

APPENDIX 1

Hove Station Neighbourhood Plan (Regulation 14 consultation draft)

Brighton & Hove Council response

Brighton & Hove Council welcomes the opportunity to comment on the Hove Station Neighbourhood Plan (NP) at the draft Regulation 14 stage. We would like to acknowledge the substantial work that the Neighbourhood Forum has put into drafting the Plan and strongly encourage the Forum's ongoing neighbourhood plan work.

We have set out a number of general comments on the NP below. This is followed by a schedule of detailed comments cross-referenced to specific policies and paragraphs in the draft NP. The comments reflect the views of relevant officers from a number of different Council Services.

The Council's detailed comments focus on the NP Part 1 which includes proposed planning policies and will be subject to the NP examination. Part 2 of the Plan is presented as the Forum's vision and aspirations for the Policy DA6 area (Hove Station Quarter). The proposals in Part 2 centre on a Concept Plan prepared as part of an urban design support package from AECOM (funded by Locality). It is understood that the various proposals promoted in the NP Part 2 are purely indicative and will not form part of the formal Plan that will be submitted for Regulation 16 consultation and examination. On this basis, the Council has not commented on the NP Part 2 document.

General comments

1. The central focus of the NP is to promote a comprehensive approach to the regeneration and redevelopment of the Policy DA6 area to create a new 'Hove Station Quarter'. The Council supports 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 which has recently been subject to an Issues & Options consultation prior to the appointment of consultants to undertake the master-planning work. When complete, the Council intends to undertake public consultation on the draft Masterplan prior to its adoption as a Supplementary Planning Document (SPD) in Spring 2020.
2. It should be noted that several policies in the draft Plan are (as currently worded) potentially in conflict with planning regulations and/or the National Planning Policy Framework (NPPF) and its accompanying planning practice

guidance (PPG). In these cases, the Neighbourhood Forum should consider either deleting the relevant sections of policy or redrafting them in consultation with relevant Council officers. The main examples include:

- i) The wording in Policy 15 and Paragraph 222 does not give sufficient weight to the conservation of designated heritage assets when considered against potential development/public realm improvements. The current NP wording states that “*due weight*” should be given to conservation/heritage considerations, however the NPPF and legislation require that “*great weight should be given to the asset’s conservation*” (NPPF paragraph 193). As currently worded, the policy and supporting text could be read as implying that a judgement has already been made and that greater weight should be given to the benefits of any (as yet unspecified) public realm improvements. It should be noted that the courts have upheld that the legislation means that there is a statutory presumption against granting permission for development which would cause harm to a listed building or conservation area or its setting.
- ii) Policy 16 seeks to make occupancy of new developments in the Policy DA6 area north of the railway dependent on an extension of the Controlled Parking Zone (CPZ) (to cover the Newtown Road area), Any extension of the CPZ would need to be subject to statutory public consultation and therefore cannot be made a pre-requirement for occupancy of new developments. In addition, there is currently insufficient evidence that such parking controls are necessary so applying such a requirement to the occupancy of new development would fail the necessity tests required for planning conditions or planning obligations in s106 agreements. Similarly the extension of the Central Zone parking standards to the Hove Station area and the specific local roads/highways improvements will need to be clearly evidenced, scoped and agreed with the Local Highway Authority before being cited in policy.
- iii) The approach to developer contributions and funding of infrastructure in Policy 17 and Annex 1 does not follow Government regulations and guidance on planning obligations and CIL, or with adopted City Plan policy, the Council’s Infrastructure Delivery Plan and Council technical guidance on developer contributions. In particular, the Funding Mechanisms table in Annex 1 does not reflect the Council’s Draft Infrastructure List which has been subject to consultation as part of the Council’s work towards introduction of a Community Infrastructure Levy (CIL). The proposed funding routes listed in the Annex are incomplete and are silent on some areas where S106 obligations and/or CIL may apply. It is suggested that the ‘Proposed funding route’ columns be removed and the table instead presented simply as a list of proposed NP infrastructure

projects. Together with the 'Priorities for implementation' this could be used to help identify potential projects for spending the 'neighbourhood portion' of future CIL receipts that CIL Regulations require to be spent on 'local priorities' in the area where CIL is collected.

