

Subject:	Hove Station Neighbourhood Plan – Submission for Examination		
Date of Meeting:	16 September 2021		
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 Hove Station Neighbourhood Forum has submitted its draft Neighbourhood Plan to the Council. The Council must now take responsibility for progressing the Plan through the subsequent stages of the neighbourhood plan process as set down in legislation.
- 1.2 Having published the Draft Plan for formal 'Regulation 16' consultation over an 8-week period from 20 May to 15 July 2021, the Council is now required to appoint a suitably qualified and experienced examiner to undertake an examination of the Plan and to submit the Draft Plan for examination together with all representations received in response to the Regulation 16 consultation.
- 1.3 This report therefore seeks agreement for officers to proceed with the appointment of an examiner and the submission of the Draft Neighbourhood Plan for examination. The Committee is also requested to agree the officer comments attached at Appendix 1 in response to the Regulation 16 consultation and for these to be submitted for consideration by the Neighbourhood Plan Examiner.

2. RECOMMENDATIONS:

- 2.1 That the Committee agrees that officers:
 - i) proceed with the appointment of a suitably qualified and experienced independent person to undertake examination of the Hove Station Neighbourhood Plan;
 - ii) submit the Draft Neighbourhood Plan and its supporting documents for examination, together with all representations received in response to the Regulation 16 publication of the Draft Plan; and
 - iii) submit the officer comments on the Draft Neighbourhood Plan set out in Appendix 1 as the Council's Regulation 16 response for consideration at the examination.

3. CONTEXT/ BACKGROUND INFORMATION

The Neighbourhood Planning process

- 3.1 Neighbourhood planning is a way for local groups (i.e parish councils or designated neighbourhood forums) to take a lead on planning the future of their area. Preparation of a neighbourhood plan involves a number of prescribed stages which are set out in planning legislation. Once formally 'made', a neighbourhood plan becomes part of the city's statutory Development Plan and will therefore be used to determine planning applications in the Plan area. The process 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.
- 3.2 Hove Station Neighbourhood Forum has been working for several years to prepare a neighbourhood plan for its area. This has involved extensive engagement with the local community and the publication of a draft version of its Neighbourhood Plan for an 8-week period of pre-submission consultation during March-May 2019 (referred to as 'Regulation 14' consultation). Council officers have provided extensive support and comment during the Plan's preparation. In addition, the Council submitted formal comments in response to the 2019 consultation which were agreed by the Tourism, Development & Culture Committee at its meeting on 20 June 2019.
- 3.3 The Forum has now formally submitted its Draft Neighbourhood Plan and supporting documents to the Council¹. It is the first neighbourhood group in the city to have reached this stage of the process. From this point forward, the planning regulations require that the Council takes responsibility for all subsequent stages of the neighbourhood plan process. After initially checking that the documents submitted complied with the statutory requirements, the Council was then required to publicise the Draft Neighbourhood Plan and supporting documents for a period of at least 6 weeks and invite representations (this stage is often referred to as 'Regulation 16' consultation). To meet this requirement, the Council has undertaken an 8-week period of consultation on the Draft Plan over the period from 20 May to 15 July 2021.
- 3.4 At the next stage of the neighbourhood plan process, the Council is required to appoint a suitably qualified independent person to undertake an examination and to submit the Draft Plan for examination along with all representations received in response to the Regulation 16 consultation. The role of the Examiner is to consider if the Neighbourhood Plan meets statutory requirements and meets specified 'basic conditions' which are summarised for information in Appendix 2. The Committee is requested to agree that officers should proceed with appointing an Examiner and to submit the Draft Plan and other required documents for examination in order to progress the neighbourhood plan process.
- 3.5 Following receipt of the Examiners' report, the Council must then decide what action to take in response to any recommendations made by the examiner and then decide whether the Plan should proceed to a local referendum. If the Plan is then supported by more than 50% of the local residents voting in the referendum,

¹ Under Regulation 15 of the 2012 Neighbourhood Planning (General) Regulations, the neighbourhood body must submit the proposed Neighbourhood Plan, a map showing the neighbourhood area, a consultation statement, and a 'basic conditions statement'.

it will become part of the statutory Development Plan for the Hove Station area (alongside the City Plan).

