

Tourism, Development & Culture Committee

Date: **20 June 2019**

Time: **4.00pm**

Venue **Council Chamber, Hove Town Hall, Norton Road, Hove, BN3
3BQ**

Members: **Councillors:**Robins (Chair), Grimshaw (Deputy Chair), Druitt
(Opposition Spokesperson), Nemeth (Group Spokesperson), Ebel,
Evans, Mac Cafferty, Mears, Rainey and Williams

Contact: **John Peel**
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AGENDA

PROCEDURAL MATTERS

1 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
 - (a) Disclosable pecuniary interests;
 - (b) Any other interests required to be registered under the local code;
 - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **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 Two 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 press and public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.

2 MINUTES

7 - 22

To consider the minutes of the meeting held on 7 March 2019.

Contact Officer: John Peel

Tel: 01273 291058

3 CHAIRS COMMUNICATIONS

4 CALL OVER

- (a) Items 8 – 17 will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

5 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public to the full Council or at the meeting itself.
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 14 June 2019.
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 14 June 2019.

Contact Officer: John Peel

Tel: 01273 291058

6 ITEMS REFERRED FROM FULL COUNCIL

23 - 30

To consider items referred from the meeting of Full Council held on 28 March 2019:

- (a) **Petitions**
 - (i) Madeira Arches
- (c) **Deputations**
 - (i) Brighton & Hove Grassroots Action Plan

Contact Officer: John Peel

Tel: 01273 291058

7 MEMBER INVOLVEMENT

To consider the following matters raised by Members:

- (a) **Petitions:** To receive any petitions referred from Full Council or submitted directly to the Committee;
- (b) **Written Questions:** To consider any written questions;
- (c) **Letters:** To consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

- 8 CONSTITUTIONAL MATTERS- TOURISM, DEVELOPMENT & CULTURE COMMITTEE 31 - 36**
- Report of the Monitoring Officer
- Contact Officer: John Peel Tel: 01273 291058*
Ward Affected: All Wards
- 9 MADEIRA TERRACE RESTORATION - PETITION RESPONSE AND NEXT STEPS 37 - 76**
- Report of the Executive Director, Economy, Environment & Culture
- Contact Officer: Abigail Hone Tel: 01273 290000*
Ward Affected: East Brighton; Hanover & Elm Grove; Rottingdean Coastal
- 10 ROYAL PAVILION AND MUSEUMS SERVICE - MOVING TO TRUST 77 - 108**
- Report of the Executive Director, Economy, Environment & Culture
- Contact Officer: Janita Bagshawe Tel: 01273 292840*
Ward Affected: All Wards
- 11 SPORTS FACILITIES CONTRACT 109 - 114**
- Report of the Executive Director, Economy, Environment & Culture
- Contact Officer: Ian Shurrock Tel: 01273 292084*
Ward Affected: All Wards
- 12 HOLLINGBURY PARK AND WATERHALL GOLF COURSES 115 - 122**
- Report of the Executive Director, Economy, Environment & Culture
- Contact Officer: Ian Shurrock Tel: 01273 292084*
Ward Affected: Hollingdean & Stanmer; Withdean
- 13 HOVE STATION NEIGHBOURHOOD PLAN – COUNCIL RESPONSE TO REGULATION 14 CONSULTATION 123 - 146**
- Report of the Executive Director, Economy, Environment & Culture
- Contact Officer: Robert Davidson Tel: 01273 291580*
Ward Affected: Central Hove; Goldsmid; Hove Park; Westbourne; Wish
- 14 EXTENSIONS AND ALTERATIONS SUPPLEMENTARY PLANNING DOCUMENT 147 - 192**
- Report of the Executive Director, Economy, Environment & Culture
- Contact Officer: Sujeet Sharma Tel: 01273 292408*
Ward Affected: All Wards

15 SWIFT BOXES AND BEE BRICKS IN NEW DEVELOPMENT 193 - 198

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Sandra Rogers

Tel: 01273 292502

Ward Affected: All Wards

16 ERDF BUSINESS SUPPORT PROGRAMME 199 - 206

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Cheryl Finella

Tel: 01273 291095

Ward Affected: All Wards

17 MAJOR PROJECTS UPDATE 207 - 216

Report of the Executive Director, Economy, Environment & Culture

18 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the 28 July 2019 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact John Peel, (01273 291058, email john.peel@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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BRIGHTON & HOVE CITY COUNCIL
TOURISM, DEVELOPMENT & CULTURE COMMITTEE

4.00pm 7 MARCH 2019

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

Present: Councillor Robins (Chair) Platts (Deputy Chair), A Norman (Opposition Spokesperson), Druitt (Group Spokesperson), Cattell, Mac Cafferty, Marsh, Mears, Miller and Nemeth

PART ONE

66 PROCEDURAL BUSINESS

66(a) Declarations of Substitutes

66.1 There were none.

66(b) Declarations of Interest

66.3 Councillor Norman declared a non-pecuniary interest in Items 75 and 77 relating to her role as trustee for the Royal Pavilion & Museums Trust.

66.4 The Chair declared a non-pecuniary interest in Items 75 and 77 relating to his role as trustee for the Royal Pavilion & Museums Trust.

66(c) Exclusion of Press and Public

66.5 In accordance with section 100A of the Local Government Act 1972 (“the Act”), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(I) of the Act).

66.6 **RESOLVED** – That the press and public not be excluded from the meeting.

67 MINUTES

67.1 **RESOLVED-** That the minutes of the previous meeting held on 17 January 2019 be approved and signed as the correct record.

68 CHAIRS COMMUNICATIONS**68.1** The Chair provided the following Communications:

“In the last 3 months VisitBrighton has worked with over 545 City partners. They have generated 300,000 euros worth of press coverage in Germany and over £200,000 worth of coverage in the UK including Meetings & Incentive Travel Magazine, The Telegraph, Ideal Magazine, Yahoo and Suitcase. Alongside this VisitBrighton ran a ‘Where Else’ social media campaign to mitigate the Mainline Rail Closures.

The Brighton Centre has submitted proposals for 37 conference enquiries which have the potential to generate £14m of economic benefit. There are confirmed bookings for 15 new meetings and events including POMS Conference (200 delegates), Head & Neck Cancer Conference (250 delegates), International Radioactivity Congress (400 delegates) and TUC for September 2022 and 2024 (2000 delegates). 475 bednights of accommodation for conference clients has also been booked generating £4k commission.

The Royal Pavilion, BAi360 and Sea Life Brighton have been jointly promoting a rebranded multi venue Explorer Pass with support from VisitBrighton which was launched just before February Half Term.

January saw the opening of the Elaine Evans Archaeology Gallery at Brighton Museum which has been receiving positive feedback from visitors. It has been developed in collaboration with schools to provide a resource for the delivery of early history and the Brighton & Hove Archaeology Society. One teacher has said “My Year 5 class were really buzzing when we visited the exhibition. We were in there for an hour and it retained their interest the whole time”.

An exhibition of hats by milliner Stephen Jones can be seen in the Royal Pavilion until 9th June which includes designs worn by Lady Gaga and Diana, Princess of Wales. The Royal Pavilion has long been an inspiration to Jones and many of his hats reflect the wonderful, whimsical, radical nature of the Royal Pavilion, specifically his Spring/Summer 2012 collection *Chinoiserie-on-Sea*.

Material Practices 2 Painting and Printmaking opened at Hove Museum & Art Gallery which is an exhibition of final year students from the BA Fine Art Painting and Fine Art Printmaking courses at the University of Brighton. This is the second time that the Museum has been showcasing students’ work and can be seen until 29th April.

The Booth Museum celebrated International Day for Women and Girls in Science with a free Discovery Day: The Wonder Women of STEM (Science, Maths, Engineering & Technology) on Saturday 16th February. This attracted nearly 400 visits and included a performance inspired by the collections by Hertford and Carden Junior School children.

At the Royal Pavilion and Museum a local young person has joined for a one year traineeship to learn about digital skills in the museum sector. This is part of the Museum Futures scheme run by the British Museum on behalf of the Heritage Lottery Fund.

RPM is offering work experience placements to 8 young people from Longhill as part of a cultural hub with Our Future City, Samesky, the Dome and Fabrica this year, as well also offering placements to Patcham, St Johns SEN School, and Seahaven Academy. These will take place in June/July.

I have attended with Cllr Platts a positive meeting on improving access to the beach. Those present included representatives of the Scope supported project team and Possibility People together with council officers.

Whilst everybody acknowledges the challenges that the beach terrain presents with regards to accessibility, there is a strong desire to make improvements where possible.

The priorities of the stakeholders have been identified from community research and now structured into development phases. The meeting agreed a number of key actions in the first instance which will then be reviewed at the next meeting. These actions include a review of the use of the beach wheelchair, an assessment of the feasibility of a viewing platform in a quieter area, development of a seafront accessibility map and signage, an access and an engineering audit to be undertaken of the seafront and an initial investigation of potential funding sources, beyond that which can be accessed through internal council resources or via Scope's Local People Programme. This work will now be progressed and a report will be provided to this Committee at a later date to ensure that there is oversight of this important issue.

Following the success of the bid for Brighton & Hove to be a host city for UEFA Women's European Football championships in 2021, it is great news that the England Lionesses' match with New Zealand will take place at the Amex Stadium on June 1st at 1pm. The game is England's final warm-up before they leave for the Women's World Cup in France. The match will give fans the chance to see the country's top players and give them a good send off to the World Cup where they will meet Scotland, Argentina and Japan in the group stage.

Finally, I attended the Brighton & Hove Area Cricket Hub on Monday of this week and it was good to meet everyone involved and inspiring to hear of the work being undertaken on youth cricket participation and inclusion, particularly the promotion of female participation".

69 CALL OVER

69.1 All items on the agenda were reserved for discussion.

70 PUBLIC INVOLVEMENT

(B) WRITTEN QUESTIONS

(i) Hove Museum and Art Gallery

70.1 Christopher Hawtree put the following question:

"Would the Chair please tell us what steps he will be taking to ensure that the rooms on the ground floor of Hove Museum and Art Gallery are used to display paintings and drawings from the Reserve stock?"

70.2 The Chair provided the following reply:

"There are currently no plans to use the ground floor temporary exhibition spaces for displaying the paintings and drawings from the collections in store. Hove Museum and Arts Gallery's temporary exhibitions are displayed in these rooms and are programmed in line with a theme of making funded by the Arts Council and focus on engaging young people, children and families. For example, in September there was a show of local young people's work who had worked with professional artists and museum staff to develop their creative skills to produce work inspired by the collections.

The display of paintings on the second floor is changed approximately every two years, bringing out pictures from the stores and there are plans to do so later this year should

the RPM be successful in raising funds for a painting of local interest which would be displayed alongside other pictures of the locality. The pictures in the Pocock room are changed occasionally.

The displays in the fine art galleries in Brighton Museum are changed from time to time to show case pictures from the collections in store.

Bringing out pictures from the collections in store often involve conservation, framing and glazing of works”.

70.3 Christopher Hawtree asked the following supplementary question:

“Would you not agree that it behoves you to make available such diverse work such as Dunham-King and local artist Ida Werner to our town’s residents, who, many of themselves as artists were recently very keen to save the museum and are aghast that so much of what belongs to us is, in effect, confined to a lock-up?”

70.4 The Chair provided the following reply:

“As far as the rooms we are talking of go, the temporary space is used and I refer you back to one of the items in my Chair’s communications where students from the University of Brighton were displaying their works in those two galleries and the students and tutors were explaining to me how marvellous it is to see their paintings in a gallery environment. I think it’s more appropriate that we use the galleries as they are at the moment”.

(ii) Valley Gardens Phase 3

70.5 Julia Weeks put the following question:

“Some Tourism Alliance members have publicly expressed their concern that the council's preferred option 1, in particular the removal of the Pier roundabout in conjunction with creating what is now five lanes of two-way traffic all to the east of the Steine, will have a detrimental impact on tourism to the city. It's noted that the Chair of TDC did not raise any questions about this option at Environment, Transport & Sustainability committee. In order for me to share a balanced view with all Tourism Alliance members could the Chair now state his reasons for supporting this particular option?”

70.6 The Chair provided the following reply:

“In my role as Chair of this committee I have taken a keen interest in the connection between the development of the Valley Gardens scheme as a whole and the city’s visitor economy.

As a member of the Environment, Transport and Sustainability Committee and my role as Chair of this Committee I have been able to receive several detailed briefings on the development of the scheme as well as feed-back from the several workshops held with organisations including the Tourism Alliance, bus companies, event organisers, taxi trade reps and others.

In addition, I have personally met with a number of people and stakeholders including The Sealife Centre, The Palace Pier and Latest TV.

Including yourself Julia who I have spoken to quite a few times over the last two months and I am sure we will talk lots more!

I am also confident that these engagement meetings will continue with groups and individuals as the process moves through the detailed design stage.

I cannot accept that the new designs will have a detrimental impact on tourism to the city. In fact, I believe that more people are likely to want to come and spend time in what will be a new destination area with fresh, new gardens, better pedestrian access, easier arrival by bus and bike, plus easier and safer access to the seafront, The Lanes and St James' Street area. This will all support our tourism offer, not detract from it. A lot more public open space will be created offering opportunities for informal event use as well as dedicated space for events that will, for the first time, be supported with permanent infrastructure built into the gardens. This will give the city centre a new focus, something that has been sadly lacking for several years".

70.7 Julia Weeks asked the following supplementary question:

"As the Chair of the TD&C Committee and as such, chosen to represent the interests of the city's culture, tourism and economic sectors, in order to come to your decision to support Option 1, approximately how many businesses and relevant individual organisations from those sectors did you personally meet with, engage with or seek views from that ultimately led you to conclude that this option was the correct one?"

70.8 The Chair provided the following reply:

"I can have a tot up if you like and go back through my diary and I've named three in my first response. They may have been against the scheme, but I've still met them. Am I only supposed to meet people that are for the scheme? I'm not sure I understand the question. Perhaps my role was to convince those people against of the scheme. I've become convinced over a number of months that this is the right scheme and I remain convinced"

(iii) PVP Event

70.9 Trevor Scoble put the following question:

"Does the 2019 PVP event meet the requirements on 'means of escape' in relation to HSE 154 & HSE 192?"

70.10 The Chair provided the following reply:

"The Pride Village Party is run by Brighton Pride Community Interest Company. Brighton Pride CIC compiles and provides event management plans and risk assessments for the Pride Village Party annually as required under current Health and Safety Legislation. These plans outline the means of escape, movement and management of people in normal operating procedures and in an emergency. These are subject to scrutiny and approval through a multi-agency process. This is the City safety advisory group. The fire service are part of the consultation process and no objections have been raised to the current plans. The event on the day is also overseen by a multi-agency 'silver command' based at Sussex Police HQ who monitor crowds and will make

decisions to ensure that the safety of attendees and other interested parties is maintained. There is no HSE 192 currently in publication”.

70.11 Trevor Scoble asked the following supplementary question:

“As the council officers did not attend the PVP, and no follow up public meeting was convened to gather info and as the consultation document only went public a day before the council, LAT and Kingscliffe Society agreed street by street walkabouts to present the residents issues, does this consultation document therefore, deal with the resident’s problems? That notwithstanding the report has given majority support for the move of the PVP”.

70.12 The Chair provided the following reply:

“The issue you are raising will be debated later in the meeting so if we could wait until then, I’m sure you will get the answers you require”

(C) DEPUTATIONS

(i) Swift Boxes

70.13 The Chair stated that due to the similarity in items 70 (c)i and 72(d)ii, he would take the items together and provide a joint response.

70.14 The Committee considered a Deputation requesting that the necessary planning policy changes be made to ensure swift bricks be installed in every suitable new development to counter the decline in the species in recent years.

(D) Notices of Motion

(i) Swift Boxes and Bee Bricks

70.15 The Committee considered a Notice of Motion requesting an officer report detailing changes required to local planning policy and process to ensure that a vast majority of new developments in the city incorporated swift boxes and bee bricks.

70.16 Introducing the Motion, Councillor Nemeth provided an overview of the need for bee bricks and swift boxes to combat a decline in the population of both species. Councillor Nemeth explained that the purpose of the Motion was to ensure that the bricks and boxes would be compulsory for all new developments unless there was a special need not to do so.

70.17 Councillor Norman formally seconded the Motion.

70.18 Councillor Mears stated that there was opportunity to broaden implementation into council housing stock and make a quicker start rather than wait for City Plan Part Two.

70.19 Councillor Mac Cafferty welcomed the petition but caveated that no matter how strong local policy was on environmental issues, national legislation was urgently required to protect the environment and to stop the corrosive national policies.

- 70.20 Councillor Cattell stated her support for the petition and whilst such a policy had been encouraged in the past, firmer action might be required. Councillor Cattell noted that three members of the committee were also members of Planning Committee and it would promote awareness for the matters considered by that committee.
- 70.21 Councillor Miller welcomed the petition and asked if a standard informative could be used on planning applications.
- 70.22 The Head of Planning clarified that conditions were attached to major schemes asking for nature conservation improvement measures and would be looked at for the next Planning Committee.
- 70.23 **RESOLVED-** That the Committee note the petition and resolves to call for an officer report on what changes need to be made to both local planning policy and process to ensure that a vast majority of new developments in the city incorporate swift boxes and/or bee bricks.

(ii) A deputation from Amex Area Neighbourhood Forum

- 70.24 The Committee considered a deputation requesting the Council to make improvements to the planning process.
- 70.25 The Chair provided the following response:

“Thank you for your deputation and I understand your concerns.

The Local Planning Authority has a quasi-judicial role in putting development plans in place and determining planning applications. It is required to operate within the framework of rules set by national policy. Policies in the City Plan go as far as they can to address local issues, such as housing need, within these rules. For example, by setting a target of 40% affordable housing on major new development and securing affordable housing on small schemes.

Government policy requires all local planning authorities to set out their five-year housing land supply position on an annual basis. The government has also recently introduced the housing delivery test - there are penalties where local authorities cannot demonstrate they are not delivering enough housing against their adopted plans.

The council’s Planning Service has to work within this framework, but the lack of a five-year housing supply is not, in itself, sufficient reason to permit a scheme where there are other significant concerns. You can be assured that planning applications are scrutinised by planning officers and technical experts and that all major applications are carefully considered by the Planning Committee.

It is important that local residents are engaged at the earliest possible stages on major development proposals – before a planning application is submitted. This is encouraged by government guidance and our Statement of Community Involvement. I am afraid this isn’t, however, a requirement. I am advised that engagement was undertaken in the case of the former Amex site as part of a planning brief for the site and by the applicants. I am sorry to hear you don’t feel you were listened to.

I understand your concerns about whether affordable housing genuinely meets local needs. To address this the council is actively involved in several initiatives to deliver genuinely affordable homes for local people and has already successfully delivered over

170 homes for affordable rent over the last 3 years through the New Homes for Neighbourhoods Programme with many hundreds more in the pipeline”.

70.26 **RESOLVED-** That the Committee note the deputation.

71 ITEMS REFERRED FROM FULL COUNCIL

(A) PETITIONS

(i) Make Brighton & Hove Events Plastic Free

71.1 The Committee considered a petition signed by 3500 people and referred from the Full Council meeting of 31 January 2019 requesting the council and organisers and sponsors of the city’s biggest events committee to eliminating the use of single-use plastics by 2020 at the latest.

71.2 The Chair provided the following response:

“At the Policy, Resources & Growth Committee on the 12th July 2018 members approved the recommendation that reporting on the progress towards phasing out single use plastics would be brought to the Environment, Transport and Sustainability Committee on an annual basis. This would include an action plan detailing the timeframe for achieving the goals set out in the policy, until such time that the committee is confident that the city council has done all it can to reduce and eliminate SUPs use in the city. This annual report to the ET&S committee would include progress on the reduction of single use plastics at event. Therefore, it would be appropriate for future reports on this issue to be considered by the ET&S committee.

The Outdoor Events Strategy is on the agenda for this meeting, and within the Strategy there is an on-going objective to work with event organisers to improve the sustainability of events including the reduction of single use plastics. There is also an amendment that is being proposed in relation to this Strategy that if agreed, would mean that an annual report would come to this committee detailing compliance against the Charter and on how the use of single use plastics is being reduced across our event programme”.

71.3 **RESOLVED-** That the Committee note the petition.

(ii) Zippos Circus

71.4 The Committee considered a petition signed by 5900 people and referred from the Full Council meeting of 31 January 2019 requesting the council stop Zippos Circus being held in Brighton & Hove due to concerns regarding animal exploitation for entertainment purposes.

71.5 The Chair provided the following response:

“Thank your petition and congratulations on the number of signatures obtained and I note that Zippos decided against the use of animals in its circus tour this year”.

71.6 **RESOLVED-** That the Committee note the petition.

72 MEMBER INVOLVEMENT**(D) NOTICES OF MOTION****(i) Animals in Circuses**

- 72.1 The Committee considered a Notice of Motion requesting that the Committee instruct the Chief Executive to write to the Secretary of State calling for a ban on the use of all animals in circuses and requesting the Chief Executive write to the city's three MP's seeking their endorsement for a ban and asking them to take other Parliamentary action to make the requisite change in legislation.
- 72.2 Introducing the Motion on behalf of the Labour & Co-operative Group, Councillor Platts stated that the Motion arose from the petition recently presented to Full Council and related to a specific objection to circus animals and dog and horse racing and to support the requests for a ban made by residents. Councillor Platts welcomed the proposed Green Group amendment that added to the original Motion.
- 72.3 The Chair formally seconded the Motion.
- 72.4 On behalf of the Green Group, Councillor Druitt move a motion to add a recommendation 3) as shown in bold italics below:
- 3) *That the Council seeks to update the outdoor events charter to clarify that event organisers must comply with the Council's Animal Welfare Charter and so that it is clear that the Council's hope and expectation is that event organisers will avoid the use of performing animals at events on Council-owned land.***
- 72.5 Introducing the amendment, Councillor Druitt explained that he welcomed the Labour Group position and the Notice of Motion and the amendment sought to facilitate the options to make change at a local level in the context of case law and legislation.
- 72.6 Councillor Mac Cafferty formally seconded the Motion and stated that whilst a future ruling that from government might be more helpful in terms of a ban, the Motion and amendment expressed the Council's desire as landowners to discourage the use of animals for entertainment purposes and encourage best practice.
- 72.7 Councillor Miller stated that whilst he would be supporting the Motion and amendment however, he expressed doubt that the Chief Executive writing to the Secretary of State and three MP's was the correct use of time as the individual political groups could approach each of their MP's.
- 72.8 The Chair stated that the issue was part of the Conservative Party manifesto in 2010 and the Committee would be reminding the Secretary of State of that.
- 72.9 The Chair then put the Green Group motion to the vote that passed.
- 72.10 The Chair then put the Notice of Motion, as amended to the vote that passed.

72.11 RESOVLED-

- 1) That the Committee instructs the Chief Executive of the Council to write on behalf of the Council to the Secretary of State calling for a ban on the use of all animals, including domestic animals, in circuses
- 2) That the Committee request the Chief Executive to write to the city's three MP's to seek their endorsement and ask them to take any other Parliamentary action they feel appropriate to make the requisite change in legislation
- 3) That the Council seeks to update the outdoor events charter to clarify that event organisers must comply with the Council's Animal Welfare Charter and so that it is clear that the Council's hope and expectation is that event organisers will avoid the use of performing animals at events on Council-owned land.

73 REVIEW OF THE PRIDE VILLAGE PARTY

- 73.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that set out the results of the consultation and review of the Pride Village Party following the agreement to do so in response to a deputation received by Full Council in April 2018.
- 73.2 Referring to page 45 of the agenda, Councillor Nemeth noted that the Kingscliffe Society had provided a series of requests to improve the event. Councillor Nemeth explained that whilst his personal view was that the PVP remained in its current location, the requests were straightforward and easily resolvable.
- 73.3 The Events Manager stated that officers could work with Pride organisers to ensure the specific matters were addressed.
- 73.4 Councillor Mears stated that there appeared to be a lack of accountability on the matter and the PVP processes needed to be improve in order to address residents' complaints.
- 73.5 Councillor Platts stated that she was in support of the PVP remaining in St James' Street as the area was at the heart of the gay community. Councillor Platts stated that if the PVP was moved, it was likely that the local independent traders would lose out. Councillor Platts added that she lived near to St James' Street and visited the PVP each year and did not recognise many of the statements made. Councillor Platts stated that the event always appeared well-organised and issues addressed where they arose.
- 73.6 Councillor Druitt stated that the PVP was at the heart of the city's gay community although many important points had been raised in the consultation. Councillor Druitt asked if local police officers could be used for security of the event as they would have a better knowledge of the city than those from elsewhere, if wristband policies and procedures could be improved in relation to residents' access to their homes and that every effort was made to ensure the street was cleaned quickly.
- 73.7 The Head of Safer Communities answered that the issue of local police officers was certainly something that could be discussed with Sussex Police and wristband policies

and procedures would be discussed with Pride CiC. The matter of street cleaning was a matter kept under regular review with colleagues in Cityclean.

- 73.8 Councillor Miller stated that he was similarly in agreement that the PVP should remain in its current location however, there were areas for improvement such as toilet and bin provision. Referring to recommendation 2.3, Councillor Miller asked for what timescale event consent would be given.
- 73.9 The Head of Safer Communities confirmed that consent would be for a limited period and conditional as with any event hosted in the city.
- 73.10 Councillor Marsh stated that the St James' Street PVP was an important part in the history of Brighton & Hove and the measures put into place had ensured that the event was properly managed. Councillor Marsh stated that the PVP was a large event and it could be expected that not everything would go to plan. Councillor Marsh noted that for surveillance purposes, not all security personnel were dressed in high visibility clothing. Councillor Marsh stated that she was very much in support of the PVP remaining in its current location.
- 73.11 Councillor Norman agreed that the Pride CiC did very well in organising the entire event. Councillor Norman noted the concerns made in the deputation regarding refuse collection and asked for assurance that the allegations were misplaced.
- 73.12 The Events Manager stated that the Pride event was the single most scrutinised event and thoroughly reviewed on an operational and safety advisory level and every issue and all feedback considered. The Head of Safer Communities supplemented that contact details were provided to residents to ensure any incidents or complaints could be properly reported and addressed as quickly as possible.
- 73.13 Councillor Mac Cafferty stated that he knew several people who lived in the area and all of them looked forward to the PVP event every year and their view was that a number of the points made in the deputation were not accurate. Councillor Mac Cafferty stated that he had attend the PVP event and seen for himself that that there were refuse collectors on site and representatives from Pride CiC and council officers in attendance. Councillor Mac Cafferty stated that the inaccurate representations potentially derailed from the more pertinent issues of how to make the event safer, better and more inclusive. Councillor Mac Cafferty added that his one criticism of the Pride event was the considerable use of single use plastics and much more thought was required as to how waste could be reduced.
- 73.14 **RESOLVED-**
- 1) That following the outcome of the consultation and the concerns raised by statutory agencies, the Committee agree not to move the Pride Village Party from its current location in the St James' Street area
 - 2) That the Committee agree to the event continuing to be run by the Brighton Pride Community Interest Company (BPCIC).

- 3) That the Committee delegates authority to the Executive Director of Neighbourhoods Communities and Housing to negotiate and grant landlord's consent for the event when the current consent ends in 2020.

74 OUTDOOR EVENTS STRATEGY 2019-24

74.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that set out a new Outdoor Event Strategy, developed in conjunction with partners and sector stakeholders, that would be used as the basis for future partnership working and inform the council's priority actions and targets and relation to the Outdoor Events Programme.

74.2 On behalf of the Green Group, Councillor Druitt moved a motion to amend recommendation 2.1 as shown in bold italics below:

2.1 That the Tourism, Development & Culture Committee adopts the Outdoor Events Strategy (attached as Appendix 1 to this report) and supports the key actions **and instructs Officers to prepare a report for the next Tourism, Development & Culture Committee which considers the implications of amending the Outdoor Events Strategy as set out in (a) and (b) below:**

(a) To amend the Outdoor Events Strategy as follows:

- (i) To introduce an Environmental Impact Charge, as requested by respondents to the consultation (and successfully applied in Oxford) to fund maintenance and care of the spaces used, including support for "Friends of" parks and open spaces associations;***
- (ii) to request that all outdoor events on council-owned land sign up to the Outdoor Events Charter, irrespective of visitor numbers***
- (iii) that as part of the ongoing review of Hire Charges and Fees, consideration is given to options for a fairer way of calculating charges such as aligning them with commercial event income or attendance figures***
- (iv) that a transport plan is developed for large events (500+ attendees) that makes provision for maintaining access to sustainable transport corridors during the event where practicable and agreed by the Safety Advisory Group, and encourages access to events via sustainable transport in line with the Sustainable Event Commitment***

(b) To amend the Outdoor Events Charter as follows, to include:

- (i) discouraging the use of performing animals in events on council-owned land***
- (ii) a commitment to reduce waste creation at source***
- (iii) a commitment to the Brighton Living Wage***
- (iv) a commitment to comply with key BHCC corporate commitments as they affect communities, such as policies developed in relation to Licensing and Environmental Health***

(c) To amend the Sustainable Events Commitment for Outdoor Events, to require event organisers to find alternatives to single use plastics where possible; and

(d) To request that this committee receives annual feedback on compliance with the Charter, with a presumption against granting future permission to events that show clear disregard for the Charter

- 74.3 Introducing the motion, Councillor Druitt explained that events were a key sector for Brighton & Hove and one of the main reasons people visited the city. Councillor Druitt noted that ward councillors received a high number of complaints from residents after events, predominately regarding the condition the site had been left in. Councillor Druitt explained that each part of the proposed motion sought to address some of the issues currently experienced and sought to promote a better relationship between the council, event organisers and local residents.
- 74.4 Councillor Mac Cafferty formally seconded the motion and noted that Oxford City Council had successfully introduced a non-refundable environmental impact charge. Councillor Mac Cafferty noted that the consultation feedback elicited strong support from residents for an environmental impact charge and the motion responded to that request.
- 74.5 Councillor Platts stated her support for the ring-fencing of any income generated from an environmental impact charge for 'Friends of' groups and congratulated the motion as a good way for the council to set out its expectations in relation to the hosting of events. Councillor Platts added her support for the provision of sustainable travel for events as getting around the city was sometimes difficult for first time visitors as well use the commitment to the Brighton Living Wage.
- 74.6 Councillor Miller thanked officers for producing a concise and informative report. Councillor Miller stated that he would not be supporting the proposed motion as an environmental impact charge would create tax buy stealth on a key aspect of the city economy that impact its viability.
- 74.7 Councillor Nemeth praised the detail of the report however, he could not support the motion as he believed the council there was no example of events where the proposed measures would apply. Councillor Nemeth stated that all the major events in the city were in accord with the standard the council would expect, and the proposed Outdoor Event Strategy was robust.
- 74.8 Councillor Mears stated that she could not support the motion as it was overly prescriptive and increased bureaucracy and that would be detrimental to the Strategy. Councillor Mears stated that she found the question posed in the consultation questionnaire detailed on pages 161-165 of the agenda to be irrelevant and unnecessary as they didn't relate to outdoor events.
- 74.9 The Head of Sport & Leisure clarified that the questionnaire format was applied as standard across the council.
- 74.10 The Chair then put the motion to the vote that passed.

74.11 The Chair then put the recommendations, as amended to the vote that passed.

74.12 **RESOLVED-**

- 1) That the Tourism, Development & Culture Committee adopts the Outdoor Events Strategy (attached as Appendix 1 to this report) and supports the key actions and instructs Officers to prepare a report for the next Tourism, Development & Culture Committee which considers the implications of amending the Outdoor Events Strategy as set out in (a) and (b) below:
 - (a) To amend the Outdoor Events Strategy as follows:
 - (i) To introduce an Environmental Impact Charge, as requested by respondents to the consultation (and successfully applied in Oxford) to fund maintenance and care of the spaces used, including support for “Friends of” parks and open spaces associations;
 - (ii) to request that all outdoor events on council-owned land sign up to the Outdoor Events Charter, irrespective of visitor numbers
 - (iii) that as part of the ongoing review of Hire Charges and Fees, consideration is given to options for a fairer way of calculating charges such as aligning them with commercial event income or attendance figures
 - (iv) that a transport plan is developed for large events (500+ attendees) that makes provision for maintaining access to sustainable transport corridors during the event where practicable and agreed by the Safety Advisory Group, and encourages access to events via sustainable transport in line with the Sustainable Event Commitment
 - (b) To amend the Outdoor Events Charter as follows, to include:
 - (i) discouraging the use of performing animals in events on council-owned land
 - (ii) a commitment to reduce waste creation at source
 - (iii) a commitment to the Brighton Living Wage
 - (iv) a commitment to comply with key BHCC corporate commitments as they affect communities, such as policies developed in relation to Licensing and Environmental Health
 - (c) To amend the Sustainable Events Commitment for Outdoor Events, to require event organisers to find alternatives to single use plastics where possible; and
 - (d) To request that this committee receives annual feedback on compliance with the Charter, with a presumption against granting future permission to events that show clear disregard for the Charter

75 UPDATE ON ROYAL PAVILION MUSEUM ADVISORY GROUP

- 75.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that informed the committee of the names of the Royal Pavilion Museum (RPM) Advisory Group and sought approval for the appointment of Chair of the Group.

75.2 Councillor Nemeth stated that recommendation 2.2 was ambiguously worded as it did not clearly state that it would be the serving Chair of the time and of the relevant committee and could be interpreted as appointing the current Chair of the Committee for an unspecified amount of time.

75.3 Following further discussion and clarification, an officer amendment to recommendation 2.2 was proposed as shown in bold italics below:

2.2 Approves the appointment of the ***serv***ing Chair of the TDC Committee ***or relevant committee*** as the Chair of the RPMAG

75.4 The Committee approved the suggested amendment.

75.5 The Chair then put the recommendations, as amended to the vote that were agreed.

75.6 **RESOVLED-** That the Committee:

- 1) Notes the names of those who have been appointed to the RPMAG by the Executive Director of Economy, Environment and Culture in liaison with the Chair of TDC.
- 2) Approves the appointment of the serving Chair of the TD&C Committee or relevant committee as the Chair of the RPMAG.

76 PROCUREMENT OF BRIGHTON CENTRE HOSTED TICKETING SYSTEM

76.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that sought permission to procure and award a contract for a hosted ticketing system for the Brighton Centre for an initial 5 year term with the option to extend for a further 2 years.

76.2 Councillor Cattell asked if the new system would prevent re-sale of tickets beyond face value.

76.3 The Head of Tourism & Venues clarified that unfortunately that would not be part of the new system as that type of re-sale was often down to individuals and beyond the ticket issuers control. However, some artists had requested that the ticket purchasers name be put on the ticket and identification was then verified at the point of entry.

76.4 Councillor Nemeth noted that there were proposals to redevelop the Brighton Centre and asked what measures were in place relating to this contract.

76.5 The Head of Tourism & Venues clarified that there would be a contractual break clause as with any standard contract.

76.6 Councillor Mac Cafferty noted that the previous contract had been for a twenty year period and asked for officers view in terms of value for money of a five year contract. Furthermore, Councillor Mac Cafferty asked how it was intended to audit the system to ensure that value for money continued through the duration of that contract.

76.7 The Head of Tourism & Venues replied that officers would undertake an assessment of best value at the point of procuring and awarding the contract and

- 1) That Committee gives delegated authority to the Executive Director Economy, Environment & Culture to procure and award a contract for a hosted ticketing system for the Brighton Centre for an initial term of 5 years with the option to extend for a further 2 years .

77 MAJOR PROJECTS UPDATE

77.1 Councillor Miller asked for clarification on the timescales relating to Heritage Lottery Funding (HLF) applications for Madeira Terraces as the report suggested work would not begin until April 2020.

77.2 The Assistant Director, City Development & Regeneration explained that following the unsuccessful bid for HLF Funding, another application would be made to a revised bidding process and other option for renovation and in the meantime, work would begin on the crowdfunded arches.

77.3 Councillor Miller stated that the structural integrity of the arches was deteriorating quite rapidly and asked if other options were being considered such as the council reviewing its own asset portfolio to raise capital.

77.4 The Assistant Director, City Development & Regeneration replied that HLF existed to fill a gap in heritage funding so was the best option to restore the arches with work undertaking in parallel to consider other options available.

77.5 Councillor Druitt noted that he had requested that a project risk rating be included in the document but that appeared to be absent. In relation to Preston Barracks, Councillor Druitt asked if entrepreneurial inventors would be charged for use of the spaces available as this may be beyond them. In relation to Madeira Terrace, Councillor Druitt asked if any scoping exercise had been undertaken on the option to renovate the arches without units below in order to better understand the costs involved.

77.6 The Assistant Director, City Development & Regeneration confirmed that officers had been looking at renovation of the western arches although the final location was open to discussion with those leading on the crowdfunding and stakeholders. In relation to the development at the Preston Barracks site, the Assistant Director explained that the final format of operation was a decision for the operators of the site, but it was known that high-tech machinery, not available for small businesses to use would be available and whilst this would come at a cost, it would mean users would not have to pay for the capital costs of such machinery. The Assistant Director confirmed that the document would be updated with identification of general risks.

78 ITEMS REFERRED FOR FULL COUNCIL

78.1 No items were referred to Full Council for information.

The meeting concluded at 6.55pm

Subject: Items referred from 28 March 2019 Full Council meeting- Petitions

Date: 20 June 2019

Report of: Monitoring Officer

Contact Officer: Name: John Peel Tel: 01273 291058
E-mail: john.peel@brighton-hove.gov.uk

Wards Affected: Various

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To receive any petitions referred from the Full Council meeting of 28 March 2019.

2. RECOMMENDATIONS:

2.2 That the Committee responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options, including the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's Overview and Scrutiny Committee
- calling a referendum

3. PETITIONS

3. (i) It makes better business sense to restore the 3 crowd funded Arches at the Concorde 2 end of Madeira Drive– Mr Wright

To receive the following petition referred from the meeting of Full Council and signed by 3118 people:

"We the undersigned petition Brighton & Hove Council to restore the 3 arches nearer to Concorde 2"

Note: *A minute extract from the meeting of Full Council and the amendment passed at that meeting can be found overleaf*

Subject: Madeira Arches – Petition for Debate:
Extract from the proceedings of the Council Meeting held on the 28 March 2019

Date of Meeting: 20 June 2019

Report of: Executive Lead Officer for Strategy, Governance & Law

Contact Officer: Name: **Mark Wall** Tel: **01273 291006**
E-mail: mark.wall@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

Action Required of the Tourism, Development & Culture Committee
To receive the petition referred from the Council for consideration.

Recommendation: That the petition be considered.

Petition:

“We the undersigned petition Brighton & Hove Council to restore the 3 arches nearer to Concorde 2”

Lead petitioner: Derek Wright

Additional Information:

The councils choice of arches are untypical – in fact, they are not generally referred to as the same as the open arches - so their costing per arch will be flawed.

They have not consulted nor shown visuals of the 3 arches chosen to the crowd funding community or wider public.

Building works along Madeira Drive are already having a disastrous effect on trading; having more building works at the Western end of Madeira Terraces will make the outdoors seating that the traders rely on noisy, dirty, dusty & visually unattractive.

Restoring 3 arches near Concorde 2 would not disturb the local business as they are on the beach side, apart from Concorde 2, which is not active in the day time

The area around Concorde 2 will better benefit from having 3 arches being restored because they will create an all year round destination, thus encouraging the visitors & residents to travel along from the pier.

It would lead to more use of the of the Volks railway midway station & workshop gallery.

If E.H.L.F funding is agreed & the restoration of 59 arches can go ahead then the arches around Concorde 2 are in more urgent need as they are already supported.

The repair of the Concorde 2 roof, public toilets & the Madeira Lift are urgent & will give more benefits to traders, residents and visitors around this area than anywhere else along Madeira Terraces.

Having the lift working all year round leads to the possibilities of less parking & less pollution as there are bus stops nearby offering a good local & long trip bus service. This would also benefit families & disabled visitors wanting to access the Barefoot Cafe, Jungle Rumble & Sealanes, all of which have disabled & child friendly pursuits.

The traders could offer combined entrance and bus use admission

It makes better business sense to restore the 3 crowd funded Arches at the Concorde 2 end of Madeira Drive, therefore creating a business plan & releasing the £1m from the i360, ear-marked for the Terraces

BRIGHTON & HOVE CITY COUNCIL**COUNCIL****4.30pm 28 MARCH 2019****COUNCIL CHAMBER - BRIGHTON TOWN HALL****MINUTES**

Present: Councillors Simson (Chair), Phillips (Deputy Chair), Allen, Atkinson, Barford, Barnett, Bell, Bennett, Brown, Cattell, Chapman, Cobb, Daniel, Deane, Druitt, Gibson, Gilbey, Greenbaum, Hamilton, Hill, Horan, Hyde, Janio, Knight, Lewry, Littman, Mac Cafferty, Marsh, Meadows, Mears, Miller, Mitchell, Moonan, Morris, Nemeth, A Norman, K Norman, O'Quinn, Page, Peltzer Dunn, Platts, Robins, Sykes, Taylor, C Theobald, G Theobald, Wares, Wealls, West and Yates

PART ONE**89 PETITIONS FOR COUNCIL DEBATE**

- 89.1 The Mayor stated that where a petition secured 1,250 or more signatures it could be debated at the council meeting. She had been made aware of three such petitions, however since the publication of the agenda she had been notified of the withdrawal of one of the petitions, Item 89 (3) Youth 4 Strike Action for Climate Change. She would therefore take the remaining two petitions in turn.
- 89.2 The Mayor then invited Mr. Wright to come forward to present the petition relating to Madeira Arches.
- 89.3 Mr. Wright thanked the Mayor and stated that 2,908 online signatures had been obtained., along with 210 on paper in only two months, which he believed showed the strength of feeling for this issue. He stated that whilst there had been consultation it appeared that the council was seeking to renovate one of the arches at Madeira Drive that was not typical of those along the Drive. The tenants and business at Madeira Drive all believed that it would be better to restore one of the other arches east of Royal Crescent as it would not affect the others. The tenants had also spoken with the owners of Concorde 2 who were interested in having an arch restored closer to the venue. He therefore asked for further consideration of the options and discussions with tenants before a final decision was taken.
- 89.4 Councillor Robins thanked Mr. Wright for presenting the petition and acknowledged the views that had been made in relation to the renovation of the arches. He noted that there had been a successful lottery bid for the western end and that crowd funding had been sought to support the improvements for the eastern end. He also noted that any restoration to the arches would require enabling work and from a structural perspective it

was felt that this should start at one end. He was happy to ask officers to continue discussions with the tenants the lead petitioners and hoped that they could work together to find an agreed way forward.

- 89.5 Councillor A. Norman thanked Mr. Wright and stated that she believed the issues raised concerned many of those in the chamber and hoped that the necessary repairs could be started and the arches restored to their former status. She felt that if the restoration started at the western end then it was more likely to encourage footfall along the arches as more people would see the improvements being made.
- 89.6 Councillor Druitt stated that the campaign to restore the arches was close to his heart and he fully supported the petition. He had previously raised the issue at the Tourism, Development & Culture Committee and was disappointed to see the proposed three arches that would be restored initially. They were not typical examples of the arches and he hoped this could be reconsidered. He noted that the local traders supported the renovation of the arches and felt their views should be taken into consideration. The crowd funding project had been successful but had been based on the restoration programme that was different to what was being proposed.
- 89.7 Councillor Robins noted the comments and stated that he was keen for the council and traders to work together to find the best way forward for the restoration programme. If the arches near to the Concorde 2 were more typical examples then they could be considered, and he therefore hoped that further information could be brought to the Tourism, Development & Culture Committee in June.
- 89.8 The Mayor thanked Mr. Wright for attending the meeting and presenting the petition and put the recommendation listed in the covering report to the vote which was carried unanimously.
- 89.9 **RESOLVED:** That the petition be noted and referred to the Tourism, Development & Culture Committee meeting on the 20th June 2019.

