

**BHCC Officer Comments on the Regulation 14 Stage Draft Brighton Marina Neighbourhood Plan**  
**(Draft Comments subject to endorsement by TECC Committee Members)**

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

Officers have set out several 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 several different council services.

**General comments**

The Plan should refer to the City Plan Part One and City Plan Part Two policies throughout, particularly where the policies are complementary. The Examiner will expect to see paragraphs numbered in the Plan to easily refer and make comment on different sections.

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. NP policies should therefore be presented as supporting and enhancing City Plan policies particularly, where policies have already been adopted in the City Plan Part One and Two and should not appear to conflict with adopted City Plan policies. Examples of where this appears not to be the case is NP Policy BM8 Community Facilities which repeats much of CPP2 policy DM9. The identified ASDA pharmacy would be difficult to safeguard as this is a section of the wider ASDA supermarket. The identification of the Master Mariner Public House would also not be appropriate as this would not be in conformity with the adopted CPP2 policy DM10 Public Houses.

**Specific comments on the Draft Neighbourhood Plan**

<b>Paragraph/Policy</b>	<b>Comment</b>
Page 13 “National Policies”	<b>Typo</b> “ <del>In</del> It comments that the purpose of the planning system is to contribute to the achievement of sustainable development.”
Page 14 “Local policies”	<b>Update text</b> “The City Plan Part 2 is <del>now at an advanced stage. It was submitted for examination in May 2021 and the inspector’s report was received in July 2022.</del> Was adopted in October 2022. It has been designed to complement Part 1 of the Plan and to provide <del>more specific details</del> site allocations and development management policies.”
Introduction	Wording “ <u>Further major development at the Marina is envisaged within the Brighton &amp; Hove City Plan.</u> ” could be amended for clarity

Paragraph/Policy	Comment
National policies, page 15	Typos: "In comments that the purpose of the planning system is to contribute to the achievement of sustainable development"
Page 15 Policy BM1: Design	<p>Suggest wording amendment:</p> <p>Bullet 5 "any development <del>must</del> <u>should</u> retain and improve the setback distance from the water's edge to improve pedestrian access and permeability adjacent to the waterside."</p> <p>Suggest wording amendment:</p> <p>Para 4 "Proposals for major development should <del>be designed so that they integrate into</del> <u>take into account</u> the layout, form and density of the wider <del>composition and layout of the</del> Marina. <u>Regard should be given</u> to connectivity <del>both</del>-within the development and <del>as it relates</del> to pedestrian and traffic flows in/out of and around the marina.</p> <p>Suggest wording amendment to link to City Plan policies:</p> <p>Last Para "The policy approach <del>also</del> takes account of the ongoing work of the Building Better, Building Beautiful Commission, <u>National Design Guide</u> and the National Model Design Code. <u>More detailed area-specific design principles should be set out as part of a future masterplan and design code to support this Neighbourhood Plan as well as City Plan Policies CP12 Urban Design and DM18 High Quality Design and Places.</u>"</p> <p>Comment: Consider reference to SPD17 UDF</p>
Page 17 Policy BM2: Public Realm / Open Spaces	<p>Suggest wording amendment:</p> <p>"Safety and Surveillance: <del>all new elements of</del> public realm should be designed and laid out so that they would be safe to all users during the day and the night.</p> <p>Suggest wording amendment:</p> <p>"Attractiveness: <del>all new elements of</del> <u>Public realm should be designed and laid out in an also be attractive way to and</u> meet the needs of <del>both</del> local residents, <u>and</u> boat owners using the Marina and other visitors. Proposed developments which <del>do not</del> demonstrate appropriate responses to these design principles will <del>not</del> be supported."</p> <p>Suggest wording amendment:</p>

