the allocated housing sites overlap with, or are close to, Local Wildlife Sites (formerly Sites of Nature Conservation Importance) including Local Nature Reserves. All sites where potentially significant impacts on ecology were identified in the 2014 Urban Fringe Assessment have been subject to detailed ecological assessments in the 2015 Urban Fringe Assessment, which included a Desktop Study and Phase 1 Habitat Survey. However, detailed surveys (including species surveys) will be required to support development proposals, and these must be used to inform the development of specific mitigation requirements. In accordance with Policy DM37, development proposals must demonstrate that any adverse effects would not undermine the objectives of the designation, features of interest/importance and/or integrity of the area.

3.77 In addition, a number of the allocated sites are located in areas with underground chalk aquifers identified as Groundwater Source Protection Zones by the Environment Agency. Development in these locations will need to ensure that groundwater resources are protected from pollution and safeguard water supplies and have appropriate sustainable drainage solutions (in line with the requirements of City Plan Part One Policy CP8 Sustainable Buildings and Policies DM42 and DM43).

3.78 Whilst all of the proposed urban fringe allocations are wholly or predominantly greenfield sites, some have been subject to agricultural or other uses which may create potential for land contamination. For such sites, development proposals will need to be supported by appropriate surveys and evidence meeting the requirements of Policies DM40 and DM41.

¹⁵⁰ <https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

H3 Purpose Built Student Accommodation

The sites listed in Table 9 below (and as shown on the Policies Map) are allocated for Purpose Built Student Accommodation. Planning permission will be granted for proposals that accord with the Development Plan and which provide the indicative amounts of development shown in the table.

Table 9 Purpose Built Student Accommodation Sites

Site Name	Indicative number of bedspaces	Other Required Uses
Lewes Road Bus Garage, Lewes Road, Brighton	250	Operational requirements of the bus depot must be maintained
118–132 London Road, Brighton	232	Ground floor uses must comply with Policy DM12
45 & 47 Hollingdean Road, Brighton	40	-

3.79 Development for student accommodation will subject to robust management arrangements and will require appropriate design to minimise any negative impacts on the surrounding residential areas, particularly given the presence of a number of other operational and permitted purpose built student accommodation (PBSA) developments in the localities.

3.80 At the Lewes Road site it is expected that the bus garage will continue to operate and that the PBSA would be located above a reconstructed depot shed and/or on redundant land within the site.

E1 Opportunity site for business and warehouse uses

Land at Hangleton Bottom, Hangleton Link Road, North Portslade as shown on the Policies Map will be granted permission for the following uses only where these would not prevent or prejudice the delivery of a strategic scale waste management facility:

- **Business and warehouse premises (Use Classes B1, and B8).**

Planning permission will be granted for proposals that accord with the Development Plan in particular Policy SP1 in the Waste and Minerals Sites Plan.

Supporting Text

3.62 Demand for employment floorspace in the city remains strong with existing local firms looking to expand and businesses who want to be located closer to the main focus of economic and business activity within Brighton & Hove and its immediate periphery. Modest growth in jobs in this sector is forecast to 2030. The advanced manufacturing and engineering sector is identified as a priority sector¹⁵¹.

3.63 Apart from the refurbishment of some existing industrial estates and new build at Woodingdean Business Park, Brighton and at St Joseph's Close, Hove there have been no significant new warehouse/ light industrial schemes developed in the last ten years. In particular there is a lack of suitable employment space to support the growth needs of small-to-medium sized businesses that have outgrown small commercial units, but do not require large-scale strategic sites to support their space needs¹⁵².

3.64 Policy CP3 Employment Land in the City Plan Part One sets out the approach to safeguarding employment land over the Plan period and strategic allocations were identified in Development Areas to bring forward new high quality employment floorspace (DA2- DA8) to meet the forecast requirements over the plan period. Policy CP3 is supportive of opportunities to increase the industrial floorspace capacity in safeguarded industrial estates and on specific sites; however this does not address all the forecast requirements. Part 6 of the policy indicated that the City Plan Part Two would seek to allocate additional employment sites and mixed use allocations to help ensure employment land delivery is maintained over the plan period.

3.65 This policy safeguards the potential opportunity for new business and warehouse floorspace to come forward over the plan period.

¹⁵¹ Coast to Capital Strategic Economic Plan, March 2014

¹⁵² Brighton & Hove Industrial Estates Audit, Stiles Harold Williams December 2017

3.66 Hangleton Bottom is a key strategic site for the future delivery of waste management infrastructure needed to support further moves towards sustainable waste management in East Sussex and Brighton & Hove. WMP Policy WMP6 states that “*Development proposals which would prevent or prejudice those sites for waste management uses will be resisted.*” Use of any part of the site for alternative uses must therefore ensure that the ability of the site to host a strategic scale waste management facility¹⁵³ is not compromised. Given that the planning for strategic scale waste management facilities is undertaken through a strategic level approach to plan-making (in this case through the East Sussex, Brighton & Hove and South Downs Waste & Minerals Plans), any view as to whether or not an alternative use of the site compromises the ability of the site to host its allocated use through Policy WMP6 will need to be obtained and agreed by all three relevant waste planning authorities.

3.67 Following the 2017 LWS Review¹⁵⁴, the boundary of Benfield Valley LWS overlaps the north east boundary of the site. Foredown Allotments LWS lies to the south west of the site. Regard should be given to the need to conserve and enhance biodiversity in accordance with CP10 Biodiversity and DM37 Green Infrastructure and Nature Conservation.

¹⁵³ Large strategic scale waste management facility with an indicative waste throughput of 100,000 – 150,000 tonnes per annum as defined in the Waste and Minerals Plan 2013.

¹⁵⁴ 2017 Brighton & Hove Local Wildlife Site Review updated February 2020.

Appendix 1: Glossary of terms

This glossary provides an explanation of some terms used in this document.

Term	Definition
Affordable Housing	<p>Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:</p> <p>a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).</p> <p>b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.</p> <p>c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.</p> <p>Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership to those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be</p>

	provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.
Archaeological Interest	There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point.
Archaeological Notification Areas (ANAs)	As part of the Historic Environment Record a series of areas containing recorded archaeological remains have been defined. These areas are called Archaeological Notification Areas and are designed to alert applicants and planning teams to potential impacts on heritage that would need to be addressed in line with the National Planning Policy Framework.
Air Quality Management Area (AQMA)	Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.
Artistic Element	The incorporation of art into the design of buildings and spaces can be a useful and effective way of creating and/or enhancing local distinctiveness and developing a desirable sense of place.
Aquifer	Rock that provides a natural underground store for water. In Brighton & Hove aquifers are used to provide drinking water.
Asset of Community Value (ACV)	A building or land is an asset of community value (ACV) if its main use is, or recently has been, to further the social wellbeing or social interests of the local community and if it could do so in the future
Biodiversity (Biological Diversity)	The range and variety of life (including plants, animals and micro-organisms), ecosystems and ecological processes.
Biosphere Reserve	These are designated by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) as centres of excellence to demonstrate conservation and sustainable practice by bringing nature and people together.
BREEAM	Building Research Establishment Environmental Assessment Method - the most widely used means of reviewing and improving the environmental performance of buildings
Brownfield or 'previously developed land'	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

	<p>This excludes:</p> <ul style="list-style-type: none"> • Land that is or has been occupied by agricultural or forestry buildings; • Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; • Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; • Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
Build to Rent	Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.
Change of Use	Change in the use of a building or other land for another purpose. In considering a change of use it is normally necessary to establish whether the change is "material" and whether by virtue of the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), development requiring planning permission is involved.
Census Output Area	Created for the output of census data they are geographical units formed of clusters of postcodes with similar population sizes.
Community Infrastructure Levy (CIL)	A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.
Climate Change	Accounts for long-term changes in temperature, precipitation, wind and all other aspects of the Earth's climate. Often regarded as a result of human activity and fossil fuel consumption.
Cluster Flat	A sub-unit of accommodation within a larger development under common management. Rooms within a cluster flat will be individually let to tenants by a provider of institutional accommodation, e.g. a university, college, or hospital or specialist accommodation provider, but within each cluster flat tenants usually have exclusive use of communal kitchen/lounge and sometimes bathroom facilities. Most cluster flats will have their own front door within the accommodation block.
Connectivity	Connectivity or permeability refers to the visual and physical accessibility into and within an area.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. They are designated by the city council, though the Secretary of State also has powers to

	designate them.
Custom and self-Build Housing	Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.
Density (dwellings)	Measure used to describe the numbers of housing units associated with a given area e.g. dwellings per hectare. Net density includes access roads within the site; private garden space; car parking areas; incidental open space and landscaping; and local children's play areas where these are to be provided.
Designated Heritage Asset	A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation
Development	The carrying out of building, engineering, mining or other operations in, on, over and under land, or making of a material change of use of any building or land.
Developer Contributions	Contributions made by a developer to mitigate the impact of development, either by paying money for the works to be carried out or by directly providing facilities or works either on or off-site.
Digital Infrastructure	Infrastructure, such as small cell antenna and ducts for cables, that supports fixed and mobile connectivity and underpins smart technology.
District Centre	Groups of shops often containing at least one supermarket or superstore and a range of non-retail services such as banks and restaurants as well as local public facilities such as a library. Smaller in size than Town and Regional centres.
District Heating Network	This term is generally given to a system where a centralised heat generating plant (using any one of a range of technologies) provides heat to surrounding buildings in the area by means of a network of pipes carrying hot water or steam.
Downland	Usually treeless open land with only a thin covering of soil on the chalk uplands.
Ecosystem Services	Are the benefits provided by ecosystems that contribute to making human life both possible and worth living. They are grouped into four broad categories: provisioning, such as the production of food and water; regulating, such as the control of climate and disease; supporting, such as nutrient cycles and crop pollination; and cultural, such as spiritual and recreational benefits
Environment Agency	The leading public body for protecting and improving the environment of air, land and water in England and Wales.
Green Infrastructure	Multi-functional and connected network of predominantly green spaces, water and other environmental features in urban and rural areas that delivers a wide range of environmental, social, economic benefits and quality of life benefits. It can help strengthen climate change

	resilience, health and well-being of communities, economic vibrancy, and, provide habitats and wildlife corridors as well as urban cooling.
Green Network (GN)	A series of interlinked natural green spaces and nature conservation features connecting the urban area, urban fringe, the seafront and surrounding downland.
Greenfield Land	Site that has not been previously been built on (includes areas such as playing fields, allotments, countryside and gardens).
Historic England	The national public body responsible for the historic environment. Their role includes identify and protecting heritage and providing national expertise at a regional level.
Historic Environment Record (HER)	Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.
Historic Parks and Gardens	Gardens, parks and designed landscapes whose character reflects the period (or periods) of their design, and sometimes also the style of a particular designer. Historic England compiles the Register of Parks and Gardens of Special Historic Interest in England.
House in Multiple Occupation (HMO)	An HMO is generally a house or flat that is shared by three or more people who are not related as family members. A small HMO (technically called a Class C4 HMO) includes, in broad terms, small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities (such as a kitchen and/or bathroom). A large HMO (technically called a Sui Generis HMO) is the same as a small HMO except that it is shared by more than 6 people.
Important Local Parades	A group of shops (five 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, within walking distance from home
Listed Building	A building of national importance due to its architectural or historic interest. They are buildings which have been included in the Statutory List of Buildings of Special Architectural or Historic Interest. The List is compiled by the Secretary of State (Department for Digital, Culture, Media and Sport), with advice from Historic England, using agreed national criteria.
Local Centre	Include a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, post office and a pharmacy. Other facilities could include a hot food takeaway and launderette.
Locally Listed Heritage Asset	A non-designated heritage asset that has been identified as having a degree of significance meriting consideration in planning decisions
Local Nature Reserve (LNR)	Local Nature Reserves are for both people and wildlife. They are places with wildlife or geological features that are of special interest locally. They offer people special

	opportunities to study or learn about nature or simply to enjoy it.
Local Transport Plan (LTP)	(Also called the Full Local Transport Plan when it has been approved by the Government). It is the document prepared by the city council which sets out its transport policy and proposals and is prepared in order to bid for Government funding for all forms of transport.
Local Wildlife Sites	Formerly called Sites of Nature Conservation Importance (SNCIs) these are locally valued non-statutory sites
Low Carbon Technologies	Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).
Mixed use developments	A development that contains two or more uses e.g. residential, employment, leisure, community uses.
National Planning Policy Framework	The government's national planning policy document which was first published in March 2012 and revised in 2018 and sets out the key principles for sustainable development.
National Planning Policy Guidance	Web-based resource of national planning guidance covering a range of topics and linked to the National Planning Policy Framework
Nationally Described Space Standards	Technical housing standards produced by the government which deal with internal space within new dwellings.
Natural England	A statutory body formed in 2006 with the bringing together of English Nature, the landscape, access and recreation elements of the Countryside Agency and the environmental land management functions of the Rural Development Service.
Nature Improvement Areas	Inter-connected networks of wildlife habitats intended to re-establish thriving wildlife populations and help species respond to the challenges of climate change.
Neighbourhood Parades	A cluster of three or more A1 retail units 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
Permeability	The degree of movement possible or permitted between public outside and private inside or between urban areas, buildings, places and spaces.
Place Making	Multi-faceted approach to the planning, design and management of buildings and public spaces so that they invite greater interaction between people and promote healthier, more social and more economically viable communities.
Planning Obligations/ Developer contributions	Planning Obligations or Developer Contributions: a legal agreement entered into under section 106 of the Town and Planning Country Act 1990 to mitigate the impacts of a development proposal.
Policies Map	Map which identifies sites/areas to which particular local plan policies apply.
Primary and secondary	Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing

frontages	and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.
Public Realm	This is the space between and within buildings that are publicly accessible, including streets, squares, forecourts, open spaces and public and civic buildings.
Purpose Built Student Accommodation	Purpose built accommodation whose main purpose is to house students registered on courses at educational establishments.
Regional Centre	The highest level of shopping centre (also known as the city centre) serving a wide catchment area.
Renewable Energy	Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat.
Scheduled Monuments	Designated sites of nationally important archaeological interest. Sites are designated by Historic England
Strategic Environmental Assessment (SEA)	A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
Shoreline Management Plan (SMP)	Provides a large-scale assessment of the risks associated with coastal processes and present a long term policy framework to reduce these risks to people and the developed, historic and natural environment in a sustainable manner. A SMP is a high level document that forms an important element of the strategy for flood and coastal erosion risk management.
Sense of Place	Collection of qualities and characteristics – visual, cultural, social, and environmental – that provide meaning to a location. Using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
Sites of Special Scientific Interests (SSSIs)	These are designated by Natural England (the government nature conservation agency) under the Wildlife and Countryside Act 1981. Such sites are of special national interest by reason of their flora, fauna, geological features or landforms.
South Downs National Park Authority (SDNPA)	The South Downs National Park came into being on 31st March 2010. As a National Park, the SDNPA has statutory purposes and socio-economic responsibilities as specified in the Environment Act of 1995.
Source Protection Zone	For groundwater sources such as wells, boreholes and springs used for public drinking water supply. These zones show the risk of contamination from any activities that might cause pollution in the area. Defined by the Environment Agency.
Southern Water	The statutory water and sewerage undertaker for the City Plan area.
Special Area of Conservation	Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been

(SAC)	given special protection as important conservation sites.
Special Protection Areas (SPAs)	Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, wintering or the migration of rare and vulnerable species of birds.
Strategic Flood Risk Assessment (SFRA)	Created to help appraise, manage and reduce flood risk in relation to the location of potential new development in the city.
Strategic View	The line of sight from a particular point to an important landmark or skyline.
Supplementary Planning Document (SPD)	Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan.
Sustainability Appraisal (SA)	The Planning and Compulsory Purchase Act 2004 requires Local Development Documents to be prepared with a view to contributing to the achievement of sustainable development. A sustainability appraisal is a systematic process, to appraise the social, environmental and economic effects of the strategies and policies in a Local Development Document. It incorporates the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004.
Sustainable Transport Modes	Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.
Sustainable Drainage Systems (SuDS)	Sustainable drainage systems (SuDS) are an approach to surface water management which mimic natural processes by storing and treating rainwater close to where it falls. In addition to reducing the risk and consequences of flooding, SuDS can improve water quality, biodiversity and create spaces for public amenity and recreation.
Tenure	Housing tenure describes the legal status under which people have the right to occupy their accommodation. The most common forms of tenure are home-ownership (including homes owned outright and mortgaged) and renting (including social rented housing and private rented housing)
Town Centre	Area defined on the local authority's proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in Local Plans, existing out-of-centre developments, comprising or including main town centre uses, do not

	constitute town centres.
Townscape	General view, appearance and character of an urban scene/landscape.
Transport Assessment	A comprehensive and systematic process of looking at the impact on transport of a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling, and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.
Transport Statement	A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required.
Travel Plan	A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed
Tree Preservation Order	An order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interest in amenity.
Ultra-low emission vehicles	motor vehicles that emit extremely low levels of motor vehicle emissions compared to other vehicles
UNESCO Biosphere Reserve	Biosphere reserves are sites recognised under UNESCO's Man and the Biosphere Programmes, which innovate and demonstrate approaches to conservation and sustainable development. They share their experience and ideas nationally, regionally and internationally within the World Network of Biosphere Reserves.
Urban Fringe	The land between the defined built up area boundary and the South Downs National Park.
Windfall Site	Sites not specifically identified in the development plan.
Zero carbon	'Zero carbon' means that there will be no net annual CO ₂ emissions resulting from energy use in a building

Appendix 2 Parking Standards – Policy DM36 Parking and Servicing (adopted Parking Standards SPD)

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
A1 Shops (non-food retail) Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices	Car	Disabled user car parking only	1 space per 40m ²	1 space per 30m ²
	Electric	For schemes of 1000m ² or more 10% of car parking provision to have electric vehicle charging provision 10% of car parking provision to have passive provision to allow conversion at a later date		
	Cycle	Customer – 1 space plus 1 space per 150m ² (Short Stay) Staff – 1 space per 5 staff (Long Stay)		
	Disabled User Parking	0 to 200 bays – 3 bays or 6% of total capacity whichever is greater Over 200 bays – 4 bays plus 4% of capacity		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
A1 (Food retail)	Car	Disabled user car parking only	1 space per 25m ²	1 space per 15m ²
	Electric	For schemes of 1000m ² or more 10% of car parking provision to have electric vehicle charging provision 10% of car parking provision to have passive provision to allow conversion at a later date		
	Cycle	Customer - 1 space plus 1 space per 150m ² up to 2500m ² GFA thereafter 1 space per 500m ² (Short Stay) Staff - 1 space per 5 staff (Long Stay)		
	Disabled User Parking	0 to 200 bays – 3 bays or 6% of total capacity whichever is greater Over 200 bays – 4 bays plus 4% of capacity		
	Servicing	On-site servicing provision provided		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
A2 Financial & Professional Services Banks and building societies, estate agencies, employment agencies, betting offices	Car	Disabled user car parking only	1 space per 75m ²	1 space per 40m ²
	Cycle	1 space plus 1 space per 250m ² (Long Stay) 1 space plus 1 space per 150m ² (Short Stay)		
	Disabled User Parking	0 to 200 bays – Individual bays for each disabled employee where known plus 2 bays or 5% of total capacity whichever is greater. Over 200 bays – 6 bays plus 2% of total capacity		

	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
A3 Restaurant & Cafes Restaurants, snack bars, cafes.	Car	Disabled user car parking only	1 space per 20m ² of public floor space	1 space per 10m ² of public floor space
	Cycle	Customer - 1 space plus 1 space per 250m ² (Short Stay) Staff - 1 space per 5 staff (Long Stay)		
	Disabled User Parking	0 to 200 bays – 3 bays or 6% of total capacity whichever is greater Over 200 bays – 4 bays plus 4% of capacity		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
A4 Drinking Establishments/Public Houses Public houses, wine bars or other drinking establishments bar night clubs	Car	Disabled user car parking only	1 space per 20m ² of public floor space	1 space per 10m ² of public floor space
	Cycle	Customer - 1 space plus 1 space per 250m ² (Short Stay) Staff - 1 space per 5 staff (Long Stay)		
	Disabled User Parking	3 bays or 6% of total capacity whichever is greater		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
A5 Hot Food Takeaways	Car	Disabled user car parking only	1 space per 35m ² of public floor space	1 space per 20m ² of public floor space
	Cycle	Customer - 1 space plus 1 space per 250m ² (Short Stay) Staff - 1 space per 5 staff (Long Stay)		
	Disabled User Parking	3 bays or 6% of total capacity whichever is greater		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
B1 Office	Car	Disabled user car parking only	1 space per 100m ²	1 space per 50m ²
	Electric Vehicle	10% of car parking provision to have electric vehicle charging provision 10% of car parking provision to have passive provision to allow conversion at a later date		
	Cycle	Staff - 1 space plus 1 space per 100m ² (Long Stay) Visitors - 1 space plus 1 space per 500m ² (Short Stay) Showers and changing facilities should be provided for all office developments of 500m ² and above. Facilities should be provided on the basis to cater for a minimum of 10% of staff		
	Disabled User Parking	0 to 200 bays – Individual bays for each disabled employee where known plus 2 bays or 5% of total capacity whichever is greater Over 200 bays – 6 bays plus 2% of total capacity		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
B1 Industry Research and development of products and processes, light industrial appropriate for a residential area	Car	Disabled user car parking only	1 space per 150m ²	1 space per 100m ²
	Cycle	Staff - 1 space plus 1 space per 200m ² (Long Stay) Visitors - 1 space plus 1 space per 1000m ² (Short Stay) Showers and changing facilities should be provided for all industrial developments of 500m ² and above. Facilities should be provided on the basis to cater for a minimum of 10% of staff		
	Disabled User Parking	0 to 200 bays – Individual bays for each disabled employee where known plus 2 bays or 5% of total capacity whichever is greater Over 200 bays – 6 bays plus 2% of total capacity		
	Servicing	On-site servicing provision provided		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
B2 General Industry Industrial process other than falling in class B1	Car	Disabled user car parking only	1 space per 150m ²	1 space per 100m ²
	Cycle	1 space plus 1 space per 300m ² (Long Stay) Showers and changing facilities should be provided for all industrial developments of 500m ² and above. Facilities should be provided on the basis to cater for a minimum of 10% of staff		
	Disabled User	0 to 200 bays – Individual bays for each disabled employee where known plus 2 bays or 5% of total capacity		

B8 Storage or Distribution	Parking	capacity whichever is greater Over 200 bays – 6 bays plus 2% of total capacity		
	Servicing	On-site servicing provision provided		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
	Car	Disabled user car parking only	1 space per 200m ²	1 space per 150m ²
	Cycle	1 space plus 1 space per 350m ² (Long Stay) Showers and changing facilities should be provided for all industrial developments of 500m ² and above. Facilities should be provided on the basis to cater for a minimum of 10% of staff		

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
C1 Hotels Hotels, boarding and guest houses	Car	0.25 spaces per bed	0.5 spaces per bed	1 space per bed
	Cycle	1 space per 10 bed spaces (Long Stay) 1 space per 5 staff (Long Stay) 1 space plus 1 space per 50 bed spaces (Short Stay)		
	Disabled User Parking	0 to 200 bays – 3 bays or 6% of total capacity whichever is greater Over 200 bays – 4 bays plus 4% of capacity		
	Taxi	Adequate taxi pick up and drop off		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
C2 Residential Institutions Residential care homes, nursing homes	Car	Staff - 1 space per 3 staff	Staff 1 space per 3 staff Visitors 1 space per 8 residents	
	Cycle	Staff – 1 space per 5 staff (Long Stay) Showers and changing facilities should be provided for all residential institutions of 500m ² and above. Facilities should be provided on the basis to cater for a minimum of 10% of staff Visitor – 1 space per 10 bed spaces (Short Stay)		
	Disabled User Parking	0 to 200 bays – 3 bays or 6% of total capacity whichever is greater Over 200 bays – 4 bays plus 4% of capacity		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor		

		developments provision provided on a case by case basis.
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Land Use	Parking Standard				
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas	
C2 Hospitals	Car	Staff - 1 space per 5 staff	Staff 1 space per 3 staff Visitors 1 space per 3 beds spaces		
	Cycle		Staff – 1 space per 5 staff (Long Stay) Showers and changing facilities should be provided for all hospitals. Facilities should be provided on the basis to cater for a minimum of 10% of staff Visitor - 1 space per 10 bed spaces (Short Stay)		
	Disabled User Parking		0 to 200 bays – 3 bays or 6% of total capacity whichever is greater Over 200 bays – 4 bays plus 4% of capacity		
	Motorcycle		Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
C3 Dwelling Houses 1 - 2 beds	Car	0.25 spaces per dwelling	0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors	1 space per dwelling plus 1 space per 2 dwellings for visitors	
		On-street residents permits restricted in CPZ areas based on consideration of the relevant factors	On-street residents permits restricted in CPZ areas based on consideration of the relevant factors		
	Car Club	Car club bays provided on a case by case basis for major development			
	Electric Vehicle	For schemes of 10 or more car parking spaces 10% of car parking provision to have electric vehicle charging provision 10% of car parking provision to have passive provision to allow conversion at a later date			
	Cycle	Residents - 1 cycle parking space per unit (Long Stay) Visitors from a threshold of 5 units – 1 cycle parking space per 3 units (Short Stay)			
	Disabled User Parking	1 space per wheelchair accessible unit plus 50% of the minimum parking standard for ambulant disabled people & visitors			
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.			

Land Use	Parking Standard				
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas	
C3 Dwelling Houses 3 – 4+ beds	Car	0.4 spaces per dwelling	1 space per dwelling plus 1 space per 2 dwellings for visitors	1 space per dwelling plus 1 space per 2 dwellings for visitors	
		On-street residents permits restricted in CPZ areas based on consideration of the relevant factors	On-street residents permits restricted in CPZ areas based on consideration of the relevant factors		
	Car Club	Car club bays provided on a case by case basis for major development			
	Electric Vehicle	For schemes of 10 or more car parking spaces 10% of car parking provision to have electric vehicle charging provision 10% of car parking provision to have passive provision to allow conversion at a later date			
	Cycle	Residents – 2 cycle parking spaces per unit (Long Stay) Visitors from a threshold of 5 units – 1 cycle parking space per 3 units (Short Stay)			
	Disabled User Parking	1 space per wheelchair accessible unit plus 50% of the minimum parking standard for ambulant disabled people & visitors			
C4 Houses in Multiple Occupancy Small shared houses occupied by between three and six unrelated individuals	Car	0.15 spaces per bedroom	0.25 spaces per bedroom	0.25 spaces per bedroom	
		On-street residents permits restricted in CPZ areas based on consideration of the relevant factors	On-street residents permits restricted in CPZ areas based on consideration of the relevant factors		
	Cycle	1 space per 2 bed spaces (Long Stay)			
	Disabled User Parking	1 space per wheelchair accessible unit plus 50% of the minimum parking standard for ambulant disabled people & visitors			
	Motorcycle	Minor developments provision provided on a case by case basis.			

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
D1 Educational Establishments Nursery, Primary, Infant & Junior	Car	1 space per 3 teaching staff member	1 space per 2 teaching staff member	1 space per 1 teaching staff member

Schools		No on-site provision for parent/guardian pick up drop off	No on-site provision for parent/guardian pick up drop off	No on-site provision for parent/guardian pick up drop off
	Cycle	Nursery Staff - 1 space per 5 members of staff (Long Stay) Children - buggy and scooter parking Primary Staff - 1 space per 5 members of staff (Long Stay) Pupils – 1 space per 15 pupils (Long Stay) & scooter parking Visitors – 1 space plus 1 space per 100 children (Short Stay)		
	Disabled User Parking	0 to 200 bays – Individual bays for each disabled employee where known plus 2 bays or 5% of total capacity whichever is greater Over 200 bays – 6 bays plus 2% of total capacity		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
D1 Educational Establishments Secondary, 6th Form & Colleges Secondary schools, 6th forms and colleges	Car	1 space per 3 teaching staff member	1 space per 2 teaching staff member	1 space per 1 teaching staff member
	Cycle	Staff - 1 space per 5 members of staff (Long Stay) Pupils – 1 space per 5 pupils (Long Stay) Visitors – 1 space plus 1 space per 100 children (Short Stay)		
	Disabled User Parking	0 to 200 bays – Individual bays for each disabled employee where known plus 2 bays or 5% of total capacity whichever is greater Over 200 bays – 6 bays plus 2% of total capacity		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
D1 Educational Establishments Higher & Further Education Higher and further educational establishments	Parking Standard			
	Land Use	Parking Type	Central Area	Key Public Transport Corridors
		Car	1 space per 3 teaching staff member	1 space per 2 teaching staff member
	Cycle	Staff - 1 space per 5 members of staff (Long Stay) Students – 1 space per 2 students (Long Stay) Visitors – 1 space plus 1 space per 75 students (Short Stay)		
	Disabled User Parking	0 to 200 bays – Individual bays for each disabled employee where known plus 2 bays or 5% of total capacity whichever is greater Over 200 bays – 6 bays plus 2% of total capacity		
D1 Health Centres & Medical	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
	Car	1 car parking		2 car parking

Clinics Doctors, dentists, medical & health clinics		space per consulting room	1 car parking spaces per consulting room + 1 car parking space per 2 members of staff	spaces per consulting room + 1 car parking space per 2 members of staff
	Cycle	Staff – 1 space per 5 staff (Long Stay) Patients – 1 space per consulting room (Short Stay)		
	Disabled User Parking	0 to 200 bays – 3 bays or 6% of total capacity whichever is greater Over 200 bays – 4 bays plus 4% of capacity		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
D1 Community Centres, Church Halls, Public Halls, Places of Worship, Crematoria	Car	Disabled user car parking only	1 space per 30m ²	1 space per 20m ²
	Cycle	2 spaces plus 1 additional space per 350m ²		
	Disabled User Parking	3 bays or 6% of total capacity whichever is greater		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
D1 Libraries, Art Galleries & Museums	Car	Disabled user car parking only	1 space per 45m ²	1 space per 30m ²
	Cycle	2 spaces plus 1 additional space per 200m ²		
	Disabled User Parking	3 bays or 6% of total capacity whichever is greater		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
D2 Cinema, music & concert halls, bingo hall	Car	Disabled user car parking only	1 space per 15 seats	1 space per 7.5 seats
	Cycle	Staff – 1 space per 5 staff (Long Stay) Customers – 1 space per 30 seats (Short Stay)		
	Disabled User Parking	0 to 200 bays – 3 bays or 6% of total capacity whichever is greater Over 200 bays – 4 bays plus 4% of capacity		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
D2 Swimming pools, ice rinks, sports centres, gyms & leisure centres	Car	Disabled user car parking only	1 space per 35m ²	1 space per 25m ²
	Cycle	Staff - 1 space plus 1 space per 5 staff (Long Stay)		

		Visitors – 1 space per 50m ² up to 2000m ² thereafter 1 space per 250m ² (Short Stay)	
	Disabled User Parking	0 to 200 bays – 3 bays or 6% of total capacity whichever is greater Over 200 bays – 4 bays plus 4% of capacity	
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.	
D2 Sports Pitches Outdoor sports and recreation pitches	Car	N/A	1 space per 2 players at busiest times
	Cycle	N/A	1 space per 5 players at busiest times
	Disabled User Parking	3 bays or 6% of total capacity whichever is greater	
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.	

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
Sui Generis Purpose Built Student Accommodation	Car	Disabled user car parking only	0.25 spaces per bedroom	0.25 spaces per bedroom
		On-street residents permits restricted in CPZ areas based on consideration of the relevant factors	On-street residents permits restricted in CPZ areas based on consideration of the relevant factors	
	Cycle	Residents - 1 space per 1.5 bed spaces (Long Stay) Visitors – 1 space per 10 bed spaces (Short Stay)		
	Disabled User Parking	1 space per wheelchair accessible unit plus 50% of the minimum parking standard for ambulant disabled people & visitors		
	Servicing	On-site loading and un-loading for student move in move out at start and end of terms		
	Motorcycle	Major developments based on at least 5% of the maximum total car parking standard. Minor developments provision provided on a case by case basis.		
Sui Generis Large Housing in Multiple Occupancy Large shared houses occupied by more than six unrelated individuals	Car	0.15 spaces per bedroom	0.25 spaces per bedroom	0.25 spaces per bedroom
		On-street residents permits restricted in CPZ areas based on consideration of the relevant factors	On-street residents permits restricted in CPZ areas based on consideration of the relevant factors	

Land Use	Parking Standard			
	Parking Type	Central Area	Key Public Transport Corridors	Outer Areas
	Cycle	1 space per 2 bed spaces (Long Stay)		
	Disabled User Parking	1 space per wheelchair accessible unit plus 50% of the minimum parking standard for ambulant disabled people & visitors		
	Motorcycle	Minor developments provision provided on a case by case basis.		

Appendix 3 - Local Wildlife Sites (Policy DM37 Green Infrastructure and Nature Conservation)

Local Wildlife Sites

BH02 Mile Oak Fields (part National Park)
BH07 Emmaus Gardens & St Nicholas
BH09 Benfield Valley
BH10 Basin Road South
BH12 Toad's Hole Valley
BH15 Three Cornered Copse
BH17 Bramble Rise Copse
BH20 Tivoli Copse & Railway Woodland
BH21 Foredown Allotments
BH22 Oakdene Southwick Hill
BH25 Brighton Station (Brighton Greenway)
BH26 Hollingbury Industrial Estate
BH27 Crespin Way
BH28 Brighton University
BH29 Volk's Railway
BH30 Woodvale Extra-mural and Downs Cemeteries
BH31 Black Rock Beach
BH32 Wilson Avenue Whitehawk
BH33 Brighton Marina
BH34 Sheepcote Valley (part National Park)
BH35 Westlain Plantation/Hog Plantation (part National Park)
BH36 Tenant Lain and Moon's Gate Wood (part National Park)
BH42 Ovingdean School Grounds
BH43 Wanderdown Road Open Space
BH60 St Helen's Churchyard
BH62 Honeysett

BH63 Braeside Avenue Scrub
BH64 Cardinal Newman School
BH65 Cliff Corner
BH66 Cliff Road Paddock
BH67 Dorothy Stringer Wildlife Area
BH69 Highcroft Villas
BH70 Hodshrove Wood
BH72 Land at Westfield Avenue
BH73 London Road Station
BH75 Park Royal & High School
BH76 Rottingdean Pond
BH77 Madeira Drive Green Wall
BH78 Meadowvale
BH79 South Bevendean Down
BH80 St Leonard's Churchyard
BH81 Stevenson Road Quarry
BH82 Surrenden Crescent & Surrenden Road
BH83 Surrenden Field Copse
BH85 Withdean Park Copse
BH86 Bevendean Horse Paddocks (part National Park)
BH87 Land at Coldean Lane (part National Park)
BH88 Sidehill Scrub
BH89 Dyke Trail South
BH100 Ovingdean Copse
BH101 Patcham Court Field

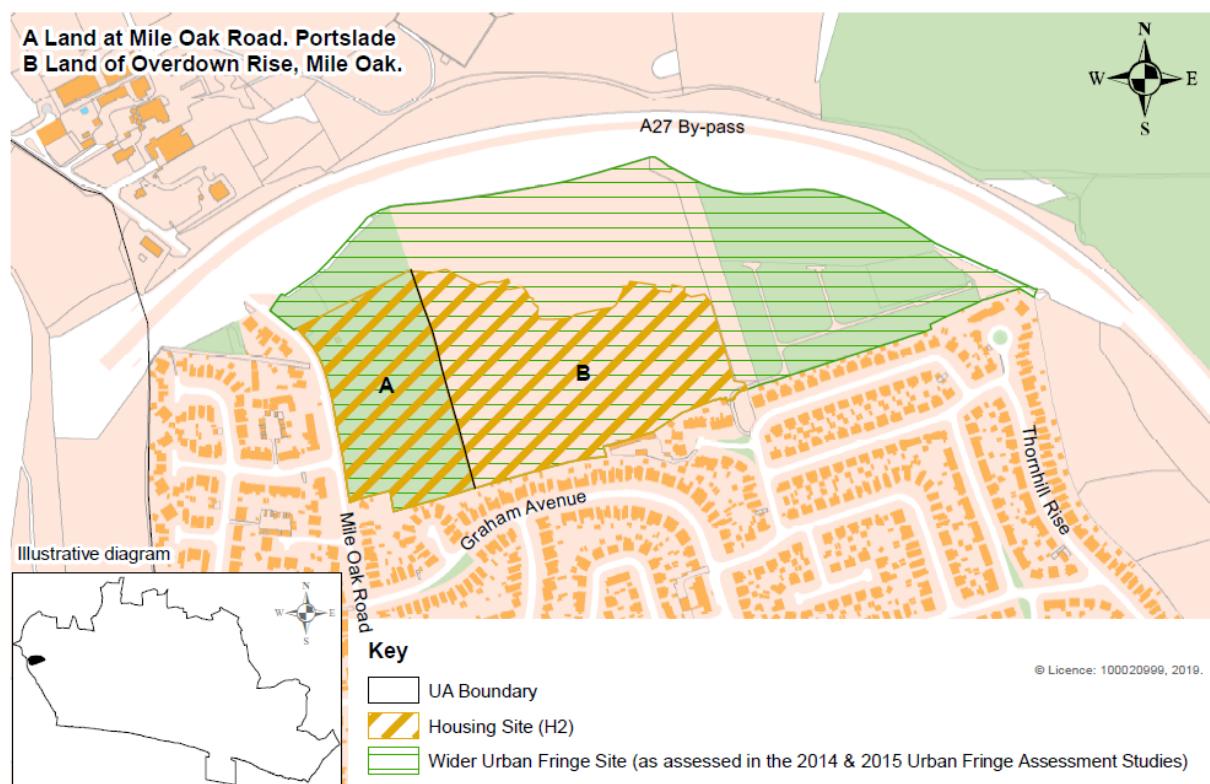
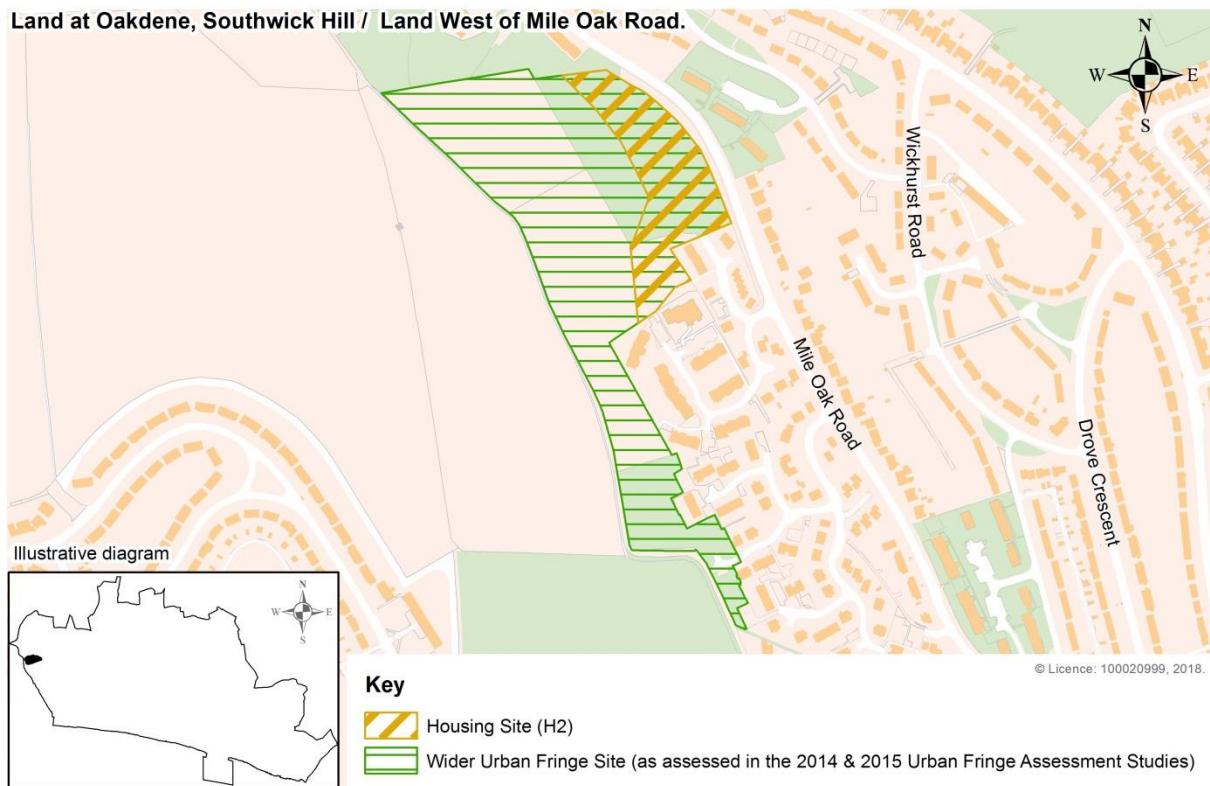
Candidate Local Wildlife Sites

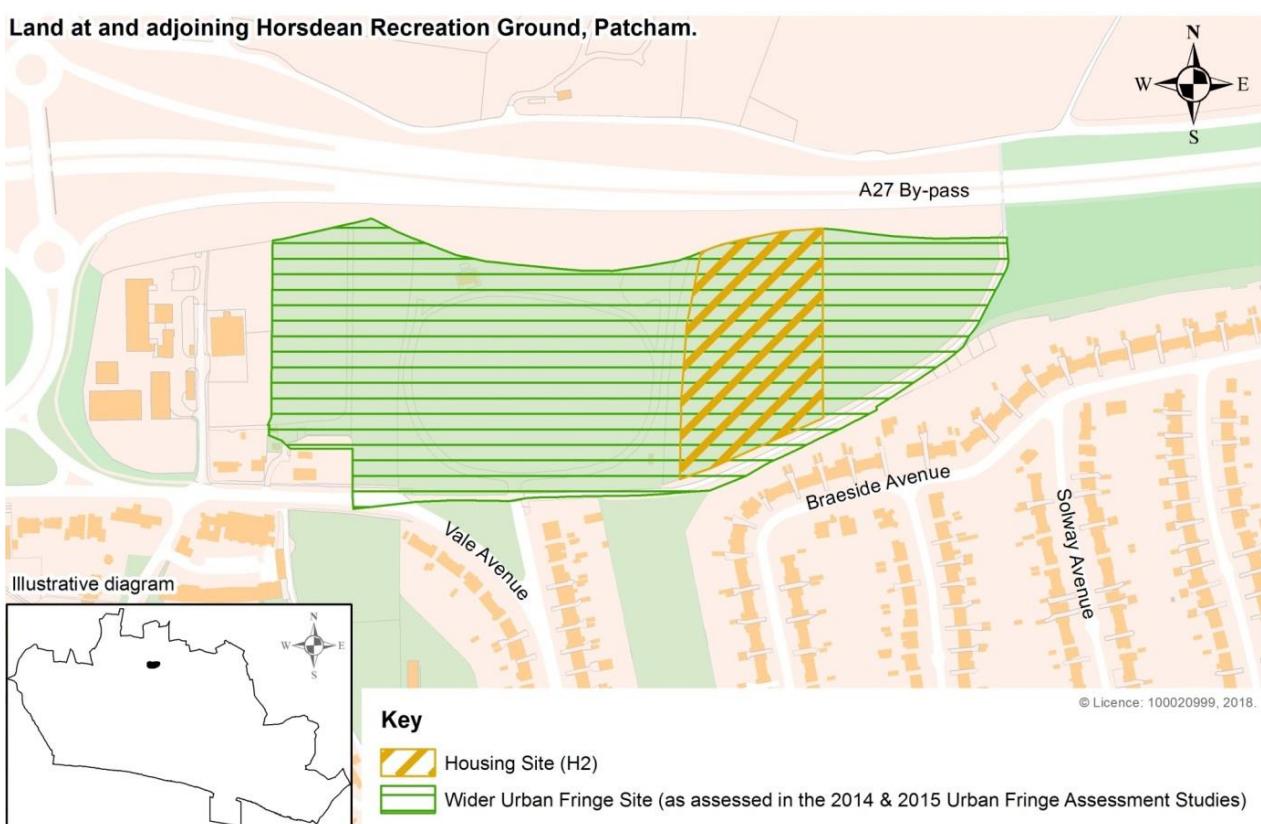
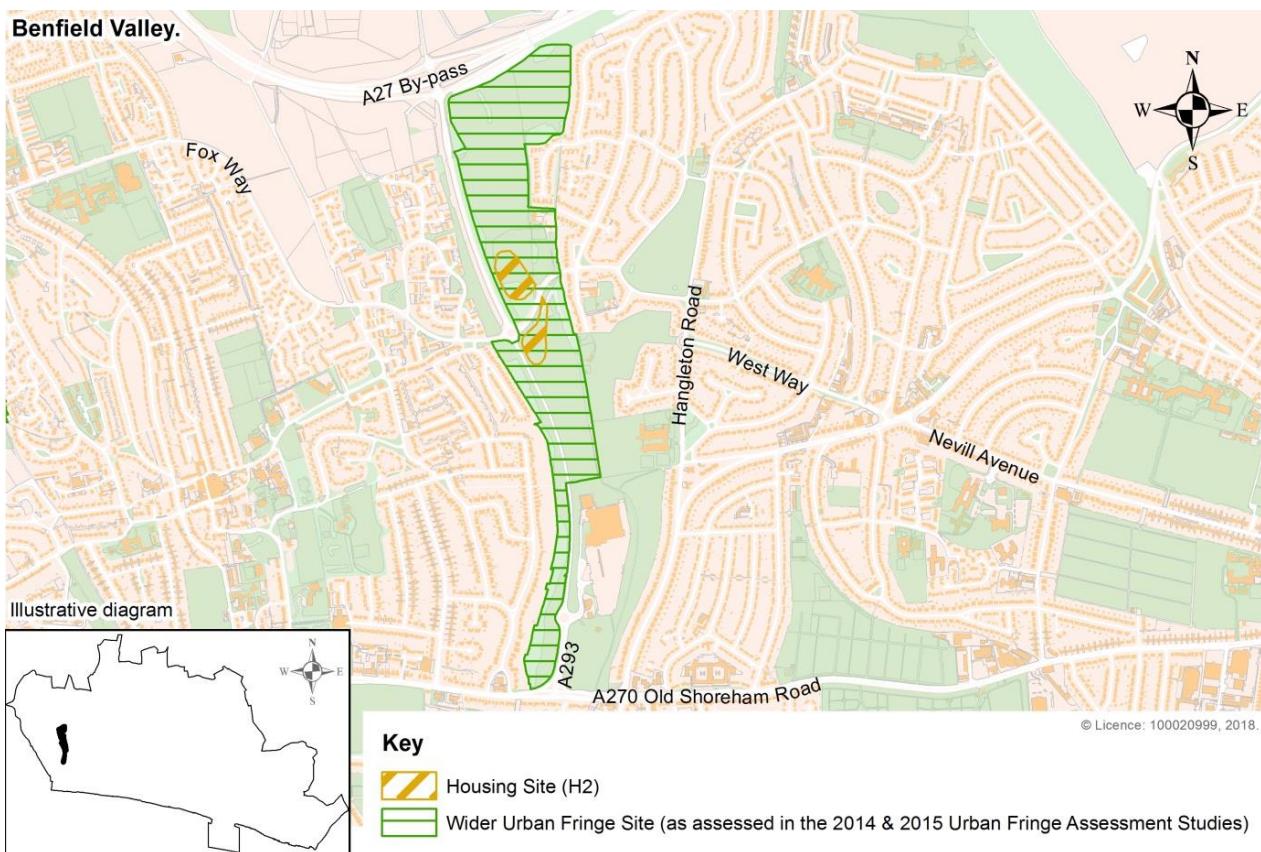
Redhill Sports Ground (47)

Please Note - Reference Numbers relate to numbering in the Local Wildlife Sites Review Report 2017 (updated February 2020 following consultation with landowners).

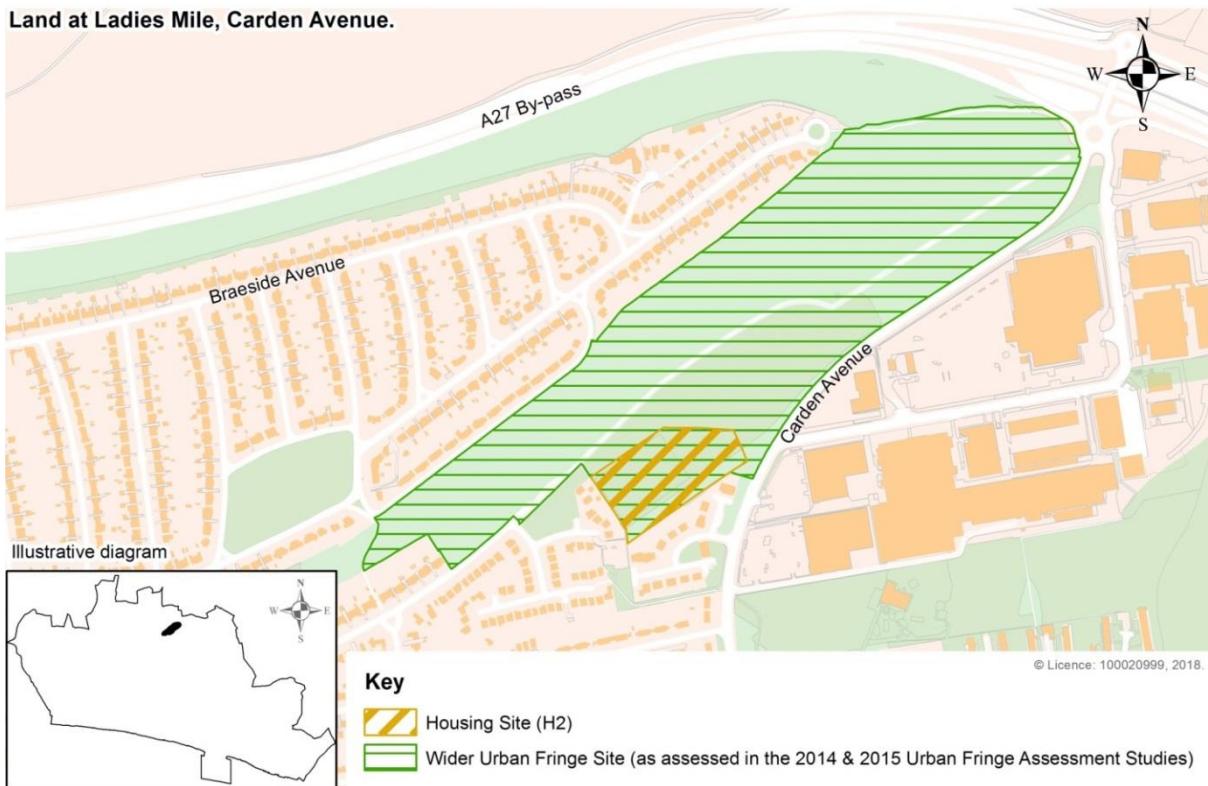
Appendix 4 - Policy H2 Urban Fringe Housing Site Maps (see also CPP2 Policies Map)

Land at Oakdene, Southwick Hill / Land West of Mile Oak Road.