**DEPUTATIONS REFERRED FROM THE MEETING OF FULL COUNCIL HELD ON
28 MARCH 2019**

Deputations received:

(i) Deputation: Grassroots Brighton & Hove

Grassroots Brighton & Hove is a new organisation. It is the city's core grassroots music venues coming together and making a collaborative association for the benefit of all. Its objective is to provide a focal point and facilities to foster greater local community activity and bring residents, the local business community, artists and smaller organisations together to improve the quality of life in Brighton & Hove. It offers strong working relationships with other local community services A base for outreach and signposting people to other local services.

Live music in Brighton generates an estimated £112m PA for the local economy and is an essential force in giving the city its dynamic and vibrant edge. This deputation is to make Councillors and council staff aware the unique and pivotal role that Grassroots Brighton & Hove undertakes, our important role as community hubs and what we will now bring to the city as a formal association. We want to explain what we can do for you and what help we are asking in return.

Supported by:

Mark Stack (Lead Spokesperson)

Bill Smith

Sally Ann Oakenfold

Will Moore

Toni Coe-Brooker

Subject:	Constitutional Matters		
Date of Meeting:	20 June 2019		
Report of:	Monitoring Officer		
Contact Officer:	Name:	John Peel	Tel: 01273 291058
	Email:	John.peel@brighton-hove.gov	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To provide information on the committee's terms of reference and related matters including the appointment of its Urgency Sub-Committee.

2. RECOMMENDATIONS:

- 2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted; and
- 2.2 That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Article 6 of the Constitution incorporates a schedule of all the Committees/Sub-committees established in the current Constitution together with a summary of their respective functions.

The Tourism, Development & Culture Committee– Terms of Reference

- 3.2 A copy of the terms of reference for the committee is attached in Appendix A. These should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the constitution.

Membership

- 3.3 The membership of the committee is set at 10 Members of the council.
- 3.4 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, is as set out in the Council Procedure Rules 18 to 24.

Programme Meetings

- 3.5 Ordinary meetings of the Tourism, Development & Culture Committee are scheduled to take place on the following dates during 2019/20:

20 June 2019
12 September 2019
21 November 2019
16 January 2020
5 March 2020
23 April 2020

- 3.8 Meetings of the Committee will normally be held at Hove Town Hall and will start at 4.00 p.m.

Urgency Sub-Committee

- 3.9 The Articles in the Constitution states that each Committee of the Council except the Audit & Standards Committee may appoint an Urgency Sub-Committee to exercise its powers. The membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups. Under current allocations this would mean an urgency sub-committee will consist of one Member from each of the three political groups on the Council.

- 3.10 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The council's Constitution provides for the appointment of the sub-committees and urgency sub-committees however, it provides that the Committee will make the decision to appoint a Sub Committee. Although it would be possible for the Committee to decide not to appoint an Urgency Sub Committee, this is not considered to accord with Council's wishes and moreover would create difficulties if urgent business were to arise between scheduled Committee meetings and for this reason, is not therefore regarded as a viable alternative option.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 All Members considered and approved the Constitution, which was last reviewed on the 13 December 2018.

6. CONCLUSION

- 6.1 The recommendations are being put forward in line with the requirements of the Constitution, to ensure that a process exists to assist the effective discharge of the Committee's business should a situation of urgency arise.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications arising from this report. Any costs relating to the establishment of an urgency sub-committee would be met within existing resources.

Finance Officer Consulted: Peter Francis

Date: 21/05/19

Legal Implications:

- 7.2 As indicated in the body of this report, provision is made in those Parts of the Council's Constitution highlighted above for the appointment of an urgency sub committee in case it is needed at short notice

Lawyer Consulted: Alice Rowland

Date: 24/05.2019

Equalities Implications:

- 7.2 There are no equalities implications arising from the report

Sustainability Implications:

- 7.3 There are no sustainability implications arising from the report.

Any Other Significant Implications:

- 7.4 None

SUPPORTING DOCUMENTATION

Appendices:

1. Tourism, Development & Culture Committee Terms of Reference

Documents in Members' Rooms

1. None

Background Documents

1. The Constitution

TOURISM, DEVELOPMENT & CULTURE COMMITTEE

Explanatory Note

This Committee is responsible for the council's functions relating to planning policy, employment, economic growth and regeneration, culture, tourism and leisure.

Delegated Functions

1 Planning

To exercise the Council's functions as local planning authority (to the extent that they are not development control functions delegated to the Planning Committee), including the formulation and development of the Development Plan Documents prior to their adoption by Full Council.

2. Economic Growth and Regeneration

- (a) To exercise the Council's functions and partnerships regarding the promotion of economic growth and the establishment and development of business.
- (b) To promote and develop the economic fundamentals of the City in areas such as adult skills, productivity, development sites etc.

3. Major Built Environment Projects

- (a) To oversee the progress of major projects (including major building, infrastructure or other projects involving the erection or significant alteration of major permanent structures or landmarks) undertaken by the Council, and advise the Policy, Resources and Growth Committee as appropriate.
- (b) To review major projects and any project Boards having regard to capacity to deliver, corporate priorities and resources, and advise the Policy, Resources and Growth Committee as appropriate.

4. Conservation and Design

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

5. Building Control

To exercise the Council's functions regarding building control.

6. Culture, Arts and Heritage

To exercise the Council's functions in relation to culture, including arts, entertainment, cultural activities and heritage.

7. Tourism & Marketing

To exercise the Council's functions in relation to tourism, marketing and conferences.

8. Libraries and Museums

To exercise the Council's functions in relation to libraries, museums, art galleries, historic buildings and their gardens and the functions of the Council regarding public records.

9. Events

To exercise the Council's functions in relation to events, including the annual programme of entertainment events (providing that if the relevant Director, or other officer with delegated powers, is of the view that the event is a major event or has corporate budgetary or policy implications the matter shall be referred to the Policy, Resources and Growth Committee).

10. Leisure, Sports and Recreation

To exercise the Council's functions in relation to the provision and management of leisure, sports and recreation facilities.

Subject:	Madeira Terrace Restoration - Petition response and next steps		
Date of Meeting:	20th June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Abigail Hone	Tel: 01273 292163
	Email:	Abigail.Hone@brighton-hove.gov.uk	
Ward(s) affected:	East Brighton; Hanover & Elm Grove;		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 On [30 November 2017 Policy, Resources & Growth Committee](#) noted a summary of progress on the 4 point plan for securing the regeneration of Madeira Drive including the restoration of Madeira Terrace and specifically progress with regard to the crowd funding campaign completed on 30 November 2017.
- 1.2 This report outlines the proposed next steps to restore Madeira Terrace and in doing so responds to the petition raised by 'Save Madeira Terrace Raffle Group'.
- 1.3 Approval and authorisation from the Tourism, Development & Culture Committee is sought regarding the recommendation in section 2 so early (RIBA Stage 0/1) design work can be carried out to prepare for the restoration of the first 30 Madeira Terrace arches (including the 3 crowd funded arches).

2. RECOMMENDATIONS:

- 2.1 That the Committee delegates authority to the Executive Director for Economy, Environment & Culture to procure and award a contract for early design stage work (RIBA 0-1) and engineering of 30 out of a total of 151 Madeira Terrace arches.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The restoration of Madeira Terrace to make it a repurposed structure fit for the future is a complex project. However, there is great potential for the Terrace to form the backdrop to the regeneration of the Eastern Seafront in Brighton & Hove.
- 3.2 The condition of the Grade II Listed Madeira Terrace remains one of the most challenging heritage infrastructure issues currently facing the city council. Brighton & Hove's seafront is a key economic driver and "shop window" for the city, and yet on-going maintenance of the structure is no longer possible due to

the level of deterioration which has seen sections of the structure progressively closed to the public since 2012.

- 3.3 Madeira Terrace is unique in that the 865m long structure, with 151 separate arches when constructed (in 3 phases from 1890) was to facilitate the act of 'promenading'. Perhaps unintentionally Madeira Terraces has provided a perfect 'grandstand' for the regular events that take place in, or at the end of, Madeira Drive.
- 3.4 The city council does not have the funds to restore the whole of Madeira Terrace, which has been estimated at more than £23M, so is working to restore the arches in stages.
- 3.5 Thanks to community efforts, £460,000 was raised to help fund the restoration of three arches. The council has explored the possibility of restoring these in isolation but because of the costs involved is proposing to include the community-funded arches as part of an initial phase to restore 30 arches which would be more cost-effective.
- 3.6 Community fundraising is also continuing and the council is facilitating an advisory panel, to include representatives from community, tourism and conservation groups, businesses and event organisers to contribute to the project as it moves forward.
- 3.7 The proposed next steps are to create designs for the first restored arches, explore potential uses for them and cost the work. This will help focus the project, ensure community input is included and provide a sound basis with which to take advantage of funding opportunities.

Petition response

- 3.8 On 28/3/19 Full Council heard [a petition from Save Madeira Terraces Raffle Group](#) which raised 2908 signatures through the ePetition on the Council's website. The petition opposed the council starting work towards delivery of 3 arches at the western end of Madeira Terrace and proposed restoration of 3 arches at the eastern end. The petition cited a number of other concerns related to Madeira Terrace though out of scope for the arches restoration work and requests such as opening the Madeira Lift all year round.
- 3.9 On the 30 November 2017 the Policy, Resources & Growth Committee set out a way forward for the Terrace that involved the idea of a 'pilot project' for 3 arches. However, when the project team began focussing on how to deliver the three CF arches the following findings became apparent:
 - Restoration of 3 arches alone would be more costly than a larger number of arches due to not achieving economies of scale.
 - At whatever point in the structure any restoration were to take place, an enabling works package would be required to secure, prop and possibly separate any unstable parts of the structure from the arches being restored. This would involve bespoke designed props to 'hold' the structure and

possibly dismantling adjacent arches. Costs for propping in other areas of the Madeira Terrace structure have been up to £220K to date.

- The appetite from the market for such a small and risky project like CF Arches was unknown and would need to be ascertained through the procurement process; the timetable for procurement of enabling works was estimated to be a minimum of 6 months.
 - Due to timescales and the unforeseeable complexities with a heritage project such as Madeira Terrace, it was recommended a minimum 30% contingency was included as part of the restoration budget. Based on the cost estimates available at that time this was estimated at £105K
 - Restoring the westernmost arches fitted with the only existing 'strategic outline business case', albeit for 52 arches not 3 (copy of this at **Appendix 1**) for the Terrace. The westernmost arches also experienced a higher level of existing footfall so good visibility and accessibility.
- 3.10 On 8th Feb 2019 petitioners highlighted they had discussed their proposal for the eastern arches with Ed Morton from The Morton Partnership, a structural engineering firm specialising in conservation restoration. They were keen to solicit independent advice from Ed Morton on which 3 arches were wisest to restore first out of the total 151.
- 3.11 Ed Morton's pro bono advice was given in a letter (see **Appendix 2**). His final conclusion were that a piece of work was necessary to 'clearly define the potential for uses of arches in the short to medium term, and perhaps the long term, and then to consider how the crowd funded works would benefit these'. Ed Morton stated that 'the repairs of the crowd funded arches should be linked to where there is greatest potential for works to be carried out in the nearer future'.
- 3.12 The petition and the advice received from Ed Morton helped to create an opportunity to re-think the CF arches idea and the best use of the crowd funding money to the restoration of Madeira Terraces as a whole.
- 3.13 Regardless of whether 3 arches or 30 arches are to be restored the preparatory work necessary is very similar; a design team needs to be procured and commissioned to work towards creating a costed and buildable solution. By focussing on a larger proportion of the arches it is anticipated the limited funds available to restore the arches can go further.
- 3.14 The estimated financial implications of procuring services for implementation of 3 arches and the lack of economies of scale able to be achieved mean the approach which now makes most sense is to incorporate the 3 CF Arches and associated funding in a larger proportion of restored arches.

Funding and funding bids:

- 3.15 Since 14 July 2016 when Policy Resources & Growth Committee endorsed the stage 1 funding application to the Coastal Communities Fund the council has continued to seek additional funding to restore Madeira Terrace by addressing an increasing conservation deficit.

3.16 In April 2017, the City Council's bid to the Coastal Communities Fund was unsuccessful and a 4 point plan followed to seek the necessary funding for the restoration of the Terraces. The 4 point plan involved the following fund raising elements:

1. **Crowd-funding:** The council procured and promoted a crowd-funding platform and worked hard with corporate sponsors, tourist organisations and local residents. The council contributed £100K to the fund and a total of £460K was achieved.

2. **Further bids for Government or Lottery funding:** In April 2016, the city Council was successful in bidding for £50,000 from the Coastal Revival Fund to support the development of a Madeira Drive Regeneration Framework, with the aim of developing a strategic and comprehensive approach to the regeneration of the whole of the Madeira Drive, including Madeira Terraces and other regeneration projects such as Sea Lanes, Brighton Waterfront, and the Zip wire. This was followed in 2018 by two unsuccessful bids to Heritage Lottery Fund enterprise programme for projects bringing economic growth by investing in heritage. An Expression of Interest made to the renamed National Heritage Lottery Fund in April 2019 has resulted in the council being invited to submit a further bid. The team are considering the merits of making a further NLHF bid while a number of other projects have recently been funded by NLHF in the city, and also given the fact that previous bids have distracted from progressing other aspects of the project.

3. **Harnessing local talent:** The project team proposed putting out a call to the private sector for proposals with funding solutions. This proved more problematic to deliver. While some private sector organisations have shown interest and invested energy in formulating proposals for Madeira Drive and Terrace, these have involved a level of development that goes beyond a heritage led scheme supported by both PRG Committee and the local community.

4. **Exploring uses for the area for now:** The project team proposed exploring possibilities for 'meanwhile' uses along Madeira Drive. This has included supporting the zip-wire venture with adjacent pop up businesses which opened in 2017 and the Sea Lanes pop up area which was recently given support to increase its offer on the eastern seafront.

3.17 Following the unsuccessful Coastal Communities Fund bid, during late 2017 and two bids to the Heritage Lottery Fund (HLF) were prepared and submitted by the project team in 2018. Both bids were unsuccessful due to the increasing competition for what is a shrinking pot of funding. Notwithstanding this, during recent budget rounds the city council has reserved £2m of funding to put towards the Madeira Terrace Restoration Project.

3.18 The HLF has now changed to the National Lottery Heritage Fund (NLHF). An Expression of Interest was made in April 2019 to NLHF to restore 30 arches. The idea was to reduce the amount requested from NLHF to a £1.5M against an estimated total cost of £4.5M to deliver 30 restored arches and attempt to give the council an increased chance of achieving funding from NLHF. The Expression of Interest was successful and the council were invited to submit a

Round 1 bid. The council have one year from April 2019 within which to submit a Round 1 bid should they choose to do so. NLHF outcome criteria has changed emphasis and key mandatory outcomes lean towards increased focus on how more people can be engaged in heritage as well as restoring physical infrastructure. Outcomes are around well-being, combatting loneliness, sustainability and volunteering and engaging communities with heritage. Given the time and energy that has gone into two previous unsuccessful HLF bids, the council's project team are considering the merits of producing a Round 1 bid.

- 3.19 The fundamental key issue remains the same: the council are not in a position to prioritise enough available funds towards the full restoration of Madeira Terrace, which after reviewing options in 2016 had an estimated total restoration cost of £23.6M (Strategic Outline Business Case 2017 **Appendix 1**). Heritage structures such as Madeira Terrace remain extremely difficult to fund as they generate no funds of their own and yet are very costly to maintain and restore. The business case to restore the Terrace has not changed and continues to require public subsidy to make it work.

Next steps:

- 3.20 In discussion with Historic England the dominant heritage values of Madeira Terrace lie in the social value of the structure; its function as a linear 'grandstand' to events on Madeira Drive and providing access to uninterrupted views from the mid level deck out to sea. As such, any future design work on the Terrace needs to include a deck design to support crowds and have the maintenance issues of the current deck designed out.
- 3.21 Appointing a design and engineering team to explore innovative design options for the Terrace, working designs through RIBA stages will bring the council closer to a more detailed understanding of the real costs of restoration works. Filling the gap of design helps reduce the amount of unknowns associated with implementation, thereby reducing cost risks. As with all restoration projects unknowns do arise hence any costings involved will include a 30% (minimum) contingency allowance.
- 3.22 Setting aside £550K for design and engineering would be done at risk, as at present it is estimated the Council do not have the capital to implement the build. However, this step is necessary if the Council are to move the restoration forward and better understand the real cost of implementation for a more manageable and cost effective number of arches. A detailed design and improved understanding of the costs would also put us in a better position to raise further funds. The £550k for this work will come from the council's £2m capital allocation to the terraces, not the Crowd Funding reserve.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 A 'do nothing' option is considered unacceptable as the current status quo of managed decline costs the council approximately £152K p.a. and means public access to the eastern seafront is restricted.
- 4.2 Brighton & Hove is a city with a growing population, constrained in its development by sea and Downs which means an area like Madeira Terrace

needs to work harder for the city. This involves maximising the use of prime seafront space and while also restoring the Terrace in a robust and sustainable fashion that prepares the city for the future.

- 4.3 Implementing 3 arches on their own would be a less effective use of limited resources and funds and so the initial focus on maximising the impact of all available funds to exploit economies of scale makes sense.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Project team members in the council have liaised regularly with Save Madeira Terraces Raffle Group and Madeira Terrace Past, Present and Future members whose primary membership base exists on Facebook.
- 5.2 Regular fortnightly meetings with the petitioners have been in place since 8th Feb 2019, as a result of these regular meetings open dialogue about the democratic process of raising a petition and the timescales involved, the content of the Expression of Interest to NLHF and appointing a design team have been discussed openly.
- 5.3 The petitioners requested the involvement of Ed Morton from the Morton Partnership to give his informed opinion on which arches to restore first and best use of the crowd funding money.
- 5.4 A meeting to bring together wider stakeholders for the Terrace took place on 9/5/19 and speakers from The Regency Society, Save Madeira Terrace Raffle Group and Building Green. Attendees from a variety of community groups, events organisers and volunteer groups were asked to help categorize the interest groups requiring representation on an Advisory Panel to work alongside the council as the restoration project develops.
- 5.5 The project team have liaised directly with the Communities team to highlight the Advisory Panel proposal and solicit confirmation that the approach to engage representation in the project is sound.
- 5.6 The 'Next Steps' section of this report was first discussed with petitioners at the beginning of April 2019 when an Expression of Interest was submitted to National Heritage Lottery Fund requesting funds on the basis of a proposal to restore 30 arches and to include the crowd funded arches within these same 30.

6. CONCLUSION

- 6.1 The Council don't yet have funds to restore the whole structure, or the 30 arches for which the design team will be procured. However by appointing a team of professionals and getting closer to a viable, buildable design we make the first steps into a repurposed Madeira Terrace, able to generate some revenue, begin to regenerate the eastern seafront and restore the iconic Terrace which forms a backdrop to some of the highest profile events in the city and get closer to our long term commitment to restoring the Terrace in 5 phases.
- 6.2 If members agree this proposed way forward a full Business Case will be developed to understand more fully the commercial and financial aspects of the

proposal. Working towards delivery of restoration of 30 arches is more likely to achieve the economies of scale necessary to generate greater value for money including the increased physical impact 30 arches is likely to have for generating revenue and public use.

- 6.3 Considerable effort by the council and community members to bring Madeira Terrace back into meaningful public use needs an injection of 'seed funding' to proceed with the incremental steps necessary for full restoration delivery.
- 6.4 While the procurement of a design team and the team's deliverables creates the risk of spending funds without the promise of implementation, doing nothing is not acceptable either.
- 6.5 Re-imagining the Terrace requires experts in design, engineering and sustainable technologies to create an adaptive, resilient structure incorporating regenerative design.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Capital resources of £2.0m have been approved as part of the Council's corporate capital investment strategy to support the Madeira Terraces project. A recent crowdfunding campaign has also delivered funds of £0.440m funding to be used to implement the first 3 arches. The request for funding of £0.550m for a design exercise of the first 30 arches will be met from the £2.0m council capital allocation leaving a balance of £1.450m council investment and the £0.440m crowdfunding fund to deliver the restoration of 30 arches. Work will continue to identify additional funding including potential Heritage Lottery Funds to support the restoration project. A viable business case will be presented back to this committee in due course. It is estimated that ongoing annual maintenance and running costs associated with the terraces costs the council approximately £0.152m p.a.

Finance Officer Consulted: Rob Allen

Date: 23/05/19

Legal Implications:

- 7.2 In accordance with Part 4 of the Council's Constitution, the Tourism, Development & Culture Committee is the appropriate decision-making` body in respect of the recommendations set out in paragraph 2 above. In addition, in order to comply with CSO 3.1, authority to enter into contracts in excess of £500,000 must be obtained by the relevant committee. The contract will also need to be sealed by the council.
- 7.3 The Council's Legal officers will advise in relation to the procurement process and the contract for the design and engineering work to ensure compliance with public procurement legislation and the Council's Contract Standing Orders (CSOs).

Lawyer Consulted: Wendy McRae-Smith

Date: 31/5/19

Any Other Significant Implications:

- 7.3 A recent Internal Audit Report on the Seafront Investment Strategy (Strategic Risk 23) included progress on Madeira Terrace as key to the scope of the audit.

The purpose of the audit was to provide assurance that controls are in place to meet the following objectives:

- To ensure that the controls documented in the strategic risk register against this risk are operating as intended. Also to identify any gaps in the assurance mapping.
- There is a particular emphasis on the progress made on the Madeira Terraces Project

The audit sought assurance that the controls to mitigate this risk were accurately reported in the strategic risk register, and that changes to these controls and the mitigation of these risks were promptly captured and communicated.

The key risks include:

- Scale of resources required; budget pressures linked with external funding bids, and work with commercial developers. Any fiscal changes impact on timing of projects and increased risk of structural failure causing rectification/rebuild rather than refurbishment.
- Prioritisation of work – linked to results from structural surveys, resource availability, and market capacity. Risks around ensuring that the council does the work that's needed rather than "populist" work.

SUPPORTING DOCUMENTATION

Appendices:

1. Lockwood Project Strategic Outline Business Case
2. Letter from Ed Morton, The Morton Partnership 11/3/19

Background Documents

1. 30 November 2017 Policy, Resources & Growth Committee Report
2. Seafront Investment Strategy 2016-21
3. Madeira Drive Regeneration Framework (Jan 2017)



The Lockwood Project: Regenerating Madeira Terrace

Strategic Outline Business Case

13 January 2017

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The Lockwood Project: Regenerating Madeira Terrace

Strategic Outline Business Case

13 January 2017

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Executive summary

The Lockwood Project is a scheme to redevelop and reactivate Brighton & Hove's iconic, heritage-listed Madeira Terrace and associated structures as part of a wider regeneration programme planned for the City's world-famous seafront. In recent years, Madeira Terrace has had to be closed off to the public as the structure has progressively deteriorated. Without intervention, this situation is expected to continue.

To tackle this degradation, which detracts from this part of the City's seafront, Brighton & Hove City Council has devised a primarily commercially-led redevelopment scheme. This will involve the refurbishment and reconstruction of the terraces to their original Victorian built design. Prefabricated "pod" units have been designed to insert into the terraces for lease to a variety of commercial tenants, including for leisure, retail, culture and accommodation uses. This restoration has been designed to be sensitive to the heritage nature of the terraces and the surrounding built environment.

The redevelopment of Madeira Terrace is expected to bring significant economic benefit to Brighton & Hove, supporting the City's strengths in the visitor economy, arts and cultural sectors and the digital economy. Overall, the Lockwood Project is expected to contribute around £7 million to the local economy (in gross value added (GVA) terms) and create around 100 new net jobs. The project has substantial stakeholder support including from the local community, local political leaders and heritage officials.

To make the project manageable, Brighton & Hove City Council, in conjunction with its Coastal Communities Team, intends to progress the project in three phases. The first phase, to which this Strategic Outline Business Case relates, proposes to redevelop around a third of the 850m long Madeira Terrace structure, as well as the Madeira Shelter Hall and Lift Tower, which form the "centrepiece" of the structure.

The cost of this first phase is estimated at around £8 million. £4 million of grant support from the Coastal Communities Fund is sought to make the project viable, with the Council providing remaining funds and bearing risk for cost overruns. Initial commercial viability analysis has indicated that Council funding for the first phase of the project can ultimately be largely recovered by commercial rental income in the terraces. The Council's ambition is for this first phase to act as a "proof of concept" so future phases can be self-funding, potentially via a private-sector development partner.

The Council is in the process of rapidly progressing the project to the procurement phase so it can be delivered by end 2019. The Council has a strong track record in delivering coastal capital projects and commercial property management along the seafront. This indicates that with the required degree of CCF "pump priming" support, Madeira Terrace can be successfully regenerated through a rolling programme of works.

1 Strategic case

1.1 Project description

The overall scheme (the “Lockwood Project”) involves the renovation of Brighton's iconic Madeira Terrace, an 850-metre-long seafront arcade with raised walkway and associated buildings that runs along the stretch of Brighton & Hove’s seafront east of the Palace Pier. Madeira Terrace was developed by the borough surveyor Philip C Lockwood as a covered promenade to attract tourists in the late nineteenth century.

The Grade II Listed Madeira Terrace is the one of the principal attractions of Brighton & Hove’s seafront east of the Palace Pier, however in recent years it has had to be closed to the public due to major structural issues and safety concerns. This detracts from this part of the seafront, reducing visitor numbers despite the world-class heritage architecture of Kemp Town and the wider attractions of this part of the City’s seafront.

This project proposes to renew the Madeira Terrace through a reconstruction that will introduce innovative commercial and leisure uses to the structure to breathe life back into Brighton’s eastern seafront. This redevelopment is part of a wider planned seafront investment programme that includes a major new arena and conference centre at the City’s Black Rock seafront site, a major seafront swimming pool development, and associated works to improve the public realm of the area.

The redevelopment will be sensitive to the Madeira Terrace’s heritage by using historic materials and structural solutions. By attracting commercial occupants, it will also help ensure that the structure has a sustainable funding stream over the longer-term to prevent future decay.

The estimated cost of redeveloping the whole of the 850m Madeira Terrace structure is £23.6million. To make this major programme manageable, Brighton & Hove City Council, as sponsor, has split the planned redevelopment into three phases, with the first phase seeking £4.0 million of CCF co-funding to support the first phase of works estimated at £8.025 million. The Council will also provide £4.0 million of match funding. The Council’s investment is expected to be repaid by commercial rental income that the redeveloped terraces will generate.

1.2 Project objectives

- To deliver the refurbishment of a first phase of Madeira Terrace bringing it back into use for a mixture of commercial and community uses
- To stimulate new private sector investment to support growth sectors in the local economy
- To deliver 145 gross new jobs and contribute £7.1 million gross GVA to the Brighton & Hove economy
- To protect and enhance a key heritage and visitor asset as part of Brighton & Hove’s overall £1 billion seafront investment plan

1.3 Madeira Terrace

Madeira Terrace was built between 1890 and 1900 by the Borough surveyor, Phillip C Lockwood, and created as a covered promenade to attract tourists from London on the new

railway of the 1800s. Throughout its life it has been both an extended promenading space and three-tiered "grandstand" for the regular events that occur along this section of the seafront.

Madeira Terrace is the longest cast iron structure in Britain. The Victorian Society has also stated that the Terrace is one of 2015's Top Ten Most Endangered Victorian and Edwardian Buildings in England and Wales.

Madeira Terrace is the primary attraction of the wider Madeira Drive area, a 2km-long stretch of the seafront that is a world-class heritage environment and is home to some of the south coast's largest outdoor events. The area also includes a number of other visitor attractions including the Madeira Shelter Hall and Lift Tower, which were built at the same time as Madeira Terrace, and the Volk's Railway, the world's oldest electric railway. Madeira Terrace was built onto a planted "green wall" that was developed along the length of the City's East Cliff, that runs along Madeira Drive.

Madeira Terrace, Madeira Shelter Hall and the Lift Tower, and related buildings, are listed under the Planning Act 1990 as a Grade II buildings. A detailed description together with listing information is included in The National Heritage List for England. Contextual information on the study area is set out in the *Madeira Drive Regeneration Framework*, that has been supplied with this business case.

1.3.1 Scope of works

This project involves a first phase of refurbishment works to Madeira Terrace comprising structural repairs and restoration of the deck and terrace areas and the insertion of prefabricated lightweight pod structures into the refurbished terraces to create approx. 8,270 sq ft of commercial floorspace.

The terrace structure will be rebuilt using the same materials and structural solution currently in place. Cast iron beams, columns, balustrades, drainage pipes and other ironworks will be shot blasted, recoated and reinstated where possible.

Where major repairs are required the fabrication of cast iron replacement components will be to the original specification. The terrace deck will be replaced on a like-for-like basis with an infilled steel structure, the existing retaining wall and masonry pier will be repaired and deck seating refurbished.

The proposed refurbishment works for the terraces are intended to repair the deck and supporting structure such that it is capable of withstanding pedestrian loading at the upper levels. The refurbishments works aim to prevent further decay and give the structure an agreed design life subject to ongoing maintenance.

The pods will be constructed in a structured insulated panel modular building system. These lightweight, durable structures will be largely prefabricated using a 'flat pack' system and inserted into the rebuilt terraces as stand-alone units. The pods will have no direct interfaces with the existing structure and retain their own separate services infrastructure. Subject to end user requirements, several pods will incorporate a mezzanine floor.

The first phase will involve the refurbishment of 52 arches (out of 151 in total) of which 13 will be retained as open even space with the remainder available for a mixture of commercial uses. This phase will also include the refurbishment of the existing Madeira Shelter Hall and Lift Tower structures and associated external works.

Subsequent phases of refurbishment through the Lockwood Project will take place on the same basis subject to market demand.

1.3.2 Commercial uses for Madeira Terrace

The proposal is for a mixture of sympathetic retail, commercial, entertainment and accommodation uses to be developed within the terraces, with development to be organic and phased. These uses could potentially include:

- An iconic seafront hotel development;
- A youth hostel;
- An arts centre and gallery space, an area where Brighton has traditionally been underserved;
- Cafes and restaurants, with a signature facility planned for the Madeira tea rooms;
- Boutique retail; and
- Incubator space for creative and digital industry.

These proposed developments seek to enhance the seafront offering for visitors and locals alike rather than duplicate commercial uses elsewhere around the Brighton and Hove seafront, such as in the arches west of the Palace Pier or in the Lanes. They seek to build upon the City's wider regeneration strategy for this part of its seafront, in particular the development of a world-class conference centre and arena facility at the Black Rock site, located to the east of Madeira Terrace (refer *Madeira Drive Regeneration Framework*, supplied, for more detail).

Further detail on planned uses for the redeveloped Madeira Terrace is enclosed in Attachment A, showing development by the planned three development phases for the overall Lockwood Project regeneration scheme. Exact uses will be dependent on market demand and commercial considerations.

1.4 Strategic fit

1.4.1 Spatial and economic development policy

Brighton & Hove City Council has developed a hierarchy of strategic planning documents that will be used to guide the development of the Lockwood Project.

Firstly, the Council has recently completed the *Madeira Drive Regeneration Framework*, setting out opportunities to regenerate Madeira Terrace in the context of a wider urban renewal programme (Madeira Drive runs in front of the terraces) encompassing enhancements to the local public realm, public and active transport provision and visitor attractions.

The *Madeira Drive Regeneration Framework* sits within a wider public *Seafront Investment Plan*, that sets out the Council's priorities for Brighton & Hove's 12km stretch of coast. The *Seafront Investment Plan* details an unprecedented public and private sector investment programme totalling over £1 billion to enhance and renew the City's seafront.

The importance of the regeneration of Madeira Terrace is also recognised in Brighton & Hove's *City Plan Part 1* (adopted in March 2016), which makes specific reference to the regeneration efforts required along Madeira Drive within the seafront Special Area Policy SA1. In addition, one of the key strategic objectives highlighted in the City Plan states that development should 'enhance the seafront as a year round place for sustainable tourism, leisure, recreation and culture whilst protecting and enhancing the quality of the coastal and marine environment'.

Investment in the City's seafront sits alongside broader strategic work from the Council in brokering a City Deal for the Greater Brighton City Region with Central Government, which is

set to unlock around £1 billion private and £100 million public sector investment in key infrastructure, skills, and business projects to generate significant productivity, GVA and employment gains in the region.

In the Coast to Capital Local Economic Partnership's (LEP) 2014 *Strategic Economic Plan* the seafront is identified as the first of only four key development areas for the region. Development around the associated sites of Brighton Marina and the Black Rock Arena is specifically referred to, indicating the importance of the regeneration efforts in this part of the City. Rejuvenating the terraces is crucial to ensure the collective regeneration of this area.

1.4.2 Coastal Communities Fund

Safeguarding and enhancing coastal communities is a key agenda item for the UK Government. The Department for Communities and Local Government (DCLG) recognises the importance of conserving and nurturing coastal activities and has been focusing investment towards coastal economies via the Coastal Communities Fund (CCF) since 2012 and through supporting the establishment of Coastal Communities Teams in applicable local authorities across the UK.

The Brighton & Hove Coastal Communities Team (CCT) was established in March 2015. It brings together representatives from public, private and business expertise to support the City Council in developing and delivering the new Seafront Investment Plan and associated projects, including the Lockwood Project.

The regeneration of Madeira Terrace via the Lockwood Project supports the following CCF Round Four objectives: -

- Firstly, the redevelopment of the terraces structures into usable hostel/hotel, entertainment and office space provides additional employment opportunities in additional sectors beyond the visitor retail and leisure activities that already populate the City's seafront. The intention of the Council to maintain an eclectic mix of commercial activities in order to diversify the offer to businesses, residents, and visitors, will help support Brighton and Hove's vibrant SME sector also, while supporting economic diversification and innovation.
- Secondly, one of the challenges with seafront attractions is their seasonality. By adapting the currently vacant and closed promenade infrastructure into usable commercial space, with improved public realm and accessibility, the structures can be restored and their usability extended year round, increasing the business rate yield for the Council, as well as helping to activate Brighton's surrounding eastern seafront overall.
- Thirdly, unparalleled levels of investment are currently planned for the City's seafront, including the redevelopment of Brighton Marina, King Alfred Leisure Centre and Shoreham Harbour, construction of the i360 observation tower, building new state-of-the-art conference and entertainment facilities and expanding the Churchill Square shopping centre to the seafront. Regenerating Madeira Terrace, with associated public realm and transport improvements, will be part of this wider investment programme to regenerate Brighton & Hove's wider seafront through extending the visitor footprint westwards and eastwards.

1.5 Rationale for the project

According to HM Treasury's Green Book, the rationale for government intervention, whether for a new or changed policy, programme or project is essentially twofold:

- The achievement of economic objectives by addressing inefficiencies in the operation of markets and institutions; and

- The achievement of an equity objective, such as local or regional regeneration.

There is a growing body of evidence that contributes to the rationale behind this project. Madeira Terrace has been progressively closed to the public since 2012 following deterioration of the structure caused by corrosive damage from the marine environment. Permanent fencing has been erected to prevent access. Four of the six staircases that connect Madeira Drive to Madeira Terrace have been closed to the public on safety grounds after a site survey indicated concerns about the condition of the structure and the potential risk of collapse.

The structure has fallen into disrepair, despite attempts at interim remediation work. However, the entire structure remains standing and is materially intact. Without intervention, it is likely that Madeira Terrace will decay further and ultimately may need to be removed in sections over the longer-term.

Over several decades, investment and development in Brighton & Hove's seafront has traditionally been focused on the stretch between the Palace Pier and former West Pier. As such, the full potential of the seafront along Madeira Drive is not being realised. Without an impetus to change, it is likely this situation will lead to a further degradation of this area, with consequent implications for its heritage structures and wider environment.

The visitor offering in this part of the City's seafront is inconsistent and lacks a critical mass. While developments such as the Sea Life Centre and leisure beach activities in front of Madeira Shelter Hall help support the daytime visitor economy, and Concorde2 (a nightclub housed in Madeira Shelter Hall) the area's night-time economy, overall the offering is sporadic. Along Madeira Drive itself, the public realm has a tired and inconsistent look and feel.

The highly bespoke nature of Madeira Terrace as a development project makes it unlikely that it would be viable to redevelop it exclusively on commercial terms. The deterioration of the asset, its heritage listing and the lack of ready market comparables generates a degree of construction risk that a private sector developer would be unlikely to want to bear, or would only take on with significant subsidy. Furthermore, the absence of existing activity in the area (relative to other areas of the City's seafront) magnifies commercial risks for private sector developers.

These arguable market failures indicate that public sector support will be required to "pump prime" the redevelopment of Madeira Terrace, at least during its initial phase. The delivery strategy for the project, set out in Section 3, is predicated on the publicly supported Phase 1 of the Lockwood Project demonstrating "proof of concept", leading to commercial rental income that can be recycled into redeveloping Madeira Terrace through its subsequent two phases. Through activating this important asset, it is also anticipated that wider regeneration will be enabled in the wider Madeira Drive area.

1.6 Evidence of demand

In recent years, the closure of Madeira Terrace has led to the removal of local businesses hosted in these structures, the loss of the terraces as a public amenity and the necessary installation of visually intrusive safety measures to prevent access.

Limited public funding at a time of constrained local authority finances means any redevelopment solution must include a high degree of commercially derived funding. This commercially driven approach will support economic and jobs growth in the South East region by building upon Brighton and Hove's unmatched visitor economy strengths, while also harnessing its creative, dynamic local workforce, activating this stretch of the seafront.

Market assessment undertaken in developing this regeneration proposal highlights:

- Over 10 million visitors to the City per annum, including five million overnight stays
- The City's high rate of population growth and low unemployment rate
- High commercial occupancy rates for the region, particularly for commercial space along the seafront (as seen through a near 0% vacancy rate along the existing seafront arches in Brighton located to the West of the Palace Pier)

Stakeholder engagement has also indicated support for the proposed redevelopment of Madeira Terrace supported by commercial use. A visualisation of the proposed approach, developed by Brighton & Hove City Council's architect, Wilkinson Eyre, was published in June 2016 to predominantly favourable local comment.

The Council has also held a seminar to discuss its proposals with its Seafront Investment Panel, comprising local traders, businesses, and community stakeholders, as well as wider one-to-one stakeholder engagement. Again, the sentiment was highly positive providing the commercial uses were genuinely innovative, tailored to the seafront's needs, and in keeping with the area's heritage.

The ongoing commercial success of Brighton's arches to the west of the Palace Pier, which have been populated with commercial uses for many years, suggests this model will be durable, providing the attractions offered are sufficient to draw visitors and locals down to this part of the seafront.

In recent years, the Council has funded the redevelopment of a number of the seafront arches to bring them to modern building standards. This higher quality offering – comparable to what is planned for the redeveloped Madeira Terrace commercial units – has been reflected in higher rents in these modern facilities relative to other seafront commercial property.

Planned wider investment around this part of Brighton, such as the Black Rock arena, will also support the regeneration of Madeira Terrace and help to provide an activity hub, supporting economic development of the area.

1.7 Spatial impact

The project aims to encourage more widespread use of Brighton & Hove's seafront for a greater period of the year. This would help improve local quality of life, generate employment, and help to address localised social deprivation, for example through:

- Reducing overcrowding at peak times on the City's central seafront, by offering an enhanced offering for local residents and visitors alike over a wider stretch of the seafront.
- Providing employment opportunities for local residents. A number of the wards surrounding Madeira Terrace are among the most deprived in the region, as measured via the index of multiple deprivation.
- Generating business activity during both the construction and operational phases of the project both directly and indirectly in the wider supply chain. It is expected that much of this will go to businesses in the local area.

2 Economic case

2.1 Economic context

The following highlights are taken from *Brighton & Hove City Snapshot: Report of Statistics* prepared in 2014.

2.1.1 GVA

GVA per head in Brighton & Hove was lower than the South East and UK averages in 2012. GVA is a measure of the value of goods and services produced in an area on a per person basis. In 2012 the GVA of the Brighton & Hove economy was £20,712 per head. This compares to £23,221 across the South East and £21,674 in the UK overall. Between 2011 and 2012 local GVA grew by 2.1 per cent, compared to 0.8 per cent across the UK.

2.1.2 Business and employment base

In 2012 there were 13,563 businesses in the city. Between 2009 and 2012 the business base of the City grew by 295 companies to reach a total of 13,563 VAT and PAYE registered companies, and the employment base grew by 6,120 jobs.

In 2011, Brighton & Hove had the second highest number of businesses per head in the UK according to a 2013 report on UK cities, second only to London. New business formation is the highest on record since 2004 with 1,620 new enterprises registered in 2012. Per 10,000 people, the City had 58.7 new businesses in 2012. Business deaths have risen on the 2011 figure but are lower than the 2009 level, when deaths exceeded births, and lower than 2010.

Businesses in the city are on average smaller in terms of employee numbers than the national average. In 2010 86 per cent of businesses in the City were small or micro level, employing less than ten people. The Association of British Insurers survey that this data is drawn from has been discontinued but there are no reasons to think that this pattern has changed significantly in recent years.

Between 2009 and 2012 the sectors which expanded most and contributed to the economic recovery in the city were

- Accommodation and food services +1,850 jobs
- Finance and Insurance +1,661 jobs
- Retail and wholesale +1,254 jobs
- Health +840 jobs
- Arts entertainment recreation and leisure +792 jobs
- And ICT + 526 jobs

2.1.3 Sectors

A much higher proportion of Brighton & Hove's GVA comes from art and cultural services than in the UK as a whole. Around 1.4 per cent of GVA in the city (£76 million) comes from these services, compared to 0.4 per cent nationally. The city has a much higher than average concentration of employment in cultural services sectors. This contributes significantly to the clustering of skilled workers over time, driving productivity benefits in other areas of the economy.

The creative, digital and IT sectors are also significant in the City, and research undertaken by has shown that the sector is now worth an estimated £713 million to the economy.

Brighton & Hove is often cited as one of the most successful visitor destinations in the UK. With a visitor spend of £830 million throughout 2014 the tourism sector supports approximately 15,900 full time equivalent jobs and 21,682 actual jobs. Tourism is a vital part of Brighton & Hove's economy translating to roughly 14% of all jobs in the city's economy.

Brighton & Hove's strengths go far beyond its visitor economy however. The city is home to major employers, a strong finance and business services sector, one of the largest universities in the South East and a burgeoning creative and high-tech cluster.

Given this economic context, Brighton & Hove is well positioned to capitalise on its strengths and support the regeneration of its seafront, including through the redevelopment of the currently under-utilised, but strategically located Madeira Terrace and associated facilities.

2.2 Outputs / Outcomes

Preliminary designs of the terraces have been used to estimate expected floorspace and units that can house accommodation, leisure, retail, and office spaces once the project is complete. The assessment of the economic impacts of redeveloping commercial units within the terraces has been estimated using Mott MacDonald's Transparent Economic Assessment Model (TEAM), which is designed to calculate the socio-economic impacts of changes in land use.

Using high level assumptions (see below) to run the preliminary data on floor space and expected land use of the units within the terraces through TEAM, estimates have been made in relation to the number of net additional jobs facilitated within the terraces and economic impact in terms of contribution to GVA.

2.2.1 Employment outputs/GVA impacts

Table 2.1 below sets out preliminary potential economic impacts of the Madeira Terrace units once fully occupied. Note that this relates to all phases of work to be undertaken subsequent to the first phase funded with the support of CCF. It has been assumed that future phases will not require further public sector funding support – and that the CCF support will 'unlock' the delivery of all these outputs.

This analysis shows both gross and net jobs created. The net jobs calculation makes an allowance for displacement, leakage and substitution effects – i.e. it is an estimate of how far jobs created by the Lockwood Project will be "additional" at a national level.

TEAM has also been used to identify indirect and induced jobs and GVA. These effects will be generated through employment and activity in the wider labour market (e.g. in the supply chain to the occupiers of Madeira Terrace units).

