

Subject:	City Plan Part One - Changes arising from Examination Process		
Date of Meeting:	Policy & Resources Committee – 16 October		
Report of:	Director Environment, Development and Housing		
Contact Officer:	Name:	Helen Gregory	Tel: 29-2293
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To seek approval to progress the City Plan Part One which is the city's strategy for land use, development, and infrastructure to 2030. The City Plan is of fundamental importance to the city's future prosperity. It provides an imperative for delivering much needed affordable homes and for encouraging sustainable development and high quality design. The City Plan provides the strategic planning framework to underpin the work of the Greater Brighton Economic Board; a strong grounding for Duty to Co-operate work with adjoining authorities and the preparation of neighbourhood plans.
- 1.2 The City Plan Part One remains under examination by an independent Planning Inspector appointed by the Secretary of State. The Planning Inspector has given the city council an opportunity to make main modifications to the Plan to address her soundness concerns. She has indicated (letter 27 June, see appendix 1) that if a positive decision to consult on those modifications is not made by October 2014 this could lead her to expect that the city council will withdraw the Plan.
- 1.3 The consequence of not having an adopted Plan would be 'planning by appeal', inappropriate development which would undermine a positive and balanced approach to future growth and jeopardise investment.
- 1.4 This report summarises the Inspector's Initial Conclusions on the soundness of the Plan (the letter and her subsequent correspondence is included at Appendix 1), and highlights the further work undertaken in response and modifications to the City Plan required in order for her to find it sound. The Inspector cannot conclude the examination and the City Plan cannot be adopted until her concerns are addressed through changes ('modifications') to the City Plan.

- 1.5 The most significant requirement of the Inspector was for the council to more rigorously investigate opportunities for potential housing sites in the urban fringe (Urban Fringe Assessment) and only then would she be in the position to consider whether the Plan could be found sound.
- 1.6 The changes proposed as a result of the Inspector's Initial Conclusions, (set out in Appendix 2) are considered to represent a major shift in policy in the City Plan and are therefore referred to the Policy & Resources Committee for approval. Other proposed modifications to the Plan have largely been made in response to submission stage consultation responses and are not considered to represent a major shift in policy. These are referred to Committee for information and are set out in full in Appendix 3 (a copy is in Members' Rooms).
- 1.7 This report also seeks approval of updated studies and assessments as background evidence documents to support the City Plan. A summary of these updated/ amended background documents is set out in Appendix 4 and copies have been placed in Members' Rooms.
- 1.8 The report seeks authority to go out to public consultation on the proposed changes to the Plan and the responses will be sent to the Inspector.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Approves the proposed main modifications to the City Plan Part One set out in Appendix 2 that represent a major shift in policy in the City Plan.
- 2.2 Notes the remaining proposed modifications set out in the Full Schedule (Appendix 3) and authorise that the Head of Planning and Public Protection may make any necessary minor amendments to the Full Schedule prior to public consultation;
- 2.3 Approves a six week period of public consultation on the Full Schedule of Proposed Modifications to the Submission City Plan Part One (along with the new / updated supporting documents) commencing 4 November;
- 2.4 Authorises the Head of Planning and Public Protection to agree any further draft "main modifications" to the City Plan Part One necessary to make it sound and to authorise the publication of such draft modifications for public consultation save that should any draft modification involve a major shift in the policy approach of the City Plan Part One the draft modification shall be referred by the Head of Planning and Public Protection to the Policy & Resources Committee for approval.

- 2.5 Approves the following studies as supporting evidence for the City Plan and further Development Plan Documents (summarised in Appendix 4):
- Sustainability Appraisal
 - Appropriate Assessment Update
 - Health and Equalities Impact Assessment Update
 - Transport Assessment Update
 - Exceptions and Sequential Test Update (flood risk)
 - Strategic Housing Land Availability Assessment 2014 update
 - Urban Fringe Assessment Study
 - Assessment of Housing Development Needs Study: Sussex Coast Housing Market Area, May 2014
 - Housing Implementation Strategy
 - Addendum to the Infrastructure Delivery Plan
 - Combined Policy Viability Study Update
 - Duty to Cooperate Statement Update

