

Brighton & Hove City Council

Authority Monitoring Report 2019/20

Introduction and Local Development Scheme

Contents

| | | |
|-----------|--|-----------|
| 1. | Introduction | 2 |
| 2. | Local Development Plan | 3 |
| 3. | Duty to Co-operate | 5 |
| 4. | Neighbourhood Planning | 7 |
| 5. | Supplementary Planning Documents | 9 |
| 6. | Saving Policies | 10 |
| 7. | Implementing the Statement of Community Involvement | 10 |
| 8. | Community Infrastructure Levy | 10 |

1. Introduction

This Authority Monitoring Report (AMR) 2019/20 meets the requirement of section 35 of the Planning and Compulsory Purchase Act 2004 and Localism Act 2011 amendments, to prepare an report, at least annually, which sets out progress on the implementation of the local development scheme and the extent to which the policies set out in the local development documents are being achieved. This report covers the most recent 'monitoring year' from April 2019 to March 2020. The report contains information regarding the implementation of the local development scheme and the extent to which the policies set out in the local development documents are being achieved.

The report assesses progress in the preparation of the development plan documents and assesses policy performance through indicators designed to monitor the performance of documents through the sustainability appraisal process. The AMR includes indicators from Annex 1 (Implementation & Monitoring) of the City Plan Part One¹, The Sustainability Appraisal of the emerging City Plan Part Two² and Supplementary Planning Documents (SPDs). In addition, indicators relating to the remaining retained policies from the Local Plan, adopted 21st July 2005 are also included.

The data has primarily been compiled from the annual monitoring undertaken by the Planning Policy Team. The team monitors all residential, commercial and industrial permissions for each monitoring year. Site visits are carried out on an annual basis to assess the progress of development on each site with planning approval. Other areas monitored by the team include appeals, housing land, retail and sustainability. Further data is gathered from other sources within the council

Data from these indicators are included in the text of the report, where necessary, and all are summarised in the Appendices. The report also contains additional information; where it helps to describe progress of development in the city. Measurement against the council's policies helps to inform whether current policies are effective or need revision or comprehensive review. Findings will inform the council's work priorities.

Brighton & Hove City Council is a Waste and Minerals Planning Authority and produced waste and minerals plans jointly with East Sussex County Council (ESCC) and the South Downs National Park Authority (SDNPA). Further data regarding waste and minerals can be found on the 'East Sussex Minerals and Waste Authority Monitoring Reports' page of the ESCC website³.

¹ [Brighton & Hove City Plan Part One, Brighton & Hove City Council \(March 2016\)](#)

² [City Plan Part Two Sustainability Appraisal](#)

³ [East Sussex waste and minerals monitoring reports](#)

2. Local Development Plan

This section of the Authority Monitoring Report provides a progress report against the timetable and milestones for the preparation of documents set out in the agreed Brighton & Hove Local Development Scheme 2020⁴. The Local Development Scheme (LDS) sets out the three-year timetable for the production of development plan documents by Brighton & Hove City Council.

The LDS identifies the main Local Development Documents to be prepared over a three-year period including their coverage and status. It also explains the status of policies and plans in the transitional period from local plan to local development documents and the status of supplementary planning guidance and documents.

The most up to date Local Development Scheme for 2020-2023 was approved by the council on 19 November 2020 and replaced the previous version that was published in 2017.

Updating the Programme

Table 1: Completed Local Development Documents⁵

| | |
|---|-------------------------|
| The following documents were adopted during 2019/20 | |
| Local Development Documents | |
| Sustainable Urban Drainage SPD | Adopted September 2019 |
| Shoreham Harbour JAAP | Adopted 24 October 2019 |
| Design Guide for Extensions and Alterations SPD | Adopted January 2020 |
| Background Documents | |
| Housing Delivery Action Plan 2018 | August 2019 |
| SHLAA update 2019 | October 2019 |
| Annual Monitoring Report 2018/19 | February 2020 |
| The following documents have been adopted since April 2020 | |
| Local Development Documents | |
| Submission City Plan Part 2 | April 2020 |
| Background Documents | |
| Housing Delivery Action Plan 2019 | January 2021 |

⁴ www.brighton-hove.gov.uk/content/planning/planning-policy/local-development-scheme

⁵ <https://www.brighton-hove.gov.uk/content/planning/planning-policy/development-plans>

