

Subject:	Hove Station Neighbourhood Plan – Council response to Regulation 14 consultation		
Date of Meeting:	20 June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Robert Davidson	Tel: 01273 291580
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Ward(s) affected:	Central Hove; Goldsmid; Hove Park; Westbourne; Wish		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to consider the Council's response to the Draft Hove Station Neighbourhood Plan that was published for consultation between 23 March and 4 May (subsequently extended to 11 May) under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The Draft Neighbourhood Plan has been prepared by Hove Station Neighbourhood Forum (HSNF) and the Council is a statutory consultee.
- 1.2 Once formally 'made', a neighbourhood plan becomes part of the city's statutory Development Plan and will therefore be used to determine planning applications. The process therefore requires neighbourhood plans to satisfy a number of tests called 'basic conditions'. One of these is that the neighbourhood plan must be in general conformity with the strategic policies set out in the City Plan.
- 1.3 Council officers have reviewed the Draft Neighbourhood Plan and made detailed comments on the draft policies and proposals (Appendix 1). In order to meet the consultation deadline, the officer comments were submitted to the Neighbourhood Forum as a draft Council response, subject to agreement or amendment at the TD&C Committee meeting.

2. RECOMMENDATIONS

- 2.1 That the Committee agrees the officer comments set out in Appendix 1 which have been submitted to the Hove Station Neighbourhood Forum as a draft response to its recent public consultation on the Draft Hove Station Neighbourhood Plan under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

3. CONTEXT/ BACKGROUND INFORMATION**Neighbourhood planning policy requirements**

- 3.1 The HSNF has been working for several years to prepare a neighbourhood plan for its area. Neighbourhood plans are required to be in general conformity with the strategic policies in the City Plan, but once formally made, they become part of the statutory development plan with equivalent weight and legal status as the City Plan.
- 3.2 The Council has a statutory duty to provide advice or assistance to neighbourhood forums that are producing a neighbourhood plan. Council planning officers have had regular liaison with the HSNF and have provided informal comments and advice during the preparation of the draft Neighbourhood Plan.
- 3.3 The neighbourhood planning legislation sets out a series of prescribed stages in the preparation of a neighbourhood plan. Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 requires that the Neighbourhood Forum should undertake public consultation on its draft plan for a period of at least 6 weeks. The Forum must publicise its Draft Neighbourhood Plan to people who live, work or carry on business in the neighbourhood area, and consult certain bodies, including the local planning authority. The Regulation 14 stage provides the main opportunity for the Council to make representations and comment on the Neighbourhood Plan in its draft (pre-submission) form.
- 3.4 After completing the Regulation 14 consultation, the Neighbourhood Forum is required to submit the draft Neighbourhood Plan (including any amendments) to the Council. At that point, the Council itself then takes responsibility for the later stages of the neighbourhood plan process including submitting the draft Plan for independent examination. The examiner will then consider whether the Plan meets the 'basic conditions' (these are summarised for information in Appendix 2). Following receipt of the examiners' report, the Council must then decide what action to take in response to the examiner's recommendations and to decide whether the Plan should proceed to a local referendum.
- 3.5 It is therefore important for the Council to provide detailed comments on the Neighbourhood Plan at this stage. This will help to ensure that the draft Plan is in general conformity with City Plan policies and accords with Council priorities and aspirations for the Hove Station area.

Summary of the Hove Station Neighbourhood Plan and Council officer comments

- 3.6 The Hove Station Neighbourhood Plan covers a large area of Hove including parts of five Council wards (Central Hove, Goldsmid, Hove Park, Westbourne and Wish). South of the railway the Neighbourhood Area extends from The Drive to the Stoneham Park/Poet's Corner area (Bolsover Drive) and north of the railway from The Drive and Sackville Road. At its heart is the Hove Station area which is identified as a strategic development area in the adopted City Plan Part One (CPP1) Policy DA6.
- 3.7 The central focus of the Neighbourhood Plan is to promote a comprehensive approach to the regeneration and redevelopment of the Policy DA6 area to create a new 'Hove Station Quarter'. The draft Neighbourhood Plan is presented in two documents. Part 1 will be the statutory part of the Plan and includes

proposed planning policies which, once they have passed examination and referendum, will become part of the development plan for the Neighbourhood Area alongside the City Plan. Part 2 sets out the Forum's vision and aspirations for the Policy DA6 area (Hove Station Quarter) in the form of a Concept Plan, although it is understood that this is purely indicative and will not carry any planning weight. On this basis, Council officers have confined their detailed comments to the Neighbourhood Plan Part 1.

