

Appendix 2 - Summary of Inspector's Schedule of Main Modifications

This appendix provides a summary of the Inspector's Schedule of Main Modifications appended to her final report and included at Appendix 3 of the committee report.

The majority of the main modifications recommended by the Inspector propose either factual updates or improve the clarity of the wording for the decision maker and ensure policy wording remains consistent with the government's National Planning Policy Framework (NPPF, July 2021).

Some main modifications are also recommended to ensure consistency with changes to the Use Class Order that came into effect 1st September 2020.

Those MMs that relate to a change in the wording of policies include:

- **DM1 Housing Quality, Choice and Mix** – additional wording in criterion e) to clarify when the council will seek 'wheelchair accessible' homes to more adequately reflect national planning policy guidance and part M4(3) of the Building Regulations.
- **DM10 Public Houses** – additional criterion proposed to ensure that where proposals involve loss of floorspace (eg gardens) and facilities ancillary to the operation of a public house, the impact on the future viability of the pub is considered.
- Revising the **retail policies (DM12-DM16)** to ensure consistency with the Use Classes Order that came into effect 1st September 2020 and the introduction of the single E Use Class Commercial, Business and Service Use. The recommended main modifications recognise the changing nature of the high street, encourage a range of uses that maintain and enhance the vitality, viability and character of the shopping area, retain active ground floor uses and ensure appropriately designed shop fronts.
- **DM18 High Quality Design and Places** – the main modification to the policy wording recommended by the Inspector clarifies that an artistic element is required to be incorporated in major development on strategic and/ or prominent sites.
- For a number of **heritage policies (DM26-29)** and **relevant Strategic Site Allocations (SSA 1, 3, 5 and 7)** additional wording to the policies and supporting text is recommended by the Inspector to refer to the need for Heritage Impact Assessments and to refer to heritage balance considerations to ensure consistency with the NPPF.
- Amending and restructuring parts of **Policy DM37 Green Infrastructure and Nature Conservation** are recommended through the main modifications to ensure more clarity with overarching principles and mitigation hierarchy set out upfront to ensure more robust policy wording regarding the mitigation hierarchy and seeking measurable net gain. The main modifications will ensure requirements for internationally protected sites appropriately reflect the Habitats Regulations, that provisions in relation to nationally protected sites better align with national policy, and that provision relating to locally protected sites accords

with the mitigation hierarchy. Amendments to part C. locally protected sites to clarify and improve the effectiveness of the policy

- **DM39 Development on the Seafront** – additional wording is recommended to the policy to refer to the mitigation hierarchy and assessment requirements if development would be likely to have an adverse impact on designated sites including the Beachy Head West Marine Conservation Zone.
- **DM43 Sustainable Drainage** – the recommended main modification encourages a landscape led approach early at the design process to improve the effectiveness of the policy.
- **DM44 Energy Efficiency and Renewable Energy** – main modifications recommended clarify the remit of the policy - the types of development that the standards set out in the policy will apply to and information requirements of applicants. Main modifications refer to the Future Homes Standards and Future Building Standards due to come into effect in 2025 with an interim uplift coming into effect 15 June 2022 to future proof the policy and ensure the policy is effective. These will supersede and exceed DM44.
- **SSA1 Brighton General Hospital** – the main modifications include revised wording to the supporting text on the need to safeguard, protect and support swift colonies throughout the entirety of development.
- **H1 Housing and Mixed Use Sites** – the main modifications recommend updating the site allocations tables (Tables 6 and 7) to remove 6 sites substantially completed and one site no longer available for development due to its current use (2-16 Coombe Road). The removal of the site allocation Land at Marine Drive and rear of 2-18 The Cliff is recommended to be removed from the table as it could not be demonstrated to the satisfaction of the Inspector that the delivery of 10 dwelling units would not have a significant impact on the Local Wildlife Site or that adequate ecological mitigation and biodiversity net gains would be possible. Two omission housing sites put forward during the consultation are recommended by the Inspector for inclusion: Land at Preston Road / Campbell Road, Brighton and 154 Old Shoreham Road, Hove as they were found to be suitable, available and deliverable.
- **H2 Housing Sites – urban fringe** – the Inspector’s main modifications propose the deletion of one site: Site 16 (Land at and adjacent to Horsdean Recreation Ground) in light of updated evidence (UFA Update 2021) that the proposed scale development for 10 dwellings could not be achieved without causing a significant loss of habitat that contributes to the LWS and would be unlikely to achieve the required ecological mitigation and biodiversity net gain. A boundary amendment was also recommended to site 46a Land at former nursery, Saltdean and a reduction in the potential number of dwelling units from 24 to 18 units to respond to a landowner representation and the need to retain existing vegetation around the northern and western boundaries.
- The Inspector having considered all the evidence, representations, submitted matter statements and the hearing discussions has not recommended in her report any other changes to the list of H2 urban fringe sites or the housing allocation at Benfield Valley.