Table 2: Local Development Scheme Progress 2019/20

| DPD Document | Consulting on the Scope of the Sustainability Appraisal | Publication of the DPD | Submission to the Secretary of State | Estimated date for Adoption |
|---|--|-------------------------------|---|------------------------------------|
| City Plan Part 2 | Completed | Completed | [March 2021] Spring 2021 | Spring 2022 |
| Waste and Minerals Local Plan Review | Completed | Spring 2021 | Summer 2021 | Winter 2021/22 |

3. Duty to Co-operate

The Localism Act 2011 and the National Planning Policy Framework (NPPF)⁶ place a duty on local planning authorities and other prescribed bodies to cooperate with each other to address strategic planning issues relevant to their areas. The city council has been engaging in ongoing collaborative working with neighbouring planning authorities and other bodies in order to address relevant strategic planning issues and comply with the Duty. The key areas of engagement are summarised below.

City Plan

In preparing City Plan Part One, the city council engaged with a comprehensive list of stakeholders and adjoining authorities, details of which are set out in the Duty to Co-operate background papers (2013⁷ to 2014⁸). Since adoption of City Plan Part One, the council has continued to work with neighbouring local authorities and other relevant organisations to address identified strategic cross-boundary issues.

Most cross-boundary issues affecting the city were dealt with in the adopted City Plan Part 1. An outstanding strategic issue addressed during the preparation of the City Plan Part 2 was the provision of permanent pitches for the Gypsy and Traveller accommodation and the outcomes of this process are set out in the Duty to Cooperate Update Paper⁹ which was published in November 2019 with the Proposed Submission City Plan Part 2.

The council is a member of the West Sussex & Greater Brighton (WS&GB) Strategic Planning Board (SPB) together with Adur District, Arun District, Mid Sussex District, Horsham District, Chichester District, Lewes District, Worthing Borough, Crawley Borough Councils and East Sussex and West Sussex County Councils and the South Downs National Park. The constituent authorities have prepared a Local Strategic Statement (LSS) which sets out long term Strategic Objectives and Spatial Priorities for delivering these in the short to medium term. In 2013 an initial LSS for Coastal West Sussex & Greater Brighton was agreed by the Board and endorsed by each of the constituent authorities. In 2015 the LSS was updated through a focused 'refresh' taking account of the expansion of the Board to include Mid Sussex and Horsham districts and the implementation of the Greater Brighton City Deal. LSS2 includes updated Strategic Objectives covering the period 2015 to 2031 and Spatial Priorities for the period 2015-2025.

The WS&GB authorities recognise that a full review is required to address the longer term issues facing the area, in particular the continuing gap between housing needs and housing delivery, and the continuing challenges around supporting sustainable economic growth and infrastructure investment. The SPB is therefore working towards preparation of a new Local Strategic Statement (to be known as LSS3) which will robustly and creatively explore options for meeting the area's unmet needs for housing, employment and infrastructure.

⁶ NPPF July 2018, paragraphs 24-27

⁷ [BHCC LDF Duty to Cooperate Compliance Statement June 2013](#)

⁸ [BHCC LDF Duty to Cooperate Update Paper October 2014](#)

⁹ [BHCC Duty to Cooperate Statement November 2019](#)

The new LSS will cover Brighton & Hove, together with Lewes District and the whole of West Sussex including Crawley.

To inform the future preparation of LSS3 a study was commissioned in 2017 to provide a detailed review of the Housing Market Areas (HMAs) and Functional Economic Market Areas (FEMAs) operating within and across the WS&GB authorities. Proposals to commence the preparation of LSS3 were further discussed by the West Sussex and Greater Brighton Strategic Planning Board in February 2019 and were further endorsed at the 12th September 2019 Board meeting where it was agreed that a work programme to commission the evidence base for the LSS3 and work to produce a Statement of Common Ground would commence.

In late 2020/early 2021, a draft LSS3 Studies Programme was produced along with an indicative 2021-23 LSS3 Timetable and Work Programme:

- Statement of Common Ground – March 2021
- LSS3 Studies Procured and Supplied – 2021/ 2022
- LSS3 Strategy, Consultation and Final Strategy Agreed – March 2023

The LSS3 Indicative Timeline dovetails, so far as possible, into the next round of Local Plan Reviews of all ten WS&GB Local Planning Authorities (LPAs). As Local Plan Reviews become adopted, LSS3 will be producing a collaborative sub regional planning framework for further reviews, taking into account 2050 Net Zero Carbon and the results of the 2020 Planning White Paper.

