

Subject:	Draft City Plan Part 1		
Date of Meeting:	10 May 2012		
Report of:	Strategic Director- Place		
Lead Member:	Cabinet Member for Planning, Employment, Economic Development and Regeneration		
Contact Officer:	Name:	Helen Gregory	Tel: 29-2293
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Key Decision:	Yes	Forward Plan No: 27276	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report seeks approval of the draft City Plan Part 1, part of Brighton & Hove's Local Development Framework, along with its annexes and supporting documents, for an eight week period of stakeholder and public consultation during May to July 2012. Appendix 1 provides a summary of how the policies in the Core Strategy have been amended/ changed and the full copy of the City Plan part 1 has been placed in the Member's Rooms.
- 1.2 The City Plan will be an important tool for attracting and directing investment in the city. It will provide an imperative for delivering much needed affordable homes and for encouraging the most sustainable forms of development with the highest quality of design. The City Plan will provide the strategic planning framework to guide the preparation of neighbourhood plans and will allow issues of local importance to be addressed appropriately and innovatively.
- 1.3 Five additional/ update studies have been completed which provide further background and supporting information for the City Plan Part 1. Appendix 3 provides an outline of the purpose of the studies and a summary of the key findings.

2. RECOMMENDATIONS:

- 2.1 That Cabinet notes the nature of representations made to the City Plan Policy Options Paper undertaken October - December 2011 and the officer responses to address these representations (summarised in Appendix 2 with a full schedule attached to the Statement of Consultation placed in the Members' Rooms).
- 2.2 That Cabinet approves the recommendation to publish the Draft City Plan Part 1 and supporting annexes (the Implementation and Monitoring Plan, Infrastructure Delivery Plan and Housing Implementation Strategy), the Sustainability Appraisal, the Schedule of Proposal Map Changes, Supporting Evidence Document and Statement of Consultation for an eight week period of stakeholder and public consultation between 28 May and 20 July 2012, subject to any minor

grammatical or editorial alterations that may be made by the Strategic Director, Place.

- 2.2 That Cabinet approves the following studies: Affordable Housing Viability Study Update (April 2012), Housing Requirements Study – Supplementary Papers (Brighton & Hove)(March 2012), Viability Testing – Strategic Sites (2011), Appropriate Assessment and Sequential and Exceptions Test (2012) as supporting evidence for the City Plan and further Local Development Documents.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In July 2011, Council agreed to withdraw the Core Strategy to allow it to be updated and amended. This was agreed by the Secretary of State and the Core Strategy was withdrawn in September 2011. The need to amend the document arose from soundness issues raised at an Exploratory Meeting with the appointed Planning Inspector in May 2010. This concerned the housing delivery strategy in the submitted document and the government's subsequent proposed removal of regional housing targets.

- 3.2 The need to update the document also arose from the number of significant changes that have happened since the Core Strategy was submitted to the Secretary of State two years ago. These include:

- the Localism Act;
- the recently published National Planning Policy Framework;
- reduced availability of government funding for capital projects, and;
- the completion of a number of updated background studies and other changes required to bring the Core Strategy up to date.

Reflecting these changes will help to secure an effective, up to date and sound document.

- 3.3 In September 2011, Cabinet agreed a new work programme to prepare the City Plan to replace the withdrawn Core Strategy. Consultation on four policy areas of the Plan where significant change was required (housing delivery, employment policies, transport – park and ride and student accommodation) was undertaken between 17 October and 2 December 2011 and the responses have informed the drafting of the City Plan. The Options Papers set out the policy options for each policy area needing to be addressed and the council's preferred option, giving consultees the opportunity to express a preference.

- 3.4 It is important that the council has an up-to date plan which sets out a strategy for accommodating housing and employment needs with other essential uses (such as, retail, health and education facilities and other community and leisure facilities) and the need to respect the historic, built and natural environment of the city. The National Planning Policy Framework (NPPF) was published 27 March and replaces all government planning policy statements. It should be noted that as the City Plan moves closer to adoption, the greater the weight that may be given to the draft policies contained within the City Plan depending on their compliance with the NPPF and level of support. Until the adoption of the City Plan the Brighton & Hove Local Plan will remain a material consideration weighed against the policies contained within the NPPF.

