





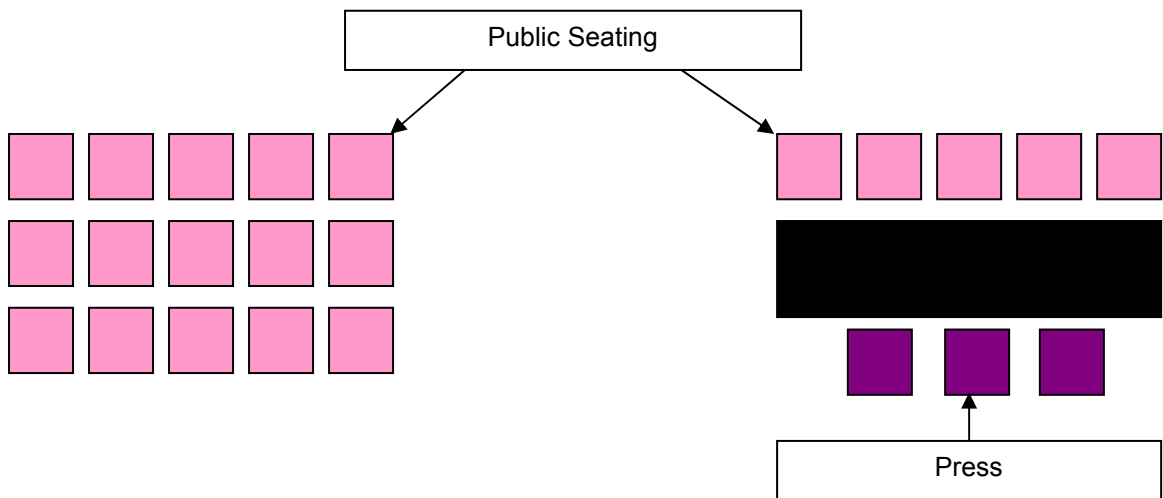
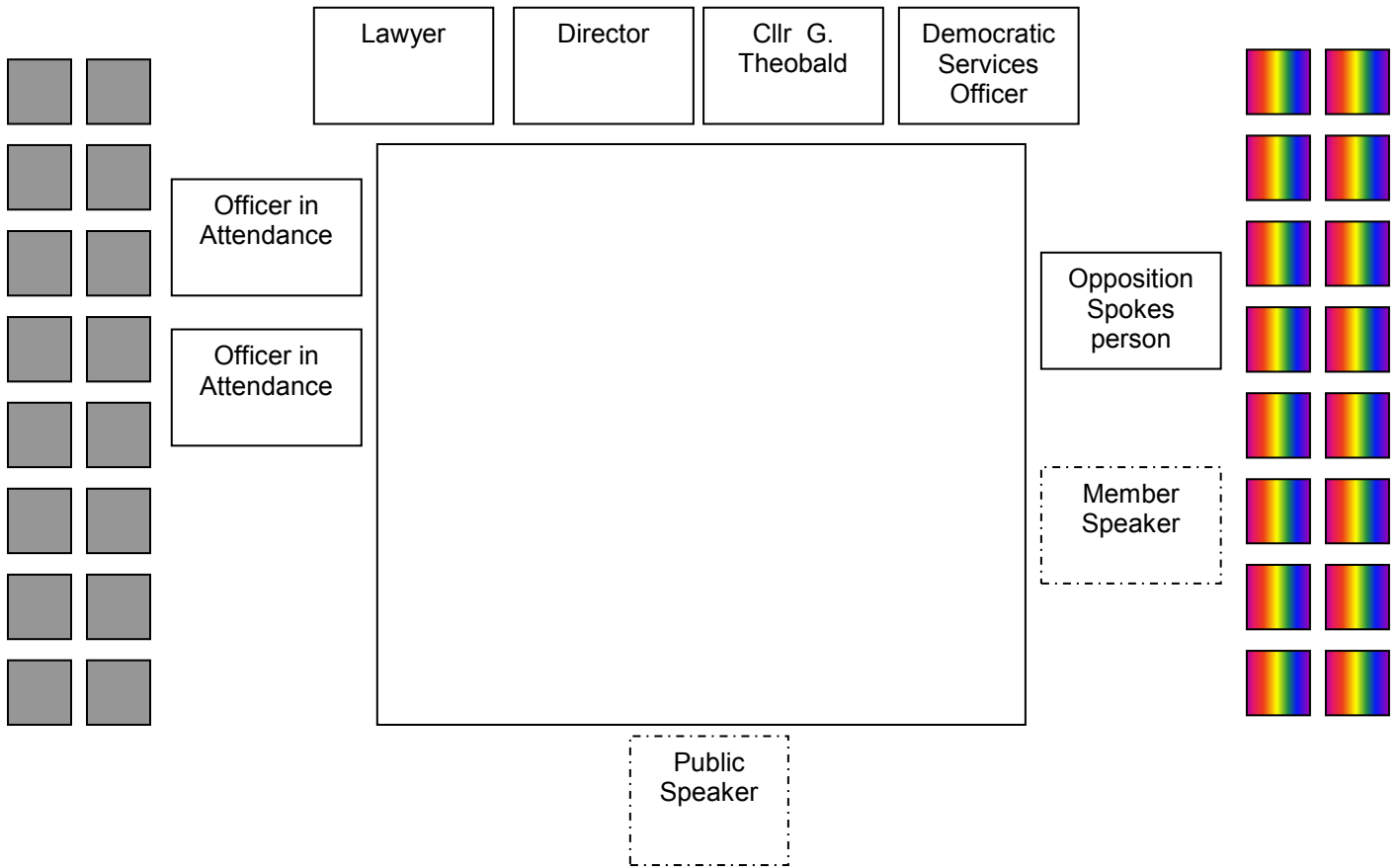
Brighton & Hove
City Council

Cabinet Member Meeting

Title:	Environment Cabinet Member Meeting
Date:	5 June 2008
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillor: G Theobald (Cabinet Member)
Contact:	Tanya Massey Democratic Services Officer 01273 291227 tanya.massey@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

1. PROCEDURAL BUSINESS

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

2. TERMS OF REFERENCE

1 - 4

(copy attached).

Contact Officer: Tanya Massey
Ward Affected: All Wards

Tel: 29-1227

3. MINUTES OF THE ENVIRONMENT COMMITTEE MEETING OF 20 MARCH 2008

5 - 16

(copy attached).

4. CABINET MEMBER'S COMMUNICATIONS

5. ITEMS RESERVED FOR DISCUSSION

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokesperson
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.

ENVIRONMENT CABINET MEMBER MEETING

6. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 29 May 2008)

No public questions received by date of publication.

7. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

8. PETITIONS

17 - 22

(copy attached).

Contact Officer: Tanya Massey

Tel: 29-1227

Ward Affected: All Wards

9. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 29 May 2008)

No deputations received by date of publication.

10. LETTERS FROM COUNCILLORS

23 - 26

(i) **Withdrawal of Metrobus Sunday bus services 87 and 82.** Letter from Councillor Mitchell (copy attached).

(ii) **Refuse collection and recycling in Hanover & Elm Grove Ward.** Letter from Councillor Wrighton (copy attached).

11. NOTICES OF MOTIONS REFERRED FROM COUNCIL

No Notices of Motion have been referred.

12. MATTERS REFERRED FOR RECONSIDERATION

No matters have been referred.

13. REPORTS FROM OVERVIEW & SCRUTINY COMMITTEES

No reports have been received.

SUSTAINABLE TRANSPORT MATTERS

14. PROCUREMENT OF MINOR HIGHWAYS WORKS CONTRACT

27 - 30

Report of the Director of Environment (copy attached).

Contact Officer: Ian Furnell

Tel: 29-2239

Ward Affected: All Wards

ENVIRONMENT CABINET MEMBER MEETING

CITY PLANNING

15. SUSTAINABLE BUILDING DESIGN SUPPLEMENTARY PLANNING DOCUMENT (SPD) 31 - 112

Report of the Director of Environment (copy attached).

Contact Officer: Paula Goncalves *Tel:* 29-2352
Ward Affected: All Wards

PUBLIC SAFETY MATTERS

16. REVIEW OF BRIGHTON & HOVE TRAVELLERS STRATEGY 113 - 148

Report of the Director of Environment (copy attached).

Contact Officer: Judith Macho *Tel:* 29-2433
Ward Affected: All Wards

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Tanya Massey, (01273 291227, email tanya.massey@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 28 May 2008

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 2

Brighton & Hove City Council

Subject:	Terms of Reference		
Date of Meeting:	5 June 2005		
Report of:	Director of Strategy & Governance		
Contact Officer:	Name:	Tanya Massey	Tel: 29-1227
	E-mail:	tanya.massey@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report is just to inform the Environment Cabinet Member Meeting of the delegations to the Cabinet Member for Environment.

2. RECOMMENDATIONS:

- 2.1 To note the Terms of Reference for the Cabinet Member for Environment.

E. Cabinet Member for Environment

Explanatory Note

The Cabinet Member for Environment is responsible for community safety, parks and green spaces, travellers and gypsies, highways, transport, waste and coast protection.

Delegated Functions

1. Public Safety

(a) Community Safety

To co-ordinate the Council's functions regarding the police and public safety and to take such action as is necessary, including:

- (i) making consultative arrangements under the Police Act 1996;
- (ii) drawing up community safety plans;
- (iii) co-ordinating the Council's functions under the Crime and Disorder Act 1998 including the formulation, with other responsible authorities, of strategies for reducing crime and disorder and the making of child curfew schemes providing that this shall not include the adoption of the Crime and Disorder Reduction Strategy.

(b) Civil Contingencies

To exercise the Council's functions in relation to emergency planning and business continuity, including the Council's functions under the Civil Contingencies Act 2004.

2. Parks and Green Spaces

To exercise the Council's functions in relation to Parks and Open Spaces to the following extent:-

- (a) provision, management and control of parks and open spaces (except those held for housing purposes)
- (b) making countryside management arrangements in liaison with the Sussex Downs Conservation Board (or any successor body) and other environmental bodies;
- (c) provision, management and control of allotments and smallholdings.

3. Travellers and Gypsies

To exercise the Council's functions in relation to travellers and gypsies including management of authorised sites.

4. Highways Management

To exercise the Council's functions in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to highways, bridges, private streets and rights of way.

5. Traffic Management and Transport

- (a) To manage the provision of transport services for service departments including home-school transport and transport for social services;
- (b) To exercise the Council's functions in relation to traffic management and transport and as traffic authority, including but not limited to public passenger transport and the co-ordination of transport for service users;
- (c) To consider and make decisions on proposed traffic orders and rights of way issues where objections have been received and not withdrawn or otherwise resolved;
- (d) To exercise the Council's powers regarding travel concessions.

6. Parking

To exercise the Councils' functions in relation to parking, including on and off street parking and decriminalised parking.

7. Waste

To exercise the Council's functions in relation to waste and as waste collection authority, waste disposal authority and litter authority, including dealing with litter, street cleansing, abandoned vehicles and dog fouling.

8. Conservation & Design

To exercise the Council's functions in relation to Conservation and Design including the Hove Borough Council Act 1976.

9. Coast Protection

To exercise the Council's functions as a coast protection authority.

10. Seafront

To exercise the Council's functions regarding the esplanade, beach and foreshore.

11. Environmental Health

To exercise the Council's functions in relation to environmental health, air pollution control, health and safety at work (except in so far as it relates to the Council as an employer) public conveniences, food safety, control of nuisances, including noise control and control of dogs.

12. Building Control

To exercise the Council's functions regarding building control.

13. Trading Standards

To exercise the Council's functions regarding trading standards, including but not limited to consumer protection, product safety, fair trading, metrology, food standards and animal health;

14. Planning and Licensing

To exercise the planning and licensing functions of the Council to the extent that they are executive functions, including the formulation and development of the Local Area Framework and the Statement of Licensing Policy and Statement of Gambling Policy prior to their adoption by Full Council.

BRIGHTON & HOVE CITY COUNCIL

ENVIRONMENT COMMITTEE

5PM – 20 MARCH 2008

COUNCIL CHAMBER
HOVE TOWN HALL

MINUTES

Present: Councillor Theobald (Chairman); Councillors Davey, Davis, Drake (Deputy Chair), Janio, Mitchell (Opposition Spokesperson), Norman, Peltzer Dunn, Rufus, Turton and Wrighton.

PART ONE

ACTION

127. PROCEDURAL BUSINESS

127A Declarations of Substitutes

127.1 Councillor Peltzer Dunn declared a personal and prejudicial interest relative to Item 141 on the agenda "Allocation of 2008 / 09 Local Transport Plan Funding " by virtue of the fact that he lived at an address in New Church Road, Hove which was included in one of the schemes . He stated that he would not therefore take any part in the discussion or voting thereon.

127B Declarations of Interest

127.2 There were none.

127C Exclusion of Press and Public

127.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

127.4 **RESOLVED** - That the press and public be not excluded from the meeting.

128. MINUTES

128.1 **RESOLVED** – That the minutes of the meeting held on 24 January 2008 be approved and signed by the Chairman.

129. CHAIRMAN'S COMMUNICATIONS

Move to New Democratic Arrangements

129.1 The Chairman stated that as this would be the last meeting of the Committee under the current democratic arrangements he wished to take the opportunity to place on record his thanks to Members and Officers for their contributions and support during his period as Chairman . Members of Committee responded in suitable terms.

129.2 **RESOLVED** – That the position be noted.

130. CALLOVER

130.1 **RESOLVED** – That with the exception of the items reserved (and marked with an asterisk), the recommendations contained therein be approved and adopted without debate , excepting notices of Motion, Deputations, Petitions and letters.

131. PUBLIC QUESTIONS AND LETTERS

BRIGHTON MARINA MASTERPLAN PAN 04

131.1 Questions and supplementary questions were relative to the above matter were asked by the following and were responded to by Councillor G Theobald the Chairman and the relevant Officers of the Council .

Mr R Powell - Marine Gate Residents Association ;

Mr P Martin - Brighton Marina Residents Association;

Miss J Sewell - Kemptown Society ;

Mr B Simpson - Save Brighton ; and

Mrs R Shepherd - Roedean Residents Association

[**Note** : In view of the detailed contained in the information provided, written copies of the information provided in response were provided at the meeting and appended to the minute

book copy of these minutes].

- 131.2 **RESOLVED** - That the questions asked and responses given be noted.
- 131.3 The Chairman referred to a letter of support received from residents of Brunswick Square expressing support for the communal bins scheme.
- 131.4 **RESOLVED** - That the content of the letter be noted.
- 131.5 A question was put by Ms V Davies relative to communal bins and a response was provided by the Chairman.
- 131.6 **RESOLVED** - That the question asked and response provided be noted.
- 131.7 The Chairman referred to a letter received from Ms T Meyer relative to parking issues in her area. It was noted that Ms Meyer had been unable to attend in person.
- 131.8 **RESOLVED** – That the content of the letter be noted.
- 131.9 A question was put by Ms S McCrickard relative to maps circulated in connection with the communal bins scheme and a response was provided by the Chairman.
- 131.10 **RESOLVED** - That the question asked and response provided be noted.

132. LETTERS FROM COUNCILLORS

- 132a The Committee considered a letter submitted by Councillor Caulfield concerning the Enforcement of Cycle Lanes, Coombe Terrace.

RESOLVED – That the contents of the letter be noted.

- 132b The Committee considered a letter submitted by Councillor Davey concerning Securing the London Road Car Park at night

RESOLVED – That the contents of the letter be noted.

- 132c The Committee considered a letter from Councillor Steedman concerning Making a bid to the Transport Innovation Fund

RESOLVED – That the contents of the letter be noted.

- 132d It was explained that the letter received from Councillor Fryer calling for a report outlining options to renegotiate terms of the Waste Contract had been referred to the Policy and Resources

Committee for consideration.

RESOLVED – That the position be noted.

132e The Committee considered a letter from Councillor West concerning Madeira Drive Restoration and Improvement Fund

RESOLVED – That the contents of the letter be noted.

132f The Committee considered a letter received from Councillor Davis concerning Parking Restrictions Nizells Avenue and Somerhill Road

RESOLVED – That the contents of the letter be noted.

133. PETITIONS

133.1 None were received.

134. DEPUTATIONS

134.1 **RESOLVED** – None were received.

135. FOOD LAW ENFORCEMENT SERVICE PLAN

135.1 The Committee considered the report of the Director of Environment in relation to the Food Law Enforcement Service Plan (for copy see minute book).

135.2 **RESOLVED** - That The Committee recommend to full Council approval of the Food Law Enforcement Service Plan as set out in Appendix A to the report .

136. ANNUAL HEALTH & SAFETY SERVICE PLAN 2008 / 2009

136.1 The Committee considered the report of the Director of Environment in relation to the Annual Health & Safety Service Plan 2008 / 09 (for copy see minute book).

136.4 **RESOLVED** –

(1) That the Assistant Director (Public Safety) be authorised to make any technical changes necessary on completion of the consultation exercise ; and

(2) That subject to (1) above it is recommended to Council that the Health & Safety Annual Service Plan 2008-09 be adopted and published in accordance with HSE statutory guidance.

***137. BRIGHTON MARINA MASTERPLAN PLANNING ADVISORY**

- 137.1 The Committee considered the report of the Director of Environment in relation to the Brighton Marina Masterplan Planning Advisory Note (for copy see minute book).
- 137.2 The Solicitor to the Committee gave the following information by way of clarification :

Item of Clarification – Planning Advice Note PAN 04 : Paragraph 15.2 Page 28

Replace :

“The current planning regime therefore prevails over the terms of the Act and should not be exercised independently of it. Planning applications for tall buildings therefore fall to be judged against planning policies and supplementary guidance.”

With :

“ the planning regime should be exercised independently of the Brighton Marina Act 1968 which requires a separate decision by Council based on the terms of that act . “

- 137.3 The Chairman confirmed in response to concerns which had been raised that if any future application(s) were received which sought to build above the level of cliff height would require a waiver to be agreed by full Council (Paragraph 137.2 above refers in detail). The Assistant Director (City Planner) gave a detailed presentation relative to the Masterplan and answered Members questions in respect thereof . A copy of that presentation is appended to the minute book copy of the minutes .
- 137.4 **RESOLVED** –That the Committee approve the Brighton Marina Masterplan Planning Advice Note (04). Attached as Appendix 1 to the report be approved.

[**Note** : Councillors Davey, Rufus and Wrighton wished it to placed on record that they had voted against the recommendation . On a vote of 7 to 3 the Brighton Marina Masterplan Planning Advice Note (04) was approved].

***138. NEW ROAD UPDATE**

- 138.1 The Committee considered the report of the Director of Environment in relation to the New Road Update (for copy see minute book).
- 138.2 Councillor Pidgeon was in attendance and addressed the Committee at the invitation of the Chairman.
- 138.4 **RESOLVED** – That the following be approved :

Experimental Traffic Order

- (1) That no changes are made to the existing experimental traffic order for New Road ;
- (2) That an additional experimental traffic order is made to restrict parking in disabled bays to three hour periods in New Road.
- (3) That the suspended taxi bay is not reinstated in New Road.

Pedestrianisation

- (4) That New Road should not be pedestrianised.

Provision for Visually Impaired People.

- (5) That the Chairman of Environment requests in writing that the Department for Transport allow “5mph” or “Drive at Walking Speed” signs to replace the current 20mph signs in New Road.
- (6) That any changes required to enhance the area for visually impaired people are informed by an Access Audit carried out by JMU Access Partnership.

***139. TRAFFIC ORDER LEGAL AMENDMENTS**

- 139.1 That the Committee considered the report of the Director of Environment in relation to Traffic Order Legal Amendments (for copy see minute book).
- 139.2 **RESOLVED** - That the Committee (having taken account of all duly made representations and objections), the making of the Brighton & Hove (Waiting & Loading/Unloading Restrictions and Parking Places) Consolidation Order 2001 Amendment Order No. 200* be approved including the proposed amendments set out in report.

***140. DELIVERY OF HIGHWAY NETWORK IMPROVEMENTS**

140.1 The Committee considered the report of the Director of Environment in relation to the Delivery of Highway Network Improvements (for copy see minute book).

140.2 **RESOLVED** - That the outline construction timetable of planned roadworks for 2008/09 be approved as detailed in the appendices accompanying the report.

***141. ALLOCATION OF 2008/ 09 LOCAL TRANSPORT PLAN FUNDING**

141.1 The Committee considered the report of the Director of Environment in relation to the Allocation of 2008/ 09 Local Transport Plan Funding (for copy see minute book).

141.2 **RESOLVED** – That the following be approved :

(1) Allocation of the £5.696 million 2008/09 Local Transport Plan settlement to specific Integrated Transport and Maintenance schemes as set out in Appendix A of the report ; and

(2) Allocation of the Road Safety Grant of £420,080 to the Sussex Safer Roads Partnership to continue the important funding of casualty reduction measures in the area.

142. ONE WAY TRAFFIC, WEST STREET

142.1 This item was withdrawn for consideration at a future meeting. It was noted that this would take place under the new democratic arrangements.

142.2 **RESOLVED** – That the position be noted.

***143. ELM GROVE SAFER ROUTES TO SCHOOL SCHEME**

143.1 The Committee considered the report of the Director of Environment in relation to the Elm Grove Safer Routes to School Scheme (for copy see minute book).

143.2 **RESOLVED** –That the following be approved :

- (1) The preferred scheme outlined in Appendix A to the report and authorisation of the detailed design together with the advertising of an order under the Road Traffic Regulation Act 1984 in respect of elements in the preferred scheme ; and
- (2) The Director of Environment is authorised to implement the scheme in the 2008/09 financial year, within the budget available, subject to the satisfactory resolution to any representations received following the advertisement of the Traffic Orders.

***144. CASTLE SQUARE / OLD STEINE ROAD SAFETY SCHEME**

144.1 The Committee considered the report of the Director of Environment in relation to the Castle Square / Old Steine Road Safety Scheme (for copy see minute book).

144.2 **RESOLVED** – That having taken account of all duly made representations and objections received, approval be given to the making of the Brighton & Hove City Council South Central Brighton Controlled Parking Zone (Area Z) Traffic Regulation Order 2007 Amendment Order No * 2008, The Brighton & Hove (Old Steine/Castle Square Area) (Traffic Regulation) Order 1996 Amendment Order No1 2008, The Brighton & Hove (Old Steine) (One Way Traffic) Order 1981 Amendment Order No1 2008.

***145. BLACK LION STREET - SEEKING APPROVAL FOR THE IMPLEMENTATION OF PEDESTRIAN PRIORITY MEASURES TO BLACK LION STREET**

145.1 The Committee considered the report of the Director of Environment in relation to the Black Lion Street - Seeking approval for the Implementation of Pedestrian Priority Measures to Black Lion Street (for copy see minute book).

145.2 **RESOLVED** –That :

(1) Having taken account of all duly made representations and given considered opinion to the safety implications and enhancements to the pedestrian environment the following be approved: -

- The principle of the scheme is acceptable for the Lanes Conservation Area, and;
- Require an amended Traffic Regulation Order, funding by the developers, to alter the layout of the provided on street parking, waiting, and loading facilities on Black Lion Street.

***146. PARKING SCHEMES - INITIAL CONSULTATION RESULTS**

146.1 The Committee considered the report of the Director of Environment in relation to the Parking Schemes - Initial Consultation Results (for copy see minute book).

146.2 **RESOLVED** – That the following be agreed :

- (1) The results from the initial consultation be noted and officers authorised to proceed with detailed design for the areas proposed in Appendices 5, 7 and 10 of the report ; and
- (2) It be noted that detailed design for areas in Stanford ward is subject to further discussion with Ward Councillors regarding the best options.

***147. AWARD OF CONTRACTS FOR TENDERED BUS SERVICES 2008 - 2012**

147.1 The Committee considered the report of the Director of Environment in relation to the Award of Contracts for Tendered Bus Services 2008 – 2012 (for copy see minute book).

147.2 **RESOLVED** - That the following be agreed :

- (1) The tenders set out in appendix 2 of the report be awarded for the period specified ;
- (2) The tenders for additional services, set out in Appendix 3 not be awarded, on the grounds of insufficient budget ;
- (3) The services set out in appendix 4 of the report be awarded for an additional 12 months, the future of these contracts

thereafter to be reviewed in the light of budgetary constraints ; and

- (4) Savings made from within the Sustainable Transport budget to be used to finance the above recommendations.

***148. ARRANGEMENTS FOR THE MOVE TO A NEW CONSTITUTION**

148.1 The Committee considered the report of the Director of Strategy and Governance in relation to the Arrangements for the Move to a New Constitution (for copy see minute book).

148.2 **RESOLVED** – That :

- (1) The requirements of the Local Government and Public Involvement in Health Act 2007 (the Act) requiring Brighton & Hove City Council to move to new constitutional arrangements be noted;
- (2) The manner in which the work of the current Committee will be discharged under the proposed new arrangements be noted ; and
- (3) The proposal to prepare a book to commemorate the life of this Committee, for which Members are asked to participate in a photograph at the end of this meeting be approved and noted.

