

Appendix 1

Internal BHCC Officer Comments on the Reg 16 Submission Version of the Brighton Marina Neighbourhood Plan February 2024

Paragraph/ Policy	Comment and/or recommended changes to text
Policy BM1: Design (Page 15)	
The penultimate para of supporting text	Whilst council officers welcome the incorporation of some suggested wording amendments to this policy from the Regulation 14 stage, it is disappointing some of the suggested amendments have not been fully incorporated.
Suggest Para 4 second sentence	Suggest text amended to: <u>'Regard should be given to connectivity within the development and to pedestrian and traffic flows in/out and around the marina'</u> .
Last paragraph	Suggest text amended to: <u>"The policy approach takes account of the ongoing work of the Building Better, Building Beautiful Commission, National Design Guide and the National Model Design Code. More detailed area-specific design principles should be set out as part of a future masterplan and design code to support this Neighbourhood Plan as well as City Plan Policies CP12 Urban Design and DM18 High Quality Design and Places."</u>
First bullet point	Scale and massing needs to also reflect the prominence of the location in views along the coast, including the setting of heritage features such as the Madeira Terrace.
Second bullet point	<i>"new buildings should relate sensitively and imaginatively to an overall development proposal/master plan for the Marina;"</i> Should be noted that you cannot require applicants to comply with something that does not exist. Suggest that this wording should be deleted.
Third Paragraph after the bullets	Agree that access arrangements need to provide good linkages. This para could be strengthened further by stating that developments should provide good linkages east and west to provide connectivity with the Madeira Drive and the undercliff walk.

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Policy BM2 Public Realm / Open Spaces (Page 17)	
General comment	It is disappointing that none of the council's proposed amendments to wording and comment, as at Regulation 14 regarding SPD17 UDF have been incorporated into this policy.
Safety and Surveillance para	Suggest is amended to: Safety and Surveillance: all new elements of public realm should be designed and arranged laid out so that they would be safe to all users during the day and the night. Where it is practicable to do so areas of public realm and open space should be overlooked by their associated developments.
Attractiveness para	Suggest is amended to: <i>Attractiveness: all new elements of public realm should <u>also be attractive designed and arranged in an attractive way to and meet the needs of both local residents, boat owners and visitors using the Marina during the day and night. Proposed developments which demonstrate appropriate responses to these design principles will be supported.</u></i>
Ante-penultimate paragraph (third from the bottom of this policy)	Suggest is amended to: <i>"New development which provide solutions to any such issues will be particularly supported delivers improvements to public realm in the Marina will be supported. Proposals for <u>incorporating public art within the wider into the public realm will be welcomed.</u>"</i>
General comment	Policy should include reference to opportunities to provide appropriate landscaping. Seems to be a lost opportunity to provide improvements to the public realm beyond safety and attractiveness – should include reference to clear routes, welcoming open spaces etc.

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General Comment	Policy needs to account for the specific environment of the Marina – public spaces that are accessible but also provide for all weather conditions, particularly given the increasing impact of climate change, so some spaces should provide shelter from the prevailing SW wind.
General Comment	Policy, crucially, needs to highlight the need for new children's play spaces, Policy CP16 (issue raised in the Marina Appeal decision – there are none nearby).
Policy BM3 Connectivity (Page 18)	
General Comment	Most of Council's proposed amendments to wording at Reg 14 do not seem to have been incorporated
General Comment	It would be useful to include a reference to forthcoming Eastern Seafront Masterplan.
General Comment	Recommend that the NP references B&H City Council's Accessible City Strategy An accessible city for everyone (brighton-hove.gov.uk)
General Comment	Recommend that the policy acknowledges either in this section or introductory section that it welcomes the new Marina link etc from/to the west BHCC-Black-Rock-boards.pdf (brighton-hove.gov.uk)
Policy BM4: Residential Development (Page 19)	
Access and Permeability	Design terminology like ' <i>legibility</i> ' and ' <i>permeability</i> ' should be clearly defined and explained in a Glossary.
Housing Type and Mix	Suggest wording amendment as follows: <i>"new developments should provide for a mix of dwelling type, tenure and size to cater for a range of housing requirements, including affordable housing and to improve housing choice in accordance with City Plan Policies CP19 and CP20"</i>

