

Compiled by the Planning Policy, Projects & Heritage Team
at Brighton & Hove City Council

Proposed Submission City Plan Part 2

Regulation 20 Consultation Statement (redacted version)

May 2021



**Brighton & Hove
City Council**

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1.0 Introduction

1.1 Background

The role of the City Plan Part Two is to support the implementation and delivery of the adopted City Plan Part One; to build on the strategic policy framework; to identify and allocate additional development sites and to set out a detailed development management policy framework to assist in the determination of planning applications. The plan covers the same geographical area as the City Plan Part One (the administrative area of the city council that is not within the South Downs National Park) and timeframe to 2030. Once adopted, the policies in the City Plan Part Two will replace the remaining 'saved' policies from the 2005 Local Plan.

1.2 Role of the Statement of Consultation

This statement sets out how the city council notified relevant stakeholders of the formal consultation on the Proposed Submission City Plan Two. Consultation was undertaken in accordance with the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 and followed where reasonably practicable in light of the Covid-19 pandemic, the guidance set out in the council's adopted Statement of Community Involvement.

The statement also outlines how the consultation was undertaken at the Regulation 19 Pre-Submission Publication stage, sets out the number of formal representations received and provides a summary of the main issues raised as a result of the representations.

Redacted copies of the original representations made at the Regulation 20 stage and copies of the representations by policy order are available as separate documents on the council's website.

1.3 Earlier Stages of Consultation

Details of the consultation undertaken during earlier stages in the City Plan Part 2 preparation stage are summarised in the table below and more detail is set out in the separate Consultation Statements that were prepared and published following the issues and options scoping stage and draft City Plan Part 2 stage. These separate documents detail how the consultation was carried out, a summary of the representations received by each policy or topic area, how the representations were considered by the council and how they influenced the draft City Plan Part 2 and the Proposed Submission City Plan Part 2 respectively.

Table 1 – Details of the consultation undertaken for the City Plan Part 2 under Regulation 18

Consultation Stage	Purpose of Consultation	How consultation was undertaken	Summary of main issues raised	Copies of Original reps.
Regulation 18 - Issues and Options Scoping Stage – 12 week period of consultation July – September 2016	<p>Formal notification of start of preparation of CPP2 and through a Scoping paper, consultation sought views on the issues the CPP2 should seek to address and to set a number of possible options to address these policy options.</p> <p>Call for sites exercise</p>	<p>See section 2 of the City Plan Part Two Scoping Report Statement of Consultation for details of who were notified of the start of the preparation of CPP2 and how they were invited to submit their views and comments.</p>	<p>Appendix 5 provides a summary of key issues raised by written responses and consultation workshops and events by topic and question order.</p> <p>Appendix 6 set out how the preferred policies address consultation responses</p>	<p>Appendix 7 provides copies of the original responses received Appendix 7 to Consultation Statementredact7aug.pdf (brighton-hove.gov.uk)</p>
Regulation 18 - Draft City Plan Part 2 – 10 week period of consultation 5 th July 2018 – 13 th September 2018	<p>To give people the opportunity to comment on the detailed policy wording and the proposed site allocations before the plan was finalised.</p>	<p>See section 2 of the Consultation Statement for the City Plan Part Two Draft Plan Consultation for details of who was invited to make representations and how they were invited to make representations</p>	<p>Appendix 4 summary of key issues arising from representations (listed by policy with officer response)</p>	<p>Appendix 5 Copies of Original Representations Received</p> <p>DP001 to DP050 (PDF, 4MB)</p> <p>DP051 to DP100 (PDF, 3.76MB)</p> <p>DP101 to DP150 (PDF, 5.9MB)</p> <p>DP151 to DP200 (PDF, 3.7MB)</p> <p>DP201 to DP250 (PDF 5MB)</p> <p>DP251 to DP264 (PDF 906KB)</p> <p>DP265 to DP272 (PDF, 7MB)</p>

				DP273 to DP276 (PDF 733KB) DP277 to DP281 (PDF, 474KB) DP282 (PDF, 16MB) DP283 to DP300 (PDF 5.45MB) DP301 to DP349 (PDF 6MB)
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1.4 Compliance with Statement of Community Involvement

The council adopted its revised Statement of Community Involvement in March 2015. The SCI is a statutory document that formally sets out the policy and standards for engaging residents, local groups, stakeholders and statutory consultees in preparing development plans and how the council will consult on planning applications.

The earlier stages of plan preparation (the issues and options scoping consultation and consultation on the draft City Plan Part Two) provided the opportunity for residents, local groups, stakeholders and statutory consultees to influence the shape of the plan and its policies and involved focused workshops and stakeholder events. At the later Regulation 19 Pre-submission consultation stage, consultation was focused on the legal compliance, the duty to co-operate and ‘soundness’ of the City Plan Part Two before the Plan is submitted for examination by a Planning Inspector. A consultation questionnaire and guidance note set out the nature and purpose of the consultation and guided respondents on making comments.

Consultation was due to start in May 2020 following approval of the Plan at the April Council meeting. However the council was unable to meet the SCI and legal requirement to place a paper copy of the published Plan on deposit at the main deposit points (the council’s customer service centres and libraries) as they were closed due to the Covid-19 Pandemic restrictions, and the consultation was postponed. The need to postpone the consultation was communicated through the committee report, press release, council website and a Planning Policy Newsletter sent out in May - further detail is set out in section 2.1 below.

The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 came into force on the 15th July 2020. This instrument removed, on a temporary basis, the requirements on local planning authorities to make certain documents available for inspection at premises and to provide hard copies on request. The National Planning Policy Guidance (NPPG) was also amended in July to reflect the new regulations.

In light of the new regulations and in order to progress with the City Plan Part Two, consultation was rescheduled for the start of September to avoid the summer holiday period. There was a phased re-opening of the city’s libraries from the end of August running a restricted service. This meant it was not possible to place paper copies of the plan on deposit at the libraries, however people without internet access were able to view the Plan on library computers and this was indicated on the notice of publication and statement of representation procedures and on the council’s press release.

A limited number of Plans were also printed so that paper copies could be sent out on request – a telephone number was provided on the consultation notice and press release. There was one request for a paper copy of the plan.

Whilst the council was unable to comply with the SCI requirements to place paper copies on deposit due to Covid-19 restrictions, the changes made to the way the council usually made the documents available were made in accordance with the 2020 amended regulations and all reasonably practicable means were considered to ensure effective community engagement in particular with those who do not have internet access and further detail is set out in 2.3 below.

A temporary addendum to the Statement of Community Involvement was published on the council website on the 23 October 2020 to reflect the 13 May 2020 updated National Planning Practice Guidance: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/statement-community-involvement> . This reflected guidance in the NPPG that *“Where any of the policies in the Statement of Community Involvement cannot be complied with due to current guidance to help combat the spread of coronavirus (COVID-19), the local planning authority is encouraged to undertake an immediate review and update the policies where necessary so that plan-making can continue.”*¹ This temporary addendum to the SCI will ensure that going forward with the examination and other planning policy consultations, the policies in the SCI are consistent with the latest Covid-19 guidance.

2.0 Proposed Submission City Plan Part 2

2.1 Timing of publication and consultation of the Proposed Submission City Plan Part 2

The Proposed Submission City Plan Part 2 was approved for publication and consultation at a virtual council meeting on the 23 April 2020. The documents were published and available to view or download from the council’s City Plan Part 2 website from 26th February (the Plan was firstly taken to the 5th March TECC committee) in the run up to Council and was updated following the incorporation of amendments agreed at Full council (further detail can be found here: <https://present.brighton-hove.gov.uk/ieListDocuments.aspx?CId=117&MIId=10157&Ver=4>).

Due to the covid-19 restrictions the planned consultation (May-June 2020) was postponed. The council needed to consider the best time to carry out the public consultation having regard to the coronavirus (COVID 19) situation and the timing of when restrictions (specifically the closure of the public deposit points – libraries and customer service centres) were likely to be lifted.

Changes to the planned consultation were publicised through the council report, council press releases at the time of the council meeting, updates on the City Plan Part 2 website, and through the Planning Policy Newsletter sent out to all consultees on the council’s planning policy consultee database on 18th May 2020. The website was updated when another Planning Policy Newsletter was sent out on 30th July 2020 alerting people that the consultation would start on the 7th September 2020 and run until the 30th October 2020 (just under eight weeks).

¹ NPPG Paragraph: 077 Reference ID: 61-077-201200513, Revision date: 13 05 2020

2.2 The Consultation Documents

Alongside the Proposed Submission City Plan Part two, the following accompanying documents were also made available as part of the consultation:

- Proposed Changes to the Policies Map (published as set of maps and interactive version)
- Proposed CPP2 Implementation and Monitoring Targets
- Statement of Consultation (draft City Plan Part 2)
- Sustainability Appraisal (SA) and non-technical summary
- Duty to Cooperate Update Paper
- Health and Equalities Impact Assessment (HEQIA)
- Habitats Regulation Assessment

A number of supporting background evidence and topic papers (prepared to set out in more detail the rational for and evidence to support a number of policies in the CPP2) were also published on the council's webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020> .

The following documents were also published at the start of consultation:

- Notice of Publication of the Proposed Submission City Plan Part Two and Statement of Representations Procedure – See Appendix 1
- Guidance for making representations – See Appendix 3
- Online Portal Questionnaire and Word Form – see Appendix 4

2.3 Availability of the Proposed Submission City Plan Part 2

In accordance with the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020, the Proposed Submission City Plan Part 2 and supporting documents were made available on the council's website²: and the council's consultation portal³.

In considering how the council could promote effective community engagement by means which were reasonably practicable, in particular to reach those sections of the community that do not have internet access, the council made it clear on the website, in the public notice and in the council's press release that we were unable to make paper copy versions available for viewing at the council's customer service centres (which were still closed) or libraries (which were open but were operating with restrictions). A telephone number was provided and an answerphone service to enable those who could not view the document online to call the council and request a paper copy to be sent to them.

² www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-parttwo-proposed-submission-stage-2020

³ <http://consult.brighton-hove.gov.uk/portal>

The public notice indicated where help with accessing the council's website could be found (<https://new.brighton-hove.gov.uk/aboutwebsite/accessibility-statement/find-help-access-our-website>)

It also indicated that library members would be able to use the library computers to view the Proposed Submission City Plan Part Two online.

Services available for those needing help accessing the internet were also signposted on the public notice.

2.4 Notification of Consultation

The Planning Policy newsletter in July 2020 was used to alert consultees of the proposed start of consultation. The council's press release was published and made available on the council's website on 7th September 2020.

An email was sent to notify organisations and individuals who were logged as relevant consultees on the council's City Plan database (included in Appendix 2). The database includes statutory and general consultees bodies and also the organisations and individuals in accordance with Regulation 18. See Appendix 5 for the list of consultees.

The email provided details of the period for the submission of representations, how representations could be submitted and where the Proposed Submission City Plan Part 2 and accompanying documents could be viewed. The notification email included a link to the council's website where the documents could be read and downloaded and a link to the public notice.

Letters were also sent to landowners of Strategic Site Allocations and of sites allocated for housing under Policies H1 – H3 notifying them of the consultation. Landowners were also notified where a site proposed at the site allocations at draft stage had been removed from the Proposed Submission City Plan Part Two.

The City Plan database is continuously updated with new consultees that engage during or between consultation periods being added to the database.

721 database consultees were notified by email at the start of consultation on the Proposed Submission City Plan Part Two.

People who sign up to notifications of consultation opportunities on the council consultation portal would have been made aware of the opportunity to comment on the Proposed Submission City Plan Part 2 if they had asked to be notified of planning consultations.

A follow up email was also sent 15th October 2020, reminding consultees to comment if they had not yet done followed up with regular reminders on the council's social media (twitter and facebook).

Consultees were able to respond:

- Electronically via the council's Consultation Portal (<http://consult.brightonhove.gov.uk/portal>). This is directly linked to the consultation section on the council's website and gave respondents an opportunity to respond to the response form online and gave the

option to upload supporting evidence. A Word version of the response form was available on request

- By email or by post

A link to the Planning Service privacy notice was included on the webpage and the PINS privacy notice on the portal questionnaire – see appendix 6.

Notification of the start of consultation was also given to members of the following city partnerships and groups through chairs communications and information forwarded by email:

- Affordable Housing Delivery Partnership
- Brighton & Hove Connected
- City Management Board
- Economic Partnership
- Equality & Inclusion Partnership
- Health & Wellbeing Board
- Healthy Weight Programme Board
- Local Action Team Forum
- Safe in the City Partnership
- Transport Partnership
- Conservation Advisory Group.

Notification of the start and details of the consultation was also given via an electronic newsletter to Visit Brighton Partners (c. 650 local tourism businesses) and via The Brighton & Hove Living Coast social media. The Council's Community Engagement Team emailed details of the consultation to approximately 160 residents and community representatives.

2.5 Publicity

There was press coverage of the Proposed City Plan Part 2 in the run up to consideration of the Plan at the 23 April Full Council meeting (the Plan was also considered at the 5 March Tourism, Equalities, Communities & Culture Committee meeting). Several press releases and updates on the council's social media accounts were issued. There was also coverage in the local press during the pre-consultation period. See Appendix 6.

At the start of the consultation period, the council's press release was published on the 7th September and made available on the council's website and through social media (twitter and facebook). The consultation information also was delivered in the city council's electronic newsletter: Your Brighton & Hove on the 14th September to c.3,200 residents.

Regular reminders of the consultation were uploaded onto the council's twitter page from the start of the consultation and on the face book page from the 14th October. The council's Twitter page has over 60,000 followers and the Facebook page has over 15,000 followers.

During the consultation period, there were also press articles related to the City Plan Part Two published in the local newspapers: Brighton & Hove News, and the Brighton & Hove Argus.

Latest TV, the local television station ran three interviews with local councillors related to CPP2 and there was a piece on related to an Urban Fringe Site by a campaign group on BBC South East Today 1st October 2020.

These are all detailed in Appendix 8.

Some local organisations/ groups chose to put details of the consultation on their webpages, emailed to their members or re-tweeted the news feed. This allowed details of the CPP2 consultation to reach a wider audience.

A consultation flyer was made available to ward councillors in paper format (for use on public noticeboards if appropriate) or electronically and sent to the Library service for display in the open libraries (see Appendix 9).

3.0 The Number of Formal Representations Received

A total of 272 respondents formally made representations to the Proposed Submission City Plan Part 2. An overview of the number of respondents by type is summarised in the table below:

Table 2 – Overview of respondents by type

Business	1
Civic & Amenity	13
Environment, transport	22
Government Agency/Dept	4
Individual	186
Developers/Landowners / Consultants	29
Councillor/political group	4
Neighbourhood Forum	1
Parish Council	1
Public Sector / Local Authority	7
Utilities	3
Community & Voluntary Sector	1
Total	272

These 272 respondents raised 810 representations under Regulation 20. The number of representations submitted on each policy is set out in the table overleaf:

Table 3 – Overview of Representation by Policy

Policy	Total Reps	Policy	Total Reps
DM1	24	DM33	17
DM2	7	DM34	11
DM3	6	DM35	8
DM4	10	DM36	7
DM5	8	DM37	71
DM6	9	DM38	64
DM7	9	DM39	8
DM8	12	DM40	9
DM9	7	DM41	5
DM10	6	DM42	8
DM11	7	DM43	8
DM12	8	DM44	10
DM13	8	DM45	1
DM14	7	DM46	2
DM15	5	SA7	27
DM16	4	SSA1	12
DM17	8	SSA2	4
DM18	15	SSA3	21
DM19	17	SSA4	6
DM20	8	SSA5	5
DM21	8	SSA6	3
DM22	16	SSA7	10
DM23	4	H1	28
DM24	5	H2	169
DM25	6	H3	6
DM26	13	E1	3
DM27	7	Supporting Documents	12
DM28	6		
DM29	6		
DM31	5		
DM32	5	Total	810

4.0 Petitions

Four petitions organised by the Brighton & Hove Conservative Party were submitted as part of the representations to the Proposed Submission City Plan Part Two:

Petition	Online	Paper	Total
Petition to save Benfield Valley	2013	125	2138
Petition to save land adjoining Horsdean Recreation Ground and Ladies Mile adjoining the Ladies Mile Nature Reserve from development	1543	104	1647
Petition to save Whitehawk Hill; Ingleside Stables; South Downs Riding School from development	1365	0	1365
Save Coldean's green land from development	877	20	897

5.0 Summary of main issues

A summary of the responses including main soundness issues raised by the representations in plan order are set out in the tables in Appendix 9 along with an officer response. This schedule also includes summaries of comments on the Proposed Changes to the Policies Map and supporting documents including the Sustainability Appraisal. Exceptionally the Council has considered the need for potential changes to the Proposed Submission City Plan Part Two for factual update or to improve clarity of policy/ supporting text or to address representations. This is explained within the table. A separate schedule of proposed main modifications has been prepared which has been subject to Sustainability Appraisal and HEQIA but has not been subject of public consultation. This schedule will be submitted in accordance with the approach set out in paragraph 1.5 of the Planning Inspectorate's Procedure Guide for Local Plan Examinations June 2019.

Copies of the original redacted representations are set out electronically as Appendix 10 on the CPP2 website. Appendix 11 provides copies of representations in Plans order and this is also available on the CPP2 website as part of the examination library.

6.0 Duly Made Representations

Two statutory consultees indicated that they had no comments to make on the City Plan Part 2 following a review of the Plan/ satisfied that their comments had been addressed at the draft City Plan Stage. These have been included in the schedule of duly made representation for completeness. There were seventeen representations via the consultation portal that included the respondents contact details only, with no representations made to policies/ parts of the Plan. A follow up email was sent after the close of consultation seeking clarification. Where there was no response to this request for clarification these were not included in the schedule of representations. Three

representations were received after the close of consultation. These non-duly made representations are included in the schedule of representations and will be submitted to the Secretary of State, although they will be identified as 'non-duly made'.

7.0 Conclusion

Taken together with the two earlier Consultation Statements, this Consultation Statement demonstrates that the council has met the requirements of Regulation 22(1) c of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statements have provided details of:

- which bodies and persons the local planning authority were invited to make representations under regulation 18;
- how those bodies and persons were invited to make representations under regulation 18;
- a summary of the main issues raised by the representations made pursuant to regulation 18;
- how any representations made pursuant to regulation 18 have been taken into account;
- if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations.

In line with the planning regulations mentioned above, this document will be submitted to the Secretary of State along with the Proposed Submission City Plan part 2, copies of all representations and other supporting documents including the previous Consultation Statements. A Planning Inspector, appointed by the Secretary of State, will consider the representations when determining whether the Local Plan Part 2 is legally compliant and sound.

Appendices

Economy, Environment & Culture



Consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Notice of Publication of the Proposed Submission City Plan Part Two and Statement of Representations Procedure

City Plan Part Two (Proposed Submission)

Brighton & Hove City Council has published the City Plan Part Two for consultation before it is submitted to the Secretary of State for independent examination (the Proposed Submission City Plan Part Two).

The City Plan Part Two supports the implementation and delivery of City Plan Part One which was adopted in March 2016. It includes additional development sites and development management policies. The plan covers the same geographical area as the City Plan Part One (the administrative area of the city council that is not within the South Downs National Park) and timeframe to 2030.

Once adopted, it will form part of the statutory development plan for the city which is used to determine planning applications.

How to view the Proposed Submission City Plan Part Two

Rules around the current Covid-19 coronavirus pandemic mean we have changed the way we make development plan documents available. Unfortunately, we are currently unable to make paper copy versions available for viewing at our customer service centres or libraries. These changes have been made in accordance with the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020.

Online

You can view the Proposed Submission City Plan Part Two and supporting documents on the council's website: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

(Supporting documents, include proposed changes to the Policies Map, Monitoring and Implementation Targets; the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment, the Habitats Regulation Assessment (HRA), a Health & Equalities Impact Assessment, Statement of Consultation and background evidence documents.

For help on accessing the council's website visit: <https://new.brighton-hove.gov.uk/about-website/accessibility-statement/find-help-access-our-website>

At the library

If you're a library member, you can use the library computers to view the Proposed Submission City Plan Part Two online.

For the latest information on libraries re-opening and use of the library computers please visit: <https://new.brighton-hove.gov.uk/libraries-leisure-and-arts/libraries/library-services-available-during-covid-19>

Help accessing the internet is available

If you need help accessing the internet the following services may be helpful:

- **Abilitynet** (<https://abilitynet.org.uk/>) provides free one-to-one remote support for anyone who needs help to get online during the pandemic (e.g. setting up a new device, keeping in touch with family, online shopping, staying safe online). Call 0800 269 545.
- Visit **Digital Brighton & Hove** at <https://digitalbrightonandhove.org.uk/> or call the Helpline on 07475 946 084 and get help from one of the volunteer Digital Champions (please leave a message with your name, telephone number and what help you need).
- There is also a tablet loan scheme: https://docs.google.com/forms/d/e/1FAIpQLSeiErHJQyQ4yH8uCu6IjbCkDYDuV4LSd_sH4f6C_SL3PIK0qWQ/viewform

If you are unable to view City Plan Part Two consultation online, you can call the **Planning Policy Team** on **01273 292333** and leave a message with your name, telephone number. Please specify that your query relates to the City Plan Part Two consultation.

How to comment

To help us handle your comments quickly and efficiently, we recommend you make your comments using the council's **online consultation portal**: <http://consult.brighton-hove.gov.uk/portal>

Alternatively, email: planningpolicy@brighton-hove.gov.uk

Or write to: CPP2 Policy Projects and Heritage Team
Brighton & Hove City Council
First Floor Hove Town Hall,
Norton Road BN3 3BQ

A Word version Response Form is available on request.

Please note that all representations received by the council will be publicly available (personal contact details will not be published)¹. We cannot take account of responses which are submitted to us confidentially.

Any person who has made representations may withdraw their comments at any time by emailing or writing to the council using the addresses above.

You can request to be notified in writing when: City Plan Part Two is submitted to the Secretary of State for independent examination; the inspector's report is published following the examination; and when the Plan is adopted.

Period within which representations (comments) must be made

Representations must be received between **Monday 7th September and 23:59 on Friday 30th October 2020**.

Only those representations made via the on-line consultation portal, by email or writing which arrive at the address specified within the specified consultation period will have a right to be considered.

All the accepted formal representations received will be submitted to, and considered by, the appointed independent planning inspector at the public examination of the City Plan Part Two.

¹ The Planning Service privacy statement can be viewed: <https://www.brighton-hove.gov.uk/content/planning/planning-applications/planning-service-privacy-statement>



Dear City Plan Consultee,

The Proposed Submission City Plan Part Two

Public consultation on the City Plan Part 2 starts on **Monday 7th September 2020 and runs until Friday 30th October 2020**. Tell us what you think of the Plan before we submit it to the government for examination and approval.

The Proposed Submission City Plan Part 2 (CPP2) will support the implementation and delivery of City Plan Part One (adopted March 2016) through the allocation of additional development sites and through a set of development management policies.

It covers the same geographical area as the City Plan Part One (the administrative area of the city council that is not within the South Downs National Park) and timeframe to 2030. Once adopted, it will form part of the statutory development plan for the city from which planning applications will be determined.

Availability of Documents

The Plan can be viewed online on the council's webpage: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

Please note: that there are changes to the way we normally make the Plan publicly available as a result of the effects of the Covid-19 coronavirus pandemic and this is further explained in this formal [Notice of Publication and Statement of Representations Procedure](#).

How to make comments

We have prepared a [Guidance Note](#) to making comments.

To help us handle your comments quickly and efficiently we recommend you make your comments using the council's online consultation portal: https://consultations.brighton-hove.gov.uk/planning/city-plan-part-two-proposed-submission/consult_view/

Alternatively email: planningpolicy@brighton-hove.gov.uk

Or write to: CPP2 Policy Projects and Heritage Team
Brighton & Hove City Council
First Floor Hove Town Hall,
Norton Road BN3 3BQ

A Word version Response Form is available on request.

Please note that we cannot take account of responses which are submitted to us confidentially.

All representations received by the council will be publicly available (personal contact details will not be published).

Consultation Period

Representations must be received between **Monday 7th September and 23:59 on Friday 30th October 2020**.

Only those representations made via the on-line consultation portal, by email or writing which arrive at the address specified within the specified consultation period will have a right to be considered.

All of the accepted formal representations received will be submitted to, and considered by, the appointed independent planning inspector at the public examination of the City Plan Part Two.

Yours sincerely,

Planning Policy Team

Brighton & Hove City Council

You can unsubscribe from our emails with you at any time by clicking [here](#)

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

Brighton & Hove City Plan Part Two Proposed Submission Document

Detailed guidance for making representations

September 2020



**Brighton & Hove
City Council**

Introduction

This guidance note has been produced to assist anyone wishing to make a formal representation on the Brighton & Hove City Plan Part Two ('the Plan') in response to the Proposed Submission consultation.

The Plan has been published at this stage to enable any representations to be made before it is submitted for examination by a Planning Inspector. At public examination, the Inspector will consider whether the Plan complies with all the relevant legal requirements and whether it is 'sound' in terms of national planning policy. Further information explaining these requirements is provided in this guidance note.

The current Proposed Submission follows earlier stages of consultation during which the City Council sought views and comments on the Plan's content and policies. The version of the Plan now published takes account of the comments that the Council has previously received. The Council considers that all the legal requirements have been met and that the Plan meets all the prescribed tests of 'soundness'.

Representations at this stage should only relate to whether the Plan complies with legal requirements, the duty to co-operate and the tests of 'soundness' which are set out below. All representations will be submitted for consideration by the Planning Inspector at the Plan examination.

Representations must be made between Monday 7th September and 23:59 on Friday 30th October 2020.

The formal notice of consultation is available on the council's website:

<https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/City%20Plan%20Part%202%20Statement%20of%20Representations%20Procedurev2.pdf>

Making Representations

If you wish to make representations on the way in which the Council has prepared the Plan, it is likely that your comments or objections will relate to a matter of **legal compliance**.

If you wish to make representations on the **content** of the Plan (either to support or object), your comments will need to address whether you consider that the Plan is 'sound' when considered against the specific tests of soundness set out in national planning policy - **positively prepared, justified, effective and consistent with national policy**.

These requirements are explained in more detail below.

Legal Compliance

The Inspector will firstly check that the Plan meets the legal requirements and the 'duty to cooperate' under Section 20(5) of the Planning and Compulsory Purchase Act 2004. You should consider the following before making a representation on legal compliance.

a) Local Development Scheme

Preparation of the Plan should be in accordance with the current Local Development Scheme (LDS). The LDS is effectively a programme of work prepared by the Council, setting out the plans it proposes to produce. It sets out the key stages in the production of any plans that the Council proposes to bring forward for public examination. The LDS for Brighton & Hove can be viewed on the Council website at:

<https://www.brighton-hove.gov.uk/content/planning/planning-policy/local-development-scheme>

b) Statement of Community Involvement

The process of consultation undertaken during the preparation of the Plan should be in general accordance with the Council's Statement of Community Involvement (SCI). The SCI sets out how the Council will involve the community in the preparation and revision of Local Plans and the consideration of planning applications. The SCI is available on the Council website at:

<https://www.brighton-hove.gov.uk/content/planning/planning-policy/statement-community-involvement>

Details of how the draft plan was consulted upon in 2018 are set out in a Statement of Consultation which can be viewed at:

<https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

The City Plan Part Two web page provides detail of consultation undertaken at the earlier issues and options stage.

c) Sustainability Appraisal Report

Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental and economic factors. The Council is required to publish a Sustainability Appraisal report which should identify the process by which the Sustainability Appraisal has been carried out, the baseline information used to inform the process, and the outcomes of that process. Representations can be made on the Sustainability Appraisal report.

The Council has published a Sustainability Appraisal alongside the Proposed Submission Plan. Hard copy versions of the Sustainability Appraisal report (and a non-technical summary) can be viewed on the Council website at:

<https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

d) Other requirements

The Plan should comply with all other relevant requirements set down in the planning regulations⁴. On publication of the Proposed Submission Plan, the Council must publish the documents prescribed in the Regulations and make them available at its principal offices and on its website. The Council must also notify various consultees (as set out in the Regulations) and any persons who have requested to be notified.

e) Duty to Cooperate

The planning regulations require the Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the Plan. The Council has prepared a Duty to Cooperate Statement which sets out how this requirement has been met. The Duty to Cooperate Statement can be viewed on the Council website at: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

Soundness

The Council considers that the Proposed Submission Plan which has been published and is intended to be submitted for examination is 'sound', i.e. that it is positively prepared, justified, effective and consistent with national policy. These terms are explained below.

Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs⁵; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).

It should be noted that the role of City Plan Part Two is to support and complement the policies in City Plan Part One (adopted in March 2016). City Plan Part One sets the long term vision, strategic objectives and strategic planning policy framework for the city to 2030, including the overall amounts of new development to be planned.

⁴ The 'regulations' comprise the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.

⁵ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 60 of the National Planning Policy Framework (NPPF).

If you think the Plan is not 'sound' because it does not include a policy on a particular issue, you should consider the following questions when making representations:

- Is the issue already covered specifically by national planning policy?
- Is the issue already covered by other policies in the Proposed Submission Plan, or in the City Plan Part One?
- If the policy is not covered elsewhere, in what way is the Plan unsound without the policy?
- If the Plan is unsound without the policy, what should the policy say?

General advice

If you wish to make a representation seeking a modification to the Plan, you should set out clearly in what way you consider that the Plan is not legally compliant or not 'sound', having regard to the guidance above.

You should try to support your representation with evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be modified.

You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. It is likely that the current consultation will be the last opportunity to make submissions. Any further submissions after the Plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he/she identifies.

If you are part of a representative organisation or group of individuals who share a common view on the Plan, it would be helpful to make a single representation, rather than submitting a large number of separate representations repeating the same points. If you are working as a group, please tell us who you are representing and how your representation has been agreed/authorised.

Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in any hearing sessions. Only representors who are seeking a change to the Plan have a right to be heard at the hearing sessions, if they so request. Please note that written and oral representations carry the same weight and will be given equal consideration in the examination process. You can tell us if and why you consider it necessary to participate at the hearing session.

What happens after you have made your representation?

After the end of the consultation period, all of the representations made via the on-line consultation portal, by email or writing which arrive at the address specified within the specified consultation period will be submitted to the government alongside the City Plan Part Two. The representations will be considered at the Plan examination by an independent Planning Inspector appointed by the government. A summary of the main issues raised by representations and the Council's brief response to the main issues will also be provided alongside the Plan when it is submitted for examination.

The examination into the Plan is expected to take place in 2021. If the Inspector considers that your comments have raised substantive issues about the legal compliance or 'soundness' of the Plan, he/she may request that you attend the public examination.

Following the examination, and subject to the Inspector's conclusions, the Council will formally adopt the Plan. The City Plan Part Two will then become part of the statutory development plan for Brighton & Hove alongside the City Plan Part One which was adopted in 2016.

How to comment

We recommend you make your comments using the Council's online consultation portal: <https://consultations.brighton-hove.gov.uk/>. This will help us handle your comments quickly and efficiently.

Links to the Proposed Submission Plan and supporting documents including the proposed changes to the Policies Map and the Sustainability Appraisal are provided on the consultation portal.

Further supporting documents, including topic papers and evidence studies, are also available on the City Plan Part Two Proposed Submission webpage at: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

Word versions of the Response Form are available on request to planningpolicy@brighton-hove.gov.uk

Council's Consultation Portal: <https://consultations.brighton-hove.gov.uk>

Email: planningpolicy@brighton-hove.gov.uk (please respond using the Response Form)

Post: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

Please also note:

- *Only representations which are received by the Council during the official consultation period from 7th September to 23:59 on 30th October 2020 will have a right to be considered.*
- *We cannot take account of representations which are provided to us confidentially. To ensure an effective and fair examination, it is important that the Inspector and all other participants are able to know who has made representations on the Plan.*

Covid-19 Update

Please note: Temporary changes to the way the Council would normally make development plan documents available have been needed due to the effects of the Covid-19 coronavirus pandemic. These changes have been made in accordance with the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020.