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	<p><del>“This Plan recognises that new development does not necessarily need to address existing issues with the wider public realm. Nevertheless, n <u>New developments which provide solutions which delivers improvements to public realm in the Marina to any such issues</u> will be particularly supported. Proposals for <u>incorporating public art within into</u> the wider public realm will be welcomed.”</del></p> <p>Suggest wording amendment:</p> <p>“The policy approach <del>also</del> takes account of the ongoing work of the Building Better, Building Beautiful Commission, <u>National Design Guide</u> and the National Model Design Code.”</p> <p>Comment: SPD17 Urban Design Framework (UDF) is applicable to all levels of design including the network of streets, open spaces, and public realm design (National Design Guide: Space Between Buildings).</p>
Page 18 Policy BM3: Connectivity	<p>Suggest wording amendment:</p> <p><del>“Connectivity: all new elements of public realm should be designed and laid out so that they are connected in a sensitive, legible and imaginative way both to <u>and secure improved connectivity across the development and wider area and adjacent its related development and to other adjacent developments</u> and associated public realms.”</del></p> <p>Suggest wording amendment:</p> <p>“Improving the pedestrian access from the beach <u>and/</u> <u>Black Rock site.</u>”</p> <p>Could reference the Eastern Seafront Masterplan and links to this in NP.</p>
Page 19 Policy BM4 Residential Development	<p>Suggest wording amendment:</p> <p>Proposals for new residential development will be supported <del>where it delivers</del> <u>where they help to deliver</u> the strategic allocation for the Marina as identified in City Plan Part One <u>Policy DA2</u></p> <p>Suggest wording amendment:</p> <p>‘Access and Permeability’</p> <p><del>“new developments should secure improved legibility, should</del> <u>contribute towards improved legibility,</u> permeability and connectivity for pedestrians within and to the Marina and the</p>

Paragraph/Policy	Comment
	<p>surrounding areas through high quality building design, townscape and public realm;</p> <p>Comment:</p> <p>Design terminology like ‘legibility’ and ‘permeability’ are quite technical, so these terms should be clearly defined and explained in a Glossary.</p> <p>Suggest wording amendment:</p> <p>‘Housing Type and Mix’,</p> <p>“new developments should provide for a mix of dwelling type, tenure and size to cater for a range of housing requirements, <u>including affordable housing</u> and to improve housing choice <u>in accordance with City Plan Policies CP19 and CP20</u>”</p> <p>As it currently stands, the policy wording is unhelpful for applicants as it doesn’t identify what types of housing are needed to improve housing choice or explain how applicants should go about demonstrating this</p> <p>Suggest deleting the final sentence <del>“Proposed developments which do not demonstrate appropriate responses to these design principles will not be supported.”</del> as it is unnecessary to state this.</p> <p>In supporting text, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence, suggest inserting</p> <p>Securing an appropriate mix of housing types, <u>including affordable housing</u> in new development at the Marina is an important element of the policy. It takes account of community feedback in Autumn 2019 and the range of housing and affordability issues in the City in general, and in the Marina in particular.</p> <p>Comment: High Quality Design: Second bullet: <i>“excellent use of durable materials”</i> - what does ‘excellent use’ mean?</p>
Page 20 Policy BM5: Natural Environment / Marine Wildlife	<p>Mitigation of Flood Risk:</p> <p>Comment: Policy seems to be in general compliance with NPPF and CPP1 Policies DA2.11 and CPP2 policy DM39 but may need more clarity on sustainable urban drainage give</p>