149. **ITEMS TO GO FORWARD TO COUNCIL**

RESOLVED - That the following items go forward to Council for approval :

Item 135 - Food Law Enforcement Service Plan ;

Item 136 - Annual Health and Safety Service Plan 2008 - 09

The meeting concluded at 7.30pm

Signed

Chairman

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 8

Brighton & Hove City Council

Subject:	Petitions		
Date of Meeting:	5 June 2008		
Report of:	Director of Strategy & Governance		
Contact Officer:	Name:	Tanya Massey	Tel: 29-1227
	E-mail:	tanya.massey@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Various		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To receive the following petitions presented at Council on 13 March and 24 April 2008 and any petitions presented directly to the Environment Cabinet Member Meeting.

4. (i) To receive the following petition presented at Council on the 13 March by Councillor Allen and signed by 15 people:

Stanford Court sits at the very bottom of Stanford Avenue facing Preston Park and is surrounded by Double Yellow Lines.

The block had no onsite parking – unlike the other flats at this end of Stanford Avenue.

Currently the residents and any visitors park in Preston Park Avenue.

Denying us the opportunity of joining the Preston Park Avenue scheme would push us out to Preston Drive – which with the likely introduction of a large residents parking scheme around Preston Park Station would be unviable. We would also be unable to purchase Resident Visitor parking permits.

We the undersigned urge Brighton & Hove City Council to invite residents of Stanford Court to join the proposed Preston Park Avenue residents parking scheme.

4. (ii) To receive the following petition presented at Council on the 24 April by Councillor Carden and signed by 363 people:

We the undersigned are petitioning Brighton and Hove Council for bollards to be placed around the Valley Road shops to stop all vehicles from driving and parking on the forecourts. The damage caused by vehicles crossing the public footpath is making it dangerous for pedestrians.

4. (iii) To receive the following petition presented at Council on the 13 March by Councillor Caulfield and signed by 249 people:

We the undersigned demand that the council install a pelican crossing to link both sides of the A270 at Barcombe Rd shops. This is to enable the children and parents who attend Falmer High School to cross this road safely as currently there is no suitable crossing.

4. (iv) To receive the following petition presented at Council on the 13 March by Councillor Davey and signed by 36 people:

We, the undersigned residents of Mayflower Square, a council owned residential block built on top of the London Road multi storey car park, implore the council to end our regular night time disturbances from joy riders and other anti social behaviour below us in the car park. Please take measures to control the night time entry and exit from the car park.

4. (v) To receive the following petition presented at Council on the 13 March by Councillor Davis and signed by 56 people:

We, the undersigned residents of Nizells Avenue, while supporting efforts to keep Brighton & Hove clean, do fully oppose the proposal advised in the recently circulated questionnaire from Cityclean to install communal bins in this Avenue and the park area.

Nizells Avenue is integrated with St. Ann's Well Gardens, a popular local park. Communal bins will encourage fly tipping and become a source of noise and obnoxious odours, as well as a hazard to pedestrians and drivers using the road. These bins will blight an attractive area, be environmentally adverse to all residents and users of the park and address a problem which does not exist in Nizells Avenue.

4. (vi) To receive the following petition presented at Council on the 24 April by Councillor Davis and signed by 188 people:

We the undersigned urge the Council to implement traffic calming measures to stop dangerous speeding cars cutting through Montefiore Road.

4. (vii) To receive the following petition presented at Council on the 13 March by Councillor Duncan and signed by 111 people:

We the undersigned would like Brighton & Hove City Council to agree for a plaque to identify the LGBT Suicide Memorial Tree in St Anne's Well Gardens.

4. (viii) To receive the following petition presented at Council on the 13 March by Councillor Elgood and signed by 15 people:

We the undersigned residents of Lansdowne Place (south) request the City Council to resurface our road following the work by 4D and Southern Water.

4. (ix) To receive the following petition presented at Council on the 24 April by Councillor Elgood and signed by 36 people:

We the undersigned residents of Brunswick and Adelaide Ward call on the city council to urgently repair the Floral Clock following recent vandalism.

4. (x) To receive the following petition presented at Council on the 13 March by Councillor Fallon-Khan and signed by 44 people:

As a resident of the area, I strongly support a traffic calming scheme on Wilbury Avenue, Wilbury Villas (railway bridge) and Wilbury Crescent, to curb the excessive speeds at which motorists travel down these roads and use them as a cut through.

4. (xi) To receive the following petition presented at Council on the 24 April by Councillor Fallon-Khan and signed by 185 people:

We, the undersigned ask Brighton and Hove City Council to introduce measures to prevent the parking in Nizells Avenue, Hove, of mobile homes and of lorries and vans capable of being slept in.

4. (xii) To receive the following petition presented at Council on the 24 April by Councillor Fallon-Khan and signed by 16 people:

We, the signatories, are submitting this:

*A Petition to retain the current house-to-house rubbish collection service.
(Denmark Mews)*

4. (xiii) To receive the following petition presented at Council on the 13 March by Councillor Hamilton and signed by 382 people:

Petition for speed cameras and a reduction of the speed limit on the Old Shoreham Road, Portslade between traffic lights Sainsbury's end and the traffic lights at Southern Cross end.

4. (xiv) To receive the following petition presented at Council on the 24 April by Councillor Kitcat and signed by 35 people:

We, the residents of Clifton Road in the Montpelier and Clifton Hill Conservation Area Brighton, have signed this petition to Brighton & Hove Council to register our opposition to the siting of any communal bins in our road on the grounds that:-

- 1. These bins are not wanted nor are they needed in our road. We have never experienced any litter problems with the existing use and collection of black plastic bin liners.*
- 2. To site any of these bins in our road would be aesthetically and hygienically unsuitable and inappropriate.*
- 3. We consider the placing of communal bins in our road which comprises a unique blend of listed Regency Victorian and Edwardian houses and modern retirement flats to be unacceptable and contrary to the interests if the residents.*

Communal bins encourage fly tipping, noise and nuisance and will blight our road and properties.

4. (xv) To receive the following petition presented at Council on the 13 March by Councillor McCaffery and signed by 160 people:

To Brighton and Hove Council,

In September 2007 the bronze statue of Olympic gold medal-winner Steve Ovett was stolen from Preston Park and, although retrieved, damaged beyond repair.

We the undersigned think this is a loss to the city's sporting and cultural heritage, and therefore ask that Brighton and Hove Council replace the statue of this local hero.

4. (xvi) To receive the following petition presented at Council on the 24 April by Councillor McCaffery and signed by 150 people:

We, the undersigned, ask the Council to consult residents in the streets immediately to the north of Ditchling Rise on a residents parking scheme as part of the London Road Station area scheme (currently being planned northwards to Ditchling Rise).

We are concerned that the parking situation in the area north of Ditchling Rise, which is already difficult for residents, could be made worse by displacement from the London Road Station area if the impact on the whole area is not considered.

4. (xvii) To receive the following petition presented at Council on the 13 March by Councillor Pidgeon and signed by 408 people:

We the undersigned call for the pedestrian refuge 2 at Carden Hill to be relocated to the bottom end of Keymer Road as shown on the enclosed map. This will enable the whole community, especially children, disabled and the elderly, to cross this dangerous road safely when using the new Doctors' Surgery, Carden Primary School, Patcham High School, buses and local shops. We also call for yellow road marking to be put in place at Carden Hill between the Library and Keymer Road alerting drivers that there is a school nearby. This is especially important due to the expected increase in traffic when the new Doctors' Surgery opens.

4. (xviii) To receive the following petition presented at Council on the 24 April by Councillor Pidgeon and signed by 41 people:

We the undersigned agree that Old London Road, Patcham, Brighton BN1 8 would benefit dramatically from traffic calming measures instead of the existing narrow two way road having to accommodate double parked vehicles and large delivery lorries often blocking the road and causing a daily hazard.

This petition is being presented to improve the road's safety following damage to parked vehicles.

4. (xix) To receive the following petition presented at Council on the 13 March by Councillor Rufus and signed by 107 people:

When the new parking zone system was introduced last Spring, the parking situation deteriorated significantly in zone Z in the evenings and at weekends. This was primarily due to the widespread conversion of single yellow lines to double yellow lines. Although it is accepted that for safety reasons not all of these changes can be reversed, we the undersigned believe that the double yellow line on the east side of Montpelier Villas should revert to being a single yellow line as this would provide considerable evening and Sunday parking and we understand that there is no safety reason for not doing this.

4. (xx) To receive the following petition presented at Council on the 24 April by Councillor Steedman and signed by 36 people:

We, the residents of Hereford Street and Essex Street, Brighton, wish to draw your attention to the problems that we are having regarding the Residents' Parking in both streets. We are classified as C Zone and the parking is Monday to Saturday from 8am to 8pm, whereas the H Zone (the next Zone to us) is Monday to SUNDAY 8am to 8pm. Therefore from Saturday 8pm to Monday 8am, we have difficulty parking in our two streets as the drivers from H Zone, and visitors to the town, park along our streets to save them paying at the Pay and Display in H Zone.

We ask you, please, look into this as soon as possible.

One suggestion we would like to make is that it could possibly be made Monday to SUNDAY 8am to 8pm, instead of SATURDAY.

Also, we would like to call your attention to the terrible problem we have with people from the hotel using visitors' parking vouchers. In the mandate they are supposed to park on the pay and display and as a LAST RESORT park on the permanent holders' bays, but they are using the LATTER all the time, leaving us residents nowhere to park. We do not expect to park outside our own houses all the time, but at present we do not have the opportunity even to park in our own streets!

It is not fair to any of us that pay our £80 a year to park, and we hope that you will consider finding a solution to this problem.*

**new price of £104 per vehicle per year. Also one resident space is being taken up by black bins in the near future in Hereford Street and two in Essex Street.*

We also need some road calming in both streets, as the roads are used as rat runs with cars speeding up and down ie. 'sleeping policemen' are needed and Hereford Street has an old peoples home in it (Martletts Court). Can you look into this please?

4. (xxi) To receive the following petition presented at Council on the 24 April by Councillor Wells and signed by 73 people:

We the undersigned request that the City Council install a lamp column at the eastern side of Central Park Woodingdean, to give safer access after the hours for the pedestrians that need to cross the Park to make use of the Convenience Store and the Woodingdean Bowling Club, during the hours of darkness.

4. (xxii) To receive a petition at the Environment Cabinet Member Meeting presented by Councillor Rachel Fryer regarding:

Closure of the alley at 27-28 George Street, Brighton.

4. (xxiii) To receive a petition at the Environment Cabinet Member Meeting presented by Councillor Pete West regarding:

Communal Bins in St Nicholas Road.

4. (xxiv) To receive a petition at the Environment Cabinet Member Meeting presented by Councillor Georgia Wrighton regarding:

Binvelopes in the Hanover area.

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 10(i)

Brighton & Hove City Council

Mr Alan McCarthy
Chief Executive
Brighton & Hove City Council

24 April 2008

Dear Alan,

Withdrawal of Metrobus Sunday bus services 87 and 82.

I would like this letter to be placed on the agenda of the Environment Cabinet Member's Meeting of 5th June and I will be attending to speak to it.

All City Councillors have been informed by the council's Public Transport Manager that Metrobus Ltd have taken the decision to withdraw their Sunday service that links Brighton & Hove with key areas of Sussex, including the Princess Royal Hospital, Haywards Heath. We were informed that the service would end on the 18th May.

The decision to withdraw these services is very regrettable in terms of bringing Sunday visitors into the City on public transport, enabling Brighton and Hove residents to visit patients at the Princess Royal Hospital and severing a transport link to the city from several outlying areas that are distant from rail stations.

We were informed that up until last year West Sussex County Council subsidised these services and after that funding ceased these services are, apparently, not commercially viable.

I am writing to request that the Cabinet Member for Environment, Cllr Geoffrey Theobald, and the Assistant Director for Sustainable Transport meet with Metrobus and West Sussex County Council to explore whether a joint council subsidy could mean that these services might be reinstated. Failing that, I would request that consideration is given to Brighton & Hove City Council providing the subsidy from DPE income.

It is vital that these services are maintained both in terms of the city's visitor economy and for people to be able to visit friends and relatives in hospital. I hope that since councillors were first informed of the ending of these services on 24 April, that measures will have been taken to save them. If not, then I would request that the requests that I have made are considered as a matter of urgency.

Yours sincerely,

Councillor Gill Mitchell

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 10(ii)

Brighton & Hove City Council

Mr Alan McCarthy
Chief Executive
Brighton & Hove City Council

23 May 2008

Dear Alan,

Refuse collection and recycling in Hanover & Elm Grove Ward

I would like to request that this letter be considered by the Cabinet Member for Environment at the meeting on Thursday 5 June, under the provisions of Procedural Rule 23.3.

I request a report which addresses the annual problem of split bin bags and refuse spilling out onto the streets, and the implementation of weekly recycling in Hanover and Elm Grove Ward.

Every year in Hanover, in the Spring/Summer months local wildlife breaks into black bags left out on the street for collection. This is not just when bags are left out early by householders, it is whenever a bag is put out onto the street.

We receive complaints every year about this unacceptable situation, and every year we request action. As we understand it, Cityclean also receive a number of complaints year on year from Hanover residents.

We have appreciated the efforts of street sweepers and enforcement officers to keep up with the problem, but a systematic solution needs to be put in place.

The area appears to us to have been low down the list of Council priorities in terms of providing refuse and recycling infrastructure over the years, compared with the town centre and outer lying areas.

Black recycling boxes are now in place, but were a long time coming for the area, especially for residents in narrow streets and are collected fortnightly, not weekly as for other town centre residents.

Last year, officers of Cityclean agreed to work with us for the implementation of a Binvelope trial in Lincoln Street in Hanover.

The trial has now been evaluated by officers, having received 54 mainly positive resident questionnaire responses indicating greater satisfaction with the cleanliness of the street and a desire for the scheme to continue. It

appears that despite some concerns regarding residents who continue to use black bags, or leave Binvelopes on the street, the overall feeling was positive.

However I have recently been informed by officers that no further action will be taken towards the roll out of Binvelopes in Hanover because:

- a) Some residents do not use them
- b) The 'shelf life' of Binvelopes is 18 months to 2 years and the cost of roll out to 3,000 residents in the neighbourhood could not be funded as an ongoing expenditure.

I am extremely disappointed by this response given the largely positive feedback from residents in the trial street and my own belief that Binvelopes appear to represent the best possible option to deal with the problem, given the particular characteristics of Hanover.

I fail to understand why, if adequately cleaned and maintained, they could not be used for many years by successive households. With the right support and encouragement from the Council, and ongoing information to residents there should be no reason why they couldn't be an ongoing solution. Enforcement could surely deal with any Binvelopes left out which cause obstruction or represent harm to local amenity, or where bags left out are a problem.

I consider that this matter should be dealt with as a priority, and would request that an officer report be brought back to the next Cabinet Member meeting with:

- 1) An evaluation of the options, including Binvelopes, to address the problem of refuse spilling out onto the streets in Hanover and setting out a proposal for the way forward towards achieving a satisfactory solution that meets residents' expectations of street cleanliness, amenity and quality of life.
- 2) Consider a timeframe for the implementation of weekly recycling in the area.

Many thanks,

Georgia

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 14

Brighton & Hove City Council

Subject: Procurement of Minor Highway Works Contract
Date of Meeting: 5th June 2008
Report of: Director of Environment
Contact Officer: Name: Ian Furnell Tel: 292239
E-mail: lan.furnell@brighton-hove.gov.uk
Key Decision: Yes Forward Plan No. ENV0001
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report requests approval to procure, through the EU procurement process, a Minor Highway Works Contract for the period 2009 – 2013 with an anticipated value of £16 million its duration.

2. RECOMMENDATIONS:

- (1) To approve the procurement of the Minor Highway Works Contract

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The contract will provide the civil engineering element of highway maintenance works, environmental enhancement projects, traffic management works and traffic signal alterations. It also provides for the resurfacing and reconstruction elements of the highway maintenance programme. Consequently, there can be a variation in the value of Works Orders from about £1,500 to £350,000 (However higher value projects may be included where appropriate) and about 200 orders are issued each year. The location of the work can be anywhere within the City of Brighton and Hove.
- 3.2 The contract will commence on 1 January 2009 and terminate on 31 December 2012. Subject to satisfactory Contractor performance the Contract may be extended annually until 31 December 2014.

A typical annual spend profile is shown below.

Patching of carriageways	£ 225 K
Preventative Maintenance	£ 820 K
Projects	<u>£ 3000 K</u>
Total	£ 4045 K p.a

Therefore the projected value of works issued through this 4 year contract is potentially £16 million (plus £8 million if a 2yr extension option is taken up at the Council's discretion.)

- 3.3 This will be a Term Contract and the council will approve three Contractors to be considered for works issued through the contract. Payment for these works will be from a call-off Schedule of Rates, with each project being evaluated against the three Contractor's Schedule of Rates. The Contractor offering the Council the most advantageous outcome will then be offered the project. However there is no guarantee of any work for any appointed contractor
- 3.4 Whilst this contract has a predicted value of £16 million, all works undertaken are independently approved through funding streams such as the LTP budget, CDT funding and Highways Maintenance Revenue Budgets.

4. CONSULTATION

- 4.1 Consultation at this stage as been with Strategic Finance and Procurement.
- 4.2 Strategy and Governance (Legal) will be consulted prior to inviting tenders.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

Capital - LTP funded highway maintenance and Integrated Transport project works are subject to annual award from the Department for Transport and approval to spend is sought annually. Cycling Demonstration Town funding is another major capital funding stream that delivers infrastructure changes.

Revenue - Road and footway revenue funded maintenance schemes are delivered through this contract . In the recent past the existing contract has been used off the highway to deliver works in the parks, allotments, cemeteries, and this can continue.

Legal Implications:

- 5.3 Under The Highways Act 1980, the Council has a statutory duty to maintain the public highway and powers to undertake improvements.
- 5.4 Works undertaken through this contract shall, in addition to the legal requirements of the Council's Procurement Code of Practice, have regard to all legislation relating to construction works.

Equalities Implications:

- 5.5 The Council's Code of Practice on Equalities and Workforce Matters is enforced in all procurement.

Sustainability Implications:

- 5.6 Sustainability is promoted in all highway engineering contract procurement. Specifications allow for recycling and development of sustainable processes. Contractors are required to have or be actively working towards ISO14001 certification.

Crime & Disorder Implications:

- 5.7 None directly arising from this report.

Risk and Opportunity Management Implications:

- 5.8 There are risks involved in failing to maintain the public highway in accordance the council's approved Highway Maintenance Plan. Failure to improve or maintain the highway adversely affect National Indicators, Best Value Performance Indicators and potential funding.

Corporate / Citywide Implications:

- 5.9 The contract will deliver revenue and Capital funded works across the City and can be utilised by other departments through the Council

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Various procurement options have been discussed with Strategic Finance and Procurement and this form of contract, procured through the EU process is considered most suitable. The use of a term contract with "Call-off", Schedule of Rates, allows market tested competitive rates to be utilised for highway works and by departments throughout the council, without the need for additional tendering.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Council has a statutory duty to maintain the public highway and statutory powers to undertake improvements. This Contract facilitates both of these requirements for revenue and capital funded works
- 7.2 This contract succeeds the current Minor Highway Works Contract that terminates on 31st December 2008

SUPPORTING DOCUMENTATION

Appendices:

None.

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 15

Brighton & Hove City Council

Subject:	Sustainable Building Design Supplementary Planning Document (SPD)		
Date of Meeting:	5 June 2008		
REPORT OF:	Director of Environment		
Contact Officer:	Name:	Paula Goncalves	Tel: 29-2352
	E-mail:	paula.goncalves@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No. – <i>Procedural Rule 16 complied with</i>	
Wards Affected:	All		

FOR GENERAL RELEASE

The late inclusion of this item in the Forward Plan is due to the need for guidance to clarify which types of supplementary planning documents represent a key decision in terms of the forward plan. This guidance is now being prepared.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report sets out the results of consultation undertaken on the draft Sustainable Building Design SPD (Appendix 1) and seeks approval of the changes made as a result of these representations and in response to new Government guidance (Supplement to Planning Policy Statement 1: Planning and Climate Change). It recommends adoption of the Sustainable Building Design SPD (Appendices 2 and 3) and the new Brighton & Hove Sustainability Checklist to support the implementation of Policy SU2 of the Brighton & Hove Local Plan.

2. RECOMMENDATIONS:

- (1) To note the results of the public consultation exercise (Appendix 2) and endorse the changes made to the draft Sustainable Building Design SPD.
- (2) To adopt the Sustainable Building Design SPD as part of the Local Development Framework, subject to any minor grammatical and non-material text and illustration alterations agreed by the Director of Environment in consultation with the Environment Cabinet Lead. The SPD and its annex document are attached as Appendices 3 and 4 respectively.
- (3) To agree that this SPD will be implemented on 1 July 2008 and will then supersede existing Supplementary Guidance Notes 16 (Energy Efficiency & Renewable Energy) and 21 (Sustainability Checklist).
- (4) To adopt the new Brighton & Hove Sustainability Checklist as part of the Sustainable Building Design SPD, subject to any minor non-material alterations agreed by the Director of Environment in consultation with the Environment Cabinet Lead.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Early stakeholder consultation on Issues & Options took place in September 2006. Responses informed the format and content of the Draft SPD.
- 3.2 An officer supporting group was formed to support work on the Draft SPD. The group was consulted on earlier and intermediate versions of the document.
- 3.3 The draft SPD was approved by Environment Committee on 13 September 2007 for the purpose of formal public consultation for a period of six weeks from 26 October to 7 December 2007.
- 3.4 A consultation report containing a summary of responses was completed in late December 2007.
- 3.5 New Government guidance which requires policy setting local sustainability standards to be developed in a Development Plan Document (DPD) to allow for examination by an Inspector was published on 17 December 2007.
- 3.6 In response to consultation responses and publication of new Government Guidance the following amendments have been made to the draft SPD:
 - targets and standards in this SPD are now aspirational with former 'requirements' being now expressed as 'recommendations';
 - the SPD is more flexible in application as requested by respondents, while still providing clear guidance of what the council recommends for developments in the city in terms of sustainable building design standards;
 - recommendations for at least 20% of carbon savings from onsite low and zero carbon (LZC) technologies have been removed as the incorporation of such technologies is inherent to delivery of zero carbon development already contained in the SPD;
 - a list of criteria for assessing the achievement of recommended standards (site constraints, technical viability, financial viability and delivery of additional benefits) was incorporated into the SPD to support implementation;
 - format and content of the annex document, which contains supporting information on implementation issues regarding zero carbon development have been amended to make it clearer, more concise and user-friendly;
 - the glossary and document list have been updated and extended in response to specific representations to statutory consultation; and
 - where applicable, minor changes suggested by respondents with regards to wording, terminology and definition used were amended.
- 3.7 Additionally, a requirement was included for planning applications involving residential new build and conversions to submit a completed new Brighton & Hove Sustainability Checklist for the purposes of validation.

4. CONSULTATION

- 4.1 Statutory public consultation on the draft SPD was undertaken for 6 weeks in October-November 2007. Among those who contributed were Government agencies and organisations; Brighton & Hove City Council officers; members of the public; environment and community groups; businesses; professional organisations; political parties; and utility companies.
- 4.2 The draft SPD was sent to more than 880 organisations, groups and/or individuals and publicised on the council's website and in the Brighton & Hove Argus. A total of 41 representations were received (details in Appendix 2).
- 4.3 In summary, 38 respondents welcomed the SPD as a means of setting local standards for sustainable building design. The Home Builders Federation was the only respondent to request that the document not proceed. 14 respondents registered no significant concerns over content including 2 statutory consultees: the Environment Agency and Natural England. Overall, respondents welcomed aspirations for more resource-efficient buildings and the use of minimum levels/ratings for the Code for Sustainable Homes and/or BREEAM standards.
- 4.4 24 respondents raised various concerns over particular standards set out in the document. Some suggested flexibility in application of standards should be built into the document to cater for site-specific constraints, financial viability and delivery of additional benefits by developments. Others felt more clarity was needed with regards to implementation details.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Officer training will be undertaken by council staff and will not incur any additional cost. Funding has been secured from SEERA and SEEDA for software development in respect of the associated sustainability checklist. From July 2008 onwards the council will be responsible for maintenance and technical support of the software amounting to £3,500 per year. City Planning and the Sustainability Team will share these costs, which will be met from existing budgets.

Finance Officer consulted: Derek Mansfield. Date: 29 April 2008

Legal Implications:

- 5.2 The formal consultation on the draft SPD complied with regulations 17 and 18 of the Town and Country Planning (Local Development) (England) Regulations 2004. The Sustainability Appraisal complies with Section 39 of the Planning and Compulsory Purchase Act 2004. No human rights implications have been identified as arising from the report. The adopted SPD will be a material planning consideration in the determination of relevant planning applications.

Lawyer consulted: Hilary Woodward. Date: 29 April 2008.

Equalities Implications:

- 5.3 Local Development Framework Core Strategy Equality Impact Assessment (EQIA) issues relevant to this SPD have been considered. Monitoring and implementation measures have been put in place to evaluate the impact of this SPD as a result.

Sustainability Implications:

- 5.4 Sustainability issues are the fundamental purpose of the SPD and it is subject to a Sustainability Appraisal.

Crime & Disorder Implications:

- 5.5 None identified.

Risk and Opportunity Management Implications:

- 5.6 None identified.