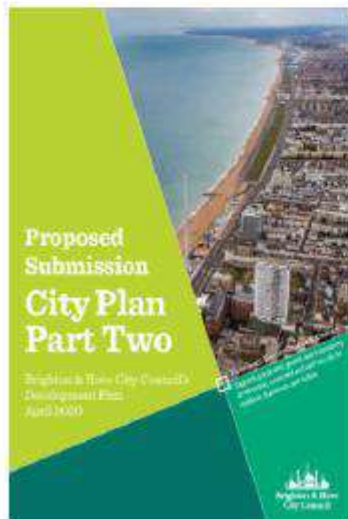
As a result of the Covid-19 restrictions, we are currently unable to make paper copy versions available for viewing at the customer service centres and libraries.

If you are unable to view City Plan Part Two consultation online please contact the Planning Policy Team on 01273 292333.

Please leave a message with your name, telephone number and specify that your query relates to the City Plan Part Two consultation.

Appendix 4 Online Portal Questionnaire and Word Form (extracts)

Overview



Closes 30 Oct 2020

Opened 7 Sep 2020

Contact

planningpolicy@brighton-hove.gov.uk

The council has published the Proposed Submission City Plan Part Two. This is the Plan that the council intends to submit to the Secretary of State for independent examination.

The role of the City Plan Part Two is to support the implementation and delivery of the City Plan Part One (adopted 2016) by providing detailed development management policies to help determine planning applications and identifies and allocates additional development sites. The document, once adopted, will form part of the statutory development plan for the city and replace the remaining saved policies in the 2005 Brighton & Hove Local Plan.

What does the City Plan Part Two cover?

The City Plan Part Two contains 58 policies arranged under six topic areas:

- Housing, Accommodation and Community (policies DM1 - DM10)
- Employment and Retail (policies DM11-DM17)
- Design & Heritage (policies DM18-DM32)
- Transport and Travel (policies DM33 - DM36)

Page	Response
Your details (Required)	0 of 8 questions answered
City Plan Part Two - Part One - Introduction	0 of 1 questions answered
DM1 Housing Quality, Choice and Mix	0 of 6 questions answered
DM2 Retaining Housing and residential accommodation (C3)	0 of 6 questions answered
DM3 Residential conversions and the retention of smaller dwellings	0 of 6 questions answered
DM4 Housing and Accommodation for Older Persons	0 of 6 questions answered
DM5 Supported Accommodation (Specialist and Vulnerable Needs)	0 of 6 questions answered
DM6 Build To Rent Housing	0 of 6 questions answered
DM7 Houses in Multiple Occupation (HMOs)	0 of 6 questions answered
DM8 Purpose Built Student Accommodation	0 of 6 questions answered
DM9 Community Facilities	0 of 6 questions answered
DM10 Public Houses	0 of 6 questions answered
DM11 New Business Floorspace	0 of 6 questions answered

Closes 30 Oct 2020

This service needs cookies enabled.

Something missing here? [Return to a previously saved response.](#)

DM1 Housing Quality, Choice and Mix

Extract of policy and supporting text



The screenshot shows a document with the following content:

Topic – Housing, Accommodation and Community
DM1 Housing Quality, Choice and Mix

The council will seek the delivery of a wide choice of high quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities.

Proposals for new residential development will be required to:

- a) incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs (see also City Plan Part One policies SA6, CP14, CP18, CP20); and
- b) make provision for a range and mix of housing (accommodation formats subject to the character, location and context of the site for example, self and custom build housing, build for rent, community led housing, starter homes and other types of provision supported by national and local policy).

In addition, planning applications for new residential development (including residential extensions and residential accommodation falling outside Use Class C3) will be expected to comply with the following requirements:

- c) all residential units should meet the nationally described space

(DM1) 1. Do you consider this policy is: (tick as appropriate)

	Yes	No
Legally Compliant	<input type="radio"/>	<input type="radio"/>
Sound	<input type="radio"/>	<input type="radio"/>
Meets the Duty to Co-Operate	<input type="radio"/>	<input type="radio"/>

[▶ More Information about Legal Compliance & Duty to Cooperate](#)

[▶ More information about Soundness](#)

**(DM1) 2. If you consider the policy to be unsound is it because it is not:
(tick as appropriate)**

- Positively Prepared
- Effective
- Justified
- Consistent with National Policy

[▶ More information about Soundness](#)

In the following boxes, please explain why you think the policy is unsound and/or not legally compliant, and set out any changes you feel should be made to make it sound and legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the policy.

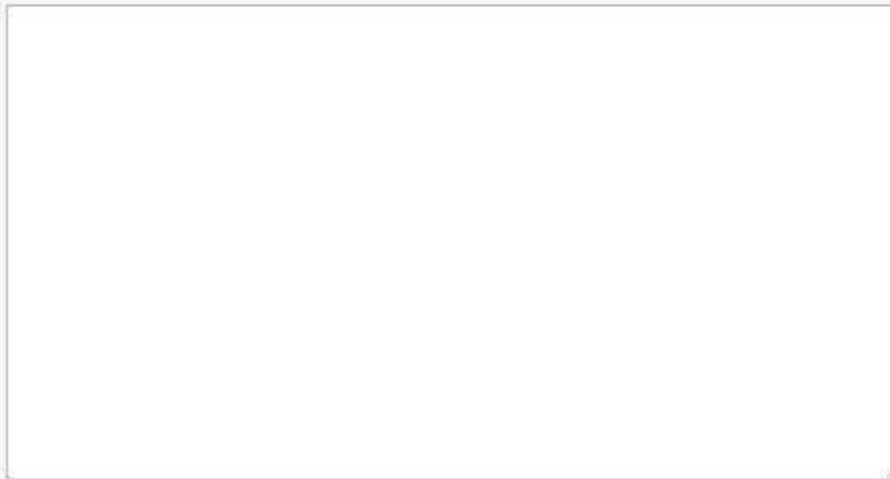
After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.

If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk When contacting us please provide your Response ID which will be provided to you when you submit your response at the end.

(DM1) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

(DM1) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

You will need to say why each change will make the policy legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policy or supporting text. Please do not use strikethrough text as this will not be shown in your submission.



(DM1) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

- No, I do not wish to participate in hearing session(s)
- Yes, I wish to participate in the hearing session(s)

(Please note you may be asked at a later point to confirm your request to participate)

(DM1) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

- No, I do not wish to participate in hearing session(s)
- Yes, I wish to participate in the hearing session(s)

(Please note you may be asked at a later point to confirm your request to participate)

(DM1) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Save and come back later...

Continue >

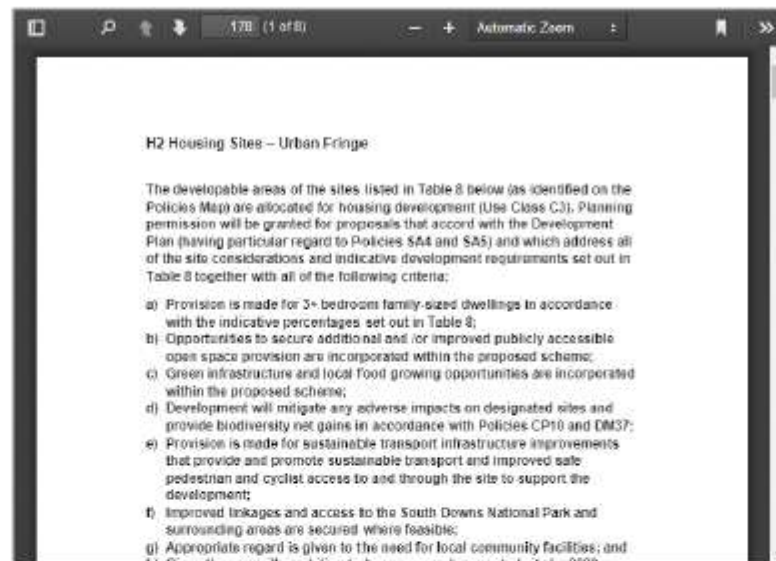
Closes 30 Oct 2020

This service needs cookies enabled.

Something missing here? [Return to a previously saved response.](#)

H2 Housing Sites – Urban Fringe

Extract of policy and supporting text



H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

- ALL SITES
- Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- Land at Mile Oak Road, Portslade
- Land off Overdown Rise, Mile Oak, Portslade
- Benfield Valley
- Land at and adjoining Horsdean Recreation Ground, Patcham
- Land at Ladies Mile, Carden Avenue
- Land to north east of Coldean Lane
- Land north of Varley Halls, Coldean Lane
- Land at and adjoining Brighton Race Course
- Land at South Downs Riding School & Reservoir Site
- Land north of Warren Road (Ingleside Stables)

Closes 30 Oct 2020

This service needs cookies enabled.

Something missing here? Return to a previously saved response.

Supporting Documents and Background Studies

Please provide comments you have on the Supporting Documents and / or Supporting Evidence (Please be as precise as possible, with reference to the name of the document / studies you would like to comment on)

[▶ More Information](#)

[Save and come back later...](#)

[Continue >](#)

Closes 30 Oct 2020

This service needs cookies enabled.

Something missing here? Return to a previously saved response.

Upload Supporting Information to your representation(s)

This link allows you to upload one document to support your submission online. If you have more than one document to upload then please email these to planningpolicy@brighton-hove.gov.uk along with your respondent ID

Do you have any supporting information to add to your submission?

Please upload your document in doc. or PDF format

upload box

Please make sure your file is under 25MB

No file chosen

[Save and come back later...](#)

[Continue >](#)

Appendix 5. List of Consultees

Appendix 1 List of Consultees

Specific Consultees

Local Authorities

Adur & Worthing Council
Arun District Council
BHCC Property & Design
Chichester District Council
Crawley Borough Council
Ditchling Parish Council
East Sussex County Council
East Sussex Fire Brigade
Eastbourne Council
ESCC
Falmer Parish Council
Fulking Parish Council
Greater London Authority
Horsham DC
Lewes District Council
London Assembly
Mid Sussex
Poynings Parish Council
Rodmell Parish Council
Rother District Council
Rottingdean Parish Council
South Downs National Park Authority
Sussex Police Authority
Telscombe Town Council
Upper Beeding Parish Council
Wealden District Council
West Sussex county Council

Gov Organisations

Brighton & Sussex University Hospitals NHS Trust
Civil Aviation Authority
Coal Authority
English Heritage - SE Region
Environment Agency
Highways England
Homes and Communities Agency
Homes England
Marine Management Organisation

Natural England
Network Rail
NHS Commissioning Board (Planning)
NHS England
NHS Property Services Ltd
Office of Rail Regulation
South East Coast Ambulance Service
Sport England
Sussex Partnership NHS Trust

Utilities

BT Openreach
EDF Energy
EE Telecom
Mobile Operators Association
National Grid
Scotia Gas Networks, Plant Protection Team
Scottish & Southern Energy
Southern Gas Networks
Southern Water
The Big Six (Energy Suppliers)
Vodafone and O2

Landowners

University of Brighton
University of Sussex
South East Coast Ambulance
Service NHS Foundation Trust
Shoreham Port Authority

Consultees General

Individuals

Names have been removed from this document in light of the GDPR data protection law

Business

AAA Building Services
Arcus Consultancy Services Ltd
Badgers tennis Club
Best practice consulting ltd
BHEP
Brighton & Hove Buses
Brighton & Hove Chamber of Commerce
Brighton and Hove News
Brighton Dome & Brighton Festival
Brighton Marina
canton united ltd
Churchill Square Shopping Centre
Hove Business Association
Magnetic Ideals
Oastwood ltd
Pavilion Gardens Cafe
RTH
Sussex Chamber of Commerce
The Grange
VisitBrighton
Wired Sussex
Yellowwave Ltd

Civic & Amenity

Brighton Marina Residents' Association
Brighton Society
Montpelier & Clifton Hill Association
Brighton YIMBY
Campaign for Real Ale
CBB
Conservation Advisory Group
Lansdowne Area Residents' Association
Brunswick TA
Craven Vale Community Association
Friends of Bedford Square
Friends of Hove Lagoon
Friends of Palmeira & Adelaide
Friends of Preston park

Georgian Group

Goldstone Valley Residents Association
Goldstone Valley Residents Association
Hampshire Court Resident Ass
Hove Civic Society
Ingram Crescent Residents' Association
KAWHRA
Keep Our Downs Public
Keep The Ridge Green
kemp town enclosures
Kemp Town Society
Kingscliffe Society
Kingsway and West Hove Residents Association
Madeira Terraces & Black Rock Past Present & Future
Montpelier and Clifton Hill Association
NLCA
North Laine Community Association (Editor of North Laine Runner)
North Portslade Residents Association
Regency Society of Brighton & Hove
Regency Square Area Society
Residents association
Round Hill Society
SAFE
Saltdean Residents' Association
Save Madeira Terrace
Save Toads Hole Valley
saveHOVE
Southdown Rise Residents Association
The Round Hill Society
Theatres Trust
West Hill Community Association
West Hove Forum
West Pier Trust
woods house t/a

Community & Voluntary Sector

Amaze
B&H Local Access Fourm
Bluebird Society for the Disabled
Brighton & Hove Community Land Trust
Brighton & Hove Food Partnership
BRIGHTON & HOVE INTEGRATED CARE SERVICE

Brighton and Hove Speak Out
 CAT
 Centre for Food Policy
 Community Works
 Community Works Parks and Green Spaces Rep
 Community works Rep. Joint organiser Working50p
 Cornerstone Community Centre
 Ditch the Label
 Fabrica
 Gscene Magazine
 Hangleton & Knoll Project
 Hangleton Community Association
 Horsdean Community Sports Association
 Local Access Forum
 Older People's Council
 Portslade Community Forum
 Ramblers East Sussex Countryside Officer
 rYico (Rwandan youth information community
 organisation)
 St Richard's Community Centre
 T.D.C
 The Carers Centre for Brighton and Hove
 The Hangleton and Knoll project
 The Trust For Developing Communities
 Youthforce

Developers\, Landowners & Consultants

ABIR Architects
 Absolute Planning
 Allied Surveyors
 ARCH-angels Architects
 architect
 Architecture of Calm
 ASP
 Barton Willmore
 Berkeley Group
 BHCLT
 BHT
 Boyer
 Brand Vaughan
 Brighton & Hove Albion Football Club
 Brighton & Hove Seaside Community Homes
 Brighton and Hove Hoteliers Association
 Brighton Pier Group PLC

Brightonrockhousingco-op@outlook.com
 Brunswick Developments Group PLC
 Carter Jonas
 Chartplan
 Claire Haigh Associates Ltd
 Coastal Buildings Surveyors
 Collective Planning
 Collins Planning Services Ltd
 Copesmill Properties Ltd
 Crickmay Chartered Surveyors
 Crickmey
 Deloitte
 DevPlan
 DHA Planning
 DK Architects
 DMH Stallard LLP
 Dowsett Mayhew Planning
 DPDS Consulting Group
 DWD Planning + Property
 ECE Planning
 Enplan UK Ltd
 Fludes
 Fredrick Adam Ltd
 G3 Architecture
 GVA
 Home Builders Federation
 Home Group
 HOP Consulting Limited
 Hove Civic Society
 Icen Projects
 JDRM Architectural Design
 Landivar Architects
 Lewis & Co Planning
 Liam Russell Architects Ltd
 Lichfields
 Lightwood Strategic
 MacConvilles Surveying
 Marcus Laing Land
 Mid Group
 Mike Stimpson Properties
 Moat Homes Limited
 Montagu Evans LLP
 NTR Planning
 Oxalis Planning
 Parker Dann
 Planning Resolution Ltd

Planview Planning Ltd
Planware
prospective planning
Quod
R H Partnership Architects Ltd
Rapeleys LLP
Reside Developments Ltd
RHPC
RJA Planning & Building Consultants Ltd
ROK Planning
Savills
Shoreham Port Authority
SHW
Simply Planning Limited
Sirius Planning
SSA Planning
St William
Strutt & Parker
Tetlow King Planning Ltd
thakeham homes
Turley
Whaleback Planning
Wood Plc
WSP
WYG

Environment Transport & Wildlife

Biosphere programme
Bricycles
Brighton & Hove Bus Company
Brighton & Hove Friends of the Earth
Brighton & Hove Green Spaces Forum
Brighton Archaeological Society
Brighton Area Buswatch
Brighton City Airport
Brighton Peace and Environment Centre
Clear Sky sustainable Homes Ltd
Community Works (Transport rep)
community transport
CPRE B&H
Cyrrus (owners of Brighton City Airport)
Friends of Whitehawk Hill
Gatwick Airport Ltd
Green Varndean
Low Carbon Trust

Network Rail
Railway Heritage Trust
RSPB
SERA Socialist Environmental Resources Association
South Downs Society
Stanmer Preservation Society
Sussex Gardens Trust
Sussex Local Nature Partnership
Sussex Wildlife Trust
Sussex FA
The Gardens Trust
The National Trust
Woodland Trust

Gov / Local Authority

Air Quality BHCC
Arboriculture BHCC
Arts BHCC
BH Clinical Commissioning Group
Brighton and Hove Liberal Democrats
CIL SDPA
City Clean BHCC
City Parks BHCC
Coast2Capital
Communities Team BHCC
East Sussex County Council
East Sussex Strategic Partnership
Economic Development BHCC
Environmental Health BHCC
Hastings Borough Council
Heritage Team BHCC
Historic England
Homes England
Lewes District Council
Marine Management Organisation
Member of Parliament Caroline Lucas
Member of Parliament Lloyd Russell Moyle
Member of Parliament Peter Kyle
Ministry of Defence
MoD Safeguarding Team
Parks Projects BHCC
Planning Projects BHCC
Private Sector Housing BHCC
Social Care BHCC
South Downs National Park Authority - ChaMP Project

South East Local Enterprise Partnership
Sports Developments Team BHCC
Sussex Police Community Safety
Sustainable Drainage BHCC
Tourism and Leisure BHCC
Transport Planning BHCC
University of Kent
Varndean Secondary School

LATs

BOTLAT
Brighton Old Town Local Action Team
London Road Area Action Team
Portslade LAT

Neighbourhood Forums

Brighton Marina Neighbourhood Forum
Hangleton & Knoll Neighbourhood Forum
Hove Park Neighbourhood Forum
Hove Station Neighbourhood Forum
(Rottingdean Parish Council as above)

Appendix 6 Privacy Notice

The screenshot shows a web browser with several tabs open, including 'Development Plans' and 'Statement of Consultation'. The browser's address bar shows 'neighbo...'. Below the browser, there is a yellow navigation bar with a dropdown menu set to 'Your details', a 'Go' button, and a 'Leave Preview' button.

Below the navigation bar, there are two rows of text with three radio buttons each:

- recommendations of the Inspector who carries out independent examination of the City Plan Part Two
- The adoption of the City Plan Part Two

Below this is a large text block containing a disclaimer:

Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

Below the disclaimer is a link: [▶ PINS Privacy Statement \(June 2019\)](#)

Below the link are two radio buttons:

- Yes
- Email User didn't respond

Below the radio buttons is a section titled 'Date Response Submitted' with an empty text input field.

At the bottom of the form are two buttons: 'Save and come back later ...' and 'Continue >'.

Have your say on City Plan Part Two

www.brighton-hove.gov.uk

7 September 2020 [Development and planning](#)

Have your say on City Plan Part Two

Residents are being invited to have their say on proposals which will guide new development in the city to 2030.

We're currently consulting on the proposed City Plan Part Two before we submit it to the Secretary of State for examination and approval and are asking local people to tell us what they think.

The Proposed Submission City Plan Part Two, which was agreed for the final round of consultation at the virtual full council meeting on 23 April, will guide new development in Brighton & Hove to 2030.

An earlier consultation was postponed due to Covid-19 restrictions.

The plan supports the City Plan Part One, adopted in March 2016, which sets out how the council intends to provide more genuinely affordable homes for local people, reduce carbon emissions, create employment opportunities and support economic recovery.

Councillor Marianna Ebel, chair of the Tourism, Equalities, Communities and Culture Committee said:

"It's important that the council has an up to date and robust set of planning policies to ensure greater local control over proposed developments in the city rather than using national planning policy which does not reflect the city's unique and local character.

"The plan will help to ensure that the right amount of development takes place in the right places and that allocated sites that come forward for new development are managed to secure the type of higher quality development that is needed in the city."

Housing or 'mixed-use' sites

The plan identifies more than 50 sites for housing or 'mixed-use' types of development.

There are also seven larger, strategic site allocations which support the much-needed regeneration of key brownfield sites in the city. They include the Brighton General Hospital site where the allocation includes provision for a new health hub alongside new housing and community facilities.

Other strategic sites include the Combined Engineering Depot on New England Road (housing and employment space), land at Lyon Close (employment and housing), Hove and the Sackville Trading Estate/Coal Yard site in Hove (housing, employment, retail and community facilities).

Councillor Ebel added: "Setting out site allocations gives us better local control over what is developed on these sites.

"This will enable us to ensure developments deliver the type of homes, jobs, business space, health and other local facilities that the city needs."

Minimum housing target

The 13,200 new homes minimum housing target, set out in the Part 1 plan, only meets 44% of the city's fully assessed housing need, assessed as 30,000 new homes in 2015.

This means that some sites on the urban fringe have been allocated through the Part 2 Plan.

The need to look at the urban fringe was firmly established by the national planning inspector in 2013 with the council told to plan much more positively to meet as much of the city's full housing need as possible and 'to leave no stone unturned'.

The proposed sites account for just 7% of the city's urban fringe which means that the vast majority of these spaces will continue to be strongly protected.

For example, our new 'special area' planning policy for Benfield Valley will enable the council to successfully refuse unacceptable developments in this area.

The policy allows for a modest development of 100 homes provided the remaining open spaces are improved for local residents and managed to improve biodiversity and create a haven for wildlife.

Development management guidance

There are 58 policies in the City Plan Part 2 and the majority provide detailed development management guidance. They include:

- For new residential developments, improving housing quality, choice and mix including an emphasis on affordable housing
- Encouraging the development of high quality specialist housing and accommodation for older people
- Additional new policy to address concerns about houses in multiple occupation (HMOs)
- Allowing for a broader range of town centre uses in recognition of changes to high street retail
- New policies that protect community facilities, pubs, markets and local shops
- Ensuring that all new development is attractive and well designed
- Requiring sustainable drainage in new development to improve flood resilience
- Requiring stringent standards to meet our objective of carbon neutrality by 2030 and extending eco-friendly standards to all development
- Seeking biodiversity improvements through new development

Viewing the proposed City Plan Part Two

Rules around the current Covid-19 pandemic means we have temporarily changed the way we make development plan documents available.

Unfortunately, we are unable to make paper copy versions available for viewing at our customer service centres or libraries.

You can view the plan and supporting documents on our [City Plan Part Two Proposed Submission Stage webpage](#).

Library members can use the library computers to view the Proposed Submission City Plan Part Two and supporting documents online. Please visit our library pages for the latest [information on libraries re-opening and use of the library computers](#).

Anyone unable to view City Plan Part Two consultation online, can call the Planning Policy Team on 01273 292333 and leave a message.

How to comment

The plan is a large document with 58 policies arranged under topic areas including site allocations. Residents can comment on as many policies and site allocations in the plan as

they like.

You can comment using our [online City Plan Part Two questionnaire](#), by emailing planningpolicy@brighton-hove.gov.uk or writing to CPP2 Policy Projects & Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

Representations must be received between Monday 7 September and 23:59 on Friday 30 October 2020.

Only those representations made via the online consultation portal, by email or writing which arrive at the address specified within the specified consultation period can be considered.

Following the consultation period, representations will be submitted alongside the City Plan Part Two to the government.

The representations will be considered at the plan examination by an independent Planning Inspector appointed by the government. The examination of the plan is expected to take place in 2021.

More like this



City Plan Part 2 puts local communities centre stage

Communities across Brighton & Hove will soon have a further opportunity to comment on the second part of the city's...



Work starts on the City Plan Part Two - have your say

Residents, businesses and developers will be able to take part in a citywide consultation on Part Two of the City...



Your Brighton & Hove

Welcome to the latest edition of Your Brighton & Hove - bringing you fortnightly updates from Brighton & Hove City Council.

Keep Brighton & Hove tidy!

We've been jet washing pavements and removing graffiti in the city centre as part of our Keep Brighton & Hove Tidy drive, bring in with this year's national 'Keep Britain Tidy' event.



Covid-19 alert level and guidance for the city

As rates of infection in the city start to increase, we've introduced an 'escalation framework' to keep everyone informed about the current rate of confirmed cases of Covid-19.

Have your say on the City Plan Part Two

We're inviting residents to have their say on our City Plan Part Two proposals, which will guide new development in the city to 2030 and help shape the future of Brighton & Hove.

Solar Together scheme is offering discounts on solar panels throughout September.

Useful links

-  Covid-19 help & advice
-  Reporting & advice
-  Planning applications
-  Road information
-  What's on
-  Latest council news

Know someone who might like this? Here's where to sign up.



Brighton & Hove City Council Social Media

Top Latest People Photos Videos

 **Brighton & Hove City Council**  @BrightonHoveCC · Sep 13, 2020

We're currently consulting on the proposed **City Plan Part Two** before we submit it to the Secretary of State. Tell us what you think. ow.ly/8IC050Bkxfi



1 6 6

 **Brighton & Hove Housing** @BHHousing · Sep 21, 2020

Residents are being invited to have their say on proposals which will guide new development in the **city** to 2030.

We're currently consulting on the proposed **City Plan Part Two**.

To find out how to have your say please visit



Have your say on City Plan Part Two
Find out how you can comment on our proposed City Plan Part Two and help shape the future of ...
brighton-hove.gov.uk

1

City Plan policies protect local shops, parades and pubs.

Brighton & Hove City Council
September 8, 2020

Want to have your say on the proposed plans for City Plan?

We're currently consulting on the proposed City Plan Part Two before we submit it to the Secretary of State

Tell us what you think <https://ow.ly/atQW508kMgS>

4 Likes 2 Comments 9 Shares

Like Comment Share

Most Relevant

Richard O'Neill-Roe
What are you protecting them for? Your transport policies will kill all the local businesses anyway, so why bother? #uttermadness #discrimination

Like Reply 20w

Most Relevant is selected, so some comments may have been filtered out.

Write a comment...

Cityplan Part 2 identifies 51 local wildlife sites.

Brighton & Hove City Council
September 9, 2020

We're currently consulting on the proposed City Plan Part Two before we submit it to the Secretary of State. Tell us what you think. <http://ow.ly/zsge508kx5L>

5 Likes 2 Comments

Like Comment Share

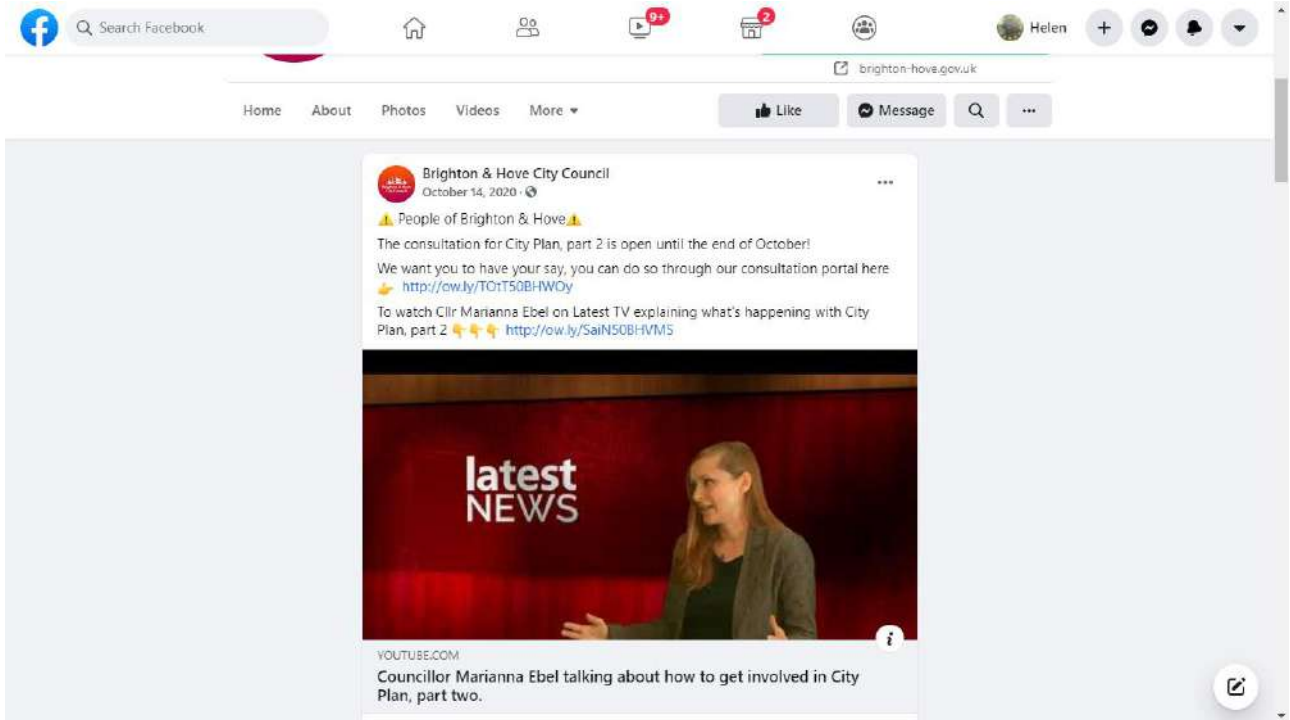
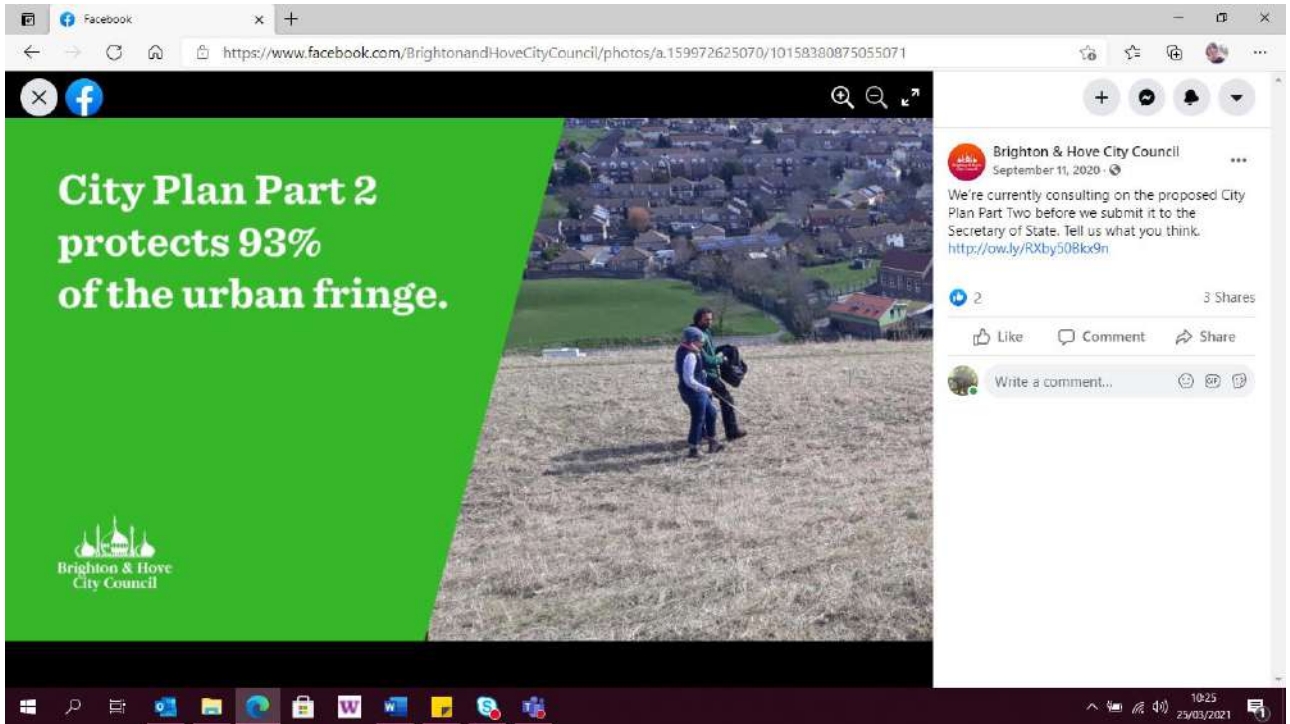
Most Relevant

Christine McAteer
We are all emailing the Secretary of state to let him know you are fraudulently claiming tax payers money after seeing the article that we should report councils abusing the available funds. BHCC are a disgrace and robbing it's city of it's businesses... See More

Like Reply 25w

Justin King
You people have no regard for wildlife. I know that for a fact after

Write a comment...