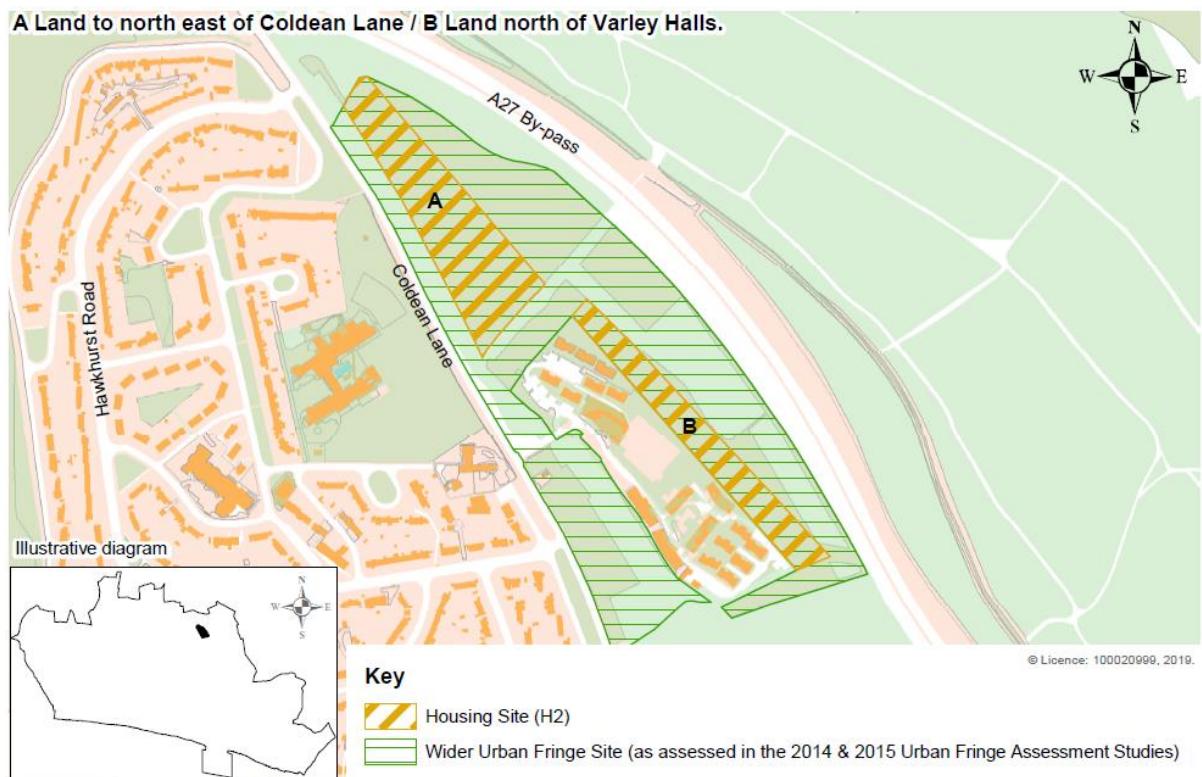


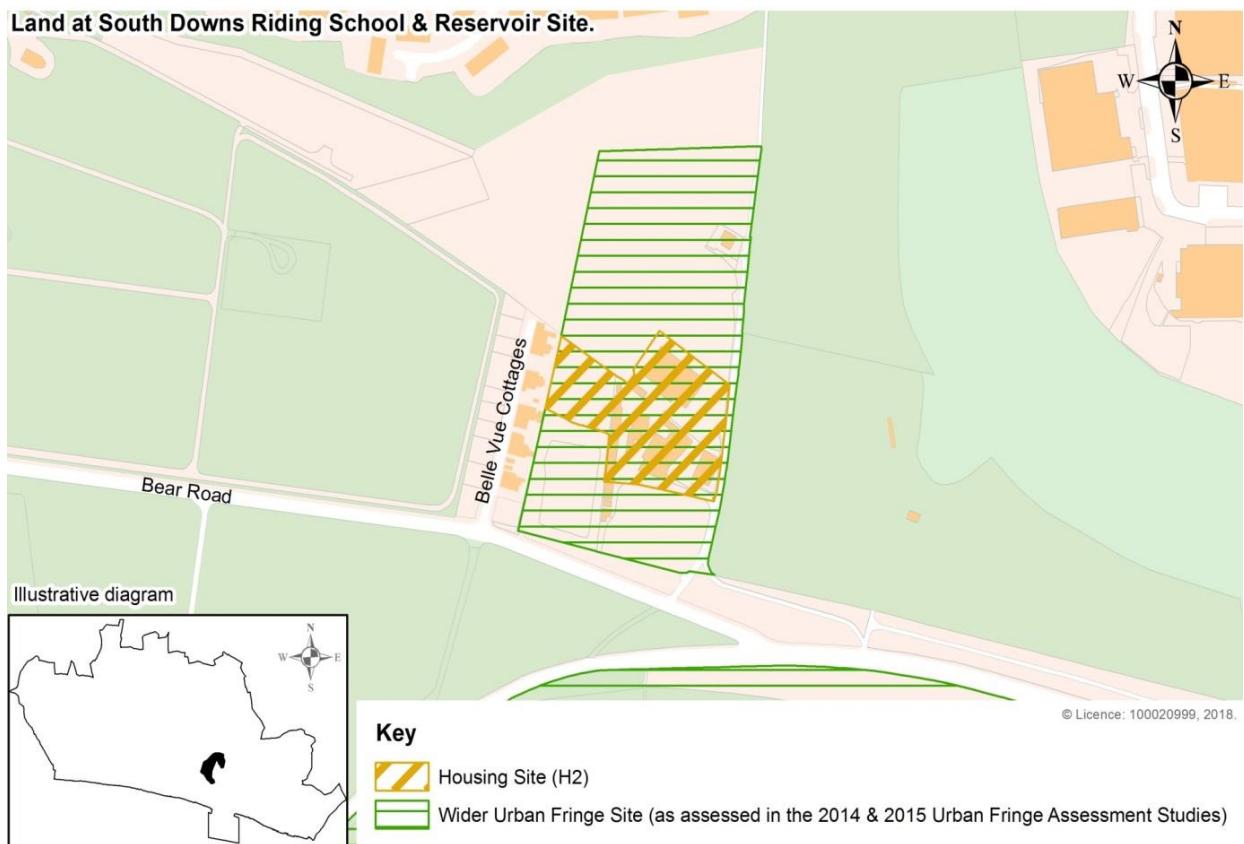
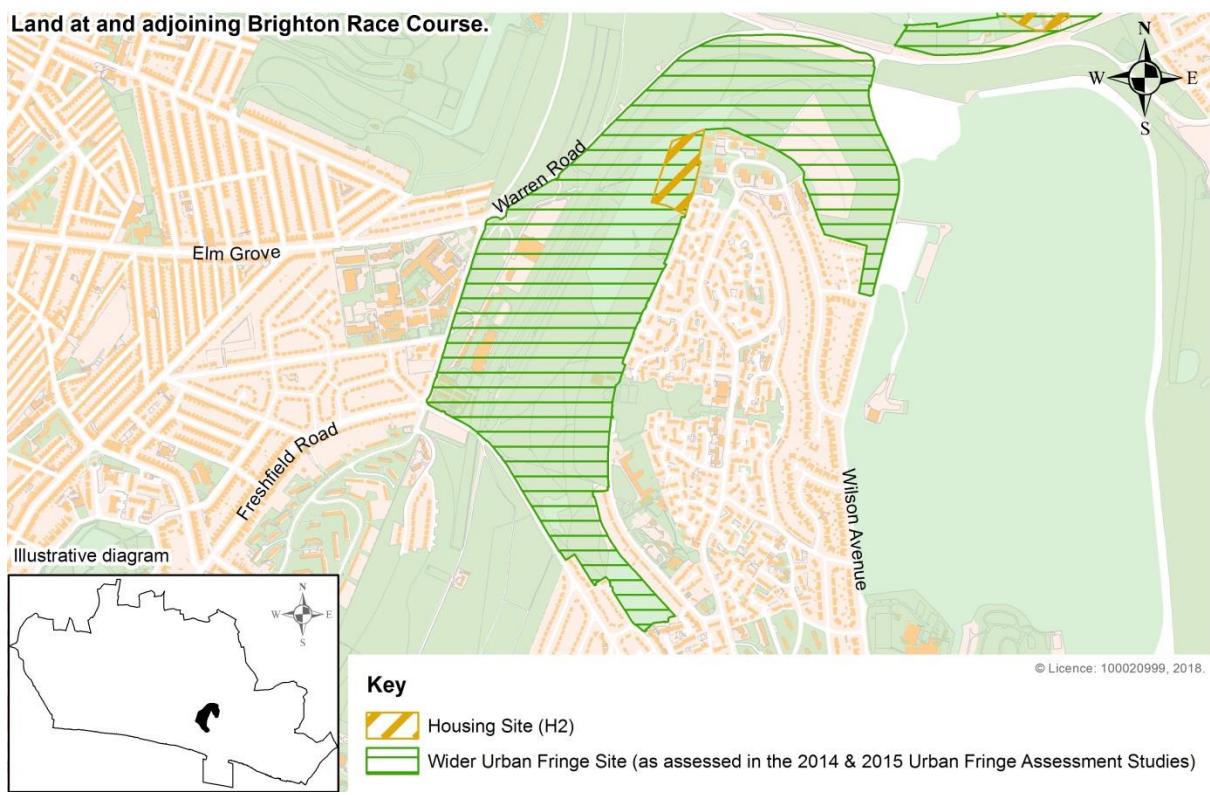


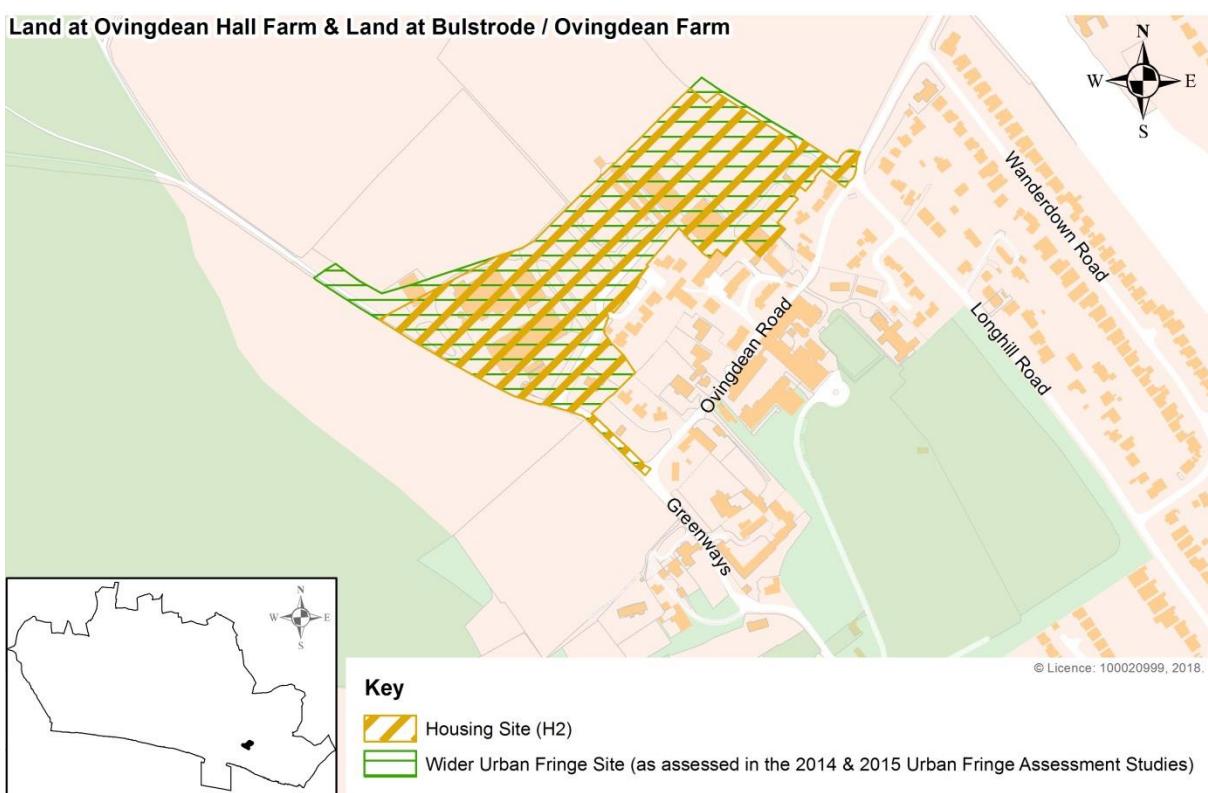
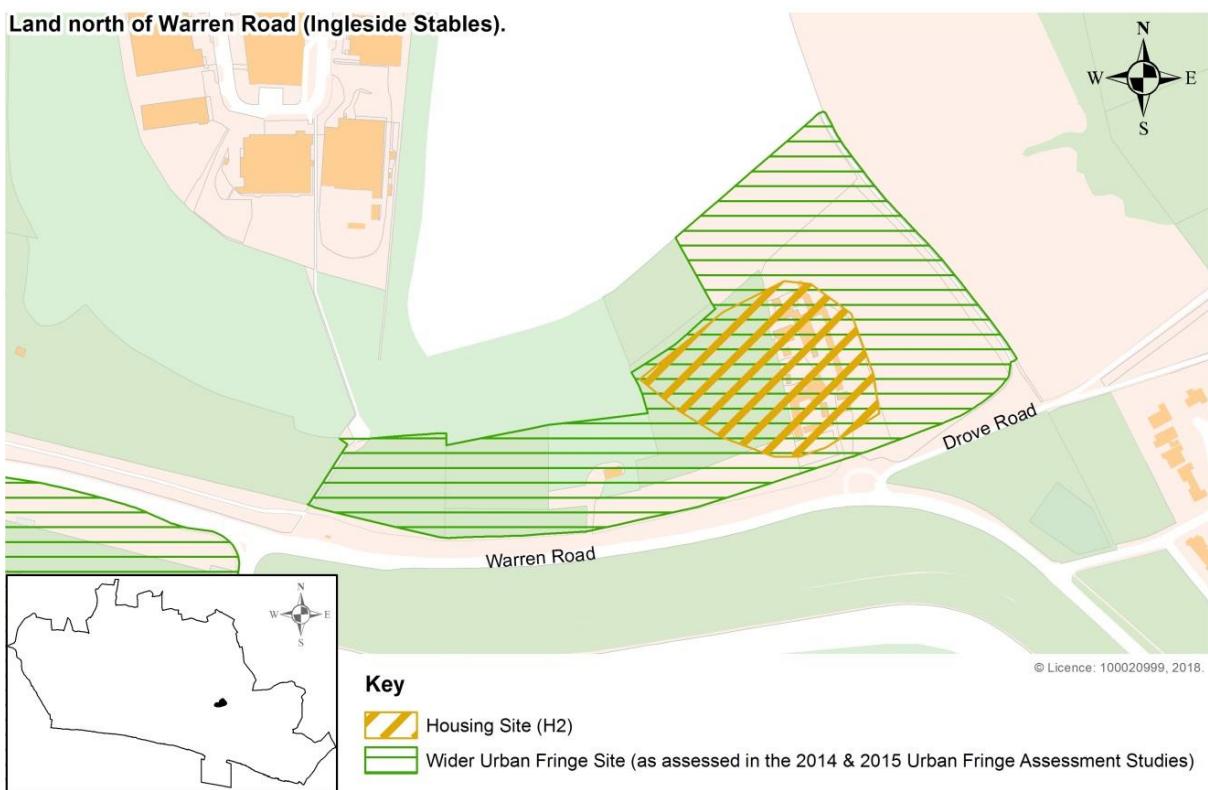
Land at Ladies Mile, Carden Avenue.



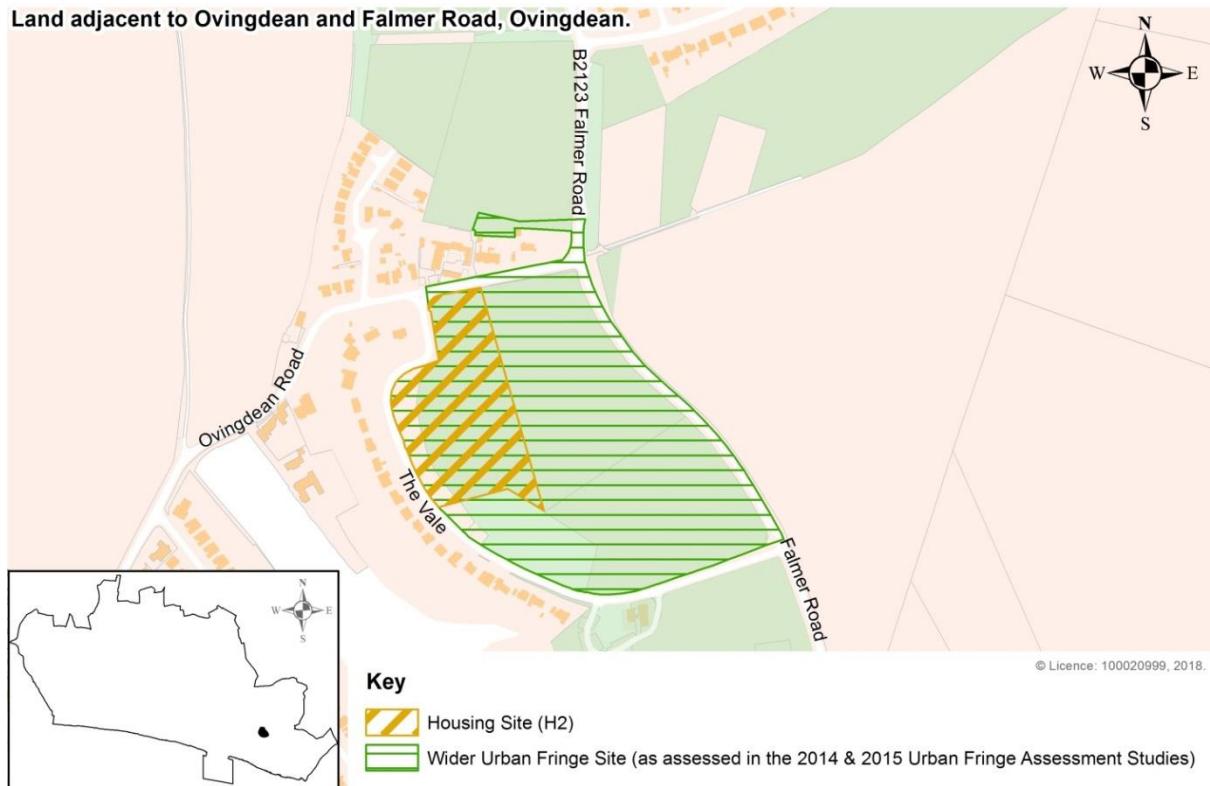
A Land to north east of Coldean Lane / B Land north of Varley Halls.



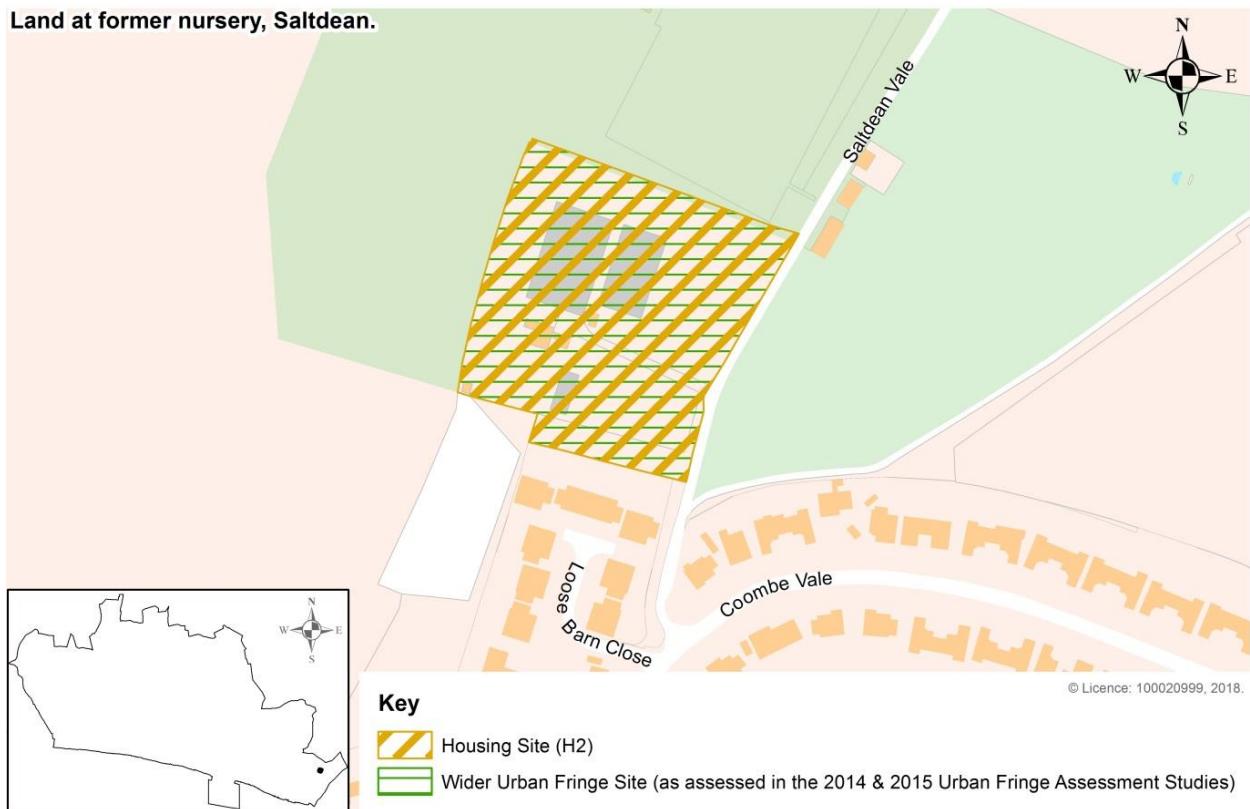


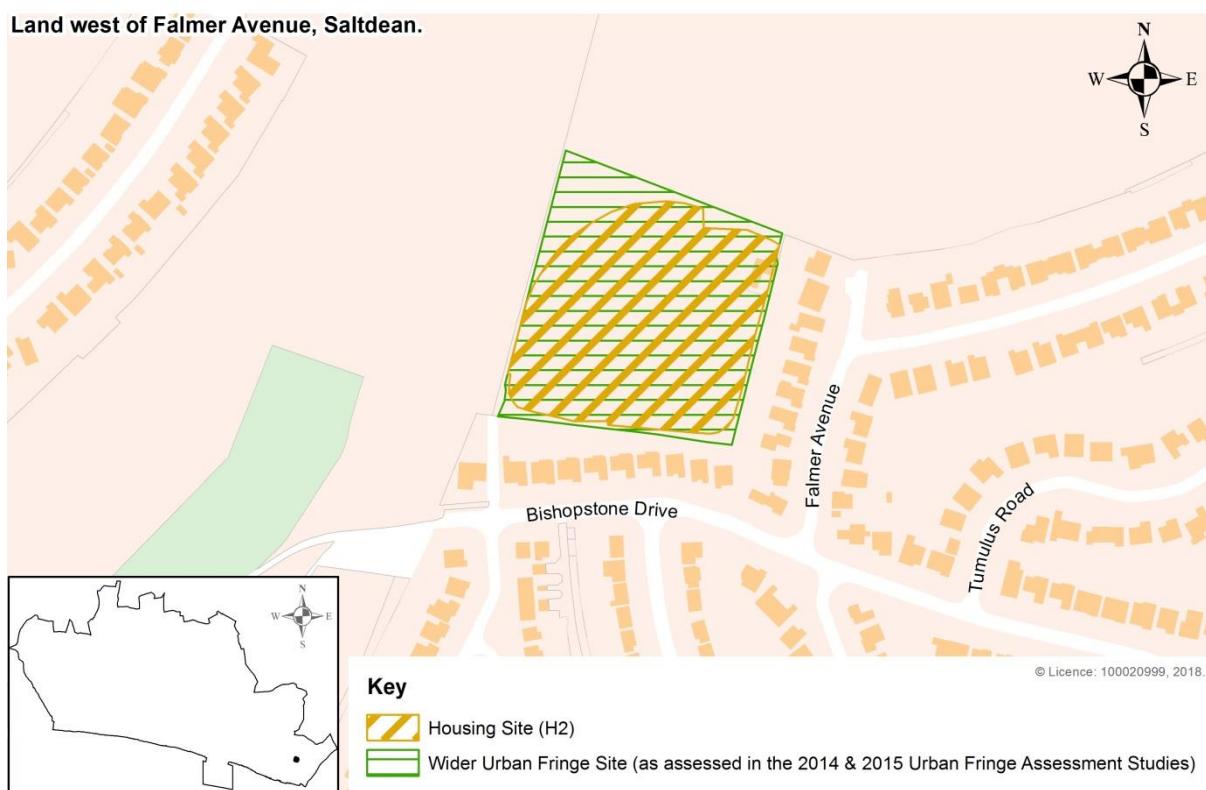
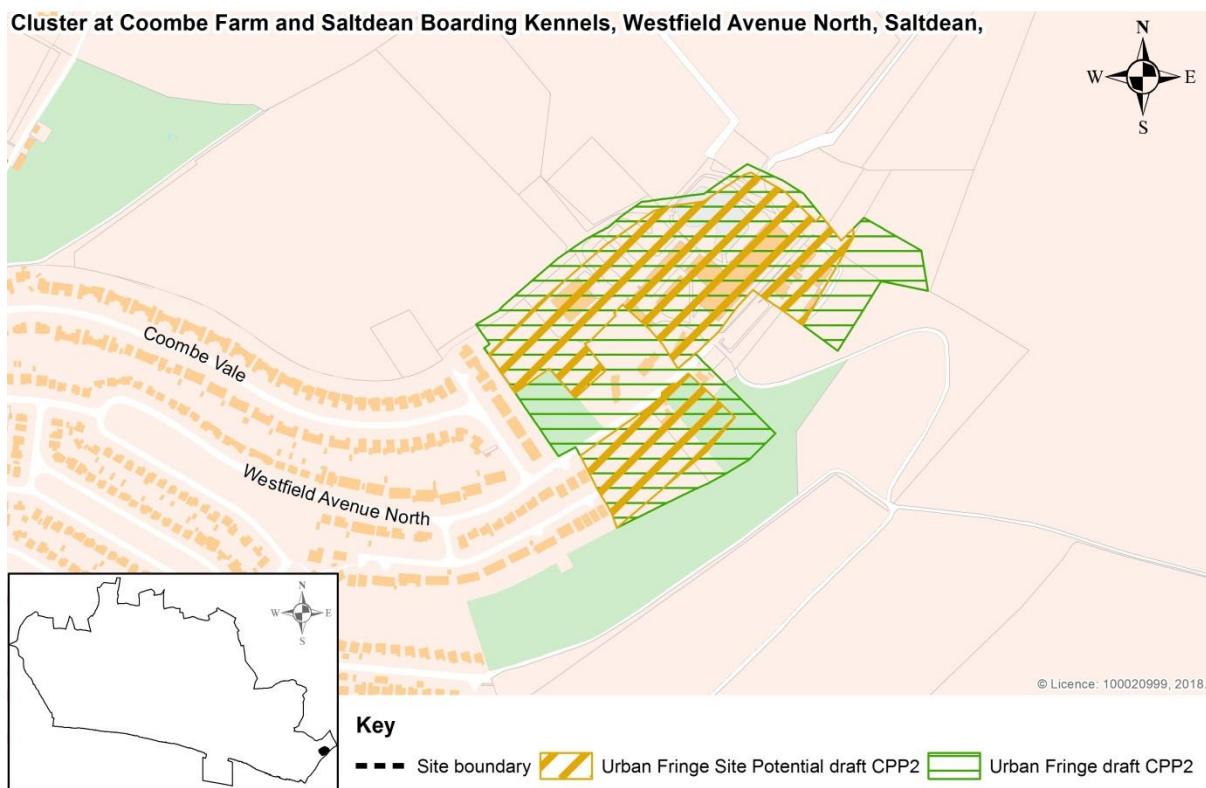


Land adjacent to Ovingdean and Falmer Road, Ovingdean.



Land at former nursery, Saltdean.





Appendix 5 - List of Brighton & Hove Local Plan policies that will be superseded on adoption of the City Plan Part 2:

- TR4 Travel plans
- TR7 Safe Development
- TR9 Pedestrian priority areas
- TR11 Safe routes to school and school safety zones
- TR12 Helping the independent movement of children
- TR14 Cycle access and parking
- TR15 Cycle network
- TR17 Shopmobility
- TR18 Parking for people with a mobility related disability
- TR20 Coach parking
- TR21 Long term coach and overnight lorry park
- SU3 Water resources and their quality
- SU5 Surface water and foul sewage disposal infrastructure
- SU6 Coastal defences
- SU8 Unstable land
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU12 Hazardous substances
- QD5 Design – street frontages
- QD8 Shopshutters
- QD9 Boarding up of flats, shops and business premises
- QD10 Shopfronts
- QD11 Blinds
- QD12 Advertisements and signs
- QD13 Advertisement hoardings
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- QD21 Allotments
- QD22 Satellite dish aerials
- QD23 Telecommunications apparatus (general)
- QD24 Telecommunications apparatus affecting important areas
- QD25 External lighting
- QD26 Floodlighting
- QD27 Protection of amenity
- HO1 Housing sites and mixed use sites with an element of housing
- HO5 Provision of private amenity space in residential development
- HO8 Retaining housing
- HO9 Residential conversions and the retention of smaller dwellings
- HO10 Accommodation for homeless people
- HO11 Residential care and nursing homes
- HO12 Sheltered and managed housing for older people
- HO13 Accessible housing and lifetime homes
- HO14 Houses in multiple occupation (HMOs)
- HO15 Housing for people with special needs
- HO19 New community facilities
- HO20 Retention of community facilities
- HO21 Provision of community facilities in residential and mixed use schemes
- HO23 Community centre at Woodingdean

HO25 Brighton General Hospital
HO26 Day nurseries and child care facilities
EM4 New business and industrial uses on unidentified sites
EM7 Warehouses (B8)
EM8 Live-work units on redundant industrial and business and warehouse sites
EM9 Mixed uses and key mixed use sites
EM10 North Laine Area mixed uses
EM11 Mews – mixed uses
SR3 Retail warehouses
SR4 Regional shopping centre
SR5 Town and district shopping centres
SR6 Local centres
SR7 Local parades
SR8 Individual shops
SR9 Brighton Post Office, 51 Ship Street
SR10 Amusement arcades/centres
SR11 Markets and car boot sales
SR12 Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
SR13 Nightclubs
SR16 Major sporting and recreation facilities
SR18 Seafront recreation
SR22 Major sporting venues
SR25 Hollingbury Park sports pavilion
SR26 Hangleton Bottom
NC2 Sites of national importance for nature conservation
NC3 Local Nature Reserves (LNRs)
NC4 Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
NC9 Benfield Valley
NC10 Benfield Barn
NC11 Land and buildings in the vicinity of Benfield Barn
HE1 Listed buildings
HE2 Demolition of a listed building
HE3 Development affecting the setting of a listed building
HE4 Reinstatement of original features on listed buildings
HE6 Development within or affecting the setting of conservation areas
HE8 Demolition in conservation areas
HE9 Advertisements and signs within conservation areas and on, or in the vicinity of a listed building
HE10 Buildings of local interest
HE11 Historic parks and gardens
HE12 Scheduled ancient monuments and other important archaeological sites

Appendix 6 Table 1 – Proposed Changes to Policy Map – new additions/amendments by virtue of policies in City Plan Part 2/ Updates

Policy Map Change	City Plan Part 2 Policy
New Special Area depicted	SA7 - Benfield Valley
Strategic Site Allocations depicted	SSA1 - Brighton General Hospital Site, Elm Grove, SSA2 - Combined Engineering Depot, New England Road SSA3 - Land at Lyon Close SSA4 - Sackville Trading Estate and Coal Yard SSA5 – Madeira Terraces and Madeira Drive SSA6 – Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive SSA7 – Land Adjacent the Amex Community Stadium, Village Way
Housing Allocations - Housing Sites and mixed use sites depicted	H1 – Housing Sites and Mixed Use Sites-
Housing Allocations – Urban Fringe housing sites depicted	H2 – Housing Sites – Urban Fringe See CPP2 Appendix 4 for detailed site maps
Purpose Built student Accommodation Site allocations depicted	H3 Purpose Built Student Accommodation
Opportunity Site for new industrial, business and warehouse uses	E1 Hangleton Bottom
Royal Pavilion Estate depicted	DM32 The Royal Pavilion Estate
Local Green Spaces depicted	DM38 Local Green Spaces Hollingbury Park Three Cornered Copse Ladies' Mile Benfield Valley

Retail Centre Frontage Boundaries – updates and changes to regional centre boundary.	DM12 Changes of Use within Regional Town, District and Local Shopping Centres Primary Shopping Areas identified
Primary Shopping Area depicted	See detailed changes set out in Updated Retail Background Paper
Important Local Parades depicted	DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units See detailed maps in Updated Retail Background Paper
Special Retail Areas depicted	DM14 Commercial and Leisure Uses at Brighton Marina DM15 Commercial and Leisure Uses on the Seafront
Hotel Core Zone amended	To include two seafront hotels (the Brighton Hotel and Mercure Brighton Seafront) as recommended by Visitor Accommodation Update Study April 2018.

Other Updates

Shoreham Harbour designations Updated	To reflect adoption of Shoreham Harbour Joint Area Action Plan
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Appendix 6 Table 2 Policies Map – Proposed Changes to the City plan
Part 1 Policies Map due to retained Brighton & Hove Local Plan Policies
being superseded by City Plan Part 2 policies

Retained BHLB Policy	Policy Replaced by CPP2	CPP2 Policy	Proposed Policy Map Change
HO1 Housing Sites and mixed use sites with an element of housing	Yes	H1 Housing Sites and Mixed Use Sites H2 Urban Fringe Housing Allocations	HO1 site allocations removed and superseded by: H1 Housing sites and Mixed Use Sites H2 Urban Fringe Housing site Allocations depicted Key Updated
HO23 Community Centre at Woodingdean	No	n/a	HO23 designation removed – (no longer required as delivered in 2014). Key Updated
HO25 Brighton General Hospital	Yes	SSA1 Brighton General Hospital site, Elm Grove	HO25 designation removed and superseded by SSA1 Brighton General Hospital Site, Elm Grove Key Updated
EM9 Mixed Uses and Key Mixed Use Sites	Yes	H1 Housing and Mixed Use Site	EM9 layer removed and superseded by H1 mixed use sites. Key Updated
SR4 Regional Shopping Centre	Yes	DM12 Changes of Uses within Regional, Town, District and Local Shopping Centres	SR4 retail frontages updated (primary and secondary) with frontage changes; deletions and additions [see Updated Retail Background Paper for details] Primary Shopping Areas depicted Key Updated
SR5 Town and district shopping centres	Yes	DM12 Changes of Uses within Regional, Town, District and Local Shopping Centres	SR5 layer updated with frontage boundary changes; deletions and additions [see Updated Retail Background Paper for details]Key Updated – Primary Shopping Areas
SR9 Brighton Post Office, 51 Ship Street	Yes	n/a	SR9 allocation removed (as part completed)
SR22 Major Sporting Venues	No	Safeguarded through CP17 Sports Provision in CPP1	SR22 Recreation designations removed Key Updated
SR25 Hollingbury Park Sports	No	Safeguarded through CP17 Sports Provision in CPP1	SR25 Recreation designation removed Key Updated

Facility			
SR26 Hangleton Bottom	Yes	East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017) SP1 E1 Opportunity site for new business and warehouse uses	SR26 Recreation designation removed and replace by adopted Waste and Minerals Plan site allocation SP1 and E1 Opportunity site for new business and warehouse uses Key Updated
Coal Yard Depot Materials Recovery Facility Allocation	Yes	Part of SSA4 Sackville Trading Estate and Coal Yard, Hove	Remove Materials recovery facilities designation at Coal Yard Depot (and reference to TR14) removed and superseded by SSA4 Sackville Trading Estate and Coal Yard. Key Updated
NC2 Sites of national importance for nature conservation	Yes	DM37 Green Infrastructure and Nature Conservation	Designations retained and updated
NC3 Local Nature Reserves (LNRs)	Yes	DM37 Green Infrastructure and Nature Conservation	Designations retained and updated
NC4 Site of Nature Conservation Importance (SNIs) and Regionally Important Geological Sites (RIGs)	Yes	DM37 Green Infrastructure and Nature Conservation	Designations retained, updated and SNIs renamed Local Wildlife Sites along with new/ cLWS [see Local Wildlife Site Review Study updated February 2020] RIGs layer updated
HE6 Development within or affecting the setting of the conservation areas	Yes	DM26 Conservation Areas	Designations retained. Key Updated
HE8 Demolition in Conservation Areas	Yes	DM26 Conservation Areas	Designations retained. Conservation Area boundary updated for Queens Park Key Updated
HE9 Advertisements	Yes	DM26 Conservation Areas	Key Updated

and signs within conservation areas and on, or in the vicinity of a listed building		DM27 Listed Buildings DM24 Advertisements	
HE11 Historic Parks and Gardens	Yes	DM30 Registered Parks and Gardens	Key Updated
HE12 Scheduled Ancient Monuments and other important archaeological sites	Yes	DM31 Archaeological Interest	Separate designations ANAs updated and Scheduled Monuments retained. Key Updated.



Appendix 2 - Overview of Consultation Responses and Summary of Key changes to City Plan Part 2 Policies

Policy	Overview of Consultation Responses	Summary of Key Changes to Policy
Topic – Housing, Accommodation and Community		
DM1 - Housing Quality, Choice and Mix	<p>45 representations [35 in support, 10 objecting]</p> <p>General support for aim of policy and inclusion of minimum space standards and accessibility and adaptability standards. Clarification sought on a number of criterion.</p> <p>Object to: requirement for seeking a range of dwelling types; question evidence to support requirement for space and access standards; standards should only apply to residential dwellings and allow flexibility for innovative new housing formats. Clarification on evidence to justify departure from standards.</p>	<p>Table 2 in Policy replaced with government's updated published version.</p> <p>Clarification to supporting text – of opportunities for custom build/ self-build and include reference to role of private amenity space in contributing to ecological and green infrastructure networks</p>
DM2 - Retaining Housing and residential accommodation (C3)	<p>28 representations [21 in support, 7 objecting]</p> <p>Support the aim of the policy to resist net loss of existing residential accommodation.</p> <p>Object to lack of council controls on short term residential lettings and consider the policy constraints the potential delivery of shared homes.</p>	Minor changes to supporting text
DM3 Residential conversions and the retention of smaller dwellings	<p>21 representations [18 supporting, 3 objecting]</p> <p>Support the aim of the policy to give more choice and options to preserve/ increase family housing.</p> <p>Object to restrictiveness/ lack of flexibility of the policy given the level of housing need/ changing needs in the city and lack of justification for increased size threshold.</p>	<p>Change to original floor area cited in DM3a) from 124 sqm to 115 sq metres to address consultation responses.</p> <p>Consequent amendments to supporting text</p>
DM4 Housing and	25 representations [20 supporting, 5 objecting]	Minor amendments to policy text for

	<p>Accommodation for Older Persons</p> <p>Policy allows for range of different housing/ accommodation suited to meet the differing needs of older people and responds to growth in elderly people. In line with government guidance and B&H Economic Strategy</p> <p>Object – require robust assessment of need and justification for affordable housing requirement. Ensure older people can remain within the same neighbourhood.</p>	<p>clarity: need to meet identified need; provision of internal/external space and reference to good practice design principles.</p> <p>Amendments to supporting text to reflect conclusions of Older People's Housing Needs Assessment study including the need to plan for a wide mix of accommodation options and the amounts of different types of accommodation that will be required. Clarification that accommodation falls within both C2 and C3.</p>
280	<p>DM5 - Supported Accommodation (Specialist and Vulnerable Needs)</p> <p>17 representations [15 supporting, 2 objecting]</p> <p>Support - policy aim sensible and would accord with the Brighton & Hove Economic Strategy.</p> <p>Object – policy should be strengthened to ensure needs are met within city boundaries and ensure people are not isolated. Question whether all of wording of policy is necessary/ clear.</p>	<p>Whilst still resisting loss the policy now includes criteria that set out the circumstances under which loss of residential accommodation for people with special needs will be allowed.</p> <p>Clarification in supporting text of application of policy.</p>
	<p>DM6 - Build To Rent Housing</p> <p>25 representations [18 supporting, 7 objecting]</p> <p>Support – will add to diversity of housing mix and quality. Support but request greater flexibility/ better reflect distinct nature of Build to Rent. 40% affordable housing provision unrealistic.</p> <p>Object – policy too restrictive (ownership/ on-site management and tenancies) lacks clarity/</p>	<p>Deletion of criteria relating to avoiding an over-concentration of build to rent within strategic allocations.</p> <p>Amendment to affordable housing criteria, confirming that up to 20% affordable housing at genuinely</p>

	<p>justification on reference to avoiding 'over-concentration' of build to rent housing; requirement for self-contained units. Affordable rents should be provided at genuinely affordable level.</p>	<p>affordable rents will be sought subject to viability.</p> <p>Updates to supporting text regarding rent levels and proportion of affordable housing.</p> <p>Updates to supporting text regarding viability background evidence undertaken.</p>
DM7 - Houses in Multiple Occupation (HMOs)	<p>37 representations [22 supporting, 15 objecting]</p> <p>Support – general support for policy criteria. Space standards should be included in the policy.</p> <p>Object – policy will reduce range of housing available to residents and disproportionately affect specific groups of residents; policy requirements unduly onerous and planning benefits unclear. Some respondents considered criteria not sufficiently robust to maintain balanced communities.</p>	<p>No change to policy.</p> <p>Clarification in supporting text on the size of communal living space.</p>
DM8 - Purpose Built Student Accommodation	<p>30 representations [16 supporting, 14 objecting]</p> <p>Support – general support for policy, some seeking clarification on requirements for outdoor amenity space and more flexibility on on-site security and length of tenancy requirements.</p> <p>Object – question the justification for some of the policy requirements – provision of cluster units, whole academic year occupancy and 24 hour security.</p>	<p>Through additional criterion clarification of communal space requirements for cluster flats and studio flats</p> <p>Replacing requirement for 'on-site' security presence with effective and 'appropriate' provision.</p> <p>Removal of requirement for tenancy</p>

		agreements to last full academic year. Consequential amendments to supporting text.
DM9 - Community Facilities	22 representations [16 support, 6 objecting] Support – general support for policy. Concern with loss of facilities and need for retention or community facilities or suitable re-provision Object - whilst support general aim policy, wording could be strengthened – in terms of exception tests. Should ensure provision of affordable and suitable rooms for community use.	Removal of ‘improved’ from policy as improvements (e.g. extensions/ enlargements or refurbishments would not be required to address a-c). Clarification of circumstances under which partial loss would be allowed.
DM10 - Public Houses	23 representations [19 supporting 4 objecting] Support – general support for policy – important part of local community. Pubs face unique challenges and this has been understood well. Object – marketing requirements are unduly onerous. General objection – health or amenity impacts of public houses.	No change to policy. Removal of requirements for verification of asking price with the local planning authority.
Topic – Employment and Retail		
DM11 New Business Floorspace	14 representations [12 supporting and 2 objecting] Support – appropriate to city’s context and ensure flexible future proofed space. Support but ensure existing commercial space is used first. Need to better understand how mixed use schemes in suburban areas are used and occupied. The policy intent should apply to existing commercial areas. Object – question what additional benefits the policy provides that’s not already covered by	Clarification of application of part of policy to B2 and B8 premises. Simplification of policy wording to aid clarity. Consequential changes to supporting text and updates to include reference

	<p>City Plan Part 1 policies. Second part of policy requires clarification.</p>	to designing out waste.
DM12- Primary, Secondary and Local Centre Shopping Frontages	<p>15 representations [9 supporting and 6 objecting]</p> <p>Support – some general support but query whether policy will have an impact. Support for recognition of Brunswick Town.</p> <p>Object – policy should support independent retailers (resilience and address vacancies) and better reflect the changing nature of high streets (need for diversification, support dual/mixed uses) and the NPPF. Query need for retail frontage policies given the government's permitted development rights supporting a wider range of uses, and which are more flexible than policy (e.g. marketing requirements). Avoid un-sympathetic shopfronts, protect historic fabric (e.g. harsh lighting). Need for a strategic and protective policy for St James's Street.</p>	<p>Rename policy for clarity. Widening the range of uses changes A1 retail unit can change to in order to better reflect changes to NPPF/ high streets.</p> <p>Simplification of policy wording to avoid duplication.</p> <p>Removal of the criteria seeking to avoid 3 or more non A1 uses other than in Lanes and North Laines.</p> <p>Marketing requirement reduced to 6 months in primary, secondary and local shopping centres.</p> <p>Clarification that residential uses would be permitted above retail unit or to the rear of units in shopping centres.</p> <p>Consequential amendments to supporting text including addition of table 3 listing defined shopping centres covered by policy for clarity.</p>
DM13 Important Local Parades, Neighbourhood	<p>14 representations [10 supporting, 4 objecting].</p> <p>Support - with caveats, consider the Lanes, North Laine and Rottingdean should be given</p>	Clarification on change of uses permitted in part B) and that residential uses would be permitted

Parades and Individual Shop Units	<p>further protection to preserve independent retailers.</p> <p>Object – policy should better reflect the changing nature of high streets (need for diversification, support dual/mixed uses) and permitted development rights. Query missing important local parades.</p>	above retail units or to the rear of units in important local parades.
DM14 - Special Retail Area - Brighton Marina	<p>12 Representations [8 supporting, 4 objecting].</p> <p>Support – Opportunity to enhance retail offer and reflect people's needs; will protect greenfield sites and improve and enhance a currently blighted area. Suggest name could be changed as not just retail at Marina.</p> <p>Object – Marina is no longer designated centre so policy should clarify role and ensure no impact of new retail on designated centre. Policy should not restrict residential use on ground floor. Should allow broader range of uses and connectivity should be improved.</p>	<p>Changed name of policy for clarity.</p> <p>More flexibility for changes of use to range of commercial and leisure uses to reflect existing range and mix of shopping, commercial and leisure offer</p> <p>Simplification of policy wording to aid clarity.</p>
DM15 - Special Retail Area - The Seafront	<p>10 Representations [8 supporting, 2 objecting]</p> <p>Support – general support but need to ensure new development does not block arches/structures; encourage new 'regency style' architecture. Ensure policy enables high quality, sustainable, innovative and attractive development east of Brighton Pier which will boost tourism. Uses should not impede cycle routes.</p> <p>Object – no reference in policy to need to safeguard heritage assets of Hove lawns. Policy should support innovative uses in winter months.</p>	<p>Changed name of policy for clarity.</p> <p>No change to policy text.</p>
DM16 – Markets	<p>8 Representations [8 supporting]</p> <p>Support – concern with impact on cycle routes/ cycle parking. Include reference to 'boxpark style' market spaces on major sites awaiting development. Ensure sustainable transport links and further guidance on role of markets to access to healthier foods.</p>	Inclusion in policy to reference to impact of cycle routes and provision of cycle parking being needed to be considered with any proposals for new or improved markets and market

		stalls.
DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities	<p>18 Representations [7 supporting, 11 objecting].</p> <p>Support – policy approach for new hotel development; concern with effectiveness of wording of safeguarding conference facilities where the scenario is re-provision/replacement elsewhere and concerns with transport links between sites and central Brighton.</p> <p>Object- policy too restrictive in use of wording ‘suitable search areas’ - limits opportunities for new hotels outside the areas identified; given identified need for new hotel development sites should be allocated. Gas Work site and Madeira Terrace should be included in the opportunity area. Hove Station area should be removed from list of opportunity search area. Concern expressed about the suitability of the Waterfront Proposals.</p>	<p>Removal of word ‘suitable’ for clarity.</p> <p>Clarification of wording d) that re-provision within a development is permitted if accords with City Plan policies or strategic allocation.</p>
Topic – Design and Heritage		
DM18 - High quality design and places	<p>25 Representations [23 supporting, 2 objecting].</p> <p>Support – appropriate to city’s context and support emphasis on high quality design and/or place making. Seeks to conserve and enhance heritage assets while allowing for contemporary design. Support but ensure sustainability and reduction in carbon footprint of development; ensure policy wording is strong enough to support enforcement; ensure wording is flexible enough to allow for design responses to reinterpret local patterns. Ensure design advice is relevant to local policy, context and community needs where appropriate. Include guidance on assessment criteria, efficient use of public spaces and roof space, incorporation of artistic element, green infrastructure; food storage and production and action against graffiti in heritage areas; links between policy and forthcoming Urban Design Framework.</p> <p>Object – policy is prescriptive when it comes to accounting for instances when it may be</p>	<p>No change to policy text.</p> <p>Simplification and reduction of supporting text to reflect further guidance will be provided in forthcoming Urban Design Framework SPD. Update to text to refer circular economy principles.</p>

	appropriate to depart from prevailing height, scale and shape of surrounding areas. Prioritisation of heritage/ landscape issues against criteria is not clear.	
DM19 - Maximising Development Potential	<p>18 Representations [14 supporting; 4 object].</p> <p>Support - reflects NPPF emphasis on importance of making effective use of development land, balancing these with the need to prevent over-crowding and negative impacts on amenity; and reduces pressure on greenfield sites. City and Urban fringe sites can accommodate densities higher than minimum set in City Plan Part One Policy CP14 and Urban Fringe Assessments and policy needs to indicate numbers/densities can be exceeded whilst complying with all other relevant planning policies. Policy needs to actively promote increased mixed use developments, housing density and public space accessibility.</p> <p>Clarification sought in wording (links to South Downs National Park, tall buildings and reference to community facilities).</p> <p>Object – Policy is possibly redundant as sites are well used and proposals are generally reduced as part of the planning application process; densities quoted in the CP14 are generally too low (as evidenced in reports supporting proposals for the Sackville Road and Royal Mail, Goldstone Lane and Lyon Close sites), including on urban fringe sites. Tall buildings are not needed for increasing density. Policy needs to support sensitive and sensible best use of sites in which heritage, stability and sustainability are prioritised. Policy should address higher opportunities in commercial/ offices for high density formats.</p>	Clarification of role of policy to avoid underdevelopment of sites through minor changes to policy wording and supporting text.
DM20 - Protection of Amenity	<p>14 Representations [11 supporting, 3 objecting]</p> <p>Support - Overall, policy provides adequate response to protection of amenity issues however clarification on policy wording sought and amendment to wording to account for instances where certain levels of loss of amenity are unavoidable and/or remain within acceptable standards.</p> <p>Object - provide examples of acceptable levels of protection of visual privacy suitable for a</p>	Amendment to policy to clarify that development should not cause 'unacceptable' loss in recognition that some loss of amenity may be acceptable.

	dense city. Remove the word 'any' from policy wording and amend wording to account for instances where impact upon amenity is minimised and kept to an acceptable level.	
DM21 - Extensions and alterations	<p>9 Representations [8 supporting, 1 objecting]</p> <p>Support - Policy seeks to enhance and conserve the distinctive, historic character of the city and its heritage assets. Reflect the approach of, and refer to Residential Extension and Alterations Supplementary Planning Document. Incorporate wording to actively encourage extension of properties.</p> <p>Object – no comment given</p>	<p>Inclusion of consideration of 'scale' in criterion a) and minor changes to policy wording for clarity.</p> <p>Amendments to supporting text to clarify the design elements that will be considered. SPD referred to.</p>
DM22 - Landscape Design and Trees	<p>17 Representations [15 supporting, 2 objecting]</p> <p>Support - retention of trees during construction for privacy and amenity value. Support - with caveat; new mechanism for replacement of trees should be introduced to secure continuous tree cover; reference to net gains natural capital principles; need for effective implementation and enforcement of policy including appropriately detailed arboricultural report and plan; include reference to incorporating food growing and pollinator protection.</p> <p>Object –policy should address impact of temporary events and needs more flexibility regarding replacement of felled trees. Strengthen the policy with respect to street tree planting and clarity required on wording of policy regarding native/ traditional species.</p>	<p>Changes to first part of policy to clarify need to retain, improve and where possible provide landscaping, trees or planting.</p> <p>Inclusion of reference to natural capital.</p> <p>Reference to planting of wildlife/ pollinator friendly non-native species.</p> <p>Requirement for net gains in biodiversity and enhancements to green infrastructure.</p> <p>Changes to supporting text to clarify guidance on replacement of felled trees.</p>
DM23 –Shop Fronts	12 Representations [11 supporting, 1 objecting]	Changes to policy to clarify treatment

	<p>Support – general support for policy aim. Amalgamation of two shop units into one should be resisted in the North Laine. Policy should make clear that decoration of boarded up shop fronts should not include graffiti.</p> <p>Object – consider policy is convoluted and prescriptive. Shop front design can be managed under existing design, heritage and amenity policies, national and local.</p>	<p>of temporary security measures.</p> <p>Simplification of wording regarding application to shopfronts in town centres.</p> <p>Removal of unnecessary wording in supporting text.</p>
DM24 – Advertisements	<p>16 Representations [13 supporting, 3 objecting]</p> <p>Support – general support for policy aim. Policy should address ‘A boards’ on pavements. Additional wording requested regarding advertisements viewable from the Strategic Road Network. Clarity sought over whether graffiti can be regarded as an advertisement. Policy should encourage advertising for healthy food options and discourage advertising for junk food.</p> <p>Object – Policy does not cover banner signs on lamp posts. Concerned about conflict of interest between council as land owner and council as LPA. The policy does not recognise the impact of signage on pavement access arising from the clutter of ‘A boards’. Requirements of the policy are unnecessarily convoluted and prescriptive and the planning impacts can be appropriately managed under existing design, heritage and amenity policies and national policy</p>	<p>Additional policy criteria added to ensure consideration of sounds or animation.</p> <p>Amendments to policy to clarify that adverts outside built up area must respect setting of South Downs National Park.</p> <p>Advertisements must not distract road users (strategic route network).</p> <p>Clarification/ simplification of supporting text.</p>
DM25 - Communications Infrastructure	<p>12 Representations [11 supporting, 1 objecting]</p> <p>Support – policy ensures conservation of SDNP, natural and built environment.</p> <p>Object - Concerns regarding the clarity of policy regarding ancillary development, and maintenance of communication infrastructure (impact of graffiti/advertisements on infrastructure). Query whether the requirements of the policy can be appropriately dealt</p>	<p>Clarification and consistency of wording – unacceptable impacts. Include reference to associated ancillary development.</p> <p>Remove duplication of policy requirements for satellite antenna</p>

	<p>with under existing local and national policies.</p>	<p>Policy wording on digital connectivity amended to ensure policy is implementable.</p> <p>Consequential amendments to supporting text and to aid clarity.</p>
DM26 Conservation Areas	<p>19 Representations [11 supporting, 8 objecting]</p> <p>Support - welcome the policy's support for retention of trees and gardens integral to conservation areas. Supporting text should be consistent with NPPF. Suggested amendments to supporting text for clarification and to encourage high quality contemporary design for new development in conservation areas. Refer to gardens' contribution to the city's green infrastructure network. Regret that street furniture in conservation areas is not protected.</p> <p>Object - policy should state that applications should not be allowed where they would cause harm; wording should be consistent with NPPF. Not sure whether this policy adds much over and above the City Plan. Would rather expect a statement on the review of conservation areas. The council should prioritise the preparation of up-to-date character statements and management plans. Some Conservation Areas are of dubious quality and there should be far more leeway in what development is permitted in these areas. Needs to be greater flexibility, an emphasis on design analysis and a qualitative appraisal of the context. Refer to street clutter and resist demolition and roof extensions in North Laine and insist on the removal of UPVC windows and doors.</p>	<p>No changes to policy text.</p> <p>Amendments to supporting text to aid clarity and simplification of text.</p> <p>Reference in supporting text supporting contemporary and innovative design approaches.</p>
DM27 Listed Buildings	<p>13 Representations [8 supporting, 5 objecting]</p> <p>Support – general support. Heritage makes the city special. Policy is too conservative with regards to contemporary additions to listed buildings. The emphasis should be on retention rather than allowing change. Strengthen policy wording.</p>	<p>No changes to policy text.</p> <p>Amendments to supporting text to aid clarity and simplification of text.</p> <p>Reference in supporting text</p>

	<p>Object – policy does not address issues with the maintenance and repair of listed buildings which need to be more fully addressed. Council should also be prepared to exercise its powers for compulsory purchase. Phrasing of the policy seems to indicate a presumption in favour of permission. Policy is too conservative with regards to contemporary additions to listed buildings. It should be made explicit that a less interventionist but still economically viable use is preferable to a more commercially profitable but highly interventionist use. Some liberalisation in policy, for example making it easier to change windows, should be considered.</p>	<p>supporting contemporary and innovative design approaches.</p>
DM28 Locally Listed Heritage Assets	<p>12 Representations [10 supporting, 2 objecting]</p> <p>Support – heritage assets are at risk. With the caveat that the council takes listing extremely seriously and will do all in its power to preserve the special nature of Brighton and Hove. Policy too narrow in scope - include public assets such as cast iron street furniture and historic paving. Would make development of Badgers Tennis club difficult as wall is locally listed.</p> <p>Object - approach appears overly prescriptive and at odds with the more balanced policy approach on non-designated heritage assets in the NPPF. It sets too high a threshold for the loss or substantial alteration of an asset. Protection for non-designated heritage assets is lower in the NPPF than for designated heritage assets. The first paragraph of the policy should therefore be reworded to be compliant with the NPPF. If it is not listed then it should not be considered a heritage asset. If it is valuable, it should be listed.</p>	<p>Clarification that policy requires the potential for retention and reuse to be explored in order for an informed and balanced judgement to be made.</p> <p>Consequential changes to supporting text.</p>
DM29 The Setting of Heritage Assets	<p>12 Representations [10 supporting, 2 objecting]</p> <p>Support - Agree that opportunities should be taken to enhance the setting of a heritage asset through new development. But concerned that opening part of the policy is open to interpretation and at worst will prevent densification of the city centre, which is the most desirable and sustainable location for densification due to proximity to amenities and</p>	<p>No changes to policy.</p> <p>Amendments to supporting text to support where appropriate bold architectural approaches and that other considerations may be</p>

	<p>availability of public transport. Policy important as many of the heritage buildings are adjacent to the sea and this is important for views. The focus should not only be on the visual connection between a heritage asset and its setting, but also take account of historic, social and economic connections. Support but not if it enables modern development or 'regeneration' of a heritage asset as this would cause losing first the integrity of the heritage asset and finally the asset itself.</p> <p>Object - The policy is at best wildly open to interpretation and at worst inherently prevents densification of the City Centre. The wording means that close to a listed building in the city centre it can easily be argued that no new building taller than its existing surroundings will be permitted. This city has a housing crisis, not a views crisis. The majority of people in this city will accept having their view of a non-listed building slightly damaged in return for more homes built.</p>	applicable.
DM30 - Registered Parks and Gardens	<p>13 Representations [10 supporting, 3 objecting]</p> <p>Support - clarification is sought on how temporary uses will be assessed and when an informal event becomes formal. Concern with overuse for profit making activities means that public space is being eroded steadily at weekends, in particular. The Council's encouragement of management and improvement plans is welcome, but is of little value without a strategy for funding the work required. Positively encouraging the production of management plans and identified enhancement works for registered parks and gardens will increase their worth as Green Infrastructure which in turn increases their value as natural capital assets. It could also potentially enhance their biodiversity. The revamped Valley gardens could do with a cafe to encourage people to use the new gardens as a leisure destination.</p> <p>Object - Temporary events should be precisely that; wording should be qualified to mean a maximum period of 6 weeks In addition, a statement setting out what investigations have been carried out on the feasibility of using alternative sites must be carried out and included</p>	<p>Amendment to policy to include expectation that applicant should demonstrate that alternative, non-registered sites have been considered and assessed for temporary uses.</p> <p>Consequential changes to supporting text.</p>

	as part of a planning application. Events are taking place too invasively, pervasively and for excessive periods in spaces such as the Pavilion Estate, Hove Lawns and Valley Gardens.	
DM31 - Archaeological Interest	10 Representations [10 supporting] Support – general support for policy aims. Pleased to see the recognition of the importance and role of above ground archaeology. Policy offers a pragmatic solution to complicated sites where it is not always possible to carry out a full program of archaeological investigation prior to the grant of planning consent. Welcome the pragmatic approach and making full use of the opportunity to use planning conditions for such investigations.	No changes.
DM32 - The Royal Pavilion Estate	14 Representations [12 supporting, 2 objecting] Support - amend policy to include more ambitious encouragement for biodiversity gains within the gardens. Particularly encouraged by the plan to co-ordinate with other adjacent sites including Valley Gardens. Support a careful approach to temporary uses of the Gardens but would not wish to see any restriction of access or charging for entry to them during daylight hours. Particularly welcome the intention to ensure a wider integrated conservation scheme for the estate as a whole including further development at the Dome. Object - Consider that apart from the visibility of the estate from New Road which could be improved, most of current problems arise from a lack of management and supervision of the estate. The proposal to fence the estate is not a suitable solution. Concerned that any plans must take into account the needs of the local population who use the gardens and cafe as one of the only useable green space within the city and the North Laine. Temporary events should be precisely that; wording should be qualified to mean a maximum period of 6 weeks In addition, a statement setting out what investigations have been carried out on the feasibility of using alternative sites must be carried out and included as part of a planning application.	Policy wording amended to clarify that proposals should be informed by adopted Conservation Plan. Amendment to criteria to ensure a clutter free environment and net gains in biodiversity. Inclusion of new criterion that regard should be had to the impact of temporary events on planting and biodiversity. Consequential changes to supporting text.