Corporate / Citywide Implications:

- 5.7 None identified.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 As part as the SPD development process, alternative options were discussed with stakeholders at the early consultation phase. The Sustainability Appraisal tested the possibility of 'doing nothing' and looked at other options for delivery. As a result of this process, the written document containing minimum standards is accompanied by web-based supporting information and tools.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ensure there is detailed, up to date, clear advice to all those with an interest in the development process on relevant sustainable design policies.
- 7.2 To improve the environmental performance of the city's new build and existing buildings and make sure all developments achieve the highest possible standards of sustainable building design.
- 7.3 To ensure development in the city mitigates against and adapts to climate change.
- 7.4 To meet Government guidance.
- 7.5 To deliver more effective implementation of sustainable building policies and improved monitoring.
- 7.6 To enable the local planning authority to prepare for implementation of the SPD and local planning applicants/agents to familiarise themselves with its contents.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Sustainable Building Design SPD, Summary of responses to public consultation, December 2007.
2. Sustainable Building Design SPD.
3. Sustainable Building Design SPD – annex document.

Documents in Members' Rooms

1. Draft Sustainable Building Design SPD, Summary of responses to public consultation, December 2007.
2. Sustainable Building Design SPD.
3. Sustainable Building Design SPD – annex document.
4. Sustainability Appraisal.

Background Documents

1. Minutes Environment Committee of 13 September 2007 (item 58 on agenda).
2. Consultation Statement.
3. Sustainability Appraisal.
4. Supplement to Planning Policy Statement 1 (Planning and Climate Change).

**Brighton and Hove City Council
City Planning**

Local Development Framework

Draft Sustainable

Building Design

Supplementary Planning Document

Summary of responses to public consultation

December 2007

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1 Introduction

This report provides a summary and analysis of responses received in relation to the public consultation on the Draft Sustainable Building Design SPD. The document was out for consultation between 26 October and 7 December 2007 and attracted 41 responses.

Responses were grouped by theme raised. The analysis is based on responses registered in term of their support or objection to SPD proposals, concerns raised and suggestions made regarding any particular theme. A list of respondents is provided at the end of the document.

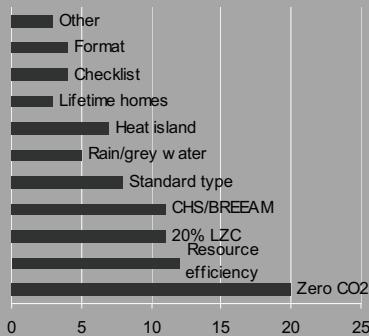
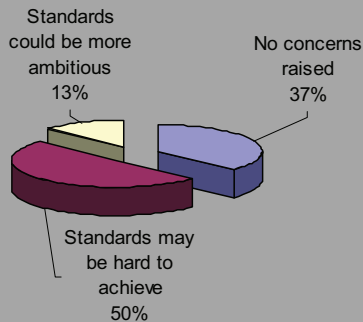
This report sets out the views of respondents, not the views of Local Authority itself.

In summary, there is broad support for the format, objectives and proposals set out in SPD. A significant number of detailed responses provide evidence and insight that will help local policy makers to refine and develop the document further.

The final version of this SPD is due to be submitted to Brighton & Hove City Council's Environment Committee for adoption in March 2008.

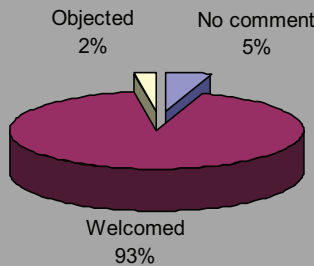
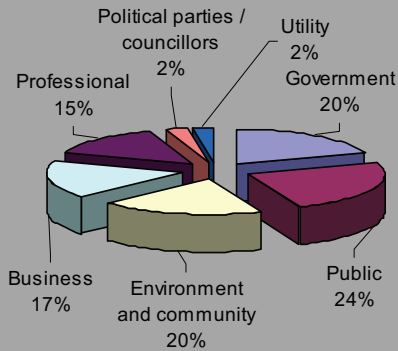
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Executive summary



- Overall 93% of respondents welcomed the document as a means of setting local standards for sustainable building design.
- As the graph on the left indicates, 37% of respondents registered no significant concerns over document content. Among those were two statutory consultees: the Environment Agency and Natural England.
- 63% of respondents raised various concerns over particular standards set out in the document. Some, mainly from the business and professional sector, felt the standards were too stringent or would be difficult to meet. Others, mainly from the public, political party and environment/community sectors, who felt standards could be more stringent.
- As the chart on the left indicates, issues attracting the highest number of comments were:
 - zero net annual CO₂ emissions from energy use (and off-setting via improvements to existing homes);
 - resource efficiency and climate change proofing;
 - 20% CO₂ emissions from onsite low and zero carbon (LZC) technologies; and
 - CSH/BREEAM minimum standards.
- As far as proposals for **zero net annual CO₂ emissions** from energy use is concerned half of respondents to this issue felt more clarity is needed with regards to the implementation details. Respondents from the business sector felt flexibility of approach to cater for site-specific constraints, financial viability and delivery of additional benefits needs to be built into the document.
- As far as **resource efficiency and climate change proofing** is concerned the majority of respondents welcomed requirements for more resource-efficient buildings. Suggestions were made to push the agenda further, particularly when it comes to climate change proofing in general and energy, water, water run-off and SUDS in particular.
- As far as **20% onsite low and zero carbon (LZC) technologies** are concerned the majority of those commenting on this issue, mostly from the business sector, felt the use of a pre-established minimum percentage for on-site provision as a blanket policy was not flexible enough to cater for site conditions and limits of low and zero carbon technologies.
- As far as **CSH/BREEAM** is concerned the majority of those commenting on this issue welcomed the use of minimum standards as proposed.

3 Summary of findings



For the purpose of this analysis findings have been broken down into 7 respondent categories:

- Government (sections/departments of Brighton & Hove City Council, government agencies and regional organisations);
- Public (members of the public);
- Environment and community groups (includes amenity, voluntary sector and local groups);
- Businesses (landowners, developers and builders);
- Professional organisations (including planners, consultants and architects);
- Political parties; and
- Utility companies.

Of the 41 responses received, 8 have been received from government bodies, 10 from the public, 8 from environment and community groups, 7 from businesses, 6 from professional organisations, 1 from a political party and 1 from a utility company.

As the graph on the left shows, the majority of respondents (38) welcomed the production of the document, some providing detailed comments on SPD contents.

2 respondents (including one from the environment and community and government sectors) did not provide comments on SPD content.

3.1 Setting standards for Brighton & Hove

Objecting

One respondent from the business sector (House Builders Federation) felt there was no merit in pursuing local standards and that the document does not meet requirements set out in national policy in general and Planning Policy Statement 12 (Local Development Frameworks) in particular.

Supporting

Of the 38 respondents who provided comments, 27 (96%) from various sectors commended willingness to face up to the environmental challenges facing the city with 8 (29%) commending the leadership of the local authority, particularly in the area of climate change.

As the table below indicates, 14 (34%) of the 41 respondents raised no significant concerns over SPD content. Among those raising no concerns were the Environment Agency, Natural England and the South East England Regional Assembly (SEERA).

	Government	Public	Environment and community	Businesses	Professional	Political party	Utility	Total
No concerns raised	3	5	4	-	1		1	14
Concerns standards may be hard to achieve in some areas	3	3	3	6	5	-	-	19
Concerns standards could be more ambitious in some areas	1	2	-	-	-	1	-	5

Concerns

24 (59%) of a total of 41 respondents raised concerns over some of the standards set out in the document. As the table above indicates, the majority felt certain standards and/or a combination of standards may be hard to achieve while 5 felt the standards could be more ambitious.

11 (58%) of the 24 respondents registering concerns over achievable standards were from the business and professional sectors. For most (9), potential adverse impact upon **cost, financial viability and affordability** of development schemes were at the heart of their concerns. Most felt rigid implementation of SPD requirements could compromise future development in the city. The other 2 respondents (one professional and one political party) felt cost impacts upon new build are determined by the overall market and not by sustainability standards. They suggested the tools are available for meeting standards and expertise and commitment is what is needed. They also felt the document could benefit from more ambitious standards.

One respondent from the business sector felt too much technical information/expertise will be required of planning applicants before planning approval can be granted with likely cost implications.

The respondent who suggested the document be dropped cited unrealistic targets and costs as justifications for doing so.

16 (40%) of a total of 41 respondents expressed concern over **implementation** issues. Of those 11 (69%) felt flexibility would be needed when implementing particular standards and or combination of standards. 7 (44%) felt monitoring and benchmarking would be instrumental in securing implementation.

2 respondents from professional organisations registered concern over the ability of in-house council planning staff to deal with the workload associated with the sustainability checklist and pre-application consultation demand within required deadlines.

Suggestions

11 (58%) of the 24 respondents who registered concerns over achievable standards suggested **flexibility** should be built into the document to allow for negotiation over such as:

- site-specific conditions;
- economic viability and delivery of affordable housing and other community uses (such as schools);
- balance with other Section 106 (Planning Obligations) requirements;
- overall merits/nature of scheme (including conservation); and
- delivery of other benefits such as regeneration.

One developer suggested a phased approach to **rising standards over time** as a means of granting the construction industry time to absorb changing standards.

4 (10%) of a total of 41 respondents suggested **further research** is needed to assess the cost impact of sustainability measures.

1 respondent from the local government sector suggested the **baseline training** for all developers on SPD requirements be provided.

11 (27%) of a total of 41 respondents put forward suggestions for **re-wording** of particular segments of the document and 16 (39%) indicated **further clarification** was needed with regards to particular concepts, standard, targets and means of achieving requirements.

These as well as other comments and suggestions regarding particular requirements are detailed later in this document.

4 (10%) of a total of 41 respondents registered comments regarding the proposed document format.

Supporting

All 4 respondents (3 from the government sector) welcomed the proposed format (written statement detailing requirements and dedicated webpages containing supporting information and advice).

3.2 Format

3.3 Standards by development type

Suggestions

One respondent suggested that an e-learning specialist company be appointed to develop and manage both website and learning package to deliver interactive and positive learning experience. Another that the main document should be more target-based and provide more clarity on how performance can be measured and practical guidance on how to achieve targets. Another felt that practical examples could be incorporated to make document easier to understand. Another that the policy section should be expanded in main document and technical segments shifted to annex.

8 (20%) of a total of 41 respondents registered comments regarding this issue.

Supporting

7 respondents from various sectors (government, member of the public, business, environment and community groups and utility company) welcomed this approach as acknowledging the role economies of scale play in the development process.

6 respondents welcomed the inclusion of minimum standards for householder and small-scale developments and/or measures targeting the existing stock.

Concerns

2 members of the public felt standards could be raised for the householder/small development category, while 2 others, from local government and a local professional organisation, felt proposed standards could be difficult to achieve for those within this as well as the medium-scale category.

3.4 Zero net annual CO2 emissions from energy use

20 (49%) of a total of 41 respondents registered comments regarding no net annual CO2 emissions from energy use and/or off-site off-setting of residual onsite CO2 emissions.

Objecting

One respondent from the business sector objected to the establishment of local standards for CO2 reduction.

Supporting

7 respondents supported in principle the proposal for carbon emissions reduction. 4 of those felt the proposals do not go far enough suggesting that a percentage reduction be set for smaller development sizes. The remaining 3 felt flexibility in the application of this principle

would be important to safeguard implementation.

Concerns

7 respondents suggested the no net annual carbon emissions requirement accompanied by off-setting measures to improve the environmental performance of existing homes could be contrary to the provisions of Circular 05/05 (this circular provides guidance on the use of planning obligations in England under section 106 of the Town and Country Planning Act 1990 as substituted by the Planning and Compensation Act 1991).

A few commentators felt using contributions to upgrade the council's own stock and/or 'taxing' new homes would be inappropriate within the framework of Circular 05/05.

Suggestions

10 respondents felt more clarity is needed with regards to:

- building flexibility into the zero carbon definition;
- how no net annual emissions from energy use fares against the Code for Sustainable Homes Level 6;
- how the carbon calculator works (including more detail on baselines and base values used);
- how to meet targets;
- how contributions to off-set CO₂ emissions will be used and how it fits into the framework of Circular 05/05; and
- whether other sources of funding for improving the existing stock would be pursued.

7 respondents suggested a legal opinion be taken to assess whether this standard is Circular 05/05 compliant.

2 respondents suggested examples of zero carbon development in Brighton be incorporated into the SPD.

One respondent suggested that instead of requesting a commuted sum the local authority should put in place financial incentives for developers such as fast tracking complying planning applications.

Another suggested a 'notional' Part L compliant building could be used as a baseline for setting targets for carbon reduction.

11 (27%) of a total of 41 respondents registered comments regarding proposed standards for low and zero carbon technologies (LZC) technologies.

Objecting

One respondent, from the business sector, opposed the use

of a pre-established minimum percentage for on-site provision.

Supporting

2 respondents agreed in principle with this proposal, particularly the fact that no specific technology is required.

One respondent from a political party suggested more grants need to be put in place to support energy efficiency improvement in existing stock and/or the use of LZC technologies, particularly roof and cavity wall insulation and solar heating.

Concerns

7 respondents, mostly from the business sector, felt the use of a pre-established minimum percentage for on-site provision as a blanket policy was not flexible enough. They felt the choice of technologies available and on-site limitations does not allow for such a target to be met in every situation.

One respondent from the government sector considered 20% for medium-scale developments too high.

Another respondent felt 20% was too low.

Suggestions

All those from the business sector that expressed concern over a blanket approach suggested flexibility needs to be built into implementation.

4 respondents suggested that further information on LZC technologies their pros and cons needs to be incorporated into the document as well as (including biodiesel from recycled oils) reference to the council's Microgeneration Planning Advice Note (PAN).

One respondent from a political party suggested more clarity was needed with regards to LZC baseline used to judge CO2 emissions reduction against. This respondent also suggested that:

- among the options considered from meeting the 20% requirement there should be no 'buy in' of green electricity;
- onsite provision be clearly favoured as opposed to off-site options;
- when off-site provision is incorporated, only new generating capacity be factored in;
- solar thermal be made a requirement for all development;
- all non-residential uses should be subject to LZC requirement (10%-20%).

3.6 CHS/BREEAM standards

11 (27%) of a total of 41 respondents registered comments regarding the use of Code for Sustainable Homes (CSH) and BREEAM standards.

Objecting

One respondent from the business sector objected to the use of CSH levels locally. It was felt these should be set at the national level and guided by raising standards in Building Regulation up to the Government's 2016 zero carbon target.

3 respondents objected to higher standards set for Greenfield sites.

Supporting

5 respondents welcomed the use of proposed standards, including EcoHomes for refurbishment, for the various development sizes. 2 respondents highlighted the potential these give for progression over time of such standards.

Concerns

3 of the 5 respondents supporting proposed standards, mostly from the government sector, suggested standards could be higher for some or all development sizes.

One respondent felt insulation standards within the Code for Sustainable Homes were too low and that minimum U values should be specified instead.

Suggestions

One respondent from the business sector suggested CSH Level 3 could be required for major developments with aspiration to move to L4 in as future policy objective until the impact of delivering Level 3 is properly assessed.

One respondent from a political party suggested a phased progression to higher CSH levels could be incorporated into the SPD (one level up from those currently proposed by 2011) or that a statement be added indicating that current levels will be reviewed in 3 years.

One respondent from a professional organisation suggested insulation standards be guided by specification of minimum U values rather than CSH L3 and that good practice examples for higher insulation levels be provided.

3.7 Resource efficiency and climate change proofing

12 (29%) of a total of 41 respondents registered comments regarding the resource efficiency and climate change proofing.

Supporting

Overall these respondents welcomed proposals to require developers to demonstrate higher levels of resource efficiency in buildings, particularly when it comes to water, water run-off, SUDS, energy and standards for existing buildings.

Concerns

Respondents felt more could be incorporated into the document with regards to:

- water neutrality
- efficient and sustainable water supply and wastewater infrastructure;
- the use of green roofs and walls;
- SUDS and flooding;
- climate proofing, particularly natural cooling and ventilation; and
- materials.

Suggestions

On energy:

- consider using wording of Uttlesford Council policy for extensions with improvements to existing building;
- consider introducing planning restrictions on the use of outside patio heaters;
- make chimney in living room mandatory as a way of facilitating alternative methods of heating; and
- consider ban on retail outlets open door use which rely on hot air blowers (no draught lobbies).

On water:

- encourage suppliers to provide more highly efficiency water appliances and double glazing;
- make reference to good practice examples (Making Space for Water – Uckfield, Water neutrality in Thames Gateway report, Progression to higher CSH levels (Horsham - SPD for West Horsham); and
- Southern Water suggested that in order to comply with PPS 1 paragraph 36, the local authority makes sure:
 - onsite and off-site sewers are constructed to 'Sewers for Adoption' standards (major developments)
 - surface water is separated from foul sewers;
 - pre-construction agreements are put in place at large and/or for mixed ownership sites to coordinate whole-site approach to water resources.

On water-run off and SUDS:

- provide good practice examples of block paving as part

3.8. Rainwater harvesting/grey water recycling systems

of SUDS proposals and chalk sub-strata and potential for use as soakaway.

Additionally, one respondent suggested the incorporation of good practice examples of green roofs, particularly those that do not rely on use sprinklers for maintenance.

5 (12%) of a total of 41 respondents registered comments regarding the rainwater harvesting and/or grey water recycling systems.

Supporting

One respondent from the government sector (Environment Agency) welcomed the request of a feasibility study. The remaining 4 felt this requirement could be extended to all development and for major developments to make it a requirement rather than a request for feasibility study.

Suggestions

One respondent from a political party suggested that the onus should be on the developer to demonstrate these systems are not appropriate. Also it was suggested that the document indicates what are valid reasons for not incorporating such systems as, for instance, excessively high carbon emissions.

3.9 Off-site tree planting

7 (17%) of a total of 41 respondents registered comments regarding the off-site tree planting.

Supporting

2 respondents, one of which was Natural England, welcomed this proposal as it not only helps to minimise heat island effect but enhances biodiversity and contributes to the green infrastructure of the city.

Concerns

1 respondent queried how off-site contribution to tree planting would off-set the heat island effect of particular buildings.

Suggestions

3 respondents from the business and professional sectors felt more clarity is needed with regards to how on-site provision of tree planting will be used and how it would fare against off-site tree planting in vicinity of the site.

Natural England recommended that the most appropriate species be used such as wildlife native species of local provenance.

3.10 Lifetime home standards

3 (7%) of a total of 41 respondents registered comments with regards to the Lifetime home standards.

Objecting

One respondent from the business sector objected to this proposal as a blanket policy.

Supporting

Two respondents, one from the business sector and one from the government sector welcomed the use of such standards.

3.11 Sustainability checklist

4 (10%) of a total of 41 respondents registered comments with regards to the sustainability checklist.

Supporting

Two respondents from a political party and government sector welcomed the proposed checklist.

Concerns

One respondent from the professional sector felt the proposed householder/small-scale checklist was too complex (not suitable for applicants within this threshold), that the online tool for planning applications could disenfranchise the computer-illiterate and that for those using the Energy Saving Trust report there could be a risk of being subject to identity fraud (as EST keeps info on applicants to the report).

Two respondents from a political party and government sector suggested the requirement for submission of the checklist could be extended to other types of development.

Suggestion

One respondent from the professional sector suggested more information be provided for householders with regards to what would be expected of applicants that have done all that could be done to improve the performance of existing buildings at a reasonable cost. This respondent also suggested more information on checklist status when it comes to planning appraisal of application is provided and that selected questions from householder checklist could be removed to make it shorter.

One respondent from a political party suggested guidance be given on what counts as an acceptably completed checklist for each development size.

3.12

Supporting

Other issues

3 (7%) of a total of 41 respondents from the business and government sectors welcomed the inclusion of commitment to Considerate Constructors Scheme.

Concerns

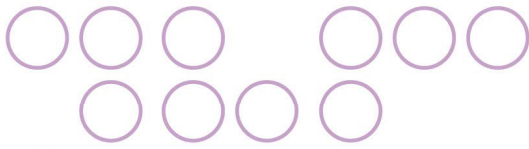
One member of the public felt the document did not deal with the sustainable transport satisfactorily.

**4
List of respondents**

Adamson, Catherine
Brighton & Hove City Council's Architecture & Design
Brighton & Hove City Council's Conservation & Design
Brighton & Hove City Council's Cultural Services
Brighton & Hove Economic Partnership
Brighton & Hove Housing Partnership
Buildings Group and Hub Group Transition Brighton and Hove
Cathedral Group plc
Chowns, Jonny
Commission for Architecture and the Built Environment (CABE)
Creedy, Michael
Derwent, Stuart
Duff, Stephen
Ecosys Environmental Management & Education
Edmond-Smith, Joyce
Environment Agency
Explore Living / Laing O'Rourke
Fairview New Homes
Green Party group of Councillors
House Builders Federation
Ken Neal and Associates, Building Design and Environmental Consultants
Kuchler, Wolfgang
Miller Bourne Architects
Mott MacDonald Group
Natural England
Parker Dann
Peterkin, Craig
Pollack, Brenda
Rottingdean Preservation Society
Royal Institute of British Architects (RIBA), Sussex branch
RPS Group



Sainsbury's Supermarkets
South East England Regional Assembly (SEERA)
Southern Water
St James Investments
Sussex Wildlife Trust
The Brighton Society
The Round Hill Society
The Theatres Trust
Unique to Brighton
Waldbaum, Hanna



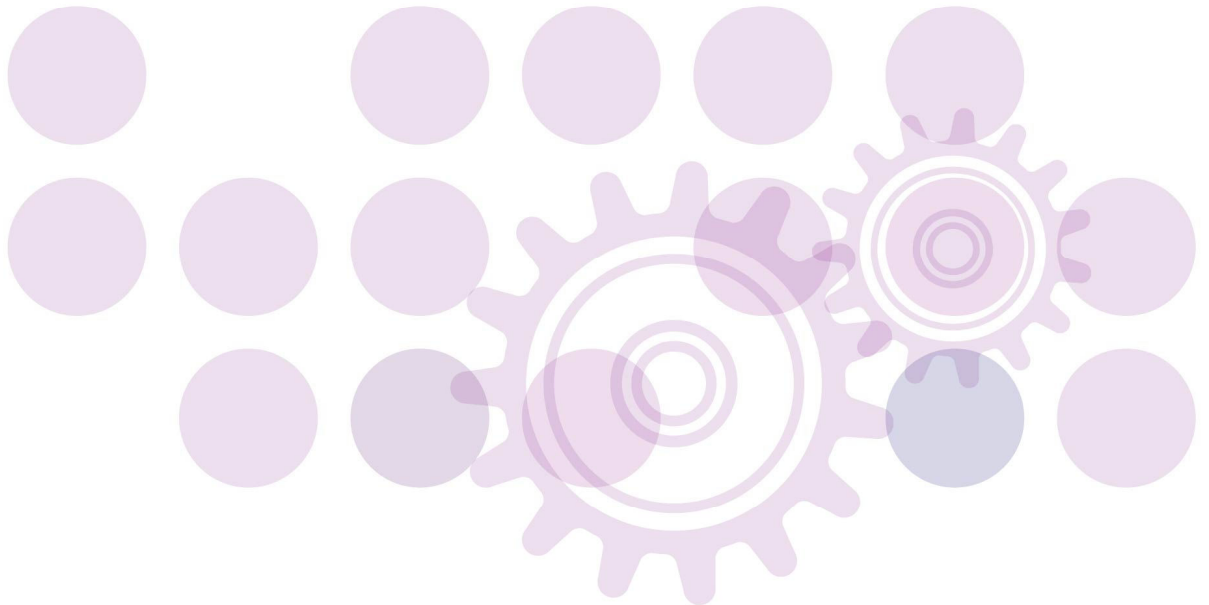
spd

supplementary planning document

Brighton & Hove City Council's Local Development Framework

Yet to be adopted

sustainable building design



Brighton & Hove

Summary table

Householder and small-scale developments	<ul style="list-style-type: none"> ▪ New residential and/or mixed-use developments with 2 or fewer residential units; or ▪ residential extensions, conversions and changes of use and/or mixed-use developments numbering 2 or fewer residential units; or ▪ retail of 150 sq m or less; or ▪ any other development of 235 sq m or less. 												
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	New build non-residential	<ul style="list-style-type: none"> ▪ Lifetime Home Standards. ▪ 70% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'; and ▪ submit feasibility study on rainwater harvesting and grey water recycling systems.
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* Planning applications involving residential new build and conversions not accompanied by a completed sustainability checklist will be considered invalid. For further information/advice please visit www.brighton-hove.gov.uk/sustainability-checklist

What is an SPD?

A Supplementary Planning Document (SPD) is one of the material considerations that can be taken into account when determining a planning application. It forms a part of the Local Development Framework (LDF) and is intended to expand or add details to planning policies in the Development Plan Documents (DPD).

This SPD is one of a series produced by Brighton & Hove City Council and it is to be read in conjunction with the DPDs. Each SPD has been subject to a period of formal consultation and approval under the LDF. The guidance in this document does not take away the requirement to comply with Building Regulations or other statutory requirements.