Facebook

https://www.facebook.com/BrightonandHoveCityCouncil/photos/a.159972625070/10158477707695071

City Plan policies protect local shops, parades and pubs.

Brighton & Hove City Council

October 19, 2020 · 🌐

There's still time to have your say on our proposed City Plan Part 2. The closing date for comments is October 30. <http://ow.ly/1cUc5QBW2mQ>

Like Comment Share

Write a comment...

Photographer Adam Bronkhorst

10:27 25/03/2021

Facebook

https://www.facebook.com/BrightonandHoveCityCouncil/photos/a.159972625070/10158498087575071

City Plan policies protect local shops, parades and pubs.

Brighton & Hove City Council

October 27, 2020 · 🌐

There's just a few days left to comment on City Plan Part 2 and help shape the future of Brighton & Hove. The consultation closes on October 30. Find out more: <http://ow.ly/gnF150C3Agc>

1 Share

Like Comment Share

Write a comment...

Photographer Adam Bronkhorst

10:27 25/03/2021

Weblinks to Press Articles

09/04/20 "Conservatives' Brighton and Hove City Plan Part 2 Vision", The Argus. [Conservatives' Brighton and Hove City Plan Part 2 vision | The Argus](#)

10/04/2020 "Council's ten-year new homes plan across Brighton & Hove", The Argus. [Council's ten-year new homes plan across Brighton and Hove | The Argus](#)

20/04/2020 "City Plan looks to a more inclusive, carbon-friendly future" Brighton & Hove City Council. [City Plan looks to a more inclusive, carbon-friendly future \(brighton-hove.gov.uk\)](#)

21/04/2020 "City Plan will support carbon reduction and biodiversity", Brighton & Hove City Council. [City Plan will support carbon reduction and biodiversity \(brighton-hove.gov.uk\)](#)

22/04/2020 "City Plan policies protect local shops and parades", Brighton & Hove City Council. [City Plan policies protect local shops and parades \(brighton-hove.gov.uk\)](#)

23/04/2020 "Council's 10-year planning blueprint for homes and jobs clears latest hurdle", Brighton & Hove News. [Brighton and Hove News » Council's 10-year planning blueprint for homes and jobs clears latest hurdle](#)

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28/04/2020 Greenfield sites are needed to cope with housing shortage, The Argus. [Greenfield sites are needed to cope with housing shortage | The Argus](#)

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24/09/20 "Green Party Councillor, Marianna Ebel, on the City Plan 2", Latest TV. <https://www.youtube.com/watch?v=B8H0qzqoSnc>

25/09/20 "If Conservatives are serious about protecting urban fringe, they should lobby colleagues in Westminster", Councillor Nancy Platts, Brighton & Hove News. <https://www.brightonandhovenews.org/2020/09/25/if-conservatives-are-serious-about-protecting-urban-fringe-they-should-lobby-colleagues-in-westminster/>

29/09/20 "'Final stand' to save green land in Coldean from development", The Argus. <https://www.theargus.co.uk/news/18755185.residents-final-stand-save-green-land-development/>

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06/10/20 "Tory exploitation of 'urban fringe' issue cruelly, cynically and unfairly raises residents' expectations", Councillor Nick Childs, Brighton & Hove News. <https://www.brightonandhovenews.org/2020/10/06/tory-exploitation-of-urban-fringe-issue-cruelly-cynically-and-unfairly-raises-residents-expectations/>

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have your say

Proposed Submission City Plan Part Two

City Plan Part 2 supports the delivery of the City Plan Part 1 (adopted 2016) by identifying housing and mixed use sites and including policies to manage new development. These include policies to improve housing quality; to safeguard community facilities and local shops; and seeking improved sustainability standards through new development.

Tell us what you think about the Plan before we submit it to the government for approval.

You can view City Plan Part 2, its supporting documents and have your say at: consultations.brighton-hove.gov.uk

For City Plan Part 2 enquiries, please email planningpolicy@brighton-hove.gov.uk or call 01273 292333

**Consultation runs from
7th September
until 30th October 2020**



Appendix 9– Regulation 19 Consultation - summary of Main Issues by Policy and Officer Response

The summaries of main issues raised by representations including those raising issues of soundness are organised in plan/ policy order and include an officer response.

Please Note: Individual/ resident names have been redacted for the website version. This Inspector will see all respondent number and names. If you would like to know your unique respondent ID number please email: PlanningPolicy@brighton-hove.gov.uk. This is a different number to the one generated by the council's consultation portal if you submitted your representations via the portal in autumn 2020.

Part 1 of the Plan

City Plan Part 2 – Part One – Introduction/ General comments

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
<i>Representations Raising Soundness Issues - Duty to Cooperate</i>					
Paragraph 1.10	<p>Duty to Co-operate is an ongoing requirement of plan making and recognition must be given to the fact that some issues that should have been progressed since 2016 must be reviewed and an explanation provided as to the progress, or lack of progress, that has been made.</p> <p>The unmet need for housing in Brighton and Hove is not addressed in the Duty to Cooperate Update Paper.</p> <p>It is necessary for the Council to provide SoCGs in relation to housing needs with the local authorities in neighbouring areas setting out their position with regard to Brighton and Hove's unmet housing needs alongside any other relevant issues.</p> <p>Recognise the constraints faced by the Council but it needs to work proactively to ensure housing needs are being addressed elsewhere.</p> <p>If no progress is being made in addressing this strategic issue it will be necessary for the Council to consider whether it can do more to promote additional development through the CPP2 before submitting it for examination.</p>	<p>Progress on duty to cooperate is set out in the Duty to Cooperate Paper May 2021. A statement of Common Ground is being prepared with the West Sussex and Greater Brighton Authorities this will address the issues raised in the representation.</p> <p>Factual update to refer to Statement of Common Ground to be included in the Introduction, paragraph 1.10 page 9.</p>	Yes	210 265	Home Builders Federation, The Arch Company
<i>Representations Raising Soundness Issues - Housing Land Supply</i>					
	<p>The plan is unsound as the Council cannot show a five-year land supply on adoption. It would appear from the supply expectations set out in the Strategic Housing Land Availability Assessment (SHLAA) October 2019 that the adoption of this local plan will not result in the Council having a five-year housing land supply between 2020/21 or 2022/23.</p>	<p>Disagree. It is acknowledged that there is a five year housing land supply shortfall. The most recent published SHLAA Update 2020 shows a shortfall of 342 net dwellings (4.7 years housing supply) for the period 2020-2025 which represents a</p>	No	210	Home Builders Federation

	<p>Whilst the constraints facing the city are recognised the evidence indicates that additional sites with the ability to deliver new homes in the next five years need to be identified and brought forward through this local plan. It is important that policies in the CPP2 are not overly onerous and would either delay or prevent the delivery of some developable sites.</p>	<p>significant improvement on the previous year's figure which showed a shortfall of 1,200 dwellings (4.0 year supply). The Housing Delivery Test results for 2020 also show a delivery figure above 100% for the period 2017-2020. These figures indicate that housing supply and delivery are improving, which is also evidenced by the number of dwellings with planning permission and under construction.</p> <p>As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the Council has sought to identify additional sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and how additional sources of housing delivery (e.g small windfall sites) have been assessed. The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and development strategy and subject to identified physical, environmental and infrastructure constraints.</p> <p>The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential housing supply above the minimum CPP1 requirement. The Council has also published a Housing Delivery Action Plan (dated January 2021) which analyses the factors influencing housing delivery in the city and lists a</p>			
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		range of actions which the Council is undertaking to support improved housing delivery. However, delivery rates are to a significant extent dependent on general housing market conditions and specific landowner/ developer actions which lie outside the Council's control.			
	The Council is still falling significantly short of the CPP1 minimum housing requirement. This increasing shortfall has been identified year-on-year in the Authority Monitoring Report. There is a severe need for new, creative solutions to deliver new housing and for a new suite of planning policies – less restrictive and onerous than those proposed in the CPP2. The CPP2 fails to meet the legal tests of soundness as the document has not been positively prepared to deliver a strategy that will adequately meet the future needs of the city, is not justified by the evidence base, is not effective as it will replicate the worsening issues that have arisen over the last fifteen years of Local Plan policies and is not consistent with national policy.	<p>As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. CPP1 Policy CP1 sets an overarching development strategy to deliver a minimum of 13,200 homes over the period 2010-2030, taking account of the identified housing needs and the city's significant physical and environmental constraints. The City Plan housing figure and strategy was tested and found 'sound' at the CPP1 examination and now forms part of the adopted development plan.</p> <p>The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the Council has sought to identify additional sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and how additional sources of housing delivery (e.g small windfall sites) have been assessed. The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and development strategy and subject to identified physical, environmental and infrastructure constraints. The Strategic Housing Land Availability</p>		223 241	Brighton & Hove Community Land Trust; Lewis & Co Planning

		Assessment (SHLAA) 2020 Update and Housing Provision Topic Paper identify a potential housing supply above the minimum CPP1 requirement. The Council has also published a Housing Delivery Action Plan (dated January 2021) which analyses the factors influencing housing delivery in the city and lists a range of actions which the Council is undertaking to support improved housing delivery. However, delivery rates are to a significant extent dependent on general housing market conditions and specific landowner/ developer actions which lie outside the Council's control.			
Neighbourhood Plans					
<i>Page 8, Paragraph 1.9</i>	A map is requested in the text of CPP2 that shows the spatial relationship between DA6 and the boundary of the designated Hove Station Neighbourhood Area.	CPP1 already includes several references to neighbourhood plans (including in Policies SS1 and SA6). Paragraph 1.9 of the Introduction to CPP2 also sets out the role and relationship of the Plan to neighbourhood plans. Inclusion of a map is considered unnecessary and would be inappropriate as Policy DA6 is in CPP1 rather than CPP2. It should also be noted that a map of the Hove Station Neighbourhood Area is included within the draft Hove Station Area Supplementary Planning Document (SPD) which was published for consultation over the period December 2020 to February 2021.	No	229	Hove Station Neighbourhood Forum
	The City Plan Part 2 should explicitly support the overall aim of Hove Station Neighbourhood Plan which is to 'facilitate the regeneration of the Hove Station Neighbourhood Area in way which realises its potential by creating a vibrant and inclusive community, focused on a new Hove Station Quarter, as a great place to live, work and relax'. It would be appropriate for an additional comment to be inserted in the CPP2 text to the effect that the implementation of policies SSA4, H1,	CPP1 already includes several references to neighbourhood plans (including in Policies SS1 and SA6). Paragraph 1.9 in the Introduction to CPP2 also sets out the role and relationship of the Plan to neighbourhood plans. Inclusion of an	No	229	Hove Station Neighbourhood Forum

	DM11, DM13, DM19 and DM22 will contribute to the delivery of the Neighbourhood Plan Policy for the creation of a Hove Station Quarter.	explicit reference to the Hove Station Neighbourhood Plan is considered unnecessary and too detailed for a city-wide Plan. Furthermore, the Hove Station Neighbourhood Plan is still at draft stage and is only one of several neighbourhood plans in the city which may be formally made during the lifetime of CPP2.			
<i>Length of Plan; duplication and out of date References</i>					
	Consider as with the draft CPP2, the Plan still contains too much unnecessary detail and repetition in supporting text and unnecessary cross-references to other policies.	Comments noted. Opportunities to simplify supporting text and remove repetition were taken where appropriate.	No	241	Lewis & Co Planning
	Disappointing that Council has not endeavoured to reflect the recent changes to the Use Classes Order prior to the public consultation on the 7 th September 2020. Ability to comment on several policies hindered by out-dated Use Classes reference.	The changes came out after the City Plan Part 2 had been formally approved for Regulation 19 Consultation by the council. Proposed modifications have been drafted to address changes to the Use Classes Order to be considered by the Inspector as part of the examination of the City Plan Part 2.	Yes.	241	Lewis & Co Planning
<i>Concerns with consultation undertaken on CPP2</i>					
	Need to listen to people. Not a real plan; the council can choose, if allowed, to ignore objections and carry out Plans regardless.	Comment noted. All representations received during the consultation period have been considered and an officer response is set out in the summary of main issues (Appendix 9) of the Consultation Statement. The representations will also be considered by an independent planning inspector who will be appointed by the government to examine the soundness of the Plan against the government defined soundness tests.	No	1 38	
	City Plan has not been presented to residents in a suitable manner.	Comment noted. The City Plan Part two has been through 3 phases of consultation since 2016: scoping stage 2016; 2018 draft Plan stage and the formal Proposed Submission Regulation 19 consultation. The	No	144	

		consultation was carried out in accordance with the council's Statement of Community Involvement and this is detailed in the published Consultation Statements.			
	Questionnaire is too detailed and time consuming.	Comment noted. At the formal Regulation 19 consultation stage, there are specific questions that local planning authorities are encouraged to include in the questionnaire by the Planning Inspectorate. A note was provided by the council to provide guidance on making representations and responses could also be made by email/ letter.	No	239	
	<p>The presentation of CPP2 to Councillors was flawed. Councillors were not briefed on up-to-date housing numbers and votes were not taken on key amendments.</p> <p>The Green Administration of 2011-2015 and Labour Administration of 2015-2020 offered up important natural sites without due weight being placed on environmental, amenity and leisure concerns.</p> <p>CPP2 lacks a democratic mandate from residents of Brighton & Hove. The public consultation process for CPP2, as undertaken by BHCC, has been flawed. Residents have not been provided with a reasonable chance to properly engage with CPP2. Election pledges have been abandoned; petitions ignored; and deputations disallowed.</p>	<p>The City Plan Part 2 was approved by Full Council on the 23 April 2020 for Regulation 19 consultation. Votes on tabled amendments at the Full Council meeting were taken in accordance with the agreed protocol published with the Committee Report. The allocation of housing sites has been made in accordance with the adopted strategy in the City Plan Part 1 national planning policy, proportionate and appropriate background evidence and this site assessment process undertaken is set out in the Site Assessment Topic Paper alongside the Sustainability Appraisal.</p> <p>The City Plan Part two has been through three phases of consultation since 2016: scoping stage; 2018 draft stage and the formal Regulation 19 At each stage the Plan was approved by committee/ council for consultation The consultation was carried out in accordance with the council's Statement of Community Involvement and government regulations and this</p>	No	231	Conservative Group of Councillors

		is detailed in the Consultation Statements. The petitions submitted during the Regulation 19 consultation have not been ignored and will also be considered by the Inspector appointed to examine the soundness of the Plan. The issue of receiving deputations at a subsequent meeting of Full council was addressed by the Chief Executive.			
	The council should work in partnership with organisations such as the Community Land Trust, Housing Associations, Local business organisations and amenities groups.	Comments noted. There are a number of established partnerships that the council regularly works with e.g the Strategic Housing Partnership which includes representatives from Housing Associations, and the Community Land Trust. Other partnerships such as the Brighton & Hove Economic Partnerships and the Conservation Advisory Group.	No	258	Brighton & Hove Liberal Democrats
COVID-19 considerations					
	Plan is in danger of being over-taken by events – e-bikes and scooters, Permitted Development rights (High Streets). The Plan is also a pre-Covid document. Covid 19 has accelerated a number of trends: emphasis on active travel; online shopping impacts; homeworking and tourism. The impacts of some of these trends are unclear.	The Plan includes a strong focus on active travel. The medium to long term impact of covid-19 is currently uncertain. The Review of CPP1 will provide an opportunity for new approaches to planning policies to be considered once the long term impacts of Covid-19 are clearer.	No	247	The Regency Society
	There needs to be statement on the impact of Covid-19 on the Transport and Travel content of the Plan; social distance requirements and provision of cycle facilities – see 'Gear Change' guidance on page 31.	The medium to long term impact of covid-19 is currently uncertain, however a reference will be made to the Gear Change publication. Policy DM33 includes appropriate requirements for the provision of cycle facilities in new developments.	No	160	Cycling UK (Local Rep for B&H)
	There are a range of other needs that need careful consideration (including the recovery of the cities commercial centres in the midst of	Policies DM8 Purpose Built Student Accommodation; H3 Student House	No	241	Lewis & Co Planning

	<p>a global pandemic, employment floorspace requirements, the need for a significant increase in purpose built student accommodation and identified visitor accommodation requirements. CPP2 continues to be a missed opportunity to seriously grapple with these issues and positively and creatively shape the future of the city. Largely the proposed submission City Plan Part Two replicates many former policies from the 2005 Local Plan that were devised in an entirely different policy context.</p>	<p>and DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities appropriately address the need for purpose built student accommodation, complementing adopted City Plan Part 1 Policies CP6 Visitor Accommodation and CP21 Student Accommodation and Houses in Multiple Occupation informed by the Visitor Accommodation Update Study and Student Housing Study. These issue of recovery from the Covid-19 pandemic will be considered through the review of the City Plan Part 1 where the short, medium and longer term trends can be fully considered. The adopted City Plan Part 1 sets out a positive vision and strategy for the city to 2030 addressing the major challenges and issues identified through a framework of strategic objectives, spatial strategy and a suite of strategic city wide policies and strategic allocations. The role of the CPP2 is support the implementation and delivery of CPP1 through detailed development management policies and additional development sites.</p>			
Representations Raising Soundness Issues - Housing on the Urban Fringe					
	<p>Brownfield sites should be used before Greenfield</p>	<p>The City Plan strategy already seeks to maximise development on brownfield sites subject to physical, environmental and amenity constraints. All available brownfield sites have been subject to detailed assessment through the Strategic Housing Land Availability Assessment (SHLAA) in terms of their development capacity, and this has been subject to further review through an independent Housing and Employment Land Study (Dec 2017)</p>	<p>No</p>	<p>82</p>	

		and Sustainability Appraisal of allocated sites. However, the Plan housing targets cannot be achieved without allowing some (limited) development on the urban fringe. This was clearly established at the CPP1 examination and is required to conform with the strategy for housing delivery set out in CPP1 Policy CP1 which includes provision for 1,060 homes within the urban fringe.			
	With reference to Policies H1 – H3, E1 and UF sites 32,32A & 33 – council should not propose to build on a valuable chalk aquifer reservoir. Water supplies need to be retained. Senseless to destroy successful local businesses.	Policy CP8 in the adopted CPP1 requires all development to demonstrate how the development aspires towards water neutrality by meeting high water efficiency standards and incorporating facilities to recycle, harvest and conserve water resources. Policy DM42 complements Policy CP8 and specifically sets out that development will not be permitted if it will have an unacceptable impact on the quality and potential yield of local water resources used for public water supplies. Further, Policy H2 Housing Sites - Urban Fringe indicates that development located in Ground Source Protection Zones will need to ensure that the groundwater resources are protected from pollution, water supplies safeguarded and have appropriate drainage solutions.	No	128	
	It has been demonstrated that housing quotas can be met by the CPP2 without the need for Urban Fringe site. Loss of Urban Fringe sites contradicts the SA specifically key sustainability objectives listed in section 3.2 – Biodiversity and Geodiversity and Cultural Heritage, Landscape and Open Space.	Disagree. The NPPF (Paragraph 35) states that for local plans to be considered 'positively prepared', they should provide a strategy which seeks to meet the area's objectively assessed needs (OAN). The housing figure of 13,200 net dwellings set in CPP1 Policy CP1 provides for only 44% of the total OAN for Brighton &	No	155	

		Hove, which takes account of the city's physical and environmental constraints. In response to this shortfall, the CP1 figure has been intentionally set as a minimum target. It was established through the CPP1 examination that some development on the urban fringe is required to help address the city's housing needs. This is reflected in CPP1 Policy CP1 which provides for c1,000 homes on urban fringe sites.			
	<p>This area should not be built on but remain a green area.</p> <p>The roads around Patcham are exceptionally busy rush hours and school drop off and collection time. The schools have large classes and Doctors are very difficult to get an appointment with now without adding to the number of residents.</p>	<p>It is assumed that this is an objection to the allocation of the two urban fringe housing sites in Patcham (Site 16: Land at and adjoining Horsdean Recreation Ground and Site 17: Land at Ladies Mile) in Policy H2.</p> <p>It is proposed to delete the housing allocation at Site 16 (Land at and adjoining Horsdean Recreation Ground) from the Plan. Council responses to the points raised with respect to Site 17 (Land at Ladies Mile) are provided under Policy H2.</p>		40	
Representations Raising Soundness Issues - Housing Affordability					
Paragraphs 1.2, 1.4 and 1.9 page 5 and 9	<p>Insufficient emphasis on the severe shortage of housing in the city and the desperate need to improve housing affordability within the city. It is impossible for the city to remain a 'safe and healthy place to live' when increasing numbers of low-income families are forced into overcrowded accommodation by high rents that result from a housing shortage.</p> <p>Propose changes to paragraph 1.2 to emphasise housing affordability, the need for decent homes at affordable rents, the need to reduce the council waiting list by at least 50% and eliminate rough sleeping by 2030 and developing a supportive policy for suburban intensification and car free development where supported by 60% of residents on a single stretch of street.</p>	<p>Disagree. As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the Council has sought to identify additional sites suitable for housing allocation in CPP2 to help meet and where possible exceed the minimum housing targets set in CPP1 Policy CP1. The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and</p>	No		Brighton Yimby

		<p>development strategy and subject to identified physical, environmental and infrastructure constraints.</p> <p>Housing affordability is already fully recognised as one of the key issues for the City Plan. CPP1 Policy CP20 sets challenging requirements for the delivery of a percentage of affordable housing (or equivalent financial contributions) as part of all developments of five or more dwellings. The affordable housing requirements set in Policy CP20 (and CPP2 Policy DM6) are based on viability assessments which is required by national policy. The Council is also committed to an ambitious programme for developing (and buying) affordable housing and has a strategy for reducing homelessness and rough sleeping.</p> <p>Policy DM36 encourages car-free developments subject to consideration of relevant factors as set out in SPD14 'Parking Standards for New Development'.</p>			
Community Led Housing					
	<p>Policies in CPP2 must support the vision and work of NUB Self-build Housing Group and BHCLT to deliver Community Led Housing (CLH) schemes that are affordable in perpetuity. Through:</p> <ol style="list-style-type: none"> 1. Using the site allocation process to identify specific sites for community led housing 2. Developing an urban alternative to the rural exception site policy; 3. Introducing policies for the inclusion of community led housing and self-build provision in proposals for large sites, eg Brighton General Hospital; 4. Establishing a light touch procedure for small sites and small groups which provides flexibility for CLH schemes (space standards, density, vehicle numbers) where the community supports the scheme; 5. Ensure that the design of CLH schemes meet best practice for inclusion of accessibility and health and well-being measures; and 	<p>The Council considers that the CPP2 policies already provide strong support for community led housing. Policy DM1 requires proposals for new residential development to make provision for a range and mix of housing/accommodation formats, including community led housing which is listed specifically in the policy. The supporting text at Paragraph 2.10 highlights that opportunities to make available serviced plots of land for self/custom build housing are restricted by the</p>	No	223	Brighton & Hove Community Land Trust

	<p>6. Working with BHCLT and CLH groups to consider other planning policy instruments that could promote long term stewardship of land by communities.</p>	<p>limited availability of greenfield sites and constrained land supply in the city, however it identifies housing sites on the city's urban fringe as offering particular scope for custom and self-build. To reinforce this, Policy H2 strongly encourages proposals for self and custom build housing, including community led housing. The policy wording of H2 i) was strengthened at the Proposed Submission stage to make it a requirement that development proposals for urban fringe sites provide a proportion of serviced plots for self and/or custom build dwellings unless is demonstrated that this would make the scheme unviable. The Council has a long history of working with housing co-operatives to support community led housing and is working in partnership with the BHCLT to deliver a programme of community led housing in the city. A pathway has been developed for Council owned sites to ensure there is clear route for considering when land or building opportunities may be suitable for community led housing, in line with the council's Corporate Plan commitment. At present five sites have been identified which could be used for community housing schemes and the Council is reviewing options for further sites. Council responses to the detailed points raised by the consultee are provided under the relevant policy headings.</p>			
City Plan Part One Review					
	<p>The deliverability and effectiveness of CPP2 will be compromised if the adopted CPP1 is not reviewed and particular policies updated to</p>	<p>A review of the need to update City Plan Part One was undertaken and</p>	<p>No</p>	<p>214</p>	<p>Whaleback Planning</p>

	<p>take into account: housing delivery in light of current circumstances and 2019 NPPF (CP1, CP19, CP20) 2019); significant development of PBSA (CP21); CIL charge on CIL-liable planning permissions came into effect after 5th October 2020 (CP7); Use Classes Order changes and permitted development rights (CP2, CP3 and CP4) and government's review of affordable housing thresholds (CP1 and CP20).</p> <p>Queries when the CPP1 review will be undertaken to comply with Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which require Local Planning Authorities (LPAs) to review their Local Plan within five years of the date of adoption</p>	<p>reported to the Council's Tourism, Equalities, Community and Culture Committee in March 2021 in line with the requirement for such a review to be concluded within 5 years of the adoption of a Plan. This concluded that an update to the Plan was necessary. Substantive work on the update will commence after the adoption of City Plan Part Two in line with the timetable in the recently adopted Local Development Scheme.</p>			
Employment Issues					
<p>Page 6-7, paragraph 1.4</p>	<p>The plan should also support large businesses who provide quality jobs for local people. The Plan should concentrate on local issues, becoming carbon neutral is a distraction.</p>	<p>The adopted City Plan Part 1 objectives SO2 and SO3 and Policies CP2 Sustainable Economic Development and CP3 Employment Land support the City Plan's vision for a strong and prosperous city with a range of suitable employment sites and premises to support the city's key and growing employment sectors and ensure there is a well trained and suitably skilled local workforce.</p>	No	159	
St Luke's Area needs to be preserved and protected					
	<p>St Luke's Residential Association would like the Plan to preserve the community and residential aspect of St Luke's area, with its unique architecture and sense of community and recognise the Association as a consultee. Need to protect against the adverse effect on community cohesion from HMOs and 'studentification' and to end new properties becoming HMOs or Air BnB. Also address graffiti, fly tipping and other antisocial behaviour; more traffic calming, EV charging points and extend to bus services; preserve local shops and protect adjacent wildlife areas (Whitehawk Hill) from any development.</p>	<p>A range of policies in both the adopted City Plan Part 1 and the City Plan Part 2 positively address the concerns you raise in your comments. Adopted CPP1 Policies CP21 and CPP2 Policy DM7 and the HMO Article 4 Direction address the issue of HMO's and studentification. CPP2 Policy DM2 Retaining Housing and residential accommodation (C3) protects residential accommodation and indicates at paragraph 2.17 that where it can be demonstrated that there has been a material change of use from a residential use (as may be the case for some holiday lets), then</p>	No	10	St Luke's Residents Association

		<p>this policy may be used for enforcement purposes. Conservation Area policies address the concerns raised with protecting the area's unique architecture along with the Article 4 Direction to be brought into effect for the Queens Park Area. Policy DM13 seeks to protect local shops; Policies DM36 addresses the issue of EV charging points. Whitehawk Hill is subject to several planning designations which provide strong protection from development (i.e Urban Fringe, open space, Nature Improvement Network and Local Nature Reserve). A small area (c1.2 hectares) is proposed as a housing allocation for c30 dwellings in Policy H2 following the recommendations of the Urban Fringe Assessments in 2014 and 2015 which identified this site as having potential for development. More detailed Council responses on the housing allocation are provided under Policy H2.</p>			
SSA3 Lyon Close					
	<p>SSA3 Lyon Close, Hove – concerned that there should not be over development. Consents exceed the proposed number of residential units in this location. Increased traffic will put stress on street parking and over burden public transport. In line with recent changes to UCO the council should encourage diversity of use within the B uses which will result in more diverse local area. Height precedents set by consents should be adhered to in other new proposals and we would welcome any plans for the provision of green spaces with seating.</p>	<p>It is considered that the policy is positively and effectively prepared as part of a balanced approach to meeting the city's housing needs and retaining and promoting employment on site and is consistent with policies CP1 and CP2 in the adopted City Plan Part 1. The strategy for Policy SSA3 seeks to plan positively for the more effective and coordinated use of this mixed-use area to meet the housing needs of the city and seek the provision/retention of 5,700 sqm. of flexible B1a business floorspace as part of any redevelopment proposals recognising the changing nature of employment.</p>	No	64	Withdean Commercial Property Ltd

		The allocation is supported by the background report of the Lyon Close Masterplan Principles Study which included open space and community facilities in the vision.			
General points					
	Historic England comments are based on the information provided by BHCC and for the avoidance of doubt does not reflect HE's obligation to advise the council on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in HE view, have adverse effects on the historic environment.	Comments noted	No	204	Historic England
	Large planning applications should be subject to wider consultation – through portal and paper consultation at libraries and community buildings.	The Council's approach to consultation on major planning applications is set out in the council's adopted Statement of Community Involvement.	No	258	Brighton & Hove Liberal Democrats
	Emergency Planning – should be detailed plans in place relating to a range of circumstances and be in line with legislation and local needs	The council's Emergency Planning & Resilience Team is responsible for working with the emergency services and other agencies to ensure the council is prepared to respond to any major incident in the city. The team produces a major incident plan which is reviewed annually. The council is also a member of the Sussex Local Resilience Forum.	No	258	Brighton & Hove Liberal Democrats

Policy DM1 Housing Quality, Choice and Mix

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID number	Respondent Name/ Organisation
Support policy					
DM1	General support for policy/no comments made	Support noted	No	88, 269, 167, 213, 264	Brighton & Hove Economic Partnership, Royal Mail, Brighton YIMBY, Hove Civic Society, Kingsway

					& West Hove Residents Association (KAWHRA)
DM1 f)	Support policy but consider criterion (f) relating to outdoor amenity space remains vague (as is the current Local Plan Policy HO5).	Support noted	No	214	Whaleback Ltd
DM1	Support policy but consider there is a need for more larger 3 and 4 bedroom houses and also that the size mix of units built should be monitored at six monthly intervals rather than annually.	Noted.	No	256	The Brighton Society
DM1 (para 2.11)	Add: "small scale horticultural uses"	A similar representation was made at the Draft CPP2 consultation stage. The Council considers that including such a reference would be over-prescriptive.	No	256	The Brighton Society
DM1 (para 2.13)	Add: "external storage for bicycles, garden tools and furniture etc".	It is considered that the general principle in terms of outdoor amenity space requirements is already clear from the existing wording. The additional wording suggested is unnecessarily detailed to include in a local plan.	No	256	The Brighton Society
Representations raising issues of Soundness					
DM1	No comments provided. Wishes to speak on Disability discrimination.	Noted	No	1	
DM1	Seek reduction in the number of proposed new homes to reflect the development constraints affecting the city.	Minimum requirements for housing provision in the city over the period to 2030 have already been established in Part One of the City Plan	No	4	
DM1	Don't believe the integrity of the policy is in line with the expectations of the people of Brighton & Hove.	The reason given for objecting to the policy is unclear.	No	144	
DM1	Consider the council's housing needs assessment is not robust enough and does not address some issues, e.g rough sleeping, social housing, adequate self-build policy, provision of outside space. Consider that the plan understates housing needs and that proposals for self-build are inadequate. Seek a fuller housing needs assessment taking in required needs.	Disagree. The Council commissioned several housing needs assessments to support the strategic housing policies in CPP1, the most recent being the Objectively Assessed Need for Housing: Brighton & Hove (2015). In accordance with the NPPF and national guidance, these studies sought to identify objectively	No	171	

		<p>assessed housing needs (OAN), affordable housing need, and the need for different types of housing, including specialist housing.</p> <p>The Council has since supplemented this information through more detailed studies focusing on specific housing needs and housing sectors (e.g the Older People Housing Needs Assessment and the Build to Rent Study). The Council also maintains and monitors data on housing need through the Housing Register, Self-Build and Custom Housebuilding Register etc, and undertakes more detailed local surveys, e.g. a residents' survey was undertaken in Nov/Dec 2019 to inform the Homelessness and Rough Sleeping Strategy.</p>			
DM1	Seek reference to the need to deliver social housing.	This issue is already addressed within CPP1 Policy CP20 on Affordable Housing.	No	171	
DM1	Seek clear policies to support outside space for new and old buildings.	Criterion f) already sets a requirement to provide useable private outdoor amenity space appropriate to the scale and character of the development. In addition, CPP1 Policy CP16 sets specific standards for the provision of open space as part of residential developments.	No	171	
DM1	Seek a commitment to build on National Park land to meet housing need and to reassess the Duty to Cooperate with the SDNPA.	The National Park falls outside the area covered by the City Plan. The Council is continuing to work with the SDNPA and other neighbouring planning authorities to address sub-regional and cross-boundary planning issues, including unmet housing needs, under the Duty to Cooperate., and this includes seeking to address unmet housing needs.	No	171	

