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authority monitoring report

2018-2019

Local Development Scheme



Brighton & Hove
City Council

Brighton & Hove City Council

Authority Monitoring Report 2018/19

Local Development Scheme

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1. Local Development Plan

- 1.0.1. 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 2017¹. The Local Development Scheme (LDS) sets out the three year timetable for the production of development plan documents by Brighton & Hove City Council.
- 1.0.2. 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.
- 1.0.3. The most up to date Local Development Scheme for 2017-2020 was approved by the council on 21 September 2017. An Addendum to the LDS was produced to reflect minor delays to the timetable for the Shoreham Harbour Joint Area Action Plan². Two additional SPDs, not identified in the LDS, were added to the work programme during 2019; The Conway Street Masterplan SPD and an update to the Residential Extension and Alterations SPD. The LDS will be reviewed in 2020.



¹ www.brighton-hove.gov.uk/content/planning/planning-policy/local-development-scheme

² <https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/LDS%20Addendum.pdf>

1.1. Updating the Programme

Table 1: Completed Local Development Documents

The following documents were completed during 2018/19 ³	
Submission Shoreham Harbour JAAP	May 2018
Draft City Plan Part Two	July 2018
Local Development Documents	
Urban Design Framework SPD Issues and Options Paper	July 2018
City Plan Part 2 Sustainability Appraisal	July 2018
Draft Sustainable Urban Drainage SPD	November 2018
Conway Street Industrial Area Masterplan Supplementary Planning Document Issues and Options Paper	February 2019
SHLAA update 2018	February 2019
Annual Monitoring Report 2017/18	February 2019
The following documents have been completed since April 2019 ²	
Shoreham Harbour JAAP	Adopted 24 October 2019
Local Development Documents	
Draft Design Guide for Extensions and Alterations SPD	July 2019
Housing Delivery Action Plan	August 2019
Sustainable Urban Drainage SPD	Adopted September 2019

1.2. Changes to the Timetable

- 1.2.1. 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 on the council's website¹ (March 2019), after the published LDS September 2017, as a result of moving the publication of the DPD to accommodate the local elections in May 2018 and again in November and December 2019 as a result of deferring the publication of the Proposed Submission City Plan Part 2 to April 2020.
- 1.2.2. 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 required to support planned development. In September 2016, council agreed that work should commence on a Community Infrastructure Levy charging schedule for Brighton & Hove. 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). A public hearing was held on 2 April 2019 and further work was undertaken by the council

³ <https://www.brighton-hove.gov.uk/content/planning/planning-policy/development-plans>

following the close of the hearing at the request of the Inspector. Following this a consultation was held on proposed main modifications and additional minor modifications between 17 July and 11 September 2019. The Inspector is expected to publish his report January 2020 and the charging schedule is due to be adopted in spring 2020. The implementation of CIL is expected to commence in June 2020.

- 1.2.3. The Shoreham Harbour JAAP was submitted for examination in May 2018 and public hearing sessions took place on 19 and 20 September 2018 (in accordance with the dates set out in the addendum to the LDS 2017-2020). Public consultation on the Proposed Main Modifications to the Shoreham Harbour JAAP ran from 21st January to 4th March 2019. This effected the estimated date of adoption. The Inspector’s report was issued on 31 July 2019 and the Plan was adopted 24 October 2019 (compared with the estimated date for adoption of January 2019 set out in the addendum to the LDS 2017-2020)
- 1.2.4. Brighton & Hove, East Sussex and South Downs National Park local authorities are currently undertaking a review of the Waste and Minerals Local Plan; focusing on the Provision of Aggregates; and Mineral Resources and Infrastructure Safeguarding. The review will also seek to improve the effectiveness of certain policies within the Plan. Consultation on the Draft Minerals and Waste Local Plan Review is planned for spring 2020. This represents a delay to the timetable set out in previous AMRs. Whilst the delay is regrettable, the response to the call for evidence and sites presented the Authorities with some challenging choices in relation to the future approach to minerals provision while also protecting important environmental designations/assets in the Plan Area. The Authorities have been cautious in their approach to the Plan’s preparation, seeking to ensure that the strategy proposed was based on the best and most reliable evidence available. An updated timetable for the publication and adoption stages of the Plan is expected shortly.

Table 2: Local Development Scheme Progress 2018/19

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	[Autumn 2019] April 2020 ⁴	[Spring 2020] Autumn 2020	[Early 2021] Winter 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	Completed	[March 2018] May 2018	[January 2019] 24 October 2019

⁴ Regulation 19 consultation anticipated to start May 2020

2. Duty to Co-operate

2.0.1. The Localism Act 2011 and the National Planning Policy Framework (NPPF)⁵ 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

- 2.1.1. 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 (2013⁶ to 2014⁷). 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.
- 2.1.2. Most cross-boundary issues affecting the city were dealt with in the adopted City Plan Part 1. During the preparation of the City Plan Part 2 the Council identified that duty to cooperate considerations arise in relation to the provision of permanent pitches for the Gypsy and Traveller accommodation and this is addressed in a Duty to Cooperate Update Paper which will be published with the Proposed Submission City Plan Part 2.
- 2.1.3. The council is a member of the West Sussex & Greater Brighton (CWS&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.
- 2.1.4. 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.