Topic - Travel and Transport			
DM33 Safe, Sustainable and Active Travel	<p>25 Representations [19 supporting, 6 objecting]</p> <p>Support - Much general support with requests for more detail on certain specific points – e.g. more robust wording for cycle parking to ensure that it is accessible for childrens' and non-standard cycles; reference to cycle desire lines; more detail on nature of cycle network improvements. Clarification requested that developer contribution would not be sought in all circumstances. Development should align with pre-existing transport infrastructure.</p> <p>Some respondents felt the policy could be additionally used to counter disjointed management of the public realm and maintenance of existing cycle routes.</p> <p>Object - Separating requirements of different users could predicate against shared surfaces. Policy is inappropriate for areas outside of the city centre. Wording should be strengthened in a number of areas (including more detailed requirements for bus shelters, reference to national design standards, improvement of poor quality cycle network, protection of bus services, and ensure footways are not obstructed).</p>	<p>Clarification on certain policy provision 1b); 2b) and 3b) apply 'where appropriate'.</p> <p>Clarification that cycle parking provision should be universally accessible.</p> <p>Clarification in supporting text with regards to non-standard cycle parking provision.</p>	
DM34 - Transport Interchanges	<p>17 Representations [6 supporting , 11 objecting]</p> <p>Support – general support. New transport interchanges will reduce vehicular use which will help Brighton and Hove reach key aims set out in NPPF. Supports Economic Strategy 'Growing City' theme and Coast to Capital priorities.</p> <p>Object - Provision of park and ride facilities could encourage longer distance car journeys to the city. Park and ride will not be effective unless there is a corresponding decrease in the provision of city centre parking. Would represent under-utilisation of land that could be used for other purposes. Oppose the use of public funds for park and ride instead of investment in public transport or cycling/walking facilities. Does not go far enough in tackling parking issues related to coaches and vans.</p>	<p>Minor wording changes to aid clarity of policy and inclusion of footnote referencing relevant government guidance.</p>	

DM35 - Travel Plans and Transport Assessments	<p>20 Representations [17 supporting, 3 objecting]</p> <p>Support - general support for the policy. Only 'committed developments' should be included in cumulative impact assessments as 'planned' developments aspirational. Support with caveat that development that would increase emissions in AQMAs should be refused permission. Support with caveat that Transport Assessments are inappropriate for smaller developments within/adjacent AQMAs. Support with added text that Highways England may have their own requirements for Transport Assessments.</p> <p>Object – The requirement for Transport Assessments for development within or adjacent to an Air Quality Management Areas (AQMA) is insufficient as traffic from larger developments can have an impact on more distant AQMAs. Policy should take account of the increasing number of sites that are likely to end up in close proximity to an AQMA by considering the need for air quality provision at all developments, irrespective of its proximity to an already established AQMA.</p>	<p>Amendments to policy clarifying requirements for Transport Statements/ Transport Assessments in relation to Air Quality Management Areas to include consideration where development is outside AQMA.</p> <p>Require proposals that cause significant noise/air quality impacts to submit a Construction and Environmental Management Plan.</p> <p>Reference to impact of SRN to be considered in assessments in consultation with Highways England.</p>
DM36 - Parking and Servicing	<p>18 Representations [11 supporting, 7 objecting]</p> <p>Support – general support. Requiring developments to include supporting infrastructure for low emission cars will encourage greater adoption of these vehicles which will reduce private vehicular emissions, air pollution and water pollution within Brighton & Hove.</p> <p>Support with caveats that requirement for electric vehicle charging points is strengthened and greater support for accessible cycle provision. Avoid overloading on-street parking.</p> <p>Object - Policy should aim to reduce car parking as much as possible in new developments. Policy criterion should be more flexible to allow for safe manoeuvring space on the public highway to avoid inefficient use of space on site. No up to date data on parking needs. Policy should recognise that around the periphery of Brighton and Hove closer to the main road network there may be a need for additional parking, especially for the larger family properties. Where justification can be provided (or a need is demonstrated) the council should allow parking provision in excess of the standards. Permit-free approach is totally</p>	<p>Addition to part 2 to clarify infrastructure includes electric vehicle charging points.</p>

	unfeasible.	
Topic - Environment and Energy		
DM37 - Green Infrastructure and Nature Conservation	<p>29 Representations [20 supporting, 9 objecting]</p> <p>Support – general support. Policy should support green initiatives (green energy etc.). Encourage community-led development as these yield more green benefits. Extend the focus of the policy to development outside designated sites; other open space typologies. Ensure GI/natural capital and biodiversity net gain is achieved from all developments. Ensure effective implementation of GI policy requirements. Relevant areas of tranquillity should be identified and protected, such as Local Green Spaces and the South Downs National Park to make it aligned with NPPF. BHCC should commit to publishing and regularly updating its own Green Infrastructure Strategy. Potential environmental value of brownfield land and Priority Habitats and species should be mentioned. Suggest wording amendments to ensure policy and supporting text is clear that impacts on designated sites should be avoided. Policy should be amended to ensure robust protection of locally designated sites. Suggest changes to policy and supporting text to strengthen the need to protect swifts. Add reference to marine environment. BHCC should commit to regular reviews of existing and proposed LWSs. Consideration could be given to how developments can contribute to a process of ‘nature recovery’ in line with WWF.</p> <p>Object - Policy is too focused on designated sites and is not strong enough on Green Network/ green linkages. Concerned with robustness of 2017 LWS Review and considers sites are missing. Policy not robust or ambitious enough to protect and enhance biodiversity. Lacks reference to the national strategies, relevant acts and Defra’s 25 year Plan. Extend the duty to protect geodiversity in line with the importance conferred by England Biodiversity 2020 and to accord with NPPF. Policy is not positively worded or effective and could undermine the delivery of allocated sites. Policy is too prescriptive. Policy should protect the</p>	<p>New sub-headings for “Green Infrastructure” and “Nature Conservation” to add clarity;</p> <p>New requirement for green infrastructure to be integral to design and layout, and to achieve a variety of sustainability benefits.</p> <p>Section on nature conservation now requires development to conserve and enhance, rather than protect and prevent damage to features. Now also required: net gains in biodiversity, protection of priority species/habitats; habitat management secured; and control of invasive species. Deletion of text “where possible”. Reference to nature recovery networks.</p> <p>Marine and coastal biodiversity, and geodiversity added to the list of nature conservation features.</p> <p>Division of a) international, b) national, and c) local sites to aid clarity, with specific criteria which</p>

	<p>Urban Fringe from development.</p>	<p>must be met for each including requirement for relevant assessments such as HRA or EIA.</p> <p>Clarity over criteria which do not apply to allocated local sites.</p> <p>All proposals must still ensure integrity of designations maintained, enhancement through management plans; and mitigation to result in net gains.</p> <p>Deletion of requirement for greater reductions in CO2 emissions (included in H3) and improvements to public appreciation of the site.</p> <p>Consequential changes to supporting text to reflect policy changes, reference to swift bricks/boxes, bee bricks and further reference to the mitigation hierarchy and emerging green infrastructure/ nature recovery strategies added.</p>
DM38 - Local Green Spaces	<p>55 Representations [17 supporting, 38 objecting]</p> <p>Support – general support for policy. Local green space designation protects valuable sources of Green Infrastructure and biodiversity but policy could refer to increasing accessibility to and within Local Green Space. Ensure no building close to Local Green</p>	<p>Additional paragraph added clarifying that development within an LGS will not be permitted unless there are very special circumstances where public</p>

	<p>Spaces. Support but additional sites put forward to be included as Local Green Space. Council should undertake an audit of green spaces with a view to further designating areas not currently afforded protection under Policy CP16.</p> <p>Object – policy needs to reflect the NPPF tests of ‘special circumstances’. Too much emphasis on designated spaces and ignores wider Green Network within the city & urban fringe. Policy should be changed to ensure urban fringes are not eroded by development. LGS designation lacks sound analysis. Consider three listed sites (Benfield Valley, Ladies’ Mile and Hollingbury Park) to not meet the NPPF tests. 29 objections related to St Aubyn’s Playing Field not being included as LGS. One objector considered Benfield Valley should be removed from the list as is not consistent with national guidance (NPPF paragraph 100) as the site is an extensive tract of land.</p>	<p>benefits outweigh the harm.</p> <p>Footnotes added to direct to NPPF policies regarding how development within LGS is managed and to provide examples of what constitutes an enhancement.</p> <p>Supporting text amended to reflect the greater protection afforded to the designation and to clarify that development should be compatible with the designation; reference to the NPPF regarding the consistency with LGS designations and wider planning policy; additional text relating to provision of outdoor sports facilities at Benfield Valley. Scope for further sites to be designated through preparation of neighbourhood plans clarified in supporting text.</p>
DM39 - Development on the Seafront	<p>15 Representations [13 supporting, 2 objecting]</p> <p>Support - Appropriate policy response – enhancing public access to the beach; addresses climate change adaptation; sea defences and coastal conditions; ensures important biological and geological aspects of coast are not negatively impacted and limits negative impact on the marine environment, and; safeguards open space role of beach. Concern with piecemeal encroachment on the beach Old Town and East Cliff Conservation areas. Need to maintain and enhance public access to and along the coast and to sea-based activities.</p>	<p>Addition to criterion d) of access routes.</p> <p>Reference in policy to Beachy Head West Marine Conservation Zone.</p> <p>Simplification of supporting text.</p>

	<p>Object - Blanket restriction against development extending onto the shingle beach restricts effectiveness of plan; is not positive and could undermine delivery of regeneration schemes such as the development at Black Rock. City Plan should protect the beach-front east of the Yellow wave site as far as the Marina from further development.</p>	
DM40 - Protection of the Environment and Health – Pollution and Nuisance	<p>19 representations [14 supporting, 5 objecting]</p> <p>Support – reference should be made to impact of pollution on water environment, biodiversity and other green initiatives. Reference requested to safeguarding chalk block aquifer. Financial contributions should be directed to initiatives in the Air Quality Management Plan. Monitoring is critical.</p> <p>Object - Strengthen policy to ensure measures to tackle emissions from all sources and have a positive impact on air quality drawing on the Environmental Audit Committee's report. Additional criterion on how spatial planning can reduce need to travel and encourage development in accessible locations. Should cover areas immediately adjacent to or near AQMAs and to buildings or areas frequented by high-risk residents. Refer to positive role building design can play a role in pollution dispersal. New way of conducting air quality impact surveys should be introduced. Policy needs to be strengthened to address immediate air quality concerns in AQMAs (Rottingdean). Criteria for needing Air Quality Impact Assessments should be included in Site Specific policies. Inadequate focus on air quality issues in outlying areas. Question robustness of CPP1 STA methodology and mitigation measures (Rottingdean) in tackling traffic congestion. Align with Corporate KPIs.</p>	<p>Additional criterion related to siting of biomass combustion/ CHP plants near AQMA or sensitive receptors.</p> <p>Inclusion in criterion d) to consideration of impact of lighting on biodiversity in particular priority habitat and species.</p> <p>Clarity in supporting text to 'agent of change' principle.</p> <p>Consequential changes to supporting text in relation to new criterion.</p> <p>Reference to indoor air quality in supporting text and updated guidance.</p>
DM41 - Polluted sites, hazardous substances & land stability	<p>10 Representations [9 supporting, 1 objecting]</p> <p>Support – general support for policy. Support the reference to ecosystem services within this policy. Appropriate Policy and good alignment with NPPF and the DEFRA 25 year plan.</p> <p>Object - There should be site surveys on all proposed developments regardless of Council's resource issues.</p>	<p>Clarification in policy that seeking to protect natural capital and the quality of the environment.</p> <p>Include definition of natural capital in footnote.</p>

DM42 Protecting the Water Environment	<p>18 Representations [17 supporting, 1 objecting]</p> <p>Support – general support. Changes to policy wording required to reflect OFWAT's new approach to water and wastewater connections charging. Refer in supporting text to Beachy Head West MCZ; impact of nitrates on water quality and the ChaMP project. Amend policy to give prominence to water quantity as well as quality. Concerns raised regarding general/plastic waste in sea water and beaches.</p> <p>Object - Policy ignores issues of flooding and sewerage (in Patcham)</p>	<p>Inclusion reference to water 'quantity' in policy.</p> <p>Amendments to policy wording regarding phasing of waste water infrastructure to align with occupation of development and also streamline wording to avoid duplication.</p> <p>Reference to emerging Greater Brighton Water Plan.</p>
DM43 - Sustainable Urban Drainage	<p>13 Representations [12 supporting, 1 objecting]</p> <p>Support - Policy is an appropriate and strong response; would accord with NPPF - would protect biodiversity, ecological networks, GI and natural capital and improve water quality. Include reference in policy to delivery of improved biodiversity and net gains. Policy should require larger development to modernise drainage system (or alternatively include this in DM42) Include in policy wording role of SUDS, and type of SUDS, in management of water quality.</p> <p>Object - Feel standards are being ignored in Patcham.</p>	<p>Amendment to policy to clarify that subterranean development would not be permitted where other sources of flooding have occurred.</p> <p>Amendment to policy to clarify that suds should be located and designed in accordance with best practice and adopted Sustainable Drainage SPD and that proposals should provide where possible improved biodiversity.</p> <p>Changes to supporting text to clarify certain types of SUDs more appropriate than others given aquifer.</p> <p>Updated reference to SFRA and SPD and other available good practice guidance.</p>

DM44 - Energy Efficiency and Renewables	<p>16 Representations [11 supporting, 5 objecting]</p> <p>Support – General support. Whilst supportive of general approach seek removal of application of policy to conversions and change of use to and removal of policy relating to improving Energy Performance. Question why an EPC target is required in addition to the 19 % carbon reduction target. Both are seeking to reduce carbon emissions and use of both may introduce confusion and not be consistent with 2015 Ministerial Statement. Greater reductions should only be sought subject to clearly demonstrable viability and feasibility considerations.</p> <p>Object - More constructive discussions should be happening with professionals and other LPAs about how we build above what is required by law, in order that we achieve wellbeing and social justice within ecologically-sound limits. EPC requirement in policy should be amended to require: EPC A (new build) and EPC B (conversion/ change of use). Should not be overreliance on BREEAM accreditation and query on how it relates to non-residential schemes.</p>	<p>No change to policy wording (inclusion of footnote).</p> <p>Clarifications in supporting text to some aspects of implementation including assessments of carbon emissions.</p> <p>Updates to supporting text to refer to council's ambition to be carbon neutral by 2030 and refer to emerging Greater Brighton Energy Plan.</p>
DM45 - Community Energy	<p>11 Representations [7 supporting, 4 objecting]</p> <p>Support – general support. Will help to reduce and mitigate the impacts of climate change Accords with Economic Strategy, the NPPF and DEFRA 25 year plan. Need to consider lack of choice and regulation.</p> <p>Object - Consider the policy to be aspirational rather than a measurable, effective and deliverable policy. Prefer a stronger policy – i.e. should be a requirement, rather than encouragement. Council needs to take more of leadership role to ensure policies are meaningful.</p>	<p>No change to policy wording.</p> <p>Reference in supporting text to social value and council social value framework.</p>
DM46 - Heating and cooling network	<p>15 Representations [13 supporting, 2 objecting]</p> <p>Support - Important to lower energy consumption and CO2 emissions. Complements wider</p>	<p>Amendment to policy to require that proposals must meet CHP Quality Assurance standards and demonstrate</p>

infrastructure	<p>energy work in the city region. Policy prioritises less well off and vulnerable.</p> <p>Object - Policy does not consider that alternative means of achieving reducing carbon emissions are actually more effective than District Heating, and can be cheaper. As such, the policy should not be restricted to one means of meeting the objective. Policy does not add anything above DM44 and should be removed; or altered to allow for other methods of achieving carbon emissions reduction</p>	suitability to a future connection.
Special Areas, Strategic Site Allocations and Housing and Employment Site Allocations		
Special Area SA7: Benfield Valley	<p>18 Representations [12 supporting, 6 objecting]</p> <p>Support – support the policy objective to protect and enhance the Local Wildlife Site as an important 'green wedge' and the commitment to the protection and enhancement of biodiversity. Policy would protect and enhance Benfield Valley's value to biodiversity and green infrastructure which would accord with the NPPF and DEFRA 25 year plan. Support policy wording promoting connectivity through the site from the urban area to the National Park and the creation of gateway facilities. Support the requirement in the policy justification for detailed proposals to provide Landscape and Visual Character Assessment. Additional flexibility on housing numbers could help to bridge gaps in housing provision if windfall sites do not produce the numbers envisaged. Some concern that the housing allocation areas may have some detrimental effects on the setting of Grade II listed Benfield Barn and its associated Conservation Area - the siting, form and scale of the housing would have to be very carefully planned to ensure no harmful impacts arise and the positive benefits sought by the policy are realised.</p> <p>Object - The site has potential to deliver considerably more than 100 dwellings (375 dwellings is suggested by the site promoter based on site level assessments of ecology, landscape, open space and access). The ambitions for higher quality green space are more likely to be deliverable if more housing is allowed for. Proposed allocation would create extra traffic on surrounding roads which are already extremely busy especially at peak</p>	<p>Policy amended to include reference to enhancing wildlife connectivity and buffer zones.</p> <p>Paragraph added to supporting text to reflect ANA designation and potential for archaeology.</p>

	<p>times, with particular impacts likely on Fox Way and Hangleton Lane. The number of residential units has been increased from the UFA 2015 figure of 30 dwellings to 100 dwellings without a clear justification. The increased housing numbers contradict the conclusions of the UFA in terms of impacts on landscape and recreational disturbance. The allocation of housing on a site proposed for designation as Local Green Space is inappropriate. The site does not meet the criteria for designation as Local Green Space as defined in the NPPF.</p>	
SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road	<p>16 Representations [9 supporting, 7 objecting]</p> <p>Support - policy needs to reflect the council motion seeking affordable housing. Policy should require comprehensive Heritage Impact Assessment. Support principle of provision of health facility. Greater use of housing/ key housing could be provided from the part of the site surplus to healthcare use. Need to safeguard swift colony. Reference to contamination is requested if appropriate. Ensure development will be readily accessible and link to adjacent neighbourhoods.</p> <p>Object - Policy needs to adopt a flexible approach to housing numbers/density. Site capacity is low and affordable housing yield should be 100% on a publicly owned site whilst health facility can be moved elsewhere. Allocation does not reflect funding gap, a higher housing number (700 homes) is needed. Higher limit to healthcare provision floorspace can be set. Consider the allocation does not comply with density policy in City Plan Part 1. Criterion a) is unnecessarily onerous (retention of some listed/non designated heritage buildings is onerous and affects the viability of the scheme), Criterion b) and c) need rationalising for clarity and flexibility. Criterion d) needs deleting. Capacity of sewage network requires alignment with phasing and reinforcement plans. Add a criterion to reflect the need for the phasing of development to be aligned with their reinforcement. Allocation requires comprehensive TA in view of potential traffic increase in A259 . Make provision for swift colony.</p>	<p>Requirement for Heritage Impact Assessment added.</p> <p>Amendment to criterion b) regarding creation of openings in the wall, for clarification.</p> <p>Additional criteria f) and g) to address waste water infrastructure requirements</p> <p>Additional criteria h) to address site specific biodiversity and green infrastructure requirements (including swift colony).</p> <p>Consequential changes to supporting text related to policy changes and reference to potential for contaminated land.</p>

SSA2 Combined Engineering Depot, New England Road	<p>9 Representations [8 supporting, 1 objecting]</p> <p>Support – some general support. Further reference to heritage assets/ heritage impact statement sought. A minimum required amount of Green Infrastructure should be stated to ensure net gains can be achieved.</p> <p>Object - Wastewater infrastructure currently insufficient, suggest wording changes to ensure delivery of sewerage network reinforcement.</p>	<p>Clarification of criterion g) to enhance setting of nearby heritage assets.</p> <p>Including of criteria i) in relation to waste water infrastructure requirements</p> <p>Inclusion in supporting text to potential for contaminated land.</p>
SSA3 Land at Lyon Close, Hove	<p>10 Representations [9 supporting, 1 objecting]</p> <p>Support – some general support. The proximity of the site to the Willett Estate conservation area should be noted in the policy and/or justification. Employment floorspace figure for Peacock Industrial Estate should be reduced. Residential development requirement should be increased to make optimal use of site potential which is much higher than 300 units. A minimum amount of green infrastructure development should be stated to ensure net gains can be achieved. Development must be attractive, require mansion blocks.</p> <p>Object - Policy needs additional criteria to ensure coordination of wastewater infrastructure provision with development.</p>	<p>Addition to criterion d) in relation to biodiversity and green infrastructure requirements.</p> <p>Including of criterion h) and i) in relation to waste water infrastructure requirements</p> <p>Inclusion in supporting text to potential for contaminated land and further guidance on design principles and nearby heritage assets.</p>
SSA4 - Sackville Trading Estate and Coal Yard	<p>11 Representations [10 supporting, 1 objecting]</p> <p>Support – support comprehensive redevelopment but a more flexible and qualitative approach to employment uses is requested. No justification provided for amount of employment floorspace required. The amount suggests a 'business park' element which is not considered relevant or deliverable, or consistent with DA6. Indicative figure preferred. Refer to Source Protection zone and contamination. A minimum amount of GI development should be stated to ensure net gains can be achieved. Recognition that the development</p>	<p>Inclusion of criterion h) in relation to biodiversity and green infrastructure requirements.</p> <p>Including of criterion i) and j) in relation to waste water infrastructure requirements</p>

	<p>must meet the requirements of a future Hove Station Neighbourhood Plan is positive.</p> <p>Object – local wastewater infrastructure capacity in closest proximity to the site has limited capacity to accommodate the proposed development. Additional wording suggested to address the existing Southern Water infrastructure under the site.</p>	<p>Consequential amendments to supporting text and inclusion in supporting text to potential for contaminated land.</p>
SSA5 Madeira Terrace and Madeira Drive	<p>36 Representation [9 supporting, 27 objecting]</p> <p>Support - The policy is a pragmatic approach; need for strategic and joined up approach and need for private investment. Supports inclusion of hotel in range of uses. The benefits of proposals are recognised with regards to green infrastructure and biodiversity improvements/ gains but this should be specified in the policy. Ensure transport/ access improvements and include employment space to create activity all year round.</p> <p>Consideration should be given to the extension of Volks Railway to the Marina in any Black Rock/Madeira Drive Scheme. Include reference to proposals should complement Former Peter Pan Leisure site.</p> <p>Object - Object to hotel being included in range of permitted uses – not appropriate, out of keeping and wrong location. Emphasis should be on retaining and restoring the arches, terraces and walkways, retain green wall and original function of terrace – open space, viewing and promenade space. Concerned with impact of proposals on event space – proposals should not impede regular events and whether events will impact on businesses. Proposed uses should be small scale independent uses, artist studios and galleries – include leisure and sport facilities (running track). Proposals should involve/led by community</p> <p>Concerns with how proposals will affect the historic Madeira Terrace structure and fund the maintenance of structure. Concerns with reference to shared space and whether still appropriate. Ensure appropriate reference to seafront cycle route and ensure separate cycle path is not obstructed by events. Amendments sought to include reference to needs and interest of elderly, the use of Madeira Lift and Shelter hall in terms of pedestrian connections. Remove reference to allowing hard standing on back of beach.</p>	<p>Inclusion in policy of reference to refurbishment, restoration and revitalisation of terraces; clarification on small/ boutique hotels; cycling infrastructure; event and shared spaces and greater detail on biodiversity/ landscaping improvements sought.</p> <p>Consequential amendments to supporting text.</p>

SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive	<p>18 Representations [11 supporting, 7 objecting]</p> <p>Support – Support policy but seek a wider range of additional permitted uses for the site. Include an additional criterion to encourage temporary/ pop-up uses. Changes requested to supporting text to remove reference to ‘open character’ being maintained. Welcome reference to open views to the sea; additional guidance should be provided in supporting text. Green infrastructure and biodiversity improvements/ gains should be specified in the policy. Need for better maintained seafront cycle route.</p> <p>Object - Concern with development on the beach, concern loss of public amenity. Should only be temporary small scale developments. Concerned policy criteria will be ignored and seeking strengthening of policy. Concern with height of development obscuring sea views.</p>	<p>Clarification through policy amendments to main and ancillary uses permitted.</p> <p>Additional criterion c) relating to density of development</p> <p>Further detail on biodiversity improvements sought.</p> <p>Consequential supporting text improvements.</p>
SSA7 Land Adjacent to American Express Community Stadium, Village Way	<p>12 Representations [8 supporting, 4 objecting]</p> <p>Support – proposed development could impact on Strategic Route Network, Highways England should be consulted on any submitted application. Additional wording suggested to better reflect visual connectivity to South Downs National Park. Include reference to groundwater source protection zones and contamination (if appropriate). Suggest requirement for heritage impact assessment. Require biodiversity net gains.</p> <p>Object- concerned with potential increases in traffic on the A259 and B2123 generated by future developments. Area saturated with development. Policy should be amended to allow for A1 retail development. Criteria should be amended to be less prescriptive regarding specific types of landscape solutions and additional sustainable transport improvements.</p>	<p>Clarification in criterion b) that proposals should enhance heritage assets and provide visual connectivity to the South Downs National Park</p> <p>Removal from criteria e) of specific examples of landscape solutions.</p> <p>Consequential amendment to supporting text to address the setting of the National Park and provide information on the sites location within a Groundwater Source Protection Zone.</p>
H1 Housing Sites and Mixed Use Sites	<p>197 Representations [25 supporting, 169 objecting, 3 other]</p> <p>Support – general support; confirmation required that the cumulative impact of the development sites have been included within the strategic modelling and included within</p>	<p>Requirement for development on some sites to align with sewerage network reinforcement and/or to</p>

	<p>the agreed junction mitigations. Include reference to protection of groundwater source protection zones and contaminated land where appropriate. Sites should be assessed for heritage impacts. Support for allocation of St Aubyn's School site. Some sites were considered suitable for more development/ less prescription on mix of uses proposed. A number of new ('omission sites') were put forward for consideration for inclusion in CPP2 for housing.</p> <p>Object – general objectives. Brownfield sites should be developed first. Sites with capacity under 10 units should be allocated to boost delivery. Housing target is too low. Need to demonstrate whether Plan is meeting Objectively Assessed Housing Need. Windfall allowance is too high. Additional sources of supply should be allocated (council owned land and Estates Regeneration programme sites). Densities should comply with NPPF and tall buildings guidance should be updated to encourage the development of higher buildings in the city. Transport improvements required at Shoreham and Brighton Marina to deliver required housing numbers. Ensure net gains in biodiversity and green infrastructure. Local waste water infrastructure requirements should be referred to. Allocations should not be prescriptive and mixed use sites should have a substantial housing element. Significant objection to the proposed allocation at 46-54 Old London Road, Patcham for reasons including impact on residential amenity, biodiversity and wildlife, over-development , additional congestion/ parking problems, flood risk unsuitability and query if all of site is available. Objections made to a number of other specific site allocations – availability/ adjacent uses/ proposed mix of uses/ suitability of allocation given wildlife designations. The indicative minimum figure was objected to for a number of sites.</p>	<p>ensure layout allows future access to water infrastructure</p> <p>Additional supporting text highlighting the potential for contamination on some brownfield sites</p> <p>Additional supporting text highlighting the need to protect groundwater resources when located within a GSPZ</p> <p>Tables 5 and 6: quantums updated for some sites. Eight housing sites removed where development has now commenced or where information submitted with representations indicated sites were no longer considered available within the plan period or where a lack of information was not able to confirm site availability. Two new sites have been added in response to the 'call for sites' exercise (Outpatients Department, RSCH and Royal Mail Sorting Office, Denmark Villas).</p>
H2 Housing Sites – Urban Fringe	<p>75 Representations [18 supporting, 55 objecting, 2 other] Petition of 518 signatures against the allocation of Land at/adjacent to Horsdean Recreation Ground (UF Site 16).</p> <p>Support - Urban fringe allocations will contribute towards the City Plan housing target &</p>	<p>Clarification that the developable areas of the sites are allocated for housing.</p>

	<p>overall housing requirements. Potential for sites to improve linkages to the South Downs National Park, contribute to green infrastructure and provide biodiversity gains. Sensitive development is needed to avoid/limit impacts on South Downs National Park. Need to avoid or mitigate impacts on Local Nature Reserves/ ecological/ biodiversity designations.</p> <p>Development of sites will need to consider impacts on the historic environment (through heritage impact assessments). Development will need to consider impacts on water sources/drainage. Support for higher housing numbers/increased densities from landowners at Mile Oak Road and Land at former nursery, Saltdean.</p> <p>Object - Sufficient brownfield sites exist in city to avoid need for development on the urban fringe / brownfield sites should be developed first. Urban fringe sites should be developed at higher densities / proposed densities are too low. Indicative housing figures for 3 sites are higher than recommended in the Urban Fringe Assessments (no explanation is provided for this). Several of the proposed sites are subject to ecology/biodiversity designations. Require updated transport modelling to test cumulative impact of development on strategic highways network (inc A27 junctions) and ensure adequate mitigation. Objections from local residents to several proposed UF allocations: Land at/adj Horsdean Recreation Ground (15 objections and petition signed by over 500 residents); Land at Ladies Mile (15 objections); Land at South Downs Riding School & Reservoir Site (5 objections) Objections from landowners/developers seeking higher housing numbers at Benfield Valley, Land at Coldean Lane & Land adj to Brighton Race Course (Whitehawk).</p>	<p>Cross references to SA4 and SA5 within policy text.</p> <p>Clarification that percentages for family housing are indicative.</p> <p>New criteria requirements adverse biodiversity impacts to be mitigated and net gains provided.</p> <p>Criteria regarding renewable energy strengthened through reference to achieving higher standards of energy efficiency.</p> <p>Explanation of additional criteria relating to phasing of development with sewerage network reinforcement and planning layout to ensure future access to water infrastructure.</p> <p>Table 7 updated: some clusters of sites split into two sites to reflect recent planning consents with consequential amendments to site area and quants and updated information on deliverability; key site consideration amended to reflect updated evidence.</p> <p>Supporting text amended to include</p>
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		further justification on the proportion of family housing to be sought; reference to seeking biodiversity net gains in site allocations; reference to design and materials reflecting the Integrated Landscape Character Assessment; reference to ecological survey requirements relating to designated biodiversity sites; reference to some sites being within GSPZ; reference to the potential for contamination on some sites.
H3 Purpose Built Student Accommodation (PBSA)	<p>28 Representations [18 supporting, 10 objecting]</p> <p>Support – general support for policy. Support PBSA as it can free up HMOs. Support not setting a target in policy. Support PBSAs being provided at Moulsecoomb and Falmer campuses – more should be accommodated there. Refer to opportunities for biodiversity net gains. Include reference to surface water protection zone with one site allocation (Lewes Road Bus Garage site). Students should remain in PBSA. Concern with London Road site allocation – large number of students in area - concern with impact on primary school. Ensure impact on primary care services considered.</p> <p>Object - Should be a greater emphasis on campus developments. Insufficient site allocations to meet need for student housing. Sites should be developed at higher densities. Windfall sites should also be encouraged. Alternative sites proposed at Enterprise Point, 27-31 Church Street and at 45 & 47 Hollingdean Road. It is a pre-requisite with the allocation of Lewes Road Bus depot that the operational requirements of bus depot are to be maintained. Concern over phasing of development at Lewes Road Bus Garage to ensure that delivery of sewage infrastructure aligns with the development. Need for sympathetic design adjacent</p>	<p>Clarification of indicative numbers of bedspaces in policy wording and table.</p> <p>Following assessment of sites put forward for consideration additional PBSA site allocated at 45&47 Hollingdean Road.</p>

	heritage assets. Too many PBSAs.	
E1 Opportunity site for business and warehouse uses	<p>12 Representations [9 supporting, 3 objecting]</p> <p>Support – consider appropriate response given need to safeguard industrial land and demand for employment land. Supports job creation. Include in policy reference to requiring a minimum requirement of GI development to ensure net gains to biodiversity. Could refer to contaminated land if relevant.</p> <p>Object – amend boundary to reflect Benfield Valley Local Wildlife Sites. Remove mention of a strategic scale waste management facility both in section E1 and elsewhere within the City Plan Part Two proposals - any such facility proposals are yet to be finalised and could negatively impact on other future proposals for use of the land.</p>	<p>No changes to policy wording or site boundary.</p> <p>Additional wording to supporting text to clarify biodiversity requirements re Local Wildlife Sites</p>
Any Other Comments	<p>51 Representations making a range of comments:</p> <p>Consider CPP2 does not address challenges facing city – lacks ambition and foresight - not creative; need for good quality and bold architecture and greater density; challenges facing high streets; accommodating housing needs; CPP2 needs to address well-being, social justice and quality of life While easier to navigate – query length and detail of reasoned justification and query why it is not called supporting text. Object to CPP2 in its entirety – draft CPP2 policies should be incorporated into a re-opened CPP1 consultation. Need to ensure CPP2 is consistent with new NPPF. Duty to cooperate section should include role of Neighbourhood Plans</p> <p>Housing Numbers/ Housing Delivery – too low – suggestions put forward – increase density in certain areas; look outside city and work with community self-build groups; relocate allotments to free up land. Housing Numbers/ Housing Delivery – concerns with government targets – emphasis should be on brownfield sites first. Urban green space must be protected and development restricted to Brownfield sites. More explicit support and detail should be included in CPP2 on Community Self Build (CSB)</p>	<p>References to NPPF have been updated where appropriate and opportunities sought throughout plan to streamline the supporting text.</p> <p>See Housing Provision Topic Paper update.</p>

	<p>Concern about implementation and enforcement of policies; ensure coordination of proposals and greater transparency in developer contributions.</p> <p>Transport – radical measures required to tackle traffic pollution and need for investment in public transport (eg metro systems). Considers CPP2 has not addressed the impact of planned development on eastern urban fringe on traffic congestion and air quality targets and would therefore be found unlawful. Cycle network requires improvements and upgrade.</p> <p>Parking Provision – specific request for Hove Neighbourhood Area</p> <p>Retail related concerns- omission of Special Retail Area (St James Street)</p> <p>Design and Heritage -plan should map of sculpture/ installations; Make spaces age friendly; gaps in protection of certain areas of Hove.</p> <p>Nature conservation – failure to fulfil formal duty to consider biodiversity. Need clarity in identifying and naming sites includes LGSs. Consider lack of engagement with wildlife specialists in particular with Local Wildlife Sites Review.</p> <p>Need for additional policies – swift boxes, biodiversity and green infrastructure/ natural capital and soils. Need for Food SPD.</p> <p>Potential for health hub should be considered adjacent SSA7.</p> <p>Consultation and timetable - question format of consultation and whether communities involved and listened too. CPP2 timetable needs to be achievable but ambitious.</p> <p>Specific queries on background evidence documents – local wildlife sites review, policies map and emerging Strategic Flood Risk Assessment.</p>	<p>See summary of changes to DM37</p> <p>See schedule of changes to Policies Map; Local Wildlife Site Study Update and Sequential and Exception Test Topic Paper</p>
Omission Sites	3 Representations	Addressed in Site Allocations Topic

	<p>Opportunity to consolidate and develop primary care and community health infrastructure: extend SSA7 (land adjacent to the Amex stadium) to effectively become a strategic site zone that incorporates the existing leisure centre, community centre, children's services and miscellaneous other sites in order to facilitate a multi-sector community infrastructure proposal that is developed in the most coherent way possible.</p> <p>The Brighton Racecourse and Adjacent Land should be included as a strategic allocation in the CPP2 to allow for refurbishment of racecourse and other uses (hotel, residential).</p> <p>Should be no further sites allocations focus on utilising and fillings empty buildings and clamp down on second homes and holiday lets. Audit of existing assets.</p>	Paper.
3 11	<p>Sustainability Appraisal</p> <p>7 representations [4 objecting, 3 general comments]</p> <p>Query particular site assessments content and process. Sustainability Appraisal not assessed reasonable alternative for one policy. Disagreement with policy appraisals for particular sites or policies. Query information sources for likely future baseline.</p>	Addressed in Proposed Submission CPP2 Sustainability Appraisal
	<p>General Equalities Question</p> <p>12 Representations [2 supporting, 7 objecting, 3 general]</p> <p>Certain policies have positive equalities implications for certain groups including people with low incomes, disabled people, vulnerable people and older people e.g. DM1, DM4, DM5, DM22, DM23, DM32, DM33</p> <p>Certain policies have adverse equalities implications for certain groups including non-home-owners (young, low-incomed, BAME and recent immigrants), students, older and disabled people and are discriminatory e.g. H1, H2, DM2, DM7, DM8, DM33</p> <p>HEQIA failed to accurately assess impacts of DM2 and DM7 on young adults and people with</p>	Addressed in Health & Equalities Impact Assessment Addendum

	<p>low incomes.</p> <p>DM2 and DM7 contrary to Article 14 of Human Rights Act and Equalities Act 2010 due to impacts on young adults and people with low incomes.</p> <p>Development on urban fringe affects the human rights of those in close proximity. Plan as a whole failing to meet air quality objective, adversely impacting upon younger and older people. Plan does not address the needs of those who do not benefit from CPP1.</p>	
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Appendix 3 Summary of City Plan Part 2 Supporting Documents

Policies Map - the adopted CPP1 policies map will be updated on adoption of the CPP2 to additionally show the CPP2 development sites, designation updates and removes those allocations/ designations related to BHLB policies that will be superseded by the CPP2 on adoption. The CPP2 policies map has been amended to reflect the Proposed Submission CPP2.

A **Sustainability Appraisal** (SA) has been undertaken. At the draft CPP2 stage it helped to refine the policy options, tested the suitability of site allocations and tested the draft policies against the principles of sustainable development. To inform the Proposed Submission version of the CPP2, the SA has re-tested the suitability of site allocations, has assessed the revised policies, and has led to a series of amendments to a number of the Proposed Submission CPP2 policies to ensure that the likelihood of adverse effects is reduced, avoided or mitigated as far as is possible, and to help maximise any positive effects.

Implementation and Monitoring Targets - a set of proposed implementation and monitoring targets have been prepared to support the CPP2 policies and ensure policies are effectively monitored and support delivery of housing. This has been updated to reflect changes to the Proposed Submission CPP2.

Statement of Consultation - sets out the consultation undertaken at the Draft City Plan Part 2 stage, a summary of consultation responses and how amendments to the Proposed Submission policies address the consultation responses through a schedule of officer responses.

A Health and Equalities Impact Assessment was undertaken at draft CPP2 stage to ensure the draft policies are coordinated to address equalities, health and well-being outcomes throughout the city. The study found that where there was potential for impact, this was generally positive and many policies were found to be inclusive for various communities. Some policies have specific positive effects for certain groups, for instance older people and disabled people, particularly policies in relation to housing and those that improve accessibility. Some policies were refined through recommendations arising from the HEQIA at draft CPP2 stage. Changes to the policies in the Proposed Submission CPP2 have been reassessed against the health and equalities objectives; however this did not result in any change to the findings of the HEQIA undertaken at draft stage. The HEQIA therefore concludes that CPP2 represents a comprehensive and inclusive suite of policies geared to fostering a healthy, vibrant, cohesive and sustainable population. The plan addresses various health objectives, with certain policies specifically addressing some of the needs of people with certain protected characteristics.

Habitats Regulation Assessment – a Habitats Regulations Assessment (HRA) is required for any proposed plan or project which may have a significant effect on one or more European sites and which is not directly related with or necessary to the management of those sites. This was carried out in the draft CPP2 and approved at the June TD&C as a background study for the CPP2. The nature of changes to the Proposed Submission CPP2 did not require the HRA to be updated.

Appendix 4 – City Plan Part 2 Background Study Summaries

1. Gypsy and Traveller Accommodation Assessment – 2019 Update

The 2019 Gypsy and Traveller Accommodation Assessment (GTAA) provides a robust assessment of the current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Brighton & Hove, including the area that falls within the South Downs National Park. A GTAA was previously produced in 2014 and an update was required to reflect the following factors:

- The time elapsed since the research for the previous study was undertaken;
- The new definition of traveller as set out in the Government's Planning Policy for Gypsies and Travellers 2016 (the key change is that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a GTAA);
- The delivery and opening of the site at St. Michael's Way, Horsdean which provides 12 permanent pitches; and
- Changing patterns of unauthorised encampments in the city.

The assessment covers the administrative area of Brighton & Hove including that part located within the South Downs National Park Authority area. This approach reflects City Plan Part One Policy CP22 Traveller Accommodation which includes provision for an updated target to be identified through a revised assessment of traveller accommodation needs, and further states that the Council will review traveller accommodation needs to cover the full plan period to 2030. The revised assessment of need is set out below:

Additional need for Gypsy and Traveller households in Brighton & Hove (excluding SDNP) that met the Planning Definition by year periods

Years	0-5	6-10	11-15	Total
	2019-24	2024-29	2029-34	
Brighton & Hove LPA area	0	0	0	0
SDNP LPA area within Brighton & Hove	6	2	3	11

The allocation of the identified pitch requirements for travellers who meet the planning definition to the SNDP Local Planning Authority (LPA) area stems largely from the geographical location of the Horsdean site (within the National Park) which is within the Brighton & Hove administrative area. As a result both LPAs will continue to work constructively and jointly to address the need for new permanent pitches that has been identified in the updated GTAA.

A joint site search exercise undertaken by BHCC and the SDNPA in 2016-17 did not identify any suitable and available sites. A Duty to Cooperate process has therefore been undertaken with neighbouring authorities to ascertain whether and to what extent they were able to provide additional pitches to assist in meeting any of the unmet need. No neighbouring authorities have currently indicated any ability to assist in meeting the unmet need.

2. Student Accommodation Study

This Technical Paper examines the relationship between supply and demand for Purpose Built Student Accommodation (PBSA) and the consequent demand for general private sector housing from students over the period to 2030. A brief summary of key findings is set out below.

Demand – University student numbers have increased significantly over recent years, with the number of full-time students requiring accommodation (80% of the total full time population) estimated to increase from 23,525 in 2016/17 to 25,780 in 2019/20. However neither University has indicated they have any plans to expand further after 2020. **Supply** - The supply of permitted PBSA has increased rapidly in recent years and this is forecast to continue as recently permitted developments are delivered (see Figure 1 below).

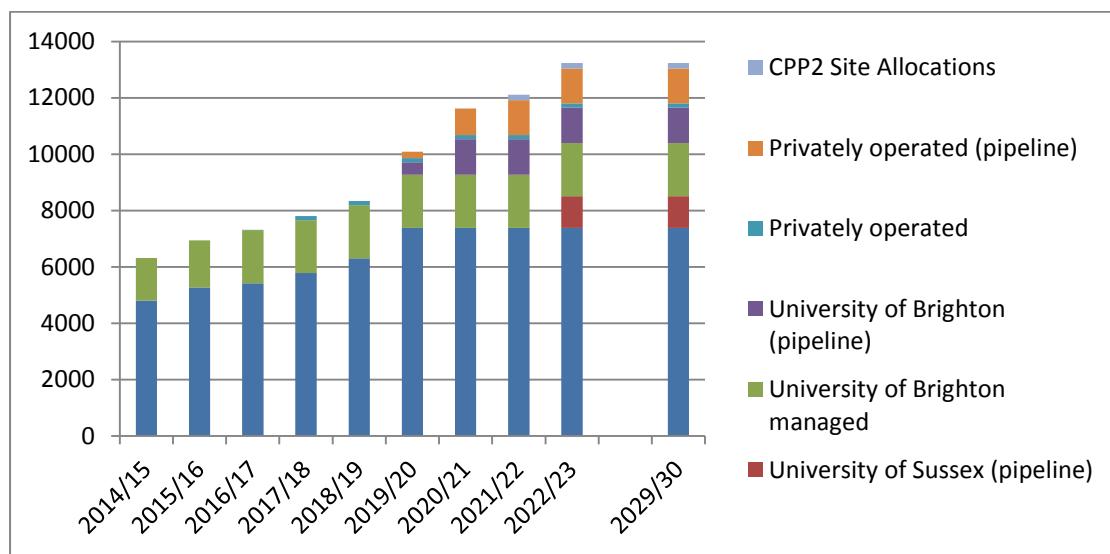


Figure 1: Total PBSA bedspaces 2015-2030

The increases in PBSA provision that are expected are likely to mean that the proportion of university students requiring accommodation being housed in PBSA could rise from approximately 33% in 2016/17 to over 50% in 2022/23. This could lead to a reduction of approximately 3,000 students requiring alternative accommodation elsewhere in the private rented sector. This forecast reduction is illustrated in Figure 2 below.

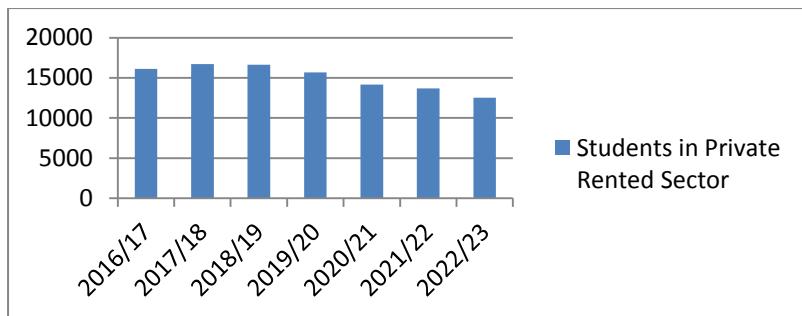


Figure 2: Number of Students Living in the Private Rented Sector by year

3. Older Person Housing Needs Assessment 2019

This study was commissioned jointly by the council's Planning, Housing, and Commissioning services to assess the need for different types of specialist housing and related support for older people in the city. The study recommendations have informed the planning policy for specialist older persons' accommodation in City Plan Part Two (Policy DM4), and will also support the future strategic planning of the council's specialist housing and support services.

Overall the study concludes that there needs to be a wider mix of housing/accommodation options for older people. This includes supporting people to live longer in their own homes, whilst making provision for a range of purpose-built housing types and tenures to enable 'downsizing' / 'rightsizing' and support moving in later life as a positive choice.

Taking account of existing provision in the city, the study includes projections of the need for specialist housing and accommodation for older people. For the period to 2030, the analysis indicates:

- significant future demand for housing for older people, comprising both sheltered housing to rent and private sector retirement housing for sale (649 units);
- some identified demand for housing with care (i.e extra care/assisted living) both for sale and rent (227 units); and
- an expected decline in demand for traditional residential care (-37 beds), but an increase in the use of nursing care due to an increasing population of older people with complex care needs (246 beds).

(Note that these figures do not include allowance for the replacement of existing specialist housing/accommodation that may be out-dated and no longer suitable to meet current needs.)

The study recommends planning for a mix of housing and care models, including:

- ‘Care ready’ housing for rent and for sale, i.e. without care on-site, but designed to enable people to age in place, to allow for decreased mobility and permit individuals to be cared for easily in their own homes if required. This should include a mix of age-designated and inter-generational care-ready housing.
- Housing with care options that will enable the use of residential care homes to decrease, including extra care housing for rent and for sale with onsite domiciliary care services. Such developments should provide a ‘balanced’ community, i.e. having residents with a mix of care needs. Housing with care schemes would typically provide a minimum of 60/70 units, but there is potential within the city to support a larger scheme of 150+ units of mixed tenure with a wide range of facilities including onsite domiciliary care.
- Specialised housing for older people that will cater for growing number of people living with dementia and complex care needs, including hybrid housing and nursing care models that can cater for people living with dementia and other complex care needs to end of life.

The report emphasises the need to deliver high quality housing based on the good practice design principles set out in the ‘Housing our Ageing Population: Panel for Innovation’ Report (2009) and subsequent HAPPI reports. It also highlights that the affordability of housing/accommodation is a key issue for many older people and there is a need to ensure appropriate adequate provision for affordable accommodation for older people.

4. Build to Rent Study 2019

The purpose of the study was to undertake an assessment of Build to Rent (BTR) in the city and its likely viability in terms of delivery. The study provides information to inform and support policy development for BTR in City Plan Part Two (Policy DM6), which looks to provide more choice of good quality rented accommodation, and contribute towards meeting identified housing needs in the city.

BTR has been identified as a distinct category of housing in the National Planning Policy Framework (NPPF) and the Government has published detailed Planning Policy Guidance (PPG) to guide its development. The economics of BTR developments differ from build for sale as it is financed by long-term investment (e.g. by a pension fund or similar). All homes in a scheme remain in the same ownership and are managed as one investment, usually without the involvement of a Registered Provider of affordable housing (e.g. housing association).

The BTR study tested a range of scenarios regarding percentages of affordable housing and levels of discount compared to market rents, whilst factoring in other variables such as location within the city, development size (number of residential units), existing land use values and other potential developer contributions (including the council’s proposed CIL

charging rates). The viability appraisals tested different levels of affordable rented units to show their impact on viability generally and on the number of affordable units that can potentially be delivered as part of a BTR scheme.

The study findings demonstrate that, subject to the variables tested, BTR schemes in the city are capable of supporting up to 20% affordable units provided at discounted rents of at least 20% below equivalent local market rents. The study demonstrates that greater levels of discount would be required to deliver units that are more genuinely affordable for most of those eligible to join the Council's housing register. Therefore in negotiating the affordable element of BTR, the council should consider the trade-off between the number of affordable units to be provided and the level of affordable discount that may be achieved.

In addition, the study made several other recommendations, including that the Council should use S106 agreements to secure requirements for the long term retention and management of the BTR units. The S106 agreements should include:

- Requirements for eligibility criteria against which applicants for the affordable units will be assessed;
- Provision to secure the affordable units provided as part of the BTR in perpetuity (including provision to recoup the value of the affordable units if sold);
- Using a legal covenant to require that the units are held as BTR tenure for at least 15 years (with provisions for clawback in the event that any or all BTR units are sold within this period);
- Specification that rents should be inclusive of all service charges.

5. Strategic Housing Land Availability Assessment (SHLAA 2019)

The Strategic Housing Land Availability Assessment (SHLAA) is updated annually to take account of the latest annual residential development monitoring and any further technical work regarding development site capacity and viability.

The SHLAA site and summary schedules set out net housing completions and projected housing supply over the City Plan period 2010–2030. The schedules also analyse delivery within the eight Development Areas (DA1 – DA8) identified in the adopted City Plan Part One (CPP1) and across the Rest of the city (including the urban fringe sites). The SHLAA includes a housing trajectory and sets out the five year housing land supply against the housing provision target set out in adopted CPP1 Policy CP1 Housing Delivery.

The SHLAA 2019 Update identifies a total potential housing supply of 17,243 net dwellings. The projected housing supply over the City Plan period (2010-2030) is 14,875 net dwellings.

However, the rate of housing delivery remains well below the City Plan requirement. A total of 3,833 net dwellings have been completed over the period 2010-2019, which averages only 426 dwellings per year compared to the City Plan target of 660 dwellings per year.

The city's five year housing land supply is assessed at 4,949 net dwellings. When compared to the five year requirement in the City Plan (adjusted to take account of the delivery shortfall from previous years), there is a shortfall of 1,200 dwellings (equivalent to 4.0 years of housing supply). A Housing Delivery Action Plan (August 2019) has been prepared to address this issue and is available on the council's website.⁶

6. Brighton and Hove City Council Level 1 and 2 Strategic Flood Risk Assessments, JBA Consulting October 2018.

The Level 1 and 2 Strategic Flood Risk Assessment (SFRA) was commissioned to provide a comprehensive evidence base to support the Brighton and Hove City Plan Part Two (CPP2). This updated SFRA replaces the 2012 SFRA which provided the evidence base for the adopted City Plan Part One.

The key objectives of the review were:

1. To take into account the latest flood risk policy
2. Take into account the latest flood risk information and available data including more detailed groundwater vulnerability mapping and surface water flood mapping which takes climate change into account.
3. To provide individual flood risk analysis for sites identified in the draft CPP2
4. To provide a comprehensive set of maps displaying flood risk information.

An overarching aim of the screening was to put flood risk management policy and practice in place to provide for a strategic approach to the management of surface water flood risk as this is a priority to address the needs of adaptation to climate change effects. The findings and recommendations of the SFRA informed the site selection process for the draft CPP2 and the drafting of Policy DM43 Sustainable Urban Drainage.

Surface Water Flood Zones have been introduced in the SFRA in order to define areas potentially at risk from surface water flooding to provide more strategic consideration of surface water flood risk in the land allocation and planning process.

The SFRA has identified that some areas of Brighton and Hove are at high risk of flooding from surface water, groundwater and tidal sources. Therefore, proposed development sites at such locations will be required to satisfy the Sequential and, where necessary, Exception Tests in accordance with the NPPF¹. The presence of extensive surface water risk zones introduces a requirement to demonstrate that proposed development is safe from surface water flood risk for over the intended life.

An updated Sequential and Exception Test has been prepared to support the CPP2 and this is published as technical topic paper. The aim of the sequential test is to as far as reasonably possible, steer new development to areas with the lowest risk of flooding taking into account of climate change and the vulnerability of future uses to flood risk. Where it was not possible to find enough land for CPP2 allocations at locations outside of flood risk the level 2 screening provides more detailed information on the characteristics of actual flood risk associated with the relevant site allocations. The level 2 screening provides site-specific

¹ NPPF 2018 – section 14 paragraphs 158-159

flood risk assessment requirements and potential options to manage flood risk which will be considered further by developers when preparing an FRA.

7. Brighton & Hove Wildlife Study Review 2017 – Update 2020

The Brighton & Hove Wildlife Study Review 2017 was published with the draft City Plan Part Two (CPP2) in July 2018. Through the review twenty six existing Sites of Nature Conservation Importance (SNCIs) were assessed as being worthy of retention and were renamed as Local Wildlife Sites (LWS) and included on the draft CPP2 policies map. Twenty-four new sites were endorsed for designation and inclusion in the draft CPP2. Seven sites were identified as having potential to be designated as LWS, pending an assessment of up-to-date survey information; these sites were listed as candidate LWS within the draft CPP2.

