

BHCC44 Revised Schedule of Proposed Main Modifications to the Proposed Submission City Plan Part 2

1. The Proposed Submission City Plan Part 2 was submitted to the Secretary of State on 13 May 2020. Public hearings were held in November 2021.
2. As part of the examination process a number of proposed Main Modifications (MMs) have been identified. A Main Modification is an amendment which is considered necessary to make the Plan sound or legally compliant, addressing issues raised during the examination process and those set out in Inspector Note 09.
3. This schedule identifies the proposed Main Modifications. These Main Modifications have been drafted by the council, and the Planning Inspector has indicated the council can now publish these for public consultation. These MMs are accompanied by an Update Sustainability Appraisal (BHCC45) and Health and Equalities Impact Assessment (BHCC47).
4. The proposed main modifications are generally expressed in the form of ~~struck through~~ for deletions of text and underlined for additions of text and are set out in the same order as the City Plan Part 2.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
MM01	Policy DM1 Page 13	<p><i>DM1 Housing Quality, Choice and Mix</i> <i>Amend policy criterion e) to read:</i></p> <p>e) for proposals providing 10 or more dwellings, 10% of the affordable residential units and 5% of all the residential units should be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3)⁹. <u>Where the Council is responsible for allocating or nominating the occupier, these homes should be ‘wheelchair accessible’ at the point of completion, whilst in other cases they may be ‘wheelchair adaptable’.</u> Where this is not practicable on-site an equivalent financial contribution should be provided¹⁰; and</p> <p>⁹ Building Regulations M4(3) or as amended. ¹⁰ PartM4(3) - the extra cost per dwelling to provide was assessed in the CIL Viability Study (2017) to be £26,816 for houses and £15,691 for flats. These figures will form the basis for any financial contribution for off-site provision, taking into account inflation. The council will publish updated Technical Guidance on Developer Contributions following the introduction of CIL.</p>	To reflect Part M4(3) of the Building Regulations and Planning Practice Guidance on Housing: Optional Technical Standards (paragraph 56-009).

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MM02	Policy DM3 page 20	<p><i>DM3 Residential conversions and the retention of smaller dwellings</i> <i>In footnote 1 to the policy, amend first sentence to read:</i></p> <p>¹The original floor area excludes later additions such as extensions, garages (including converted garages) and loft conversions <u>since the dwelling was built or as built on 1st July 1948</u>. The calculation of the original floor area must be based on internal dimensions only.</p>	To clarify and simplify the policy criteria of ‘original floor area’ and to be consistent with the definition of original dwelling in The Town and Country Planning (General Permitted Development) Order 2015 as amended.
	Policy DM3, page 20	<p><i>DM3 Residential conversions and the retention of smaller dwellings</i> <i>In part B, insert footnote after ‘minimum of two bedrooms’ to read:</i></p> <p><u>*i.e., a 2-bedroom, 4-person unit (70sqm) or larger.</u></p>	To clarify what is meant by ‘suitable for family accommodation’ for policy purposes.
MM03	Policy DM4, page 23	<p><i>Policy DM4 Housing and Accommodation for Older Persons</i> <i>Amend second paragraph to read:</i></p> <p>Development proposals to meet the specific accommodation needs of older people will be supported <u>Planning permission will be granted for older persons housing and accommodation where the development meets all of the following criteria:</u></p>	To ensure the policy wording is clear and unambiguous.
	Policy DM4, page 23	<p><i>Policy DM4 Housing and Accommodation for Older Persons</i> <i>Amend fourth paragraph to read:</i></p> <p>Proposals that will result in the loss of residential accommodation for older people will be resisted unless it can be <u>only be permitted</u> where it is demonstrated that at least one of the following criteria apply:</p>	To ensure the policy wording is clear and unambiguous.

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	Supporting text to Policy DM4, paragraph 2.28, page 25	<p>DM4 Housing and Accommodation for Older Persons Amend paragraph 2.28, third sentence to read:</p> <p>The availability of a range of suitable accommodation options for older people, <u>including as part of inter-generational communities</u>, can help release family accommodation, improve quality of life and reduce the need for residential care.</p>	To provide support for the principle of inter-generational housing
	Supporting text to DM4 Paragraph 2.36 page 36	<p>DM4 Housing and Accommodation for Older Persons Amend the final sentence in the fourth bullet point in paragraph 2.36 to read:</p> <p>Extra-care/assisted living homes normally fall either within Use Class C2 or C3, this varies <u>may vary</u> depending on the level of care provided and whether overnight care is available <u>the scale of communal facilities provided</u>.</p>	To ensure consistency with national planning practice guidance (Ref ID: 63-014-20190626)
MM04	Policy DM5, page 28	<p>Policy DM5 Supported Accommodation (Specialist and Vulnerable Needs) Amend second paragraph to read:</p> <p>Proposals for development aimed to meet the specific accommodation requirements of people with specialist needs will be permitted <u>Planning permission will be granted for supported accommodation for people with specialist and vulnerable needs where the development meets all of the following criteria:</u></p>	To ensure the policy wording is clear and unambiguous.
	Policy DM5, page 28	<p>Policy DM5 Supported Accommodation (Specialist and Vulnerable Needs) Amend third paragraph to read:</p> <p>Proposals that will result in the loss of residential accommodation for people with special needs will be resisted unless it can be <u>only be permitted where it is demonstrated that at least one of the following criteria apply:</u></p>	To ensure the policy wording is clear and unambiguous.
MM05	Supporting text to Policy DM8, paragraph 2.77	<p>DM8 Purpose Built Student Accommodation Amend last sentence of paragraph 2.76:</p>	To provide clarity on the meaning of the policy requirement for

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		<p>In order to provide a greater strategic benefit to the city developments should provide a predominance at least 50% of bedspaces in the form of cluster flats in order to be available to a broad spectrum of students, rather than only the wealthiest.</p> <p><i>Delete the following text in paragraph 2.77:</i></p> <p>“The majority of new PBSA developments in recent years have been located along the Lewes Road academic corridor due to the accessibility to the universities. Some of these locations are in areas not covered by Controlled Parking Zones so the council cannot restrict the number of cars brought to the city by occupants through permit free developments.”</p>	<p>predominantly cluster units.</p> <p>To reflect the council no longer using planning conditions to restrict access to parking permits.</p>
MM06	Policy DM9, page 40	<p><i>DM9 Community Facilities</i> <i>Amend part 1 of policy to read:</i></p> <p>1. Planning permission will be granted for new community facilities <u>in Regional, Town, District and Local Centres in accordance with Policy DM12 and in other locations</u> where all of the following criteria are met:</p>	To ensure consistency with Policy DM12
MM07	Supporting text to Policy DM9, paragraph 2.79 pages 40 -41	<p><i>DM9 Community Facilities</i> <i>Amend the bullet points in paragraph 2.79 to read:</i></p> <p>2.79 The term ‘community facilities’ encompasses a wide range of facilities and services which are defined in national policy as being social, recreational and cultural in nature. They can be broadly separated into the following types of use:</p> <ul style="list-style-type: none"> • <u>Medical or health services (use class E(e));</u> • <u>Creche, day nursery or day centre (use class E(f));</u> • <u>Learning and non-residential Institutions (Use Class F1 D1) – these are defined by the Use Classes Order and include education uses (non-residential), health clinics/GP surgeries, day</u> 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and for added clarity and brevity.

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		<p>nurseries/erèches, law courts, training centres, museums, public libraries, public halls and places of worship;</p> <ul style="list-style-type: none"> • <u>Local community uses (use class F2) – isolated local shops selling essential goods, halls or meeting places for the principal use of the local community. Areas of outdoor sport or recreation, swimming pools and skating rinks also fall within the F2 use class, and are protected by City Plan Part One Policy CP17;</u> • <u>Essential community public sector infrastructure including to meet the needs of the city. This includes:</u> <ul style="list-style-type: none"> ○ Facilities for the emergency services including the NHS and Fire, Police and Ambulance Services; ○ Public toilets; and ○ Prison and custody facilities. • Cultural and social facilities which perform an important role in the health and wellbeing and ‘quality of life’ of the city’s residents. Arts and performance venues. These include theatres, cinemas, public houses, social clubs, night time venues, bingo halls, and sport facilities. These types of venue are already protected by City Plan Part One Policy CP5. • <u>Public houses. These are protected by Policy DM10.</u> <p><u>Some changes of use fall under permitted development and would not be covered by the scope of this policy, however it is considered important to maintain a range of community facilities by applying this policy where permitted development rights do not apply.</u></p>	
MM08	Policy DM10, page 42	<p><i>DM10 Public Houses</i> <i>Amend sentence of policy as follows:</i></p> <p>Public houses will be protected.</p> <p><u>1. Planning permission will not be granted for development that would result in the loss of a pub redevelopment and/or change of use except where:</u></p>	To ensure the policy wording is clear and unambiguous.

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		<p>a) it has been demonstrated that use as a public house is not economically viable now and could not be made viable in the future³⁸; and</p> <p>b) It has been demonstrated that the local community no longer needs the public house and alternative provision meeting a similar need is available in the locality.</p>	
	Policy DM10, page 42	<p>DM10 Public Houses <i>Insert new Part 2:</i></p> <p><u>2. Proposals involving the loss of floorspace (including external areas) and facilities ancillary to the operation of the public house, will not be supported where the operation or customer appeal of the public house will be adversely affected.</u></p> <p>Where an alternative use can be justified, priority will be given to re-use of the premises or site for alternative community facilities.</p>	To reflect the discussion at the hearing session regarding protection against losses of floorspace or facilities that could adversely affect the future viability of the pub.
	Supporting Text to Policy DM10, para. 2.85, page 42	<p>DM10 Public Houses <i>Amend paragraph 2.85 with an additional sentence at the end to read:</i></p> <p>Public houses are important contributors to the character and vitality of communities, providing opportunities for social interaction, strengthening social cohesion and acting as a focus for the local community. <u>Proposals for new or extended public houses will be assessed using Part 1 of Policy DM9.</u></p>	To ensure clarity on relevant policy that would apply in circumstances of proposals for new/ extended public houses.
	Supporting Text to Policy DM10, para. 2.93, page 44	<p>DM10 Public Houses <i>Insert new paragraph after 2.93:</i></p> <p><u>The partial loss of a public house including ancillary facilities such as outdoor amenity spaces, covered shelters, dining areas, gardens and visitor accommodation can be detrimental to character, attractiveness to customers and consequently future viability, potentially leading to a pub being lost altogether. In determining whether the proposed changes are acceptable, the</u></p>	To reflect the discussion at the hearing session regarding protection against losses of floorspace or facilities that could adversely affect the future

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		<u>Council will consider the likely effect on the public house's continuing ability to operate successfully and to attract customers.</u>	viability of a public house.
MM09	Policy DM11, page 45	<p><i>DM11 New Business Floorspace</i> <i>Amend Policy DM11 to read:</i></p> <p>Development proposals involving the provision of new B1a, b and c <u>E(g) (i), (ii) and (iii)</u> Use Class business floorspace, either in stand-alone commercial or mixed-use schemes, should provide for well-designed buildings and layouts suitable for incorporating a range of unit sizes and types that are flexible, with good natural light, suitable for sub-division and configuration for new B1 <u>E(g)</u> uses and activities; and for new B1c <u>E(g) (iii)</u> light industrial, B2 industrial and B8 storage and warehousing premises include adequate floor to ceiling heights; floor loading, power, servicing and loading facilities.</p> <p>Redevelopment proposals on protected industrial estates will be supported where they provide an efficient use of the site/ premises to provide higher density and flexibly designed business premises for B1 <u>E(g)</u>, B2 and/or B8 uses in accordance with City Plan Part 1 Policy CP3 Employment Land</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Supporting text to Policy DM11, pages 45 -47	<p><i>Policy DM11 New Business Floorspace</i> <i>Amend paragraph 2.97, first sentence to read:</i></p> <p>Flexible design features for new B1a <u>E(g)(i)</u> office floorspace include:</p> <p><i>Amend paragraph 2.98, first sentence to read:</i></p> <p>Where new B1b <u>E(g)(ii)</u> or B1c <u>E(g)(iii)</u> units are proposed the council...</p> <p><i>Amend paragraph 2.100, first sentence to read:</i></p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

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		<p>Proposals that provide mix of B-E(g), B2 and B8 use class employment uses must be designed to demonstrate there is adequate separation of uses, to ensure high standards of amenity. <i>Amend paragraph 2.102, fourth sentence to read:</i></p> <p>Where opportunities for redevelopment of older/ poor quality/ lower density industrial premises come forward on safeguarded industrial estates/ business parks, in accordance with CPP1 Policy CP3 Employment Land, the council will seek a mix of flexibly designed unit sizes suitable for a range of B1 E(g), B2 and B8 uses making efficient use...</p>	
MM10	DM12, pages 48-49	<p><i>DM12 Changes of Use within Regional, Town, District and Local Shopping Centres</i> <i>Amend Policy DM12, including name to read:</i></p> <p>DM12 Changes of Use within Regional, Town, District and Local Shopping Centres</p> <p>To allow for diversification in shopping centres, change of use of an existing class A1 unit to non-A1 town centre uses within the following designated shopping centres and as shown on the Policies Map, will be permitted where the following criteria are met;</p> <p>A) Regional, Town and District Shopping Centres</p> <p>i) — Changes of use of a ground floor Class A1 unit in the primary shopping frontages will only be permitted where the proportion of Class A1 units would not fall below 75% in the Regional Centre, and 50% in Town and District Centres (as a proportion of total units measured across the total Primary Shopping Frontage), taking into account unimplemented planning permissions for changes of use;</p> <p>ii) — Changes of use of a ground floor Class A1 unit in the secondary shopping frontages will only be permitted where the proportion of Class A1 units would not fall below 35% in the Regional Centre and below 30% in the Town and District Centres (as a proportion</p>	<p>To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020</p> <p>To rectify error in tracked change version discussed at hearing session where text was repeated (see BHCC40).</p>

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		<p>of total units measured across the total Secondary Shopping Frontage), taking into account unimplemented planning permission for changes of use.</p> <p><i>iii)</i> Within the Lanes and North Laine areas the change of use should not result in a group of three or more adjoining units being in non-A1 use.</p> <p><i>iv)</i> The unit has been marketed for a minimum of 6 months, at an appropriate rent (providing three comparable shop rents within the centre) with the marketing information clearly demonstrating that there is no realistic prospect of the unit being used for A1 use in the foreseeable future; and</p> <p><i>v)</i> A shop front has been retained or provided;</p> <p>B) Local Shopping Centres</p> <p><i>i)</i> The proportion of Class A1 units in the centre would not fall below 50% (as a proportion of total units in the whole centre) taking into account unimplemented planning permission for changes of use;</p> <p><i>ii)</i> The shop unit has been marketed for a minimum of 6 months, at an appropriate rent (providing three comparable shop rents within the centre) with the marketing information clearly demonstrating that there is no realistic prospect of the unit being used for A1 use in the foreseeable future; and</p> <p><i>iii)</i> A shop front has been retained or provided.</p> <p><u>Commercial, business and service uses (use class E), learning and non-residential institutions (use class F1) and local community uses (use class F2) will be supported within the city's defined Regional, Town, District and Local Centres (as set out in CPP1 policy CP4 and as shown on the Policies Map).</u></p> <p>1. <u>Proposals for other uses will be permitted where it can be demonstrated that the scheme meets all of the following criteria;</u></p>	

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		<p>a) <u>The proposal will maintain and enhance the vitality, viability and the character of the shopping area;</u></p> <p>b) <u>The proposal will retain active ground floor uses and frontage and provide a direct service or sales to visiting members of the public;</u></p> <p>c) <u>The proposed development or uses will not have a harmful impact on the amenity of local residents due to noise, odour, disturbance or light pollution (see DM21, DM40); and</u></p> <p>d) <u>Shop front design should be in accordance with the council’s shop front policy (see DM23).</u></p> <p>2. <u>In addition to criteria a-d) above, proposals within the Lanes¹ and North Laine² areas of the Regional Centre should not result in the amalgamation of three or more adjoining units resulting in an overly dominant unit, in order to retain the unique character of the area.</u></p> <p>3. Residential use may be appropriate above or to the rear of units in shopping centres provided the active frontage is not compromised and that satisfactory residential amenity can be achieved.</p> <p>4. Temporary and ‘meanwhile’ use of vacant buildings and sites by start-up businesses as well as creative, cultural and community organisations will be considered supported particularly where they help activate and revitalise retail centres <u>and can generate increased footfall.</u></p> <p>As an update to the hierarchy of shopping centres as set out in policy CP4 of the City Plan Part One, the secondary frontage of the Regional Centre has been amended to facilitate a new centre called Brunswick Town Local Centre. This centre is shown on the updated Policies Map.</p> <p>Residential use may be appropriate above or to the rear of units in shopping centres provided the active frontage is not compromised and that satisfactory residential amenity can be achieved.</p>	