DM1	Seek the inclusion of reference to food growing in the policy, as in Policy DM4(e). This would reflect the policies referring to food growing in CPP1 and the Council's recent adoption of the revised Planning Advice Note (PAN) on incorporating food growing in development. Local food production is also a key element in contributing towards the Council's targets on carbon reduction and sustainability - the IPCC & UK parliament Audit committee found that food contributes up to 30% of the carbon footprint.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted CPP1 and in CPP2. These policies are supported by the Food Growing Planning Advice Note (updated September 2020).	No	216	Brighton & Hove Food Partnership
DM1	The policy should cover housing densities. There is potential to extend areas designated for tall buildings or to densify new developments to enable the majority of housing target to be primarily accommodated within the urban area. This would avoid the need to develop urban fringe sites designated as LWS or LNR which is contrary to the NPPF paragraphs 171 and 174, the principles in Policy DM37 and one of the three objectives of the Brighton and Lewes Downs UNESCO Biosphere.	The issues raised are already addressed through CPP1 Policy CP14 Housing Densities, and Policy CP12 Urban Design These policies will be supplemented by further guidance within the Council's forthcoming Urban Design Framework SPD. The points raised with respect to the development of urban fringe sites are addressed in the Council responses under Policy H2.	No	228	Sussex Ornithological Society
DM1	The first half of the policy covers matters already covered in other adopted policies and national planning policy.	The policy provides explicit support for the delivery of a range of dwelling types, tenures and sizes responding to identified local housing needs, including specific types and formats of housing/ accommodation.	No	241	Lewis & Co
DM1 a)	Support the principle of the policy to deliver a wide choice of high quality homes, but seek replacement of the word "reflect" with "have regard to" in order to make the policy more flexible, allowing developers to respond to site specific circumstances in creating mixed and balanced communities.	A similar representation was made at the Draft CPP2 consultation stage. The proposed policy wording already allows for some flexibility and therefore the proposed amendment is not considered necessary.	No	243	X-Leisure (Brighton II) Ltd and Landsec
DM1 b)	Seek stronger support for community led housing, by amending "make provision for..." to "must include..."	A similar representation was made at the Draft CPP2 consultation stage. The Council considers that the proposed wording would make the policy too inflexible.	No	223	Brighton & Hove Community Land Trust
DM1 c)	Imposing minimum space standards for all residential development will have a negative impact on affordability, reduce customer choice (e.g entry level properties) and impact on development viability, thereby worsening housing delivery and affordability.	Disagree. Section 2 of the Space & Accessibility Standards Topic Paper provides a detailed explanation of the Council's evidence to support the application of the Nationally	No	210, 241	Home Builders Federation, Lewis & Co

	The Space and Accessibility Standards Topic Paper does not provide robust evidence of 'need' to justify requiring the NDSS for all residential development. It does not provide evidence that developments had previously been coming forward significantly below expected standards or that housing was not meeting the needs/preferences of occupiers.	Described Space Standards (NDSS) for all residential development. In terms of national policy direction, it should be noted that the Government in October 2020 announced an amendment to Permitted Development rights to require that all new homes delivered through PD would in future be required to meet the NDSS. This appears to be effectively signalling that the Government now considers the NDSS to be the minimum standard for all new housing.			
DM1 c)	Consider that space standards are too prescriptive and do not allow for the innovative 'tiny home' type of housing.	A similar representation was made at the Draft CPP2 consultation stage. The policy aims to set minimum internal space standards as a policy requirement in line with national Planning Practice Guidance which states that " <i>Where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard</i> " (NPPG Para 56-018). However, the policy wording in the paragraph following criterion f) explicitly provides flexibility to relax the space standards in exceptional cases where the applicant has provided a robust justification.	No	223, 241	Brighton & Hove Community Land Trust, Lewis & Co
DM1 d)	Consider the evidence on identified needs does not indicate a requirement for all new dwellings to be built to M4(2) standards. M4(2) is not a mandatory requirement and the number of homes built to this standard should be proportional to identified needs. The evidence in the Topic Paper does not demonstrates a clearly identified need for all new homes to be built to M4(2) in line with Footnote 46 in NPFF para 147. The M4(1) standard ensures reasonable provision for most people, allowing for some access by	Disagree. Section 3 of the Space & Accessibility Standards Topic Paper provides a detailed explanation of the Council's evidence to support the use of the M4(2) standard.	No	210, 241	Home Builders Federation, Lewis & Co

	wheelchair users, whilst many people with health problems or disabilities will be able to adapt their existing home to meet their needs (e.g evidence from the English Homes Survey 2014/15).				
DM1 d)	Many sites in the city are not completely level or are subject to other constraints (e.g listed building conversions) which makes achieving M4(2) for all residential development unfeasible.	This point is accepted, however the policy wording in the paragraph following criterion f) explicitly provides flexibility to relax the space standards in exceptional cases where the applicant has provided a robust justification., As set out in the Space & Accessibility Standards Topic Paper, the viability of implementing M4(2) accessibility standards (along with the other standards sought in Policy DM1) has been demonstrated for a range of residential development typologies and scenarios through the CIL Viability studies undertaken in 2017 in 2018.	No	241	Lewis & Co
DM1 f)	Criterion (f) is too inflexible and goes further than the extant 2005 Local Plan Policy HO5 by requiring an element of private outdoor amenity space regardless of circumstances. Achieving this will be problematic in some cases (e.g the sub-division of single dwellings) which will potentially suppress housing delivery. As a minimum, criterion (f) should be included in the 'exceptions' part of the policy to allow balanced decisions to be made on individual applications.	Disagree that criterion (f) is inflexible or that the slight difference in wording compared to the extant Policy HO5 is significant. The policy intention is to seek provision of useable private outdoor amenity space as a standard requirement for all new residential development, however the wording "appropriate to the scale and character of the development" would allow for some flexibility in exceptional cases.	No	241	Lewis & Co
DM1 (para 2.13)	The term "where relevant" in relation to the provision of outdoor amenity space requires clarification, possibly by indicating where such requirements are not relevant.	The size and uses required of private outdoor amenity space will differ depending on the nature of the housing development.	No	247	The Regency Society of Brighton & Hove
DM1 (Table 2)	The stated Minimum Gross Internal Floor Areas and Storage Levels should be an absolute minimum and the "desirable" level of living space should be 10% above this for the City Plan. In addition, space must be made available as part of housing development for safe storage areas for rubbish and recycling.	The national Planning Practice Guidance states that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described	No	258	Brighton & Hove Liberal Democrats

		space standard (NPPG para 56-018). A policy requiring higher minimum space standards would therefore be contrary to the national guidance. Requirements for space for the storage and separation of refuse and recyclables are covered by Policy WMP3d of the Waste & Minerals Plan.			
DM1	Inclusion of the phrase "unless allocated for development in the City Plan" at the beginning of the paragraph dealing with Locally designated Sites is contrary to Paragraph 174 of the NPPF and represents a significant weakening of the protection given to designated local sites compared with the 2005 Local Plan and the previous Draft CPP2.	It is assumed that these comments relate to the wording of Policy DM37 rather than DM1. Council responses to the points raised are provided under Policy DM37.	No	119	
DM1	Object to the inclusion of the phrase "Unless allocated for development in the City Plan". This area is supposed to be a protected Nature Reserve. The inclusion of this phrase represents weakening of the protection to our local site and ALL Wildlife sites compared with previous Draft CPP2.	It is assumed that these comments relate to the wording of Policy DM37 and the proposed allocation in Policy H2 of Site 30: Land at and adjoining Brighton Racecourse. Council responses to the points raised are provided under those respective policies.	No	130	

Policy DM2 Retaining Housing and residential accommodation (C3)

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID number	Respondent Name/ Organisation
General Support					
DM2	General support expressed for policy.	Support noted	N/A	88 167 214	Brighton & Hove Economic Partnership Brighton YIMBY Whaleback Ltd
Modifications to Wording Requested					

DM2	Request modification of Para 2.17 'Where it can be demonstrated that there has been a material change of use from a residential use e.g. to a holiday let, then this policy may be used for enforcement purposes' from 'may' to 'will'	The wording allows for flexibility dependent on the approach taken to enforcement action.	No	256	The Brighton Society
General Comments					
DM2	The Council should use Article 4 Directions to control second homes and holiday lets	Short term holiday lets are normally classified as a residential use (C3 Use class), therefore planning permission is not required and Article 4 Directions would not be effective.	No	256	The Brighton Society
Representations Raising Issues of Soundness					
DM2	The policy narrowly defines residential to C3 and should be expanded to protect all types of residential accommodation. It will constrain the delivery or provision of shared houses by allowing losses of C4 dwelling and opposing the principle of change of use between C3 and C4. including shared accommodation (C4) with an additional exception to allow for changes to other residential use types. The wording of CP21 and DM7 do not negate or reduce the effect of DM2 on shared accommodation.	This policy seeks to protect the city's existing C3 housing stock in light of the constrained housing supply and substantial identified needs. Policy DM7 supports HMO (C4) development, subject to some controls aimed at avoiding negative impacts due to over-concentration of HMOs in some parts of the city. Change of use from C4 to C3 is permitted development and cannot be controlled by planning policy.	No	241	Lewis & Co Planning
DM2	Policy disproportionately affects young professionals and students due to lack of protection for shared housing (see comment above). The Council's Health and Equalities Impact Assessment does not mention 'age' despite disproportionate effect on this group and issue being raised at draft CPP2 consultation stage.	The Community Profile in the HEQIA (2018) included the protected characteristic of age. The Community Profile set the context through which all policies were assessed through the HEQIA process. The HEQIA found the policy to complement other City Plan housing policies to help meet a variety of housing needs and maintain sustainable balanced communities.	No Change	241	Lewis & Co Planning
DM2	Seek the inclusion of reference to food growing in the policy, as in Policy DM4(e). This would reflect the policies referring to food growing in CPP1 and the Council's recent adoption of the revised Planning Advice Note (PAN) on incorporating food growing in development. Local food production is also a key element in contributing towards the Council's targets on carbon reduction and sustainability - the IPCC	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted CPP1 and in CPP2. These policies are supported by the Food Growing Planning Advice Note (updated September 2020).	No Change	216	Brighton & Hove Food Partnership

	& UK parliament Audit committee found that food contributes up to 30% of the carbon footprint.				
DM2	The policy should protect residential accommodation created through change of use of commercial properties.	The policy protects dwellings created in this way.	No Change	258	Brighton and Hove Liberal Democrats

DM3 Residential conversions and the retention of smaller dwellings

Policy, Para Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
DM3	General support expressed	Support noted and welcomed.		88 256	Brighton & Hove Economic Partnership The Brighton Society
Representations Raising Issues of Soundness					
DM3	The policy is not positively prepared, justified or effective. It will result in more unaffordable homes for rent and is not justified by the space standards set out in Plan. Object to prevention of subdivisions of smaller family dwellings and force larger accommodation into subdivisions. Contrary to the aims of providing a suitable mix of dwellings for a variety of income levels. Object to paragraph 2.23 linking conversions to lower residential amenity standards. Paragraph 2.22 should be deleted.	The policy is justified by the 'Space and Accessibility Standards Topic Paper' 2020 which highlights the need for a higher standard of accommodation and the demand for smaller family accommodation.	No	167	Brighton YIMBY
DM3	Queries justification and need for raising threshold to 120 sqm from retained Brighton and Hove Local Plan Policy HO9 which currently sets a minimum size for conversion of 115 sqm. The largest minimum size unit threshold set out in CPP2 Policy DM1 for a 3-bedroom dwelling is 108 sqm.	The policy is justified by the 'Space and Accessibility Standards Topic Paper' 2020 which highlights the need for a higher standard of accommodation and the demand for smaller family accommodation.	No	214	Whaleback Ltd

DM3	Seek the inclusion of reference to food growing in the policy, as in Policy DM4(e). This would reflect the policies referring to food growing in CPP1 and the Council's recent adoption of the revised Planning Advice Note (PAN) on incorporating food growing in development. Local food production is also a key element in contributing towards the Council's targets on carbon reduction and sustainability - the IPCC & UK parliament Audit committee found that food contributes up to 30% of the carbon footprint.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted CPP1 and in CPP2. These policies are supported by the Food Growing Planning Advice Note (updated September 2020).	No	216	Brighton & Hove Food Partnership
DM3	The policy is too restrictive and will prevent the delivery of the Objectively Housing Need for new homes. Justification of maintaining restrictive policy from BHLP and increased threshold doesn't stand up to scrutiny against standards. Threshold should be reduced to 100 sq. m. and definition of 'originally built' should refer to 1948 to bring into line with planning law. Suitable for family accommodation is unclear and inconsistent wording in policy and supporting text. Definition of family unit inconsistent.	The policy is justified by the 'Space and Accessibility Standards Topic Paper' 2020 which highlights the need for a higher standard of accommodation and the demand for smaller family accommodation. Clarification to be added to supporting text to address concerns about legal compliance by defining 'original floor area'.	Yes.	241	Lewis & Co Planning

Policy DM4 Housing and Accommodation for Older Persons

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent's ID number	Respondent Name/ Organisation
Support					
DM4	General support for policy	Support noted	No	88, 167, 213, 216	Brighton & Hove Economic Partnership, Brighton YIMBY, Hove Civic Society, Brighton & Hove Food Partnership
Representations raising issues of Soundness					
DM4	The policy fails to address loneliness in the city. Support should be provided for inter-generational communities as community led housing developments to address loneliness at different stages of people's	The City Plan already includes a range of policies that would provide support and encouragement for	No	143	Sussex Co-Housing

	lives. Recommend the inclusion of co-housing to address these needs in ways that are inclusive and integrate accommodation and care.	proposals promoting inter-generational communities and the development of co-housing (e.g CPP1 Policies SA6 and CP19 and CPP2 Policy DM1). The modifications sought are too specific for this policy and it is considered that the general principles are already supported adequately by other policies in the Plan.			
DM4	The policy should be divided into two separate policies; one covering new development (first three paragraphs) and one resisting the loss of existing accommodation (last two paragraphs). This would clearly distinguish the two aspects which would never overlap on the same application.	Disagree. A similar representation was made at the Draft CPP2 consultation stage. This would add unnecessarily to the number of policies in the Plan. However, it is proposed to add number headings to the second and fourth paragraphs in the policy to assist referencing the two separate sets of criteria	Yes	241	Lewis & Co
DM4	Seek additional policy criterion to indicate the desirability of older people remaining within the same neighbourhood should they move to smaller or more specialised accommodation (e.g sheltered housing or care homes). Potential sites for such developments should be identified on a neighbourhood basis, or a proportion of housing suitable for the elderly identified within larger housing developments within neighbourhoods.	This issue is already covered to some extent by criterion a) which requires that development “is targeted towards the needs of local residents”. In practice, the principle of seeking to meet local needs on a neighbourhood basis is already applied to the council’s own accommodation for older persons (e.g sheltered housing and care homes).	No	256	The Brighton Society
DM4	Older people and those with mobility problems need to be located at or near ground floor levels.	This is a detailed design requirement which would be considered at the planning application stage. Policy criterion f) includes reference to “good practice design principles” with specific cross-reference to the recommendations of the Housing our Ageing Population: Panel for Innovation’ (HAPPI) reports.	No	256	The Brighton Society
DM4	The Council should consider directly investing in housing for older people. Developers of Sheltered Homes and Warden Assisted Flats	The Council is already developing new specialist housing for older	No	258	Brighton & Hove Liberal Democrats

	should provide at least 20% of their units as “social rented” accommodation to help meet the increasing needs.	people through its New Homes for Neighbourhoods programme. Rents for Council-run housing developments are capped at Local Housing Allowance (LHA) level and where possible the Council offers social or living wage rents.			
DM4 b)	Many locations are distant from amenities, so there is a need to provide independent living opportunities on new sites. Criterion b) should be amended to say: <i>“b) is accessible to public transport, shops, services, community facilities, and social networks appropriate to the needs of the intended occupiers, <u>unless it can be proved that the scheme is able to meet residents’ needs.</u>”</i>	The suggested amendment is not considered necessary or appropriate in the context of Brighton & Hove. There are many accessible locations which would meet the specified criteria and the Council would expect proposals for older persons accommodation to be focused towards those areas.	No	171	
DM4 e)	A communal meeting lounge should be a requirement for clusters over a certain size, say 10+ dwellings.	This is considered too specific to be set as a policy requirement. Policy criteria e) and f) already address the issue of residents’ communal space.	No	256	The Brighton Society
DM4 (Para 2.26)	Para 2.26 should state that the Older Person Housing Needs Assessment 2019 should be updated to secure greater focus on independent living needs.	Disagree. Actions to encourage independent living are referenced in the 2019 Older Person Housing Needs Assessment.	No	171	
DM4 (Para 2.29)	Consider that the Older Person Housing Needs Assessment underestimates the future demand for private sector retirement housing.	Disagree. The 2019 study utilised Housing LIN’s ‘Strategic Housing for Older People’ model (SHOP@) which is a widely respected and tested tool for forecasting demand for specialist housing for older people. see Chapter 5 of the Older Person Housing Need Assessment 2019.	No	221, 258	Inspired Villages Brighton & Hove Liberal Democrats
DM4 (Para 2.29)	There are not enough incentives within the City Plan to make it attractive to developers to provide housing for older persons.	This issue extends beyond the scope of planning policy. Much of the specialised housing for older persons is developed and managed by the Council itself. There is interest from the private sector in developing care communities (i.e extra care/assisted	No	256	The Brighton Society

		living) as at the former Sackville Trading Estate.			
DM4 (Para 2.31)	The age restriction referred to in this paragraph should be more clearly defined.	It is assumed that this relates to the reference to 'age-designated' housing in the first bullet point. As indicated in the Older Person Housing Needs Assessment 2019 (page 15) 'age designated housing' usually relates to flats or bungalows for older tenants (generally age 50 or 55 plus).	No	256	The Brighton Society
DM4 (Para 2.36)	<p>Consider that a Retirement Community (extra care) falls within Use Class C2 rather than C3. A retirement community differs from a C3 dwelling house, for example, a typical Inspired Villages retirement community provides c25% floorspace as non-saleable space comprising the communal and care facilities available to its residents (cross-refers to paragraph 2.14 in supporting document submitted with rep).</p> <p>Request that DM4 is updated to reflect the eight recommendations in the attached supporting document.</p>	<p>There is a wide range of types of specialist housing/ accommodation for older people which do not always fit neatly into the existing Use Class categories. The Planning Practice Guidance on Housing for older and disabled people (Paragraph 63-014) states that it is for a local planning authority to consider into which use class a particular development may fall and consideration could be given to the level of care and scale of communal facilities provided. It is proposed to amend the relevant wording in Paragraph 2.36 (bullet 4) to reflect this wording and bring it clearly into line with the national guidance.</p> <p>Having reviewed the eight recommendations set out in the Inspired Villages supporting document, the council considers that these points are all addressed within the proposed Policy DM4 and its supporting evidence.</p>	Yes	221	Inspired Villages

Policy DM5 Supported Accommodation (Specialist and Vulnerable Needs)

Policy, Para, Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support policy					
DM5	General support for policy.	Support noted	No	88, 167, 214, 256	Brighton & Hove Economic Partnership, Brighton YIMBY, Whaleback Ltd, The Brighton Society
Representations raising issues of Soundness					
DM5	The policy fails to address loneliness in the city. Support should be provided for inter-generational communities as community led housing developments to address loneliness at different stages of people's lives. Recommend the inclusion of co-housing to address these needs in ways that are inclusive and integrate accommodation and care.	The City Plan already includes a range of policies that would provide support and encouragement for proposals promoting inter-generational communities and the development of co-housing (e.g CPP1 Policies SA6 and CP19 and CPP2 Policy DM1). The modifications sought are too specific for this policy and it is considered that the general principles are already supported adequately by other policies in the Plan.	No	143	Sussex Co-Housing
DM5	Seek the inclusion of reference to food growing in the policy, as in Policy DM4(e). This would reflect the policies referring to food growing in CPP1 and the Council's recent adoption of the revised Planning Advice Note (PAN) on incorporating food growing in development. Local food production is also a key element in contributing towards the Council's targets on carbon reduction and sustainability - the IPCC & UK parliament Audit committee found that food contributes up to 30% of the carbon footprint.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted CPP1 and in CPP2. These policies are supported by the Food Growing Planning Advice Note (updated September 2020).	No	216	Brighton & Hove Food Partnership
DM5	The policy contains two lists of criteria with the same lettered references and this should be altered to avoid confusion. The addition of numbered paragraphs (see Policy DM6) would address this issue.	Agree the point raised regarding the potential confusion which could arise from the policy numbering/ lettering. Propose minor modification as suggested in the representation.	Yes	241	Lewis & Co

DM5 (1st para)	The first paragraph could be deleted or moved to supporting text.	Disagree. A similar representation was made at the Draft CPP2 consultation stage. The Council considers that the first line of the policy is helpful in setting out a strong commitment to support the provision of a range and supply of suitable accommodation for people with special needs.	No	241	Lewis & Co
DM5 d)	Criterion (d) provides little planning benefit and could be removed from policy – some types of specialist accommodation cannot be inclusive as they are designed with specific end users in mind.	Disagree. A similar representation was made at the Draft CPP2 consultation stage. This criterion is also included in DM4 and is referring to supporting wider objectives in terms of creating mixed, inclusive and sustainable communities within the city (see CPP1 Policy SA6).	No	241	Lewis & Co
DM5 (para 2.37)	Para 2.37 should include Rehabilitation Units for people with drug and/or alcohol related issues, which might be provided through Charitable, Voluntary Organisations and Housing Associations. Specialist Supported Accommodation should also be provided for victims of domestic abuse.	Noted. Paragraph 2.37 is not intended to provide an exhaustive list of types of accommodation subject to the policy, however rehabilitation units providing residential accommodation would be considered through Policy DM5.	No	258	Brighton & Hove Liberal Democrats

Policy DM6 Build To Rent Housing

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent's ID Number	Respondent Name/ Organisation
Support policy					
DM6	General support for policy	Support noted	No	88, 167, 214	Brighton & Hove Economic Partnership, Brighton YIMBY, Whaleback Ltd
Representations raising issues of Soundness					

DM6	Seek the inclusion of reference to food growing in the policy, as in Policy DM4(e). This would reflect the policies referring to food growing in CPP1 and the Council's recent adoption of the revised Planning Advice Note (PAN) on incorporating food growing in development. Local food production is also a key element in contributing towards the Council's targets on carbon reduction and sustainability - the IPCC & UK parliament Audit committee found that food contributes up to 30% of the carbon footprint.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted CPP1 and in CPP2. These policies are supported by the Food Growing Planning Advice Note (updated September 2020).	No	216	Brighton & Hove Food Partnership
DM6 1.a)	Criterion 1(a) adds nothing to existing adopted policies and can be removed.	A similar representation was made at the Draft CPP2 consultation stage. The Council considers that it is important that Build to Rent proposals are assessed in the context of overall demand and mix of housing provision in the city as set out in CPP1 Policy CP19.	No	241	Lewis & Co
DM6 1.b)	Criterion 1(b) is an unnecessary requirement that provides no obvious benefit and it would be difficult to control the separate letting of units through the planning system.	Criterion b) is intended to distinguish Build to Rent developments from rented accommodation with shared facilities such as co-living developments and large HMOs. The wording duplicates that included in Policy H11 of the adopted London Plan.	No	241	Lewis & Co
DM6 1.d)	Consider that greater flexibility is required as ownership should not be a policy concern. It is typical for individual buildings to be under common management, but the ownership structure may vary for good reasons, most notably increased competition and value for the end consumer. The NPPF states that Build to Rent schemes will 'typically' be professionally managed stock in single ownership and management control, indicating that not all schemes will be under single ownership. The policy wording should be amended to: <i>"each build to rent building will be under common management."</i>	Policy requirement d) reflects the definition in the NPPF Glossary which states that Build to rent developments <i>"will typically be professionally managed stock in single ownership and management control."</i> Planning Practice Guidance also states that <i>"Build to rent schemes would normally, by definition, remain within the rental sector, under common ownership and management, for the long term"</i> (Paragraph 60-007). The requirement for unified ownership and management reflects similar wording included in Policy H11 of the London Plan.	No	243	X-Leisure (Brighton II) Ltd and Landsec

DM6 1.e)	The requirement for on-site management is excessive and would likely make small schemes unviable or unaffordable. It is unclear what would be required and there is no viability work that shows this to be an appropriate requirement. The requirement for 'professional' management is also vague and undefined.	As stated in the London Plan, 'on-site management' does not necessarily require full-time dedicated on-site staff, but all schemes should have systems for prompt resolution of issues and some daily on-site presence.	No	241	Lewis & Co
DM6 1.f)	The requirement for tenancies of at least 3 years cannot be a planning requirement.	Disagree. Policy requirement f) reflects the Build to Rent definition in the NPPF Glossary which states that "Schemes will usually offer longer tenancy agreements of three years or more". More specifically, the Planning Practice Guidance states that "In granting planning permission for build to rent developments, authorities should set in place a planning condition requiring scheme operators to offer tenancies of 3 or more years to all tenants in the development...(Paragraph 60-010)	No	241	Lewis & Co
DM6 1.f)	The policy wording should be amended to clarify that shorter tenancies of under 3 years should be made available where tenants want these (as stated at Para 2.48).	A similar representation was made at the Draft CPP2 consultation stage. The suggested clarification is considered unnecessary as the meaning is already implicit in the policy wording " <u>available to all tenants</u> ".	No	243	X-Leisure (Brighton II) Ltd and Landsec
DM6 1.g)	Criteria 1(g) simply references another policy and is not necessary.	A similar representation was made at the Draft CPP2 consultation stage. The policy cross-reference highlights that Build to Rent developments will be subject to the general Policy DM1 requirements (e.g in respect of minimum space and accessibility standards). Equivalent criteria are included in other CPP2 housing policies (e.g DM4 and DM5).	No	241	Lewis & Co
DM6 2.a)	Footnote 29 indicates that affordable rents will generally be set no higher than the Local Housing Allowance Housing Benefit limit. This does not fully reflect the conclusions of the Build to Rent Study (2019) regarding the viability of affordable housing and does not clearly comply with the NPPF and PPG.	The policy wording and footnote reflect the Council's key corporate priority to secure housing which is genuinely affordable within the context of Brighton & Hove. It follows	No	243, 246	X-Leisure (Brighton II) Ltd and Landsec, Aberdeen Standard Investments

	<p>The policy should refer to Affordable Private Rent as defined in national policy as being at least 20% less than the private market rent for the same or equivalent property. The policy as worded doesn't positively recognise or support the range of affordable rent that could be offered through Build to Rent.</p>	<p>directly from the conclusions in Paragraph 6.10 of the Build to Rent Study regarding the level of rents that would be potentially affordable for households on the Housing Register.</p> <p>It is accepted that the policy goes further than national Planning Practice Guidance but this is considered justifiable in the context of the city's exceptional levels of local housing need and very high 'affordability gap' between housing costs and local incomes. However, the wording of criterion 2.a) and supporting text at Paragraphs 2.50 and 2.51 also make clear that the affordable housing sought within individual developments will take account of their overall viability and individual scheme characteristics as set out in CPP1 Policy CP20 criteria i. to v.</p>			
DM6 2.a)	<p>Criterion 2(a) should require provision of a minimum of 20% affordable social rented housing, with tenancies open to people for application from the Council's Housing Waiting List as part of Build to Rent developments.</p>	<p>As explained in Paragraphs 2.50 and 2.51, the policy requirements for affordable housing draw on viability assessments undertaken as part of the Brighton & Hove Build to Rent Study 2019.</p> <p>With regard to tenancies, national Planning Practice Guidance states that eligibility for occupying the affordable homes should be agreed by the local authority and the scheme operator, but with the operator having the final decision on the occupancy criteria. As stated in Paragraph 2.52, the Council will seek to agree eligibility criteria and set these out in S106 agreements. In practice, this has involved the S106 requiring the scheme operator to submit a</p>	No	258	Brighton & Hove Liberal Democrats

		Marketing and Lettings Plan for the affordable units with applicants who are on the Council's Housing Register being given priority in terms of the affordable tenancies.			
DM6 (Para 2.44)	Seek reference to open spaces to address higher densities of housing and additional people.	The requirement for open space provision is already covered in other policies within the City Plan (e.g CPP1 Policy CP16 and CPP2 Policy DM1) so it is not necessary to repeat it here.	No	256	The Brighton Society
DM6 (Para 2.48)	Should require tenancies of a minimum of 3 years, not at least 3 years.	It is not clear why this wording amendment is sought or how it would alter the policy requirement.	No	256	The Brighton Society
DM6 (Para 2.50)	Concerned that the 'trade-off' referred to implies that the number of affordable units provided will be reduced. The process for seeking commuted payments in lieu of affordable housing needs to be clarified, including details of how such financial contributions are to be used. The commuted sum should include the additional market value of the extra units released by the relaxation of the obligation.	The need to consider a potential trade-off between number of affordable units and the level of discount reflects Planning Practice Guidance (Paragraph 60-005) and the conclusions of the council's Build to Rent Study 2019.	No	256	The Brighton Society

Policy DM7 Houses in Multiple Occupation (HMOs)

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
DM7	General support	Support welcome.	N/A	10 88 107	St Lukes Resident Association Brighton & Hove Economic Partnership
Policy DM7,	Criteria (d) and (e) supported as the importance of delivering a good standard of amenity for HMO residents is acknowledged.	Support welcomed	No	214	Whaleback Ltd