As part of the consultation on the draft CPP2 between July and September 2018 the owners and occupiers of sites were notified of designations and provided with copies of site citations. Following Defra guidance, landowners/ occupiers were given the opportunity to consider whether the proposed designation appropriately reflected the biodiversity interest of the site with the opportunity to submit evidence to support their observations. The evidence submitted was carefully considered by the County Ecologist and the Technical Panel, along with the original data upon which the recommendation was made. The Update to the 2017 Review outlines the changes following consideration of the consultation responses.

Representations made on the draft CPP2 consultation led to the re-assessment of 11 sites, with the outcome summarised as follows. The boundary of one existing site was amended, two existing sites were resurveyed and retained unchanged, one proposed new site was resurveyed and a decision was taken not to proceed with the designation, and seven candidate sites were surveyed or reassessed. Where the panel recommended candidate sites should be designated, consultation was carried out with landowners/ occupiers of these sites. Of these candidate sites, two have been designated, four will not be designated and one will be retained as candidate LWS.

The resultant suite of LWS within Brighton & Hove is therefore 51 LWS, 26 of which were previously designated as SNCIs, 25 new LWS have been recommended and one candidate LWS. The Proposed Submission City Plan Part Two policies map and Appendix 3 List of Local Wildlife Sites of the Proposed Submission City Plan Part Two and Policy DM37 Nature Conservation and Green Infrastructure have been amended accordingly.

Appendix 5 – Tests of Soundness

NPPF paragraph 35 -36

Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

These tests of soundness will be applied to non-strategic policies¹ in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.

NPPF Paragraph 48

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

¹ Where these are contained in a local plan

Proposed Submission City Plan Part 2

PROTOCOL

- The Proposed Submission City Plan Part Two will be considered by Tourism, Equalities, Communities & Culture Committee (TECC) on the 5 March 2020.
- TECC will be asked to recommend that the Proposed Submission City Plan Part Two is referred to the 2 April Full Council for consideration.
- There will be an open debate for councillors at Full Council to express their views and the views of their constituents about key issues arising from the Proposed Submission City Plan Part Two;
- The six topics to be debated are:

Housing, Accommodation and Community – including DM1 Housing Quality, Choice and Mix, DM2 Retaining Housing and Residential Accommodation (C3), DM3 Residential Conversions and the retention of smaller dwellings; DM4 Housing and Accommodation for Older Persons, DM5 Supported Housing (Specialist and Vulnerable Needs), DM6 Build To Rent Housing, DM7 Houses in Multiple Occupation, DM8 Purpose Built Student Accommodation, DM9 Community Facilities, DM10 Public Houses.

Employment and Retail – including DM11 New Business Floorspace, DM12 Changes of Use within Regional, Town, District and Local Shopping Centres, DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units, DM14 Commercial and Leisure Uses at Brighton Marina, DM15 Commercial and Leisure Uses on the Seafront, DM16 Markets, DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities.

Design & Heritage – DM18 High Quality Design and Place, DM19 Maximising Development Potential, DM20 Protection of Amenity, DM21 Extensions and Alterations, DM22 Landscape Design & Trees, DM23 Shop Fronts, DM24 Advertisements, DM25 Communities Infrastructure, DM26 Conservation Areas, DM27 Listed Buildings, DM28 Locally Listed Heritage Assets, DM29 The Setting of Heritage Assets, DM30 Registered Parks and Gardens, DM31 Archaeological Interest, DM32 The Royal Pavilion Estate.

Transport and Travel – DM33 Safe, Sustainable and Active Travel, DM34 Transport Interchanges, DM35 Travel Plans and Transport Assessments, DM36 Parking and Servicing

Environment and Energy – DM37 Green Infrastructure and Nature Conservation, DM38 Local Green Spaces, DM39 Development on the Seafrot, DM40 Protection of the Environment and Health – Pollution and Nuisance, DM41 Polluted Sites, hazardous substances and land stability, DM42 Protecting the Water Environment, DM43 Sustainable Drainage, DM44 Energy Efficiency and Renewables, DM45 Community Energy and DM46

Heating and Cooling network infrastructure

Site Allocations - Special Area Policy SA7 and Strategic Site Allocations – SSA1 – SSA8, Housing and Mixed Use Sites and other site allocations (H1-H3 and E1)

The Process

- Party Groups will be required to table their amendments to the Plan clearly organized by the Topic areas as set out above. Amendments must be made prior to the debate at Council by submitting them to Sandra Rogers, Planning Policy, Projects & Heritage Team Manager by no later than noon on Friday 13 March.
- Independent Councillors may propose amendments in the same way as advised in this note.
- Groups' amendments will be evaluated by officers to determine the soundness, financial and legal implications of including those proposals and will be held confidential from the other political parties by the officers involved. All proposals must have been "signed off" by the Planning Policy, Projects & Heritage Team Manager no later than 5pm Friday 20 March.
- Only the EEC Director, and Head of Planning (with appropriate officers from the Planning Policy, Projects & Heritage Team and Democratic Services) will be aware of the full range of amendments being proposed and they will not be shared with any parties until noon on Monday 23 March unless there is scope for brokering joint amendments.
- The Head of Planning will have a "brokering" role if this would appear to facilitate agreement on particular amendments or proposals. To this end, the Head of Planning may put forward any potential composite amendments to the proposers of any amendments for consideration and agreement.
- Any composite amendments to be brought forward by the Groups should be submitted to the Head of Planning by 12 noon on Friday 27 March for evaluation and approval as being sound in regard to the overall plan, financially and legally.
- The Mayor will refuse to accept any amendments subsequently moved that have not been "signed off" by the Head of Planning by 10am on Tuesday 31 March.
- All amendments will be shared at 2pm on Tuesday 31 March (the day before the Council) between the Group Leaders by the Head of Democratic Services.

Protocol for Proposing Amendments

Amendments must be submitted by e-mail in the form of a standard template

word document to facilitate bringing together the final list of amendments. This will clearly set out the policy, page number and/or paragraph to which the amendment relates.

Officers have prepared a guidance note to assist members putting forward amendments explaining the constraints within which amendments will be considered to be 'sound' or 'unsound'.

Public Involvement

The council debate will be open to the public. Members of the public will not be able to submit questions on the City Plan Part Two.

Any questions submitted will not be answered in the usual way, instead questioners will receive confirmation of receipt and be informed that their question will be included in the addendum papers circulated to all Members for their reference during the debate and that written answers will be provided after the meeting.

Council 2 April 2020

To help Members at Council on 2 April 2020 the procedure to be followed in respect of the City Plan debate is set out below:-

##. Declarations of Interest.

##. Mayor's communications, including the following:

The Council will be asked to agree that the Procedural Rules be suspended to the extent that it is necessary to enable the business of the meeting to be dealt with as set out in agenda item ## below.

##. Proposed Submission City Plan Part 2:

- (a)** The **Mayor** will invite Councillor +++++ as Deputy Leader of the Council to move the Approval of the Proposed Submission City Plan Two and Councillor +++++ as Leader of the Council to formally second. Councillor +++++ will have unlimited time and Councillor +++++ will have 3 minutes.
- (b)** The **Mayor** will then invite Councillors +++++ and +++++ as the Leaders of the two Opposition Groups to speak and they will have up to 10 minutes each to respond and outline their Groups' positions.
- (c)** The **Mayor** will then call on the relevant Committee Chair to introduce each topic, followed by the Opposition Groups' Spokespersons to move their amendment for each of the topic:
- (d)** Where Groups have recognised there are a number of elements that they agree upon, a Joint amendment can be moved under each topic,

notwithstanding that individual Groups may also wish to move amendments under a corresponding topic. However, any Joint amendment cannot be moved and seconded by those Members moving their respective Group's amendment:

(i) Housing, Accommodation and Community

Councillor +++++and Councillor +++++to make their presentation to the Council and to move and second **Housing, Accommodation and Community topic**, together with any amendment. Councillor will have up to 5 minutes and Councillor +++++will have 3 minutes.

Councillor +++++and Councillor to respond and move the +++++ Group's amendment No.1. Councillor +++++ will have 5 minutes to move the amendment and Councillor +++++ will have 3 minutes within which to second the amendment.

Councillor +++++ and Councillor +++++ to respond and move the +++++ Group's amendment No.2. Councillor +++++ will have 5 minutes to move the amendment and +++++will have 3 minutes within which to second the amendment.

Councillor +++++ and Councillor +++++ to respond and move the +++++ Group's amendment No.3. Councillor +++++ will have 5 minutes to move the amendment and Councillor +++++ will have 3 minutes within which to second the amendment.

Councillor +++++ and Councillor +++++ to respond and move the +++++ Group's amendment No.4. Councillor +++++ will have 5 minutes to move the amendment and Councillor +++++ will have 3 minutes within which to second the amendment.

To be repeated as required for other Opposition Party.

(ii) Employment and retail

(iii) Design and Heritage

(iv) Transport and Travel

(v) Environment and Energy

(vi) Site Allocations

- (e)** The **Mayor** will then open the matter up for a general debate by all Councillors on the proposed approval of the Proposed Submission City Plan Part Two for publication and Regulation 19 consultation and the amendments that have been moved.

NOTE: Speakers will be limited to three minutes each and no

extensions will be granted.

The Head of Planning / Monitoring Officer shall have discretion at any stage to remind Members of the proposed substantive motion and its implications following acceptance of any amendments.

- (f) At the conclusion of the debate the **Mayor** will invite Councillor +++++ to give the final right of reply on behalf of the Administration. Councillor +++++ will have five minutes.
- (vii) The Mayor will then put the amendments to the vote (up to a maximum of 4 separate votes for each of the Joint and individual Group's amendments) for each of the topics in the following order:

(1) Housing, Accommodation and Community

(i) ++++++ Group Amendment No.1etc

The Head of Planning and/or the Monitoring Officer shall have discretion at any stage to remind Members of the proposed substantive motion and its implications following acceptance of any amendments.

(2) Employment and Retail:

(3) Design and Heritage:

(4) Transport and Travel

(5) Environment and Energy

(6) Site Allocations

The Head of Planning and/or the Monitoring Officer shall have discretion at any stage to remind Members of the proposed substantive motion and its implications following acceptance of any amendments.

- (viii) The **Mayor** will put the substantive motion, that the City Plan Part 2 and supporting documents (as amended) (if amended) be approved and adopted for submission to the Secretary of State, preceded by a 6 week publication stage, subject to any minor editorial changes agreed by the Leader of the Council in consultation with the Head of Planning.

The Head of Planning and/or the Monitoring Officer may at any stage advise Members, especially if there is a need for consequential adjustment to parts of the City Plan Part Two and supporting documents resulting from the separate votes under (g) ((1), (2), (3), (4) and/or (5) above).

The Head Planning and/or the Monitoring Officer may advise the Mayor of the need for a short adjournment in order to consider the impacts of amendments just agreed.

Subject:	Regulation of Short Term Holiday Lets	
Date of Meeting:	5th March 2020	
Report of:	Interim Director Housing Neighbourhoods and Communities	
Contact Officer: Name:	Jo Player	Tel: 29-2488
Email:	Jo.player@brighton-hove.gov.uk	
Ward(s) affected:	All	

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Following a deputation to the Tourism Equalities culture and Communities Committee on 26th September 2019, officers were tasked with producing a report outlining what action could be taken to address large scale short term holiday lets in residential areas.
- 1.2 A Notice of Motion was also submitted to Full Council on 19th December and considered by this committee on 16th January. Committee agreed to the notice of motion and this report forms part of the response to that.

2. RECOMMENDATIONS:

- 2.1 Committee notes the content of this report
- 2.2 Committee agrees to officers using existing powers to investigate and respond to complaints about short term holiday lets, ensuring a co-ordinated approach to enforcement between services
- 2.3 Committee notes officers are actioning the requests in the Notice of Motion to lobby central Government for a national registration scheme and for enhanced enforcement powers for officers to deal with issues caused by these types of properties and to write to Air BnB regarding a consultation.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The increase in the use of short term holiday lets in the City has a potential impact on the availability of family homes and the amenities of residential areas, so much so that the Council has been looking into this as part of the preparation of the City Plan Part 2.
- 3.2 Officers, through discussions with police colleagues, are also aware that there has been a rise in a number of these properties being used for illegal activity such as drug supply.

- 3.3 Currently there is no definitive number of these types of properties in the City. Whilst many, such as occasional lets are used when the home owner is in residence and do not cause issues for the local community, large scale lets can do, creating issues of noise, rubbish accumulation and car parking. Information received from colleagues at East Sussex Fire and Rescue Service suggest that that there are approximately 1700 lets where the entire home is let, and approximately 1000 properties where someone can book a room in a person's residence. One booking company has stated that they have 3000 properties in the city and 60% of these are let out as an entire house However there are also several other companies offering these types of short term lets.
- 3.4 In the last two years the Council's Environmental Protection team has received 12 complaints about these types of properties relating to noise issues. Two complaints have been received by the Anti Social Behaviour and Casework team, but these were received from the Environmental Protection team. No complaints have been received by City Clean, the corporate complaints team or parking services. However the complaints received all suggested that several Council services may have had a role to play in finding a suitable and longer term solution.
- 3.5 The Council has a duty under legislation to investigate all noise complaints. Statutory noise nuisance can include noise from people, music and plant and machinery. It is not a defined decibel level instead it is assessed having regard to the character, duration and frequency of the noise. Once a statutory noise nuisance has been established a noise abatement notice can be served and breaching this is a criminal offence, carrying a maximum sentence of an unlimited fine.
- 3.6 Residential properties can be used for short term accommodation and can still be deemed to be a residential use (C3 use class) and planning permission would not be required. London Authorities have specific legislation, which limits property owners to letting out their homes on short term lets to under 90 days.
- 3.7 In some cases, short term holiday lets can result in a material change of use from a C3 use to a sui generis use. Sui generis use is a term used to categorise buildings that do not fall within any particular use class for the purpose of planning permission. Whether a use was C3 or sui generis is a matter of fact and degree based on the particular characteristics of the use and would be unique to each particular case.
- 3.8 Appeal decisions involving other Local Planning Authorities have determined that the nature of the use could take the use out of C3. Any potential cases that were to be referred to the Planning Enforcement team would have to consider use/duration/frequency, where the service of a Planning Contravention Notice (PCN) may be appropriate to establish the nature of the operation.
- 3.9 Under the Anti-Social Behaviour, Crime and Policing Act 2014, the local authority can look at several enforcement tools to address issues that affect local communities. These include civil injunctions, community protection notices or closure orders. To date these have not been considered as a way of dealing with the issues caused by some large scale short term holiday lets.

- 3.10 **Civil Injunctions** – The legal test for a housing related civil injunction is that the conduct is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing nuisance or annoyance to any person.
- 3.11 The injunction can be used in situations where the owner or tenant of the property has allowed another person to engage in anti-social behaviour, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person, such as a visitor or lodger, is or has been behaving anti-socially, the injunction could be used against the owner if applicable.
- 3.12 A civil injunction application can be made by both the local authority and the police. An agency seeking to apply for the injunction must produce evidence (to the civil standard of proof, that is, 'on the balance of probabilities') and satisfy the court that it is both "just and convenient" to grant the order.
- 3.13 There may be difficulty in evidencing this – it would require the neighbours to be prepared to come to Court possibly on multiple occasions. The landlord may seek to raise a defence that they have taken all reasonable steps and cannot be held liable for the actions of their tenants. Until this is tested in Court we will not be able to show how useful this route would be. Fines, costs and ultimately prison would be the sanctions.
- 3.14 **Community Protection Notices (CPN)** can be used to address behaviour that
- has a detrimental effect on the quality of life of those in the locality
 - is persistent or continuing nature; and
 - is unreasonable
- 3.15 A CPN can be issued against any person aged 16 or above, or to a body, including a business. Prior to issuing a CPN, a CPN warning letter must be served.
- 3.16 Before using CPNs to address anti-social behaviour associated with short-term holiday lets, the Local Authority will need to consider whether the owner of the property can be deemed responsible for the behaviour of guests. The three fold test is set out above and each element has to be satisfied. In the event that a notice is breached officers would have to summons the owner to court and if convicted are liable to a fine of up to £20,000. There is an appeal process both informally and formally.
- 3.17 **Closure Orders** - The court may make a closure order if it is satisfied:
- (a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
 - (b) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
 - (c) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises,

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

The closure can be up to 3 months and officers can apply for a further extension of 3 months. The penalty for breach is a fine or imprisonment (up to 51 weeks).

- 3.18 The local authority must consult with Police before making a closure order application.
- 3.19 Under the Local Government Act 1972 Section 222(1) ("LGA") provides: "Where a local authority consider it expedient for the promotion or protection of the inhabitants of their area ... they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name". There is case law which permits a local authority to bring injunction proceedings in relation to nuisance, however the Higher Courts, have placed limitations on local authorities using this power, so while it is believed that this could be utilised, there has to be a note of caution.
- 3.20 Under the Localism Act 2011 there is a power in simple terms, to give councils the power to do anything an individual can do provided it is not prohibited by other legislation. Officers believe this could allow for a registration scheme for these types of properties. However it should be noted that this general duty comes with no enforcement powers. It might allow officers to have a better idea of the number of such properties in the City and where they are located. Sussex Police and East Sussex Fire and Rescue Service would welcome such a scheme. However with the number of properties identified above there would be resourcing implications in terms of staff to administer such a scheme.
- 3.21 There are no applicable Bye laws currently existing which could be utilised. Applying for such a Bye law would require Secretary of State approval. Public Space protection Orders are not applicable as these properties are not public spaces.
- 3.22 East Sussex Fire and Rescue Service have undertaken meetings with many short term holiday let providers in the Brighton and Hove area, to explain their jurisdictions under the Regulatory (Fire Safety) Order 2005. All premises must have a fire risk assessment completed, and any significant findings found must be completed in a suitable time frame. If a premises is deemed to be unsafe for people to sleep in then a prohibition notice can be served.
- 3.23 East Sussex Fire & Rescue Service are starting to audit the larger capacity premises managed by holiday letting companies and working through a list of known premises. If any complaints are made with regards these types of premises, an inspection will normally take place. The fire service would expect the benchmark standard in the sleeping accommodation guidance written by the Department of Local Government to be met within these types of premises¹.
- 3.24 Private sector housing licensing cannot be applied to short term holiday lets. The Housing Act 2004 sets the framework for licensing Houses in Multiple Occupation (mandatory and additional licensing schemes) and for selective

¹ www.gov.uk/government/publications/fire-safety-risk-assessment-sleeping-accommodation

licensing of other privately rented homes. To be covered under an HMO licensing scheme the property must be the occupiers' only or main residence. Therefore 'party houses' and short term holiday lets do not come under the licensing provision.

- 3.25 There are also a number of exemptions set out in the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006. These exemptions include "a tenancy or licence that is granted to a person in relation to his occupancy of a house or dwelling as a holiday home". Therefore holiday lets do not come under the licensing provision and are beyond the scope of the scheme.
- 3.26 One short term holiday let company, Air BnB, provided a briefing note to councillors prior to the full council meeting in December 2019. In it, it states that during 2020 a dedicated line will be launched for city representatives and officials who can contact the company to raise issues. There is also to be a team to deal with complaints from neighbours regarding noise and nuisance. Sanctions are to range from 'host education strikes for moderate incidents as part of a three strikes you're out system or immediate removal from the platform for the most serious incidents' The company have also stated that they will be introducing enhanced guest standards and policies regarding party houses.
- 3.27 The Scottish Government announced in January 2020 that following a public consultation in 2019, it would introduce licensing for short-term lets, under the Civil Government (Scotland) Act 1982, with a mandatory safety component which will apply to all short-term lets across Scotland. Local authorities will also be given the discretion to put in place further conditions; to help tackle littering or overcrowding of properties, for example. Prioritise work to give local authorities the power to introduce short-term let control areas under powers in the Planning (Scotland) Act 2019.Undertake a review of the tax treatment of short-term lets, to ensure they make an appropriate contribution to the communities they operate in.
- 3.28 Where issues have been identified and brought to the council's attention investigations by relevant teams have been undertaken. In some cases these have resulted in noise abatement notices being served, action taken by East Sussex Fire and Rescue Service and interventions by the ASB team. Planning enforcement have also investigated whether or not there have been any change of use of properties. However it is recognised that enforcement action isn't always possible for specific cases and that officers need to work together more closely to ensure that all enforcement options are explored thoroughly.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 These are contained within the body of the report.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 There has been no consultation in the compilation of this report. However if the option of a possible registration scheme is considered viable then public consultation .would take place.

6. CONCLUSION

- 6.1 It is recognised that whilst many short term holiday lets in the City do not have a major impact on the quality of life of local residents, some of the larger properties can and have done.
- 6.2 Legislation to deal with issues can be used more effectively to address some of the issues such as noise and ASB. However each case must be looked at on a case by cases basis and in some circumstances enforcement action will not be possible.
- 6.3 A local registration scheme will not allow for additional enforcement powers although it will allow for a better understanding of where these properties are located.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs of officer time involved in the investigation and response to complaints about short term holiday lets is met from within existing staffing budget resources.

Finance Officer Consulted: Michael Bentley

Date: 12/02/20

Legal Implications:

- 7.2 There is no directly applicable legislation in relation to short term lets save as set out in the body of the report.
- 7.3 None of the recommendations require further legal advice at this stage.

*Lawyer Consulted:
2020.*

Simon Court

Date: 12th February

Equalities Implications:

- 7.3 None

Sustainability Implications:

There are no sustainability implications

SUPPORTING DOCUMENTATION

Appendices: None

Appendix 1

Crime & Disorder Implications:

- 1.1 If used appropriately, the activities described in this report should enhance our capacity to tackle crime and disorder

Risk and Opportunity Management Implications:

- 1.2 None

Public Health Implications:

- 1.3 None

Corporate / Citywide Implications:

- 1.4 Proper application of the powers will help to achieve fair enforcement of the law and help to protect the environment and public from rogue trading and illegal activity.

Subject:	Bee Bricks and Swift Bricks in New Development
Date of Meeting:	5th March 2020
Report of:	Executive Director Economy, Environment & Culture
Contact Officer: Name:	Paul Vidler
	Tel: 01273 292192
Email:	paul.vidler@brighton-hove.gov.uk
Ward(s) affected:	All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report updates members on the introduction of measures requiring the provision of bee bricks in new development through a planning condition introduced on 1st November 2019 following the report to the Tourism, Development and Culture Committee on 20th June 2019.
- 1.2 The report also seeks authority for the introduction of advice and measures requiring the provision of swift bricks and boxes in new developments through a planning condition following the report to the Tourism, Development and Culture Committee on 20th June 2019.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Notes the introduction of a model planning condition and informative requiring the provision of bee bricks which have been attached to all planning permissions for new build developments from 1st November 2019.
- 2.2 Agrees to the introduction from 1st April 2020 of a model planning condition and informative (Appendix 1) requiring the provision of swift bricks in planning permission granted for new development and an informal advice note, as set out in paragraphs 3.6 to 3.8 of the report (Appendix 2).

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 A Notice of Motion was submitted to Tourism, Development and Culture Committee on 7th March 2019 which was as follows:

'This Committee resolves to call for an officer report on what changes need to be made to both local planning policy and process to ensure that a vast majority of new developments in the city incorporate swift boxes and/or bee bricks.'

- 3.2 In response to the notice, a report to the 20th June 2019 Tourism, Development and Culture Committee outlined the current and emerging planning policy

framework that could support the incorporation of nature conservation features such as swift boxes and bee bricks and further considered the processes required to ensure that these features could be incorporated into more new developments where practically feasible. This includes policy CP10 Biodiversity in City Plan Part One and emerging policies in City Plan Part Two which refer to biodiversity net gain.

3.3 The Committee resolved to:

- Agree to officers finalising and implementing actions so that bee bricks are installed as standard on new-builds unless unfeasible.
- Agree to officers undertaking further research on swift boxes so that a report be brought back to the committee with a view to installing as standard swift boxes/bricks on all suitable new-builds.

Bee bricks in new development

3.4 From 1st November 2019 a model condition and informative have been attached to all planning permissions for new build developments and extensions to existing buildings (requiring one bee brick per house) unless specific requirements are recommended by the County Ecologist on major applications (10+ residential units/1,000sqm+ commercial floorspace). The wording is set out in Appendix 1.

Swift bricks and boxes in new development

3.5 Advice has been sought from the East Sussex County Council Ecologist and RSPB, together with a review of good practice, on the introduction of a model condition and informative for the provision of swift bricks in new development. Internal swift bricks are preferred over external boxes attached to buildings because they are more secure, better protected from overheating in exposed locations and eliminate future maintenance. Where swift bricks are not practical due to the nature of construction, for example buildings finished with external panels rather than brick or render, alternative designs of suitable swift nest boxes should be provided in their place.

3.6 The following advice has been received on geographical location within the city and the occupation, location and number of swift bricks and boxes in new developments.

- The swift brick condition should be applied to all new developments across the city of 5m or greater in height.
- The number of swift bricks required on residential development (for minor developments) should be a minimum of three bricks, or two per dwelling, whichever is the greater (see para 3.8 for major developments).
- The number of swift bricks required on commercial development should be a minimum of three bricks, or one per 50sqm of floorspace (for minor developments), whichever is the greater.
- A variety of other bird species associated with urban environments can take up swift nest sites, including sparrows, starlings, blue tits and great tits.

- Swift brick condition should be applied in addition to any other necessary biodiversity measures requiring other types of nest box as appropriate.
 - In circumstances where swift bricks are not practical, as set out in para 3.5, the planning condition will be amended to require swift boxes.
- 3.7 It is recommended that officers prepare an informal advice note to provide guidance for developers to include the key information set out in Appendix 2.
- 3.8 The proposed wording for the model condition and informative is set out in Appendix 1. It is recommended that these be applied as set out in section 3.6 above, unless specific requirements are recommended by the County Ecologist on major applications (10+ residential units/1,000sqm+ commercial floorspace).

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 An alternative option would be to rely on the established processes already in place in terms of working with the Nature Conservation SPD biodiversity checklist. However, this could mean that many smaller scale planning applications may not secure a biodiversity net gain.
- 4.2 It is also unclear at this stage at what scale of development the government's net biodiversity gain policy, now included in the Environment Bill which provides for biodiversity gain to be a condition of planning permission, will apply to. Consultation suggested that smaller sites and all brownfield sites could be exempt

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The planning policies in City Plan Part One have already been subject to public consultation as part of the plan making process.
- 5.2 City Plan Part Two is also being prepared and is subject to standard consultation procedures. Some of the representations e.g. from the RSPB sought amendments such that more developments incorporate conservation features for swifts. SPD11 Nature Conservation was also subject to public consultation as would any further review of the SPD.
- 5.3 The East Sussex County Ecologist and the RSPB have been consulted and have made comments on the provision of swift boxes in new development.

6. CONCLUSION

- 6.1 This report updates the Committee on the provision of bee bricks in suitable new development.
- 6.2 The report also sets out measures requiring the provision of swift bricks and boxes in suitable new development.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct costs to the Council arising from the recommendations in this report. It is assumed that any indirect costs (for example; enforcement of planning conditions) are contained within existing budgets.

Finance Officer Consulted: Name Jess Laing

Date: 11/02/2019

7.2 Legal Implications:

Local authorities have a duty to conserve biodiversity. This duty is contained in s40 of the Natural Environment and Rural Communities Act 2006 which states that a public authority “must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” The legislation provides that “conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”. This is supported by both national and local planning policy. The recommendation that swift bricks are included in development therefore has both statutory and policy support.

Lawyer Consulted:

Name Hilary Woodward

Date: 12/2/2020

Equalities Implications:

- 7.2 An equalities impact assessment is undertaken as part of the preparation of all planning policy documents.

Sustainability Implications:

- 7.3 The measures outlined in this report, if implemented, will result in improved environmental sustainability.

Brexit Implications:

- 7.4 None identified.

SUPPORTING DOCUMENTATION

Appendices:

1. Bee bricks and swift bricks model planning conditions and informatives.
2. Informal Guidance note for provision of swift bricks (boxes) in new development.

Background Documents

1. In Practice: Bulletin of the Chartered Institute of Ecology and Environmental Management - Issue 104, July 2019

Appendix 1

Bee bricks model planning condition and Informative

Condition:

A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason:

To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informative:

Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

Swift bricks model planning condition and Informative

Condition:

XX (number) swift brick(s) shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

Reason:

To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informative:

Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.

If it is not possible to provide swift bricks as set out in the report, the condition will be modified to require swift boxes.

Appendix 2

Informal Guidance note for provision of swift bricks and boxes in new development

The Informal Guidance note will provide advice for applicants and developers and include illustrations and the following key information:

- Swift bricks should be applied to all new developments (residential and commercial) across the city of 5m or greater in height. Swift bricks are preferred to swift boxes as they are integrated into the building and cannot be removed and provide better temperature control.
- For minor developments (up to 9 residential units/less than 1,000sqm commercial floorspace);
 - The minimum number of swift bricks required on residential development is three bricks, or two per dwelling, whichever is the greater.
 - The minimum number of swift bricks required on commercial development is three bricks, or one per 50sqm of floorspace, whichever is the greater.
- For major developments (10+ residential units/1,000sqm+ commercial floorspace) specific requirements will be recommended by the County Ecologist.
- Swift bricks can be placed on any elevation, but ideally under shade-casting eaves.
- Swift bricks should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions.
- Where possible avoid siting swift bricks above windows or doors.
- Where swift bricks are not practical due to the nature of construction, for example buildings finished with external panels rather than brick or render, alternative designs of suitable swift nest boxes should be provided in their place

Subject:	Review of Planning and Building Control Service Fees and Charges 2020/21	
Date of Meeting:	5th March 2020	
Report of:	Executive Director for Economy, Environment & Culture	
Contact Officer: Name:	Simon Barrett	Tel: 01273 293296
	Email: Simon.barrett@brighton-hove.gov.uk	
Ward(s) affected:	All	

FOR GENERAL RELEASE.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The fees and charges for services are reviewed annually in line with the Corporate Fees & Charges Policy. As a minimum, all fees and charges are increased by the corporate rate of inflation which has been set at 2%.
- 1.2 The council's Standard Financial Procedures state that service committees shall receive a report from Executive Directors on fees and charges variations above or below the corporately applied rate of inflation.
- 1.3 This report presents the proposed changes to the fee rates and charging structure for the Planning and Building Control Service including Pre-Application Advice (PAA), Planning Performance Agreements (PPA) and Building Control Fees and Charges with effect from 1st April 2020..

2. RECOMMENDATIONS:

- 2.1 That the Committee grants delegated authority to the Executive Director Economy Environment & Culture to agree the final lump sum fee rates for the proposed new charging structure for PPAs in Appendix 1
- 2.2 That the Committee re-confirms delegated authority to the Executive Director Economy Environment & Culture to negotiate fees for large scale PPAs outside the new charging structure set in 2.1 above, based on the hourly cost of officers, agency/consultant planning, transport and other specialist staff as required
- 2.3 That the Committee agrees the new rates and simplified fee structure for PAA for applications for householder and small scale projects outlined in Appendix 2
- 2.4 That the committee approves the proposed fees and charges increases for Building Control outlined in Appendix 3

3. CONTEXT/ BACKGROUND INFORMATION

Planning Service

- 3.1 The Council provides a range of paid for planning advice services to developers, householders and small businesses. These are in addition to the statutory work undertaken to determine planning applications paid for through the fee scales set by central government for England & Wales.
- 3.2 The advice is currently provided in three main areas:

Area	Service	Charging Mechanism
Pre-application advice (PAA)	Meetings, reports and advice to potential applicants on their initial proposals, their compliance with policy and key issues that the submitted scheme should address	Banded lump sum fees by size of development
Planning Performance Agreements (PPA)	Service for major applications (over 10 dwellings and/or large commercial developments) which provides dedicated officer time to provide greater support and input and a project management approach to determining their application.	Individual, bespoke lump sum fee negotiated on a project by project basis. There is also a "fast track" option to enable the council to engage consultancy support to undertake with higher cost and fee levels.
Miscellaneous charges	Small charges for more administrative type activities (copies of historic applications, consents, site history)	Schedule of fees linked to activity / service provided

- 3.3 The changes proposed to the existing charging regime are summarised below:

Area	Change	Impact
Pre-application advice (PAA)	Introduce simplified charging mechanism for householder and small scale applications. Fee structure for major applications will remain unchanged with rates increased by 2% for inflation. Charges for Transport input are set annually by the ETS committee	Cumulative 2% increase forecast through revised fee mechanism for householder & small scale applications. Fee rates for major applications will have standard 2% increase applied.
Planning Performance Agreements (PPA)	Introduce a new, banded fee structure for major schemes up to 250 dwellings and/or 24,999 m ² commercial space. Larger developments will still be the	Rates have been set to provide sufficient resourcing flexibility to deliver PPA's using a mix of in house and

	subject of a negotiated bespoke fee and the fast track arrangement will be discontinued.	consultancy resources as required to meet developer's timescales
Miscellaneous charges	Fee increase in accordance with the corporate rate of inflation. Introduce new fee rate for advising conveyancers on the discharge of S106 liabilities.	Standard 2% increase to all existing rates. Discharge condition lump sum fee £116.00 (ex VAT) per request

3.4 The benefits of changing to these revised arrangements include:

- The new option of a telephone/Skype call with a planning officer will improve the range of services offered to householders and small businesses
- Owners of listed buildings will be encouraged to engage high quality advice from experienced heritage officers when considering proposed alteration works
- The arrangements to procure a Planning Performance Agreement will be more transparent, easier to understand and faster to implement for developments under the threshold (circa 70% of the PPA's previously agreed)

The final charge in each PPA band will be agreed by the Executive Director Economy Environment & Culture to ensure that the current rates proposed provide sufficient income to cover costs for projects using sub-consultancy services rather than "in house" resources.

A separate exercise will be undertaken to improve the promotion of these services, with market specific electronic materials aimed at householders and small businesses separate from developers and planning agents.

Building Control

- 3.5 The fees and charges for Building Control were last reviewed in June 2018. This review considered the officer time required to perform tasks, overhead costs and a benchmarking exercise. This resulted in fees being increased by between 0% – 10% depending upon the particular service being performed.
- 3.6 Work being undertaken on an hourly rate basis was also set at a flat rate fee of £60.00 per hour (ex VAT.).
- 3.7 Since that review, the volume of fee chargeable work has continued to reduce by circa 3% per annum. This reflects both a downturn in planning applications (and therefore projects being undertaken) and the continued increased utilisation of private sector approved inspectors.
- 3.8 This position has been temporarily mitigated in 2019/20 through an additional £60,000 of income generated through larger schemes reverting back to the local authority due to approved inspectors being unable to complete their commissions. The government has recently resolved this issue with the insurance industry and it is not envisaged that this windfall income will be generated going forward.

- 3.9 It is proposed to increase the lump sum fees by an average of 21% in order to recover the actual costs of operating the chargeable services in 2020/21. The proposed changes have been informed by a benchmarking exercise that has focused on the rates charged by other unitary authorities in the South rather than previously the neighbouring districts and boroughs. These councils are deemed to be more representative of the service levels, workload mix and cost base of the city council.
- 3.10 This exercise has confirmed that existing rates are up to 30% lower than benchmarked comparators depending upon the individual service being delivered. The use of these rates by other councils would indicate that they still remain competitive with those offered by approved inspectors.
- 3.11 The exercise has also identified the opportunity to further simplify some of the fee bands, to change the pricing structure to encourage commissioning checking and inspection services together and to charge a higher rate for regularisation, where works were previously undertaken without building control approval.
- 3.12 It is also proposed to introduce a banded hourly rate for levels of officer, rather than the flat rate currently used. These rates reflect the additional non-chargeable travel and administrative time surveyors incur in dealing with a number of different cases per day and compliance with the council's corporate requirements, as follows:

Staff Category	Hourly Rate (ex VAT)
Principal Surveyor / Building Control Manager	£76.75
Senior / Building Control Surveyor	£70.00
Assistant Building Control Surveyor	£52.25

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Increasing fees and charges in line with the corporate rate of inflation (2%) will not enable the Planning and Building Control service to cover the costs of delivering some of the various services (excluding the miscellaneous services) at no cost to the council.
- 4.2 The rationale for the proposed changes to the fee charging mechanisms and the proposed rates are included in the report.
- 4.3 The proposed fee rates have been benchmarked against similar charges levied by other unitary authorities in the South.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Engagement and consultation was undertaken on the introduction of PPA & PAA charges in 2015. A light touch consultation on the changes to the fee bands and services is being undertaken with the Planning Agents Forum and any comments and concerns will be reported at the committee meeting. .

- 5.2 The Community Engagement Framework and Standards has not been used as the fee increases for householder and small businesses are only being increased in line with the standard rates included in the Corporate Fees & Charges Policy.

6. CONCLUSION

- 6.1 The introduction of a lump sum fee for the majority of PPA's undertaken by the service will support the marketing and promotion of PPA's to the development industry. It will also accelerate the appointment process and simplify the financial, planning officer and administrative resource costs required to support the process.
- 6.2 Retaining the ability to negotiate individual, bespoke PPA's for major developments (eg the former Brighton Gas Works site) will ensure that the resource costs and risks are planned, controlled and managed appropriately.
- 6.3 Rationalising the charging mechanism and offer for householder and small scale PAA's will make the service offer more customer focused.
- 6.4 The proposed increase in fee rates for Building Control will help to ensure that the service can obtain sufficient income from its chargeable services to ensure cost recovery.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The fees and charges recommended in this report have been reviewed in line with the Corporate Fees & Charges Policy and all relevant regulations and legislation. The anticipated recurring financial impacts of fee changes will be reflected within service revenue budgets. Increases to meet the corporate rate of inflation of +2% are normally applied to all council income budgets (exceptions include statutory Penalty Charge Notices) to ensure income is maintained as a proportion of the net cost of service. Increases above or below the corporate rate of inflation must be approved by the relevant service committee or Policy & Resources Committee and can result in additional contributions toward either the cost of services and/or overheads. This can also result in the achievement of a net budget saving to the council. Where this is the case, this will be reflected in Budget Plan proposals for the relevant service incorporated within the revenue budget report to Policy & Resources Committee and Budget Council in February 2020. Income from fees and charges is monitored as part of the Targeted Budget Monitoring (TBM) process.

Finance Officer Consulted: Steven Bedford

Date: 18/02/20

Legal Implications:

- 7.2 The power to charge for discretionary planning services is found in s93 of the Local Government Act 2003. This power is subject to the duty (s93 (3)) to secure that, taking one financial year with another, the income from charges does not

exceed the costs of provision.

The Building (Local Authority Charges) Regulations 2010 authorise local authorities, in connection with building control, to fix and recover charges for the performance of “chargeable functions” and “chargeable advice” as defined in the Regulations. Such charges must be in accordance with a charging scheme. In determining the amount of the charges to be made within the charging scheme the authority must have regard to the “overriding objective” set out in Regulation 6(3), namely “...the authority must ensure that, taking one financial year with another, the income derived by the authority from performing chargeable functions and providing chargeable advice ...as nearly as possible equates to the costs incurred by the authority in performing chargeable functions and providing chargeable advice...”

Lawyer Consulted: *Name Hilary Woodward* *Date: 12/2/20*

Equalities Implications:

- 7.2 An Equality Impact Assessment has not been provided as the charges are discretionary and only payable by applicants who are undertaking development in the city. Need to amend
- 7.3 No building regulation charge can be made in relation to providing means of access solely to an existing dwelling occupied as a permanent residence by a disabled person or for the provision of facilities and accommodation.

Sustainability Implications:

- 7.4 In order to assist with the long-term sustainability and service quality provided by the Planning Service, it is necessary to ensure that charges for discretionary charges continue to be set at an appropriate level.
- 7.5 The Building Regulations lay down standards for many areas of sustainability (thermal efficiency, water consumption etc) which are critical to help the Council achieve its aims for the city to address the climate crisis.

Any Other Significant Implications:

- 7.5 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Pre-Application Advice - Proposed Fee Mechanism and Benchmarking
2. Planning Performance Agreement – Lump Sum & Hourly Fee Charge Rates

3. Building Control – Fees & Charges and Benchmarking

Background Documents

None

BHCC - Building Control Fee Analysis

BHCC 2019/20 Fee Rate	Service Description	Bristol City	Medway
EXTENSIONS	Domestic Extension - Plan Charge		
£180.00	Under 15 m2	£205.00	£243.00
£180.00	Under 60 m2	£310.00	£243.00
£180.00	Under 100 m2	£310.00	£303.00
£167.00	Garage under 100 m2		£122.00
	Domestic Extension - Inspection Charge		
£294.00	Under 15 m2	£375.00	£419.00
£465.00	Under 60 m2	£395.00	£419.00
£511.00	Under 100 m2	£535.00	£563.00
£225.00	Garage under 100 m2		£242.00
	Domestic Extension - Full Plans		
£474.00	Under 15 m2	£550.00	£662.00
£645.00	Under 60 m2	£675.00	£662.00
£691.00	Under 100 m2	£815.00	£866.00
£392.00	Garage under 100 m2	£265.00	£364.00
	Building Notice		
£579.00	Under 15 m2	£550.00	£662.00
£781.00	Under 60 m2	£675.00	£662.00
£882.00	Under 100 m2	£815.00	£866.00
£464.00	Garage under 100 m2	£265.00	£363.00
	Regularisation		
£525.00	Under 15 m2		£827.00
£759.00	Under 60 m2		£827.00
£826.00	Under 100 m2		£1,082.00
£408.00	Garage under 100 m2		£453.00
LOFT & GARAGES	Conversions - Plan Charge		
£205.00	Loft Under 40 m2	£205.00	£243.00
£205.00	Loft Under 100 m2	£310.00	£243.00
£148.00	Garage to habitable room		£122.00
	Conversions - Inspection Charge		
£349.00	Loft Under 40 m2	£375.00	£460.00
£470.00	Loft Under 100 m2	£535.00	£460.00
£198.00	Garage to habitable room		£242.00
	Conversions - Full Plans Application		
£554.00	Loft Under 40 m2	£550.00	£703.00
£675.00	Loft Under 100 m2	£815.00	£703.00
£346.00	Garage to habitable room	£310.00	£364.00
	Conversions - Building Notice		
£684.00	Loft Under 40 m2	£550.00	£838.00
£844.00	Loft Under 100 m2	£815.00	£838.00
£392.00	Garage to habitable room	£310.00	£363.00
	Conversions - Regularisation		
£640.00	Loft Under 40 m2		£1,047.00

£771.00	Loft Under 100 m2		£1,047.00
£325.00	Garage to habitable room		£453.00
TABLE A - WORKS	Building Notice		
£91.00	Up to 5 Windows/Doors	£165.00	£180.00
£160.00	Up to 10 windows	£165.00	£180.00
£190.00	More than 10 windows	£200.00	£252.00
£243.00	Re-roofing	£245.00	£296.00
	Regularisation		
£87.00	Up to 5 Windows/Doors		£225.00
£151.00	Up to 10 windows		£225.00
£177.00	More than 10 windows		£315.00
£237.00	Re-roofing		£370.00
TABLE B	Value of Works		
	Plan Charge		
£75.00	Under £5000		
£105.00	Under £15,000	£165.00	£182.00
£139.00	Under £25,000	£210.00	£242.00
£196.00	Under £50,000	£290.00	£303.00
£285.00	Under £100,000		
	Inspection Charge		
£175.00	Under £5000		
£248.00	Under £15,000	£260.00	£265.00
£338.00	Under £25,000	£325.00	£376.00
£481.00	Under £50,000	£450.00	£560.00
£687.00	Under £100,000		
	Full Plans Application		
£250.00	Under £5000	£200.00	£297.00
£353.00	Under £15,000	£395.00	£447.00
£477.00	Under £25,000	£505.00	£618.00
£677.00	Under £50,000	£710.00	£863.00
£972.00	Under £100,000		
	Building Notice		
£249.00	Under £5000	£200.00	£297.00
£402.00	Under £15,000	£395.00	£550.00
£517.00	Under £25,000	£505.00	£763.00
£786.00	Under £50,000	£710.00	£1,063.00
£1,125.00	Under £100,000		
	Regularisation		
£237.00	Under £5000		£370.00
£334.00	Under £15,000		£688.00
£447.00	Under £25,000		£953.00
£684.00	Under £50,000		£1,329.00
£974.00	Under £100,000		
NEW HOUSES	Plan Charge		
£229.00	One	£310.00	£360.00
£309.00	Two	£465.00	£420.00
£372.00	Three		£480.00

£436.00	Four		£540.00
£499.00	Five		£600.00
£563.00	Six		
£624.00	Seven		
£689.00	Eight		
£750.00	Nine		
£814.00	Ten		
Inspection Charge			
£557.00	One	£535.00	£600.00
£755.00	Two	£685.00	£900.00
£906.00	Three		£1,200.00
£1,058.00	Four		£1,500.00
£1,212.00	Five		£1,800.00
£1,475.00	Six		
£1,520.00	Seven		
£1,673.00	Eight		
£1,825.00	Nine		
£1,980.00	Ten		
Full Plans Charge			
£786.00	One	£815.00	£960.00
£1,064.00	Two	£1,120.00	£1,320.00
£1,278.00	Three		£1,680.00
£1,494.00	Four		£2,040.00
£1,711.00	Five		£2,400.00
£2,038.00	Six		
£2,144.00	Seven		
£2,362.00	Eight		
£2,575.00	Nine		
£2,794.00	Ten		
Building Notice			
£899.00	One	£815.00	£960.00
£1,214.00	Two	£1,120.00	£1,320.00
£1,461.00	Three		£1,680.00
£1,709.00	Four		£2,040.00
£1,955.00	Five		£2,400.00
£2,262.00	Six		
£2,449.00	Seven		
£2,697.00	Eight		
£2,945.00	Nine		
£3,191.00	Ten		
Regularisation			
£779.00	One		£1,200.00
£1,053.00	Two		£1,650.00
£1,268.00	Three		£2,100.00
£1,482.00	Four		£2,500.00
£1,696.00	Five		£3,000.00
£1,910.00	Six		
£2,127.00	Seven		
£2,341.00	Eight		
£2,555.00	Nine		

£2,769.00	Ten		
CONVERSIONS			
	Plan Charge		
£ 103.00	Form single dwelling house less than £15k		
£ 154.00	Convert single dwelling to 2 dwellings		
	Inspection Charge		
£ 253.00	Form single dwelling house less than £15k		
£ 381.00	Convert single dwelling to 2 dwellings		
	Full Plans Charge		
£ 356.00	Form single dwelling house less than £15k		
£ 535.00	Convert single dwelling to 2 dwellings		
	Building Notice		
£ 388.00	Form single dwelling house less than £15k		
£ 584.00	Convert single dwelling to 2 dwellings		
	Regularisation Charge		
£ 336.00	Form single dwelling house less than £15k		
£ 507.00	Convert single dwelling to 2 dwellings		
NON DOMESTIC WORKS _ ALTERATIONS & EXTENSIONS			
	Full Plans		
£ 281.00	Under £5k	£ 200.00	£ 297.00
£ 395.00	£5 - £25k	£ 505.00	£ 242.00
£ 759.00	£25 - £50k	£ 710.00	£ 303.00
£ 1,012.00	£50 - £100k		
£ 435.00	Fit Out up to 100m2		£ 613.00
	Regularisation Charge		
£ 253.00	Under £5k		£ 370.00
£ 264.00	£5 - £25k		£ 953.00
£ 760.00	£25 - £50k		£ 1,329.00
£ 1,014.00	£50 - £100k		
£ 412.00	Fit Out up to 100m2		£ 767.00

Southampton	Southend	Thurrock	BHCC 2020/21 Target Fee Rate (2% Increase)	Draft Proposed 2020/21 Fee Rate
£171.00	£129.60	£132.00	£183.60	£205.00
£228.00	£194.40	£168.00	£183.60	£243.00
£264.00	£194.40	£168.00	£183.60	£275.00
£86.00	£97.20	£96.00	£170.34	£170.34
£386.00	£486.00	£432.00	£299.88	£470.00
£496.00	£550.80	£504.00	£474.30	£525.00
£546.00	£550.80	£504.00	£521.22	£551.00
£249.00	£291.60	£288.00	£229.50	£280.00
£557.00	£615.60	£564.00	£483.48	£625.00
£724.00	£745.20	£672.00	£657.90	£718.00
£810.00	£745.20	£672.00	£704.82	£776.00
£335.00	£388.80	£384.00	£399.84	£400.34
£557.00	£648.00	£636.00	£590.58	£703.13
£724.00	£777.60	£744.00	£796.62	£807.75
£810.00	£777.60	£744.00	£899.64	£873.00
£335.00	£421.20	£432.00	£473.28	£450.38
£649.83		£662.50	£535.50	£878.91
£844.67		£775.00	£774.18	£1,009.69
£945.00		£775.00	£842.52	£1,091.25
£390.83		£450.00	£416.16	£562.98
				AVERAGE % INCREASE
£115.00	£162.00	£204.00	£209.10	£230.00
£171.00	£162.00	£204.00	£209.10	£305.00
£115.00	£97.20	£132.00	£150.96	£151.00
£298.00	£518.40	£360.00	£355.98	£475.00
£348.00	£518.40	£360.00	£479.40	£500.00
£249.00	£226.80	£288.00	£201.96	£250.00
£413.00	£680.40	£564.00	£565.08	£655.00
£519.00	£680.40	£564.00	£688.50	£755.00
£364.00	£324.00	£420.00	£352.92	£351.00
£413.00	£712.80	£648.00	£697.68	£800.00
£519.00	£712.80	£648.00	£860.88	£861.00
£364.00	£356.40	£456.00	£399.84	£410.00
£481.83		£675.00	£652.80	£1,000.00

£605.50		£675.00		£786.42	£1,076.25
£424.67		£475.00		£331.50	£512.50
AVERAGE % INCREASE ALL					
£95.00	£162.00	£186.00		£92.82	£150.00
£95.00	£226.80	£204.00		£163.20	£175.00
£187.00	£226.80	£240.00		£193.80	£215.00
£285.00	£291.60	£276.00		£247.86	£265.00
£110.83		£193.75		£88.74	£187.50
£110.83		£250.00		£154.02	£218.75
£218.17		£250.00		£180.54	£268.75
£332.50		£287.50		£241.74	£331.25
AVERAGE % INCREASE ALL					
£86.00	£97.20	£96.00		£76.50	£90.00
£86.00	£129.60	£204.00		£107.10	£170.00
£86.00	£129.60	£204.00		£141.78	£195.00
£115.00	£129.60	£240.00		£199.92	£220.00
£171.00	£129.60	£240.00		£290.70	£291.00
£199.00	£129.60	£144.00		£178.50	£195.00
£397.00	£259.20	£468.00		£252.96	£400.00
£397.00	£259.20	£468.00		£344.76	£450.00
£595.00	£518.40	£648.00		£490.62	£625.00
£793.00	£518.40	£648.00		£700.74	£775.00
£285.00	£226.80	£240.00		£255.00	£260.00
£483.00	£388.80	£672.00		£360.06	£520.00
£483.00	£388.80	£672.00		£486.54	£595.00
£710.00	£648.00	£888.00		£690.54	£795.00
£964.00	£648.00	£888.00		£991.44	£1,016.00
£285.00	£226.80	£276.00		£253.98	£260.00
£483.00	£421.20	£772.80		£410.04	£592.80
£483.00	£421.20	£772.80		£527.34	£644.98
£710.00	£680.40	£960.00		£801.72	£923.00
£964.00	£680.40	£960.00		£1,147.50	£1,175.51
£332.50		£287.50		£241.74	£325.00
£563.50		£805.00		£340.68	£741.00
£563.50		£805.00		£455.94	£806.23
£828.33		£1,000.00		£697.68	£1,153.74
£1,124.67		£1,000.00		£993.48	£1,469.39
AVERAGE % INCREASE ALL					
£199.37	£194.40	£264.00		£233.58	£310.00
£284.82	£291.60	£312.00		£315.18	£420.00
£341.78	£388.80	£348.00		£379.44	£455.00

£455.71	£486.00			£444.72	£490.00
£512.68	£583.20			£508.98	£535.00
£569.94				£574.26	£575.00
£626.60				£636.48	£640.00
£683.57				£702.78	£705.00
£740.53				£765.00	£765.00
£797.50				£830.28	£830.00
£495.53	£583.20	£432.00		£568.14	£585.00
£644.26	£874.80	£720.00		£770.10	£875.00
£892.06	£1,166.40	£1,008.00		£924.12	£1,170.00
£1,040.74	£1,458.00			£1,079.16	£1,460.00
£1,238.96	£1,749.60			£1,236.24	£1,700.00
£1,387.64				£1,504.50	£1,950.00
£1,536.62				£1,550.40	£1,995.00
£1,734.55				£1,706.46	£2,060.00
£1,982.35				£1,861.50	£2,210.00
£2,180.58				£2,019.60	£2,370.00
£694.90	£777.60	£696.00		£801.72	£845.00
£929.08	£1,166.40	£1,032.00		£1,085.28	£1,245.00
£1,233.84	£1,555.20	£1,356.00		£1,303.56	£1,575.00
£1,496.45	£1,944.00			£1,523.88	£1,900.00
£1,751.64	£2,332.80			£1,745.22	£2,185.00
£1,957.58				£2,078.76	£2,475.00
£2,163.22				£2,186.88	£2,585.00
£2,418.12				£2,409.24	£2,715.00
£2,722.88				£2,626.50	£2,925.00
£2,978.08				£2,849.88	£3,150.00
£694.90	£810.00	£768.00		£916.98	£963.30
£929.08	£1,231.20	£1,104.00		£1,238.28	£1,419.30
£1,233.84	£1,587.60	£1,428.00		£1,490.22	£1,795.50
£1,496.45	£2,008.80			£1,743.18	£2,166.00
£1,751.64	£2,397.60			£1,994.10	£2,490.90
£1,957.28				£2,307.24	£2,747.25
£2,162.92				£2,497.98	£2,946.90
£2,418.12				£2,750.94	£3,095.10
£2,722.88				£3,003.90	£3,334.50
£2,978.08				£3,254.82	£3,591.00
£810.72		£800.00		£794.58	£1,204.13
£1,083.93		£1,150.00		£1,074.06	£1,774.13
£1,439.48		£1,487.00		£1,293.36	£2,244.38
£1,745.86				£1,511.64	£2,707.50
£2,043.58				£1,729.92	£3,113.63
£2,283.49				£1,948.20	£3,434.06
£2,523.41				£2,169.54	£3,683.63
£2,821.14				£2,387.82	£3,868.88
£3,176.69				£2,606.10	£4,168.13

£3,474.43				£2,824.38	£ 4,488.75
					AVERAGE % INCREASE
		£ 240.00		£ 105.06	£ 195.00
		£ 312.00		£ 157.08	£ 265.00
		£ 432.00		£ 258.06	£ 285.00
		£ 504.00		£ 388.62	£ 400.00
		£ 672.00		£ 363.12	£ 400.00
		£ 816.00		£ 545.70	£ 585.00
		£ 744.00		£ 395.76	£ 425.00
		£ 888.00		£ 595.68	£ 640.00
		£ 775.00		£ 342.72	£ 531.25
		£ 925.00		£ 517.14	£ 800.00
					AVERAGE % INCREASE
£ 314.00	£ 324.00	£ 348.00		£ 286.62	£ 295.00
£ 526.00	£ 453.60	£ 744.00		£ 402.90	£ 425.00
£ 740.00	£ 777.60	£ 1,068.00		£ 774.18	£ 775.00
£ 895.00	£ 777.60	£ 1,068.00		£ 1,032.24	£ 1,035.00
£ 583.00	£ 777.60	£ 456.00		£ 443.70	£ 700.00
£ 366.33		£ 420.00		£ 258.06	£ 368.75
£ 613.67		£ 800.00		£ 269.28	£ 531.25
£ 863.33		£ 1,160.00		£ 775.20	£ 968.75
£ 1,044.17		£ 1,160.00		£ 1,034.28	£ 1,293.75
£ 680.17		£ 550.00		£ 420.24	£ 875.00
					AVERAGE % INCREASE
					AVERAGE % INCREASE

% Increase on 2019/20 Rate	% of Highest Benchmark Rate	Average % Increase Per Band
13.89%	84.36%	
35.00%	78.39%	
52.78%	88.71%	
2.00%	100.00%	
		25.92%
59.86%	96.71%	
12.90%	95.32%	
7.83%	97.87%	
24.44%	96.02%	
		26.26%
31.86%	94.41%	
11.32%	96.35%	
12.30%	89.61%	
2.13%	100.13%	
		14.40%
21.44%	108.51%	
3.43%	103.88%	
-1.02%	100.81%	
-2.93%	104.26%	
		5.23%
67.41%	106.28%	
33.03%	119.54%	
32.11%	100.85%	
37.98%	124.28%	
		42.63%
ALL EXTENSIONS (ex regularisations)		17.95%
12.20%	94.65%	
48.78%	98.39%	
2.03%	100.03%	
		21.00%
36.10%	91.63%	
6.38%	93.46%	
26.26%	86.81%	
		22.92%
18.23%	93.17%	
11.85%	92.64%	
1.45%	83.57%	
		10.51%
16.96%	95.47%	
2.01%	102.74%	
4.59%	89.91%	
		23.57%
56.25%	95.51%	

39.59%	102.79%	
57.69%	107.89%	
		51.18%
L LOFT & GARAGECONVERT (ex regularisation)	19.50%	
64.84%	80.65%	
9.38%	77.16%	
13.16%	85.32%	
9.05%	89.53%	
		24.11%
115.52%	83.33%	
44.87%	87.50%	
51.84%	85.32%	
39.77%	89.53%	
		63.00%
SE ALL TABLE A WORKS (ex regularisation)	24.11%	
20.00%	92.59%	
61.90%	83.33%	
40.29%	80.58%	
12.24%	72.61%	
2.11%	121.25%	
		27.31%
11.43%	97.99%	
61.29%	85.47%	
33.14%	96.15%	
29.94%	96.45%	
12.81%	97.73%	
		29.72%
4.00%	87.54%	
47.31%	77.38%	
24.74%	88.54%	
17.43%	89.53%	
4.53%	105.39%	
		19.60%
4.42%	87.54%	
47.46%	76.71%	
24.75%	83.46%	
17.43%	86.83%	
4.49%	121.94%	
		19.71%
37.13%	87.84%	
121.86%	92.05%	
80.36%	84.60%	
68.68%	86.81%	
50.86%	130.65%	
		71.78%
SE ALL TABLE B WORKS (ex regularisation)	24.09%	
35.37%	86.11%	
35.92%	90.32%	
22.31%	94.79%	

12.39%	90.74%	
7.21%	89.17%	
2.13%	100.89%	
2.56%	102.14%	
2.32%	103.14%	
2.00%	103.30%	
1.97%	104.08%	
		12.42%
5.03%	97.50%	
15.89%	97.22%	
29.14%	97.50%	
38.00%	97.33%	
40.26%	94.44%	
32.20%	129.61%	
31.25%	129.83%	
23.13%	118.76%	
21.10%	111.48%	
19.70%	108.69%	
		25.57%
7.51%	88.02%	
17.01%	94.32%	
23.24%	93.75%	
27.18%	93.14%	
27.70%	91.04%	
21.44%	119.06%	
20.57%	119.50%	
14.94%	112.28%	
13.59%	107.42%	
12.74%	105.77%	
		18.59%
7.15%	100.34%	
16.91%	107.52%	
22.90%	106.88%	
26.74%	106.18%	
27.41%	103.79%	
21.45%	119.07%	
20.33%	117.97%	
14.76%	112.51%	
13.23%	111.01%	
12.54%	110.33%	
		18.34%
54.57%	100.34%	
68.48%	107.52%	
77.00%	106.88%	
82.69%	108.30%	
83.59%	103.79%	
79.79%	£2,283.49	
73.18%	145.98%	
65.27%	137.14%	
63.14%	131.21%	

62.11%	129.19%	
		70.98%
ALL HOUSES (ex regularisations)		18.73%
89.32%	81.25%	
72.08%	84.94%	
12.65%	65.97%	
4.99%	79.37%	
12.36%	59.52%	
9.35%	71.69%	
9.54%	57.12%	
9.59%	72.07%	
58.11%	68.55%	
57.79%	86.49%	
ALL CONVERTS (ex regularisations)		27.48%
4.98%	84.77%	
7.59%	57.12%	
2.11%	72.57%	
2.27%	96.91%	
60.92%	90.02%	
		15.58%
45.75%	87.80%	
101.23%	55.75%	
27.47%	72.89%	
27.59%	111.53%	
112.38%	114.08%	
ALL NON DOMESTIC (ex regularisations)		15.58%
ALL BANDS (ex regularisations)		21.06%

Appendix 1 – Draft Fee Schedule for Planning Performance Agreements

Background

Central government promotes local planning authorities use of Planning Performance Agreements (PPA's) to improve the quality, engagement and programming of major development schemes. These schemes are often complex due to issues such as design, height, density, proximity to existing communities and viability considerations. The council has entered into over 13 agreements since December 2015 and generated circa £320,000 of additional income.