- 3.8 Appendix 1 sets out officer comments collated from a number of different Council Services. The draft response includes an initial summary of general comments followed by a schedule of detailed comments cross-referenced to specific policies and paragraphs in the draft Neighbourhood Plan.
- 3.9 In general terms, the comments support and welcome the Plan's overall Vision and Strategic Objectives which are in line with the City Plan objectives for the area. Moving forward, it would be helpful for the Plan to include stronger links with the Council's ongoing work on a Masterplan for the Conway Street area to support the implementation of City Plan Policy DA6. This has recently been subject to an Issues & Options consultation prior to the appointment of consultants to undertake the master-planning work. When complete, it is intended that the Council's Masterplan will be adopted as Supplementary Planning Document (SPD) in Spring 2020.
- 3.10 More specifically, officers have some concerns about a number of policies and proposals in the Draft Neighbourhood Plan. The most significant areas of concern are highlighted in the General Comments in Appendix 1. These include:
- The Neighbourhood Plan looks to promote high levels of residential and employment development well above the minimum figures set out in City Plan Policy DA6, without giving sufficient acknowledgement to potential development constraints such as transport/traffic/parking and visual/heritage impacts.
 - The Neighbourhood Plan proposes applying reduced parking standards within the Policy DA6 area (equivalent to those applied in Central Brighton) and also seeks to make occupancy of new developments north of the railway (e.g at Sackville Trading Estate) dependent on extending the Controlled Parking Zone (CPZ) to cover the Newtown Road area. However, no detailed evidence on traffic/parking impacts has been provided, which would be needed to justify such measures, which would also require public consultation before being introduced.
 - The Neighbourhood Plan wording gives insufficient weight to the importance of protecting designated heritage assets (e.g Listed building and Conservation Areas) as set out in legislation and national planning policy.
 - The proposed approach to seeking developer contributions and funding of infrastructure does not fully comply with or reflect statutory regulations and Government guidance. In addition, it does not comply with the City Plan and its supporting guidance on developer contributions, and does not reflect the Council's proposed approach for securing funding through the Community Infrastructure Levy (CIL) when introduced.
 - Neighbourhood Plan policy encourages small scale retail uses as part of development proposals throughout the DA6 area, rather than directing them towards defined shopping areas as required by national and City Plan policy.

- Some policies simply duplicate City Plan policies and/or include vague and ambiguous wording which would be difficult to apply when considering future planning applications and proposals.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 As noted above, the officer comments in Appendix 1 have already been submitted to the HSNF in the form of a draft Council response to the Regulation 14 consultation. The Committee Members now have the option to agree the comments already submitted, or to amend these comments, or to add further comments.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 It is the responsibility of the HSNF as a designated neighbourhood planning body to undertake effective community engagement and to set this out in a consultation statement when they submit the Draft Neighbourhood Plan to the local authority.
- 5.2 At the Regulation 14 consultation stage, the HSNF was required to publicise its draft Neighbourhood Plan for at least 6 weeks and to consult any of the statutory consultation bodies whose interests it considers may be affected. It is understood that the HSNF publicised the consultation widely within the Neighbourhood Area through posters and leaflets and also held a number of local community workshops and drop-in sessions during the consultation period. In addition, the Council emailed contacts on the City Plan consultation list providing general information and contact details for the Neighbourhood Plan consultation.