Criteria 2d and 2e					
Representations raising issues of Soundness					
Policy DM7	The policy discriminates against younger people and other groups on lower incomes and is not justified. Concerns raised with compliance with the Equalities Act as age is a protected characteristics and with the Human Rights Act (Article 14) which requires that all of the rights and freedoms must be protected and applied without discrimination.	The policy does not limit or cap the amount the HMO development that is possible in the city. In order to maintain sustainable, balanced communities restrictions may effectively apply in local geographical areas where the policy thresholds are breached, but the principle of policy approaches such as these is well-established. There is a significant unmet need for family sized housing in the city – the policy seeks to maintain an appropriate balance overall in the city’s housing market to meet needs.	No	167 214 241	Brighton YIMBY; Whaleback Ltd Lewis & Co Planning
Policy DM7, Paragraphs 2.57, 2.58, 2.59	Assertions that HMOs lead to negative effects on residential amenity and communities are not justified.	The Council’s evidence set out in ‘Small Houses in Multiple Occupation: evidence to justify a citywide Article 4 Direction’ indicates that wards with higher concentration of HMOs experience higher levels of anti-social behaviour.	No	167 214	Brighton YIMBY; Whaleback Ltd
Policy DM7	The policy will significantly constrain the availability of lower-cost shared housing in the city and no evidence has been provided to justify the approach. The City Plan – Part One Inspector highlighted that the housing strategy results in “a very significant shortfall which has important implications for the social dimension of sustainable development”). These include being priced out of the market, subjected to significant rent increases that are not matched in commensurate salary increases and the inevitable impacts on quality of life that would arise as a result.	HMOs are an important part of the housing supply, the policy is not intended to limit overall HMO development, rather to prevent negative impacts stemming from areas of high concentrations by encouraging a more even spread. Large areas of the city have very few HMOs so there is ample scope for continued HMO development to meet any growing future demand. It is anticipated that further demand for HMOs will come from the non-student	No	167 214	Brighton YIMBY; Whaleback Ltd

		sector who are likely to be less constrained over the location in the city where they live.			
Policy DM7, Criterion 2a	Criterion (a) is overly restrictive, complicated and close to unworkable without significantly improved automated systems which are available to the public. The level of work required to assess compliance is beyond what can reasonably be expected from a small-scale developer/property owner without an automated system available to the public.	<p>The wider neighbourhood area criterion is intended to ensure that the indirect impacts that affect the character of communities (for example a decreasing demand for local schools and changes in types of retail provision) are reflected in the policy.</p> <p>The council will investigate the feasibility of making an automated system publicly available. Applicants are able to obtain pre-application advice to inform decisions on whether to submit planning applications.</p>	No	241 214	Lewis & Co Planning; Whaleback Ltd
Policy DM7, Criteria 2b and 2c	Restrictions (b) and (c) are not justified by evidence and appear to be based upon the assumption that all HMO properties are likely to cause disturbance of some kind. The co-location of similar uses is likely preferable in amenity terms.	The Council's evidence set out in ' <i>Small Houses in Multiple Occupation: evidence to justify a citywide Article 4 Direction</i> ' indicates that wards with higher concentration of HMOs experience higher levels of anti-social behaviour. This criterion seeks to avoid negative amenity impacts caused by concentrations of HMOs at very localised levels.	No	241 214	Lewis & Co Planning; Whaleback Ltd
Policy DM7	The proposed policy approach would introduce more onerous requirements with no valid justification or evidence that the existing policy provision is failing. The current policy approach was accepted by the CPP1 Inspector and it is not considered that circumstances have changed since the adoption of CPP1. The need for additional restrictions through a further HMO policy has therefore not been justified.	Ongoing concerns regarding the concentrations of HMOs have been raised by local communities and elected members since the adoption of City Plan Part One. The majority of responses at the Reg. 18 Draft Plan stage supported the additional policy requirements. They are considered to represent an acceptable balance.	No	214 241	Whaleback Ltd Lewis & Co Planning
Policy DM7,	Restriction (c) will in practice work directly against the objectives of restriction (b). If there is an existing situation where there is a non-	These criteria seek to prevent very localised concentrations of HMOs.	No	214	Whaleback Ltd

riteria (b) and (c)	HMO dwelling 'sandwiched' between two existing HMO's, a situation which the LPA considers problematic as per restriction (b), an obvious solution to this perceived problem is the conversion of the central property to a HMO. This solution is however blocked by restriction (c), leaving the non-HMO property permanently 'sandwiched' between the two HMOs.	The permissive approach sought to address this theoretical situation provided would work against the objective of the policy.			
Policy DM7, Para. 2.69	The specific standards outlined at paragraph 2.69 should form part of the policy (not supporting text) as they provide clear direction for decision-makers and applicants. Private sector licensing standards and planning requirements should be aligned to provide clarity and consistency.	Paragraph 2.69 provides supporting information on the application of the policy requirement. It provides some flexibility on the way the policy is applied and is considered more appropriate as supporting text.	No	241	Lewis & Co. Planning
Policy DM7, criterion (d)	Criterion (d) cross-references Policy DM1, but the Nationally Described Space Standards do not provide minimum space standards for dwellings with single occupancy-only rooms throughout and therefore it is not clear how these standards would be applied to HMO accommodation.	Footnote 7 to Policy DM1 clarifies that residential accommodation not falling within Use class C3 will be expected to meet the standards where relevant.	No.	241	Lewis & Co. Planning.
Policy DM7	The inclusion of reference to food growing in the policy, as in Policy DM4(e). This would reflect the policies referring to food growing in CPP1 and the Council's recent adoption of the revised Planning Advice Note (PAN) on incorporating food growing in development. Local food production is also a key element in contributing towards the Council's targets on carbon reduction and sustainability - the IPCC & UK parliament Audit committee found that food contributes up to 30% of the carbon footprint.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted City Plan Part 1 and in the City Plan Part 2. These policies are supported by the Food Growing Planning Advice Note (Updated September 2020).	No	216	Brighton & Hove Food Partnership
Policy DM7, criterion (a)	The introduction of the 20% neighbourhood level criterion is too late. Where there is a decreasing demand for local schools and loss of local shops it is simply because certain areas of the city are now devoid of local families who have moved away, owing to the increase of HMOs	It is acknowledged that negative impacts of high concentrations have already become apparent in some areas of the city. The policy requirement will prevent further unbalancing in these areas and assist in maintaining sustainable, balanced communities in other areas.	No	256	Brighton Society
Policy DM7, Para. 2.67	A minimum bedroom size should be included in the policy in addition to the provision of facilities for a single person or couple.	Minimum bedroom sizes are included in Policy DM1 – see the Technical Information related to Table 2.	No.	258	Brighton and Hove Liberal Democrats

Policy DM8 Purpose Built Student Accommodation

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General support					
Policy DM8	General support for policy,	Support welcomed.	No	214, 45 88 167	Whaleback Ltd BHEP Brighton Yimby
Object to Policy/ parts of Policy					
Policy DM8	Should not approve any more student accommodation, it would be better to provide accommodation for permanent residents.	Student housing is an identified housing need the City Plan seeks to address.	No	159	
Policy DM8	The plan should require student accommodation to be located closer to the Universities, so that family housing is not lost to students and lower emissions for travel are sustained at source.	A requirement to this effect is set out in City Plan Part One Policy CP21 (part (i)A3).	No	171	
Policy DM8, criteria b, c and d	This policy should identify the specific standards considered acceptable by the Council (particularly in relation to criteria (b), (c) and (d)).	Guidance on the application of these policy requirements is set out in paragraph 2.75 of the supporting text. It not considered appropriate to set specific space standards for communal space for Purpose Built Student Accommodation (PBSA).	No	241	Lewes & Co Planning
Policy DM8, criterion (a)	The requirement for a predominance of cluster units is not justified and this should be left to market trends.	The requirement for cluster units is intended to indirectly ensure a proportion of units are more affordable, and attractive to those who would otherwise reside in HMOs.	No	241	Lewes & Co Planning
Policy DM8, criterion (f)	Criterion (f) to “ensure occupants do not keep cars in Brighton & Hove” is unachievable, unjustified and excessive.	This type of requirement is already a common requirement of management plans for PBSA developments which occupants must sign up to.	No	241	Lewes & Co Planning
Policy DM8	Consider that given the need for student accommodation mores sites should be identified - a site at New England Street, BN1 4GQ could accommodate up to 500 units of PBSA.	This site is already allocated as a strategic allocation for mixed use redevelopment (housing and employment use) in the adopted City Plan Part One Policy DA4.1.c)	No	252	C Brewer & Sons Limited

		as part of the 'Richardson's Scrapyard and Brewers Paint Merchant Site' and therefore student housing would not accord with adopted City Plan Part One Policy CP21.7			
Representations seeking further criteria/ considerations					
Policy DM8	Consider whether conditions be implemented that students in PBSA should stay for three years while at university.	This policy requirement would not be justified or legally compliant.	No	256	Brighton Society
Policy DM8,	Facilities should be provided for the storage and removal of rubbish and recycling within all student accommodation.	This requirement is covered by the adopted Waste & Minerals Plan Policy WMP3e.	No	258	Brighton and Hove Liberal Democrats
Policy DM8	Seek the inclusion of reference to food growing in the policy, as in Policy DM4(e). This would reflect the policies referring to food growing in CPP1 and the Council's recent adoption of the revised Planning Advice Note (PAN) on incorporating food growing in development	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted City Plan Part 1 and in the City Plan Part 2. These policies are supported by the Food Growing Planning Advice Note (Updated September 2020).	No	216	Brighton & Hove Food Partnership
Policy DM8	The policy should require the provision of communal or individual indoor cycle storage and other measures to support sustainable transport use.	This issue is covered under Policy DM33, part 2d.	No	160	Cycling UK
Policy DM8, criterion (a) Para 2.73	It should be noted that Pelham Street has approval for residential use (see BH2020/00550).	Comment noted. As a factual amendment the supporting text will be updated.	Yes	256	Brighton Society

Policy DM9 – Community Facilities

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support/ Support with caveat					
Policy DM9	General support	Support welcomed	N/A	88	Brighton & Hove Economic Partnership
Policy DM9, Final	Support the allowance of partial loss of floorspace to sustain community uses and agree that the provision of community uses should be well-related to the communities that they will serve.	Support welcomed	No	96	Department for Education

clause of policy					
Policy DM9	Policy supported but ask for the additional wording "Developers should be required to provide access on foot/cycle to green spaces from new housing developments."	It is assumed this comment relates to Policy DM37. Appropriate access by foot/cycle to new developments is required by Policy DM33.	No	173	Sussex Ramblers
Representations raising objections to policy/parts of policy					
Policy DM9, Para. 2.82	A 12-month marketing requirement could be too restrictive in some circumstances concerning school sites and could lead to social infrastructure including education uses being unable to be delivered (or disposed of) in line with need and demand. Extra criterion proposed: "e) <i>where the site is unsuitable for alternative community use for reasons of location, condition or site context.</i> "	The 12-month period is normally appropriate for most community facilities, however it is not specifically stated in the policy wording to allow for flexibility where justified in some circumstances. It is considered that criterion (c) and (d) achieve the same effect as the proposed new criterion	No	96	Department for Education
Policy DM9	It is also not wholly clear on the scope of the change of use permitted.	The policy does not specify specific preferences for the re-use of sites to allow the market to respond flexibly to individual circumstances.	No.	96	Department for Education
Policy DM9 Part 2d and para. 2.84	The policy lacks sufficient strength to effectively protect community facilities from unnecessary loss. Marketing evidence should underpin demonstration that buildings or land is no longer required for their cultural, social or community purpose or for alternative uses of that nature.	The Draft Plan wording was amended in response to a similar comment from this consultee at the Draft Plan stage, to require evidence of active, flexible and appropriate marketing of the site for community use for a period of <u>at least</u> 12 months. This allows for a more flexible approach dependant on the nature of the application being considered.	No	125	Theatres Trust
Policy DM9, Policy and Paragraph 2.84	Objection to the wording giving support for partial loss of floorspace. As drafted, it is considered it too permissive and gave rise to potential manipulation by applicants. Community and cultural facilities will generally be at a disadvantage in terms of land value to more financially lucrative residential, short-stay and commercial uses. Many might not be viable on purely commercial terms.	The policy wording was amended in response to the representor's similar comments at the Draft Plan stage to require it to be <u>clearly</u> demonstrated that the operational need of the community use requires less floorspace or where continuation of the existing use would otherwise be unviable and can be sustained by cross-subsidy.	No	125	Theatres Trust

Policy DM9	The Policy is now out of date following the new 'Class E' use class.	Comments noted. Amendments to policy are proposed to reflect the new use class.	Yes	214	Whaleback Ltd
Policy DM9, Paragraph 2.82	Lack of uptake after a 12 Month marketing period is not sufficient evidence to conclude that the facility is not needed or not suitable, especially with the slowing of the economy. A higher threshold for evidence should be set, including surveying facility users and nearby residents.	A 12-month marketing period is normally considered sufficient, although the policy allows for a longer period to be required should be individual circumstances of a proposal require it.	No	258	Brighton & Hove Liberal Democrats
Policy DM9	Community, voluntary and other groups should be informed about their right to nominate a community facility as an Asset of Community Value.	Information on the ACV process is set out on the council's website.	No	258	Brighton & Hove Liberal Democrats
Policy DM9	Insist that local developers build doctor's surgeries as needed.	Where develop contributions towards the provision of medical facilities are required to make a development acceptable in planning terms, these can be required through a Section 106 legal agreement.	No	182	

Policy DM10 Public Houses

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General support					
Policy DM10	General Support	Support welcomed.		88, 214	BHEP, Whaleback Ltd
Policy DM10	Support but needs to be enforced	Support welcomed and comment noted.		2	
Representations seeking further criteria/ considerations					
Policy DM10	Policy support should be added for new pubs and the diversification and improvement of existing public houses, where this provides opportunities to improve the viability of these businesses.	Support for new pubs is provided through part (1) of Policy DM9. This	Yes	241	Lewis & Co Planning

		can be further clarified in the supporting text at paragraph 2.8.			
Policy DM10	The Council should not limit the ability of uneconomic pubs to be converted into housing.	The policy allows for the change of use of pubs where evidence indicates they are not viable and could not be made viable in the future.	No	167	Brighton YIMBY
Policy DM10	Local Pubs should be encouraged to make use of upstairs and underused spaces to provide accommodation to their staff and/or provide space for community groups, games, sporting activities and other similar activities.	General support is expressed within the policy for diversifying the use of space within pubs to boost patronage.	No	258	Brighton and Hove Liberal Democrats

Policy DM11 New Business Floorspace

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
Policy DM11	Particularly welcome the emphasis on flexibility.	Support welcomed	N/A	247	The Regency Society
Policy DM11	The City Plan should support a mixed economy in which people have equal opportunities, can develop their full potential and have the tools to succeed in order to ensure that we are a successful City. Support creation of an Enterprise Centre to support and develop Local Enterprises; self-employed; small businesses; and social enterprises, including mutuals and co-operatives.	Adopted CPP1 Policies CP2 Planning for Sustainable Economic Development and CP3 Employment Land set out the strategy for supporting the city's economy, growth sectors and encourages a range of size and type of employment floorspace.	No	259	Brighton & Hove Liberal Democrats
Representations seeking further criteria/ considerations					
Policy DM11	Provide different size "live/work units" with the residential element meeting space standards.	Whilst Proposals for live/work units would be positively considered by the Council, following consideration during the 2016 City Plan Part 2 Scoping Stage a specific policy is not considered necessary.	No	259	Brighton & Hove Liberal Democrats
Policy DM11	The BHEP Executive is keen to see reference to the types of businesses used to fill spaces, such as: Green Economy, Knowledge Economy, Digital, Pharma or Tech	This is addressed in Policy CP2 of the adopted City Plan Part 1.	No	88	Brighton & Hove Economic Partnership

Policy DM11	The policy could also include an allowance for areas to be zoned differently. It is no good having one retailer in amongst a largely night-time economy area. Or night-time food and beverages uses next to daytime food and beverages	This would be difficult to achieve through planning policy given the recent change to the Use Class Order that came into effect on the 1 st September 2020.	No	88	Brighton & Hove Economic Partnership
Representations raising issues of soundness					
Policy DM11	The policy is not effective or consistent with national policy following changes to Use Classes Order that came into effect on the 1 st September 2020. The flexibility introduced through changes between uses within Class E, which do not constitute development, must be acknowledged and addressed.	Accepted, the reference to B1a, B1b requires updating to reflect the Use Classes Order that came into effect 1 st September 2020	Yes	211, 241, 214	St William Homes, Aberdeen Standard Investment, Lewis & Co Planning, Whaleback Planning
Policy DM11	The adopted City Plan Part One is at odds with the new planning use classes and clarification is needed on how site allocations with particular use requirements (under the previous use class order) will be considered. For example site allocation DA2 within the City Plan Part 1 which requires approximately 2,000 sqm of business floorspace (former use class B1). Relevant CPP2 policies such as Policy DM11 should be revised to acknowledge that other uses might also be appropriate alongside employment uses and in line with the objectives of new use class E, particularly where viability is a key consideration for complex sites such as the Gas Work site. More flexibility is required to reflect this.	Strategic site allocations in the adopted City Plan Part One reflect the requirement in the NPPF for local plans to identify need for employment land over the plan period and identify through site allocations how that need is to be met and accommodated. Given the evidenced need for employment floorspace in the city to 2030 and the strategy set out in Policies CP2 and CP3 and strategic site allocations to meeting the needs, CPP1 policies do not require to be updated through changes to Policy DM11 nor is it the role of CPP2 to update CPP1. Policy DM11 specifically relates to certain types of employment floorspace and is acknowledged that the reference to B1a, B1b requires updating to reflect the Use Classes Order.	Yes	211	St William Homes
Policy DM11, second	Second half of the policy considered unclear and question need given adopted policy CP3. Clarify and simplify: <i>Development proposals that seek to upgrade lower quality premises on protected industrial estates, and/or seek to provide higher employment densities, will be</i>	Policy wording is considered sufficiently clear. Adopted CPP1 policy CP3 Employment Land supports proposals for the upgrade	No	241	Lewis & Co Planning

paragrap h	supported where the proposed use/s remain within appropriate employment Use Classes”	and refurbishment of protected industrial and business estates and premises. The second paragraph of Policy DM11 complements CP3 by clarifying that proposals to upgrade protected industrial estates should remain within appropriate use class given their protection under CP3 Employment Land.			
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Policy DM12 Changes of Use within Regional, Town, District and Local Shopping Centres

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
Policy DM12 a)	Support restriction of non-A1 uses in Lanes, North Laine.	Support noted	N/A	247	The Regency Society of Brighton & Hove
Policy DM12	Support residential use of the upper floors and rear areas of shops to secure the viability premises.	Support noted	N/A	247	The Regency Society of Brighton & Hove
Policy DM12	General Support of policy	Support noted	N/A	258	Brighton and Hove Liberal Democrats
Support with Caveats					
Policy DM12 b)	General support for policy but concerns around how to enforce meanwhile use in section b) and this would need to be incentivised by the council e.g. no occupier rates.	Support and concern noted. Business Rates are not a planning matter.		88	Brighton & Hove Economic Partnership
Representations raising issues of Soundness					
Policy DM12	This Policy is now out of date following the new 'Class E' use in September 2020. Policy needs to be more flexible in light of the changes in shopping pattern and role of the high streets	Concern noted. The policy was approved for consultation by the Council in April 2020 before the new Use Classes were announced and came into effect. Changes to the policy are therefore proposed that reflect the impact of the new Use Class E which removes the ability of the local planning authority to set frontage protection criteria for the primary and secondary frontages. Proposed changes therefore seek to	Yes.	214, 216, 241, 246, 267	Whaleback Ltd. Brighton & Hove Food Partnership, Lewis & Co Planning, Aberdeen Standard Investments DTZ Investors Kent County Council Superannuation Fund

		positively encourage these Use Class E in the centres and set out an approach to considering proposals for other uses (this is further explained in an updated Retail Topic Paper).			
Policy DM12	There should be specific protection for shops selling fresh food.	This would not be permissible in planning terms. Please note the new Use Class F2(a) only protects shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres.	No.	216	Brighton & Hove Food Partnership
Policy DM12 a) & b)	Should include previously converted premises in change of use calculations.	Concern noted, the policy was approved for consultation by the Council in April 2020 before the new Use Classes were announced and came into effect 1 st September 2021. Changes to the policy are therefore proposed that reflect the impact of the new Use Class E which removes the ability of the local planning authority to set frontage protection criteria for the primary and secondary frontages. Proposed changes therefore seek to positively encourage these Use Class E in the centres and set out an approach to considering proposals for other uses (this is further explained in the Retail Policies Topic Paper May 2021).	Yes to update policy in line with the new Use Classes Order 2020	247	The Regency Society of Brighton & Hove
Policy DM12	Should not permit changes of use of Post Offices	This would not be permissible in planning terms. Please note the new Use Class F2(a) only protects shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres.	No.	258	Brighton and Hove Liberal Democrats
Policy DM12	Should be more flexible allowing work/live units or residential units	Policy does allow for residential use above and to the rear of premises.	No	258	Brighton and Hove Liberal Democrats

Policy DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support policy					
Policy DM13	General Support	Support welcomed	N/A	88	Brighton & Hove Economic Partnership
Policy DM13	Welcome importance placed on local shopping parades in DM 13 and specific reference to the avoiding loss of fresh food retail.	Support welcomed	N/A	216	Brighton & Hove Food Partnership
Policy DM13	This policy will support the Neighbourhood Plan Policy.	Support welcomed	N/A	229	Hove Station Neighbourhood Forum
Representation raising issues of soundness					
Policy DM13	This Policy is now out of date following the new 'Class E' coming into force.	Concern noted the policy was approved for consultation by the Council in April 2020 before the new Use Classes were announced and came into effect on the 1 st September 2020. Changes to the policy are therefore proposed that reflect the impact of the new Use Class E which removes the ability of the local planning authority to set protection criteria for individual shops or local parades. Proposed changes therefore seek to positively encourage these Use Class E in Important Local Parades and set out an approach to considering proposals for other uses (this is further explained in an updated Retail Topic Paper).	Yes	214, 216, 241	Whaleback Ltd Brighton & Hove Food Partnership, Lewis & Co Planning
Policy DM13	Should include previously converted premises in change of use calculations.	Concern noted, the policy was approved for consultation by the Council in April 2020 before the new Use Classes were announced and came into effect on the 1 st September 2020. Changes to the policy are therefore proposed that reflect the impact of the new Use Class E which	Yes. Policy to be updated in line with the new Use Classes	247	The Regency Society of Brighton & Hove

		removes the ability of the local planning authority to set protection criteria for individual shops or local parades. Proposed changes therefore seek to positively encourage these Use Class E in Important Local Parades and set out an approach to considering proposals for other uses (this is further explained in an updated Retail Topic Paper).	Order 2020		
Policy DM13	Should not permit changes of use of Post Offices	This would not be permissible in planning terms. Please note the new Use Class F2(a) only protects shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres.	No.	258	Brighton and Hove Liberal Democrats
Policy DM13	There needs to be much more public notification and public meetings	The adopted Statement of Community Involvement sets out the approach to consultation on plans and planning applications and sets out where the council will go beyond specified government requirements.	No.	38	

Policy DM14 Commercial and Leisure Uses at Brighton Marina

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
Policy DM14	Any development on the seafront needs to complement the city as a whole	Support welcome and comments noted.		88	Brighton & Hove Economic Partnership
Policy DM14	Strongly support the identification of the special commercial and leisure offer within Brighton Marina and recognition of supporting a wider mix of uses beyond traditional retail in this location. We therefore welcome and support the amended wording to focus on commercial and leisure uses that support the vitality and viability of the Marina. This is considered justified and consistent with national policy.	Support welcome.		243	X-Leisure (Brighton II) Ltd and Landsec

Representations raising issues of Soundness					
Policy DM14	This Policy is now out of date following the new 'Class E' use in September 2020.	Concern noted, the policy was approved for consultation by the Council in April 2020 before the new Use Classes were announced and came into effect. Changes to the policy are therefore proposed that reflect the impact of the new Use Class E (this is further explained in an updated Retail Topic Paper).	Yes	214, 241	Whaleback Ltd, Lewis & Co Planning
Policy DM14 criterion c)	Not all commercial and leisure uses have a traditional shopfront. Criterion c) of the policy should be amended to "an active frontage is retained."	Comment noted. Changes to the criterion are proposed to remove reference to window display.	Yes	243	X-Leisure (Brighton II) Ltd and Landsec
Other comments seeking changes					
Policy DM14	Comments relating to general development at the Marina and the need to maintain dredging of the marina to a certain depth.	Comments not applicable to the context of this policy and relate to wider urban design /planning application issues Dredging plans at the Marina are not a planning matter for Policy DM14 to address.	No.	233	
Policy DM14	Any development at the Marina should be in the context of a masterplan for it and Black Rock.	The overarching strategy for Brighton Marina is addressed in adopted City Plan Part One policy DA2 of CPP1, this policy complements DA2.	No.	247	The Regency Society of Brighton & Hove
Policy DM14	Marina should be re-designated as a Local Shopping Centre due to its catchment. Favourable consideration should be given to the provision of a Post Office here.	Brighton Marina was removed from the retail hierarchy in 2016 by the Planning Inspector examining the City Plan Part One. Should there be a proposal for a post office at the Marina, this would accord with the policy.	No.	258	Brighton and Hove Liberal Democrats

Policy DM15 Commercial and Leisure Uses on the Seafront

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
<i>General Support/ Support with caveats</i>					
Policy DM15	General support but would like to see a more proactive policy to ensure temporary uses are actively marketed by the council as landlord.	Support welcomed. Active marketing of temporary uses by the council is not a planning matter for the policy to address.	No	88	Brighton & Hove Economic Partnership
Policy DM15	Support policy but suggest (d) Insert after 'light pollution', and overuse	Support welcomed. It is considered that it would not be appropriate to include the word 'overuse' as this would be difficult to assess.	No	244	Brunswick Town Association (BTA)
Policy DM15	Generally support the proposals. Council should work with others to provide "stop off hubs" at spaced out points on the seafront for walkers and cyclists. to help to meet the requirements of Natural England for a well designed Coastal Path. The Council should support safe leisure and sporting activities in the seafront area.	Support noted. These matters are addressed in the adopted City Plan Part One policy SA1 The Seafront.	No	258	Brighton and Hove Liberal Democrats
<i>Representations raising issues of Soundness</i>					
Policy DM15	This Policy is now out of date following the new 'Class E' use in September 2020.	Concern noted, the policy was approved for consultation by the Council in April 2020 before the new Use Classes were announced and came into effect. Changes to the policy are therefore proposed that reflect the impact of the new Use Class E.	Yes	214	Whaleback Ltd
<i>Other Comments seeking changes</i>					
Policy DM15	Should mention the importance of Madeira Drive as a venue for events and the need for infrastructure to support them and of the potential of Madeira Terrace as a grandstand.	This is adequately addressed in the adopted City Plan Part One Policy SA1 The Seafront and by the Strategic Site Allocation SSA5 Madeira Terrace and Drive.	No	247	The Regency Society of Brighton & Hove

Policy DM16 Markets

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
Policy DM16	General Support	Support welcomed	N/A	88	Brighton & Hove Economic Partnership
Policy DM16	General Support	Support welcomed	N/A	214	Whaleback Ltd
Policy DM16	General Support. Should also include rubbish/recycling facilities where possible.	Support welcomed. Issues are addressed in the first paragraph of the policy.	N/A	258	Brighton and Hove Liberal Democrats
General Representation					
Policy DM16 2.137 2.138	Ambiguity as the policy talks about markets and market stalls, however the supporting text largely refers to markets. Paras 2.137 and 2.138 should clarify they include market stalls as well as markets	The supporting text at paragraphs 2.137 and 2.138 can be amended to clarify they include market stalls as well as markets.	Yes.	216	Brighton & Hove Food Partnership

Policy DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support/ general support					
Policy DM17	Supportive of safeguarding conference facilities- transport key to success	Support welcomed.	N/A	88	BHEP
Policy DM17	General support	Support welcomed.	N/A	214	Whaleback Planning
Policy DM17	Sound. The Churchill Square Site is listed as a potential opportunity area for new hotel development. Support this section of policy as currently worded.	Support welcomed.	N/A	246	Aberdeen Standard Investments

Policy DM17	<p>Sound. The allowance for a hotel within Development Area DA6 is wholly supported and it is recognised that the Visitor Accommodation Study Update (2018) identifies the need for two further hotels by 2022, with longer terms forecasts increasing to 4-8 hotels. The proposed omission site, 154 Old Shoreham Road, should be considered for 100 bed hotel development as part of a mixed-use scheme.</p>	<p>Support noted. The availability of this site is noted. A site appraisal has informed a decision to propose to allocate the site under Policy H1 for housing and Class E uses on the ground floor (Site Assessment Topic Paper May 2021). Policy DM17 seeks to widen the search area by identifying sequentially suitable opportunity search areas for new hotels. Proposals for new hotels outside central Brighton will still need to be considered against the sequential test for main town centres uses as set out in the NPPF.</p>	No.	181	Royal London Asset Management
Representations raising issues of soundness					
Policy DM17	<p>Fully support the policy intentions however, given the clear need for new hotel development identified in the Visitor Accommodation Study Update 2018 and absence of any hotel site allocations in CPP2 suggest that the term 'search areas' be replaced with "locations of opportunity" to reflect the Study Update wording.</p> <p>The Study highlights that "<i>hotel companies that are keen to open new hotels in Brighton are clearly struggling to secure sites</i>". To be more positively prepared the policy should provide additional support to new hotel development wherever suitable sites are identified as the current wording implies that hotel development should not occur outside these areas. Ideally, the policy should support all new hotel development (in appropriate locations), identify specific allocations and 'strongly support' appropriate proposals in these four DA areas of opportunity (DA1, DA2, DA4 and DA6).</p>	<p>Policy DM17 is positively prepared and consistent with national and local policy. The policy complements adopted CPP1 Policy CP6 Visitor Accommodation which directs, at part 1. of the policy, new hotel firstly to Central Brighton in accordance with the NPPF (paragraph 86) which reiterates the town centre first policy for main town centre uses. The justification for this policy approach is set out in the Visitor Accommodation Update Study 2018. The role of Policy DM17 is not to revisit the adopted CPP1 and allocated uses set out in strategic allocations. Rather, the Policy identifies the opportunity for hotel uses alongside allocated uses where this would not compromise priorities and aspirations set out in those allocations.</p>	No.	241	Lewis & Co Planning

Policy DM17	General support but delete DA4 New England Street area as search area for new development. This is not justified as there are existing hotels in the area and Queens Road and there is a need for affordable homes and light industrial workshop spaces in the city.	The justification for this policy is set out in the Visitor Accommodation Update Study 2018.	No.	258	Brighton & Hove Liberal Democrats
Policy DM17	The inclusion of DA6 Hove Station Area as search area for new hotel development is not justified or effective on the grounds that given recent permissions for high density redevelopment south and north of the railway, there is no capacity for new hotel or evidence of demand within DA6 area. The vision of a new Hove Station Quarter does not include the development of the area as a destination for tourists.	The justification for this policy is set out in the background evidence paper Visitor Accommodation Update Study 2018. The intention is not to develop the Hove Station area as a tourist destination, however given its accessible location, there is considered to be some potential for a budget hotel to form part of the wider mix of uses promoted through Policy DA6.	No.	229	Hove Station Neighbourhood Forum
Policy DM17	Black Rock should be reserved for leisure and recreation use and not become site of hotel. Brighton Marina is not suitable place for a new hotel.	The justification for this policy approach is set out in the Visitor Accommodation Update Study 2018.	No.	247	Regency Society

Policy DM18 High quality design and places

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
Policy DM18	Support	Support noted and welcomed.	N/A	264 88	Kingsway and West Hove Residents Association (KAWHRA) Brighton & Hove Economic Partnership
Policy DM18	Supportive for framework for underpinning the protection and enhancement of the heritage of the city.	Support noted and welcomed.	N/A	204	Historic England
Policy DM18	Welcomed the importance of high quality design and space.	Support noted and welcomed.	N/A	244	Brunswick Town Association (BTA)
Support with caveats					

Policy DM18	Supportive of policy and that more details are set out in guidance (emerging UDF SPD) but would welcome improvement to criterion d) and (iv) to provide clarity to applicants as wording 'comfort, image and sociability' is considered vague.	Support noted and welcomed. Clarification will be added to supporting text to include reference to design amenities that are allows users to position themselves to take advantage of micro-climatic conditions urban life and are conducive to relaxation, play and social engagement in paragraph 2.156.	Yes.	246	Aberdeen Standard Investments JTC Fund Solution
Policy DM18	Supportive of policy but suggests greater emphasis be given when considering scale and shape of buildings, materials and architectural detailing where development is on the City fringe and adjacent or near to South Downs National Park boundary.	Adopted City Plan Part One Policy SA5 The Setting of the SDNP ensures the impact of proposals is assessed via the planning process. Further detail and guidance will be set out in the UDF SPD. The SDNP Authority is a consultee for applications for sites adjoining/adjacent to the City Council-Park boundary or affecting the setting of the National Park.	No.	173	Sussex Ramblers
Policy DM18	Supportive of policy but public realm improvements around development should have first call on CIL and S106 funding.	Adopted City Plan Part One Policy CP13 Streets and Open Spaces sets out priorities for public realm proposals. The Draft UDF SPD illustrates how priorities set out in the Public Life Public Space and emerging Public Art Strategies can be incorporated into the design of the spaces between buildings. Provisions to minimise the impact of new development on and off-site would be addressed through Section 106 obligations (see CPP1 CP7 Infrastructure and Developer Contributions) and Community Infrastructure Levy (CIL) respectively. An updated Infrastructure Delivery Plan (IDP) is being prepared by the council which will form the basis for CIL-funded projects.	No.	247	The Regency Society