PPA's are popular with major developers as they provide guaranteed access to dedicated planning (and allied resources) and a more realistic, project managed pathway to submission and determination of their application.

Current Position

Subject to the wider economic position and the local housing market, it is likely that the demand for PPA's will be sustained at or above current levels (circa 4/6 pa) as the major developments identified in City Plan Part One are being taken forward.

There are a number of issues that the council is currently facing in preparing bespoke PPA quotations, as follows:

- The length of time taken to prepare a fee estimate for agreement by the developer (with some being concluded after the work has commenced)
- The unproductive resource costs across the directorate (and key external partners) in preparing the fee estimate and drafting the PPA agreement. This is consuming valuable officer time away from planning application work.
- Lack of clarity in the scope to negotiate the charges for the agreement with developers
- Weak commercial acumen and awareness for some case officers tasked with these negotiations
- No systems to easily capture and recharge additional, chargeable items (eg extra meetings)

Unlike a private consultancy, the Planning Service (and its directorate partners) do not have dedicated resources to produce fee estimates and negotiate contracts/fee agreements. This therefore impacts on operational time available for professional work and agreements take a lengthy period to negotiate and formalise.

There are also operational resource issues in supporting the workload, which is being addressed through the general resource planning and management initiatives within the service.

Charging Models

A desk top study of other local authorities has been undertaken to establish the charging mechanisms for PPA's adopted. The models appear to fall into 3 main areas:

Fee Percentage (with/without additional charges on a lump sum basis for extra meetings)	A charge based on a percentage of what the estimated planning application for the proposed development would be. Fees range from 10 -50% of the estimated planning application fee. Some schemes then charge an additional lump sum per additional meeting required by the developer.
Bespoke Fee per case (Current process used by BHCC)	Based on an assessed charge calculated on the estimated officer time taken to undertake the service (including other directorates and external third parties as necessary)
Lump Sum – based on number of meetings or size of development	Based on either the size/volume of development proposed or a lump sum per meeting (weighted to recover the preparation, research and feedback costs of officer time)

There is no particular preferred model, although the bespoke fee basis appears to be the most utilised across the region.

The strengths and weaknesses of each of the 4 options are summarised below:

	Strengths	Weaknesses
Fee %	Developer understands fee cost at outset & can quickly commission (including payment for service up front)_	More complicated fee estimate/calculation process Possible dispute over level of fee assessed leading to delays/negotiations
Bespoke Fee	Minimises risk of under recovery of charges for service provided (if a formal time recording system is in operation)	Length of time taken to prepare Requires individual negotiation with client Unproductive costs in producing fee estimate
Lump Sum (meetings)	Fee charges linked to number of meetings that the developer requires for each scheme	Mechanism to capture and recharge meetings required May lead to negotiation on number of meetings required Weighted sum per meeting may lead to under recovery of costs Fee estimate still needs to be prepared

Lump Sum (development size)	Simple fee calculation (which can be linked to standard PPA) Developer understands fee cost at outset & can quickly commission (including payment for service up front) No officer negotiations re charges (but may reserve position to charge for excessive meetings)	Mechanism to share fees with other participants could be developed (including risk transfer) May lead to under recovery of costs
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Proposed Model

In order to address the concerns with the current model, it is proposed to move to a mixed model of lump sum (development size) and retain the bespoke charging model (for very large developments) as shown below:

Band		Residential/Commercial	Mixed Use
A	10-25 residential units/1,000m ² - 4,999m ² commercial development	£24,000	£26,500
B	26-99 residential units/5,000m ² – 9,999m ² commercial development	£32,500	£35,500
C	100-174 residential units/10,000m ² - 17,499 m ² commercial development	£37,000	£40,000
D	175- 250 residential units/17,500m ² - 24,999 m ² commercial development	£45,500	£47,500
E	Over 250 residential units/25,000 m ² commercial development	Bespoke fee	Bespoke fee

The final rates may be subject to a further increase to ensure that all sub-consultancy external fees are recovered where used in place of “in house” staff where client programmes dictate.

Notes:-

- 1) We are only able to provide PPA services on large scale developments. For medium scale developments (less than 10 residential units or up to 999m² of commercial space) we will provide advice services through the pre-application process
- 2) Where a developer has already paid for pre-application advice on a development within the last 12 months and the development remains unchanged (apart from reflecting any amendments recommended through the pre-application process) the fees quoted above will be discounted by the sum already paid for the pre-application advice (up to a maximum of £2,500.)
- 3) For mixed use developments, the applicable fee band will be charged at the higher rate of the two parts of the development (ie a scheme with 110 flats and 7500m² of commercial space would be charged as Band C.)

4) All fees are exclusive of VAT

If this approach is adopted, the number of bespoke quotes required from the historic PPA programme would reduce from 13 to 4 (69%).

Scope of Service & Additional Hourly Rates

The proposed scope of service is summarised below:

Pre-Planning Agreement Services	Additional Services (additional charges apply)
<ul style="list-style-type: none"> • Establishment of a Development Team (to include other officers & advisors as appropriate for the scheme) • Up to 4 meetings with a nominated Planning Officer and the Development Team • A site visit • A summary of the key issues and action points from each meeting outlining advice & next steps • Confirmation of likely planning obligations • Confirmation of likely CIL liability (due for implementation in late 2019) • Confirmation of likely supporting documents required & likely consultees • Engagement with local ward members and planning committee • Agree application timeframes and project programme • Sign a formal Planning Performance Agreement • Review and commentary on one subsequent revision of the scheme drawings • Formal advice letter/report 	<ul style="list-style-type: none"> • Design Review Panel • Legal Advice (including S106) • Draft Viability Review • Draft Environmental Statement Review • Sunlight/daylight /wind review • Other identified specialist areas of advice

Some of the services may have already been provided either partially or in full as part of a pre-application advice commission. This is therefore reflected in the fee discount for schemes which have already been through this process.

This specification will not be reduced, but additional meetings and input can be requested by the developer if desired. The fees for any additional input will be charged on a time basis with an estimate agreed in writing in advance of the work

being commissioned (including payment in advance from the developer.) The charges will be based on the rates included in the table below:-

Role	Hourly Rate (ex VAT)
Assistant Director/Head of Planning	£111.00
Planning/Transport Manager	£87.75
Principal Planning Officer/Senior Engineer	£66.75
Planning Officer/Engineer	£59.75
Technical Officer/Technician	£44.75

Appointment

A standard appointment document (based on a revised version of the current document) will be prepared (and ultimately published on the BHCC website.) The terms and conditions, fees and service specification will be non-negotiable (apart from where a developer wishes to pay for additional services.) In such cases, these will be scheduled separately as part of the final agreement.

Marketing

Once agreed, this arrangement will be documented as part of a wider development protocol (available in print and on line) encompassing PPA, pre-application and other chargeable services (excluding building control.) All of the appointment forms, standard agreements and associated documents will be available from the council's website.

Introduction

In order to provide more clear, simple and customer focused services, these services will be grouped together and marketed separately to the major & minor pre-app services (which will be promoted in the planned developer protocol document.)

Analysis of Income (18/19)

The number of cases and value of income received (inc VAT) in 2018/19 for each category is shown below with the current (19/20) fee rate for information:

Category	Type	19/20 Fee	18/19 Volume	18/19 Total Value	18/19 % Share Volume	18/19 % Share Value
Householders	Written response	£102.00	56	£5,600.00	14%	2.6%
	Meeting & written response	£153.00	45	£6,750.00	11%	3.0%
Listed Buildings	Written response	£220.00	7	£1,512.00	1.8%	0.7%
	Meeting & written response	£440.00	24	£9,504.00	6%	4.4%
Small Scale	Written response	£153.00	11	£1,625.00	2.8%	0.75%
	Meeting & written response	£306.00	7	£2,772.00	1.8%	1.3%
All Categories	TOTAL		150	£27,763.00	38%	13%

Although they only represent 13% of the total pre-app income generated in 18/19, they make up nearly 40% of the total number of requests and are seen by the public as a valuable way of getting advice on potential planning issues, which we are unable to provide free of charge. It also should help improve the quality of final planning applications submitted if the advice is followed.

Benchmarking

The current fee levels charged has been compared against other unitary authorities in the south:

Category	Type	BHCC Fee	Portsmouth	Southampton	Bristol	Medway	Southend	Bournemouth
Householders	Written response	£102.00	£40.00	£42.00		£109.00	£82.00	£100.00
	Meeting & written response	£153.00				£164.00		£150.00
Listed Buildings	Written response	£220.00	£40.00	£42.00	£120.00	£105.50		£100.00
	Meeting & written response	£440.00			£204.00			£150.00
Small Scale	Written response	£153.00	£40.00	£42.00		£380.00	£218.32	£180.00
	Meeting & written response	£306.00				£435.00	£651.90	£360.00
Notes			Only provide written advice	Provide 30 mins written/verbal advice & no site visits	Only provide advice for listed buildings	LB fee is for either site meeting or written advice	Still provide free duty officer "drop in" service	Subject to minimum charge of 10% of estimated planning fee

The benchmarking indicates that the previous review increased BHCC fees for householder and listed buildings to the higher end of the market, where they have remained. There is however scope to increase further the charges for small scale developments (adverts, air conditioning units, small changes to commercial space.)

Proposed Changes 1st April 2020

Category / Type	Proposed Change	Rationale	Pros	Cons
Householder				
Written response (householder)	Discontinue & replace with up to 30 min telephone/Skype call Phone call booked to take place within 5 working days of completed application & fee No option for site meetings or follow up advice Not available for HMO's Fee set at £82.00	Reduces report writing burden on case officers Quicker more responsive service for householders which is cheaper than a written report High volume of customers	Appointment booked by Admin & scheduled for case officer (Enterprise task) Simplified enquiry form not necessarily requiring plans Faster to turn around for officers PR opportunity to promote new cheaper service	Need to record & scan hand written record of advice provided for subsequent application if made No scrutiny of advice from principals May become too popular and criteria need to be considered to restrict
Meeting & Written response (householder/their agent)	Maximum 30 minute meeting on site/in office & follow up report Increase fee to £164.00 Meeting scheduled within 5 working days of receipt of completed application form and fee Written response within 10 working days of our meeting with you	High volume of customers but slow service delivery. Simplify to have meeting either in office or on site	Appointment booked by Admin & scheduled for case officer (Enterprise task) Increase partially offsets income reduction from the new cheaper telephone response	1 week reduction in delivery target
Listed Buildings				
Written response	Discontinue service	Low volume of customers.		Some may just submit application
Meeting & Written response (householder or their agent)	Heritage is special and benefits from meeting/site visit or office (max 60 mins) Fee levels held at 19/20 rates	Explore options to allocated cases direct to Heritage team on receipt to accelerate response	Some may take up this service if written not available	No real scope to lengthen target

	<p>Meeting scheduled within 5 working days of receipt of completed application form and fee</p> <p>Written response within 10 working days of our meeting with you</p>	<p>times. Simplify to have meeting either in office or on site</p>		
Small Scale				
Written response (business or their agent)	<p>Written response within 10 working days of receipt of application form and fee</p> <p>Scope to increase fee from benchmarking to £215.00</p>	<p>Low volume of customers</p> <p>Capacity provided by channel shift in householder verbal and improved caseloads</p>	<p>Shifts impact of householder change & zero fee increase on listed buildings to small commercial applications</p> <p>Improved turn round times committed to</p>	<p>Increasing rates may discourage applicants from taking advice.</p> <p>Level of requests will be monitored to establish likely impact.</p>
Meeting & Written response (business or their agent)	<p>Maximum 60 minute meeting on site & follow up report</p> <p>Increase fee to £375.00</p> <p>Meeting scheduled within 5 working days of receipt of completed application form and fee</p> <p>Written response within 10 working days of our meeting with you</p>	<p>Low volume of customers</p> <p>Capacity provided by channel shift in householder verbal and improved caseloads</p>	<p>Shifts impact of householder change & zero fee increase on listed buildings to small scale applications</p> <p>Improved turn round times committed to</p>	<p>Increasing rates may discourage applicants from taking advice.</p> <p>Level of requests will be monitored to establish likely impact.</p>

This model would see the assumed workload model generate the same overall volume of fees in 2020/21 (including the 2% inflationary increase.)

New Fee Schedule

If agreed, the new fee schedule would be as follows:

Category	Service	Current Rate	2020/21 Proposed Rate	% Increase
Householder				
	Written response (Discontinued)	£102.00	Nil	N/A
	Telephone/Skype advice (30 minute call) – (New)	Nil	£82.00	N/A
	Site Meeting (30 mins) plus written report	£153.00	£164.00	7.19%
Listed Buildings				
	Written response	£220.00	Nil	N/A
	Site/Meeting (60 mins) plus written report	£440.00	£440.00	Nil
Small Scale				
	Written response	£153.00	£215.00	40.52%
	Site/Meeting (60 mins max) plus written report	£306.00	£375.00	22.55%

Subject:	Royal Pavilion & Museums Trust Business Plan 2020-21
Date of Meeting:	5th March 2020
Report of:	Executive Director Economy, Environment & Culture
Contact Officer: Name:	Donna Chisholm
	Email: Donna.Chisholm@brighton-hove.gov.uk
Wards affected:	All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report presents the Royal Pavilion and Museums Trust (RPMT) Annual Service Plan for 2020-21.
- 1.2 In accordance with the provisions in the Services Contract agreement between Brighton and Hove City Council and the RPMT the Annual Service Plan will be brought to committee for approval by the end of February each year.

2. RECOMMENDATIONS

- 2.1 That the Committee approves the Annual Service Plan for 2020-21.

3. CONTEXT AND BACKGROUND INFORMATION

- 3.1 In December 2019 the Policy and Resources Committee agreed to transfer the Royal Pavilion and Museums to Trust from 1st April 2019 for a period of 25 years.
- 3.2 The committee approved a suite of legal agreements, the terms of which included the requirement for RPMT to produce an Annual Service Plan. As an Arts Council of England (ACE) funded organisation, RPMT is also required to produce a business plan. Under the terms of the Services Contract agreement, RPMT will also be required to seek approval from BHCC for this plan before it is submitted.
- 3.3 The Services Contract agreement between BHCC and RPMT states that the Annual Service Plan will include:
 - A detailed account of how the services were performed in the previous contract year compared to the key performance indicators and the objectives outlined in the previous Annual Service Plan and any current ACE business plan.

- A detailed account of how the services will be performed in the next contract year and achieve the key performance indicators (KPIs). These KPIs include for example, the number of visits to the RPM sites; satisfaction levels; children and young people participating in formal learning activity; website sessions; earned income and number of visits by residents.

3.4 In addition, the Annual Service Plan should include any proposed changes that could be made to maximise the scope and standard of services that could be delivered. The plan will also include:

- Any changes necessary to reflect alterations to the legal, financial or operational environment of the services in the next contract year.
- The proposed fees and charges.
- The ambitions and aims for the Trust's delivery of the services for the following three contract years (where applicable).
- The draft Annual Service Plan for the next contract year shall be submitted to the Council no later than 1 December each year and will be discussed by the at an annual review meeting between officers and the Trust.

3.5 Council officers are be able to make suggestions to the Trust on the draft Annual Service Plan before it comes to Committee. Each year, the Council and the RPMT together will consider the impact of their respective financial plans, the fee for the next contract year, the significant other institutional funding available to the Trust, the requirements of such institutional funders, and the services being provided by the RPMT.

3.6 Each plan for RPMT will only be effective once it has been approved by the relevant Council committee. The Council will seek this approval prior to 28 February in readiness for the following year (commencing on the 1 April). Over the course of the year, Council officers will meet regularly with RPMT representatives to monitor progress against the approved annual service plan.

3.7 Each year the Annual Service Plan will cover future initiatives as well as providing a summary of the previous year. For consistency, the first Annual Service Plan highlights activity from the previous year, a period when the Royal Pavilion and Museums Service has been part of the Council, as well as preparing for the first year of operation by the new Trust.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Previous options for the future of the Royal Pavilion and Museums Service have been considered by this committee and by the Policy & Resources Committee.
- 4.2 The decision to transfer to Museums Service to Trust was approved by the Policy & Resources Committee on 5th December 2019.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A number of the activities of the annual service plan for 2020—21 will be designed and delivered in collaboration with community groups and local people. In particular, over 2020-21 the RPM Trust will support and collaborate with the BME Heritage Network, Youth Collective, and access advisory group Teacher Ambassadors. Work over the past 12 months with LGBTQA communities on the

Be Bold programme culminated in the Queer the Pier exhibition which opened 11 February 2020.

CONCLUSION

- 5.1 This first Annual Service Plan from the RPMT represents the beginning of new partnership arrangements between the Council and the Trust.
- 5.2 The plan covers a wide range of activity being planned for 2020-21 and is a positive first step for the Trust in establishing a dynamic programme for its first year managing the Royal Pavilion and Museums.
- 5.3 The Service Contract agreement lays out clearly the approval process for key planning documents and enables the Council to maintain oversight on all financial and programming aspects of the Trust's operation of the Royal Pavilion and Museums.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications to the Council associated to the recommendation of this report. The proposed Annual Service Plan is expected to be delivered by the RPMT within projected budgets, which includes an indicative Service Fee from the council of £1.181m in 2020/21. Council officers will meet regularly with RPMT representatives to monitor progress against the approved Annual Service Plan including any mitigating actions where there are variances to financial plans.

7.2

Finance Officer Consulted: Steven Bedford

Date: 19/02/20

Legal Implications:

- 7.4 The Annual Service Plan is required by the Services Contract which was approved by Policy & Resources Committee in December 2019.

Lawyer Consulted:

Alice Rowland

Date: 19/2/20

Equalities Implications:

An Equalities Impact Assessment was completed and reviewed for the P&R Committee report in December 2019. This covered Governance, Staffing, Service Users and ICT systems. It is included as Appendix 2. The service plan includes commitments to ensuring the workforce and governing body reflects the diversity of the local population. Targeted community engagement programmes covered with the plan will ensure that diverse audiences are engaged. The RPMT works with established advisory groups and communities to ensure best practice. The Trust is building on public access and diversity achievements already evident in the programme and management of the Royal Pavilion and Museums.

Sustainability Implications:

RPMT will continue to work in improving the environmental sustainability of the services provided. The service plan includes a commitment to continuous improvement in environmental sustainability and resource management across the organisation. This includes continuing to reduce energy consumption and minimise wastage. Reporting on sustainability is part of the funding requirements from ACE.

Supporting Documentation

Appendices:

Appendix 1 The RPM Annual Service Plan 2020-21

Appendix 2 Equalities Impact Assessment

Background Documents:

Report to P&R Committee 5th December 2019

Royal Pavilion & Museums Trust Annual Service Plan 2020-21



Chair's Statement

The Board of Trustees of the Royal Pavilion & Museums is delighted to be leading the Royal Pavilion and Museums into the future. The Board is particularly excited about the opportunities to care for, develop and promote the City's nationally and internationally renowned sites and collections. The transfer of the services to the Trust means there is a sustainable future for the assets that support the city's cultural offer for its communities and visitors. This is the first Annual Service Plan for the Trust and it outlines all the work it will undertake to deliver its commitment to Brighton & Hove City Council and how it supports the Council's Corporate Plan and Arts Council England's ambitions for the role culture and creativity have in people's lives.



Michael Bedingfield, Chair of Royal Pavilion & Museums Trust, Brighton & Hove

Introduction

This plan outlines our ambitions for the next year and reflects on the achievements of the previous year. Royal Pavilion and Museums Trust (RPMT) is a registered charity (charity number 1186986) registered with the Charity Commission on 17 December 2019, and with Companies House on 18 January 2020 (company number 11774969). The trading company is RPMT Enterprises Ltd. The Trust is the governing body to which the Royal Pavilion and Museums service is transferring from Brighton and Hove City Council (BHCC) on 1 April 2020. The RPMT's charitable objectives are:

- To advance public appreciation in arts, culture, heritage and science through acquiring and maintaining suitable objects and works of art in the collections.
- To provide for and support the establishment, maintenance, refurbishment and enhancement of exhibitions and displays of the collections and the preservation and safeguarding of the land and buildings in which they are housed.
- To advance educational opportunities, particularly in relation to heritage, culture and the arts and to provide support for the establishment of exhibitions and displays to reflect this.

RPMT will support the City's Plan 2020-23, the Cultural Framework and the Arts Council England (ACE) strategy. We will fulfil the charity's purpose and support the Brighton and Hove 2020-23 city plan by:

- Being strategic in caring for and developing our natural, scientific and cultural resources for present and future generations.
- Developing a distinctive offer at each of the five sites and online to support learning, creativity, well-being and engagement and environmental sustainability.
- Actively engaging children and young people in understanding, developing and interpreting our shared collections.
- Building a co-operative, sustainable and resilient organisation that supports the wider cultural sector.
- Ensuring the organisation and its work reflects the diverse culture of contemporary society.

Our ambitions for 2020-21 which will support the City's Plan for a fairer city, a sustainable future and its cultural framework

We are embarking on an exciting opportunity to shape the future for this new independent Trust by promoting one of the UK's most iconic heritage sites as well as Brighton & Hove's extraordinary portfolio of museums and their collections. RPMT's vision is to provide museums and services that play a vital role in making Brighton & Hove a fantastic place to live work and visit and inspire people to build a more sustainable and socially just world.

RPMT's mission is to preserve the past to inform the present. We want to play a vital role in making Brighton and Hove a fantastic place to live, work and visit and inspire people by using the unique buildings and collections to positively shape the future. We aim to build a resilient and outstanding organisation which is known for its vibrancy and relevance, which is renowned for its digital innovation as well as supporting discovery, enjoyment and learning. We want to inspire a powerful sense of shared ownership with our work, driven by creative collaborations with our local communities and partner organisations which will enable us to reach new and more diverse audiences. We will identify partners who can best support us in achieving our aims and work together with them to attain excellence and expand our impact. Our work will support the economy of Brighton and Hove, as well as promoting well-being and celebrating diversity.

Key activities which will be delivered during 2020-21 are as follows

- The completion of the Royal Pavilion regency garden restoration plans using the phase 1 funding from National Lottery Heritage Fund (NLHF). To plan changes and improvements to achieve the vision for the Royal Pavilion garden as a ‘Garden Fit for a King’ as part of the ‘Reawakening the Royal Pavilion Estate’ project. We will submit a phase 2 application to NLHF through BHCC in March 2021, which will include improvements to enable outdoor nature and biodiversity learning opportunities for children and young people. This will develop the visitor economy and support the following objectives in BHCC’s Corporate Plan 2020-2023: A city working for all, A growing and learning city and A sustainable city.
- Finalise plans for the proposed developments at the Booth Museum and secure funding for implementation. This will support the Council’s corporate objectives of A city working for all, A growing and learning city and A sustainable city.
- To increase the amount of funds secured to build up reserves to ensure a sustainable future.
- To develop new income streams to support RPMT in becoming a financially resilient organisation.
- To address the challenges around collections storage to make them more accessible to be used to respond to contemporary debates and issues.
- To ensure community voices are embedded in the governance structures of the Trust and to continue to work with existing community groups. To establish a Community Advisory Panel working alongside Trustees and staff. This will support a Stronger City, another of the outcomes in BHCC’s Corporate Plan.

More detail on these activities can be found below.

Aim 1
Be more strategic in caring for and developing our natural, scientific and cultural resources for present and future generations
 BHCC Plan 2020-23: A city working for all; Arts Council England; ACE strategy 2010-20: Goal- Excellence; ACE strategy 2020-30: Outcome - A creative and Cultural Country
 Supporting the dynamic management, research, curation and sharing of our country's collections

Objectives	Activities	Performance measures	When	Funding
Increase level of collections care provision through implementing better planning, resourcing, understanding and implementation of procedures and systems for managing and caring for cultural resources	Collections development and rationalisation through transfers & disposals.	Maintain standards of our Collection Development Policy	Ongoing	Core
	Delivery of schedule of housekeeping and standards for collections.	Annual schedule delivered	Ongoing	Core
	Implement Collections Management strategy.	Procedures followed and maintained to Accreditation standard.	Ongoing	Core
	Review storage of collections.	Commence storage plan review	Ongoing	Core
Improve organisational knowledge and use of collections	Collections used in programming and engagement programmes.	Number of objects used for displays and events	Ongoing	Core
	Collections research undertaken and information recorded.	Number of researchers accessing our collections	Ongoing	Core
Deliver annual planned maintenance programme, facilities maintenance, management and repairs across all sites	Delivery of annual planned maintenance programme across all sites as agreed with BHCC's property and design as part of five year forward plan.	Programme delivered to time Improvements to maintenance of buildings Implement forward plan agreed with BHCC Property & Design	Ongoing	BHCC planned maintenance budget allocated to RPMT sites
	Implement ongoing facilities maintenance management and repairs.	Repairs undertaken and regular maintenance contracts delivered Ongoing compliance e.g. legionella testing	Ongoing	Core
Deliver annual gardens maintenance	Regular grounds maintenance at Hove Museum, Preston Manor and Royal Pavilion Garden.	Annual schedule delivered Customer feedback Annual tree survey completed	Ongoing	Core
Implement further improvements to ensure continued compliance for all	Security improvement programme reviewed and delivered.	Continued implementation of security review	Q4	Core

sites and activities in terms of security, fire safety and health and safety.	Ensure health and safety compliance for all buildings and activities.	Health and safety assessments undertaken for all new activities and regular updates of standard assessments.	Ongoing	Core
	Deliver joint action plan developed by cross agency working group (police, neighbourhood's team) for Royal Pavilion garden.	Regular meetings Regular reporting on incidents	Ongoing	Core

Aim 2

Develop a distinctive offer at each of our five sites and online to support learning, creativity, well-being and engagement of diverse audiences and environmental sustainability

BHCC Plan 2020-23: A city working for all, A sustainable city; ACE strategy 2010-20: Goal – Audiences; ACE strategy 2020-30: Outcome - A creative and cultural country, Cultural Communities, Supporting cultural provision, including touring and distribution, that is shaped by local communities

Objectives	Activities	Performance measures	When	Funding
Develop the internationally iconic Royal Pavilion and the City's flagship building; rich in stories and exotic in design to provide a sense of excellence, splendour and occasion for all its visitors through exhibitions, displays and events.	<p>Public programme of displays, activities and events:</p> <ul style="list-style-type: none"> • Princes Treasure - Royal Collection until September 2021 • Christmas offer • Talks, tours, lectures 	Visitor numbers Visitor satisfaction B&H visits Income	Ongoing	Core
	<p>Ongoing programme of restoration development and interpretation as part of RP estate development:</p> <ul style="list-style-type: none"> • Queen Victoria's Apartment • Ongoing restoration and conservation projects 	Visitor Numbers Visitor satisfaction B&H visits Income	Ongoing	Core
Develop the Royal Pavilion garden in line with recommendations of the Garden Conservation Plan and community consultation and engagement.	<p>Development and implementation of plans of improvements to Royal Pavilion garden:</p> <ul style="list-style-type: none"> • NLHF development phase • March 2021 phase 2 NLHF bid submission 	Phase 2 bid submission	January 2020 – March 2021	NLHF
	Implementation of recommendations of Conservation Management Plan.	Delivery to timescales published in TEC report January 2018	ongoing	NLHF/external funding/ BHCC capital contribution

Develop Brighton Museum and Art Gallery through exhibitions, displays and activities where audiences engage with the stories of the city and its relationship with the world.	<p>Public programme of exhibitions, displays, activities and events:</p> <ul style="list-style-type: none"> • Plastic Oceans: July- September 2020 • Queer the Pier: February 2020 • 100 First Women Portraits: 15 February – 7 June 2020 • Behold Brighton: 4 July – 2 August 2020 • Plastic Oceans photographs Mandy Baker: 27 June- 18 September • David Bowie • Nature 2020 programme • Events, free days, Bite size talks, tours 	Visitor numbers Visitor satisfaction B&H visits Income	Ongoing	Core
Develop Hove Museum and Arts Gallery as a 'Museum of Making' through exhibitions, displays, events and activities.	<p>Development of plans for redevelopment galleries to ensure future sustainability and maximising use of collections.</p> <p>Develop a programme of making activity that uses the input of staff, students and resources of the University of Brighton.</p> <p>Recycled materials workshops; Workshops led by Brighton university Craft MA students; Doll making workshop with Ruby Ruth Dolls June 2020</p> <p>Green Christmas activity day promoting recycled gift wrap/cards and decorations.</p>	Scope options for 20 th Century Gallery redevelopment post roof repair	Q4	Core
	Update the current toy gallery to better support Hove Museum as a 'museum of making'.	Scope options for gallery redevelopment	Q4	Core reserve for HMAG

	<ul style="list-style-type: none"> • Public programme of displays, activities and events: • Material Practices 3 Painting and Printmaking at University of Brighton: 13 March- 19 April • What's in the Box: 19 March to 30 April • Endangered and Extinct: Val Hunt 9 May- 1 September (part of Nature 2020 programme) • Ancient Toys ceramics display by Louise Bell • May – Sept 2020 • Misshapes: The Making of Tatty Devine 3 October 2020 – 26 Jan 2021 	Visitor numbers Visitor satisfaction B&H visits	Ongoing	Core
Develop the Booth Museum as an exciting and family-friendly space, combining the gothic charm of a 19th century 'bird' museum with a 21st century story of evolution and conservation through exhibitions, displays, events and activities.	Public programme of displays, activities and events: <ul style="list-style-type: none"> • Nature 2020 events • Pop up display on Climate Change • Discovery Days • Bird watch • Bite size natural science talks and tours including ones on Climate 101 	Visitor numbers Visitor satisfaction B&H visits	Ongoing	Core
	Programme of gallery and building refurbishment including Evolution Gallery and create interactive spaces.	Costed high level plans developed Identify and confirm funding to support redevelopment	Q4	Core / external funding
Develop Preston Manor as an intriguing Edwardian country house museum and functions venue, bursting with character, stories and secrets through exhibitions, displays, events and activities.	Project to gradually reinterpret the house, collections, gardens and wider site, focussing on the different phases of its history and the lives of the people who lived and worked there.	Scoped options for story development	Q4	Core/ external funding
	Programme of repairs to kitchen garden walls to enable future use and make safe.	Scoped and costed plan	Q4	Core
	Public programme of displays, activities and events: <ul style="list-style-type: none"> • Christmas at the Manor 	Visitor numbers Visitor satisfaction B&H visits Income	Ongoing	Core

Develop the online presence of our museums.	Review and refresh current website with phased improvements to core web platform www.brightonmuseums.org.uk focusing on addressing user and business needs in priority areas.	Commence discovery phases of site redevelopment, responding to new identity as a Trust.	Q4	Core
	Develop staff digital skills to assist content creation.	Deliver programme of training	Ongoing	Core
	Digitisation and digital publishing programme according to an audience-responsive methodology and working with partners for additional support.	Number of new digitised objects online Number of new content packages.	Ongoing	Core

Aim 3

Actively engage children and young people

BHCC Plan 2020-23: A growing and learning City; ACE strategy 2010-20: Goal - Children and Young People; ACE strategy 2020-30: Creative People - pre-school children and their families, particularly those who live in places where engagement in culture is currently low; 4-19 years olds within and beyond the curriculum; principles ambition and quality; inclusivity and relevance

Objectives	Activity	Performance measures	When	Funding
Contribute and support Our Future City (OFC) partnership: Cultural Education Challenge, Artsmark/Arts Award	Use RPMT's collections, buildings and programming to support key partnerships in the city and improve our learning offer for young people.	RPMT assets a visible element of OFC programme Number of young people gaining Arts Awards	Q4	Core
Delivery of a public programme of events and activities for children, young people & families	Programmes developed and delivered across all sites in keeping with their distinctive offers.	C&F visitor numbers Visitor satisfaction C&F B&H visits	Ongoing	Core
Deliver schools plan in line with our schools strategy and Audience Development & Engagement Plan	Existing schools sessions delivered and new schools sessions developed and delivered to meet needs of school curriculum.	School visits Teacher satisfaction	Ongoing	Core
Involvement of young people in developing programmes and projects	Development phases of programmes and projects across all sites aimed at young people involve the Museum Collective and other young people e.g. Brighton University partnership with HMAG, youth groups.	Number of young people from communities of interest and place	Ongoing	Core

Aim 4**Build a co-operative, sustainable and resilient organisation that supports the wider cultural sector**

BHCC Plan 2020-23: A sustainable City, A stronger city; ACE strategy 2010-20: Goal - Resilience and Leadership; ACE strategy 2020-30: A creative and cultural country enabling partnerships in places to deliver shred plans for culture that contribute to community, education & skills health & wellbeing and economic outcomes ; principles dynamism and environmental sustainability

Objective	Activity	Performance measures	When	Funding
393 Improve financial sustainability across the organisation	Achieve annual income targets for RPMT through core activity admissions, learning and public programmes: <ul style="list-style-type: none"> • Admissions and Gift Aid • Learning, programming and guiding (developing the offer) • Developing financial resilience of each site in line with site business plans 	Income targets achieved in line with business model	Ongoing	Core
	Develop trading company and achieve income targets: <ul style="list-style-type: none"> • Weddings and events across the RPM sites • Retail • Catering • Commercial filming and photography 	Income targets achieved in line with business model		
	Develop fundraising activity including: <ul style="list-style-type: none"> • Fundraising from grants and trust giving bodies and individuals • Legacy programme to be further developed • NLHF phase 2 grant submission for garden • Recruit sponsors supporters to support RP Garden works as match funding for NLHF phase 2 submission, for Booth Museums and BMAG main gallery • Applications to grant funding bodies for RP Garden project phase 2 Booth Museum and BMAG main gallery • Develop relationships with ethical businesses to support work of RPMT 	Fundraising targets achieved	Ongoing	Core

Improve environmental sustainability and resource management across the organisation	Implement sustainability action plan continuing to reduce energy consumption and minimise wastage to support a carbon neutral city and BHCC's circular economy framework, through continued implementation and monitoring RPMT's sustainability action plan and environmental policy.	Sustainability targets achieved	Ongoing	Core
Deliver learning and development plans including Workforce Development for frontline staff	Learning and development plans developed and delivered through analysis of staff needs and changes in sector.	Number of staff taking up opportunities offered	Ongoing	Core
Deliver volunteer programme	Continue to develop opportunities for volunteers including projects across the RP estate in partnership with BDBF.	Number of volunteers hours	Ongoing	Core
Ensure RPMT fulfils its sector leadership role locally, regionally and nationally	Participate in conferences, share skills, host visits from sector. Organise conferences and workshops.	Number of events attended / hosted	Ongoing	Core
Deliver agreed South East Museum Development Programme	Activity as per Museum Development Business Plan, support staff based at RPMT in delivery and personal development to deliver the plans.	Business plan delivered	Ongoing	ACE SSO
Ensure RPMT collects and shares effective data to demonstrate its social and economic impact	Develop programme of non-user research and in depth analysis in line with audience development and engagement objectives. Use ACE's quality evaluation framework to evaluate impact, benchmark and inform future activity.	Regular surveys conducted of visitors; use Audience Agency Arts Council tools for evaluation purposes	Ongoing	Core
Develop/deliver a co-operative governance model	Staff involvement in decisions through establishment of staff forum / reference group. Staff forum meetings. Staff attend as observers at key meetings including- Trust Board meetings and RPMT leadership team meetings.	Staff attendance Staff survey	Ongoing	Core
Develop and deliver an innovative programme to support workforce well being	Develop programme in collaboration with staff and other organisations.	Number of staff taking up opportunities offered Staff survey Sickness absence	Ongoing	Core

Aim 5**Ensure the organisation and its work reflects the diverse culture of contemporary society**

BHCC Plan: A city working for all; ACE strategy 2010-20 Goal - Creative Case for Diversity; ACE Strategy 2020-30: creative people – people over 75 cultural communities principle inclusivity and relevance

Objectives	Activity	Performance measures	When	Funding
Implement community engagement strategy	Deliver targeted community engagement programmes to ensure that programmes engage diverse audiences working with established advisory groups and communities. Building on work achieved through existing programmes and developing to engage all from communities with protected characteristics Ensure programmes are in line with audience development plan.	Monitor number of people engaged on site and via outreach	Ongoing	Core
Ensure the profile of the workforce and governing body reflects the diversity of the local population	Ensure Trustee recruitment practices developed encourage applications from diverse communities; Develop and Implement staff recruitment practices for the Trust to ensure diversity is achieved in workforce, supported by continuing training in equalities and diversity.	Staff profile	Ongoing	Core
	Utilise community advisory boards / panels to work with Trust to ensure community voice is embedded within decision making process.	Support existing advisory groups New community advisory panel	Ongoing	Core
Promote 'working in a museum' to a range of communities , including targeted volunteering opportunities, placements and apprenticeships/traineeships	Working with communities to ensure future opportunities are promoted to these communities.	Number of people taking up opportunities offered	Ongoing	core
Increase access to and knowledge of collections by working in collaboration with our communities, audiences and cultural partners	Continued delivery of BME and LGBTQ focussed projects and activities, community involvement in shaping collections development. Developing programmes and activities with other communities of protected characteristics.	Monitor number of visitors of protected characteristics satisfaction levels	Ongoing	Core
Delivery of Equalities Plan	Working with the access advisory group and BME Heritage Network and other groups to deliver the plan.	Monitoring delivery of the plan's actions and successes	Ongoing	Core

Key Performance Indicators 2020-21

	Key Performance Indicators 2020-21	Target
No	Visitors to the Royal Pavilion and Museums	468,000
%	Satisfaction levels of visitors to Royal Pavilion and Museums	86%
No	Children & Young People participating in formal learning activity on site	23,416
No	Website sessions for the Royal Pavilion and Museums	680,000
£	Earned income	£5.109m
No	Residents visiting Royal Pavilion and Museums	65,000

Future Annual Service Plans will report on how the services were performed compared to the Key Performance Indicators and the objectives outlined in the previous Annual Service Plan which are the same as those in the business plans which the Trust will prepare for Arts Council England.

Financial Information

Charitable and Trading Activities	2020-21 £'000	Planned Maintenance Requirement	2020-21 Year 1 £'000
Employee Related	5,209	Planned Maintenance Requirement	1,694
Premises Related	693	Professional Service Fee	169
Administration, Supplies and Services	1,236	Term and other maintenance	137
Transport Related	36		
Payment to Other Bodies	223		
Borrowing repayment towards maintenance shortfall			
Irrecoverable VAT	262		
Total Expenditure	7,659	Total Planned Maintenance Requirement	2,000
BHCC Contract Contributions	1,181	BHCC Contribution	655
External Grants	1,210	BHCC Capital Receipt	500
Donations/Fundraising**	190	Borrowing	759
Income from Charitable Activities	4,211	Additional Fundraising Requirement	87
Other Trading Income	898		
Total Income	7,690	Planned Maintenance Funding	2,001
Contribution to/(from) Unrestricted Reserves	32		
Unrestricted Reserve Level b/f*	664		
Unrestricted Reserve Level c/f	696		
Unrestricted Reserve/Expenditure	9%		
Total Reserves (excluding endowments)*	1,407		
Total Reserves/Expenditure	18%		

Fees and Charges

The fees and charges for the year 2020/2021 were agreed at the Council's Tourism, Equalities Communities and Culture Committee on 22 November 2018 In future years the proposed fees and charges will be approved by the Council as part of the Annual Service Plan.

Admission Charges		School Sessions & Guided Tours				
	Royal Pavilion	Preston Manor	Brighton Museum	School Session	Guided Tours	Booking Fees
Adult	£15.50	£7.60	£6.20	1 Hour museum workshop £4.50	Standard Guided Tour £5.20 per person	Group Booking Fees (15plus tickets) £4.50
B&H Schools	Free	Free	Free			
Child 5-18	£9.50	£4.30	£3.60	1.5 Hour museum workshop £5.00	Corporate/wedding guided tours Max 30	Individual Booking £1.70
Family 1 Adult & 2 Children	£25.00	£11.90	£9.80			
Family 2 Adult & 2 Children	£40.50	£19.50	£16.00	1.5/2hour role play £5.30	Mon-Thurs £130; Fri-Sun & BH £150	
Resident Adult	£7.75	£3.80	Free	Lunch Room hire first hour £18.00	Specialist Curator/Conservation Tour Max 20 £250	
Resident Child	Free	Free	Free			
Resident Exhibition charge	n/a	n/a	£4.20			
Functions & Wedding Hire Charges Royal Pavilion						
Great Kitchen £1,800(Mon- Thurs)	Great Kitchen £2,000 Fri-Sun &BH	Gt Kitchen & Banqueting Room £4,100 (Mon - Thurs)	Gt Kitchen & Banqueting Room £4,3500 (Fri-Sun &BH)	Music Room Mon-Thurs £2,500	Music Room (Fri-Sun & BH) £2,700	Music Room, Gt. Kitchen & Banqueting Room (Mon-Thurs) £5,500
Music Room, Gt. Kitchen & Banqueting Room (Fri-Sun&BH) £5,800	State Room Wedding Ceremony (Mon-Thurs) £3,042	State Room Wedding Ceremony(Fri-Sun &BH) £3,208	William IV Corporate Booking 4 Hour (Mon - Thurs)£950	William IV Corporate 4 Hour Booking (Fri-Sun &BH) £1,100	William IV Wedding reception4 Hour Booking (Mon-Thurs £1,125	William IV Wedding reception4 Hour Booking (Fri-Sun &BH) £1,205
William IV all day rate (8am-6pm Mon-Thurs) £1,300	William IV all day rate (8am-6pm Fri-Sun &BH) £1,500	William IV & Red Drawing Room ceremony & reception package (Mon-Thurs) £1,458	William IV & Red Drawing Room ceremony & reception package Fri-Sun &BH)£1,585	William IV & Red Drawing Room ceremony & reception package Mon-Thurs 8am-6pm) £1,600	William IV & Red Drawing Room ceremony & reception package(Fri-Sun &BH 8am-6pm)£1,900	
Adelaide Tea Rooms evening only Mon-	Adelaide Tea Rooms evening only Fri-	AdelaideTea Rooms 2 hr exclusive use	AdelaideTeaRooms2 hr exclusive use (Fri-	RP Garden half day western lawn price	RP Garden eastern lawn price	RP Garden eastern lawn event

Thurs) £1,695	Sun£2,000	Mon-Thurs)£950	Sun&BH) £1,150	on application (POA)	price on application	management (POA)
Preston Manor wedding/civil ceremony (2 hour Mon-Thurs) £679	Preston Manor wedding/civil ceremony (2 hour Fri-Sub &BH) £765	Preston Manor House drinks 2 hour reception Mon- Thurs £695	Preston Manor House drinks 2 hour reception Fri-Sun &BH £785	Preston Manor Lawns Price on Application	Brighton Museum & Art Gallery entire museum Mon-Thurs £2,900	Brighton Museum & Art Gallery entire museum Fri-Sun &BH £3,350
Brighton Museum & Art Gallery Ground Floor Mon-Thurs £1,850	Brighton Museum & Art Gallery Ground Floor Fri-Sun &BHF2,150	Brighton Museum & Art Gallery Education Pavilion, Seminar Room/Art Room 4 hour booking £150 plus stewarding costs for Education Pavilion	Brighton Museum & Art Gallery Education Pavilion, Seminar Room/Art Room 9am-5pm £250 plus stewarding costs for Education Pavilion	Court House lecture Theatre Half day rate/evening lecture Mon-Thurs £600 Court House Lecture Theatre Half day rate/evening lecture Fri-Sun & BH £690	Court House lecture Theatre all day rate 8am-6pm Mon- Thurs £1,150 Court House lecture Theatre 8am-6pm Fri-Sun & BH £1,300	

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Managing Risk

RPMT maintains a risk register that is put together with staff involvement. We assess risks in relation to all activities and undertake quarterly reviews by the leadership team and will also review with trustees.

Marketing Strategy

The objectives of the RPMT marketing is to increase the range of audiences engaging with RPM from a local, regional, national and international perspective and to inspire a greater sense of shared ownership of our unique venues, exhibitions, events and activities.

The marketing team currently undertake a wide range of activity that reflects the diversity of RPMT

Including

- Managing the promotion and marketing of all venues as individual visitor destinations and also of events and exhibitions, talks and tours associated with each venue.
- The production and project management of all promotional material across the service Including : individual site promotional leaflets and marketing campaigns, What's On leaflet, Exhibition posters, leaflets, and flyers, flags, signage sites and banners.
- Management and production of all advertising and promotions

- Managing all on-site filming and photography
- Project manage distribution of all marketing materials, with contracted distributors and internal distribution to our venues and BHCC venues, including groups promotions and advertising
- Commissioning and managing freelance marketing, PR, artist and printing contracts in association with all in house marketing campaigns
- Project managing working with outside agencies in partnership where appropriate to capitalise on publicity and promotions for RPMT
- Promoting RPMT through social and digital media, planning web campaigns, keeping website updated, planning social media campaigns, tracking and monitoring
- Promote RPMT through proactive media and public relations campaigns
- Providing images and supporting text for joint marketing campaigns

Priority focus areas for 2020/21

- Achieving admissions income targets – At Royal Pavilion investment in two campaigns; a shared rail and tube campaign with Visit Brighton & City attractions to attract tourists and day visitors to the City; a digital marketing campaign again focussed on 1hr drive time. At BMAG supporting marketing of exhibitions and key events to residents, day visitors and tourists. At Preston targeted marketing to resident families promoting new family trail.
- Travel Trade & groups – building on partnership working with SE attractions and Visit England and Visit Britain working on shared campaigns to market the city as a destination. Developing knowledge and contacts within travel trade & group market and promoting venues through e-bulletins and targeted group offers.
- Gift Aid – Effective on line and onsite messaging to convert as many customers as [possible to sign up for gift aid at point of ticket purchase
- Maximising profile of all venues in the press locally, nationally and internationally using exhibitions, events and
- Working with venue managers in the marketing of their venues, events and exhibitions
- Supporting Retail, Weddings and Functions marketing to achieve RPMT Enterprises Ltd income targets
- Promotion and supervision of promotional and income generating filming and photography across the service
- Supporting and promotion of co-curation and community engagement initiatives through supporting community led marketing campaigns, promotion of community events and programmes and profile raising of this work through press locally, regionally and in sector press
- Maintaining equality and inclusion standards across all publicity and marketing material in accordance with RPMT policy
- Maximising sustainability through careful use of suppliers, promotional methods, waste reduction and recycling

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Managing Assets

Maintenance will be carried out on the sites cared for by RPMT. We plan to implement phase 2/3 of works to the Royal Pavilion, to undertake repairs to the Porte Cochere, to carry out repairs to 4/5 Pavilion Buildings front elevation, continue Hove Museum external repairs, the current roof clearance contract will remain in place as well as works to the offsite store. RPMT will be seeking funds in addition to the capital contribution from BHCC to undertake works to Brighton Museum roof.

Collections Information 2019

Acquisitions: During 2019 there were 27 acquisitions, comprising 297 objects in total. Of these, 15 acquisitions were purchases funded by external sources, 10 were donations and three acquisitions were reclassifications of existing filed photographic negatives. The bulk of purchases were acquired through Heritage Lottery Fund's Collecting Cultures scheme and as part of the Fashioning Africa project to build on the Royal Pavilion & Museums' Designated World Art collection. The project is creating a unique collection in the UK reflecting African fashion and design 1960-2000, bringing new meaning and relevance to RPM's outstanding historic collection of African textiles.

It involves working with a community panel to identify potential acquisitions. Further information on this project can be found here: <http://podcasts.ox.ac.uk/fashioning-africa-brighton-museum>. Also of national and local significance are eight Stephen Jones hats donated to RPM by the Metropolitan Museum of Art (MMA) in New York. All the hats were specifically made for the MMA exhibition 'China: Through the Looking Glass' in 2015 by Stephen and were based on research he had undertaken at the Royal Pavilion in 2013. The hats featured in the Royal Pavilion's 'Stephen Jones Hats' exhibition 2018 -2019.

Deaccessions: In 2019, with approval from the Chair of TECC, RPM deaccessioned 13 groups of items. Of these, four groups have now left RPM premises, nine groups are still in the process of being found new homes within either accredited museums or the public domain as per current policy and Museum Association guidelines.

Loans out: In 2019 RPM loaned 25 objects from the collections to over 17 organisations across at least 20 venues (some were part of touring exhibitions). Five of these loans travelled internationally including the loan of a drawing and oil painting by Frances Hodgkins to the Auckland Art Gallery, Australia, for their exhibition 'Frances Hodgkins: Her European Journeys'. Another notable loan was *The Swans at Play* by Gaston La Touché to the National Museum of Versailles Palace for their exhibition: 'Versailles Revival, 1867-1937'. Artworks were also lent to regional museums including Penlee House in Penzance and Pallant House Gallery in Chichester. The Embassy Court kitchen was returned to Embassy Court in Brighton, and some Archaeological material from Bishopstone for research purposes.

Loans in: During 2019 the RPM received loans from 30 organisations. A notable loan was from Her Majesty the Queen now on display at the Royal Pavilion which is the culmination of collaboration between the Royal Collection Trust and RPM with over 120 decorative works of art that were originally commissioned by the Prince Regent being relocated from Buckingham Palace and re-united in their original setting at the Royal Pavilion.

Highlights of 2019-20

A Prince's Treasure: A Royal Collection display which opened in the Royal Pavilion on 21 September. The display includes over 123 items, principally from the East Wing at Buckingham Palace, being returned to the Royal Pavilion for the first time in over 170 years.

A Prince's Treasure



The Kylin Clock and a pair of Chinoiserie Candelabras installed



Installing the ceramic pagodas in the Music Room

on the Saloon mantelpiece

Christmas at the Royal Pavilion: From 16 November to 2 January the Royal Pavilion was decorated for Christmas with schemes inspired by the building and its décor. This year the scheme has been adapted to work with the ‘A Prince’s Treasure’ exhibition. Highlights include a 16ft-tree in the Great Kitchen decorated with copper spoons and pans reflecting the collection of Duke of Wellington’s copperware on display. A replica of Queen Victoria’s 1845 sleigh, where visitors could dress up and have their photo taken to the sound of traditional music. This was very popular with visitors taking and sharing their own photographs.