- iv) More generally, it should be recognised that S106 obligations can only be used for mitigating impacts directly associated with development subject to the 3 'tests' set out in the 2010 CIL Regulations and NPPF. Therefore site-related S106 obligations cannot be used to address existing infrastructure deficiencies and/or desired infrastructure improvements (although CIL contributions can potentially be used for such purposes). Any references to S106 contributions identified in the NP will need to be caveated to reflect this.
 - v) In Policy 9, the proposed approach of encouraging small scale retail uses as part of development proposals in the DA6 area potentially conflicts with national policy (NPPF Chapter 7) and the City Plan (Policy CP4) which require a sequential approach to retail development focusing on existing shopping centres (as defined in the City Plan). This would also apply to any proposals for retail uses and other 'main town centre uses' (defined in the NPPF) in connection with the 'community hubs' (Policy 14).
3. In several places, the NP asserts that the DA6 area has potential to deliver 'substantially more' residential units than proposed in the City Plan (Policy DA6) (e.g paragraphs 14, 136 and Table 4). From the Council's viewpoint, it is premature to reach this conclusion given that many of the development proposals being promoted by landowners/developers in the DA6 area have not yet been brought forward or are subject to planning applications that have not yet been determined. It will be necessary for the increased levels of development to be fully assessed, particularly in terms of their potential cumulative transport/ traffic/parking and visual/heritage impacts (see also the Council's detailed comments on these issues under Policies 11, 15 and 16). It should be noted that the Policy DA6 housing target of 525 residential units is expressed as a minimum figure, and that City Plan Part Two (CPP2) Policy SSA4 is now proposing an additional 500 (minimum) units on the Sackville Trading Estate/Coal Yard site.
4. There are a few places where the NP wording appears to imply (or states explicitly) that the Forum disagrees with the City Council or City Plan policies (e.g paragraphs 23 and 142). It should be borne in mind that one of the Basic Conditions that the NP must meet is that it is in general conformity with the strategic policies in the City Plan. Therefore it would be more appropriate if the NP is presented as supporting and enhancing City Plan policies rather than seeking to challenge them.

5. The wording in some policies is vague and ambiguous which would make it difficult to use them for Development Management (DM) purposes. For example:
 - Policy 2 'allocates' the 'Sackville Coalyard' site but does not define the site boundary on any map.
 - Policies 3, 4 and 5 encourage redevelopment of the Goldstone Retail Park, Bus Depot and 'Land south of the Railway' but do not clearly define these areas and provide very little indication of the types of uses, scale of format of development that would be considered appropriate.
 - Policy 14 does not provide a clear indication of what type of facilities should be encouraged in the 'community hubs' (Note earlier comments regarding the need for any retail uses and other main town centre uses to meet the sequential test).

6. Several of the NP policies simply cross-reference or repeat City Plan policies (e.g Policies 6, 8 and 12). Unless these policies can be expanded to address local/NA specific considerations, they should be deleted or reduced to supporting text to avoid unnecessary duplication.

7. The references to Parts 1 and 2 of the NP may cause confusion in view of the City Plan also containing a Part One and Part Two (draft) document. For this reason, it would be helpful if references to Part 2 make clear that they are referring to the HSNP.

Specific comments on the Draft Neighbourhood Plan Part 1

Paragraph/ Policy	Comment
Section 1: Introduction	
Para 3	1 st sentence - It is not a legal requirement for the HSNP to cover the same period as the City Plan. This was BHCC's recommendation in order to assist general conformity, not a requirement. The wording should be amended to say " <i>The HSNP <u>covers</u> the same period as ...</i> " Final sentence - It is not clear if this a reference to the Council's Conway Street Masterplan?
Para 5	Final sentence - It might be better if the wording is tightened up to reflect the specific requirements of the 'basic conditions', e.g say " <i><u>in general conformity with the strategic policies in the City Plan</u></i> " rather than " <i>compliant with the City Plan</i> ".
Para 14	Reference to the DA6 area ('Hove Station Quarter') " <i>This will be core of the Neighbourhood Area in which a substantially higher number of residential units, along with a more modern mix of employment opportunities, than that proposed</i>

