

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism & Economic Development Committee

Agenda Item 33

Subject: Hove Station Neighbourhood Plan – Decision Statement

Date of meeting: 9 November 2023

Report of: Executive Director – Economy, Environment & Culture

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Ward(s) affected: Central Hove; Goldsmid; Westbourne & Poets' Corner;
Wish

1. Purpose of the report and policy context

- 1.1 The examination into the Hove Station Neighbourhood Plan has now been completed and the examiner's report has been published. Subject to a number of modifications, the Examiner recommends that the plan can proceed to local referendum. The examiner also concludes that the referendum should extend to all persons entitled to vote who are resident within the Hove Station Neighbourhood Area.
- 1.2 This is the first Neighbourhood Plan in the city to have reached this final stage. The Council must now publish a Decision Statement setting out what actions it intends to take in response to each of the examiner's recommendations. A proposed Decision Statement is included at Appendix 1 of this report. All proposed modifications have been discussed with and agreed by the Hove Station Neighbourhood Forum.
- 1.3 The Committee is therefore asked to recommend to Council that all of the examiner's recommendations for modifications to the Neighbourhood Plan are accepted and published in the Council's Decision Statement and that the amended Plan is then made subject to a local referendum to be held within the Hove Station Neighbourhood Area.

2. Recommendations

That Committee recommends to Council:

- 2.1 To determine that the Hove Station Neighbourhood Plan be modified according to the recommendations in the independent examiner's report and as set out in the attached Decision Statement (Appendix 1) and that the Decision Statement be published.
- 2.2 To approve the examiner's recommendation that the Neighbourhood Plan proceed to referendum, subject to modifications set out in the Decision Statement. The referendum area is the Hove Station Neighbourhood Area.

- 2.3 In the event that more than 50% of those voting support the Neighbourhood Plan at referendum, that the Council formally 'makes' the Hove Station Neighbourhood Plan at its next meeting following the referendum.

3. Context and background information

The Neighbourhood Plan examination

- 3.1 Hove Station Neighbourhood Forum submitted their draft Neighbourhood Plan to the Council in early 2021. The Council published the draft Neighbourhood Plan and supporting documents for public consultation in accordance with Regulation 16 of the Neighbourhood Planning Regulations over an 8-week period from 20 May to 15 July 2021.
- 3.2 The Tourism, Equalities, Communities & Culture Committee (TECC) Committee on 16 September 2021 agreed Council comments in response to the Regulation 16 consultation and that officers should submit the draft Plan for examination. Council officers then appointed a neighbourhood plan examiner and the Hove Station Neighbourhood Plan examination formally commenced on 24 January 2022.
- 3.3 The role of the Neighbourhood Plan examiner is to assess whether the Neighbourhood Plan meets certain legal requirements known as 'Basic Conditions'. These state that Neighbourhood Plans should:
- i) Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - ii) Contribute to the achievement of sustainable development,
 - iii) Be in general conformity with the strategic policies contained in the development plan for the area (i.e the City Plan); and
 - iv) Not breach, and otherwise be compatible with, EU obligations.
- 3.4 In his initial examination of the submitted documents, the examiner identified some concerns with the Forum's Basic Conditions Statement (BCS), considering that it provided insufficient detail on how the Neighbourhood Plan would conform with the City Plan and national policy and failed to include some of the prescribed legal requirements. He took the decision to suspend the examination temporarily to enable the Neighbourhood Forum to make amendments to the BCS. The Forum then submitted the amended document to the Council in October 2022 and a supplementary Regulation 16 consultation took place over a 6-week period from 3 November to 15 December 2022.
- 3.5 It was agreed at the TECC Committee on 12 January 2023, that the amended BCS and all consultation responses be submitted to the examiner with a request that he resume the examination. The examination then formally resumed on 20 March 2023.
- 3.6 The examiner issued his final report on 10 October 2023 and this has been published on the Council's website. The report concludes that, subject to a

number of recommended modifications, the Hove Station Neighbourhood Plan meets the Basic Conditions and can proceed to referendum.