Paragraph/Policy	Comment
	<p>surface water flooding issues and regard to CPP2 policy DM43.</p> <p>Should it be 'comply' or 'have regard to'?</p> <p>Queries:</p> <p>"All new development should comply with the Sea Defence Management Plan of the Brighton Marina Estate Management Company*. A Flood Risk Assessment will be required for proposals for new build development"</p> <p>*Would suggest this part of the policy should also make reference to <i>new development needing to have regard to the relevant Shoreline Management Plan and <a href="#">Brighton and Hove City Council Strategic Flood Risk Assessment</a> and the council's SUDs SPD?</i></p> <p>Note that the B&amp;H SFRA Level 2 Site Assessment is relevant and specified that at the planning application stage, a site-specific Flood Risk Assessment will be required if any development is located within Flood Zone 2 or 3 and/or Surface Water Flood Zones.</p> <p>Therefore query 'all development' –is FRA required for those small, isolated areas northwest corner that are within FZ1?</p> <p><u>Note:</u> NPPF para. 164b specifies that development should be safe <i>for its lifetime taking account of the vulnerability of its users...</i></p> <p>See also NPPF para 167 a)- e) also specifies that development should only be allowed in areas at risk of flooding, where it can be demonstrated <i>that the most vulnerable development is located in areas of lowest flood risk</i>; the development is appropriately flood resistant and resilient ...etc</p> <p>This is also expressed in DA2.1.d) for the Brighton Marina Inner harbour site allocation.</p> <p>Section on "integrity of the cliffs".</p> <p>Suggested change as follows to ensure compliance with DM37: New developments should demonstrate that their proposals <del>do not impact adversely on the visibility or stability of the cliffs</del> <u>avoid impacts on</u> the cliffs located to the north of the Marina. The cliffs are <u>protected</u> <del>noted</del> for their unique and irreplaceable geological features, being designated as the</p>

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	<p><u>Brighton to Newhaven Site of Special Scientific Interest and Friar's Bay to Black Rock Marina Local Geological Site.</u></p> <p>Suggest including a new section on Biodiversity.</p> <p><u>New development should avoid adverse impacts on biodiversity in accordance with the mitigation hierarchy, conserves and enhances existing biodiversity, achieves a Biodiversity Net Gain and complements UNESCO Biosphere objectives.</u></p> <p>This section could also include a reference to the Brighton Marina Local Wildlife Site.</p>
<p>Page 21 Policy BM6: Cafes, restaurants and other commercial facilities</p>	<p>Suggest changing the title of the policy to "Commercial &amp; Leisure Facilities".</p> <p>Would suggest removing text that says, "<del>in so far as planning permission is required</del>".</p> <p>Appreciate that this policy has specific reference to harbour/marine activities however, not sure if the policy is required because it seems to repeat some of adopted CPP2 policy DM14 Commercial and Leisure Uses at Brighton Marina and CPP1 policy DA2.</p>
<p>Page 22 Policy BM7: Energy use, waste minimisation and recycling</p>	<p>"Development proposals should demonstrate the highest standards of energy use, waste minimisation and recycling."</p> <p>Comment: It would be useful to say if this relates to the construction period, the completed buildings, or both.</p> <p>"which incorporate zero carbon construction energy initiatives"</p> <p>Comment: Fully support the intention here, but it is very difficult to identify "zero carbon" in construction and energy and it might be confusing to developers. Would suggest saying "low or zero carbon initiatives". Again, it would be good to clarify if this relates to the construction period or the completed buildings, or both, and to separate out building fabric and energy systems / initiatives.</p> <p>Could include reference to CPP1 policy DA1.3 - opportunities for low and zero carbon decentralised and heat networks</p> <p>"All new residential development must include charging facilities for electric vehicles in all parking spaces provided".</p> <p>This requirement is now incorporated in Building <a href="#">Regs Part S</a>. No harm having it in the document</p>

<b>Paragraph/Policy</b>	<b>Comment</b>
Page 23 Policy BM8: Community Facilities	<p>Policy seems to duplicate much of CPP2 policy DM9.</p> <p><u>Amended response Feb 23 for Clarification:</u></p> <p>In planning policy terms, it would be difficult to safeguard the pharmacy as this is an in-store facility, which is part of the wider ASDA supermarket. Whilst the identification of The Master Mariner Public House is supported in principle as an important community facility at the Marina, it is considered that its placement in draft policy BM8 would provide less protection than that afforded by the CPP2 policy DM10 Public Houses. The adopted local plan policy requires the demonstration of both a lack of viability and that the local community no longer needs the public house and that alternative provision meeting a similar need existing in the locality. Given that the policies of the Neighbourhood Plan, once made, would take precedence over non-strategic policies in the City Plan (e.g. CPP2 DM10), the protection of the Master Mariner pub could be weakened by the proposed Neighbourhood Plan policy.</p>
Page 25 Community Action BMCA4: Air Quality	What is the highest possible standard? How will it be assessed?