Paragraph/ Policy	Comment
	<p><i>in the City Plan.</i>” One of the Basic Conditions is that the NP should be in general conformity with the strategic policies in the City Plan – therefore it would be more appropriate if the NP is presented as supporting and enhancing City Plan policies rather than seeking to override them.</p> <p>Final sentence – Consideration also needs to be given to outdoor space for young people (teenagers) as well as play areas for children.</p>
Section 2: Area Profile	
Para 23	It may be better to delete the first sentence. The Neighbourhood Area boundary does not generally follow ward boundaries (the NA includes parts of the 5 separate wards) and the original definition of the NA was influenced by objections from other neighbourhood groups which the Council was required to mediate.
Para 25	Is this description referring to the whole NA or just DA6? Clarification required.
Para 39	Final sentence – Should say “ <u>is</u> within the Neighbourhood Area” rather than “was”
Para 43	Policy DA6 makes provision for a minimum 525 residential units in the DA6 area (not 550 as stated).
Para 45	Typo in final sentence – the word “ <u>by</u> ” needs to be inserted before “London estate agents”.
Para 51	The housing need figures in the Feb 2013 and Mar 2016 versions of the City Plan are not directly comparable due to a change in the methodology used to calculate housing need. It would be better just to refer to the high level of need set out in the adopted City Plan, without comparing these two figures directly. Note the exact figure quoted in CPP1 (para 4.2) is 30,120 dwellings over the period 2010-2030.
Para 52	The minimum housing provision set in Policy DA6 is 525 residential units (not 550). Also DA6 does not identify a specific target for affordable housing – housing proposals would be expected to meet the requirements in Policy CP20 which seeks 40% AH in developments of 15+ dwellings.
Para 53	Draft CPP2 Policy SSA4 seeks a minimum 500 residential units (not 600). Note that there is often local concern about brownfield development proposals as well as greenfield sites – particularly in relation to traffic/parking and neighbour/amenity impacts.
Para 57	1 st sentence – Again the DA6 housing figure should be 525 (minimum) not 550 and 500 (minimum) not 600 on the combined Sackville/Coal Yard site.
Para 61	The employment floorspace figure for the Conway St Industrial Area in the 2006 Employment Land Study was 18,700 sq.m (not 18,000 sq.m as stated).
Para 64	The floorspace figures quoted for the Matsim (Hove Gardens) proposal need updating – the approved planning permission (BH2016/02663) includes 186 residential units, 1,988 sqm of B1 office (B1) and 226sqm of retail (A1). The employment floorspace figures given for the MODA proposal do not reflect

Paragraph/ Policy	Comment
	the current planning application (as amended) which is currently proposing 581 build to rent apartments and only c4,400 sq.m B-class floorspace – so there would be a net loss compared to the current employment floorspace.
Para 71	It would be helpful to know the views and current plans of the NHS Clinical Commissioning Group (CCG) for health provision in this area – hopefully they will respond to the Reg 14 consultation.
Para 73	Re School Provision, BHCC Education report that the number of primary school pupils is currently falling across the city and this trend is currently expected to continue for the next few years. Therefore an additional primary school in the city would increase difficulties for the schools already in existence and it is unlikely that BHCC would support any new primary school at the present time. BHCC Education is continually monitoring school places and the potential need for additional education provision resulting from new housing development.
Section 2.5	The NP gives recognition to Hove Station as an important local transport interchange/hub within the city. It could also recognise that it provides access/egress to other significant destinations within the Greater Brighton City Region and beyond e.g London. The BHCC Local Transport Plan [LTP4] recognises the importance of connecting people with train stations as a form of interchange, and identifies the need for the development of an Interchange Strategy. The number and quality of routes to and from Hove Station will therefore be an important influence on its use and success, and therefore redevelopment proposals should take full account of City Plan Part 1 Policy CP9 (especially section A.2a), as well as research such as ‘Fixing the Link’ by the ‘Campaign for Better Transport’.
Para 85	Need to insert comparative figures into text where indicated.
Para 93	Given the context set out in the preceding paragraphs, it is suggested that the first bullet point should be expanded to summarise the impacts such as congestion, safety, accessibility and permeability.
Para 97	The MODA application for the Sackville/Coal Yard site is still under consideration by the Council, so any assumed development should be subject to caveat.
Para 103	Draft Policy SSA4 provides for a minimum 500 residential units and the CPP1 Policy DA6 figure is a minimum 525 res units (see previous comments).
Section 2.6.2	Typo - 1 st sentence (no paragraph number) should refer to Goldsmid ward (not Goldstone).
Para 115	BHCC is now committed to preparing a Masterplan for the area which will be adopted as a Supplementary Planning Document (SPD) – the current timescale envisages adoption of the SPD early in 2020.
Para 120	Note for information, the Westerman Complex site has permission for redevelopment for 104 dwellings (C3) and 572 Sqm of office space (B1) – Reserved Matters have been recently approved by BHCC.
Para 123	The format of this section (questions) is different to all the preceding ones (statements).