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		<p>Temporary and ‘meanwhile’ use of vacant buildings and sites by start-up businesses as well as creative, cultural and community organisations will be considered particularly where they help activate and revitalise retail centres.</p> <p>As an update to the hierarchy of shopping centres as set out in policy CP4 of the City Plan Part One, the secondary frontage of the Regional Centre has been amended to facilitate a new centre called Brunswick Town Local Centre. This centre is shown on the updated Policies Map.</p> <p>¹ Within the Lanes area this includes frontages within Market Street, Bartholomews, Meeting House Lane, Nile Street, Brighton Square, Union Street, Ship Street (east), Prince Albert Street, Brighton Place, Hanningtons Lane and Clarence Yard.</p> <p>² Within the North Laine area this includes frontages within Bond Street, Gardner Street, Church Street, North Road, Kensington Gardens, Sydney Street, Gloucester Street and Trafdmalgar Street.</p>	
	Supporting text to Policy DM12, pages 49-52	<p>DM12 Changes of Use within Regional, Town, District and Local Shopping Centres <i>Amend Policy DM12 supporting text paragraphs 2.103 – 2.121 to read:</i></p> <p>Review of and designation of shopping frontages 2.103 Primary and secondary frontages are defined within the Regional, Town and District Centres of the city in order to assist in the safeguarding and managing of retail uses and related facilities and services.</p> <p><u>2.103 Policy DM12 supports the City Plan Part One policy CP4 Retail provision and SA2 Central Brighton, as the focus of commercial activity in the centres identified in the Retail Hierarchy of Brighton & Hove. The policy contributes towards maintaining and enhancing the attractiveness of town centres by encouraging more people to use these locations. The main uses encouraged within these ground floor frontages to support footfall will be class E (‘commercial, business and service’).</u></p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

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		<p><u>2.104 Over recent years the increasing importance of internet shopping has changed the focus of shopping in town centres. The Covid-19 pandemic has exacerbated this trend and a change has been seen in primary shopping areas of the city as retail stores have closed and many national companies have downsized or ceased to trade.</u></p> <p><u>2.105 Increasing economic activity within town centres supports high street vitality. The council will therefore be supportive of alternative uses where proposals enhance the vitality and viability of the centre, provide services or sales to visiting members of the public, maintain an active ground floor use and frontages such as commercial window displays and sight of a reception or arrivals area. Where appropriate proposals should be in accordance with the council’s shop front policy DM23. Recognising that our town centres also have a high residential population, the council will ensure that proposals will not have a harmful impact on the amenity of local residents.</u></p> <p><u>2.106 Appropriate alternative uses which could contribute to vitality and viability may include sui generis uses such as launderettes, takeaways, pubs, bars, and cinemas which help generate footfall to an area.</u></p> <p><u>Proposals within the Regional Centre</u></p> <p><u>2.107 One of the council priorities is to maintain central Brighton’s role as the city’s vibrant, thriving Regional Centre for shopping, leisure, tourism, cultural, office and commercial uses.</u></p> <p><u>2.108 The different but interconnecting shopping areas within the Regional Centre are identified and described in the Retail Study Update 2011. There is active support for the protection of existing and provision of new small unit space, largely catering for local independent traders, located within the Lanes and North Laine areas.</u></p> <p><u>2.109 The availability of small units provides improved choice for business location and affordability. This in turn provides choice for consumers and this contributes significantly towards</u></p>	

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		<p><u>maintaining and enhancing the attractiveness and viability. Small units are often more affordable and encourage more specialist or independent retailers. Therefore in order to assist in maintaining the unique/niche/independent retailers in the Lanes and the North Laine as well as the supply of smaller units, changes of use should not result in the amalgamation of three or more adjoining units in order to create a larger unit.</u></p> <p><u>Primary Shopping Area</u></p> <p><u>2.110 In the case of the Regional, Town and District Shopping Centres, the Primary Shopping Area is the extent of the identified primary and secondary frontages. Local Centres tend to be small, therefore they do not have distinctive primary and secondary frontages.</u></p> <p><u>2.111 In 2017 a review was undertaken of the primary and secondary shopping frontages of the current hierarchy of shopping centres in the city. As part of the review some frontage designations have now changed between primary and secondary designation and a new Local Centre in Brunswick Town and some newly identified Important Local Parades have been included within the retail hierarchy. New developments adjacent to shopping frontages have also been designated where it was appropriate to do so. The review's recommendations are now reflected in the updated Policies Map.</u></p> <p><u>2.105 The review indicated that it is appropriate to continue the approach of controlling the amount of class A1 uses and non-A1 uses in each centre. This has proven to be a practical approach in the past and one that allows some flexibility for change of uses within the frontages and an achievement of a good mix of uses.</u></p>	

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		<p data-bbox="562 344 1742 539">2.106 For a shopping centre to operate successfully it is necessary for shops to group together. Interruption of retail frontages by non-retail uses, such as a restaurant, pub or estate agent can be complementary to the centre's primary shopping function because they can be considered as providing a local service but, the retail function will be adversely affected if the mix of uses is affected by the dilution of too many A1 units.</p> <p data-bbox="562 592 846 619">Primary Shopping Area</p> <p data-bbox="562 635 1731 703">2.107 In the case of the Regional, Town and District Shopping Centres, the Primary Shopping Area is the extent of the identified primary and secondary frontages.</p> <p data-bbox="562 756 972 783">Primary and Secondary Frontages</p> <p data-bbox="562 799 1704 994">2.108 In the Primary Frontages of each centre a higher percentage of A1 uses is set out in the policy to help to ensure that class A1 acts as the dominant use and core function of the centres and to reinforce the overall vitality and viability. The primary frontage sees the highest levels of activity and footfall; therefore it is also appropriate to locate uses to these areas which enhance the character and attractiveness of the centre as a place to visit.</p> <p data-bbox="562 1046 1731 1211">2.109 Within the secondary frontages, a wider mix of uses is supported and consequently a lower minimum threshold for class A1 uses is appropriate. Although these areas do not form part of the primary shopping frontages they do still contribute to the overall vitality and viability of the centre offer. Therefore it would not be appropriate for clusters of non-retail uses to form in these locations either.</p> <p data-bbox="562 1264 1700 1358">2.110 The percentage of class A1 uses required in the Regional Centre is the highest, in order to maintain its role as the principle shopping centre in East Sussex, which is of considerable importance to the economic and social life of Brighton and Hove.</p>	

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		<p>2.111 In order to assist in maintaining the unique/niche/independent retailers in the Lanes and the North Laine, changes of use should not result in a group of three or more adjoining units being in non-A1 use in order to ensure that there are a range of retail premises to promote and encourage retailers in these areas of the city centre.</p> <p>2.112 Community uses (e.g. doctors and dentists) which would draw people to the centre and may generate combined shopping visits will also be considered to be appropriate town centre uses where they are considered complementary to the town centre, and where they would maintain a window display and draw pedestrian activity into the centre.</p> <p>Local Centres</p> <p>2.113 Local centres are small groupings, usually comprising a newsagent and a general grocery store and occasionally a sub post office, pharmacy, a hairdresser and other small shops of a local nature. As local centres tend to be small, they do not have primary and secondary frontages. A threshold of 50% A1 use is stipulated to ensure that these centres remain functional to the communities that they serve in providing top up shopping and local services</p> <p>Table 3 – Brighton & Hove’s Retail Hierarchy (adopted City Plan Part 1 Policy CP4 Retail Provision)</p> <table border="1" data-bbox="577 1066 1704 1348"> <thead> <tr> <th data-bbox="577 1066 853 1166">Centre Definition</th> <th data-bbox="853 1066 1402 1166">Defined Centres</th> <th data-bbox="1402 1066 1704 1166">Linked City Plan Part 1 Policies</th> </tr> </thead> <tbody> <tr> <td data-bbox="577 1166 853 1225">Regional Centre</td> <td data-bbox="853 1166 1402 1225">Brighton</td> <td data-bbox="1402 1166 1704 1225">DA1, SA2, CP4</td> </tr> <tr> <td data-bbox="577 1225 853 1289" rowspan="2">Town Centres</td> <td data-bbox="853 1225 1402 1289">Hove</td> <td data-bbox="1402 1225 1704 1289">CP4</td> </tr> <tr> <td data-bbox="853 1289 1402 1348">London Road</td> <td data-bbox="1402 1289 1704 1348">DA4, CP4</td> </tr> </tbody> </table>	Centre Definition	Defined Centres	Linked City Plan Part 1 Policies	Regional Centre	Brighton	DA1, SA2, CP4	Town Centres	Hove	CP4	London Road	DA4, CP4	
Centre Definition	Defined Centres	Linked City Plan Part 1 Policies												
Regional Centre	Brighton	DA1, SA2, CP4												
Town Centres	Hove	CP4												
	London Road	DA4, CP4												

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		District Centres	St James's Street	CP4	
			Lewes Road	DA3, CP4	
			Boundary Road/Station Road	DA8, CP4	
		Local Centres	Mill Lane, Portslade Portland Road, Hove 'The Grenadier', Hangleton Road Richardson Road, Hove Eldred Avenue, Withdean Old London Road, Patcham Ladies Mile Road, Patcham Seven Dials Fiveways Hollingbury Place, Hollingdean Beaconsfield Road, Preston Park St George's Road, Kempton Warren Way, Woodingdean Whitehawk Road, Whitehawk	SA6, CP4 (all centres)	

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			<p>High Street, Rottingdean</p> <p>Lustrell's Vale, Saltdean</p> <p>Longridge Avenue, Saltdean</p> <p>Brunswick Town</p>	
<p>Implementation and Monitoring</p> <p>2.1124 <u>The long-term impact of the pandemic on our town centres is not fully known at this stage and therefore it is critical that the Council continues to monitor the impacts in cooperation with other internal teams as well as external organisations.</u> Implementation of the policy will be assisted by continuing to monitor numbers of retail units <u>uses and vacancy levels</u> within defined shopping centres <u>to be reported in the Authority Monitoring Report.</u> The council will use retail survey data, the lawful use and unimplemented extant permissions to help calculate the proportion of units in A1 use. The council's retail survey data will be updated at least bi-annually. The council will report on this in their Authority Monitoring Report. The performance of existing centres will be monitored by the Council. This might result in a centre being moved higher or lower in the hierarchy; an amendment to an existing centre boundary; or, in the larger centres, a change to the defined prime retail frontage within that boundary. Any forthcoming changes will be undertaken in any review of the City Plan Part One.</p> <p>2.115 As part of the development management process, applicants may wish to conduct similar studies themselves to justify that proposals for changes of use would not result in the proportions of A1 units within the primary and secondary frontages falling below the threshold set out in the policy.</p> <p>Evidence of Marketing</p>				

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p data-bbox="562 344 1742 552">2.116 In demonstrating that marketing for at six months has been carried out, the council will expect the applicant to outline where and how marketing has been undertaken, with details provided to demonstrate that the asking rent has been at a realistic rate, evidence that a prominent advertisement was displayed during the marketing and submitting details of at least three comparable properties for rent. It would be expected that the site has been actively marketed nationally and locally on commercial property websites.</p> <p data-bbox="562 595 943 624">Permitted Development Rights</p> <p data-bbox="562 639 1727 791">2.1137 Several changes to the Permitted Development Rights affecting change of use to and from retail have been introduced in recent years. Where prior approval is needed, the Council will interpret 'key shopping areas' referred to in the General Permitted Development Order as being designated Primary and Secondary Shopping Frontages.</p> <p data-bbox="562 842 1727 994">2.118 Ongoing monitoring of the concentration of non-retail uses in shopping centres will be maintained in order to continue to examine the feasibility of implementing Article 4 Directions to remove permitted development rights where shopping areas are showing over concentrations of particular non A1 uses.</p> <p data-bbox="562 1050 925 1078">New Development in Centres</p> <p data-bbox="562 1090 1727 1222">2.1149 The policy will be applied to new units that are constructed within designated frontages or where they form a logical extension to an existing frontage. <u>Due to the predominance of larger units in the Primary Frontages, proposals for larger format retail will generally be suited to these defined areas.</u></p> <p data-bbox="562 1270 1715 1367">2.11520 Residential development contributes to the overall health of centres and to meeting the city's housing target. There is scope to increase housing stock in the centres, by increasing densities or by introducing housing on upper floors, or to the rear of commercial properties,</p>	

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		<p>provided that this does not lead to amenity issues or an unacceptable loss of commercial space and that the commercial uses on the ground floor remain of a viable size <u>to include adequate storage space and staff facilities.</u></p> <p>2.11621 From time to time, temporary uses are sought for vacant buildings or cleared sites that are awaiting redevelopment. Although temporary in nature and therefore often lacking the standards of design and finish that would usually be expected from permanent development, such uses can provide jobs and add much to the vitality and vibrancy of an area in the meantime.</p>	
MM11	Policy DM13, page 53	<p><i>DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units</i> <i>Amend Policy DM13 to read:</i></p> <p><i>DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units</i></p> <p>A) Important Local Parades</p> <p>The following shopping areas are designated as Important Local Parades¹ within the retail hierarchy as shown on the Policies Map;</p> <ul style="list-style-type: none"> • Cowley Drive, Woodingdean • Goldstone Villas, Hove • Hove Park Villas, Hove • Islingword Road, Brighton • Old Shoreham Road/Sackville Road, Hove • Preston Drive, Preston Park • Valley Road, Portslade • Victoria Terrace, Hove • Warren Road, Woodingdean • Woodland Parade, Hove 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to ensure clear interpretation.

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		<p><u>Commercial, business and service uses (E Use Class) will be supported within Important Local Parades.</u></p> <p><u>Proposals for other uses will be permitted where it is demonstrated that the scheme meets the following criteria:</u></p> <ul style="list-style-type: none"> a) <u>The proposal will maintain and enhance the vitality, viability and the character of the shopping area;</u> b) <u>The proposal will retain an active ground floor use and provide a direct service or sales to visiting members of the public;</u> c) <u>The proposed development or use(s) will not have a harmful impact on the amenity of local residents, due to noise, odour, disturbance or light pollution; and</u> d) <u>Shopfront design should be in accordance with the council's shop front policy (DM23).</u> <p>In Important Local Parades, changes of use involving the loss of units in A1 use class, will be permitted where;</p> <ul style="list-style-type: none"> a) The proposal would not result in the number of units in class A1 use falling below 50%; and b) The shop unit has been marketed for a minimum of one year; <p>Changes of use at ground floor to residential will be permitted to the rear or on upper floors in Important Local Parades.</p> <p>Temporary and 'meanwhile' use of vacant buildings by start-up businesses as well as creative, cultural and community organisations will be considered <u>supported</u> where they help activate and revitalise retail centres <u>parades and can generate increased footfall.</u></p> <p>B) Neighbourhood Parades and Individual Shop Units</p>	

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p>Planning permission will be granted for change of use of shops (use classes A1 to A5) to non A1- A5 uses outside of designated centres and Important Local Parades provided that;</p> <p>a) There are alternative shopping facilities within reasonable walking distance (300 metres);</p> <p>b) The shop unit has been marketed for a minimum of one year;</p> <p>¹ As designated on the Policies Map.</p>	
	Supporting text to Policy DM13, pages 54-55	<p><i>DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units</i> <i>Amend Policy DM13 supporting text paragraphs 2.122 2.129 to read:</i></p> <p>2.122 The term ‘Important Local Parades (ILPs)’ as defined on the Policies Map refers to a group of shops (five-six or more). ILPS have a key role in contributing to sustainable development, providing access to day-to-day necessities such as a newsagent, convenience store off-licence, pharmacies and post offices, <u>which are easily accessible to people without a car or with restricted mobility within walking distance from home. Access to these local facilities have become more important during the Covid-19 pandemic. Parades complement the local shopping facilities provided in the city’s designated centres and ensure that local convenience shopping facilities are within walking distance to residential areas. ILP’s tend to be characterised as areas of smaller shops with traditional shopfronts, offering a range of services, located in close proximity to residential neighbourhoods.</u></p> <p>2.123 <u>An assessment of 35 shopping parades was undertaken in 2017 and reviewed in 2019 in order to identify areas that could be designated as Important Retail Parades in City. The assessment was set out in the council’s Shopping Frontage Review Paper (April 2020) and its subsequent amendments.</u></p>	<p>To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.</p> <p>To adequately reflect description of ILP in evidence base of being six or more shops and to provide clarity on ‘character of ILP’.</p>