- 3.5 It is recommended that the draft City Plan Part 1 and supporting documents be published for public consultation for eight weeks between 28 May and 20 July 2012. Comments received during this time will inform the content of the Council's final version of the City Plan Part 1 that is due to go to full Council in December 2012. It will then be submitted to the Secretary of State for examination following a further six week period of consultation on soundness issues.

Draft City Plan Part 1

- 3.6 The replacement of the Core Strategy with the City Plan Part 1 has allowed the following overarching changes to be made:
- Restructuring the layout of the Plan (vision and objectives and city wide policies) around four themes: A strong and prosperous city, a sustainable city, an attractive city and balanced and healthy communities (influenced by the themes within the Sustainability Community Strategy and the Corporate Plan) ;
 - Additional strategic development sites have been allocated within the eight broad Development Areas along with the allocation of employment sites reflecting the outcomes of the Employment Policy Options Paper consultation;
 - Updating how the plan will be implemented and monitored - Annexe 1 Implementation and Monitoring Plan;
 - Updating the infrastructure requirements for the city up to 2030 and how these will be addressed - Annexe 2 Infrastructure and Delivery Plan
 - Preparing a Housing Implementation Strategy (Annexe 3) which describes the approach to managing the delivery of housing over the plan period and sets out how a five year supply of housing will be maintained to meet the planned housing target.

A summary of these annexes are attached at Appendix 4 of this report and the full versions have been placed the Members' Rooms. The City Plan Part 2 will contain site allocations and the remaining development management policies.

- 3.7 The Plan has also been amended to reflect the outcomes of the Policy Options Consultation for the four policy areas where significant change to the plan was required – employment policy, housing delivery, transport (park and ride) and student accommodation. Consultation involved:
- Making the consultation papers available at the city libraries and citydirect offices and on the council's website.
 - Along with press articles, over 700 people were made aware of the consultation papers via email or letter.
 - A number of specific events including a stakeholder event (with representatives of community and amenity groups, businesses and transport providers), a bespoke event organised by the Brighton and Hove Economic Partnership, and a Sustainability Working Group (a sub-group of the Sustainability Partnership). Over 120 people attended these events.
 - The consultation papers were also discussed at six partnership meetings. Alongside a range of comments noted from structured discussions at the events, 77 formal written responses were received. Further detail is set out in the Statement of Consultation placed in the Members' Rooms which includes a

full schedule of the consultation responses and officer responses to these. A summary is attached at Appendix 2.

- 3.8 The responses to the Employment Options Paper both at events and through the formal written responses were generally supportive of the preferred options, in particular from the City Employment and Skills Steering Group and the Brighton & Hove Economic Partnership. Where concerns or objections were expressed these were largely from individual developers/ land owners who wished to see greater flexibility within employment policies and allocations. As a result 10 City Plan policies (SA2 Central Brighton, Development Areas 2-8 including office development for Toads Hole Valley, CP2 Sustainable Economic Development and CP3 Employment Land) have been revised to reflect the preferred options but with some limited flexibility included where appropriate.
- 3.9 There was overarching support for the preferred housing target of 11,200 homes set out Housing Options Paper at events and through formal responses. There was also support at the events (such as the stakeholder event, the City Employment & Skills Steering Group and at the Sustainability Working Group) and through the formal responses for the inclusion of Toads Hole Valley in the City Plan. Indeed respondents felt that development should make the best use of the site and be ambitious in terms of gains for the city. The Housing Delivery policy (CP1) has been amended accordingly and Toads Hole Valley has been included in the City Plan as a Development Area for mixed use development.
- 3.10 There was a mixed response to the Transport Options Paper on the future of Park and Ride. More respondents supported the option to retain Park and Ride as a criteria-based policy, than agreed with the preferred option to remove Park and Ride from the policy. The key concern of a number of respondents, including the business community, was the lack of detail in the Paper on the alternatives managing car journeys into the city. In response, CP9 Sustainable Transport Policy has been amended to provide more detail on transport measures to manage journeys within the city alongside measure to intercept cars entering the city (promoting and facilitating better use of existing periphery car parks to transfer journeys onto buses and working with train companies to promote transfer of more car journeys onto rail).
- 3.11 The responses to the Student Accommodation Options Paper at events and through formal responses supported the need to include a policy in the City Plan regarding Student Accommodation. This policy will address the control of the concentration of Homes in Multiple Occupation (HMOs) through the use of an Article Four Direction (which has been agreed at the 15 March Cabinet 2012) and set out a criteria based policy for assessing sites for new purpose built student accommodation along with identifying specific suitable sites.
- 3.12 Other areas of change and general amendments and updates to the City Plan are detailed in Appendix 1 of this report. For example, a number of policies have been amended to reflect:
- Changed government legislation for example SA6 Sustainable Neighbourhoods reflects the introduction of Neighbourhood Plans by the Localism Act but also the council's commitment to developing new ways of working with communities. CP22 Traveller Accommodation reflects new government guidance on meeting traveller accommodation needs.