Paragraph/ Policy	Comment
Section 3: Vision and Strategic Objectives	
Vision, P33	Typo “ <i>realizes</i> ” should read “ <i>realises</i> ”
Section 4: Policies	
Policy 1	The policy title ‘ <i>Redevelopment of DA6</i> ’ will be confusing to anyone not already familiar with the City Plan policies. It might also be taken to imply that the whole of the DA6 area will be redeveloped. It might be better to title the policy ‘ <i>Strategy for the Hove Station Quarter (Policy DA6 area)</i> ’ or something similar.
Para 135	How will the ‘clusters’ of facilities referred to relate to the ‘community hubs’?
Para 136	It should be noted that many of the development schemes being promoted by landowners/developers in the DA6 area have not yet been considered in detail by the Council or are subject to planning applications that have not yet been determined. It is therefore premature to conclude that “ <i>substantially more residential units can be achieved than suggested in the City Plan</i> ”. It will be necessary for the increased levels of development to be fully assessed, particularly in terms of potential transport and visual/heritage impacts (see also the Council’s detailed comments on these issues under Policies 11,15 and 16).
Para 137	4 th sentence - The wording appears to imply that the MODA proposal has already been approved. Also suggest referring to “the Hyde development” by its name (New Wave) or address for clarity.
Table 4	<u>Residential</u> – Not sure where the figure of 600 units in CPP2 is taken from? Draft Policy SSA4 allocates the Sackville/Coal Yard site for a minimum of 500 residential units. Note that the NP Area total is based mainly on potential development schemes that have not yet been submitted as planning applications or not yet determined. Therefore the housing numbers in the table should be presented as ‘ <u>potential</u> ’ development figures. <u>Employment</u> – It should be noted that the employment floorspace figures in City Plan Policy DA6 include B1-B8 floorspace only – i.e therefore uses such as car showroom, retail, cafes etc would not count towards the employment requirement.
Para 139	Note that the HCA/Offpat guidance has been updated since 2010 – see https://www.gov.uk/government/publications/employment-densities-guide-3rd-edition
Para 142	Suggest rewording the text and deleting the final sentence which is not really appropriate in a plan document. The NP needs to be in general conformity with the CPP1.
Para 145	Note that the Government is proposing to remove the S106 pooling restriction (although the amending legislation has not yet been implemented). It is not clear what is meant by the final sentence in brackets.
Policy 2	The site being allocated is not defined on any map. The policy duplicates Policy

Paragraph/ Policy	Comment
	SSA4 in the draft CPP2 (but is much less detailed).
Para 150	It should be noted that the change to the Waste Local Plan policy and its mixed use development or similar means that the implications for the transport network will be very different in terms of vehicle type, peak hour flow etc. This may be worth acknowledging given the capacity issues experienced at the adjacent Old Shoreham Road/Nevill Road/Sackville Road junction.
Policy 3	This policy appears to be a general aspiration – no guidance is given on the scale or form of development that would be appropriate. Therefore the policy would not be very helpful for DM purposes.
Policy 4	Again the policy wording is vague and gives no guidance as to what would constitute ‘rationalisation’. In addition, it gives no indication of the scale of development or types of uses (presumably residential?) that would be acceptable for the site.
Para 153	The site is a bus depot, not a ‘bus station’ (as referred to). It therefore performs an operational interchange transport function rather than a passenger-focussed one. The potential wider implications of any rationalisation of this facility for the city’s bus services would need to be considered.
Policy 5	The policy just provides general encouragement for redevelopment without providing any guidance on the scale or form of development. Potentially Policies 4 and 5 could be combined into a more general policy supporting a comprehensive approach to redevelopment of all the land south of the railway – although this is already being promoted through the Conway St Masterplan.
Policy 6	The policy as worded merely cross-refers to City Plan policies and is therefore unnecessary. It should either be reworded/expanded or deleted.
Para 159	It is not clear how Policy 6 as currently worded “ <i>introduces a local component requiring more green space</i> ”?
Policy 7	The policy wording is very general and gives no indication of what might be entailed by “ <i>innovative approaches to the promotion and delivery of genuinely affordable homes</i> ”. It should be noted that the Council is already committed to using its land holdings to deliver affordable housing across the city, and specifically as part of a comprehensive redevelopment of the land south of the Railway (which is currently being explored through the Conway Street Masterplan).
Para 162	3 rd sentence – For clarity, the recent change to Government policy has involved lifting the restriction on local authority borrowing to fund development of affordable housing.
Para 163	Maintaining affordable housing in the long term will be subject to the Government Right to Buy legislation.
Para 166	The Council is already committed to a comprehensive approach through the Conway St Masterplan work.