		<p><u>2.124 There may be some circumstances where alternative uses will be acceptable such as when they also provide services or sales to visiting members of the public, maintain an active ground floor use and frontages such as commercial window displays and sight of a reception or arrivals area. Where appropriate proposals should be in accordance with the council's shop front policy DM23. Recognising that Important Local Parades tend to be in close proximity to residential areas, the council will ensure that proposals will not have a harmful impact on the amenity of local residents.</u></p> <p>2.123 The term 'Neighbourhood Parade' refers to a cluster of three or more units in class A1 use such as a newsagent, convenience store or off-licence, together with A2 uses, for example estate agents or A3, A4 or A5 uses, that function as a group and are capable of serving the convenience needs of a local residential catchment population particularly for older people, people with disabilities and the very young who cannot easily travel far, it is important that convenience retail needs can be met within an easy walking distance within their neighbourhood. In terms of sustainable development, it is important that people are not dependant on use of the car for their day to day retail needs. In areas not close to larger retail centres, parades and isolated shop units provide convenient access to goods and services which are needed on a day to day basis. To support sustainable communities the loss of retail and services will be resisted in under-served areas.</p> <p>2.124 The function of parades has gradually changed over time, and in addition to shops that perform a local shopping function, many parades now provide more specialist retailers (for example, bridal wear or musical instruments) together with a range of non-retail uses such as takeaways. Whilst non-retail uses can provide an important local function, there is risk that the presence of too many can undermine the ability of the parade to meet local shopping needs and are still anchored by at least one convenience retailer. It is vital, therefore, that each neighbourhood parade continues to offer a good balance of shops and services to support residents' day-to-day needs, whilst providing flexibility to allow for other appropriate uses.</p> <p>2.125 When determining applications for planning permission or prior approval for retail to residential permitted development, the council will not normally permit development resulting in the loss of local retail and service provision unless there is alternative equivalent provision within</p>	
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Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p>300 metres. This is considered a reasonable walking distance (5 minutes for the average person) to access convenience shopping and local services. Provision will be considered equivalent where it provides a similar offer which meets the same need, such as the need for fresh food or a financial service.</p> <p>2.126 Where applications involve the loss of units in A1 use class, the council will require supporting evidence that retail use(s) are no longer economically viable. Applicants will be expected to demonstrate an active marketing campaign for a continuous period of at least a 12 months with evidence submitted showing that a prominent advertisement was displayed during the marketing, whilst the premises was vacant or in 'meanwhile use', which has been shown to be unsuccessful. In addition, for neighbourhood parades and individual retail units where there is no equivalent alternative provision within 400 metres, it will also need to be demonstrated that Use Classes A2, A3 and laundrettes are not viable, before any other uses will be permitted. However, subject to the policy requirements, change of use to a community facility such as a community centre may be permitted where it can be demonstrated there is a need for such provision.</p> <p>2.127 In all cases, demonstration of need must include evidence of consultation with service providers and the local community and an audit of existing provision within the local area.</p> <p>2.128 Brighton and Hove has numerous small local shopping parades and individual shops located in local residential communities. It is important that these shopping facilities remain vibrant, attractive and accessible. Providing local shopping and related facilities within walking distance enables the less mobile, including the elderly and low income groups, access to food and services close to where they live, and is important in achieving equality of opportunity and sustainable neighbourhoods.</p> <p>2.129 From time to time, temporary uses are sought for vacant buildings or cleared sites that are awaiting redevelopment. Although temporary in nature and therefore often lacking the standards</p>	

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		of design and finish that would usually be expected from permanent development, such uses can provide jobs and add much to the vitality and vibrancy of an area in the meantime.	
MM12	Policy DM14, page 56	<p><i>DM14 Commercial and Leisure Uses at Brighton Marina</i> <i>Amend Policy DM14 to read:</i></p> <p><u>Within the Brighton Marina Inner Harbour area¹ commercial, business and service uses (E use class) and local community uses (F2 use class) will be supported.</u></p> <p>In order to maintain and enhance the special commercial <u>existing commercial</u> and leisure offer within Brighton Marina, changes of use in existing retail/commercial/service frontages will be permitted provided that all of the following criteria are met;</p> <ul style="list-style-type: none"> a) The proposed use would improve the vitality and viability of the Marina, by encouraging combined trips and attracting pedestrian activity; and b) The development <u>proposed use</u> would not be materially detrimental to the amenities of occupiers of nearby properties or the general character of the Marina; c) A window display is provided to retain an active frontage<u>The proposal will retain an active ground floor use and frontage and provide a direct service or sales to visiting members of the public;</u> d) <u>The proposed use would not have a harmful impact on amenity due to noise, odour, disturbance or light pollution.</u> <p>A change of use at ground floor level to residential in retail / commercial/ leisure <u>service</u> frontages will not be permitted but may be considered appropriate on upper floors.</p> <p>¹ The Brighton Marina Inner Harbour area is a strategic site allocation in the adopted City Plan Part One (DA2.C.1)</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to ensure clear interpretation.

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	Supporting text to Policy DM14, page 56	<p><i>DM14 Commercial and Leisure Uses at Brighton Marina</i> <i>Amend supporting text paragraphs 2.130 -2.132 to read:</i></p> <p>2.130 Brighton Marina, functions as an independent component of the city’s urban area. The Marina provides a mix of housing, shopping, commercial, leisure and recreational buildings in addition to being performing as <u>performing as</u> a working harbour. This creates a unique commercial and leisure environment.</p> <p>2.131The majority of existing retail activity takes place in the Merchant’s Quay /Marina Square, <u>the Waterfront</u> and at the ASDA superstore. Brighton Marina contains a range of bars, restaurants and factory outlet stores related to its wider recreation and leisure role City Plan Part One Policy DA2 Brighton Marina, Gas Works and Black Rock Area). Brighton Marina is no longer designated as a shopping centre in the retail hierarchy and therefore any proposals for additional retail development not allocated by policy DA2 in City Plan Part One will need to meet the tests of policy CP4 and the National Planning Policy Framework¹.</p> <p>2.132 The purpose of this policy is to broaden and strengthen the choice and performance of commercial activity in the Marina by proposing a flexible approach to ensure that its vitality and viability is maintained and enhanced <u>whilst protecting the amenity, public safety and security of existing residents and visitors.</u> Both retail and non-retail uses (including community facilities) <u>Uses should draw additional pedestrian activity to the Marina to strengthen its offer and provide other facilities required to support existing residents and visitors, as well the increased population that will be generated by the proposed additional residential developments. There may be some circumstances where alternative uses will be acceptable, such as when they provide services or sales to visiting members of the public and maintain an active ground floor use and frontages such as commercial window displays and sight of a reception or arrivals area.</u></p> <p>¹National Planning Policy Framework (NPPF) (2019) paragraphs 89-90</p>	To ensure the supporting text is consistent with proposed changes to policy wording and to provide clarity.

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MM13	Policy DM15, page 57	<p><i>DM15 Commercial and Leisure Uses on the Seafront</i> Amend Policy DM15 to read:</p> <p>Development proposals, including change of use, for new shop <u>retail</u>, food and drink <u>premises</u> (class E (a) & (b)), hot food takeaways, and bars, pubs drinking and nightclubs establishments (A1-A5 Use Class) <u>(sui generis use)</u> and galleries (D1 Use Class Class F1b) and museums (D2 Use Class Class F1c) <u>will be permitted</u> on the lower promenade, Madeira Drive and within the seafront arches, will be permitted provided that all of the following criteria are met;</p> <ol style="list-style-type: none"> The existing diversity and mix of retail sport, leisure, cultural and recreation uses along the seafront will be retained or enhanced; The proposed development is of appropriate scale and design to complement the historic character and setting of the seafront (See City Plan Part One Policies SA1 and CP4); The proposal will support the role of the seafront as recreation and tourist destination helping to extend footfall and reduce seasonality; and The proposed development or uses will not have a harmful impact on the amenity of local residents, visitors and the seafront due to noise, odour, disturbance and <u>or</u> light pollution 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to ensure clear interpretation.
	Supporting text to Policy DM15, page 57	<p><i>DM15 Commercial and Leisure Uses on the Seafront</i> Amend the supporting text at paragraph 2.133 and 2.134 to read:</p> <p>2.133 The City’s seafront arches are occupied by a variety of tenants and provide an eclectic offer to visitors and residents alike. The seafront traders occupy the length of the arches loosely by ‘zone’, such as sport, outdoor leisure, artist quarter leisure, restaurants and bars, as well as recreation. Opportunities exist for additional shops and food and drink facilities to cater for visitors from small kiosks to small scale shops, cafes or restaurants in certain areas. There is the potential to enhance the range of uses in order to increase activity in the evening, reduce seasonality and extend footfall along the seafront to the east. Policy CP17 Sports Provision will apply to new sport or leisure proposals.</p>	To remove duplication of word leisure.

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		<p>2.134 Any <u>temporary</u> use extending for more than <u>the time allowed under permitted development rights 28 days</u> (consecutively or in a single year) requires planning permission. Interim or 'meanwhile' uses such as pop-up cafés, performance space/ community uses shops and temporary uses of empty property and land can help to animate and activate vacant buildings/ sites before regeneration or development begins. This can have the benefit of providing an interim income stream whilst also enhancing the attractiveness of a site or location for potential future tenants.</p>	<p>To futureproof the wording in case of future changes to planning legislation.</p>
MM14	Policy DM18 page 63	<p><i>Policy DM18 High quality design and places</i> <i>Amend the first sentence of the policy to read:</i></p> <p>Development proposals must demonstrate <u>Planning permission will be granted for development proposals that demonstrate</u> a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment. The council will require an integrated approach to the design process from project inception where place making and sustainable development, including the principles of the circular economy, are considered as one.</p>	<p>To ensure the policy wording is clear and unambiguous.</p>
	Policy DM18 page 63	<p><i>Policy DM18 High quality design and places</i> <i>Amend the last sentence of the policy to read:</i></p> <p>In addition to the above, major development proposals on strategic and/or prominent sites should also consider the incorporation of an artistic element. <u>In addition to the above, major development proposals on strategic and/or prominent sites should also consider that are likely to have an impact on public realm are required to incorporate the</u></p>	<p>To ensure the policy wording is clear and unambiguous that proposals likely to have an impact on public realm will need to demonstrate how an artistic element has been incorporated.</p>

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	Supporting text to Policy DM18, para 2.147, page 63	<p>Policy DM18 High quality design and places <i>Amend the supporting text at paragraph 2.147 to read:</i></p> <p>More detailed design guidance for developers, including area- and site-specific design principles, will form part of the <u>are set out in the National Design Guide, SPD17 Urban Design Framework Supplementary Planning Document and future design codes the council will bring forward to which will support</u> City Plan Part 1 Policies CP12 Urban Design and City Plan Part 2 Policy DM18 High Quality Design and Places. Guidance on identified strategic views and how new strategic and local views can be identified will be is included in <u>SPD17</u>.</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021, and updates to the NPPF (paragraphs 127 and 128) in respect to the preparation of codes and to reference the National Design Guide.
	Supporting text to Policy DM18, paragraph 2.148 page 64	<p>DM18 High Quality Design and Places <i>Amend the supporting text at paragraph 2.148 after the third sentence to read:</i></p> <p>The scale of consideration of local context should be commensurate with the scale and impact of the proposals <u>as well as significant and exceptional site constraints</u>. For example, from the street scale in the case of a single dwelling proposal to a neighbourhood, and/or city-wide scale in the case of a larger and/or strategic development.</p>	To clarify that the impact of significant and exceptional site constraints upon design solutions will also be taken into consideration.
	Supporting text to Policy DM18, para 2.149, page 64.	<p>DM18 High Quality Design and Places <i>Amend the last sentence of the supporting text at paragraph 2.149 to read:</i></p> <p>Criteria for assessing proposals for tall buildings, including cumulative impact will be <u>are</u> set out in the SPD17 Urban Design Framework SPD.</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021.
	Supporting text to Policy DM18, paragraph 2.156 page 66	<p>DM18 High Quality Design and Places <i>Amend the supporting text at paragraph 2.156 after the first sentence to read:</i></p> <p><u>It refers to providing amenities that allow users to take advantage of the micro-climate conditions, such as sunshine/ shade, and are conducive to relaxation, play and social engagement.</u></p>	To provide additional clarity on the meaning of comfort, image and socialbility.

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	Supporting text to Policy DM18, paragraph 2.158 page 66	<p>DM18 High Quality Design and Places <i>Amend the supporting text at paragraph 2.158:</i></p> <p>The council's vision for public art in the city is set out in the Public Art Strategy. Proposals for major applications on strategic or prominent sites or development that is <u>are</u> likely to have an impact on the public realm will need to demonstrate <u>how they have had regard to the objectives of the council's Public Art Strategy and</u> relevant art and public realm-related strategies and guidance.</p>	To provide greater clarity in respect the role and weight of the council's emerging Public Art Strategy which will set out the overarching strategy for public art in the city.
MM15	Policy DM20 page 69	<p>DM20 Protection of Amenity <i>Amend the policy to read:</i></p> <p>Planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing, and / or adjacent <u>or nearby</u> users, residents, occupiers or where it is not liable to be detrimental to human health.</p>	To capture the full range of harms that can arise to those adjacent and nearby.
	Supporting text to Policy DM20, para 2.169, page 70	<p>DM20 Protection of Amenity <i>Amend the supporting text at paragraph 2.169:</i></p> <p>Further guidance will be <u>is</u> provided in the SPD17 Urban Design Framework. Supplementary Planning Document (UDF SPD⁴⁹)</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021.
	Footnote 29, page 70	<p>DM20 Protection of Amenity <i>Delete footnote:</i></p> <p>⁴⁹ A draft version of the Urban Design Framework is currently being prepared and adoption is anticipated in 2020.</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021.

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MM16	Policy DM22 page 72	<p>Policy DM22 Landscape Design and Trees Amend (d) and (e) of policy to read:</p> <p>d) the retention of existing trees and hedgerows with details <u>provided</u> of appropriate protection during construction.</p> <p>e) Where removal <u>of a tree</u> is unavoidable, <u>for example by reason of it being severely diseased or dangerous</u>:</p> <p>(i) the provision of plans <u>is required</u> that clearly identify the location and species of all those to be lost and all those to be retained; <u>and</u></p> <p>(ii) e)-replacement trees along with appropriate associated planting space and works of a type of tree, size and location to the satisfaction of the council for any tree felled; for example by reason of it being severely diseased or dangerous.</p>	To ensure the policy wording is clear and unambiguous.
	Policy DM22 page 73	<p>DM22 Landscape Design and Trees Add new footnote after the words “national importance” in the second paragraph on page 73:</p> <p><i>New footnote to read:</i> <u>Development of national importance includes, for example, infrastructure projects, where the public benefit would outweigh the loss or deterioration of habitat, as defined by footnote 63 of the NPPF (2021).</u></p>	To add further clarity to policy.
	Supporting text to policy DM22 para. 2.175 page 74	<p>Policy DM22 Landscape Design and Trees Amend final sentence of paragraph 2.175 of supporting text to read:</p>	To better accord with NPPF paragraph 131.

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		Early consideration ensures advantage of the ‘additional’ opportunities landscape, <u>trees and planting</u> provides can be taken, such as, climate change mitigation and resilience, water purification, air pollution mitigation...	
	Supporting text to Policy DM22 para. 2.177 page 74	<p>DM22 Landscape Design and Trees</p> <p><i>Amend paragraph 2.177, after fifth sentence to read:</i></p> <p>Native species will be encouraged in particular those of local origin subject to climate change adaptability. <u>Tree stock sourced from the UK or Ireland, and locally sourced seeds is encouraged.</u></p>	To add further clarity to policy point (h).
	Supporting text to DM22 para. 2.178 page 74	<p>DM22 Landscape Design and Trees</p> <p><i>Amend paragraph 2.178 to read:</i></p> <p>2.178 <u>Existing landscape features can be used more effectively if they have multi-functional uses. For example, natural landscape design features can provide opportunities for informal play or sports; productive plants that form part of the landscape design can provide opportunities for food growing. Provision of food growing opportunities should have regard to the Food Growing Planning Advice Note. Effective landscaping will be required...</u></p>	To add clarity to policy point (g) and cross refer to the Food Growing Planning Advice Note for further guidance.
	Supporting text to DM22, para. 2.179 page 75	<p>Policy DM22 Landscape Design and Trees</p> <p><i>Amend paragraph 2.179 of supporting text to read:</i></p> <p>...provide shelter; <u>support climate change mitigation and resilience;</u> and can help to reduce noise and atmospheric pollution.</p>	To better accord with NPPF paragraph 131.
	Supporting text to DM22, para. 2.180 page 75	<p>DM22 Landscape Design and Trees</p> <p>At the end of supporting text paragraph 2.180 add the following:</p>	For thoroughness and to ensure cross-references to all relevant adopted supplementary

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		Proposals will be expected to have taken into account the guidance provided in SPD06 Trees and Development Sites.	planning guidance are included.
	Supporting text to Policy DM22 para. 2.184 page 76	<p>DM22 Landscape Design and Trees Amend penultimate sentence of paragraph 2.184 to read:</p> <p>If trees are (or will become) owned or maintained by the council then, alongside maintenance plans, applicants will be expected to provide adequate funding to manage additional maintenance that is foreseeable as a result of development <u>in consultation with City Parks and in accordance with Policy CP7 Developer Contributions.</u></p>	To reflect practice and to ensure policy is clear and unambiguous.
MM17	Policy DM25 Page 81	<p>Policy DM25 Communications Infrastructure Amend criterion b) to read</p> <p>b) The significance, appearance, character and setting of heritage assets <u>and their settings</u> are conserved or enhanced, in accordance with City Plan Part One Policy CP15 Heritage;</p>	To ensure the policy word is clear and consistent in describing heritage assets and their settings.
	Policy DM25 page 81	<p>Policy DM25 Communications Infrastructure Amend last two paragraphs of policy to read:</p> <p>New development or major renovation works to existing buildings should ensure that provide <u>sufficient ducting space for future digital full fibre connectivity infrastructure is provided</u> as part of the development.</p> <p>Where possible <u>feasible</u>, the council will encourage the removal of older communication equipment that is no longer required <u>should be removed</u> in order to minimise visual impact.</p>	To ensure the policy wording is clear and unambiguous.
MM18	Policy DM26, page 85	<p>Policy DM26 Conservation Areas Amend policy by adding a new paragraph after the list of criteria as follows:</p>	To ensure the policy wording is clear, effective and