Table 2.1: Economic Analysis of the Lockwood Project

Commercial uses	Gross direct	Total net direct, indirect and induced jobs	Gross GVA (£m)	Total net direct, indirect and induced GVA (£m)
Retail units	16	11	£0.7	£0.5
Museum/gallery space	1	1	£0.1	£0.0
Bar/restaurant units	47	32	£1.9	£1.4
Office space	13	9	£1.0	£0.6
Event venue	2	1	£0.1	£0.1
Hostel	3	2	£0.2	£0.1
Hotel space	60	41	£3.1	£2.1
Spa space	1	1	£0.0	£0.0
Cinema space	1	1	0.04	0.03
Total	145	97	£7.1	£4.8

Source: Mott MacDonald analysis using the Transparent Economic Assessment Model.

2.2.2 Assumptions Underpinning Methodology and Modelling

TEAM applies government recommended methodologies to calculate the level of net employment. It therefore takes account of the neighbouring employment and subsequent risk of displacement, leakage of economic benefits to other economic areas, and deadweight in terms of the level of activity already ongoing at this site

The potential economic benefits of those development units and sites identified within the improvement works areas have been calculated through the following steps:

- Inputting of key site details into TEAM including the sizes and proposed land uses (by land use classification) of sites and the key assumptions. These are based on preliminary plans for each of the commercial units emerging from designs prepared by the project team.
- Due to the preliminary nature of this study, most assumptions around employment densities and economic multipliers are based on governmental recommended best practice, but where possible given the presence of local data, these have been adjusted to increase accuracy.
- Calculation of direct economic impacts through feeding the proposed uses by size through TEAM to calculate:
 1. Direct effects of the units/sites in terms of employment and economic output (measured by GVA) of the sites being fully occupied/developed.
 2. Indirect and induced effects of the units/sites being occupied/developed from those supported further down the supply chain and employment and activity supported by the incomes of those directly or indirectly employed (through consumption multiplier effects).
 3. The economic impacts have been presented at both a gross and net level throughout the analysis. The net position adjusts the gross impacts for

additionality and deadweight by considering what levels of employment are already present within the development areas.

- Land use assumptions within TEAM relate to type of use, land utilisation and occupancy levels and employment densities of the potential development areas. These assumptions are fully listed in this section of the report and the tables below and have been undertaken on a site by site basis using information about the development proposed. It is important to note that:
- An occupancy rate of 100% has been used for all potential development areas as the analysis is presenting the total economic benefit that could be realised from these vacant premises being developed and becoming occupied. As the site is currently vacant, it has been modelled that development brought forward at these units would boost the occupancy rate to 100%.
- In cases where net internal area is not yet estimated, a building footprint of 80% has been used; as the units will not include large spaces such as car parks or gardens that would lead to a lower proportion (from best practice assumption of 50%), it is likely that the full net internal area of the properties will be used for the appropriate land use. A floorspace footprint of 90% to convert gross external areas to net internal areas (where applicable) has been used.
- Estimates for employment in hostels and hotels are based on estimates of the number of rooms/beds within the allocated development space. For the hostel employment space, the lower range estimate for average room size for a budget hotel has been used (16m²). For the hotel it is understood that a boutique hotel would occupy this space; for which an average room size of 60m².
- Given the nature of the development, it has been assumed that all development will be one storey.
- Employment densities are sourced from the HCA Employment Density Guide.
- GVA per worker estimates are based on Average GVA per worker for the South East 2015, using NUTS 1 GVA workplace data and Workforce Jobs (both ONS).

3 Commercial case

3.1 Technical solution

3.1.1 Options considered

The project team has identified three restoration/refurbishment options. These are summarised below, with further details set out in *Brighton Madeira Terraces: Recommendations for Remedial Work to the Terrace Structure*, supplied.

- *Option 1: Full restoration of the arches*

This would involve both repair work and replacement work to the component pieces to restore them fully to their original built design. Replacement may be the only option for structural components that have completely failed. The steel deck beams and concrete jack arches would be completely replaced, given they are largely concealed by the wearing course that is laid over the top.

- *Option 2: A propped structure*

This option would introduce secondary means of support to the replacement jack arches and steel deck beams, taking the loading off the edge beams, columns, and array of bolted connections. It may be possible to integrate the secondary support structure with the 'pod' structures to be introduced into the arches.

- *Option 3: Restoration and retention of the screen only*

This option proposes that the deck structure and components are not retained, repaired, or replaced but removed and that only the façade of the arches are kept – the spandrels, columns, and lattice beams. This assumes that there would be no high level route maintained. The lattice beams could also be retained in this option.

3.1.2 Preferred option

It is considered that Option 1 is the most viable, appropriate and considered scope of works from a technical restoration/refurbishment perspective, recognising the significant heritage constraints associated with the reuse of a listed structure.

The proposed works are based on the assumption the structure will be dismantled and refurbished offsite. Consideration was given to the possibility of carrying out in-situ repairs, but an off-site repair route was favoured due to the environmental, health and safety and access limitations associated with in-situ repairs.

In-situ repairs would not allow a full refurbishment and potentially would not reveal hidden defects under paint layers and within connections. The quality of the repair and the working conditions are improved by taking elements off-site.

3.2 Commercial solution

3.2.1 Ownership

Brighton & Hove City Council holds the freehold title of Madeira Terrace, the Madeira Shelter Hall and Lift Tower.

These assets are generally vacant, with the exception of the Madeira Shelter Hall and Lift Tower which is currently leased to Concorde2 Ltd., a nightclub operator.

3.2.2 Partners Involved

The project will be lead and managed by Brighton & Hove City Council. The Council works closely with its CCT and wider stakeholders such as local business and residential groups in developing its seafront investment programme.

3.2.3 Commercial and Delivery Strategy

3.2.3.1 Options considered

Brighton & Hove City Council considered two primary commercial and delivery strategies for the project (i.e. phase 1 of the overall scheme).

- *Option 1: Public sector-led redevelopment*

Under this approach the Council would be the delivery authority for the project, responsible for developing, financing (with CCF support), procuring and managing the redevelopment of the terraces and associated servicing infrastructure requirements, including the installation of the “pod” structures designed to accommodate commercial uses.

The Council would subsequently be responsible for letting and management of the redeveloped terraces, and in this role would seek to bring in private sector tenants of the terrace units. This commercial income would flow to the Council as freehold owner.

- *Option 2: Private sector-led redevelopment*

Under this approach, the Council would engage a development partner to progress the project. The development partner would be expected to provide financing to cover up-front capital costs, in partnership with funds provided from CCF support. The development partner would take responsibility, potentially in partnership with the Council in developing the project, and subsequently procuring and managing its redevelopment.

The development partner would, post-construction, be responsible for letting and management of the redeveloped terraces. Some or all of the commercial income from this would flow to the development partner to generate their expected return from the project.

3.2.3.2 Options analysis

Table 3.1 shows a comparison of the advantages and disadvantages of the two options considered.

Table 3.1: Analysis of commercial and delivery options

<i>Option</i>	<i>Advantages</i>	<i>Disadvantages</i>
1. Public-sector led	<ul style="list-style-type: none"> - Council experience of successfully delivering similar projects to time and budget - Council experience of letting seafront properties via dedicated Seafront Property Team - Value for money (VfM) from leveraging Council's very low cost of capital, and ensures all commercial income flows to Council - Ensures Council retains high degree of control of its asset, and can ensure development is consistent with stakeholder expectations - Simpler and quicker to procure than using development partner 	<ul style="list-style-type: none"> - Council bears higher level of key risks (planning, construction, commercial), with financial implications if construction costs higher or revenues lower than forecast - Resourcing implications for Council to procure and deliver project - Public sector may be less able to identify innovative design or delivery solutions than private sector - Potential affordability implications for the Council via requirement to raise finance with balance sheet implications
2. Private-sector led	<ul style="list-style-type: none"> - May generate more innovative solutions that traditional public-sector led approach - Opportunity for risk transfer to private-sector, with reduced impacts on public-sector balance sheet 	<ul style="list-style-type: none"> - Appetite for construction and commercial risks unclear. Market may not be available or only at excessive cost, particularly given uncertainties around the project (e.g. construction cost, market demand) - Length of time to identify and procure private-sector development partner may delay project timetable. Specialist resourcing requirements to agree VfM solution to the Council - Lower level of control for Council may lead to solutions are unacceptable from a heritage/use perspective (although development control provides alternative)

Source: Mott MacDonald analysis

3.2.3.3 Preferred option

Given the scale, proposed timetable and, above all, high degree of uncertainty inherent in a bespoke heritage project such as the first phase of the Lockwood Project, Brighton & Hove City Council proposes to progress a public-sector led redevelopment approach (Option 1).

Without further survey work of Madeira Terrace structure and a higher degree of design and planning certainty, it is judged unlikely that a viable private-sector development partner could be identified at a cost that is affordable to the Council and in line with its expectations to open the first phase by end 2019.

Furthermore, the Council's successful track record in procuring and delivering similar major projects in recent years via its dedicated major projects team (refer section 5) suggests construction risk can be effectively managed. In addition, the Council's dedicated property team is highly experienced in letting diverse, bespoke spaces to tenants on a commercial basis, while achieving a diversity of use arguably greater than private sector landlords, as evidenced by the ongoing success of Brighton's seafront arches over many years.

The use of a public-sector approach for phase 1 of the scheme is not intended to prohibit more private-sector led approaches subsequently. It is anticipated that, through successful "proof of concept", phase 1 could encourage and enable greater private sector involvement subsequently.

3.2.4 Development strategy

To progress the project to the procurement stage, required activities include:

- Further technical surveys to establish site condition

- Development of design to RIBA IV technical design, including structural and building services design
- Preparation of detailed cost estimates based on RIBA IV stage design, including cost plan
- Development of detailed commercial assessment with property advisor
- Development of detailed implementation plan, programme and change control strategy.

The Council has engaged a number of highly experienced technical partners to develop the project to date, including Mott MacDonald, a multidisciplinary engineering, cost and development consultancy, and Wilkinson Eyre, a leading international architecture practice. The Council is in the process of procuring a dedicated project team to progress the project to the procurement stage.

3.2.5 Statutory consents

Brighton & Hove City Council has yet to begin the process of obtaining statutory planning, environmental and building approvals for this project.

Relevant factors include:

- Grade II heritage listing of the terraces and the Madeira Shelter Hall and Lift Tower
- The Green Wall that the terraces is built onto is a candidate for a Site of Importance for Nature Conservation within the forthcoming City Plan Part 2.

The Council expects to progress a strategy based on:

- Early and regular engagement with planning officers, including Heritage England. This process has been underway for around nine months. A Heritage Assessment, supplied, has been developed by the Council's architectural advisor on this project, working with Heritage England and Council planning officers. The next stage will be a formal Statement of Significance for Heritage England.
- Early and regular engagement with Council environmental officers to ensure considerations around the Green Wall and other relevant issues are taken into account in developing the project.
- Seeking to obtain outline planning consent for the overall Lockwood Project, reflecting the integrated natures of the terraces as a single structure, in the first instance.
- Seeking to obtain detailed planning consent for each phase of the Lockwood Project separately.

3.2.6 Procurement strategy

The Council will consider procurement options as the project progresses through its development phase, including design/build and build only options, as well as more innovative options such as Early Contractor Involvement.

The project team have significant experience of procurement in accordance with EU Public Sector Procurement Directives. The team understands the routes available (open, restricted, negotiated and competitive dialogue) and where they are applicable. The team is also fully conversant with the new Public Contracts Regulations 2015 and is skilled at drafting OJEU notices in compliance with EU Directives.

3.3 Commercial Viability

3.3.1 Commercial dependencies

The successful delivery of economic outputs is dependent upon the occupation of restored/refurbished units for commercial and other end uses. This will be subject to market demand and further work is being undertaken to identify the scope and extent of demand as part of the project development process.

3.3.2 Viability assessment

The Council has assessed the potential rental income that it could raise from commercial development of Madeira Terrace in line with the use classes set out previously. Rental income has been assumed to build up to be in line with that paid by tenants in the recently refurbished seafront arches west of the City's Palace Pier, which are also Council owned.

At this stage, an indicative timetable has been assumed whereby the terraces would be redeveloped in three stages between 2019 and 2023. The total rentable area of the redeveloped Madeira Terrace once fully open is estimated at around 25,000 sq. ft.

Based on these assumptions, it is estimated that commercial income from the redeveloped Madeira Terrace could support investment of around £15 million, or half the total estimated capital cost of redeveloping the terraces through the Lockwood Project.

For Phase 1, this analysis shows that Brighton & Hove City Council will, in present value terms, be able to raise around £3.3 million from renting the units. This represents a substantial proportion of the overall Phase 1 construction cost. The initial development viability assessment undertaken by Brighton & Hove City Council is set out in Appendix B.

As the project progresses, a more detailed analysis will be undertaken of the potential commercial value that can be realised from Madeira Terrace once redeveloped.

3.4 State Aid considerations

No state aid impacts have been identified for this project. Brighton & Hove City Council has undertaken similar projects in recent years, including the West Street Shelter Hall project and the Kings Road Arches redevelopment, where facilities have been built or redeveloped for commercial uses using public funding, without any state aid implications.

On the basis that the units in the redeveloped Madeira Terraces are to be let solely on commercial terms, it is not judged that there are likely to be any state aid implications with this project.

The Council is able to procure formal advice if required by the Big Lottery Fund but would like to discuss our initial position with you further prior to commissioning this.

4 Financial case

4.1 Capital costs

A cost estimate for regenerating the Madeira Terrace is set out in Table 4.1. This preliminary cost estimate has been prepared by Mott MacDonald quantity surveyors on behalf of Brighton & Hove City Council. A detailed breakdown is set out in the report, *Madeira Terraces: Redevelopment Options – Feasibility Study*, supplied.

Table 4.1 Capital Cost Estimate – Phase 1

Item	Cost Estimate, £
Enabling	49,000
Restoration of terrace structure	1,253,048
Construction – Pod installation	2,101,743
Construction – Madeira Shelter Hall refurbishment	1,058,000
Contingency and inflation	1,393,919
Professional fees	1,406,649
Phase 1 Capital Cost Estimate Total	8,204,309

Source: *Madeira Terraces: Redevelopment Options – Feasibility Study*

4.2 Source of funding

The following sources of funding are proposed for this project:

Brighton & Hove City Council

Brighton & Hove City Council will provide £4.025m of the total £8.025m capital cost for the project. The Council expects to meet these costs from its reserves and/or borrowings from the Public Works Loans Board. In addition, the Council are continuing to explore all funding opportunities for the project at present including potential Local Growth Fund monies via Coast to Capital LEP for transport infrastructure. The Council will bear risk of any project cost overruns. Brighton & Hove City Council expects to recover the majority of these costs through rental income from tenants.

Coastal Communities Fund

A CCF grant will be used to fund the £4.0 million of the project costs. CCF grant funding is seen as essential to unlocking the site as no alternative funding sources will be available or capable of being in place to ensure that these activities can be completed within the timescales required. CCF funding is sought to cover a proportion of upfront project development costs, noting wider resource constraints faced by the Council from ongoing budget reductions.

Cash flow impacts are set out in Table 4.2.

Table 4.2 Cash Flow Impact

£000	2017/2018	2018/2019	2019/2020	Total
CCF (resource grant)	200	0	0	200
CCF (capital grant)	0	1,800	2,000	3,800
BHCC contribution	200	1,800	2,025	4,025
Total	400	3,600	4,025	8,025

Source: Mott MacDonald analysis

4.3 Operating costs and revenues

Operating costs associated with the ongoing ownership, management, and maintenance of the Madeira Terrace project will be met from within the rental income secured from letting units for commercial end-uses. The project team have identified potential indicative occupants for each phase of the project. An estimate of commercial revenues that the Council would receive is being developed based on further market assessment and soft market testing.

The project will be maintained as part of the Council's commercial property portfolio.

5 Management case

5.1 Overview

Established in March 2015, the Brighton & Hove Seafrost Coastal Communities Team (CCT) brings together public, private and business expertise to support the city council in developing and delivering a new Seafrost Investment Plan that will help the seafrost fulfil its potential and benefit the City as a whole.

The Council is a progressive authority which has commissioned and overseen considerable infrastructure and development projects in recent years, including over £80m of residential development at the neighbouring Brighton Marina, as well as the British Airways i360 project which has been successfully completed and operational since August 2016.

The Council has a dedicated major projects team which is charged with leading the development and delivery of major investment projects, as well as a dedicated seafrost development team responsible for the City's coastal infrastructure, built environment and commercial activity (including leases).

5.2 Project management

Overall responsibility for successful delivery of the project will lie with Nick Hibberd, the Council's Executive Director of Economy, Environment, and Transport. Nick will act as Senior Responsible Officer for the project. He will ensure the project meets its objectives and delivers its projected benefits. Nick has successfully led a number of major regeneration projects for Brighton & Hove City Council, including the British Airways i360 project.

Programmatic responsibility for the project rests with Katharine Pearce, a programme manager in the Council's Major Projects and Regeneration team. Katharine has responsibility for progressing a number of the Council's seafrost projects, including the Waterfront East arena and conference centre project on the Black Rock site.

In developing the Lockwood Project, the Council has worked with Wilkinson Eyre, one of the UK's leading architects and Mott MacDonald, a diversified international management, engineering, and development consultancy. Relevant services provided by these organisations include scheme design, structural engineering, commercial advisory, stakeholder engagement and planning support.

The Council is in the process of procuring ongoing technical and commercial support to progress the Lockwood Project. The Council expects to appoint a dedicated project manager to lead the project day-to-day from within the Council, working with external professional advisors and reporting back to a steering committee comprising CCT members and other appropriate stakeholders, including, as required, Council Members.

The project will be developed to RIBA Stage 3 through the development of designs, market testing and further stakeholder consultation in order to secure outline planning consent. Subsequent detailed technical designs to RIBA Stage 4 will support the application for full planning consent, including Listed Buildings consent.

5.3 Risk management

An initial assessment of project risks and mitigating measures is set out in Table 5.1 and a detailed risk register will be developed as part of the design process going forward.

Table 5.1 Risk Register

RISK TYPE	MITIGATION.
Design Risk	
Designs prove inflexible or unable to accommodate anticipated uses	Involvement of commercial advisors in development of technical design to ensure meets future tenant needs
Planning Risk	
Stakeholder opposition delays or prevents project obtaining statutory planning approvals, for example from Historic England	Early and sustained engagement with local and national stakeholders to improve “buy-in” and reduce any opposition. Early engagement with Council planning officers as part of statutory applications processes
Procurement Risk	
Lack of interest in contractor market due to specialist nature of heritage construction or interest only on unacceptable terms	Council project team to undertake early market soundings to encourage interest with specialist contractors. Undertake further site surveys to reduce uncertainty
Construction Risk	
Project cost overruns due to project complexity, inaccurate cost estimates or scope creep	Embed risk transfer principles into construction contracts; undertake progressive cost estimates as project scope refined; establishment of defined change control mechanisms as project progresses to minimise scope creep
Commercial Risk	
Utilisation of terraces and/or rent levels below forecast, reducing financial viability of the project	Brighton & Hove City Council is developing detailed market assessment studies to inform project commercial and financial cases
Project Management Risk	
Management changeover or loss of focus leads to project delays	Development of project and change management strategies for the project. Key ongoing liabilities include: Liability for project defects – construction contracts will set these to rest with selected contractor as far as possible
Funding risk	
Liability for cost overruns or funding shortfalls	Brighton & Hove City Council will retain ultimate liability for funding the project in these circumstances

Source: Mott MacDonald analysis

5.4 Change management

A strict procedure will be put in place by the project team for identifying and raising changes and a co-ordinated approach to the evaluation and approval or rejection of these changes.

Following sign-off of the coordinated final design and confirmation of the cost plan that reflects the design, the scheme design will be frozen. Although change after this freeze will be restricted, it is inevitable that some change will occur. Whilst it is accepted that anyone involved

in the project should be able to initiate change, in order to maintain rigorous change control, only designated individuals will be able to formally request change from this point. All changes will be raised and evaluated using agreed pro-formas to assist with the process and the speed of response.

5.5 Monitoring and evaluation

Brighton & Hove City Council is developing a benefits realisation strategy for the Project based on the objectives identified in the key performance indicators set out earlier. This is expected to include monthly progress reports as well as an annual progress review on the project's development that will be provided to the project board and the Big Lottery Fund (as co-funder). A post-completion project evaluation will also be undertaken, looking at, as a minimum, expenditure, outputs, impacts, lessons learnt (process and impact) and assessment of success (meeting original objectives and tackling problem).

5.6 Sustainability of project outcomes

As a redevelopment with a strong commercial element, it is assumed that jobs created both directly and indirectly in the wider supply chain will be self-sustaining over the longer-term.

The ongoing commercial success of Brighton's arches to the west of the Palace Pier, which have been populated with commercial uses for many years, and have a very low vacancy rate, suggests this model will be durable, providing the attractions offered are sufficient to draw visitors and locals down to the Madeira Drive seafront.

CCF funding, matched by Council financial support, for the first phase of the regeneration of Madeira Terrace is expected to act as a catalyst to spur the development of subsequent phases using predominantly private-sector investment.

Planned wider investment around this part of Brighton, such as the Black Rock arena, will support the regeneration of Madeira Terrace and help to provide an activity hub, supporting economic development of the area.

5.7 Draft programme

The draft programme for this project (phase 1 of the Lockwood Project) is set out in table 5.2. The programme for subsequent phases of the Lockwood Project has yet to be finalised, however Brighton & Hove City Council is targeting delivery by end 2023.

Table 5.2 Draft Programme

Year	Activity	Proposed Dates
2017-2018	Develop detailed masterplan for overall Madeira Terrace redevelopment	April 2017 – July 2017
	Develop Madeira Terrace concept designs	April 2017 – Nov 2017
	Undertake structured stakeholder engagement	April 2017 – March 2018
	Detailed commercial viability study	August 2017 – Oct 2017
	Outline planning submission and approval, including public consultation	Nov 2017 – April 2018
2018-2019	Develop Phase 1 technical design	April 2018 – July 2018
	Undertake further structured stakeholder engagement	April 2018 – March 2019
	Full Phase 1 planning submission and approvals, including public consultation	July 2018 – Sept 2018
	Procurement and construction of early works	July 2018 – Dec 2018
	Preparation of tender documents and procurement of main contractor	Sept 2018 – Dec 2018
2019-2020	Undertake Phase 1 main construction works to practical completion	Jan 2019 – Oct 2019
	Handover and completion of Phase 1 to Brighton & Hove City Council	Nov 2019 – Dec 2019
2020 - 2021	Issuance of letting particulars and secure tenants for Phase 1 units	Nov 2019 – April 2020

Source: Mott MacDonald analysis

Registered in England No. 2727193

THE MORTON PARTNERSHIP LTD.

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Our ref: EJM/CH/16903~01

11th March 2019

Abigail Hone
Project Manager
Brighton & Hove City Council
1st Floor, Hove Town Hall
Norton Road
East Sussex BN3 3BQ

by email only:

Dear Abigail,

RE: MADEIRA TERRACE, BRIGHTON

I was very pleased to meet you on Monday 25th February 2019, and also thank you for the information you sent through preceding this. I had offered to visit at no cost or obligation to parties related to my past knowledge of Madeira Terrace from the various reports received and input with local groups. This was initiated through my Father Brian Morton some years ago.

The visit was related to the review the 'crowd funded' arches and trying to assist in advice as to where this work should be carried out. You kindly provided a pro's and con's for arches 1 – 3 at the western end, as against the eastern end arches which was useful.

Firstly, with regards to the western end, whilst I can certainly understand the logic for here and the fact that it would provide public access to the deck over, due to the steepness of the ramp it won't necessarily provide access to all. It is also convenient that the site office and community hub is close by, although moving this I assume would not be too difficult if appropriate.

I also highlighted the issue of raising the balustrade level to meet standard requirements, and the potential impact that this may have on other existing railings. The standard procedure, we adopt, is that if there is something that is in existence and there is no change of use it is not normally deemed a necessity to change this, providing it is considered to be structurally safe. If it is deemed necessary to increase the height for these works, could this impact on the adjoining railings to the ramps and indeed to the head of the promenade etc. as they are all of similar design.

A clear disadvantage is that the work related to the removal of the brick infills below, dated from 1920's and potentially the basement below that, and obviously the cost of the works related to these could be quite significant, and I am not sure that is in the best intentions for the crowd funded monies which was to restore three (or more) arches. On the positive side obviously the existing brick structures provide close level access to the underside of the main structure, thus would save some money in terms of access requirements for initial works.

I note that you suggested that it would be necessary to dismantle two arches alongside three arches, to create a 'safe zone'. I particularly disagree with this as I do not consider it necessary. I am sure that the temporary support situation would be possible, and indeed obviously is carried out elsewhere along the terrace. It may well be sensible to remove the concrete decking though for this zone.

I did also note that the one head of Venus and Neptune was missing to these three arches at the western end, and if a full repair of the three arches was being carried out, I assume it would be necessary to replace them, unless another one from a removed arch is available. If a one off is going to be made, having spoken to a foundry, I suspect the order of cost would be somewhere between £10,000 - £15,000. Obviously, if numerous castings are made then the unit cost comes down considerably.

I think one of the really important outcomes with the crowd funded works is that it must be used to obtain clear information on the repair works required in the future, in particular related to any repair techniques. I explained that particular repair types such as cold stitching to a cast iron girder could be recorded in terms of time and details etc., and then this information could be used and provided in the future to inform full tendered costs for elements of works, thus reducing risk at that stage.

I explained that the more information along these lines that it is possible to provide for contractors tendering for works, then it should help reduce cost risk. Without detailed information of bespoke repair solutions and the time taken to complete, then inevitably any contractor will need to ensure they cover their risk on programme and costs, and thus will likely price these elements high.

Then looking more widely, as you know my view was that the repairs of the crowd funded arches should be linked to where there is greatest potential for works to be carried out in the nearer future.

I looked particularly at the east end and the 31 arches here, which I feel is a more manageable extent than elsewhere, but obviously has the issues of the green wall. However, if there were interested parties for these, I think there is great benefit in restoring three of these arches so that they are clear on how and what works are required, and also how issues like the green wall can be integrated. Certainly, I would be very cautious if I was to invest in works to this end, in proceeding without having this baseline knowledge in place.

Of course, there are disadvantages to this end also in terms of less people access this end at the moment, although this may change with future developments, and certainly the access to the deck is unlikely to be practical in the short term, and also the road system is more complicated.

We looked particularly at the ones at the very east end which are somewhat smaller in depth and also height, so it may be that the crowd funded money may stretch a bit further in terms of repairs, and of course if three, four or five arches are repaired then this may make it more attractive to future users as their capital costs will be reduced a little.

So, rather than going through all the pro's and con's in detail, I came to the conclusion as you know, that I really think that there is a piece of work necessary to clearly define the potential for uses of arches in the short to medium term, and perhaps the long term, and then to consider how the crowd funded works would benefit these.

Of course, I realise politically that this may not be desirable in terms of a further delay, but it would be a great shame if the works to the 'crowd funded' arches was not well considered and can be used as a catalyst for further works, hopefully in the short term with potentially interested parties.

I also suggested that this may be worth discussing with Historic England whether there may be any opportunity for grant aid. I suspect that this may be limited in extent, but may assist with some further development work which is what I consider is needed as set out above. Whilst I know there are extensive repair reports and information available, I am not sure that it has necessarily been considered totally on a conservation basis at present, although I was pleased to hear that your Principal Inspection will be including the advice of an accredited engineer.

So, an early discussion with Historic England to seek their views on where the works to the 'crowd funded' arches should take place I think would be beneficial, and to discuss whether any type of grant could be possible.

I hope this is helpful, but please do not hesitate to call me if you have any queries.

Yours sincerely
FOR THE MORTON PARTNERSHIP LIMITED


EDWARD MORTON

Engineer Accredited on Conservation

Subject:	Update on the Royal Pavilion & Museums Service Future Governance		
Date of Meeting:	20 June 2019		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Janita Bagshawe	Tel: 01273 292840
	Email:	Janita.bagshawe@brighton-hove.gov.uk	
Wards affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report updates the Committee on progress following the decision of the 11 October 2018 Policy, Resources and Growth Committee (PRG) to transfer the Royal Pavilion & Museums (RPM) to a charitable trust. The trust's sole purpose will be to deliver the Council's museums services. The decision to proceed with the transfer followed a detailed evaluation of all the options for the future of the RPM accompanied by a programme of staff engagement.
- 1.2 The aim of the transfer to a trust is to ensure that RPM is sustainable and resilient, and capable of delivering the best possible outcomes for the city, residents and visitors over the longer term.
- 1.3 This report provides an update on progress and seeks approval to enter into an Memorandum of Understanding (MOU) with the Royal Pavilion and Museums Foundation (the Foundation). Further reports dealing with the governance of the Foundation and seeking delegated authority to conclude the legal agreements between the Foundation and the Council will go to a future TDC Committee (likely to be in September 2019) and then to PRG (likely to be in October 2019).

2. RECOMMENDATIONS

- 2.1 That the Committee notes the positive progress made, notes that a Joint Project Board has been established and notes that project is now in the Initiation Phase and has progressed ahead of schedule.
- 2.2 That the Committee agrees in principle that the Royal Pavilions & Museums service should be transferred to the Foundation (noting that this will be subject to final approval from Policy Resources & Growth Committee), and agrees that the Council should sign an MOU based on the MOU attached at Appendix 1 (noting that it may be subject to further minor amendments).

3. CONTEXT AND BACKGROUND INFORMATION

Independent Review

- 3.1 An independent review of options for the future governance of the Royal Pavilion & Museums took place in 2018. The review concluded that the trust model would be more financially sustainable than the in-house service in the mid to long term, and that the Council should take the decision to move the service to a charitable trust which would have the sole purpose of managing the Royal Pavilions & Museums service. Policy, Resources & Growth Committee accepted that recommendation in October 2018. A summary of the review's conclusions is attached as Appendix 2.
- 3.2 The independent review recommended officers consider whether a new charity should be established or whether the existing fundraising charity, the Foundation, could become the charitable trust body. In December 2018 the Foundation made an offer to the council to become the Trust that would run the Royal Pavilions & Museums service.
- 3.3 For the reasons set out in section 4 below, officers provisionally accepted this offer, subject to Committee approval. Officers have established a Joint Project Board which the Foundation has been invited to attend. An MOU establishing the shared principles and commitments from both organisations has been drafted and the Committee is asked to agree that the Council should sign it.

Working with the Foundation

- 3.4 The Foundation has recently established itself as a charitable company limited by guarantee and is currently considering a name change to the 'Royal Pavilion and Museums Trust'. The Foundation is already registered with the Charity Commission but is seeking to make some minor modifications to its governance arrangements including the change of its name.
- 3.5 Council officers have begun a dialogue with the Foundation to explore the option of making further changes to the RPM Foundation to enable the council to contract with it to manage the Royal Pavilion & Museums. The changes sought by the Council include:
 - a) The Council becoming a member of the company. The Council will need to be in a different class of membership so that it can reserve a small number of key decisions (relating to the Articles and the Foundation's name).
 - b) Amending its Articles of Association to allow the Council to be represented on the Board, while ensuring that the Charity remains independent.
 - c) Ensuring appropriate skills and diversity on the trustee body, and building the management capacity of the Board
 - d) Enabling the Foundation to establish a subsidiary trading company, capable of transferring any trading profit over to the charity.
- 3.6 The complete list of changes sought by the Council are set out in full in the MOU attached. It is proposed that the Council's support for the transfer of the service to the Foundation should be dependent on compliance with the MOU and the 'due diligence' tests described below.

Phases and Timetable

- 3.7 The October 2018 Policy Resources & Growth committee report outlined three phases of work:
- A Service Improvement Phase, updating processes and systems;
 - An Initiation Phase, testing the financial modelling, governance, and other preparatory work and setting the key milestones for transfer; and
 - An Implementation Phase which would finalise contracts, leases, the support services arrangements and the TUPE process and consultation.

The Service Improvement Phase is complete, and the project is currently (as of June 2019) in the Initiation Phase, aiming to 'give all key parties a shared understanding of and confidence in future governance, financial and operational arrangements'.

- 3.8 The timetable outlined in the October 2018 Policy, Resources & Growth committee report was for these three phases to be completed by April 2021, in time for the next funding round to Arts Council England. However, the application process will be beginning in 2020, and therefore ACE, as a major funder and stakeholder, has been supportive of bringing this timetable forward. This allows time for embedding of the new governance model before application for funding is undertaken. The project is currently on schedule.
- 3.9 Officers have established a Joint Project Board (for the Terms of Reference see Appendix 1). The Board is chaired by the Director of Economy, Environment & Culture and is attended by BHCC officers, union representatives and Trustees of the Foundation. The work is organised into five workstreams: Finance, Staffing, Property, Legal and ICT. These workstreams are described below.
- 3.10 Although the Foundation is closely involved with the whole process, the council remains the sole decision maker in relation to the Royal Pavilion & Museums until the transfer date.

The Workstreams

- 3.11 Finance - The 5 year Business Plan, Building maintenance budget; transition funds

The Finance work stream has been developing a detailed five year financial model for the proposed transfer to a charitable trust, including updating of assumptions as more up-to-date and reliable information becomes available, and testing the sensitivity of the various assumptions made. The financial model will continue to be developed as information becomes more robust. Various assumptions tested include:

- Future impacts on admission and retail income based on increased investment in marketing and adopting responsive pricing strategies .
- Estimate of Gift Aid income based on comparison to similar organisations allowing for a period of reduced income during transition.
- Increased level of donations more likely under a charitable trust model.
- Potential supplier contract efficiencies through procurement;
- Consideration of required support service and governance costs of a charitable trust.

- The medium term building planned maintenance requirements based on recent condition survey data
- Likely level of VAT liability for a charitable trust, with consideration of different funding models, application of cultural exemption and impact of planned maintenance requirement.

The latest financial model has been presented to representatives from the Foundation, who will continue to be consulted and involved as the model develops.

This work stream is also considering how the Trust would meet its future need for accountancy and financial services support, and whether and for how long the council might itself continue to provide these services. A decision will be made to on the basis of providing the best value for money for both parties.

Staffing and HR

The objectives for this workstream are to:

- Transfer employees to the new Trust under TUPE regulations;
- Ensure that personal records and data for the transfer are compliant with TUPE regulations, GDPR and Data Protection;
- Ensure TUPE obligations regarding casuals and agency staff are met;
- Facilitate information sharing between the council and the Trust through open and transparent collaborative working;
- Ensure the scope of the workstream aligns with the requirements of the RPM service and the anticipated needs of the Trust;
- Advise the Joint Project Board on the option for the Trust to retain the services of the council's HR support function;
- Facilitate the Trust's application for admitted body status in respect of the Local Government Pension Scheme;
- Obtain Pension Information Memorandum (PIM) and Pension Shortfall Letter from East Sussex Pensions in respect of pension liabilities, and facilitate any pension bond;
- Ensure staff are closely engaged with the work to transfer the service to the Foundation, and are also kept informed of progress;
- Ensure any processes proposed by the Trust are identified for formal consultation with transferring staff and Trade Union representatives;

Staff are closely engaged with the work to transfer the service to the Foundation, and are kept informed of progress through email updates (which are printed for those that don't have regular access to email), team meetings, 'open door' for managers, and through their staff reps, who also sit on the Joint Project Board.

Property

3.12 The properties to be leased to the trust, subject to existing sub-tenancies, are:

- Royal Pavilion, Northgate House, William IV Gatehouse, India Gate & Royal Pavilion Gardens (including the café)
- Brighton Museum & Art Gallery & Education Building
- Preston Manor (including the residential flat)
- Hove Museum & Art Gallery & the Jaipur Gate
- Booth Museum
- 118 Church Road Brighton (The Old Court House) (under a separate lease)
- 4/5 Pavilion Buildings (also a separate lease)

It is intended that the council's leased-in storage facility, Unit B5, will be assigned to the Trust, subject to the Landlord's consent.

3.13 The aims of the Property Working Group are:

- To agree leases for the transfer of the buildings to the Trust and conclude an assignment for Unit B5;
- To complete the property condition surveys and the 5 year required maintenance and pass onto the Trust;
- To draft the building maintenance strategy covering all forms of maintenance and statutory compliance responsibilities;
- To make any recommendations on the future relationship between the Trust and the council's Property and Design service.

3.14 Detailed and costed condition surveys have been completed for each of the buildings. Heads of Terms for the three proposed leases have been drafted. Valuations have been commissioned to evidence compliance with s123 of the Local Government Act 1972.

3.15 A draft building maintenance strategy has been considered by the Joint Project Board and is being finalised, with the aim of maximising the financial benefit to the Trust. It is anticipated that the council will retain its right to carry out repairs, but that the obligation to maintain, repair and meet statutory compliance duties will sit with the Trust. The Trust will become the responsible body for the safe management and operation of the buildings and all associated forms of building maintenance works. A five-year and annual programme of planned maintenance works will be agreed between the Trust and the council.

Legal work

3.16 In order to transfer the service to the Foundation the Council will need to enter into a number of legal agreements. The Foundation will provide the service to the Council pursuant to a services contract. This is preferable to a grant arrangement as it ensures that the Council can insist that the services are delivered effectively to the standard set out in the contract. It is also beneficial to the Foundation as it has VAT benefits. In addition to the service contract, the parties will enter into a transfer agreement and support services agreements (if the Council is going to provide any services to the Foundation). The service agreement will have a schedule which sets out all the obligations on the Foundation in relation to the collection. The Council has provided Heads of Terms (HOT) for the services contract to the Foundation's solicitors. It is anticipated that these HOT are likely

to be acceptable to the Foundation though the parties will need to have further discussions in relation to the break clause (i.e. the earliest date which the Council can end the agreement). Once the HOT are agreed, the parties will draw up the legal agreements. Finalising these documents is likely to involve a significant amount of time and resource. The Council's in-house legal team will undertake this and will also draw up the leases based on the work of the Property Working Group.

- The legal work stream will consult with the Charity Commission and amend the governing documents of Preston Manor (see legal implications below).
- The Council has made extensive comments on the Foundation's Articles of Association. If agreed these changes will ensure that the appropriate governance mechanisms are in place to ensure that the Council's assets are protected.

ICT systems & Information Governance

3.17 The objectives for this workstream are:

- To transfer the RPM service to new hardware and new systems as the service moves out to the Trust.
- To ensure that records and data management for the transfer is not only GDPR compliant, it also facilitates open and transparent collaborative working between the council and the Trust in the future.
- To advise the Joint Project Board on the option for the Trust to retain the services of the council's ICT support function.

3.18 The RPM operates a number of sector specific business systems including ticketing, financial reporting, retail stock control, collections management, asset management, building management and security systems. It is also recognised as a sector leader in Digital innovation. These business areas are supported by two full time staff within the Enterprise & Visitor services team of RPM who form part of this workstream alongside colleagues from Corporate ICT and Information Governance.

3.19 To date the group has:

- Scoped the new ICT systems required for RPM in Trust and developed costings (See Appendix 3)
- Developed the tender to engage consultant to undertake this work on behalf of the foundation following approval at TDC in June
- Reviewed existing infrastructure and undertaken a number of small infrastructure projects that will enable RPM to split off from the council network without impacting other BHCC services
- Secured agreement for replacement PCs for staff as existing PCs are all end of life and will need to be returned to BHCC at point of transfer.
- Worked with Finance and HR to develop costings and ensure infrastructure is in place to support the continued usage of the BHCC financial systems and payroll services for a transition period on transfer
- Begun drafting Data Privacy Impact Assessments relating to the transfer of Locally Managed records and HR Records from BHCC to the new trust

3.20 The next phase of the project will involve appointing a contractor to develop a new hosted Cloud environment for RPM with Office 365 and Window 10 as well as virtual servers and data back up to support the RPM business systems. This

work will need to be completed prior to transfer to allow for testing and configuration. Information sharing agreements will also need to be developed between BHCC & RPM to cover the transfer. Staff are being kept informed of progress through briefings. The project plan allows for sufficient time for staff training on the new systems prior to transfer.

Safeguarding the Collection

- 3.21 RPM has all policies in place required to meet museums accreditation. The scheme, overseen by the Arts Council, sets out achieve agreed standards in how museums are run, how they manage their Collections and how they manage public resources, reinforcing a shared ethical way of doing things for everyone involved in the running of a museum.

Policies

- 3.22 Updated policies relating to the collections were agreed at PRG in January 2018:
- Collections Development;
 - Collections Care & Conservation;
 - Documentation & Information;
 - Human Remains;
 - Documentation Procedure Manual;

- 3.23 RPM access statement

The following were agreed at TDC in January 2019:

- Loans Policy;
- Rights Policy;
- Digital Preservation Policy;
- Human Remains Policy (updated);
- Collections Development Policy (updated).

Due Diligence, and satisfying the conditions for proceeding with implementation of the transfer.

- 3.24 The due diligence process is an important element of the risk management of the transfer, which informs the decision making process of key stakeholders, and ultimately supports the negotiation of the final legal agreement.
- 3.25 Delegated authority was given to the Executive Director to decide at what point due diligence was concluded and the issues resolved, and to commit the council to implement the final transfer plans.
- 3.26 The October 2018 Policy, Resources & Growth committee report set out the following four tests or risks that the service would need to resolve before officers could be satisfied that the project could proceed to implementation.
1. 'the income generation projections need to be fully modelled and a financial strategy developed to manage the uncertainty around future income to ensure the future model is capable of achieving a surplus position'

The Finance Working group has carefully and rigorously modelled the first five years of Trust operation (a summary is set out as Appendix 4). See also section 7 below.

2. 'that the independent charity would need to have the leadership capacity, skills and appropriate structure to manage a museum service'

The Foundation's review of the proposed governance arrangements for the Foundation, and the steps being taken to implement them demonstrate how this test is to be satisfied. Actioning those proposals, including the necessary changes to the Articles of Association of the RPM Foundation, is subject to the Committee's approval of this report.

A sole-purpose charitable trust whose primary function is to deliver the RPM service gives the greatest focus on stewardship of the very significant heritage assets in Royal Pavilion & Museum's portfolio. Transferring the service to a charitable company has quantifiable short-term costs but gives potentially substantial financial advantages in the medium and longer term.

3. 'that stakeholders and funders (especially Arts Council England) need to have confidence in the arrangements'

Art's Council England (ACE) are supportive of governance options that fulfil the National Portfolio Organisation requirements, and when asked about using the existing charity i.e. the Foundation, ACE has said that with the appropriate governance changes to the organisation so that it mirrors other charitable trusts, and provided it can meet BHCC and ACE requirements, the existing charity could be developed so that it can deliver the service. The Charity Commission will need to approve the proposed governance arrangements.

4. 'that any proposed trustees would need to be confident that the terms on which the service contract would be offered provide a viable model'.

The Foundation's trustees are engaged with the work of the Joint Project Board which gives them the opportunity to raise concerns about the transition. They will also carry out their own due diligence exercise so that they are confident that they understand all the costs and risks of the service and to ensure that they can enter into the arrangements with confidence that they will be able to deliver the service with the funding available.

The Royal Pavilion and Museums Foundation

Background

- 3.27 The Foundation was established in 1972 as a charity called the Friends of the Royal Pavilion, Art Gallery and Museums with Lord Asa Briggs as Chair, he remained chair until 2006. When established, the charitable objects of the Friends were: for supporting the Royal Pavilion, Art Gallery and Museums through the advancement of public appreciation in the arts and sciences by acquiring suitable objects and works of art for inclusion in the permanent collections and for other such incidental purposes for the encouragement of the arts and sciences as may by law be deemed to be charitable. There was Council

representation from the outset with the chair of the committee responsible for the service (currently TDC) sitting on the board.

