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| Subject: | City Plan Part Two | | |
| Date of Meeting: | 16 June 2016 | | |
| Report of: | Acting Executive Director for Economy, Environment & Culture | | |
| Contact Officer: | Name: | Sandra Rogers, Principal Planning Officer | Tel: 29-2502 |
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| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Following adoption of the City Plan Part One, there is now the opportunity to prepare and complete Part Two of the City Plan to ensure an up to date, streamlined and consistent Development Plan to assist in the determination of planning applications.
- 1.2 The purpose of the report is to advise Members on the role and scope of the City Plan Part Two; to set out the proposed timetable for the preparation of the City Plan Part Two and to seek approval of the Scoping Paper for public consultation. The scoping stage will be the first formal stage of consultation on the City Plan Part Two.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Note the scope, purpose and proposed timetable for the preparation of the City Plan Part Two.
- 2.2 Approve the publication of the City Plan Part Two Scoping Paper and Sustainability Appraisal Scoping Report for a 12 week period of public consultation, subject to any minor grammatical or editorial alterations approved by the Acting Executive Director for Economy, Environment & Culture.
- 2.3 Delegate authority to the Acting Executive Director for Economy, Environment and Culture to agree supporting consultation documents (as referred to in paragraph 5.4) which are to be based on the Scoping Document.
- 2.4 Note that the outcome of this consultation will inform the preparation of the draft City Plan Part Two.

3. CONTEXT/ BACKGROUND INFORMATION

Purpose and Scope of the City Plan Part Two

- 3.1 The Brighton & Hove City Plan Part One (CPP1) was adopted in March 2016 and contains strategic policies setting out the overall amounts of development (housing, employment, retail etc.) required across the city to 2030 and the broad locations and Development Areas where new development will take place. It allocates key strategic sites and also sets out key citywide policies to guide development including urban design, transport, affordable housing, biodiversity and sustainability.
- 3.2 The role for the City Plan Part Two (CPP2) is to support the implementation and delivery of CPP1 to build on the strategic framework, to identify and allocate additional development sites and to set out a more detailed development management policy framework to assist in the determination of planning applications.
- 3.3 When adopted the CPP2 will become part of the Development Plan for the city and will replace the currently retained 2005 Brighton & Hove Local Plan policies. The Policies Map (March 2016) will also need to be updated and published to include the additional site allocations and new/updated policy designations related to CPP2.
- 3.4 The City Plan Part 2 will:
 - Follow on from and be consistent with the vision, strategy and objectives and strategic policies set out in CPP1; and it will cover the period up to 2030
 - Contain additional site allocations e.g. for housing and mixed use sites so that the CPP1 strategy for accommodating development needs can be fully implemented
 - Contain amended /updated or new shopping centres boundaries and heritage/ nature designations.
 - Contain a suite of detailed Development Management policies – through replacing some of the ‘saved’ 2005 Local Plan policies and deleting others where appropriate to ensure that there is a more streamlined and straightforward set of development management policies.
 - Conform with the National Planning Policy Framework and respond to Government changes to the planning system – such as proposed introduction of ‘permissions in principle’ and brownfield site registers
 - Result in one up to date City Development Plan – which will be clearer to use for decision taking and for developers and planning applicants.

Timetable for Preparation

- 3.5 The Local Development Scheme (LDS) 2014 set out the proposed timetable for the preparation of the CPP2. The extended examination of the CPP1 has had an impact on the timetable and the anticipated timetable for preparing the City Plan Part Two is set out below. The LDS will be updated in the near future to align with this.

| City Plan Part Two stage of plan preparation | Date |
|---|-------------|
| Scoping Document (Regulation 18) | June 2016 |
| Draft Plan and SA (Regulation 18) | Autumn 2017 |
| Publication stage (Regulation 19) | Summer 2018 |
| Submission stage (Regulation 22) | Autumn 2018 |
| Examination (estimated) | Winter 2018 |
| Adoption of City Plan Part Two (estimated) | Spring 2019 |

- 3.6 The Government recently announced a requirement for Local Plans to be in place by 2017. The local plans referred to by the Government are development plan documents adopted or approved under the Planning and Compulsory Purchase Act 2004 Act that set the strategic planning policies for a local planning authority's area and would not include the Brighton & Hove Local Plan 2005 which was drafted under previous legislation. It is considered that the adoption of the CPP1 in March 2016 has met this requirement. Nevertheless it remains important to move quickly to the adoption of the CPP2.