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		<p><u>Where either substantial harm or less than substantial harm is identified, the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the conservation area/s affected.</u></p>	<p>consistent with paragraphs 201-202 of the NPPF.</p>
	<p>Supporting text to policy DM26, page 85</p>	<p>Policy DM26 Conservation Areas <i>Amend paragraph 2.208 of the supporting text to add a final sentence as follows:</i></p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on 'Statements of Heritage Significance'.</u></p>	<p>To ensure the wording is clear and unambiguous and for consistency with the site allocation policies.</p>
MM19	<p>Policy DM27, page 86</p>	<p>Policy DM27 Listed Buildings <i>Amend the policy by adding the following new paragraph after the list of criteria:</i></p> <p><u>Where either substantial harm or less than substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the listed building/s affected.</u></p>	<p>To ensure the policy wording is clear, effective and consistent with paragraphs 201-202 of the NPPF.</p>
	<p>Supporting text to policy DM27, page 86</p>	<p>Policy DM27 Listed Buildings <i>Amend paragraph 2.213 of the supporting text to state as follows:</i></p> <p>There is a general presumption in favour of the preservation of listed buildings. Where substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF. Any substantial public benefits put forward <u>to be balanced against substantial harm</u> must directly relate to the development itself, must benefit the local community in the long term and must not otherwise be achievable.</p>	<p>To ensure the wording is clear and unambiguous in support of the modified policy.</p>

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	Supporting text to policy DM27, page 87	<p>Policy DM27 Listed Buildings <i>Amend paragraph 2.218 of the supporting text to add a final sentence as follows:</i></p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on 'Statements of Heritage Significance'.</u></p>	To ensure the wording is clear and unambiguous and for consistency with the site allocation policies.
MM20	Policy DM28, page 88	<p>Policy DM28 Locally Listed Heritage Assets <i>Amend the 2nd paragraph of the policy to read:</i></p> <p>Alterations and extensions to a locally listed heritage asset, or new development within its curtilage, should be of a high standard of design that respects the special interest of the asset as set out in the Local List entry (or as otherwise identified within a submitted Statement of Heritage Significance) (or, where not included, within a submitted heritage statement.</p>	To ensure the policy wording is clear and unambiguous in respect of potential non-designated heritage assets identified during the application or pre-application process.
	Supporting text to policy DM28, page 88	<p>Policy DM28 Locally Listed Heritage Assets <i>Amend paragraph 2.221 of the supporting text to add a final sentence as follows:</i></p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on 'Statements of Heritage Significance'.</u></p>	To ensure the wording is clear and unambiguous and for consistency with the site allocation policies.
MM21	Policy DM29, page 89	<p>Policy DM29 The Setting of Heritage Assets <i>Amend the policy by adding the following new paragraph after the list of criteria:</i></p>	To ensure the policy wording is clear, effective and consistent with

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		<u>Where either substantial harm or less than substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the heritage asset/s affected.</u>	paragraphs 201-202 of the NPPF.
	Policy DM29, page 89	<p>Policy DM29 The Setting of Heritage Assets <i>Amend the last paragraph of the policy to read:</i></p> <p>Opportunities should be taken to enhance the setting of a heritage asset through new development. Where a major development impacts on the settings of multiple heritage assets, <u>the scale of impact should be assessed against the importance of the heritage asset and the degree to which setting contributes to its significance</u> priority should be given to enhancing the setting of the asset(s) of greatest significance.</p>	The ensure the policy wording is effective and for consistency with paragraph 199 of the NPPF.
	Supporting text to Policy DM29, para. 2.227 page 89	<p>Policy DM29 The Setting of Heritage Assets <i>Amend the first sentence of paragraph 2.227 of the supporting text to read:</i></p> <p><u>Reference to scale in the policy includes height.</u> Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, will often overlap with considerations of both townscape/urban design and of the character and appearance of conservation areas. This policy does not therefore preclude a bold architectural approach where appropriate.</p>	To ensure the wording is clear and unambiguous and aligns with the definition in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
	Supporting text to policy DM29, page 90	<p>Policy DM29 The Setting of Heritage Assets <i>Amend paragraph 2.228 of the supporting text to add a final sentence as follows:</i></p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on 'Statements of Heritage Significance'.</u></p>	To ensure the wording is clear and unambiguous and for consistency with the site allocation policies.

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MM22	Policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens <i>Amend the second sentence of the first paragraph of policy to read:</i></p> <p>In assessing this <u>the</u> impact of such proposals on the <u>significance of the park or garden</u>, the council will have particular regard to the impact <u>of development</u> on any notable view of, within or across the park or garden.</p>	To ensure the wording is clear and unambiguous.
	Policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens <i>Amend the first sentence of the current second paragraph of policy to read:</i></p> <p>As an exception to the above, and wWhere permission is required, temporary uses or events (including associated structures) may <u>exceptionally</u> be permitted where any harm caused would be strictly temporary, <u>clearly</u> minor and easily reversible, having regard to the significance of the site within the park and garden, the scale of impact, timing and any public benefits arising from the use or event.</p>	To ensure the wording is clear and unambiguous
	Policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens <i>Amend the policy by inserting a new 2nd paragraph as follows:</i></p> <p><u>Where either substantial harm or less than substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF, having regard to the significance of the parks/s and garden/s affected.</u></p>	To ensure the policy wording is clear, effective and consistent with paragraphs 201-202 of the NPPF.
	Supporting text to policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens <i>Amend paragraph 2.234 of the supporting text to add a final sentence as follows:</i></p> <p><u>Where appropriate, having regard to the scale of the development and the extent and importance of the heritage asset(s), a Heritage Impact Assessment will be required with an application. This should have regard to the Historic England guidance on ‘Statements of Heritage Significance’.</u></p>	For clarity and for consistency with the site allocation policies.

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	Supporting Text to Policy DM30, page 91	<p>Policy DM30 Registered Parks and Gardens <i>Amend paragraph 2.235 by adding new second sentence to read:</i></p> <p><u>All applications will be expected to include evidence to show what alternative sites have been considered and why they are not deemed suitable.</u></p>	To ensure the wording is clear and unambiguous in respect of temporary uses or structures.
MM23	Policy DM31 page 93	<p>Policy DM31 Archaeological Interest <i>Amend the first sentence of the fourth paragraph of the policy to read:</i></p> <p>Where the council has reason to believe, either from the archaeological assessment or from other evidence sources, that significant archaeological remains may exist, a suitable field evaluation and/or survey (e.g. for standing buildings and structures) will be required <u>pre-determination</u>.</p>	To ensure the policy wording is clear and effective.
	Supporting text to Policy DM31, page 93	<p>Policy DM31 Archaeological Interest <i>Amend paragraph 2.237 of the supporting text to read:</i></p> <p>Archaeological remains are finite and irreplaceable resources which are particularly vulnerable to the effects of new development. Archaeological interest is defined in the NPPF. <u>Where either substantial harm or less than substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF.</u></p>	To ensure the policy wording is clear, effective and consistent with paragraphs 201-202 of the NPPF.
MM24	Policy DM32, page 95	<p>Policy DM32 The Royal Pavilion Estate <i>Amend criterion d) of part 1 of the policy to read:</i></p> <p>d) Transform <u>Enhance</u> the quality and infrastructure of the gardens and enable the <u>better</u> management of activities within them;</p>	To ensure the policy wording is clear and unambiguous and to acknowledge the previous restoration scheme.

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	Supporting text to Policy DM32, page 96	<p>Policy DM32 The Royal Pavilion Estate Amend the second sentence of paragraph 2.245 of the supporting text to read:</p> <p>This should include improving the infrastructure within the gardens, such as Whilst the gardens were positively restored in the late 20th century, opportunity should be taken to enhance that <u>previous scheme with, for example,</u> protective fencing, better paths and lighting levels, improved irrigation and waste disposal and better facilities for the gardening staff.</p>	To acknowledge the positive impact of the late 20th century restoration scheme.
	Supporting text to Policy DM32, page 96	<p>Policy DM32 The Royal Pavilion Estate Amend paragraph 2.246 of the supporting text by adding a new third sentence and by amending the fourth sentence so that they read as follows:</p> <p><u>The garden's historic interest is in part its use as a promenading garden and place for reflection. The impact Impacts</u> on public views and access will <u>also</u> form <u>a key</u> part of considerations.</p>	To ensure the wording is clear and unambiguous and to reflect the significance of the garden.
MM25	Policy DM33	<p>Policy DM33 Safe, Sustainable and Active Travel Amend criterion 2(d) of the policy to read:</p> <p>provide for sufficient levels of cycle parking facilities in line with the Parking Standards for New Development (Appendix 2) (and any subsequent revisions)</p> <p>Amend criterion 2(e) of the policy to read:</p> <p>3) <u>where appropriate</u> make provision for high quality facilities that will encourage and enable cycling <u>including such as</u> communal cycle maintenance facilities, workplace showers, lockers and changing facilities;</p>	<p>For legal compliance. An update to the Parking Standards must take place through a review of the Plan.</p> <p>To clarify that such facilities are not required to be included within all developments.</p>

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	Policy DM33 Page 98	<p><i>Policy DM33 Safe, Sustainable and Active Travel</i> <i>Amend part 4(c):</i></p> <p>c) Do not prejudice the implementation of proposed road safety improvements set out in the Local Transport Plan (and subsequent revisions/successor documents or programmes) and the council's Road Safety/Safer Roads Strategy; and</p>	Factual update as Road Safety Strategy has expired
	Policy DM33	<p><i>Policy DM33 Safe, Sustainable and Active Travel</i> <i>Amend footnote 64 to read:</i></p> <p>Non-standard cycles are those which do not easily fit into standard cycle racks, for example tricycles <u>and cycles for those with disabilities.</u></p>	To clarify that 'non-standard cycles' includes cycles designed for those with disabilities.
	Supporting text to Policy DM33, paragraph 2.253 page 100	<p><i>Policy DM33 Safe, Sustainable and Active Travel</i> <i>Add sentence to end of paragraph 2.253:</i></p> <p><u>In providing new infrastructure for cycling and walking, applicants should also have regard to 'The Guide to Inclusive Cycling' (Wheels for Wellbeing, 2020), national guidance in 'Cycle Infrastructure Design (Local Transport Note 1/20)' and 'Gear Change; A bold vision for cycling and walking', in addition to the council's Local Cycling and Walking Infrastructure Plan.</u></p> <p><i>Add sentence to end of paragraph 2.254:</i> <u>In providing new infrastructure for public transport, applicants should have regard to the Brighton & Hove Bus Service Improvement Plan.</u></p>	To include reference to important and relevant new national and local documents.

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MM26	Supporting text to Policy DM34 paragraph 2.257 page 103	<p>Policy DM34 Transport Interchanges <i>Amend paragraph 2.257 as follows:</i></p> <p>2.257 The policy seeks to facilitate the provision of purpose-built and strategic transport interchange facilities where they would help to reduce traffic congestion across the city and are suitably located and designed. This issue will be considered further as part of a future <u>Local Transport Plans Traffic Network Management Strategy and Interchange Strategy.</u></p>	Factual update to reflect the intentions of the Local Highway Authority.
	Policy DM34 footnote 65 Page 102	<p>Policy DM34 Transport Interchanges <i>Amend footnote 65 as follows:</i></p> <p>⁶⁵<u>The test set out in Department for Transport C2/13 para 10 and NPPF para. 32. Circular 02/2013, particularly paragraphs 9 & 10, and the NPPF (2019), particularly paragraphs 110 and 111</u></p>	Factual update on circular advice and NPPF 2021 paragraph references updates (paragraphs 110-111)
MM27	Policy DM35, page 104	<p>Policy DM35 Travel Plans and Transport Assessments <i>Amend the part (1) to read:</i></p> <p>Transport Statements, Transport Assessments, Construction and Environmental Management Plans and Travel Plans are required to support planning applications for all developments that are likely to generate significant amounts of movement/travel in line <u>accordance</u> with the NPPF or and <u>having regard to any subsequent national or</u> locally derived standards and guidance.</p>	To clarify the status of locally derived standards and guidance following discussions at the hearing sessions.
	Policy DM35, page 104	<p>Policy DM35 Travel Plans and Transport Assessments <i>Amend the second sentence of part (3) to read:</i></p> <p>Where Transport Statements or Transport Assessments are required for developments elsewhere, as set out in criterion (1), <u>the likely</u> traffic impacts within AQMA should be <u>considered and agreed with the council in order to determine</u> considered to inform decisions about whether an AQA is required.</p>	To ensure the policy wording is clear and unambiguous.

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	Policy DM35, page	<p>Policy DM35 Travel Plans and Transport Assessments <i>Amend the fourth sentence of paragraph 2.261 to read:</i></p> <p>Matters to be considered will include accordance with SPD14 <u>the parking standards set out in Appendix 2</u>, likelihood and impact of potential overspill parking onto nearby streets, trip generation, and arrangements for servicing and deliveries. Whilst development should generally be located in the most accessible locations, some development proposals, for example in urban fringe locations, may give rise to the need for a package of transport measures to support sustainable travel.</p>	To ensure the policy wording is clear and unambiguous.
MM28	Policy DM36, criterion 2, page 107	<p>Policy DM36 Parking and Servicing <i>Amend policy introduction and criterion 2 to read:</i></p> <p>Provision of parking, including 'blue badge' holder and cycle parking, in new developments should follow the standards in SPD14 'Parking Standards for New Development' (and any subsequent revisions) as set out in Appendix 2. In addition:</p> <p>2) Car-free residential developments will be supported and encouraged subject to consideration of relevant factors as set out in SPD14 'Parking Standards for New Development' (and any subsequent revisions).</p>	For legal compliance. An update to a SPD cannot change a policy requirement.
	Supporting text to Policy DM36, paragraph 2.266, page 108	<p>Policy DM36 Parking and Servicing <i>Amend paragraph 2.266 to read</i></p> <p>...The guidance in the SPD on parking levels is now transposed into policy and is set out in full in Appendix 2. This reflects local circumstances and aims to strike the right balance between providing appropriate levels of car parking spaces whilst also promoting sustainable forms of transport in areas of good public transport accessibility. Any future revisions to these standards will replace those currently set out in the Appendix 2.</p>	For legal compliance. An update to a SPD cannot change a policy requirement

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	Policy DM36 Paragraph 2.268, page 108	<p>Policy DM36 Parking and Servicing <i>Amend the first sentence in paragraph 2.268 to read:</i></p> <p>In locations where it cannot be demonstrated that on-street parking capacity would be sufficient to accommodate overspill, the council may use Traffic Regulation Orders add conditions to <u>add conditions to</u> planning permissions to ensure that developments are ‘permit free’, i.e. that future occupants of a development are not eligible to apply for council-issued on-street parking permits.</p>	Update to the policy wording to reflect the means by which the council can ensure developments are permit free.
MM29	Policy DM37 page 110	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend first paragraph in Nature Conservation section of policy to read:</i></p> <p>Development should avoid adverse impacts and All development should seek to conserve and enhance biodiversity and geodiversity features ensuring:</p>	To ensure the policy wording is consistent with NPPF paragraph 180a.
	Policy DM37 page 110	<p>DM37 Green infrastructure and nature conservation <i>Nature Conservation section. Amend first two bullet points to read:</i></p> <ul style="list-style-type: none"> • <u>accordance with the mitigation hierarchy requirements of the NPPF*(link to footnote);</u> • <u>an additional measurable net gain in biodiversity is achieved;</u> <p><i>Footnote to read:</i></p> <p>The “mitigation hierarchy” is set out in <u>the NPPF paragraph 180</u>, the Biodiversity – code of practice for Planning and Development and the British standard for Biodiversity management (BS42020) 2013. In essence it seeks avoidance of harm; then mitigation; then compensation alongside new benefits for wildlife.</p>	To ensure the policy wording is consistent with NPPF paragraphs 170b, 180 and 180c.
	Policy DM37 page 110	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend bullet point list in Nature Conservation Section of policy to read:</i></p> <ul style="list-style-type: none"> • that recognised <u>protected and notable priority</u> species and habitats are protected and supported; 	To encompass a wider representation of species.

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	Policy DM37 page 110	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend bullet point list under Nature Conservation section to read:</p> <ul style="list-style-type: none"> • <u>ancient woodland and irreplaceable habitats are protected</u> • that appropriate and long-term management of new or existing habitats is secured <u>and opportunities to connect habitats are secured</u> to ensure a network of nature recovery⁶⁷; and 	To better accord with NPPF paragraphs 179b and 180b.
	Policy DM37 page 110 Footnote 67	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend footnote 67 to read:</p> <p>Nature recovery networks allows opportunities for <u>protection and</u> enhancement of existing nature assets including protected sites and wildlife-rich habitats, <u>and creation of new habitats</u>, to be identified and prioritised within a local area.</p>	To better reflect Nature Recovery Networks' aims and objectives.
	Policy DM37 page 111	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend first paragraph of policy on page 111 that follows bullet point list to read:</p> <p>Proposals for development within a designated site of importance to nature conservation or which could impact upon a designated site must <u>also</u> satisfy the following criteria:</p>	Deletion of unnecessary text.
	Policy DM37 page 111	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend Part A. Internationally protected sites to read:</p> <p><u>All development must comply with the Conservation of Habitats and Species Regulations (as amended) (link to new footnote)</u>. Development likely to have significant effects on an international site (either individually or in combination with other plans or projects) and which would affect the integrity of the site will be subject to Habitat Regulations Assessment and will not be permitted unless the council is satisfied that:</p> <ol style="list-style-type: none"> There is no alternative solution (which can be adequately demonstrated by the developer); <u>and</u> 	To better reflect and accord with the Habitats and Species Regulations.