Paragraph/ Policy	Comment
Policy 8	This policy lacks specifics as to the level of need or types of housing needed for older people – so would not be very helpful for DM purposes. Policy DM4 in draft CPP2 will address housing and accommodation for older persons.
Para 168	Presumably “good facilities” is referring to accommodation? – this could be made clearer.
Policy 9	<p>It is not clear if this policy is intended to apply only within the DA6 area – or across the whole NP area?</p> <p>The second sentence of the policy appears to be promoting ancillary and small scale retail uses outside defined shopping centres. This conflicts with national policy (NPPF Chapter 7) and the City Plan (Policy CP4) so this sentence should be deleted.</p> <p>The general policy approach should to be to direct new retail uses to help reinforce and strengthen the defined shopping areas within the NP area which include:</p> <p>Portland Road – defined Local Centre in CP4</p> <p>Goldstone Villas; Hove Park Villas; and Old Shoreham Rd/ Sackville Rd - all defined as Important Local Parades in CPP2 draft Policy DM13</p> <p>It should be clarified that retail uses are not included within the DA6 employment floorspace figures.</p> <p>The final sentence of the policy is too vague to be helpful for DM purposes. Policy DM40 in draft CPP2 will address avoidance of noise pollution or nuisance associated with development.</p>
Para 169	This paragraph should be deleted or rewritten – see comments on Policy 9 above.
Para 171	Presumably control of noisy activities would be sought through planning conditions?
Policy 10	<p>1st and 2nd paragraphs – Support these general aims which are in line with Policy DA6, however the references here to increasing the amount of green space could also refer to providing opportunities for local food growing and physical activity (see Policy SA6 in CPP1).</p> <p>3rd paragraph – It is not clear how the policy for street trees would be implemented in practice. Streets and pavements are within the ownership of the Council/highway authority, so presumably developments would generally need to make a financial contribution to support the tree planting. New residential developments already have to make contributions to public open space/greenspace in line with City Plan Policy CP16 and the Council’s Open Space Contributions Calculator. Presumably contributions towards tree planting would be taken from the open space contributions or from CIL? It would be difficult to justify an additional charge.</p> <p>4th paragraph – This would be covered under City Plan design policies.</p> <p>5th paragraph – Is there potential for development schemes to directly provide public landscaped areas in the locations suggested in Figure 6? Have potential sites for pocket parks been identified in these locations and who are the landowners of these sites?</p>

Paragraph/ Policy	Comment
Para 196	Typo – This should not be a separate paragraph as it is a list of bullet points following on from Para 195.
Policy 11	The policy (and NP generally) does not seem to have given consideration to key views, either to be protected or enhanced. The NP would have been a good place to identify key views on a diagram and that could then have helped to shape the Tall Buildings policy. There is also a lack of acknowledgement in this policy of potential heritage considerations or restrictions – such as impacts on the settings of listed buildings and conservation areas - and therefore the Tall Buildings and Conservation policies feel somewhat disconnected. For example, north of the railway line the policy encourages taller buildings in the south eastern part closest to the railway, but the Council has previously expressed concerns to developers about the harmful impact of tall buildings in this part of the area on the setting of Hove Station as seen from Station Approach. Because key views have not been identified or discussed it is not clear whether the Forum considers such impacts harmful – and to what degree and whether they can be minimised or mitigated – or whether they have simply overlooked such impacts.
Para 200	<p>1st sentence reference to education planning as “<i>most vague</i>” is not appropriate wording for a plan document and should be amended. The City Plan Infrastructure Delivery Plan states clearly that for all the DA1-DA8 Development Areas, the phasing & costs of new education provision will be “<i>Ongoing throughout life of Plan</i>” with “<i>Developer contributions dependant upon scale and type of development</i>”</p> <p>The potential education requirements resulting from the additional residential development now proposed in the DA6 area have been considered as part of the CPP2 work. BHCC Education report that the number of primary school pupils is currently falling across the city and this is a trend that is expected to continue for the next few years. Therefore additional primary school in the city would create additional difficulties for the schools already in existence and it is unlikely that BHCC would support any new primary school at the present time. However, BHCC Education is continually monitoring school places and the potential need for additional education provision resulting from new housing development.</p>
Para.s 201-204	There is no identified requirement for a new school in the NP area. The Royal Mail site is now being promoted as a residential/mixed use development opportunity.
Policy 12	The policy wording reflects existing City Plan policy so is unnecessary. It should either be reworded/expanded or deleted.
Policy 13	Proposals for community facilities would have to be subject to identified need and take account of issues such as traffic/parking and neighbour/amenity impacts.
Para 208	<p>1st sentence – Suggest replacing “<i>defined</i>” with “<i>set out</i>” as there is no formal definition of ‘community facilities’ in the NPPF Glossary.</p> <p>Footnote 20 refers to the 2012 version of the NPPF – the relevant paragraph in the updated NPPF (Feb 2019) is paragraph 92.</p>