- Findings of updated background studies for example DA8 Shoreham Harbour has been revised to reflect the current position regarding its regeneration potential and development capacity and CP20 Affordable Housing policies has been revised following the findings of the updated Affordable Housing Viability Study.
- The establishment of the National Park Planning Authority who will prepare their own development plan which will cover the areas of Brighton & Hove that fall within the National Park and will not now be addressed by the City Plan (SA5 South Downs).

City Plan Supporting Documents

- 3.14 **Sustainability Appraisal** - The aim of the City Plan is to deliver sustainable development of the city in accessible locations and to help create cohesive and sustainable communities. The Sustainability Appraisal tests the extent to which the City Plan meets identified sustainable development principles. This is a separate independent document produced alongside the City Plan, which critically examines its objectives and options and tests them against the principles of sustainable development. As a result, the SA has led to a series of amendments to the City Plan policies. Copies of the full Sustainability Appraisal and a non-technical summary of the Sustainability Appraisal have been made available in the Member's rooms.
- 3.16 **Statement of Consultation** - sets out the consultation undertaken on the four Policy Options Papers and the officer responses and recommendations to these representations received.
- 3.17 **Schedule of Changes to the Proposals Map** - contains proposed changes to the Adopted Proposals Map which will be made when the City Plan Part 1 is adopted and reflects strategic allocations, employment sites as well as any new or amended designations detailed in the City Plan Part 1.
- 3.18 **Supporting Evidence Documents** - lists and provides a brief summary of key background studies, strategies and plans that have informed the formulation of policies within the City Plan.

Supporting Background Studies

- 3.17 This report also seeks approval of five studies that provide background and supporting evidence for the City Plan and further Local Development Documents. Although background studies inform the policy approach they do not determine policy:
- **Affordable Housing Viability Study Update (April 2012)** - Within the overall requirement for housing across the City, the demand for affordable housing is a major issue. The study re-assesses the (financial) capacity of residential development in the City to deliver affordable housing without viability being unduly affected based on an updated review of circumstances.
 - **Housing Requirements Study – Supplementary Papers (Brighton & Hove)(March 2012)** - The documents consider the demographic implications of the proposed housing trajectory in the City Plan and the implications of demographic change on demand for homes in Brighton & Hove.

- **Viability Testing – Strategic Sites (2011)** - the purpose of the Assessment is to look at the financial viability of a number of strategic site allocations in the City Plan to ensure the allocations will be viable and deliverable during the life of the Plan.
- **Appropriate Assessment (2012)** – Updated assessment following changes to the City Plan. The aim of the assessment is to evaluate the ecological impact of the policies of the proposed City Plan Part 1 to ensure that it does not have an adverse effect on any European or Ramsar wildlife sites.
- **Sequential and Exceptions Test (2012)** – updated following the 2011 Strategic Flood Risk Assessment and to reflect changes to the City Plan. The document sets out the sequential tests regarding flood risk related to the 8 Development Areas identified in the City Plan, following the steps outlined in government guidance regarding flood risk.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 A Statement of Consultation has been prepared which details the consultation that was undertaken on the Policy Options Paper, the consultation responses received through formal written responses and at the various consultation events and officer responses to address these representations.
- 4.1 The Cross-Party Working Group on the City Plan met 8 March and were advised of the outcomes of the Policy Options Consultation and proposed changes to be made to the plan as a result of the Policy Options Paper Consultation. They were also made aware of other changes required to bring the Plan up to date and to conform with the National Planning Policy Framework.
- 4.2 Consultation on the Draft City Plan will accord with the approach and standards set out in the council's adopted Statement of Community Involvement and take into account the Community Engagement Framework (the city council's policy for involving people, communities and stakeholders in preparing plans). Due to the delays in the publication of the final National Planning Policy Framework the consultation period has had to be reduced to eight weeks rather than the twelve week requirement set out in the Community Engagement Framework.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no Capital Expenditure implications. The costs of preparation and consultation for the City Plan will be met from within the existing Planning Strategy and Projects revenue budget.