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The City Plan Part One is the city's strategy for development, infrastructure and land use in Brighton & Hove to 2030. It will help to deliver the right type of development in the right places including housing, business space and schools. Through its identification of Development Areas and strategic allocations it sets out the planning framework to secure the regeneration of key sites and the provision of city infrastructure requirements. It is also an important delivery mechanism for other strategies in the city, e.g. Sustainable Community Strategy, Student Housing Strategy and the Economic Strategy. Adoption of the Plan is critical to ensure that planning decisions reflect local priorities. In addition it will ensure that two recent Article 4 Directions on student accommodation and HMOs and central offices can be implemented effectively. Until then, key planning decisions will be based upon the 'presumption in favour of sustainable development' in the National Planning Policy Framework (i.e. development should be allowed unless there is significant and demonstrable harm).

City Plan timeline:

- **31 January 2013** - Council agreed that the City Plan should be submitted to the Secretary of State for examination.
- **February – March 2013** - 6 week formal consultation; 85 respondents submitted representations to the City Plan.
- **June 2013** - the City Plan, supporting documents and representations were submitted to the Secretary of State for consideration.
- **June 2013** - Secretary of State appointed Inspector Laura Graham BSc MA MRTPI to examine the Plan.
- **July 2013** - The Inspector identified a number of issues and matters for discussion at the hearings. The key areas of discussion related to the Duty to Cooperate, housing land supply and viability issues.

- **October 2013** - Hearings in public held over 6 days in late October at the Brighthelm Centre.
- **13 December 2013** - Initial Conclusions letter published.

3.2 It reflected well on the Council at the hearings that so many of the issues raised by the 85 respondents at the submission consultation stage had been resolved prior to the hearing sessions. This involved meeting respondents, agreeing statements of common ground and drafting proposed changes to the plan to address their concerns. The proposed changes to the Plan put forward by officers before and as a result of hearing discussions are not considered to represent a significant policy shift (see Appendix 3).

Initial Conclusions Letter

3.3 The Inspector considered that the city council had met the legal requirements of Duty to Cooperate (which has been a significant hurdle for many local authorities). However, she considered that the council had not done enough to reduce the level of shortfall between the housing target in the city plan (11,300 units) and objectively assessed housing needs (20,000). Specifically, that the council needed to look more carefully at the urban fringe for potential housing sites. She also made comments on the Brighton Marina policy and viability relating to sustainable building standards.

3.4 The consequence of the Initial Conclusions Letter is that changes need to be made to the Plan to rectify the matters the Inspector feels currently make the Plan unsound and incapable of being adopted.

3.5 The Inspector will need to issue a report on the City Plan's soundness and legal compliance before the plan can proceed towards adoption. Before this, the Inspector will consider whether further hearing sessions/ written statements are necessary following her consideration of any representations received on the proposed modifications. This will have an impact on the adoption date of the City Plan. As a consequence, it is anticipated that if further hearing sessions are required the earliest the City Plan can be adopted is July 2015.

Housing Land Supply Modifications (policy CP1 Housing Delivery and SA4 Urban Fringe)

3.6 The Inspector recognised that there are significant constraints to providing land for housing development in the city. However she considered that the magnitude of the housing shortfall between the proposed City Plan housing target (11,300) and the city's objectively assessed housing need (20,000) to be significant. She considered this level of shortfall to be a failure to meet the social dimension of sustainable development as set out in the National Planning Policy Framework (NPPF). The Inspector indicated that the Council must rigorously assess all opportunities to meet housing need. It was her

initial view that the main sources of additional housing supply offering the opportunity to increase the housing target were windfall sites (small and unexpected housing development) across the plan period as a whole and urban fringe sites.