Supplement to Planning Policy Statement 1 (PPS1) on climate change requires that local standards for sustainable buildings be set in a Development Plan Document (DPD). For this reason, the standards detailed in this document come in advance of local standards to be set in the Core Strategy. The Core Strategy is due to be submitted in Spring 2009 with a view to adopting in Spring 2010. The monitoring tools put in place alongside this SPD, particularly the Brighton & Hove / Southeasty Checklist, will serve to provide evidence in support of standards proposed in Core Strategy policies. Should local standards be agreed, this SPD will be reviewed accordingly.

In preparing this SPD the council has had particular regard to the relevant policy documents, particularly:

- Planning Policy Statement 1 (sustainable development) and Supplement to PPS 1 (planning and climate change);
- South East Plan policies, particularly policy CC4 (sustainable construction);
- Brighton & Hove Local Plan Policy SU2 (efficiency in development in the use of energy, water and materials) in particular, but also policies SU1, SU4, SU14, SU16, QD1, QD3, QD14 and QD15;
- refreshed Brighton & Hove 2020 Community Strategy ambitions and targets; and
- emerging Brighton & Hove Core Strategy policies.

It incorporates existing guidance on renewable energy (SPGBH 16) and sustainability checklist (SPGBH 21) and complements SPDs on Construction and Demolition Waste (SPD03) adopted in 2006 as well as the forthcoming

SPDs on Nature Conservation and Developers Contributions. This draft SPD was adopted by the Environment Committee on March 2008.

*In order to make sure the information in this document is user-friendly and upto date, the SPD is composed of this **written statement** detailing minimum standards recommended for developments in the city and **dedicated pages in Brighton & Hove City Council's website** containing supporting information and advice on how to meet the recommendations.*

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Section 1 – Introduction

1.1. What is Sustainable Building Design?

The way we design, build, operate and decommission buildings has significant impacts on the environment. In the UK, the built environment is responsible for 50% of carbon dioxide emissions (CO₂) and 24% of waste generation is from demolition and construction. Households are responsible for 25% of CO₂ emissions, over 50% of water consumption, and 8% of waste generation¹. Our current energy and resource use is not sustainable; future generations will not be able to enjoy the same quality of life we do unless we reduce the environmental impacts associated with our lifestyles and the way we design and use buildings.

Designing and constructing buildings with improved environmental performance is an essential part of delivering sustainable development. This means looking at:

- energy efficiency: how buildings can maintain a comfortable indoor temperature and appropriate light levels but use less energy for heating, cooling and lighting (space and water heating are responsible for 73% of domestic UK emissions²);
- approaching resource use sustainably: minimising waste, minimising water use, sourcing locally, and using sustainable materials (that are non-polluting, from renewable sources, recyclable and have recycled content, sourced locally and have low embodied energy);
- enhancing biodiversity;
- promoting sustainable transport provision; and
- exploring health impacts from buildings and development.

Applying these design principles minimises the environmental impact of new buildings. However, new buildings account for less than 1% of overall stock at any time³. It is therefore crucial to apply these principles to buildings already standing to improve their environmental performance.

In Brighton & Hove, early stakeholder consultation revealed support for an approach to sustainable building design that:

- adopts a holistic approach to the development process including the design, construction, re-use and decommissioning stages of a building's lifecycle;

¹ SDC (2005) 'The Challenge of existing Stock' www.sd-commission.org.uk/publications.php?id=250

² DEFRA (2006), UK Climate Change Programme www.defra.gov.uk/environment/climatechange/uk/ukccp/pdf/ukccp06-all.pdf

³ SDC (2005) 'The Challenge of existing Stock' www.sd-commission.org.uk/publications.php?id=250

- addresses all developments in the city while setting different targets for different types of developments;
- seeks to improve the environmental performance of the city's built stock; and
- aims to communicate, educate and engage with city residents so as to inspire them to make buildings in Brighton & Hove meet the highest possible standards of sustainable building design.

1.2. What are the benefits of Sustainable Building Design?

Designing a good, environmentally sensitive new building or improving the environmental performance of an existing building during refurbishment can significantly⁴:

- improve comfort which affects user satisfaction, morale and staff productivity;
- reduce costs associated with energy and water use, maintenance and refurbishment;
- reduce environmental impacts associated with energy and resource use;
- improve a building's ability to cope with future changes in use and climate; and
- improve opportunities to let or sell in a competitive market.

1.3. What are the aims of this SPD?

- To provide detailed, up to date, clear advice to various user-groups on relevant sustainable design policies;
- to improve the environmental performance of the city's new build and existing buildings; and
- to make sure all developments in Brighton & Hove achieve the highest possible standards of sustainable building design.

This SPD will incorporate current guidance on Energy Efficiency & Renewable Energy (SPGBH 16) and the Brighton & Hove Sustainability Checklist (SPGBH21).

1.4. What information can be found in this SPD?

This SPD provides further guidance on:

- what the local planning authority recommends for developments in the city in terms of sustainable building design, including targets, standards and thresholds;
- how to achieve recommended standards; and

⁴ Carbon Trust (2005), 'Building a Brighter Future'
www.carbontrust.co.uk/NR/rdonlyres/A89DB6C2-9AE7-4450-BC24-9999F5A79284/0/Building_a_Brighter_Future.pdf

- opportunities for owners and occupiers to improve the environmental performance of the city's buildings even when planning permission is not required.

This SPD is intended for owners and occupiers, communities, developers, builders / contractors, planners and design professionals.

Information on CO₂ emissions and climate change, reduction targets and resource saving technologies is fast changing. The speed of change is such that some policy documents become redundant soon after being published.

Hence, the contents of this SPD will be communicated via two different means: this written statement and dedicated pages within the council's website. This written statement contains longer-standing aspirations with regards to targets, standards and thresholds set for developments in Brighton & Hove. The dedicated pages on the council's website offer supporting information on the fast changing issues related to technologies and ways to achieve recommended standards.

1.5. What are the key drivers and relevant policy framework?

In the UK, there are wide ranging and numerous policies at national, regional and local level that are associated with sustainable design issues. At the time of adoption there are at least 9 Planning Policy Statements and Guidance and 21 documents currently relevant to this SPD. These and other documents are detailed in Section 3 - Appendices (see annexed document).

However, it is important at this stage of the document to highlight key cross-disciplinary policies that emphasise the holistic nature of sustainable building design practices at national, regional and local level.

1.5.1. National

The relevant national policy is PPS 1: Delivering Sustainable Development. Paragraph 5 of PPS 1 states that:

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- *making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;*
- *contributing to sustainable economic development;*
- *protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;*
- *ensuring high quality development through good and inclusive design, and the efficient use of resources; and,*
- *ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed*

communities with good access to jobs and key services for all members of the community.

Supplement to Planning Policy Statement 1 (PPS1) on climate change requires that local standards for sustainable buildings be set in a Development Plan Document (DPD). For this reason, the standards detailed in this document come in advance of local standards to be set in the Core Strategy. The Core Strategy is due to be submitted in Spring 2009 with a view to adopting in Spring 2010. The monitoring tools put in place alongside this SPD, particularly the Brighton & Hove / Southeasty Checklist, will serve to provide evidence in support of standards proposed in Core Strategy policies. Should local standards be agreed, this SPD will be reviewed accordingly.

1.5.2. Regional

The relevant regional policy is CC4 - Sustainable Construction of the Draft South East Plan.

The construction of all new buildings, and the redevelopment and refurbishment of existing building stock, will be expected to adopt and incorporate sustainable construction standards and techniques. This will include:

- i) high standards of energy and water efficiency that exceed current standards required by the Building Regulations and reflect best practice;*
- ii) designing to increase the use of natural lighting, heat and ventilation, and the provision of a proportion of energy demand from renewable sources;*
- iii) reduction and increased recycling of construction and demolition waste and procurement of low-impact materials; and*
- iv) designing for flexible use and adaptation to reflect changing lifestyles and needs and the principle of 'whole life costing'.*

1.5.3. Local

At a local level it relates to:

- Policy SU2 - Efficiency of development in the use of energy, water and materials of the Brighton & Hove Adopted Local Plan; and
- Preferred Options PRE1 and PRE2 of the Brighton & Hove Core Strategy.

Policy SU2 states that:

Planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials provided that they are otherwise in accordance with the other policies of the development plan. Proposals will be required to demonstrate how the following factors have been integrated into their siting, layout and design:

- a. measures that seek to reduce fuel use and greenhouse gas emissions;
- b. the incorporation / use or the facilitation of the use, of renewable energy resources;
- c. measures that seek to reduce water consumption;
- d. measures that enable the development to use greywater and rainwater; and
- e. the use of materials and methods to minimise overall energy and / or raw material inputs.

When considering these factors, particular regard should be given to the following:

- i) daylight / sunlight;
- ii) orientation;
- iii) building form;
- iv) materials;
- v) the use of natural ventilation;
- vi) fenestration;
- vii) landscaping;
- viii) provision of space within each planning unit and general facilities for refuse, waste recycling and composting; and
- ix) suitable space for occupier and visitor cycle parking.

Planning permission will not be granted for proposals that have not taken into account efficiency in the use of energy, water and materials and incorporated measures suitable to the proposal.

The refreshed 2020 Community Strategy contains targets and aspirations for the city:

- to reduce CO2 emissions by 3.5% each year (2003-2004 baseline);
- at least 98% of developments to involve brownfield sites each year; and
- to reduce water use.

Core Strategy Preferred Options recommend that:

PRE 1 - A policy is included in the Core Strategy that requires all new developments to achieve the highest recognised standards of sustainable building design, management and recycling and provide gains in environmental and ecological properties.

PRE 2- The council will produce Supplementary Planning Documents specifying minimum performance standards, cumulative targets for increasing resource efficiency and impact assessment requirements in all development.

Section 2 - Standards by development size

This section of the SPD gives details on how planning aims to deliver the policies and targets highlighted above. It focuses on different aspirations for each type or size of development. This approach reflects the fact that larger schemes benefit from economies of scale and that some developments benefit from lower land and construction costs.

It is intended that all planning applications involving residential new build and conversions will be assessed using the Brighton & Hove Sustainability Checklist available on www.brighton-hove.gov.uk/sustainability-checklist

Key challenges for Brighton & Hove

In terms of sustainable building design in general and resource-efficiency in particular some issues emerge as particularly critical to Brighton & Hove context. They are:

- CO₂ emissions: the Community Strategy's 3.5% CO₂ reduction target per year between 2006 and 2020 represents the city's contribution to meeting national reduction targets (2003 Energy White Paper - see detailed policy guide in annex document). The 2003-2004 baseline used for calculation did not account for emissions arising from growth. In principle, this implies that existing activities need to halve CO₂ emissions within the next 14 years and that new ones emit no CO₂. Nearly half of the city's emissions come from domestic energy use. This ultimately means that all new homes must be zero carbon. That is, emit no net annual CO₂ from energy use at their operational stage.
- Water: South East England is unique as approximately 70% of the water supplies come from groundwater. Southern Water data indicates that winter rain is vital to refill reservoirs and increase river flows and groundwater recharging. This has led the Environment Agency to classify the region as 'highly water stressed'⁵. The region is densely populated and developments proposed in the South East Plan are likely to place greater pressure on water supplies. Current per capita consumption in the region is on average 150 to 160 litres per person per day (l/p/d). According to the Audit Commission⁶, Brighton and Hove's

⁵ Water stress is related to the amount of water available per person for a given area now and in the future. An area of serious water stress is defined as that where the current household demand for water is high in relation to current effective rainfall or future household demand is likely to be a high proportion of the effective rainfall available to meet demand. In areas of serious water stress, water abstraction is already close to or above acceptable limits. For further info please visit publications.environment-agency.gov.uk/pdf/GEHO0107BLUT-e-e.pdf

⁶ See [www.areaprofiles.audit-commission.gov.uk/\(hetaryjbmftyiv555mpeavyw\)/DataProfile.aspx?entity=0](http://www.areaprofiles.audit-commission.gov.uk/(hetaryjbmftyiv555mpeavyw)/DataProfile.aspx?entity=0)

consumption is higher averaging 169 l/p/d. In this context, promoting high standards of building design and changes in public behaviour and expectations is crucial. Progressive reduction of water use leading up to water neutrality⁷ in developments is one of the key challenges for the region in general and Brighton & Hove in particular.

- Waste: Waste: the cost of waste disposal in Brighton & Hove will rise significantly in the near future. At present the bulk of the city's waste is disposed to landfill at the Beddingham landfill site which is due to be closed in 2008. A new site for landfill has been identified but is not expected to operational for some time. This will mean that costs for transporting wastes will increase. Meanwhile the tax on waste disposal to landfill is also increasing.

The objective criteria against which developments in the city will be judged are aimed at assessing whether resources in general are being used sustainably. Reflecting the importance and urgency of the issues highlighted above, high standards should be achieved by development in the city, particularly with regards to energy, water and waste.

- Standards: at present, the Code for Sustainable Homes (CSH) and BREEAM schemes are recognised, accredited methods for assessing the performance of developments in the UK. Developments should meet minimum standards recommended in this SPD and demonstrate commitment towards achieving certification under such schemes.
- Existing building stock: the largest challenge facing this SPD is unquestionably to secure sustainable building design features in developments involving the existing stock. Current national policy tends to focus on large-scale new housing developments and not on the existing stock. Brighton & Hove is unique in that since 2001, new homes coming through the planning system have accounted on average for only 0.3% of the total number of households in the city each year⁸ (well below 1% national average). Furthermore, just over half of housing completions between 2000 and 2006 were small developments containing 9 units or less. Of these 70% involved conversions and changes of use.

⁷ Water neutrality is a relatively new concept. The steering group for the Thames Gateway water neutrality project has defined water neutrality as meaning "total water use after new development must be equal to or less than total water use in the area before the planned development (both domestic and non domestic)."

⁸ Brighton & Hove City Council, *Housing completions database*, Planning Strategy & Monitoring unit, February 2007. For further details regarding the existing housing stock in the city please see item 3.2 of the annexed document.

In order to face up to these challenges and deliver national policy through the local planning system as well as the city's own aspirations for sustainable communities and buildings, minimum standards recommended for all development in the city are detailed below.

In assessing the achievement of such standards in developments in the city, the council will consider:

- i. site constraints,
- ii. technical viability,
- iii. financial viability: and
- iv. delivery of additional benefits.

2.1. Householder and small-scale developments

These are defined as:

- new residential development and/or mixed-use developments numbering 2 or fewer residential units; or
- residential extensions, conversions and changes of use and/or mixed-use developments numbering 2 or fewer residential units; or
- retail developments with gross floorspace of 150 sq m or less; or
- any other type of development of 235 sq m or less.

This category accounts for properties that enjoy special permitted development rights such as single dwelling houses and offices with a floorspace of 235 sq m or less. It also accounts for the smallest scale of development in Brighton & Hove and includes:

- approximately 23% of all housing completions between 2000 and 2006⁹;
- over 2/3 of retail units in the city's regional, district and town and local centres¹⁰; and
- 69% of all offices, high-tech and light industrial completions between 2001 and 2006¹¹.

RECOMMENDED STANDARDS FOR HOUSEHOLDER AND SMALL-SCALE DEVELOPMENTS INCLUDE:

Development type	What is recommended
New build residential (including mixed-use developments)	<ul style="list-style-type: none"> ▪ Submit a completed Sustainability Checklist*⁹; and ▪ achieve minimum rating of Level 3 of the Code for Sustainable Homes (CSH)¹².
Residential involving existing buildings (including mixed-use, conversions and extensions)	<ul style="list-style-type: none"> ▪ Submit a completed Sustainability Checklist*⁹; ▪ complete EST Home Energy Report for each residential unit and demonstrate which recommended actions will be incorporated into the house or development; ▪ demonstrate how water consumption will be reduced; and ▪ demonstrate how surface water run-off will be minimised.

⁹ Brighton & Hove City Council, *Housing completions database*, Planning Strategy & Monitoring, 2007.

¹⁰ These centres are identified in Local Plan policies SR4, SR5 and SR6. Data source: Brighton & Hove City Council, *Retail Survey database*, Planning Strategy & Monitoring, 2007.

¹¹ Brighton & Hove City Council, *Employment Land Study database*, Planning Strategy & Monitoring, 2007.

¹² Information about the Code for Sustainable Homes can be viewed and downloaded on www.clg.gov.uk.

Non-residential
(including new build,
conversions and
extensions)

- Demonstrate how energy use and water consumption will be reduced.

* The Brighton & Hove Checklist is an online tool that can be viewed and completed on www.brighton-hove.gov.uk/sustainability-checklist

Planning applications involving residential new build and conversions that are not accompanied by a completed Brighton & Hove Sustainability Checklist will be considered invalid.

2.2. Medium-scale developments

These are defined as:

- new residential development and/or mixed-use developments numbering 3 to 9 residential units; or
- residential extensions, conversions, changes of use and/or mixed-use developments involving 3 to 9 residential units; or
- retail developments with gross floorspace between 151 and 999 sq m; or
- any other type of development between 236 and 999 sq m.

This category accounts for:

- 29% of residential developments completed between 2000 and 2006¹³;
- just under one in ten retail units within the city's regional, district and town and local centres¹⁴; and
- 17% of all offices, high-tech and light industrial completions between 2001 and 2006¹⁵.

RECOMMENDED STANDARDS FOR MEDIUM-SCALE RESIDENTIAL DEVELOPMENTS INCLUDE:

Development type	What is recommended
All	<ul style="list-style-type: none"> ▪ Minimise 'heat island effect' via contribution towards off-site tree planting (see annexed document)**; and ▪ achieve a level of performance equivalent to that required under the Considerate Constructors Scheme¹⁶.
New build residential (including mixed-use developments)	<ul style="list-style-type: none"> ▪ Emit zero net annual CO₂ from energy use; ▪ submit a completed Sustainability Checklist*; ▪ achieve a minimum rating of Level 3 of the Code for Sustainable Homes (CSH)¹⁷; and ▪ be designed to Lifetime Home Standards¹⁸.

¹³ Brighton & Hove City Council, *Housing database*, Planning Strategy & Monitoring unit, February 2007.

¹⁴ These centres are identified in Local Plan policies SR4, SR5 and SR6. Data source: Brighton & Hove City Council, *Retail Study database*, Planning Strategy & Monitoring unit, February 2007.

¹⁵ Brighton & Hove City Council, *Employment Land Study database*, Planning Strategy & Monitoring unit, February 2007.

¹⁶ For details on Considerate Constructors Scheme please visit www.considerateconstructorscheme.org.uk.

¹⁷ Information about the Code for Sustainable Homes can be viewed and downloaded on www.clg.gov.uk.

New build non-residential developments

- Score at least 50% in the energy and water sections of the relevant BREEAM¹⁹ assessment within a minimum overall rating of 'Very Good'.
-

¹⁸ Information on how to meet Lifetime Homes Standards is available on www.lifetimehomes.org.uk.

¹⁹ Details regarding BREEAM (Building Research Establishment Assessment Method) assessment and certification can be viewed and downloaded from www.breem.org

Residential involving existing buildings (including mixed-use, conversions and extensions)	<ul style="list-style-type: none"> ▪ Submit a completed Sustainability Checklist*; ▪ demonstrate how no additional net annual CO2 emissions will arise from new development; and ▪ achieve significant environmental improvements demonstrated via EcoHomes for refurbishments.
Non-residential involving existing buildings (including conversions and extensions)	<ul style="list-style-type: none"> ▪ Demonstrate how no additional net annual CO2 emissions will arise from new development; and ▪ how water consumption will be reduced; and ▪ how surface water run-off will be minimised.

* The Brighton & Hove Checklist is an online tool that can be viewed and completed on www.brighton-hove.gov.uk/sustainability-checklist

** For further information and contribution calculator please see section 3.3 of the annex document.

Planning applications involving residential new build and conversions that are not accompanied by a completed Brighton & Hove Sustainability Checklist will be considered invalid.

The council will normally expect applications to be supported by a commitment to achieve certification under the CSH and/or BREEAM schemes.

In the case of new residential developments (including conversions, extensions and changes of use), should a developer satisfactorily prove that recommended energy standards cannot be fully met on-site, contributions to secure shortfall via environmental improvements to the city's existing housing stock may be sought. These will be secured via a S106 agreement and be used to fund improvements in the environmental performance of existing buildings in the vicinity of the development. Further information is available in section 3.2.2 of the annex document.

2.3. Major developments

These are defined as all developments:

- new residential development and/or mixed-use developments numbering 10 residential units or more; or
- residential extensions, conversions, changes of use and/or mixed-use developments involving 10 residential units or more; or
- any other type of development over 1,000 sq m or being developed on a site having an area of 0.5 hectares or more.

These account for developments coming under the definition of major applications found in Article 8 of 1995 Town and Country Planning (General Development Procedure) Order. The reference to 'out-of-town' retail supports key objectives of Planning Policy Statement (PPS) 6.

This category includes:

- 48% of residential developments completed between 2000 and 2006²⁰;
- just under one in ten retail units within the city's regional, district and town and local centres²¹; and
- 14% of all offices, high-tech and light industrial completions between 2001 and 2006²².

RECOMMENDED STANDARDS FOR MAJOR DEVELOPMENTS INCLUDE:

Development type	What is recommended
All	<ul style="list-style-type: none"> ▪ Minimise 'heat island effect' via contribution towards off-site tree planting^{**}; and ▪ achieve a level of performance equivalent to that expected under the Considerate Constructors Scheme²³.
New build residential (including those in mixed-use developments)	<ul style="list-style-type: none"> ▪ Emit zero net annual CO₂ from energy use; ▪ submit a completed Sustainability Checklist[*]; ▪ achieve a minimum rating of Level 4 of the Code for Sustainable Homes (CSH)²⁴; ▪ submit feasibility study on rainwater harvesting and

²⁰ Brighton & Hove City Council, *Housing database*, Planning Strategy & Monitoring unit, February 2007.

²¹ Brighton & Hove City Council, *Retail Study database*, Planning Strategy & Monitoring unit, February 2007.

²² Brighton & Hove City Council, *Employment Land Study database*, Planning Strategy & Monitoring unit, February 2007.

²³ For details on Considerate Constructors Scheme please visit www.considerateconstructorscheme.org.uk.

-
- grey water recycling systems; and
 - be designed to Lifetime Home Standards²⁵.
-

²⁴ Information about the Code for Sustainable Homes can be viewed and downloaded on www.clg.gov.uk.

²⁵ Information on how to meet Lifetime Homes Standards is available on www.lifetimehomes.org.uk.

New build non-residential developments	<ul style="list-style-type: none"> ▪ Score at least 60% in the energy and water sections of the relevant BREEAM²⁶ assessment within a minimum overall rating of 'Excellent'; and ▪ submit a feasibility study for rainwater harvesting and grey water recycling systems.
Residential involving existing buildings (including mixed-use, conversions and extensions)	<ul style="list-style-type: none"> ▪ Submit a completed Sustainability Checklist*; ▪ demonstrate how no additional net annual CO2 emissions will arise from new development; and ▪ achieve significant environmental improvements demonstrated via EcoHomes for refurbishments.
Non-residential involving existing buildings (including conversions and extensions)	<ul style="list-style-type: none"> ▪ Demonstrate how no additional net annual CO2 emissions will arise from new development; and ▪ how water consumption will be reduced. and ▪ how surface water run-off will be minimised.

* The Brighton & Hove Checklist is an online tool that can be viewed and completed on www.brighton-hove.gov.uk/sustainability-checklist

** For further information and contribution calculator please see section 3.3 of the annex document.

Planning applications involving residential new build and conversions that are not accompanied by a completed Brighton & Hove Sustainability Checklist will be considered invalid.

The council will normally expect applications to be supported by a commitment to achieve certification under the Considerate Constructors Scheme, CSH and/or BREEAM schemes.

In the case of new residential developments (including conversions, extensions and changes of use), should a developer satisfactorily prove that recommended energy standards cannot be fully met on-site, contributions to secure shortfall via environmental improvements to the city's existing housing stock may be sought. These will be secured via a S106 agreement and be used to fund improvements in the environmental performance of existing buildings in the vicinity of the development. Further information is available in section 3.2.2 of the annex document.

²⁶ Details regarding BREEAM assessment and certification please visit www.breeam.org.

2.4. Greenfield site developments

These are developments on 'greenfield land' as defined by reference to the definition of previously-developed land set out in Annex B (Definitions) to PPG 3. This involves **land or a defined site (usually farmland and/or amenity area) that has not previously been developed.**

Development in Greenfield sites is a contentious issue in the UK in general and in Brighton & Hove in particular. This is due to the tensions arising from a limited amount of physical space available for development and an expanding population in need of housing. Some of the potential negative effects of Greenfield site development involve reduction/loss of agricultural and/or amenity space, destruction of natural habitats and expansion of transport infrastructure.

Brighton & Hove is no exception. In fact, due to its geographical location between the sea and the Downs, the availability of Greenfield sites is arguably more limited than in other UK cities. Should the loss of Greenfield sites take place, then the highest level of resource-efficiency must be sought to minimise the impact of development.