- 3.6 The Hove Station Area Supplementary Planning Document (SPD), which is also being reported to this Committee for adoption, aligns with the submission Neighbourhood Plan. Its guidance will help to deliver the Neighbourhood Plan policies as well as those in the City Plan.

Officer comments on the Draft Neighbourhood Plan

- 3.7 The Hove Station Neighbourhood Plan as submitted to the Council comprises 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. The Part 2 document is purely indicative and will not carry substantive planning weight or be subject to examination. On this basis, Council officers have confined their detailed consideration to the Neighbourhood Plan Part 1.
- 3.8 In response to the Regulation 16 consultation, Council officers have reviewed the latest submitted version of the Draft Neighbourhood Plan and have compiled a schedule of comments which is attached at Appendix 1 to this report. A key part of the assessment was to ensure that the Neighbourhood Plan policies align with the Council's own plans and aspirations for the Hove Station area set out in Policy DA6 of City Plan Part 1 and the emerging 'masterplan' now being taken forward as the Hove Station Area Supplementary Planning Document. It was also important to consider whether the Neighbourhood Plan policies are deliverable in terms of wider Council policy, for example with regard to traffic/parking restrictions and infrastructure spending.
- 3.9 Officers have not identified any substantial concerns or objections to the Plan at this stage. The comments in Appendix 1 relate mainly to references in the Neighbourhood Plan that need to be updated or to issues which require further clarification. As noted above, Council officers have already had substantial involvement in the preparation of the Neighbourhood Plan at its pre-submission stage, and this previous input has enabled previous officer concerns about the Neighbourhood Plan to be largely addressed.
- 3.10 The Council is not required to reach a formal view on the content of the Neighbourhood Plan until after receipt of the examiner's report and recommendations. However, the Committee is requested to agree that the officer comments in Appendix 1 be submitted in response to the Regulation 16 consultation for consideration at the Neighbourhood Plan examination.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 As set out above, the appointment of an examiner and submission of the Draft Neighbourhood Plan for examination forms the next stage of the neighbourhood plan process. This process is set down in Regulation 17 of the Regulations and is required to progress the Neighbourhood Plan towards referendum and being formally 'made'.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Extensive local community engagement has been undertaken by the Neighbourhood Forum prior to submitting the Plan to the Council. This included organising nine separate exhibitions ('Have Your Say Days') during the preparation of the Plan with these being extensively advertised including by leaflets and newsletters delivered to all 3,000 dwellings in the Neighbourhood Plan Area. The Regulation 14 consultation itself (which took place over a 8 week period March – May 2019) included four Consultation Workshops, three Residents Group Meetings, two drop-in sessions, Community Hub meetings in the Hove Station and Stoneham area, and several stakeholder and ward councillor briefings. Flyers were delivered to all residents in the Neighbourhood Plan area and extensive advertising and social media promotion was also undertaken.
- 5.2 Full details of the consultation and community engagement undertaken by the Forum are set out in a Consultation Statement which was submitted to the Council and forms one of the supporting documents to the Draft Neighbourhood Plan. The Consultation Statement was published by the Council as part of the Regulation 16 consultation and will be submitted as one of the supporting documents to be considered by the neighbourhood plan examiner.
- 5.3 In publishing the Draft Neighbourhood Plan for Regulation 16 consultation, the Council has met and gone beyond the publicity requirements under Regulation 16 of the Regulations. The draft Plan and supporting documents were published on the Council website for a period of 8 weeks (which exceeds the minimum 6 weeks required by the Regulations). At the start of the consultation an email was sent to all consultees on the Planning Policy database (which includes the national statutory bodies and a wide range of local stakeholders) and all City councillors were informed. In addition, the Neighbourhood Forum were requested to email all consultees who had commented on the Plan at the Regulation 14 stage in 2019 (as is specifically required by the Regulations). Notices publicising the consultation were posted at key locations throughout the Hove Station Neighbourhood Area and the Council's Press Office also published a news item about the consultation.