- 3.7 The Inspector went on to state that to be satisfied the council had looked more positively for housing sites and for the Plan to be found sound that the council should have 'left no stone unturned in seeking to meet as much of its housing need as possible'.
- 3.8 It is worth noting that the Inspector's initial conclusions raised no significant concerns regarding the potential for housing from brownfield sites. The City Plan has done all it can to maximise the potential for housing from brownfield sites. Through the City Plan 87% of residential development will take place on brownfield sites. The City Plan sets challenging density requirements and a positive framework for tall buildings as well as the release/ mixed use redevelopment of redundant employment sites. The aim of the City Plan is to ensure there is the right balance between land for housing and for jobs in the city as well as other city needs such as student housing.
- 3.9 The housing numbers in two Development Areas have had to be adjusted to reflect that a number of housing sites have come forward for student housing and can no longer be counted in the housing supply figures. Due to the need to safeguard the strengthening employment activities at Shoreham Harbour the housing potential for this area has been reduced. Overall, the numbers for housing on brownfield land have increased by 820 units (from windfall and SHLAA numbers)
- 3.10 The council uses many proactive measures to unlock development sites; the preparation of planning briefs and through pre-application advice. Monitoring clearly indicates that two thirds of residential brownfield sites with planning permissions have commenced. The lack of access to finance is the main reason for those sites that have not started. Even if further brownfield sites could be released for housing this would not accommodate the full extent of the shortfall of housing need and therefore housing on the urban fringe would still be needed. The strategy for bringing forward a supply of housing sites is set out in the Housing Implementation Strategy (HIS Annex 3 to the City Plan).
- 3.11 The Inspector considered that the council should investigate an additional allowance for windfall sites to the housing target. These are sites that unexpectedly become available for development and are difficult to anticipate through a Strategic Housing Land Availability Assessment (SHLAA). Such sites in Brighton and Hove are usually small sites (up to 5 units) and make a significant contribution to overall housing supply. The housing target in the Submission Plan however, made a cautious allowance for such sites towards the end of the Plan period guided by the previous Inspector's comments on the withdrawn

core strategy. This allowance has been reassessed following the current Inspector's comments and an additional allowance has been made to cover the whole plan period. The additional contribution to the increased housing target from windfall is 650 units.

- 3.12 The Inspector considered that the main housing supply issue was that the council should undertake a more rigorous assessment of the urban fringe (open space between built up area boundary and the National Park) to determine whether there is greater potential for the delivery of new housing from this source.
- 3.13 The council's own urban fringe assessment¹ gave significant weight to the NPPF policy (at paragraphs 73 and 74) to protect existing open spaces and to the protection of the city's biodiversity resource. Weight was therefore given to 'local designations' on sites such as local nature reserves or sites being part of the city's green infrastructure network. The Inspector disagreed with this stating: 'these sites are not subject to nationally recognised designations, which would indicate that development may be restricted'. The Inspector proposed that an assessment of the city's urban fringe should be undertaken to include a detailed analysis of whether the identified constraints to development could be satisfactorily addressed through mitigation and/or compensation measures. For example the assessment could consider the possibility of allowing some development on urban fringe sites which would secure some new good quality public open space, as part of a package of development. The Inspector's overall impression was that the starting point of previous analysis of these sites had been 'the desire to resist development'.
- 3.14 Following the Inspector's initial conclusions letter and government policy requirements officers commissioned consultants to undertake an independent study of all 66 urban fringe sites (named and mapped in Appendix 4). The Urban Fringe Assessment provides a robust analysis of the amount of housing potential that might be accommodated in the urban fringe. Sites were assessed on the basis of the parameters set out in the Inspector's initial conclusions. Following those assessment parameters, the Study concluded that there is potential for 1,180 homes on parts of 39 urban fringe sites. Overall, this potential represents 31 hectares or 7.5 % of the total area of Urban Fringe land. It should also be noted that the study found that in most cases only part of each site investigated offered potential for development (a summary of the Study findings is set out in Appendix 4).
- 3.15 Proposed Main Modifications to Policy CP1 - As a consequence of the Inspector requesting a reassessment of windfall allowance and the re-assessment of the potential for delivery of new housing from the Urban Fringe, it is proposed that the housing delivery target for the city be increased to 13,200 in order to satisfy her concerns that the council has

¹ Urban Fringe Assessment Update September 2013

sought to meet as much of the identified housing needs as possible. This is reflected in modifications proposed to the Spatial Strategy and Policy CP1 Housing Delivery to acknowledge the role of the urban fringe as a potential source of housing. CP1 will need to indicate a 'broad source' single figure for 1,060² housing potential within the urban fringe and an increased windfall allowance of 1,250 (calculated by adding the additional windfall allowance of 650 units to the previous allowance). These proposed changes (set out in Appendix 2) are considered to be a significant shift in policy.

