

Member briefing

Subject: City Plan Part 2 Update and Submission for Examination

Date: 12 May 2021

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Purpose of the briefing

To update councillors on the latest stage in the City Plan Part Two; including an overview of consultation responses from last Autumn; the submission date and availability of documents and an estimated start date for the examination hearing sessions.

Who does it affect and how?

The City Plan Part Two will support the implementation and delivery of City Plan Part One (adopted March 2016) through the allocation of additional development sites and through a suite of development management policies. Once adopted, it will form part of the statutory land use development plan for the city against which planning applications will be determined.

Background

At the 23 April 2020 Council meeting the Proposed Submission City Plan Part 2 was approved for submission to the government for independent examination. This submission was to be preceded by a final, formal stage of consultation focused on the 'soundness' of the Plan (whether the Plan is effective, deliverable, justified, positively prepared and in compliance with the National Planning Policy Framework). The start of consultation was delayed due to Covid-19 restrictions but took place 7th September - 30th October 2020.

Overview of Consultation Responses (Regulation 19 Stage)

- **272 respondents** to the City Plan Part 2 making **792 representations to policies**.
- **4 Petitions** submitted by Conservative Group in respect of Urban Fringe housing sites). Each petition attracted over 1000 signatures.

- **Policies attracting the most representations** (over 25 representations):
 - **H2 Urban Fringe housing sites** - 169 representations; in particular the allocation: 'Land at and adjoining Brighton Racecourse site' received 71 representations. A more detailed breakdown is provided as end note¹:
 - **DM37 GI and Nature Conservation** - 71 representations
 - **DM38 Local Green Space** - 64 representations
 - **H1 Housing and Mixed Use Sites** - 28 representations
 - **SA7 Benfield Valley** - 27 representations
- Many representations **sought some change to policies** (which would be through 'modifications') to address issues of clarity; others wanted policies to be furthered strengthened (e.g. amenity or wildlife groups) or made less onerous (e.g. planning agents and planning consultants).
- However, many representations **were not raising significant soundness issues**. A summary of the main issues including soundness issues raised by the representations and an officer response is set out in Appendix 9 of the Consultation Statement (Ref: SD09aii). For document availability please see below.

Proposed Changes (Modifications) for the Inspector to Consider

The council will formally request that the appointed Inspector recommends any changes (known as modifications) to CPP2 which are required to rectify matters that would otherwise make the Plan unsound/not legally compliant and thus incapable of being adopted.

A proposed schedule of modifications (Ref: SD02) has been prepared for the Inspector to consider during their examination of the Plan:

- Many are minor modifications e.g. editorial updates/ correcting typographical errors.
- Proposed main modifications are put forward for a number of retail policies (**DM12-DM16**) to address changes to the Use Classes Order that came into effect last September¹ and also to address the government's proposed route map for the Future Homes Standards and Future Building Standards.
- Main modifications are proposed to **Policy DM37 Green Infrastructure and Nature Conservation** to ensure the wording better accords with the National Planning Policy Framework (NPPF) and addresses Natural England's representation.
- Updates to **H1 Housing and Mixed Use Sites** are proposed in response to housing completions since April 2020 and representations regarding availability of sites. Two omissions sites have now been included following a site assessment process: Land at Preston Road / Campbell Road, Brighton and 154 Old Shoreham Road, Hove
- In response to **urban fringe housing sites (H2)** representations an Urban Fringe Assessment (UFA) Update 2021 was commissioned (Ref: ED24). The study reviewed general representations and those relating to specific sites where ecology issues had been raised and updated ecological assessments for specific sites

¹ A handy guide to the new Use Classes Order can be found here: [guide-to-changes-to-the-use-classes-order-in-england_july-2020.pdf](https://www.lichfields.uk/guide-to-changes-to-the-use-classes-order-in-england_july-2020.pdf) (lichfields.uk)

where ecology was raised as a concern. Updated survey work supports the previous UFA conclusions except for:

- **site 16 (land at and adjacent to Horsdean Recreation Ground)** which is now proposed for deletion in Policy H2. The CPP2 site allocation threshold is 10 units and the review concluded the site was unlikely to be suitable for more than 5 units – a higher number would have a significant impact on the Local Wildlife Site (LWS) on the basis that adequate ecological mitigation and biodiversity net gains would not be possible
- **site 46a Land at former nursery, Saltdean** - a boundary amendment and a reduction in the potential number of dwelling units from 24 to 18 units is now proposed following representation by the landowner and consideration by the study of the need to retain existing vegetation around the northern and western boundaries.
- There are no changes proposed to the 'Land at and adjoining Brighton Racecourse' site. The 2021 study stands by the earlier assessment that the Local Nature Reserve does not meet the NPPF criteria for Local Green Space designation being a considerably larger and more extensive area than the listed Local Green Space sites in Policy DM38.
- The 2021 study concludes that the proposed scale of housing at Benfield Valley (SA7) can be accommodated without significant ecology impacts, subject to the specific mitigation. The proposed housing allocation covers only a small proportion (about 5%) of the Local Wildlife Site (LWS) and development would be focused within areas of lower ecological value.