Finance Officer Consulted: Karen Brookshaw Date: 18/04/12

Legal Implications:

- 5.2 The draft City Plan will update and amend the withdrawn Core Strategy which is one of a series planning documents introduced under the Planning and Compulsory Purchase Act 2004. Once adopted the City Plan will be the development plan for the city against which planning applications will be assessed. Procedural requirements for drafting and adopting such documents

are contained in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the consultation proposed will be carried out under Regulation 18 of the aforesaid Regulations.

- 5.3 It is not considered that any adverse human rights implications arise from the Report.

Lawyer Consulted: Hilary Woodward Date: 18/04/12

Equalities Implications:

- 5.4 An Equalities and Health Impact Assessment was undertaken on a previous version of the Plan (the Submitted Core Strategy) and an updated assessment will be carried out to accompany the final version of the City Plan Part 1.

Sustainability Implications:

- 5.5 A statutory Sustainability Appraisal has been produced to inform the preparation of the City Plan Part 1.

Crime & Disorder Implications:

- 5.6 The City Plan Part 1 addresses crime and disorder through development areas, special area policies and a number of citywide policies.

Risk and Opportunity Management Implications:

- 5.7 Consulting on the draft City Plan will help ensure a sound development plan can be justified and should ensure that there are fewer objections to the plan, or issues arising at the publication stage. A Cross Party Working Group has been established to enable preparation of the City Plan to be discussed at an early stage therefore reducing uncertainty when key decisions are made.

Public Health Implications:

- 5.8 The draft City Plan addresses health inequalities and the healthy planning agenda through a city wide healthy city policy. A previous version of the Core Strategy was subject to an Equality and Health Impact Assessment as will the final version of the City Plan.

Corporate / Citywide Implications:

- 5.9 The City Plan will be a significant factor in steering development in the city for the next 20 years. It will contribute to delivering the Corporate Plan and plans and strategies across the city council directorates, along with the Sustainable Community Strategy. It will also help to deliver city-wide strategies of public and voluntary sector partners.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The process of preparing the City Plan is to test alternative options for accommodating growth and development in the city to 2030. This testing includes consultation, a robust evidence base and a Sustainability Appraisal.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To progress the preparation of the City Plan to ensure the council has an up to date strategic planning framework for the city to replace the current Local Plan. Cabinet approval is needed to publish a revised Plan for consultation.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of Main Changes to the City Plan
2. Summary of Representations to the Policy Options Paper
3. Summary of Background Studies
4. Summary of City Plan Annexes

Documents in Members' Rooms

1. Draft City Plan Part 1
2. Annex 1 Implementation and Monitoring
3. Annex 2 Infrastructure Delivery Plan
4. Annex 3 Housing Implementation Strategy
5. Sustainability Appraisal of Draft City Plan and Non-technical summary
6. Statement of Consultation
7. Schedule of Proposed Changes to the Proposals Map
8. Supporting Evidence Document
9. Affordable Housing Viability Study Update (April 2012),
10. Housing Requirements Study – Supplementary Papers (Brighton & Hove)(March 2012),
11. Viability Testing – Strategic Sites (2011)
12. Appropriate Assessment (2012)
13. Sequential and Exceptions Test (2012)

Background Documents

1. Cabinet 13 October 2011 – Consultation on Policy Options Papers for the New City Wide Plan
2. National Planning Policy Framework