- 3.16 It should be stressed that the urban fringe sites have not been allocated for housing in the City Plan Part One. A more detailed assessment of sites with potential for housing will be undertaken to inform housing allocations as part of the preparation of Part Two of the City Plan. A particular emphasis of this detailed assessment will be the consideration of how best to ensure local housing needs are met including support for community led development, community right to build and housing co-operatives. There will be full public consultation on proposed site allocations as part of the process of preparing Part Two of the Plan (currently programmed to start following the adoption of Part 1).
- 3.17 As a consequence, the policy SA4 Urban Fringe has been modified to:
- Clarify that the Urban Fringe Assessment does not allocate housing sites; further consideration, assessment and consultation of urban fringe sites will take place before sites are allocated in Part 2 of the City Plan.
 - Emphasise the particular aspirations for urban fringe sites to meet the housing needs of the local community including support for community led development, community right to build and housing co-operatives. It should be noted that 60% (700 units) of the total housing potential identified in the Urban Fringe Assessment Study is on council owned sites. There is therefore significant potential for urban fringe housing to be affordable housing to meet local needs.
 - Provide a framework for dealing with future development proposals, including any applications that may come forward on urban fringe sites prior to the preparation and adoption of the City Plan Part Two. Should this occur, then the Urban Fringe Assessment would be a material consideration in the assessment of proposals.
 - Clarify that the mitigation of adverse impacts of development in the urban fringe would be required.
- 3.18 Consequential changes have also been made to CP16 Open Space and CP17 Sports Provision (see appendix 2).

² The reduced figure compared to the identified potential reflects assessment of availability of the sites carried out through the Strategic Housing Land Availability Assessment 2014 update. Hangleton Bottom although identified by the Urban Fringe Assessment has having potential for housing was considered to be unavailable due to its allocation as a waste site in another plan.

Update to Objectively Assessed Housing Needs

- 3.19 As a result of the proposed changes arising from the increased housing target and the urban fringe being identified as a potential source for housing a number of background evidence documents that support the City Plan Part 1 were required to be updated/ amended. This has ensured that the impact of the proposed changes on issues such as transport and city infrastructure (education, health etc) have been fully considered and appropriately appraised. The summary of these study findings are set out in Appendix 4.
- 3.20 An updated study on housing requirements has been undertaken in response to the publication of results from the 2011 Census. This Study (Assessment of Housing Development Needs within the Sussex Coast Housing Market Area) was required to ensure the evidence underpinning the Plan was up to date and robust. As a result the new figures for Brighton & Hove indicate that the housing requirement has increased from 16,000 - 20,000 to 18,000 - 24,000 additional homes by 2030. This increase is due to higher levels of migration and household formation than previously forecast. The implication is that the gap between the target and objectively assessed need has increased. As a result, the Inspector will be looking for even greater assurance that no stone has been left unturned in the search for additional homes.

Other Required Modifications arising from the Inspector's initial conclusions

- 3.21 The Inspector has indicated at her initial conclusions stage, a very limited number of other policy areas where she is inviting the council to make modifications to address her concerns. These are:

DA2 Brighton Marina

- 3.22 The Inspector has requested modifications to the policy to remove the restriction of development above the cliff height. It should be noted that although the Brighton Marina Act 1968 prohibits building above the cliff height unless otherwise agreed with the Council as the local authority named in the Act, the Act also provides that the planning regime operates independently of the Act. Having considered the arguments put for and against the policy presumption at the hearing session, the Inspector concluded that this restriction could unduly constrain effective delivery of development in this area. She went on to state that safeguards already exist within DA2 to protect environmental assets, quality of building design and heritage issues. The modification proposed, emphasise these safeguards through the addition of the need to take account of the cliff height issues under the development area strategy objectives.

- 3.23 The Inspector has also requested that the District Centre status for the Marina is removed as it was her opinion that the evidence did not justify its designation currently. The proposed modification still retains the need to enhance the shopping offer and range of shops at the Marina and indicates that a more detailed policy will be put forward in Part Two of the City Plan.