3.28 Amendments to the trust deed to extend its charitable objects were undertaken in 1991 and 1998. They were revised as follows:

the advancement of, including the advancement of public appreciation in, the arts culture, heritage or science (without limitation by) acquiring and maintaining objects by:

- Acquiring and maintaining suitable objects and works of art for inclusion in the permanent collections at the Royal Pavilion Art Gallery and Museums of Brighton and Hove
- Providing for, or supporting, the establishment, maintenance, refurbishment and enhancement of exhibitions and displays of the said permanent collections and the buildings in which they are housed;
- Providing for, or supporting, the establishment, maintenance, refurbishment and enhancement of other collections and displays of such permanent collections.

3.29 In 2010 the Friends was rebranded as the Royal Pavilion and Museums Foundation. Since then, the Foundation has acquired funds to support the RPM through a Friends membership scheme along the lines of similar sector schemes across the UK, through enabling people to leave bequests, legacies and donations, and through being able to apply to trusts and grant-giving bodies that do not grant funds to local authorities. The grants which RPM has received from the Foundation have been used for a variety of projects and developments including:

- Purchases Kenneth Baker's collection of Regency cartoons;
- Conservation of textiles
- Exhibition and collections catalogues and publications
- Brighton Museum Redevelopment (contribution of £238,970)
- India Gate restoration (£13,000)
- Elaine Evans Archaeology Gallery (£290,000)
- Saloon Restoration (£204,000)
- A range or smaller annual fundraising appeals including learning, the Garden, Pagoda restoration

3.30 The RPMF holds unrestricted and designated reserves of £798k as at 31 March 2019. These reserves, alongside an additional £385k of restricted reserves, could be available to invest in, or otherwise support, the new Trust.

The Foundation's Governance Review

Trustee Review and Recruitment

3.31 The Foundation has appointed an independent consultant to review the Board composition and skills profile. The consultant has also been asked to propose a recruitment process for new trustees as well as identifying a process of recruitment of a new Chair of the Foundation.

3.32 A key objective will be ensure that the board of trustees reflects the diversity of the local community and has the right mix of skills, and the capacity to effective

govern the Trust. There are four phases of this work. The first phase has been a skills and experience audit of current Board members. The skills audit shows that the Board has particularly strong skills and experience in the areas of: accounting and budget setting; business planning; and charity governance. It also features a reasonable mix of experience across: arts management; capital projects; community engagement; digital media; equalities and diversity; human resources; and marketing and risk management.

The Board has less experience in cross cutting agendas, in particular: child development/safeguarding; creative learning; disability and accessibility; environmental sustainability; health and wellbeing; and public policy.

- 3.33 The second phase will entail more detailed discussions with funders, including the Arts Council and City Council officers.
- 3.34 The third phase would then be initial proposals for the recruitment process for new Trustees and the new Board Chair. Key to this will be to ensure that City Council officers will be involved and Trustees are also keen to encourage an element of staff involvement.
- 3.35 Stage four will be the final recommendations for recruitment. The intention is that phase 4 will be reached as soon after the 20th June TDC Committee meeting as possible so that the recruitment process can be initiated thereafter.
- 3.36 The appointment of Council Members as Trustees will be made by the Council's Policy, Resources & Growth Committee. It is hoped that those Members will engage on an informal basis with the Foundation prior to their formal appointment in the autumn in order to start to develop relationships and build their understanding of the organisation and the service.

4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Note this section does not consider the alternative, in-house option for delivering the RPM service – this was carefully considered by the October 2018 Policy, Resources & Growth Committee last October when it decided to transfer the service to Trust.
- 4.2 This report describes the work to develop the Trust based on changes to the existing RPM Foundation. The alternative option of a new Trust, created specifically to run the RPM service, was also evaluated, against the following criteria:
 - a) Timescale for delivery
 - b) Fitness for purpose
 - c) Lifetime cost – this took account of overall costs to the council and the Foundation.
 - d) Risk management
 - e) Other factors
- 4.3 While both options would be equally 'Fit for purpose', and might take about the same time to set up, the 'New Trust' option was rejected on the grounds that

- (a) It would not make sense to have two charitable bodies, i.e. the new trust and the existing Foundation.
- (b) The transition costs would be higher. The Foundation has been able to bear a proportion of the transition costs using existing funds. Establishing a new company would require officer time and would take longer than 're-purposing' and existing charitable company.
- (c) The Foundation brings with it a range of intangible benefits in terms of goodwill, recognition and expertise.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Arts Council England has been kept updated during the process, and monthly meetings take place between RPM managers and the Arts Council. Their concern has been to ensure the focus is on the high quality delivery to the public of the funded activity programme during any change process, to have a properly resourced and skilled team, to address the actions needed to continue to meet the accreditation standard, and to ensure the service, which is of national importance, has a sustainable future.
- 5.2 The Trade Unions have been invited to join the Joint Project Board and representatives from both GMB and Unison have been attending to ensure that issues that relate to staff are considered.
- 5.3 To support the service during 2019-20 the Arts Council requested the establishment of a Museums Advisory Group. Two reports were presented and agreed at TDC (January and March) outlining the role and composition of the Advisory Group. These were agreed at TDC, and included for example, independent senior level expertise in relation to collections, historic buildings and programming.

6 CONCLUSION

- 6.1 As Council budgets decline, it has been necessary to look at ways to maintain a high-quality service, and to protect and conserve and utilise the sites and collections for public benefit in the longer term, whilst meeting necessary savings targets. It is recognised that there are greater opportunities to raise income in the charitable sector and therefore secure the long-term sustainability of the city's heritage and museum assets to ensure they continue to contribute to the city's priorities.
- 6.2 This report outlines the positive progress that is being made towards moving the Royal Pavilion & Museums services into Trust.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 A detailed five-year financial model has been developed to identify the likely financial implications of the proposed transfer of the RPM service to a charitable trust. The financial model takes into account information from previous external consultant reviews, analysis of most recent financial data and testing of sensitivities associated to assumptions to ensure that the model is robust. Consistent with previous modelling, the latest financial model suggests that there

are favourable financial implications in the medium to long term from a transfer to trust compared to the service remaining under control of the council. The financial benefits of the proposed transfer to a charitable trust include net favourable tax benefits from gift aid eligibility, increased fundraising opportunities, greater commercial focus, flexibility of pricing strategies and longer term financial planning. The financial model also considers the negative financial liabilities associated to a charitable trust such as irrecoverable VAT, governance and overheads costs. The council will also benefit from savings in support service provision. Some assumptions in the financial model still require further development as information is still being sought. The financial model will continue to be developed and considered alongside representatives from the Foundation during the initiation and implementation phases.

- 7.2 The financial modelling suggests that the net financial benefit of moving to a charitable trust would maximise future budget savings, however one-off funding to support initial setup and transition would be required in the short term. This initial funding requirement is under discussion between the council and the Foundation. It should be noted that the short term additional funding is partly due to an increased annual financial contribution to the planned maintenance of the RPM estate. This additional funding would be required under both in-house and transfer to trust scenario to meet maintenance requirements identified in the condition surveys carried out. One likely favourable implication of a transfer is that a charitable trust would be able to generate additional funding through fundraising for required planned maintenance and capital investment to meet the maintenance requirement shortfall, which would otherwise require additional council funding.
- 7.3 A summary of the final financial model will be reported to a future meeting of Policy, Growth & Resources Committee, and will include detailed financial implications associated to the council's budget position.

Finance Officer Consulted: Steven Bedford

Date: 10/06/2019

Legal Implications:

- 7.4 The two parties' legal teams have agreed the terms of the MOU. It is not a legally binding document but is intended to record the parties' commitment to working together to achieve the transition. The Council is waiting for confirmation that Appendix A of the MOU is agreed and there may need to be further amendments. Such amendments are covered by the Scheme of Delegation to Officers and the Committee is therefore not requested to delegate authority but to note that the MOU may be subject to minor tweaks if requested by the Foundation.
- 7.5 The proposal is that the Council will become a member of the charitable company. The other members of the company will be the trustees/ directors. The Council will be in a special class of membership so that certain decisions can only be made with the Council's consent. The full governance implications will be set out in the report to the TDC/ PRG committees in the autumn but it is likely that the recommendation will be that PRG committee takes any decisions on behalf of the Council in its capacity as member of the company.

The Council will need to appoint trustees to sit on the RPM Foundation (the RPM Trust as it will be known) once the articles of the Foundation have been amended. Trustees will formally be appointed by PRG Committee.

- 7.6.1 The legal implications relating to the procurement and state aid risks were set out in the report to PRG committee in October 2018. Leading Counsel has advised and concluded that the risk that there is legal challenge to the Council directly awarding a contract (i.e. without undertaking a procurement) is low. He also confirmed that entering into a contract with a charitable trust will not amount to state aid.
- 7.7 The council will remain corporate trustee of the Booth Museum and Preston Manor after the proposed transfer but will grant leases of the buildings and use of the collections to the Foundation. The council must continue to ensure it acts exclusively in the best interests of Booth Museum and Preston Manor and avoids any conflict of interest. The governing documents will need minor amendment to reflect the new governance arrangements.
- 7.8 The council is under an obligation when leasing its buildings to achieve the best consideration reasonably obtainable (s123 Local Government Act 1972). However the Secretary of State has issued a general consent: Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003 which allows the Council to dispose of land for less than best consideration provided that the undervalue does not exceed £2m and the authority considers that the disposal will help it to secure promotion or improvement of the economic, social or environmental well-being of its area. Officers anticipate that the disposals of the buildings will be disposed of for an undervalue but it will not exceed £2m in each case. Future reports will set out in full the reasons why the disposals meet the test set out in the general consent.

Lawyer Consulted: Alice Rowland

Date: 9/6/19

Equalities Implications:

- 7.9 An Equalities Impact Assessment has been completed, covering Governance; Staff; service users, and ICT systems. No changes are proposed to the service itself, but the project is an opportunity to review the RPM's equalities and inclusion policies and practices. The RPM Trust is committed to protecting the terms and conditions of staff. Staff are represented on the project Board.
- 7.10 The review and recruitment of Trustees will ensure that there is a diversity of representation on the board. The contract with the Trust will ensure that the service delivers where applicable on the Council's priorities. In line with Arts Council goals, the service increasingly delivers programmes and services in collaboration with communities and citizens of protected characteristics.

Sustainability Implications:

- 7.11 The service will continue to work on improving its sustainability which it reports on as part of its agreement with Arts Council.

Any Other Significant Implications:

SUPPORTING DOCUMENTATION

Appendices

1. Memorandum of Understanding between Brighton & Hove City Council and the Royal Pavilion and Museums Foundation
2. Summary of conclusions from the 2018 independent review.
3. ICT Scoping document
4. The sustainable business plan – summary.
5. High level timeline

Background Documents

1. Report to PRG Committee October 2018

Appendix 1 – Draft MOU

Dated _____

Memorandum of Understanding
between
Brighton & Hove City Council
and
Royal Pavilion and Museums Foundation

THIS AGREEMENT is dated [DATE]

PARTIES

- (1) Brighton & Hove City Council of Hove Town Hall, Norton Road, Hove BN3 3BQ (**Council**).
- (2) Royal Pavilion and Museums Foundation of 4-5 Pavilion Buildings, Brighton, United Kingdom BN1 1EE (**Foundation**).

1. Background

- 1.1. The parties have agreed to work together on the project detailed in Appendix A (**Project**) to transfer the Royal Pavilion and Museums (**RPM**) to the Foundation.
- 1.2. The parties wish to record the basis on which they will collaborate with each other on the Project. This Memorandum of Understanding (**MoU**) sets out:
 - 1.2.1. the principles of collaboration; and
 - 1.2.2. the governance structure the parties will put in place.
- 1.3. The parties do not intend this MoU to be legally binding and both parties recognise that the decision to pursue the Project will ultimately have to be made by the Council's Policy, Resources & Growth Committee and the Foundation's board.
- 1.4. The parties recognise that the alternative option to the Project is for the Council to establish a new charitable company and transfer RPM to that entity and they recognise that this option remains open to the Council until formal legal agreements governing the Project are executed by the parties.

2. The Principles of Collaboration

- 2.1. The Foundation shall:
 - 2.1.1. acknowledge throughout the Project that it is important that the Council, as the commissioner, takes the lead in establishing the services it requires;
 - 2.1.2. consult with the Council on changes to its Articles of Association (**Articles**);
 - 2.1.3. amend its Articles so that:
 - 2.1.3.1. it is a charity whose primary purpose the delivery of the RPM service;
 - 2.1.3.2. the Council becomes a Member of the Foundation in a different class of membership which enables the Council to reserve key decisions (including those relating to the Articles , and the Foundation's name) to itself;
 - 2.1.3.3. the board of directors/ trustees is 15; and

2.1.3.4. the Council can nominate up to 3 directors/ trustees to sit on the board.

2.1.4. to consult with the Council in relation to trustee appointments during the Project;

2.1.5. seek to achieve a diverse board of directors with the skills balance required to run a charity delivering a large operational service;

2.1.6. establish finance, legal, IT and HR support and to ensure senior management capacity appropriate to running a significant and complex service;

2.1.7. establish a subsidiary trading company for commercial activities;

2.1.8. work with the Council to identify reasonable transition costs incurred by the Council that could be funded by the Foundation as part of their commitment to working with the Council on a sustainable future for the RPM; and

2.1.9. bear its own costs of the Project.

2.2. The Council shall:

2.2.1. Progress efficiently, effectively and within a reasonable timescale all aspects of the project including HR, legal, finance, IT workstreams;

2.2.2. support the Foundation, including providing support services after the service transfer date (if required by the Foundation and subject to terms being agreed between the parties); and

2.2.3. bear its own costs of the Project, unless otherwise agreed in writing with the Foundation in accordance with 2.1.8 above.

2.3. The parties shall:

2.3.1. communicate in a clear and timely fashion with staff and unions to ensure the success of this Project;

2.3.2. work together so that staff understand the benefits of the Project and are fully informed about the role and objectives of the Foundation, its commitment to RPM and its commitment to good relations with staff;

2.3.3. act in good faith and approach the Project in a collaborative and open way, communicate openly about concerns relating to the Project and try to resolve all issues in a positive and proactive manner;

2.3.4. act in a timely manner, deploying appropriate resources to ensure the Project can be delivered by 1st April 2020;

2.3.5. manage stakeholders effectively and in particular liaise with the Arts Council England and the Charity Commission in relation to the Project and the actions outlined in this MoU;

2.3.6. aim to complete the Project and transfer the RPM by 1st April 2020.

3. Governance Arrangements

3.1. The parties shall meet regularly as the Joint Project Board. The Terms of Reference of the Joint Project Board are set out at Appendix B.

4. Term and Termination

4.1. This MoU shall commence on the date of signature and shall expire upon completion of the Project or immediately upon one party notifying the other in writing that they do not wish to proceed with the Project.

5. Variation

5.1. This MoU may be varied by agreement in writing between the parties.

6. Counterparts

6.1. This agreement may be executed in any number of counterparts, each of which when executed shall constitute a duplicate original, but all the counterparts shall together constitute the one agreement.

Signed for and on behalf of the Council
Signature:
Name:.....
Position:
Date:

Signed for and on behalf of the Foundation
Signature:
Name:.....
Position:
Date:

MOU Appendix A The Project

On 11 October 2018, the Council's Policy, Resources & Growth Committee agreed to transfer the Royal Pavilions and Museums service to a charitable trust whose sole purpose is to deliver the Council's museums and heritage services.

It is intended that the Council will enter into a 25 year contract with such a charitable trust.

The Royal Pavilion Museums Foundation has offered to work with the Council to establish itself as the receiving trust.

The transfer was set up as a three phase project, to (1) address a number of preparatory service improvements (now completed); (2) initiate the transfer by satisfying key stakeholders of the governance arrangements and the viability of the proposals; and (3) an implementation phase to deliver the detailed work required prior to the formal handover.

The service improvement phase was completed early in 2019. The initiation phase, aims to address the key risks identified in the October 2018 Committee report:

- the income generation projections need to be fully modelled and a financial strategy developed to manage the uncertainty around future income to ensure the future model is capable of achieving a surplus position;
- the service needs the leadership capacity, skills and appropriate structure to be managed by an independent charity;
- that stakeholders and funders (especially Arts Council England) need to have confidence in the arrangements;
- trustees need to be confident that the terms on which the service contract would be offered provide a viable model.

The subsequent implementation phase will only proceed if these considerations are resolved satisfactorily.

The project aims to complete the transfer not later than April 2020.

Royal Pavilion & Museums – Joint Project Board Terms of Reference

Objectives

To conclude the financial, governance and contractual arrangements to transfer the operation of the Royal Pavilion and Museums to a transformed Royal Pavilion and Museums Foundation.

Role and Function of the Board

The Joint Project Board (“the Board”) is responsible for progressing the project.

The key roles and responsibilities of the Board are to;

- Agree the financial strategy and modelling, and develop a sustainable Business Plan; Ensure that trustees are confident that the terms on which the service contract would be offered provide a viable model;
- Ensure the service has the leadership, skills and governance to manage as an independent charity;
- The arrangements can win the trust and confidence of staff, unions, key stakeholders and funders (particularly the Arts Council);
- Address any issue that has major implications for the programme or project, e.g. matters escalated from one of the Working Groups;
- Reconcile differences in opinion and resolve disputes, e.g. arising from the specific tasks in the Working Groups;
- Identify and manage risks through the Risk Register;

Members of the Board must:

- Be committed to, and actively involved in pursuing the programme or project's outcomes;
- Nominate a proxy to attend a meeting if they unable to attend.

Membership

The members of the Board are:

Name	Job Title	Organisation	Board Role
Nick Hibberd	Exec Director	EEC, BHCC	Chair
Julian Crampton	Chair	RPM Foundation	Member
Janita Bagshawe	Head of RPM	BHCC	Member
Jane Weeks	Trustee	RPM Foundation	Member
Anne Silley	Trustee	RPM Foundation	Finance
Steven Bedford	Principal Accountant	BHCC	Finance

Helen Walker		RPM Foundation	Member
Lisa Hepi	HR Business Partner	BHCC	HR
Alice Rowland	Head of Commercial Law	BHCC	Legal
Abigail Thomas	Head of Enterprise and Business	BHCC	Member
Julie Harris	Comms Business Partner	BHCC	Comms and Engagement
Johnny Brooker	IT&D Business Partner	BHCC	ICT
Union representatives	GMB, UNISON	BHCC	Staff
Martin Hilson	Building Surveying & Maintenance Manager	BHCC	Property and Design

This membership may vary as new Trustees are appointed to join the RPM Foundation's Board.

For the avoidance of doubt, the Board retains the roles and responsibilities outlined in these Terms of Reference until responsibility for the service is transferred on the services transfer date.

The Board will have the support of a Project Manager, who will present monthly project reports and update Members on current progress and risks.

The Board will meet monthly.

A minimum of five Board members, including two from the RPM Foundation, is required for the meeting to be quorate.

Chair

Nick Hibberd will Chair the Board and will nominate a substitute in his absence.

The Project Manager will convene Board meetings and circulate minutes.

Agenda Items and Minutes

All Board agenda items must be forwarded to the Project Manager at least three working days prior to the meeting.

The Board Agenda papers will be distributed at least two working days prior to the meeting.

Minutes and Action points will be provided to all Board members no later than five working days following each meeting.

Appendix 2

Extract from the independent adviser's report, considered by PRG on 11 October 2018.

Conclusions and Recommendations

1. The assets and the audiences of RPM mean it is potentially well placed to exploit the benefits of Trust status.
2. A sole-purpose Charitable Trust would give the greatest focus on stewardship of the very significant heritage assets in RPM's portfolio.
3. Conversion to charitable status has quantifiable short-term costs but gives potentially substantial financial advantages in the medium and longer term.
4. The success or failure of a new Trust will depend heavily on the terms of its initial setup and of its ongoing relationship with BHCC. It is therefore recommended that the Terms of Transfer are negotiated and an associated Business Plan drawn up in an 'Initiation Phase' before a final decision is made on whether to transfer RPM to Trust status.
5. The purpose of the structured Initiation Phase would be to give all key parties a shared understanding of and confidence in future governance, financial and operational arrangements.
6. The support of RPM staff and of ACE, RPM's other main revenue funder, will be essential for a successful change of governance and so they should be informed and engaged throughout the process.
7. Potential RPM Trustees will need to be party to the discussions, therefore an 'Initiation Group' of prospective Trustees should be constituted. The membership, chair and terms of reference of should be considered carefully. The role of the RPM Foundation and the previous 'Shadow Board' should be clarified and agreed at this point.
8. The negotiations on the terms of a transfer to Trust status should involve, at a minimum, representatives of the Initiation Group, senior Council officers and senior staff from RPM.
9. The Initiation Phase should also be used to progress a number of important initiatives, most notably a review of structure and management systems, which will strengthen RPM's operational effectiveness regardless of the final decision.

Scope Of Work

Royal Pavilion & Museums Trust Migration Project

- Consultation
- Hosting
- Backup
- Windows 10
- Office 365
- IP Telephony
- Firewall
- Internet Filtering
- Anti-virus
- Internet Service Provider
- WiFi Provider
- Hardware Supplier

Consultation

The provider of consultation services must be at a minimum a Microsoft Gold Partner and they must be ISO27001 certified. They must fully understand all of the discount options available through Microsoft, for Charitable and Learning Organisations and must be able to supply these discounts to RPM.

They must provide a turn-key service to supply:

1. A new hosted Cloud environment for RPM within an Azure Tenant
2. Build and configure virtual servers within the Azure Tenant
3. Office 365 Subscription, set-up and configuration
4. Windows 10 subscription
5. Enterprise Mobility + Security, set-up and configuration
6. Set-up of new Virtual servers in the Azure Tenant to mirror RPM's current setup
7. Set-up of data back-up for all data stored on virtual servers, the virtual servers themselves and databases

The Turn-key service must include but is not limited to consultation services to RPM to fully discuss our requirements and options available to us. Full project management, set-up and configuration of the requirements 1 to 7 above, including but not limited to, the relevant routing connections back to RPM offices, to allow staff in those offices to connect using their staff computer to the servers, databases and other programs running on those servers. This includes but is not limited to such programs as our Environmental Monitoring System, Collections Management System and services such as Active Directory, WSUS, DHCP, DNS, Windows Deployment Services and Anti-Virus. They must provide Licensing, management and support for Office 365, Windows 10 and Azure services and explore options to provide RPM with resilience and DR Capabilities. They must agree an SLA including phone and email support. All RPM data must be stored in a location based in the UK.

Hosting

The Royal Pavilion & Museums (RPM) will require an almost fully hosted environment. With the only physical servers on site for printing, rapid digital asset access, Windows image deployment, secondary on site Active Directory and DHCP servers. Antivirus may be provided through the hosted environment or via onsite appliances but this very much depends on the abilities of the hosting environment. We are happy to accept recommendations from the supplier regarding these items.

All virtual servers must have a minimum 1Gbps connection to the Internet. The datacentre must be capable of instantly supplying an alternative Internet connection of the same speed, should the Primary connection fail for any reason.

The datacentre must have multiple power options including battery and generator backup, in the event that mains power fail for any reason.

The data centre must have a fire suppression system that does not damage the physical servers holding our virtual servers should it need to be deployed.

The datacentre must employ some form of server cooling and be able to provide environmental data to us regarding the servers holding our virtual servers.

The datacentre must be able to provide an environmental impact statement to us regarding the services we use, including an indication of our carbon footprint.

The cloud environment that is chosen for the RPM must be able to host multiple virtual servers (see list below) with a minimum storage requirement of 6.77TB.

Server Purpose	Current Used Disk Space
Collections Management Database	899GB
Business Objects	271GB
Environmental Monitoring System / WSUS	834GB
CRM database	898.8GB
Ticketing & Retail System	304GB
Print Server	338.6GB
Digital Assets Storage/ Anti-Virus / KMS / DHCP	2041.72GB
File Server	1347.88GB

The cloud environment must be able to host the following server versions:

- Microsoft server 2016 (minimum), Microsoft Server 2019 (recommended)

The cloud environment must be able to host the following database versions:

- Microsoft SQL server 2014 (minimum), Microsoft SQL Server 2017 (recommended)
- Oracle Database 11g (minimum), Oracle Database 12c (recommended).

The cloud environment must be able to host the full suite of Office 365 products including 'Phone System', (PBX in the Cloud).

The cloud environment will need to be able to accept remote access connections for the purposes of support from RPM ICT, third party suppliers to RPM and a third party support service, should one be engaged.

The cloud environment must be able to accept a VPN connection to provide two way communication between our ticketing system's SQL database and our online ticket sales database, hosted by our ticketing system supplier.

Back Up

Back up of all files and databases must be provided within the cloud environment, be this in the same data centre or a different datacentre with in the UK belonging to the same data centre provider or a different datacentre provider. Backups must take the form of both full virtual server snapshots and individual database and file backups. An incremental backup must occur every day. A full back up must occur once a week, once a month and once a year, with weekly back up's being overwritten every week,

monthly backups being overwritten once a month and yearly backups being overwritten once a year. In addition each server must have Microsoft Shadow copy switched on.

Windows 10

Windows 10 licensing must be provided as part of the package provided by the consultants. RPM ICT will build and test a Windows 10 image and integrate this in to Windows Deployment Services for distribution to RPM computers. The Windows Deployment server can optionally be built in the cloud environment if the Internet connection is sufficiently fast enough, although it is expected it will remain on a local server for speed and bandwidth reasons.

Office 365

Office 365 must be provided via a standard Microsoft licensing product subscription, billed monthly per user. Examples of such a package are Office 365 E3 or E5 which include Word, Excel, PowerPoint, Outlook, OneNote, Publisher, SharePoint, OneDrive, Microsoft Teams and Access. Whichever subscription service is recommended for RPM, taking into consideration its future charitable status, RPM wish to take advantage of applications such as Skype, Microsoft Teams and 'Phone System' therefore any subscription package offered must take this into consideration.

IP Telephony

A solution for IP telephony must be provided that will replace our existing physical telephone system, which will be retired. IP telephony must be provided through Office 365 using 'Phone System' and Direct Routing or Calling Plan which would give us full calling capabilities in Office 365. The supplier must audit our current calling capabilities and provide a solution that is at a minimum comparable to our current calling capabilities.

The solution must be able to handle calls to a central booking office from external customers, providing call queuing, a wait message, hold music and routing to multiple operators with Group call Pickup. There must be a hold facility that allows the operator to hold the call with microphone muted while they check details and there must be a voicemail box that can be accessed by all booking office staff. There must be a physical handset and/or headset option. There must be the ability to report on the number of calls received, the number of calls lost, the time to pick up calls and the duration of calls.

For non-booking office staff the phone system must at a minimum allow calls to be picked up, placed on hold with microphone muted, be forwarded to another number and there must be the ability for calls to go to voicemail. When a voicemail is waiting to be listened to the member of staff must be alerted that voicemail is waiting, either by on computer screen message or on a physical telephone handset. The ability for voicemail to be accessed remotely would be desirable but is not essential.

The ability for staff to have the choice of a physical telephone handset or softphone must be available. The supplier must state whether a physical phone requires Ethernet or USB connectivity and if Ethernet, whether it requires Power over Ethernet or has its own local power supply.

Firewall

The purpose of the firewall is to monitor all incoming data to RPM and outgoing data from RPM and decide whether that data must be blocked or not, based on security rules that RPM sets up.

The Firewall can be a physical appliance installed in our coms cabinet, or it can be a software program that runs locally on a server in our coms cabinet or it can be run in our cloud environment.

The security consultant must decide which method is best for RPM based on our network set-up. They must recommend a system which provides the best security possible within our budget and for the number of staff we have. The Firewall must be configurable to allow staff to connect to our cloud environment, so they can continue to access their files, Office 365 and the cloud based phone system.

The Firewall must allow secure VPN connections into our cloud environment for the purposes of support from RPM ICT and 3rd party vendors. It must also be compatible with Microsoft Open VPN.

The IT department must also be able to interrogate the Firewall database to provide a report on all firewall activity, especially if this is required by the Police and other investigative bodies.

Internet Filtering

Internet Filtering can be done by a physical appliance installed in our coms cabinet, or it can be a software program that runs locally on a server in our coms cabinet or it can be run in our cloud environment. It must provide a fully customisable set of rules to limit content viewable through the Internet including but not limited to porn, gambling, alcohol and drugs. When a staff member tries to view such material, this must be flagged and reported to the IT department. The IT department must also be able to interrogate the Internet Filtering database to provide the Internet activity of any member of staff, must this be requested by the staff member's manager or the Police and other investigative bodies.

Anti-virus

The Anti-virus can be a physical appliance installed in our coms cabinet, or it can be a software program that runs locally on a server in our coms cabinet or it can be run in our cloud environment.

The anti-virus program must provide protection against viruses for desktop, laptop and tower computers as well as servers, both physical and virtual. It must be able to try and automatically clean any virus detected or if un-cleanable remove the infected file into quarantine. The anti-virus program must automatically update itself with the latest virus definitions and then push these virus definitions out to all computers and servers on the RPM network instantly.

The Anti-virus must also check all incoming and outgoing e-mail for viruses, with ideally a sandbox to detonate potential virus threats before they are received by RPM staff into their inbox.

The anti-virus program must have a dashboard where it can be easily seen if any computer has not updated or has a virus.

The IT department must also be able to interrogate the Antivirus database to provide reports on any detected virus.

Internet Service Provider

We will continue to use GTT as our Internet service Provider.

We will become a commercial customer of GTT. All services provided by GTT must be re-routed to ensure RPM is disconnected from Brighton & Hove City Council (BHCC) and all data connections go via the Internet, through our firewall to our Azure Tenant. GTT must configure the network so that all RPM sites have both Internet access and full connectivity with all Cloud based and centralised services held at 4-5 Pavilion Buildings.

WiFi Provider

We will continue to use a combination of GTT and Cloud Connex as our WiFi Provider.

We will become a commercial customer of GTT and Cloud Connex. All services provided by GTT and Cloud Connex must be re-routed to ensure RPM is disconnected from Brighton & Hove City Council (BHCC) and all data connections go via the Internet, through our firewall and web filtering.

GTT and Cloud Connex must ensure that RPM can use wirelessly connected staff laptops, to connect back to the RPM cloud hosted environment (network) to view shared documents and applications such

as Mimsy using Microsoft technologies such as Direct Access or any subsequent Microsoft replacement connection service.

Hardware Supplier

The hardware supplier must be able to supply approximately 125 Windows 10 compatible computers with TPM chips, monitors, keyboard and mouse, comprising small desktop unit's for general staff, tower workstations for power users and IT staff and laptops for remote workers and management staff. At a minimum all general staff computers and laptops must have an Intel i3 CPU, 4GB RAM and no less than a 256GB hard drive. Tower workstations must have a minimum Intel i7 CPU, 8GB RAM and no less than a 1TB hard drive. All computers must be able to support 2 screens simultaneously. CD and DVD drives are not required to be installed and legacy VGA ports are also not required. However all computers (except laptops) must have an RS-232, 25 pin serial port to support Chip & PIN devices.

The hardware supplier must provide ongoing support for all computers with an SLA that provides at a minimum same day response and 48 hour fix.

[Scope of Work Update 100519]

Appendix 4

Financial Business Plan – summary

The table below shows a high level five-year financial business plan for the proposed charitable trust. Some assumptions in the financial model still require further development as information is still being sought and the figures should therefore be treated as indicative as this stage.

Charitable and Trading Activities					
	Year 1	Year 2	Year 3	Year 4	Year 5
	£'000	£'000	£'000	£'000	£'000
BHCC Contract Contribution	1,181	1,119	1,065	734	691
External Grants	1,210	1,210	1,210	1,210	1,210
Donations	130	161	211	261	263
Income from Charitable Activities	4,114	4,328	4,472	4,610	4,723
Other Trading Income	898	924	948	974	1,001
Total Income	7,533	7,742	7,906	7,789	7,888
Employee Related	5,169	5,273	5,350	5,433	5,518
Premises Relates	597	605	614	622	630
Administration, Supplies and Services	1,241	1,231	1,225	1,218	1,210
Museum Development Grant Payments	226	221	218	214	209
Irrecoverable VAT	310	310	310	310	310
Total Expenditure	7,543	7,640	7,717	7,797	7,877
Contribution to / from Reserves	10	-102	-189	8	-11
Cumulative contributions to / from Reserve		-92	-281	-273	-284

The **BHCC Contract Contributions** reflects the level of contributions previously reported to Policy, Resources & Growth Committee based on previous modelling.

External Grants relate to existing grants from Arts Council England and are assumed to continue at existing levels over the five year period. Where there is corresponding restricted expenditure, this has been included in the expenditure headings.

Donations based on current levels plus additional contributions likely under trust status.

Income from Charitable Activities includes charges and contributions allowed under charitable activities such as admissions, gift aid and sales of audio guides and guidebooks. Admission and gift aid forecasts are based on existing visitors numbers and type and likely changes investment in marketing and implementation of more responsive charging policies, with prudent estimates, particularly in year one to allow for period of transition.

Other Trading income includes retail income and venue hire. Estimates for increase in income due to modelled investment in product and marketing.

Employee Related costs based on service council budgets and inflation assumptions.

Premises Related costs based on existing service budgets, financial benefit of Trust status due to business rate relief and assumptions of below inflation price increases due to anticipated procurement efficiencies.

Administration, Supplies and Services costs based on existing service budgets with assumptions made for increased investment in product and marketing, costs of support service and governance requirements, and impact of cost of goods sold corresponding to income assumptions.

Museum Development Grant Payments related to payments to other bodies funded by Arts Council England and ring-fenced for a specific purpose.

Irrecoverable VAT is based on a model developed and shared with external consultants taking into account the various assumptions in the financial model. The figure also includes anticipated contributions to planned maintenance the Trust would be expected to make identified below. The level of irrecoverable VAT payable is subject to agreement with HRMC on apportionment methodology, so this figure can only be indicative at this stage.

Assumptions made in the five year financial business plan are considered to be prudent and therefore low risk to the sustainability of a charitable trust. Sensitivity of assumptions has been carried out to determine how changes in assumptions could impact on the affordability of the financial business plan.

Reserves are shown by the model, being generated over a five year period to be used as mitigation against cash flow and unforeseen expenditure. The level of reserves is minimal in the first two years of operation and therefore represents a risk, but it should be noted that the Foundation has existing reserves which could act to mitigate against these risks on a temporary basis. As a charitable trust, the new delivery body would be in a strong position to attract philanthropic contributions to strengthen reserve levels. Reserves levels of the Foundation are approximately £1.185m as at 31st March 2019, which includes unrestricted funds of approximately £0.668m.

Planned Maintenance

The table below identifies the estate planned maintenance requirement. This is in addition to the costs identified in the five year financial business model above.

Planned Maintenance Requirement					
	Year 1	Year 2	Year 3	Year 4	Year 5
	£'000	£'000	£'000	£'000	£'000
Planned Maintenance Requirement	1,440	614	578	578	578
Professional Service Fee	144	61	58	58	58
Term and other maintenance	134	134	134	134	134
Total Planned Maintenance Requirement	1,718	809	770	770	770
BHCC Contribution to Planned Maintenance	713	727	742	742	742
Planned Maintenance Shortfall	1,005	82	28	28	28
Recurring Planned Maintenance shortfall		1,087	1,115	1,143	1,171

Planned Maintenance Requirement is the required cost of maintenance based on condition surveys and / or quinquennial reviews of all buildings to be transferred to the charitable trust.

Professional Service Fee is the anticipated costs to instruct an external professional to plan, procure and instruct the required works. This is based on 10% of the value of works and based on the current council model.

Term and other Maintenance are other annual maintenance requirements not included in the figures above. It should be noted that responsive repairs and grounds maintenance are included as recurring costs in the five-year financial business model above.

The **BHCC Contribution to Planned Maintenance** reflects the level of contributions agreed based on previous modelling.

Without budget restrictions there is an identified annual maintenance funding need of approximately £0.967m per year over five years, with an average B&HCC contribution of £0.733m per year, this results in a funding gap of £1.171m over the five year period. In reality, all annual planned maintenance programmes need to be robustly prioritised and an element of what sits as required maintenance in year one will transfer to year two, and so on. The Trust must aim to close the gap to a more sustainable level as it develops and will have the ability to fundraise for specific capital projects to support the core maintenance budget contribution.

The cost in year 1 is particularly high as this includes urgent works required to the Brighton Museum roof. This could potentially be treated as a separate capital requirement and other funding options considered (such a one-off grants, specific fundraising, capital receipts) to reduce the annual maintenance shortfall. This could partly be achieved by repurposing a capital allocation made to the Royal Pavilion in October 2017 – since that time the Museum roof has emerged as a higher priority, while the Royal Pavilion has meanwhile benefitted from other fundraising (principally by the THE FOUNDATION). Subject to further consideration, this option may be presented to a future Policy resources and growth Committee.

Impact on Council Budgets

The table below shows the anticipated impact on council budgets. The total council contributions reflect the figures in the tables above, with these contributions being funded from a combination of existing service budget and temporary contributions from reserves.

As mentioned, there are various assumptions made in the financial model, some of which still need clarification. The figures in the table below should therefore be treated as indicative only. All budget areas have been projected in line with current budget assumptions within the latest budget proposals. The table below shows that savings are likely to be generated from year five once temporary contributions from reserves have been repaid. It is anticipated that savings after the five year period will be greater as repayments from reserves would no longer be required and contributions to the trust reduced as it benefits from being more financially independent.

Impact on Council Budgets					
	Year 1	Year 2	Year 3	Year 4	Year 5

	£'000	£'000	£'000	£'000	£'000
Contribution to Charitable Activities	1,181	1,119	1,065	734	691
Contribution to Planned Maintenance	713	727	742	742	742
Total Council Contributions	1,894	1,846	1,807	1,476	1,433
Funded From:					
Direct Service Revenue Budget	1,161	1,184	1,208	1,232	1,257
Existing Planned Maintenance Budgets	481	491	500	510	521
Contributions from/(to) Reserves	252	171	99	-266	-256
Total Funding	1,894	1,846	1,807	1,476	1,522
Remaining Budget Deficit / (Surplus)	0	0	0	0	-89

The council is also expected to benefit from a reduction in support service costs (or corresponding increase in income if services are provided to the charitable trust) which have not been incorporated in the table above. Indications suggest that this budget benefit could be in the region of £200,000 per annum in the medium term.

Appendix 5

Project Timetable - RPM Transfer to Trust														
Month - 2019-20	Initiation Phase					Implementation Phase								
	jan	feb	mar	apr	may	jun	jul	aug	sept	oct	nov	dec	jan	
Agree best option for charitable Trust														
Initiate ICT and systems development														
develop financial model ¹														
Buildings Maintenance plan drafted														
contact Sec of State and Charities Cmsn														
TDC Committee - Advisory group report														
[First Advisory Group meeting]														
In principle MoU agreed with Trust, and initial meetings legal, financial and people plans ready for next Phase?														
TDC Committee														
Consider '4 tests' satisfied, incl financial model [Second Advisory Group: including NPO Business Planning]														
RPMF new governance arrangements agreed?														
ICT consultancy contract award														
ICT systems build														
Board of Trustees appointed? (incl Member Trustees)														
TDC Committee														
PR&G Committee														
[RPMF Trustees meeting]														
Terms of transfer - negotiation														
ICT systems test														
Review position of key stakeholders														
Legal agreements approved by Trust and Committee														
Mobilisation phase														
Transfer														

Note 1 - this will develop the financial modelling needed to demonstrate long term viability, to be under constant review until agreed with the future Trust Board

Note 2 - key funders; Charities Commission

Jan, Feb, Mar 2020
APRIL 2020

Subject:	Sports Facilities Contract		
Date of Meeting:	20th June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Ian Shurrock	Tel: 01273 292084
		Kerry Taylor	Tel: 01273 292701
	Email:	ian.shurrock@brighton-hove.gov.uk	
		kerry.taylor@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The portfolio of seven indoor sports facilities (including three swimming pools) and four paddling pools within the council's Sports Facilities Contract are managed on behalf of the council by Freedom Leisure (a not for profit leisure trust).
- 1.2 The current ten year contract expires on the 31st March 2021, although there is an option to extend the contract for up to five years. This existing contract provided a much improved financial position for the council, compared with the previous contract. However, Freedom Leisure have not been able to achieve their predicted financial targets during the course of the current contract. Consequently it is likely there would be a financial pressure on the council if the existing arrangements were continued.
- 1.3 This report sets out the proposed review to be undertaken of the options for the future operation of the facilities. To help inform this review, the condition and lifecycle costs of the existing ageing facilities need to be identified. This will enable an investment plan to be developed to prioritise the capital investment required to improve the facilities and increase participation.

2. RECOMMENDATIONS:

That Committee:

- 2.1 Approves the development of a Sports Facilities Investment Plan for the council's indoor sports facilities within the Sports Facilities Contract.
- 2.2 Approves the development of an Options Appraisal informed by the Sports Facilities Investment Plan of the potential delivery models for the future management of the council's indoor sports facilities.
- 2.3 Notes that a further report on the Sports Facilities Investment Plan and the Options Appraisal will be brought back to a future meeting of the Committee.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 The 2019 -2030 Brighton and Hove Health and Wellbeing Strategy sets out the vision for improving the health and wellbeing of local people and reducing health inequalities. The high level outcomes are start, live, age and die well. Local neighbourhoods and city facilities (including indoor sports facilities) are important to achieving and contributing to those outcomes through sport, exercise and physical activity – especially in the first three of the key life stages: Starting Well, Living Well, and Ageing Well.

3.2 The facilities within the current Sports Facilities Contract are:

- King Alfred Leisure Centre (including Kingsway Multiplay)
- Moulsecoomb Community Leisure Centre
- Portslade Sports Centre
- Prince Regent Swimming Complex (including the Old Slipper Baths)
- Stanley Deason Leisure Centre
- St Luke's Community Swimming Pool
- Withdean Sports Complex
- Paddling Pools (Saunders Park, The Level Water Feature, Kings Road and Hove Lagoon)

3.3 The council's Indoor Sports Facilities Plan (2012-2022) highlighted how other local authorities have continued to develop sports facilities over the last 20 years. For example, major new sports facilities have been provided in Horsham (Pavilions in the Park, The Bridge), Worthing (Splashpoint), Burgess Hill (The Triangle) and Crawley (K2). Brighton & Hove has (with the exception of the extension of the Withdean Sports Complex) not undertaken any major new developments for many years.

3.4 Positive progress has been made in the delivery of a number of successful smaller site improvements in the city. These include the King Alfred gym and wet changing rooms, Stanley Deason Leisure Centre 3G all weather pitch, St Luke's wet changing rooms and roof renovation, and Withdean Sport Centre track replacement. However, the delivery of a new, large multipurpose facility remains a priority. This is necessary to ensure the provision in Brighton and Hove is comparable with neighbouring authorities and meets the needs and expectations of residents. It is proposed that such a facility will be delivered by the new King Alfred Leisure Centre. However, even if a new King Alfred is achieved, there will still be a need to improve the portfolio of other sports facilities that are included within the Sports Facilities Contract.

3.5 The most recent new sports centre within the Sports Facilities Contract is Moulsecoomb Community Leisure Centre which opened in January 1991. St Luke's Community Swimming Pool is over 115 years old and the original part of

the King Alfred Leisure Centre opened in 1938. As a consequence it is important that full condition surveys are undertaken of the facilities to understand the expected lifespan and lifecycle costs of each facility. This would enable an investment plan to be developed which will give the priorities for investment across the portfolio. Furthermore, the investment plan would enable a considered view to be taken on the future of the facilities as a whole.

3.6 Upon completion of a Sports Facilities Investment Plan an options appraisal will be undertaken of the potential delivery models for the future operation of the facilities. A further report will then be presented to the committee for members to consider the options and associated implications.

3.7 A summary of the proposed programme to be undertaken is as follows:

- Conduct full condition surveys of the sports facilities
- Complete lifecycle cost analysis of the sports facilities
- Develop a Sports Facilities Investment Plan
- Produce an options appraisal of the future sports facilities delivery models
- Present to committee a report on the outcome of the above

3.8 The leisure specific nature of the condition surveys, lifecycle cost analysis and options appraisal will require specialist support which will be funded by an allocation from the council's Corporate Modernisation Delivery Board.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The development of an investment plan for the facilities within the Sports Facilities Contract is intended to inform the options appraisal of the future delivery for those facilities. The options will be included in a future report to the Committee.