Representations seeking further criteria/ considerations

Policy DM18	Need for adequate light for each unit and ensure housing has proper facilities and support services including personal green space (comments made under DM1).	Policy DM1 requires private amenity space to be provided. The council is preparing the Urban Design Framework SPD which provides further detail and guidance on adequate facilities and natural light. The Draft UDF SPD illustrates how these can be incorporated into the design of new development.	No.	182	
Policy DM18	Object to high rise buildings as solution for more affordable/ social rented homes and in Conservation Areas. Given greater consideration to safety, community cohesion, fire risks and future maintenance cost issues and popularity and use of pocket parks in spaces between buildings.	Adopted City Plan Part One Policy CP20 sets out the requirements the affordable housing in new residential developments. The adopted City Plan Part 1 policies CP12, CP14 together with DM18, and DM19 encourage a higher quality of design and spaces with higher densities and tall buildings where appropriate, as well as effective use of development sites. The tests for assessing proposals for tall buildings are set out in City Plan Part One Policy CP12 and existing guidance SPGBH15 Tall Buildings (which will be replaced by the Urban Design Framework SPD that is expected to be adopted in 2021). The council is preparing the UDF SPD which prioritises the flexible design of the spaces between buildings so these can accommodate a variety of activities for all users. Safety and fire risk issues are covered under Building Control regulations.	No.	258	Brighton & Hove Liberal Democrats
Policy DM18	Policy should promote small scale resident-led design codes & intensification for local streets & neighbourhoods.	This policy complements adopted City Plan Part One policies CP12, CP13 which allow for the impact of intensification upon neighbourhoods to be considered/assessed. Suggestions would be more effectively addressed via supplementary guidance. The council	No change.	167	Brighton Yimby

		is preparing the UDF SPD which provides further detail and guidance on the application of the National Design Guide and City Plan design policies.			
Policy DM18	Needs to be an exemption for materials and architectural detailing to allow for retrofit for proper energy efficient e.g. through External Wall Insulation.	CPP1 Policy CP8 Sustainable buildings sets minimum building performance standards for different types of development, including conversions/retrofits. This is complemented by Policy DM44. Further the council has published Planning Advice Notes provide guidance on retrofitting issues for houses in conservation areas and external wall insulation (PAN 09 and PAN 08)..	No.	171	
Policy DM18	Comments made in the context of CPP1 Strategic Site Allocation DA2 'Brighton Marina, Gas Works and Black Rock Area'. Policy is not flexible enough to account for site constraints and the need for bespoke design solutions in sites that attract higher development risk.	The supporting text acknowledges that given the diverse character and urban grain of the city's neighbourhoods, there will be a range of appropriate design responses. Clarification will be added to supporting text to reference the relevance of significant and exceptional site constraints in paragraph 2.148.	Yes.	211	St William Homes
Representations raising issues of Soundness					
	Suggest inclusion of new 'public realm' policy to deal with off-site impact of intensification and pressure on existing strained infrastructure and fabric of the city and to address expectations of NPPF paras 81 and 92. Reference in DM18 not sufficient to account for improvements beyond development boundary and opportunity for communities to help identify areas that are in need of improvements across the city. Proposed wording of policy and supporting text provided.	Adopted City Plan Part One Policy CP13 Streets and Open Spaces sets out priorities for public realm proposals. Strategic Site Allocations also indicated in City Plan Part 1 and 2 where specific public realm improvements are required. The Draft UDF SPD illustrates how priorities set out in the Public Life Public Space and the council's emerging Public Art Strategy can be incorporated into the design of the spaces between buildings. Provisions to minimise the	No.	213	Hove Civic Society

		impact of high-density development via off-site public realm improvements would be addressed through planning obligations, primarily Community Infrastructure Levy (CIL). These are addressed in the council's CIL Technical Guidance. An updated Infrastructure Delivery Plan (IDP) is being prepared by the council which will form the basis for CIL-funded projects.			
Policy DM18	Arts and culture are a key component of city life but not sufficiently recognised in plan. CPP2 fails soundness test; – NPPF paragraph 2c makes reference to cultural infrastructure and this is not been reflected in policy. DM18 artistic component is non-committal and needs to be significantly strengthened or new policy introduced. Proposed wording of policy and supporting text provided.	<p>Adopted City Plan Part One Policy CP13 Streets and Open Spaces sets out priorities for public realm proposals, including in regard to incorporation of artistic element.</p> <p>The Draft UDF SPD illustrates how priorities set out in the council's emerging Public Art Strategy can be incorporated into the design of the spaces between buildings.</p> <p>An amendment to the supporting text at paragraph 2.158 of DM18 to cross reference the city's Public Art Strategy is sufficient. The incorporation of public art into the public realm is a criteria of policy CP13 of CPP1 and does not need to be repeated here. It will be implemented via the Public Art Strategy</p>	Yes	213	Hove Civic Society
Policy DM18	Urban Heritage not referenced in this policy or as a whole. Concern over the need for tall buildings in general and negative impact of tall buildings upon historic character and with external sources of design advice not reflecting knowledge/appreciation of local character and whether the policy is effective given impact of NPPF. Policy should make reference to 'polite relationships' as a general design principle. Mention 'desirability of sunlight' (para 2.152 and 157). Make distinction between 'art' and 'unacceptable graffiti' in historic	<p>Heritage policy is set out in DM26-DM32 and the Plan must be read as a whole.</p> <p>Tall buildings policy is set out in policy CP12 of CPP1 and assessment criteria are set out in SPGBH 15 will be carried through to the UDF SPD expected to be adopted in 2021.</p>	No.	256	The Brighton Society

	environment (para 2.157 and 158). Clarify role of CAG as part of 'design review service' (para 2.159).	CAG does not form part of the council's design review services to planning applicants. Its main role is to provide advice to the council on planning applications affecting heritage assets. The Terms of Reference for CAG are available on the council's website and referring to it in this policy text is unnecessary. BHCC is tackling the issue of graffiti via means other than planning policy.			
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Policy DM19 Maximising Development Potential

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
Policy DM19	Supportive of policy.	Support noted and welcomed.	N/A.	246 88 213 229 270 179 173 243	Aberdeen Standard Investments JTC Fund Solution, BHEP, Hove Civic Society Hove Station Neighbourhood Forum McLaren Living South Downs National Park Authority Sussex Ramblers X-leisure (Brighton II) Ltd and Landsec
Policy DM19	No objection to policy	Noted and welcomed	N/A.	214	Whaleback Ltd
Support with caveats					
Policy DM19	Policy welcomed but council needs to ensure all other policies are implemented in line with the approach set out in policy DM19.	Support noted and welcomed. City Plan Policies must be read as a whole and provide a robust framework for	No change.	211	St William Homes LLP

		protecting sites from under or overdevelopment.			
Policy DM19	Policy supported but encourage Council to allow for taller buildings (more floors) in key locations and sites to meet the need particularly where precedent already accepted in locality.	The adopted City Plan Part 1 Policy CP12 identifies broad locations that are potentially suitable for tall buildings and sets out the approach for tall buildings in and outside these areas. Further details on the assessment of proposals is set out in existing guidance SPGBH15 Tall Buildings that will be replaced by the Urban Design Framework SPD that is expected to be adopted in 2021.	No.	252	C Brewer & Sons Ltd
Policy DM19	Broad support for policy but flexibility should allow for higher density of development in appropriate locations/ suitable sites. Planning approvals have set a precedent for higher density development. CPP2 sites should be allocated at higher densities to comply with NPPF paragraphs 122- 123 and to address Brighton's housing need.	Adopted City Plan Part One Policy CP14 Housing Density sets out the minimum densities expected within Development Area and within the rest of the city, subject to certain criteria. Policy DM19 must be consistent with the adopted policy.	No.	269	Royal Mail
Representation raising issues of soundness					
Policy DM19	Policy should promote intensification of low-density suburban land with local support.	This policy along with adopted City Plan Part One policies CP12, CP14 and other City Plan policies appropriately sets out minimum densities and encourages increases in existing low-density suburban locations where appropriate. This policy framework enables for the impact of intensification to be considered/assessed and enables for site-specific and/or local design codes that are supported by community consultation to be developed.	No.	167	Brighton Yimby
Policy DM19	Missed opportunities to set out minimum densities on site allocations in line with para 123 of NPPF (2019). Welcomes amendments made to policy wording regarding density considerations and emerging Urban Design Framework (UDF) SPD and support higher development in appropriate locations.	Adopted City Plan Part One Policy CP14 Housing Density sets out the minimum densities expected within Development Area and within the rest of the city, subject to certain criteria. Policy DM19 must be consistent with that policy.	No.	259	Mid Sussex District Council
Policy DM19	Potential for housing target to be exceeded by 1,600 units. Current major development schemes are over development with excessively	This policy seeks to avoid underdevelopment which cumulatively	No..	247	The Regency Society

	tall buildings and inadequate open space. Proposed housing schemes which would exceed the City Plan minimum by more than 50% should not normally be approved.	could have a negative impact upon the ability of new development to meet City Plan identified needs, in particular housing. City Plan Policies provide a robust framework for protecting sites from overdevelopment on the basis of impact upon heritage, sustainability, open space, landscape and design. Policy has sufficient flexibility to address site-specific circumstances. Setting a generic maximum figure without evidence would not be sound planning.			
DM19 paragraph 2.161	Densities quoted in Paragraph 2.161 are too low as higher densities emerging in recent development. Could achieve more housing by raising density to 55dph in urban fringe. Greater density should be achieved without the use of tall buildings. Para 2.163-64 strengthen need for meaningful consultation in any planning application, in particular larger development.	Adopted City Plan Part One Policies CP14 Housing Density and SA4 Urban Fringe seek to encourage high densities on brownfield and greenfield sites, but this is subject to considerations of design and impacts on surrounding areas. This policy accords and is consistent with Policy CP14 densities are set as minimums. City Plan Part One Policy CP12 Urban Design encourages the delivery of higher densities where appropriate. Tall building assessment criteria are currently set out in guidance SPGBH15 Tall Buildings (which will be replaced by the Urban Design Framework SPD that is expected to be adopted in 2021). The way in which pre-applications consultations are conducted is set out in the adopted Statement of Community Involvement (SCI).	No.	256	The Brighton Society
Other comments seeking changes					

Policy DM18	No mention in the policy of garage sites or infill which present major opportunity for maximising development. Set up a small sites register.	The potential for small sites has been assessed through the City Plan Part One where an allowance for small sites is included. The purpose of this policy is to avoid underdevelopment in all development sites, including infill and small sites.	No.	171	
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Policy DM20 Protection of Amenity

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
DM20	Support policy.	Support noted and welcomed.	N/A.	88 244 264	BHEP, Brunswick Town Association (BTA), Kingsway and West Hove Residents Association (KAWHRA)
Policy DM20	No objection to the content of these policies.	Support noted and welcomed.	N/A	214	Whaleback Ltd
Support with caveats					
Policy DM20	Supportive of policy but suggests greater emphasis be given to ensure inclusion of 'sunlight and daylight' as this is essential for the health and wellbeing of residents.	Policy DM20 appropriately allows for the impact of new development upon daylight and sunlight of new and existing residents to be considered/ assessed. Supporting text provides sufficient flexibility to address these issues in site-specific circumstances. The tests for assessing proposals for tall buildings and best practice examples, including the impact of daylight/sunlight upon neighbouring properties, are set in City Plan Part One Policy CP12 and existing guidance SPGBH15 Tall Buildings (which will be replaced by the Urban	No.	173	Sussex Ramblers

		Design Framework SPD that is expected to be adopted in 2021).			
Other Comments Seeking Changes					
Policy DM20	Policy should ensure existing residents' access to natural sunlight is preserved and that shadowing by high rise is stopped.	Policy DM20 appropriately allows for the impact of new development upon daylight and sunlight of new and existing residents to be considered/assessed. Supporting text provides sufficient flexibility to address these issues in site-specific circumstances. The tests for assessing proposals for tall buildings and best practice examples, including the impact of daylight/sunlight upon neighbouring properties, are set in adopted City Plan Part One Policy CP12 and existing guidance SPGBH15 Tall Buildings (which will be replaced by the Urban Design Framework SPD that is expected to be adopted in 2021).	No.	159	
Policy DM20	Policy should allow mechanism for financial compensation for neighbouring properties to offset impacts from urban intensification.	Application of policy is to ensure harm is considered on balance. Financial compensation is not a planning matter.	No.	167	Brighton Yimby
Policy DM20	Concerned with a proposed development site in the Coldean area (a public park) and concerned that that the proposed development will have a detrimental impact upon badgers and worms and should be stopped.	It was established through the CPP1 examination that some development on the urban fringe is required to help address the city's housing needs. A small number of sites that were identified as having housing potential following detailed analysis in the 2014 and 2015 Urban Fringe Assessments have been allocated under Policy H2. The UFA studies considered the site constraints in detail including the ecological/ biodiversity value of sites. Policy H2 and DM37 address the need to avoid, minimise and mitigate impacts.	No.	104	

Policy DM21 Extensions and Alterations

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
Policy DM21	Supportive of policy.	Support noted and welcomed.	N/A	173 88 204 214	Sussex Ramblers BHEP Historic England Whaleback
Support with caveats					
Policy DM21	Could have greater clarity on scale of upward extensions as envisaged by NPPF.	Criteria a) and b) of the policy refers to the scale of development in relation to the character of the area. SPD12 'Updated Design Guide for Extensions and Alterations' provides more guidance on appropriate extension of buildings.	N/A	259	Mid Sussex District Council
Representations Raising Issues of Soundness					
Policy DM21	The policy is not effective as it requires a cross-link to DM22 and should include presumption in favour of retaining trees to be in accordance with DM22.	This issue has been addressed by Policy DM22 'Landscape Design and Trees'. Policy DM22 criteria b) and c) could be flexibly applied to all development proposals including extensions to buildings. It is not considered necessary to single out policy DM21 for cross referencing.	No.	202	Woodland Trust
Policy DM21 criteria a)	The Policy is ineffective as it is far too restrictive and should encourage extensions – suggests changes to policy by removing “adjoined properties” from criteria a) because extensions should be relative to the street scene, not adjoining properties or we are harming unique design and opportunity.	The policy is considered to be effective and not overly prescriptive that would stifle innovative design. The policy appropriately seeks to ensure that account is taken of adjoining properties as well as the wider local character in relation to	No.	171	

		extensions without discouraging innovation and is consistent with policy DM18 particularly paragraph 2.150. This policy approach is also consistent with NPPF paras 126 and 127. SPD12 'Updated Design Guide for Extensions and Alterations' provides more detailed guidance.			
Policy DM21 Para 2.172	Support the overall desire to allow extensions if well designed but seek replacement of para 2.172 with street-based criteria for managing intensification of neighbourhood based upon voting.	The proposed amendment would introduce overly detailed criteria at this policy level and would not be legally compliant.	No.	167	Brighton YIMBY

Policy DM22 Landscape Design and Trees

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
DM22	Support	Noted.	N/A	167 88 158 253 254	Brighton YIMBY; BHEP; The Living Coast UNESCO Biosphere; CPRE Sussex; East Sussex County Ecologist
DM22	No objection	Noted	N/A	214	Whaleback
DM22 (a)	Support criteria (a).	Noted	N/A	219 212 202	Sussex Wildlife Trust; Natural England; Woodland Trust
DM22 (footnote 53)	Welcomes recognition of the role of trees and hedgerows in mitigating pollution and providing shelter and shade.	Noted	N/A	202	Woodland Trust
DM22 (d)	Strong support for the presumption in favour of retaining existing trees and hedgerows (criteria d).	Noted	N/A	202	Woodland Trust
DM22 (k)	Support criteria (k)	Noted	N/A	212	Natural England
DM22 3rd	Welcomes commitment to secure agreements for green infrastructure plans for major developments and public realm schemes prior to determination	Noted	N/A	212	Natural England

paragrap h (p.73)					
DM22 Para 2.179	Welcomes recognition of health benefits of tree/hedgerow retention	Noted	N/A	202	Woodland Trust
DM22 Para 2.183	Welcomes value given to mature trees	Noted	N/A	202	Woodland Trust
DM22 Para 2.184	Welcomes development of appropriate standards for new tree siting, planting and maintenance.	Support for standards being brought forward in the council's emerging Tree Strategy noted.	N/A	202	Woodland Trust
Support with caveats					
DM22 (g)	Support criteria (g) in relation to food growing. Additional explanatory paragraph required in supporting text to reflect this (no text proposed).	Supporting text paragraph 2.178 to be amended to suport criteria (g).	Yes.	216	Brighton & Hove Food Partnership
DM22 (h) and 2.177	Welcomes references to native/pollinator tree selection (criteria h) and reference to native trees and Sussex fruit trees (para 2.177) Proposes that policy specifies UK & Ireland sourced and grown tree stock is used for new planting, ideally from locally-sourced seeds.	Support noted. Supporting text paragraph 2.177 can be amended to encourage UK & Ireland grown stock to support the Tree Strategy's objective to increase biosecurity.	Yes.	202	Woodland Trust
DM22 Para 2.175	Recommends Woodland Trust guidance " <i>Residential developments and trees - the importance of trees and green spaces</i> " (January 2019) regarding integrating trees and green spaces into developments early in the design.	Policy appropriately allows for early consideration of landscape design, with a specific reference in paragraph 2.175.	No	202	Woodland Trust
Representations Raising Objections					
Policy DM22	Policy required for replacement of trees where removal is necessary. Proposes a ratio of tree replacement to reflect the Woodland Trust guidance.	Policy appropriately addresses tree replacement through policy criteria (e) and paragraph 2.183 and provides greater flexibility than a specific ratio.	No	202	Woodland Trust
Policy DM22	The importance and role of trees in providing climate change mitigation and environmentally sustainable and climate resilient townscape is not given sufficient weight. Proposes new policy or addition to DM22, requiring 1 new tree per dwelling to be planted in the street space around the site and in adjacent areas where additional space is required. Policy should reflect Hove Station Neighbourhood Plan ratios which requires the planting of 1 street tree per dwelling or 1 per 100sqm of non-residential floor-space. New policy wording proposed.	Policy appropriately addresses this issue through policy criteria (d) and (e) which seek the retention and replacement of trees; and (f) which requires major development with significant street frontage to plant and maintain street trees. Restrictions such as underground services, highways and safety matters likely to limit the ability to plant trees at the proposed ratio around the site and may render the policy ineffective. The	No	213 229	Hove Civic Society; Hove Station Neighbourhood Forum

		council's emerging Tree Strategy will set out the council's general approach to tree planting and replacement.			
Policy DM22	Policy should include tree canopy cover target for development sites to support climate change mitigation and adaptation.	Policy appropriately addresses this issue through policy criteria d) and (e) which seek the retention replacement of trees and (f) which requires major development with significant street frontage to plant and maintain street trees. The council has no evidence to support implementation of a canopy target; a target therefore cannot be justified.	No	202	Woodland Trust
Policy DM22	Notes (j) refers to open space requirements. Recommends Natural England Access to Natural Greenspace Standards and the Woodland Trust Woodland Access Standard targets are included as accessibility standards.	The issue is addressed in the adopted CPP1. CP16 sets the standards relating to access to open space based on the Open Space Studies 2010 and 2011.	No	202	Woodland Trust
Policy DM22	Policy should specify that it contribute towards delivery of Hove Station Neighbourhood Plan policy.	Once made a neighbourhood plan becomes part of the Development Plan. It would not be appropriate for the City Plan Part 2 to specify support for individual Neighbourhood Plan policies and not others.	No	229	Hove Station Neighbourhood Forum
Policy DM22 (d)	Objects to policy criteria (d), which allows for the removal of trees where unavoidable. Proposes that plans should be amended so that trees are not removed.	Policy appropriately addresses this issue through policy criteria (d) and (e), which requires retention in the first instance, only allowing removal if unavoidable. This provides for a strong protection of existing trees and provides flexibility for where this is not possible. Requiring retention of all trees may not be deliverable on all sites and would render the policy ineffective.	No	173	Sussex Ramblers
Policy DM22 (Page 73; 2nd paragraph)	The phrase "national importance" requires defining.	The phrase "national importance" relates to projects defined under Footnote 58 of the NPPF (2019). Additional footnote to be added for clarity.	Yes Add footnote	256	The Brighton Society

Policy DM22	Landscape planting prior to development to be made a legal requirement	Policy appropriately addresses this issue through the 3rd paragraph (p.73) of policy which requires landscaping to be planted prior to development in some cases. It would not be appropriate for this to be a requirement this in all cases.	No	244	Brunswick Town Association
Representations Raising General comments					
Policy DM22	Suggestion that the granting of planning consent (BH2018/03541 (land to the east of Coldean Lane to provide 242 dwellings), which will result in felling of 62 trees within Stanmer Park, took place prior to adoption of CPP2 to avoid complying with policy and scrutiny from Planning Inspectorate.	Application was determined in accordance with adopted Development Plan, which includes CPP1 2016 and saved policies in the Local Plan 2005 and in accordance with relevant regulations.	No	172	
Policy DM22	Consideration should be given to the risks of over-exploitation by temporary functions, events and structures which damages grass for existing and potential green spaces.	Policy appropriately addresses this issue in paragraph 2.176 which refers to the need for the integrity of green infrastructure to not be compromised by temporary functions, events and structures.	No	256	The Brighton Society
Policy DM22	General concern regarding the removal of diseased trees and their replacement.	Policy appropriately addresses this issue through policy criteria (e) which requires replacement trees.	No	213	Hove Civic Society

Policy DM23 Shopfronts

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM23	Supports the policy.	Support welcomed.	N/A	204	Historic England
Policy DM23	No objection.	Noted.	N/A	214	Whaleback Ltd.
Support with caveats					
Policy DM23	Support but would like to see a requirement for landlords to 'dress' empty premises in an appropriate way and engage with meanwhile use proposals.	Support welcomed However. the internal dressing of empty shop units is outside the scope of planning controls. Meanwhile uses, where	No.	88	BHEP

		permission is required, would be a matter for other policies.			
Policy DM23	Generally support but suggest the option proposed of a “public art commission” should be deleted as this invites a so-called ‘graffiti artist’ to impose his ‘art’ on the community.	Support welcomed. The council is preparing a Public Art Strategy and will be preparing a Planning Advice Note (PAN) on public art and these will clarify the need for community engagement.	No.	256	The Brighton Society

Policy DM24 Advertisements

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM24	Support wording in respect of the SDNP.	Support welcomed	No.	179	SDNPA
Policy DM24	Supports the policy.	Support welcomed	No.	204	Historic England
Policy DM24	No objection.	Noted.	No.	214	Whaleback Ltd.
Clarification requested					
Policy DM24	Policy should clarify legal question of relationship of advertisements and graffiti and whether signed graffiti is an advertisement.	It is not the place of planning policy to clarify legal matters relating to what may or may not constitute an advertisement.	No.	256	The Brighton Society

Policy DM25 Communications Infrastructure

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Policy DM25	Support		N/A	212 204 88 179	Natural England Historic England BHEP South Downs National Park Authority

Policy DM25	No objections to the content of these policies		N/A	214	Whaleback Planning
Policy DM25	Support policy – there should be reference to the issue of communication cabinets and art, adverts, decoration, graffiti and visual abuse – or cross reference to policy where it is addressed. Owners of communication cabinets should be responsible for cleaning of graffiti, tagging and adverts in line with Council's graffiti strategy.	Support welcomed. Privately owned street furniture is the responsibility of the property owner	No.	256	Brighton Society

Policy DM26 Conservation Areas

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM26	Supports the policy.		N/A	204 158	Historic England The Living Coast UNESCO Biosphere
Policy DM26	No objection to the policy.		N/A	214	Whaleback Ltd.
Support with caveats					
Policy DM26	Support the protection areas of our heritage. But in more homogenous conservation areas, such as Preston Park, there may be opportunities for smaller-scale intensification which will enhance the area.	The wording of the policy and supporting text do not preclude such smaller-scale intensification but the scope for this will vary from conservation area to conservation area.	No.	167	Brighton YIMBY
Policy DM26	In conservation areas there should be a limit of the number of commemorative plaques displayed in any one street. The number to be determined between the Heritage Officers and the Plaque Panel. Plaques must be legible and viewed from the public realm	This is too detailed and specific for a City Plan policy. It would be more appropriate to produce a Planning Advice Note (PAN) on commemorative plaques.	No.	201	Brighton & Hove Commemorative Plaque Panel
DM26	Support the policy but residents and Community Organisations should be able to nominate streets to be included within existing Conservation Areas.	When a conservation area appraisal is produced or reviewed the council will consult the local community in respect of any potential for boundary changes. The council's criteria for considering the designation of new conservation areas are set out in the published Conservation Strategy	No.	258	Brighton and Hove Liberal Democrats

		(2015), which is referenced in policy CP15 of the City Plan Part 1.			
DM26, Para 2.204	Delete paragraph 2.204 and replace with “Opportunities for enhancement of a conservation area, including beneficial change, must be indicated when an application for a consent in a conversation area is refused”.	This proposed rewording would remove the important link between conservation area appraisals (which are subject to community consultation) and enhancement works. The council advises applicants in pre-application discussions where there is opportunity for beneficial change and, where time allows, during the life of an application. There is no statutory requirement for such a notification on refusal of an application.	No.	167	Brighton YIMBY
Representations Raising Objections					
Policy DM26	Reduce the height of new buildings.	Policy on tall buildings is set out in Policy CP12 of City Plan Part 1 and further guidance has been produced in a draft Urban Design Framework SPD.	No.	182	
Policy DM26	Policies on housing extensions and alterations should include a presumption in favour of the retention of existing trees, in line with policy DM22.	The City Plan Part 2 must be read as a whole and policy in DM22 does not need to be repeated here.	No.	202	Woodland Trust
Policy DM26	Regret that not many conservation areas have Management Plans. They provide a framework for measures needed in the public realm and without them this policy is not effective. Suggest the policy is augmented by a council commitment to prepare management plans for all conservation areas and that developers should be expected to contribute to such plans.	This is not considered to be a matter for policy. The council has a statutory duty under s71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 “from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas”. The council’s priorities in this respect are set out in the published Conservation Strategy (2015).	No.	213	Hove Civic Society
Policy DM26	The importance of the wider environment and impact on existing conservation areas must be identified in applications, as must the existing infrastructure’s capacity to cope with more needs. - e.g. waste facilities.	The City Plan Part 2 must be read as a whole and in conjunction with City Plan Part 1. Infrastructure requirements are dealt with in other policies.	No.	244	The Brunswick Town Association.

Policy DM26	The Hove seafront and its Listed Buildings appear to be of secondary importance in the document	The policy does not refer to any geographic areas of the city and is intended to apply to all conservation areas. Policy SA1 of City Plan Part 1 specifically covers the seafront.	No.	244	Brunswick Town Association
Policy DM26	There is no commitment to preparing character statements and management plans, relying instead on the applicants' own assessments. Character statements and management plans should be prepared for all conservation areas that are without them. They should be kept up to date.	This is not considered to be a matter for policy. The council has a statutory duty under s71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 "from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas". The council's priorities in this respect are set out in the published Conservation Strategy (2015).	No.	247	The Regency Society
Policy DM26	There is no statement that poor condition due to neglect is not legitimate grounds for the demolition of a building which makes a positive contribution to a conservation area.	This policy consideration is specifically set out in paragraph 191 of the NPPF, supported by paragraph 014 of the NPPG, and so does not need to be repeated here	No.	247	The Regency Society
Policy DM26	The phrasing of the policy seems to indicate a presumption in favour of permission. We think the word "only" should be inserted (2nd line) between the words "will" and "be".	The paragraph is deliberately worded positively and there is a presumption in favour of development that would not harm a conservation area.	No.	256	The Brighton Society
Policy DM26	Policy should make clear that applications will not be permitted where they would cause harm to the character of the Conservation Area.	Any identified harm must be considered in relation to paragraphs 193-196 of the NPPF.	No.	256	The Brighton Society
Policy DM26 (b)	Include the term "important architectural references" to the list of relevant criteria.	This is covered by the words "architectural features" in criteria d) and this is supported by Supplementary Planning Document SPD09 on Architectural Features.	No.	256	The Brighton Society
Policy DM26 (j)	Paving, kerbing, landscape elements and lamp posts should be specifically referred to and included in this item.	The term "historic street furniture" covers all such items.	No.	256	The Brighton Society
Policy DM26	Policy should require a Heritage Statement to be submitted with all planning applications in conservation areas together with contextual information to show how the existing streetscape is affected by a particular proposal.	This is covered by paragraph 189 of the NPPF and is subject to the council's local validation requirements.	No.	256	The Brighton Society
Policy DM26,	Re. Para 2.207 - Is there a case for extending this to say 'the removal or transformation of buildings'?	Following Regulation 18 consultation the wording was amended to say "the removal or improvement of buildings .	No.	256	The Brighton Society

Para 2.207		..". The word "transformation" could mean enhance but could also make a building appear worse.			
Policy DM26	Should be some discussion and guidance about the priorities and definitions set out in the NPPF in terms of "harm" and the relative values in terms of balancing "harm" to conservation assets as against perceived "benefits".	As stated, this is set out in the NPPF and is further supported by paragraphs 018-020 of the NPPG, so does not need to be repeated here. Case law will further define the matter of balance.	No.	256	The Brighton Society

Policy DM27 Listed Buildings

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM27	Supports the policy.		N/A	204 258	Historic England Brighton and Hove Liberal Democrats
Policy DM27	No objection to the policy.		N/A	214	Whaleback Ltd.
Support with caveats					
Policy DM27	On a listed building a maximum of one commemorative plaque of any style or medium should be displayed and or fixed. Plaques must be legible and viewed from the public realm.	This is too detailed and specific for a policy and more appropriate to include in an SPD on listed buildings (see paragraph 2.220) and/or a wider Planning Advice Note (PAN) on commemorative plaques.	No.	201	Brighton & Hove Commemorative Plaque Panel
Representations Raising Objections					
Policy DM27	Conservation Areas and Character Statements up dating should be made a legal requirement.	This comment is more relevant to DM26. Section. The council has a statutory duty under s71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 "from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas". The council's priorities in this respect	No.	244	Brunswick Town Association

		are set out in the published Conservation Strategy (2015).			
Policy DM27	The Hove seafront and its Listed Buildings appear to be of secondary importance in the document, and this is to be regretted.	The policy does not refer to any geographic areas of the city and is intended to apply to all listed buildings. Policy SA1 of City Plan Part 1 specifically covers the seafront.	No.	244	Brunswick Town Association
Policy DM27	The policies, or at least the supporting text, should be explicit that less interventive but still economically viable use is preferable to a more commercially viable but more heavily interventive use.	National Planning Policy Guidance (NPPG) on viability in relation to designated heritage assets is set out in paragraphs 015-017 of the NPPG (which support paragraph 196 of the NPPF) and does not need to be repeated.	No.	247	The Regency Society
Policy DM27	The Council should not register Planning and Listed Building Consent applications submitted with insufficient information, including inadequate heritage statements.	This is a procedural matter not a policy matter.	No.	247	The Regency Society
Policy DM27	The phrasing of the policy seems to indicate a presumption in favour of permission. In the first paragraph we think the word “only” should be inserted (2nd line) between the words “will” and “be”.	The paragraph is deliberately worded positively and there is a presumption in favour of development or alteration that would not harm a listed building (or its setting).	No.	256	The Brighton Society

Policy DM28 Locally Listed Heritage Assets

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM28	Supports the policy.		N/A	204 203	Historic England Sussex Gardens Trust
Policy DM28	No objection to the policy.		N/A	214	Whaleback Ltd.
Support with caveats					

Policy DM28	On a locally listed building: a maximum of one plaque of any style or medium should be displayed and or fixed. Plaques must be displayed to be legible and viewed from the public realm.	This is too detailed and specific for a City Plan policy. It would be more appropriate to produce a Planning Advice Note (PAN) on commemorative plaques.	No.	201	Brighton & Hove Commemorative Plaque Panel
Policy DM28	The Local List of Heritage Assets has not been reviewed since it was issued in 2015.	This is not a policy matter. The Local List is to be reviewed every 5 years. The 2020 review was a delayed due to the Covid 19 Pandemic but in late 2020 nominations were invited which will be assessed and the list updated in 2021.	No.	247	The Regency Society
Policy DM28	Community Organisations are able to nominate buildings as "Assets of Community Importance" if they are of significance to the local community. This process should be given further publicity by the Council and become part of the Councils key planning approach.	This is not a matter for policy. Assets of Community Value (ACV) may have been confused here with Locally Listed Heritage Assets. The council consulted extensively when producing the Local List in 2015 and many nominations were received from local groups. The council's Planning Advice Note on local listing includes for consideration of community nominations when the list is reviewed	No.	258	Brighton and Hove Liberal Democrats

Policy DM29 The Setting of Heritage Assets

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM29	Supports the policy.		N/A	204	Historic England
Policy DM29	No objection to the policy.		N/A	214	Whaleback Ltd.
Support with caveats					
Policy DM29	Community Organisations are able to nominate buildings as "Assets of Community Importance" if they are of significance to the local community. This process should be given further publicity by the Council and become part of the Councils key planning approach.	This comment is more relevant to DM28. See response to similar representation there.	No	258	Brighton and Hove Liberal Democrats
Representations Raising Objections					

