



Brighton & Hove City Plan Part 1 – Post Submission Consultation on Further Proposed Modifications

Guidance Note for completing the Representation Form

This note has been prepared to assist those wishing to make formal representations on the further proposed main modifications to the Brighton & Hove City Plan Part One.

1. Background

1.1 The City Plan Part One remains under examination by an independent Planning Inspector appointed by the Secretary of State. Following the public examination hearing sessions held in October 2013, the Planning Inspector gave the city council an opportunity to make main modifications to the Plan to address her initial concerns¹ regarding the soundness of the Plan as submitted. These main modifications were consulted upon November – December 2014².

1.2 Consultation responses were sent to the Inspector February 2015. In April 2015 the Inspector published **Further Matters and Issues**³ she wished to see addressed through written statements. The council has suggested some further proposed modifications to the City Plan Part 1 to address the Inspector's concerns⁴. The Inspector has asked the City Council to undertake public consultation on these further proposed changes.

1.3 The Inspector cannot conclude the examination and the City Plan cannot be adopted until all her concerns are addressed through changes or 'modifications' to the Plan.

Further Proposed Main Modifications to the Submission City Plan (Part One)

1.4 In response to the Inspector's Further Matters and Issues, the council is proposing the following further modifications:

- **CP1 Housing Delivery** - in light of the recently published 2012 based household projections published by the government in February 2015, the city's objectively assessed housing need (OAN) has had to be reassessed

¹ These were set out in the Inspector's letter to the Council of 13 December 2013.

² The Statement of Consultation – Proposed Modification (BP/060) summarised the responses received on the proposed modifications

³ The Inspector's Further Matters and Issues were published April 2015

⁴ These are set out in the council submitted Written Statements: BHCC-37, BHCC-38 and BHCC-39 and the schedule in BHCC-40.

and this has led to further proposed modifications to the City Plan at CP1 Housing Delivery to indicate that the city's OAN is 30,120 new homes to 2030⁵. The Spatial Strategy (Section 2) also requires further amendment to reflect this new figure.

- **CP3 Employment Plan** – clarification of wording of part 5 of the policy in relation of release of redundant sites for housing.
- **CP8 Sustainable Buildings** - removal of reference to the Code for Sustainable Homes is now proposed to ensure the policy is consistent with the Written Ministerial Statement dated 25 March 2015 by Eric Pickles MP former Secretary of State for Communities and Local Government. Interim energy performance standards are proposed until the government's Zero Carbon Standard is enacted and through the further proposed modifications there is a requirement for new residential development to meet the new technical optional water efficiency standard. A further amendment to **DA7 Toads Hole Valley** is proposed for consistency.
- **CP9 Sustainable Transport** – inclusion of reference in the supporting text at paragraph 4.126 that parking standards should accord with the National Planning Policy Framework (and the 25 March 2015 Written Ministerial Statement).
- **CP19 Housing Mix** – the reference to minimum dwelling standards is proposed to be amended to accord with recent government proposals introducing national technical standards. This is also reflected in further proposed modifications to **SA6 Sustainable Neighbourhoods** and **CP12 Urban Design**.
- **CP20 Affordable Housing** – the policy is proposed to be amended to remove the requirement for onsite affordable housing provision/contribution on sites of 10 or less dwellings. These changes have been proposed to ensure that the City Plan is consistent with the Written Ministerial Statement by Brandon Lewis MP dated 28 November 2014 and subsequent amendments to National Planning Policy Guidance.

1.5 The reasons for these changes are set out in full in the Council's Written Statements:

- **BHCC- 38 Objectively Assessed Need for Housing**
- **BHCC-38 Matter 2 Housing Target,**
- **BHCC-39 Matter 3 Consistency with National Policy**

1.6 Further modifications are also proposed to the Plan to respond to consultation responses to the previous proposed changes, updates or corrections. These effect policies:

CP6 Visitor Accommodation,

⁵ Objectively Assessed Need for Housing: Brighton & Hove, June 2015, GL Hearn Ltd

**CP7 Infrastructure and Developer Contributions;
CP15 Heritage,
CP16 Open Space,
CP17 Sports Provision,
CP21 Student Accommodation and
Annex 3 Housing Implementation Strategy.**

1.7 The Schedule of Further Proposed Modifications is set out in **BHCC-41-Schedule of Further Proposed Modifications June 2015.**

2. How should I be making my comments?

2.1 The following information is intended to assist you in making formal comments on the Further Proposed Modifications to the Submission Brighton & Hove City Plan Part One.

2.2 Please note that you are being invited to comment on the Further Proposed Modifications only. Comments seeking changes to other parts of the Submission City Plan Part One will not be accepted as other aspects of the plan have already been considered by the Planning Inspector.

2.3 The Further Proposed Modifications are contained in a Schedule. This is accompanied by the Sustainability Appraisal and other supporting/background documents available at <http://www.brighton-hove.gov.uk/content/planning/local-development-framework/consultation>

2.4 These documents and copies of the representation form are available on the Council's website www.brighton-hove.gov.uk/content/planning/local-development-framework/consultation and within customer service centres at Hove Town Hall and Bartholomew House, Brighton and at Jubilee, Hove and Portslade libraries.