4.2 Depending upon the outcome of the Sports Facilities Investment Plan and Options Appraisal of future delivery models, together with greater certainty on the likelihood of the King Alfred Redevelopment Project taking place, it may be necessary to consider an extension of the existing Sports Facilities Contract.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Community engagement was undertaken to inform the existing Sports Facilities Plan.

6. CONCLUSION

6.1 The age and condition of the portfolio of facilities within the Sports Facilities Contract requires the development of a Sports Facilities Investment Plan to inform the future management of the facilities.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The recommended development of a Sports Facilities Investment Plan and undertaking of an Options Appraisal will be funded from an agreed £0.190m allocation from the Modernisation Fund towards sports facilities modernisation as approved by the council's Corporate Modernisation Delivery Board. The financial implications associated to the outcomes from the Investment Plan and Options Appraisal including any required investment and revenue budget implications, will be considered and reported back to a future meeting of the committee.

Finance Officer Consulted: Steven Bedford

Date: 23/05/19

Legal Implications:

- 7.2 There are no specific legal implications arising from this report. The options appraisal should cover the legal implications which will apply to each option and these will be reported back to a future meeting of the committee.

Lawyer Consulted: Isabella Sidoli

Date: 22/05/19

Equalities Implications:

- 7.3 A requirement of the existing Sports Facilities Contract is the management of the sports centres to attract as diverse a range of users as possible. Good quality accessible facilities that meet the needs of the local community improve the levels of participation and provide further opportunities to increase the diversity of the users.

Sustainability Implications:

- 7.4 Investment has taken place in the sports facilities in recent years to improve sustainability and in particular reduce energy consumption. However, the age of the facilities make the identification of lifecycle costs and the development of an investment plan important to the understanding of the sustainability implications of the facilities.

Any Other Significant Implications:

Risk and Opportunity Management Implications:

- 7.5 The proposed programme is intended to reduce the risk in the future operation of the facilities in the Sports Facilities Contract. As indicated in 1.2 the current contract is not achieving financial targets and therefore delivery options need to be considered to try and reduce that financial risk.

Public Health Implications:

- 7.6 Sports facilities provide an important setting for participation in sport and physical activity opportunities with the subsequent benefit to physical and mental health and wellbeing for users. A range of good quality facilities across the city is

important to ensuring access to these opportunities for residents at affordable prices.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. Indoor Sports Facilities Plan (2012-2022)
2. Health and Wellbeing Strategy (2019-2030)

Subject:	Hollingbury Park and Waterhall Golf Courses		
Date of Meeting:	20th June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Ian Shurrock	Tel: 01273 292084
		Kerry Taylor	Tel: 01273 292701
	Email:	ian.shurrock@brighton-hove.gov.uk	
		kerry.taylor@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The council needs to consider the future of the two public golf courses in the city - Hollingbury Park Golf Course (HPGC) and Waterhall Golf Course (WGC). This is due to the forthcoming expiry of the current management contract for the golf courses.
- 1.2 The current management contract with Mytime Active to operate the golf courses on behalf of the Council ends on 31st March 2020. The future of the courses needs serious consideration due to the challenging financial position experienced by the operator during the current contract, which commenced on the 1st April 2010.

2. RECOMMENDATIONS:

That Committee:

- 2.1 Approves the marketing of Hollingbury Park Golf Course and the Waterhall Golf Course on long term leases for either golf or other leisure use.
- 2.2 Delegates authority to the Executive Director, Economy, Environment & Culture to undertake the marketing exercise referred to in 2.1.
- 2.3 Notes that a further report will be brought back to a future meeting of the Committee which will set out the outcome of the marketing exercise referred to in 2.1.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The golf courses are currently operated by Mytime Active on behalf of Brighton & Hove City Council (BHCC). Mytime Active is a social enterprise with charitable objectives who are the largest operator of public golf courses in the UK (16 courses). BHCC currently receives an annual management fee from Mytime Active. This was procured by tendering a management contract to operate the

two courses in 2009. In 2010 Mytime Active were appointed to manage both courses on a 10 year contract.

- 3.2 Before the current management arrangements were in place the courses were operated 'in house' by BHCC. When the courses were operated by the council a subsidy was required. By transferring the two courses to an external operator the subsidy was converted to an income stream for the council..
- 3.3 Golf participation in the UK has been showing a gradual decline over recent years. Factors which are considered to be causing the decline include the oversupply of courses, the length of time it takes to play a full 18 hole round (approximately 4 hours), that golf is relatively expensive to play, the increased participation in other recreational opportunities such as cycling, and a lack of diversity of golf participants.
- 3.4 The golf market is therefore very competitive and numerous clubs and courses across the country have closed – both private and local authority owned. In Brighton and Hove there are a large number of courses all competing within a fairly small geographical area as per the table below. In addition, less than 15 miles outside the Brighton & Hove boundary there are also a number of other courses such as Pyecombe, Hassocks (recently closed for a housing development), Singing Hills (Albourne), Mid Sussex, Haywards Heath (due to close for a housing development) Lewes and Peacehaven. Golf participation boomed in the 1990's, however it has not been sustained which has impacted on the viability of courses.

Course	Facilities
Hollingbury Park Golf Course	Public 18 hole
Waterhall Golf Course	Public 18 hole
East Brighton Golf Club	Club 18 hole
The Dyke Golf Club	Club 18 hole
Brighton and Hove Golf Club	Club 9 hole
West Hove Golf Club	Club 18 hole & driving range

- 3.5 At both WGC and HPGC there has been a steep decline in season tickets holders and golf usage over the term of the contract. Season ticket holders provide the core usage for each course and are very important for the viability of a course. In addition, there is also the opportunity to play golf on a green fee (play and pay basis) for those not wishing to commit to the expense of a season ticket. Season ticket holders also have the opportunity to join the independently run golf clubs which are based at each course. By joining a club a golfer is given the chance to play in competitions, competitive matches and enjoy social activities. The golf club memberships have also declined over the contract period particularly at WGC.

Golf Course	Season Ticket Holders 2010	Season Ticket Holders 2018	% difference
Hollingbury Park	461	271	41% decrease
Waterhall	235	94	60% decrease

- 3.6 HPGC is far more accessible than WGC from a golf perspective as the course is less challenging and therefore more suitable as an introductory course for those new to the sport. The topography of WGC is such that electric buggies cannot be used. There are steep climbs and descents at different points of the course meaning that it presents a challenge to less mobile users. HPGC has a more forgiving landscape which allows electric buggies to be used. This means the course can better cater for older and less mobile users and is more appealing to golf societies (group bookings).
- 3.7 HPGC is also in a much more favourable location than WGC from a transport accessibility perspective being on Ditchling Road, one of the main routes in and out of Brighton. It is therefore better served by public transport links than WGC and is located within walking distance of neighbouring residential areas.
- 3.8 Mytime Active have undertaken a number of initiatives to improve the financial position of the courses. These include footgolf at WGC, an enhanced catering and function offer at HPGC and golf development initiatives. However, the financial benefits of these initiatives have not been able to compensate for the decline in income from golf.
- 3.9 Both sites have financial challenges and the Sport and Leisure Consultancy was commissioned in 2018 to provide an assessment of the current and future golf market and the impact in relation to the council's golf courses. The key findings of the market assessment are as follows:
- The decline at both courses is reflective of wider market trends which have seen a steady decline in golf participation over the last 10 years which seems to have now plateaued.
 - The financial assessment for the future delivery is that any option in terms of operating the golf courses (either via a specialist golf contractor or in house) is likely to worsen the council's revenue position significantly compared with the current arrangements. The in house option is (as expected) anticipated to be more expensive.
 - Findings from the market assessment suggest that, of the two courses, HPGC would provide the better financial position to continue with public golf provision. While an alternative use for WGC could be more financially advantageous compared to golf provision. However, the market assessment estimated this would still result in an overall adverse financial impact compared with the current management contract. This is based on the loss of the current annum payment to the council and the predicted requirement to pay an operator.

- HPGC is the higher quality and more accessible golf course with considerably more users than WGC. In addition, the scale and quality of the clubhouse provides income from catering and functions. It could be possible for HPGC to have an improved financial position if additional income streams are developed through capital investments - although this option is limited by the course being located in the South Downs National Park. A longer term lease could encourage such investment.
 - There are a range of potential alternative uses for the land occupied by WGC that, subject to planning constraints could provide a sustainable income to the council and expand and diversify the city's leisure offer.
- 3.10 The planning designation for both sites is D2 which is the use of premises for entertainment and leisure purposes. Both courses are located within the South Downs National Park which combined with the planning designation could restrict planning permission being achieved for future developments.
- 3.11 Due to the current operational loss on the golf courses a range of options have been considered which are set out below.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

Option 1: Market both Hollingbury Park and Waterhall on long term leases for either golf or other leisure use(s)

- 4.1 This option is the marketing of long term leases (minimum of 25 years) for both sites to be run as either golf courses or other leisure uses. The leases would be fully repairing and insuring with the leaseholder taking on the full responsibility for the site(s). A long term lease would encourage investment into the sites to assist with financial viability for either golf or another leisure use.
- 4.2 If both or one of the courses is retained as a golf course, the leaseholder would have the ability to set fees and charges and retain the income generated. This is standard for a lease arrangement and consistent with the additional responsibilities falling upon a leaseholder compared with a management contract. If the courses were retained as golf courses then the staff would transfer to a new leaseholder (if applicable) in accordance with the appropriate TUPE (Transfer of undertakings of protected employment) legislation.
- 4.3 By including the option for potential other leisure uses for the sites gives the flexibility to test the market to see if there are such interested parties. The market assessment identified the following potential options although an open marketing exercise may bring forward other proposals:
- Outdoor Activity/Education Centre
 - Camping/Glamping/Caravanning
 - Countryside visitor centre
 - Events venue
 - Restaurant/café
 - Wellness centre

These other leisure uses have the potential to significantly increase the diversity of the leisure offer and appeal to a much wider range of users.

- 4.4 The council has successfully marketed other leisure sites on long term leases which brought forward a range of interesting proposals. For example, the Yellowwave Beach Volleyball Centre in Madeira Drive and the Sea Lanes proposal for the former Peter Pan's amusement site also in Madeira Drive.
- 4.5 As this option gives the most flexibility to seek a sustainable use(s) for the golf courses and retain a leisure use for the long term, this is the recommended option.

Option 2: Procure management contracts for both Hollingbury Park and Waterhall as golf courses

- 4.6 This would be on the same basis as the golf courses are currently operated - by an external management contractor. A contract could be offered for a period of 10 years with an option of a 5 year extension with the contractor retaining the income generated and meeting a range of contractual responsibilities.
- 4.7 However, as explained above the existing financial position of the operation of the current management contract indicates (together with the market assessment) that this would require a significant subsidy from the council and is therefore not a recommended option.

Option 3: Retain both Hollingbury Park and Waterhall as golf courses with an in-house operation

- 4.8 As previously indicated the current specialist leisure management contractor has found operating the golf courses financially challenging. The existing operator has significant experience operating a range of golf courses on behalf of local authorities, with the benefit of specialist staff and economies of scale of a national golf structure.
- 4.9 While a council in house operation would include the TUPE of eligible staff to the council, there would need to be additional specialist management resources required. An assessment of the potential in-house cost of operating the golf courses indicates that the cost would be higher than an external operator and therefore require an even greater subsidy than Option 2. Furthermore there would be set up costs of an in-house operation which are estimated to be in the region of £0.150m.
- 4.10 Therefore, the current annual revenue financial pressure which rests with the existing operator would be enhanced and fall to the council. In addition, the future risk of operation would transfer back to the council. Due to these factors highlighted this option is not recommended.

Option 4: Market both Hollingbury Park and Waterhall on long term leases for golf only

- 4.11 This option is the same as Option 1 but without the additional flexibility of marketing for other leisure uses as well as golf.

- 4.12 Given the uncertainty of whether golf provision is financially sustainable in the future, this option is not recommended as it would exclude other potential leisure uses.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Engagement with Hollingbury Park Golf Club and Waterhall Golf Club has taken place throughout the term of the contract principally by Mytime Active as the operator, but also with the council. The council have recently met with both golf clubs in order that they are aware of the contents of this report.

6. CONCLUSION

- 6.1 The financial pressures experienced by the current operator of the council's golf courses are not unique, but symptomatic of a market where there is an oversupply of opportunities (golf courses) while demand has declined (golf participation has decreased).
- 6.2 The recommendation is to market the golf courses for long term leases for either golf or another leisure use to see if a financially sustainable future for the golf courses can be achieved. A long term lease has the potential to give a leaseholder the opportunity to invest significantly in the site(s) for either golf or other leisure uses and assist with viability over the long term.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated to the marketing of Hollingbury Park Golf Course and Waterhall Golf Course on long term leases will be funded from a combination of approved revenue resources and an allocation approved by the council's Corporate Modernisation Delivery Board. An allocation of £0.190m of Modernisation Funding towards sports facilities modernisation has been approved by the Corporate Modernisation Delivery Board.
- 7.2 The council currently receives an annual contract management fee from the current management contract to operate the golf courses on behalf of the council. A market assessment of golf courses carried out by external consultants suggested that future options will likely result in an adverse financial impact compared with the current management contract. The recommended option to market both golf courses on long term leases for either golf or other leisure use(s) is expected to be the most economically advantageous of the options considered. The financial implications of the outcome from the marketing will be considered and reported back to a future meeting of the committee.

Finance Officer Consulted: Steven Bedford

Date: 23/05/19

Legal Implications:

- 7.3 The proposal is to enter into long leases with exclusive possession and permitted use for the courses. The proposals do not include any obligation on the lessee to provide and/or manage any services at the courses and therefore the

Concession Contracts Regulations 2016 will not apply. The Council is therefore not required to carry out a procurement which complies with the regulations and can market the leases in the manner described in this report.

- 7.4 With reference to recommendation 2.1, Section 123 of the Local Government Act 1972 provides that a Council may dispose of land in any manner it sees fit subject to the condition that, except in the case of leases for more than 7 years, disposal must be for the best consideration reasonably obtainable. If a long lease is granted then the best consideration requirement will need to be satisfied.

Lawyers Consulted: Isabella Sidoli/Joanne Dougnaglo

Date: 22/05/19

Equalities Implications:

- 7.5 Golf is a sport which has limited diversity of participants. Other leisure uses are likely to achieve a much wider diversity of participants than that provided by the golf courses.

Sustainability Implications:

- 7.6 Financial sustainability has been a key aspect of this report. However, there are other sustainability issues that would be taken into consideration in the evaluation of potential future uses of the sites. For example, management of the sites with regards to water usage and impact upon the local environment particularly within a National Park.

Any Other Significant Implications:

Risk and Opportunity Management Implications:

- 7.7 Currently the financial risk of operating the council's golf courses rests with Mytime Active as the management contractor. If the sites were leased for either golf or leisure use the financial risk would rest with the leaseholder and not the council.

Public Health Implications:

- 7.8 Golf provides both physical and mental health benefits particularly for a demographic that is predominantly middle/late aged male. However, other leisure uses have the potential to widen the diversity of the participants and broaden the impact of physical and mental health benefits to a wider demographic.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None

Subject:	Hove Station Neighbourhood Plan – Council response to Regulation 14 consultation		
Date of Meeting:	20 June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Robert Davidson	Tel: 01273 291580
	Email:	Robert.davidson@brighton-hove.gov.uk	
Ward(s) affected:	Central Hove; Goldsmid; Hove Park; Westbourne; Wish		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to consider the Council's response to the Draft Hove Station Neighbourhood Plan that was published for consultation between 23 March and 4 May (subsequently extended to 11 May) under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The Draft Neighbourhood Plan has been prepared by Hove Station Neighbourhood Forum (HSNF) and the Council is a statutory consultee.
- 1.2 Once formally 'made', a neighbourhood plan becomes part of the city's statutory Development Plan and will therefore be used to determine planning applications. The process therefore requires neighbourhood plans to satisfy a number of tests called 'basic conditions'. One of these is that the neighbourhood plan must be in general conformity with the strategic policies set out in the City Plan.
- 1.3 Council officers have reviewed the Draft Neighbourhood Plan and made detailed comments on the draft policies and proposals (Appendix 1). In order to meet the consultation deadline, the officer comments were submitted to the Neighbourhood Forum as a draft Council response, subject to agreement or amendment at the TD&C Committee meeting.

2. RECOMMENDATIONS

- 2.1 That the Committee agrees the officer comments set out in Appendix 1 which have been submitted to the Hove Station Neighbourhood Forum as a draft response to its recent public consultation on the Draft Hove Station Neighbourhood Plan under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

3. CONTEXT/ BACKGROUND INFORMATION**Neighbourhood planning policy requirements**

- 3.1 The HSNF has been working for several years to prepare a neighbourhood plan for its area. Neighbourhood plans are required to be in general conformity with the strategic policies in the City Plan, but once formally made, they become part of the statutory development plan with equivalent weight and legal status as the City Plan.
- 3.2 The Council has a statutory duty to provide advice or assistance to neighbourhood forums that are producing a neighbourhood plan. Council planning officers have had regular liaison with the HSNF and have provided informal comments and advice during the preparation of the draft Neighbourhood Plan.
- 3.3 The neighbourhood planning legislation sets out a series of prescribed stages in the preparation of a neighbourhood plan. Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 requires that the Neighbourhood Forum should undertake public consultation on its draft plan for a period of at least 6 weeks. The Forum must publicise its Draft Neighbourhood Plan to people who live, work or carry on business in the neighbourhood area, and consult certain bodies, including the local planning authority. The Regulation 14 stage provides the main opportunity for the Council to make representations and comment on the Neighbourhood Plan in its draft (pre-submission) form.
- 3.4 After completing the Regulation 14 consultation, the Neighbourhood Forum is required to submit the draft Neighbourhood Plan (including any amendments) to the Council. At that point, the Council itself then takes responsibility for the later stages of the neighbourhood plan process including submitting the draft Plan for independent examination. The examiner will then consider whether the Plan meets the 'basic conditions' (these are summarised for information in Appendix 2). Following receipt of the examiners' report, the Council must then decide what action to take in response to the examiner's recommendations and to decide whether the Plan should proceed to a local referendum.
- 3.5 It is therefore important for the Council to provide detailed comments on the Neighbourhood Plan at this stage. This will help to ensure that the draft Plan is in general conformity with City Plan policies and accords with Council priorities and aspirations for the Hove Station area.

Summary of the Hove Station Neighbourhood Plan and Council officer comments

- 3.6 The Hove Station Neighbourhood Plan covers a large area of Hove including parts of five Council wards (Central Hove, Goldsmid, Hove Park, Westbourne and Wish). South of the railway the Neighbourhood Area extends from The Drive to the Stoneham Park/Poet's Corner area (Bolsover Drive) and north of the railway from The Drive and Sackville Road. At its heart is the Hove Station area which is identified as a strategic development area in the adopted City Plan Part One (CPP1) Policy DA6.
- 3.7 The central focus of the Neighbourhood Plan is to promote a comprehensive approach to the regeneration and redevelopment of the Policy DA6 area to create a new 'Hove Station Quarter'. The draft Neighbourhood Plan is presented in two documents. Part 1 will be the statutory part of the Plan and includes

proposed planning policies which, once they have passed examination and referendum, will become part of the development plan for the Neighbourhood Area alongside the City Plan. Part 2 sets out the Forum's vision and aspirations for the Policy DA6 area (Hove Station Quarter) in the form of a Concept Plan, although it is understood that this is purely indicative and will not carry any planning weight. On this basis, Council officers have confined their detailed comments to the Neighbourhood Plan Part 1.

- 3.8 Appendix 1 sets out officer comments collated from a number of different Council Services. The draft response includes an initial summary of general comments followed by a schedule of detailed comments cross-referenced to specific policies and paragraphs in the draft Neighbourhood Plan.
- 3.9 In general terms, the comments support and welcome the Plan's overall Vision and Strategic Objectives which are in line with the City Plan objectives for the area. Moving forward, it would be helpful for the Plan to include stronger links with the Council's ongoing work on a Masterplan for the Conway Street area to support the implementation of City Plan Policy DA6. This has recently been subject to an Issues & Options consultation prior to the appointment of consultants to undertake the master-planning work. When complete, it is intended that the Council's Masterplan will be adopted as Supplementary Planning Document (SPD) in Spring 2020.
- 3.10 More specifically, officers have some concerns about a number of policies and proposals in the Draft Neighbourhood Plan. The most significant areas of concern are highlighted in the General Comments in Appendix 1. These include:
- The Neighbourhood Plan looks to promote high levels of residential and employment development well above the minimum figures set out in City Plan Policy DA6, without giving sufficient acknowledgement to potential development constraints such as transport/traffic/parking and visual/heritage impacts.
 - The Neighbourhood Plan proposes applying reduced parking standards within the Policy DA6 area (equivalent to those applied in Central Brighton) and also seeks to make occupancy of new developments north of the railway (e.g at Sackville Trading Estate) dependent on extending the Controlled Parking Zone (CPZ) to cover the Newtown Road area. However, no detailed evidence on traffic/parking impacts has been provided, which would be needed to justify such measures, which would also require public consultation before being introduced.
 - The Neighbourhood Plan wording gives insufficient weight to the importance of protecting designated heritage assets (e.g Listed building and Conservation Areas) as set out in legislation and national planning policy.
 - The proposed approach to seeking developer contributions and funding of infrastructure does not fully comply with or reflect statutory regulations and Government guidance. In addition, it does not comply with the City Plan and its supporting guidance on developer contributions, and does not reflect the Council's proposed approach for securing funding through the Community Infrastructure Levy (CIL) when introduced.
 - Neighbourhood Plan policy encourages small scale retail uses as part of development proposals throughout the DA6 area, rather than directing them towards defined shopping areas as required by national and City Plan policy.

- Some policies simply duplicate City Plan policies and/or include vague and ambiguous wording which would be difficult to apply when considering future planning applications and proposals.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 As noted above, the officer comments in Appendix 1 have already been submitted to the HSNF in the form of a draft Council response to the Regulation 14 consultation. The Committee Members now have the option to agree the comments already submitted, or to amend these comments, or to add further comments.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 It is the responsibility of the HSNF as a designated neighbourhood planning body to undertake effective community engagement and to set this out in a consultation statement when they submit the Draft Neighbourhood Plan to the local authority.
- 5.2 At the Regulation 14 consultation stage, the HSNF was required to publicise its draft Neighbourhood Plan for at least 6 weeks and to consult any of the statutory consultation bodies whose interests it considers may be affected. It is understood that the HSNF publicised the consultation widely within the Neighbourhood Area through posters and leaflets and also held a number of local community workshops and drop-in sessions during the consultation period. In addition, the Council emailed contacts on the City Plan consultation list providing general information and contact details for the Neighbourhood Plan consultation.

6. CONCLUSION

- 6.1 It is in the Council's interest to provide detailed comments on the Draft Hove Station Neighbourhood Plan at this stage to ensure that the draft Plan is in general conformity with City Plan policies and accords with Council priorities and aspirations for the Hove Station area. Although the Council is not required to reach its final view until after the Plan has been independently examined, the consideration of the emerging Neighbourhood Plan at this stage by the TD&C Committee meeting provides an opportunity to highlight any issues of potential concern to the Council, particularly areas where the Neighbourhood Plan may not be in conformity with the City Plan and/or other Council policies. Such comments will assist the Neighbourhood Forum to address potential issues of conformity before the Plan is submitted to the Council and put forward for examination.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising at this stage of the neighbourhood plan process. After completing the Regulation 14 consultation, the Neighbourhood Forum is required to submit the draft Neighbourhood Plan (including any amendments) to the Council, which will then be directly responsible for the later stages of the neighbourhood plan process including submitting the draft Plan for

independent examination and organising a local referendum. The Council is entitled to funding from central Government to help support this and has a specific budget set aside for neighbourhood planning.

Finance Officer Consulted: Steven Bedford

Date: 22/05/19

Legal Implications:

- 7.2 The City Council is not required to take any formal decisions relating to the Draft Neighbourhood Plan at this pre-submission stage, nor is there any statutory requirement to respond to the Regulation 14 consultation. However, the Council does have a statutory duty to support neighbourhood planning and to provide advice and assistance. Given that the Hove Station Neighbourhood Plan must be in general conformity with the City Plan and will form part of the statutory development plan when formally 'made', it is in the interests of both the Council and the Neighbourhood Forum for detailed comments to be provided at this stage.
- 7.4 As noted above, officers have submitted the comments set out in Appendix 1 as a draft response on behalf of the Council in order to meet the advertised consultation deadline of 4 May (subsequently extended to 11 May). In legal terms it is for the Neighbourhood Forum to decide whether to accept the comments as submitted in draft form within the consultation period, and whether to accept any subsequent representations provided as a formal Council response after the end of the consultation period. If the HSNF chooses not to accept the late representations and these issues are not subsequently addressed in the Neighbourhood Plan, it will be within the remit of the Neighbourhood Plan examiner to decide what status and weight should be given to the Council's representations.

Lawyer Consulted: Hilary Woodward

Date: 22/05/19

Equalities Implications:

- 7.5 The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a "protected characteristic" and those who do not. This duty will apply to the Council when it takes formal decisions at the later stages of the neighbourhood plan process. In addition, although a neighbourhood forum itself is not a 'public authority', the Equality Act also states that any person who is not a public authority but who exercises public functions must have due regard to the matters covered under the duty. In order to ensure that these requirements are met, Council officers will request that the Neighbourhood Forum prepare an Equalities Impact Assessment to support the Neighbourhood Plan.
- 7.6 In broad terms, it is understood that the Draft Neighbourhood Plan has been prepared through a lengthy and extensive process of local community consultation. Therefore the policies and objectives set out in the Draft Plan should reflect the aspirations of local people and benefit the local community as a whole, including those with protected characteristics. However, it will be important for the Neighbourhood Forum to set out how they have engaged with

different sections of the local community and to consider the impacts of the proposed Plan policies in terms of promoting better community integration and advancing equality of opportunity.

Sustainability Implications:

- 7.7 The purpose of the planning system is to contribute to the achievement of sustainable development and one of the 'basic conditions' on which neighbourhood plans are examined is that they should contribute to this. The Draft Neighbourhood Plan has been informed by a Strategic Environmental Assessment (SEA) which was undertaken by independent consultants, AECOM, on behalf of the HSNF. A summary of the SEA and how its recommendations have informed the Plan are included in an Annex to the Draft Neighbourhood Plan Part 1.

SUPPORTING DOCUMENTATION

Appendices

1. Hove Station Neighbourhood Plan (Regulation 14 consultation draft) Brighton & Hove Council response (Draft Version subject to agreement by Tourism, Development & Culture Committee)
2. Summary of the 'Basic Conditions' for Neighbourhood Plans

Background Documents

1. Hove Station Neighbourhood Plan: Regulation 14 Consultation Draft (March 2019) - Part 1: Policies & Part 2: Aspirations
Available to view on the Council website at
<https://www.brighton-hove.gov.uk/content/planning/neighbourhood-planning/hove-station-neighbourhood-plan>

APPENDIX 1

Hove Station Neighbourhood Plan (Regulation 14 consultation draft)

Brighton & Hove Council response

Brighton & Hove Council welcomes the opportunity to comment on the Hove Station Neighbourhood Plan (NP) at the draft Regulation 14 stage. We would like to acknowledge the substantial work that the Neighbourhood Forum has put into drafting the Plan and strongly encourage the Forum's ongoing neighbourhood plan work.

We have set out a number of general comments on the NP below. This is followed by a schedule of detailed comments cross-referenced to specific policies and paragraphs in the draft NP. The comments reflect the views of relevant officers from a number of different Council Services.

The Council's detailed comments focus on the NP Part 1 which includes proposed planning policies and will be subject to the NP examination. Part 2 of the Plan is presented as the Forum's vision and aspirations for the Policy DA6 area (Hove Station Quarter). The proposals in Part 2 centre on a Concept Plan prepared as part of an urban design support package from AECOM (funded by Locality). It is understood that the various proposals promoted in the NP Part 2 are purely indicative and will not form part of the formal Plan that will be submitted for Regulation 16 consultation and examination. On this basis, the Council has not commented on the NP Part 2 document.

General comments

1. The central focus of the NP is to promote a comprehensive approach to the regeneration and redevelopment of the Policy DA6 area to create a new 'Hove Station Quarter'. The Council supports the Plan's overall Vision and Strategic Objectives which are in line with the City Plan objectives for the area. Moving forward, it would be helpful for the Plan to include stronger links with the Council's ongoing work on a Masterplan for the Conway Street area which has recently been subject to an Issues & Options consultation prior to the appointment of consultants to undertake the master-planning work. When complete, the Council intends to undertake public consultation on the draft Masterplan prior to its adoption as a Supplementary Planning Document (SPD) in Spring 2020.
2. It should be noted that several policies in the draft Plan are (as currently worded) potentially in conflict with planning regulations and/or the National Planning Policy Framework (NPPF) and its accompanying planning practice

guidance (PPG). In these cases, the Neighbourhood Forum should consider either deleting the relevant sections of policy or redrafting them in consultation with relevant Council officers. The main examples include:

- i) The wording in Policy 15 and Paragraph 222 does not give sufficient weight to the conservation of designated heritage assets when considered against potential development/public realm improvements. The current NP wording states that “*due weight*” should be given to conservation/heritage considerations, however the NPPF and legislation require that “*great weight should be given to the asset’s conservation*” (NPPF paragraph 193). As currently worded, the policy and supporting text could be read as implying that a judgement has already been made and that greater weight should be given to the benefits of any (as yet unspecified) public realm improvements. It should be noted that the courts have upheld that the legislation means that there is a statutory presumption against granting permission for development which would cause harm to a listed building or conservation area or its setting.
- ii) Policy 16 seeks to make occupancy of new developments in the Policy DA6 area north of the railway dependent on an extension of the Controlled Parking Zone (CPZ) (to cover the Newtown Road area), Any extension of the CPZ would need to be subject to statutory public consultation and therefore cannot be made a pre-requirement for occupancy of new developments. In addition, there is currently insufficient evidence that such parking controls are necessary so applying such a requirement to the occupancy of new development would fail the necessity tests required for planning conditions or planning obligations in s106 agreements. Similarly the extension of the Central Zone parking standards to the Hove Station area and the specific local roads/highways improvements will need to be clearly evidenced, scoped and agreed with the Local Highway Authority before being cited in policy.
- iii) The approach to developer contributions and funding of infrastructure in Policy 17 and Annex 1 does not follow Government regulations and guidance on planning obligations and CIL, or with adopted City Plan policy, the Council’s Infrastructure Delivery Plan and Council technical guidance on developer contributions. In particular, the Funding Mechanisms table in Annex 1 does not reflect the Council’s Draft Infrastructure List which has been subject to consultation as part of the Council’s work towards introduction of a Community Infrastructure Levy (CIL). The proposed funding routes listed in the Annex are incomplete and are silent on some areas where S106 obligations and/or CIL may apply. It is suggested that the ‘Proposed funding route’ columns be removed and the table instead presented simply as a list of proposed NP infrastructure

projects. Together with the 'Priorities for implementation' this could be used to help identify potential projects for spending the 'neighbourhood portion' of future CIL receipts that CIL Regulations require to be spent on 'local priorities' in the area where CIL is collected.

- iv) More generally, it should be recognised that S106 obligations can only be used for mitigating impacts directly associated with development subject to the 3 'tests' set out in the 2010 CIL Regulations and NPPF. Therefore site-related S106 obligations cannot be used to address existing infrastructure deficiencies and/or desired infrastructure improvements (although CIL contributions can potentially be used for such purposes). Any references to S106 contributions identified in the NP will need to be caveated to reflect this.
 - v) In Policy 9, the proposed approach of encouraging small scale retail uses as part of development proposals in the DA6 area potentially conflicts with national policy (NPPF Chapter 7) and the City Plan (Policy CP4) which require a sequential approach to retail development focusing on existing shopping centres (as defined in the City Plan). This would also apply to any proposals for retail uses and other 'main town centre uses' (defined in the NPPF) in connection with the 'community hubs' (Policy 14).
3. In several places, the NP asserts that the DA6 area has potential to deliver 'substantially more' residential units than proposed in the City Plan (Policy DA6) (e.g paragraphs 14, 136 and Table 4). From the Council's viewpoint, it is premature to reach this conclusion given that many of the development proposals being promoted by landowners/developers in the DA6 area have not yet been brought forward or are subject to planning applications that have not yet been determined. It will be necessary for the increased levels of development to be fully assessed, particularly in terms of their potential cumulative transport/ traffic/parking and visual/heritage impacts (see also the Council's detailed comments on these issues under Policies 11, 15 and 16). It should be noted that the Policy DA6 housing target of 525 residential units is expressed as a minimum figure, and that City Plan Part Two (CPP2) Policy SSA4 is now proposing an additional 500 (minimum) units on the Sackville Trading Estate/Coal Yard site.
4. There are a few places where the NP wording appears to imply (or states explicitly) that the Forum disagrees with the City Council or City Plan policies (e.g paragraphs 23 and 142). It should be borne in mind that one of the Basic Conditions that the NP must meet is that it is in general conformity with the strategic policies in the City Plan. Therefore it would be more appropriate if the NP is presented as supporting and enhancing City Plan policies rather than seeking to challenge them.

5. The wording in some policies is vague and ambiguous which would make it difficult to use them for Development Management (DM) purposes. For example:
 - Policy 2 'allocates' the 'Sackville Coalyard' site but does not define the site boundary on any map.
 - Policies 3, 4 and 5 encourage redevelopment of the Goldstone Retail Park, Bus Depot and 'Land south of the Railway' but do not clearly define these areas and provide very little indication of the types of uses, scale of format of development that would be considered appropriate.
 - Policy 14 does not provide a clear indication of what type of facilities should be encouraged in the 'community hubs' (Note earlier comments regarding the need for any retail uses and other main town centre uses to meet the sequential test).

6. Several of the NP policies simply cross-reference or repeat City Plan policies (e.g Policies 6, 8 and 12). Unless these policies can be expanded to address local/NA specific considerations, they should be deleted or reduced to supporting text to avoid unnecessary duplication.

7. The references to Parts 1 and 2 of the NP may cause confusion in view of the City Plan also containing a Part One and Part Two (draft) document. For this reason, it would be helpful if references to Part 2 make clear that they are referring to the HSNP.

Specific comments on the Draft Neighbourhood Plan Part 1

Paragraph/ Policy	Comment
Section 1: Introduction	
Para 3	1 st sentence - It is not a legal requirement for the HSNP to cover the same period as the City Plan. This was BHCC's recommendation in order to assist general conformity, not a requirement. The wording should be amended to say " <i>The HSNP <u>covers</u> the same period as ...</i> " Final sentence - It is not clear if this a reference to the Council's Conway Street Masterplan?
Para 5	Final sentence - It might be better if the wording is tightened up to reflect the specific requirements of the 'basic conditions', e.g say " <i><u>in general conformity with the strategic policies in the City Plan</u></i> " rather than " <i>compliant with the City Plan</i> ".
Para 14	Reference to the DA6 area ('Hove Station Quarter') " <i>This will be core of the Neighbourhood Area in which a substantially higher number of residential units, along with a more modern mix of employment opportunities, than that proposed</i>

Paragraph/ Policy	Comment
	<p><i>in the City Plan.</i>” One of the Basic Conditions is that the NP should be in general conformity with the strategic policies in the City Plan – therefore it would be more appropriate if the NP is presented as supporting and enhancing City Plan policies rather than seeking to override them.</p> <p>Final sentence – Consideration also needs to be given to outdoor space for young people (teenagers) as well as play areas for children.</p>
Section 2: Area Profile	
Para 23	It may be better to delete the first sentence. The Neighbourhood Area boundary does not generally follow ward boundaries (the NA includes parts of the 5 separate wards) and the original definition of the NA was influenced by objections from other neighbourhood groups which the Council was required to mediate.
Para 25	Is this description referring to the whole NA or just DA6? Clarification required.
Para 39	Final sentence – Should say “ <u>is</u> within the Neighbourhood Area” rather than “was”
Para 43	Policy DA6 makes provision for a minimum 525 residential units in the DA6 area (not 550 as stated).
Para 45	Typo in final sentence – the word “ <u>by</u> ” needs to be inserted before “London estate agents”.
Para 51	The housing need figures in the Feb 2013 and Mar 2016 versions of the City Plan are not directly comparable due to a change in the methodology used to calculate housing need. It would be better just to refer to the high level of need set out in the adopted City Plan, without comparing these two figures directly. Note the exact figure quoted in CPP1 (para 4.2) is 30,120 dwellings over the period 2010-2030.
Para 52	The minimum housing provision set in Policy DA6 is 525 residential units (not 550). Also DA6 does not identify a specific target for affordable housing – housing proposals would be expected to meet the requirements in Policy CP20 which seeks 40% AH in developments of 15+ dwellings.
Para 53	Draft CPP2 Policy SSA4 seeks a minimum 500 residential units (not 600). Note that there is often local concern about brownfield development proposals as well as greenfield sites – particularly in relation to traffic/parking and neighbour/amenity impacts.
Para 57	1 st sentence – Again the DA6 housing figure should be 525 (minimum) not 550 and 500 (minimum) not 600 on the combined Sackville/Coal Yard site.
Para 61	The employment floorspace figure for the Conway St Industrial Area in the 2006 Employment Land Study was 18,700 sq.m (not 18,000 sq.m as stated).
Para 64	The floorspace figures quoted for the Matsim (Hove Gardens) proposal need updating – the approved planning permission (BH2016/02663) includes 186 residential units, 1,988 sqm of B1 office (B1) and 226sqm of retail (A1). The employment floorspace figures given for the MODA proposal do not reflect

Paragraph/ Policy	Comment
	the current planning application (as amended) which is currently proposing 581 build to rent apartments and only c4,400 sq.m B-class floorspace – so there would be a net loss compared to the current employment floorspace.
Para 71	It would be helpful to know the views and current plans of the NHS Clinical Commissioning Group (CCG) for health provision in this area – hopefully they will respond to the Reg 14 consultation.
Para 73	Re School Provision, BHCC Education report that the number of primary school pupils is currently falling across the city and this trend is currently expected to continue for the next few years. Therefore an additional primary school in the city would increase difficulties for the schools already in existence and it is unlikely that BHCC would support any new primary school at the present time. BHCC Education is continually monitoring school places and the potential need for additional education provision resulting from new housing development.
Section 2.5	The NP gives recognition to Hove Station as an important local transport interchange/hub within the city. It could also recognise that it provides access/egress to other significant destinations within the Greater Brighton City Region and beyond e.g London. The BHCC Local Transport Plan [LTP4] recognises the importance of connecting people with train stations as a form of interchange, and identifies the need for the development of an Interchange Strategy. The number and quality of routes to and from Hove Station will therefore be an important influence on its use and success, and therefore redevelopment proposals should take full account of City Plan Part 1 Policy CP9 (especially section A.2a), as well as research such as ‘Fixing the Link’ by the ‘Campaign for Better Transport’.
Para 85	Need to insert comparative figures into text where indicated.
Para 93	Given the context set out in the preceding paragraphs, it is suggested that the first bullet point should be expanded to summarise the impacts such as congestion, safety, accessibility and permeability.
Para 97	The MODA application for the Sackville/Coal Yard site is still under consideration by the Council, so any assumed development should be subject to caveat.
Para 103	Draft Policy SSA4 provides for a minimum 500 residential units and the CPP1 Policy DA6 figure is a minimum 525 res units (see previous comments).
Section 2.6.2	Typo - 1 st sentence (no paragraph number) should refer to Goldsmid ward (not Goldstone).
Para 115	BHCC is now committed to preparing a Masterplan for the area which will be adopted as a Supplementary Planning Document (SPD) – the current timescale envisages adoption of the SPD early in 2020.
Para 120	Note for information, the Westerman Complex site has permission for redevelopment for 104 dwellings (C3) and 572 Sqm of office space (B1) – Reserved Matters have been recently approved by BHCC.
Para 123	The format of this section (questions) is different to all the preceding ones (statements).

Paragraph/ Policy	Comment
Section 3: Vision and Strategic Objectives	
Vision, P33	Typo “realizes” should read “realises”
Section 4: Policies	
Policy 1	The policy title ‘Redevelopment of DA6’ will be confusing to anyone not already familiar with the City Plan policies. It might also be taken to imply that the whole of the DA6 area will be redeveloped. It might be better to title the policy ‘Strategy for the Hove Station Quarter (Policy DA6 area)’ or something similar.
Para 135	How will the ‘clusters’ of facilities referred to relate to the ‘community hubs’?
Para 136	It should be noted that many of the development schemes being promoted by landowners/developers in the DA6 area have not yet been considered in detail by the Council or are subject to planning applications that have not yet been determined. It is therefore premature to conclude that “substantially more residential units can be achieved than suggested in the City Plan”. It will be necessary for the increased levels of development to be fully assessed, particularly in terms of potential transport and visual/heritage impacts (see also the Council’s detailed comments on these issues under Policies 11,15 and 16).
Para 137	4 th sentence - The wording appears to imply that the MODA proposal has already been approved. Also suggest referring to “the Hyde development” by its name (New Wave) or address for clarity.
Table 4	<u>Residential</u> – Not sure where the figure of 600 units in CPP2 is taken from? Draft Policy SSA4 allocates the Sackville/Coal Yard site for a minimum of 500 residential units. Note that the NP Area total is based mainly on potential development schemes that have not yet been submitted as planning applications or not yet determined. Therefore the housing numbers in the table should be presented as ‘potential’ development figures. <u>Employment</u> – It should be noted that the employment floorspace figures in City Plan Policy DA6 include B1-B8 floorspace only – i.e therefore uses such as car showroom, retail, cafes etc would not count towards the employment requirement.
Para 139	Note that the HCA/Offpat guidance has been updated since 2010 – see https://www.gov.uk/government/publications/employment-densities-guide-3rd-edition
Para 142	Suggest rewording the text and deleting the final sentence which is not really appropriate in a plan document. The NP needs to be in general conformity with the CPP1.
Para 145	Note that the Government is proposing to remove the S106 pooling restriction (although the amending legislation has not yet been implemented). It is not clear what is meant by the final sentence in brackets.
Policy 2	The site being allocated is not defined on any map. The policy duplicates Policy

Paragraph/ Policy	Comment
	SSA4 in the draft CPP2 (but is much less detailed).
Para 150	It should be noted that the change to the Waste Local Plan policy and its mixed use development or similar means that the implications for the transport network will be very different in terms of vehicle type, peak hour flow etc. This may be worth acknowledging given the capacity issues experienced at the adjacent Old Shoreham Road/Nevill Road/Sackville Road junction.
Policy 3	This policy appears to be a general aspiration – no guidance is given on the scale or form of development that would be appropriate. Therefore the policy would not be very helpful for DM purposes.
Policy 4	Again the policy wording is vague and gives no guidance as to what would constitute ‘rationalisation’. In addition, it gives no indication of the scale of development or types of uses (presumably residential?) that would be acceptable for the site.
Para 153	The site is a bus depot, not a ‘bus station’ (as referred to). It therefore performs an operational interchange transport function rather than a passenger-focussed one. The potential wider implications of any rationalisation of this facility for the city’s bus services would need to be considered.
Policy 5	The policy just provides general encouragement for redevelopment without providing any guidance on the scale or form of development. Potentially Policies 4 and 5 could be combined into a more general policy supporting a comprehensive approach to redevelopment of all the land south of the railway – although this is already being promoted through the Conway St Masterplan.
Policy 6	The policy as worded merely cross-refers to City Plan policies and is therefore unnecessary. It should either be reworded/expanded or deleted.
Para 159	It is not clear how Policy 6 as currently worded “ <i>introduces a local component requiring more green space</i> ”?
Policy 7	The policy wording is very general and gives no indication of what might be entailed by “ <i>innovative approaches to the promotion and delivery of genuinely affordable homes</i> ”. It should be noted that the Council is already committed to using its land holdings to deliver affordable housing across the city, and specifically as part of a comprehensive redevelopment of the land south of the Railway (which is currently being explored through the Conway Street Masterplan).
Para 162	3 rd sentence – For clarity, the recent change to Government policy has involved lifting the restriction on local authority borrowing to fund development of affordable housing.
Para 163	Maintaining affordable housing in the long term will be subject to the Government Right to Buy legislation.
Para 166	The Council is already committed to a comprehensive approach through the Conway St Masterplan work.