RECOMMENDED STANDARDS FOR DEVELOPMENTS IN GREENFIELD SITES INCLUDE:

Development type	What is recommended
All	<ul style="list-style-type: none"> ▪ Emit zero annual net CO₂ from energy use; ▪ minimise 'heat island effect' via contribution towards off-site tree planting**; and ▪ achieve a level of performance equivalent to that expected under the Considerate Constructors Scheme²⁷.
New build residential (including those in mixed-use developments)	<ul style="list-style-type: none"> ▪ Submit a completed Sustainability Checklist*; ▪ achieve a minimum rating of Level 5 of the Code for Sustainable Homes (CSH)²⁸; and ▪ be designed to Lifetime Home Standards²⁹.
New build non-residential developments	<ul style="list-style-type: none"> ▪ Score at least 70% in the water section of the relevant BREEAM³⁰ assessment within a minimum overall rating of 'Excellent'; and ▪ submit feasibility study on rainwater harvesting and grey water recycling systems.

* The Brighton & Hove Checklist is an online tool that can be viewed and completed on www.brighton-hove.gov.uk/sustainability-checklist

** For further information and contribution calculator please see section 3.3 of the annex document.

Planning applications involving residential new build and conversions that are not accompanied by a completed Brighton & Hove Sustainability Checklist will be considered invalid.

The council will normally expect applications to be supported by a commitment to achieve certification under the Considerate Constructors Scheme, CSH and/or BREEAM schemes.

In the case of new residential developments (including conversions, extensions and changes of use), should a developer satisfactorily prove that

²⁷ For details on Considerate Constructors Scheme please visit www.considerateconstructorscheme.org.uk

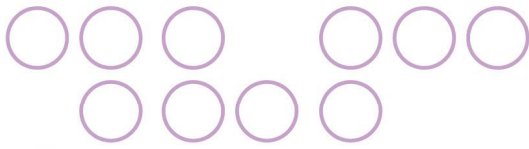
²⁸ Information about the Code for Sustainable Homes can be viewed and downloaded on www.clg.gov.uk

²⁹ Information on how to meet Lifetime Homes Standards is available on www.lifetimehomes.org.uk

³⁰ Details regarding BREEAM (Building Research Establishment Assessment Method) assessment and certification can be viewed and downloaded from www.breeam.org

recommended energy standards cannot be fully met on-site, contributions to secure shortfall via environmental improvements to the city's existing housing stock may be sought. These will be secured via a S106 agreement and be used to fund improvements in the environmental performance of existing buildings in the vicinity of the development. Further information is available in section 3.2.2 of the annex document.

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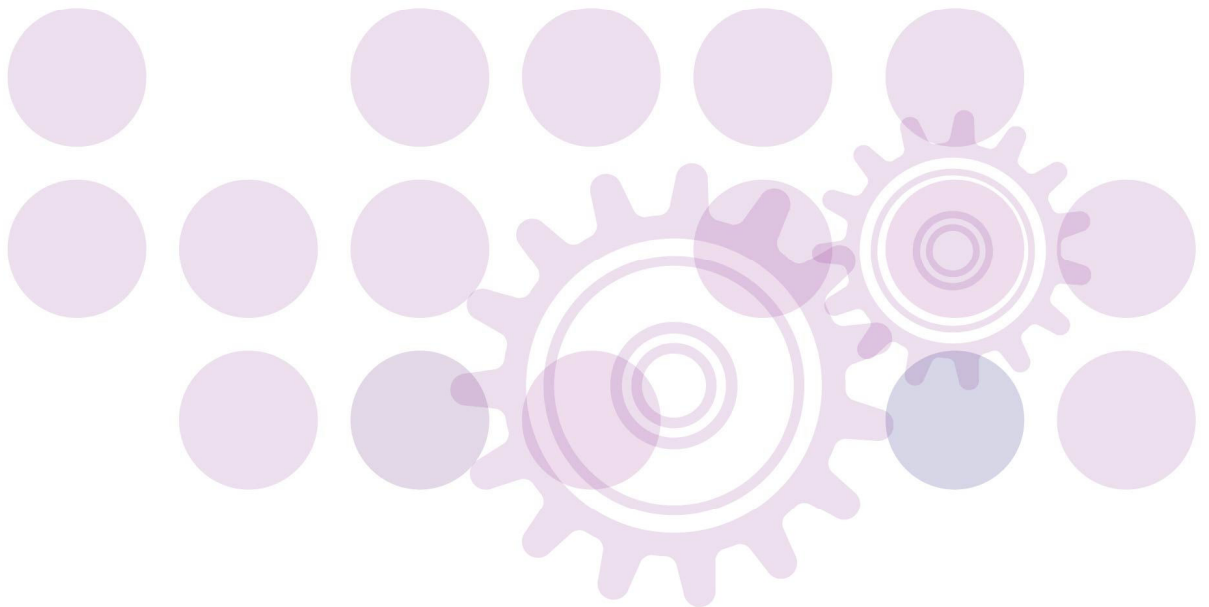
spd

supplementary planning document

Brighton & Hove City Council's Local Development Framework

Yet to be adopted

annex to sustainable building design SPD





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3.1. Summary table

Householder and small-scale developments	<ul style="list-style-type: none"> ▪ New residential and/or mixed-use developments with 2 or fewer residential units; or ▪ residential extensions, conversions and changes of use and/or mixed-use developments numbering 2 or fewer residential units; or ▪ retail of 150 sq m or less; or ▪ any other development of 235 sq m or less. 	
	Development type	What is recommended
	New build residential (including mixed-use)	<ul style="list-style-type: none"> ▪ Sustainability Checklist; and ▪ Level 3 of the Code for Sustainable Homes (CSH).
	Residential involving existing buildings (including mixed-use, conversions and extensions)	<ul style="list-style-type: none"> ▪ Sustainability Checklist; ▪ EST Home Energy Report; ▪ reduction in water consumption; and ▪ minimisation of surface water run-off.
	Non-residential (including new build, conversions and extensions)	<ul style="list-style-type: none"> ▪ Reduction in energy and water use.
Medium-scale developments	<ul style="list-style-type: none"> ▪ New residential and/or mixed-use developments numbering 3 to 9 residential units; or ▪ residential extensions, conversions and changes of use involving 3 to 9 residential units; or ▪ retail between 151 and 999 sq m; or ▪ any other development between 236 and 999 sq m.. 	
	Development type	What is recommended
	All	<ul style="list-style-type: none"> ▪ Minimise 'heat island effect' via contribution towards off-site tree planting; and ▪ Considerate Constructors Scheme.
	New build residential (including mixed-use)	<ul style="list-style-type: none"> ▪ Zero net annual CO₂ from energy use; ▪ Sustainability Checklist; ▪ Level 3 of the Code for Sustainable Homes (CSH); and ▪ Lifetime Home Standards.
	New build non-residential	<ul style="list-style-type: none"> ▪ 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good'.
	Residential involving existing buildings (including mixed-use, conversions and extensions)	<ul style="list-style-type: none"> ▪ No additional net annual CO₂ emissions from new development; ▪ Sustainability Checklist; and ▪ EcoHomes for refurbishment.
	Non-residential involving existing buildings (including conversions and extensions)	<ul style="list-style-type: none"> ▪ No additional net annual CO₂ emissions from new development; and ▪ reduction in water consumption; and ▪ minimisation of surface water run-off.
Major developments	<ul style="list-style-type: none"> ▪ New residential and/or mixed-use with 10 or more residential units; or ▪ residential extensions, conversions and changes of use with 10 or more residential units; or ▪ any other over 1,000 sq m or being developed on a site of 0.5ha or more. 	
	Development type	What is recommended
	All	<ul style="list-style-type: none"> ▪ Minimise 'heat island effect' via contribution towards off-site tree planting; and ▪ Considerate Constructors Scheme.
	New build residential (including mixed-use)	<ul style="list-style-type: none"> ▪ Zero net annual CO₂ from energy use; ▪ Sustainability Checklist; ▪ Level 4 of the Code for Sustainable Homes (CSH); ▪ feasibility study on rainwater harvesting and grey water recycling systems; and ▪ Lifetime Home Standards.
	New build non-residential	<ul style="list-style-type: none"> ▪ 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'; and ▪ feasibility study on rainwater harvesting and grey water recycling systems.
	Residential involving existing buildings (including mixed-use conversions)	<ul style="list-style-type: none"> ▪ No additional net annual CO₂ emissions from new development; and ▪ Sustainability Checklist; and ▪ EcoHomes for refurbishment.
	Non-residential involving existing buildings (including conversions)	<ul style="list-style-type: none"> ▪ No additional net annual CO₂ emissions from new development; and ▪ reduction in water consumption; and ▪ minimisation of surface water run-off.
Greenfield	<ul style="list-style-type: none"> ▪ Land or site that has not previously been developed. 	
	Development type	What is recommended
	All	<ul style="list-style-type: none"> ▪ Zero annual net CO₂ from energy use; ▪ minimise 'heat island effect' via contribution towards off-site tree planting; and ▪ Considerate Constructors Scheme.



sustainable building design

Brighton & Hove City Council's Local Development Framework

	New build residential (including mixed-use)	<ul style="list-style-type: none"> ▪ Sustainability Checklist; ▪ Level 5 of the Code for Sustainable Homes (CSH); and ▪ Lifetime Home Standards.
	New build non-residential	<ul style="list-style-type: none"> ▪ 70% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'; and ▪ submit feasibility study on rainwater harvesting and grey water recycling systems.

*** Planning applications involving residential new build and conversions that are not accompanied by a completed sustainability checklist will be considered invalid. For further details/advice please visit www.brighton-hove.gov.uk/sustainability-checklist**



3.2. Zero Carbon development

The Sustainable Building Design SPD encourages **all new development that includes housing units of 3 or more (including conversions) to be zero carbon.**

Key drivers are the delivery of local, regional and national targets for reduction in CO₂ emissions by ensuring that new homes in the city do not increase the city's carbon emissions in particular.

Zero carbon development is here defined as development that has a very high standard of energy efficiency and uses low and/or zero carbon technologies so that once the building is in operation, it emits no net annual carbon dioxide (CO₂) emissions from space and water heating, lighting and use of appliances.

This section of the SPD provides details regarding the delivery of zero carbon development by looking at:

- reasons for pursuing zero carbon development in housing;
- how zero carbon development can be achieved;
- how planning applicants can demonstrate compliance ; and
- what happens if zero carbon development cannot be delivered on particular sites.

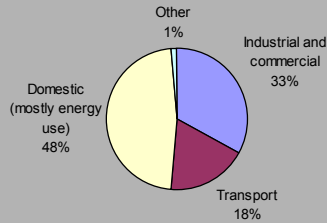
3.2.1. Why pursue zero carbon development in housing?

There are various drivers and challenges supporting this approach. National and regional drivers are:

- Government's 2007 Climate Change Bill legally binding targets to reduce carbon dioxide (CO₂) emissions by at least 26-32% by 2020 and 60% by 2050 against 1990 levels;
- Planning Policy Statement 1: Delivering Sustainable Development states that local planning authorities should ensure development plans contribute to global sustainability by addressing the causes and potential impacts of climate change;
- Supplement to PPS1 on Climate Change pledges to reduce emissions and stabilise climate change;
- Building a Greener Future policy statement and Code for Sustainable Home strategy towards achieving zero carbon new homes by 2016; and
- South East Plan policies on sustainable resource



management, particularly sub-regional targets for land-based renewable energy.



Brighton & Hove CO2 emissions by sector

(source: B&H refreshed 2020 Community Strategy)

Challenges for Brighton & Hove

The main local driver is the refreshed 2020 Community Strategy that pledges to reduce emissions in the city by 3.5% each year from 2006 to 2020¹. This does not anticipate new additions to current emissions arising from growth, including the domestic sector which, in 2003-2004, accounted for 48% of emissions in the city (mostly from energy use)². In order to meet Community Strategy targets:

- existing homes need to reduce CO₂ emissions by around 1.7% every year or 20% over the next 12 years; and
- any new build would need to be zero carbon or carbon neutral, that is, deliver zero 'net [annual] carbon emissions from energy use'³.

The delivery of CO₂ reduction targets in the Brighton & Hove context is presented with a particular set of challenges.


- Nearly 50% of the city's emissions come from energy use in homes⁴ (national average is 42%⁵).
- National strategy leading to zero carbon homes in 2016 focuses on new homes. In Brighton & Hove these account on average for only 0.3% of the total number of households delivered via the planning system in the city each year (national average of 1%⁶).
- Unlike cities or large towns with a significant industrial legacy, vacant or derelict land Brighton & Hove has limited options for expansion. Intensification of existing buildings and small-scale development accounts for a significant share of units delivered via the planning system (of all housing units delivered between 2000 and 2007, 46% resulted from changes of use and/or conversions of existing buildings and over half from developments involving 9 or less units⁷).
- Brighton & Hove is a historic city with extensive Regency and Victorian architecture and an age profile of private sector housing stock that is much older than the national

¹ According to B&HCC Sustainability Team the baseline data for calculations was 2003-2004.

² In the UK, the domestic dwelling stock currently accounts for 27% of all CO₂ emissions (Barton Willmore Guidance Note in

<http://www.bartonwillmore.co.uk/publications/Guidance%20Note%20-%20Renewables.pdf>

³ DCLG (2006) *Building a Greener Future: Towards Zero Carbon Development – consultation document* in www.communities.gov.uk, p. 3.



profile with larger proportions of the stock built before 1919 and during the inter-war period (Brighton & Hove - 69%; England - 43%⁸).

⁴ Refreshed 2020 Community Strategy, 2003-2004 baseline.

⁵ Energy Review Report 2006, 2004 baseline.

⁶ UK 2004 Barker Housing Review

⁷ Brighton & Hove City Council, *Housing completions database*, Planning Strategy & Monitoring unit, Jan 2008.

⁸ Brighton & Hove House Condition Survey July 2001 using data from the English House Condition Survey '96



**3.2.2.
How can zero
carbon
development
be
achieved?**

In the face of these challenges, delivering homes of a standard higher than those set at national level is critical to delivering local, regional and national CO₂ reduction targets.

In many ways, the urgency of delivering higher standards in general and 'zero carbon' development in Brighton & Hove is already reflected in the city's planning record.

The ground breaking community centre known as the Brighton Earthship (Stanmer Park) was arguably the first zero carbon development approved by the local planning authority in 2002⁹. In 2007, two zero carbon residential developments were approved: one involved a 16- unit and the other a 172-unit residential development¹⁰. Building is expected to start on the latter in Spring 2008.

Energy efficiency followed by the use of low and zero carbon technologies is a widely accepted way of achieving low carbon emissions in dwellings.

Energy efficiency measures are considered the most cost-effective and easier to achieve. They are largely determined by design principles and as such the earlier they are applied in the design process the greater are the savings which can be achieved. Some of these principles include:

- passive solar design;
- grouped building forms;
- building orientation and landscaping that maximises benefits from natural elements;
- high levels of insulation and airtightness;
- improved heating systems and controls;
- high efficiency condensing boilers;
- efficient lighting equipment and fittings; and
- provision of "A rated" domestic appliances

⁹ Planning application number BH2001/000481.

¹⁰ Planning applications BH2007/00469 and BH2006/01761, respectively.



However, energy efficiency can only go so far towards delivering zero carbon development. The use of low and zero carbon technologies and/or mitigation measures to deliver zero CO₂ emissions are invariably required.

For the purposes of this SPD, low and zero carbon technologies are heat and energy generating technologies which produce no carbon emissions or less than using mains electricity in a conventional way or gas in individual dwellings and boilers to create heat.

Low/zero carbon technologies are sometimes also referred to as microgeneration technologies¹¹, producing heat or energy locally on a small scale. In line with regulatory approach in Building Regulation Part L, Brighton & Hove City Council recognises the value of LZC technologies and not just renewables in delivering CO₂ reductions.

¹¹Microgeneration is defined in the Energy Act 2004 as the small-scale production of heat and/or electricity from a low carbon source. The suite of technologies caught by this definition includes solar (photovoltaics (PV) to provide electricity and thermal to provide hot water), micro-wind (including the new rooftop mounted turbines), micro-hydro, heat pumps, biomass, micro combined heat and power (micro CHP) and small-scale fuel cells.



Zero Carbon technologies harness non fossil fuel energy to create heat or generate electricity, i.e. sun, wind, and water. They are called zero carbon because they produce no carbon dioxide (CO₂) emissions when producing heat or power. These are also referred to as 'renewable' energy sources and include: solar thermal; photovoltaics; wind turbines; and hydropower.

Low Carbon technologies use grid electricity or mains gas to generate heat or power more efficiently, or use fuels that have a small CO₂ footprint (e.g. biofuel). They are called low carbon because they result in lower CO₂ emissions than traditional mains gas or electricity use. These include: geothermal and ground sourced heat pumps (which require electricity to operate pumps); fuel cells (which require electricity to create hydrogen); combined heat and power (CHP) using renewable fuels such as biomass, biodiesel or renewable gas; or other district heating systems. The latter two are sometimes referred to as decentralised or localised energy, as they create heat and/or power local to where they are used.

Option 1:
improvements
carried out by
planning
applicants/
developers

In this case, the council will agree with the planning applicant/developer a course of action and secure implementation via Section 106 agreements (Circular 05/2005 on planning obligations)

The planning applicant/developer will have to commit to carrying out one or a set of the following energy efficiency retrofit measures:

- Loft insulation to 300 mm;
- cavity wall insulation
- Draughtproofing;
- Condensing boilers (including boiler itself);
- Improved heating controls; and/or
- Solar water heating.

These measures are considered to have the quickest financial and CO₂ payback. Improvements can be carried out to existing homes in and/or near the site. The planning applicant/developer will be expected to provide evidence of implementation of agreed measures prior to occupation. Other measures such as renewable energy installations may



also be negotiated with the council.

Option 2:
financial
contribution

Alternatively, planning applicants/developers may choose to make a financial contribution to the city council's Section 106 account. This will allow for the council to take up these improvements via its portfolio of home energy efficiency and renewable grants/discount schemes. In order to comply with Circular 05/2005 requirements, such grants/discount schemes will be **available to** all Brighton & Hove residents.

**Contributions
calculator**

The average cost to the planning applicant/developer of off-setting outstanding onsite CO₂ emissions via **financial contributions will vary between £1,006.00 and £2,525.00 per tonne of carbon dioxide (CO₂) saved depending on the capital requirement of the range of measures implemented.**

Such baseline costs are based on the 2005 Building Research Establishment (BRE) study entitled 'Reducing carbon emissions from the UK housing stock. The study considers the potential for large carbon emission reductions emerging from the retrofit measures listed in Option 1 above.¹²

Baseline costs, detailed in the table below, were reached based on an average grant figure of 100% and 50% of the total capital requirement of all measures.

¹² This study was commissioned and funded by the Department for the Environment, Food and Rural Affairs' (Defra's) Climate Change Programme and added to a previous report published in December 2001.



Measure considered	Carbon saved (tonnes/ C/yr)*	Cost saved (£/yr)*	2001 capital cost of measure (£)*	2007 capital costs** (£)	Cost per tonne of Carbon saved per year (2007 values)***	Cost per tonne of Carbon saved per year (2007 values) - excluding solar water heating measure***
Loft insulation to 300mm						
Currently with none	1.236	86.22	273.00	379.47	307.01	307.01
Currently with 50mm or less	0.5478	38.21	254.00	353.06	644.51	644.51
Currently with 75mm	0.2222	15.50	223.00	309.97	1,395.00	1,395.00
Currently with 100mm	0.1614	11.26	211.00	293.29	1,817.16	1,817.16
Currently with 150mm	0.0773	5.39	199.00	276.61	3,578.40	3,578.40
Currently with 200mm	0.0387	2.70	170.00	236.30	6,105.94	6,105.94
Pre-76 Cavity Insulation	1.1492	80.13	325.00	451.75	393.10	393.10
Post-76 Cavity Insulation	0.6753	47.10	325.00	451.75	668.96	668.96
Draughtproofing	0.0813	5.67	110.00	152.90	1,880.69	1,880.69
Condensing boilers (including boiler itself)****	0.6502	45.48		3,200.0 0	4,921.56	4,921.56
Improved heating controls	0.8192	57.38	250.00	347.50	424.19	424.19
Solar Water Heating	0.4211	29.93	2,475.0 0	3,440.2 5	8,169.67	
Average cost at 50% grant					2,525.52	2,012.41
Average cost at 100% grant					1,262.76	1,006.21

* Building Research Establishment/DEFRA publication 'Reducing carbon emissions from the UK housing stock', Appendix A, Table A1, 'Cost-effectiveness analysis for 2001', Published 2005 ISBN 1 86081 752 1. Figures shown are for installation of measures by professionals.

** 2001-2007 inflation rate calculated according to BCIS index = 1.39

*** Excluding solar water heating measures

**** Capital cos of measure provided by contractors of Brighton & Hove City Council's energy efficiency grants, as BRE values are installation only.

Via its energy efficiency and renewable energy grants/discounts the council will seek to deliver the same set of retrofit measures listed in table (same as those listed in Option 1) above in existing homes located in the vicinity of the development. Postcode data made available via the grant/discount schemes will provide the basis for monitoring implementation.

Financial contributions to such grants/discount schemes will be secured via Section 106 agreements and abide by the council's management of such agreements. The Housing Operations and Sustainable Housing teams and the Section 106 Officer will oversee implementation of



Policy framework

contributions.

There are a number of policies supporting the suggested approach towards creating carbon emissions savings in existing homes in the vicinity of the development site:

- Building a Greener Future policy statement and Supplement to PPS1 on climate change urge local authorities to contribute towards reducing emissions (including 2016 zero carbon homes strategy) and stabilising climate change;
- Local Plan Policy SU2 require developments to demonstrate high standard of resource efficiency, particularly 'measures that seek to reduce fuel use and greenhouse gas emissions;
- Circular 5/2005 (Planning Obligations) states that the objective of the planning system is to deliver sustainable development and that obligations are intended, among other things, to secure a contribution from a developer to compensate for loss or damage created by a development or to mitigate a development's impact; and
- item 'h' of Local Plan Policy QD28 denotes 'environmental improvements and their maintenance' as one of the local policy aims that can be sought by means of planning obligations.



3.3. Off-site minimisation of 'urban heat island effect'

The upcoming Nature Conservation SPD details requirements for onsite measures to minimise 'urban heat island effect' via planting.

This SPD considers the impact of development upon immediate surroundings. In order to minimise such impact **all development are encouraged to make one-off financial contributions towards tress and shrub planting schemes at a rate of £14,000 per hectare.**

This section of the SPD details the reasoning behind and justification for such an approach by looking at:

- what is 'urban heat island effect';
- why should developments contribute towards off-site measures to minimise impact; and
- how can contributions to be calculated.

3.3.1. What is urban heat island effect?

On hot days urban areas can have temperatures 20 to 60% higher than the surrounding countryside. This is due to a phenomenon called the 'urban heat island effect' that causes air temperatures in large cities to be warmer than in neighbouring suburbs and rural areas. Warmer air temperatures can impact on air quality, public health and the demand for energy.

Some of the causes are buildings blocking cooling of air at night; the capacity of some surface materials to retain heat and radiate it; and lack of evaporation of water from vegetation. Widespread planting in an urban area can help to decrease local surface and air temperatures while strategic planting directly cools the interior of homes and buildings, decreasing air conditioning costs and peak energy demand.

On-site climate change adaptation measures is supported elsewhere in this SPD as well as in the Trees and Development Sites SPD, the upcoming Nature Conservation SPD and other relevant Local Development Framework (LDF) documents. However, there is also a need to mitigate the wider impact of



3.3.2. Why should developments contribute towards off-site measures to minimise impact?

new development by securing tree and/or shrub planting, particularly in areas of the city where green cover is currently limited and along routes where it is desirable to promote walking.

Although there is much more still to be learned and done about the urban heat island effect in Brighton & Hove, the council considers it is prudent to put in place planting programmes to begin to mitigate against the effects of increasing development in raising urban temperatures by contributing green infrastructure to assist in reducing temperatures.

The UK Climate Impact Programme¹³ produces predictions for climate change scenarios. Raised summer temperatures are included amongst these predictions.¹⁴ The table below shows predictions specific to the South East:

Anticipated climate changes	Relative confidence level	Low emissions scenario	High emissions scenario
Increasing summer temperatures	High	2020's: 1-1.5°C 2050's: 1.5-2.5 °C 2080's: 2.5-3.5 °C	2020's: 1-1.5°C 2050's: 3-3.5 °C 2080's: 4.5+ °C
More frequent extreme high temperatures	High	Increase of up to 14 'extremely' warm days in summer by the 2080's	Increase of up to 30 'extremely' warm days in summer by the 2080's

Table: Anticipated climate changes in the South East of England under the low and high emissions scenarios

The UK is already experiencing the effects of a warming climate in increasing temperatures:

- Global average temperatures have risen by about 0.6°C since the beginning of the twentieth century, with about 0.4°C of this warming occurring since the 1970s;
- The unusually hot summer of 2003 caused severe disruption and an estimated 2,000 excess deaths in the UK. Global climate models indicate that similarly hot summers could be normal within 30–40 years; and
- The summer of 2006 was the longest continuous period of

¹³Climate change data and scenarios for UKCIP are produced by the Tyndall and Hadley Centres. www.ukcip.org.uk

¹⁴ LGA Climate Change Commission: Strengthening local action on climate change interim paper 3 July 2007



Adapting to climate change: reducing the impacts of rising temperatures

Policy framework

hot weather recorded in the UK. The heat wave had significant consequences for human comfort and health, and caused severe disruptions in London when soaring energy demand triggered blackouts¹⁵.