Policy DM29	Would welcome the addition of 'height' to the development features listed in the first paragraph. It has often been found to be the height of nearby developments that has had the greatest visual impact on garden settings.	The policy refers to 'scale' and 'scale' means the height, width and length of a building proposed within a development, in relation to its surroundings. This will be clarified in paragraph 2.227 of the supporting text.	Yes, to supporting text only.	203	Sussex Gardens Trust
Policy DM29	The wording of the last paragraph is an oversimplification. Objects to the way the policy seeks to prioritise heritage assets solely according to significance. Any prioritising should follow an assessment of both significance and impact, both positive and negative.	This wording accords with paragraphs 184 and 193 of the NPPF.	No	203	Sussex Gardens Trust
Policy DM29	The policy fails to recognise Brighton & Hove is one of the most important heritage cities in the country and that most of the central area of the city is within a conservation area, so that developments there (particularly large-scale developments) are bound to have some effect on at least one of the conservation areas.	Overarching policy CP15 of City Plan Part 1 sets out the historic context of Brighton & Hove. DM29 will apply to <u>all</u> developments that may impact on the setting of a heritage asset, including conservation areas.	No.	247	The Regency Society
Policy DM29	The historic context of the city needs to be stated clearly and firmly in the policy.	Overarching policy CP15 of City Plan Part 1 sets out the historic context of Brighton & Hove.	No.	256	The Brighton Society
Policy DM29, para 2.227	The last sentence of paragraph 2.227 might encourage developers to come up with unsympathetic and out of scale design solutions.	The policy – and supporting text – should be read as a whole and with other relevant policies in CPP1 and CPP2 (e.g. CP12, CP15 and DM18). The council has also consulted on a draft Urban Design Framework SPD to be adopted in 2021.	No.	256	The Brighton Society
Policy DM29	The policy needs to be completely re-written and the most important priorities reflected in both the layout order and the text.	It is considered that the policy covers the main local matters relevant to the setting of heritage assets. The ordering of criteria or paragraphs should not be taken to imply any gradation in weight to be attributed to them	No.	256	The Brighton Society

Policy DM30 Registered Parks and Gardens

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
DM30	Supports the policy.	Noted and welcomed.	N/A	204	Historic England
DM30	No objection to the policy.	Noted.	N/A	214	Whaleback Ltd.
Support with caveats					
DM30	Council should review further parks and gardens for registration and take lead in the production and implementation of management plans.	The designation of registered parks and gardens is a matter for Historic England. The council would take the lead on any management plans and this is implicit in the policy.	No	247	The Regency Society
Representations Raising Objections					
Policy DM30	Encourages changes in the wording of this policy for reasons of clarity. Recommends second sentence be altered to begin 'In assessing the significance of the site and the impact of the development on the site's historic sense of place, it will also have regard to'	For clarity change to "In assessing the impact of such proposals, the council will also have regard to the impact of development on any notable view of, within or across the park or garden."	Yes	203	Sussex Gardens Trust
Policy DM30	The second paragraph has no place within this policy. Such 'temporary' uses have a tendency to gain permanence and become the norm rather than the exception.	The omission of this wording would not preclude proposals for temporary uses coming forward but would potentially lead to inconsistent decisions made. However, for greater clarity modify the wording to "Where permission is required, temporary uses or events (including associated structures) may exceptionally be permitted."	Yes	203	Sussex Gardens Trust
Policy DM30	Note the policy may "seek the removal of structures and uses that detract from the special historic interest of the park and garden." Would have concerns about allowing removal of healthy mature trees even if not part of the original design. Ask that the principles in DM22 be applied also to this policy.	No change. Trees would not be regarded as either structures or uses. City Plan Part 2 must be read as a whole and it is unnecessary to repeat requirements across policies.	No	202	The Woodland Trust
Policy DM30	Omission of Hove Lawns, Adelaide Crescent, Palmeira and Brunswick Squares, and Norfolk Square to be included	None of these is a registered park and garden. The designation of registered parks and gardens is a matter for Historic England.	No	244	Brunswick Town Association

Policy DM30	Temporary events should be precisely that. The word “temporary” should be qualified to mean a maximum period of six weeks.	No change. Each proposal should be considered on its merits rather than be subject to a generic and arbitrary time limit. In many cases a temporary use for up to 28 days in a calendar year would not require planning permission.	No	256	The Brighton Society
Policy DM30	A statement setting out what investigations have been carried out on the feasibility of using alternative sites and locations for temporary events must be included as part of a planning application for a temporary event prior to that application being lodged.	Following Regulation 18 consultation the policy was amended to refer to the need to demonstrate that alternative sites must be considered before any proposals for temporary events in registered sites are submitted. However, this will be clarified further in supporting text.	Yes. Supporting text only.	256	The Brighton Society
Policy DM30	The statement encouraging the production of management plans and the implementation of identified enhancement works is inadequate. They should be “required”.	There is no statutory requirement to produce management plans for registered parks and gardens.	No	256	The Brighton Society
Policy DM30	Reinstate the protection of policy HE11 into City Plan Part One before replacing it and thereby retrospectively protect the Grade II Listed & Registered Stanmer Park and Garden.	DM30 will replace current (saved) policy HE11 and provide the equivalent policy protection for all registered parks and gardens. Parks and gardens that are non-designated heritage assets will be covered by policy DM28.	No	172	
Policy DM30	References to development within and adjoining Stanmer Park in both CPP1 and CPP2 only refer to the University campuses of Sussex and Brighton, and the football Stadium.	It is unclear what this representation is seeking to change. But it should be noted that Stanmer Park is set within the South Downs National Park and therefore the local planning authority is the South Downs National Park Authority (SDNPA).	No	172	

Policy DM31 Archaeological Interest

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM31	Supports the policy.	Noted and welcomed.	N/A	204	Historic England

Policy DM31	No objection to the policy.	Noted.	N/A	214	Whaleback Ltd.
Support with caveats					
Policy DM31	Add "pre-determination" at end of policy paragraph beginning "Where the council has reason to believe . . ."	Agreed. Wording to be modified.	Yes	177	ESCC County Archaeologist
Policy DM31	Up to date mapping of the ANAs should be sought from the County Archaeologist prior to issuing the final version of CPP2.	Noted Policy Map can be updated.	N/A	177	ESCC County Archaeologist
Representations Raising Objections					
Policy DM31	Building on Whitehawk Hill threatens a monument of national significance -Whitehawk Causewayed Enclosure -and one of the most important Neolithic monuments in the country. Protect this ancient monument from further development and research means of highlighting its importance nationally and within the local community	No change. This policy would apply to any proposals potentially affecting that heritage asset or its setting. The City Plan is not the appropriate vehicle to promote the significance of particular sites.	No.	271	

Policy DM32 The Royal Pavilion Estate

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM32	Supports the policy.	Noted and welcomed.	N/A	204	Historic England
Policy DM32	No objection to the policy.	Noted.	N/A	214	Whaleback Ltd.
Policy DM32	Strongly support the inclusion of the requirement to seek net gains to biodiversity within the policy and agree that this is consistent with national policy.	Noted and welcomed.	N/A	219	Sussex Wildlife Trust
Representations raising objections					
Policy DM32	Considers this policy overly prescriptive with insufficient weight given to the sensitivity and significance of the existing layout and restoration work completed in the late C20th. The garden's historic interest is in part its use as a promenading garden, as a place for reflection and quiet enjoyment, and not for ever more intensive use(s). But that does not read loud and clear in the way this policy is worded.	The gardens are on the Historic England 'at risk' register and positive measures are needed to address the 'at risk' status. The policy has been informed by an up-to-date Conservation Plan. However, the policy and supporting text will be modified to acknowledge the previous restoration scheme and the need to enhance the successes of that scheme and also to make clear	Yes.	203	Sussex Gardens Trust

		the historic interest of the gardens as a place for promenading and quiet reflection.			
DM32	Temporary events should be precisely that. The word "temporary" should be qualified to mean a maximum period of six weeks.	No change. Each proposal should be considered on its merits rather than be subject to an arbitrary, generic time limit.	No.	256	The Brighton Society
DM32	A statement setting out what investigations have been carried out on the feasibility of using alternative sites and locations for temporary events must be included as part of a planning application for a temporary event prior to that application being lodged.	The supporting text refers to that at paragraph 2.246 and the relevant requirement set out in policy DM30 will also apply.	No.	256	The Brighton Society
DM32	The statement encouraging the production of management plans and the implementation of identified enhancement works is inadequate. They should be "required".	No change. This does not form part of this policy (see DM30 instead). A recent Conservation Plan already exists for the Royal Pavilion gardens.	No.	256	The Brighton Society

Policy DM33 Safe, Sustainable and Active Trave

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
Policy DM33	General support expressed	Support welcomed.	n/a	167 214 215 2 158 88 168 173	Brighton YIMBY, Whaleback Ltd, South Downs Society, The Living Coast Unesco Biosphere, BHEP, Sussex Ramblers
Representations raising objections					
Policy DM33	No account is taken of two recent government publications: "Gear Change A bold vision for cycling and walking" and "Cycle Infrastructure Design, Local Transport Note 1/20"	These documents were published after the Proposed Submission Plan was drafted. Their importance is acknowledged and a reference will be made in the policy supporting text.	Yes.	160	Cycling UK
Policy DM33, Part 2d	There should be direct reference to inclusive facilities eg that can accommodate tricycles or has accessible parking for those with disabilities. " Universally accessible" is not specific enough for developers to act on.	The policy wording is considered appropriate; the supporting text at 2.253 refers to non-standard cycles with footnote 64 refers to tricycles.	No	163	Sustrans

Policy DM33	The policy should also support the use of cars and assess the traffic impacts of changes (cycling infrastructure).	Adopted City Plan Part One Policy CP9 Sustainable Transport addresses all key forms of transport in the city. The purpose of the policy is to provide further policy guidance to complement policy CP9 to support the provision of alternative modes of transport to cars.	No	171 159	
Policy DM33, Part 1b	Tree planting should be required for cycle routes, to provide shelter and shade and to maximise the potential of these new green corridors for habitat connectivity.	It is considered that the combination of DM33.1.b and Policy DM22 which requires development proposals to "retain, improve and wherever possible provide... trees as part of the development." should support greening of public realm to the benefit of cycle routes.	No	202	Woodland Trust
Policy DM33, Part 2e	More flexibility should be incorporated within the policy itself to ensure it is not overly prescriptive regarding cycle facilities in new development. Wording change requested to replace 'including' with 'such as'.	The existing policy wording is considered appropriate with sufficient flexibility and reflects the adopted SPD on parking standards.	No	211	St William Homes LLP
Policy DM33	Support expressed for a variety of measures to encourage walking, cycle use and electric vehicles which take into account the effect on traffic flows. Needs of motorcyclists should be considered.	General support for elements of the policy welcomed. A variety of detailed points are made regarding the provision of transport schemes and infrastructure which are largely outside of the scope of the City Plan Part Two and are addressed through the Local Transport Plan and other transport strategies.	No	258	Brighton and Hove Liberal Democrats
DM33	The Local Transport Plan needs to be supported by the Local Walking and Cycling Infrastructure Plan	Comment noted.	No	247	The Regency Society
DM33	North Street -Queens Road area should use trams to improve air quality.	Comment noted. The development of a tram network is outside of the scope of the City Plan Part Two and would be addressed through the Local Transport Plan and other transport strategies.	No	3	

Policy DM34 Transport Interchanges

Policy, Para. Number,	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
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site name					
Support					
Policy DM34	Support in principle for park and ride	Support noted.	n/a	88 197 258 38	BHEP; Brighton and Hove Liberal Democrats
Policy DM34	Support the additional sentence in paragraph 2.257 that impact on the SDNP will be considered when evaluating proposals	Support noted	N/A	179	South Downs National Park Authority
Representations Seeking Clarifications to policy/ part of policy					
DM34 d)	Note that text has been added to point d) as footnote 65, but this is now superseded and therefore should be updated as follows: "the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF2019, particularly paragraphs 108 and 109"	Comment noted and footnote amended as requested	Yes	180	Highways England
Policy DM34	Where new transport infrastructure is proposed, the potential for delivery of tree planting, woodland retention, ancient woodland restoration etc should be explored.	This issue is appropriately covered by Policy DM37 Green Infrastructure and Nature Conservation	No	202	Woodland Trust
DM34	The Council should work with neighbouring LPAs to secure a space for a park and ride facility	This is outside of the scope of the City Plan Part Two. A regional approach to strategic transport issues is coordinated through the work of Transport for the South East and the Council contributes to this. A Transport Strategy for the region is being produced supported a number of area-based studies of which the Outer Orbital and South Central Radial studies cover Brighton & Hove	No	258	Brighton and Hove Liberal Democrats
Representations raising issues of soundness					
Policy DM34	Concerns raised regarding access to a development site on the East side of Coldean Lane.	It is assumed this comment relates to a site allocation in Policy H2. Sites-specific issues regarding access to development sites are considered during the development management process.	No	104	
Policy DM34	Park and Ride schemes should be required to demonstrate that a reduction of car journeys within the city would occur.	The policy criteria seek to ensure that any proposed scheme can demonstrate that it will have a significant positive effect on congestion and/or other issues.	No	160 247	Cycling UK, Regency Society

Policy DM34, para. 2.255	Rectifying the lack of dedicated coach parking for tour buses and facilities for their drivers should be a high priority for a city so heavily dependent on tourism.	The policy supports the delivery of a facility should a proposal be brought forward.	No	247	Regency Society
Policy DM34, para. 2.255	Replacement of the Pool Valley coach station should be a priority.	The policy supports the delivery of a facility should a proposal be brought forward.	No	247	Regency Society

Policy DM35 Travel Plans and Transport Assessments

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM35	General support	Support welcomed.	No	214	Whaleback Ltd
Representations raising soundness issues					
Policy DM35	Existing transport congestion levels have not been analysed in the production of CPP2 and as a result congestion levels for 2030 are underestimated. Congestion needs to be addressed to support sustainable development of housing allocations. Therefore the plan is not sound or legally compliant. The transport assessment should be updated in accordance with DfT Guidelines.	City Plan Part Two implements the spatial strategy set out in City Plan Part One. The CPP1, including the transport evidence underpinning it, was examined and found sound by an independent planning inspector and adopted by the Council in 2016. A review of City Plan Part One will commence following the adoption of CPP2 which will be the appropriate time to revisit and update the Strategic Transport Assessment. Additional technical work has been undertaken to ensure that the mitigation measures proposed for Strategic Road Network junctions remain appropriate for the distribution of development proposed in CPP2 and its estimated levels of vehicular trip generation.	No	132	
Policy DM35	The transport implications of CPP2 on the neighbouring A259 in Lewes District do not appear to have been properly assessed with ESCC as is required under the Duty to Cooperate.	Criterion 2 in policy DM35 requires that the cumulative transport impacts arising from other committed or	No.	148	

		<p>planned developments be considered in Transport Assessments. Paragraph 2.262 of the supporting text clarifies that developments in other local authority areas should be included as part of this process.</p> <p>As set out above, City Plan Part Two implements the spatial strategy set out in City Plan Part One. The CPP1, including the transport evidence underpinning it, was examined and found sound by an independent planning inspector and adopted by the Council in 2016. The council was found to have met the Duty to Cooperate test. No new concerns regarding this matter were raised by Lewes District Council or East Sussex County Council during the production of CPP2. Furthermore, traffic levels in the city have not generally increased since the original transport assessment work to support City Plan Part One was completed.</p> <p>The additional technical work undertaken to address the representation from Highways England did not raise a concern that the basis for the evidence underpinning the CPP2 work is not robust.</p>			
Policy DM35	No account is taken of two recent government publications: " <i>Gear Change A bold vision for cycling and walking</i> " and " <i>Cycle Infrastructure Design, Local Transport Note 1/20</i> "	These documents were published after the Proposed Submission Plan was drafted. Their importance is acknowledged and reference can be added to the supporting text of Policy DM33 at paragraph 2.253.	Yes.	160	Cycling UK
Policy DM35 part 4)	Vehicles are vital to the city, disagree with the wording in Part 4) this will hinder private vehicles use. The criterion should be removed from the policy.	In order to facilitate sustainable development and contribute towards the council's climate change mitigation objectives the plan promote the use of transport methods other than private vehicles,	No.	171	

Policy DM35	The Council should undertake a formal and transparent assessment of the cumulative transport impacts arising from the developments which are already committed in DA6 by successive planning approvals in the past 5 years, in the context of the likely early approval of major development envisaged in DA7 Toads Hole Valley. This would establish a baseline on which the transport impacts of further development could be transparently assessed as planning applications are submitted. There should be a commitment to prepare comprehensive traffic management plan for the DA6/neighbourhood area.	City Plan Part Two implements the spatial strategy set out in City Plan Part One. The CPP1, including the transport evidence underpinning it, was examined and found sound by an independent planning inspector and adopted by the Council in 2016. A review of City Plan Part One will commence following the adoption of CPP2 which will be the appropriate time to revisit and update the Strategic Transport Assessment.	No.	229	Hove Station Neighbourhood Forum
Policy DM35	The economic viability of additional public transport to developments in inaccessible locations should be a material consideration for their density of development.	Travel Plans and Transport Assessments allow the need for a package of transport measures to support sustainable transport to be considered. Planning obligations will be sought to ensure these measures are in place to support new residents and businesses. Where appropriate public transport can be subsidised by the council.	No.	246	Regency Society of Brighton & Hove
Policy DM35	Building on the Benfield Valley (together with the other proposed developments at Mile Oak and Oakdene) will put increased pressure on the road system towards the A27. The removal of trees for the Benfield Valley development (and the loss of the green spaces) will contribute to a deterioration of air quality for local residents, who will lose green space and gain air pollution	It is assumed this relates to Policy SA7 – Benfield Valley. The specific transport and air quality impacts of development on this site will be fully assessed at the planning application stage.	No.	271	

Policy DM36 Parking and Servicing

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
DM36	General support	Support welcomed	No	214	Whaleback Ltd
Representations raising soundness issues					
DM36 part 2	All developments should be actively encouraged to be car-free (with obvious exceptions for those with mobility issues) and an emphasis should be put upon the extension of walking, cycling and public transport infrastructure in new developments. Amend part 2 to end after 'encouraged'.	The policy appropriately encourages car-free developments subject to consideration of relevant factors as set out in SPD14 'Parking Standards for New Development.	No	167	Brighton YIMBY
DM36, part 2	Amend Part 2 - Car free developments should be "supported" but not encouraged.	The wider benefits of car-free developments mean it is considered appropriate to encourage them subject to consideration of relevant factors as set out in SPD14.	No	171	
DM36, part 2	The policy cannot defer in future to subsequent revisions of any parking standards within the SPD. Such changes would need to be made through a focussed review of the local plan in order to allow the proper scrutiny of any changes being made. In order to make this policy sound it is necessary to amend the policy to read "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", and delete the final sentence of paragraph 2.265.	Comment noted. Proposed changes have been made to the policy to remove reference to subsequent revisions to the SPD and to clarify that the standards are set out in Appendix 2 to the CPP2.	Yes	210	Home Builders Federation
DM36 part 2	The Parking Standards SPD states that "each development will be assessed on a case by case basis" and outlines the relevant factors that will be considered in each case. Whilst this case by case approach is acknowledged in the supporting text of Policy DM36, ASI suggest this is included in the policy text for complete clarity on the factors that should be considered in the assessment of each development proposal.	The policy and supporting text are considered to provide enough clarity on this point.	No	246	Aberdeen Standard Investments
Policy DM36 part 3	Electric charging points should be provided in many more locations and the city centre should be limited to electric and hydrogen powered vehicles and motorcycles encouraged.	The provision of electric charging points is outside of the scope of the City Plan except where incorporated in new developments.	No	197	

Policy DM36	Some off-street vehicle parking and cycle parking should be provided within larger housing developments (e.g. more than eight units of housing) and for commercial developments.	Parking requirements as set out in the adopted SPD14 are considered appropriate.	No	258	Brighton and Hove Liberal Democrats
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Policy DM37 Green Infrastructure and Nature Conservation

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support/no objection					
DM37	Support/no objection to policy content	Noted	N/A	214 173 158 88 258	Whaleback; Sussex Ramblers; Living Coast-Biosphere; BHEP; B&H Liberal Democrats
Specific support					
DM37 GI section	First paragraph of Green Infrastructure section supported.	Noted	No	228	Sussex Ornithological Society
DM37 GI section	Support for the recognition of green infrastructure in relation to preserving biodiversity and climate change adaptation.	Noted	No	196	Fields in Trust
DM37 GI section	Support requirements to safeguard and/or contribute positively to existing GI networks and that GI should be integral to design and layout.	Noted	No	212	Natural England
DM37 Green Infrastructure section	Support for setting green infrastructure in the context of conserving and enhancing the natural environment.	Noted	No	202	Woodland Trust
DM37 Nature Conservation section: 1 st bullet point	Strong support for requirement for all development to achieve a net gain in biodiversity.	Noted	No	212	Natural England

DM37 NC section - NIA	Support references to NIA and footnote.	Noted	No	179	SDNPA
DM37 NC section	Support for requirement for developers to work with existing partnerships and enhance green infrastructure and nature conservation features.	Noted	No	202	Woodland Trust
DM37 Para. 2.278	General support for policy and specific references within supporting text including para 2.278 regarding protection of ancient woodland, veteran and protected trees, and National Elm Collection.	Noted	No	202	Woodland Trust
DM37 Para. 2.280	General support for policy and specific references within supporting text including para 2.280 regarding nature recovery networks.	Noted	No	202	Woodland Trust
DM37 Para 2.281	General support for policy and specific references within supporting text including para 2.281 regarding data collection.	Noted	No	202	Woodland Trust
DM37 Para 2.283	General support for policy and specific references within supporting text including para 2.283 regarding mitigation hierarchy.	Noted	No	202	Woodland Trust
DM37 Para 2.279	Support commitment to working in partnership regarding landscape scale approach (para 2.279).	Noted	No	179	SDNPA
Support with caveats					
DM37	Supports the inclusion of the policy however objects in part to Part C.	Noted. Comments in relation to Part C addressed below.	No	219	Sussex Wildlife Trust
Representations raising soundness objections					
DM37 GI section	Not positively prepared as the role of green infrastructure for recreational use not recognised.	This issue is addressed through adopted City Plan Part One Policy CP16 Open space and complemented by City Plan Part Two Policy DM37 which appropriately addresses this through paragraph 2.276 which describes various roles and benefits of green infrastructure.	No	196	Fields in Trust
DM37 GI section	Not justified as the Open Space evidence base out of date. DM37 should have revisited and reviewed open space standards, objectively assessed the needs of population and created a standard for green infrastructure.	The open space standards were established in the adopted City Plan Part 1 (policy CP16 and CP17). The review of CPP1 will provide the opportunity to reassess and review open space standards and needs.	No	196	Fields in Trust

DM37	Food-growing and food access overlooked; does not reflect CPP1 or Food PAN. Suggested to add policy requirement relating to food growing either within the Green Infrastructure section, or under Nature Conservation section; with additional supporting text.	Policy appropriately addresses food growing; paragraph 2.277 explains that food growing spaces form part of the NIA. It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted City Plan Part 1 and in the City Plan Part 2. These policies are supported by the Food Growing Planning Advice Note (Updated September 2020).	No	216	Brighton & Hove Food Partnership
DM37 NC section	Greater emphasis on mitigation hierarchy required; mitigation hierarchy should be followed as well as achieving a net gain. The requirement for impacts to be avoided in the first instance in accordance with the mitigation hierarchy should be included as an overarching principle.	Accepted the Nature Conservation section of the policy could have stronger emphasis on mitigation hierarchy. The opening sentence of policy is proposed to be amended and a new bullet point added.	Yes	212 254	Natural England; ESCC County Ecologist
DM37 NC section – 1 st bullet point and Parts A, B and C	Approach to biodiversity net gain should be compliant with the mitigation hierarchy. Policy should ensure biodiversity net gain is not applied to irreplaceable habitats and should make clear that mitigation and/or compensation requirements for European sites should be dealt with separately from biodiversity net gain provision. Biodiversity net gain should be additional to any habitat creation required to mitigate or compensate for impacts. Net gains can be delivered even if there are no losses through development.	Accepted there could be greater clarity regarding net gain requirements throughout the policy. Propose the bullet point on net gain to be amended; parts B(ii) and C(ii) to be amended; new supporting text paragraph added for clarity.	Yes	212	Natural England
DM37 NC section: 1 st bullet point	Addition of a specific target for biodiversity net gain from development sites suggested; alternative approach for urban sites where biodiversity is low (such as Urban Greening Factor in London Plan) suggested.	Comment noted. The approach to biodiversity net gain is set out in the adopted City Plan Part One Policy CP10 Biodiversity. Through a review of the City Plan Part One and Nature Conservation SPD the council could consider the potential to set a specific target for net gain or establish alternative approaches.	No	202	Woodland Trust
DM37 NC section: 1 st bullet point	Local Nature Partnerships across the South East are advocating a minimum BNG of 20%. Query whether there will be an opportunity to incorporate this within a review of SPD11.	Comment noted. The approach to biodiversity net gain is set out in the adopted City Plan Part One Policy CP10 Biodiversity. Through a review of the City Plan Part One and Nature	Yes.	254	ESCC County Ecologist

		<p>Conservation SPD the council could consider the potential to set a specific target for net gain or establish alternative approaches.</p> <p>However, clarification can be added to the supporting text to reflect the forthcoming update to Nature Conservation SPD and that this will address Biodiversity Net Gain and examples of achievable targets.</p> <p>The supporting text can be updated to reflect the ambition of achieving a 20% net gain and to commit the council to work with the Local Nature Partnership to bring forward evidence to support this</p>			
DM37 NC section – bullet point list	<p>Nature Conservation section should include separate bullet point covering swifts bricks/boxes and bee bricks.</p> <p>Suggested text proposed.</p>	<p>There are various species and habitats that require protection; it is not considered appropriate to specify individual species and not others.</p> <p>However, it is accepted that the wording “priority species and habitats” may not cover all species; therefore proposed to amend nature conservation section bullet point 3 to “<u>protected and notable</u> species and habitats” to ensure full coverage of various species.</p>	Yes	154 228	RSPB; Sussex Ornithological Society
DM37 p.112	<p>Not clear whether final paragraph of the policy “Proposals liable to affect...” is an overarching measure. Suggest moving the paragraph to the beginning of the policy and/or clarifying that all proposals must be supported by assessment and mitigation measures.</p>	<p>Accepted this could be clearer. Propose paragraph to be moved as suggested for improved clarity. Overarching requirements to be moved to the Nature Conservation section and requirements for designated sites to move to Designated Sites section.</p>	Yes	212	Natural England
DM37 p.112	<p>Policy does not reflect mitigation hierarchy. Where impacts to nature conservation features are identified, the policy should ensure that the assessment demonstrates how impacts are mitigated or compensated in accordance with the mitigation hierarchy. Suggested amendments to point (c) on page 112 proposed.</p>	<p>Accepted. The wording of the policy at bullet criteria c) is proposed to be amended to ensure it reflects the mitigation hierarchy.</p>	Yes	212	Natural England
DM37 Part A Internatio nally	<p>Habitats Regulations Requirements not accurately reflected. All plans or projects with the potential to impact a European Designated site are subject to the requirements of the Habitats Regulations,</p>	<p>Accepted. The wording of Part A of the policy is proposed to be amended to ensure it accurately reflects the</p>	Yes	212	Natural England

protected sites	proceeding to Appropriate Assessment where significant effects cannot be ruled out. Where a HRA states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, the proposal cannot be permitted unless it passes the tests of regulation 6(4):that there are no alternatives <u>and</u> the proposal must be carried out for imperative reasons of overriding public interest.	requirements of the Habitats Regulations.			
DM37 Part B Nationally protected sites	Protection of nationally designated sites weakened. The loss of a nationally designated site should not be supported and cannot be mitigated. Compensation should be a last resort, in accordance with NPPF para 175(a). Biodiversity net gain does not apply to statutory designated sites or irreplaceable habitats. Revisions to Part B required: to accord with NPPF para 175; the mitigation hierarchy and net gain principles; clarify that net gain cannot be achieved for a development impacting a statutory site and revise wording for part B(ii) from "loss" to "impacts".	Accepted. The wording of the policy (Bii) to be amended to change the word "loss" to "impacts"; to ensure the mitigation hierarchy is accurately reflected; and through new criteria B(iii) and C (iii) to show that any net gain must be additional to mitigation measures and clarified in the supporting text.	Yes	212	Natural England
DM37 Part C Locally Protected Sites	The phrase "unless allocated for development" is unsound; not compliant with NPPF; not justified; not effective and is not supported on various grounds including: <ul style="list-style-type: none"> • Not consistent with NPPF para.171, 174, & 175 • Does not comply with council's duty to enhance and protect biodiversity • Weakens protection compared to Local Plan and draft CPP2 • Allows development to proceed if integrity of site effected • Allows development to proceed at expense of wildlife and amenity • Not in accordance with mitigation hierarchy • Pre-empts the process of evaluating ecological impacts • Not consistent with the remainder of DM37; with policy H2 (d); and with part 5d of policy SA4 Urban Fringe in CPP1 • Ecological evidence in the Urban Fringe Assessments is out of date and does not justify the inclusion of the phrase • Urban Fringe Assessments not thorough and not fit for purpose • Protection of sites increasingly important with climate and biodiversity emergencies • Results in unequal protection; those earmarked for development have less protection 	Policy DM37 in the last paragraph states that proposals liable to affect green infrastructure and nature conservation features either directly or indirectly must be supported by an appropriate and detailed site investigation and proposals will need to be in accordance with the mitigation hierarchy. It is accepted that the location of the wording "unless allocated for development" in the first paragraph of section C of the policy could be misinterpreted and should be moved from this opening sentence. To ensure the Plan remains effective, this phrase will be moved to C(i) to clarify that exceptional circumstances do not have to be demonstrated for allocated sites. Exceptional circumstances have already been demonstrated through the examination and adoption of City Plan Part 1	Yes	254 219 228 74 8 11 22 76 230 5; 6; 7; 9; 14; 15; 20; 23; 24; 25; 26; 27; 78; 109; 112; 113; 114; 117; 120; 122; 127; 129; 130; 131;133; 134; 135; 136; 137; 138; 140; 141; 145;	ESCC County Ecologist; Sussex Wildlife Trust; Sussex Ornithological Society; Brighton Downs Alliance; XR Brighton; Sussex branch of SERA; Friends of Waterhall; Brighton & Hove Friends of the Earth; Friends of Whitehawk Hill;

	<ul style="list-style-type: none"> • Protection required on environmental; and physical and mental health & well-being grounds • Designated sites should be protected in perpetuity <p>Suggested the phrase is deleted.</p> <p>Some specific references to Whitehawk Hill LNR (H2 site allocation) in relation to these points.</p>	<p>(CPP1); in order to plan positively for housing within the context of a significant citywide housing shortfall against the identified local housing need. The principle of allocating some housing sites in the urban fringe in order to help address the city's unmet housing needs was established through the CPP1 examination. The CPP1 inspector specifically required that, in order for the plan to be found 'sound', the Council should undertake a rigorous assessment of all potential opportunities for additional development to help meet the city's unmet housing need, including looking at urban fringe sites not subject to national designations. The principle of development on some urban fringe land is now established in CPP1 Policies SA4 Urban Fringe and CP1 Housing Delivery. Not including this text in C(i) would be contrary to the CPP1 and undermine the effectiveness of City Plan Part Two policies SA7, H1 and H2.</p> <p>A new paragraph (2.283) in the supporting text is proposed to be added to clarify the meaning of exceptional circumstances.</p> <p>Further changes to the nature conservation paragraph of Policy DM37 are proposed to clarify that development should avoid adverse impacts, be in accordance with the mitigation hierarchy and ensure additional net gain in biodiversity to better reflect the NPPF.</p> <p>Responses to objections to the allocation of specific protected sites and robustness of Urban Fringe Assessments are addressed under Policy H2.</p>		<p>146; 150; 151; 152; 153; 161; 162; 165; 166; 169; 172; 174; 175; 176; 271; 119</p>	
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Part C and Appendix 3	<p>Policy is too restrictive and a barrier to development and not positively prepared. DM37, Appendix 3 (List of LWS), designation of the site "Land to the North East of Longhill" as a LWS (BH100 Ovingdean Copse), and removal of this site from the SHLAA 2019 update, combine to prevent development on this site. Earlier iterations of the SHLAA identified the site has having potential for 6 dwellings.</p> <p>Suggest that the policy is amended to allow for development that does not cause any harm to relevant features of a LWS and delete the wording "exceptional circumstances".</p>	<p>The justification for removal of the site from the SHLAA is set out in the Urban Fringe Further Assessment 2015, which concluded the potential yield of 6 dwellings may be difficult to achieve given the need for access. Sites with a potential yield of 5 or fewer units are not included within the SHLAA. The Policy approach of protecting the integrity of the site provides for strong protection and is consistent with national policy and guidance. Additional supporting text to clarify the meaning of exceptional circumstances to be provided.</p>	No	220	Ovingdean Estates Ltd
DM37 Part C(i)	<p>There is no explanation of the exceptional circumstances which would outweigh the resulting adverse effects on local sites and does not require any mitigation or compensation to be put in place.</p>	<p>New supporting text paragraph to be added to clarify the meaning of exceptional circumstances and to clarify that mitigation/ compensation will still be a requirement in all cases.</p>	Yes.	228	Sussex Ornithological Society
DM37 Part C (ii) P.112	<p>Amend the wording for part C ii) in relation to mitigation of 'impacts' not losses.</p>	<p>The wording of the policy is proposed to be amended at C(ii) to ensure it reflects the mitigation hierarchy.</p>	Yes	212	Natural England
DM37 Part C	<p>Allocating sites for development on designated sites does not comply with the NPPF.</p>	<p>The Council recognises that national planning policy requires that locally designated sites should be protected and enhanced, and this is provided for in the City Plan policies, including adopted City Plan Part One (CPP1) Policy CP10 Biodiversity and complemented by CPP2 Policy DM37. The principle of allocating some housing sites in the urban fringe in order to help address the city's unmet housing needs was established through the CPP1 examination. The CPP1 inspector specifically required that, in order for the plan to be found 'sound', the Council should undertake a rigorous assessment of all potential opportunities for additional development to help meet the city's unmet housing need, including looking</p>	No	228	Sussex Ornithological Society