Paragraph/ Policy	Comment
Policy 8	This policy lacks specifics as to the level of need or types of housing needed for older people – so would not be very helpful for DM purposes. Policy DM4 in draft CPP2 will address housing and accommodation for older persons.
Para 168	Presumably “good facilities” is referring to accommodation? – this could be made clearer.
Policy 9	<p>It is not clear if this policy is intended to apply only within the DA6 area – or across the whole NP area?</p> <p>The second sentence of the policy appears to be promoting ancillary and small scale retail uses outside defined shopping centres. This conflicts with national policy (NPPF Chapter 7) and the City Plan (Policy CP4) so this sentence should be deleted.</p> <p>The general policy approach should to be to direct new retail uses to help reinforce and strengthen the defined shopping areas within the NP area which include:</p> <p>Portland Road – defined Local Centre in CP4</p> <p>Goldstone Villas; Hove Park Villas; and Old Shoreham Rd/ Sackville Rd - all defined as Important Local Parades in CPP2 draft Policy DM13</p> <p>It should be clarified that retail uses are not included within the DA6 employment floorspace figures.</p> <p>The final sentence of the policy is too vague to be helpful for DM purposes. Policy DM40 in draft CPP2 will address avoidance of noise pollution or nuisance associated with development.</p>
Para 169	This paragraph should be deleted or rewritten – see comments on Policy 9 above.
Para 171	Presumably control of noisy activities would be sought through planning conditions?
Policy 10	<p>1st and 2nd paragraphs – Support these general aims which are in line with Policy DA6, however the references here to increasing the amount of green space could also refer to providing opportunities for local food growing and physical activity (see Policy SA6 in CPP1).</p> <p>3rd paragraph – It is not clear how the policy for street trees would be implemented in practice. Streets and pavements are within the ownership of the Council/highway authority, so presumably developments would generally need to make a financial contribution to support the tree planting. New residential developments already have to make contributions to public open space/greenspace in line with City Plan Policy CP16 and the Council’s Open Space Contributions Calculator. Presumably contributions towards tree planting would be taken from the open space contributions or from CIL? It would be difficult to justify an additional charge.</p> <p>4th paragraph – This would be covered under City Plan design policies.</p> <p>5th paragraph – Is there potential for development schemes to directly provide public landscaped areas in the locations suggested in Figure 6? Have potential sites for pocket parks been identified in these locations and who are the landowners of these sites?</p>

Paragraph/ Policy	Comment
Para 196	Typo – This should not be a separate paragraph as it is a list of bullet points following on from Para 195.
Policy 11	The policy (and NP generally) does not seem to have given consideration to key views, either to be protected or enhanced. The NP would have been a good place to identify key views on a diagram and that could then have helped to shape the Tall Buildings policy. There is also a lack of acknowledgement in this policy of potential heritage considerations or restrictions – such as impacts on the settings of listed buildings and conservation areas - and therefore the Tall Buildings and Conservation policies feel somewhat disconnected. For example, north of the railway line the policy encourages taller buildings in the south eastern part closest to the railway, but the Council has previously expressed concerns to developers about the harmful impact of tall buildings in this part of the area on the setting of Hove Station as seen from Station Approach. Because key views have not been identified or discussed it is not clear whether the Forum considers such impacts harmful – and to what degree and whether they can be minimised or mitigated – or whether they have simply overlooked such impacts.
Para 200	<p>1st sentence reference to education planning as “<i>most vague</i>” is not appropriate wording for a plan document and should be amended. The City Plan Infrastructure Delivery Plan states clearly that for all the DA1-DA8 Development Areas, the phasing & costs of new education provision will be “<i>Ongoing throughout life of Plan</i>” with “<i>Developer contributions dependant upon scale and type of development</i>”</p> <p>The potential education requirements resulting from the additional residential development now proposed in the DA6 area have been considered as part of the CPP2 work. BHCC Education report that the number of primary school pupils is currently falling across the city and this is a trend that is expected to continue for the next few years. Therefore additional primary school in the city would create additional difficulties for the schools already in existence and it is unlikely that BHCC would support any new primary school at the present time. However, BHCC Education is continually monitoring school places and the potential need for additional education provision resulting from new housing development.</p>
Para.s 201-204	There is no identified requirement for a new school in the NP area. The Royal Mail site is now being promoted as a residential/mixed use development opportunity.
Policy 12	The policy wording reflects existing City Plan policy so is unnecessary. It should either be reworded/expanded or deleted.
Policy 13	Proposals for community facilities would have to be subject to identified need and take account of issues such as traffic/parking and neighbour/amenity impacts.
Para 208	<p>1st sentence – Suggest replacing “<i>defined</i>” with “<i>set out</i>” as there is no formal definition of ‘community facilities’ in the NPPF Glossary.</p> <p>Footnote 20 refers to the 2012 version of the NPPF – the relevant paragraph in the updated NPPF (Feb 2019) is paragraph 92.</p>

Paragraph/ Policy	Comment
Policy 14	<p>The Council supports the concept of focusing local facilities into defined 'community hubs'. However the policy should be clearer on what would constitute "<i>appropriate uses</i>" to be located there.</p> <p>For example if retail uses are included, they would be expected to be located within the defined shopping centres identified in the City Plan (CPP1 Policy CP4 and draft CPP2 Policy DM13) - or would have to meet the sequential test.</p> <p>It could be worth cross referencing where proposed hubs overlap or have links with local retail centres (CPP1 Policy CP4) and proposed Important Local Parades (Draft CPP2 Policy DM13).</p> <ul style="list-style-type: none"> • Hove Station Hub – links with the Goldstone Villas Important Local Parade and potentially with Hove Park Villas Important Local Parade (north of railway) • Northern end of Sackville Trading Estate – links with Old Shoreham Road/Sackville Road Important Local Parade • Stoneham Hub – links with Portland Road Local Centre
Para 210	<p>Please note that Policy DM46 in the Draft CPP2 will strengthen the existing requirements set out in CPP1 Policy CP8 and confirms what BHCC mean by "compatible with future connection to a network".</p> <p>Suggest amending the wording as follows (text provided by the BHCC Sustainability team):</p> <p><i>"Additional requirements are set out in the City Plan, not least that development should explore low and zero carbon decentralised energy opportunities in particular combined heat and power and heat networks, and to either connect where a suitable system is in place (or would be at the time of construction) or design systems so that they are compatible with future connection to a network. The potential for heat networks in Hove Station Area is set out in the City Plan (para 3.80, page 81 and in Policy DA6, A10, page 76.). Part Two includes an outline community energy plan."</i></p> <p>(New paragraph) <u><i>"Connection should be made to Decentralised Energy (Heat) networks where a suitable system is in place (or would be at the time of construction) or design systems so that they are compatible with future connection to a network. All development incorporating heat network infrastructure will be expected to meet the minimum standards specified in the CIBSE Heat Network Code of Practice and demonstrate consideration of future connection to a wider heat network, including:</i></u></p> <p><u><i>a. control systems and temperatures of operation;</i></u></p> <p><u><i>b. routing of pipework and location of the energy centre;</i></u></p> <p><u><i>c. safeguarded access for external pipework into the energy centre; and</i></u></p> <p><u><i>d. space within the energy centre for a future heat substation."</i></u></p> <p>(New paragraph) <u><i>"A feasibility study is currently being conducted by Brighton & Hove City Council and all new development should contact the City Council as early as possible in the development planning process in order to maximise the likelihood of a timely connection."</i></u></p>
Para 212	Final sentence – The last part of the sentence appears to be missing (referring to the two remaining listed buildings).

Paragraph/ Policy	Comment
Para 215	<p>The list of listed buildings within the NP area omits Hove Railway Station (including the footbridge) and Ralli Hall (and may also have omitted others). Suggest including any such list as an appendix to the NP, so that it can be more easily corrected or updated.</p> <p>It should be noted that the listed status of the Hove Station footbridge will need to be considered in any proposals for its “upgrade or rebuild to accessible standard” (referred to in Annex 1 under ‘Priorities for Implementation’). All options for upgrading the bridge would have to be explored before replacement could be considered.</p>
Para 218	First sentence - It’s not clear which conservation area is being referred to.
Policy 15	<p>3rd paragraph – The policy wording is not consistent with the NPPF and statutory legislation. In seeking to promote the benefits of public realm improvements and investment arising from new development, the policy suggests that this is a relatively straightforward balancing exercise with heritage considerations. However the courts have upheld that the legislation means that there is a statutory presumption, and a strong one, against granting permission for development which would cause harm to a listed building or conservation area or its setting. This is reflected in the wording of the NPPF (para 193) that “great weight should be given to the asset’s conservation”.</p> <p>Also note that in the 3rd paragraph there seems to be a typo where it says “...a strong emphasis there will need to be...”</p>
Para 221	Typo – “public real” should read “public <u>realm</u> ”
Para 222	The statement “ <i>whilst due weight needs to be given to conservation issues</i> ” does not reflect the wording in the NPPF and legislation – ‘due weight’ is a lesser test than required by the NPPF and the legislation (see comments on Policy 15 above). The policy and supporting text taken together could be read as implying that a judgement has already been made and that greater weight should be given to the benefits of any (as yet unspecified) public realm improvements.
Para 224	<p>1st sentence – A full reference should be provided giving the SPD title ‘Parking Standards’ and adoption date (October 2016).</p> <p>In addition the following text should be added to the paragraph: “<u>The different levels of public transport accessibility across the city in the SPD have been calculated and mapped using Visography TRACC software and an analysis of census car ownership levels in different areas of the city.</u>”</p> <p>The paragraph would also be made clearer by explaining that a lower parking requirement does not exist for the Hove Station area at present.</p>
Policy 16	<p>1st paragraph - Although the rationale for reducing parking levels in new development in the DA6 area is understood, it is based on a subjective assessment of public transport accessibility levels which is not supported by any technical evidence, such as the use of Visography TRACC software. In order to be able to clearly define the boundary of any new area of ‘Central Zone’ parking standards, it will be necessary to assess the level of public transport accessibility within the suggested area to ensure that it is considered sufficient to support/enable the level of trip making expected from new</p>

Paragraph/ Policy	Comment
	<p>developments. Any change to the application of SPD14 in this area will also need to be made clear through some form of addendum to the published document.</p> <p>2nd paragraph - Only one public road (Newtown Road) and its adjacent frontages in the DA6 area is not within existing Controlled Parking Zones [CPZs] T, N or R. CPZ boundary extensions require statutory public consultation – therefore any changes to the CPZ would need to be progressed following public representations and approval of the outcome, rather than as a result of a planning policy or application. The policy cannot presume that the outcome of any consultation will be that a CPZ boundary extension is agreed and implemented, or how that on-street will be managed. Therefore, the reference in the NP Part 2 (para 19) which explicitly states that residents in the new developments would not be eligible for residents’ parking permits (apart from visitors’ parking) is premature as it presumes that the development will result in overspill parking that requires such action to be taken. At present, this cannot be demonstrated.</p> <p>In addition, a planning condition or s106 making occupation dependant on a future CPZ and/or requiring a developer to fund consultation for the same would fail the necessity tests for conditions/s106s.</p> <p>The tests for planning conditions set out in the PPG on ‘Use of Planning Conditions’ (para 003) which states that they should be:</p> <ol style="list-style-type: none"> 1. necessary; 2. relevant to planning and; 3. to the development to be permitted; 4. enforceable; 5. precise and; 6. reasonable in all other respects. <p>The tests for the use of s106 planning obligations are set out in the CIL Regulations 2010 (Reg 122):</p> <p>(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—</p> <ol style="list-style-type: none"> a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. <p>It should also be noted that the Council itself has previously sought legal advice on whether residents of new developments could be precluded from applying for residents’ parking permits in the future when, at the time the relevant planning permission was issued, no CPZ existed for the area in which the development was to be located. The legal advice was that this would be contrary to the statutory tests for planning obligations because such a requirement would not be necessary to make the development acceptable in planning terms at the point in time when the application would be determined.</p> <p>This policy wording linking occupancy of new developments to extension of the CPZ is therefore contrary to the Regulations and the NPPF and should be removed.</p> <p>3rd paragraph - The concept of centralised/shared parking for commuters/public and residents would need to be explained in more detail. The access points and management/charging will be critical in order to understand how it is used,</p>

Paragraph/ Policy	Comment
	<p>and by whom. However, such a proposal is in principle consistent with City Plan Policy CP9 2.b in terms of station parking.</p> <p>5th paragraph - The consideration of any 'shared surface' proposals in the area as a principle will now have to be tested and justified in the light of the Government's recent statements regarding pausing such development and awaiting the outcome of Government research and updated guidance, following the publication of its Inclusive Transport Strategy.</p> <p>This is because it has been acknowledged that shared surface arrangements can negatively impact people with certain protected characteristics (including visual impaired people). If the reference is to be retained within the policy as an example of a measure that would be considered to significantly reduce driver speeds on particular road within the area, it is strongly recommended that there should be direct engagement with groups representing people with relevant characteristics as part of this consultation process, and that any proposals should include an Equalities Impact Assessment which should highlight, inter alia, any remaining features that could have a negative impact on relevant protected groups and - in each instance - set out the objective justification for why these are necessary and/or unavoidable.</p> <p>The minimum speed limit that can be applied to any public road in the UK is 20mph, and the majority of local roads within the city now have this speed limit. A number of different physical measures or changes to highway design could be proposed, in addition to a proposed shared surface, if there is a strong and clear justification for it in terms of road safety in order to influence/control driver behaviour and manage traffic volumes.</p> <p>6th paragraph - Any improvements to specific/named locations on the local highway network for road users as a result of new development will be determined by an assessment of the predicted impacts of the proposed, total development which will be scoped and agreed with the Local Highway Authority. These locations could include the roads listed, but this would not be a definitive or exhaustive list. Only once the assessment has been completed and agreed can specific locations and improvements deemed 'necessary' to mitigate the impacts of proposed development be identified. Note that developer contributions cannot be required to correct existing deficiencies or sub-standard provision (see above reference to the planning obligation 'tests' set in the 2010 CIL Regulations and the NPPF).</p>
Policy 17	<p>This policy will need to be deleted or substantially redrafted in order to comply with Government regulations and guidance on planning obligations and CIL, and to comply with adopted City Plan policy. In particular, it is recommended that the final sentence of policy referring to the priorities in Annex 1 is deleted. As it stands, Annex 1 is not a complete list of potential infrastructure requirements and the 'Proposed funding route' column has gaps and errors in identifying whether S106 or CIL funding will be used (see comments under 'Annex 1' below). It will be necessary to ensure that the table complies with City Plan policies and technical guidance, Council DM procedures, Government regulations and guidance.</p> <p>Government guidance in the Community Infrastructure Levy PPG (paragraphs 072-074) indicates that a percentage of CIL will be spent on local priorities when development has occurred in an area where CIL is collected. The 'neighbourhood portion' is currently 15% of CIL receipts collected within the NA</p>

Paragraph/ Policy	Comment
	<p>(subject to a cap of £100/dwelling) and will become 25% of CIL receipts (uncapped) when a neighbourhood plan is formally made.</p> <p>In areas with no parish, town or community council the charging authority will retain the CIL receipts but is required to engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding. The use of neighbourhood funds should match priorities expressed by local communities, including priorities set out formally in neighbourhood plans.</p> <p>The ‘neighbourhood portion’ of CIL may be suitable for funding the local priorities identified in Policy 17 and Annex 1, such as improving the public realm including significant arts installations, supporting tree planting and investing in the community hubs. However, the Council as Charging Authority will reserve the right to make the final selection of schemes to be funded via CIL funds including the priorities which are selected from a neighbourhood plan. It may be appropriate to refer to this role of the NP in the supporting text to Policy 17.</p>
Para 231	<p>Regarding the proposal for an environmental endowment fund to support long term maintenance, it should be noted that the Council will be establishing formal governance arrangements for spending the CIL receipts and any future use of the neighbourhood portion of CIL will need to comply with the requirements of the CIL Regulations.</p> <p>Any proposed fund would need to comply with developer obligation regulations including how the fund would comply with neighbourhood portion spending in terms of meeting CIL regulations.</p>
Para 234	The reference to potential funding mechanisms should be deleted in line with the recommendations on Annex 1 below.
Annex 1	
Funding Mechanisms table	<p>The Council’s CIL draft Infrastructure List has been published and consulted upon to inform the preparation of the charging schedule and has been submitted to CIL examination to support the draft charging schedule. This is a ‘living document’ and items may vary within it over time.</p> <p>Comparing the NP Funding Mechanisms table with the Draft Infrastructure List, the proposed funding routes within the Annex seems incomplete and is silent on some areas where s106 and/or CIL may apply. For example, Annex 1 references SUDs only in terms of CIL contributions, however for some sites onsite mitigation via S106 obligation may be required to meet the 3 tests of Reg 122 of the CIL Regulations (planning obligations only as necessary, directly related and related in scale and kind).</p> <p>Also some items listed in the table identify no proposed funding route at all e.g.</p> <ul style="list-style-type: none"> • Local employment and training places through local employment agreements (it is not clear whether this is referring to ‘On-site Local Employment training/job opportunities provision with supporting financial contribution’ which is something we have proposed to remain secured via s106 in our Draft Infrastructure List (as above) submitted to examination to support our CIL charging schedule. • Environment /Biodiversity – In the draft Infrastructure List ‘Development

Paragraph/ Policy	Comment
	<p>related nature conservation and ecological measures' would be s106 and 'Provision and enhancement of Green Infrastructure network' would be CIL.</p> <p>It should also be emphasised that S106 obligations can only be used for mitigating impacts directly associated with development subject to the 3 'tests' set out in the 2010 CIL Regulations and NPPF (see comments on Policy 16). This means site-related S106 obligations cannot be identified in advance to address existing infrastructure deficiencies and/or desired infrastructure improvements (although CIL contributions can potentially be used for such purposes). Any references to 'S106' contributions identified in the NP should be caveated in such a way.</p> <p>For the avoidance of doubt and to future-proof the NP, it would be better to remove the 'Proposed funding route' columns from the table. The table would then become a list of proposed NP infrastructure projects. Together with the 'Priorities for implementation' this could be used to help identify potential projects for spending the 'neighbourhood portion' of the CIL receipts.</p> <p>Note that the City Plan Infrastructure Delivery Plan (IDP) will be subject to further updates over time to reflect known citywide infrastructure that is to be provided by a range of funding, not just developer contributions.</p>

APPENDIX 2

Summary of the 'Basic Conditions' for Neighbourhood Plans

Only a draft neighbourhood plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990¹ as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

The basic conditions are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- the making of the neighbourhood plan contributes to the achievement of sustainable development.
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- the making of the order neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Other basic conditions

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012² prescribe 2 basic conditions in addition to those set out in the primary legislation. These are:

- the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.
- having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

² <http://www.legislation.gov.uk/uksi/2012/637/part/9/made> as amended by <http://www.legislation.gov.uk/uksi/2013/235/made>

Subject:	Draft update of Extensions and Alterations Supplementary Planning Document (SPD)		
Date of Meeting:	20 June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Sujeet Sharma	Tel: 01273 292408
	Email:	sujeet.sharma@brighton-hove.gov.uk	
Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to seek authority to publish a draft update to the Design Guide for Extensions and Alterations SPD for public consultation for a period of six weeks between June and July 2019.
- 1.2 The current SPD was adopted in 2013. Since its adoption, there have been changes to planning policy nationally and locally and the implications arising from appeal decisions need to be considered. The SPD has been amended to reflect these changes and other updates in policy and practice. The draft updated Design Guide for Extensions and Alterations SPD is included in appendix 1.

2. RECOMMENDATIONS

That the Tourism, Development & Culture Committee:

- 2.1 Agrees the draft document for consultation which will inform the final Design Guide for Extensions and Alterations SPD;
- 2.2 Notes the background information provided in this report regarding the process for preparing the SPD; and
- 2.3 Authorises the Head of Planning, in consultation with the Chair of Committee, to make any necessary minor amendments prior to public consultation.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Design Guide for Extensions and Alterations SPD¹², adopted in June 2013, is a guide to officers and applicants undertaking extensions and alterations to their properties setting out detailed guidance of the type of extensions that are likely to receive a favourable planning decision. An update is required to take account of changing planning policy context as set out in the National Planning Policy Framework (2019), the City Plan Part 1(2016) and in particular the emerging City Plan Part 2. There have been changes to permitted development rights for householders.

- 3.2 There has also been a shift towards flexibility in national planning policy which has led to situations where development contrary to the SPD has been approved on appeal. It means the guidance also needs to be amended in response to the outcomes of appeals lodged against the refusal of planning applications. Should the updated draft document be adopted it will replace the existing SPD to be used in the determination of planning applications for extensions with more positive results.
- 3.3 In addition members of the Planning Agents Forum have commented that a more positive and flexible approach to new extensions should be adopted than is currently set out in the adopted guidance (see appendix 3).

Key changes

- 3.4 The draft updated document is divided into six sections covering what needs to be considered as part of the planning process and general principles to more detailed guidance on differing types of extensions and alterations.
- 3.5 Overall, one key change is to focus on guiding the overall scale, massing and height of new extensions and alterations in relation to impact on the host building, streetscene and impact on neighbouring buildings. Further changes include:
- Guidance is framed positively;
 - Includes standard issues encountered in the vast majority of applications as well as considering special circumstances;
 - More clarity on amenity issues such as protecting privacy and outlook;
 - Makes clear distinction on front and rear dormers;
 - Provides more information on sustainable building and improving biodiversity.
- 3.6 The next step will be to take the draft updated document through public consultation. Comments made during the consultation will be summarised and the document will be amended to reflect relevant comments made. Following this a final version will be produced.

Sustainability Appraisal and Strategic Environmental Assessment

- 3.7 It is not necessary to undertake a Sustainability Appraisal to accompany the production of a SPD. It is however necessary to assess the need to undertake a Strategic Environmental Assessment (SEA).
- 3.8 The Council prepared the screening opinion in April 2019 concluding that there was no requirement for a full SEA to be undertaken. The document was consulted with statutory consultees which returned positive comments. Should the scope of the document change, it will be re-consulted. The SEA Screening Opinion for the SPD is included as appendix 2.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 An alternative option would be to rely on the existing SPD which is dated. The updated document will provide up to date and clear guidance consistent with national policy on what development is acceptable. It will therefore have more

relevance in making decisions on planning applications and reflect appeal decisions.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Representatives of the Planning Agents' Forum have been engaged as part of the preparation of the document. The comments of the group have informed the revised draft document where possible. A schedule of comments can be found in appendix 3.
- 5.2 The SPD will be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. Public consultation for the documents such as this SPD is set out in the Council's Adopted Statement of Community Involvement (SCI). The SCI was adopted in 2015 and reflects the 2012 Regulations, mentioned above.
- 5.3 Consultation will run for six weeks and be publicised using a press release and a notice on the Council website. Consultees from the Local Plan database which includes planning agents and architects that regularly submit planning applications for extensions will be notified by either email, or by letter, of the consultation. The document will be made available to view and download on the Council's website and hard copies will be placed in libraries and the Council's principal office. All representations received through the consultation will be taken into consideration and a final SPD will be reported for adoption to this Committee.

6. CONCLUSION

- 6.1 Authority is being sought to consult on the draft update to the Extensions and Alterations SPD. The main reasons for the update are to take account of updated policy, appeal decisions and to frame guidance more positively. This consultation will inform a final version of the SPD. This is due to return to Committee in the Autumn 2019 for adoption.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The cost of officer time, production of documents and consultation associated with the recommendations in this report will be funded from existing revenue budget within the Planning service. Any significant financial implications arising from the outcome of the consultation and production of the Supplementary Planning Document will be reported in future committee reports.

Finance Officer Consulted: Gemma Jackson

Date: 23/05/19

Legal Implications:

- 7.2 As noted in the body of the report, there is a statutory requirement to consult on a draft SPD prior to adoption. The contents of a SPD are governed by the Town and Country Planning (Local Planning) (England) Regulations 2012. To be lawful, a SPD must be limited to statements regarding "any environmental, social,

design and economic objectives which are relevant to the attainment of development and use of land” which “the local planning authority wish to encourage during any specified period” [Regulation 5. (1) (a)]. Once adopted a SPD will be a material planning consideration in the determination of relevant planning applications.

Lawyer Consulted: Hilary Woodward

Date: 23/5/19

Equalities Implications:

- 7.3 The SPD is linked to Policy DM21 of the emerging City Plan Part Two. City Plan policies underwent a Health and Equalities Impact Assessment and the impacts of these policies were found to be largely positive against a wide range of equalities objectives. The SPD should help to achieve these objectives.

Sustainability Implications:

- 7.4 As referenced under paragraph 3.8 an SEA Screening Opinion has been undertaken on the SPD. Sustainable buildings section of the guidance has been expanded.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Design Guide for Extensions and Alterations Supplementary Planning Document (SPD)
2. SEA Screening Opinion
3. Summary of comments from Planning Agents' Forum engagement

Documents in Members' Rooms

1. None

Background Documents

1. City Plan Part 2

Draft Update **Design Guide for Extensions and
Alterations Supplementary Planning Document 12,**
June 2019

Brighton and Hove

Foreword

1 Getting Started

2 Understanding the local context

3 General principles

- Achieving a High Quality of Design
- Neighbourly Development
- Delivering Sustainability

4 Detailed Guidance

5 Extensions in Conservation Areas

6 Appendices

1 | Getting Started

The Council has planning policies that determine the kind of development it can support and wants to achieve. The policies are available via the Council's website, and should be consulted before making a planning application for any extension or alteration. It may be helpful to look up your address using the Council's on-line map to see what area-specific constraints are relevant to the property.

It is useful to discuss initial ideas for extension with neighbours. All planning applications are subject to public consultation, so it is best to iron out neighbour concerns at an early stage.

It will also be helpful to consider appointing an accredited professional to assist in drawing up the scheme or the planning application. The Royal Town Planning Institute (RTPI) and the Royal Institute of British Architects (RIBA) provide details on their website of all accredited professionals.

A checklist is provided at Appendix 1 of this document to provide guidance on what documents, plans, photographs and details should be submitted as part of a planning application.

How your application will be assessed

In determining planning applications that seek extensions and alterations the Council will make an assessment against adopted planning policies, whilst having regard to other material considerations. The three main considerations outlined by planning policy are:

- Achieving a high quality design
- Neighbourly development
- Delivering Sustainability

Further details on the considerations above are outlined within this Supplementary Planning Document. If the proposed works constitute significant levels of development to the property, consider engaging with the Council prior to submitting the planning application by applying for Pre-application advice.

Using this SPD

This document offers guidance to both planning officers and applicants on how to comply with the policies and achieve the best possible extension. When developing a proposal, you will need to balance your own needs with the needs and rights of your neighbours and what is also best for the wider community. This guide has been structured to help to achieve this balance. The guide begins by outlining the particular character of Brighton and Hove and how acceptable alterations and extensions may differ depending on where they are. (Section 1), outlines some general design principles for all residential alterations, extensions and conversion projects (Section 3), before giving more detailed, project specific guidance and standards (Section 4). The guide ends with advice about how to seek further information to assist your project and a glossary explaining the meaning of technical terms used.

Permitted Development Rights

Some extensions and alterations may not require planning permission. This is known as 'Permitted Development'. These rights are called 'permitted development rights' and are detailed in the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The permitted development rights have changed over time and they can sometimes be quite complicated to interpret. Permitted development applies to single family dwellinghouses but does not apply in all instances. For example permitted development do not apply to: residential buildings which are not single dwelling houses, flats; listed buildings; or where there are conditions in place specifically removing permitted development rights relating to planning permissions. If the property is within a Conservation Area or an Article 4 designation, the 'permitted development' rights of the property will be affected. It will be useful to look at the interactive guidance on permitted development rights which is available from the Planning Portal website: www.planningportal.gov.uk.

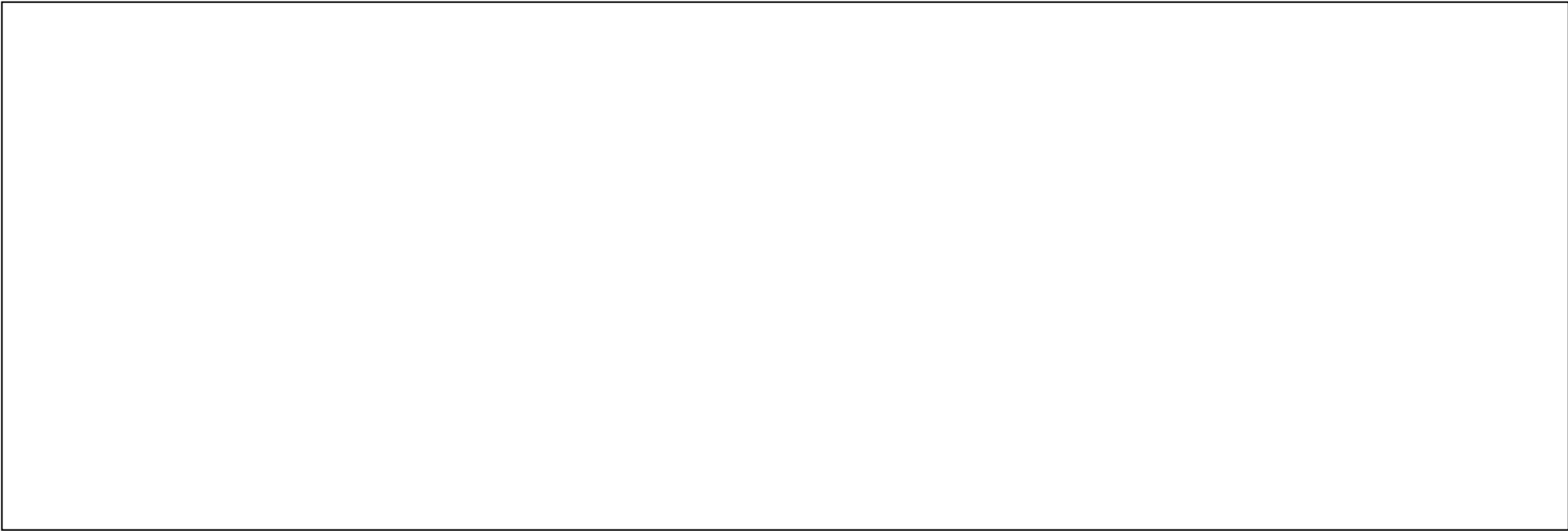
This guide is also a useful tool to ensure the quality of design for those schemes that fall within permitted development.

2 | Understanding the local context

Understanding the local context will help proposals for extensions and alterations to take account of the important qualities and characteristics of a place which defines it. Brighton’s unique physical, social and economic context, is critical to informing its future development, whether an extension or a large-scale development. The Urban Characterisation Study 2009 has categorised Brighton and Hove into four principal areas (Figure). Broadly speaking the town comprises the downland areas, suburban fringes, urban areas and coastal areas interspersed by the city’s Georgian and Victorian residential neighbourhoods, and road and rail corridors.

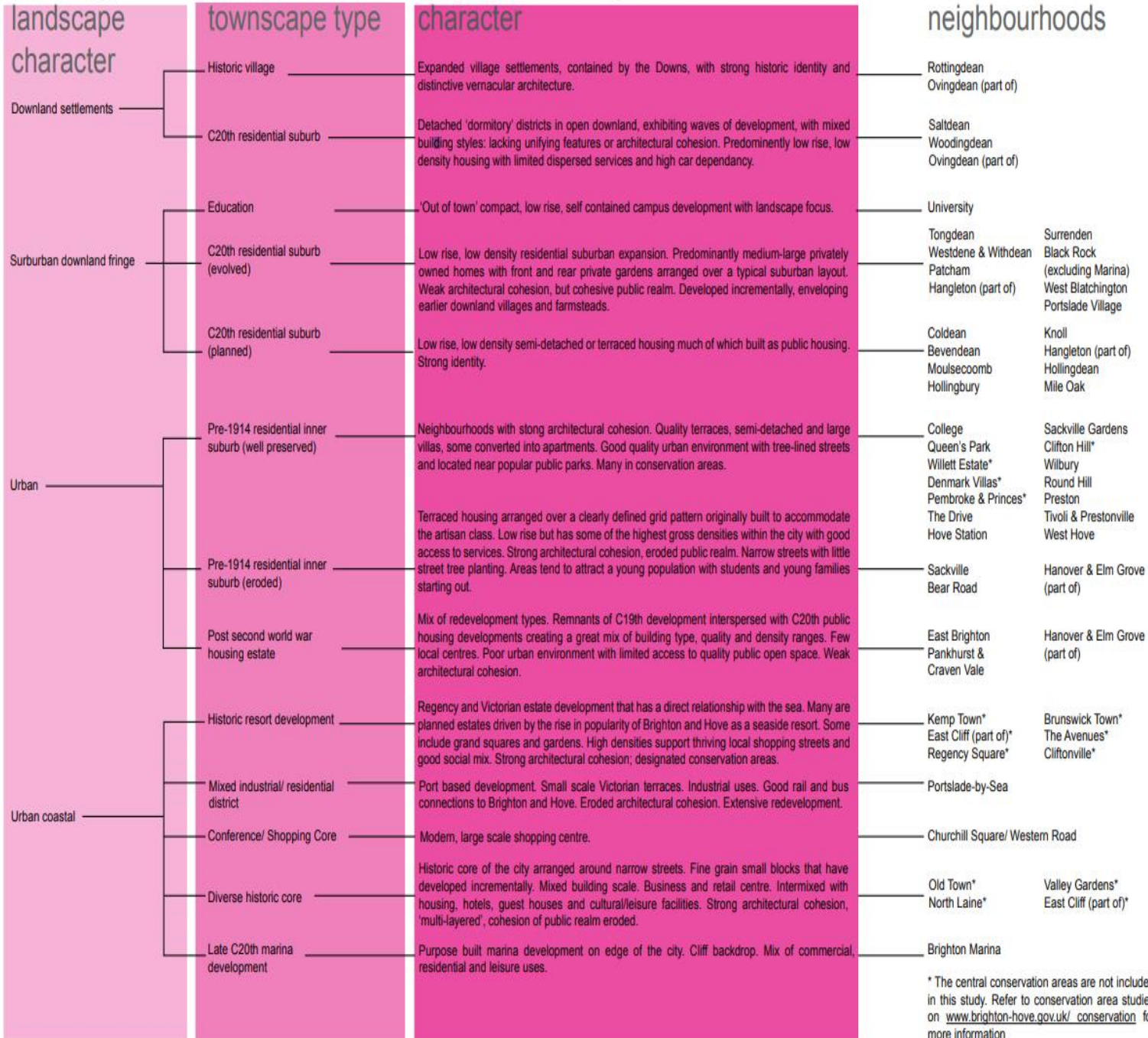
The particular challenges to delivering extensions and alterations vary between the varied townscape types in each of the character areas, as do the opportunities. Some areas have more potential to change by virtue of being more diverse in character than others. The belief underlying this publication is that the right approach is to be found in examining the context for any proposed development in great detail and relating the new extension/alteration to its surroundings.

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neighbourhood typologies

Source: Urban Characterisation Study, 2009



* The central conservation areas are not included in this study. Refer to conservation area studies on www.brighton-hove.gov.uk/conservation for more information

3 | General principles

This section offers some general principles for achieving a good design and therefore a well-designed extension or alteration.

A. Achieving high quality design

- Whether or not an extension is designed to look alike or stand apart from the surrounding area it is important that its design should be an attractive development which complements the character and appearance of the original property and the group of buildings of which it forms a part.
- As a rule of thumb new extensions should be subservient to the original property. One way of achieving this is, for example, by stepping the extension back (or in) from building lines of original buildings on to create a clearer delineation between the form of the original building and the extension. An appropriate extension should not impose or intrude upon the original or neighbouring dwelling.
- In Conservation Areas and where high quality historic buildings require extensions, it may be more appropriate to generally seek to introduce or retain the prevailing architectural features and character of the area. Where original architectural details to the property have been lost, these should be reinstated to enhance the character of the property and the wider streetscene.
- Sometimes it may be more appropriate to design an extension using a sensitive but contemporary design language with contrasting materials such that the extension is clearly identifiable from the original building. In such cases the design and materials used should still be of the highest quality and demonstrate a strong response to the original building. The approach taken must be based on an accurate assessment of context. Please refer to Section 5 of this document for details. In any case, planning applicants submitting proposals involving historic buildings are strongly encouraged to engage with and seek to get early advice from the Council’s Heritage team at the earliest possible stage in the design process through the pre-application service or reviewing the information on the Heritage pages of the Council’s website.
- Outside Conservation Areas there may be opportunity for extensions to explore a wider range of approaches to the external remodelling of a dwelling. Proposals that seek to substantially alter or remodel the outside a building and/or to depart significantly from the predominant characteristics of the surrounding area are likely to be subject to greater scrutiny. It is important that applicants ensure the link between the design and its context is clearly explained.
- In general achieving high quality design is about ensuring that an extension or alteration has regard to the host building and its surroundings in terms of scale, mass, height, siting, character, choice of materials and spacing.
- Corner sites often provide more flexibility to accommodate diverse extension proposals due to changing visual angles and street character but may also require a more sensitive approach if highly visible from the streetscene. In most cases, new windows, doors and other details such as choice of materials should reflect the design and alignment of the existing fenestration of the building.

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B. Neighbourly Development

Neighbours have the right to enjoy their home without intrusion from inappropriate development at adjoining properties. Extensions and alterations will be expected to be designed to be respectful of neighbouring privacy, daylight and outlook.

Loss of daylight or overshadowing of adjoining properties, particularly loss of light to main windows serving principal rooms (such as living rooms and bedrooms) will be an important consideration.

Some of the steps planning applicants can take to achieve these objectives include, for example

- avoiding unacceptably close and direct overlooking into neighbouring habitable rooms (including kitchens) and the private amenity space of neighbouring gardens (garden spaces that are closest to the property).
- Ensuring the extension does not appear overbearing by ensuring it's overall bulk is kept minimal to ensure that the extension does not appear dominating or visually intrusive to an adjacent property.
- Where relevant, responding to topography and level changes in their design to minimise their impact upon neighbouring properties.

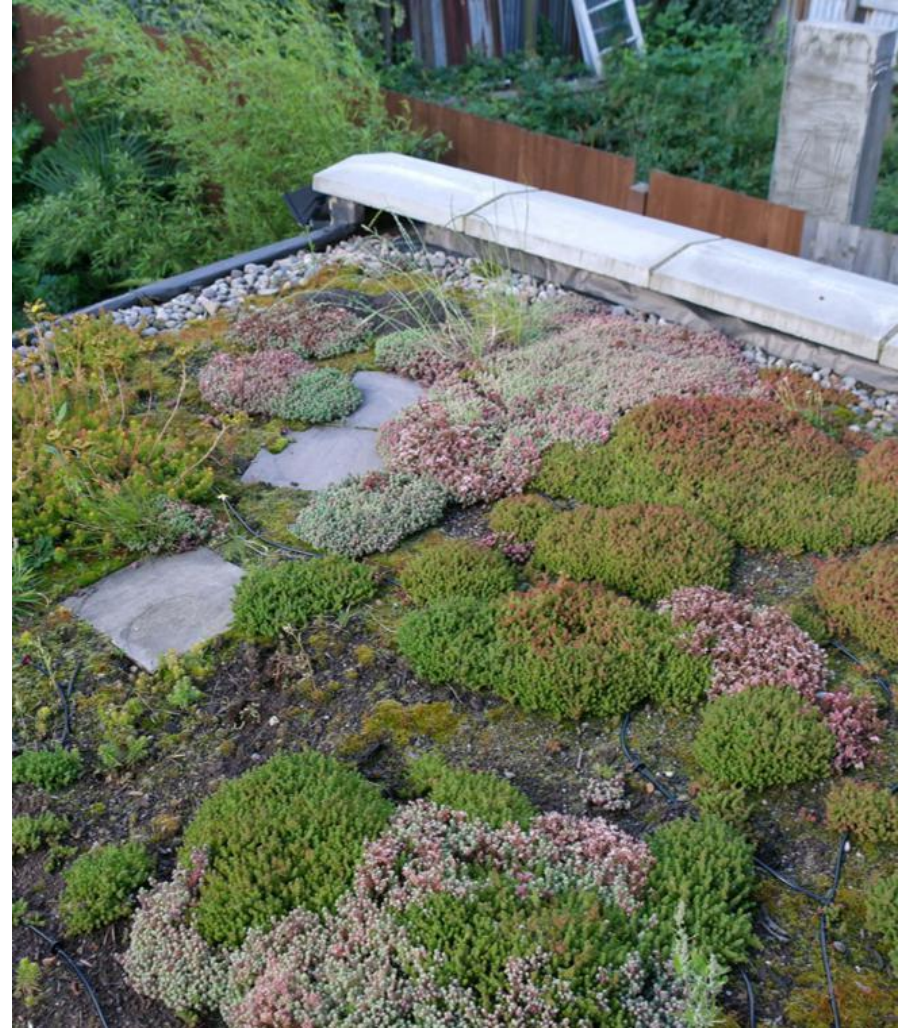
C. Delivering Sustainability

Extensions should be designed and constructed to deliver sustainable development which respects the environment. They are also an opportunity to incorporate renewable energy sources and to potentially provide some urban greening to your property.

- You may wish to consider whether any proposed extension or alteration to the property promotes and enhances biodiversity. Subject to the character of the area methods of achieving this might include the use of green/living roofs, green walls, planting, garden landscaping and methods to support local wildlife including bee bricks, bat and swift boxes
- Established trees, hedges and other natural features should be preserved, relocated or their loss appropriately mitigated.
- Extensions should be energy efficient and incorporate renewable energy sources where practicable.
- All new paving, driveways and patio areas should be constructed from permeable materials or incorporate sustainable urban drainage techniques to reduce surface water run-off.

Useful references:

City Plan Part 1 Policy 10 CP10 Biodiversity : https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/FINAL%20version%20cityplan%20March%202016compreswith%20forward_0.pdf
SPD11 - Nature Conservation and Development : https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/ldf/SPD11_Nature_Conservation_and_Development_adopted.pdf



4 | Detailed Guidance

The detailed guidance below is not an exhaustive or definitive list. It is meant to guide the design of new extensions to enable a greater fit with the host building as well as minimise any visual intrusion on the streetscene or character including neighbour's amenity. Variations to these guidelines are acceptable where it can be demonstrated that no harm is caused to existing neighbouring amenity or to the character of the area. Innovative and contemporary solutions that enhance a sense of scale, proportion and place will be encouraged.

Rear Extensions

Rear extensions are considered to have less impact upon the character of locations outside the Conservation Areas. The Council will seek to ensure that rear extensions are of a suitable scale to remain subservient to the character and appearance of the main property and therefore should be sensitively designed. Particular care is needed if the property is located at the end of a terrace or is a corner property as the rear is likely to be visible from the street.