Paragraph/ Policy	Comment
Policy 14	<p>The Council supports the concept of focusing local facilities into defined 'community hubs'. However the policy should be clearer on what would constitute "appropriate uses" to be located there.</p> <p>For example if retail uses are included, they would be expected to be located within the defined shopping centres identified in the City Plan (CPP1 Policy CP4 and draft CPP2 Policy DM13) - or would have to meet the sequential test.</p> <p>It could be worth cross referencing where proposed hubs overlap or have links with local retail centres (CPP1 Policy CP4) and proposed Important Local Parades (Draft CPP2 Policy DM13).</p> <ul style="list-style-type: none"> • Hove Station Hub – links with the Goldstone Villas Important Local Parade and potentially with Hove Park Villas Important Local Parade (north of railway) • Northern end of Sackville Trading Estate – links with Old Shoreham Road/Sackville Road Important Local Parade • Stoneham Hub – links with Portland Road Local Centre
Para 210	<p>Please note that Policy DM46 in the Draft CPP2 will strengthen the existing requirements set out in CPP1 Policy CP8 and confirms what BHCC mean by "compatible with future connection to a network".</p> <p>Suggest amending the wording as follows (text provided by the BHCC Sustainability team):</p> <p><i>"Additional requirements are set out in the City Plan, not least that development should explore low and zero carbon decentralised energy opportunities in particular combined heat and power and heat networks, and to either connect where a suitable system is in place (or would be at the time of construction) or design systems so that they are compatible with future connection to a network. The potential for heat networks in Hove Station Area is set out in the City Plan (para 3.80, page 81 and in Policy DA6, A10, page 76.). Part Two includes an outline community energy plan."</i></p> <p>(New paragraph) <u>"Connection should be made to Decentralised Energy (Heat) networks where a suitable system is in place (or would be at the time of construction) or design systems so that they are compatible with future connection to a network. All development incorporating heat network infrastructure will be expected to meet the minimum standards specified in the CIBSE Heat Network Code of Practice and demonstrate consideration of future connection to a wider heat network, including:</u></p> <p><u>a. control systems and temperatures of operation;</u></p> <p><u>b. routing of pipework and location of the energy centre;</u></p> <p><u>c. safeguarded access for external pipework into the energy centre; and</u></p> <p><u>d. space within the energy centre for a future heat substation."</u></p> <p>(New paragraph) <u>"A feasibility study is currently being conducted by Brighton & Hove City Council and all new development should contact the City Council as early as possible in the development planning process in order to maximise the likelihood of a timely connection."</u></p>
Para 212	Final sentence – The last part of the sentence appears to be missing (referring to the two remaining listed buildings).

Paragraph/ Policy	Comment
Para 215	<p>The list of listed buildings within the NP area omits Hove Railway Station (including the footbridge) and Ralli Hall (and may also have omitted others). Suggest including any such list as an appendix to the NP, so that it can be more easily corrected or updated.</p> <p>It should be noted that the listed status of the Hove Station footbridge will need to be considered in any proposals for its “upgrade or rebuild to accessible standard” (referred to in Annex 1 under ‘Priorities for Implementation’). All options for upgrading the bridge would have to be explored before replacement could be considered.</p>
Para 218	First sentence - It’s not clear which conservation area is being referred to.
Policy 15	<p>3rd paragraph – The policy wording is not consistent with the NPPF and statutory legislation. In seeking to promote the benefits of public realm improvements and investment arising from new development, the policy suggests that this is a relatively straightforward balancing exercise with heritage considerations. However the courts have upheld that the legislation means that there is a statutory presumption, and a strong one, against granting permission for development which would cause harm to a listed building or conservation area or its setting. This is reflected in the wording of the NPPF (para 193) that “great weight should be given to the asset’s conservation”.</p> <p>Also note that in the 3rd paragraph there seems to be a typo where it says “...a strong emphasis there will need to be...”</p>
Para 221	Typo – “public real” should read “public <u>realm</u> ”
Para 222	The statement “ <i>whilst due weight needs to be given to conservation issues</i> ” does not reflect the wording in the NPPF and legislation – ‘due weight’ is a lesser test than required by the NPPF and the legislation (see comments on Policy 15 above). The policy and supporting text taken together could be read as implying that a judgement has already been made and that greater weight should be given to the benefits of any (as yet unspecified) public realm improvements.
Para 224	<p>1st sentence – A full reference should be provided giving the SPD title ‘Parking Standards’ and adoption date (October 2016).</p> <p>In addition the following text should be added to the paragraph: “<u>The different levels of public transport accessibility across the city in the SPD have been calculated and mapped using Visography TRACC software and an analysis of census car ownership levels in different areas of the city.</u>”</p> <p>The paragraph would also be made clearer by explaining that a lower parking requirement does not exist for the Hove Station area at present.</p>
Policy 16	<p>1st paragraph - Although the rationale for reducing parking levels in new development in the DA6 area is understood, it is based on a subjective assessment of public transport accessibility levels which is not supported by any technical evidence, such as the use of Visography TRACC software. In order to be able to clearly define the boundary of any new area of ‘Central Zone’ parking standards, it will be necessary to assess the level of public transport accessibility within the suggested area to ensure that it is considered sufficient to support/enable the level of trip making expected from new</p>