The Proposed Submission Plan remains unchanged from that agreed by Council April 2020. The inspector will consider the proposed modifications during the examination alongside other alterations to the Plan that they consider may be necessary to make the Plan 'sound', including modifications proposed by objectors. The Inspector's Main Modifications - where they relate to a major shift in policy - will then be brought to the Tourism, Equalities, Communities & Culture (TECC) Committee before they can be formally consulted upon.

Submission of the Plan to the Secretary of State

The Proposed Submission City Plan Part Two will be submitted to the government (via the Planning Inspectorate) on **Thursday 13th May** along with submission and supporting documents relevant to the preparation of the Plan.

Where to view the submitted Plan and documents

The Plan and supporting documents will be available to view electronically on the council's website: <https://www.brighton-hove.gov.uk/city-plan-part-2-examination-2021> from the 13th May.

Further information is set out in a formal notice which can be viewed on this webpage: <https://www.brighton-hove.gov.uk/submission-documents> (Ref: SD15).

Due to current COVID-19 restrictions we cannot, at this time, make available to view printed copies of submission documents at the customer service points or all the city libraries. However, this will be done as soon as circumstances allow.

Those who were notified at the earlier stages of consultation or who requested to be notified at submission will be emailed from 14th May 2021 regarding the submission of the Plan and where the documents can be viewed.

Next steps

Submission of the Plan triggers the start of the examination and an Inspector will be appointed within 3-5 weeks. The examination is a continuous process until the receipt of the appointed Planning Inspector's report.

The council has appointed a Programme Officer for the examination. The Programme Officer is independent from the council and reports directly to the Inspector. All queries relating to the examination should be directed to the Programme Officer:

Pauline Butcher

Email: programme_officer@talktalk.net

Tel: 07731 956558

The Inspector will consider the evidence provided by the council to support the plan and any representations which have been put forward by local people and other interested parties. In most cases the examination will include hearing sessions which are held in public. Given the current COVID-19 restrictions it may be that the hearings will take place virtually or in a hybrid manner with a mixture of in person/virtually presented sessions.

It is anticipated that the hearings will be held in the autumn (no earlier than mid-September) and will last 6-8 days.

Website links

Further information can be found on the CPP2 Examination website: <https://www.brighton-hove.gov.uk/city-plan-part-2-examination-2021> which will be kept regularly updated during the examination

Documents referred to in this briefing note can be found in the Examination Library: <https://www.brighton-hove.gov.uk/city-plan-part-2-examination-2021/examination-library>

We will also use social media to highlight important information such as the appointment of the planning inspector.

H2 – Housing Sites – Urban Fringe	No. Representationsⁱ
ALL SITES (listed under H2)	26
Land at <u>Oakdene</u> , Southwick Hill / <u>Land West of Mile Oak Road, Portslade</u>	8
Land at Mile Oak Road, Portslade	7
Land off <u>Overdown</u> Rise, Mile Oak, Portslade	7
Benfield Valley	27
Land at and adjoining <u>Horsdean</u> Recreation Ground, Patcham	42
Land at Ladies Mile, Carden Avenue	34
Land to north east of <u>Coldean</u> Lane	20
Land north of Varley Halls, <u>Coldean</u> Lane	22
Land at and adjoining Brighton <u>Race Course</u>	71
Land at South Downs Riding School & Reservoir Site	62
Land north of Warren Road (Ingleside Stables)	66
Land at <u>Ovingdean</u> Hall Farm & Land at <u>Bulstrode</u> / <u>Ovingdean</u> Farm	8
Land adjacent to <u>Ovingdean</u> and Falmer Road, <u>Ovingdean</u>	5
Land at former nursery, Saltdean	6
Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean	3
Land west of Falmer Avenue, Saltdean	4

ⁱ Please note respondents may have ticked one site or several sites or their representation was made to all the sites listed in H2. |