6. CONCLUSION

- 6.1 Hove Station Neighbourhood Forum has undertaken a substantial amount of work over several years to prepare the Draft Neighbourhood Plan which has now been submitted to the Council. Following completion of the Regulation 16 consultation, the Council is now required to appoint an independent Examiner and to submit the Plan for examination together with its supporting documents and the representations received. Council officers have also compiled a schedule of comments on the Draft Plan to be submitted for consideration at the examination. The Committee is requested to agree these next stages of the neighbourhood plan process.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Following the submission of the Draft Neighbourhood Plan by the Neighbourhood Forum, the Council is now responsible for all subsequent stages of the neighbourhood plan process. As such, it is responsible for funding the costs of the neighbourhood plan examination and for 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: John Lack

Date: 11/08/2021

Legal Implications:

- 7.2 As noted in the body of the report, the stages of the neighbourhood plan process are governed by the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012. The submission of the Draft Neighbourhood Plan for independent examination is the next stage of the statutory process and is required for the Plan to progress towards the eventual goal of being approved at referendum and formally 'made'.

Lawyer Consulted: Hilary Woodward

Date: 03/08/2021

Equalities Implications:

- 7.3 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 applies to the Council when taking formal decisions with regard to the neighbourhood plan process. The Neighbourhood Forum itself is not a 'public authority', however the Equality Act 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.
- 7.4 The Draft Neighbourhood Plan has been prepared through an extensive process of local community engagement which is set out in detail in the Forum's Consultation Statement. This has included engagement with groups representing people with protected characteristics including those promoting improved access for older people and people with disabilities. For example, the Forum has been working with the Blatchington Court Trust, which is based in Hove Park Villas and provides services for blind and partially sighted people from all over the city, to promote refurbishment and improved accessibility to the Hove Station footbridge, improved pedestrian access/traffic management along Goldstone Villas and the Hove Station approach, and an accessible alternative to the steps leading down to Conway Street adjacent to The Station pub. The Forum's proposals for enhanced Community Hubs have also highlighted the need to improve accessibility at the Honeycroft Centre and Vallance Community Centre in the Conway Street area.
- 7.5 The Regulation 16 consultation was also advertised to a wide range of community and voluntary groups on the Planning Policy database, including several groups representing people with protected characteristics or promoting equality issues such as disabled access (e.g Brighton & Hove Speak Out and Amaze). Consultation was subsequently extended to include two additional local

groups (Possability People and BADGE) which were not on the Planning Policy contacts database.

- 7.6 The Plan is required to be in general conformity with the City Plan (which has been subject to Equalities Impact Assessment) and this is one of the 'basic conditions' that will be assessed at the neighbourhood plan examination.

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 Plan's contribution to the achievement of sustainable development is addressed in section ii. of the Forum's Basic Conditions Statement ('Statement of Compliance') which was submitted and published alongside the draft Neighbourhood Plan.
- 7.8 To meet UK environmental regulations, the Draft Plan has been informed by a Strategic Environmental Assessment (SEA) which was undertaken by independent consultants, AECOM. The SEA forms part of the supporting evidence for the Plan which will be submitted for examination. A non-technical summary of the SEA and how its recommendations have informed the Plan is included in Annex 3 to the Draft Neighbourhood Plan.

Brexit Implications:

- 7.9 None identified.

Corporate / Citywide Implications:

- 7.10 Neighbourhood planning provides an important opportunity for local communities to become actively involved in planning in their local area and as such it helps increase participation in civic and community life which is identified as an action area in the Corporate Plan. The Hove Station Neighbourhood Plan will assist with the implementation and delivery of priorities set out in the City Plan Part 1 and the emerging City Plan Part 2 and Hove Station Area SPD. It will also contribute to delivering the Corporate Plan, Plans and Strategies across the Council's directorates.

SUPPORTING DOCUMENTATION

Appendices

1. Hove Station Neighbourhood Plan (Regulation 16 consultation draft) Brighton & Hove Council officer comments on the Draft Neighbourhood Plan Part 1
2. Summary of the 'Basic Conditions' for Neighbourhood Plans

Background Documents

1. The Hove Station Neighbourhood Plan Part 1: Policies (December 2020) and all other Regulation 16 Consultation documents can be viewed on the Council website at [Hove Station Neighbourhood Plan \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk)