Christmas at the Royal Pavilion



The Elaine Evans Archaeology Gallery: Opened in Brighton Museum in January 2019 and has received great visitor feedback. We have received lots of positive praise from schools that visit for learning workshops: “The gallery was carefully laid out and showed chronology of time periods very clearly. There were clear, child friendly captions, excellent display cabinets and fascinating explanatory films. The workshops were inclusive and experiential learning for the children. The staff created creative learning experiences that inspired children and staff. Staff found useful resources to take back to the classroom and this will drive and inform the children's learning. The children loved the detective work and working out what was in the open boxes. These provided excellent speaking, listening and extending vocabulary experiences. Both staff and children were inspired from their visit, especially as they were able to relate to places they knew. The Whitehawk woman is now central to the learning journey in Year 3 and Year 4. The learning at the museum has inspired many of our children in their history and cross curricular learning. One child applied their new knowledge about the Whitehawk causeway in one of his independent narratives in English. Since their visit to the museum lots of the children have been inspired to make tools and posters in their independent home learning”.



The Elaine Evans Gallery

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'Floating Worlds' Japanese Woodcuts: An exhibition at Brighton Museum invited visitors to explore the 'floating worlds' of Japan through woodblock prints from the Edo period. Guided by haiku poetry the display offered the visitor a journey from the city of Edo to the countryside and mountains of rural Japan. The exhibition was accompanied by a programme of mindful and wellbeing events including meditation, yoga, calligraphy workshops and tai chi, alongside tours and talks. The visitor survey report showed 93% of visitors said the exhibition was good or excellent, 66% describe their visit as calming, 39% as mindful, and 80% agree that visiting the exhibition had impacted positively on their wellbeing.

Dying to Survive discovery day: This event at the Booth Museum attracted over 400 children and adults to engage with our collections, learn about how animals survive through the winter, hear about animals facing extinction, imagine a vision of the future countryside with the Brighton re-wilding group and find out about local projects to protect and restore the marine environment around Brighton. It was delivered by museum staff and volunteers in collaboration with Brighton Dolphin Project, Wild Futures & Site-Eye 3 D films. Feedback about what was liked about the event included:

"Everything, kids having fun with hands on activities, the wide variety of new information"

"So many tables with interesting things on and teachers/experts to explain them and interact with kids, hands-on activities"

"Very inclusive and well organised...and very interesting!"



Dying to Survive Discovery Day

Escape! Mystery at the Manor': A puzzle-solving immersive journey through the house at Preston Manor devised in partnership with a local specialist company, Pier Pressure. 791 people participated in over 150 timed slots in 8 days. The programme attracted a high numbers of participants who confirmed that this was their first visit to Preston Manor. Feedback included:

"The set-up of the Manor was an awesome twist on the standard escape room experience and was executed so well"

"Our guide was fantastic and the puzzles and story were well-written"

"So immersive, and it was cool being able to interact with the items, our host and move around the space".



"Escape! Mystery at the Manor"

The first **Museum Mentors** workshops started in September at Hove Museum . The course at Hove currently has 10 members. The Museum Mentors project, already running at Brighton Museum, supports up to 30 adults, individuals identified as being vulnerable or having specific support needs. Members often experience social isolation. The project aims to promote diversity, give value, opportunity, choice and independence to all involved. Members have been supported to access a huge range of opportunities within Royal Pavilion and Museums. Studies of collections & objects prove a great source of inspiration & motivation for all involved.

Community engagement

RPM works regularly with a BME Heritage Network, the Museum Collective (a group of young people who meet regularly at Brighton Museum) and an access advisory group. During 2019 RPM has been working with Rocket Artists (an inclusive group of visual and performance artists who challenge barriers around art, inclusion, diversity, learning and communication who work collaboratively with students on the MA Inclusive Arts course at Brighton University), and an MA Inclusive Arts graduate to create a pre visit access film for Brighton Museum & Art Gallery. The film is to support visitors who can find visiting new places stressful, by giving them access to images and information. The service also hosted an open meeting with members of the deaf community to look at what the community would like us to provide at Brighton Museum & Art Gallery for deaf visitors. Following consultation with the LGBTIQ+ community in 2015, we created the 'Be Bold' strand of community led work. The Museum of Transology was the first exhibition to come from this new way of working. Since 2018 we have been working with community partners to create the next LGBTIQ+ exhibition 'Queer the Pier' which opens in 2020. In 2019 RPM's BME Heritage Network received funding from the Ministry of Housing Communities and Local Government to celebrate Windrush Day 2019. A group of network members 'The Windrush Makers' devised and delivered a programme of events.

Partnership working

The service RPM Teacher Ambassador Team (currently comprising one secondary, three Key Stage 2, one Key Stage 1 and one SEND) worked in partnership with us to develop our school offer. Together we worked designing the Archaeology Gallery, designing the new Stone Age and Roman learning sessions, ideas for new Royal Pavilion school tours, new Hove school sessions and redesigning the phone call prompts made to visiting SEND schools to ensure they get all the information needed in order to devise sessions for the children. They will also be working with RPM on the Booth gallery development. . RPM has continued to work in partnership with the Heritage Learning Network to improve the offer of heritage organisations in the city to schools. The 'Creative Industries' work experience offer to schools in in partnership with Brighton Dome and Festival, Fabrica and Same Sky.

As a partner in the '*Making African Connections: Decolonial futures for Colonial Collection*' project (2019-21) led by the University of Sussex, RPM is working with partners in Botswana and with members of African diaspora communities in the South East. Collections knowledge generated through these partnerships is being added to the objects catalogue records and to a digital archive. The projects were cited as an example of good practice in the Museums Association 2019 report 'Empowering Collections'.

The volunteering programme includes partnerships with the university and community development organisations. 'Garden Greeters' are also a partnership project.

Environmental performance

The RPM's sustainability action plan is submitted annually as part of the agreement with the Arts Council funding agreement, examples of work to date include: LED lights are installed when suitable; the number of hours lighting per day per site have been reduced up to three hours; switched to using 100% recycled paper and reduced print runs to avoid waste and try to move information to online channels.

We continue to garden organically. Recent shows have reused up to 50% of existing stock. Consideration is given to the environmental impact when discussing overseas loans. We ensure sustainable collections development when considering new loans or acquisitions the retail team has continued to work on sourcing products that are sustainable and ethically sourced. Learning and researching is critical in moving retail forward to ensure commitment to environmental impact is minimised. 70% of stock at Booth Museum is now sustainable and the aim is to replicate this across all retail outlets. We're increasing amount of stock produced in-house and by local traders to improve sustainability, footprint and Fairtrade issues.

What our customers say about us

Using data taken from all sites from April to September 2019, 87% of visitors over 16 years old rated their visit as excellent or good compared with 86% for the whole of 2018/19 and against a target of 86% for 2019/20. Compliments are wide ranging and include positive comments about staff including that they are very engaging, pleasant and helpful. There are many comments relating to Royal Pavilion visits being fantastic and informative and that Brighton Museum is an absolutely wonderful museum. Feedback which is helping to inform our work going forward, surround the possible need for a café at Brighton Museum and that more information is needed at the sites to explain the stories. The photography policy in the Royal Pavilion has recently changed to reflect visitor feedback.

RPM has attracted a range of high-profile coverage in the press and media in 2019. In January the new 'Elaine Evans Archaeology Gallery' was featured in National Geographic magazine as well as the Daily Mail and the Mirror creating an exciting buzz around the new addition to Brighton Museum. In February 'Stephen Jones Hats' at the Royal Pavilion was covered in both national and international press and media ranging from the Daily Telegraph to Vogue and Italian Elle as well as TV coverage and Radio BBC4. The Royal Collection Trust loan in September was featured in a four page spread in the Daily Mail Weekend magazine and also captured a variety of press such as the Art Newspaper, local publications and BBC History Revealed. In December, The Telegraph featured the Christmas tree in the kitchen in the Royal Pavilion, and the Booth Museum scooped a series of local press coverage following the use of a stuffed hare from the collection as inspiration for a CGI character in the BBC hit show 'His Dark Materials'. The Royal Pavilion saloon which was restored to its original design in 2018, won a prestigious architectural award from the Georgian Group in 2019.

Short Equality Impact and Outcome Assessment (EIA) Template - 2018

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users. They analyse how all our work as a council might impact differently on different groups. They help us make good decisions and evidence how we have reached these decisions.

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed.

Title of EIA	Royal Pavilion and Museums – transfer to Trust	ID No.	EEC06
Department	RPM, Environment, Economy and Culture Directorate. (Janita Bagshawe, Head of RPM, ext 2840)		
Focus of EIA	<p>Governance - The service is being transferred out of direct council control, on a 25 year contract, to the RPM Trust, formerly the RPM Foundation. The Trust has commissioned a review of its governance, including its commitments to equality, diversity and inclusion. This will be reflected in the recruitment of a new body of Trustees. It will also inform the development of a Community Advisory Panel (CAP) made up from representatives of RPM's community groups such as the Access Advisory Group, Youth Forum, BME Heritage Network and LGBTQ Network.</p> <p>Staff will transfer on their current terms and conditions, and the new employer will contractually ensure that equal pay and conditions compared to their council colleagues will continue – this ends the 'two-tier workforce' and ensures equal pension entitlement for all employees.</p> <p>Service users/customers No changes proposed. The service will take the opportunity of the move to Trust status to review how it monitors and build on its approach to equalities and inclusion, for its staff and its customers.</p> <p>Systems - The new ICT system will be compatible with equalities standards for accessibility. It will continue to record data that will enable the Trust to demonstrate its compliance with its equalities duties.</p>		

Assessment of overall impacts and any further recommendations

Overall impacts and notes:

Impact on Staff:

- The objective of the transfer is to secure a more sustainable future for the service over the next 20-30 years.
- Staff currently have access to council forums (women's; Disabled; LGBT; BME) and are represented by the council's recognised Unions. Recognition and union facilities for staff will continue with their new employer, the RPM Trust. GMB and UNISON are represented at Board level at all stages of the move to Trust. Staff have been, and will be, involved at every stage using a co-operative approach, with staff/Trustees/managers working together. There will be staff representatives involved in recruiting new Trustees, and there will be an observer slot for staff on both the Board of Trustees and Leadership Team. There are, and will continue to be, regular staff briefings and an open door policy to the Head of Service and other managers. RPM already has a BME Heritage Network with strong links to the BME communities that can be easily expanded to involve more staff; RPM has an LGBTQ Network that already involves staff; RPM has an Access Advisory Group made up of disabled consultants that advise on access and equalities; RPM's lead for Equalities and Health & Wellbeing will be exploring with staff what needs there may be regarding the setting up of forums and networks related to specific protected characteristics.
- No two tier workforce - The contract between the council and the RPM Trust will commit both sides to ensuring equal pay and conditions for new staff, and no worse pay and conditions compared to council colleagues (as represented through the National Joint Council). Aside from contractual employment policies which are covered by TUPE and by the two-tier protections above, staff will be engaged in the process of identifying non-contractual employment policies which they might want to see in place for the RPM Trust.
- Pensions – All existing staff signed up to the Local Government Pension Scheme (LGPS) will continue to access this with no change, and the LGPS will continue to be available to new staff joining the service.

Impact on service users:

- RPM works to ensure that its services are responsive and accessible to a range of communities in the city through the implementation of its Community Engagement Strategy and Equalities Action Plan. No changes (e.g. to concessionary pricing) are proposed as part of this transfer to Trust and continuing compliance with the equalities duty will be incorporated into the contract, and monitored by council staff. Fees and charges proposals include a section on Equalities which considers the balance between income generation and access. A charity group rate is offered. Resident adults are offered half price admission at Preston Manor and the Royal Pavilion and free admission at Brighton Museum. All resident children enjoy free admission at all sites. Brighton and Hove schools don't pay admission. All students of the City's universities or higher education colleges are eligible for admission at Resident rate regardless of whether their residence is within the City. The Royal Pavilion has an Annual free day and Brighton Museum hosts monthly free community days. Those that access RPM via the community engagement programme do not incur entrance fees for the duration of their time working with us; e.g. the development of new galleries, specific projects such as Museum Mentors, youth engagement, early years, etc, therefore many of those priority groups are able to access RPM without incurring any cost. All volunteers have free entry to RPM sites.
- To the extent that the transfer permits the Trust to raise additional funds, access to the buildings and the collection could be

improved for all.

Governance:

- An independent review of the governance of the Trust has ensured that equalities and diversity principles are reflected in the composition of the Board of Trustees. Staff were involved in the Trustee recruitment process. Equality, Diversity & Inclusion will be led by the Trustees ensuring that agreed delivery plans and the Manifesto are embedded at all levels of the organisation. There will be a Trustee rep responsible specifically for Equality, Diversity and Inclusion, linking to the Arts Council's Creative Case for Diversity.
- A Community Advisory Panel (CAP) is being established to work alongside the Board of Trustees. The CAP will be made up from representatives of RPM's networks and groups established with local communities. This includes the BME Heritage Network, the LGBTQ Network, the Museum Collective (youth forum) and the Access Advisory Group (disabled consultants). This will ensure greater diversity in governance and decision making and a greater diversity in skills, knowledge and experience, particularly lived experience and 'grass roots' knowledge.
- In addition, the council retains responsibility for the management of the contract with the Trust, and through that, oversight of the Equalities Duty. Three councillors will serve on the governing Board.

ICT systems:

- New systems will largely be 'off-the shelf' products which already comply with international accessibility standards for the staff that will use them. There are no changes proposed to the information on staff and service users, so the Trust will continue to have the capability to monitor its compliance with its equalities duties.

Potential issues	Mitigating actions
<ul style="list-style-type: none">• Impact on staff• Impact on service users• Governance	<ul style="list-style-type: none">• Staff reps on the Board and HR Working group. Comms and Engagement Plan produced, and regular engagement opportunities in place through a range of means. Ensures all staff can hold management to account and have their voice heard, in addition to formal TUPE processes.• No changes are proposed to the services, but equalities and inclusion will be written into the contract, and monitored.• Governance – specific review, explicitly including a focus on diversity and inclusion, including the establishment of a Community Advisory Panel to ensure greater diversity, with reference to lived experience and grass roots knowledge.. 20% of Trustees will be elected members of the council.
Actions planned	
<i>This EIA will be presented to the P&R Committee on 5 December 2019.</i>	

EIA sign-off:

Person completing the EIA: Steve Foster

Date: 18 November 2019

CCG or BHCC Equality lead: Anna Spragg

Date: 18 November 2019

Subject:	Royal Pavilion & Museums – Transfer to RPM Trust	
Date of Meeting:	5 December 2019	
Report of:	Executive Director, Economy, Environment & Culture	
Contact Officer: Name:	Nick Hibberd	01273 293756
	Email:	nick.hibberd@brighton-hove.gov.uk
Ward(s) affected:	(All Wards);	

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Council budgets are under severe pressure and with the requirement for ongoing savings, it is more important than ever to ensure our culture and heritage are supported with enough resources for future generations to enjoy.
- 1.2 The purpose of moving the Royal Pavilion & Museums service to the Royal Pavilion and Museums Trust (RPM Trust) is to enable our museums services to be sustainable, resilient and able to deliver the current high standards for residents and visitors over the long term. We have a unique and highly-regarded museums service delivered by a dedicated professional team of people who are key to its future success.
- 1.3 Following an independent, detailed evaluation of the options, the Policy Resources & Growth Committee agreed in October 2018 to transfer the Royal Pavilion & Museums services to a standalone trust, on a 25 year contract. It was subsequently agreed at Policy & Resources Committee (P&R) that the preferred route was to develop the trust out of the existing Royal Pavilion and Museums Foundation - a long-established and successful fundraising charity supporting the service. The Foundation has since changed its name to the Royal Pavilion and Museums Trust (RPM Trust).
- 1.4 The strong track record of the RPM Trust will provide a sound basis for building on the successes of our museums service and our internationally-recognised collections and buildings such as the Royal Pavilion. The RPM Trust will be able to access new charitable income streams and operate outside of the constraints of annual local government budget setting.
- 1.5 This report notes the financial model that sustains the RPM Trust's delivery of the services; updates on the commitments made to staff; and seeks approval for the works required to the Brighton Museum and Art Gallery roof.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Approves the legal agreements (the Services Contract and the Transfer Agreement) which will be put in place between the Council and the RPM Trust, and delegates authority to the Executive Director Economy, Environment & Culture to make minor amendments to the legal agreements and to make material amendments in consultation with group leaders;
- 2.2 Delegates authority to the Executive Director Economy, Environment & Culture to appoint 3 members to the board of the RPM Trust as nominated by the leaders of the three political groups;
- 2.3 Agrees that the Royal Pavilion & Museums service will transfer to the Royal Pavilion & Museums Trust on 1 April 2020;
- 2.4 Agrees that leasing the buildings to the RPM Trust will help to secure the promotion and improvement of the economic and social well-being of the area and that the Council should enter into leases based on the appended heads of terms (Appendix 6) and delegates authority to the Executive Director Economy, Environment & Culture to agree the final terms of those leases;
- 2.5 Delegates authority to take any other steps necessary to implement the transfer of the service to RPM Trust in consultation with group leaders;
- 2.6 Agrees to the Trust joining the Local Government Pension Scheme (LGPS) as an admitted body on an 'open' scheme basis.
- 2.7 Approves the amended IPR Policy appended to the Collection Schedule (Appendix 4);
- 2.8 Approves the proposal for the Council to carry out works to the roof of the Brighton Museum and Art Gallery and authorises the Executive Director, Environment & Culture to commence any procurements necessary to complete these works and agrees to a capital budget of £1.260m being included in the council's Capital Investment Programme;
- 2.9 Approves the indicative fee of £1.181m reducing to £0.691m per year for the fee term 1 April 2020 to 31 March 2025 subject to approval at Annual Budget Council in February; and
- 2.10 Agrees to make a cash flow facility of up to £0.500m available to the RPM Trust within the first five years of operation and to delegate authority to the Executive Director, Environment & Culture and the Executive Director, Finance & Resources to agree the terms and repayment period if called upon.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The P&R committee in October formally agreed the in-principle decision taken at the Tourism, Development & Culture Committee that the RPM service should transfer to the RPM Trust.

3.2 RPM Trust Governance

Articles

- 3.2.1 The formal legal structure of the Trust is a company limited by guarantee. At the Council's request the Trust agreed to amend its Articles of Association so that the Council will be a member of the company. The Articles give the Council the ability to veto any changes to the Charity's Articles or its name. The changes to the Articles will also mean that the Council will be able to nominate three Members to its board.
- 3.2.2 When the Council needs to attend a general meeting of the company and vote on resolutions, Policy & Resources will need to make the decision in advance and delegate to an officer so that that officer can attend the meeting and vote in accordance with the decision of Policy & Resources.

Trustees

- 3.2.3 The Trust Board will consist of 16 trustees including three Members. Recruitment for new trustees and a Chair took place in November and the Board now has a diverse membership with the range of skills and knowledge required to manage the RPM Trust.
- 3.2.4 The Members who are nominated to the Board will formally take up their positions on the date the service transfers to the Trust, when the Articles will be changed, and in the meantime, strong informal links will be established with the Board and stakeholders.

Four Tests

- 3.2.5 The October 2018 Policy, Resources & Growth committee report set out the following four tests that the service would need to resolve before officers could be satisfied that the project could proceed to implementation:
- 3.2.6 '*The income generation projections need to be fully modelled and a financial strategy developed to manage the uncertainty around future income to ensure the future model is capable of achieving a surplus position*'.
The Finance Working group has carefully and rigorously modelled the first five years of Trust operation (a summary is set out as Appendix 1). Trustees have had the model independently validated. Transferring the service to a charitable company has quantifiable short-term costs but gives potentially substantial financial advantages in the medium and longer term.
- 3.2.7 '*That the independent charity would need to have the leadership capacity, skills and appropriate structure to manage a museum service*'.
The RPM Trust's review and implementation of new governance arrangements demonstrates how this test is to be satisfied. The management structure is being strengthened by the recruitment of an additional senior finance post. A sole-purpose charitable trust whose primary function is to deliver the RPM service gives the greatest focus on stewardship of the very significant heritage assets in Royal Pavilion & Museum's portfolio.

3.2.8 '*That stakeholders and funders (especially Arts Council England) need to have confidence in the arrangements*'.

Art's Council England (ACE) meets monthly with officers and makes no objection to transferring the service to the RPM Trust under the current proposals. The Charity Commission will also need to approve the proposed governance arrangements.

3.2.9 '*That any proposed trustees would need to be confident that the terms on which the service contract would be offered provide a viable model*'.

The RPM Trust's trustees are engaged with the work of the Joint Project Board which gives them the opportunity to raise concerns about the transition. They are also carrying out their own due diligence exercise so that they are confident that they understand all the costs and risks of the service and to ensure that they can enter into the arrangements with confidence that they will be able to deliver the service with the funding available. The Trust have had the financial model independently validated.

3.3 Legal work

3.3.1 The relationship between the Council and the Trust is set out in the Services Contract (see Appendix 3). This document is very close to being finalised but the parties are still in discussions about some aspects of it and other non-material changes may be required prior to the transfer. The key terms of the Services Contract are set out in summary at Appendix 2. The Council will consider the Trust's Annual Service Plan, at it's the Tourism, Equality, Communities and Culture Committee in January 2020 and every subsequent January for the remainder of the term of the Services Contract. The terms on which the collection will be loaned to the RPM Trust are set out in a schedule to the Services Contract (this is currently a separate document but will ultimately form part of the Services Contract).

3.3.2 The heads of terms for the leases are attached at Appendix 6.

3.3.3 It is likely that the Council and the Trust will also need the following agreements:

- A back office support services agreement which sets out the terms on which the Council will provide HR, financial and other services to the Trust, along the model of current provision to existing third parties (schools, South Downs National Park).
- A pensions admission agreement (and associated documents), open to all staff and with a fixed contribution rate for the Trust.
- A loan agreement (if the Council makes cash flow available to the Trust).

3.4 Finance / Pensions

3.4.1 The Finance working group aims to develop a financial model that is sustainable over the long term, that maximises the benefits of Trust status, and which gives the council and Trustees confidence in the financial viability of the contract. A summary of the Model was provided to the Committee in October, which was presented to Directors through their Corporate Modernisation Delivery Board, and to RPM's existing Trustees, who have had the model independently

validated. The financial model, summarised at Appendix 1, has been updated from that reported to Committee in October for the proposed funding of the Museum and Art Gallery capital works, as well as to reflect the RPM Trust operating an ‘open’ admitted pension scheme.

- 3.4.2 A five year cash flow forecast has been produced as part of the financial modelling which suggest that the Trust should have sufficient availability of cash to fund its operations on a day to day basis. However, due to the risks associated to some of income sources of the Trust, it is recommended that a cash flow facility of up to £0.500m be made available by the council to the Trust for a period of 5 years in the event of temporary cash flow issues.
- 3.4.3 It is anticipated that the Trust will join the Local Government Pension Scheme (LGPS) as an admitted body on transfer. The pension scheme actuaries have reported on the pension position for the Trust based on known conditions and staff membership for both an ‘open’ and ‘closed’ admission arrangement, and provided estimates for contribution rates for both types of scheme. The offer of a closed scheme would mean the Trust would provide an alternative pension scheme for new employees, weakening the commitment to avoid a two-tier workforce. The financial model has been amended to reflect the RPM Trust operating an ‘open’ scheme,
- 3.4.4 An open scheme would allow “new entrants” to join the LGPS in the future, i.e. in addition to the transferring staff, and therefore, the overall membership may increase in future years. This type of scheme would have a lower contribution rate (to the employer) because there will be greater contributions coming in from both the employer and employees in respect of new employees enrolled into the scheme. This effectively provides greater cash flows to the pension fund with which to generate investment returns before pensions become payable. However, over the longer term, the total employer costs of the scheme are significantly higher compared to a ‘closed’ scheme.
- 3.4.5 This report is recommending that the Committee approve the open pension scheme due to the non-financial considerations, particularly relating to maintaining similar conditions for all employees and maintaining stability of Trust employment relative to the council as Awarding Authority. When considering this recommendation, the Committee should note the impact on the financial model and potential additional cost to the council in supporting this option. More information is provided on this as part of the financial implications.
- 3.4.6 The council is currently seeking clarification on whether the Trust can become an admitted body on a pass-through arrangement, the key principles of which are summarised below.
 - The letting authority retains the key pension risks associated with the outsourcing. This means that any pension surplus or deficit generated during the contract is retained by the authority. The contractor ‘walks away’ from the Fund on exit without paying any deficit or receiving any surplus.
 - The contractor pays a contribution rate that is agreed in advance with the letting authority which applies during the full period of the contract. Typically the contribution rate is either fixed at a certain percentage of

pay, or is linked by pooling to the ongoing contribution rate payable by the letting authority.

- The contractor is normally liable for any pension costs that arise due to items over which it exerts full control e.g. excessive pay increases, or redundancy programmes where the staff involved receive enhanced pensions on early retirement. If this type of arrangement is not granted by East Sussex Pension Fund, then the Trust would be at risk of potentially large increases in employer contribution rates if the pension fund does not perform as anticipated.

3.5 Staffing and HR

- 3.5.1 There has been a significant amount of engagement with staff throughout the process, attempting to give all staff an opportunity to engage, regardless of their working pattern.
- 3.5.2 Further staff engagement is planned as part of the TUPE process, subject to the outcome of this Committee. This will include one-to-one meetings with staff, and the opportunity to meet with the new employer.
- 3.5.3 Both parties will consult with staff independently. Closer to the point of transfer there may also be benefit in having a joint meeting where managers and HR from both the Council and the Trust are present to discuss issues and answer questions from staff.
- 3.5.4 In addition to keeping the local government pension scheme open to all, the Services Contract includes commitments to 'no worse' pay and conditions in order to avoid a 'two tier' workforce. New staff will be appointed on NJC terms and conditions.

3.6 Property

- 3.6.1 A building maintenance strategy sets out where the various maintenance budgets sit now and then under the Trust. This has been agreed and aims to maximise the financial benefit to the Trust. Detailed condition surveys have been completed setting out the repair and maintenance priorities for each building. The council will retain its right to carry out repairs, but the obligation to maintain, repair and meet statutory compliance duties will sit with the Trust, which will become the responsible body for the safe management and operation of the buildings. A five-year and annual programme of planned maintenance works will be agreed between the Trust and the council.
- 3.6.2 In October, P&R agreed the reallocation of capital funds allocated to the Royal Pavilion as part of the RP Estate works to Brighton Museum & Art Gallery to support the repairs required to the roof as identified in condition surveys. The total project cost is estimated to be £1.259m. It has also been recommended that these repairs need to take place in the next year. It is recommended that the Council undertakes these works as the Council is not liable to pay VAT.
- 3.6.3 The Heads of Terms for the leases are attached. The Council is leasing the properties at an undervalue. However this undervalue is less than £2m in each case so the disposals are permitted (see legal implications). The disposals will

help to secure the promotion or improvement of the economic, social or environmental well-being of its area for the reasons set out in this report (and previous reports relating to this transfer).

3.7 ICT systems & Information Governance

- 3.7.1 Following the transfer of the service the RPM Trust will run its own ICT systems and Information Governance independent of the council (although access to HR and financial systems may be temporarily maintained for a smooth transition). On the Trust's behalf, the council has commissioned an ICT consultant who is advising on the design and delivery of the new ICT systems including new hardware, hosting, internet connectivity, telephony, antivirus, security, Office 365, software licencing, business continuity, backup and support.
- 3.7.2 The initial investigation by the council and the Trust's consultant has identified the need to address some historic weaknesses in the ageing underlying infrastructure. This is not unique to the RPM service. Funding to renew this infrastructure is being identified so that the ICT service can be transferred with resilient foundations.

3.8 Support Services

- 3.8.1 The RPM Trust will buy HR and Financial services from BHCC in the short term. A separate Back Office Services agreement is being drafted as the requirements become clearer, similar to the arrangements the council already has with schools or with the South Downs National Park Authority.
- 3.8.2 The Trust is procuring its own ICT support.
- 3.8.3 At this stage, it is felt unlikely that the Trust would require any other services, but other services modelled on the current offer to schools (H&S; Safeguarding; Learning and Development) are being explored.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Previous options considered and rejected by this Committee included retaining the service in-house; transferring the service to the Brighton Dome and Festival Ltd; or creating a new Trust from scratch.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Arts Council England as a major funder and stakeholder has been kept updated during the process, and monthly meetings take place between RPM managers and the Arts Council. Their concern has been to ensure the focus is on the high quality delivery to the public of the funded activity programme during any change process, to have a properly resourced and skilled team, to address the actions needed to continue to meet the accreditation standard, and to ensure the service, which is of national importance, has a sustainable future. As applications for the next round of national portfolio organisation grants will commence in July 2020 it is important that the move to Trust to ensure this sustainable future has taken place prior to the commencement of the grant application process.

- 5.2 The GMB and UNISON Trade Unions attend the Joint Project Board to ensure that issues that relate to staff are considered. Union ballots in October 2018 showed the majority of staff were in favour of the move to RPM Trust.
- 5.3 To support the service during 2019-20 the Arts Council requested the establishment of a Museums Advisory Group. Two reports were presented and agreed at TDC (January and March 2019) outlining the role and composition of the Advisory Group, which includes, for example, independent senior level expertise in relation to collections, historic buildings and programming.
- 5.4 As key stakeholders, the confidence of staff in the proposals is of key importance. Regular Communication updates are being provided to the Royal Pavilion & Museums staff as the project progresses and formal consultation with staff and trade unions under the TUPE regulations will take place during the next phase of the project.

6. CONCLUSION

- 6.1 As Council budgets come under increasing pressure, it has been necessary to look at ways to maintain a high quality service, and to protect and conserve and utilise the sites and collections for public benefit in the longer term, whilst meeting necessary savings targets. It is recognised that there are greater opportunities to raise income in the charitable sector and therefore secure the long term sustainability of the city's heritage and museum assets and develop more services and programmes to ensure they continue to contribute to the city's priorities.
- 6.2 Trust status provides opportunities to increase income such as through gift aid on admissions donations, as well as through greater fundraising opportunities to protect the fabric of the buildings and heritage assets. This will help to offset reductions in council financial contributions. The ambition is for the service to support the delivery of key city priorities through more exhibitions and changes to displays as well as the completion of the Royal Pavilion Estate improvements to attract visitors to the sites, and therefore to the city, to support the visitor economy.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

- 7.1.1 A detailed five-year financial model has been developed to identify the likely financial implications of the proposed transfer of the RPM service to a charitable trust. Consistent with previous modelling, the latest financial model suggests that there are favourable financial implications in the medium to long term from a transfer to trust compared to the service remaining under control of the council. A summary of the financial model has been provided at Appendix 1, which includes comments on some of the key assumptions made. The financial model's viability has been independent validated on behalf of the Royal Pavilion and Museums Trust.

- 7.1.2 The financial modelling suggests that the net financial benefit of moving to a charitable trust would maximise future budget savings to the council, however one-off funding to support initial setup and transition would be required in the short term. It should be noted that the short term additional funding is partly due to an increased annual financial contribution to the planned maintenance of the RPM estate. This additional funding would be required under both in-house and transfer to trust scenarios to meet maintenance requirements identified in the completed condition surveys. The anticipated impact on council budgets over the first five years of operation are provided in the table below:

Impact on Council Budgets					
	Year 1 £'000	Year 2 £'000	Year 3 £'000	Year 4 £'000	Year 5 £'000
Contribution to Charitable Activities	1,181	1,119	1,065	734	691
Contribution to Planned Maintenance	655	669	684	684	684
Funding of Museum roof works	1,259	0	0	0	0
Borrowing Repayment	0	60	60	60	60
Total Council Contributions	3,095	1,848	1,809	1,478	1,435
Funded From:					
Direct Service Revenue Budget	1,161	1,184	1,208	1,232	1,257
Planned Maintenance Budgets	481	491	500	510	521
BHCC Capital Receipt	500	0	0	0	0
Borrowing	759	0	0	0	0
Contributions (to)/from Reserves	194	173	101	(264)	(204)
Total Funding	3,095	1,848	1,809	1,478	1,574
Remaining Budget Deficit / (Surplus)	0	0	0	0	(139)

- 7.1.3 The table above identifies that budget savings will be achievable from year five once initial funding from reserves have been repaid. It is likely the annual savings after the initial five year funding period will increase as the RPM Trust becomes more financially independent. In addition to the financial implications in the table above, the transfer to RPM Trust will enable savings to be made by the council's various support services due to the Trust buying into these services, or reduced activity should the RPM Trust procure these services from elsewhere.
- 7.1.4 Previous financial modelling of the RPM Trust has been based on the adoption of a closed pension scheme (3.4 above), as this is the most financially advantageous and seen as a key driver in the council generating budget savings. High level calculations comparing an open and closed scheme have been carried out to determine the longer term financial implications of each scheme. Modelling of both schemes suggest that there could be an adverse financial impact of £0.231m over the first five year period should an open scheme be approved. Depending on a number of variables, it is estimated that the financial difference could range between £0.790m to £1.670m over a ten year period. This is because a new scheme would be likely to have an employer contribution rate of between 5% and 10% and savings would therefore accrue as LGPS staff leave the service to be replaced by new employees on the new scheme (at a comparatively lower employer contribution rate). Over time, this

annual variance increases as members leave the LGPS. The anticipated variance continues to increase each year beyond year 10 modelled above. The decision to operate an 'open scheme will therefore have an impact on the availability of funds the Trust holds and/or contributions required from the council and subsequent potential savings in the longer term.

- 7.1.6 The report seeks approval to a capital budget of £1.260m being included in the council's capital investment programme to carry out works to the roof of the Brighton Museum and Art Gallery. These works will be funded from a combination of capital receipts (£0.500m) and council borrowing (£0.760m). The capital receipts will be reallocated from £1.000m of capital receipts funds previously earmarked for the Royal Pavilion Estate capital programme. The council borrowing will be repaid over a period of 20 years, which has been assumed in financial model.
- 7.1.7 The report seeks agreement to make a cash flow facility of up to £0.500m available to the RPM Trust within the first five years of operation. As mentioned in the body of the report, a five year cash flow forecast has been produced and mitigations will be in place to reduce the risk the RPM Trust having cash flow issues. However, due to the potential risk associated to some of the Trusts income sources, it has been deemed appropriate and prudent to make a cash flow facility available to the Trust should it be required to meet temporary cash flow commitments. Any facility will be subject to Executive Director, Environment & Culture and the Section 151 Chief Finance Officer's approval and based on an assessment of the RPM Trust cash flow requirements linked to its business plan. If called upon, the facility will be managed by the council as part of its cash flow management.
- 7.1.8 It should be noted that, in accordance with the proposed legal agreements, the council will act as funder of last resort should the RPM Trust become insolvent to ensure continuity of the service and to meet pension fund obligations. The terms of the various legal agreements and current due diligence and independent validation processes will ensure that financial risks are minimised, and termination clauses will be in place to mitigate against this risk.

Finance Officer Consulted: Steven Bedford

Date: 25/11/2019

7.2 Legal Implications:

- 7.2.1 The RPM Trust is company which is limited by guarantee. The Trust is in the process of becoming registered with the Charity Commission. Its members are currently its directors (known as its trustees). Once the Articles are amended the Council will also be a member of the company. The company will have a board of 16 trustees, of whom 3 will be members of the Council. The Council cannot have greater representation than this without the company becoming 'a local authority influenced company' for the purpose of S68 of the Local Government and Housing Act 1989 which would have implications for the Council's accounting framework.
- 7.2.2 To comply with Charity Commission guidance, Members who are nominated to sit on the Board need to be aware that they will not be able to take part in

decisions the RPM Trust board takes which relate to the RPM Trust's contract with the Council.

- 7.2.3 The legal implications relating to the procurement and state aid risks were set out in the report to PRG committee in October 2018. Leading Counsel has advised and concluded that the risk that there is legal challenge to the Council directly awarding a contract (i.e. without undertaking a procurement) is low. He also confirmed that entering into a contract with a charitable trust will not amount to state aid.
- 7.2.4 The council is under an obligation when leasing its buildings to achieve the best consideration reasonably obtainable (s123 Local Government Act 1972). However the Secretary of State has issued a general consent: Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 which allows the Council to dispose of land for less than best consideration provided that the undervalue does not exceed £2m and the authority considers that the disposal will help it to secure promotion or improvement of the economic, social or environmental well-being of its area. The undervalues in respect of the leases referred to in this report do not represent an undervalue of more than £2m and the reasons why the authority considers that the disposal meet the well-being test are set out in the body of the report.
- 7.2.5 The Council was appointed as the sole corporate trustee of the Booth Museum and Stanford Museum and Public Park (Preston Manor). Officers are considering whether any further steps are required in respect of these undertakings prior to the transfer in order to comply with the Council's legal obligations.

Lawyer Consulted: *Alice Rowland*

Date: 26.11.2019

7.3 Equalities Implications:

- 7.3.1 An Equalities Impact Assessment has been completed and recently reviewed, covering Governance; Staff; service users, and ICT systems. It is attached as Appendix 7.
- 7.3.2 No changes are proposed to the service itself, but the project is an opportunity to review the RPM's equalities and inclusion policies and practices. The RPM Trust is committed to protecting the terms and conditions of staff. Staff are represented on the project Board. The ambition is to set up a Community Panel to ensure that citizens are involved with key decisions.
- 7.3.3 Continuing compliance with the equalities duty has been incorporated into the contract, and will be monitored by council staff.
The recent review and recruitment of Trustees has ensured that there is a diversity of representation on the board. The contract with the Trust will ensure that the service delivers where applicable on the Council's priorities. In line with Arts Council goals, the service increasingly delivers programmes and services in collaboration with communities and citizens of protected characteristics.
- 7.3.4 No changes to concessionary pricing are proposed as part of this transfer to Trust, and Fees and charges proposals include a section on Equalities which

considers the balance between income generation and access. A charity group rate is offered. Resident adults are offered half price admission at Preston Manor and the Royal Pavilion and free admission at Brighton Museum. All resident children enjoy free admission at all sites. Brighton and Hove schools don't pay admission. All students of the City's universities or higher education colleges are eligible for admission at Resident rate regardless of whether their residence is within the City. The Royal Pavilion has an Annual free day and Brighton Museum hosts monthly free community days. Those that access RPM via the community engagement programme do not incur entrance fees for the duration of their time working with us; e.g. the development of new galleries, specific projects such as Museum Mentors, youth engagement, early years, etc, therefore many of those priority groups are able to access RPM without incurring any cost. All volunteers have free entry to RPM sites, in line with Policy.

7.4 Sustainability Implications:

The service will continue to work on improving its environmental sustainability which it reports on as part of its agreement with Arts Council.

SUPPORTING DOCUMENTATION

Appendices

- 1 Financial Summary
- 2 Summary of key contract terms
- 3 Draft Services Contract
- 4 Draft Collection Schedule
- 5 Draft Transfer Agreement
- 6 Heads of Terms for Leases
- 7 Equalities Impact Assessment

Documents in Members' Rooms:

None

Subject:	Review of the Waste and Minerals Local Plan	
Date of Meeting:	5 March 2020	
Report of:	Executive Director, Economy, Environment & Culture	
Contact Officer: Name:	Steve Tremlett	Tel: 01273 292108
	Email:	steve.tremlett@brighton-hove.gov.uk
Ward(s) affected:	(All Wards);	

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks the approval of the Tourism, Equalities, Communities & Culture (TECC) Committee to undertake a public consultation on draft revised policies as part of the Review of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan, subject to approval by East Sussex County Council and the South Downs National Park Authority.
- 1.2 The review is intended to ensure that the planning policy framework for waste and minerals remains up-to-date and compliant with national policy as set out in the National Planning Policy Framework (2019), which also requires that Local Plans be reviewed to assess whether they require updating at least once every five years.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the representations made to the Waste and Minerals Local Plan Review Scoping Consultation and Call for Sites undertaken from 25 September to 20 November 2017 (summarised in Appendix 1);
- 2.2 That the Committee approves the publication of draft revised policies for public consultation, together with the following supporting documents: Sustainability Appraisal, Strategic Flood Risk Assessment and Equalities Impact Assessment.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The City Council, together with its partner authorities East Sussex County Council and the South Downs National Park Authority has adopted a Waste and Minerals Local Plan (WMLP), comprised of two documents – the Waste and Minerals Plan (WMP, adopted 2013), and Waste and Minerals Sites Plan (WMSP, adopted 2017), which contains planning policies used in the determination of planning applications for waste management activities and minerals extraction and infrastructure in the Plan area.

- 3.2 At the June 2017 meeting of Tourism, Development and Culture Committee it was agreed that a review of the WMLP could be initiated, to commence with a consultation inviting representations about its scope and a ‘call for minerals sites’. That consultation took place from 25 September to 20 November 2017.
- 3.3 The purpose of the review is to update a number of policies within the WMLP that are considered out-of-date or require amendments to their wording to ensure their effectiveness. The need for a review stems from the conclusions of the examining Inspector of the WMSP in 2016, who concluded in his report that a review of the minerals policies within the 2013 WMP would be required, in particular as the supply of aggregate from existing permitted extraction sites is likely to be exhausted prior to the end of the Plan period in 2026. Maintaining a reliable supply of aggregate is important to facilitate construction and economic growth, including house-building.
- 3.4 An initial stage of consultation took place in late 2017 where the authorities sought comments on the scope of the review and called for potential new minerals sites and relevant evidence to be put forward for consideration. A full summary of the comments received and the authorities’ responses is included in Appendix 1, with key points summarised below:
- A proposal from the site operator for a small extension to a specialist clay quarry at Sedlescombe, near Battle;
 - A proposal from the site operator for an extension to Lydd Quarry on the East Sussex/Kent border;
 - CEMEX (a minerals operator at Shoreham Harbour) emphasised the need for robust wharf safeguarding polices and the need to protect such sites from being negatively impacted through the introduction of incompatible land uses on nearby sites;
 - Confirmation from Powys Council that the current supply of crushed rock from Powys can be maintained.
- 3.5 The delay since the 2017 consultation is due to the response to the call for evidence and sites presenting the authorities with some challenging choices in relation to providing the required mineral resource while also protecting important environmental designations/assets in the Plan Area, particularly in the area near the existing quarry at Lydd, on the East Sussex/Kent border. The Authorities have been cautious in their approach to the Plan’s preparation, in order to ensure that the strategy proposed is based on the most up-to-date, reliable evidence available.
- 3.6 A summary of the policies to be replaced, the nine proposed revised policies and the reasons for reviewing them is set out in Appendix 2. The text of the revised policies is set out in the proposed consultation document (Appendix 3).
- 3.7 With regard to the primary reason for the review, the need for a revised approach to the supply of aggregates, the authorities do not propose allocating any new extraction sites. This means a reliance on imports from neighbouring authorities and marine areas, and recycled aggregate. This approach maintains the importance of safeguarding capacity for transferring minerals at wharves and railheads, including those at Shoreham, and sites to process recycled aggregates. Other policy changes include:

- Introducing the ‘agent of change’ principle introduced in the revised National Planning Policy Framework;
 - New requirement for net gains in biodiversity to be achieved through planning applications;
 - New requirement to require extraction of mineral resources prior to alternative development proposals commencing within Minerals Safeguarding Areas in some circumstances;
 - Allocating a new area for clay extraction at the existing Aldershaw Quarry near Battle following a submission to the ‘call for sites’.
- 3.8 The conclusions of the supporting documents are summarised below in paragraphs 7.2 to 7.5.
- 3.9 It is recommended that the draft revised policies and supporting documents be published for public consultation for an eight week period. Comments received during this time will be collated and will inform the Authorities’ final (Proposed Submission) versions of the revised policies which will then return to TECC Committee and full Council later in 2020. They will then be submitted to the Secretary of State for examination following a six week period of consultation on soundness issues.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative option is to not proceed with the review, however it is important that the authorities have a complete up to date and robust planning policy framework for waste and minerals which is consistent with national planning policy.
- 4.2 The process of preparing the revised policies involves testing of reasonable alternative policy options. This testing includes consultation, a robust evidence base and the Sustainability Appraisal.
- 4.3 Not proceeding with the review would jeopardise the council’s long-standing joint-working relationships with East Sussex County Council and the South Downs National Park Authority with regard to planning for waste and minerals.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The need for this review was identified through evidence presented by external stakeholders during the public examination of the WMSP.
- 5.2 Public consultation was undertaken on the scope of the WMLP Review together with a ‘call for minerals sites’ from 25 September 2017 to 20 November 2017.

6. CONCLUSION

- 6.1 Agreement is required from the committee to proceed with a public consultation on draft revised policies. This follows on from the agreement at TDC Committee in June 2017 to initiate a review of the Waste & Minerals Local Plan.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

There are no financial implications resulting from this report at this point in time. It is anticipated that the cost of officer time, production of documents and the consultation and review associated to the recommendations in this report will be funded from existing revenue budget within the Economy Environment and Culture service

Finance Officer Consulted: Name Jess Laing

Date: 14/10/2019

Legal Implications:

- 7.1 The procedure for reviewing a local plan is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The legislation requires that, in preparing or reviewing a local plan, consultation must be carried regarding what the plan, or revised plan, should contain. The local planning authority has a duty to take into account any representations made in response to the consultation.

Lawyer Consulted:

Name Hilary Woodward

Date: 16/10/19

Equalities Implications:

- 7.2 An Equalities Impact Assessment (EQIA) has been carried out on the draft policies. This concludes that the proposed strategy does not discriminate against any particular community group, or lead to or encourage any conduct which is prohibited under the Equalities Act 2010.

Sustainability Implications:

- 7.3 A draft Sustainability Appraisal has been prepared and will be published to support the consultation document.
- 7.4 The SA has considered the formulation of the policy options. Broadly speaking the SA concludes that the revisions to policies WMP2 (new policy RV1), WMP7a (new policy RW1) and WMP27 (new policy RD1) will not result in significant changes to the original SA assessments of the policies. The exception is WMP27 which now references biodiversity net gain and will likely be more effective at environmental protection. Although the strategy increases the reliance on marine dredged and imported materials, the impacts are considered to be minimal and controlled by legislation and policy. There may be some localised impacts around wharves and railheads in relation to the transportation of materials but these are likely to be small scale.
- 7.5 A Strategic Flood Risk Assessment has been completed which provides a detailed evidence base to enable flood risk and drainage factors to be taken into consideration in identifying development sites for waste and minerals.

Any Other Significant Implications:

- 7.6 None identified.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of Comments to the Waste and Minerals Local Plan Review Scoping Consultation and Call for Sites, and Authorities' Responses.
2. Proposed New Policy Approaches.
3. Revised Policies Consultation Document.

Background Documents

1. East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013).
2. East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017).
3. Sustainability Appraisal.
4. Strategic Flood Risk Assessment
5. Equalities Impact Assessment

Appendix 1 – Summary of Comments and Authorities' Responses to the Waste and Minerals Local Plan Review Scoping Consultation and Call for Sites

Respondent	Topic	Comment Summary	Authorities' Response
Hampshire CC	DTC	Confirmation that there are no strategic mineral movements between Hampshire and East Sussex	Noted.
Hampshire CC	DTC	Authorities should not solely rely on the Statement of Common Ground to address soft sand issue.	Noted.
Hampshire CC	DTC	Further engagement in the plan-making process is welcome.	Noted.
Wealden District Council	Q1 & DTC	Grey Box titled "International Designations: Special Areas of Conservation" etc. below policy WMP27 is factually incorrect and not legally compliant and requires alteration. It is also unclear as to if the grey box is policy or supporting text.	The Authorities will seek to address this in the revised policies document.
Wealden District Council	Q4	Concern that international environmental designations are treated in the same way as other constraints. The assessment under the Habitats Regulations 2010 should be used instead.	The use of the word 'significant' within the constraints assessment appears to be causing confusion. The word 'significant' in this context is not intended to be related to the meanings in the Habitats Regulations. This will be clarified in revised methodology text.
Wealden District Council	DTC Q1, Q2, Q3	Additional cross boundary strategic matters including Ashdown Forest SAC, Pevensey Levels SAC and Ramsar Site and Lewes Downs SAC should be included specifically within the scope of the document.	The topic of international environmental designations within the Plan Area is being kept under review. Should it be identified that the any draft revised policies might have an impact on these designation the Authorities will give the matter further consideration.
Cemex	Q1	Review should consider how existing facilities i.e. wharves and railheads are protect from future development; and if there is any scope for land use changes around these facilities which would make them unable to increase production / operation.	Wharf safeguarding is one of the topics under review.

Respondent	Topic	Comment Summary	Authorities' Response
Cemex	Q1	Are there existing planning constraints which limit operations that could be removed?	Planning conditions are attached to planning permissions on a site by site basis to ensure operations are acceptable.
Cemex	Q1	Review must put weight on safeguarding existing wharves and railheads because of encroachment and resulting complaints against existing operations.	Wharf safeguarding is one of the topics under review.
Cemex	Q1	Wharves and railheads can only be located in certain operations and great weight needs to be placed on safeguarding.	The effectiveness of the current safeguarding policies is being considered. The outcome from assessing how well the current policies are working will be reflected within the revised policies document.
Cemex	Q2	The CEMEX site at Shoreham is a long term commitment. CEMEX are seeking to invest in new ships and increase production at the site if planning policy and land uses enable this.	Noted.
Cemex	Q4	It is very important that the MPL review considers the constraints on existing facilities. It also needs to have policies in place which support increase production / operation from these sites. For example 24 hour working or increased movements, subject to no significant adverse impacts on surrounding land uses or the environment.	Comment noted. It is proposed to incorporate the 'agent of change' principle into the WMLP through the review.
Zoar Chapel	GEN	We do not know if the Site as the Old Factory (WMSP) is still on the list of sites, If it is I would remind you of our great concerns which were in our letter dated 24 November 2015. A copy of the letter and petition is enclosed.	The Old Factory Site is allocated in the Waste and Minerals Sites Plan for waste management uses.
DOD Safeguarding	GEN	The Ministry of Defence has not been consulted on this consultation and was notified via a third party.	The Authorities apologise for this oversight and have updated our consultation lists.
DOD Safeguarding	GEN	No safeguarding concerns.	Noted.
Polegate Town Council	GEN	It is difficult to comment on the impact until the draft plan is published.	Noted.

Respondent	Topic	Comment Summary	Authorities' Response
Polegate Town Council	GEN	The area covers many local authorities, how will this be reflected at a planning level in their local plans?	The Waste and Minerals Local Plan forms part of the Local Plan for all the district and boroughs in East Sussex. It sits alongside their Local Plans and is used in the determination of planning applications.
Polegate Town Council	GEN	How are the infrastructure demands of this plan linked into those generated by housing and employment growth?	The provision of minerals is essential for the construction of buildings, roads and other infrastructure. Likewise, it is important that waste generated from growth can be managed safely.
Polegate Town Council	GEN	It would be good to know how many traffic movements there are in East Sussex and if it is projected if this will increase.	The effect on traffic movements is a consideration in both the site assessment and the Sustainability Appraisal. At this time it is difficult to say what estimates it will be possible to make, further information should be available as the Review progresses.
Polegate Town Council	GEN	There is not only the traffic movement on the road, but also the added pollution that may be generated as a result?	The effect of traffic movements is a consideration in both the site assessment and the Sustainability Appraisal. At this time it is difficult to say what estimates it will be possible to make, further information should be available as the Review progresses.
Aldershaw	Q2	Aldershaw manufactures handmade roof, floor and wall tiles using wadhurst clay excavated on their own site. Market for restoration and conservation materials within sensitive areas is significant and growing. Excavation started in 1999 and has continued to date, however the area of excavation limits the depth and has become a safety hazard to vehicles manoeuvring in the pit. Current production uses approximately 500 to 600 tonnes of clay	Noted. The proposed extension to the site is being considered as part of the Review.

Respondent	Topic	Comment Summary	Authorities' Response
		<p>per year, but market exists to increase sales by 25%. To justify necessary expenditure a supply of 25 to 30 years of material is required.</p> <p>Proposed extension would work the existing face back in a north easterly direction, overburden to be stored and used later for reprofiling and restoration. No transport issues as extraction and quarrying are both on-site.</p>	
Peak District National Park	Q1	Agree with scope.	Noted.
Peak District National Park	Q1	Support the call for aggregate sites which are located outside of the South Downs National Park.	Noted.
Surrey County Council	GEN & DTC	No Comments	Noted.
Horsham District Council	DTC	Agree with scope; Please inform by correspondence regarding Soft Sand and Minerals Safeguarding topics; No other matters proposed.	Noted.
Natural England	DTC	No comments on scope; Please consult as required by regulation; no other topics proposed.	Noted.
Rother District Council	GEN	No existing or proposed allocation within the Rother District Local Plan (2006) or the emerging Development and Site Allocations Local Plan (DaSA) that affect the three mineral safeguarding areas in Rother. Nor the Robersbridge Railhead or Brett Concrete Works.	Noted.
Rother District Council	GEN	Two areas of safeguarded wharves are adjacent to employment allocations along Harbour Road, Rye.	Noted.
Rother District Council	GEN	Is the "old ARC wharf" a realistic allocation in the WMSP, given known issues with land ownership, condition of land (land contamination) and depth of river at that point?	Noted
Rother District Council	DTC Q1,Q2	Agree with scope, subject to comments (see this entry and below); DTC by correspondence only, to be kept under review;	Noted.
Rother District Council	DTC Q3	Request further information on proposed changes to WMP7a and WMP7b, it is unclear why these policies require amending. Further information	This will be published in due course.

Respondent	Topic	Comment Summary	Authorities' Response
		is also requested on the extend of proposed changes to supporting text and which policies this will affect.	
Rother District Council	DTC Q3	How will the Authorities consider waste sites, if they were submitted to the Call for Sites?	The Authorities are not focusing on waste management provision within this review. In the event evidence is provided the Authorities will review this position and consider appropriate site assessment methodologies.
Rother District Council	DTC Q3	The safeguarded sites at Robertsbridge and Rye Harbour are close to, but not within areas subject to emerging Neighbourhood plans at Rye, Battle and Salehurst and Robertsbirdge.	Noted.
Rother District Council	SCI	No comments.	Noted.
Highways England	CFES	No comments.	Noted.
Highways England	DTC	No comments.	Noted.
Highways England	SCI	No comments.	Noted.
Cyngor Sir Powys County Council	DTC Q1	Satisfied with approach set out under Matter A Minerals Provision. Mineral movements between Powys and the Plan Area have been identified.	Noted.
Cyngor Sir Powys County Council	DTC Q2	Powys seeks communication via correspondence	Noted.
Cyngor Sir Powys County Council	DTC Q3	It is anticipated that the current supply of crushed rock aggregate from Powys will be maintained. Should the Plan Area identify a significant changer in requirements it is requested that the MPA and the South Wales Regional Aggregated Working Party be informed.	Noted.
King, Geoff (Mr)	GEN	In the event that land currently the subject of application LW/799/CM9EIA) is submitted for inclusion within the local plan, this land should not be included on the following grounds: ecological impacts; effect on coast line; landscape character; conflict with Port Masterplan; development would not reflecting the aspirations set out in the planning permission for the expansion	All sites submitted for consideration will be assessed methodology documented within the Call for Evidence and Sites Document, subject to any alterations arising from the consultation.