The average changes presented in the table above mask day-to-day variability and extremes, which will be more severe. In urban areas, buildings store heat and contribute to the Urban Heat Island (UHI) effect. A study from Manchester University: 'Adapting Cities for Climate Change'¹⁶ shows significant temperature differences between city centres and their surrounding countryside, but also surface temperature differences of up to 6°C between high and low density suburbs. These differences will become far more pronounced with climate change. Measures need to be found to adapt to inevitable changes to our climate.

The Town and Country Planning Association guide: 'Climate Change Adaptation by Design' asserts the imperative for adaptation to heat risk is greatest in the south and south east. They recommend street trees and green infrastructure for shading and cooling as part of a strategy of adaptation.

In the Good Practice Guide for Sustainable Communities: 'Adapting to Climate Change Impacts' sponsored by DEFRA, GOSE the EA et al, recommendations for planting to provide summer shade and reduce building temperatures is an adaptation measure designed to mitigate against rising temperatures, poor thermal comfort and heat stress in urban areas.

Support for climate change mitigation and adaptation measures is expressed in the following policy documents:

- PPS1 Supplement: Planning & Climate Change¹⁷ sets out how the Planning System should shape sustainable communities that are resilient to the climate change
- The refreshed 2020 Community Strategy pledges to plant

¹⁵ 'Climate Change Adaptation by Design' from the Town & Country Planning Association. http://www.tcpa.org.uk/downloads/20070523_CCA_lowres.pdf

¹⁶ 'Adapting Cities for Climate Change: the role of Green Infrastructure' www.sed.manchester.ac.uk/research/cure

¹⁷ (Supplement to) Planning Policy Statement 1: Planning and Climate Change (consultation document) p 13., www.communities.gov.uk/pub/142/ConsultationPlanningPolicyStatementPlanningandClimateChangeSupplementtoPlanning1_id1505142.pdf



**3.3.3.
How can
contributions
be
calculated?**

**Contribution
calculator**

street and woodland trees to increase the total number; ensure climate change is a strategic consideration of the Local Development Framework and prepare for the impact of climate change for example by planting drought-resistant trees.

A Scrutiny Report on Street Trees¹⁸ by Brighton & Hove City Council noted the benefits to the city provided by street trees: providing canopies for shade; contributing to biodiversity; and helping to reduce air and noise pollution. It recommended that current good practice in encouraging street tree planting in major new developments across the city be continued.

As the data presented below indicates for new developments in Brighton & Hove to mitigate urban heat island effect, **a financial contribution of £14,000 per hectare is recommended.**

Contributions will be secured via Section 106 agreements and abide by Brighton & Hove City Council's management of such agreements. Developers can make a contribution so that tree and/or shrub planting can be delivered by the council via planting schemes.

This contribution is in addition to any requirements for tree planting set out in the Trees and Development Sites SPD, the upcoming Nature Conservation and Development SPD and other relevant LDF documents.

Green planted areas and trees are known to reduce the urban heat island effect. Research undertaken by the University of Manchester indicates that a 10% increase in the existing greencover of the city would help to protect the city against projected temperature changes. No equivalent study has been undertaken for Brighton & Hove, but a similar approach was taken to indicate the scale of planting that would be necessary to stabilise temperatures in the city.

Within the city's built up area there is just under 6,400,000m² of greenspace¹⁹. Taking the University of Manchester's 10% suggested increase as a baseline this would require an

¹⁸ July 2007 'Report of the Street Trees Scrutiny Panel' B&HCC. www.brighton-hove.gov.uk/

¹⁹ Preliminary findings of the B&H Open Space Audit.



3.4. Implementation and monitoring

additional 640,000m² of greencover. Using trees to create this cover (considering average 10m² canopy spreads) the city would need 64,000 to be planted over the next 50 years.

Considering that there were an estimated 121,180 dwellings inside the city's built up urban area in 2006²⁰, that the average costs of planting and aftercare of a single street tree is £430 and that the average density of new residential development in the city is 67 dwellings per hectare²¹ this would incur a contribution of approximately £14, 000 per hectare from all developments (residential as well as other types) to fund planting schemes to mitigate the effects of higher summer temperatures.

In Brighton & Hove, developer contributions to mitigate the impact of 'urban heat island effect' will be secured via Section 106 agreements. The city council will oversee planting and aftercare in the vicinity of the development site.

Contributions will be secured by the local planning authority and monitored by the Section 106 officer. The Arboricultural Services team will manage implementation of contributions.

Implementation emerged as a key concern of participants in the Sustainable Building Design SPD Issues & Options consultation.

There is much about sustainable building design that is new to the UK context, particularly the construction industry. Monitoring emerges as a key tool in assessing effectiveness of and compliance regarding recommended standards as well as steering future revisions of this SPD and other relevant LDF documents and policies.

The Brighton & Hove Sustainability Checklist has been devised to provide the basic means for such assessments, particularly in the case of residential developments which are required to include a completed checklist for validation purposes. The council's Planning Strategy and Monitoring Team will conduct the monitoring and work closely with Development

²⁰ PHRG dwelling-led projections, October 2006, 2004b fertility/mortality.

²¹ Land use change statistics (LUCS 21A) Department for Communities and Local Government, October 2006.



Control to assess compliance.

3.5. Detailed policy guide

EU Directive 2002/91/EC on the energy performance of buildings requires an energy-rating certificate to be displayed in all public buildings. The aim is to give building owners and occupiers an incentive to improve energy performance.

Document can be viewed and downloaded from

www.managenergy.net/products/R210.htm

3.5.1 International documents (in alphabetical order)

Kyoto Protocol is an international agreement to reduce greenhouse gas (GHG) emissions. The UK has committed to a 12.5% reduction by 2012. Document can be viewed and downloaded from unfccc.int/kyoto_protocol/items/2830.php

EU Emissions Trading Scheme (2007 Spring European Council meeting) commits to cutting greenhouse gas emissions to 30% by 2020 with the UK signing up to a target of 15% of energy to come from renewable sources by 2020. Document can be viewed and downloaded from

www.defra.gov.uk/news/latest/2008/climate-2301.htm

EU Renewable Energy Roadmap proposes that to establish a mandatory (legally binding) target of 20% for renewable energy's share of energy consumption in the EU by 2020. Document can be viewed and downloaded from ec.europa.eu/energy/energy_policy/doc/03_renewable_energy_roadmap_en.pdf

3.5.2. National documents (in alphabetical order)

Building a Greener Future: policy statement sets out the Government strategy for moving to zero carbon housing by 2016. Further information is available on

www.communities.gov.uk/publications/planningandbuilding/building-a-greener

Code for Sustainable Homes is the single national standard to guide industry in the design and construction of sustainable homes. Its key aim is to drive continuous improvement, greater innovation and exemplary achievement in sustainable home building. Document and technical guide can be viewed and downloaded from

www.planningportal.gov.uk/england/professionals/en/1115314116927.html



Energy White Paper 2003: Our Energy Future - Creating a Low Carbon Economy states that 'UK will achieve CO₂ emission reductions of at least 60 per cent by 2050 and real progress by 2020'. Document can be viewed and downloaded from www.dti.gov.uk/energy/policy-strategy/energy-white-paper-2003/page21223.html

Energy Review 2006: The Energy Challenge sets out the path for the country to overcome the challenges of climate change and security of energy supplies. Document can be viewed and downloaded from www.dti.gov.uk/energy/review/page31995.html

Home Information Packs (HIP) were launched in August 2007. A HIP is a set of documents providing important information about a property such as searches, copies of the deeds and information regarding its energy efficiency. The Energy Performance Certificate is one of a series of required documents that sellers are required provide when they put their property in the market. Further information is available on www.homeinformationpacks.gov.uk

Microgeneration Strategy: Power from the people aims to create conditions under which microgeneration becomes a realistic alternative or supplementary energy generation source for the householder, the community and for small businesses. Document can be viewed and downloaded from www.dti.gov.uk/energy/sources/sustainable/microgeneration/strategy/page27594.html

Nottingham Declaration on Climate Change is a voluntary pledge to address the issues of climate change. It represents a high-level, broad statement of commitment that any council in the UK can make to its own community. The declaration was originally launched in October 2000 at a conference in Nottingham with 200 leaders, chief executives and senior managers of UK local government. More information is available on www.est.org.uk/housingbuildings/localauthorities/NottinghamDeclaration/

Planning and Compulsory Purchase Act 2004 sets out the duty of local planning authorities to 'exercise their functions



with the objective of contributing to the achievement of sustainable development'. Document can be viewed and downloaded from

www.opsi.gov.uk/acts/acts2004/20040005.htm

Planning Policy Guidance (PPG) 24 (Noise) states that 'the impact of noise can be a material consideration' in the determination of planning applications'. Document can be viewed and downloaded from

www.communities.gov.uk/index.asp?id=1144098

Planning Policy Statement (PPS) 1 (Sustainable Development)

states 'sustainable development is the core principle underpinning land use planning'. It sets out overarching policies on how sustainable patterns of development will be implemented through the planning system. Document can be viewed and downloaded from

www.communities.gov.uk/index.asp?id=1143805

Supplement to Planning Policy Statement 1 (Planning and Climate Change)

sets out how spatial planning should contribute to reducing emissions and stabilising climate change (mitigation) and take into account the unavoidable consequences (adaptation). Document can be viewed and downloaded from

www.communities.gov.uk/documents/planningandbuilding/pdf/ppsclimatechange

Planning Policy Statement (PPS) 3 (Housing) requires that 'high quality housing that is well-designed and built to a high standard is delivered via the planning system'. Document can be viewed and downloaded from

www.communities.gov.uk/index.asp?id=1504592

Planning Policy Statement (PPS) 6 (Town Centres) urges local authorities 'to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable

transport choices, including reducing the need to travel and providing alternatives to car use'. Document can be viewed and downloaded from

www.communities.gov.uk/index.asp?id=1501955



Planning Policy Statement (PPS) 9 (Biodiversity) states that 'planning decisions should aim to maintain, and enhance, restore or add biodiversity and geological conservation interests'. Document can be viewed and downloaded from www.communities.gov.uk/index.asp?id=1143832

Planning Policy Statement (PPS) 10 (Waste) states that 'good design and layout in new development can help to secure opportunities for sustainable waste management, including kerbside collection and community recycling as well as for larger waste facilities'. Document can be viewed and downloaded from www.communities.gov.uk/index.asp?id=1143834

Planning Policy Statement (PPS) 22 (Renewable Energy) supports the development of renewable energy, improvements in energy efficiency and the development of combined heat and power. It encourages planning to facilitate renewable energy developments and contribute to all elements of the Government's sustainable development strategy. Document can be viewed and downloaded from www.communities.gov.uk/index.asp?id=1143908

Planning Policy Statement (PPS) 22 (Renewable Energy) Companion Guide offers practical advice as to how development of renewable energy schemes can be implemented on the ground. Document can be viewed and downloaded from www.communities.gov.uk/index.asp?id=1502772

Planning Policy Statement (PPS) 23 (Pollution Control) highlights the need to 'limit and, where possible, reduce the adverse impact of light pollution, e.g. on local amenity, rural tranquillity and nature conservation. Document can be viewed and downloaded from www.communities.gov.uk/index.asp?id=1143916

Planning Policy Statement (PPS) 25 (Flood Risk) requires that local planning authorities help to reduce 'flood risk to and from new development through location, layout and design, including the application of a sustainable approach to drainage'.



Document can be viewed and downloaded from
www.communities.gov.uk/index.asp?id=1504639

Planning Policy for Sustainable Buildings – guidance for Local Development Frameworks contains a set of suggestions and guidance which reflect emerging and current good practice in sustainable construction, particularly in the delivery of key policy objectives in areas such as energy, water and use of materials. Further information is available on www.lga.gov.uk

Securing the future: delivering UK sustainable development strategy has as one of its guiding principles 'Living Within Environmental Limits' which entails 'respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations'. Document can be viewed and downloaded from www.sustainable-development.gov.uk/publications/uk-strategy/index.htm

UK Fuel Poverty Strategy focuses primarily on measures to improve energy efficiency and reduce the costs of fuel for fuel poor households, since the income measures which form part of a long term solution are being addressed in wider poverty and social exclusion policies. The strategy sets out the path to end to the blight of fuel poverty for vulnerable households by 2010. The strategy and its annual reviews can be viewed and downloaded from www.dti.gov.uk/energy/fuel-poverty/strategy/index.html

UK Strategy for Combined Heat and Power to 2010 sets out a framework to support the growth of CHP capacity in the UK and to enable the CHP industry to meet the challenges ahead. The strategy can be viewed and downloaded from www.chpa.co.uk/news/reports_pubs/government_reports/chp-strategy.pdf

Working with the grain of nature: a biodiversity strategy for England sets out the Government's vision for conserving and enhancing biological diversity in England, together with a programme of work to achieve it. It includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it



3.5.3. Regional documents
(in alphabetical order)

wherever possible. The strategy also has as priority policy issues the aims of ensuring biodiversity is enhanced as a consequence of development and to maximise opportunities to improve the biodiversity performance of new buildings. More information is available on www.defra.gov.uk/wildlife-countryside/biodiversity/biostrat/index.htm

South East Plan (SEERA 2008) is the Regional Spatial Strategy for South East England. It sets the spatial framework for the region as a whole, and the amount of land that needs to be allocated for different uses, including housing and employment, from 2006 to 2026. There are various policies that are relevant to this SPD:

- NRM1 (Sustainable water resources)
- EN1 (Development design for energy efficiency and renewable energy)
- EN2 (Combined Heat and Power)
- EN4 (Sub-regional targets)
- EN6 (Development criteria)
- W2 (Sustainable design, construction and demolition)
- M1 (Sustainable construction)

Document can be viewed and downloaded from www.southeast-ra.gov.uk/southeastplan

Regional Economic Strategy (RES) 2006-2016 sets out reduce the rate of increase in the region's ecological footprint, stabilise it and seek to reduce it by 2016. The Strategy contains targets for reducing CO2 emissions and water consumption, increasing the contribution of renewable energy, minimising waste and enhancing biodiversity. In it Brighton & Hove is identified as one of eight 'Diamonds for Investment and Growth' expected to drive the sustainable economic and community growth agenda in the region. Targets are currently being worked out including commitment to delivering levels of sustainable building standards in advance of national timetable. The RES can be viewed and downloaded from www.seeda.co.uk/res/RES_2006-2016/index.asp Information on the Diamonds of Growth is available on www.southeastdiamonds.org.uk

3.5.4. Affordable Warmth: A Fuel Poverty Strategy for residents of



Local documents
(in alphabetical order)

Brighton & Hove sets out the path towards eradicating fuel poverty in the city by the year 2010. Document can be viewed and downloaded from www.brighton-hove.gov.uk/downloads/bhcc/energy/Strategy-Affordable-Warmth.pdf

Brighton & Hove Adopted Local Plan provides a framework for guiding development in the city and determining what development is acceptable. There are a number of policies that are particularly relevant to sustainable building design:

- TR1 (Development and the demand for travel)
- TR14 (Cycle access and parking)
- SU1 (Environmental impact assessment)
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU16 Production of renewable energy
- QD1 Design - quality of development and design statements
- QD3 Design - efficient and effective use of sites
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD27 Protection of amenity
- QD28 Planning Obligations
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Document can be viewed and downloaded from www.brighton-hove.gov.uk/index.cfm?request=b1000164

Community Strategy: Creating the City of Opportunities sets



out the vision and plans of the agencies, organisations and communities who work together through the 2020 Community Partnership to improve the quality of life in this city. The strategy pledges to reduce CO₂ emissions in the city by 3.5% each year (2003-2004 baseline). Document can be viewed and downloaded from www.brighton-hove.gov.uk/web/sites/site2020/holdingpage/files/communityStrategy.pdf

Construction & Demolition Waste Supplementary Planning Document (SPD) 03 sets requirements and provide those involved in construction and demolition, with practical ideas as to how waste can be reduced, re-used and recycled. Document can be viewed and downloaded from www.brighton-hove.gov.uk/index.cfm?request=c1147827

Housing Strategy aims, among other things, to raise housing quality toward a decent home for all, make homes warm, energy efficient and more affordable and promote health, well-being and learning through appropriate housing solutions. Document can be viewed and downloaded from [www.brighton-hove.gov.uk/downloads/bhcc/Housing Strategy 2004-2007 \(2003-04 Data Update\).pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/Housing_Strategy_2004-2007_(2003-04_Data_Update).pdf)

Microgeneration Planning Advice Note (PAN) provides information on how to incorporate domestic scale power and heat generation from sustainable sources into developments and issues that may be relevant when submitting planning or building control applications. Document can be viewed and downloaded from www.brighton-hove.gov.uk/index.cfm?request=c1156023

Sustainability Strategy – Local Agenda 21 for Brighton & Hove sets out the council's commitment to take action for a more sustainable future and contains Action Plans that help the Local Strategic Partnership in setting priorities for the Community Strategy. Document can be viewed and downloaded from www.brighton-hove.gov.uk/downloads/bhcc/environment/sus_strat.pdf

Sustainable Building Guidance sets out the Housing Repairs & Maintenance teams' commitment to work in partnership with



3.6. Glossary

city council tenants and other stakeholders to incorporate many different aspects of sustainability into housing maintenance projects. Document can be viewed and downloaded from www.brighton-hove.gov.uk/downloads/bhcc/housing/council_housing/sustainable_building_guidance.pdf

Biodiversity refers to the whole variety of life encompassing all genetics, species and ecosystem variations, including plants and animals.

BREEAM is a family of assessment methods and tools designed to help construction professionals understand and mitigate the environmental impacts of the developments they design and build. It is developed and monitored by the Building Research Establishment.

Brownfield refers to previously developed land. Site containing permanent structures and associated development, which can be re-developed for other uses before greenfield sites.

Climate Change accounts for long-term changes in temperature, precipitation, wind and all other aspects of the Earth's climate. Often regarded as a result of human activity and fossil fuel consumption.

CO₂ (carbon dioxide) is a chemical compound present in the Earth's atmosphere at a low concentration of approximately 0.038% and is an important greenhouse gas.

Code for Sustainable Homes see Detailed Policy Guide above.

Community Strategy is prepared by a local authority to improve local quality of life and aspirations, under the Local Government Act 2000.

Conditions (or 'planning condition') are requirements attached to a planning permission to limit, control or direct the manner in which a development is carried out.

Considerate Constructors Scheme assesses performance of construction professionals against the eight point Code of Considerate Practice which includes the categories



Considerate, Environment, Cleanliness, Good Neighbour, Respectful, Safe, Responsible and Accountable.

Conversions generally refer to the physical work necessary to change of use of a building from a particular use, classified in the use classes order, to another use. It can also mean the sub-division of residential properties into self-contained flats or maisonettes.

Development is defined under the 1990 Town and Country Planning Act as 'the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land'. Most forms of development require planning permission (see also 'permitted development').

Design statement contains supporting written submission that highlights the key design features of a development proposal and explains how the design takes account of its context in relation to the natural landscape and / or neighbouring buildings and other features.

Energy Saving Trust (EST) Best Practice sets energy efficiency standards that go beyond building regulations for use in the design, construction and refurbishment of homes. These standards provide an integrated package of measures, covering fabric, ventilation, heating, lighting and hot water systems for all aspects of new build and renovation. The Trust provides a series of free resources including best practice guides, training seminars, technical advice and online tools, are available to help meet these standards. Further information is available at www.energysavingtrust.org.uk

Energy Saving Trust (EST) Home Energy Report is available for anyone who completes the Home Energy Check tool available in the EST website (www.energysavingtrust.org.uk/proxy/view/full/165/homeenergycheck). The resulting report contains a number of recommendations for improving the energy performance of a home.

Environmental Impact Assessment (EIA) is a systematic procedure to determine the likely significant effects of a proposed development project on the environment. The EIA is prepared by and is the responsibility of the applicant and the resulting documentation is termed an 'Environmental



Statement'. The EIA aims to ensure the likely environmental effects of proposed developments are highlighted at an early stage in the process to assist the decision-making authority in determining planning permission.

Extensions are additions to existing buildings on a particular site.

General Permitted Development Order (GPDO) is a set of regulations made by the government which grants planning permission for specified limited or minor forms of development.

Greenfield is a site that has not been previously been built on (includes areas such as playing fields, allotments and countryside).

Greenhouse Effect / Global Warming is the gradual heating of the Earth due to greenhouse gases, leading to climate change and rising sea levels. Renewable energy, energy efficient buildings and sustainable travel are examples of ways to help avert the greenhouse effect.

Greenhouse Gases are naturally occurring examples include water vapour, carbon dioxide, methane, nitrous oxide and ozone. Some human activities increase these gases, including fossil fuel combustion within motor vehicles and some power stations.

Groundwater is an important part of the natural water cycle present underground, within strata known as aquifers.

Industrial Waste is that originating from a factory or industrial process.

Issues & Options accounts for the "pre-submission" consultation stages on Local Development Framework documents with the objective of gaining public consensus over proposals ahead of adoption.

Landfill (including land raising) is the permanent disposal of waste into the ground, by the filling of man-made voids or similar features, or the construction of landforms above ground level (land-raising).

Lifetime homes refers to housing built to standards to cater for various lifestyle stages, e.g. wider corridors to cater for



pushchairs and wheelchairs, scope for adaptations for disability needs, needs of the elderly, etc.

Local Development Framework (LDF) is a non-statutory term used to describe a folder of documents, which includes all the local planning authority's local development documents. An LDF steers development in a particular location and is comprised among other things of Development Plan Documents (which form part of the statutory development plan), Supplementary Planning Documents.

Low Carbon technologies use grid electricity or mains gas to generate heat or power more efficiently. They are called low carbon because they result in lower CO₂ emissions than using mains gas or electricity. These include: geothermal and ground sourced heat pumps (which require electricity to operate pumps); fuel cells (which require electricity to create hydrogen); gas fired CHP; or other district heating systems. The latter two are sometimes referred to as decentralised or localised energy, as they create heat and/or power local to where they are used. These technologies are sometimes referred to as microgeneration, producing heat or energy locally on a small scale.

Material considerations are those which relate to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will however depend on the circumstances. Material considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. They must also fairly and reasonably relate to the application concerned. Material considerations may include the government's national and regional planning guidance and material representations from interested parties. Whether such matters are material in a particular case is ultimately a matter decided through the law courts.

Mixed use developments contain two or more uses e.g. residential, employment, leisure, community uses.

Nature conservation is the protection, management and promotion of wildlife habitat for the benefit of wild species, as well as the communities that use and enjoy them.



New build refers to properties that will be purchased for the first time from the builder or developer.

Open Space denotes all space of public value, including public landscaped areas, playing fields, parks and play areas, and also including not just land, but also areas of water such as rivers, canals, lakes and reservoirs, which can offer opportunities for sport and recreation or can also act as a visual amenity and a haven for wildlife.

Operational waste is refuse from household collection rounds, waste from street sweepings, public litter bins, bulky items collected from households and businesses and wastes which users themselves take to waste recovery centres and "bring sites".

Out-of-Centre means in retailing terms, a location that is clearly separate from the primary shopping area of a town centre but not necessarily outside the urban area.

Permitted Development (or Permitted Development Rights) refers to development, including changes of use, which is allowed (by virtue of Government Legislation) without the submission of a planning application to the Local Planning Authority (see also deemed consent).

Planning Advice Note (PAN) offers detailed advice and information on implementing policies in the Local Plan, and outline national and regional policy.

Planning & Compulsory Purchase Act 2004 updates elements of the 1990 Town & Country Planning Act. The Planning and Compulsory Purchase Act 2004 introduces a statutory system for regional planning; a new system for local planning; reforms to the development control and compulsory purchase and compensation systems; and removal of crown immunity from planning controls.

Planning Condition is that attached to a planning permission.

Planning Obligations / Section 106 Agreements (under the 1990 Town & County Planning Act), are legal agreements that secure measures and/or controls that could not be achieved by the imposition of planning conditions.

Planning Permission is a formal approval sought from a



council, often granted with conditions, allowing a proposed development to proceed. Permission may be sought in principle through outline planning applications, or be sought in detail through full planning applications.

Planning Policy Guidance (PPG) were issued by central government setting out its national land use policies for England on different areas of planning. These are gradually being replaced by Planning Policy Statements.

Planning Policy Statement (PPS) are issued by central government to replace the existing Planning Policy Guidance notes in order to provide greater clarity and to remove from national policy advice on practical implementation, which is better expressed as guidance rather than policy.

Regional Spatial Strategy (RSS) (South East Plan for South East region) is strategy for how a region should look in 15 to 20 years time and possibly longer. The Regional Spatial Strategy identifies the scale and distribution of new housing in the region, indicates areas for regeneration, expansion or sub-regional planning and specifies priorities for the environment, transport, infrastructure, economic development, agriculture, minerals and waste treatment and disposal. Most former Regional Planning Guidance is now considered RSS and forms part of the development plan. Regional Spatial Strategies are prepared by the Regional Planning Body SEERA.

Renewable Energy is that which occurs naturally and repeatedly in the environment – e.g. energy from the sun, wind, water, land, plant material, as opposed to energy derived from non-renewable resources such as that from 'fossil fuels' e.g. coal and oil. Combustible or digestible waste materials are also regarded as renewable sources of energy.

Section 106 Agreement, see planning obligations.