CP8 Sustainable Building Standards/ viability

- 3.24 The Inspector considers that there was no local justification for the sustainability standards for new homes set out in the Policy CP8 to be above national standards. Further, on the basis of information before her at the examination, she considered that the proposed standards would impact on the viability of development. The NPPF requires plan proposals to be viable at the time of preparation and at all stages of an economic cycle of the Plan. Rather than accepting the council's position that sufficient flexibility has been built into the wording of CP8 to take account of viability, the Inspector has recommended that the sustainable building requirements should be modified to be in line with national policy (regarding viability and in line with the outcome of the national housing standards review). The proposed modification has been made to bring the standards in relation to new residential development in line with current building regulations – Code Level 4 to 2016 and Code Level 5 post 2016. The Policy still retains robust requirements to support the council's aspirations for zero carbon development and reducing the ecological footprint of the city.

Full Schedule of Proposed Modifications

- 3.25 All proposed modifications arising out of the examination process require public consultation and have been subject to a Sustainability Appraisal. Before issuing her report on the Plan's soundness and legal compliance, the Inspector will consider any representations received on the main modifications. The Inspector may feel able to deal with any additional points raised through the consultation as 'written representations', or may consider that further hearing sessions are necessary. Only then will the Inspector be in a position to decide whether or not to recommend the modifications to the Plan in her final Report on the Plan.
- 3.26 A full schedule of the proposed modifications to the City Plan Part One has been placed in Members' rooms. The changes from the submission version of the City Plan Part One are annotated as 'tracked changes' to highlight the modifications subject to consultation.

Supporting Evidence and Assessment

- 3.27 As a consequence of the proposed changes arising from the Inspector's Initial Conclusions Letter a number of background evidence documents that support the City Plan Part 1 were required to be

updated/ amended. These studies provide evidence to justify the main modifications to the City Plan. This report seeks approval of the following studies as background evidence documents to support the City Plan:

- Sustainability Appraisal
- Appropriate Assessment Update
- Health and Equalities Impact Assessment Update
- Transport Assessment Update
- Exceptions and Sequential Test Update (flood risk)
- Strategic Housing Land Availability Assessment 2014 update
- Urban Fringe Assessment Study
- Assessment of Housing Development Needs Study: Sussex Coast Housing Market Area, May 2014
- Housing Implementation Strategy
- Addendum to the Infrastructure Delivery Plan
- Combined Policy Viability Study Update
- Duty to Cooperate Statement Update

A summary of these updated/ amended background documents is set out in Appendix 4 and copies have been placed in Members' Rooms.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The proposed approach is to modify the Plan to address the concerns raised by the Inspector in her Initial Conclusions Letter and to publish these for public consultation. This will ensure that the Inspector is able to conclude her consideration of the City Plan Part One. This is the only practicable option if the City Plan Part One is to progress towards adoption and ensure the council has an up to date development plan.
- 4.2 Without these modifications the Inspector has indicated that the City Plan Part One could not be found sound and could not therefore be adopted.
- 4.3 An adopted City Plan gives certainty and confidence to the development industry and will help to deliver investment in the city. With a clear and up to date policy framework in place, local decision-making can ensure timely development and secures the most appropriate uses on key regeneration sites such as Preston Barracks, Circus Street and Black Rock site. At a time when the development industry is recovering from the recession, the City Plan will be critical for guiding and encouraging the investment that developers and the construction industry are seeking to bring to the city and secure the infrastructure needed (e.g. schools and health facilities).
- 4.4 An up to date adopted City Plan will ensure that decisions on new developments are based on local priorities and that full weight can be given to locally adopted strategies and development policies. Conversely should the City Plan be withdrawn no weight could be given

to its policies in decision making. An adopted Plan gives greater certainty for the Council and all stakeholders to see development schemes progressed in a properly planned and coordinated manner. An agreed housing target for the city to 2030 will allow the council to resist development pressures to release existing employment sites, business space, community uses and open space for new housing. The new Article 4 Directions (Student Housing and Central Office space) can be assessed effectively and sites allocated in the City Plan for purpose-built student housing and other uses will have a clear policy framework.