Respondent	Topic	Comment Summary	Authorities' Response
		of the harbour in 2015; conflict with Lewes District Local Plan on grounds of landscape character; conflict with Waste and Minerals Local Plan; LW/799/CM(EIA) contains flawed EIA assessment and wildlife assessment; consistency with previous planning decision made in 1966.	
Biffa Waste Services	Q1	Biffa is not, at this stage, seeking to nominate land, but would wish to encourage the Council to explore alternative restoration options for minerals sites to include provision for landfill of non-inert residual waste. (Biffa owns the Pebsham landfill which is currently undergoing restoration.) [Scope of review should be expanded to include restoration policies and the potential to allow non-inert landfill.]	This topic is already addressed within WMP8b. The authorities are do not have evidence that this policy required review at this time.
Environment Agency	Q4	Pleased to see the inclusion of key issues within our remit both within the constraints and opportunities are to be considered during the site assessment. Support inclusion of C20;C21;C22;P1; and P4.	Noted
Environment Agency	Q4	C22's custom grading aligns with the policies and principles set out in the EA's approach to groundwater protection. For clarity it is recommended that the full title of Groundwater Source Protection Zones is used. Whilst the grading system makes reference to Zone 4, there are no such designation within the Plan Area and this could be removed from the grading.	Noted. For completeness it has been decided to retain the reference to Zone 4.
Environment Agency	Q4	Recommend assessment also consider SPZ1c which relates to sub-surface activities which is necessary in considering oil and gas sites.	Noted.
Environment Agency	SCI	No comments	Noted
Environment Agency	DTC	We have reviewed the Duty to Co-operate Scoping Note and is satisfied that where necessary the EA has been recognised. We will engage with you on these matters as necessary either through ongoing discussions or at the	Noted.

Respondent	Topic	Comment Summary	Authorities' Response
		formal states of the Plan production.	
Kent County Council	GEN	The amount of sharp sand and gravel available in Kent is not anticipated to be sufficient to meet the needs to 2030. Consequently, reliance on imports via wharves and railheads are likely to increase.	Noted.
Kent County Council	GEN	Kent are currently preparing for an Option consultation on minerals sites for a Minerals Sites Plan.	Noted.
Kent County Council	GEN	On this basis, the need to robustly safeguard the Plan Areas importation capacity will be vitally important for the steady and adequate supply of aggregates.	The safeguarding policies are within the scope of the review and consideration is being given to strengthening them.
Kent County Council	GEN	The potential loss of wharf capacity at Newhaven alluded to in section 2 of the CfES document is of particular concern.	Noted.
Kent County Council	GEN	The review should conclude that there is an ongoing requirement to safeguard aggregate wharves.	The Authorities will be considering reasonable options in line with national policy.
Kent County Council	GEN	The topic of soft sand supply remains an important planning matter to many minerals authorities in the South East.	Noted. Please refer to the Duty to Co-operate document for further information about soft sand provision.
Kent County Council	GEN	Specific consideration of including [soft sand] safeguarding measures and policies for potential new reserves of soft sand within the collective mineral planning administrative area is considered by KCC to be fundamental to achieving a sound mineral local plan review.	Noted. Please refer to the Duty to Co-operate document for further information about soft sand provision.
Kent County Council	GEN	KCC is keen to work collaboratively with the Authorities. Please keep KCC informed of the progression your Plan Review.	The Authorities welcome the opportunity to collaborate with KCC.
Brett Aggregates	Q1	Yes overall, but disagree with the 0.1mta apportionment referred to in paragraph 3.3.	Noted. National policy in relation to minerals provision has changed and the level of minerals provision is included within the scope of the Review.

Respondent	Topic	Comment Summary	Authorities' Response
Brett Aggregates	Q1	Met with planning officers from ESCC in June 2013 and made representations to the WMSP EIP in 2016 raising concerns that ESCC hasn't sufficiently carried out its Duty to Co-operate with KCC, and disagreement with the apportionment figure.	This topic was addressed as part of the Examination into the Waste and Minerals Sites Plan in 2016.
Brett Aggregates	Q1	Brett Aggregates currently sell in the region of 325ktpa from Lydd Quarry; sales are roughly split 50/50 between ES and Kent.	Noted.
Brett Aggregates	Q1	In previous years extraction was entirely taking place in Kent, but this has now shifted to the East Sussex side. Consequently the land bank is being eroded by up to 4 times as anticipated resulting in insufficient reserves to meet the required 7 year land bank.	Noted. National policy in relation to minerals provision has changed and the level of minerals provision is included within the scope of the Review.
Brett Aggregates	Q1	The Review of the Plan should recognise the inability to meet the required land bank and should identify specific areas for minerals extraction. Brett are promoting a potential extension to Lydd Quarry.	Brett Aggregates made a submission to the Call for Sites and this is being considered.
Brett Aggregates	Q2	In 2016 Brett carried out an extensive borehole during and identified significant mineral resource at Broomhill North. We have also identified two additional areas which contain viable material resource and these have been submitted. In total these areas will deliver in the region of .078mt of sand and gravel and provide a further 3.5 years of reserve during the Plan period. Whilst this is not sufficient to get ESCC through to the Plan period of 2026, this is a significant step in the right direction and likely to provide up to 2024. Additional documentation supplied with site proposal.	Noted.
Brett Aggregates	Q3	With sales in excess of 300kpta for most of the last 10 years, we [Brett Aggregates] are confident that the existing mineral reserve will be exhausted in less than 3 years time. We have no reason to believe these rates of sales will not continue.	Noted.
Brett Aggregates	Q4	Yes.	Noted.

Appendix 2 – Proposed New Policy Approaches

New Policy	Policies to be Replaced	Reasons for Review
RW1 - Sustainable Locations for Waste Development	WMP7 and 7a - Sustainable Locations for Waste Development	To clarify an ambiguity in the existing policy requirements.
RM1 – Provision of Aggregates	WMP11 – Provision of Aggregates	To reassess the approach to aggregates provision in line with the WMSP Inspector’s report that the permitted aggregate reserves in the Plan Area would be exhausted before the end of the Plan period. Following consideration of reasonable alternatives, the new approach does not allocate any additional sites, but will continue reliance on the existing extraction site, imported material and recycled aggregate.
RM2 – Provision of Clay	WMP13 – Provision of Clay	To allocate a new area for clay extraction at the existing Aldershaw Quarry following a submission to the ‘call for sites’.
RM3 - Safeguarding Minerals Resources	WMP14 - Safeguarding Minerals Resources SP8 - Minerals Safeguarding Areas for land won minerals resources within the Plan Area	To consolidate the policy requirements into a single policy for added clarity.
RM4 - Prior Extraction of Minerals	n/a – new policy	New policy requirement to require extraction of mineral resources prior to alternative development proposals commencing within Minerals Safeguarding Areas in some circumstances
RM5 - Safeguarding Wharves and Railheads	WMP15 - Safeguarding Railheads and Wharves SP9 - Safeguarding wharves and railheads within the Plan Area	To incorporate reference to the ‘agent of change’ principle introduced in the revised National Planning Policy Framework
RM6 - Safeguarding facilities for concrete batching, coated materials	SP10 Safeguarding facilities for concrete batching, coated minerals manufacture and	To remove the list of safeguarded facilities from the policy wording and instead illustrate on the Policies Map,

New Policy	Policies to be Replaced	Reasons for Review
manufacture and other concrete products with the Plan Area	other concrete products within the Plan Area	to enable easier updating.
RM7 - Minerals Consultation Areas	SP11 Minerals Consultation Areas	To revise the extents of Mineral Consultation Areas to take into account the constraints of each site.
RD1 - Environment and Environmental Enhancement	WMP27 - Environment and Environmental Enhancement	<ul style="list-style-type: none"> 1. To add a requirement for a net gain in biodiversity. 2. To update the policy requirements to take into account the judgement in Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017]

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

Waste and Minerals Local Plan
Draft Revised Policies
Regulation 18 Consultation Document

March 2020

DRAFT



DRAFT

Draft Revised Policies Consultation 2020

Draft Revised Policies Consultation 2020

East Sussex County Council, the South Downs National Park Authority and Brighton & Hove City Council (the Authorities) are undertaking a review of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan. Following the Call for Evidence and Sites in 2017 this document sets out the Authorities' draft proposed changes to the plan. It has been published for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulation 2012 (as amended).

The Authorities are seeking your views on the draft revised policies in this document.

How do I respond?

Responses may be made by email or post using the addresses below, or using the online form. Please include your name and your address in any response. For more information on how we will use your data, please see our [privacy notice](#).

Online - <http://consult.eastsussex.gov.uk>

Email - wasteandmineralsdf@eastsussex.gov.uk

Post - WMLP Review 2020, Planning Policy and Development Management - Communities, Economy and Transport, East Sussex County Council, County Hall, St Anne's Crescent, Lewes, BN7 1UE.

The deadline for comments is ?? ????? 2020.

Can I respond anonymously?

Responses without a name or address, or indicating that they do not wish their name or address to be published will be treated as anonymous responses, these will be published as such and may not carry the same weight as other responses. Further information can be found in the [privacy notice](#).

What happens next?

All responses will be collated and published as a public document at a later date. After considering all the comments received the draft Revised Policies will be updated as considered necessary. There will then be a consultation on the soundness and legal compliance of the Plan before it is examined at a Public Examination.

Questions?

If you have any questions please do contact us using the email above or by phone on 01273 481846 (East Sussex) or email planningpolicy@brighton-hove.gov.uk (Brighton & Hove).

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Contents

DRAFT

Introduction 1

1 Introduction

1.1 East Sussex County Council, Brighton & Hove City Council and the South Downs National Park Authority (the Authorities) have responsibility for planning the future management of waste and production of minerals. To guide those decisions the Authorities are required to prepare Minerals and Waste Local Plans which contain policies that guide where minerals and waste developments should go. These policies are then used to make decisions on planning applications for waste management and minerals activities.

1.2 The Waste and Minerals Local Plan (WMLP) is currently comprised of the:

- Waste and Minerals Plan 2013 (WMP), and
- Waste and Minerals Sites Plan 2017 (WMSP).

1.3 This document sets out proposed revisions to specific policies within the WMLP. The Plan Area for this and the other WMLP documents is the administrative areas of East Sussex and Brighton & Hove including part of the South Downs National Park and the Plan period for the policies within this document is 2019-2034 inclusive (15 years). The revised policies include two key changes:

- East Sussex and Brighton & Hove to become more reliant on aggregates from the marine sources and other sources outside of the Plan Area.
- Providing increased protection for minerals and minerals related infrastructure against inappropriate development being located nearby,

1.4 A number of updates to clarify and consolidate existing policies are also proposed, along with a small extension to a clay quarry. No other alterations to the existing strategy are being proposed at this time.

1.5 At this stage, this document contains draft policies and the Authorities are seeking your views on these. This consultation, known as a Regulation 18 consultation, is one of the stages in preparing a local plan. Examples of topics you may wish to comment on include specific parts of proposed text, alternative strategies that you wish the Authorities to consider or topics which you believe have been overlooked.

1.6 Following the consultation the Authorities will consider the response before publishing a revised document for further consultation. At this stage, the draft policies in this document do not form part of the WMLP.

1 Introduction

How to read this document

1.7 As the Authorities are proposing to make amendments to specific parts of the WMP and WMSP this document is written in the style of an amendment document. On the following pages there is a table which lists all the policies in the WMLP and their status.

1.8 Over the remainder of the document, to help show and explain these the amendments, the following special notations are used:

Explanation

Commentary text explaining the proposed changes can be found in these blue bordered boxes. This does not form part of the revised policies and will not be included in the final Plan.

Text in bold explains what alterations are being proposed, for example if sections are proposed to be deleted or added.

Text in italics is proposed text on which comments are being sought.

The Authorities intend to publish a document that consolidates all three documents in due course.

Summary of Policy Review 2

2 Summary of Policy Review

2.1 Below is a complete list of adopted and draft policies of the Waste and Mineral Local Plan from the WMP, WMSP and this document (RPD). Policies proposed for deletion are struck out with a red background, whilst proposed policies are shown underlined with a green background. All relevant policies should be applied in the determination of planning applications.

Policy Number	Policy Title	Document	Page	Status
Overarching Strategy				
WMP1	Presumption in Favour of Sustainable Development	WMP	33	Adopted
WMP2	Minerals and Waste Development affecting the South Downs National Park	WMP	36	Adopted
RV1	<u>Minerals and Waste Development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty</u>	RPD	17	Draft
WMP3a	Promoting Waste Prevention, Re-use and Waste Awareness	WMP	40	Adopted
WMP3b	Turning Waste into a Resource	WMP	42	Adopted
WMP3c	Production of Energy from Waste (EfW)	WMP	45	Adopted
WMP3d	Minimising and Managing Waste During Construction, Demolition and Excavation	WMP	46	Adopted
WMP3e	Waste Management In New Development in the Plan Area	WMP	48	Adopted
WMP4	Sustainable Provision and Use of Minerals	WMP	50	Adopted
Providing for Waste				
WMP5	Provision of Built Waste Facilities	WMP	53	Adopted
WMP7a	Sustainable Locations for Waste Development (Excluding Land Disposal)	WMP	61	Adopted
WMP7b	More Detailed Criteria for Waste Development	WMP	62	Adopted
RW1	<u>Sustainable Locations for Waste Development (Excluding Land Disposal)</u>	RPD	21	Draft
SP1	Waste Site Allocations	WMSP	14	Adopted
SP2	Areas of Opportunity on Previously Developed Land	WMSP	15	Adopted
SP3	Areas of Search	WMSP	16	Adopted
SP4	Physical Extension of Existing Waste Site	WMSP	17	Adopted
SP5	Existing Industrial Estates	WMSP	19	Adopted
WMP8a	Land Disposal of Non-Inert Waste	WMP	67	Adopted
WMP8b	Deposit of Inert Waste on Land for Beneficial Uses	WMP	69	Adopted
WMP8c	Management of Landfill Gas	WMP	70	Adopted
WMP9a	Hazardous Waste	WMP	72	Adopted
WMP9b	Low Level Radioactive Waste	WMP	75	Adopted
WMP10	Management of Waste Water and Sewage Sludge	WMP	77	Adopted
WMP6	Safeguarding Waste Sites	WMP	58	Adopted
SP6	Safeguarding Waste Sites	WMSP	22	Adopted

2 Summary of Policy Review

Policy Number	Policy Title	Document	Page	Status
SP7	Waste Consultation Areas	WMSP	23	Adopted
Providing for Minerals				
WMP11	<u>Provision of Aggregates</u>	WMP	81	Adopted
RM1	<u>Provision of Aggregates</u>	RPD	27	Draft
WMP12	Provision of Gypsum	WMP	83	Adopted
WMP13	Provision of Clay	WMP	85	Adopted
RM2	<u>Provision of Clay</u>	RPD	28	Draft
WMP14	Safeguarding Mineral Resources	WMP	88	Adopted
SP8	Mineral Safeguarding Areas for land-won minerals resources within the Plan Area	WMSP	25	Adopted
RM3	<u>Safeguarding Mineral Resources</u>	RPD	31	Draft
RM4	<u>Prior Extraction of Minerals</u>	RPD	33	Draft
WMP15	Safeguarding Wharves and Railheads	WMP	90	Adopted
SP9	Safeguarding wharves and railheads within the Plan Area	WMSP	27	Adopted
RM5	<u>Safeguarding Minerals Infrastructure</u>	RPD	35	Draft
SP10	Safeguarding facilities for concrete batching, coated materials...	WMSP	28	Adopted
RM6	<u>Safeguarding facilities for concrete batching (etc)</u>	RPD	37	Draft
SP11	Minerals Consultation Areas	WMSP	29	Adopted
RM7	<u>Minerals Consultation Areas</u>	RPD	38	Draft
WMP16	Exploration for Oil and Gas	WMP	92	Adopted
Overarching Policies				
WMP17	Restoration	WMP	94	Adopted
WMP18	Transport - Road, Rail and Water	WMP	97	Adopted
WMP19	Co-location of Complementary Facilities	WMP	98	Adopted
WMP20	Community Involvement and Benefits	WMP	100	Adopted
WMP21	Opportunities for Sustainable Waste Management and Minerals Production in Other Development	WMP	102	Adopted
WMP22	Expansion and Alterations Within Existing Waste Facilities	WMP	103	Adopted
Development Management policies				
WMP23a	Design Principles for Built Waste Facilities	WMP	106	Adopted
WMP23b	Operation of Sites	WMP	107	Adopted
WMP24a	Climate Change	WMP	109	Adopted
WMP24b	Resource and Energy Use	WMP	109	Adopted
WMP25	General Amenity	WMP	110	Adopted
WMP26	Traffic Impacts	WMP	112	Adopted
WMP27	<u>Environment and Environmental Enhancement</u>	WMP		Adopted
RD1	<u>Environment and Environmental Enhancement</u>	RPD	43	Draft

Summary of Policy Review 2

Policy Number	Policy Title	Document	Page	Status
WMP28a	Flood risk	WMP	117	Adopted
WMP28b	Water Resources and Water Quality	WMP	118	Adopted
Diagrams				
	Waste Key Diagram	WMP	156	
	Minerals Key Diagram	WMP	157	

Notes:

1. All policies within the WMLP are considered to be strategic policies. See paragraphs 20-23 of the NPPF for further information.
2. Some policies appear out of document order above so that they appear correctly grouped in the table.

3 Context

3 Context

Explanation

This section does not contain any Policy changes, and instead serves as an update to the factual information provided in the WMP, and gives an overview of the minerals produced and imported into the Plan Area which are subject to the review.

Background to the Review

3.1 The Authorities monitor the success of the WMLP and its policies through their Annual Monitoring Reports (AMRs) and Local Aggregate Assessments (LAAs). Through this process, three areas of the Plan have been identified which the Authorities consider should be reviewed. These are:

- The provision of sand and gravel (aggregates);
- the safeguarding of minerals resources and infrastructure; and
- improving the effectiveness of specific policies.

3.2 As a result of the Call for Evidence and Sites in 2017, a minor extension to the pit at Aldershaw Tiles has also been included as part of the Review.

3.3 The Authorities have also checked current WMLP policies against the latest iteration of the NPPF, proposing changes where necessary, and have factored in updated evidence, changes in relevant policy and emerging policy. The Authorities have also monitored the effectiveness of the policies in the WMLP in the determination of planning applications, and this has in turn formed part of the consideration when identifying the topics of the review.

3.4 The Authorities remain committed to the concept of net self-sufficiency for the management of non-hazardous waste, meaning that they plan for the management of an amount of waste which is equivalent to the amount arising in the Plan Area. The overall approach to waste policies in the WMP is not considered to require review at this time.

Policy Context

3.5 Local Plans, including minerals and waste plans, must be prepared in the context of national policy and other relevant documents. Since the adoption of the WMP in February 2013, the policy context for Minerals and Waste planning has evolved, with the publication of new key documents informing the content of this review. Policies and documents which have influenced the approach

Context 3

taken in this Plan revision are detailed below⁽¹⁾. This is not an exhaustive list of documents, and does not include documents published before the publication of the WMLP; a more complete list of documents will be available in the Sustainability Appraisal that will be published online as part of this consultation.

National Policies and Strategies

3.6 National planning policy is set out in the '[National Planning Policy Framework](#)' (NPPF) (February 2019). This document provides the framework for sustainable development in England, and contains a chapter on facilitating the sustainable use of minerals. Waste policies are set out in the [National Planning Policy for Waste](#) (October 2014). [Planning Practice Guidance](#) provides further information on how national policy should be implemented, including notes on Minerals, Waste and Plan-Making, and is updated periodically.

3.7 The [25 Year Environment Plan](#) sets out the government's overall approach to protecting and improving the natural environment, which has been taken into consideration when preparing the Review.

3.8 The [Resources and Waste Strategy for England](#) sets out policy for the preservation of material resources in England by minimising waste, promoting resource efficiency and moving towards a circular economy. This document is of particular relevance to the production of secondary and recycled aggregates, and has been taken into account when preparing the Review.

3.9 [Practice Guidance on the Production and Use of Local Aggregate Assessments](#) is produced by the Planning Officers Society and the Minerals Products Association. The Authorities have considered this guidance when working on this Plan Review. The South East England Aggregates Working Party (SEEAWP), to which the Authorities are party, is also in the process of producing guidance on the production of LAAs, however this is not yet published.

3.10 The Planning Officers Society and the Minerals Products Association have also produced [Minerals Safeguarding Practice Guidance](#) which has instructed the safeguarding of minerals infrastructure in this Plan Review.

Local Plans and Strategies

3.11 The District and Borough Councils in East Sussex, as well as the South Downs National Park Authority and Brighton & Hove City Council have published, or are preparing, Local Plans which set out planning policies governing development in their areas. There are also a number of Neighbourhood Plans in place or in preparation in the Plan Area, which contain planning policies for smaller-scale areas, although these cannot plan for strategic matters such as waste and minerals.

¹ A list of references for this section is available in the Appendix

3 Context

3.12 The Marine Management Organisation (MMO) is responsible for managing the seas around England through marine planning, which includes providing licenses for marine dredging that are necessary for the marine extraction of minerals. The MMO [South Marine Plan](#), adopted July 2018, covers the areas of sea which border the Plan Area.

3.13 The [Newhaven Enterprise Zone](#) is a designation which covers a number of sites in Newhaven which are identified and/or safeguarded in the WMP, including North Quay which contains a number of safeguarded mineral wharves.

3.14 The [Joint Area Action Plan](#), which sets out the future vision and development policies for the Shoreham Harbour area, has been adopted by Brighton & Hove City Council, Adur District Council and West Sussex County Council. Minerals wharves at Shoreham Harbour import significant amounts of marine dredged aggregate and crushed rock into the WMLP Area.

3.15 The Shoreham Port Authority adopted a revised [Port Masterplan](#) in August 2017, setting out the Port's plans for future growth over the next 20 years.

3.16 A new Environment Strategy for East Sussex is currently being prepared, which will set out a long term goal for East Sussex to be carbon neutral by 2050, or earlier, in line with the new national statutory target set by Parliament in 2019. The document will focus on five key themes: climate change, natural capital, air quality, water, and resource efficiency.

3.17 The South Downs National Park Authority [Partnership Management Plan](#) sets out a vision for what the National Park should look like by 2050. The [High Weald AONB Management Plan](#) sets out long term objectives for conserving the High Weald Area of Outstanding Natural Beauty.

3.18 Two Local Enterprise Partnerships (LEPs) cover the Plan Area. These are cross-boundary economic partnerships between Local Authorities and businesses. The [Coast to Capital LEP](#) includes Brighton & Hove, whilst East Sussex is part of the [South East LEP](#).

3.19 [Transport for the South East](#) is a cross-boundary partnership which aims to improve the transport network and benefit the economy throughout the South East of England.

3.20 The [Local Transport Plan for East Sussex](#), which includes the areas of the National Park, covers the period 2011-2026 and sets out the future direction for transport infrastructure and services in the County. The [Local Transport Plan for Brighton & Hove](#), which also includes areas of National Park, contains a long-term strategy for delivering transport improvements until 2030.

3.21 The Authorities are required to prepare a [Local Aggregate Assessment \(LAA\)](#) annually which reports on all aggregate supply options and forecasts demand in the Plan Area.

Context 3

Cross-boundary and Partnership Working and the Duty to Cooperate

3.22 The Duty to Cooperate (DtC) is a statutory requirement set out in Section 110 of the Localism Act 2011 that requires councils and other prescribed bodies to work together on strategic matters when preparing Plan documents. The Authorities have worked in partnership with others in preparing the WMLP review. Details of the steps taken by the Authorities in relation to the DtC can be found in the Plan [Monitoring Reports](#).

3.23 The National Planning Policy Framework also requires authorities to produce and maintain Statements of Common Ground (SoCG) during the plan-making process, which are written records of key cross-boundary matters and the progress made towards cooperation between authorities. A draft SoCG has been prepared alongside the WMLP Review, and the Authorities have also signed up to, and actively engage with, a number of other existing and emerging SoCGs relevant to the Plan Area.

Characteristics of the Plan Area

3.24 Large parts of the Plan Area are subject to environmental protection. Two thirds is covered by the South Downs National Park and the High Weald Area of Outstanding Natural Beauty. Several other tracts of land are designated as being of international and national environmental importance. The area to the east of the Plan Area, in the vicinity of Lydd Quarry, is designated for its ecological and geological interest at a national and international level, including the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The Pevensey Levels Ramsar site is designated for its wetland habitat. The Plan Area contains a number of other SPAs, SACs, SSSIs and ancient woodlands. There are also a number of locally designated sites of importance for their wildlife and/or geology (Local Wildlife Sites and Regionally Important Geological and Geomorphological Sites). These areas are protected in order to maintain the rich and varied landscape character and biodiversity within the Plan Area.

3.25 The demography of the Plan Area affects the need for minerals as well as the generation of waste. The Plan area had a total population of approximately 837,026 in 2016, of which about two thirds live in East Sussex and the remainder in Brighton & Hove. Approximately 4% live within the South Downs National Park. There is significant residential development expected within the Plan Area, which has been planned for up to 2026. Over the 15 Year plan period approximately 52 668 homes are forecast to be built in the Plan Area. The population in East Sussex is predicted to increase by approximately 7.35% between 2016 and 2026. The average household size is also expected to decrease from 2.22 in 2014 to 2.06 in 2039. These factors are likely to lead to a greater demand for minerals and an increase in waste arisings, though a reduction in the average size of household may cause the waste generated per household to decrease.

3 Context

Minerals and Waste Context

Minerals in the Plan Area

3.26 Minerals are natural substances which include metals, rocks, and hydrocarbons (oil and gas) that are extracted from the earth (including the seabed) by mining, quarrying, pumping and dredging. They are used in a wide range of applications related to construction, manufacturing, agriculture and energy supply.

3.27 The geology of the Plan Area dictates where minerals occur. The South Downs National Park, in the south west of the Plan Area, is formed of chalk hills and vales dissected by major valleys cut by the rivers Ouse and Cuckmere. The High Weald, which covers much of the northern, central and eastern parts of the Plan area, is a faulted structure comprising clays and sandstones. The Low Weald is a gently undulating clay vale which separates the High Weald from the chalk Downs to the south. The Coastal Marshes are located between Eastbourne and Bexhill, and in the Rye Bay/Camber area either side of the Rother estuary. These areas comprise large sheets of alluvium, extending inland over the Pevensey Levels and Romney Marsh.

3.28 Aggregates are minerals which are used in the development and improvement of infrastructure and buildings such as sand, gravel, and crushed rock. Two types of sand are found in the Plan Area: sharp sand and soft sand, which have different uses. Historically there have been low levels of extraction of 'land-won' sharp sand and gravel in East Sussex, and imports of aggregates extracted from the seabed (known as marine dredged aggregates) and crushed rock have been important in meeting local construction needs. These have been imported via a mixture of rail, road and wharf. There are currently only two permitted sites for land-won aggregates in the Plan Area: sharp sand and gravel is extracted at Lydd Quarry in the east of the County, and a soft sand site is located at Novington within the National Park (the site is currently inactive).

3.29 Secondary aggregates are materials that are produced as a by-product of other industrial processes, and recycled aggregates are materials that have previously been used in construction. A steady supply of both, particularly recycled, is produced across the Plan area.

3.30 Clay is extracted in East Sussex for brick and tile manufacture. There are currently four active sites, including Aldershaw Farm in Sedlescombe near Battle.

3.31 Gypsum is an important raw material for the construction industry, and is used in plaster and plasterboard, cement and other industrial processes. The resource near Robertsbridge in East Sussex is the largest deposit in the UK. Gypsum can be substituted with desulphogypsum (DSG), a secondary material which is a by-product from coal fired power stations.

Context 3

3.32 There is currently only one existing licence for exploration for oil and gas within East Sussex covering 20 square kilometres around North Chailey. There are no current planning applications or planning permissions for any oil and gas exploration and development in East Sussex.

Waste in the Plan Area

3.33 Waste is generally defined as materials and goods we discard because we no longer want or need them. Many different types of solid and liquid waste are produced in the Plan Area and the Plan applies to them all. Around 1.75 million tonnes of solid waste are handled in the Plan Area each year. The main types are:

- **Local Authority Collected Waste (LACW)** which comprises about 21% of all wastes in the Plan Area;
- **Commercial and Industrial Waste (C&I)** which makes up about 27%, and;
- **Construction, Demolition and Excavation Waste (CDEW)** which accounts for about 51%.

3.34 Other waste sources include hazardous waste, which makes up approximately 1% of the total waste stream and often requires specialist treatment facilities with tight environmental controls, low level radioactive waste, liquid waste, wastes arising from the agricultural sector, and waste water, which comprises the water and solids that flow to a waste water treatment works. There are 74 waste water treatment facilities within the Plan Area treating 90 million cubic metres of waste water each year.

3.35 Some waste is exported to other areas for management including non-inert waste to landfill. Approximately 54,000 tons of LACW and C&I waste was exported for land disposal at facilities outside of the Plan Area in 2016. This is an improvement on 2010/11 when approximately 147,000 tones of LACW was sent for land disposal outside the Plan Area.

Transport of Minerals and Waste

3.36 Road infrastructure in the Plan Area is currently constrained. There are no motorways, and the trunk road network is predominantly single carriageway. Although waste and minerals traffic movements account for only a small percentage of the total, the current limitations of the road network is a consideration in planning for new development. To accommodate additional transport demands on the strategic and major road networks, there are a number of planned improvements to the A27 east of Lewes, whilst there are aspirations for further improvements to be delivered on the A27 and A21 corridors. In addition, there are proposed improvements to the A22 in the Hailsham and Stone Cross area.

3 Context

3.37 Rail Freight movement of minerals and waste consists of gypsum and DSG imported into the mine at Robertsbridge; crushed rock, sharp sand, gravel and recycled aggregates imported into Newhaven; and Incinerator Bottom Ash (IBA) produced by the Newhaven Energy Recovery Facility exported from Newhaven to Brentford to be processed into recycled aggregate. Planning permission has recently been granted for another railhead in Newhaven which would export aggregates.

3.38 Marine-borne aggregates are imported through the ports of Newhaven, Rye and Shoreham. Shoreham port has one active wharf within the Plan Area, with the remainder in West Sussex. Aggregate importation figures are available in the Authorities' [Local Aggregate Assessment \(LAA\)](#). Planning permission has been granted for two new sites in Newhaven which propose to import marine-borne aggregates: an aggregate processing, bagging and concrete batching plant at Fisher's Wharf which will import marine-dredged aggregates for export by road and rail, and an asphalt, concrete batching and gully waste plant at North Quay which proposes to refurbish an existing disused wharf to import aggregates. Scrap metal is exported by sea from Newhaven Port.

Overarching Strategy 4

4 Overarching Strategy

Explanation

The overarching strategy of the WMLP is set out in the WMP. It sets out the vision and strategic objectives ⁽²⁾ for the Plan Area, and four main overarching policies, WMP1, WMP2, WMP3a-e and WMP4. Together these policies aim to promote the movement of waste up the [waste hierarchy](#) so that waste is prevented, then reused, recycled, recovered and as a last resort disposed of safely, by enabling the provision of the required waste management facilities. The policies also seek to make provision for a steady supply of minerals by promoting the use of secondary and recycled aggregates, the use of sustainable transport methods, whilst using viable primary mineral resources as a least preferred option. Both of these aims are in the context of objectives seeking to mitigate and adapt to climate change whilst protecting and enhancing the environment, communities and human health.

In this section the Authorities propose:

- to remove the section titled Local Strategy Statement, which is now addressed through a Statement of Common Ground with the relevant duty to co-operate parties.
- replace Policy WMP2 Minerals and Waste Development Affecting the South Downs National Park with Policy RV1 Minerals and Waste Development Affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty.

The overarching strategy of the WMLP itself remains unchanged.

It is proposed that the part of this section titled Local Strategy Statement - Approach to Key 'Larger than Local' Matters in the WMP (pages 25-32) is removed from the WMP because this topic is now addressed through the Statement(s) of Common Ground that accompanies this Plan.

² See WMP pages 22-24.

4 Overarching Strategy

Minerals and Waste Development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty (RV1)

Explanation

As part of the review of Policy WMP27, which is addressed later in this document, it has been identified that further clarity could be provided in relation to minerals and waste development affecting the High Weald Area of Outstanding Natural Beauty (AONB), particularly in respect of its purposes. Policy WMP2 currently contains similar requirements in relation to the South Downs National Park, but does not refer to the High Weald AONB. The Authorities propose to revise WMP2 to align more closely with the NPPF (2019).

The Authorities also propose the removal of criteria c) which addresses extensions to existing soft sand quarries or new quarry proposals in the National Park. This is now addressed within the following section Provision of Aggregates (RM1) and Duty to Cooperate work, see page # for further information.

Neither of these changes are intended to alter the overall strategy of the Waste and Minerals Local Plan.

Is it proposed that this section will replace Minerals and Waste Development affecting the South Downs National Park (WMP2) on pages 34-36 of the WMP.

Purpose of Policy RV1

To ensure development is sustainable and appropriate to the purposes and duty of the South Downs National Park Authority and the purposes and objectives of the High Weald Area of the Outstanding Natural Beauty Management Plan.

4.1 The South Downs National Park

4.2 The South Downs National Park was established in 2010 and the South Downs National Park Authority took up its statutory responsibilities in April 2011. The South Downs National Park covers an area of 1600km² and stretches from Eastbourne in the East to Winchester in the West. Although over 85% of the area is farmed, it has a population of over 117, 000 people and includes the towns of Lewes, Midhurst and Petersfield. The South Downs Local Plan 2019 sets out the planning policy

Overarching Strategy 4

context for the whole SDNP, replacing previous joint plans with each of the district and boroughs. The SDNPA plans jointly for minerals and waste with East Sussex County Council, Brighton and Hove City Council, West Sussex County Council and the Hampshire Authorities.

4.3 National Parks and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty and this will be given great weight in decisions.

4.4 The South Downs National Park has the following statutory purposes:

- *To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and*
- *To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.*

4.5 Section 62 of the Environment Act 1995 requires all relevant bodies including statutory undertakers and statutory bodies to have regard to the purposes. If there is a conflict between the two purposes, the first takes precedence. In pursuing these purposes the SDNPA also has a duty to seek to foster the economic and social well-being of local communities within the National Park.

The High Weald Area of Outstanding Natural Beauty

4.6 The High Weald AONB was designated in 1983 and covers land within 4 counties and 11 district or borough councils. It is one of 46 AONBs in England, Wales and Northern Island. It covers an area of 1,461km² and 127,000 people live within its boundary. A third edition of the management plan for the High Weald AONB was published in 2019, covering the period to 2024.

4.7 The primary purpose of AONB designation is to conserve and enhance natural beauty but the architects of the 1949 Act recognised other underlying principles which were important aspects of the designations' success. These included the need to maintain a 'thriving community life' with particular emphasis on farming and forestry, and the need to promote understanding and enjoyment of the area's special qualities. These subsidiary purposes - in effect, qualifications of the primary purpose - are those defined in the Countryside Commission statement 1991, restated in 2006 (the basis for the wording of the subsidiary purposes can be found in the Countryside Act 1968, section 37):

- *In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development*
- *The formal legal responsibility for both development control and for management of the High Weald AONB (including the duty to prepare an AONB Management Plan) lies with the local authorities in whose area(s) the AONB exists. In addition, local authorities and all public bodies have a statutory duty under CROW Act 2000, Section 85, to '...have regard to the purpose of*

4 Overarching Strategy

conserving and enhancing natural beauty...'. To 'conserve and enhance' is a single duty, therefore exercising the duty requires that both elements be addressed.

Minerals and Waste Development in the South Downs National Park and the High Weald Area of Outstanding Natural Beauty

4.8 *National Parks and Areas of Outstanding Natural Beauty (AONB) have the highest status of protection in terms of landscape and scenic beauty. Great weight, therefore, must be given towards the protection of the natural beauty of the landscape, together with conservation of wildlife and cultural heritage, when making planning decisions.*

4.9 *National planning policy for minerals and waste development in the countryside and rural areas relates to "major development" within nationally designated areas including National Parks and AONB. Within the context of national policy, the winning and working of minerals and waste development generally constitutes major development whereby due to the nature, character and scale of some proposals, there is the potential to adversely impact upon recreational opportunities and the natural beauty of protected landscapes.*

4.10 *Major minerals and waste development (including quarry restoration) can have significant adverse impacts upon such areas of natural beauty together with the recreational opportunities that they provide. In line with national policy, major minerals and waste development must not be permitted within National Parks or AONB except in exceptional circumstances. Applications must also be demonstrated to be in the public interest. Development will only be in the public interest if consideration of the proposal details gives sufficient reason/s to override the potential damage to the natural beauty, cultural heritage, wildlife or quiet enjoyment of the National Park or AONB. Minerals and waste development can also have positive effects on the environment through restoration and aftercare (Policy WMP17 addresses restoration requirements in detail).*

4.11 *Other minerals and waste development which is ancillary to a main minerals and waste operation (e.g. weighbridge, offices, haul road and minor amendments) would not normally be considered as major development. It would be expected however that such proposals have regard for and consideration of National Park and AONB purposes, and ensure that great weight is given to the conservation of the landscape and natural beauty, conservation of wildlife, cultural heritage and recreational opportunities.*

4.12 *Quarries and quarrying operations have the potential to impact heavily upon the landscape and surrounding environment, therefore the setting of any proposed development within the context of the National Park or AONB is also an important consideration.*

Overarching Strategy 4

4.13 Minerals and waste development not considered to be major should be carefully assessed. Weight should be given towards conservation of the landscape's natural beauty, the conservation of wildlife and cultural heritage and the need to avoid adverse impact upon recreational opportunities within these areas.

Policy RV1

Minerals and waste development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty

- a) Minerals and waste development in the South Downs National Park and the High Weald AONB will have regard to the relevant Management Plan.
- b) Major minerals and waste development in the South Downs National Park or High Weald AONB will be refused other than in exceptional circumstances, and where it can be demonstrated to be in the public interest⁽³⁾. In this respect, consideration will be given relevant information, including:
 - i. the need for the development, including in terms of any national considerations; and
 - ii. the impact of permitting or refusing the development upon the local economy; and
 - iii. the cost of and scope for developing outside the designated area or meeting the need in another way; and
 - iv. any detrimental effect on the environment, landscape and/or recreational opportunities and the extent to which it could be moderated.
- c) Small-scale waste management facilities for local needs are not precluded from the National Park or AONB where they meet the requirements of Policy RD1.
- d) Proposals for the backfilling of redundant quarries within the National Park or AONB need to conform with (b) above and additionally demonstrate net long term benefits to the National Park or AONB and that they meet Policy WMP 8b criteria (a) to (e).

3 In the case of minerals and waste proposals, all applications are defined by the Town and Country Planning (Development Management Procedure) Order 2010 as 'major'. However, for the purpose of this policy, the potential for significant impacts on the National Park and AONB will be dependent on the individual characteristics of each case. When assessing what constitutes "major development" within a protected landscape the guidance set out in Footnote 55 to the NPPF will be applied

5 Providing for Waste

5 Providing for Waste

5.1 The Providing for Waste section in the WMLP sets out policies regarding the amount of waste management capacity that is planned for locations suitable for waste management development, and safeguarding arrangements for waste management facilities.

5.2 Monitoring by the Authorities indicates that the waste strategy does not require altering at this time. There was ambiguity in Policy WMP7a "Sustainable Locations for Waste Management Development" and Policy WMP7b "More Detailed Criteria" that required clarification. Policy RW1 below combines and clarifies these policies.

5.3 All other policies within this section apart from WMP7a and WMP7b remain unchanged.

Sustainable Locations for Waste Development (RW1)

Explanation

Policy RW1 proposes to remove ambiguity and consolidate WMP7a and WMP 7b clarifying the policies intent. It retains the existing direction of policies WMP 7a and WMP 7b and all alterations to the policy are intended to only be technical in nature. Policy RW1 proposes the following alterations:

1. The preference expressed in Policy WMP7b for development on general industrial land including general industrial estates, employment land (B2/B8 uses), previously-developed land, and land already in waste management uses, has been replaced by a requirement to demonstrate that the development is located within one of these areas or, that it has been adequately demonstrated and explained why this is not possible. The exception in relation to minerals sites has been retained.
2. Text in Policy WMP 7a concerning small scale facilities in the South Downs National Park and the High Weald AONB has been removed; this was already addressed through the criteria relating to small scale facilities which are not restricted by the Area of Focus and addressed by Policy RV1 which places additional requirements on development within the South Downs National Park.
3. The 'Purpose of Policy' box and supporting text have also been updated to reflect the updated text.

The Authorities have focused on making the above alterations to the policy and, at this time, consider that the broad strategy does not require alteration. Consequently, no alterations to other over-arching approaches for this policy area have been considered. However, the Authorities

Providing for Waste 5

do welcome any comments you may have on both the revised wording and any alternative approaches that to this policy area that you believe the Authorities should be consider.

No changes are proposed to the sites already identified in the adopted WMSP nor are any additional waste sites identified.

Is it proposed that this section will replace Suitable Locations for Waste Development (WMP7a, WMP7b) on pages 59-62 of the WMP. It is also proposed that Policies WMP7a Sustainable Locations for Waste Development (excluding land disposal) and WMP7b More Detailed Criteria for Development are superseded by RW1 Sustainable Locations for Waste Development (excluding land disposal).

Purpose of Policy RW1

To identify broad areas (Areas of Focus) within the Plan Area within which more sustainable opportunities for locating waste recycling and recovery facilities are more likely to be found.

5.4 National policy requires local planning policy to give a clear indication to industry about the areas where development might be acceptable and to provide flexibility to allow for responses to changes in circumstances.

5.5 This policy relates to waste treatment facilities, i.e. facilities involved in processes in the waste hierarchy excluding land disposal. Transfer facilities are included because they play a fundamental part in moving waste to and from the facilities referred to in this policy, and increasingly waste transfer is being integrated with waste processing (such as that which takes place at Materials Recovery Facilities) at the same site and so there is less distinction between them. Land disposal is covered separately in Policy WMP 8.

5.6 This policy identifies areas hereon called 'Areas of Focus' where the best opportunities for the development of waste recycling and recovery facilities are most likely to be found. Areas of Focus indicate broadly the areas where the greatest sustainability benefits are likely to be achievable based on the application of national policy. However this policy recognises that there may be sites which are acceptable in principle but are beyond the Areas of Focus. For example, there may be sites just outside of the Areas of Focus where there may be overriding sustainability reasons for permitting development, such as supporting movement up the waste hierarchy or their being

5 Providing for Waste

well-related to the strategic road network. The policy therefore does not precisely define boundaries, and the overall sustainability benefits of proposals will be considered on their merits. Consideration of locations within the Areas of Focus also needs to be balanced with ensuring the Plan is deliverable, and as such the Plan considers economic viability which is often influenced by economies of scale.

5.7 *The Areas of Focus are those where the greatest sustainability benefits are likely to be achieved regarding new waste development or extensions to existing sites as they are more likely to be close to:*

- *waste arisings,*
- *better transport network,*
- *complementary industries and waste development for potential co-location benefits,⁽⁴⁾*
- *existing facilities where there is scope for physical site extension (for detail about alterations within the site boundary of existing facilities See Policy WMP 22).*

5.8 *The Areas of Focus reflect the fact that the majority of the population and businesses in the Plan Area are located along the coastal strip so this is where the main proportion of the largest waste streams (C&I, CDEW, and LACW wastes) is either currently generated or likely to be in the future according to predicted growth areas in Local Plans. The Areas also reflect the road, rail and water transport connections within the Plan Area. Areas outside the Areas of Focus are generally more rural and less densely populated and therefore it is likely that less waste is generated and there are fewer opportunities for maximising sustainability. Much of these areas are also covered by landscape designations of the AONB and the SDNP.*

5.9 *The policy also recognises that with modern design and operational techniques, waste management facilities can increasingly be accommodated in general industrial areas as a B2 use class, and even more so with the revised waste hierarchy which includes 'preparation for reuse'. Detailed criteria to manage the potential impacts of development is covered in the development management policies later in this document. Proposals will also be subject to the relevant statutory pollution control regulatory frameworks.*

5.10 *Applicants are expected to make reasonable efforts when seeking to demonstrate that there are no suitable sites within the preferred locations under criteria A2 and B2. The level of detail should be appropriate to the scale and type of facility being proposed.*

⁴ See Policy WMP 19.

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5.11 Sites identified within the Waste and Minerals Sites Plan and Schedule of Suitable Industrial Estates are all considered to be within the Area of Focus and located on one or more of the types of land specified under criteria B1; as such these sites are considered in accordance with this Policy.

Policy RW1

Sustainable Locations for Waste Development (excluding land disposal)

The principle of the development will be supported where:

A1. The site is located within a broad Area of Focus indicated on the Key Diagram and described in paragraph 5.7, or

A2. It has been demonstrated there are no suitable sites available within the Areas of Focus to meet identified needs, or the proposed development is a small-scale facility / extension to existing facility predominantly to meet smaller, more localised needs only⁽⁵⁾.

In addition to criteria A1 or A2 the proposed development must also demonstrate:

B1. The proposed development is located on: general industrial land including general industrial estates, employment land (B2/B8 uses), previously-developed land, or land already in waste management uses; or

B2. There are no suitable sites available within the locations listed under criteria B1; or

B3. The proposal is located at a minerals working or landfill site and the development's lifespan will be limited to the lifespan of the minerals operation or landfill site⁽⁶⁾, unless there are overriding reasons why the lifespan should be extended.

⁵ Smaller, localised facilities can be essential in helping to provide local solutions for collecting, sorting, bulking, and transferring and treating wastes in complementing the waste treatment provided at more strategic larger-scale facilities.

⁶ The lifespan of a site may, but does not necessarily, include restoration phases.

6 Providing for Minerals

6 Providing for Minerals

Provision of Aggregates (RM1)

Explanation

The current adopted WMLP makes provision for 0.1 million tonnes per annum (mtpa) of land-won aggregate during the plan period, and commits the Authorities to providing a land bank of 7 years permitted aggregate reserves. The permitted sites identified to contribute to this provision in the WMLP are Lydd Quarry (area in East Sussex), and Novington sandpit located within the SDNP. This provision rate is therefore a combined rate including both sharp sand and gravel and soft sand.

In coming to the 0.1 mtpa provision rate the Authorities maintained that the Plan Area was a "special case" recognising the particular circumstances of:

- low production;
- remote reserves;
- high dependence on marine landings; and
- large area affected by environmental constraints/designations

Following the Public Examination into the Waste and Minerals Sites Plan in 2016, the Inspector concluded in his report that "[...] the Plan cannot maintain provision for the production of land-won aggregates at a rate of 0.10 mtpa throughout the Plan period. There will be no permitted reserves at that date because either mineral working under the planning permissions will cease in accordance with a condition of the permission or the workable reserves will be depleted at current rates of production. For that reason alone it will not be possible to maintain a land-bank of at least 7 years". The Authorities accepted the Inspector's conclusions and recognise that the WMLP aggregate provision levels need to be reassessed.

The NPPF states that mineral planning authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA) to forecast demand, based on a rolling average of 10 years sales data and other relevant local information. The LAA should include an assessment of all supply options including land won, marine dredged, secondary and recycled sources. The Authorities have carried out a review of aggregate provision, and further details and calculations are set out in the draft LAA 2019. Much of the supporting evidence for the WMLP review is therefore set out in the draft [LAA 2019](#). Due to both the lifting of confidentiality restrictions and improvements in data collection, the LAA 2019 provides for the first time a comprehensive set of data with LAA rates proposed for the different streams of aggregate provision.

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During the Call for Evidence and Sites (CfES) the operator of Lydd quarry submitted proposed extension areas for the site. These have been considered for inclusion in the draft Plan but are not considered acceptable as allocations due to the significant harm mineral working would cause to the interests of the designated sites. In addition, the Authorities consider that there are adequate and suitable alternative supplies of material to the proposals which would result in lesser environmental effects. No other aggregate sites were submitted at the CfES stage.

It is proposed that this section replaces Provision of aggregates WMP11 (pages 78-81) in the WMP, and Section 4 Providing for Minerals paragraphs 4.1 to 4.6 (page 24) in the WMSP.

Purpose of Policy RM1

To ensure sustainable provision for an appropriate level of aggregates for consumption in the Plan area over the duration of the Plan period.

6.1 Within the Plan Area two types of sand resource are to be found: sharp sand and soft sand, which have different uses. Historically there have been low levels of extraction of 'land-won' aggregates in East Sussex, and imports of marine dredged aggregate (MDA) and crushed rock have been important in meeting local construction needs. These have been imported via a mixture of rail, road and wharf. The LAA 2019 indicates that at current demand levels the LAA rate for land-won material is 0.16 mtpa. This figure has been calculated on the basis of sales figures for sharp sand and gravel only as the only permitted soft sand site in the Plan area has not produced any mineral for some years. The LAA also identifies rates for other types of aggregate provision including marine and rail imports. It is a particular characteristic of this Plan area that over 80% of aggregates consumed are imported (based on 2014 figures).

6.2 If demand were to remain constant then the total rate of aggregates considered for provision over the Plan period would be around 0.7 mtpa (and excluding recycled and secondary would be 0.34 mtpa). However, the Authorities are also required to assess the effect of demand changes on provision and this is reported in the LAA 2019. The Authorities have used projections of homes and infrastructure over the next decade (based on 2017 figures) and concluded that on the highest level of possible demand, requirements could be increased by a multiple of just over two. This means that total aggregate provision for the 15 year Plan Period (15 years from 2019, therefore to 2034) could be in the region of about 1.4 mtpa.

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Sharp sand and gravel

6.3 There is currently one working extraction site in the east of the Plan area at Lydd. Lydd quarry straddles the East Sussex/Kent border and extraction is currently taking place within East Sussex. Approximately 50% of the production is exported to Kent and it is estimated that only 18 months of reserves remain. If this site were to contribute to future aggregate provision in the Plan Area, further reserves at the quarry would need to be identified. The area around Lydd Quarry is constrained by both National and European environmental designations including SSSI, Special Protection Area and Ramsar site. The designations cover or are adjacent to all the sand and gravel resource in this part of the County.

6.4 The majority of land-won sharp sand and gravel deposits in East Sussex are found in the coastal areas and river valleys. Having assessed these resources, the Authorities have concluded that identification of feasible extensions or new land - won sites in the Plan area is not possible. The Authorities are however confident that an equivalent provision can be made from alternative aggregate supplies to and within the Plan Area, the details of which are set out below. Soft sand provision is considered later in this document.

6.5 Apart from production at Lydd quarry and road imports from outside the Plan Area, aggregate supply is currently received through the Ports of Shoreham, Newhaven and Rye, and at a railhead in Newhaven. Unused permitted capacity remains at all facilities which could be utilised in the future with the minimum of constraints. A significant amount of aggregates imported on the West Sussex side of Shoreham Port are also consumed in the Plan Area and it is understood that additional unrestrained capacity remains at the Port. There are also permitted CDEW sites producing recycled aggregates which can in some cases substitute for sharp sand and gravel end-uses, and secondary aggregates such as brick waste are also produced in East Sussex.

6.6 Permission has been granted for an aggregate processing plant, aggregate bagging plant, concrete batching, extension of rail siding and import of aggregates at Fishers Wharf, Newhaven Port. Implementation of the proposal has begun and once operational the development will provide additional imports of 0.2 mtpa initially, increasing to 0.42 mtpa by the final stage of development (although some of this material would be exported by rail in the later phase). This development will involve the import of marine dredged aggregate (MDA).

6.7 Once fully implemented, the supply of MDA from Fisher's wharf would in effect provide a substitution for provision of land-won sharp sand and gravel from Lydd. It is therefore necessary to ensure that the end uses of these materials and their markets are comparable, and that sufficient reserves of MDA are available. In terms of continuing supply to the existing market area, the Fishers Wharf development at Newhaven could provide for the western side of the Plan Area, and the Authorities consider that any market variations to the east could be compensated for with further imports at Rye Harbour as well as from Kent. The Crown Estate advises that marine aggregate

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is wholly interchangeable with land based sand and gravel, and can perform the same technical tasks. Reserves off the south coast of Sussex and Hampshire are plentiful (circa 100 million tonnes), with a life of 29 years at current levels of extraction.

6.8 *The Authorities conclude that together existing capacity at permitted import facilities would be able to accommodate more than double the current levels of demand for aggregates (excluding recycled and secondary) as well as providing sufficient substitutes for land won sharp sand and gravel. In addition, further supply from outside the Plan Area including the western area of Shoreham Port may also be available. Recycled and secondary material has not been included in this calculation as it is not always a suitable substitute for land won material, but it would also be available to provide further aggregate supplies.*

6.9 *The Plan strategy for meeting the sharp sand and gravel needs of the Plan Area is therefore through supporting and encouraging imports through existing permitted facilities, as well as utilising permitted recycled and secondary aggregate capacity. This alternative provision strategy does not therefore necessitate the allocation of sites or setting of a specific "landbank" for aggregates. To ensure that that supply is secured and maintained through import facilities it is important that minerals infrastructure including wharf and rail heads are adequately safeguarded. This is covered in policy RM5. In addition, any extensions or improvements to existing safeguarded sites which improve the operation and/or efficiency of the landing, processing, handling and storage of minerals will normally be supported.*

6.10 *The Plan therefore enables provision for the demand of just over 21 million tonnes (mt) of aggregates over 15 years at an average of approximately 1.4 mtpa, peaking at 1.6mtpa in 2020/21. Of the 21mt, between 13.26 mt & 15.39 mt will be sourced from imports, using existing permitted facilities.*

Soft sand

6.11 *The main source of soft sand in the South East (the Lower Greensand Formation) runs through Kent, Surrey, Hampshire, West Sussex and peters out just over the border of East Sussex.*

6.12 *There has been limited working of this material in the Plan Area in recent times. Novington Sandpit is the only permitted soft sand site and lies within the South Downs National Park. It is understood that there is a reserve of around 350,000 tonnes still to be worked as part of the extant planning permission.*

6.13 *However, the site has been inactive since 2013 and any reported sales figures prior to that date are considered to be confidential. On that basis it is not possible to calculate an LAA rate and it assumed that the need for soft sand in the Plan Area has entirely been met through imports for at least six years.*

6 Providing for Minerals

6.14 The Authorities have worked with the other South East Mineral Planning Authorities to agree a Position Statement on Soft Sand. This sets out the context for soft sand provision at a regional level. Following on from that work, the Authorities have entered into a Statement of Common Ground with Kent County Council and West Sussex County Council which acknowledges the current reliance on imported materials to meet the needs of the Plan Area and explains the process each Mineral Planning Authority will go through to meet the 'steady and adequate supply of minerals' required by the NPPF⁽⁷⁾.

6.15 As the Plan Area appears to be reliant on soft sand imports, the Authorities have undertaken a number of surveys to confirm this assumption, and to understand where the material is imported from and how the need for soft sand is currently being met.

6.16 As a partner Authority for waste and minerals plans in Hampshire, West Sussex, East Sussex and Brighton and Hove, the SDNPA is working on a unified position on the provision of soft sand from within the South Downs National Park where much of the resource is located.

6.17 Mineral extraction is considered to be 'major development' as defined in the Glossary of the NPPF and the Town and Country Planning (Development Management Procedure) (England) Order 2015. Paragraph 172 of the NPPF states that planning permission should be refused for major development in National Parks other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Footnote 55 of the NPPF states that the question of whether a development proposal is 'major' in a National Park is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

6.18 Paragraph 172 of the NPPF relates primarily to the determination of planning applications in protected landscapes. However, to ensure that all local plan allocations are deliverable, it is also necessary to consider the issue of major development at the plan making stage.

6.19 At this time it is considered that the most appropriate approach is to safeguard the soft sand resource and not allocate any further sites in the Plan Area. It is not appropriate to designate Areas of Search in a protected landscape and no aggregate sites have been put forward so far during the consultation process in either the National Park or the AONB.

6.20 Any future applications for soft sand extraction in the National Park will need to address paragraph 172 of the NPPF and Policy SD3 of the South Downs Local Plan.