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		<p>ii) There are imperative reasons of overriding public health or public safety for the development; and</p> <p>iii) Adequate compensatory provision is secured.</p> <p><i>New footnote to read:</i> <u>The Conservation of Habitats and Species Regulations 2017 (as amended)</u></p>	
	Policy DM37 page 111	<p><i>Policy DM37 Green Infrastructure and Nature Conservation</i> <i>Amend Part B. Nationally protected sites to read:</i></p> <p>Development proposals should avoid impacts on nationally protected sites (<i>link to new footnote</i>). Development proposals likely to have an adverse effect on the site's notified special interest features will not be permitted, unless the only exception is if:</p> <p>i) the benefits of the development, at this site, clearly outweigh <u>both</u> the likely impact to notified features on the site and any broader impacts on the network of nationally protected sites; and</p> <p>ii) the loss impacts can be mitigated in accordance with the mitigation hierarchy; through on or off site habitat creation to achieve a net gain in biodiversity/geodiversity.</p>	To ensure consistency with the NPPF paragraph 180 and to reflect Government guidance that specifies biodiversity net gain is not applicable to statutory designations.
	Policy DM37 page 112	<p><i>Policy DM37 Green Infrastructure and Nature Conservation</i> <i>Move the first paragraph of page 112 and place as a footnote linked to the first sentence of Part B. Nationally protected sites. In addition, add text to footnote to refer to MCZ assessment.</i></p> <p><i>Footnote to read:</i></p> <p><u>#Development likely to have a significant effect on nationally protected sites will be required to assess the impact by means of an Environmental Impact Assessment. Development likely to have an effect on the Marine Conservation Zone will be required to assess the impact by means of a Marine Conservation Zone Assessment.</u></p>	Unnecessary as policy text. To ensure effectiveness of policy and reflect policy DM39.

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	Policy DM37 page 112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend policy at Part C. Locally protected sites to read:</i></p> <p>Unless allocated for development in the City Plan, d Development proposals that will result in an adverse effect on the integrity of any local site which cannot be either avoided or adequately mitigated will not be permitted, unless*(link to new footnote):</p> <p>i) the site is allocated for development in the City Plan or there are exceptional circumstances that justify the development of the site and can be demonstrated to outweighing the adverse effects on the local designation are clearly demonstrated; and</p> <p>ii) the loss impacts can be mitigated through on or off-site habitat creation; and to achieve a net gain in biodiversity/geodiversity.</p> <p>iii) on site or off site as part of a local strategic ecological network additional measurable net gains in biodiversity/geodiversity can be achieved.</p>	<p>To ensure effectiveness of policy. To ensure consistency with NPPF paragraph 179a. To ensure consistency with NPPF paragraph 179b and Environment Act.</p>
	Policy DM37 page 112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Move the final paragraph of Part C Locally Protected Site and place as a footnote linked to the first sentence of Part C. Locally protected sites.</i></p> <p><i>Footnote to read:</i></p> <p><u>#Development proposals considered to have a significant effect on local sites will be required to assess the impact by means of an Ecological Impact Assessment.</u></p>	<p>Unnecessary as policy text.</p>
	Policy DM37 page 112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Move and amend the following section of the final paragraph from page 112 to follow the bullet point list on page 111. Paragraph reads:</i></p> <p>Proposals liable to affect green infrastructure and nature conservation features either directly or indirectly must be supported by an appropriate and detailed site investigation/assessment and accord with provisions set out in the mitigation hierarchy71. Measures to avoid or prevent harmful effects will be required.</p>	<p>To clarify this section of the policy applies to all sites, whether designated or not.</p>

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	Policy DM37 p.112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Move and amend the following section of the final paragraph from page 112 to follow the new proposed section heading entitled "Designated Sites" on page 111 and prior to existing paragraph that reads "Proposals for development within a designated site of importance to nature conservation..."</i></p> <p><u>Designated Sites</u> Where proposals are liable to cause direct or indirect harm <u>impact</u> to a designated sites, they must provide:</p> <ul style="list-style-type: none"> a) evidence to demonstrate that the objectives of the designation and integrity of the area will not be undermined; b) funded management plans that secure the long term protection and enhancement of remaining features⁷²; and c) up-to-date information about the biodiversity/geodiversity which may be affected, and how loss can be mitigated to achieve measurable net gains. 	To ensure consistency with NPPF paragraph 180 and to improve effectiveness of policy.
	Supporting text to Policy DM37 paragraph 2.275 page 112	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend the second sentence of paragraph 2.275 of the supporting text to read:</i></p> <p>A development proposal's impact upon the natural environment must be considered early in the design process, including cumulative <u>and in-combination</u> impacts and impacts upon the wider environment.</p>	To reflect good practice.
	Supporting text to Policy DM37 paragraph 2.278 page 114	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend the final paragraph 2.278 of supporting text to read:</i></p> <p>The opportunity for nature recovery networks should be considered in accordance with <u>regards to</u> the emerging Natural Capital Investment Strategy for Sussex and future Local Nature Recovery Strategies, which will become a requirement under the Environment Act. Any invasive non-native</p>	To clarify the status of these guidance documents as material considerations but do not have full weight of a Development

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		species should be removed in accordance with legislation <u>and having regard to best practice guidance</u> (see also DM40 Protection of the Environment and Health – Pollution and Nuisance).	Plan/legislation. To reflect forthcoming legislation. To reflect practice.
	Supporting text to Policy DM37 paragraph 2.279 page 114	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend paragraph 2.279 to read:</i></p> <p>The council will continue to work with the Brighton and Lewes Downs UNESCO Biosphere partners, including the South Downs National Park Authority and other surrounding authorities, to secure a landscape scale approach to biodiversity and green infrastructure <u>as recommended by People and Nature Network (PANN) 2020, which builds upon the Sussex Natural Capital Investment Strategy.</u></p>	To reflect local strategy.
	Supporting text to Policy DM37 paragraph 2.281 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend fourth sentence of paragraph 2.281 to read:</i></p> <p>All new build, refurbishment, and renovation schemes should incorporate swift boxes and bee bricks where possible ensuring their installation follows best practice guidance <u>including local guidance set out in the Guidance Note for Provision of Swift Boxes in New Development, 2020.</u></p>	For thoroughness and to ensure cross-references to all relevant guidance are included.
	Supporting text to Policy DM37 paragraph 2.282 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Amend eighth sentence to supporting text at paragraph 2.282 to read:</i></p> <p>Alongside this, opportunities should be explored to provide new benefits for wildlife <u>to deliver measurable biodiversity net gains.</u></p>	To clarify links to biodiversity net gain.
	Supporting text to Policy DM37 paragraph 2.282 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Add sentence to end of paragraph 2.282 to read:</i></p> <p><u>Nature-based solutions to carbon storage and sequestration should also be sought.</u></p>	To support the council's ambition to achieve carbon neutrality.

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	Supporting text to Policy DM37 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Add new paragraph after existing paragraph 2.282. New paragraph to read:</i></p> <p><u>In addition to any measures required to mitigate impacts, net gains in biodiversity should also be achieved. Biodiversity net gain should be delivered on site where possible, or off site as appropriate and should still be secured where proposals have negligible or no adverse impacts on biodiversity. The Sussex Local Nature Partnership (LNP) has an ambition to achieve a 20% target for biodiversity net gain from developments. The council will work with the LNP to bring forward evidence to support this target. The updated SPD will also address biodiversity net gain and include examples of achievable targets.</u></p>	To reflect net gain principles. To reflect Sussex Local Nature Partnership ambition for net gain target and forthcoming update to Nature Conservation SPD.
	Supporting text to Policy DM37 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation <i>Add new supporting text paragraph prior to the section entitled "Designated Sites" and new footnote to read:</i></p> <p><u>In relation to Part C of the policy, examples of exceptional circumstances include development required in relation to flood defences or coastal management, key infrastructure that meets the wider needs of the city, and transport related infrastructure. Where land within locally designated sites is subject to an allocation for development in the City Plan* (new footnote), it is considered that the exceptional circumstances required under section C i) of the policy have been demonstrated specifically through the examination and adoption of the City Plan Part One and the need to plan positively for housing within the context of a significant citywide housing shortfall. However, any development proposals on these sites will still be required to meet the requirements under section C ii) and C iii) for mitigation and net gain in biodiversity/geodiversity as well as requirements relating to ecological assessment.</u></p> <p><i>Footnote to read:</i> <u>This applies to a small number of housing sites allocated in Policy H2 and one site allocated in Policy H1.</u></p>	To ensure policy wording is clear and unambiguous.

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	Supporting text to Policy DM37 paragraph 2.283 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation Amend paragraph 2.283 to read:</p> <p>However, Castle Hill is designated a Special Area of Conservation (SAC) and lies within the South Downs National Park and the administrative area of the city council <u>and there are several designated European sites (SPAs and SACs) elsewhere within East and West Sussex. Large-scale development within the City Plan area may still detrimentally affect the SAC by reason of additional pressure from visitors and traffic. As part of the preparation of City Plan Part Two, the council has undertaken a Habitats Regulations Assessment which concluded that the development proposed in the plan will not have significant adverse impacts on any designated European sites within 20km of the plan area boundary.</u></p>	To clarify the presence of other European sites within East/West Sussex and to reflect the findings of the Habitats Regulations Assessment undertaken on City Plan Part Two.
	Supporting text to Policy DM37 paragraph 2.284 page 115	<p>Policy DM37 Green Infrastructure and Nature Conservation Add new sentence at end of paragraph 2.284 to read:</p> <p><u>National sites also include Marine Conservation Zones (MCZ), designated through the Marine and Coastal Access Act 2009. The Beachy Head West MCZ lies partly within the City Plan area.</u></p>	To rectify omission.
MM30	Policy DM39 page 119	<p>Policy DM39 Development on the Seafront Amend part a) of policy to read:</p> <p>a) accord with <u>have regard to</u> the relevant Shoreline Management Plan and Coastal Strategy Study#;</p> <p>include new footnote: #<u>Beachy Head to Selsey Bill Shoreline Management Plan 2006; Brighton Marina to Saltdean Strategy 2001 and Brighton Marina to River Adur Strategy 2014 or their updates.</u></p>	To clarify the status of these management plans and strategies as material considerations but do not have full weight of a Development Plan. Strategies are named in full in new footnote.
	Policy DM39 page 119	<p>Policy DM39 Development on the Seafront Amend last paragraph of policy to read:</p>	To ensure the policy wording is clear and

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		<p>All developments providing sea-based activities or with a potential impact upon the marine environment should have appropriate regard to the Beachy Head West Marine Conservation Zone and be in accordance with the South Marine Plans. <u>Development that would be likely to have an adverse impact on designated sites including the Beachy Head West Marine Conservation Zone will need to accord with DM37 Green Infrastructure and Nature Conservation. Development likely to have an effect on the Marine Conservation Zone will be required to assess the impact by means of a Marine Conservation Zone Assessment.</u></p>	<p>consistent with Policy DM37 and NPPF paragraph 180.</p>
	<p>Supporting text to Policy DM39 paragraph 2.300 page 120</p>	<p><i>Policy DM39 Development on the Seafront</i> <i>Amend Supporting text at end of sentence at paragraph 2.300 to read:</i></p> <p>The council will seek to ensure that any new or enhanced sea defences integrate sensitively with the local environment <u>and avoid an adverse impact on nature conservation assets in accordance with Policy DM37 Green Infrastructure and Nature Conservation.</u></p>	<p>To clarify that any adverse impacts should be considered against the requirements of Policy DM37.</p>
<p>MM31</p>	<p>Policy DM40 Page 122</p>	<p><i>DM40 Protection of the Environment and Health – Pollution and Nuisance</i> <i>Amend criteria a)iii to read:</i></p> <p>iii. Appropriate measures can and will be incorporated to attenuate/mitigate existing and/or potential problems in accordance with national <u>policy and having regard to national and local guidance</u>; and</p>	<p>To clarify the status of these guidance documents as material considerations but do not have full weight of a Development Plan/ national policy.</p>
	<p>Policy DM40 page 122</p>	<p><i>DM40 Protection of the environment and health-pollution and nuisance</i> <i>Amend and combine criteria (e) and (f) to read:</i></p> <p>(e) particular regard must be given to assess the impacts of emissions from transport, flues, fixed plant, and, heat and power systems. (f) n New biomass combustion and CHP plants associated with</p>	<p>To ensure the policy wording is clear and unambiguous.</p>

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		major developments will not be acceptable in or near an Air Quality Management Area and sensitive receptors such as the Royal Sussex County Hospital due to the need to comply with nitrogen dioxide limits; and	
	Policy DM40 Page 123	<p><i>DM40 Protection of the Environment and Health – Pollution and Nuisance</i> <i>Amend criteria (g) to read:</i></p> <p>g) ensure outdoor lighting is well designed; low impact; efficient; the minimum necessary with an appropriate balance between intensity, fittings, height and structures; and, not cause unacceptable detriment to <u>health and amenity</u>, public & highway safety, biodiversity, in particular priority habitats and species, the night sky and the South Downs National Park International Dark Sky Reserve.</p>	To ensure the policy wording is consistent with NPPF para 185(c).
	Supporting text to Policy DM40, para 2.305 page 123	<p><i>Policy DM40 Protection of the environment and health-pollution and nuisance</i> <i>Amend supporting text paragraph 2.305 to read:</i></p> <p>Two Six Air Quality Management Areas (AQMAs) are currently designated within the city; one covering the city centre, <u>Rottingdean, South West Portslade, Sackville Road-Old Shoreham Road, South Road-Preston Road, and Eastern Road (Hospital)</u>, and <u>Portslade</u>, and a second smaller area that includes <u>Rottingdean High Street and its junction with the A259</u>.</p>	Factual update to reflect the new AQMA 2020 designation.
	Policy DM40 paragraph 2.311 page 125	<p><i>DM40 Protection of the environment and health-pollution and nuisance</i> <i>Amend 4th sentence of paragraph 2.311 to read:</i></p> <p>Any noise impact study and noise assessment must be carried out in accordance with current authoritative guidance and British Standards <u>and having regard to the local noise action plan</u> ⁸⁹.</p>	To clarify the status of these guidance documents as material considerations but do not have full weight of a Development Plan/ national policy.

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	Supporting text to Policy DM40 paragraph 2.314 page 125	<p><i>DM40 Protection of the Environment and Health – Pollution and Nuisance</i></p> <p><i>Amend supporting text paragraph 2.314 as follows:</i></p> <p>2.314 <u>Criteria g applies to any proposals which involve the installation of external lighting and where the design of developments may result in light spill from internal lighting.</u> Development proposals should avoid excessive and unnecessary lighting <u>to limit the potential for impacts on human health and biodiversity,</u> whilst at the same time recognising the important role of lighting in optimising the effective use of land outside daylight hours and addressing crime and antisocial behaviour (such as floodlighting for the extension of operating hours/crime deterrent). <u>Lighting design should have regard to the Institute of Lighting Professionals (ILP) Guidance Note 1 for the Reduction of Obtrusive Light (2020).</u> In May 2016 the South Downs National Park was designated as an International Dark Sky Reserve (IDSR). Lighting within the setting of the National Park should therefore take particular care to avoid unnecessary direct or reflected illumination of the sky at night.</p>	For clarity and to better accord with NPPF para 185(c). To ensure cross-reference to all relevant guidance.
MM32	Policy DM41 page 126	<p><i>DM41 Polluted and hazardous substances and land stability</i></p> <p><i>Amend first sentence of policy to read:</i></p> <p>Development proposals must ensure that <u>Planning permission will be granted for developments that can demonstrate they do not prejudice health, safety, natural capital and the quality of the city's environment.</u></p>	To ensure the policy wording is clear and unambiguous.