6. CONCLUSION

- 6.1 It is in the Council's interest to provide detailed comments on the Draft Hove Station Neighbourhood Plan at this stage to ensure that the draft Plan is in general conformity with City Plan policies and accords with Council priorities and aspirations for the Hove Station area. Although the Council is not required to reach its final view until after the Plan has been independently examined, the consideration of the emerging Neighbourhood Plan at this stage by the TD&C Committee meeting provides an opportunity to highlight any issues of potential concern to the Council, particularly areas where the Neighbourhood Plan may not be in conformity with the City Plan and/or other Council policies. Such comments will assist the Neighbourhood Forum to address potential issues of conformity before the Plan is submitted to the Council and put forward for examination.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising at this stage of the neighbourhood plan process. After completing the Regulation 14 consultation, the Neighbourhood Forum is required to submit the draft Neighbourhood Plan (including any amendments) to the Council, which will then be directly responsible for the later stages of the neighbourhood plan process including submitting the draft Plan for

independent examination and organising a local referendum. The Council is entitled to funding from central Government to help support this and has a specific budget set aside for neighbourhood planning.

Finance Officer Consulted: Steven Bedford

Date: 22/05/19

Legal Implications:

- 7.2 The City Council is not required to take any formal decisions relating to the Draft Neighbourhood Plan at this pre-submission stage, nor is there any statutory requirement to respond to the Regulation 14 consultation. However, the Council does have a statutory duty to support neighbourhood planning and to provide advice and assistance. Given that the Hove Station Neighbourhood Plan must be in general conformity with the City Plan and will form part of the statutory development plan when formally 'made', it is in the interests of both the Council and the Neighbourhood Forum for detailed comments to be provided at this stage.
- 7.4 As noted above, officers have submitted the comments set out in Appendix 1 as a draft response on behalf of the Council in order to meet the advertised consultation deadline of 4 May (subsequently extended to 11 May). In legal terms it is for the Neighbourhood Forum to decide whether to accept the comments as submitted in draft form within the consultation period, and whether to accept any subsequent representations provided as a formal Council response after the end of the consultation period. If the HSNF chooses not to accept the late representations and these issues are not subsequently addressed in the Neighbourhood Plan, it will be within the remit of the Neighbourhood Plan examiner to decide what status and weight should be given to the Council's representations.

Lawyer Consulted: Hilary Woodward

Date: 22/05/19

Equalities Implications:

- 7.5 The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a "protected characteristic" and those who do not. This duty will apply to the Council when it takes formal decisions at the later stages of the neighbourhood plan process. In addition, although a neighbourhood forum itself is not a 'public authority', the Equality Act also states that any person who is not a public authority but who exercises public functions must have due regard to the matters covered under the duty. In order to ensure that these requirements are met, Council officers will request that the Neighbourhood Forum prepare an Equalities Impact Assessment to support the Neighbourhood Plan.
- 7.6 In broad terms, it is understood that the Draft Neighbourhood Plan has been prepared through a lengthy and extensive process of local community consultation. Therefore the policies and objectives set out in the Draft Plan should reflect the aspirations of local people and benefit the local community as a whole, including those with protected characteristics. However, it will be important for the Neighbourhood Forum to set out how they have engaged with

different sections of the local community and to consider the impacts of the proposed Plan policies in terms of promoting better community integration and advancing equality of opportunity.

Sustainability Implications:

- 7.7 The purpose of the planning system is to contribute to the achievement of sustainable development and one of the 'basic conditions' on which neighbourhood plans are examined is that they should contribute to this. The Draft Neighbourhood Plan has been informed by a Strategic Environmental Assessment (SEA) which was undertaken by independent consultants, AECOM, on behalf of the HSNF. A summary of the SEA and how its recommendations have informed the Plan are included in an Annex to the Draft Neighbourhood Plan Part 1.

SUPPORTING DOCUMENTATION

Appendices

1. Hove Station Neighbourhood Plan (Regulation 14 consultation draft) Brighton & Hove Council response (Draft Version subject to agreement by Tourism, Development & Culture Committee)
2. Summary of the 'Basic Conditions' for Neighbourhood Plans

Background Documents

1. Hove Station Neighbourhood Plan: Regulation 14 Consultation Draft (March 2019) - Part 1: Policies & Part 2: Aspirations
Available to view on the Council website at
<https://www.brighton-hove.gov.uk/content/planning/neighbourhood-planning/hove-station-neighbourhood-plan>