⁵ NPPF July 2018, paragraphs 24-27

⁶ [BHCC LDF Duty to Cooperate Compliance Statement June 2013](#)

⁷ [BHCC LDF Duty to Cooperate Update Paper October 2014](#)

- 2.1.5. 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. Scoping Papers to commission evidence base work and a work programme were prepared in 2018. Detailed recommendations to accelerate the preparation of LSS3 were agreed by the 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 Statement of Common Ground will commence and made available by the end of 2019

2.2. Shoreham Harbour

- 2.2.1. 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 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.

2.3. Waste & Minerals

- 2.3.1. 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.
- 2.3.2. 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 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. 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.
- 2.3.3. 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 the Draft Review is expected in spring 2020.

3. Neighbourhood Planning

3.0.1. Neighbourhood planning⁸; 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.

3.0.2. 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

3.0.2. 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

3.0.3. 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; re-designated 18 September 2019

⁸ www.brighton-hove.gov.uk/content/planning/neighbourhood-planning

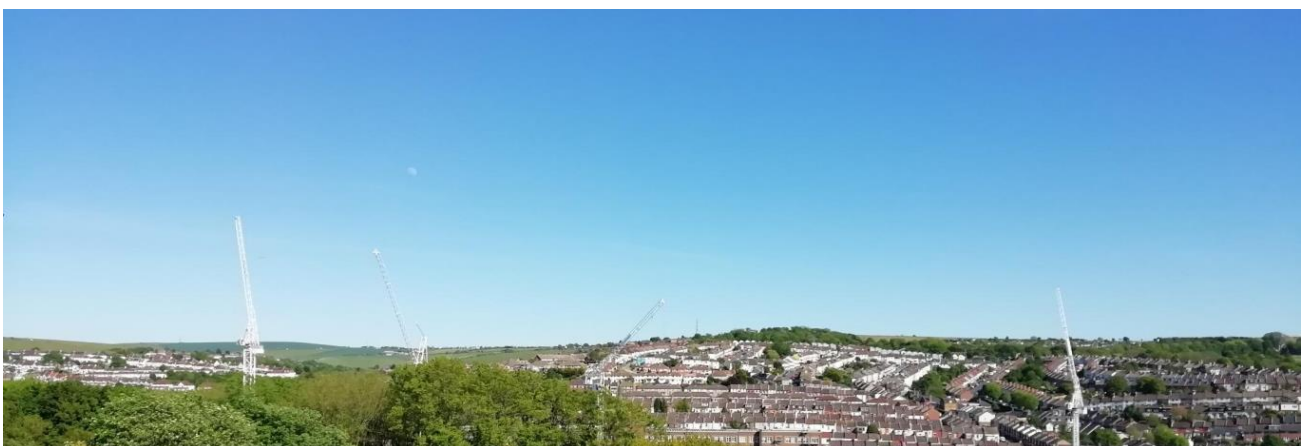
- Hove Park Neighbourhood Forum – designated 9 July 2015
- Brighton Marina Neighbourhood Forum – designated 18 June 2015
- Hangleton & Knoll Neighbourhood Forum – designated 7 November 2018

3.1. Neighbourhood Plan progress

- 3.1.1. All neighbourhood groups are able to prepare a neighbourhood development plan for their area following prescribed requirements set out in the Neighbourhood Planning Regulations.
- 3.1.2. To date, only Hove Station Neighbourhood Forum has reached the stage of publishing a draft Neighbourhood Plan for formal pre-submission consultation as set out below.

3.2. Hove Station Neighbourhood Plan

- 3.2.1. Hove Station Neighbourhood Forum published their draft Neighbourhood Plan for Regulation 14 consultation between 23 March and 4 May 2019 (subsequently extended to 11 May 2019). Council officers submitted draft comments on behalf of the City Council to the Neighbourhood Forum during the consultation period, and the comments were subsequently agreed by the Tourism Development & Culture Committee at its meeting on 20 June 2019.



4. Supplementary Planning Documents

- 4.0.1. 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.
- 4.0.2. 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 website⁹ 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
- 4.0.3. The Sustainable Drainage Systems SPD was adopted in October 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.
- 4.0.4. A masterplan to guide future development in the Conway Street Industrial Area is being prepared as an SPD¹⁰. A consultation on the Issues & Options took place between 25 February and 7 April 2019. The SPD is expected to be adopted in 2020 after a further consultation on the draft masterplan.

⁹ [Brighton & Hove SPD webpage](#)

¹⁰ [Conway Street Masterplan webpage](#)

4.0.5. 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 policy DM21 (Extensions and Alterations) of the emerging City Plan Part 2. A six week consultation took place between 5 July 2019 and 16 August 2019.

5. Saving Policies

5.0.1. 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.

5.0.2. Full details of retained Local Plan policies are set out in Annexe 4 to the City Plan Part One¹¹.

6. Implementing the Statement of Community Involvement

6.0.1. 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 SCI¹² was adopted by the council on 12 March 2015.



¹¹ [Brighton & Hove City Plan Part One; Annexes, BHCC 2016](#)

¹² [Brighton & Hove Statement of Community Involvement, BHCC March 2015](#)



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