Shoreham Harbour

The city council, Adur & Worthing Councils, West Sussex County Council, the Environment Agency and Shoreham Port Authority, have adopted a Joint Area Action Plan for the Shoreham Harbour area. The councils submitted the plan to the Secretary of State for Housing, Communities and Local Government for independent examination on 31st May 2018; examination hearing sessions took place in September 2018. A consultation on the Proposed Main Modifications took place between 18th January 2019 and 1st March 2019. Following the receipt of the Inspector's report confirming that the plan is sound and able to be adopted, subject to the incorporation of the modifications, the councils jointly adopted the plan in October 2019.

Waste & Minerals

The city council is a Waste and Minerals Planning Authority. The Waste & Minerals Local Plan (WMLP), comprising the Waste & Minerals Plan (WMP; adopted 2013) and Waste and Minerals Sites Plan (WMSP; adopted 2017) was produced jointly with East Sussex County Council and the South Downs National Park Authority.

Compliance with the Duty to Cooperate was considered by the appointed Inspectors during the public examinations of the WMP and WMSP. Cooperation occurred with West Sussex County Council (WSSCC) regarding mineral wharves at Shoreham Harbour during the preparation of the WMP and joint working was ongoing while WSSCC's own waste and

minerals plans were prepared. This issue links to work on the Shoreham Harbour JAAP, as described in the previous paragraph, as the need to safeguard mineral wharves at the Harbour is a key strategic issue. Cross-boundary working is ongoing with a number of authorities to address strategic waste and minerals issues, notably the need to ensure a steady supply of soft sand to support the development industry. Statements of Common Ground have been agreed with Surrey County Council with regard to waste management and Kent County Council regarding soft sand supply. The City Council is a member of the South East Waste Planning Advisory Group which address cross-boundary waste planning issues in the south-east.

A review of the WMLP is now underway, primarily intended to address concerns over the future supply of minerals that were raised by the WMSP Inspector. A consultation on the scope of the review took place in autumn 2017 and a consultation on Draft Revised Policies took place in summer 2020. A consultation on Proposed Submission versions of the revised policies is expected in Spring 2021.

4. Neighbourhood Planning

Neighbourhood planning¹⁰; was introduced by the Localism Act 2011 and came into force in April 2012. Neighbourhood plans allow communities to create a vision and planning policies for the use and development of land in their area. They can be prepared by a parish council or (in unparished areas) by a designated neighbourhood forum.

The council has a duty to support neighbourhood planning and is expected to undertake the following responsibilities within meeting specified time periods and requirements set out in the Regulations;

- Consider applications for the designation of a neighbourhood area made by a parish council or body, capable of being a neighbourhood forum
- Consider applications made by local groups to become the recognised neighbourhood forum for a designated area
- Provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order
- Publish neighbourhood plans and Orders prepared by neighbourhood groups for pre-submission consultation and submit them for independent examination
- Following the examiner's report, assess whether the plan or Order meets the basic conditions and determine whether it should proceed to referendum, with or without modifications
- Organise a referendum and, where more than half of those voting are in favour, formally make the neighbourhood plan or Order

Five neighbourhood areas have been designated within the city, one of which was designated a Business Area:

¹⁰ www.brighton-hove.gov.uk/content/planning/neighbourhood-planning

- Rottingdean Parish Neighbourhood Area
- Hove Station Neighbourhood Area
- Hove Park Neighbourhood Area
- Brighton Marina Business Neighbourhood Area
- Hangleton & Knoll Neighbourhood Area

Four Neighbourhood Forums have been designated in addition to Rottingdean Parish Council which is a qualifying body for the purposes of neighbourhood planning. Neighbourhood forums last for five years from their date of designation. Hove Park's formal designation lapsed in 2020. The council awaits details of the forum's desire to redesignate as a forum in 2021.

- Hove Station Neighbourhood Forum – designated 23 December 2014; re-designated 18 September 2019
- Hove Park Neighbourhood Forum – designated 9 July 2015; not yet re-designated
- Brighton Marina Neighbourhood Forum – designated 18 June 2015; re-designated 3 November 2020
- Hangleton & Knoll Neighbourhood Forum – designated 7 November 2018

Neighbourhood Plan Progress

All neighbourhood groups are able to prepare a neighbourhood development plan for their area following prescribed requirements set out in the Neighbourhood Planning Regulations.