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MM33	Policy DM43 page 131	<p>Policy DM43 Sustainable Drainage <i>Amend first sentence of third paragraph of policy to read:</i></p> <p>SuDS should be sensitively located and designed <u>from the outset, in line with having regard to recognised best practice⁹⁷, the Urban Design Framework SPD and in accordance with the Sustainable Drainage SPD</u> to ensure that the quality of local water is not adversely affected;</p>	To clarify the status of these guidance documents as material considerations but do not have full weight of a Development Plan and to include reference to the adopted Urban Design Framework as relevant local guidance.
	Supporting text 2.333 to Policy DM43 page 132	<p>Policy DM43 Sustainable Drainage <i>Amend paragraph 2.333 to read:</i></p> <p>2.333 The choice of appropriate sustainable drainage measures for a site/development should be informed by specific catchment and ground characteristics, and will require the early <u>design stage</u> consideration of a wide range of issues relating to the <u>design, location, management, long term adoption and maintenance of SuDS. A landscape-led approach to sustainable drainage techniques should be undertaken. Best practice and detailed guidance is set out in the South East Authorities Water People Places masterplanning guidance together with the Urban Design Framework SPD, the Sustainable Drainage SPD and the CIRIA (2015) guide for master planning sustainable drainage into developments.</u></p>	To clarify that consideration of SUDs should be undertaken early in the design stage encouraging a landscape-led/ masterplanning approach and to refer to relevant local guidance.
MM34	Policy DM44 page 134	<p>Policy DM44 Energy Efficiencies and Renewables <i>Amend first sentence of policy to read:</i></p> <p>The council will encourage all development to improve energy efficiency and achieve greater reductions in CO2 emissions in order to contribute towards Brighton & Hove's ambition to become a carbon neutral city by 2030. In addition to the requirements set out in Policy CP8 Sustainable Buildings#, the following standards of energy efficiency and energy performance will be required</p>	In response to discussions during the examination hearings in order to clarify the application of the policy in combination with Policy CP8.

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		<p>unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable:</p> <p><i>Add New Footnote: #Policy CP8 sets out the energy performance and water efficiency standards for residential new build and the BREEAM standards for non-residential and greenfield development.</i></p>	
	<p>Policy DM44 Page 134</p>	<p><i>DM44 Energy Efficiency and Renewables</i> <i>Amend parts one and two of the Policy to create four parts and to read:</i></p> <ol style="list-style-type: none"> 1. All development including conversions and change of use of existing buildings to new residential dwellings to achieve at least 19% improvement on the carbon emission targets set by Part L (2013) until the Future Homes Standard or any interim uplift in Part L which exceeds 19% improvement come into effect unless superseded by national policy or legislation;¹⁰⁰ 2. <u>Non-residential development (major and non-major[#]) including conversions and changes of use to achieve at least 19% improvement on the carbon emission targets set by Part L (2013) until the Future Buildings Standards or any interim uplift in Part L which exceeds 19% improvement come into effect.</u> <p>2. All development to achieve a minimum Energy Performance Certificate (EPC) rating of:</p> <ol style="list-style-type: none"> 3. A minimum Energy Performance Certificate EPC rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use¹⁰¹. 4. <u>A minimum Energy Performance Certificate EPC rating 'B' for new build residential and non-residential development.</u> <p><i>Insert new footnote:</i> <i>#As defined in the supporting text to Policy CP8 at Table 6</i></p>	<p>In response to discussions during the examination hearings sessions in order to clarify the application of the required standards set out in the policy.</p> <p>To futureproof the policy with respect to the emerging Future Homes Standards and Future Building standards.</p> <p>For clarity</p>
	<p>Policy DM44 Page 134</p>	<p><i>DM44 Energy Efficiency and Renewables</i> <i>Amend part footnote 100 to read:</i></p>	<p>To future proof policy with respect to the</p>

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		<p>100 Including changes to Part L of the Building Regulations or the approved calculation methodology. Following consultation, the government has indicated in its response to the Future Homes Standard consultation (The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings, January 2021) that it will introduce a Future Homes Standard and a Future Buildings Standard for non-domestic buildings in 2025 and an interim uplift to Part L will come into effect in June 2022.</p>	Future Homes Standard and Future Buildings standards
	Policy DM44 Pages 134 -135	<p><i>DM44 Energy Efficiency and Renewables</i> <i>Amend first sentence of last paragraph of policy to read:</i></p> <p>All <u>major residential and-non-residential development</u> will be expected to submit an energy statement to provide details of the <u>building fabric energy efficiency and low and zero carbon energy technologies used including the size/capacity of the systems and the estimated CO2 savings that will be achieved. Through preparation of the technical guidance the LPA will review and clarify what developers provide in the Energy Statement to ensure their robustness. For example, ensuring the statement will clearly set out how each element of the design will help to achieve carbon reductions.</u></p>	In response to discussions during the examination hearings to clarify the requirements for supporting information should not be overly onerous in relation to non-major development.
	Policy DM44 paragraph 2.335 Page 135	<p><i>DM44 Energy Efficiency and Renewables</i> <i>Amend paragraphs 2.335 of supporting text to read:</i></p> <p>2.335 The purpose of this policy is to ensure that development delivers secure, affordable, low carbon growth, increases future energy resilience, and delivers the strategic objectives of City Plan Part One to become a zero- carbon city by 2050¹⁰². This policy sets out the further steps the council will take to reduce carbon emissions associated with all new development...</p>	In response to discussions during the examination hearings to clarify the application of the policy.

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	Supporting text to Policy DM44 para. 2.345 Page 137	<p>DM44 Energy Efficiency and Renewables <i>Amend paragraph 2.345 of supporting text to read:</i></p> <p>To ensure the assessment of new development better reflects the actual carbon emissions associated with their expected operation, planning applicants are required to use the government’s updated carbon emission factors (SAP 10.1 or subsequent versions updates). It is anticipated that on developments where carbon savings from certain technologies (e.g. gas-engine CHP and solar PV) do not achieve the carbon savings set out in <u>meet</u> City Plan Part One Policy CP8, <u>fabric energy efficiency measures and</u> alternative or additional technologies will need to be utilised to meet the 19% improvement against part L 2013.</p>	To future proof the policy with respect to the Future Homes Standard and Future Buildings standards.
	Supporting text to Supporting text to Policy DM44 page 137	<p>DM44 Energy Efficiency and Renewables <i>Add new paragraph after the supporting text in paragraph 2.345 to read:</i></p> <p><u>New paragraph: The government indicated in January 2021* its intention to introduce the Future Homes Standard and Future Buildings Standards in 2025 with interim uplifts to Part L anticipated to come into effect in June 2022. For new homes, the interim uplift in Part L will be expected to produce 31% less CO2 emissions compared to current standards. The 19% improvement against part L 2013 will continue to apply until superseded by 2025 standards or any interim uplifts in Part L brought into effect before 2025 if these are higher than the 19%. In order for the city to achieve greater reductions in CO2 emissions and to meet the council’s aspiration to become a carbon neutral city by 2030 the council will encourage developers to work towards the interim uplift in Part L before it comes into effect.</u></p> <p>*Add new footnote: <u>The Future Homes Standard: 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings, January 2021.</u></p>	To future proof policy with respect to the Future Homes and Buildings standards
	Supporting text to Policy DM44 paragraph 2.346 page 137	<p>DM44 Energy Efficiency and Renewables <i>Amend first sentence of paragraph 2.346 of supporting text to read:</i></p>	To ensure the wording is clear and unambiguous.

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		2.346 If a developer can demonstrate that there is a technical or financial reason why this <u>the 19% improvement against Part L 2013</u> target cannot be achieved they would be expected to deliver as close to this target as possible.	
	Supporting text to Policy DM44 paragraphs 2.351, 2.359 and 2.361 pages 138 -140	<p><i>DM44 Energy Efficiency and Renewables</i></p> <p><i>Delete paragraph 2.351, and amend 2.359 – 2.361 of supporting text to read:</i></p> <p>2.351 Developers are required to confirm the predicted EPC ratings for all buildings when submitting a planning application, to submit a copy of the final EPC to the planning on completion. It is assumed no additional work will be required from the developer as it is a legal requirement to produce a draft EPC before work starts on site and a final EPC at completion for submission.</p> <p>...</p> <p>2.359 For major residential and non-residential development, the achievement of the CO2 emission reduction standard can be demonstrated through an Energy Statement prior to commencement of development.</p> <p><i>Split 2.359 to create new paragraph:</i></p> <p>At post construction stage, achievement of the standard can be demonstrated <u>as follows: for dwellings, through final ‘as built’ reports produced for Building Regulations compliance e.g. SAP (Standard Assessment Procedure) for dwellings or EPC; and for non-residential development, through SAP, EPC and /or SBEM (Simplified Building Energy Model) or BRUKL (Building Regulations UK Part L) for non-domestic development.</u> The council will <u>also expect ‘as built’ reports for larger non-domestic developments to demonstrate compliance to Policy CP8 BREEAM standards by producing a BREEAM final certificate, ie: most developments should meet BREEAM UK New Construction assessment; shell only developments should meet BREEAM UK New Construction ‘Shell only’ assessment; and refurbishment and fit-out should meet BREEAM UK Refurbishment and Fit- out Parts 2, 3 or 4 assessments as appropriate.</u></p>	<p>In response to discussions during the examination hearings to clarify the requirements for supporting information should not be overly onerous in relation to non-major development.</p> <p>To include references to the emerging Future Homes Standard and Future Homes Building.</p>

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		<p>2.360 If required, Detailed information relating to the specific information required, format and presentation of this information in Energy Statements will be set out in a technical guidance document to ensure consistency of reporting and evidence requirements.</p> <p>2.361 This <u>Energy</u> Statement should provide details of the low and zero carbon energy technologies used including the size/capacity of the systems and the estimated CO2 savings that will be achieved. A technical guidance document will be produced to provide support on the specific information required to demonstrate compliance as well as guidance on passive design, good building fabric and avoiding over-heating.</p>	To ensure the wording is clear and unambiguous.
MM35	Policy DM46, page 143	<p>DM46 Heating and cooling network infrastructure Amend the second paragraph of the policy to read:</p> <p>Where proposals come forward with combined heat and power (CHP) they must meet CHP Quality Assurance standards (CHPQA)¹²⁰ and demonstrate that heating and cooling systems have been selected in accordance with the heating and cooling hierarchy, and CIBSE Heat Network Code of Practice¹²¹ and address the requirements in Policy DM40 <u>and have had regard to the CIBSE Heat Network Code of Practice¹²¹</u>;</p>	To clarify the status of the code of practice as a material consideration but does not have full weight of a Development Plan/ national policy.
MM36	Policy SA7, page 156	<p>SA7 Benfield Valley Amend first sentence of policy to read:</p> <p>Land at Benfield Valley <u>as shown on the Policies Map</u> will be protected and enhanced as an important green wedge into the urban area, a valued Local Wildlife Site and Local Green Space.</p>	To ensure the policy wording is clear and unambiguous.
	Supporting text to Policy SA7, paragraph 3.9, page 158	<p>SA7 Benfield Valley Amend paragraph 3.9, first bullet point to read:</p> <p>A Landscape and Visual <u>Character Impact</u> Assessment¹³⁹ which will inform landscape led masterplans for development sites and associated</p>	To clarify that a Landscape and Visual Impact Assessment will be required to

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		<p>¹³⁹ To be carried out in accordance with Guidelines for Landscape and Visual Impact Assessment 3rd Edition (Landscape Institute and IEAM 2013).</p>	support development proposals.
MM37	Policy SSA1, page 153	<p>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road Amend Policy to read:</p> <ul style="list-style-type: none"> • 10,000 – 12,000 sq m health and care facility (D1E(e)); 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Policy SSA1 Page 153	<p>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road Amend requirements a) and b) of the Policy to read:</p> <p>a) Achieve a high quality of design which preserves and where possible enhances the setting of the Grade II Listed Building and the most significant non-designated heritage assets and where possible enhances the setting of the listed building. A comprehensive Heritage Impact Assessment will be required;</p> <p>b) Create active frontages along Freshfield Road and Pankhurst Road through selective openings on the flint wall that do not undermine the heritage character <u>and appearance of the wall.</u></p>	To clarify the requirements in respect of the heritage assets.
	Supporting text to Policy SSA1 Page 154	<p>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road Amend paragraph 3.12 of the supporting text to read:</p> <p>The main Brighton General Hospital Arundel Building and the later built infirmary blocks form a prominent group of landmark buildings on the high ridge on the east side of Brighton. The site occupies an elevated position with extensive viewpoints <u>from</u> across the city and requires a high quality architectural response. The Arundel Building is a Grade II listed building and was <u>originally</u></p>	To ensure the wording is clear and unambiguous and to clarify the term 'heritage character'.

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		<p>formerly used as the city's workhouse. There are a number of 19th Century Infirmary and Workhouse Blocks located within the <u>curtilage setting</u> of the principal listed building that and are therefore also may be <u>curtilage listed or non-designated heritage assets</u>. <u>The site is attractively bounded by continuous high flint walls with brick piers that hold a heritage character deriving from the strong sense of enclosure they create and the use of local vernacular construction and materials</u>. Development proposals with the potential to affect the listed building or its settings should be supported by <u>a appropriately scaled Heritage Impact Assessments</u>.</p>	
	Supporting text to Policy SSA1, Paragraph 3.18 page 155	<p><i>SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road</i> <i>Delete last two sentences of paragraph 3.18 and create new paragraph to read:</i></p> <p>The site holds around 15 swift nests considered to be the oldest swift breeding colony in Brighton and Hove and thus offers a unique opportunity to safeguard and enhance biodiversity. Any new scheme will be required to make provision for installing and maintaining swift boxes in appropriate locations.</p> <p><u><i>New paragraph: The site is understood to hold around 15 to 20 swift nests that are considered to be the oldest and largest swift breeding colony in Brighton and Hove and thus the site offers a unique opportunity to safeguard and enhance biodiversity. Any new scheme will be required to make robust and appropriate provision to safeguard, protect and support the swift colony throughout the entirety of the development phasing: demolition, construction and operation. Any demolition should not occur before the end of a swift breeding season. A phased approach to both demolition and construction may be necessary as part of measures to provide an interim solution to safeguard the colony which could include the provision of additional swift bricks/boxes on remaining existing on-site buildings. Interim solutions will need to be proven to be successful.</i></u></p>	In response to discussions at examination hearing sessions new wording provides detail in the supporting text regarding the need to provide robust and appropriate provision to safeguard, protect and support the swift colony throughout the entirety of the development phasing
MM38	Policy SSA2, page 156	<p><i>SSA2 Combined Engineering Depot, New England Road</i> <i>Amend policy at first paragraph second bullet point policy to read:</i></p>	To ensure consistency with changes to the Use Classes Order, as

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		<ul style="list-style-type: none"> the provision/replacement of a minimum of 1,000 sq m B1 <u>E(g)</u> workspace and managed starter office units. 	amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Policy SSA2 Page 156	<p>SSA2 Combined Engineering Depot, New England Road Amend paragraph 3.23 of the supporting text to read:</p> <p>Brighton mainline station is a Grade II* listed building, the Railway Bridge is Grade II listed and the site is situated adjacent to West Hill Conservation Area. <u>The site itself may contain railway heritage buildings that meet the criteria for non-designated heritage assets (see DM28 ‘Locally Listed Heritage Assets’)</u>. Building heights and massing should respect strategic city wide views and enhance the setting of nearby heritage assets (see DM29 ‘The Setting of Heritage Assets’). <u>A Heritage Impact Assessment will be required with any application for the site.</u></p>	To clarify the heritage assets relevant to the site and how potential heritage impacts should be identified.
MM39	Policy SSA3, page 158	<p>SSA3 Land at Lyon Close, Hove Amend policy to read:</p> <p><i>(Second paragraph, first bullet point)</i></p> <ul style="list-style-type: none"> the retention/ replacement of a minimum of 5,700 sq m net B1a <u>E(g)</u> office floorspace through the mixed use development of the following sites: <p><i>(Second paragraph, third bullet point)</i></p> <ul style="list-style-type: none"> expanded D1 health facilities (GP surgery) and/or community uses subject to demonstration of need and deliverability; and <p><i>(Third paragraph)</i></p> <p>Should the retail warehouse units¹³⁴ come forward for redevelopment during the Plan period then the council will seek a mix of B1 <u>E(g)</u> business and residential uses.</p>	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

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		<p><i>(Fourth paragraph, criterion b.)</i></p> <p>All proposals, including changes in existing business uses (Use Class B1-B8) (<u>Use Classes E(g), B2 and B8</u>), will be expected to contribute to the provision of a range of office and flexible workspaces including medium floor plate offices and start up business floorspace suitable for small business;</p>	
	Supporting text to Policy SSA3, para 3.27, page 160.	<p><i>SSA3 Land at Lyon Close, Hove</i> <i>Amend last sentence of supporting text at paragraph 3.27 to read:</i></p> <p>However, proposals for tall buildings will need to be tested for visual impact from key viewpoints, <u>be in accordance with</u> as well as taking into account City Plan Part One policies and <u>have regard to the supplementary guidance on tall buildings</u> (to be reviewed in the forthcoming set out in SPD17 Urban Design Framework).</p>	To reflect adoption of SPD17 Urban Design Framework in July 2021 and to be precise on the weight to be attached to Development Plan policies/ SPDs.
MM40	Policy SSA4, page 161	<p><i>SSA4 Sackville Trading Estate and Coal Yard</i> <i>Amend policy first paragraph, second bullet point to read:</i></p> <ul style="list-style-type: none"> • A minimum of 6000m2 E(g)B1-employment floorspace 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Policy SSA4 Page 162	<p><i>SSA4 Sackville Trading Estate and Coal Yard</i> <i>Add criterion (k) to policy to read:</i></p> <p><u>k) Development must ensure that groundwater sources are protected to the satisfaction of the Environment Agency.</u></p>	To reflect advice from the Environment Agency and for consistency with other strategic site allocations.