2.5 Comments should be made in writing preferably using the formal representation form. This can be completed online via the Council's consultation portal. You are also able to respond by email or letter, but you must provide your personal contact details or your agent's details and focus your comments on the issue of soundness set out against the Further Proposed Modifications, as set out in this guidance note. This also applies if you wish to submit a petition.

2.6 The consultation period runs from Monday 29 June 2015 to 5.00pm on Monday 10 August 2015.

2.7 Comments should be returned to Brighton & Hove City Council either:

Online: using the Council's Consultation Portal (<http://consult.brighton-hove.gov.uk/portal>)

Email: ldf@brighton-hove.gov.uk

Post: Further Proposed Modifications Consultation, Planning Policy, Brighton & Hove City Council, Room 201 King's House, Grand Avenue, Hove East Sussex, BN3 2LS.

Comments submitted after this date / time will not be accepted.

2.8 This consultation forms part of the Examination process and your comments will be considered by the Planning Inspector not the Council.

3. How to make Comments

Part A Your Personal Details:

3.1 This section relates to your personal details and your agent's details if they are filling in the form on your behalf. You must complete Part A as anonymous forms or those that do not contain an address will not be accepted. **Responses will not be treated as confidential and will be published on our website and in any subsequent statements; however, personal details such as address, phone number or email address will be removed.**

3.2 If you are replying on behalf of an organisation or group who share a common view, please send in a single representation form rather than a series of separate forms repeating the same points. Please indicate how many people the organisation or group is representing and how the group has approved the comments.

Part B Your Representation:

3.3 This section relates to your representation on the Further Proposed Modifications to the Submission Brighton & Hove City Plan Part One. If you wish to comment on more than one modification, please fill in and submit a separate Part B form for each one.

Questions 1a and 1b

3.4 Please indicate clearly which Further Proposed Modification (PM##) your representation relates to by identifying the Modification reference number. You will find this in the Full Schedule of Further Proposed Modifications. Please also indicate which policy/section of plan this Further Proposed Modification relates to.

Question 2 Support or Object

3.5 Please indicate whether you wish to support or object to the Further Proposed Modification you have listed.

Questions 3a, 3b and 3c Legal Compliance

3.6 This is essentially asking whether the Further Proposed Modifications:

- Have been consulted upon in line with the council's Statement of Community Involvement (SCI) and relate to a Plan identified for

preparation in the council's Local Development Scheme (work programme)

- comply with the relevant local planning regulations
- have been subject to Sustainability Appraisal (SA) and have regard to the Sustainable Community Strategy (SCS) for the area.

3.7 Please use the space in Question 3b to explain your answer.

If you feel that the Further Proposed Modification is not Legally Compliant then please explain in Question 3c what changes you consider necessary to make the Proposed Modification legally compliant.

Questions 4a, 4b, 4c, 4d Soundness

3.8 The Inspector's role is to determine whether the Further Proposed Modifications to the Submission City Plan Part One are sound (as explained in paragraph 182 of the National Planning Policy Framework). In considering soundness, the Inspector will focus on the tests below. If you feel that the Further Proposed Modification is unsound then please identify which tests of soundness you feel your representation relates to:

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. This means that the plan should be based on a robust and credible evidence base

Effective – the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

This means the plan should be deliverable, requiring evidence of:

- Sound infrastructure delivery planning
- Having no regulatory or national planning barriers to delivery
- Delivery partners who are signed up to it
- The plan should be flexible and able to be monitored

The plan should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Any measures which the Council has included to make sure that targets are met should be clearly linked to an Authority Monitoring Report.

Consistent with National Policy – the plan should enable the delivery of sustainable development in accordance with the National Planning Policy Framework

3.9 Please use Question 4c to explain your answer to Q4a.

3.10 The council's evidence base and supporting documents relating to the further proposed modifications have been published to help inform your representation. **You should include succinctly all the information, evidence and supporting information necessary to support/justify your representation.** If you consider that the proposed modification is unsound then please set out in Q4d what change(s) you consider necessary to make it sound and give your reasons. Any suggested revised wording to the Further Proposed Modification is welcomed.

Question 5 Sustainability Appraisal

3.11 The Sustainability Appraisal has been updated where appropriate to reflect the further proposed modifications.

Question 6 Any Further Comments

3.12 Please note that you should submit all the necessary evidence and information to support your representation at this stage as there may not be a later opportunity to add further information.

4. What happens next?

4.1 At the end of the consultation period your representation will be sent to the Inspector for her consideration. The Inspector cannot conclude the examination and the City Plan cannot be adopted until her concerns are addressed through modifications to the Plan. Please indicate if you would like to be notified about the next stages of City Plan Part One.

4.2 Further guidance on the Examination procedure is available using the following link:

http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf

5. Further information

5.1 If you have any queries about this consultation please contact the Planning Policy team by telephoning: 01273 292505 or emailing: - ldf@brighton-hove.gov.uk

5.2 For all matters relating to the Examination itself, please contact the Programme Officer:

Mrs Jones-Hughes

Via e-mail: bankssolutionsuk@gmail.com,

Telephone: 01273 381518, Mobile: 07737786425 or by

Post: c/o 6 Brading Road, Brighton, East Sussex, BN2 3PD