Scoping Stage

- 3.7 The CPP2 has to be prepared in accordance with the Planning and Compulsory Purchase Act 2004; the Town and Country Planning (Local Planning) (England) Regulations 2012; the Environmental Assessment of Plans and Programmes Regulations 2004; and the Conservation of Habitats and Species Regulations 2010.
- 3.8 The scoping stage (Regulation 18 of the 2012 Regulations) will be the first formal stage of consultation on the CPP2. The council is required to invite representations on the proposed scope of the plan, including the proposed subject and plan area (development within city excluding that within the SDNPA) and the proposed plan period (2016 - 2030).
- 3.9 The Scoping Paper, attached at Appendix 1 is structured around a number of policy topic areas and these include housing, employment, retail and town centre uses, open space and natural environment. The final structure and format of the CPP2 may be different but at this stage identifying policy topic areas helps to indicate the full scope of the Plan.
- 3.10 The Scoping Paper has a series of consultation questions seeking views on the issues covered by CPP2 and to check that the shaping document has identified all the relevant issues or whether there are other issues that need to be addressed.

Call for sites

- 3.11 As part of this scoping stage, the Paper does invite respondents to put forward sites for potential site allocations. A formal call for sites will also be undertaken

as part of the annual update of the Strategic Housing Land Availability Assessment (SHLAA). Sites put forward during the consultation will be assessed as part of the plan preparation process. There will be an opportunity to comment on individual site allocations at the draft CPP2 stage.

Background Evidence

- 3.12 The National Planning Policy Framework makes clear, that to be sound, a Local Plan should be positively prepared; justified, effective and consistent with national policy. Much of the evidence that supported the CPP1 will be relevant for the preparation of CPP2. The evidence base will be kept under review throughout the preparation of the CPP2 to ensure it is kept up to date and reflects local circumstances. There is a need for further background studies to support site allocations and certain topic issues. The Sustainability Appraisal referred to below will also help to refine the options and to test suitability of site allocations.

Sustainability Appraisal Scoping Report and other Supporting Documents

- 3.13 The preparation of a Local Plan is required to include an accompanying Sustainability Appraisal (SA). This should consider all the likely significant effects that the Local Plan may have on various environmental, economic and social factors. If the Local Plan is likely to have a significant effect on the environment, the sustainability appraisal must also meet the legal requirements of the European Directive on Strategic Environmental Assessment (SEA), which has been implemented in the United Kingdom by the Environmental Assessment of Plans and Programmes Regulations 2004.
- 3.14 When deciding on the scope and level of detail that must be included in the sustainability appraisal, the responsible authority is required to consult the SA/SEA consultation bodies. The sustainability appraisal process therefore begins with a SA Scoping Report which will be published for consultation. The final sustainability appraisal/strategic environmental assessment will be submitted to the Secretary of State with the CPP2 for examination.
- 3.15 Under the EU Habitats Directive (92/43/EEC), as implemented in England and Wales by the Conservation of Habitats and Species Regulations 2010, a Habitats Regulations Assessment (HRA) is required for any proposed plan or project which may have a significant effect on one or more European sites and which is not necessary for the management of those sites. The purpose of the HRA is to determine whether or not significant effects are likely and to suggest ways in which they could be avoided. A HRA screening was carried out on the CPP1 which discounted the likelihood of significant effects. However a Screening process will also be carried out to establish if the CPP2 might have any Likely Significant Effects (LSEs) on any European site and therefore to determine whether a full HRA would be required for CPP2.
- 3.16 The CPP2 will also need to be assessed to ensure that the policies are co-ordinated to address health and well-being outcomes throughout the city. This is through a Health and Equalities Impact Assessment (HEQIA). The screening for

HRA and a Health and Equalities Impact Assessment will be undertaken at the draft Plan stage.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 It is important that the Council has a complete up to date and robust planning policy framework. Whilst the CPP1 provides the overarching strategic planning policies for the City, the eight Development Areas and 23 strategic allocations, it does not allocate all of the sites that will be required to meet the city's identified needs such as housing or a full set of up-to-date detailed development management policies.
- 4.2 The Committee could defer or decide not to prepare the CPP2, however this would mean that the Council would not have a full, up to date Development Plan to guide development across the city and would increase the risk of planning applications being allowed at appeal. This option is therefore not recommended.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Internal consultation with relevant council departments and teams (including Housing, Transport, Economic Development and Environmental Health) has been undertaken to shape the Scoping Paper. Regular meetings of the Internal Officers Advisory Group – that includes representatives from relevant council departments - will be held during the preparation of the CPP2 and their advice and comments sought.
- 5.2 The Cross-Party Working Group on the City Plan has been advised of the purpose and role of the Scoping Paper and the timetable for the preparation of the CPP2.
- 5.3 Consultation on the Scoping Paper will accord with the approach and standards set out in the council's adopted Statement of Community Involvement. The council's Statement of Community Involvement (SCI) sets out policy and standards for engaging residents, local groups, stakeholders and statutory consultees in the preparation of planning-related documents. The SCI reflects the council's Community Engagement Framework.
- 5.4 There will be an extended, 12 week period of consultation starting at end of June. The Scoping Paper and associated documentation will be made available at the council's main deposit points and on the council's consultation portal. The Scoping Paper will be desk-top published and divided up into the different topic areas to make it easier for respondents to comment on the sections that are of most interest to them. Supporting documentation, including a summary 'quick access guide' and posters will be prepared to help publicise, inform and guide people on the purpose and scope of the City Plan Part Two as well as how to make comments. A press release will be prepared and City Plan consultees will be notified. The Scoping Papers will be taken to the relevant city partnerships and presentations/ workshops and/ focus groups will be arranged with key stakeholders.