Examiner's recommended modifications to the Plan

- 3.7 The examiner's report identifies a number of modifications to the Neighbourhood Plan which he considers are necessary to ensure it meets the Basic Conditions. The following key modifications are highlighted.
- Policy 2: Sackville Coalyard is recommended for deletion as it relates to land which is allocated under Policy SSA4 in the City Plan Part 2 and is currently being developed as part of the Moda Living scheme at Sackville Road.
 - Policy 8: Housing for the Elderly is recommended for deletion as it duplicates Policy DM4 in City Plan Part 2 which already provides a detailed local policy covering housing for older people.
 - The examiner recommends modifications to the wording of several policies for reasons of clarification to ensure that policy intentions can be clearly interpreted and applied in future planning decisions. Such recommendations apply to Policy 1: Creation of the Hove Station Quarter; Policy 4: (Conway Street) Bus Depot; and Policy 5: Land south of the Railway.
 - The examiner recommends the deletion of policy wording in several policies which directly reference 'Part Two' of the Neighbourhood Plan. Part Two sets out aspirational land use proposals and community projects for the Policy DA6/Hove Station Quarter which emerged during the Forum's early engagement with the local community. Part Two is not intended to form part of the statutory neighbourhood plan and the proposals within it have not been subject to examination. The examiner therefore considers it inappropriate for it to be referenced in the policies themselves. Part Two will still be referenced in the supporting text of the Neighbourhood Plan and many of the proposals have since been incorporated into the Hove Station Masterplan which has been adopted by the Council as the Hove Station Area Supplementary Planning Document (SPD18).
 - The examiner recommends that an updated Parking Zones map be added to the supporting text to Policy 15: Parking Standards to clarify that reduced 'Central Zone' parking standards will apply for new development within the Policy DA6 area (Hove Station Quarter).
 - Several policies require no substantive modifications, including Policy 7 Affordable Housing; Policy 12: Community Facilities; Policy 14: Conservation; Policy 15: Parking and Movement; and Policy 16: Developer Contributions.
- 3.8 The examiner's report also indicates that updates to the supporting text of the Plan are required to reflect changes since the Plan was submitted, e.g

progress on new developments and changes in land ownership, and to acknowledge the City Council's adoption of the Hove Station Area SPD in September 2021 and City Plan Part Two in October 2022. The examiner has left it up to the Council and Neighbourhood Forum to draft these updates.

- 3.9 The examiner is also required to consider what is the appropriate referendum area if the Council decides that the Plan should proceed to that stage. In his report, he considers that the referendum should extend to those persons entitled to vote who are resident in the designated Neighbourhood Plan Area (i.e there is no requirement to extend the referendum beyond the Neighbourhood Area boundary).

Council actions – next steps

- 3.10 In response to the examiner's report, the Council must publish a Decision Statement setting out what actions it determines to take in response to each of the examiner's recommendations. Appendix 1 of this report sets out the proposed Decision Statement with each of the examiner's recommended modifications to the Plan along with his reasons. It also sets out proposed Council actions in response to each of the examiner's recommendations. The examiner's proposed modifications have been discussed and agreed with the Hove Station Neighbourhood Forum.
- 3.11 The Council must also decide whether to send the Plan as modified to referendum and to agree the examiner's recommendations with regard to the referendum area. The local referendum must be held within a period of 8 weeks from the Council's decision.
- 3.12 If the Neighbourhood Plan is supported by more than 50% of those voting in the referendum, it then comes into force as part of the statutory development plan for the Hove Station Neighbourhood Area and it will be used alongside the City Plan to make planning decisions. The Neighbourhood Plan must be formally 'made' (i.e adopted) by the Council within a further 8 weeks of the referendum date.
- 3.13 Appendix 2 presents a tracked changes update of the Neighbourhood Plan highlighting all the modifications recommended by the examiner and the updates to the supporting text agreed between the Council and the Neighbourhood Forum. These amendments will be incorporated into a final 'Referendum Version' of the Neighbourhood Plan which will be made available ahead of the Council meeting on 14 December.
- 3.14 The implications of the Neighbourhood Plan being 'made' are that it will then form part of the statutory development plan for the Neighbourhood Area and that 25% of Community Infrastructure Levy (CIL) receipts from developments within the Neighbourhood Area will then be required to be spent within the area (the 'neighbourhood portion'). The Neighbourhood Forum can propose projects for the use of this funding through the Neighbourhood CIL allocation process. Any designated Neighbourhood Forum also has a right to be notified of any planning application falling within

its Neighbourhood Area (this applies irrespective of whether there is a Neighbourhood Plan in place).

4. Analysis and consideration of alternative options

- 4.1 If the Council wishes to depart from any of the examiner's recommendations it must notify relevant people and invite representations. Any representations must be submitted within six weeks of the Council inviting representations. It is also possible for the Neighbourhood Forum to request intervention from the Secretary of State. Once the consultation is complete, the Council may then refer the issue(s) to further independent examination if it considers it appropriate. The Council must issue its final decision within five weeks. The Neighbourhood Plan would then be revised and sent to referendum.

5. Community engagement and consultation

- 5.1 The Neighbourhood Planning Regulations do not make any provision for public consultation on modifications to the Plan recommended by the examiner which the Council is minded to accept. As noted above, the Council is required to undertake public consultation if it wishes to depart from the examiner's recommendations.
- 5.2 Extensive community engagement and consultation has been undertaken at earlier stage of the Neighbourhood Plan preparation process. Substantial community engagement was undertaken by the Neighbourhood Forum in preparing the Plan, including nine separate exhibitions ('Have Your Say Days') which were extensively advertised including by leaflets and newsletters delivered to all addresses within the Neighbourhood Area. Prior to submitting the Plan, the Neighbourhood Forum undertook a formal public consultation (Regulation 14) over a 8-week period in March–May 2019. This included four Consultation Workshops, three Residents Group Meetings, two drop-in sessions, Community Hub meetings in the Hove Station and Stoneham area, and several stakeholder and ward councillor briefings. Full details of the consultation and community engagement undertaken by the Forum were set out in a Consultation Statement which was submitted to the Council and formed one of the supporting documents to the Neighbourhood Plan.
- 5.3 The Council undertook a further 8-week consultation in May-July 2021 following submission of the draft plan. The draft Plan and supporting documents were published on the Council website, an email was sent to all consultees on the Planning Policy database (which includes the national statutory bodies and a wide range of local stakeholders) and all city councillors were informed. In addition, the Neighbourhood Forum were requested to email all consultees who had commented on the Plan at the earlier Regulation 14 stage in 2019 (as is specifically required by the Regulations). Notices publicising the consultation were posted at key locations throughout the Hove Station Neighbourhood Area and the Council's Press Office also published a news item about the consultation.