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	<p>Suggest referencing SPD 17 UDF Section 3.3. Housing types and mix of uses</p> <p>As it currently stands, the policy wording is unhelpful for applicants as it doesn't identify what types of housing are needed to improve housing choice in the neighbourhood plan area or explain how applicants should go about demonstrating this.</p> <p>Suggest deleting the final sentence "Proposed developments which do not demonstrate appropriate responses to these design principles will not be supported." as it is unnecessary to state this.</p>
Supporting text to BM4 (2 nd paragraph)	<p>Suggest inserting reference to affordable housing in 1st sentence as follows:</p> <p><i>"Securing an appropriate mix of housing types, <u>including affordable housing in new development at the Marina is an important element of the policy.</u>"</i></p>
General Comment	<p>Policy wording could be amended to be more specific to the context of the Marina such as considerations of providing private external amenity spaces whilst accounting for wind (i.e. south is sunny but also windy) and the need for privacy.</p>
Supporting Text	<p>Supporting text references, suggest altering as follows:</p> <p>Policy BM4 has been designed to add complementary detail to Policy DA2 of the City Plan Part One. The Neighbourhood Forum will work with the City Council on a holistic approach to the regeneration of the development area, will be achieved through the preparation and adoption of a Supplementary Planning Document (SPD) for the Brighton Marina and wider area. Once adopted the SPD will replace the existing Supplementary Planning Guidance (SPGBH20, 2003) and Planning Advice Note (PAN04, 2008) for Brighton Marina. The policy takes direct account of the 2008 Planning Advice Note. Whilst site specific issues may arise the policy should be applied wherever it is reasonably practicable to do so.</p>

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Policy BM5 Natural Environment / Marine Wildlife (page 20)	
Mitigation of Flood Risk	<p>Suggest amending the policy as follows:</p> <p>New development should demonstrate that it will be safe <u>for its lifetime taking account of the vulnerability of its users</u>, will not increase the risk of flooding elsewhere and where possible, will reduce the overall flood risk profile at the Marina. All new development should empty <u>have regard to with</u> the Sea Defence Management Plan of the Brighton Marina Estate Management Company, the Shoreline Management Plan and Brighton & Hove City Council Strategic Flood Risk Assessment and SUDs SPD16. <u>A The need for a site-specific Flood Risk Assessment will be informed by national policy and the Strategic Flood Risk Assessment.</u> required for proposals for new build development.</p>
Integrity of the cliffs to the north of the Marina	<p>The policy should refer to the SSSI designation and the protection this designation brings. All adverse impacts should be avoided, not just impacts on visibility or stability.</p> <p>Suggested text as follows:</p> <p><i>New developments should demonstrate that their proposals do not impact adversely on the visibility or stability of the cliffs <u>avoid impacts on the cliffs located to the north of the Marina. The cliffs are <u>protected</u> noted for their unique and irreplaceable geological features, <u>being designated as the Brighton to Newhaven Site of Special Scientific Interest and Friar's Bay to Black Rock Marina Local Geological Site.</u></u></i></p>
Water quality	<p>Suggest amending following wording:</p> <p>New developments should <u>incorporate appropriate sustainable drainage (SuDs) systems and demonstrate no unacceptable impact</u> demonstrate the way in which they would handle surface water runoff issues and their potential impact on the quality of the water environment both within the immediate environment of the Marina and more widely in the English Channel.</p>

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Suggested new section on Biodiversity	<p>The policy should incorporate a section on Biodiversity. Suggested text as follows:</p> <p><u><i>New development should avoid adverse impacts on biodiversity in accordance with the mitigation hierarchy, conserve and enhance existing biodiversity, and complement UNESCO Biosphere objectives. In accordance with the Environment Act 2021, development proposals will, where necessary, need to include a Biodiversity Net Gain (BNG) requirement of at least 10% above the baseline position.</i></u></p> <p>The supporting text should be updated to refer to local biodiversity and geodiversity designations which include the Site of Special Scientific Interest, Local Geological Site, and Local Wildlife Site.</p>
Suggested new section on the Mitigation of Climate Change	<p>The policy could be strengthened to ensure new development is resilient to future climate change. The recently published BHCC Climate Risk and Vulnerability Assessment provides a better understanding of how climate change is affecting the city and can help inform the Neighbourhood Plan’s approach to climate adaptation. The key risks to Brighton & Hove identified in the CRVA are: high temperatures, water scarcity, sea level rise, groundwater, coastal and surface water flooding, coastal erosion and extreme weather events.</p> <p>Suggest adding a new section re Mitigation of Climate Change as follows:</p> <p><u>Mitigation of Climate Change: new development should adapt to a changing climate through measures including site layouts and approaches to design and construction which provide resilience to climate change and the use of green infrastructure to minimise and mitigate overheating.</u></p>
	<p>This policy should acknowledge and reference the unique wildlife habitat and ecosystem of the Marina, highlighted in the Local Wildlife Site BH33 designation.</p>