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	Supporting text to Policy SSA4, paragraph 3.37 Page 162	<p>Policy SSA4 – Sackville Trading Estate and Coal Yard Amend paragraph 3.37 to read:</p> <p>The Hove Station area is identified in the Tall Buildings <u>Urban Design Framework SPD</u>¹³⁸ as having opportunities for tall building development.</p>	Factual Update to reflect adoption of the Urban Design Framework SPD
	Supporting text to Policy SSA4 Page 162	<p>SSA4 Sackville Trading Estate Amend supporting text at paragraph 3.38 to read: “An Air Quality Management Area extends along Sackville Road to the junction with Old Shoreham Road. The effect of the new development on this the <u>the AQMA at the junction of Sackville Road and Old Shoreham Road</u> will require careful consideration in order to achieve compliance with the requirements of Policies CP9 Sustainable Transport and DM40 Protection of the Environment -Pollution and Nuisance.”</p>	Factual update to reflect 2020 revised AQMA
	Supporting text to Policy SSA4 paragraph 3.39 Page 163	<p>Policy SSA4 – Sackville Trading Estate and Coal Yard Amend paragraph 3.39 with additional sentence at end of paragraph:</p> <p><u>The Hove Station Area Supplementary Planning Document (adopted 16 September 2021) provides guidance on improving linkages in and from the Hove Station Area which is adjacent to this site.</u></p>	Factual update to reflect Hove Station Area SPD was adopted 16 September 2021.
Footnote 138 Page 162		<p>Policy SSA4 – Sackville Trading Estate and Coal Yard Amend footnote 138 to read:</p> <p>www.brighton-hove.gov.uk/sites/brightonhove.gov.uk/files/downloads/localplan2001/15_SPGBHTall_buildings.pdf <u>www.brighton-hove.gov.uk/planning-and-building-regulations/spd17-urban-design-framework-supplementary-planning-document-udf</u></p>	Factual update to reflect adoption of the Urban Design Framework SPD

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
MM41	Policy SSA5, page 164	<p>SSA5 Madeira Terrace and Madeira Drive Amend Policy SSA5 to read:</p> <ul style="list-style-type: none"> • Retail uses (Use Classes A1, A3, A4, A5 <u>E (a), E (b), public house, wine bar, or drinking establishment (Sui Generis) and hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises (Sui Generis)</u>); • Commercial space (Use Class B1-E <u>(g)</u>); • Small scale/ boutique hotel <u>visitor accommodation</u> (Use Class C1); • Galleries/museum(s) (Use Classes D1F1 <u>(b) and F1(c)</u>); and/or • Leisure uses (Use Classes D2 <u>E (d) and F2</u>) appropriate to the character of the seafront. 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to clarify the scale/ type of visitor accommodation.
	Policy SSA5 Page 164	<p>SSA5 Madeira Terrace and Madeira Drive Amend second paragraph of policy to read:</p> <p>Planning permission will be granted for proposals that accord with the Development Plan <u>and respect the significance of the Grade II* Madeira Terrace and other associated designated and undesignated heritage assets, prioritising their repair and restoration</u> and meet the following site specific requirements:</p>	Factual update of listing status of heritage assets and to emphasise that proposals will be expected to respect the heritage assets.
	Supporting text to Policy SSA5 paragraph 3.44 page 165	<p>SSA5 Madeira Terrace and Madeira Drive Amend first sentence of supporting text at paragraph 3.44 and add new sentence to end of the paragraph to read:</p> <p>Madeira Terrace is a Grade II listed unique structure running half a mile along the seafront and includes 151 separate arches, a Victorian promenade with raised walkway, access stairs, associated buildings and lift towers. It is considered to be the longest cast iron structure in Britain, running from the Aquarium Colonnade to the Volk's Railway maintenance building. Since 2012 Madeira Terrace has been closed to the public as the structure has degraded and become unsafe.</p>	Factual update of listing status of heritage assets.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p><u>Madeira Terrace, Lift and Shelter Hall have been re-graded to II* and have been added to the Historic England list of heritage assets at risk. The East Cliff Conservation Area, within which Madeira Terrace plays a key part, has also been identified as at risk.</u></p>	
	<p>Policy SSA5 paragraph 3.45 page 165</p>	<p><i>SSA5 Madeira Terrace and Madeira Drive</i> <i>Amend first, third and fourth sentence of supporting text at paragraph 3.45 to read:</i></p> <p>The council is committed to the retaining, restoring and reactivating the Grade II* listed structure. The council has allocated £13.4million funding for Madeira Terraces restoration. The renovation of Madeira Terrace will need to be sensitive to the structure’s unique <u>and intrinsic heritage value and informed by a Conservation Management Plan which will be a material planning consideration.</u> and Proposals will need to be financially sustainable commercially viable in order to pay for its <u>contribute to its restoration and long term maintenance. A potential option is to develop new uses and activities within</u> It is likely that a variety of commercial uses will be placed in the arches of Madeira Terrace.</p>	<p>Factual update to refer to the Conservation Management Plan and updated listing status.</p>
	<p>Supporting text to Policy SSA5 paragraph 3.46 page 165</p>	<p><i>SSA5 Madeira Terrace and Madeira Drive</i> <i>Amend paragraph 3.46 of supporting text to read:</i></p> <p>Uses should be complementary to the area and the vision for this part of the seafront and could include a wide variety of uses such as cafes, bars, restaurants, boutique retail, an arts centre/ Heritage Interpretation and Learning centre, an outdoor sports activity centre, museum space, a hub for creative industries with incubator/ workspace and small scale/ <u>boutique visitor accommodation (with limited service)</u> boutique hotel. However, residential use will not be permitted. Careful consideration needs to be given to the relationship and connection between potential the <u>businesses within the arches and Madeira Terrace’s historic use for walking and as a ‘grandstand’ and the wider area’s ongoing role as Brighton and Hove’s premier events space and the beach. An initial phase of repair or regeneration is likely to inform a holistic strategy for Madeira Terrace*.</u></p>	<p>Factual update to refer to the council’s Madeira Terrace 30 Project and to clarify the scale and type of visitor accommodation.</p>

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		<p><i>And add new footnote: #The Madeira Terrace 30 Project was commissioned in 2020 to consider the initial phase of repair and regeneration of part of the Madeira Terrace.</i></p>	
	<p>Supporting text to Policy SSA paragraph 3.47 page 165</p>	<p>SSA5 Madeira Terrace and Madeira Drive <i>Amend the second sentence in paragraph 3.47 of the supporting text to read:</i></p> <p>A number of options will need to be considered such as the feasibility <u>including the reopening of the closed staircases between Marine Parade and Madeira Drive and the feasibility of improving lift access to include whether Madeira Lift could be opened all year round and/or the provision of additional lift access, as well as improved wayfinding and reducing the severance caused by the Volks railway whilst improving its visual setting.</u></p>	<p>To clarify the potential to improve access to Madeira Terrace and Madeira Drive.</p>
	<p>New footnote for supporting text to Policy SSA5 paragraph 3.48 page 165</p>	<p>SSA5 Madeira Terrace and Madeira Drive <i>Add new footnote at the end of the last sentence in paragraph 3.48:</i></p> <p>A masterplan including public realm strategy will be developed to support the implementation of this policy#.</p> <p># <u>The Eastern Seafront Masterplan SPD is due to be adopted in 2022</u></p>	<p>Factual update on progress on the Eastern Seafront Masterplan SPD.</p>
<p>MM42</p>	<p>Policy SSA6, page 167</p>	<p>SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive <i>Amend the two bullet points under first paragraph of policy to read:</i></p> <ul style="list-style-type: none"> • leisure uses (Use Classes D2E (d) and F2) or art and heritage uses (Use Classes D1 <u>F1(b) and F1(c)</u>) appropriate to the character of the seafront providing the main use of the site; and • ancillary supporting retail uses (Use Classes A1, A3, A4 and A5-E (a), E (b), <u>Public house, wine bar, or drinking establishment (Sui Generis) and hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises (Sui Generis).</u> 	<p>To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020</p>

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	Supporting text to Policy SSA6, para. 3.52 page 168	<p>Policy SSA6 <i>Amend the first sentence of the supporting text 3.52 as follows:</i></p> <p>Ancillary retail uses will be permitted that support the new attraction and create footfall to the site. Due to the heritage assets (<u>the East Cliff Conservation Area and Grade II* listed Madeira Terraces and Shelter Hall which have been added to Historic England’s list of heritage assets at risk</u>) a <u>Heritage Impact Assessment will be required with any application for the site.</u> eDevelopment at beach level should be primarily single storey and should not exceed the height of middle promenade to respect the historic setting and open nature of the area...</p>	Factual update of listing status and to clarify how potential heritage impacts should be identified.
MM43	Policy SSA7, page 169	<p>SSA7 Land Adjacent to American Express Community Stadium, Village Way <i>Amend bullet point under first paragraph of policy to read:</i></p> <ul style="list-style-type: none"> • B1a <u>E(g) (i)</u> (offices), D1 <u>E (e)</u> (health) F1 (a), (health/education) and/or other ancillary uses directly associated with the Stadium and/or Sussex and Brighton Universities. 	To ensure consistency with changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Supporting text to SSA7, page 170	<p>SSA7 Land Adjacent to American Express Community Stadium, Village Way <i>Amend final sentence in paragraph 3.54 to read:</i></p> <p>The site provides an opportunity to enhance the facilities of the Stadium by providing for example B1a offices or D1 health/ education uses associated with the Stadium or the Universities.</p>	To ensure consistency changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification						
	Supporting text to Policy SSA7 paragraph 3.59 page 170	<p>SSA7 Land Adjacent to American Express Community Stadium, Village Way <i>In paragraph 3.59 of supporting text amend first sentence to read:</i></p> <p>“The design and massing of any proposed development will need to consider <u>by way of a Heritage Impact Assessment</u> the visual impact of the Grade II registered historic Stanmer Park and Listed Buildings within the University of Sussex campus (see Policy DM29 The Setting of Heritage Assets).</p>	To clarify how potential heritage impacts should be identified.						
MM44	Policy H1 page 172	<p>Policy H1 Housing Sites and Mixed Use Sites Amend second sentence of first paragraph of policy to read:</p> <p>Planning permission will be granted for proposals that accord with the Development Plan and which provide the minimum indicative amounts of development shown in the tables.</p>	To ensure the policy wording is clear and unambiguous.						
	Supporting text to Policy H1, paragraph 3.64, page 172	<p>Policy H1 Housing Sites and Mixed Use Sites <i>Add new sentence to Paragraph 3.64 to read:</i></p> <p>3.64 Only sites which are expected to bring forward 10 or more residential units are allocated in this policy. <u>Approximately 90% of this housing will be on sites of less than one hectare which considerably exceeds the 10% target set in the NPPF Paragraph 69a.</u> It is expected that smaller sites and windfall provision will continue to make a significant contribution towards the city’s planned housing requirements as accounted for in Policy CP1.</p>	To provide a direct reference to the requirement in NPPF 69a.						
	Policy H1, Table 6 page 174	<p>Policy H1 Housing Sites and Mixed Use Sites <i>Table 6 – Residential Site Allocations amend Table 6 to delete the following sites:</i></p> <table border="1" data-bbox="562 1246 1234 1358"> <thead> <tr> <th data-bbox="562 1246 786 1358">Site Name</th> <th data-bbox="786 1246 1010 1358">Indicative number of Residential</th> <th data-bbox="1010 1246 1234 1358">Permitted additional Uses</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Site Name	Indicative number of Residential	Permitted additional Uses				For 2-18 The Cliff site, deletion in response to discussions at during the examination hearings as the site’s inclusion would not be justified.
Site Name	Indicative number of Residential	Permitted additional Uses							

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification			
			Units (Use Class C3)		For 2-16 Coombe Road site, deletion in response to a representation from the landowner confirming the site will not be made available for redevelopment during the plan period.			
		Land between Marine Drive and rear of 2-18 The Cliff, Brighton	10 ¹⁴⁷					
		2-16 Coombe Road	33	B1 starter business units/affordable workspace at ground floor.				
	Policy H1, Table 6 page 175	<p><i>Delete associated footnote 147:</i> Development will mitigate any adverse impacts on designated sites and provide biodiversity net gains in accordance with Policy CP10 and DM37</p> <p>Policy H1 Housing Sites and Mixed Use Sites Table 6 – Residential Site Allocations amend the table to add the following rows to read:</p> <table border="1" data-bbox="562 1031 1234 1249"> <tr> <td data-bbox="562 1031 786 1249">Land at the corner of Fox Way and Foredown Road, Portslade#</td> <td data-bbox="786 1031 1010 1249">10 <u>14</u></td> <td data-bbox="1010 1031 1234 1249"></td> </tr> </table>			Land at the corner of Fox Way and Foredown Road, Portslade#	10 <u>14</u>		For Fox Way, to reflect an extant planning consent for the site.
Land at the corner of Fox Way and Foredown Road, Portslade#	10 <u>14</u>							
	Policy H1, Table 6 page 175	<p>Policy H1 Housing Sites and Mixed Use Sites Table 6 – Residential Site Allocations amend the table to add the following rows to read:</p>			In response to consideration of omission sites put forward at Regulation			

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification
		Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses	19 consultation stage which have been assessed to be suitable and available sites for housing development.
		<u>Land at Preston Road / Campbell Road, Brighton</u>	<u>24</u>		
		<u>154 Old Shoreham Road, Hove</u>	<u>30</u>	<u>E class uses on ground floor</u>	
	Policy H1, Table 6	<i>Policy H1 Housing Sites and Mixed Use Sites Table 6 – Residential Site Allocations amend Table 6 to delete:</i>			Deletions to reflect the substantial completion of development on these sites.
		Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses	
		87 Preston Road, Brighton, BN1 4QG	25		
		George Cooper House, 20-22 Oxford Street, Brighton	20	Retail at ground floor level.	
		Whitehawk Clinic, Whitehawk Road, Brighton#	38		
		Buckley Close garages, Hangleton #	12		
		189 Kingsway, Hove #	60		

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification									
		Kings House, Grand Avenue, Hove #	169											
	Policy H1, Table 6 page 175	<p>Policy H1 Housing Sites and Mixed Use Sites <i>Table 6 – Residential Site Allocations amend the Total row to read:</i></p> <table border="1" data-bbox="562 523 1675 563"> <tr> <td data-bbox="562 523 936 563">TOTAL</td> <td data-bbox="936 523 1303 563">1,051 752</td> <td data-bbox="1303 523 1675 563"></td> </tr> </table>			TOTAL	1,051 752		Factual update of housing total to reflect changes to site allocations detailed above.						
TOTAL	1,051 752													
	Policy H1, Table 6 pages 173 - 175	<p>Policy H1 Housing Sites and Mixed Use Sites <i>Table 6 – Residential Site Allocations amend the following rows in Table 6 to read:</i></p> <table border="1" data-bbox="562 703 1570 1203"> <thead> <tr> <th data-bbox="562 703 958 911">Site Name</th> <th data-bbox="958 703 1178 911">Indicative number of Residential Units (Use Class C3)</th> <th data-bbox="1178 703 1570 911">Permitted additional Uses</th> </tr> </thead> <tbody> <tr> <td data-bbox="562 911 958 1075">Land between Manchester Street/Charles Street, Brighton, BN2 1TF#</td> <td data-bbox="958 911 1178 1075">12</td> <td data-bbox="1178 911 1570 1075">B1-E class employment floorspace or D2 entertainment <u>and leisure</u> uses.</td> </tr> <tr> <td data-bbox="562 1075 958 1203">Saunders Glassworks, Sussex Place, Brighton, BN2 9QN#</td> <td data-bbox="958 1075 1178 1203">49</td> <td data-bbox="1178 1075 1570 1203"><u>E class uses</u></td> </tr> </tbody> </table>			Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses	Land between Manchester Street/Charles Street, Brighton, BN2 1TF#	12	B1-E class employment floorspace or D2 entertainment <u>and leisure</u> uses.	Saunders Glassworks, Sussex Place, Brighton, BN2 9QN#	49	<u>E class uses</u>	To ensure consistency changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and in response to a representation from the landowner of the Saunders Glassworks site
Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses												
Land between Manchester Street/Charles Street, Brighton, BN2 1TF#	12	B1-E class employment floorspace or D2 entertainment <u>and leisure</u> uses.												
Saunders Glassworks, Sussex Place, Brighton, BN2 9QN#	49	<u>E class uses</u>												
	Policy H1, page 176	<p>Policy H1 Housing Sites and Mixed Use Sites <i>Amend the following rows in Table 7 Mixed Use Housing Site Allocations to read:</i></p>			For consistency with the heading in Table 6, to ensure consistency with changes to the									

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification
		Site Name	Indicative <u>number of</u> Residential Units (Use Class C3)	Minimum Requirements for Other Uses	Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and to make the allocation at 71-76 Church Street justified and effective.
71 - 76 Church Street, Brighton	50 <u>10</u>	B1 <u>E(g)</u> Employment floorspace in the northern part of the site on the ground floor which could include small scale workshop type units.			
Post Office site, 62 North Road, Brighton#	110	3000sqm B1 <u>E(g)</u> employment floorspace.			
27-31 Church Street (corner with Portland Street)#Ω	10	630sqm <u>E(g)</u> employment floorspace B1 Offices.			
Former Dairy Crest Site, 35-39 The Droveway, Hove, #	14	500sqm B <u>E</u> use class employment uses, ancillary retail.			
Kingsway/Basin Road North (Site AB4 in Shoreham Harbour Joint Area Action Plan (JAAP) Policy CA2)#	90	Use classes B1 <u>E(g)</u> and B2 at Basin Road North level, use classes <u>E</u> A2, B1 and ancillary A1 at Kingsway level, and use class C3 on upper storeys.			