Paragraph/ Policy	Comment
	<p>developments. Any change to the application of SPD14 in this area will also need to be made clear through some form of addendum to the published document.</p> <p>2nd paragraph - Only one public road (Newtown Road) and its adjacent frontages in the DA6 area is not within existing Controlled Parking Zones [CPZs] T, N or R. CPZ boundary extensions require statutory public consultation – therefore any changes to the CPZ would need to be progressed following public representations and approval of the outcome, rather than as a result of a planning policy or application. The policy cannot presume that the outcome of any consultation will be that a CPZ boundary extension is agreed and implemented, or how that on-street will be managed. Therefore, the reference in the NP Part 2 (para 19) which explicitly states that residents in the new developments would not be eligible for residents’ parking permits (apart from visitors’ parking) is premature as it presumes that the development will result in overspill parking that requires such action to be taken. At present, this cannot be demonstrated.</p> <p>In addition, a planning condition or s106 making occupation dependant on a future CPZ and/or requiring a developer to fund consultation for the same would fail the necessity tests for conditions/s106s.</p> <p>The tests for planning conditions set out in the PPG on ‘Use of Planning Conditions’ (para 003) which states that they should be:</p> <ol style="list-style-type: none"> 1. necessary; 2. relevant to planning and; 3. to the development to be permitted; 4. enforceable; 5. precise and; 6. reasonable in all other respects. <p>The tests for the use of s106 planning obligations are set out in the CIL Regulations 2010 (Reg 122):</p> <p>(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—</p> <ol style="list-style-type: none"> a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. <p>It should also be noted that the Council itself has previously sought legal advice on whether residents of new developments could be precluded from applying for residents’ parking permits in the future when, at the time the relevant planning permission was issued, no CPZ existed for the area in which the development was to be located. The legal advice was that this would be contrary to the statutory tests for planning obligations because such a requirement would not be necessary to make the development acceptable in planning terms at the point in time when the application would be determined.</p> <p>This policy wording linking occupancy of new developments to extension of the CPZ is therefore contrary to the Regulations and the NPPF and should be removed.</p> <p>3rd paragraph - The concept of centralised/shared parking for commuters/public and residents would need to be explained in more detail. The access points and management/charging will be critical in order to understand how it is used,</p>

Paragraph/ Policy	Comment
	<p>and by whom. However, such a proposal is in principle consistent with City Plan Policy CP9 2.b in terms of station parking.</p> <p>5th paragraph - The consideration of any 'shared surface' proposals in the area as a principle will now have to be tested and justified in the light of the Government's recent statements regarding pausing such development and awaiting the outcome of Government research and updated guidance, following the publication of its Inclusive Transport Strategy.</p> <p>This is because it has been acknowledged that shared surface arrangements can negatively impact people with certain protected characteristics (including visual impaired people). If the reference is to be retained within the policy as an example of a measure that would be considered to significantly reduce driver speeds on particular road within the area, it is strongly recommended that there should be direct engagement with groups representing people with relevant characteristics as part of this consultation process, and that any proposals should include an Equalities Impact Assessment which should highlight, inter alia, any remaining features that could have a negative impact on relevant protected groups and - in each instance - set out the objective justification for why these are necessary and/or unavoidable.</p> <p>The minimum speed limit that can be applied to any public road in the UK is 20mph, and the majority of local roads within the city now have this speed limit. A number of different physical measures or changes to highway design could be proposed, in addition to a proposed shared surface, if there is a strong and clear justification for it in terms of road safety in order to influence/control driver behaviour and manage traffic volumes.</p> <p>6th paragraph - Any improvements to specific/named locations on the local highway network for road users as a result of new development will be determined by an assessment of the predicted impacts of the proposed, total development which will be scoped and agreed with the Local Highway Authority. These locations could include the roads listed, but this would not be a definitive or exhaustive list. Only once the assessment has been completed and agreed can specific locations and improvements deemed 'necessary' to mitigate the impacts of proposed development be identified. Note that developer contributions cannot be required to correct existing deficiencies or sub-standard provision (see above reference to the planning obligation 'tests' set in the 2010 CIL Regulations and the NPPF).</p>
Policy 17	<p>This policy will need to be deleted or substantially redrafted in order to comply with Government regulations and guidance on planning obligations and CIL, and to comply with adopted City Plan policy. In particular, it is recommended that the final sentence of policy referring to the priorities in Annex 1 is deleted. As it stands, Annex 1 is not a complete list of potential infrastructure requirements and the 'Proposed funding route' column has gaps and errors in identifying whether S106 or CIL funding will be used (see comments under 'Annex 1' below). It will be necessary to ensure that the table complies with City Plan policies and technical guidance, Council DM procedures, Government regulations and guidance.</p> <p>Government guidance in the Community Infrastructure Levy PPG (paragraphs 072-074) indicates that a percentage of CIL will be spent on local priorities when development has occurred in an area where CIL is collected. The 'neighbourhood portion' is currently 15% of CIL receipts collected within the NA</p>