Hove Station Neighbourhood Forum undertook pre-submission (Regulation 14) consultation on their draft Neighbourhood Plan over the period 23 March to 11 May 2019 and is intending to submit the Plan to the Council in early 2021. It is then intended to publish the Plan for Regulation 16 consultation in March/April 2021 prior to submitting it for independent examination.

Rottingdean Parish Council has published its draft Plan for pre-submission (Regulation 14) consultation over the period 14 February to 9 April 2021.

5. Supplementary Planning Documents

The performance of policies in Supplementary Planning Documents (SPD) is summarised in the Appendices. Significant effects indicators are produced as part of the sustainability appraisal process. They enable a comparison to be made between the predicted effects of the SPD on society, the environment and the economy and the actual effects measured during implementation of the SPD.

All previously adopted SPDs have been summarised in previous AMRs. All of the SPDs can be accessed through the Supplementary Planning Documents page of the council website¹¹ and are listed below;

- SPD01 - Brighton Centre: Area Planning and Urban Design Framework
- SPD02 - Shop Front Design
- SPD03 - Construction and Demolition Waste
- SPD05 - Circus Street Municipal Market Site
- SPD06 - Trees and Development Sites
- SPD07 - Advertisements
- SPD09 - Architectural Features
- SPD10 - London Road Central Masterplan
- SPD11 - Nature Conservation and Development
- SPD12 - Design Guide for Extensions and Alterations
- SPD13 - Shoreham Harbour Flood Risk Management Guide
- SPD14 - Parking Standards
- SPD15 - Toads Hole Valley
- SPD16 – Sustainable Drainage

The Council adopted an updated 'Design Guide for Extensions and Alterations SPD' to bring it in line with the national and local policy and support the implementation of policy DM21 (Extensions and Alterations) of the emerging City Plan Part 2. The SPD was adopted in January 2020.

The council is developing new design guidance through the Urban Design Framework SPD to help shape buildings and spaces around the city. Public consultation on the draft SPD ended in December 2020 and is expected to be adopted in early Summer 2021.

The council is preparing a masterplan for the Hove Station area in the form of an SPD to guide future development within and around the Conway Street Industrial Area and help better connect neighbourhoods on both sides of the railway. Public consultation on the draft

¹¹ [Brighton & Hove SPD webpage](#)

SPD took place between 14 December and 7 February 2021. The SPD is expected to be adopted in 2021 following the consultation.

6. Saving Policies

The Brighton & Hove Local Plan was adopted in July 2005 and all but nine policies in the document were saved in agreement with the Secretary of State (by letter from June 2008). A number of these policies were replaced by City Plan Part One, however 91 remain saved and will be replaced by Part Two of the City Plan, once adopted.

Full details of retained Local Plan policies are set out in Annexe 4 to the City Plan Part One¹².

7. Implementing the Statement of Community Involvement

The council has had an adopted SCI in place since September 2005. The Statement of Community Involvement was updated in 2015 to reflect the current Town and Country Planning (Local Development) (England) Amendments Regulations and the National Planning Policy Framework; and to take into account the current council approach to community engagement in policy making (the Community Engagement Framework). The updated SCI¹³ was adopted by the council on 12 March 2015.

Temporary amendments to the SCI were published in summer 2020 in response to the Covid-19 restrictions, which mean that the City Council's Customer Service Centres and some libraries are closed or offering reduced services. As such, it is currently not possible to meet the requirements of the adopted SCI regarding the availability of hard copies of policy documents in public buildings and the council's libraries.

8. Community Infrastructure Levy

In May 2020 the Community Infrastructure Levy (CIL) Charging Schedule¹⁴ was recommended by the Tourism, Equalities, Communities and Culture Committee to be referred to Full Council on 23 July 2020. Full Council approved the CIL charging schedule with the starting date to start implementation set for 5 October 2020.

¹² [Brighton & Hove City Plan Part One; Annexes, BHCC 2016](#)

¹³ [Brighton & Hove Statement of Community Involvement, BHCC March 2015](#)

¹⁴ [Brighton & Hove City CIL Charging Schedule](#)