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed			Reason for Modification
		Prestwich House, North Street, Portslade (Site SP1 in JAAP Policy CA3)	15	Use class B1 <u>E(g)</u> on lower storeys.	
		Regency House, North Street, Portslade (Site SP4 in JAAP Policy CA3)	45	Use class B1 <u>E(g)</u> on lower storeys	
		Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP Policy CA3)	45	Use class B1 <u>E(g)</u> on lower storeys and use class C3 on upper storeys. Associated leisure and assembly (use class D) uses may be permitted provided they are demonstrated to be compatible with residential and employment uses in the vicinity.	
		Church Road/ Wellington Road/ St Peter's Road (Site SP6 in JAAP Policy CA3)	25	The southern portion of the site is allocated for new employment development (use classes B1 <u>E(g)</u> , B2 and B3).	
		Station Road site, Portslade (Site SP7 in JAAP Policy CA3)	15	Use classes A1, A2, A3 and B1 <u>E</u> fronting Station Road.	
	Policy H1, Table 7 page 176	Policy H1 Housing Sites and Mixed Use Sites <i>Table 7 – Residential Site Allocations amend the Total row to read:</i>			Factual update of housing total to reflect changes to site

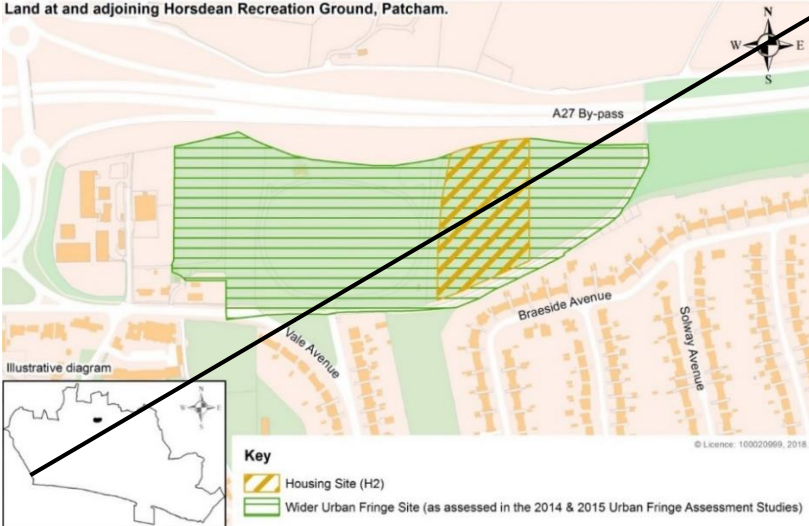
Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed					Reason for Modification														
		TOTAL		519479			allocations detailed above.														
MM45	Policy H2 – Table 8 Urban Fringe Allocations, page 180	<p>Policy H2 Housing Sites – Urban Fringe <i>Table 8 Urban Fringe Allocations, amend heading in fifth column of table as shown:</i></p> <table border="1" data-bbox="562 600 1693 826"> <thead> <tr> <th>Site Name</th> <th>UFA Reference</th> <th>Total Site Area (Hectares)</th> <th>Area of Development Potential (Hectares)</th> <th>Potential Indicative Number of Dwelling Units¹</th> <th>Indicative Percentage of Family Sized Housing (3+ bedroom)</th> <th>Key Site Considerations</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>					Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations								For consistency with the H2 policy wording.
Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations															
	Policy H2 – Table 8 Urban Fringe Allocations, page 180	<p>Policy H2 Housing Sites – Urban Fringe <i>Table 8 Urban Fringe Allocations amend table to delete ‘Land at and Adjoining Horsdean Recreation Ground, Patcham’ and associated detail:</i></p> <table border="1" data-bbox="562 1015 1693 1238"> <thead> <tr> <th>Site Name</th> <th>UFA Reference</th> <th>Total Site Area (Hectares)</th> <th>Area of Development Potential (Hectares)</th> <th>Potential Indicative Number of Dwelling Units¹</th> <th>Indicative Percentage of Family Sized Housing (3+ bedroom)</th> <th>Key Site Considerations</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>					Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations								Deletion of site in response to further evidence relating to the potential impact of development on the Patcham Court Field Local Wildlife Site (Urban Fringe Assessment 2021 Update). DM25
Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations															

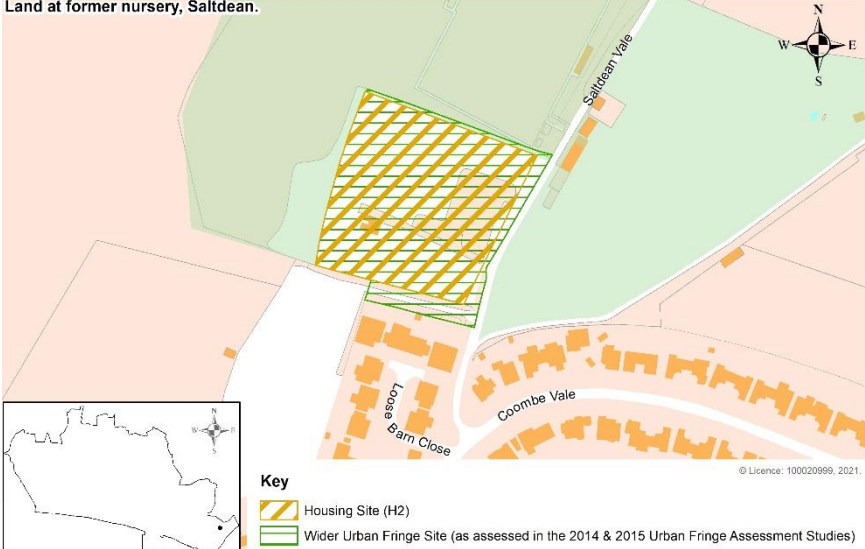
Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed							Reason for Modification														
		Land at and adjoining Horsdean Recreation Ground, Patcham	Site 16 (2014 UFA); Study Area L4 (2015 UFA);	6.32	1.17	25	50%	<ul style="list-style-type: none"> •ecology •heritage •open space •landscape •Groundwater Source Protection Zone •archaeology •ground water flooding¹⁴⁶ 															
	Policy H2 – Table 8 Urban Fringe Allocations, page 182	<p>Policy H2 Housing Sites – Urban Fringe <i>Table 8 Urban Fringe Allocations amend the following row to read:</i></p> <table border="1" data-bbox="562 847 1695 1382"> <thead> <tr> <th data-bbox="562 847 719 1126">Site Name</th> <th data-bbox="719 847 860 1126">UFA Reference</th> <th data-bbox="860 847 1005 1126">Total Site Area (Hectares)</th> <th data-bbox="1005 847 1184 1126">Area of Development Potential (Hectares)</th> <th data-bbox="1184 847 1312 1126">Potential Indicative Number of Dwelling Units¹</th> <th data-bbox="1312 847 1453 1126">Indicative Percentage of Family Sized Housing (3+ bedroom)</th> <th data-bbox="1453 847 1695 1126">Key Site Considerations</th> </tr> </thead> <tbody> <tr> <td data-bbox="562 1126 719 1382">Land at former nursery, Saltdean #</td> <td data-bbox="719 1126 860 1382">Site 46a (2014 UFA); Study Area E14 (2015 UFA);</td> <td data-bbox="860 1126 1005 1382">0.96 0.83</td> <td data-bbox="1005 1126 1184 1382">0.96 0.75</td> <td data-bbox="1184 1126 1312 1382">24 18</td> <td data-bbox="1312 1126 1453 1382">50%</td> <td data-bbox="1453 1126 1695 1382"> <ul style="list-style-type: none"> • surface and ground water flooding¹³⁹ • landscape • Groundwater Source Protection Zone • wastewater infrastructure </td> </tr> </tbody> </table>							Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations	Land at former nursery, Saltdean #	Site 46a (2014 UFA); Study Area E14 (2015 UFA);	0.96 0.83	0.96 0.75	24 18	50%	<ul style="list-style-type: none"> • surface and ground water flooding¹³⁹ • landscape • Groundwater Source Protection Zone • wastewater infrastructure 	Total Site Area amended to reflect proposed change to site allocation boundary as shown on the Policies Map. Area of development Potential and Potential Number of Dwelling Units amended to reflect recommendations of the Urban Fringe Assessment 2021 Update.
Site Name	UFA Reference	Total Site Area (Hectares)	Area of Development Potential (Hectares)	Potential Indicative Number of Dwelling Units ¹	Indicative Percentage of Family Sized Housing (3+ bedroom)	Key Site Considerations																	
Land at former nursery, Saltdean #	Site 46a (2014 UFA); Study Area E14 (2015 UFA);	0.96 0.83	0.96 0.75	24 18	50%	<ul style="list-style-type: none"> • surface and ground water flooding¹³⁹ • landscape • Groundwater Source Protection Zone • wastewater infrastructure 																	

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	Supporting text to Policy H2 Paragraph 3.69 page 183	<p>Policy H2 Housing Sites – Urban Fringe <i>Amend final sentence of supporting text at paragraph 3.69 to read:</i></p> <p>In addition, the provision of serviced plots for self-build and custom build housing and proposals for community led housing will be strongly encouraged <u>all development proposals will be expected to include a proportion of serviced plots for self and/ custom build dwellings subject to viability considerations</u> (see also Policy DM1 Housing Quality, Choice and Mix).</p>	To provide greater clarity and ensure supporting text is consistent with policy criterion i).
	Supporting text to Policy H2 Paragraph 3.73 page 184	<p>Policy H2 Housing Sites – Urban Fringe <i>Amend part of final sentence in the supporting text at paragraph 3.73 5o read:</i></p> <p>Ecological Assessment including Protected Species Survey <u>Ecological Impact Assessment</u></p>	To reflect good practice and provide clarity for applicants.
	Supporting text to Policy H2 Paragraph 3.73 page 184	<p>Policy H2 Housing Sites – Urban Fringe <i>Add new footnote after the words ‘Heritage Statement’ in the final sentence in the supporting text at paragraph 3.73:</i></p> <p><i>New footnote to read: In accordance with Historic England Advice Note 12: Statements of Heritage Significance.</i></p>	To provide clarity and guidance on Heritage Statement requirements.
	Supporting Text to Policy H2 Paragraph 3.76 page 185	<p>Policy H2 Housing Sites – Urban Fringe <i>Amend second sentence of supporting text at paragraph 3.76 to read:</i></p>	To provide greater clarity and to emphasise the need for detailed ecological

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification						
		All sites where potentially significant impacts on ecology were identified in the 2014 Urban Fringe Assessment have been subject to detailed ecological assessments in the 2015 Urban Fringe Assessment, which included a Desktop Study and Phase 1 Habitat Survey. However, detailed surveys (including species surveys) will be required to support development proposals, and these must be used to inform the development of specific mitigation requirements.	surveys to inform mitigation of development.						
MM46	Policy H3 page 186	<p>Policy H3 Purpose Built Student Accommodation Amend Table 9 to read</p> <table border="1" data-bbox="562 663 1267 810"> <thead> <tr> <th data-bbox="562 663 958 735">Site Name</th> <th data-bbox="958 663 1267 735">Indicative number of bedspaces</th> </tr> </thead> <tbody> <tr> <td data-bbox="562 735 958 810">45 & 47 39-47 Hollingdean Road, Brighton</td> <td data-bbox="958 735 1267 810">40 99</td> </tr> </tbody> </table>	Site Name	Indicative number of bedspaces	45 & 47 39-47 Hollingdean Road, Brighton	40 99	To reflect an extant planning permission (BH2019/03700)		
Site Name	Indicative number of bedspaces								
45 & 47 39-47 Hollingdean Road, Brighton	40 99								
	Policy H3, Table 9 page 186	<p>Policy H3 Purpose Built Student Accommodation Amend policy at Table 9 Purpose Built Student Accommodation Sites - delete row:</p> <table border="1" data-bbox="562 922 1581 1110"> <thead> <tr> <th data-bbox="562 922 904 1010">Site Name</th> <th data-bbox="904 922 1243 1010">Indicative number of bedspaces</th> <th data-bbox="1243 922 1581 1010">Other Required Uses</th> </tr> </thead> <tbody> <tr> <td data-bbox="562 1010 904 1110">118-132 London Road, Brighton</td> <td data-bbox="904 1010 1243 1110">232</td> <td data-bbox="1243 1010 1581 1110">Ground floor uses must comply with Policy DM12</td> </tr> </tbody> </table>	Site Name	Indicative number of bedspaces	Other Required Uses	118-132 London Road, Brighton	232	Ground floor uses must comply with Policy DM12	Development of this site for PBSA is substantially complete.
Site Name	Indicative number of bedspaces	Other Required Uses							
118-132 London Road, Brighton	232	Ground floor uses must comply with Policy DM12							
	Supporting text to Policy H3, para. 3.81 page 186	<p>Policy H3 Purpose Built Student Accommodation Add new paragraph after paragraph 3.81 to read:</p> <p><u>“Where a site is located in an area with underground chalk aquifers identified as Groundwater Source Protection Zones by the Environment Agency, development will need to ensure that groundwater resources are protected from pollution and safeguard water supplies, in line with the requirements of Policy DM42.”</u></p>	To ensure consistency with other site allocations located within Groundwater Source Protection Zones.						

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
MM47	Policy E1, page 187	<p><i>Policy E1 Opportunity site for business and warehouse uses</i> <i>Amend bullet point after first paragraph of policy to read:</i></p> <ul style="list-style-type: none"> • Business and warehouse premises (Use Classes B4 <u>E(g)</u> and B8). 	To ensure consistency changes to the Use Classes Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020
	Supporting text to Policy E1, paragraph 3.87, page 188	<p><i>E1 Opportunity site for business and warehouse uses</i> <i>Amend last sentence of supporting text at paragraph 3.87 to read:</i></p> <p>Regard should be given to the need to conserve and enhance biodiversity in accordance with CP10 Biodiversity and DM37 Green Infrastructure and Nature Conservation. In accordance with Policy DM37, development proposals must demonstrate that any adverse effects would not undermine the objectives of the designation, integrity of the local wildlife site and that impacts can be mitigated and biodiversity net gains achieved.</p>	To ensure consistency of wording with Main Modifications to DM37 and to better accord with the NPPF paragraph 180.
	Supporting text to Policy E1, paragraph 3.87 page 188	<p><i>Policy E1 Opportunity Site for business and warehouse uses</i> <i>Add new sentence to the end of paragraph 3.87 to read:</i></p> <p><u>The design and materials used in development will be expected to reflect the setting and natural beauty of the National Park and should reflect the South Downs Integrated Landscape Character Assessment (SDILCA), specifically the Landscape Management and Development Considerations described in Appendix A, Landscape Type A: Open Downland and A2: Adur to Ouse Open Downs area[#]</u></p> <p><i>Add new footnote:</i></p>	To ensure consistency with wording used for other site allocations where the setting of the National Park has been identified as a potential constraint.

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
		# South Downs Landscape Character Assessment (LCA) 2020	
MM48	Appendix 2, page 198	<p>Appendix 2 Parking Standards <i>Add wording before table in Appendix 2:</i></p> <p><u>Where the parking standards set out below refer to a revoked use class the relevant standard should be applied as if they refer to the corresponding use in the new Use Class Order which came into effect in September 2020. For example, use class A1 has been revoked and is replaced by use class E(a).</u></p>	To ensure consistency given changes to Use Class Order, as amended pursuant to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
MM49	Appendix 4 - Policy H2 Urban Fringe Housing Site Maps, page 211	<p>Appendix 4 Policy H2 Urban Fringe Housing Site Maps <i>Delete indicative map titled 'Land at and adjoining Horsdean Recreation Ground':</i></p> 	As consequence of proposed deletion of site allocation in response to further evidence relating to site developability (Urban Fringe Assessment 2021 Update).

Main Mod. Number	Proposed Submission City Plan Part 2 Reference	Modification Proposed	Reason for Modification
	<p>Appendix 4 - Policy H2 Urban Fringe Housing Site Maps, page 215</p>	<p>Appendix 4 Policy H2 Urban Fringe Housing Site Maps</p> <p><i>Amend the site boundary of the indicative map titled ‘Land at former nursery, Saltdean’ (see also proposed changes to the Policy Map). New map is shown below:</i></p>  <p>Land at former nursery, Saltdean.</p> <p>© Licence: 100020999, 2021.</p> <p>Key</p> <ul style="list-style-type: none"> Housing Site (H2) Wider Urban Fringe Site (as assessed in the 2014 & 2015 Urban Fringe Assessment Studies) 	<p>Amendment to boundary of Policy H2 Site 46a to remove land in the ownership of a neighbouring landowner.</p>