The following guidance should be followed where relevant:

- Rear extensions should be set (individually and cumulatively) in proportion to the size of the garden to ensure that the amenity value of the garden is not significantly reduced.
- Rear extensions should generally be subservient to the host property, however, for properties with a very large overall plot size larger extensions can sometimes be considered appropriate.
- All rear extensions need to comply with the 45 degrees rule (see Appendix 3). This rule ensures there will not be an unacceptable loss of daylight to the neighbouring properties.
- In the majority of cases rear extensions (both single and two storey) should not unacceptably extend beyond the main side walls of the building (including all projections/wings)
- The pitched roof of single storey extension should sit lower than the cill of the first floor windows. For a two storey rear extension the pitched roof should normally be set down at least 0.5m from the main ridge of the building.
- Flat roofs can be suitable for single storey rear extensions particularly where they integrate well with the host building.
- Two storey rear extensions should generally have a roof form and pitch which reflects that of the host building. A pitched roof to a two storey extension should normally be set lower than the main ridge of the roof and in the case of a flat roof; no higher than the existing eaves.
- Where side-facing windows are required for light, they should generally be high level or obscurely glazed to prevent the overlooking of neighbouring properties.

Side Extensions

Spacing between buildings helps to define the character of an area. Side extensions therefore should ensure that rhythm of spacing between buildings is maintained in order to minimise the potential 'terracing' effect. In terms of semi-detached and terraced properties, the proposed extension should avoid unbalancing or significantly changing the appearance of attached properties. To address this the following criteria should be applied:

- Side extensions should complement the original property. The width of a side extension should respect the width of the original property and the overall plot size in which it is located.
- Side extensions should be set back from the front elevation appropriately in order to ensure a subordinate appearance (and set down from the roof ridge in the case of a two storey side extension). The setback and setdown helps to avoid the terracing effect.
- Side windows are allowed where they would not cause a loss of privacy for neighbouring properties.
- The residential amenity of adjoining residents will be a consideration when considering side extensions. Flank windows should not allow overlooking and may have to be frosted or angled. Windows, roof eaves, gutters or downpipes should be avoided on party walls (parapet walls are preferred) so that

extensions do not intrude on neighbouring properties or restrict their future extension.

- Appropriate set-in should be provided between the site boundary and the extension. Where the property is located in a more spacious plot, a greater separation may be more appropriate to complement the character of the area.
- On street elevations particularly the design, detailing, and materials used in the extension, including window sizes, proportions, style and method of opening, should complement those of the main building.
- The incorporation of a roof form which matches the character and materials of the host property will often be considered to be most acceptable. A different roof form may be appropriate where it is set back significantly from the front elevation.
- On corner properties windows will be permitted in the side elevation in order to ensure an active and attractive street frontage.
- Corner plot side extensions should respect the building lines to both streets, and be set within existing boundary treatments.

Front Extensions (including porches)

Extensions to the front of buildings will normally be highly visible in the street scene therefore particular care should be taken to ensure they do not detract from the appearance of the property, or the general character of the street. Particular regard should be given to the materials, detailing and fenestration of front extensions to ensure it relates well to the original building.

- A front extension should not dominate the existing facade, but size alone is not the only measure of whether a front extension is truly in harmony with the host dwelling. Even an extension that is subservient in size can add an incongruous shape or form that is out of character with the front elevation of the dwelling or the surrounding area.
- All front extensions will be expected to respect the building line to the street, particularly where a strongly defined building line forms an important characteristic of the area.
- The roof pitch of the extension should complement the pitch of the original building so that the extension blends with the character of the building.
- Front extensions that might cause adverse impact on the existing architectural features should be avoided.
- A small porch is generally acceptable on all building types provided it does not compete with other architectural features on the building.

Roof Alterations

The rhythm and continuity of the rooflines to such buildings are often a key visible element within a streetscene therefore any poorly designed or excessively bulky additions can have a significantly harmful impact on both the appearance of the property and the continuity of a streetscape. This impact can also occur in streetscenes containing varied building forms where the scale and bulk of roofs remain largely consistent.

Roof extensions in Conservation Areas need to be sensitively designed and specific to the buildings in Conservation Areas (see Section 5) and in general this advice is for property outside of a Conservation Areas

- Extensions involving roof alterations should ensure that they would not result in an imbalance between the semi-detached pair and create a visually heavy roof to one half.
- Alterations that seek to remedy an existing imbalance, may be considered acceptable provided they do not adversely affect the streetscene.
- Additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the streetscene, including its topography.

Dormers Windows and Rooflights

The size, design and siting of rooflights and dormer windows should not significantly change the appearance of the building and not introduce detrimental visual elements into the streetscene. Dormer extensions are expected to avoid appearing unduly bulky or visually harmful, and should not materially disrupt the rhythm and continuity of the roofline in the area.

Where a terrace or group was built with dormers, these original features should not be removed or altered. Where a terrace or group was originally designed without dormers, but over the years a majority of the buildings now have them, new dormers may be acceptable provided their scale, design and positioning is sympathetic to the continuity of the terrace/group.

- Roof lights (particularly to street elevations) should be kept as few as possible and should relate well to the scale and proportions of the elevation below, including aligning with windows where possible or centring on the spaces between them where appropriate.
- Irregular rooflight sizes and positioning should be avoided, and in particular will be resisted on street elevations.
- Dormer and other roof extensions should be designed to not appear above the ridge line of the dwelling and should not appear as an additional storey to the dwelling. Roof extensions should be generally set into the existing roof slope in proportion to the existing roof.
- The most appropriate roof design of a dormer (gabled/hipped/flat/eyebrow) will vary depending upon the character of the host property and surrounding area.
- The supporting structure for the dormer window (especially those that are visible from the street) should be kept to a minimum as far as possible to avoid a "heavy" appearance.

- Dormer windows should normally align with the windows below, however, in certain cases it may be preferable for dormers to be positioned on the centre line of the building.
- The re-introduction of a new dormer window to balance a poorly placed dormer window (for example in semis) will be assessed on its individual merit.
- The materials used for the dormer window frames, roofing and cladding should match or relate well to those of the existing roof or dwelling.
- Where two or more dormers or rooflights are proposed they should be evenly aligned and spaced within the roofspace.

Front Dormer Windows and Rooflights

Dormer windows on the front roof slope will have a greater impact on the street scene. Front dormer windows should be sensitively designed to respond to their prominent setting. Depending on the character of the street, front dormers should generally be limited to a single dormer extension. Exception may be made in some areas of the City where front dormer windows are a common feature. Well-designed side dormers are acceptable where the dormer does not compromise the building's or the street's character or your neighbour's privacy.

To cause less harm to the host property/street, front dormers should be:

- Set-back appropriately from the eaves of the main building,
- Set-down down appropriately from the ridge
- Designed to feature a roof and materials to complement the features of the host property

Normally it is expected that dormer width will align well with the windows and fenestrations below, in terms of positioning, however as in the case of rear dormers in certain cases it may be preferable for dormers to be positioned on the centre line of the building or the centre line of the space between the windows below.

Rear Dormer Windows and Rooflights

The scale and design of rear dormer windows, especially in areas outside Conservation Areas, will have only a limited impact upon the character of the area or the main property. For this reason rear dormers are generally acceptable, including box-type dormers, and should be designed to accord with the following principles:

- Rear roof dormers should be set appropriately to complement the main property by being set down from the principle ridge of the roof, set in from the sides and up from the eaves of the existing roof so as to avoid the appearance of an extra storey to the building.
- Be generally well-proportioned to the roof space and not appear overly dominant.

- Dormer windows should normally align with the windows below, however, in certain cases it may be preferable for dormers to be positioned on the centre line of the building.
- To ensure maximum light from your new dormer window the front face should be mainly glazed. The style of windows installed into dormers should be in keeping with the rest of the property.

Dormers with balconies

Balconies held within dormers or formed from rooflights (eg 'Cabrio'-style rooflights) will need to ensure they do not have adverse impact on the outlook, appearance of the host building and character of the street or upon the amenity of neighbouring residents.

Balconies and roof terraces

Balconies and roof terraces, where appropriate, can provide valuable and welcome amenity space for properties, however, in many cases they can significantly affect a neighbour's privacy and create a sense of overlooking, particularly if they are located where it is possible to look into gardens or windows that previously enjoyed privacy. The presence of balconies and roof terraces may also result in noise disturbance, particularly to nearby bedroom windows, and can be harmful to the appearance of a building. Careful consideration needs to be given to the location and design of balcony or terrace.

Balconies and roof terraces in the front of buildings and other prominent locations visible from the street are only acceptable where they do not harm the appearance of the building and streetscene. For example the insertion of a Balcony into an otherwise uninterrupted facade can lead to changes in the character of the dwelling and the street scene.

Where overlooking to neighbouring properties including private garden space, is considered to be unacceptably extended beyond existing levels a new terrace or balcony is unlikely to be approved. In some cases screening can provide the required privacy to all parties but their detailing and size must also be appropriate to the character of the building and area.

Outbuildings

Building an outbuilding or shed is a good way of improving the enjoyment of a dwelling.

Planning application should demonstrate that the outbuilding is reasonably required for purposes "incidental" to the main dwelling, and that they do not include any forms of primary accommodation such as bedrooms, bathrooms/shower rooms, toilets or kitchens.

The maximum size of the outbuilding (or number of outbuildings) will usually be determined by the location and the size of the garden area.

- As a rule all outbuildings should be small in scale in order to maintain the openness and outlook of the rear garden.
- Outbuildings will normally be restricted to a single-storey so that they do not harm the amenity of neighbouring homes and gardens. The maximum permitted height will normally be determined by impact on residential amenity and the proximity of the outbuilding to the neighbouring boundaries, on both sides and to the rear.

5 | Conservation Areas

Some areas of the city have been designated as conservation areas due to their *special architectural or historic interest*. Some individual buildings have been deemed so important that they have been statutorily listed. It is recommended that you always check whether your property is within a conservation area or is a listed building before you start planning any changes. This is particularly important as each conservation area may have special planning controls that apply. In all cases stricter policies apply to any alterations.

Listed Buildings

Brighton & Hove has over 3,400 listed buildings which are of special architectural or historic interest. Where a building has been listed, it is listed in its entirety, which means that both the exterior and the interior are protected. The listing includes any object or structure fixed to the building (such as railings or boundary walls), and any object or structure within the curtilage of the building, which although not fixed to the building, forms part of the land and has done so since before 1 July 1948. Formal 'Listed Building Consent' is required from the Council for any works that would affect a building's special character, alongside an application for planning permission (if required). A directory of all Listed Buildings within the City can be found at <http://www.brighton-hove.gov.uk/index.cfm?request=c1001398>.

The detailed advice in this guide is not intended for listed buildings. Applications for works to listed buildings will always be treated on a case-by-case basis outside of the general guidance contained within this document, as the acceptability of such schemes is strongly dependent upon the individual character, form, layout and detailing of the building. Proposals for extensions and/or alterations to listed buildings will be

expected to demonstrate that the significance of the building has been understood and conserved, and will be expected to show an exceptional level of design quality and detailing. Much of the preceding guidance will however also apply to properties in conservation areas and to locally listed buildings, particularly in respect of extensions and alterations to the rear of buildings where these cannot be seen from the street or other public viewpoints. Some additional considerations relating to conservation areas and locally listed buildings are set out below but you should also take account of the policy guidance in SPD09 on Architectural Features.

Conservation Areas, Buildings of Local Interest

Many buildings within Brighton & Hove are located within conservation areas and/or have been identified as buildings of local interest. Proposals for extensions and alterations that affect any of these heritage assets will be expected to demonstrate a clear understanding of the importance of the historic street pattern, building form, layout, design and detailing of these buildings and areas and to demonstrate a high level of design and detailing that would preserve or enhance their significance for future generations.

The significance of a conservation area – what makes it special – will normally be set out in a Conservation Area Character Statement, which should be used to inform proposed extensions and alterations. In many cases a more measured approach to modern design approaches will be expected. A street directory of all Conservation Areas within the City can be found at <http://www.brighton-hove.gov.uk/index.cfm?request=c1001585>.

Side, Rear and Front Extensions in Conservation Areas

Extensions and alterations to Buildings of Local Interest and buildings within Conservation Areas should be completed to a high design standard, with materials and detailing matching those of the host building. The council will expect the submission of material samples and design details where appropriate, for approval prior to the commencement of works.

In general a more flexible approach will be taken in respect of rear elevations that are not publicly visible, particularly where the rear of a terrace or group has been subject to past incremental alteration that has eroded its significance.

Modern design approaches and finishes may be acceptable where it can be demonstrated the scale and exceptional design quality of the extension would enable the special character of the host building or the area to be most appropriately conserved. For example, a modern, lightweight approach can be appropriate for infill extensions where this would enable the original building form to be more clearly distinguished.

Side extensions and rear infill extensions, will not be acceptable where they would result in the loss of symmetry of a historic building, symmetrical pair or group of historic buildings, or result in excessive disruption or loss of the original plan form of the building.

The roof form and pitch of an extension should normally reflect the host building's roof form and pitch, when visible from the street, and be clearly read as a subordinate addition to the building. In some cases historic buildings with pitched roofs have flat roofed rear extensions and where this is typical of a terrace of group it may well be acceptable to follow this precedent. Such roofs should be concealed behind parapet walls.

Front extensions are unacceptable in principle to historic buildings within a conservation area and the original front façade should be retained generally unaltered. Porches are not acceptable unless it can be shown that the building was originally intended to have one, whilst unnecessary clutter from new flues, pipes and cables will not be permitted on street elevations.

New and replacement windows

Plastic or aluminium windows will not be acceptable on elevations visible from the street where the original windows were designed to be timber. In cases where such windows already exist and need to be replaced the council will seek the re-instatement of appropriate timber windows. Further guidance on fenestration within historic buildings can be found within SPD09 Architectural Features, and this will be used to guide decision making.

Roof Extensions and Alterations

On historic buildings the roof is often the 'crowning glory' and an integral part of the overall design. Alterations to the shape or form of the roof, the use of unsympathetic materials and the loss of original features can all have a serious effect on the appearance and character of historic areas. Original or historic decorative features at roof level, including dormers, party wall upstands, ridge tiles and lantern lights should always be retained, and where appropriate, re-instated. Appendix B provides additional design guidance for major roof alterations to historic buildings, including how to set out mansard and gambrel roofs.

Traditional dormers or roof lights were located to provide a small amount of daylight and ventilation to the loft or attic rooms, or to provide access onto a valley roof for maintenance purposes. Larger ones were sometimes used to light a stairwell. Lantern lights were often also used where more light was required to stairwells and other areas. Historically, rooflights were small and confined to rear roof slopes or hidden valleys. Where significant amounts of daylight are needed for rooms in the roof space, a dormer window is often a more architecturally and historically appropriate solution, but front dormers will not be considered appropriate unless typical of the street. Inset dormer windows will usually be acceptable on the rear roof slopes, but only rarely on the front or side. All dormer

windows should be finished with moulded eaves, cornices and timber fascias. Rooflights will usually be acceptable on rear roof slopes, and on occasion, the sides. Any rooflights should be 'conservation rooflights' (double or single glazed) which lie flat in the roofs

The original form, shape and fabric of the main roof must not be altered and its ridge height must not be raised. Exceptions to this may only be considered where the roof is not a visible feature of the building and its alteration would not harm group value. Consent will not be granted to remove a pitched roof to form a roof terrace.

Where a street has developed with buildings of varying height and scale, and where a varied roof-line is an important aspect of its character, this should be respected, and any tendency to level up buildings to a uniform height, will be resisted.

Roof extensions, including dormers, must respect the particular architectural character of the building and be carefully related to it. Not all roof spaces will be suitable for extension/alteration to provide additional accommodation; for example those with shallow or limited roof pitches.

6 | Appendices

Appendix 1: Planning Application Requirements

Upon receipt of an application for planning permission, officers will undertake an initial consideration of the proposed development. It is important that the information provided to the Council clearly demonstrates how you propose to alter or extend your home.

Mandatory requirements

The following documents are mandatory requirements for all householder planning applications and must be provided with your application at the point it is made:

1. Application Form
2. Application Fee
3. Location Plan (1:1250 or 1:2500)
4. Site / Block Plan (1:100/200/500) *(Must show the proposed development in relation to existing buildings on and adjoining the site, areas and boundaries of site, including detail of access points, trees and hard-surfacing)*
5. Existing Floor Plans, Roof Plans & Elevations (1:50/100)
6. Proposed Floor Plans, Roof Plans & Elevations (1:50/100)
7. Sections & Site Levels (1:50/100)

Further information on all of the above can be found on the Council's website.

Desirable additional information

It is extremely helpful to officers if the following documents, drawings and photographs are submitted with your application (in addition to the mandatory requirements):

1. Site Photographs
 - A photograph showing the relevant elevation of your property. (e.g. for a rear extension the photograph should be taken from the rear of your garden looking back towards your house showing both neighbouring properties)
 - A photograph showing the outlook from the proposed extension. (e.g. for a rear extension the photograph should be taken from your back door/ window/first floor window looking towards the back of your garden)
 - A photograph of any other relevant angles/elevations you consider to be helpful to officers in their initial consideration of your application.
2. 3D Visualisation or Isometric Drawing.
3. A brief written summary of any other matters you wish to draw to the attention of the planning officer.

Appendix 2: Glossary

- *Eaves* Part of a roof that meets or overhangs the walls
- *False pitched roof* Short single pitched roof with a flat roof behind
- *Gable* Wall with triangular part where it meets the pitched roof
- *Hipped roof* Pitched roof that slopes to the front, rear and side walls
- *Obscure glazed* Opaque glass reducing visibility for privacy reasons
- *Outrigger* Part of a house that extends perpendicular to the rear
- *Parapet* Protective edge of a roof or balcony; wall or fence
- *Porch* Front extension containing the main entrance; partially open or fully closed

Appendix 3: 45 degrees rule

The 45-degree rule also known as the 45-degree code and 45-degree guide is a method used by Local planning authorities to measure the impact from a proposal on sunlight and daylight to neighbouring properties.

If you're planning on building an extension, have you considered its impact on your neighbours? When planning authorities receive an application to develop a property one of the things they will consider is the effect of the proposal on neighbouring properties. This includes natural sunlight and daylight.

When designing an extension we need to consider the level of sunlight and daylight currently enjoyed by the neighbouring properties. Some extensions can be poorly designed and sited, resulting in shadowing that can adversely affect the amenities to your neighbours main inhabited rooms to unacceptable levels. Rooms such as bathrooms, halls, utilities and landings/stairs are not generally considered and overshadowing to garden areas rarely constitute sufficient grounds to justify a planning refusal.

The purpose of the 45-degree guide is to make sure the proposal does not take away too much daylight. It is based on the notion that it is reasonable to expect a certain level of light and unobstructed view from a habitable room window.

45 degrees test in plan

Figure to be inserted

The 45 degree tests work usually for extensions that are perpendicular to a window in a neighbouring property. This test is suited to residential dwellings and also non domestic situations, where occupants have a reasonable expectation of daylight, for example schools, hospitals, hotels, offices and workshops. A centre line is marked on the plan of the neighbouring window that may be affected. A 45 degree angle is drawn from the outer most part of the extension toward the window. (If the neighbouring window is a patio door, or full length window, take a point 2m above ground level on the centre line of the window).

45 degrees test in elevation

Figure to be inserted

In both cases, if the 45 degree line extends above or beyond the centre line of the window, there is a change there will be an adverse affect on daylighting in the neighbouring property. Further testing and daylight studies would therefore be required. If the 45 degree line does not extend beyond the centre point of the window, it would suggest the neighbouring property would continue to receive adequate natural daylight and would not be affected by the proposal. It is important to take special care when an extension already exists on the other side of the property, as this can cause a tunnel effect.

Brighton & Hove City Council Draft Extensions & Alterations SPD

Strategic Environmental Assessment Screening

& consideration of Habitats Regulations Assessment Screenings of relevance to the SPD

April 2019

1.0 STRATEGIC ENVIRONMENTAL ASSESSMENT

1.1 Introduction and scope of the SPD

- 1.11 Brighton & Hove City Council is preparing the Extensions & Alterations Supplementary Planning Document (SPD). This will provide guidance for householders wishing to extend or alter their dwelling. The SPD will cover the design and planning principles to be taken into consideration when planning an extension or alteration.
- 1.12 The National Planning Policy Framework describes SPDs as documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design.
- 1.13 In 2013, the BHCC adopted SPD12 Extensions and Alterations SPD. This new SPD will review and update SPD12 and bring guidance up to date with regards to national planning policy and permitted development rights.
- 1.14 The Local Development Plan for the city comprises City Plan Part 1 (2013) and saved policies from the Local Plan (2005). BHCC is currently developing City Plan Part 2, currently at draft stage, which will replace the Local Plan once adopted. Policies of relevance to the SPD include Local Plan policy QD14 Extensions and Alterations, City Plan Part 1 policy CP12 Urban Design, and City Plan Part 2 draft policy DM21 Extensions and Alterations all of which are of relevance to the SPD and provide the overall policy context.
- 1.15 The overarching aim of the SPD will be to supplement and support implementation of these policies and will provide design guidance for how extensions can meet existing policy requirements and in particular will provide guidance on:
- Protection of local character, particularly in relation to scale, height and mass
 - Protection of amenity
 - Provide good practice examples

1.2 Legislative background

- 1.21 The Strategic Environmental Assessment (SEA) Directive (2001/42/EC) requires an environmental assessment to be carried out for certain plans or programmes. The SEA Directive has been transposed into UK law through the [Environmental Assessment of Plans and Programmes Regulations 2004](#) (hereafter referred to as “the Regulations”).
- 1.22 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents and it is considered best practice to incorporate requirements of the SEA Directive into an SA. Subsequently, the 2008 Planning Act removed the requirement to undertake a SA for a Supplementary Planning Document, but not the requirement for a SEA.

1.23 Government advice in Paragraph: 008 Reference ID: 11-008-20140306 of the [Planning Practice Guidance \(PPG\)](#) makes clear that SPDs do not require a sustainability appraisal but may in exceptional circumstances require SEA if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.

1.24 In addition, the guidance states that a SEA is unlikely to be required where a SPD deals only with a small area at local level, unless it is considered that there are likely to be significant environmental effects.

1.3 SEA/SA undertaken – City Plan Part 1, SPD12 and draft City Plan Part 2

1.31 As part of the preparation of the City Plan Part 1, a combined [SEA/SA](#) was undertaken. This included assessments of all the policies contained within the City Plan including policy CP12 Urban Design. This found the impacts of policy CP12 to be positive and did not identify any adverse effects.

1.32 As part of the preparation of SPD12, a combined [SEA/SA](#) was undertaken. This found the impacts of the SPD to be positive, particularly for objectives relating to maintaining local distinctiveness and improving health. The SA did not identify any adverse effects.

1.33 As part of preparation of draft City Plan Part 2, a combined [SEA/SA](#) was undertaken. This included assessment of policy DM21 Extensions and Alterations. This found the impacts of the draft policy to be positive and did not identify any adverse effects.

1.4 SEA screening criteria and procedure

1.41 To assess whether SEA is required, Brighton & Hove City Council must undertake a screening assessment, based on a standard set of criteria as set out in the Regulations, to determine whether the SPD is likely to have significant environmental effects beyond those already identified within the SA/SEA of City Plan Part 1. The screening must then be subject to consultation with the three statutory bodies Historic England, Natural England and the Environment Agency.

1.42 Following consultation, the results of the screening process must be detailed in a publically available statement.

1.5 Screening

1.51 The following tables set out the criteria specified in Schedule 1 of the Regulations, and the response in relation to the SPD to help determine whether significant adverse effects are likely. The criteria look at both the characteristics of the SPD and also the effects of the SPD.

Table 1 Characteristics of the SPD

Criteria	Commentary	Significant Adverse Effect? Yes/No
<p>(1a) the degree to which the SPD sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;</p>	<p>The SPD will supplement and elaborate on the principles set out in CP12 Urban Design (City Plan Part 1) and in draft policy DM21 Extensions and Alterations (draft City Plan Part 2).</p> <p>The SPD will not present any new policies, and its purpose is to provide greater clarity on how extensions and alterations can meet the requirements of policy.</p> <p>The City Plan Part 1 establishes the overarching planning framework and underwent full combined SA/SEA as part of its preparation. Saved Local Plan policies also form part of the overarching planning framework and provide development management policies, which will be replaced once the City Plan Part 2 is adopted.</p> <p>The SPD will therefore not set the framework for projects as it forms a lower tier of the existing planning framework.</p>	<p>No</p>
<p>(1b) the degree to which the SPD influences other plans including those in a hierarchy;</p>	<p>The guidance provided in the SPD will be supplementary to existing adopted policy and will provide clarity as to how development can meet the requirements of existing policy.</p> <p>The SPD forms the lower tier of the planning policy hierarchy and therefore does not influence other plans.</p>	<p>No</p>
<p>(1c) the relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	<p>All planning documents must be in conformity with the NPPF and have an obligation to deliver sustainable development. The SPD will promote sustainable development through ensuring a high quality built environment and through supporting the health and amenity of residents in and adjacent to the dwelling extended.</p>	<p>No</p>
<p>(1d) environmental problems relevant to the SPD;</p>	<p>Although the SPD will only be applicable to very small areas, the SPD will be applicable city-wide and therefore some city-wide environmental problems could be of relevance as could be influenced by the design of buildings. However the guidance is unlikely to exacerbate problems and could support improvements as described below.</p> <p><u>Climate Change</u>: Some of the impacts of climate change include increased extreme weather events, increased risk of flooding, higher temperatures and damage to ecosystems. SPD could</p>	<p>No</p>

	<p>support increasing resilience to climate change through support for biodiversity features, climate resilient materials and construction, as well as opportunities to reduce flooding. SPD could also support climate change mitigation through delivery of buildings which meet/exceed current building standards and therefore help reduce carbon emissions and water consumption. However, these issues likely to be outside the scope of the SPD.</p> <p><u>Surface water flooding:</u> Various degrees of flood risk exist across the city and development can increase the risk of flooding elsewhere. SPD may reduce the risk of surface water flooding by providing guidance on SUDS features which could be incorporated into extensions, e.g. soakaways, although this may be outside the scope of the SPD.</p> <p><u>Green infrastructure/biodiversity:</u> SPD may support net gains in biodiversity, e.g. through guidance on biodiversity that could be included within schemes, e.g. bat-boxes, green roofs etc, however this issue likely to be outside the scope of the SPD.</p> <p>Any guidance the SPD provides on these issues will supplement and support that provided in existing policy, including CP8 Sustainable Buildings, CP10 Biodiversity and CP11 Flood Risk, as well as other adopted guidance.</p>	
<p>(1e) the relevance of the SPD for the implementation of community legislation on the environment (e.g. plans linked to waste or water protection)</p>	<p>The EU has adopted a range of legislation aimed at protecting the environment including:</p> <ul style="list-style-type: none"> - EU Directive 2009/147/EC on the conservation of wild birds. - EU Directive 1992/43/EEC on the conservation of habitats. - EU Directive 2008/50/EC on ambient air quality and cleaner air. - EU Directive 2002/49/EC on environmental noise. - EU Directive 2008/98/EC waste framework directive. - EU Directive 2000/60/EC) water framework directive. - EU Directive 2007/60/EC assessment and management of flood risks. <p>The SPD will support implementation of and will be in compliance with the City Plan which has already taken account of the existing European and National legislative framework for environmental protection. It should therefore have a positive effect on compliance however this legislation has already been taken into account at a higher level.</p>	<p>No</p>

Table 2: Effects of the SPD

Criteria	Summary of Effects	Significant Adverse Effect? Yes/No
(2a) What are the probability, duration, frequency and reversibility of the effects of the SPD?	<p>The SPD has potential to result in some positive environmental effects, as described under 1d above.</p> <p>The SPD also has potential to result in positive effects on the built environment, including areas with heritage designations, through ensuring the delivery of well-designed extensions and alterations.</p> <p>The SPD also has potential to result in positive social effects, such as health and housing, as could result in improvements to housing that help it meet the needs of its residents, as well as ensuring extensions do not have a detrimental effect on health of neighbours, e.g. through reducing the risk of poor quality design.</p> <p>Impacts are probable and some may be long-lived due to the “life” of any development and could therefore be considered permanent and irreversible. However, all effects are anticipated to be positive overall.</p>	No
(2b) What is the cumulative nature of the effects of the SPD?	The SPD could have cumulative effects across the city, e.g. through incremental changes arising from individual developments, however these effects are anticipated to be positive.	No
(2c) What is the trans-boundary nature of the effects of the SPD?	The effects of the SPD will be predominantly local in nature. There could be transboundary effects on adjacent authority areas, including the South Downs National Park, where an extension is located close to the boundary, however these should be positive in nature.	No
(2d) Are there any risks to human health or the environment (e.g. due to accidents)?	No significant risks to human health or the environment are envisaged through implementation of the SPD.	No
(2e) What is the magnitude and spatial extent of the effects (i.e. geographical area and size of population likely to be affected) of the	The SPD will be applicable to all extensions and alterations across the entire city therefore the magnitude and spatial extent of the SPD is considered to be large. However, extensions and alterations by nature generally only have a localised impact on the area or population immediately	No

SPD?	adjacent and the SPD should prevent adverse impacts and ensure that this impact is positive.	
<p>(2f) Is the value and vulnerability of the area to which the SPD relates likely to be affected by the SPD due to:</p> <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage, • Exceeded environmental quality standards or limit values, or • Intensive Land use? 	<p>The SPD will be applicable city-wide.</p> <p><u>Special natural characteristics</u> There is one European site within the city: Castle Hill SAC; there are two SSSIs: Castle Hill and Black Rock to Newhaven Cliffs; there are 8 Local Nature Reserves; there are 86 Local Wildlife Sites (of which 36 lie wholly within the South Downs National Park). Nature Conservation designations cover approximately 17% of the total area of Brighton & Hove. All of Brighton & Hove falls within the Brighton & Lewes Downs Biosphere which aims to create a world-class environment, that is economically successful and enjoyed by all, forever.</p> <p>There is a Marine Conservation Zone which extends from Brighton Marina to Beachy Head.</p> <p>The SPD will be applicable to all extensions, including extensions that take place to premises located within or adjacent to sites with a nature conservation designation. As the main focus of the SPD is design related, the SPD is not considered to have any impact on sites with nature conservation interest. The SPD will not cover issues of biodiversity, as these are addressed through other planning guidance including the Nature Conservation in Development SPD.</p> <p><u>Cultural heritage</u> The city has a rich historic environment, including around 3,400 individual listed buildings and structures, 34 conservation areas, 6 historic parks and gardens, 16 scheduled monuments and over 80 archaeological notification areas.</p> <p>One of the main aims of the SPD is to promote good design, and this will be applicable to all buildings including Listed Buildings and those within Conservation Areas. The SPD should therefore have positive effects on cultural heritage. The SPD will complement the adopted Architectural Features SPD.</p> <p><u>Exceeded environmental standards</u> Parts of the city are covered by an AQMA due to the exceedance of NO2. Some extensions and alterations may come forward within the AQMA.</p> <p>The SPD is aimed at promoting good design in extensions and</p>	No

	<p>alterations and is therefore considered unlikely to have any impact on air quality or the AQMA.</p> <p><u>Intensive land use</u></p> <p>The city of Brighton & Hove is heavily constrained and has a high need for new housing as well as other forms of development. The City Plan Part 1 guides the development of significant new housing in the city and proposed 13,200 new homes in the area in the 2011-2030 period. The ability to extend and alter a dwelling can make it more suitable for its occupiers and this is unlikely to significantly intensify the land use. An extension could be used to create an additional self-contained dwelling, however again this is not considered to significantly intensify the land-use.</p>	
(2g) Will the SPD have an effect on areas or landscapes, which have a recognised national, community or international protection status?	Part of the city includes land within the South Downs National Park (SDNP), however land within the SDNP is within its own planning area and therefore the SPD will not be of direct relevance to any extensions that come forward within the SDNP. The SPD will be of relevance to dwellings that are located near or adjacent to the SDNP, however as the aim of the SPD is to promote good design, any indirect impacts on the SPD on the SDNP should be positive.	No.

1.6 Initial conclusion prior to consultation

1.61 The impacts of the SPD are considered to be largely beneficial. The SPD is not setting new policy. It will supplement existing adopted and emerging policy that have already undergone through the SA/SEA process, for which the results were all beneficial, by providing further guidance.

1.62 It is considered that an SEA is not required for the Extensions and Alterations SPD as it is unlikely to result in any significant adverse effects.

1.7 Consultation and final determination

1.71 The results of the initial screening were made available to the three statutory bodies, Historic England, Natural England, and the Environment Agency from the period 25.02.19 to 29.03.19 as required by the Regulation 9(2)(b) of the SEA Regulations.

1.72 Responses were received from all three statutory bodies. Statutory bodies either concurred with the conclusions that the SPD was unlikely to give rise to significant environmental effects or had no comments to make.

1.73 Historic England considered the environmental effects concerned with cultural heritage to be minimal or negligible; the Environment Agency did not consider the plan would have significant effects in relation to issues covered by their remit; Natural England had no comments to make.

1.74 Full consultation responses can be found in the Appendix.

2.0 CONSIDERATION OF HABITATS REGULATIONS ASSESSMENT

Introduction

- 2.1 Brighton & Hove City Council is required to consider whether its planning documents would have a significant adverse effect upon the integrity of internationally designated sites of nature conservation importance including 'European sites' which are designated within the city of Brighton & Hove and the wider sub-region. This consideration is undertaken through a process known as a Habitats Regulations Assessment (HRA) which is a requirement of the [Conservation of Habitats and Species Regulations \(2010\)](#) (the Habitats Regulations).
- 2.2 European sites provide important habitats for rare, endangered or vulnerable natural habitats and species of exceptional importance within the European Union. These sites consist of Special Areas of Conservation (SACs, designated under the EU Directive 92/43/EEC on the conservation of natural habitats and of fauna and flora (Habitats Directive)) and Special Protection Areas (SPAs, designated under EU Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)).
- 2.3 Government policy, National Planning Policy Framework (NPPF, 2018) and Circular 06/05 (ODPM, 2005) requires that Ramsar sites (designated under the International Wetlands Convention, UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.
- 2.4 The Habitats Regulations must be applied to all Local Development Documents (LDD) in England and Wales and aims to assess the potential effects of a land use plan against the conservation objectives of any European sites designated for their nature conservation importance.
- 2.5 There are two stages of HRA; the screening which determines the likelihood of significant effects; and a full HRA which only has to be undertaken if the screening indicates that significant effects are likely or cannot be discounted at screening stage. Where a full HRA is carried out, a plan may only be adopted after having ascertained that it will not have significant adverse effects on the integrity of the site concerned.
- 2.6 The City Plan Part 1, which is the overarching Development Plan Document for Brighton & Hove, was subject to a screening under the Habitats Regulations as part of its adoption. In addition, an updated HRA screening and subsequent Ashdown Forest Air Quality Assessment were undertaken in summer 2018 to reconsider the effects of implementing City Plan Part 1 alone and in combination with growth from other areas, as well as the effects of implementing City Plan Part 2. The purpose of this statement is therefore to reconsider the HRA screening assessments that have been undertaken for the City Plan Part 1 and City Plan Part 2 in relation to the Extensions and Alterations SPD.

Local European Sites

- 2.7 The Castle Hill SAC lies partly within the city's boundary and partly within Lewes District Council's boundary, although is located entirely within the South Downs National Park Authority Area. There are no Special Protection Areas or Ramsar sites within the city's boundary. There are also some European sites within 20km of the city including Lewes Downs SAC, Ashdown Forest SAC/SPA and Arun Valley SPA.
- 2.8 The Castle Hill SAC designation relates to the presence of chalk grassland and some rare and scarce species; the Lewes Down designation also relates to the presence of chalk grassland

and some rare and scarce species; the Ashdown Forest designation is due to the largest single continuous blocks of lowland heath in the south east; and the Arun Valley designation is due to the wintering population of tundra swans.

Scope of the SPD

- 2.9 The purpose of the SPD is to provide guidance for householders wishing to extend or alter an existing dwelling. The guidance provided in the SPD will predominantly support the implementation of emerging [City Plan Part 2](#) policy DM21 Extensions and Alterations. It is also of relevance to [City Plan Part 1](#) policy CP12 Urban Design.
- 2.10 The SPD will provide guidance on how extensions and alterations can be designed to ensure that local character is protected, e.g. in relation to scale, height and mass, and how amenity of neighbours can be protected. It will provide good practice examples

City Plan Part 1 Habitats Regulations Assessment screenings

- 2.11 A [Habitats Regulations screening](#) was undertaken in 2014 for the City Plan Part 1 (Proposed Modifications 2014), which relates to the adopted City Plan Part 1 (2016), and assessed the potential for impacts of all policies on the Castle Hill SAC. The screening also considered impacts on European sites outside the city which may also be potentially affected by development in Brighton & Hove including Lewes Downs SAC (6km from boundary), Ashdown Forest SAC & SPA (19.5km), and Arun Valley SPA (20km).
- 2.12 The screening included an initial assessment of the potential for environmental impacts resulting from each policy that needed to be considered by the HRA screening. The assessment concluded that there were no potential environmental impacts of relevance to the HRA resulting from policy CP12 Urban Design.
- 2.13 The screening assessments also looked at the potential combined effects of all the policies within the City Plan, which could affect the integrity of European sites. These amounted to water abstraction, air pollution and recreational pressure. Of these:
- *Water abstraction was not considered to have a significant effect on any European site because there are no such sites which are vulnerable to water abstraction within the water catchment area of Brighton and Hove.*
 - *Despite policies which promote travel choice and minimise air pollution, it is still possible that air pollution may worsen as a result of the City Plan Part 1. However localised air pollution of this nature would not have a significant effect on any European site.*
 - *Recreational pressure on downland in the vicinity of Brighton and Hove may increase as a consequence of the City Plan Part 1. However only one of the European sites assessed is vulnerable to recreational pressure (Ashdown Forest). Studies elsewhere have shown that this site is far enough away from Brighton and Hove to safely conclude that there would be no significant recreational impact on it as a result of the City Plan Part 1, (with recreational pressure more likely to arise from developments within 7km of this SAC/SPA).*
- 2.14 Therefore the HRA screening for the City Plan Part 1 discounted all possible significant impacts that would affect the designations of SACs or SPAs and therefore did not progress to a full Habitats Regulations Assessment.

- 2.15 Since this was undertaken, an updated [Habitats Regulations screening](#) has been undertaken in 2018 to reconsider the effects of the growth associated with the entire City Plan Part 1, in combination with growth anticipated from other areas, as well as effects arising from draft City Plan Part 2. Page 42 of this assessment includes the assessment of relevant policy DM21 and concluded that there were no HRA implications from this policy. This screening assessment of the entire City Plan Part 2 discounted the likelihood of significant effects on Castle Hill, Lewes Downs, and Arun Valley European sites, however the assessment could not discount the likelihood of significant adverse effects of the entire Plan on the Ashdown Forest SAC/SPA. Therefore a [detailed assessment](#) of air quality impacts (Appropriate Assessment) on Ashdown Forest was undertaken.
- 2.17 The detailed assessment confirmed that growth resulting from City Plan Part 1 and City Plan Part 2, with an increased trajectory to 2032, would not result in adverse effects that would affect the integrity of the Ashdown Forest SAC/SPA, either alone or in combination with growth from other area.
- 2.18 As the purpose of the Extensions and Alterations SPD is to provide further guidance on how the requirements of emerging City Plan Part 2 policy DM21 Extensions and Alterations could be implemented, the HRA screenings already undertaken are also of relevance to and apply to the SPD.

Conclusion

- 2.19 The Extensions and Alterations SPD is not considered to require further screening under the Habitats Regulations. The likely effects of the SPD have already been considered under the screening assessments undertaken for the City Plan Part 1 and City Plan Part 2 which discounted the likelihood of significant adverse effects of all European sites within 20km of the city.

Consultation

- 2.20 This statement was circulated to Natural England for information.

Appendix A Consultation Responses

Date: 17 March 2019
Our ref: 274903
Your ref: SEA Screening for Extns & Alterations SPD.



Ms H Pennington
Sustainability Appraisal Officer
City Development & Regeneration
Brighton & Hove City Council

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Helen.Pennington@brighton-hove.gov.uk

T 0300 060 3900

Dear Ms Pennington

Extensions & Alterations Supplementary Planning Document (SPD) – SEA Screening

Thank you for your consultation request on the above dated and received by Natural England on 25th February, 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England have no comments to make on this consultation.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sharon Jenkins
Consultations Team



Historic England

Helen Pennington
Sustainability Appraisal Officer
City Development & Regeneration
Brighton & Hove City Council

Our ref: PL00556722

Your ref:

Telephone

Fax

Email

Date

e-seast@historicengland.org.uk

28 March 2019

By email only: helen.pennington@brighton-hove.gov.uk

Dear Ms Pennington

Brighton & Hove City Council Extensions and Alterations SPD Strategic Environmental Appraisal Screening Opinion

Thank you for your email dated 25 February 2019 consulting us on your intention of carrying out a SEA for the above supplementary planning document.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance as the environmental effects in respect of cultural heritage are expected to be minimal or negligible.

Yours sincerely

Alan Byrne
Historic Environment Planning Adviser



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH

Telephone 01483 25 2020 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



From:
To: [Helen Pennington](#)
Subject: Consultation on SEA Screening : Extensions & Alterations SPD, Brighton & Hove City Council - Environment Agency Comments
Date: 05 March 2019 14:41:56

Dear Helen, thank you for consulting us on a Screening Opinion for the Brighton and Hove City Council Extensions and Alterations SPD.

I can confirm that we do not consider the plan will have significant environmental effects and as such would not require an SEA in relation to the issues in our remit.

Kind regards

Marguerite Oxley

[Marguerite Oxley|Technical Specialist|Sustainable Places|Solent and South Downs Area|Environment Planning and Engagement|Environment Agency|Guildbourne House|Chatsworth Road|Worthing|West Sussex|BN11 1LD](#)

Our Commitment:

Sustainable Places will prioritise and drive forward environmental outcomes from our work with local authorities and partners across the Solent and South Downs Area

We have moved to GOV.UK. Our website is now available at: www.gov.uk/environment-agency.

We offer a cost recovery service for bespoke pre-application advice. For more information go to: gov.uk or [email us](mailto:email.us)

From: Helen Pennington [<mailto:Helen.Pennington@brighton-hove.gov.uk>]

Sent: 25 February 2019 11:50

To: consultations@naturalengland.org.uk; PlanningSSD <PlanningSSD@environment-agency.gov.uk>; e-seast@english-heritage.org.uk

Subject: Consultation on SEA Screening: Extensions & Alterations SPD, Brighton & Hove City Council

Dear statutory consultees

Strategic Environmental Assessment screening

Brighton & Hove City Council has commenced preparation of the Extensions and Alterations SPD. The SPD will provide guidance for householders wishing to extend or alter their dwelling. The SPD will cover the design and planning principles to be taken into consideration when planning an extension or alteration.

In accordance with Regulation 9 of the SEA Regulations, the council has undertaken a screening exercise to help determine whether or not the SPD is likely to result in significant effects and whether it should be subject to Strategic Environmental Assessment, as attached.

The initial conclusion is that the SPD is **unlikely** to result in significant adverse effects and therefore **does not** require SEA. The SPD will supplement existing policy that have already undergone the SEA process and impacts arising from the SPD are considered to be largely beneficial.

In accordance with Regulation 9(2)(b) the council is now consulting the three statutory bodies on the initial conclusion.

If you have any comments on the initial conclusion please could you email them to myself by **Friday 29th March, 2019**.

Following consultation on the screening, a final determination will be published by Brighton & Hove City Council taking into consideration any comments received.

Habitats Regulations Assessment consideration – for Natural England

In addition, the attached document also reconsiders the Habitats Regulations Assessment screenings that have been undertaken in Brighton & Hove to ascertain their findings in relation to the Extensions and Alterations SPD.

Best regards

Helen

Helen Pennington

Sustainability Appraisal Officer (I work Mondays-Thursday and alternate Fridays)

City Development & Regeneration

Brighton & Hove City Council

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SPD 12 Design Guide for Extensions and Alterations
Professional Agents' Forum (PAF)
Hove Town Hall, G87
02 November 2018, 0900-1130

Attendees:

BHCC: Liz Hobden, Paul Vidler, Tim Jefferies, Sujeet Sharma

PAF: Nick Lomax, Liam Russell, Kim Strassman, Paul Burgess

Notes from the meeting

Meeting started with a presentation from BHCC giving an introduction and overview of work undertaken so far, methodology for updating SPD12 which includes a triangular analysis of user perspective (input made by this meeting by PAF), appeal decision analysis (ongoing) and internal review within the Council involving officers and Members (ongoing). Draft contents, timescale and broader approach were presented as an agenda for discussion. PAF members were invited to make general comments as well as detailed observations on seven key elements in the SPD.