The consequences of not having an adopted City Plan

- 4.5 Without an adopted City Plan the National Planning Policy Framework's 'presumption in favour of sustainable development' would apply (i.e. development should be allowed unless there is significant and demonstrable harm). The consequence of 'planning by appeal' would be inappropriate development within the city's urban fringe and across the city as a whole. This would undermine the positive and balanced approach to future growth and development in the city as set out in the City Plan and jeopardise investment in key sites/strategic allocations of city-wide importance. There would be significant cost and resource implications associated with defending an increased number of planning appeals and an increased risk of costs being awarded against the council (which is already being experienced). Without a robust plan in place the council's planning decisions may be more susceptible to being overturned at appeal. Should the percentage of overturned appeals mean that the council falls into the government's "special measures" category developers will be able to by-pass the council and take their proposals straight to the Planning Inspectorate for determination.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The City Plan has been subject to a number of stages of public engagement that have significantly helped to shape the Plan. There has been close working with the city's many Partnerships including the Economic Partnership, the Strategic Housing Partnership, the City Sustainability Partnership and Brighton & Hove Connected in preparing the document. Recently the Economic Partnership and the Strategic Housing Partnership have expressed their support for the adoption of the City Plan with the proposed main modifications.
- 5.2 The Proposed Modification consultation will run for six weeks from November to December 2014. Information will be available on the dedicated City Plan page of the website; the council's consultation portal and made available for inspection at the city's deposit points (customer services centres and libraries).

- 5.3 Specific statutory consultees will be directly notified, as will other 'general consultees' and people who have previously commented on the City Plan (such as the 85 respondents to the submission City Plan), or who have requested to be kept informed about the plan's progress.
- 5.4 The consultation relates only to the proposed changes/ modifications to the City Plan Part One, not the whole Plan and those making representations will be asked to consider whether the proposed changes/ modifications have been prepared in accordance with legal requirements and are sound (positively prepared, justified, effective and consistent with national policy). The consultation allows for those who wish to comment on the new housing target, the scale of the broad source of housing potential identified for the Urban Fringe or the robustness of the Urban Fringe Assessment (as a whole/ or particular sites) to make their views known to the Inspector. Comments received will be collated by the Local Development Team and forwarded to the Inspector for her consideration. The Inspector will assess whether the proposed modifications are sound. She has indicated that issues raised through the consultation are likely to be considered through the written representation process and further hearing sessions will only be scheduled exceptionally.

6. CONCLUSION

- 6.1 It is important to have an up to date adopted development plan in place otherwise the National Planning Policy Framework and an undeliverable housing requirement (18,000-24,000) will provide the basis for planning decisions. In order to progress the City Plan Part One to adoption the Inspector has indicated to the council a number of changes or main modifications to the plan that she considers are required to be made in order for her to be able to find the plan sound. These modifications represent a significant policy shift and therefore require agreement by the Policy & Resources Committee. Public Consultation is required before the Inspector can consider the proposed modifications and conclude the examination.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated to the recommendations in this report will be funded from existing Planning Strategy and Projects revenue budgets and a one-off revenue funding allocation made available for public examination costs. One-off revenue funding allocations of £0.100m in 2012-13 and £0.150m in 2013-14 were made available for public examination costs; of which £0.120m was unspent at the end of 2013-14 and carried forward to the 2014-15 financial year.
- 7.2 It is estimated that the total cost of preparing the City Plan (formerly the Core Strategy) since the 2005-06 financial year to date are in the

region of £2 m, including examination and hearing costs, technical studies, public consultation and officer time.

Finance Officer Consulted: Steven Bedford Date: 16/09/14

Legal Implications:

- 7.3 Where a development plan document (such as the City Plan) has been submitted to the Secretary of State for independent examination Section 20 (7C) of the Planning & Compulsory Purchase 2004 Act allows a local planning authority to request that the examining Inspector recommends modifications where these are needed to rectify those matters which the Inspector considers make the document unsound or not legally compliant and thus incapable of being adopted.
- 7.4 The 'main modifications' now proposed as a result of the examination process require further public consultation.
- 7.5 It is not considered that any adverse human rights implications arise from the Report.

Lawyer Consulted: Hilary Woodward Date: 15/09/14

Equalities Implications:

- 7.6 The Inspector indicated in her Initial Conclusions Letter that the housing target in the Submission City Plan represents a failure to meet the social dimension of sustainable development. An update to the Health and Equalities Impact Assessment has been undertaken to assess the proposed modifications. Overall, the HEQIA concluded that the City Plan, as modified, presents policies that are co-ordinated to address health and well-being outcomes throughout the city.