6. CONCLUSION

- 6.1 The Development Plan can comprise either a single document or a number of documents that set out the spatial planning strategy for the area. The city council has chosen to prepare the City Plan in two parts. Following adoption of the City Plan Part One there is a need to move swiftly to the adoption of the City Plan Part Two.
- 6.2 Before the City Plan Part Two can be adopted, it must go through several stages of formal and informal consultation in accordance with statutory requirements and regulations. Approving the Scoping paper for consultation allows preparation of the City Plan Part Two to formally begin.
- 6.3 A full, up to date Development Plan will provide greater certainty and allow policies at the local level to address local issues and to be fully compliant with up to date requirements. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning applications will then be determined in accordance with the Development Plan, including the City Plan Part 2, unless material considerations indicate otherwise.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The cost of officer time, production of documents and consultation associated with the recommendations in this report will be funded from existing 2016-17 revenue budget within the Planning service.

It is anticipated that future costs associated to future stages of adopting the City Plan Part Two will also be funded from approved revenue budgets, subject to future reports to this Committee. Any future variations between approved budgets and expenditure will be reported as part of the budget monitoring process and considered as part of the service budget strategy.

Finance Officer Consulted: Steven Bedford

Date: 13/05/16

Legal Implications:

- 7.2 As set out in the body of this Report, the development plan is of primary importance in the determination of planning applications (s38(6) of the Planning and Compulsory Purchase Act 2004 and s70 (2) of the Town and Country Planning Act 1990).
- 7.3 The process to be followed in preparing and adopting development plans is set out in the Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Local Planning) (England) Regulations 2012, the first statutory step in the process being the scoping consultation recommended in this Report (Regulation 18).
- 7.4 It is not considered that any adverse human rights implications arise from the recommendations of the Report.

Equalities Implications:

- 7.5 A Health and Equalities Impact Assessment (HEQIA) was undertaken on the City Plan Part Two and an HEQIA assessment will be carried out to inform the draft version of the City Plan Part Two to ensure that the policies are co-ordinated to address health and well-being outcomes throughout the city. Equalities issues will be relevant to a number of issues within the City Plan Part 2, particularly in relation to providing community facilities and meeting housing needs including gypsies and travellers.

Sustainability Implications:

- 7.6 A key requirement of the National Planning Policy Framework is to achieve sustainable development. A Sustainability Appraisal (SA), incorporating the requirements of Strategic Environmental Assessment (SEA) will need to be prepared to support the City Plan Part Two and the preparation and consultation on the SA Scoping Report will be the first stage in the SA process.

Crime & Disorder Implications:

- 7.7 The City Plan Part 1 addressed crime and disorder issues through Development Area proposals, special area policies and a number of citywide policies. The scoping of the City Plan Part 2 will allow consideration of whether further detailed development management policies are required and the site assessment and sustainability assessment process will need to be consider crime and disorder implications

Risk and Opportunity Management Implications:

- 7.6 The risks within this project will be regularly reviewed through quarterly highlight reports. Consulting at an early stage on the scope of the City Plan Part 2 will help ensure that there are fewer issues or omission sites arising at a late stage in the preparation of the plan. The role of the Cross Party Working Group will be to enable the issues and options related to City Plan Part 2 to be discussed at an early stage therefore reducing uncertainty when key decisions are made.

Public Health Implications:

- 7.7 A HEQIA assessment will be carried out to inform the draft version of the City Plan Part Two to ensure that the policies are co-ordinated to address health and well-being outcomes throughout the city.

Corporate / Citywide Implications:

- 7.8 The City Plan Part Two will help with the implementation and delivery of priorities set out in the City Plan Part One. It will contribute to delivering the Corporate Plan, Plans and Strategies across the city council directorates and the Sustainable Community Strategy. The City Plan Part Two will also help to deliver

city-wide strategies of public and voluntary sector partners and promote investment and economic growth.

SUPPORTING DOCUMENTATION

Appendices:

1. City Plan Part Two Scoping Paper

Documents in Members' Rooms

1. SA Scoping Report

Background Documents

1. LDS Report 2014
2. Statement of Community Involvement 2015

