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authority monitoring report

## 2017-2018

### Local Development Scheme



Brighton & Hove  
City Council

# **Brighton & Hove City Council**

## **Authority Monitoring Report 2017/18**

### **Local Development Scheme**

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## 1. 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 2017<sup>1</sup>. 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 2017-2020 was approved by the council on 21 September 2017. The LDS will be reviewed in 2020.

### 1.1 Updating the programme

**Table 1: Completed Local Development Documents**

<b>The following documents were completed during 2017/18<sup>2</sup></b>	
Publication Stage Shoreham Harbour JAAP	August 2017
Local Development Scheme 2017-2020	September 2017
East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review Consultation	October 2017
<b>Local Development Documents</b>	
Old Town Conservation Area Character Statement	March 2017
Toads Hole Valley SPD	Adopted September 2017
SHLAA update 2017	February 2018
Annual Monitoring Report 2016/17	February 2018
<b>The following documents have been completed since April 2018<sup>2</sup></b>	
Draft City Plan Part Two	July 2018
Old Town Conservation Area Management Plan	Adopted November 2018
<b>Local Development Documents</b>	
Submission Shoreham Harbour JAAP	May 2018
City Plan Part Two Sustainability Appraisal	July 2018
Urban Design Framework SPD Issues and Options Paper	July 2018
Draft Sustainable Urban Drainage SPD	November 2018

<sup>1</sup> [www.brighton-hove.gov.uk/content/planning/planning-policy/local-development-scheme](http://www.brighton-hove.gov.uk/content/planning/planning-policy/local-development-scheme)

<sup>2</sup> <https://www.brighton-hove.gov.uk/content/planning/planning-policy/development-plans>

## 1.2 Changes to the Timetable

Since the LDS was adopted there have been some changes to the published timetables for the production of the DPDs. The timetable for the City Plan Part 2 was updated after the published LDS September 2017 and the revisions are shown in the timetable below. These changes relate to moving the publication of the DPD to after the local elections in May 2018.

The Community Infrastructure Levy (CIL) is a levy that local authorities can choose to charge on new development to assist with the funding of infrastructure improvements and new community facilities. In September 2016, council agreed that work should commence on a Community Infrastructure Levy charging schedule for Brighton & Hove. Consultation took place on a preliminary draft charging schedule in autumn 2017 and on a draft charging schedule between March and June 2018. A modified CIL draft charging schedule was submitted to the government for examination in January 2019 (originally estimated in the LDS for autumn 2018 but subject to further evidence required to address consultation responses). Approval is expected autumn 2019.

Hearings were held in September as part of the examination of the Shoreham Harbour JAAP. Public consultation on Proposed Main Modifications started on the 21st January and will run to 4th March 2019. Adoption of the Shoreham Harbour JAAP is now anticipated to be spring 2019.

The need for sub-regional evidence gathering has also altered the published timetable for the Minerals and Waste Local Plan Review and an updated timetable is expected shortly.

**Table 2: Local Development Scheme Progress 2018**

DPD Document	Consulting on the Scope of the Sustainability Appraisal	Publication of the DPD	Submission to the Secretary of State	Proposed date for Adoption
City Plan Part 2	Completed	Autumn 2019	Spring 2020	Early 2021
Policies Map	As part of City Plan preparation	As part of City Plan preparation	As part of City Plan preparation	As part of City Plan preparation
Waste and Minerals Local Plan Review	August 2017	tbc	tbc	
Shoreham Harbour Joint Area Action Plan	Completed	Winter 2017	Spring 2018	Now anticipated Spring 2019

## 2. Duty to Co-operate

The Localism Act 2011 and the National Planning Policy Framework (NPPF)<sup>3</sup> 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 engaged 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.

### 2.1 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 (2013<sup>4</sup> to 2014<sup>5</sup>). 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.