5.4 Overall it is considered that local residents in the Hove Station area have had extensive opportunities to input to and comment on the Neighbourhood Plan during its preparation. The Neighbourhood Plan referendum now provides the opportunity for residents in the Neighbourhood Area to either to support or reject the Plan.

6. Conclusion

6.1 The Hove Station Neighbourhood Plan has taken a number of years to reach this stage but is now nearing its conclusion. The Forum is to be commended on all its hard work on reaching this stage. Preparation of the draft Plan has helped to encourage regeneration in the Policy DA6 Hove Station area and provided an important input to the Hove Station Masterplan, which was adopted by the Council as a Supplementary Planning Document (SPD18 Hove Station Area, 2021).

6.2 Overall the examiner considers that the Plan as modified will meet the required 'Basic Conditions' and make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the Neighbourhood Plan area.

6.3 The Committee is therefore urged to recommend to Full Council to agree all the modifications to the Plan as set out in the examiner's report and to approve his recommendation that the Neighbourhood Plan proceed to local referendum subject to the modifications set out in the Council's Decision Statement.

7. Financial implications

7.1 There are no direct financial implications from the recommendations of this report. The Neighbourhood Plan referendum will be organised and administered by the City Council's Electoral Services team with costs of the referendum charged to planning services. The Council is entitled to claim £20,000 from the Government (Department for Levelling Up, Housing and Communities) once it has set a date for the referendum to cover the costs charged to planning. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 23/10/2023

8. Legal implications

8.1 The designation of Neighbourhood Forums, Areas, and the making of Neighbourhood Plans, are governed by the Town and Country Planning Act the Neighbourhood Planning (General) Regulations 2012 (as amended). It is a requirement of Regulation 18(2)(a) of the Neighbourhood Planning Regulations 2012 (as amended) that local authorities publish a Decision Statement setting out how they intend to respond to an examiner's recommendations.

- 8.2 If supported at referendum, the Hove Station Neighbourhood Plan will become part of the statutory Development Plan and its policies will be used alongside those in the adopted City Plan in determining planning applications within the Hove Station Neighbourhood Area.
- 8.3 Following a vote in favour of the Neighbourhood Plan, Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended) require local authorities to publish a Decision Statement explaining the Council's decision and its reasons to formally 'make' (i.e adopt) the Neighbourhood Plan.
- 8.4 Adoption of the Neighbourhood Plan will be done via an Adoption Statement published on the council's website which will publicise the referendum results, and pursuant to Regulations 20 of the Neighbourhood Planning (General) Regulations 2012 formally confirm the 'making' of the Hove Station Neighbourhood Plan. The Council will also contact all relevant stakeholders to inform them that the Plan has been made.

Name of lawyer consulted: Katy Kam

Date consulted: 30/10/2023

9. Equalities implications

- 9.1 The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a "protected characteristic" and those who do not. This duty applies to the Council when taking formal decisions with regard to the neighbourhood plan process.
- 9.2 The Neighbourhood Plan has been prepared through an extensive process of local community engagement which is set out in detail in the Forum's Consultation Statement (which was submitted alongside the draft Plan) and is summarised in section 5 above. The Plan is also required to be in general conformity with the City Plan (which has been subject to Equalities Impact Assessment).

10. Sustainability implications

- 10.1 The purpose of the planning system is to contribute to the achievement of sustainable development and one of the 'Basic Conditions' against which neighbourhood plans are tested is that they should contribute to this.
- 10.2 To meet UK environmental regulations, the Plan was informed by a Strategic Environmental Assessment (SEA) which was undertaken by independent consultants. The examiner concludes that the Plan has been prepared with regard to achieving the principles of delivering sustainable development as identified in the Basic Conditions Statement and, subject to his recommended modifications and if approved at referendum, would assist in delivering sustainable development within the Neighbourhood Area.

Supporting Documentation

1. Appendices

1. Hove Station Neighbourhood Plan – Council Decision Statement (draft)
2. Hove Station Neighbourhood Plan 2019-2030: Submission Draft showing proposed modifications as tracked changes (to follow)

2. Background documents

Hove Station Neighbourhood Plan 2019-2030 Examination Report (10 October 2023) – published on Council website at

[Hove Station Neighbourhood Plan \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/hove-station-neighbourhood-plan)