Strategic Environmental Assessment (SEA) is an environmental assessment of certain plans and programmes, including those in the field of planning and land use, which complies with the EU Directive 2001/42/EC. The environmental assessment involves the preparation of an environmental report; carrying out of consultations; taking into account of the environmental report and the results of the consultations in decision making; provision of information when the plan or



programme is adopted; and showing that the results of the environment assessment have been taken into account.

Supplementary Planning Document (SPD) is a Local Development Document that may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' Development Plan Document.

Sustainable development is that which meets the needs of the present without compromising the ability of future generations to meet their own needs (a widely-accepted definition taken from 'Our Common Future' also known as 'The Brundtland Report') – the Report of the 1987 World Commission on Environment and Development. The key elements of sustainable development are social progress which recognises the needs of everyone, effective protection of the environment, prudent use of natural resources and maintenance of high and stable levels of economic growth and employment. It also implies more equitable access to these elements of sustainable development within current and future generations and the global implications of development.

Zero carbon development is one that achieves zero net CO₂ emissions from energy use on site, on an annual basis.

Zero carbon technologies harness non fossil fuel energy to create heat or generate electricity, i.e. sun, wind, and water. They are called zero carbon because they produce no carbon dioxide (CO₂) emissions when producing heat or power. These are also referred to as 'renewable' energy sources (solar thermal, photovoltaics, wind turbines, hydropower and combined heat and power using renewable fuels such as biomass, biodiesel or renewable gas). These technologies are sometimes referred to as microgeneration, producing heat or energy locally on a small scale.

Waste Minimisation / Reduction is the most desirable way of managing waste, by avoiding the production of waste in the first place.



City Planning
Brighton & Hove City Council
Hove Town Hall
Norton Road
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BN3 3BQ

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 16

Brighton & Hove City Council

Subject: Review of Brighton & Hove Travellers Strategy
Date of Meeting: 5 June 2008
Report of: Director of Environment
Contact Officer: Name: **Judith Macho** Tel: **29-2433**
E-mail: judith.macho@brighton-hove.gov.uk
Key Decision: Yes Forward Plan No. *ENV0001*
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To present to the Cabinet Member the proposed city-wide Traveller Strategy following consultation undertaken as part of the review to ensure it is in line with latest Government legislation and reflects the Council's Inclusive Council Policy.

2. RECOMMENDATIONS:

- (1) Agree and adopt the reviewed city-wide Traveller Strategy.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council has had a Traveller Strategy since 1999. The Strategy has been routinely updated to reflect new legislation. However a number of significant changes have required a wider review of the strategy in order to reflect the current position. These changes include:

- i) The provision of Horsdean Transit Site to meet the needs of Gypsies and Irish Travellers passing through the city.
- ii) The requirement for local authorities to provide permanent accommodation for the assessed need within their areas.
- iii) Introduction of multi agency working to support the delivery of the Travellers Service.

- 3.2 The council's *Traveller Strategy* aims to promote community cohesion and to protect the rights and needs of both the settled and travelling communities. The Strategy acknowledges that Gypsies and Travellers have a right to a nomadic life style, to equal access to services (such as education, health and accommodation) and to protection from discrimination and harassment.

- 3.3 If agreed the Strategy will support and direct the work carried out with Gypsies and Travellers by the City Council and its partners.

4. CONSULTATION

A cross party group of Councillors has met to consider the proposed strategy.

The draft Strategy was reported to the Equalities Forum in February 2008.

The consultation process also involved Traveller support groups, the Police, representatives of the Parks & Open Spaces Service, Traveller Education Providers, Primary Care Trust and East and West Sussex County Councils.

An opportunity for other interested parties to take part in this consultation was made via the Council's Web Site.

The consultation period ended on the 31st March 2008. All responses received have been considered and amendments incorporated as appropriate. A copy of the amended strategy is contained in **Appendix 1**. A summary of the comments and officers response is contained in **Appendix 2**.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

Capital - The future provision or refurbishment of transit or permanent sites would attract a capital grant from the Government. For 2008-9, there is a grant of £250k, along with additional agreed funding of £70k, for the transit site.

Revenue - The revenue costs of enforcement and waste clearance will be met within the current budget off set by rental income from the sites.

Legal Implications:

- 5.2 This report takes account of the Council's duty under section 225 of the Housing Act 2004. This duty requires the Council, when undertaking a review of housing needs under section 8 of the Housing Act 1985, to carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to Brighton & Hove. This is referred to in the 'Future Provision' paragraphs of Section 4 of the Traveller Strategy.

Section 2 of the Strategy contains a reference to human rights, specifically the need to have regard to the Human Rights Act 1998 and associated case law in any enforcement action contemplated against travellers or gypsies.

Equalities Implications:

- 5.3 Gypsies and Travellers are ethnic groups which are recognised by the Race Relations Act. They have a right to a nomadic lifestyle, to equal access to services (such as education, health and accommodation) and to protection from discrimination and harassment.

Sustainability Implications:

5.4 There are no sustainability implications.

Crime & Disorder Implications:

5.5 Clear procedures are necessary to manage unauthorised encampments, anti social behaviour, discrimination and harassment.

Risk and Opportunity Management Implications:

5.6 Failure to have in place an effective Traveller Strategy could lead to poorly delivered traveller services.

Corporate / Citywide Implications:

5.7 None.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Alternative wording for the strategy proposed during the consultation process but not adopted is detailed in Appendix 2.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 A formally adopted strategy for the city will provide a clear framework to support and direct the work carried out with Gypsies and Travellers by the City Council.

SUPPORTING DOCUMENTATION

Appendices:

1. Traveller Strategy – Brighton & Hove
2. Summary of consultation comments and officer response



Brighton & Hove City Council

TRAVELLER STRATEGY

(DRAFT)

April 2008

Brighton & Hove Traveller Strategy

Draft – April 2008

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Section 1 - Introduction

Brighton & Hove City Council has developed this strategy in partnership with key service providers. It aims to provide a strategic framework for addressing the needs of travelling and settled communities. The strategy will focus on delivering and developing services, accommodation and dealing with unauthorised encampments. It outlines how we will work in partnership with service providers and stakeholders to ensure an effective and consistent approach to Gypsy and Traveller Community issues.

This strategy aims to:

- Set out a clear and consistent approach to any issues relating to Gypsies and Travellers that balances enforcement with service and accommodation provision.
- Ensure an integrated, multi-agency approach and establish a strategy that is clearly linked with other Council and partnership strategic priorities.
- To set out priorities and key actions to take work forward and improve services.
- Set out how we will meet our statutory duties towards Gypsies, Travellers and the settled (non-travelling) community and apply Government guidance where relevant.
- Promote community cohesion and the well-being of all residents (including Gypsies and Travellers)

The Council recognises the cross-border nature of Gypsy and Traveller issues and the need for a regional and national approach to addressing them. All local authorities need to meet their responsibilities in order for national and regional policies to be successfully implemented. The Brighton & Hove City Council will continue to work closely with neighbouring local authorities and to lobby for a national approach to the issues outlined in this strategy, for continued central Government funding and effective sanctions against local authorities that do not contribute appropriately.

The Council will ensure it fulfils its duties and responsibilities to all members of the community, including the settled and travelling community. All members of the community, whether Travellers or settled, also have a responsibility to show understanding and toleration of others and respect for the law.

The Foundations of Brighton & Hove's Sustainable Community Strategy form the guiding principles that we will use to deliver the Travellers Strategy for the city. The guiding principles of this strategy are:

- Equality – ensuring that the rights and needs of both settled and travelling communities are recognised and upheld and that everyone is able to access the opportunities and services on offer in Brighton & Hove.
- Community engagement – involving settled and traveller communities in meaningful dialogue regarding Gypsy and Traveller issues.
- Rights and responsibilities – everyone has a right to equal access to services such as education, health and accommodation, and the right to protection under the law from discrimination and harassment. Everyone also has a responsibility to respect the rights of others and to live within the law.
- Sustainability – promoting the environmental, social and economic sustainability of the city.

Section 2 – Background

'Travellers' is a collective term used to describe different groups of people who have a nomadic lifestyle or tradition/heritage of nomadism. Romany Travellers and Irish Travellers are recognised in law as ethnic groups under the Race Relations Act (1976) and identified as having a shared culture, language and beliefs. Romany Gypsies have been in England for over 600 years and Irish Travellers have a long history of travelling and living in this country.

Whilst all Gypsies and Irish Travellers have a nomadic heritage, the extent to which they travel varies. Most Gypsy and Traveller families are now settled on authorised residential caravan sites or in conventional housing and may still travel for part of the year for work or for family occasions. A number of travellers live on unauthorised developments where they own the land but do not have planning permission to live there. Some groups are highly mobile and move on regularly, often against their will, as they have no permanent base.

Gypsies and Travellers as a group suffer from a high level of inequality, particularly around health and education issues, and suffer from discrimination and racial hatred.

The term 'Travellers' also covers groups that are not currently recognised as ethnic groups. These include 'New Travellers,' who are non-traditional travellers, (most of whom originate from the settled community, although some children have been born into New Traveller communities) and Travelling Showpeople.

There is no definitive data for the number of Gypsies and Travellers in the UK however the Commission for Racial Equality (CRE) estimates that there are between 200,000 and 300,000 living in the country. The

majority of these live in caravans on authorised public or privately owned sites and many Gypsies and Travellers also live in bricks and mortar housing.

Local authorities carry out a bi-annual count of Gypsy and Traveller caravans in January and July and this information is submitted to the department for Communities and Local Government (CLG). The latest figures from the January 2007 count suggest that there are over 16,500 caravans in England. Of these approximately 78.5% were on authorised sites, including socially rented sites and privately owned sites), 13.5% were on sites where Gypsies and Travellers owned the land but did not have planning permission (unauthorised developments) and 8% were on unauthorised encampments on land not owned by them and not designated as an authorised site.

The bi-annual caravan counts only provide a snapshot of the caravans in Brighton & Hove on a particular day and the January and July counts reflect the seasonal nature of travelling in the local area. In January 2007 there were 20 caravans on unauthorised encampments, none on unauthorised developments and none on authorised sites (as Horsdean Transit Site was closed for refurbishment at this time). In July 2007 there was a total of 65 caravans in Brighton & Hove all on unauthorised encampments. The CLG caravan counts do not include 'van dwellers' as individuals living in their vehicles are not recognised as Travellers in any national or regional policy. (See further information in Section 5 – Lived in vehicles parked on the highway).

Outcomes for Gypsies and Travellers

The Commission for Racial Equality has highlighted concerns over tensions between Gypsies and Travellers and the settled community and inequalities in terms of access to services and outcomes such as health and education. Gypsies and Travellers remain excluded and socially disadvantaged, they often lead separate parallel lives, not helped by sometimes hostile media reports that can fuel tensions.

Gypsies and Irish Travellers fare worse than any ethnic group in terms of health and education. Levels of prenatal mortality, stillbirths and infant mortality are significantly higher than the national average. Life expectancy for women is 12 years and for men 10 years less than the general population. Gypsy and Irish Traveller children have lower levels of school attendance than other groups, particularly those of secondary age. In 2006 10% of Roma Gypsy pupils and 19% of Irish Traveller pupils achieved five or more A*-C GCSE passes compared with 57% of the general population, these were the lowest levels of any ethnic group.

Links with other strategies and plans

It is important that the priorities and actions set out in the Traveller Strategy complement and link with other relevant local strategies and plans in order to ensure that the specific needs of Gypsies and Travellers can be incorporated into the development of mainstream services as well as within specific initiatives and services. This section outlines some of the strategies and initiatives that are most relevant to Gypsies and Travellers.

The Council's Corporate plan

Brighton & Hove City Council's top priorities and strategic goals are set out in the Corporate Plan. For 2006-07 the corporate priorities are:

- o Develop a prosperous and sustainable economy
- o Develop a safe city that values our unique environment
- o Develop a healthy city that cares for vulnerable people and tackles deprivation and injustice
- o Ensure all our children and young people have the best possible start in life

Sustainable Community strategy

Brighton & Hove's Sustainable Community Strategy sets out a long term plan to improve the social, economic and environmental well-being of the city, now and in the future. The partners involved with the 2020 Community Partnership, Brighton & Hove's Local Strategic Partnership are responsible for the delivery and

implementation of the strategy. Membership of the 2020 Community Partnership includes Council, Public, Private, Community and Voluntary sector representation.

Inclusive Council Policy

The Inclusive Council Policy is a strategy and programme of action to guide the City Council's approaches to equality, diversity, social cohesion and inclusivity. It aims to take a holistic approach to equality and diversity that sets out fundamental principles for an inclusive Council. This is an over-arching policy that sits above other documents related to the equality and diversity agenda such as the Race Equality Scheme, Gender Equality Scheme and Disability Equality Scheme.

Local Development Framework

The Planning and Compulsory Purchase Act 2004 introduced a new system for preparing development plans. The Local Development Framework is a set of planning documents that together will form the new development plan for Brighton and Hove and must conform to the Regional Spatial Strategy/South East Plan. The Development Plan Documents, which make up the Local Development Framework are gradually replacing the Brighton & Hove Local Plan.

Housing Strategy

The vision of the housing strategy is to ensure that all the people of Brighton & Hove have access to decent affordable housing that enables a good quality of life. This includes appropriate accommodation for Gypsies and Travellers. The Council is currently developing a new Housing Strategy for the City that will cover the housing market, housing needs and support issues, and is seeking the views of local people, services users and service providers.

Crime and Disorder Reduction Partnership

The partnership audits crime and safety and works to deliver reductions in crimes and incidents in priority crime areas of the Community Safety, Crime Reduction and Drugs Strategy. This includes reducing hate crimes, domestic violence, crimes related to the misuse of drugs and alcohol including violent crimes and anti-social behaviour.

Children & Young People's Plan

The Children and Young People's Plan is a single, strategic overarching plan for all local services for children and young people aged up to 19 years. The plan defines clear priorities that aim to secure improvements in outcomes for all children and young people in Brighton & Hove and is built around the government's five Every Child Matters Outcomes: Being Healthy, Staying Safe, Enjoying and Achieving, Achieving Economic Well-being, and Making a Positive Contribution.

City Employment and Skills Plan

This plan provides support and advice to adults wishing to improve their skills and/or qualifications, or re/enter the labour market.

Healthy City Partnership

The healthy City Partnership aims to improve health for everyone in the City with particular emphasis on communities experiencing greatest inequality of health and improving the provision of services to vulnerable groups through housing, health and social care partnerships.

Legal and Policy Context

The Caravan Sites and Control of Development Act 1960 gave local authorities discretionary powers to provide sites for Gypsies. The Caravan sites Act 1968 made this a statutory duty and from 1980 the Government gave financial support to local authorities that provided sites. However the duty to provide sites was repealed by the Criminal Justice and Public Order Act 1994 and the financial support for site

provision was also withdrawn. The Act also gave greater enforcement powers against traveller encampments. As a result of this and of changes in the use of land there are now too few sites to accommodate all Gypsies and Travellers leaving many with no authorised place to live.

The issue has been reassessed and further guidance through the Government's Gypsy and Traveller Accommodation Policy has sought to meet the accommodation needs of Gypsies and Travellers. The Housing Act 2004 and Circular 01/06: Planning for Gypsy and Traveller Caravan Sites set the context for this. There is also a Gypsy and Traveller Caravan Sites Grant available from the Government. Accommodation for Gypsies and Travellers is explained in more detail in section 4 of this strategy.

The Race Relations Act 1976 makes it unlawful for employers and service providers to discriminate against any group on the grounds of race. This includes Gypsies and Irish Travellers who are recognised as ethnic groups. The Race Relations Amendment Act 2000 placed a general duty on public authorities to eliminate unlawful discrimination, and promote equality of opportunity and good race relations in carrying out their functions. In common with other local authorities, the Council has published a Race Equality Scheme that sets out how it will meet this duty.

The Human Rights Act 1998 incorporates the European Convention on Human Rights into British law. Several convention rights are relevant to dealing with unauthorised camping especially; the right to respect for private and family life, the right to protection of property, the right to education, and the prohibition of discrimination. When considering an eviction from an unauthorised site the Human Rights Act requires authorities to have regard to whether the action is necessary and proportionate under the circumstances.

Section 3 – Service provision

The Council and its partners aim to ensure equal access to services and an equal standard of service provision for all sectors of the community including Gypsies and Travellers, and recognises the specific needs of this community. Therefore there are some specialised services for Gypsies and Travellers as well as mainstream services that are relevant to meeting their needs.

This strategy aims to facilitate access to mainstream services, and to ensure that the future planning and development of services considers how better to meet the needs of Gypsies and Travellers, especially when a permanent site is provided in the City.

Specialist service provision for Gypsies and Travellers

Traveller Liaison Team

The service provided by the Council's Traveller Liaison Team includes:

- The management¹ of unauthorised encampments
- Provision of advice and support to landowners and the public
- Management of the Horsdean Transit Site
- Support in helping Gypsies and Travellers access services such as education and health

The team develops and maintains partnerships with other service providers in order effectively to manage authorised and respond to unauthorised encampments and encourage and facilitate access to services by the travelling community. This involves taking legal action as well as allowing for periods of toleration when required, for example because of health or welfare needs (see section 5). The service liaises with and provides information to settled and travelling communities. The Traveller Liaison Team aims to promote good race relations and equality of opportunity between the travelling and settled community.

Traveller Education Service

The 1944 Education Act – statutory duty on local authorities to make education available to all children residing in the area (whether permanently or temporarily)

Parents have a duty to ensure their child's attendance at school or make suitable alternative arrangements

Local authorities obligations to Traveller children met through the Traveller Education Service that works with schools to ensure that children receive their full educational entitlement

The service works to:

- support the access and admission of Traveller children residing in or
- resorting to Brighton and Hove;
- provide guidance and advice to schools on relevant legislation and
- strategies for successful inclusion;
- provide targeted teaching support for new arrivals;
- provide early years outreach provision

¹ 'Managing' an unauthorised encampment involves responding appropriately, in partnership with other agencies to the incidence of an encampment and to any issue or cause for concern that may be associated with it. This includes taking action to end the encampment, provision of services to the campers where required, keeping stakeholders informed of the situation, and managing the impact of the encampment until the site is vacated.

- collaborate with other services to provide multi agency outreach support;
- support the ongoing achievement of Traveller pupils;
- provide culturally relevant curriculum materials;
- provide home-school liaison;
- ensure good attendance;
- promote knowledge and understanding of Traveller communities in all schools and the wider community;
- support the Council's Race Equality Action Planning and delivery

Health Services

Brighton & Hove City Primary Care Trust provides targeted outreach services in order to ensure the Gypsy and Traveller community has access to mainstream healthcare provision. These services include the following –

for women and children

- midwifery and health visiting support (including immunisation and child health checks covering developmental milestones); welfare and educational support.

There is a midwife providing a service to Travellers in Brighton & Hove and other areas.

for the working age population

- screening for cardiovascular problems and participation in routine cancer screening programmes
- advice and screening for alcohol and substance misuse problems
- timely access to accurate medical histories

for young people

- sexual health screen and contraceptive provision, including emergency hormonal contraception
- access to the specialist young people's drug and alcohol service (ru-OK?)

for older people

- winter warmth
- flu vaccination
- mental health screening

Friends, Families and Travellers, a small national charity based in Brighton, employs a part-time Gypsy and Traveller Health Adviser (funded by Brighton & Hove Primary Care Trust) to assist in bridging members of the travelling communities into the mainstream health services they need.

A walk-in clinic is available daily at Morley Street Surgery in Brighton to those who are not registered with a GP including Gypsies and Travellers.

A dental service is available by appointment for those who find it extremely difficult to register for NHS dental care, including Gypsies and Travellers.

Employment Services

There are opportunities available in the city for training and learning post 16 and to access employment or for in-work progression.

Multi-agency Traveller Team

A new multi-agency team aimed at effectively managing unauthorised encampments was formed in spring 2007. The team includes officers from the Traveller Liaison Team, police officers, trading standards and waste enforcement officers. The multi-agency team has proved to be an effective means of partnership working through regular meetings to share information and joint visits to Traveller encampments.

Waste Collection

The Council uses a contractor to provide a waste collection service for Travellers. The service collects domestic waste from Horsdean Traveller Site and usually from unauthorised encampments, in order to help Travellers to keep the area as clean and tidy as possible. The contractors also clean the communal toilet and shower block at Horsdean and where necessary clear sites after unauthorised encampments on public land have been vacated. This contract meets the requirements of the Council's Race Equalities scheme.

Community and Voluntary Sector Services

Friends, Families and Travellers (FFT) is a national organisation, based in Brighton that seeks to address the problems facing the Gypsy and Traveller community. FFT carries out research and policy development but also provide a service to all members of the travelling community through advice and information as well as legal advice and advocacy. The advice and information unit is available to drop in or by appointment.

There are also other local community groups, such as Sussex Traveller Action Group that represent Gypsies and Travellers that contribute to dialogue around issues affecting them.

Mainstream services relevant to the needs of Gypsies and Travellers

Youth and Connexions

The Youth and Connexions area teams work to ensure that young people make a successful transition into adult life and provide an important point of contact for information, advice and guidance.

Supporting People/ housing related support services

Supporting people is a Government programme that aims to help people get housing related support services that enable them to live more independent lives. The Gypsy and Traveller Accommodation Assessment highlighted important needs around disability and adaptations. As part of the development of the new Housing Strategy the Council is consulting on how best to deliver housing related support services to the travelling community including the option of specific services for Gypsies and Travellers.

Community safety

The Community Safety team leads the work to reduce crime, fear of crime and anti-social behaviour across the City and it leads and manages the Crime and Disorder Reduction Partnership. Priority areas include reducing race and hate crime, domestic violence, drug and alcohol related crime and anti-social behaviour.

In order to tackle harassment and racist incidents directed at Gypsies and Travellers Traveller Liaison Officers (TLOs) and other officers who work with Gypsies and Travellers will be trained to report racist incidents and will use the Pan-Sussex racist incident reporting form. TLOs will work with Hate Crime Caseworkers towards identifying perpetrators and carrying out prevention work or restorative justice work to reduce the incidence of harassment experienced by Gypsies and Travellers.

Funding has also been gained from the Victims Fund for a short term project aimed at increasing the reporting of racist incidents to be carried out by Friends, Families and Travellers, a third sector organisation.

Children's social services

The Children & Young People's Trust is responsible for the safeguarding of all children in Brighton & Hove, in line with the Staying Safe outcome of Every Child Matters.

Priorities/Actions:

- Expand the Multi-Agency Traveller Team in order to join up support services, to enable Travellers to access the services they need and to signpost them to the support that is available
- Set up recycling facilities at Horsdean and explore methods of encouraging recycling on other occupied sites
- Facilitate successful transfer to a new waste contract and monitor to ensure effectiveness and efficiency
- Make engagement with the Traveller Education Service an expectation for Travellers on Horsdean Transit Site and for any encampments that are tolerated for a period of time

- Develop a multi-agency information leaflet for distribution to Travellers during the initial visit to a site
- Increase the reporting of racist incidents involving Gypsies and Travellers

Section 4 - Accommodation

The Government recognises that there are not enough suitable sites to meet the accommodation needs of Gypsies and Travellers. The lack of authorised sites has led to an increase in unauthorised encampments. Therefore more sites are required in order to meet the need for accommodation for Gypsies and Travellers and to reduce the level of unauthorised encampments. This section sets out how Brighton & Hove will play its part in achieving this.

Current provision

In Brighton & Hove there is one authorised site, called Horsdean Transit Site, located at Braypool Lane, Patcham, which is managed by the local authority and has 23 pitches. This is a transit site, which means it provides temporary accommodation for up to three months.

Horsdean has recently been refurbished after the Council was successful in securing a 75% percent grant. This included installing an electrical substation and providing water and electric points on each pitch. The Council will consider any further improvements, subject to availability of funding, that may be required in order to ensure the site's facilities comply with Government Guidance.

Policies and procedures for the management of the site have recently been reviewed in order to ensure the site is used in an efficient and effective way and in line with Government guidance. Gypsies and Travellers who are granted a license on the site pay rent and a utilities charge for water and electricity, which off-sets the costs of running the site. The site is to be used as a facility for travellers who are in transit and need/want to stop in the city for a short period. It is also intended to be a useful tool in the effective management of unauthorised encampments.

Future provision

The Housing Act 2004 requires local authorities to assess the accommodation needs of Gypsies & Travellers and have a strategy that sets out how any identified needs will be met. Brighton & Hove City Council took part in a sub-regional Gypsy and Traveller Accommodation Assessment (GTAA) in 2005 as part of the Housing Needs Survey. The GTAA study looked at the accommodation needs and aspirations of Gypsies and Travellers in East Sussex and Brighton & Hove.

Circular 01/06: Planning for Gypsy and Traveller Caravan Sites establishes a new planning framework to help increase site provision to meet the accommodation needs of Gypsies and Travellers, reduce the number of unauthorised sites and promote good relations with the settled community. Regional Spatial Strategies, including the South East Plan, will identify the number of pitches required in each local authority area in light of local assessments of Gypsy and Traveller accommodation need.

The South East England Regional Assembly (SEERA) is undertaking a partial review of the South East Plan specifically to consider Gypsy and Traveller pitch requirements for the South East region. Brighton & Hove City Council has worked closely with its GTAA partners; district and borough councils in East Sussex and East Sussex County Council, and has submitted advice to SEERA regarding additional provision of permanent pitches for Gypsies and Travellers in the GTAA area.² SEERA will develop their Preferred Option(s) for pitch numbers and distributions across the region and a formal consultation period is planned for May-August 2008.