Sustainability Implications:

- 7.5 An addendum to the Sustainability Appraisal (SA), incorporating the requirements of Strategic Environmental Assessment (SEA) has been carried out on the proposed modifications and tested the housing target options. The SA Addendum report has been published as a background document to support the consultation. Overall, when all the modified policies are looked at cumulatively alongside the remaining policies within the City Plan, no new significant impacts have been identified that were not already identified by the Submission City Plan Sustainability Appraisal. The Inspector indicated in her Initial Conclusions Letter that the Sustainability Appraisal that accompanies the City Plan should properly test the implications of meeting the full objectively assessed need for housing (20,000 homes by 2030). Such an assessment would assist the council in demonstrating compliance with paragraph 14 of the NPPF. The appraisal found that the positive impacts of meeting the objectively assessed housing need in full to be

outweighed by the adverse economic, environmental and social impacts resulting from the losses of land in employment uses and sites of open space within the built up area that would be required in order to meet this need.

- 7.6 An Appropriate Assessment has also been updated to take into considerations the change to the housing target and the identification of the urban fringe as a broad source of housing potential has on the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity of that site. The AA has concluded that from the information available at the proposed modifications stage, all the possible impacts of the proposed modifications to the Brighton & Hove City Plan Part 1 on European sites had been discounted at the screening stage of the Appropriate Assessment. It therefore concluded that no change to the City Plan Part 1 was required and also that the City Plan Part 1 did not support any project proposal where it cannot be demonstrated that the development would not have an adverse effect on the integrity of any European or Ramsar site.

Crime & Disorder Implications:

- 7.7 The City Plan Part 1 addresses crime and disorder through development area proposals, special area policies and a number of citywide policies. Proposed amendments do not significantly affect these policies.

Risk and Opportunity Management Implications:

- 7.8 Risks to the City Plan are regularly reviewed at project meetings. The need to carry out this additional stage of consultation prior to the Inspector finalising her report (and the potential need for one or more further hearing sessions) will have an impact on the anticipated adoption date of the City Plan Part 1. Without an up to date development plan the council can not demonstrate a five year supply of housing sites against its objectively assessed housing need. This would increase the risk of inappropriate development being allowed at appeal; a threat to a sustainable balance of uses in the city and a risk to investment in mixed use sites/strategic allocations in the City Plan. There are cost and resource implications associated with defending an increased number of planning appeals. The proposed modifications and the additional stage of public consultation significantly reduce the likelihood of any remaining risks to the adoption of the City Plan.

Public Health Implications:

- 7.9 The City Plan part 1 addresses health inequalities and the healthy planning agenda through a city wide healthy city policy and where appropriate, in a number of other policy areas. The City Plan was subject to an Equality and Health Impact Assessment. This Assessment has been updated in light of the proposed modifications.

Corporate / Citywide Implications:

- 7.10 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 and promote investment and economic growth.

SUPPORTING DOCUMENTATION

Appendices:

1. Inspectors Initial Conclusion Letter 13 December 2013 and Letters 13 February 2014, 27 June 2014 and 21 July 2014
2. Schedule of Proposed Modifications resulting from Inspectors Initial Conclusions Letter
3. Full Schedule of Proposed Modifications (In Member's Room)
4. Summary of Findings - new/ updated background studies

Documents in Members' Rooms

1. Full Schedule of Proposed Modifications to the City Plan Part 1
2. Sustainability Appraisal
3. Appropriate Assessment Update
4. Health and Equalities Impact Assessment Update
5. Transport Assessment Update
6. Exceptions and Sequential Test Update (flood risk)
7. Strategic Housing Land Availability Assessment 2014 update
8. Urban Fringe Assessment Study
9. Assessment of Housing Development Needs Study: Sussex Coast Housing Market Area, May 2014
10. Housing Implementation Strategy
11. Addendum to the Infrastructure Delivery Plan
12. Combined Policy Viability Study Update
13. Duty to Cooperate Statement Update

Background Documents

1. Submission City Plan Part 1
2. Submission City Plan - 31 January Policy & Resources Committee