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	<p>(subject to a cap of £100/dwelling) and will become 25% of CIL receipts (uncapped) when a neighbourhood plan is formally made.</p> <p>In areas with no parish, town or community council the charging authority will retain the CIL receipts but is required to engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. The use of neighbourhood funds should match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.</p> <p>The ‘neighbourhood portion’ of CIL may be suitable for funding the local priorities identified in Policy 17 and Annex 1, such as improving the public realm including significant arts installations, supporting tree planting and investing in the community hubs. However, the Council as Charging Authority will reserve the right to make the final selection of schemes to be funded via CIL funds including the priorities which are selected from a neighbourhood plan. It may be appropriate to refer to this role of the NP in the supporting text to Policy 17.</p>
Para 231	<p>Regarding the proposal for an environmental endowment fund to support long term maintenance, it should be noted that the Council will be establishing formal governance arrangements for spending the CIL receipts and any future use of the neighbourhood portion of CIL will need to comply with the requirements of the CIL Regulations.</p> <p>Any proposed fund would need to comply with developer obligation regulations including how the fund would comply with neighbourhood portion spending in terms of meeting CIL regulations.</p>
Para 234	The reference to potential funding mechanisms should be deleted in line with the recommendations on Annex 1 below.
Annex 1	
Funding Mechanisms table	<p>The Council’s CIL draft Infrastructure List has been published and consulted upon to inform the preparation of the charging schedule and has been submitted to CIL examination to support the draft charging schedule. This is a ‘living document’ and items may vary within it over time.</p> <p>Comparing the NP Funding Mechanisms table with the Draft Infrastructure List, the proposed funding routes within the Annex seems incomplete and is silent on some areas where s106 and/or CIL may apply. For example, Annex 1 references SUDs only in terms of CIL contributions, however for some sites onsite mitigation via S106 obligation may be required to meet the 3 tests of Reg 122 of the CIL Regulations (planning obligations only as necessary, directly related and related in scale and kind).</p> <p>Also some items listed in the table identify no proposed funding route at all e.g.</p> <ul style="list-style-type: none"> • Local employment and training places through local employment agreements (it is not clear whether this is referring to ‘On-site Local Employment training/job opportunities provision with supporting financial contribution’ which is something we have proposed to remain secured via s106 in our Draft Infrastructure List (as above) submitted to examination to support our CIL charging schedule. • Environment /Biodiversity – In the draft Infrastructure List ‘Development

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	<p>related nature conservation and ecological measures' would be s106 and 'Provision and enhancement of Green Infrastructure network' would be CIL.</p> <p>It should also be emphasised that S106 obligations can only be used for mitigating impacts directly associated with development subject to the 3 'tests' set out in the 2010 CIL Regulations and NPPF (see comments on Policy 16). This means site-related S106 obligations cannot be identified in advance to address existing infrastructure deficiencies and/or desired infrastructure improvements (although CIL contributions can potentially be used for such purposes). Any references to 'S106' contributions identified in the NP should be caveated in such a way.</p> <p>For the avoidance of doubt and to future-proof the NP, it would be better to remove the 'Proposed funding route' columns from the table. The table would then become a list of proposed NP infrastructure projects. Together with the 'Priorities for implementation' this could be used to help identify potential projects for spending the 'neighbourhood portion' of the CIL receipts.</p> <p>Note that the City Plan Infrastructure Delivery Plan (IDP) will be subject to further updates over time to reflect known citywide infrastructure that is to be provided by a range of funding, not just developer contributions.</p>