General Comments:

- Effective implementation and efficient interpretation of the guidance by Case Officers highlighted
- Less experienced planners can't interpret guidance which needs some clarity
- Impact on streetscene needs clarity. There is inconsistency in guidance and illustration (example illustration does not follow 45 degrees rule)
- Householders have difficulties deciding whether to invest on something like daylight assessment due to vagaries of the decision making
- Potential for the SPD to take up a role of SPD 12-enhanced with greater clarity in what is being sought
- SPD compliance often leads to poor quality outcomes and disastrous internal areas. SPD should ultimately seek to achieve good design
- Over-controlling and prescriptive on certain elements
- Conservation Areas require pushing the boundaries. Heritage sensitive areas can have the highest bar, but there are areas where SPD application can afford to be more relaxed. Variation of architectural styles and streetscene in different areas require different approaches
- SPD needs to catch up with expanding PD rights
- Given the variety of strands of applications there has to be some rules, however it is all about implementation. Principles in the SPD follow established design criteria applicable to all typology of schemes but the emphasis should vary
- Overall the guidance/illustration do not take account of the topography in Brighton and Hove
- A checklist approach might help in bringing this clarity for both applicants/agents and Case Officers. A simplified SPD would obviate the need for extensive guidance
- Guidance should have 10 or 20 examples demonstrating why they are positives and cover range of cases including those that are exceptional
- Either keep it supremely simple if not explain different terminologies used
- More common sense should be applied on objections and lack of objections
- Compliance with SPD 12 could be linked to validation list

Single storey rear extensions

- Emphasis on visual impact on the rear is unduly cumbersome and needs a rethink
- Extension should be seen in its own merits and should be judged in its own right. Some schemes do not have front, back or side. Corner buildings fall within that aspect. SPD however aiming at the common situations
- Clarity in criteria needed. Criteria 5 is an overarching principle and should be the first one to be assessed. It should then obviate the need for applying other more prescriptive criteria
- Overlooking receiving unduly emphasis for single storey rear extensions therefore needs rationalising especially for city centre areas
- More clarity over the meaning of 'overbearing' needed
- Overlooking in city centre is different. Application of overbearing criterion for a single storey rear extension is not appropriate

Two storey rear extension

- In areas with less sensitivity – SPD should be more relaxed
- For schemes not complying with overbearing or 45 degrees rules SPD should be clear about how to mitigate against those. Rules are important to distinguish poor quality schemes from good quality schemes. SPD should have hooks that would enable Officers to suggest solutions Order of how that is processed is important
- When all other conditions are fulfilled roof needing to be below the ridge is too prescriptive
- Flat roof and its impact on the rear of the building needs to be reconsidered, especially looking at the positives - flat roofs often give more light to neighbours; create space for solar panels etc
- The guidance provides some flexibility with the inclusion of 'generally' and 'normally', which is however easy to ignore

Infill extension

- Wrong illustrations in the document
- Causes practical problems with what is being prescribed and an area to review
- Rear of the building - wrap around should be made clear. Diagram showing wraparound as acceptable does not make sense
- Wraparound in Conservation Areas can be less restrictive as long as it follows original forms of the building. Listed buildings is a different matter

Side extensions

- Setback is generally not a bad rule but blanket application may not be appropriate. How much to set back – is an issue. There can be no rule of thumbs on streetscene impact which requires design justification exercise
- 'Balance' is a criterion to be reviewed. It is common in semi-detached extensions, its application on detached houses not appropriate
- Need to think out of the box for some cases - Corner sites/contemporary design solutions are often positively received by Inspectors

Dormers

- Too much emphasis on aligning windows. Everything does not need to be symmetrical. Prescribing style is inappropriate and can be very subjective. Any rationale for design that should be positively looked at
- Dormer policy needs reviewing. It is often described as impacting on the host building which is not necessarily correct
- Page 17 narrative restrictive on box dormers. This needs to be relaxed for areas with less sensitivity
- 'Dormer windows should be as small as possible' needs reviewing. Sense of proportion is what matters
- Guidance on matching materials too prescriptive. It should be the starting point. The latitude given is hidden

Roof alterations

- Illustration in the document is incorrect
- Roof alteration sensitivity differs across different context and guidance needs to be rationalised
- Guidance on roof alteration and dormer windows should be separated. Alternatively, there should be no dormer window policy just the roof alteration
- Roof lights as few as possible and as small as possible contradicting
- 'Cabrio style roof light visually inappropriate' needs reviewing
- Text suggesting distinction on the front and rear dormer windows should be included

Balconies

- Balconies and roof terraces guidance are restrictive and discourage exploiting sea views/garden views. Front balconies have positives and negatives. Visual harm by having a balcony in non- Conservation Areas needs to be reviewed
- Too prescriptive. Balconies should be encouraged as they provide amenity space

Finally,

The panel agreed that it is a good way forward for the BHCC to set the bar higher. SPD update should be priming people for positive intervention. It is recognised that SPD cannot cover everything but overarching pursuit of excellence must surely be the driver.

Sujeet Sharma

BHCC

Subject:	Swift Boxes and Bee Bricks in New Development		
Date of Meeting:	20 June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Sandra Rogers	Tel: 01273 292502
	Email:	sandra.rogers@brighton-hove.gov.uk	
Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report responds to the Notice of Motion submitted to the March 2019 Tourism, Development and Culture Committee which was as follows:

'This Committee resolves to call for an officer report on what changes need to be made to both local planning policy and process to ensure that a vast majority of new developments in the city incorporate swift boxes and/or bee bricks'

- 1.2 In response to the notice, the report outlines the current and emerging planning policy framework that can support the incorporation of nature conservation features such as swift boxes and bee bricks and further considers the processes required to ensure that these features could be incorporated into more new developments where practically feasible.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Note the planning policy framework already in place (in terms of the adopted City Plan Part One) and that further policy is being prepared through City Plan Part Two to positively support the incorporation of swift boxes/bricks and bee bricks in suitable new development.
- 2.2 Agree to officers undertaking the further actions set out in the report at paragraphs 3.13 – 3.15 in terms of seeking additional further guidance and introducing standard planning conditions so that, where appropriate, these nature conservation features can be secured as minimal net gains and/or 'best practice' through the council's development management process.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The notice of motion put to the March TD&C Committee reflects a number of deputations put to earlier meetings of this Committee raising concerns about the city's swift population and how swifts could be better supported in the city

through simple measures such as installing swift boxes/bricks in suitable new development¹.

- 3.2 An additional suggestion is that simple bee bricks could be easily incorporated within many new build developments and, as such, represent an inexpensive and easily achievable biodiversity net gain for the city.

Planning policy context

- 3.3 In general terms, every local planning authority has a statutory duty to have regard to conserving biodiversity as part of the planning process. Planning policy at both a national and local level strongly supports the need to protect and conserve biodiversity and to seek enhancements, including measures to extend existing and support new or isolated habitats.
- 3.4 Following consultation earlier this year, the government announced in its Spring Statement the intention to make biodiversity net gain compulsory within planning policy. The government's intention is to introduce a national approach using a 'Defra metric' to determine ecological value at any site and an improvement of least 10% is proposed. It is anticipated that the government will need to produce guidelines on the mechanisms to be followed.
- 3.5 Adopted City Plan Part One Policy CP10 Biodiversity already seeks a net gain in biodiversity from all development, wherever possible.
- 3.6 City Plan Part Two is currently being prepared² and the current timescales are to bring a final version of that Plan to this Committee in November. The Draft City Plan Part Two Policy DM37 – Green Infrastructure and Nature Conservation builds upon the adopted policies of City Plan Part One. It will specifically require proposals for new development to protect and seek to enhance protected and notable species and habitats. Again, the policy looks for a net gain from all development proposals. The policy will explain that enhancement opportunities should focus on Brighton & Hove's local Biodiversity Action Plan (BAP) habitats and species which include swifts (together with house martins and swallows) all of which are identified as BAP species for the city.
- 3.7 The proposed site allocation for the Brighton General Hospital (Policy SSA1) in the Draft City Plan Part Two at Regulation 19 stage, will make specific reference to the need for new development to incorporate swift brick/boxes to support the existing colony there. Representations were received from the RSPB at the draft plan stage of consultation seeking this specific amendment to the policy. Planning officers have also met with representatives from the RSPB and invited them to identify any other sites where there are known swifts.
- 3.8 In addition to local plan policies, there is also the Supplementary Planning Document SPD11 Nature Conservation and Development. The SPD recognises that many development proposals will have the potential to benefit local biodiversity. It addresses both proposals with no current nature conservation value and those likely to affect existing areas of value. The SPD clarifies those types of development that the guidance will not apply to (for example

¹ For example deputation to the November TD&C committee by Councillor Wears and RSPB.

² Regulation 18 Draft Plan consulted on July – September 2018.

advertisement applications, changes of use, conversions, alterations to windows and doors).

- 3.9 Where a site has existing nature conservation features, the SPD outlines a procedure for identifying features which may be affected by new development and for quantifying the amount of new nature conservation features which should be delivered either on or off the development site. As part of the procedure, the SPD calls for a 'biodiversity checklist' to be completed and submitted for certain types of planning applications³. The checklist identifies where further ecological assessment will be required to be undertaken and it is this information that then informs wider discussions involving the County Ecologist regarding the appropriate protection, conservation and full range of enhancement and mitigation measures to be secured.
- 3.10 For those development proposals affecting sites with no existing nature conservation value, the SPD advises that provision for new features should also be considered, in accordance with planning policy looking for net gain. The SPD advises against precisely prescribing the amounts or types of nature conservation features which should be provided in every situation. Instead, it advocates a 'menu' of options to provide maximum flexibility to developers while also ensuring that a range of nature conservation features are delivered (para. 5.37, SPD11). Appendices to the SPD provide further guidance on a 'menu' of features which, for buildings, could include green roofs, green walls, bird/bat boxes.
- 3.11 In summary, there is therefore a positive planning policy framework to support and enhance biodiversity in the city, including the city's swift and bee populations. Biodiversity measures are normally secured by planning conditions attached to planning consents on relevant planning applications with advice normally sought from the County Ecologist on such matters.

Process - Development management process

- 3.12 As indicated above, it is recognised that not all planning applications will require the need for a Biodiversity Checklist to be provided or, even where one is required, not all will trigger a requirement for further ecological assessment which would then be reviewed by the County Ecologist. This will particularly be the case for the majority of smaller scale new build activity in the city, householder extensions/alterations and possibly for brownfield development more generally.

Bee Bricks in new development

- 3.13 In terms therefore of securing a simple and straightforward biodiversity net gain (as supported by planning policy) from new build developments, it is suggested that a standard planning condition could be used to secure bee bricks within all new build development where practically feasible. Bee bricks are cheap and easily available through a number of suppliers and could be incorporated within all new builds ranging from single storey household extensions to larger scale residential/commercial new build where bee bricks would be required as the minimum biodiversity net gain.

³ These are identified on the local list of validation requirements.

- 3.14 It is worth noting that in terms of council new build e.g. New Homes for Neighbourhoods programme, this is already a requirement set out in design specification guidance.

Swift brick/boxes and other bird boxes

- 3.15 A similar approach could be followed for the incorporation of Swift bricks/boxes. However, in this case planning officers would require further guidance regarding the potential best locations across the city, the height at which bricks/boxes should be installed and any other guidance such as orientation and numbers of bricks/boxes suitable for different scales of development. It is anticipated that this guidance could be developed in partnership with the RSPB and the County Ecologist.
- 3.16 Outside of those locations suitable for swifts, provision for other bird boxes could be encouraged as part of any biodiversity net gain package.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 An alternative option would be to rely on the established processes already in place in terms of working with the Nature Conservation SPD biodiversity checklist (as described above). However, this could mean that many smaller scale planning applications may not secure a biodiversity net gain.
- 4.2 It is also unclear at this stage at what scale of development the government's net gain policy will apply to. Consultation suggested that smaller sites and all brownfield sites could be exempt.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The planning policies in City Plan Part One have already been subject to public consultation as part of the plan making process.
- 5.2 City Plan Part Two is also being prepared and is subject to standard consultation procedures. Some of the representations e.g. from the RSPB sought amendments such that more developments incorporate conservation features for swifts. SPD11 Nature Conservation was also subject to public consultation as would any further review of the SPD.

6. CONCLUSION

- 6.1 This report responds to the Notice of Motion put to the March Tourism Development and Culture Committee. It asked officers to bring back a report outlining what changes would be required to ensure that more development incorporated swift and bee bricks.
- 6.2 The report outlines that adopted and emerging planning policy support biodiversity net gains in all development where practically feasible. The report suggests that standard planning conditions could be used to ensure bee bricks are incorporated into all new build development where feasible as minimum net

gains and that swift bricks/boxes are also incorporated in all suitable development.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising from these proposals other than the cost of existing officer time in undertaking the further actions set out in the report.

Finance Officer Consulted: Steven Bedford

Date: 14/05/19

Legal Implications:

- 7.2 As is pointed out in the body of the report, local authorities have a duty to conserve biodiversity. This duty is contained in s40 of the Natural Environment and Rural Communities Act 2006 which states that a public authority “ must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” The legislation provides that “conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”. As is also noted in the report, national and local policy strongly supports the protection, conservation and enhancement of biodiversity.
- 7.3 There is therefore both legislative and policy support for the recommendation that swift boxes/bricks and/or bee bricks are incorporated into suitable new development.

Lawyer Consulted: Hilary Woodward

Date: 16/5/19

Equalities Implications:

- 7.1 An equalities impact assessment is undertaken as part of the preparation of all planning policy documents.

Sustainability Implications:

- 7.2 The measures outlined in this report, if implemented, will result in improved environmental sustainability.

SUPPORTING DOCUMENTATION

Appendices:

None.

Documents in Members' Rooms

None.

Background Documents

1. City Plan Part One (March 2016)
2. Draft City Plan Part Two (July 2018)
3. SPD11 Nature Conservation

Subject:	ERDF Business Support Programme		
Date of Meeting:	20 June 2019		
Report of:	Executive Director Economy Environment and Culture		
Contact Officer:	Name:	Cheryl Finella	Tel: 01273 291095
	Email:	Cheryl.finella@brighton-gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 This report updates the report to the Tourism Development and Culture Committee (TDC), in September 2018 which proposed a funding contribution toward a new business support programme for the city. This new report proposes an additional role for the City Council (the 'Council') in helping to manage the business grants element of the project on behalf of the lead partner, the University of Chichester, (UoC).

2. RECOMMENDATIONS:

That Committee:

- 2.1 Approves the proposal for the Council to manage the £2.865 million business grants fund which forms one element of the European Regional Development Fund (ERDF) Business Support Programme led by the University of Chichester.
- 2.2 Grants delegated authority to the Executive Director Economy Environment and Culture to enter into the agreements necessary to put the recommendation set out in 2.1 into effect, including:
- (i) A grant management agreement with the University of Chichester; and;
 - (ii) Grant agreements with the recipients of the business grant fund.
- 2.3 Notes the delayed start to the ERDF Business Support Programme and agrees that the Council's match funding contribution of £90,000 will now be made from 2019/ 2020 to 2021/2022.

3. CONTEXT/ BACKGROUND INFORMATION

3.1 On the 27th September 2018 TDC agreed to a funding contribution of £90,000 over 3 years to support a European Regional Development Fund (ERDF) bid led by the University of Chichester (UoC) focused on providing SME business support in the Coast to Capital LEP area. It comprised £30,000 per year funded from the Economic Development Initiatives budget from 2018/19 to 2020/21. This allocation was set to bring in match funding of a further £90,000 (£30,000 per annum), from the ERDF.

3.2 The UoC bid along with a number of other ERDF and European Social Fund (ESF) projects that have come via the Coast to Capital LEP have been waiting a long time for approval from MHCLG. The full reasons for this are unclear but include staff changes at MHCLG, requests for additional information and a lack of resource at government office to process the projects.

3.3 **ERDF Business Support Programme**

3.4 Early in 2017 the Ministry for Housing Communities and Local Government (MHCLG) launched a call for projects under the European Regional Development Fund (ERDF). The call was for Priority Axis 3: 'Enhancing the competitiveness of Small and Medium Enterprises'. £6 million was set aside for the call with a requirement that bidders identify and secure match funds of a further £6 million to provide a total project bid value of £12 million over three years.

3.5 The UoC led a bid for the fund in partnership with city region's main districts, borough council's and unitary authorities. An expression of interest was submitted in April 2018 followed by a full bid submission shortly after.

3.6 If successful then the University and its partners will work together to roll out the programme which will comprise training and support in the following areas:

Productivity & Growth

Monetisation of Innovation

Leadership and Management Development and Peer to Peer mentoring

Business Start-up advice

Access to Finance

3.7 The Access to Finance strand will provide grants of between £2,000 and £100,000 per business; £2.865million of the £11million programmes will be set aside over the 3 years toward business grants which will generate match funding through SME capital and revenue projects of around £4.65million. The overall project value was reduced from £12million to £11million in 2018 when two of the project partners withdrew from the project.

3.8 Match funds for the project will come from the project partners and UoC. West Sussex County Council is using an allocation from pooled business rates and Brighton & Hove City Council is using £90,000 from the Economic Development Initiatives budget (see paragraph 7.1) as match funds toward the project over three years. Other funders include the Greater Brighton Economic Board, Lewes District Council, Mole Valley District Council and The Princes Trust

3.9 Although led by the UoC project delivery will take place at different locations across the Coast to Capital region including locations in Brighton & Hove to ensure that provision is convenient for local businesses to access.

Request for Brighton & Hove City Council to manage the business grant fund

3.10 The University of Chichester approached the Council to ask if the council would take responsibility for managing the business grant fund element of the project. The reason for the request was to help the university manage the cash flow

issues arising from the project. Specifically the time lag between paying the business grant to a business, submitting a claim to the MHCLG, and receiving payment for the claim.

- 3.11 For clarity, businesses who are awarded an ERDF grant will receive no more than 40% the total cost of the item or activity. To access the ERDF 40% a business must have spent the whole amount (100%), they can then claim 40% back from the ERDF by providing evidence of expenditure.
- 3.12 The EU defrayed expenditure regulations on the business grant element of the project require the grants to be paid in advance of the claim being submitted to MHCLG. This means that even with the most efficient process the university would have to wait for between 2 and 3 months before receiving payment. Based on their estimates the university would experience a negative cash flow. Whilst this could be managed to a degree, the amount would likely be between £350,000 and £400,000 in a 2 month windows every quarter. Given the size of the university this cash flow represents an insupportable level of risk.
- 3.13 The University of Chichester is working with MHCLG to improve the efficiency of the claims process and increase the certainty and speed of payment matched to the claim. They propose to do this by producing a draft claim for scrutiny by MHCLG prior to final payments. The purpose of the draft claim will be to address any errors, potential challenges and risks prior to the grant applicant being paid.
- 3.14 The Council is very experienced in managing programmes of this kind. In 2014 the Council's Economic Development managed a three-year £1.8million business grants programme funded by the Department for Business Economy & Industrial Strategy (BEIS) Regional Growth Fund which was part of a business support project led by the University of Lancaster. The programme achieved 82% of job target outcomes and exceeded projected private sector match by 34%.
- 3.15 The specific role that the Council is being asked to manage has been identified as follows:

Advertise, interviewing, recruiting and managing the Grant Fund Manager

Support the general marketing of business grants

Manage enquiries

Manage Expressions of Interest

Manage full application

Review of full application and due diligence

Issue agreements linked to the grant

Pay grants to SME's

Follow up to ensure that the SME grant fund project has happened

Submit all paperwork and claims to UoC to form part of the full programme claim to MHCLG

Ensure grant fund KPIs are met (e.g. numbers of grants distributed, value of grants distributed, the value of SME project match to the programme)

Track and report on business outputs

Work closely in partnership with the UoC programme manager to ensure compliance with EU/ ERDF guidelines

Contribute to project evaluation

- 3.16 All costs associated with these additional responsibilities can be funded through the project, including the role of the Council's Finance team (ORBIS) in checking and signing off the quarterly claims and supporting evidence. The Grant Fund Manager will have responsibility for managing all aspects of the grants programme, this includes overall management of the process, allocating of the grants, compliance to EU and ERDF regulations, evidence requirements including evidence of defrayal, receipts, and contract compliance including achievement of outputs.
- 3.17 Additionally there will be a role for the Council's Legal officers (Orbis Public Law), in adapting/ drafting a legal agreement between the Council and the grant recipient; this will likely be based upon an EU/ ERDF/ government template. They will also review and advise on the agreement which will be needed between the Council and UoC including any revisions necessary. The fees for legal advice will be claimed through project delivery indirect costs.

Risks and Mitigations

- 3.18 This table sets out some of the risks and mitigations associated with the management of the business grant fund programme:

Risk Description	Probability	Impact on outputs	Impact on finances	Ownership	Risk Control Measures	Risk Contingency Plans
Failure to stimulate demand for the grant programme	Medium	High	High	BHCC	<ul style="list-style-type: none"> • Ensure that project profile for the grants allows for a gradual increase in take-up each quarter • Effective marketing <p>Actions by UoC</p> <ul style="list-style-type: none"> • Development of a promotional partnership • Employment of marketing coordinator • Ensure delivery partner promotion of project • Suitable marketing budget allowed for 	<ul style="list-style-type: none"> • Ongoing marketing incl. social media and business networks • Work with the LEP to secure referrals through the Growth Hub

Delays in payment/ claims rejected by MHCLG due to non-compliance with ERDF regulations	Medium	High	High	BHCC	<ul style="list-style-type: none"> • Ensure that claims are eligible by conducting the draft claim approach along with detailed scrutiny of applications and applicants • Align the due diligence process with MHCLG standards incl. de minimis regulations • Ensure that the grants panel members have appropriate skills in assessing grant applications • All claims checked and agreed by BHCC Finance before award of grant 	<ul style="list-style-type: none"> • Review of each quarterly claim and implementation of lessons learned • Obligations and requirements regarding eligibility, claims and payments set out in the grant fund legal agreement
Businesses fail to provide the required level of match funds	Low	Medium	Medium	BHCC	<ul style="list-style-type: none"> • SME's required to spend their match funds before accessing the grant fund • Businesses sign a legal agreement setting out the requirements and obligations linked to the fund • Grant Fund Manager to track compliance with the agreed outcomes & seek business action to address shortfalls 	<ul style="list-style-type: none"> • BHCC to agree the evidence requirements for the match funds from UoC/ MHCLG before promoting the fund

3.19 Interest loss on the estimated rolling in year deficit of £350,000 to £400,000, will equate to circa £2,000 to £3,000 pa at current interest rates. This will be a loss of cash to this authority and Brighton & Hove taxpayers. Assuming this is a 3-year programme it is also subject to interest rate rises throughout that period. UoC has agreed to reduce the Council's contribution, (originally agreed as £30,000 per annum x 3 years) proportionate to the interest rate loss to the council per annum so that there are no additional costs to the council that cannot be claimed back in managing this fund.

3.20 The role of the Grant Fund Manager is central to the effective delivery of the project activities and outcomes. The costs for advertising and recruitment will be claimed from the project retrospectively. The Economic Development Programme Manager will work with UoC to ensure that the profiled KPI's are achievable, in order to minimise delays in payment and/ or ineligible claims.

3.21 As part of the management of the grant the Council's Finance officers will check the quarterly reports prepared by the Grant Fund Manager and sign off claims prior to submission to UoC. Issues that arise will be dealt with by the Grant Fund Manager, or, if necessary, escalated to the UoC Programme Manager.

Next Steps

- 3.22 If agreed by Committee UoC will amend the proposal to MHCLG detailing the role that the Council will play in managing the business grant programme. MHCLG is already aware of this proposal and is expecting the revised bid from UoC. The anticipated timeline will be approval by MHCLG from July, agreements agreed by September and operational by end of October/ November because delivery partners will have their systems in place for a prompt start.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 MHCLG, the LEP, West Sussex County Council and the local authorities involved are all keen to see this programme go ahead. West Sussex has agreed to help manage the cash flow by front loading their match funds which are drawn from pooled business rates, and the LEP will be aligning the work of the Growth Hub to facilitate signposting to the provision. However none of the partners are able to take on responsibility for managing the grant fund at this time.
- 4.2 UoC will take responsibility for overseeing delivery of the bulk of the programme however universities are currently facing a number of financial challenges which negate managing the cash flow issues present in this element of the programme. MHCLG has indicated that they would accept the Council taking on this role instead of UoC and are happy for the proposal to be revised accordingly. UoC has made clear that if the Council is unable to take on this role; the programme will not be able to go ahead as the grant fund is integral to the wider programme.
- 4.3 Participation in the ERDF Business Support Programme will provide a much bigger and more diverse programme of services to business. By contributing £90,000 over three-years to the project Brighton & Hove businesses will have access to a £11 million programme of business support over the next three years. Further it will help to fill a gap in start-up business advice which was created when the Coast to Capital Growth Hub reduced start-up support from its provision and when the national Business Link service was disbanded.
- 4.4 Taking on the additional responsibility of managing the fund will help ensure that the wider programme gets delivered. It also gives the Council greater strategic influence over programme delivery.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Partners involved in the project and local stakeholders such as the Coast to Capital Local Enterprise Partnership are very keen to see this project go live. Since the demise of the government funded Business Link programme there has been very limited publicly funded business support provision. The absence has led to a much more fragmented business support landscape with businesses unsure where and how to access good quality business support services.
- 5.2 The ERDF project was formed in response to a project call for competitive bids by Coast to Capital LEP. The project call was endorsed by the European Structural Investment Framework (ESIF) panel comprising representatives of the LEP local authority areas. The ESIF committee oversees project calls to ensure

that they fit with local priorities.

- 5.3 The UoC proposal was also endorsed by the Greater Brighton Economic Board (April 2017), as a project that aligns with their strategic priorities and provides practical support to business.

6. CONCLUSION

- 6.1 The Committee is asked to agree to the Council taking on lead responsibility for managing the ERDF business grants programme on behalf of and under agreement with the University of Chichester.
- 6.2 The Committee is asked to agree to the delayed start in providing the Council's contribution of £90,000 over three-years which will now start from 2019/2020.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Brighton & Hove City Council agreed to contribute £0.090m over 3 years to support the European Regional Development Fund (ERDF). Comprising £0.030m per year funded from the Economic Development Initiatives budget from 2018/19 to 2020/21. This allocation will draw down match funding of a further £0.090m from the ERDF fund being managed by University of Chichester (through the MHCLG £11.000m regional programme).
- 7.2 Due to the delay in securing MHCLG approval the project has not started and the £0.030m from the Council was not drawn down. The proposal is to move the start date of the project, (and therefore the partner match funds) to 2019. This will therefore require Committee approval to allocate Council funds from the Economic Development Initiatives budget for three-years starting from 2019/ 20 through to 2021/2022.
- 7.3 Paragraphs 3.12 sets out the cash flow challenge that UoC is asking Council to manage. Interest loss on the estimated rolling in year deficit of £350,000 to £400,000, will equate to circa £2,000 to £3,000 pa at current interest rates. This will be a loss of cash to this authority and Brighton & Hove taxpayers. Assuming this is a 3-year programme it is also subject to interest rate rises throughout that period. UoC has agreed to reduce the Council's contribution, (originally agreed as £30,000 per annum x 3 years) proportionate to the interest rate loss to the council per annum so that there are no costs to the council that cannot be claimed back in managing this fund.
- 7.4 All costs associated with the delivery of the programme including the post of Grant Fund Manager with on-costs and overheads as well as administrative support from the Economic Development Team officers, Legal and Finance will be recovered through the programme over the three year period.
- 7.5 The payment and administrating of grants to businesses will be processed through the Council's finance systems. This process will be adhered to under the Council's Financial Regulations and Procedures that have been reviewed by MHCLG. A strict protocol will be established to minimise the risk of grants not

being approved by MHCLG prior to release of grants to businesses as detailed in the risk table at paragraph 3.18.

Finance Officer Consulted: Rob Allen

Date: 05/06/19

Legal Implications:

- 7.6 Once Chichester University receives formal approval to proceed from MHCLG, an agreement(s) between the University and the Council will be drawn up. Legal officers will assist with drafting and advice as required to finalise the agreement.
- 7.7 In addition, Legal officers will draft and provide advice on the proposed contract(s) between the Council and the business grant recipients ensuring the all relevant liabilities and obligations flow down from the Council's contract with the University and accord with ERDF guidelines.

Lawyer Consulted: Isabella Sidoli

Date: 10/06/19

Equalities Implications:

- 7.8 There are no direct equalities implications arising from this report.

Sustainability Implications:

- 7.9 There are no direct sustainability implications arising from this report.

Any Other Significant Implications:

SUPPORTING DOCUMENTATION

Appendices:

1. None

Background Documents

1. ERDF Business Support Programme Committee Report 27 Sept 2018 [S:\Cultural Services\Economic Development Team\Projects\EU\ERDF Business Support Programme Committee Report 27 Sept 18.docx](#)

Major Projects Bulletin

June 2019

Royal Pavilion Estate



Proposed scheme

Background

Heritage Centre Stage is a bold and significant initiative by the Royal Pavilion & Museums (RPM) and Brighton Dome & Festival Ltd (BDBF) to reunite the historic Royal Pavilion Estate. Phase 1 of this ambitious regeneration of the Royal Pavilion Estate (RPE) will deliver a major restoration of the nationally important Grade I listed Corn Exchange & Grade II listed Studio Theatre to enhance audience comfort & help the building operate more efficiently. This will include significant structural improvements that rationalise operations and drive increased revenue surpluses in order to deliver against BDBF's ambitious business plan. Achievement of this plan is central to our vision for the Royal Pavilion Estate and its future contribution to the cultural and economic wellbeing of Brighton & Hove. Phase 2 is now being considered and will aim to deliver significant restoration and improvement works to the Royal Pavilion and Garden.

Key Facts

Current stage: Phase 1 (Corn Exchange & Studio Theatre) started on site February 2017. Delayed completion due to finds on site and significant structural remedial works to Corn Exchange roof trusses.

Partners: Brighton & Hove City Council, Brighton Dome & Brighton Festival, Arts Council England, Heritage Lottery Fund and Coast to Capital LEP

Architects: Feilden Clegg Bradley Studios

Estimated project value: £23.4M

What happened in the last period?

- Significant remedial works to address structural defects of Corn Exchange wooden frame and roof trusses.
- Strengthening works to Corn Exchange roof structure and tensioning of tie-rods
- Completion of Corn Exchange west windows
- First fix mechanical & electrical
- 29 New Road reroofing and structural works
- Studio Theatre setting out and partition walling

What's going to happen in the next period?

- On-going strengthening works to Corn Exchange roof structure and reroofing
- Internal walls, ceilings and floors of new Gallery building and first fix mechanical & electrical.
- Closing up basement.
- Complete installation of public lift.
- First and second fix mechanical & electrical.
- Preparation for resubmitting Phase 2 Round 1 HLF

Key Risks

- Increasing cost overruns due to unforeseen works
- Programme slippage resulting in delayed completion date

Target Milestones

- Phase 1 works complete Winter 2019
- Phase 2 works (Garden) SoS Spring 2021
- Phase 2 works (Royal Pavilion) SoS Autumn 2020
- Project complete Autumn 2022

Brighton Waterfront



The Brighton Centre and Churchill Square Black Rock

Background

The legal agreement to release funds from Aberdeen Standard Investments to begin work to deliver the Waterfront project has now been agreed following Policy Resources and Growth Committee approving heads of terms in December 2018. The project will now move into Condition One, the full project set up phase including appointment of a Project Director, early visioning and engagement post April, and agreeing enabling works to be delivered for the Black Rock site.

Key Facts

Current stage:

Closure of legal and commercial negotiations and project set up.

Partners:

Brighton & Hove City Council and Aberdeen Standard Investments

Architects:

ACME Space, David Leonard Associates (central site)

Estimated project value: c£540M

Outputs:

- 2,000 jobs
- New venue & conference centre
- New regional retail and leisure destination at Central site
- Improved public realm and urban design
- Housing and office space
- Improved seafront connectivity

What happened in the last period?

- A range of enabling works has been scoped to facilitate the development of the Blackrock site.

What's going to happen in the next period?

- Presentation to LEP in mid-June
- Council will formally seek approval to procure a Design & Build contractor for the site enabling a package of works following LEP meeting

Key Risks

- The current programme is driven by the requirement to spend the LEP grant by the end of March 2021. Funding would be at risk if there are any delays to the programme.

Target Milestones

- Pre Application submission – mid-June 2019
- Planning Application – October 2019
- Early Contractor involvement – September 2019
- Planning consent - January 2020
- Commence on site – March 2020
- Completion – March 2020

King Alfred Development



Proposed Scheme

Current King Alfred Leisure Centre

Background

The primary objective is to replace the outdated Leisure Centre with improved, extended, and modern sports facilities as part of a major mixed-use enabling development, the principal element of which is much needed new homes. A 'Competitive Dialogue' procurement process in 2015, resulted in appointment of the Preferred Developer in January 2016.

Key Facts

Current stage:

Crest Nicholson in partnership with the Starr Trust, a local charity, are the preferred developer team. Following appointment, the parties worked to address financial viability challenges to enable completion of the Development Agreement (DA). Progress reports were presented to the Council's Policy, Resources & Growth (PRG) Committee on 6th December 2018 and 24th January 2019, through which the way forward was agreed.

Partners: Brighton & Hove City Council, Crest Nicholson & the Starr Trust

Architects: LA Architects – Sports centre and Haworth Tompkins – Wider scheme and master plan

Estimated project value: c£250M

Outputs:

- New sports centre of c12,000 M² & 565 homes (20% affordable)
- Commercial/retail space, community and public space

What happened in the last period?

- Report presented to PRG Committee on 24th January 2019 secured agreement to the terms of the DA, and to an extended deadline of 30th March 2019 for Crest to enter into it.
- The Council and Crest Nicholson continued discussions to finalise the suite of legal documents in readiness for 30th March.
- Crest reiterated its inability to enter into the DA by the agreed deadline due to continuing uncertainty about the terms and timing of the UK's exit from the EU.
- Discussions between the parties continue, including engagement with Homes England to progress the HIF contractual arrangements, pending Crest's decision.

What's going to happen in the next period?

- Crest advises of its willingness to enter into the DA.
- HIF contractual arrangements concluded.
- Report to PRG committee to secure agreement to enter into DA or, if that isn't possible, to pursue an alternative approach.
- Development Agreement entered into.
- The developer mobilises its professional team and design development commences.

Key risks

- Brexit delay impacts Crest's decision to enter DA
- Scheme viability worsens
- New committee resolution needed before entering DA or to agree alternative route
- Continued uncertainty about delivery timetable

Target Milestones

- Development Agreement signed: Summer 2019
- Crest commences detailed design process: Autumn 2019
- Planning application: Summer 2020
- Start on Site: 2021
- Project complete: 2026

Circus Street



The scheme designs

Background

The former municipal fruit and veg market will become a mixed-use scheme and 'innovation quarter'. The site, approximately a hectare in area, housed the former Municipal Market building, a university building and a car park. Following the decision by the University of Brighton in 2016 to place its plans for a new academic building 'on hold' a revised land deal was agreed between U+I (the developer) the council and the university in 2017, leading to the commencement of construction in summer 2017 of all elements of the development bar the university building. The university intends to develop facilities to meet its needs at a future date.

Key Facts

Current stage: Construction work is underway

Partners: U & I plc, SE Dance and Coast to Capital LEP

Architects: ShedKM

Estimated project value: c£105M

Outputs:

- 232 jobs
- 142 homes
- 2,046 M² Commercial
- 450 Student beds
- Dance Studios (The Dance Space)

What happened in the last period?

- Construction progressing on all buildings, although varying amounts of slippage experienced on all elements of the build.
- Revised completion dates have been issued by construction contractor.
- Complaints by local residents relating to various issues around building works have been reported in local media.
- U+I, Henry and council have been working in their various capacities to better ensure concerns raised by local residents are addressed.

What's going to happen in the next period?

- Construction on all elements of the build to continue on-site, with completions and handover of student accommodation.

Key Risks

- Further slippage on construction works.

Target Milestones

- Student accommodation complete July - August 2019
- The Dance Space construction works complete late Nov 2019
- Project complete Spring 2020

Preston Barracks & University of Brighton



The proposed scheme

Background

Having secured planning consent in late 2017, redevelopment of the former barracks site and adjacent University of Brighton land achieved another major milestone in February 2018, when the Development Agreement went unconditional. As a result, a long lease was granted to the developer, with freehold disposal of the barracks site to the University of Brighton. The £200 million GDV Preston Barracks element is part of a comprehensive mixed use regeneration scheme aimed at transforming this part of Brighton.

The scheme will create a Northern gateway in to the city, and support makers, inventors, engineers and product designers with the use of a diverse workspace in the form of the 'Plus X' entrepreneurial hub.

Key Facts

Current stage: In construction

Partners: University of Brighton, U+I Plc (the developers) and Coast to Capital LEP

Architects: Studio Egret West (Preston Barracks) & Hassell (University)

Estimated project value (Preston Barracks): c£200M

Outputs:

- 369 new homes (minimum 15% affordable)
- c1,300 student beds
- Entrepreneurial hub (4,645 M2 & 854 jobs over 10 year period)
- Office and retail space
- New university academic space
- Regenerate key site

What happened in the last period?

- Reinforced concrete frame for the 'Plus X' entrepreneurial hub building completed.
- Curtain wall glazing and M&E for 'Plus X' commenced
- Construction of the student accommodation blocks on the barracks site underway, with the concrete frame of the first block to level 3.
- Planning consent for inclusion of Medical Centre granted.
- Piling for University student blocks commenced.

What's going to happen in the next period?

- Plus X building topping out
- Cladding works to Plus X building commences
- Construction of residential units begins
- University multi-storey car park completed

Key Risks

- Delay to final agreement to inclusion of Medical Centre
- Programme slippage

Target Milestones

- Commencement of residential blocks: Summer 2019
- Completion of university car park: Summer 2019
- University Academic building commences: mid 2019
- Plus X building completed: end 2019
- Project complete: 2022-23

New England House



New England House

Fusebox creative space

Background

New England House is already one of the major hubs for Brighton's thriving Creative, Digital and IT (CDIT) businesses. The building accommodates over 100 businesses that are primarily from this sector. These businesses employ approximately 1,000 people and many more are employed by the companies that form part of their supply chains.

City Deal funding will assist the development of New England House into an improved and expanded facility for nurturing small creative. Digital and IT businesses and fusing together people with creative and digital skills. This work will put Brighton firmly on the map as Tech City South.

Key Facts

Current stage: Land deal agreed (subject to planning) with adjacent leaseholder and I developer (L&G) which would help secure City Deal outputs

Partners: Brighton & Hove City Council, Department of Communities & Local Government (Greater Brighton City Deal)

Architects: TBC

Estimated project value: c£25M

Outputs:

- Increase office space by 7,089m²
- Repair and refurbish council asset

What happened in the last period?

- Local planning authority agreed to grant planning permission for L&G development proposal for Longley Industrial Estate.

What's going to happen in the next period?

- Section 106 agreement on Longley planning permission to be completed and signed. Payment of premium to council by L&G to follow thereafter. Premium to be ring-fenced for NEH works.
- Internal agreement to be sought on refurbishment and extension options for New England House and testing of business case

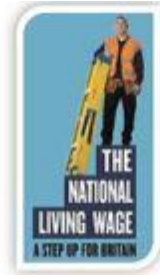
Key Risks

- Balancing concerns to maintain affordable rents with need to ensure project viability.
- Successfully addressing a range planning and transport issues relating to locality.

Target Milestones

- Agree concept plans and business case – Autumn 2019

Homes for Brighton & Hove Joint Venture



Background

The council is developing a Joint Venture with Hyde Housing to deliver 1,000 homes (500 Living Wage rent and 500 Shared Ownership targeted at local people). The proposal is to establish an equal Joint Venture Limited Liability Partnership (LLP) between Brighton & Hove City Council and Hyde Housing Association. The partners will provide equal funding, totalling £106M, to build new homes for low working households in Brighton & Hove. This will help to further increase the supply of lower rent housing in the city across a range of sites.

Key Facts

Current stage: The project received committee and funding approval in December 2016. Head of Terms are agreed and the Legal documents and Business Plan are currently being reviewed with an aim to launch in summer 2017.

Partners: Brighton & Hove City Council and Hyde Housing

Estimated project value: £118M

Outputs:

- 1,000 homes (500 at Living Wage rent & 500 for Shared Ownership)
- Share of annual surplus to the council
- Jobs, training and apprenticeships
- Wider economic and regeneration impacts
- Council Tax revenue

What happened in the last period?

- Planning applications submitted for Coldean and Portslade
- Board meeting
- Procurement of construction partners underway

What's going to happen in the next period?

- Planning decision on Coldean and Portslade sites
- Appointment of construction partner for Portslade & Coldean
- Complete review of public feedback, technical and viability issues on Whitehawk site
- Continue work to identify next sites

Key Risks

- Public opposition and/or not able to gain planning approval individual projects
- Unable to identify suitable future sites
- Projects not financially viable

Target Milestones

- First planning permissions – Spring 2019
- First start on site – Autumn 2019

- All homes complete 2022

Securing Madeira Terrace for the Future



Background

The overall proposed scheme involves the restoration and creative reuse of Brighton's iconic Madeira Terrace, raised walkway and associated buildings. Efforts to begin restoration through phased delivery and associated bids have been unsuccessful to date. Following a public petition in March 2019 the Council's team are rethinking the approach to restoration against limited available funding. Public pressure to 'just do something' is not feasible or economically viable. To benefit from quantities of scale and attract visitors it is estimated that a minimum of 30 arches or more be restored at any one time. This approach breaks down the restoration of the Terrace into 5 phases of delivery.

Key Facts

Current stage: Request to start up MT30 project will be made at Tourism, Development and Culture Committee on 20/6/19

Partners: Brighton & Hove City Council

Architects: A design team will be procured once funding for this element of the project is secured at PRG in July 2019.

Estimated total project value: £24m* for 151 arches (excluding public realm). Estimated value of Phase 1 £5M

Outputs:

- Rejuvenated eastern seafront with a variety of new independent businesses, including leisure, creative industries and food & beverage.
- Conservation of the Grade II listed structure.

- Conservation of Green Wall with its diversity of plants and habitats

What happened in the last period?

- The first area-wide stakeholder meeting held on 9/5/19 began set up of Madeira Terrace Restoration Advisory Panel which will include community groups, businesses, conservation groups and events organisers. It is proposed that Panel members work alongside the Council as the project develops enabling community vision to be incorporated into restoration plans.
- EoI to NLHF submitted, Council invited to bid.

What's going to happen in the next period?

- Request TDC cttee give permission to start MT30 project (30 arches to include the Crowd Funded arches restoration funds)
- Begin procurement process to appoint a design team for the project
- Confirm next steps for Grade2* listing with Historic England
- Set baseline for MT30 project programme

Key Risks

- Budget for Masterplanning
- Capital outlay for design team without capital for implementation.

Target Milestones

- June 2019 TDC Cttee approval start up
- Jul 2019 Advertise Design team tender
- Dec 2019 Appoint design team
- Sep 2020 Develop project to RIBA stg3
- Jan 2021 Detailed design to RIBA Stg4 & procurement of contractors
- Jul 2021 Start on site
- Spring 2022 practical completion (RIBA Stgs 6-7)but dependent upon the success of achieving funding for capital works required**

* Capital cost estimate based upon Mott McDonald 2016

**All dates awaiting review by BHCC architects (14/5/19)