The partial review of the South East Plan focuses on the permanent provision of accommodation for Gypsies and Travellers and only qualitative information regarding temporary (transit) provision has been requested by SEERA. A more comprehensive assessment of the need for Transit pitches is expected at a later date, when the impact of the additional permanent provision across the region on travelling patterns is clear. The Council's transit site at Horsdean is expected adequately to meet the, mainly seasonal, current need for transit provision in the City. This will be subject to monitoring and review.

Circular 1/2006 requires local authorities to plan for Gypsy and Traveller sites by identifying suitable sites within their Development Plan Documents to meet the pitch requirements for their area as set out in Regional Spatial Strategies. As with all forms of housing/accommodation requirements set out in the Regional Spatial Strategy and Local Development Framework, the Council must ensure this is 'deliverable' (as stated in Planning Policy Document 3). The Local Development Framework (LDF) Core Strategy includes a Preferred Option regarding planning for Gypsy and Traveller sites, which states that provision will be made in accordance with targets in the South East Plan. The document also sets out planning criteria to be

² Advice submitted in October 2007 states that there is a need for 47 additional permanent pitches in Brighton & Hove and East Sussex. The advice includes two different options for the distribution of these pitches with either 11 or 14 permanent pitches in Brighton & Hove. The final pitch requirements to be included in the South East Plan may be different to the figures provided in the advice.

used to guide the process of site selection and site location to meet these requirements. This will include an assessment of the social, environmental and economic impact of site options for both Gypsies and Travellers and the settled community.

Circular 1/2006 also states that local authorities should bring forward site provision ahead of the strategic planning process where there is unmet need. The Department for Communities and Local Government has a Gypsy and Traveller Sites Grant, which local authorities can bid for to refurbish or build new sites although the continuation of this funding has not been confirmed. The Council is currently looking into the possibility of bringing forward proposals for a permanent site in advance of the above process, which has a lengthy timetable.

This is to take full advantage of the opportunity currently available to bid for 100% of the funding required to develop a new site. Local knowledge shows that there are some Gypsies and Travellers who travel in and around Brighton & Hove for all or the majority of the year. As they have no authorised permanent place to live they often go on to unauthorised encampments. Some of the residents on Horsdean Transit Site also need permanent accommodation, as they have no authorised place to live once their temporary licence comes to an end. Providing a permanent site would therefore meet the pressing accommodation needs of some locally based Gypsies and Travellers, reduce the number of unauthorised encampments and free up spaces on Horsdean Transit Site. It is expected that Horsdean will cater for current seasonal transit needs in the city.

The Government has produced draft guidance for the design and the management of Gypsy and Traveller sites. The Council will ensure that any new site developed in the City will conform with Government guidance, being of an appropriate standard with good facilities and services.

Sites identified in Development Plan Documents do not have to be developed by the local authority; Gypsy and Traveller accommodation needs can be met through private provision as well as Registered Social Landlords (RSLs). In August 2006, an Order came into force allowing RSLs to set up and manage Gypsy and Travellers Sites and receive a grant to do so. RSLs will be able to bid for funding from the Gypsy and Traveller Sites Grant and the Housing Corporation will make these payments.

Priorities/actions:

- Reviewing the new management procedures in place at Horsdean and ensuring its continued successful operation

- Participating in the partial review of the South East Plan and identifying suitable locations for Gypsy and Traveller Sites within the Local Development Framework
- Exploring the possibility of developing a permanent site with Government funding ahead of the timescale for the strategic planning process
- In the longer term, preparing for the next GTAA and ensuring any additional need is met

Section 5 – Enforcement action

This section aims to set out a clear and consistent strategy for taking enforcement action against Traveller encampments. This is based on multi-agency working to ensure the rights of both Travellers and the settled community are protected. The aim is to be tolerant of the way of life of Gypsies and Travellers wherever possible but to take swift action and not to tolerate any anti-social behaviour, illegal activity, or occupation of sensitive sites associated with an encampment (or directed at a Traveller encampment). The Council also recognises that a key element of tackling the issue of unauthorised encampments is adequate site provision. Section 4 covers accommodation provision in more detail.

Unauthorised encampments

There are a range of enforcement powers that can be used to deal with unauthorised encampments. Each encampment will be assessed individually in order to determine the best course of action to take. These powers are outlined briefly in Appendix A - more detail can be found in Government guidance document *Guide to effective use of enforcement powers* produced by the Gypsy & Traveller Unit.

The Multi-Agency Traveller Team will deal with unauthorised encampments by following the operational protocol agreed between Sussex Police and Local Authorities (N.B. This protocol is currently being revised by the Police and will be attached when the final version is available). Initial action will be to carry out a joint visit between local authority and police officers, usually within 24 hours of becoming aware of the encampment. During this visit the situation is assessed in order to decide on the most appropriate course of action.

The information taken into account will include the number of families and vehicles involved, the location of the encampment and its impact on the community, the state of the encampment including any damage and rubbish. An assessment of health, welfare and educational needs is carried out during the initial visit and the findings of this are documented and used to inform the decision to be taken. This is to ensure that any action taken to deal with an unauthorised

encampment is proportionate and compatible with the Human Rights Act.

There are several options that can then be pursued:

As stated in Government Guidance it is important to consider whether enforcement action is necessary. In certain circumstances, for example if Horsdean is full, where Gypsies and Travellers only wish to stay for a very short time, are cooperative, and are in an unobtrusive location it may be preferable and more cost effective to agree a departure date with them.

In deciding which enforcement powers should be used to carry out an eviction consideration will be given to whether immediate action to remove the unauthorised campers should be taken. If immediate action is required Police powers under Section 61 or Section 62 of the Criminal Justice and Public Order Act 1994, which do not require the involvement of the Courts, may be used. If their removal from the land is not deemed to be an immediate requirement, action will usually be taken through Part 55 Civil Procedures or through the use of Section 77-78 (of the Criminal Justice and Public Order Act 1994). These powers do require the involvement of the Courts in order for an eviction to be carried out and the processes take longer than a Section 61 or 62.

For the police to use Section 61 there must be a need for immediate action such as:

- The location of the encampment presents a risk to those on the site (for example it is very close to a busy highway)
- The land is of a particularly sensitive nature (for example, a Site of Special Scientific Interest)
- The presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or to conduct their businesses (for example school grounds during the term time, urban parks, retail, leisure or business parks)
- There must be two or more persons trespassing on the land
- Any one of the three following conditions have also been met –
 - the unauthorised campers have caused damage to the land or property on the land;
 - they have used threatening, abusive or insulting words or behaviour to the occupier, a member of his family, or his employee or agent;
 - there are six or more vehicles on the land.

Decisions on what action will be taken will also take into account health and welfare needs, the size of the encampment and whether any anti-social behaviour has been associated with it. Decisions that are taken must be lawful, reasonable, balanced and proportionate.

Where the welfare assessments carried out identify acute need(s) for particular services the relevant departments or agencies will be contacted in order to meet those needs. It may be necessary to delay the eviction of an encampment in order to address these needs or to relocate the unauthorised campers to another, more appropriate location within the area while those needs are addressed. In making such decisions the advice of relevant professionals will be sought.

The use of Section 62A is also an option that will be considered for dealing with unauthorised encampments. This will depend on the size of the encampment and whether there are enough available pitches at Horsdean Transit Site to accommodate the Travellers. The effective management of Horsdean and its policy for allocating pitches is therefore a vital part of the strategy for dealing with unauthorised encampments. Where the encampment is very large or has been associated with anti-social behaviour or illegal activity, such as fly-tipping, it is likely that a Section 61 will be more appropriate.

In addition to authorised permanent or transit sites Government Guidance states that it is good practice to allow some toleration for short periods in locations where the encampment does not have any adverse impact on the settled community. This is because through having different types of accommodation provision including toleration in some locations, the Council will be better able to meet its responsibilities towards Gypsies and Travellers and will be able to take more effective enforcement action. The quickest and most effective enforcement action requires the provision of appropriate authorised accommodation elsewhere in the area. Encampments will therefore be tolerated on certain sites especially during busy periods (for example in the summer season) when Horsdean may be full and Travellers with health or welfare needs require accommodation for short periods of time.

Managing the impact of unauthorised encampments

The Council recognises that reducing the incidence and impact of unauthorised encampments, for example through avoiding encampments on sensitive sites, will benefit both the settled and travelling community by reducing tensions between them. The Council therefore aims to work with partners to control the impact of unauthorised encampments through:

- Reducing the frequency of unauthorised encampments by working towards adequate site provision
- Using Horsdean Transit Site to help better manage unauthorised encampments including through the use of section 62A
- Provision of an authorised permanent Gypsy and Traveller site

- Working with the police to take swift action where the need to use police powers in order to evict Travellers immediately is identified
- Considering whether the protection of sensitive sites would be appropriate

The use of measures to prevent access to land, such as bunding or height barriers will be considered in locations of a particularly sensitive nature. It may sometimes be appropriate temporarily to make use of site protection measures, for example to allow the land to recover where a location has had repeated unauthorised encampments. Site protection will be carefully considered and due regard will be given to its impact on the travelling community and their lifestyle. The Council will also consider whether the location can be easily secured and whether this is the most effective use of resources.

These actions will also help reduce the costs of dealing with unauthorised encampments including legal and clearance costs. Local authorities in other areas have found that site provision has been an effective way of reducing unauthorised encampments and the costs associated with them.

Unauthorised encampments on private land

Landowners are able to take such action as is reasonably necessary to remove Travellers from their land using the Common Law. They may also go to the County Court under Part 55 Civil Procedure Rules to regain possession of their land. Where Travellers are camped on private land it is the responsibility of the landowner to take enforcement action. The Council will not normally intervene unless the nature of the encampment or the behaviour of the Travellers is causing substantive problems to the settled community, although the Traveller Liaison Team will monitor the situation and may advise the landowner

Unauthorised developments

The Government recognises that many Gypsies and Travellers wish to buy and live on their own land. Some areas have a number of unauthorised developments where Gypsies and Travellers live on land, which they own but do not have planning permission for. The Council is not aware of any such unauthorised developments in Brighton & Hove but should this situation occur it will be dealt with according to Government guidance.

Lived-in vehicles parked on the highway

It is illegal to live in a vehicle, which is parked on the highway, therefore the Council does not support this as an appropriate lifestyle choice. Those living in vehicles generally do not meet the current legal

definition of a Traveller and are not recognised as such in national and regional policy.

Lived-in vehicles are recognised as an issue for the city and a separate protocol for van dwellers is under consideration.

Section 77-78 of the Criminal Justice and Public Order Act can be used to take enforcement action and require the vehicles to move.

However, taking this action is costly and often not effective as it moves the problem elsewhere in the City. The Council will therefore explore a more joined-up approach to dealing with the issue of lived-in vehicles involving a range of Council departments and the police. The Council will also ensure that it investigates the needs of individuals living in vehicles on the highway and ensure it meets its obligations to them in terms of service provision and access to services, as it will for the rest of the population.

Priorities/actions

- Work towards achieving adequate accommodation provision in the City and ensuring effective management of Horsdean Transit Site (see section 4)
- Multi-agency enforcement team continues to share information about unauthorised encampments and starts proceedings quickly once the course of action has been agreed
- To prepare site profiles regarding locations that have frequent unauthorised encampments so that information is available to make a quick decision if a new encampment occurs
- Investigate reports of anti-social or illegal behaviour where it is associated with unauthorised encampments and take action against this wherever possible
- Continue to provide up to date information on the status of unauthorised encampments to stakeholders and those who enquire
- Consider alternative approaches to deal effectively with lived-in vehicles parked on the highway through a separate protocol for van dwellers

Section 6 – Communication and Consultation

Joint working and sharing information

A key element of successful working arrangements to deal with Gypsy and Traveller issues is the sharing of information so that informed decisions can be made. The Council will look closely at the information and data available concerning the Gypsy and Traveller community, in order to make good use of relevant information for the development of services and to identify any gaps in data. The Council will also work

to establish mechanisms for sharing information across the Council, with partner agencies and other local authorities. One aspect of this is to encourage the inclusion of Gypsies and Travellers as categories within standard ethnic monitoring by the Council and its partners in order to provide more accurate and reliable information about the Gypsy and Traveller population.

The Council will continue to meet with neighbouring local authorities and work together in order to share information about the pattern of Traveller movements within the area so as to be able to make a reasoned assessment of local need, as well as to discuss and develop best practice.

In addition to working with neighbouring authorities the Council will build on the joint working arrangements in place with partner agencies within the City, through further expanding and developing the Multi-Agency Traveller Team. The aim will be to have in place a network of officers who are well informed and well connected in order to respond quickly and appropriately to the needs of the travelling and settled community and adapt and develop services to meet needs.

Community engagement

Engagement with Gypsies and Travellers and the settled community is essential to ensure that the services meet needs in an effective way. The Council will review existing mechanisms for consultation and dialogue with relevant stakeholders, especially locally based Gypsies and Travellers. It will consider how these can be developed or how new mechanisms can be established in order to develop further good relations with stakeholders and ensure ongoing and meaningful engagement.

Consultation will also be carried out in order to seek stakeholders' views on specific issues relating to Gypsies and Travellers. For example, the Council and its partners will assist SEERA locally for its consultation in 2008 on pitch requirements for Gypsies and Travellers in the partial review of the South East Plan.

Promoting good race relations and community cohesion

The council will work with partners and stakeholders to promote good race relations between Gypsies and Travellers and the settled community and to increase community cohesion to the benefit of all members of the community. This involves taking positive action to raise awareness of issues relating to Gypsies and Travellers and to combat some of the 'myths' that still surround the travelling community. This will be done through education and information, for example by helping schools develop educational programmes for children and through Holocaust memorial events. The Traveller Liaison Team will continue to

respond to queries and complaints by providing accurate information and helping people fully understand the issues involved. The Council has provided training for some members of staff to raise awareness of Gypsy and Traveller issues. It aims to make this training available to more members of staff as well as to provide training and/or information for Councillors. Positive action is also being taken to challenge discrimination and increase the reporting of racist incidents.

The Council will work to ensure that it encourages responsible and balanced reporting of Gypsy and Traveller issues in local and national media.

The Council will also work with representatives from Communities and Local Government to explore new approaches to reducing tensions and conflict between communities especially in developing a permanent Traveller site in Brighton & Hove.

Priorities/actions:

- Review the information and data available regarding Gypsies and Travellers to identify any gaps and consider how to use information to develop services
- Further expand the Multi-Agency Traveller Team to build on good joint working arrangements with partner agencies (see section 3)
- Review and consider how best to consult and engage with stakeholders including Gypsies and Travellers on an ongoing basis and in relation to specific issues
- Take positive action to promote community cohesion and good race relations through education and awareness raising of the lifestyles of the Gypsy and Traveller community. The Council, through its Inclusive Council Policy, positively promotes equality.

Section 7 – Delivering the Strategy

This strategy sets out the strategic direction for issues relating to Gypsies and Travellers and their impact on both travelling and settled communities for the next three years. The strategy will be reviewed annually and after three years the situation will be comprehensively reassessed in order to set priorities looking further ahead. The Travellers Members Steering Group will review the progress of the strategy and ensure that the actions it sets out are carried out.

Taking the strategy forward:

Gaining cross party agreement on the strategic direction set out in this strategy

Consulting with stakeholders on the strategy

Glossary

Settled community – generally this refers to non travelling residents in the city

Pitch – plot of land on a site on which a single Gypsy or Traveller household would reside

Permanent site/pitch – site/pitch that provides long term accommodation

Transit site/pitch – site/pitch that provides temporary short term accommodation for Travellers in transit across the area

Unauthorised developments – sites/pitches normally purchased by Travellers,

occupied and/or developed without planning

permission

Unauthorised encampments – land occupied for camping without land owners

permission

SEERA- South East England Regional Assembly

SEP - South East Plan

RSS - Regional Spatial Strategy

LDF - Local Development Framework

DPD - Development Plan Documents

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Appendices:

Appendix A – Summary of Enforcement Powers

Appendix A

Enforcement powers for dealing with unauthorised encampments

Part 55 Civil Procedure Rules – allows any landowner (or where the land is leased this may be the lessee) to gain possession of his/her land. This is done through a County Court hearing and a Bailiffs Warrant is sought, a date to carry out the eviction will then be set.

The use of the above powers mean that those individuals cannot return to the location for a period of three months and there are criminal sanctions for doing so.

Section 77-78 Criminal Justice and Public Order Act 1994 – can be used on any land within the local authority area including the highway and gives the local authority the power to direct individuals to leave the land and remove their vehicles and belongings. If the individuals fail to move the case can be taken to a Magistrates' Court to obtain an Order for the Removal of Persons and Vehicles.

Section 61 Criminal Justice and Public Order Act 1994 – the Police can use this power to direct unauthorised campers to leave the land, if they fail to leave having been requested by the landowner to do so by a particular time and date. The landowner initially makes a formal request to the Police to evict the Travellers and a senior police officer considers whether it is appropriate to use the power based on various factors and conditions being met.

The use of the above powers mean that those individuals cannot return to the location for a period of three months and there are criminal sanctions for doing so.

Section 62A-E Criminal Justice and Public Order Act 1994 – allows the Police to direct unauthorised campers to leave the land where a suitable pitch on a relevant caravan site is available within the same local authority area. The Local Authority needs to confirm that an appropriate alternative pitch is available. The use of this power means that the individuals cannot return to anywhere within the local authority area (other than the site they have been directed to) for a period of three months and there are criminal sanctions for doing so.

Injunctions and Anti-Social Behaviour Orders

Where particular individuals or groups repeatedly return to an area and have been associated with anti-social behaviour public disorder or so on it may be appropriate to consider further options such as injunctions or Anti-social Behaviour Orders.

Common Law Powers

Private landowners can use their Common Law rights to regain possession of their land and evict trespassers. This does not require the involvement of the Courts and can be enforced by the landowner or private bailiffs. Case law has established that a trespasser who enters land peaceably is entitled to a request to leave before being forcibly removed and the landowner may use no more force than is reasonably necessary to evict the trespasser(s).

Comment	Local Authority Response	For inclusion
<p><u>Friends, Families & Travellers</u></p> <ul style="list-style-type: none"> ▪ Overall bias towards enforcement. ▪ Limited raising of awareness of Gypsies and Travellers. ▪ Needs to explicitly state that council accepts nomadism as a way of life. ▪ Should have specific examples of inequality towards Gypsies and Travellers. ▪ Should include latest bi-annual count figures. ▪ Remove reference to FFT drop-in service. ▪ Needs more information on work needed to provide access to services for Gypsies and Travellers. ▪ Concern re use of words campers and stakeholders and primacy given to ending encampments in footnote on page 6. ▪ Reference the need to ensure waste contractor meets requirements of council's Race Equality Scheme and also that Equality Impact Assessments are carried out where appropriate. ▪ Needs detailed changes around work of FFT. ▪ Amend sentence referring to STAG. ▪ Section 4 should include a reference to 'toleration' where appropriate. 	<ul style="list-style-type: none"> ▪ Based on views received, this is considered a balanced strategy. ▪ This would be done as part of our raising awareness priority in Section 6. ▪ Nomadic lifestyle acknowledged throughout strategy. ▪ This would be done as part of our raising awareness priority in Section 6. ▪ Agreed. ▪ Agreed. ▪ Agreed – to be expanded. ▪ Terminology and process follows Government Guidance – concern noted. ▪ Agreed. ▪ Agreed. ▪ Agreed – sentence to be amended. ▪ Toleration referred to in Section 5, so not necessary. 	<p>No</p> <p>No</p> <p>N/A</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p>

Comment	Local Authority Response	For inclusion
<ul style="list-style-type: none"> ▪ Concern that Section 5 places emphasis on cost effectiveness rather than needs of Gypsies and Travellers. ▪ Prefer to see wording used to describe “inappropriate” rather than “unauthorised” encampments. ▪ Concern expressed at use of physical protection of land and need for Race Equality Impact assessment to be carried out. ▪ Concern expressed as to reasoning behind not including van dwellers in definition of Travellers and that this has distorted accommodation needs within Brighton & Hove. ▪ Consider final bullet point in Section 6 re positive actions around community cohesion should be strengthened, promoting equality and human rights. 	<ul style="list-style-type: none"> ▪ Wording to be changed to remove emphasis on cost. ▪ This is normal terminology and widely used. ▪ Reference made in strategy to due regard to be taken of impact of Travelling lifestyle. ▪ Van dwellers issues to be considered in a separate protocol. ▪ Agreed – wording strengthened. 	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p>
Sussex Traveller Action Group		
<ul style="list-style-type: none"> ▪ Concerns about layout of strategy. ▪ Concerned that other linked strategies did not have specific actions identified. ▪ Need for more clarity around use of Criminal Justice & Public Order Act 1994, Section 77. 	<ul style="list-style-type: none"> ▪ Noted. ▪ Noted. ▪ Now included in Appendix A. 	<p>Yes</p>
Brighton & Hove Environmental Action Group		
<ul style="list-style-type: none"> ▪ Overall, strategy well presented and viewed positively. ▪ With regard to rights and responsibilities, would point out that every time an illegal encampment occurs, settled community are treated with disrespect and the law has been broken. 	<ul style="list-style-type: none"> ▪ Noted. 	<p>N/A</p>

Comment	Local Authority Response	For inclusion
<ul style="list-style-type: none"> ▪ Do not understand or support need for Travellers to have permanent sites, but accept there is a demand. ▪ The cost of providing Traveller services has to be shared by everyone through Council Tax. ▪ Wish to point out that anti-social behaviour and criminal damage experienced at the Horsdean transit site is not a good omen for a future permanent site. ▪ Need to clarify and expand detail on when police are able to use Section 61 of the Criminal Justice and Public Order Act 1994. ▪ Support objectives of promoting good race relations and community cohesion and state this will be achieved through the cessation of illegal encampments, as well as paying an economic rent for authorised sites. ▪ Reference to hostile media challenged in that media was simply reflecting widespread anger at number of illegal encampments 	<ul style="list-style-type: none"> ▪ Noted. ▪ Noted. ▪ Reviewed and considered adequate detail already present. ▪ Noted. ▪ Noted. 	<p>N/A</p> <p>N/A</p> <p>No</p> <p>N/A</p> <p>N/A</p>
<p><u>Brighton & Hove City Primary Care Trust</u></p>		
<ul style="list-style-type: none"> ▪ Consideration should be made to highlight the PCT services provided for a wide range of the Traveller population explicit in the strategy. ▪ Should include additional information on the “Gypsy & Traveller Health Care Access Mechanisms” project, funded by the PCT and undertaken by Friends, Families and Travellers. 	<ul style="list-style-type: none"> ▪ Agreed. ▪ Agreed. 	<p>Yes</p> <p>Yes</p>

Comment	Local Authority Response	For inclusion
<u>Hastings Borough Council</u>		
<ul style="list-style-type: none"> ▪ Welcomes the clear comprehensive intentions outlined in the strategy. 	<ul style="list-style-type: none"> ▪ Noted. 	N/A
<u>East Sussex County Council</u>		
<ul style="list-style-type: none"> ▪ Need to clearly explain status to issues about New Travellers and Van Dwellers. ▪ Need to clarify difference between caravans and pitches in that it is not a one to one relationship. ▪ Other specific changes need to ensure strategy clarifies work being undertaken with SEERA to provide more permanent pitches in the Brighton & Hove and East Sussex sub region. ▪ Need to clarify that Horsdean transit site is expected to cater for current seasonal transit need. ▪ Need to clarify that experience suggests authorised site provision reduces unauthorised encampments. 	<ul style="list-style-type: none"> ▪ Agreed. ▪ Included in glossary. ▪ Agreed. ▪ Agreed. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<u>Equal – Brighton & Hove</u>		
<ul style="list-style-type: none"> ▪ References to equal access to services could be expanded to include opportunities for training and learning post-16 and opportunities to access employment or for in-work progress. 	<ul style="list-style-type: none"> ▪ Agreed. 	Yes

Comment	Local Authority Response	For inclusion
<ul style="list-style-type: none"> ▪ Mention of Youth and Connections Service, but no mention of support and advice for adults wishing to improve their skills and/or qualifications in order to reenter the labour market. ▪ Need to include links to City Employment and skills plan. ▪ Information on van dwellers a little unclear and disjointed – should be highlighted earlier that they are not classified as Travellers, but some services relating to Gypsies and Travellers may also be relevant to this group. 	<ul style="list-style-type: none"> ▪ Agreed. ▪ Agreed. ▪ Reference now made to separate van dweller protocol. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Public Comments</p>		
<ul style="list-style-type: none"> ▪ No mention made of what Travellers are expected to contribute to the community. ▪ Why does the council appear to tolerate illegal camps where gypsies leave the areas in a total mess which we have to pay to clean up? ▪ Why does this document not contain any strategy for lived-in vehicles parked on public highways? These vehicles take up valuable parking spaces and accumulate rubbish and cause health and safety issues. 	<ul style="list-style-type: none"> ▪ Noted. ▪ Noted. ▪ Reference now made to separate van dweller protocol. 	<p>No</p> <p>N/A</p> <p>Yes</p>