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

To inform the 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. Over the past 12 months, the authorities have prepared topic papers to inform the evidence base for LSS3. The SPB is now seeking to appoint a Strategic Planning Advisor to oversee preparation of LSS3 and to procure consultants to undertake research and prepare background evidence papers.

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<sup>3</sup> NPPF July 2018, paragraphs 24-27

<sup>4</sup> [BHCC LDF Duty to Cooperate Compliance Statement June 2013](#)

<sup>5</sup> [BHCC LDF Duty to Cooperate Update Paper October 2014](#)

## **2.2 Shoreham Harbour**

Joint working has been ongoing for a number of years between the city council, Adur & Worthing Councils, West Sussex County Council, the Environment Agency and Shoreham Port Authority, to progress a Joint Area Action Plan for the harbour. Work has continued during the monitoring period and regular meetings are held. The draft Shoreham Harbour JAAP was consulted upon between February and April 2014. Further consultation was undertaken between December 2016 and February 2017 on a revised draft Shoreham Harbour JAAP. The delay from the LDS timetable allowed further studies to be undertaken. Proposed submission consultation was undertaken between 10 November and 22 December 2017. 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 is taking place between 21st January 2019 and 4th March 2019. The councils expect to jointly adopt the plan in summer 2019.

## **2.3 Waste & Minerals**

The city council is a Waste and Minerals Planning Authority and a Waste & Minerals Plan (WMP) was produced jointly with East Sussex County Council and the South Downs National Park Authority and adopted in February 2013. The three authorities have continued this joint working to produce a Waste and Minerals Sites Plan (WMSP) which was adopted in February 2017.

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 (WSCC) regarding mineral wharves at Shoreham Harbour during the preparation of the WMP and joint working has been ongoing while WSCC's own waste and minerals plans are prepared. This issue links to the ongoing work on the Shoreham Harbour JAAP, as described in the previous paragraph. 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. 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 Waste and Minerals Plan 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 revised planning policies is expected in 2019.

### 3. Neighbourhood Planning

Neighbourhood planning<sup>6</sup>; 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:

- 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 5 years from their date of designation.

- Hove Station Neighbourhood Forum – designated 23 December 2014
- Hove Park Neighbourhood Forum – designated 9 July 2015
- Brighton Marina Neighbourhood Forum – designated 18 June 2015
- Hangleton & Knoll Neighbourhood Forum – designated 7 November 2018

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<sup>6</sup> [www.brighton-hove.gov.uk/content/planning/neighbourhood-planning](http://www.brighton-hove.gov.uk/content/planning/neighbourhood-planning)

All neighbourhood groups are able to prepare a neighbourhood development plan for their area following prescribed requirements set out in the Neighbourhood Planning Regulations. To date none of the city's neighbourhood groups has published a draft neighbourhood plan for formal pre-submission consultation (regulation 14 consultation).

#### **4. 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 website<sup>7</sup> 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

A draft Sustainable Drainage Systems SPD was consulted upon over the period of 5 December 2018 to 31 January 2019. The SPD will help support the delivery of policy requirements for the implementation of sustainable drainage measures into new developments supporting, in particular, policy CP11 'Flood Risk' in City Plan Part 1 and DM42 'Protecting the Water Environment' and DM43 'Sustainable Urban Drainage' in emerging City Plan Part 2.

The Council is currently reviewing the 'The Design Guide for Extensions and Alterations SPD' to bring it in line with the national and local policy and support the implementation of

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<sup>7</sup> [Brighton & Hove SPD Webpage](#)



policy DM21 (Extensions and Alterations) of the emerging City Plan Part 2. The SPD is currently expected to be consulted upon in summer 2019.

**5. 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 One<sup>8</sup>.

**6. 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 SCI<sup>9</sup> was adopted by the council on 12 March 2015.



<sup>8</sup> [Brighton & Hove City Plan Part One; Annexes, BHCC 2016](#)

<sup>9</sup> [Brighton & Hove Statement of Community Involvement, BHCC March 2015](#)



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