6.21 The Authorities within the East Sussex Plan Area will continue to rely on imports and the existing permitted site to meet its needs. The situation will be reviewed through the Authorities' Monitoring Report and the Local Aggregate Assessment.

⁷ Paragraph 207

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6.22 In the event that land-won aggregate proposals are received they will be considered against existing Development Plan policies. All Plans should be read as a whole and criteria based policies within the WMLP ensure that there is complete policy coverage for any future proposal.

6.23 Proposals for new additional capacity for aggregate importation infrastructure and recycled and secondary aggregate production will also be subject to the environmental protection requirements set out in other plan policies.

Policy RM1

Provision of aggregates for consumption in the Plan Area

The Authorities will enable the provision of 21 million tonnes (averaging 1.4 mtpa) of aggregate material over the the Plan period by seeking to protect, maintain and enhance existing:

- a) aggregate importation infrastructure and capacity; and
- b) recycled and secondary aggregate production

Proposals for new additional capacity for a) and b) (including increased operational capacity within the site boundary of existing infrastructure) will be supported, In particular support will be given to proposals which further enable sustainable provision of aggregates by sea and/or rail.

Provision of Clay (RM2)

Explanation

An extension to the Aldershaw Tiles extraction site was promoted by the operator in response to the Call for Evidence and Sites 2017. The tile works is a small scale operation which primarily produces handmade tiles, many of which are used in the restoration of historic buildings. Supplies are now running low at the extraction site and an extension could extend the lifetime of the facility by providing a potential minerals reserve of between 25 and 30 years. A small extension (0.2 hectares) that will enable the continued extraction of brick clay used in specialist tile production is therefore proposed.

There have been no further proposals for clay extraction allocations.

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It is proposed that this section is appended to Provision of Clay (WMP13) on pages 84-85 of the WMP.

Purpose of Policy RM2 1

To ensure a continued supply of specialist clay.

6.24 It has been identified that an allocation at the Aldershaw Tiles site is required to ensure continued provision of clay for use in the production of specialist tiles. Policy RM2 allocates this extraction; a site profile for the Aldershaw Tiles site can be found in Appendix 2.

Policy RM2

Clay Extraction Allocation

The following site is proposed to be allocated for clay extraction for the use specified below:

- *M/ALD - Aldershaw Tiles - An extension to the existing quarry, no larger than 0.2 hectares, for the sole use of making specialist clay tiles on-site at existing facility.*

Safeguarding Mineral Resources (RM3)

The provision of aggregates (minerals used for the construction and improvement of buildings or infrastructure) is important in ensuring that planned development in the Plan Area can be delivered. Directly linked to the provision of aggregates is the safeguarding of minerals resources and the safeguarding of minerals infrastructure. Safeguarding helps to ensure that minerals resources, which are finite in their supply, are not sterilised by other development. It also protects existing and planned infrastructure, such as railheads and wharves, which are integral to the supply, storage and transportation of minerals. Within the Plan Area, wharves at the ports of Newhaven, Shoreham and Rye are safeguarded in order to preserve mineral landing capacity, along with railheads at Newhaven and the British Gypsum rail facility near Robertsbridge. It is, therefore, important to review safeguarding arrangements at the same time as a review of mineral provision.

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Explanation

Separate policies relating to safeguarding of mineral resources are contained within the Local Plan and Sites Plan. To avoid duplication of policy content, it is proposed that policies WMP14 and SP8 are combined into a single policy within the Waste and Minerals Local Plan. The list of safeguarded resource sites will be moved to the policies map. The list of safeguarded sites has been included below for information. The strike-through indicates sites which are no longer being safeguarded.

Gypsum:

- Brightling Mine/Robertsbridge Works, Mountfield

Sand and Gravel:

- Stanton's Farm, Novington
- ~~Scotney Court Farm, Jury's Gap Road, Camber, near Lydd~~
- ~~Scotney Court Extension and Wall Farm, Jury's Gap Road, Camber, near Lydd~~⁽⁸⁾
- ~~Broomhill, near Lydd~~⁽⁹⁾

Clay:

- Ashdown Brickworks, Bexhill
- Little Standard Hill Farm, Ninfield
- Chailey Brickworks, Chailey
- Hastings Brickworks, Guestling
- Aldershaw Farm, near Hastings
- Horam Brickworks, Horam

This section replaces Safeguarding Mineral Resources (WMP14) on pages 86-88 of WMP and paragraphs 4.1 - 4.11 and Policy SP8 on pages 24-25 of the Waste and Minerals Sites Plan. Policies WMP14 and SP8 are superseded by Policy RM3.

⁸ Permitted extraction sites are currently being worked at Scotney Court Farm, Scotney Court Extension and Wall Farm, it therefore considered that safeguarding is no longer required.

⁹ It is not environmentally viable to extract at Broomhill and therefore the need to safeguard the resource is not considered to be required in accordance with the provisions in the NPPF which states that minerals planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.

6 Providing for Minerals

Purpose of Policy RM3

To ensure known mineral resources of local importance are safeguarded.

6.25 *The National Planning Policy Framework requires MPAs to prevent mineral resources from being unnecessarily sterilised. Sterilisation of known or potential resources would reduce the ability and flexibility to supply future demand. However, it is also important to find a balance between protecting mineral resources for the future and allowing for necessary development of some of those areas. The NPPF also states that local planning authorities should define Mineral Safeguarding Areas (MSAs).⁽¹⁰⁾*

6.26 *Government advice contained in the NPPF requires mineral planning authorities to define Mineral Safeguarding Areas (MSAs) which should contain resources that are of local and national importance to warrant protection for future generations. Mineral safeguarding allows for potential resource to be examined however, there is no presumption that resources defined in MSAs will be worked.*

6.27 *Minerals Consultation Areas are areas where Local Planning Authorities will consult with the Authorities on alternative development proposals, not including excluded development. They have been identified using information on known minerals resources and existing permitted extraction and transport infrastructure sites.*

6.28 *Where non-mineral development is proposed which could potentially sterilise minerals resource, developers will be required to carry out investigation work to ascertain whether economically viable mineral resources are present and whether prior extraction is practicable. The results of this work should be reported in a 'Minerals Resource Assessment' that is submitted with any application (for more detail see separate guidance on safeguarding). For the Authorities to raise no objection to the non-mineral development, they will need to be satisfied that either minerals sterilisation will not occur (either because the mineral resources are not economically viable or that an appropriate and practicable level of prior extraction can take place) or because there is an overriding need for the development.*

6.29 *No strategic need for chalk extraction was identified in the WMP, and there is no evidence to suggests that the situation has altered. No areas have therefore been identified to safeguard chalk resource within the review.*

¹⁰ British Geological Survey (BGS) guidance for Mineral Safeguarding published in 2011.

Providing for Minerals 6

Soft Sand

6.30 When considering proposals for mineral extraction, national policy⁽¹¹⁾ requires planning authorities to 'provide the provision of non-energy minerals outside of National Parks, the Broads, Areas of Outstanding Natural beauty and World Heritage Sites, scheduled monuments and conversation areas' where practicable. However, the soft sand resource within East Sussex lies entirely within the boundary of the South Downs National Park. This soft sand resource then extends through the SDNP and its boundary in West Sussex and Hampshire.

6.31 As soft sand resource in the south east is relatively limited and constrained by a number of designated landscapes⁽¹²⁾, the Plan safeguards the extent of the soft sand resource in East Sussex.

Policy RM3

Minerals Safeguarding Areas

Mineral Safeguarding Areas (MSAs), as shown on the Policies Map, identify viable land-won mineral resources and sites.

Proposals for non-minerals development on or near the MSA that would sterilise or prejudice the extraction of the mineral resource, or result in incompatible development, should not be permitted.

Development proposals within areas shown as Mineral Safeguarding Areas on the Policies Map or that may affect a mineral operation or resource, must demonstrate that mineral resources will not be sterilised and the development is not incompatible with any permitted minerals operations.

The Authorities will periodically review and update Mineral Safeguarding Areas as required.

¹¹ NPPF paragraph 205

¹² South East Soft Sand Position Statement

6 Providing for Minerals

Prior Extraction of Mineral Resources (RM4)

Explanation

Prior extraction of minerals resources is required to be promoted and considered for development proposals which would sterilise resources. Following an assessment of viability of sand and gravel resource within the Plan Area, it is proposed that no additional sharp sand and gravel resource would be safeguarded. The non-permitted sand and gravel resources at Lydd Quarry will no longer be safeguarded due to the constraints of the site which would make it unviable for the resource to be extracted without damaging the specially designated environment. However a prior extraction policy is required to ensure that soft sand resource (all of which is to be safeguarded) is appropriately safeguarded and does not become sterilised. A separate policy requiring prior extraction where feasible and practicable has been included.

Purpose of Policy RM4 1

To ensure the best and most sustainable use of minerals by seeking their extraction prior to development.

6.32 *The NPPF requires that MPAs should set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place. Where non-mineral development is proposed, developers may be required to carry out investigation work to ascertain whether there are economically viable mineral resources present and whether prior extraction is practicable. The Minerals Resource Assessment may conclude that prior extraction is not practicable due to constraints and location, delay to construction timetable, and effect on landform thereby making the site not viable for the proposed development. The Mineral Planning Authority will consider the conclusions of the Minerals Resource Assessment, including on prior extraction, in forming its view on the proposed development and provide advice to the Local Planning Authority.*

Providing for Minerals 6

Policy RM4

Prior Extraction of Mineral Resources

All developments within Mineral Safeguarding Areas should undertake prior extraction unless it can be demonstrated to the satisfaction of the MPA that:

- a) The mineral resource would not be sterilised by the proposed development.*
- and/or*
- b) The mineral cannot be practically or feasibly extracted.*

Safeguarding Minerals Infrastructure (RM5)

Explanation

The introduction of sensitive land uses in close proximity to minerals operations can have a detrimental impact on their ability to effectively operate. Issues such as noise and dust from existing infrastructure sites can affect incompatible development such as residential uses negatively. It is necessary to protect these facilities from encroachment of non-minerals development to support continued effective working of these facilities, therefore it is proposed that reference to the Agent of Change principle (para 182 of NPPF) is added to the Policy. *The list of safeguarded minerals infrastructure sites will be moved to the policies map.*

It is proposed that this section replaces Safeguarding Railheads and Wharves Policy (WMP15) on pages 89-90 of WMP and pages 26-27 of the Waste and Minerals Sites Plan, and that Policies WMP15 and SP9 are superseded by RM5.

Purpose of Policy RM5 1

To ensure the continued provision of minerals to the plan area by protecting essential minerals infrastructure from encroaching development.

6 Providing for Minerals

6.33 National policies require Mineral Planning Authorities (MPAs) to assess the need for existing, planned and potential wharf and rail facilities to be safeguarded and to encourage and promote the use of sustainable transport modes for the movement of minerals. Sustaining imports of marine aggregates through local wharves is particularly important in the Plan Area because of the scarcity of land based mineral resources in this area.

6.34 Marine borne aggregates are currently imported at the Ports of Rye, Newhaven and Shoreham. Material for the plasterboard factory at Robertsbridge is imported by rail. Bottom ash produced by the Newhaven Energy Recovery Facility is exported by rail to a processing facility outside the County. Crushed rock and other aggregates are imported by rail into the Plan Area at Newhaven. The majority of aggregates movements within the Plan Area are currently made by road.

6.35 There are currently no active chalk sites in the Plan Area and more recently chalk has been imported by road from West Sussex. Clay resources are linked to brickworks and none of these sites are close to rail facilities or ports to transport bricks within or out of the Plan Area. More detailed support for a modal shift in transportation of minerals is covered in Policy WMP 18.

6.36 Proposals for other uses at minerals wharves must demonstrate that sufficient alternative mineral wharf capacity (tonnage) is deliverable and available to ensure no net loss of capacity within the port before the Authorities would accede to alternative development of the site. Proposals for new residential, business or amenity development in proximity to aggregate wharves should be assessed to ensure the impact of existing operations is fully addressed. The safeguarding arrangements would apply to all existing permitted, planned and potential sites regardless of whether they are currently in use.

6.37 Proposals affecting safeguarded mineral infrastructure sites or within MCAs around these, including rail depots, wharves, concrete batching and asphalt plants, and aggregate recycling sites should be supported by a Mineral Infrastructure Assessment. This should provide sufficient evidence to enable the MPA to assess whether the proposed development is likely to have an adverse effect on the facility including its capacity.

6.38 The NPPF requires that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Development proposals in the vicinity of safeguarded wharves (including vacant wharves) should be designed to minimise the potential for conflicts of use and disturbance, in line with the Agent of Change principle.

Providing for Minerals 6

6.39 The Joint Area Action Plan (JAAP) for Shoreham Harbour which was adopted in October 2019 sets out the future vision and planning policies for the Shoreham Harbour regeneration area. The intention is to consolidate port related uses in the eastern harbour arm. It is important that wharf safeguarding policies are applied to ensure capacity is maintained whilst regeneration proposals come forward.

6.40 Shoreham Port is partly within West Sussex, so landings at wharves in the West Sussex part may also help meet demand in the western part of the Plan Area. On that basis, provision of equivalent capacity (tonnage) of minerals wharfage within either part of Shoreham Port may be acceptable subject to similar safeguarding by West Sussex County Council as Minerals Planning Authority. Future joint working by authorities on the JAAP has been addressed through a Statement of Common Ground which has been agreed between the Shoreham Harbour Planning Authorities and the Shoreham Port Authority.

6.41 The wharves and railheads safeguarded for the purposes of minerals transportation are listed on the Policies Map.

6.42 The Newhaven Enterprise Zone which includes the Port of North Quay has been considered as part of the review. However it is considered that there is no need to change the direction or wording of the policy.

Policy RM5

Safeguarding Minerals Infrastructure

Existing, planned and potential railhead and minerals wharf facilities (including rail sidings) and their consequential capacity are safeguarded in order to contribute towards meeting local and regional supply for aggregates and other minerals as well as supporting modal shift in the transport of minerals. The need for railheads and minerals wharves will be monitored.

Capacity for landing, processing and handling and associated storage of minerals at wharves in Shoreham, Newhaven and Rye Ports is safeguarded. Alternative use proposals would need to demonstrate that there is no net loss of capacity for handling minerals within a port.

Proposals for non-minerals related uses within the vicinity of a infrastructure site should be designed to minimise the potential for conflicts of use and disturbance in accordance with the Agent of Change principle. Proposals for incompatible non-minerals development will not be supported.

6 Providing for Minerals

The Authorities will support the co-location of railheads and minerals wharves with processing capacity subject to it being demonstrated that this does not adversely affect space requirements for operational use.

The Authorities will periodically review and update Mineral Infrastructure Safeguarded Areas as required.

Safeguarding facilities for concrete batching (etc.) (RM6)

Explanation

It is proposed that the list of safeguarded facilities is removed from the policy wording and is moved to the Policies Map. The policies map would be periodically reviewed and updated as necessary.

It is proposed that this section replaces pages 27-28 of the Waste and Minerals Sites Plan. Policy SP10 is proposed to be superseded by RM6, as drafted below.

Purpose of Policy RM6 1

To ensure adequate provision of minerals of the plan area by protecting infrastructure facilities from encroaching development.

6.43 Whilst the development management of concrete batching and similar facilities are generally district and borough council planning matters, in order to provide a comprehensive safeguarding mechanism for minerals infrastructure in the Plan Area it is considered appropriate to safeguard such sites in the WMLP.

6.44 The NPPF requires that planning policies should safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material. No such sites were received in response to the Call for Evidence and Sites consultation, and a need for additional facilities has not been identified.

6.45 Safeguarded concrete batching facilities are listed on the Policies Map.

Providing for Minerals 6

Policy RM6

Safeguarding facilities for concrete batching, coated materials manufacture and other concrete products within the Plan Area

Facilities for concrete batching, coated materials manufacture and other concrete products are safeguarded against development that would unnecessarily sterilise the facility or prejudice its use. The safeguarded facilities are identified in the Policies Map.

Proposals for non-minerals development on or near the site that would prejudice the use of the facility, or result in incompatible development, should not be permitted. The MPA will consider whether:

- *the proposed development is in accordance with a site allocation in an adopted local plan or neighbourhood plan;*
- *the site is no longer needed;*
- *the proposal is of a temporary nature; or,*
- *the capacity of the site can be relocated elsewhere.*

The Authorities will periodically review and update safeguarded facilities as required.

Minerals Consultation Areas (RM7)

Explanation

It is proposed that the extents of Mineral Consultation Areas are altered dependent on the constraints of each site. These can be found in the Policies Map. It is also proposed that a list of exempt development relating to MSAs, MCAs and prior extraction is included for clarity.

The proposed wording of these policies would allow the MPA discretion to raise concern in cases where the minerals sites and facilities may be adversely affected by non-minerals development.

It is proposed that this section replaces Minerals Consultation Areas (SP11) on pages 28 & 29 of the WMSP.

6 Providing for Minerals

Purpose of Policy RM7 1

To ensure appropriate consultation is undertaken by Local Planning Authorities on alternative development proposals.

6.46 Policies RM3 and RM5 seek to safeguard land-won minerals resources and minerals infrastructure from sterilisation and incompatible development. Minerals Consultation Areas (MCAs) are a means to ensure that, in determining non-minerals development by another local planning authority within the Plan Area, account is taken of the need to safeguard such assets. Brighton & Hove City Council and the South Downs National Park Authority can achieve this consideration within their own decision taking. In the County of East Sussex outside the South Downs National Park, local planning authorities need to consult the Minerals Planning Authority on relevant applications. To ensure a manageable process, Policy RM7 below sets out how the consultation process will be implemented.

Policy RM7

Minerals Consultation Areas

Within the County of East Sussex outside the South Downs National Park, the local planning authority will consult the Minerals Planning Authority on non-minerals development affecting, or potentially affecting, existing minerals sites and facilities identified in the Policies Map. Neighbourhood planning groups will also need to consult the relevant MPA where allocating land affecting MSAs in their Neighbourhood Plan.

Types of planning applications not included within the list below which fall into a Mineral Consultation Areas (MCA) will require the consultation of the Minerals Planning Authority. MCAs will be updated when necessary and included in Annual Monitoring Reports, and the local planning authorities informed accordingly.

6.47 The following exemptions would apply to sites located in MSAs and MCAs. The exemptions would also apply to the requirements for prior extraction and for consultations relating to both mineral resources sites and minerals infrastructure sites. Those listed would also be exempt from the requirements of Mineral Resource and Infrastructure Assessments.

Excluded Development

- *Householder planning consent: Applications for alterations to existing single buildings including works within the boundary/garden of a house i.e. domestic extensions, conservatories, loft*

Providing for Minerals 6

conversions, dormer windows, garages and similar structures (car ports, outbuildings) within the curtilage of an existing dwellinghouse

- *Applications for Advertisement Consent*
- *Applications for Listed Building Consent*
- *Lawful Development Certificate (LDC) for existing use, proposed use, or operation or activity in breach of a planning condition*
- *Applications for removal, variation and approval of conditions*
- *Applications for Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas)*
- *Applications for reserved matters including subsequent applications after outline consent has been granted*
- *Application for non-material amendments*
- *Applications for small-scale urban infill development within existing built-up areas i.e. the development of a small gap between existing buildings/enclosed by other types of development*
- *Developments within a conservation area within existing urban areas*

7 Development Management Policies

7 Development Management Policies

7.1 The Development Management Policies section in the WMLP sets out policies to be used in the determination of waste and minerals applications covering a range of topics such as environmental enhancement, transport, design and operation.

7.2 The Authorities' monitoring indicated that these policies are broadly operating as expected, and do not require altering at this time. However, it was identified that the supporting text of Policy WMP27 was factually incorrect and requires alteration. All other policies within this section apart from WMP27, which is to be replaced by Policy RD1 below, remain unchanged.

Environment and Environmental Enhancement (RD1)

Explanation

Policy WMP27 and its supporting text seeks to conserve and enhance the environment. This is a development management policy and is intended to be a general policy that can be applied to a wide range of proposals. Three changes are being proposed to this policy and its supporting text:

1. Addition of specific reference to net gain in biodiversity

In the NPPF it is identified that plans must contribute to net gain of biodiversity. Presently, WMP 27 seeks to maximise opportunities to increase biodiversity and habitat creation. The NPPF now requires almost all development to result in net gains in biodiversity. The policy has been updated to reflect this new emphasis. The policy text has also been shortened and made more flexible by identifying environmental and historic designations as a whole, instead of listing specific designations.

2. Alteration of supporting text in relation to Habitats Regulation Assessments

The supporting text of WMP27 provides guidance in a grey box to be used when undertaking Habitats Regulations Assessments (HRA),⁽¹³⁾ which the Authorities are required to undertake at specific times set out in law. The first part of the HRA process is called screening, which identifies if further assessment is required.

¹³ The Conservation of Habitats and Species Regulations 2017 transposes the Habitats Directive and elements of the Birds Directive into English Law. These directives seek to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora and require certain assessments to be undertaken in certain circumstances.

Development Management Policies 7

Within the guidance in the grey box the third paragraph and footnote 89 makes reference to the advice given in the Design Manual for Roads and Bridges which indicates "*that if the increases in traffic [arising from a development] will amount to less than 200 Heavy Duty Vehicles (HDV) movements per day the development can be scoped out of further assessment*".

In 2017, a High Court judgement in the case of Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin) found that in following the advice of the Design Manual for Roads and Bridges by using a 200 HDV vehicle limit as a threshold for screening, Lewes District Council, when undertaking a Habitats Regulation Assessment on their Joint Core Strategy, had failed to consider the cumulative impact of the development proposed in their local plan in combination with those proposed within the Wealden Local Plan. The judgement also undermined the use of a 1% threshold to determine if a scheme may be screened out. The supporting text in the WMP, which was based on the best advice available in 2013, follows an approach similar to Lewes District Council. The Authorities are, therefore, seeking to amend the supporting text in order to update it in light of the judgement.

3. Alteration to supporting text to Include of reference to soils in relation to biodiversity and climate change.

The importance of the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Measures for protecting and minimising disturbance to soils should be included in an Environmental Statement. Reference to this requirement is therefore included in the supporting text.

7.3 It is proposed that this section replaces Environment and Environmental Enhancement (WMP27) on pages 113-116 of the WMP. Policy WMP27 Environment and Environmental Enhancement would be superseded by RD1 Environment and Environmental Enhancement.

Purpose of Policy RD1

To conserve and enhance the built and natural environment including: natural assets; biodiversity and geodiversity; landscapes; historic environment; geology and geomorphology; Heritage assets; and landscape character.

7 Development Management Policies

7.4 *The Plan Area has a range of natural and built features which are recognised for their environmental and / or historic qualities, a number of which are formally recognised via international, national, or local level designations.⁽¹⁴⁾ Within the existing policy hierarchy, sites or features designated at a national or international level receive statutory protection via legislation. Others designated at a more local level carry less policy weight in decision-making, although the Authorities recognise that such features are an important part of the local environment.*

¹⁴ See map x, page y.

Development Management Policies 7

Policy RD1

Environment and Environmental Enhancement

To conserve and enhance the built and natural environment development should:

- a) protect and enhance designated sites, areas and features of environmental and historic importance.⁽¹⁵⁾
- b) seek to achieve net gain in biodiversity and;
- c) maximise opportunities for habitat creation including inter-connectivity between habitats within and outside the site.

Permission will not be granted where:

- a) a site or area of international importance is adversely affected, unless there is an imperative overriding public interest for the development, or
- b) the development would have a significant⁽¹⁶⁾ adverse impact on such a site, area or feature as referred to in a. above.

7.5 Proposals are expected to assess these issues within an Environmental Statement, particularly if there are known features in the vicinity of the application site. Any proposals for the provision for net gain in biodiversity to be achieved should be proportionate to the proposed development.

7.6 The importance of the biodiversity within soils and its potential to store carbon has significantly increased in the last few years. Both waste and minerals development can result in a large amount of soil disturbance .The Environmental Statement accompanying such proposals should therefore include details of how soil disturbance is to be minimised. Best practice examples are set out in the Defra publication 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites'.

7.7 Where appropriate, the Authorities will include planning conditions that provide for notification, evaluation and (if confirmed) recording of important natural or archaeological features that may be encountered and, where relevant, the retrieval of finds and placing in recognised

¹⁵ A list of different types of designated sites can be found in the Local Policies Map that accompanies this document . Where there is evidence that identifies an un-designated environmental or historic site, area or feature as important, these are considered in the same way as designated site of similar characteristics.

¹⁶ When assessing significance the appropriate tests as set out in the NPPF, where relevant, will be applied.

7 Development Management Policies

national collections. Agreements for restoration, after-care and after-use will be flexible to allow for active conservation of any interest, as they are discovered, throughout the life of the planning permission.

DRAFT

8 Implementation and Monitoring

- 8.1** It is proposed that the implementation and monitoring table in section 7 of the Waste and Minerals Plan (pages 120-137) is updated. Entries for policies WMP4, WMP7a, WMP7b, WMP11, WMP14, WMP15 and WMP27 would be deleted and replaced with the table below.

8.2 Monitoring and reporting on the implementation of the policies in the Plan is important to establish whether they are being successful in achieving their aims. Monitoring also allows corrective action to be taken if the aims of the Plan are not being met. Performance of the policies is currently and will continue to be evaluated yearly and reported via the Local Aggregates Assessment and Annual Monitoring Report.

Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator
RD1 - Sustainable Locations for Waste Development	ESCC, BHCC, SDNPA	Waste industry Minerals industry	Strategic facilities located consistent with the approach identified in the Plan.	Locations of waste facilities consistent with policy.
WMP4	ESCC , BHCC, SDNPA	Minerals industry Environment Agency Landowners Port Authorities	A proportional increase in use of secondary or recycled materials in relation to total minerals used. Sufficient primary and secondary aggregates provided to the Plan Area over plan period	Data about land-won minerals extracted in the Plan Area or landed at ports within the Plan Area.

8 Implementation and Monitoring

Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator
<i>RM1 Provision of Aggregates</i>	ESCC, BHCC, SDNPA <i>Importation of aggregates by sea, rail, and road. Provision of recycled and secondary aggregates for use in the Plan Area</i>	Minerals industry CDEW industry Environment Agency Landowners Port Authorities	Sufficient primary and recycled/secondary aggregates provided to the Plan Area over plan period. Consumption of aggregates in the Plan area.	Data on imports of aggregates to the Plan Area. Data about C&D waste being recycled at permitted waste sites.

Implementation and Monitoring 8

Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator
RM3 - Safeguarding Mineral Resources RM4 - Prior Extraction of Minerals Resources	ESCC, BHCC, SDNPA <i>Safeguarding of land-won resources and identifying consultation areas. Development industry to undertake prior extraction of minerals where feasible.</i>	District/Borough councils. Minerals industry Environment Agency Natural England	No viable resources sterilised. <i>Work on a Waste and Minerals Sites Plan (to include Minerals Consultation Areas around permitted sites,) will commence within 12 months of adoption of the Plan.</i>	Number of applications for built development on safeguarded or consultation areas.

8 Implementation and Monitoring

Policy	Delivery Body/Mechanism	Key Delivery Partners	Delivery Target (how much, when, where)	Delivery Indicator
RD1 - Environment and Environmental Enhancement	ESCC, BHCC, SDNPA Environment Agency	Waste / minerals industry Environment Agency	Proposals should minimise environmental impacts where possible and mitigate where necessary.	Ongoing monitoring of conditions on waste developments.

Summary of Proposed Amendments 9

9 Summary of Proposed Amendments

Document - Section [Page numbers]	Proposed Amendment(s)	Reason(s) for Review
WMP - Overarching Strategy: Local Strategy Statement - Approach to Key 'Larger than Local' Matters [p25-32]	The section Local Strategy Statement - Approach to Key 'Larger than Local' Matters is deleted.	Factual update.
WMP Minerals and Waste Development in the South Downs National Park (WMP2)	Replaced by RPD - Minerals and Waste Development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty (RV1) [p14-17]	Clarification of policy and factual update.
WMP - Sustainable Locations for Waste Development (WMP7a, 7b) [p59-62]	Replaced by RPD - Sustainable Locations for Waste Development Policy (RW1) [p18-21]	To clarify an ambiguity in the existing policy requirements.
WMP - Provision of Aggregates (WMP11) [p78-81]	Replaced by RPD - Provision of Aggregates (RM1) [p22-27]	To reassess the approach to aggregates provision in the context of depleting permitted land-won reserves in the Plan Area. Following consideration of reasonable alternatives, the new approach does not allocate any additional sites, but will rely on imported material and recycled aggregate.
WMP - Provision of Clay (WMP13) [p84-85]	Replaced by RPD - Provision of Clay (RM2) [p27-28]	To allocate a new area for clay extraction at the existing Aldershaw Quarry for a submission to the 'call for sites'.
WMSP - Section 4 Providing for Minerals paragraphs 4.1 to 4.6 [p24]	WMSP - Section 4 Providing for Minerals paragraphs 4.1 to 4.6 [p24] are deleted.	Factual update to reflect proposed amendments.
WMP - Safeguarding Minerals Resources (WMP14) [p86-88] WMSP - Safeguarding Minerals Resources (paragraphs 4.1-4.23) and	Replaced by RPD - Safeguarding Minerals Resources (RM3) [p28-31]	To consolidate the policy requirements into a single policy for added clarity.

9 Summary of Proposed Amendments

Document - Section [Page numbers]	Proposed Amendment(s)	Reason(s) for Review
Policy SP8 Minerals Safeguarding Areas for land won minerals resources within the Plan Area [p24-25]		
	New Policy RPD - Prior Extraction of Minerals (RM4) [p32-33]	New policy requirement to require extraction of mineral resources prior to alternative development proposals commencing within Minerals Safeguarding Areas in some circumstances
WMP - Safeguarding Railheads and Wharves (WMP15) [p89-90]	Replaced by RPD - Safeguarding Wharves and Railheads (RM5) [p33-36]	To incorporate reference to the 'agent of change' principle introduced in the revised National Planning Policy Framework
WMSP - Safeguarding Wharves, Railheads and Concrete Batching: Wharves and Railheads (paragraphs 4.12-4.19) and Policy SP9 Safeguarding wharves and railheads within the Plan Area, Sand [p26-27]		
WMSP - Safeguarding Wharves, Railheads and Concrete Batching: Concrete Batching Plants (paragraphs 4.20-4.21) and Policy SP10 Safeguarding facilities for concrete batching, coated minerals manufacture and other concrete products within the Plan Area	Replaced by RPD - Safeguarding facilities for concrete batching, coated materials manufacture and other concrete products with the Plan Area (RM6) [p36-37]	To remove the list of safeguarded facilities from the policy wording and instead illustrate on the Policies Map, to enable easier updating.

Summary of Proposed Amendments 9

Document - Section [Page numbers]	Proposed Amendment(s)	Reason(s) for Review
WMSP - Minerals Consultation Areas (paragraphs 4.22-4.23) and Policy SP11 Minerals Consultation Areas [p28-29]	Replaced by RPD - Minerals Consultation Areas (RM7) [p37-39]	To revise the extents of Mineral Consultation Areas to take into account the constraints of each site.
WMP - Environment and Environmental Enhancement (WMP27) [p##-##]	Replaced by RPD - Environment and Environmental Enhancement (RD1) [p40-44]	<p>1. To add a requirement for a net gain in biodiversity.</p> <p>2. To update the policy requirements to take into account the judgement in Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017]</p> <p>3. Factual update to incorporate reference to solis conservation</p>

Table 1

10 Maps

10 Maps

10.1 Location of Waste Management Facilities Map

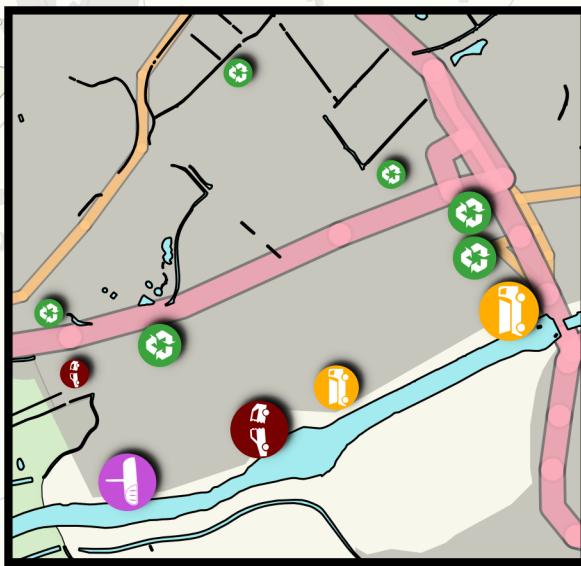


Locations of Existing Permitted Waste Management Sites Within the Plan Area

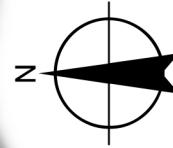
- Construction & Demolition Recycling Facility
- Composting Facility
- Energy Recovery Facility
- Inert Landfill
- Metal/End of Life Vehicle Facility
- Other Facility
- Recycling / Transfer Facility
- Urban Areas

**Waste Throughput
(tonnes per annum)**

Up to 25,000 tpa
25,000-100,000 tpa
Over 100,000 tpa



Inset 1 (Newhaven)



This is an indicative map showing approximate locations of different types of waste management facilities within the Plan Area. 'Other Facility' refers to facilities that do not fall into the main classifications, including specialist oil and plasterboard treatment and leachate tanks. This map does not show wastewater treatment facilities.

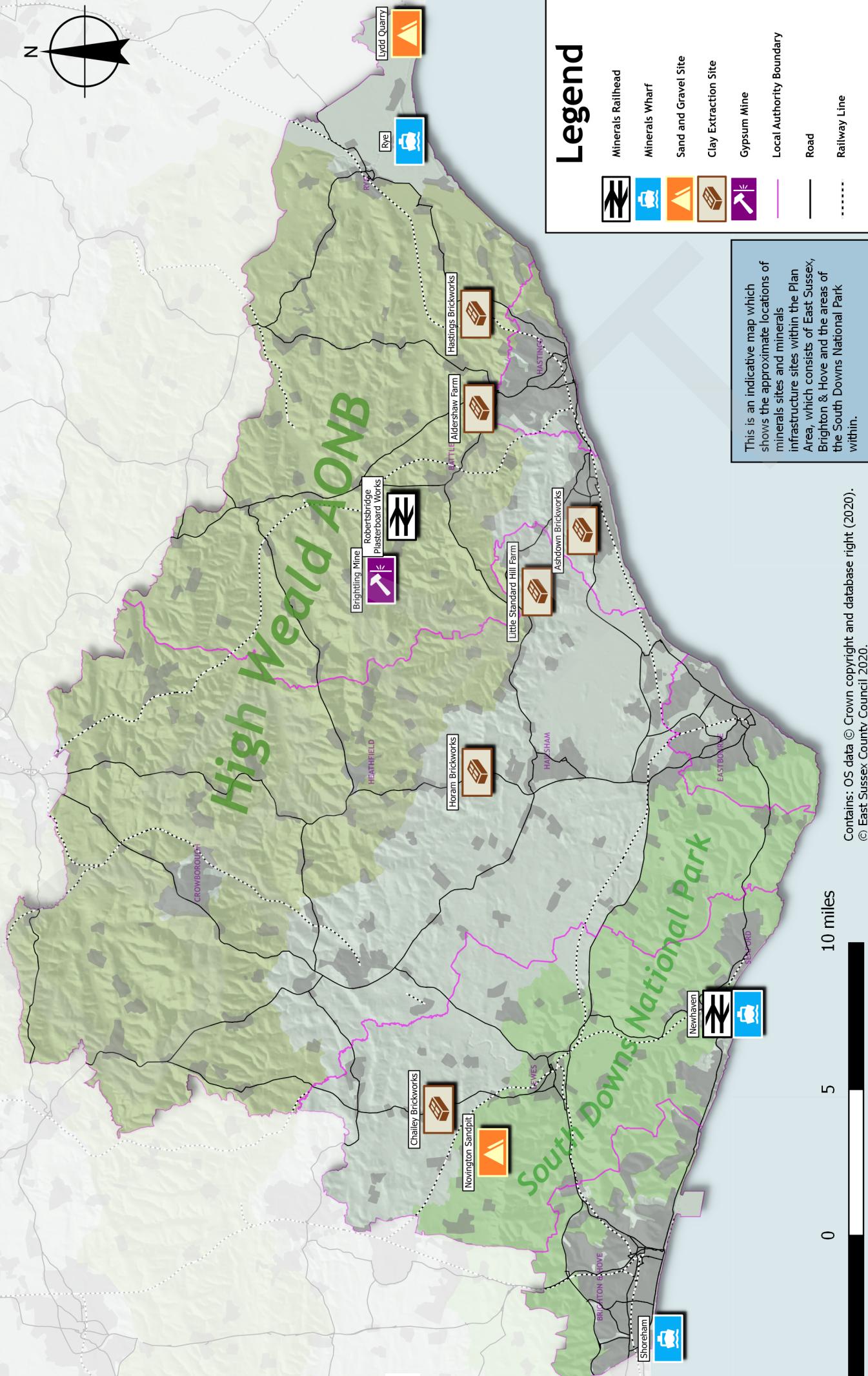
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10 Maps

10.2 Minerals Sites and Infrastructure Map



Locations of Minerals Sites and Infrastructure Within the Plan Area

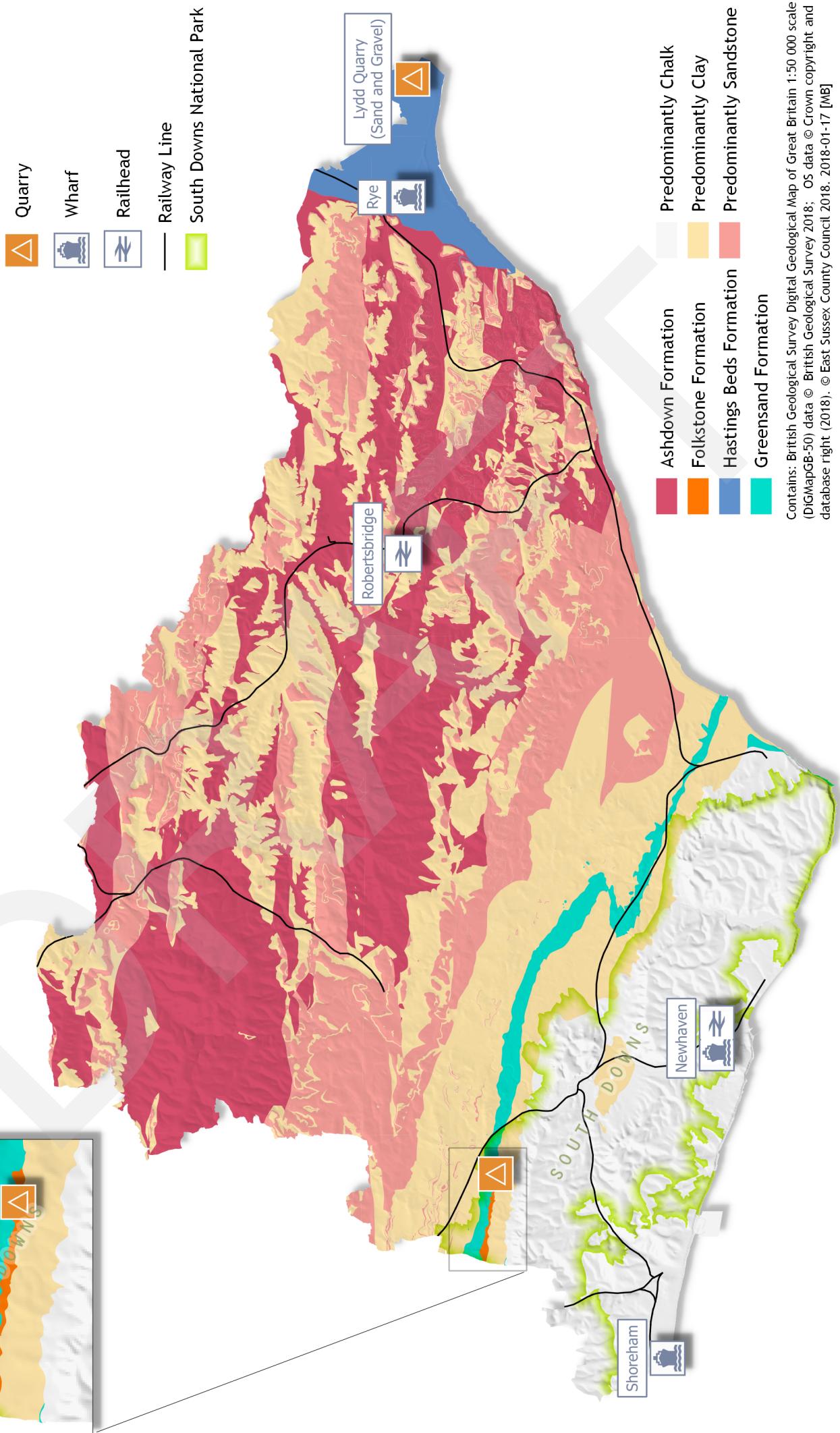


10 Maps

10.3 Simplified Geology Map



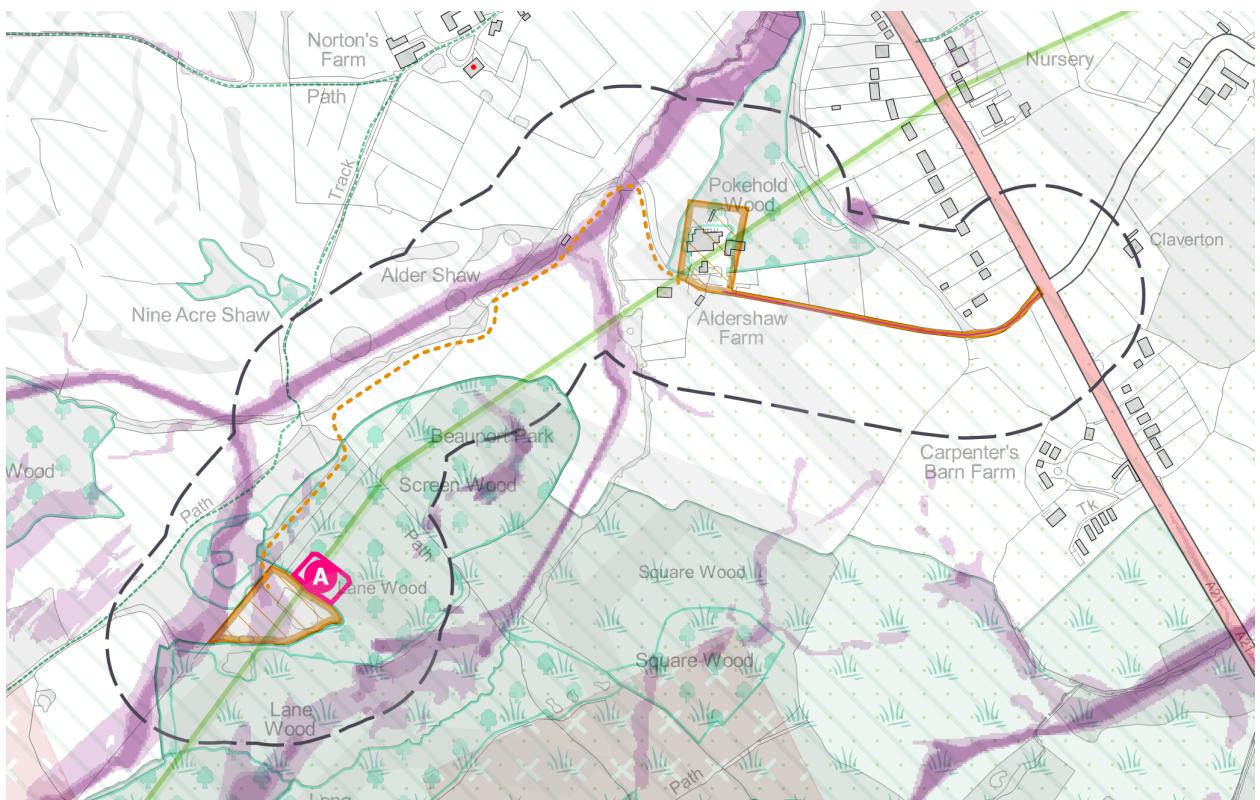
Simplified Geology of East Sussex showing Aggregate Sites & Minerals Infrastructure



11 Site Profiles

11 Site Profiles

11.1 M/ALD Sedlescombe - Pokehold Wood, Kent Street (Aldershaw Handmade Tiles Ltd)



Scale: 1:7,500 @ A4 XY: 578621, 115229 (A) = M/ALD Allocation
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Map 1 SP-A/A Hangleton Bottom, Hangleton Link Road, North Portslade

Site Details

Site type:	Allocation	Local Authority:	Rother District
Grid reference:	TQ 783 150	Parish:	Battle CP; Westfield CP.
Area:	0.2 ha proposed extraction area	Electoral Division	Battle & Crowhurst; Brede Valley & Marsham.

ref: R-S1-001 / 578308 / 115010

Site Profiles 11

Description

11.1 The existing extraction site is a small clay quarry located approximately 8km north of Hastings on the west side of the A21 within the High Weald Area of Outstanding Natural Beauty. The access to the site is via a 350m long track leading from the A21. The tile works is a small scale operation which primarily produces hand made tiles, many of which are used in the restoration of historic buildings. The existing clay pit, from which raw materials are won, is located approximately 600 metres south-west of the works site. The proposed extension site is located immediately to the north-east of the existing clay pit in an area of self regenerated woodland which is included within an area of ancient woodland.

Other Information

11.2 Extension to existing quarry.

Development Considerations*

- Records of historic finds at location with similar topographic properties to this site. Potential for archaeological finds; (un-designated).
- Ancient woodland present on site. A compensatory strategy will be required as part of any proposed development.
- Beauport Park Local Wildlife Site covers part of site, other local wildlife sites and sites of special scientific interest are nearby.
- Records indicate potential for protected species or their habitats on or near site.
- Overland surface water flow routes present on or near site.
- National Grid infrastructure near site.
- Site is located within High Weald AONB.
- Public footpath near site.

Opportunities*

11.3 The following opportunities may be present at this site:

- Potential for environmental enhancement (including habitat and landscape) in restoration of site.

Compliance with specific NPPF tests

11.4 The principle of this allocation is considered to be in accordance with paragraphs 172 and 175 of the NPPF (protected landscapes and ancient woodland) owing to the specialist nature of the proposed operation and the lack of availability of the required clay.

11 Site Profiles

Sustainability Appraisal Summary

11.5 Development on this site is likely to have a positive effect on the sustainable use of local mineral resources. It may have a minor positive effect in reducing adverse impacts of transporting waste and minerals on the environment; contribute to the growth of a sustainable and diversified economy; and provide employment opportunities and develop and maintain a skilled workforce. Development on this site, without mitigation, may have a negative effect on the biodiversity and geodiversity of Beauport Park Local Wildlife Site. Depending on the detail of any development it may also affect the causes of and adapt to climate change; protect East Sussex and Brighton & Hove's countryside and historic and built environment.

Habitats Regulation Assessment Summary

11.6 Extension to quarry would not lead to likely significant effects on European sites.

* The development considerations and opportunities listed are not exhaustive. Other issues may emerge at the development management stage.

Waste and Minerals Draft Revised Policies

Inset Map Legend

Local Plan Designations

-  Allocation (RM2)
-  Existing Site (RM3)
-  Existing Site Access (RM3)
-  Minerals Consultation Area (RM7)

Heritage Designations

-  Archaeological Notification Areas
-  Conservation Areas
-  Listed Building, Grade I
-  Listed Building, Grade II*
-  Listed Building, Grade II
-  Registered Battlefield
-  Registered Parks and Gardens
-  Scheduled Monument

Groundwater Protection Zones

-  Inner zone (Zone 1)
-  Outer zone (Zone 2)
-  Total catchment (Zone 3)

Flood Zones

-  Flood Zone 3b
-  Flood Zone 3a
-  Flood Zone 2

Environmental Designations

-  Air Quality Management Area (AQMA)
-  Ancient Woodland
-  AONB
-  Biodiversity Action Areas
-  DEFRA Noise Priority Areas
-  Local Geological Site (LGS)
-  Local Nature Reserve
-  Marine Conservation Zone
-  National Nature Reserve
-  National Park
-  Ramsar Site
-  Registered Country Parks
-  Right of Way
-  Site of Nature Conservation Interest (SNCI)
-  Site of Special Scientific Interest (SSSI)
-  Special Areas of Conservation (SAC)
-  Special Protection Areas (SPA)

Surface Water Flood Zones

-  1000 year event
-  100 year event
-  30 year event

12 Glossary

12 Glossary

Annual Monitoring Report (AMR) - a yearly report produced by the Authorities which monitors the effectiveness of the Local Plan and its policies.

Area of Focus - broad locations that are considered suitable, in principle, for the development of waste recycling and recovery facilities as defined in paragraph 5.7 of this document.

Area of Outstanding Natural Beauty (AONB) - area with a statutory national landscape designation, the primary purpose of which is to conserve and enhance natural beauty.

Call for Evidence and Sites (CfES) - a public consultation event where a council or authority asks for landowners, developers or any other interested parties to submit a site to be considered for inclusion in a Local Plan.

Commercial and Industrial Waste (C&I) - waste produced by business and commerce, which includes waste from restaurants, offices, retail and wholesale businesses, and manufacturing industries.

Construction, Demolition and Excavation waste (CDEW) - Waste arising from the construction and demolition of buildings and infrastructure. Materials arising in each of the three streams (i.e. Construction; Demolition; Excavation) are substantially different: construction waste being composed of mixed non inert materials e.g. timber off cuts, plasterboard, metal banding, plastic packaging; demolition waste being primarily hard materials with some non inert content e.g. bricks, mortar, reinforced concrete; and excavation waste being almost solely soft inert material e.g. soil and stones.

Energy Recovery - covers a number of established and emerging technologies, though most energy recovery is through incineration technologies. Many wastes are combustible, with relatively high calorific values - this energy can be recovered through processes such as incineration with electricity generation, gasification or pyrolysis.

Incinerator Bottom Ash (IBA) - a burnt residue produced as a by-product of burning of waste at high temperatures under controlled conditions.

Local Aggregate Assessment (LAA) - a yearly monitoring report required by the NPPF in which the Minerals Planning Authority forecast and assess the aggregates produced, imported and used within the Plan Area.

Local Authority Collected Waste (LACW) - formally known as Municipal Solid Waste (MSW), is waste that is collected by a waste collection authority. The majority is household waste, but LACW waste also includes waste from municipal parks and gardens, beach cleansing, cleared fly-tipped materials and some commercial waste.

Glossary 12

Marine Dredged Aggregates (MDA) - aggregates sourced by dredging from the sea bed.

Marine-Borne Material - minerals including aggregates transported and imported by sea, which may be either dredged from the sea bed or transported from other areas.

Materials Recovery Facility - facility which receives and sorts recyclable materials for processing.

Mineral Consultation Areas - areas of where district and borough planning authorities should notify the County Council if applications for development come forward. This should prevent mineral resource being lost ('sterilised') or minerals infrastructure being adversely affected.

Minerals Infrastructure - sites and facilities required for the landing, importation, storing, handling, sorting, processing and transportation of both land-won and marine-borne minerals.

Minerals Infrastructure Assessment - a document to assess whether the proposed development is likely to have an adverse effect on the infrastructure facility including its capacity. For further information see Minerals Product Association / Planning Officers Society guidance.

Minerals Resource Assessment - an assessment to provide sufficient information to enable the Minerals Planning Authority and Local Planning Authority to consider the potential effect of non-exempt development in MSAs/MCAs on safeguarded minerals resources, and the viability of prior extraction of mineral ahead or in conjunction with the non-mineral development. For further information see Minerals Product Association / Planning Officers Society guidance guidance.

Mineral Safeguarding Areas - areas of known mineral resource that are of local or national importance (such as building stones) to warrant protection for the future.

Minerals Planning Authority (MPA) - the planning authority responsible for planning control of minerals development.

Mitigation - actions to prevent, avoid, or minimise the actual or potential adverse affects of a development, plan, or policy.

Non-inert Waste - Waste that is potentially biodegradable or may undergo any significant physical, chemical or biological change when deposited at a landfill site. Sometimes referred to as 'non-hazardous waste'.

Plan Area - The geographical area covered by this Plan. This encompasses the historic County of East Sussex, i.e. East Sussex, Brighton & Hove and the area of the South Downs National Park within East Sussex and Brighton & Hove.

Primary Aggregates - naturally-occurring mineral deposits that are used for the first time.

12 Glossary

Recovery - 'Recovery' refers to waste treatment processes such as anaerobic digestion, energy recovery via direct combustion, gasification, pyrolysis or other technologies. These processes can recover value from waste, for instance by recovering energy or compost, in addition they can reduce the mass of the waste and stabilise it prior to disposal. The definition of recovery set out in the EU Waste Framework Directive applies which states: " 'recovery' means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy."

Recycled Aggregates - are derived from reprocessing waste arisings from construction and demolition activities (concrete, bricks, tiles), highway maintenance (asphalt planings), excavation and utility operations. Examples include recycled concrete from construction and demolition waste material, spent rail ballast, and recycled asphalt.

Recycling - the processing of waste materials into new products to prevent waste of potentially useful resources. This activity can include the physical sorting of waste which involves separating out certain materials from mixed waste.

Restoration - methods by which the land is returned to a condition suitable for an agreed after-use following the completion of waste or minerals operations.

Secondary Aggregates - recycled material that can be used in place of primary aggregates. Usually a by-product of other industrial processes. Examples include blast furnace slag, steel slag, pulverised-fuel ash (PFA), incinerator bottom ash, furnace bottom ash, recycled glass, slate aggregate, china clay sand, colliery spoil.

Sustainability Appraisal - a tool for appraising policies to ensure they reflect sustainable development objectives. The Planning and Compulsory Purchase Act 2004 requires a sustainability appraisal to be undertaken for all development plan documents.

Sustainable Development - in the broadest sense, sustainable development is about ensuring well-being and quality of life for everyone, now and for generations to come, by meeting social and environmental as well as economic needs.

Transfer Facility - facility where waste is bulked up before being transported to another facility for further processing.

Waste and Minerals Local Plan (WMLP) - term used to describe the suite of Plan Documents and other items prepared by the Authorities, that outline the planning strategy for waste and minerals for the Plan Area.

Glossary 12

Waste and Minerals Plan (WMP) - the plan that sets out the long-term spatial vision for the area and the strategic policies to deliver that vision.

Waste and Minerals Sites Plan (WMSP) - the plan that details specific sites where waste and minerals development is preferred.

Abbreviations

AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
CDEW	Construction, Demolition and Excavation Waste
CfES	Call for Evidence and Sites
C&I	Commercial & Industrial Waste
DtC	Duty to Cooperate
DSG	Desulphogypsum
LAA	Local Aggregate Assessment
LACW	Local Authority Collected Waste
MCA	Mineral Consultation Area
MDA	Marine Dredged Aggregate
MMO	Marine Management Organisation
MPA	Minerals Planning Authority
MSA	Mineral Safeguarding Area
NPPF	National Planning Policy Framework
RPD	Review Plan Document
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SDNP	South Downs National Park
SDNPA	South Downs National Park Authority

12 Glossary

SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WMP	Waste and Minerals Plan
WMLP	Waste and Minerals Local Plan
WMSP	Waste and Minerals Site Plan

Table 1

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Table 1

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14 Copyright Notices

Adopted:

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Acronyms

East Sussex County Council: ESCC

South Downs National Park Authority: SDNPA

Brighton & Hove City Council: BHCC

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