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Policy BM6: Cafes, restaurants, retail facilities and other commercial facilities (page 21)	
Policy BM6	<p>Question whether the policy is required. We have an adopted CPP2 policy DM14 Commercial and Leisure Uses at Brighton Marina and CPP1 policy DA2 which are already being used in the determination of planning applications.</p> <p>Appreciate that this policy has specific reference to harbour/marine activities, however question how the policy will be used to determine planning applications. The supporting text sets out how the policy is compatible with the new use class order, but the policy does not specify particular use classes. If the policy seeks to permit sui generis or B2/B8 uses, including those relating to boating, leisure and recreation this should be explicitly stated.</p> <p>If retaining the policy, would suggest that (as per Regulation 14 comments), the title of the policy is changed to “Commercial & Leisure Facilities”. Would also suggest removing the words “in so far as planning permission is required”.</p>
Policy BM7: Energy use, waste minimisation and recycling (page 22)	
Final paragraph of policy,	Requirement for electric vehicle charging facilities to follow standards in City Plan Part Two is unnecessary as it duplicates that Plan and is also now secured via Building Regulations.
BM7 first sentence of policy	<p>Suggest rewording for clarity:</p> <p><i>Development proposals which should demonstrate the highest standards of energy use efficiency, waste minimisation and recycling will be supported.</i></p>
Paragraph 2 of policy	<p>Suggest adding “<u>which generate renewable energy</u>” to the list of aspects which will be supported.</p> <p>To support this, the Marina (in locations protected from sea spray) would be well located for roof-mounted solar PV installations, as it is unshaded and south facing. This requirement would accord with DA3 Brighton Marina, Gas Works and Black Road Area which encourages opportunities for</p>

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	the sustainable production of heat and power and Priority 12 maximising opportunities to support the city's sustainability objectives through large-scale zero and low-carbon energy technologies ... particularly those that take advantage of the Marina's coastal location (see CP8).
Policy BM8: Community Facilities	
General Comment	<p>The policy appears to duplicate City Plan Part Two policy DM9. It is therefore questioned whether the policy is required.</p> <p>Unclear how the provision for some specific community uses to be "particularly supported" would work in effect.</p> <p>Unclear what would be required to demonstrate any of this. No supplementary information provided in the supporting text e.g., length of marketing etc.</p>
Final paragraph to supporting text	Remove reference to " <i>The wider issue of community facilities in the Marina achieved high scores in the feedback to the community consultation in Autumn 2019.</i> " The text serves no purpose to policy implementation and should be deleted.
General comments on rest of the Plan content (pages 3-14) and (pages 24-27)	
All policies	There are no paragraph numbers. This will make referencing the Plan in reports very cumbersome. Paragraph numbers, including in policy text, as well as using letters for lists in policies, should be added.
Policy omission: Principal Residence Policy	It is disappointing that the forum has not taken the opportunity to explore the potential to introduce a Principal Residence Policy (PRP) to manage numbers of second homes at the Brighton Marina. The council requests the Examiner to advise further on this matter.
P13 'National policies' All policies	NPPF has recently been updated (Dec 2023) so references to 'NPPF (2021)' here and throughout the document will need amending along with para numbers where they have changed.

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Whole document	The light grey / blue text is very hard to read. A higher contrast / darker text would be more accessible, suggest having an accessibility adviser to review.
P7, P13-14	Reference is not made to the Brighton Marina Yachting Facilities which have been identified as local heritage assets and no mention is made of the associated City Plan Policies relating to these designations. The structures and their heritage interest should be identified within the text on Development History (P7), and associated Development Plan policies included within those listed on P 13-14 (CP15 & DM28). Further information on the heritage significance of these structures is available here https://www.buildingconservation.com/books/bcd.htm
Whole document	Provide a glossary of terminology used throughout the plan.