		<p>at urban fringe sites not subject to national designations. The principle of development on some urban fringe land is now established in CPP1 Policies SA4 Urban Fringe and CP1 Housing Delivery.</p> <p>It is considered that the approach to assessing the development potential of urban fringe sites through the UFA studies is fully consistent with the requirements of NPPF (para. 170-177), including at paragraphs 170(a), 171 and 174, with reference to the hierarchy of international, national and locally designated sites of importance for landscape and biodiversity. Responses to objections to the allocation of protected sites are addressed under Policy H2.</p>			
DM37	Policy unsound as proposes damaging wild-life havens; suggests there should be more use of brown field sites and reduced student housing to free up family homes.	<p>Policy DM37 provides protection for various sites of nature conservation importance and sets criteria against which proposals on designated sites must meet.</p> <p>The adopted City Plan strategy already seeks to maximise development on brownfield sites subject to physical, environmental and amenity constraints. However, the Plan housing targets cannot be achieved without allowing some (limited) development on the urban fringe. This was clearly established at the City Plan Part One (CPP1) examination and is required to conform with the strategy for housing delivery set out in CPP1 Policy CP1 which includes provision for 1,060 homes within the urban fringe.</p> <p>CPP1 policy CP21, and CPP2 policies DM8 and H3 support the provision of</p>	No	89	

		Purpose Built Student Accommodation (PBSA). The delivery of PBSA reduces the number of students who require accommodation in the general housing market. In addition, policy DM9 seek to support and manage House in Multiple Occupation.			
DM37 para. 2.285 and Appendix 3	Local Wildlife Sites designation process not supported. City Plan should be at heart of progressing biodiversity and geodiversity through policy and site selection. More than 100 sites put forward as LWS in 2013; sites have been rejected with no consultation on rejected sites; undemocratic and an insult to specialists; meetings held at county level ignores local level qualities.	The policy approach is consistent with national policy and guidance which requires the identification, mapping and safeguarding of local sites. 51 Local Wildlife Sites (LWS) and 1 candidate LWS are designated within the City Plan area; a further 36 LWS are designated within the Brighton & Hove administrative area that falls within the South Downs National Park (SDNP) and are therefore designated though the SDNP Local Plan. The justification for the designation of these sites, as well as the process and methodology is set in the Local Wildlife Sites Review document. The East Sussex Technical Panel considered the 2013 list of potential sites and whether they met the selection criteria for LWS designation. Additional officers with professional involvement and understanding of Brighton & Hove were also involved in the review process. The review process was robust and was in accordance with DEFRA guidance.	No	232	Eco21st
DM37 Appendix 3	Additional sites should be designated as LWS and LGS. List of 105 site considered suitable as LWS and LGS provided.	All sites put forward to the Technical Panel have undergone due consideration in accordance with the selection criteria and methodology which was in accordance with DEFRA guidance. Only sites recommended for inclusion by the Panel have been designated as Local Wildlife Site (LWS). This is set out in the Local Wildlife Sites Review document.	No	232	Eco21st

DM37 Appendix 3 (LWS BH100)	Local Wildlife Sites designation process not supported. Representations submitted in response to the LWS designation process did not support the whole site ("Land to the North East of Longhill" LWS: BH100 Ovingdean Copse), being designated as an LWS. The site's designation as an LWS has not allowed for formal discussion; only written representations with no right to reply. Would like to present further evidence to demonstrate why whole site should not be designated as a LWS.	The justification for the designation of Local Wildlife Sites (LWS), as well as the process and methodology are set out in the Local Wildlife Sites Review document. The panel considered additional evidence provided by the landowner however recommended the site should be designated as a LWS. The LWS designation process is robust and has been undertaken in accordance with the Defra Guidance.	No	220	Ovingdean Estates Ltd
DM37 and Appendix 3 (LWS BH82)	Local Wildlife Site not supported. North side of Surrenden Road LWS consists of grass verge crossed with driveways. Serves no useful purpose as LWS. Suggests converting into parking.	The justification for the designation of Local Wildlife Site (LWS) is set in the LWS Review document. The East Sussex Technical Panel considered all potential sites and whether they met the selection criteria for LWS designation. The review process was robust and was in accordance with DEFRA guidance.	No	233	
DM37 and Policies Map	City Plan maps do not easily link to the LWS site names; there is not detail on the biodiversity value.	The interactive policies map data attribute tables can be amended to include the LWS site name for clarity. LWS Citations are held by Sussex Biodiversity Records Centre.	Yes	232	Eco21st
<i>Representations seeking additional detail or editorial updates proposed to supporting text</i>					
DM37	Include reference to the recently published People and Nature Network (PANN) (formerly South Downs Green Infrastructure Framework).	Supporting text at paragraph could be amended to incorporate this point at paragraph 2.275	Yes	179	SDNPA
DM37 2.275	Text should read "...including cumulative and <u>in combination</u> impacts..."	Supporting text at paragraph could be amended to incorporate this point at paragraph 2.275.	Yes.	254	ESCC County Ecologist
DM37 2.275	Amend Species and habitats of "particular" importance to " <u>principal</u> " importance.	Supporting text at paragraph could be amended to incorporate this point at paragraph 2.275	Yes.	254	ESCC County Ecologist
DM37 2.276	Update reference to Natural Capital Investment Strategy; adopted (October 2019).	Accepted, the reference to the Natural Capital Investment Strategy requires updating at paragraph 2.276.	Yes.	254	ESCC County Ecologist
DM37 Footnote 75	Footnote 75 repetition.	Footnote 75 to be amended to reflect this point.	Yes to Footnote 75	254	ESCC County Ecologist
DM37 2.278	NRN and LNRS will become a requirement under the forthcoming Environment Act.	Supporting text at paragraph 2.278 to be amended to reflect this point.	Yes.	254	ESCC County Ecologist

DM37 Footnote 76	Footnote 76 – Sussex Biodiversity Records Centre is principal source for biodiversity information. The Booth Museum may hold additional information, specifically with respect to geodiversity.	Footnote 76 to be amended to reflect this point.	Yes to Footnote 76	254	ESCC County Ecologist
DM37 Para 2.280	Ecological surveys should be conducted in accordance with best practice guidance, including BS42020 and CIEEM Technical Guidance. Preliminary Ecological Appraisal (PEA) reports should not be submitted as part of a planning application unless it can be determined that the project would have no significant ecological effects, no mitigation is required and no further surveys are necessary; with the exception of such cases, the PEA report should be superseded by an Ecological Impact Assessment (EIA).	The supporting text at paragraph 2.280 to be amended to cross reference to paragraph 2.282 which sets out requirements regarding ecological surveys. The forthcoming SPD will provide the opportunity to include more detail regarding undertaking and submitting ecological appraisal in accordance with technical guidance.	Yes.	254	ESCC County Ecologist
DM37 2.281	Queries why the text refers to “low-cost” nature conservation features.	This was added as a response to amendments put forward by councillors at the Full Council meeting on the 23 April who wished emphasis on the fact that many features to encourage species are low-cost.	No	254	ESCC County Ecologist
DM37 2.281	Text requiring all new build, refurbishment and renovation schemes to incorporate swift boxes/bricks where possible welcomed. Additional wording suggested to provide greater clarity and detail on specifications.	Consider that the supporting text would not be the appropriate place for the detailed specification suggested, however a link to the BHCC Guidance Note on Swift Boxes is proposed to be added in paragraph 2.281.	Yes.	154 228	RSPB; Sussex Ornithological Society
DM37 2.282	Nature based solutions to carbon storage and sequestration should also be sought, e.g. the protection/creation and management of woodland and hedgerows, wetland habitats etc	Supporting text at paragraph 2.282 proposed to be amended to incorporate this point.	Yes.	254	ESCC County Ecologist
DM37 2.283	Reference to Beachy Head West Marine Conservation Zones (MCZs) required.	Recognise that MCZ are a national designation. Supporting text paragraph 2.284 to be amended to incorporate this point.	Yes.	212	Natural England
DM37 2.285	Local Geological Sites are referred to throughout Sussex as LGS, not LGeoS.	Supporting text at paragraph 2.285 to be amended to reflect this point.	Yes	254	ESCC County Ecologist
DM37 2.286	List of LNRs is inaccurate; 2 sites proposed to be included.	Footnote 78 explains that the LNRs listed in paragraph 2.286 reflect those located partly or wholly within the City Plan area. Benfield Hill LNR and Stanmer Park LNR are both located wholly in the SDNP.	No	232	Eco21st

Representations general concerns					
DM37	Recommended that City Plan includes requirements to monitor biodiversity net gain. This should include indicators to demonstrate the amount and type of gain provided through development. The indicators should be as specific as possible, for example the total number and type of biodiversity units created, the number of developments achieving biodiversity net gains and a record of on-site and off-site contributions.	Implementation & Monitoring Plan of City Plan Part 1 includes target for all development to deliver a net increase in biodiversity in accordance with Nature Conservation and Development SPD. This target is carried forward for City Plan Part 2. The SPD will be updated in 2021/22 to ensure it reflects any new net gain principles and requirements.	No	212	Natural England
DM37	No feedback received on consultation response submitted on draft Plan in September 2018.	Consultation Statement published at Regulation 19 stage incorporated a summary of all representations and officer responses, in accordance with the Statement of Community Involvement and government Regulations.	No	232	Eco21st
DM37	Information and resources about local biodiversity and geodiversity should be available on BHCC website.	The policies map provides site boundaries of all biodiversity and geodiversity features within the City Plan area, as required by planning regulations. The council website holds information about Local and National Nature Reserves. Information on Local Wildlife Sites is held by Sussex Biodiversity Records Centre. Information on SSSIs is held by Natural England. Information on Local Geological Sites is held by Sussex Geodiversity Partnership.	No	232	Eco21st
DM37	City Plan does not address the environmental or climate emergency.	City Plan Parts 1 and 2 contain various policies that together address the climate and environmental emergency reflecting the council's priorities and commitments.	No	232	Eco21st
DM37	City Plan should provide baseline data on natural resources to allow monitoring and future change to be assessed.	Some baseline data on the natural environment is provided in the Sustainability Appraisal Report. The monitoring and implementation targets, including those set for CPP1 sets out the mechanism for monitoring.	No	232	Eco21st
DM37	Green infrastructure needs protecting and maintaining. Propose adding a specific commitment to include green infrastructure on the	Green infrastructure falls within the range of infrastructure that can be	No	202	Woodland Trust

	list of approved CIL allocations to provide ongoing maintenance and protection.	funded through CIL. An updated Infrastructure Delivery Plan (IDP) is being prepared by the council which will form the basis for CIL-funded projects.			
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Policy DM38 Local Green Spaces

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support policy					
DM38	General support for policy/no comments made	Support noted	N/A	158, 228, 214	The Living Coast UNESCO Biosphere, Sussex Ornithological Society, Whaleback Ltd
DM38	Generally support policy, but consider that reconsideration should be given to the boundaries of the Hollingbury Park Golf Course area to allow part to be allocated for eco-friendly homes and allotments.	The Hollingbury Park Golf Course is entirely within the South Downs National Park so falls outside the boundary of the City Plan area.	No	258	Brighton and Hove Liberal Democrats
Representation supporting policy but seek additional LGS designation					
DM38 – list of sites	Consider policy is sound but seek designation of the Badgers Tennis Club site as Local Green Space. Do not agree with the Council's assessment of the site in the Local Green Space Topic Paper. Although managed as a membership club, the site is an openly accessible space to the wider community, is demonstrably special to the local community and holds particular historic significance as probably the earliest tennis club in Brighton and one of the earliest in the country. The site is included on Council's list of Assets of Community Value (the evidence submitted to support that application is appended to the rep). The representation cites evidence of a range of community activities undertaken on the site, its wildlife value, and the fact that the walls surrounding the site have been designated by the Council as a Locally Listed Heritage Asset.	A similar representation was made at the Draft CPP2 consultation stage. The site was assessed by the Council as set out the Local Green Space Topic Paper: Appendix 1. It was considered that there is currently insufficient evidence to satisfy all of the NPPF criteria; specifically, there is insufficient evidence to conclude that the site is demonstrably special to the local community and holds a particular significance. This remains the Council's view, notwithstanding the information about the site set out in the representation. The Council considers that LGS designation could potentially be	No	77	Badgers Tennis Club

		explored further as part of a future neighbourhood plan. However, it should also be noted that the site is designated in the City Plan as Open Space (Outdoor Sports Facility) and therefore already benefits from a high level of protection through CPP1 Policies CP16 and CP17.			
<i>Representations raising general objections to policy</i>					
DM38	Disappointed that only four sites are proposed for designation as Local Green Space. Consider there are many parks within Brighton & Hove that are of very special significance to the community and hold high recreational value. Therefore urge the Council to identify further sites for LGS designation to help meet the recreational need of the community and in keeping with sustainable development.	<p>The NPPF (paragraph 100) sets specific and very rigorous criteria for assessing the suitability of sites for Local Green Space designation. A detailed explanation of the methodology and evidence used by the Council to identify sites for LGS designation is set out in the Local Green Space Topic Paper. The supporting text to Policy DM38 at Paragraph 2.295 indicates that there may be scope for further sites to be designated through the preparation of neighbourhood plans subject to meeting all the NPPF criteria.</p> <p>It should also be noted that parks, recreation grounds, sports pitches and other green spaces across the city are designated as Open Space within the City Plan and already benefit from a high level of protection through CPP1 Policies CP16 and CP17.</p>	No	196	Fields in Trust
DM38	Local Wildlife Sites should be designated as Local Green Space.	Local Wildlife Sites are already subject to a high degree of protection through existing national and local policies and this will be further enhanced through proposed CPP2 Policy DM37 Green Infrastructure and Nature Conservation. However, it would not be compliant with national	No	24, 89	

		policy to designate all LWS as Local Green Space.			
DM38 (para 2.295)	Consider it is not appropriate to leave further Local Green Space designations to neighbourhood plans, given the limited coverage of the city by neighbourhood forums and the lack of progress to date in preparing neighbourhood plans.	Disagree. NPPF Paragraph 100 requires very detailed evidence to justify the designation of sites as LGS and by implication this will involve community consultation to identify sites which are demonstrably special to a local community and hold particular local significance. As stated in the Local Green Space Topic Paper, this process is well suited to neighbourhood planning, which by its nature requires a much greater level of local community involvement than local plan preparation. It should also be emphasised that City Plan policies already provide a high degree of protection for designated open spaces across the city through CPP1 Policies CP16, CP17, CP10, SA4 etc and CPP2 Policy DM37.	No	77, 196	Badgers Tennis Club, Fields in Trust
Representations raising soundness objections – omission sites					
DM38 – list of sites	Consider that Whitehawk Hill LNR meets all the criteria for Local Green Space designation in the NPPF. (Some respondents refer specifically to local communities which use the open space extensively and refer to the particular local significance of the area in terms of beauty, historic significance/cultural associations, recreational value, tranquillity and wildlife/biodiversity). Note: Some respondents refer just to Whitehawk Hill LNR whereas others also include the wider ‘Racecourse Landscape’.	The suitability of urban fringe sites for LGS designation was assessed in the 2014 UFA taking account of the NPPF criteria and associated planning practice guidance. The specific reasons for not proposing the designation of Whitehawk Hill have been addressed in detail in the UFA 2021 Update. It is accepted that Whitehawk Hill has local importance in terms of landscape, historic significance and ecology/biodiversity and that it provides an important role as open space for the recreation and amenity of surrounding communities. However, when compared to the sites proposed for LGS designation in	No	11, 22, 76, 219, 161, 253, 6, 8, 9, 14, 15, 20, 23, 24, 25, 26, 27, 78, 112, 113, 114, 117, 119, 120, 122, 127, 129, 130, 131, 133, 134, 135, 137, 138, 140, 145, 146, 150, 151, 152, 153, 161, 162, 165,	Sussex Branch of SERA, Friends of Waterhall, Brighton & Hove Friends of the Earth, Sussex Wildlife Trust, Friends of Whitehawk Hill, CPRE Sussex, (XR Brighton),

		<p>Policy DM38, Whitehawk Hill extends across a considerably larger and more extensive area (nearly 50 ha within the LNR itself and a much greater area if the surrounding open space is included). In addition, there are few clearly defined boundaries that could be used to define a smaller area suitable for LGS designation.</p> <p>Criterion c) in NPPF Paragraph 100 states that LGS designations should be local in character and not an extensive tract of land. The NPPG expands on this by stating that 'blanket designation of open countryside adjacent to settlements will not be appropriate'. Such judgement was applied in the recommendations for LGS in the UFA 2014 and is reinforced by the specific comments on Whitehawk Hill in the UFA 2021 Update.</p> <p>It should also be emphasised that Whitehawk Hill is already subject to a number of existing designations in the City Plan (e.g urban fringe, open space, LNR and SAM) which provide a high degree of protection through CPP1 Policies CP16, CP17, CP10, SA4 etc and CPP2 Policy DM37.</p>		166, 169, 172, 174, 175, 176, 271	
Policy DM38	The process for identifying sites for Local Green Space designation in the 2014 Urban Fringe Assessment is not clearly set out or justified by evidence. There is no explanation as to why some sites were chosen but not others or why Whitehawk Hill LNR was not considered suitable for LGS designation.	The process which led to the identification of the LGS sites proposed in Policy DM38 is set out in the 2014 UFA (paragraphs 4.12-4.14) and is restated in Chapter 3 of the UFA 2021 Update. Further detailed explanation of the methodology and evidence used by the Council is set out in the Local Green Space Topic Paper. The specific reasons for not proposing the designation of	No	11, 22, 76, 219, 230, 6, 8, 9, 14, 15, 25, 26, 27, 114, 117, 119, 120, 122, 127, 129, 130, 131, 133, 134, 135, 138, 140,	Sussex Branch of SERA, Friends of Waterhall, Brighton & Hove Friends of the Earth, Sussex Wildlife Trust, Friends of Whitehawk Hill, (XR Brighton)

		<p>Whitehawk Hill have been addressed in detail in the UFA 2021 Update.</p> <p>As set out in the UFA 2021 Update, it is accepted that Whitehawk Hill meets some of the criteria for LGS designation set out in NPPF Paragraph 100. However, when compared to the sites proposed for LGS designation in Policy DM38, the area of open land/green space extends across a considerably more extensive and less clearly defined area. In the Council's view, LGS designation would not comply with criterion c) in NPPF Paragraph 100 which requires that the green space is local in character and not an extensive tract of land.</p>		<p>146, 150, 152, 153, 162, 165, 169, 172, 174, 175, 176, 271</p>	
DM38 (Paragraph 2.293)	Regarding Para 2.293 in CPP2, consider that Whitehawk Hill also meets the described characteristics of the four sites designated as LGS in being an important green wedge into the urban area, a wildlife corridor and an important route for accessing the South Downs National Park.	<p>The specific reasons for not proposing the designation of Whitehawk Hill as LGS are addressed in detail in Chapter 3 of the UFA 2021 Update.</p> <p>When compared to the sites proposed for LGS designation in Policy DM38, Whitehawk Hill extends across a considerably larger and more extensive area (nearly 50 ha within the LNR itself and a much larger area if the surrounding open space is included). In addition, there are few clearly defined boundaries which could be used to define a smaller area suitable for LGS designation. By comparison, the four sites proposed in Policy DM38 are less extensive (none is larger than c25 ha), more local in character in their relationship to surrounding communities, and all have clearly definable boundaries.</p>	No	<p>11, 22, 76, 219, 230, 6, 7, 8, 9, 14, 15, 20, 23, 24, 25, 26, 27, 89, 112, 113, 114, 117, 119, 120, 122, 127, 129, 130, 131, 133, 135, 138, 140, 145, 146, 150, 151, 152, 153, 161, 162, 165, 166, 169, 174, 175, 176, 271</p>	<p>Sussex Branch of SERA, Friends of Waterhall, Brighton & Hove Friends of the Earth, Sussex Wildlife Trust, Friends of Whitehawk Hill, (XR Brighton)</p>

		However, the role of Whitehawk Hill as a green wedge, wildlife corridor and link with the National Park remains important and will continue to be protected through the City Plan, including CPP1 Policies SA4, SA5, CP10 and CP16 and CPP2 Policy DM37.			
DM38	Consider the designation of Whitehawk Hill LNR as Local Green Space is necessary to provide long term protection against future development pressures, especially given the proposed allocation of part of the LNR for housing in Policy H2. Even if the allocation in H2 is not deleted, consider the remainder of the LNR should be designated as LGS as proposed at Benfield Valley.	Disagree. Whitehawk Hill is already subject to a number of existing designations in the City Plan (e.g urban fringe, open space, LNR and SAM) which provide a strong degree of protection through CPP1 Policies SA4, SA5, CP10 and CP16 and CPP2 Policy DM37. The specific reasons for not proposing its designation as LGS have been addressed in detail in the UFA 2021 Update.	No	219, 253	Sussex Wildlife Trust, CPRE Sussex
DM38 list of sites	Hove Lawns should be included as a green space to be protected.	The site was assessed by the Council as set out the Local Green Space Topic Paper: Appendix 1. It was considered that there is currently insufficient evidence to satisfy all of the NPPF criteria and this remains the Council's view. As indicated in the site assessment, Hove Lawns are protected as designated Open Space (Parks and Gardens) under Policy CP16 and form part of the Nature Improvement Area under Policy CP10; they are also locally listed and fall within the Avenues Conservation Area and Brunswick Town Conservation Area. Therefore, the site already has a very high level of protection within the City Plan.	No	159	
DM38 list of sites	Object to development/housing allocation at Benfield Valley despite it being designated as Local Green Space.	The boundary of the Local Green Space at Benfield Valley was amended in the CPP2 Proposed Submission to exclude the allocated housing land at Benfield Valley.	No	166, 271	

DM38 List of sites	The Urban Fringe Assessment is an unreliable and inconsistent appraisal of the importance of many treasured Local Green Spaces, including the Land to the North East of Coldean Lane , where planning consent has been granted on agricultural land forming part of the Stanmer Historic Park and Garden.	Disagree. The 2014 and 2015 Urban Fringe Assessments were based on a consistent and rigorous methodology which is set out in the introduction to the respective studies. Further detailed explanation and justification of the UFA methodology is presented in the Urban Fringe Assessment Update (2021) which addresses the specific criticisms of the methodology raised by representations to the CPP2 Proposed Submission. Chapter 3 of the 2021 Update presents a justification and defence of the approach used in the 2014 UFA to identify urban fringe sites suitable for Local Green Space designation.	No	172	
DM38 List of sites	Seek Local Green Space designation for Hove Lawns, Adelaide Crescent, Palmeira, Brunswick, and Norfolk Squares . Consider they need legal restriction on their use as current protection is insufficient.	Local Green Space is a planning designation and does not provide legal restrictions on the use of a site. It should also be emphasised that the sites listed are already subject to open space which provide a high degree of planning protection through CPP1 Policy CP16 Open Space. In addition, all are located in Conservation Areas and form the setting for Listed buildings, whilst Hove Lawns and the formal gardens at Brunswick Square, Adelaide Crescent and Palmeira Square are also locally listed, so are protected further by heritage policies such as CPP1 Policy CP15 and CPP2 Policies DM26, DM28 and DM29. This is set out in the Local Green Space Topic Paper May 2021.	No	244	Brunswick Town Association (BTA)
	Objection to proposed housing development on urban fringe sites at Patcham. 1. Land at Ladies Mile, Carden Avenue, Patcham . Consider development of 35 dwellings will lead to significant increase in traffic in the area. Access from Ladies Mile Road (LMR) would be	These comments relate to two urban fringe sites proposed for allocation in Policy H2. It is proposed to delete the housing allocation at Site 16 (Land at and	See response to Policy H2.	17	

	<p>problematic , particularly during rush hours as it is currently busy with on-road parking on both sides of the road and this could be further exacerbated if the road is narrowed at the bottom of the hill by Patcham High School leading to knock-on problems in the vicinity. Consider that access via Carden Avenue would be less problematic. Development would have a detrimental impact on the green space and wildlife in the nature reserve with increased traffic and pedestrian flows, and also on the amenity of the green space, which has been important this year through the Covid-19 pandemic.</p> <p>2. Land at and adjoining Horsdean Recreation Ground, Patcham. The proposed development of 25 dwellings would have an impact on the amenity of the local area through a probable increase in traffic, particularly at rush hours. Vale Avenue is currently busy a lot of the time, being used by people accessing the A23 / A27 interchange.</p>	<p>adjoining Horsdean Recreation Ground) from the Plan. Council responses to the points raised with respect to Site 17 (Land at Ladies Mile) are provided under Policy H2.</p>			
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Policy DM39 Development on the Seafrost

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM39	Strongly support policy and in particular the recognition of the MCZ.	Support noted	N/A	219	The Sussex Wildlife Trust
Representations seeking further criteria/ considerations/ clarifications					
Policy DM39	As well as the requirement to have regard to Beachy Head West Marine Conservation Zone (MCZ), we strongly recommend that the requirement is strengthened to include reference to the protection afforded this internationally designated site, and that a MCZ assessment may be required.	The wording of the final paragraph of the policy can be amended to make clearer the importance of this national designation by cross reference to Policy DM37 Green Infrastructure and Nature Conservation.	Yes	212	Natural England
Policy DM39	Seeks clarification to supporting text regarding enhancements to defences should not be permitted if detrimental to nature conservation (MCZ, SSSI and areas of coastal vegetated shingle)	The policy text at the second paragraph requires proposals to be designed to 'avoid adverse impacts from and on the coastal and marine environment in accordance with DM37...'. This can be supported by	Yes.	254	ESCC- County Ecologist

		changes to the final paragraph of the policy and additional wording in the supporting text at paragraph 2.300.			
Policy DM39	Hove esplanade and Hove sea wall needs regular maintenance as a safe area to walk by the sea without diversionary activities	This issue is specifically addressed in the list of priorities for specific parts of the seafront in adopted CPP1 – Policy SA1 The Seafront (see part B. Central Seafront Medina Terrace to Palace Pier).	No	244	Brunswick Town Association
Policy DM39	The restored arches and minimisation of traffic on Madeira Drive should be used to minimise development on actual beach.	Policy DM39 states that there will be a presumption against development extending onto the shingle beach.	No	247	The Regency Society

Policy DM40 Protection of the Environment and Health – Pollution and Nuisance

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
DM40	Support	Noted	N/A	219 88 158	Sussex Wildlife Trust; BHEP; The Living Coast UNESCO Biosphere
DM40	No objection	Noted	N/A	214	Whaleback
DM40 (g)	Support policy point (g) requirements for outdoor lighting, particularly regarding biodiversity.	Noted.	N/A	212	Natural England
DM40 (g)	Support for policy criteria (g) regarding outdoor lighting in reference to the SDNP Dark Skies Reserve.	Noted.	N/A	212 179	Natural England; SDNPA
Support with caveats					
DM40 (g)	Support for policy, particularly point 'g'. Support protection of SDNP dark skies reserve. Suggested to delete the word 'outdoor' so the policy covers all lighting which may be intrusive.	Although planning has limited control over indoor lighting, it is accepted that deleting the word "outdoor" from criteria (g) would enable all sources of artificial light to be considered and will better reflect the NPPF para 180c. Clarification can be added to the supporting text at paragraph 2.134.	Yes	253	CPRE
Representations seeking further criteria/ considerations/ clarifications					
DM40 (g)	Light pollution or lighting design not adequately addressed. Policy should reduce artificial light to benefit human health and wildlife.	It is suggested that deleting the word "outdoor" from criteria (g) would	Yes	164	

	<p>New text proposed to ensure high quality lighting design and reduce light pollution impacts.</p> <p>Suggests undertaking an annual lighting audit to monitor light pollution.</p>	<p>enable all sources of artificial light to be considered and will better reflect the NPPF para 180c. The addition of a reference to human health within the policy (g) would also better reflect NPPF para 180c.</p> <p>Supporting text paragraph 2.134 to be amended to refer to potential impacts on human health and biodiversity to reflect these points and a reference to ILP 2020 guidance to be added, containing guidance on lighting design.</p>			
DM40	<p>Does not refer to electric vehicles as providing mitigation. No recognition of lower pollution levels arising from new diesel vehicles. Regional transport links will be required to support reduced car use.</p>	<p>Regional transport is a recognised priority within the adopted City Plan Part One policy CP9 Sustainable Transport. The policy approach aligns with and complements other CPP2 policies on Transport and Travel, which seek to reduce car-based travel, reflecting the council's ambition towards sustainable travel and wider priorities around tackling climate change. The policy also reflects the priorities of the Air Quality Action Plan and the issue of poor air quality that exists across the city.</p>	No	171	

Policy DM41 Polluted sites, hazardous substances & land stability

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM41	Support	Noted		158	The Living Coast UNESCO Biosphere
Policy DM41	No objection	Noted		214	Whaleback

Support with caveat					
Policy DM41 para 2.137	Supports policy but proposes change to supporting text to strengthen requirement for site investigation work to be undertaken by a competent person.	The Policy approach is consistent with national policy and guidance. The suggested wording would not differ in terms of outcome. A competent person is described in national guidance and has to be accredited by the National Quality Mark Scheme.	No	126	
Representations seeking further criteria/ considerations/ clarifications					
Policy DM41 para 2.319	Policy does not recognise that site investigation is a complex and iterative process and that a full site investigation may not always be available at the time of a planning application. Proposes changes to supporting text to allow the granting of planning permission, subject to the outcome of site investigation secured by pre-commencement condition, at all sites and not just those where the suspected contamination is not significant.	The Policy approach is consistent with national policy and guidance which sets out cases where site investigation is needed before an application can be determined; and provides an appropriate and comprehensive basis for determining applications.	No	211	St William Homes
Representations Raising General comments					
Policy DM41	Representation assumes the policy would prevent residential development of Black Rock Gas Works site.	Gas Work Site is a strategic allocation in the adopted City Plan Part 1. Policy does not seek to prevent development. The purpose of the policy is to provide a framework to ensure proposals have adequately taken account any pollution issues and to ensure development results in appropriate remediation of contaminated land where relevant, to protect future users and the environment, reflecting the requirements of the NPPF.	No	172	

Policy DM42 Protecting the Water Environment

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					

Policy DM42	Policy supported. Along with Policies DM40 and DM41, this should afford protection to the water environment including the Brighton Chalk Block aquifer which is a source of public water supply	Support welcomed.	N/A	79	Environment Agency
Policy DM42	Strongly support policy - pleased that suggested amendments from the regulation 18 consultation have been included in the Proposed Submission version.	Support welcomed.	N/A	219	Sussex Wildlife Trust
Policy DM42	<p>Support Policy. BHCC contains areas of Serious Water Stress as designated by the Environment Agency. Further general guidance provided for planning policies for water efficiency.</p> <p>For developments in Southern Water Services drinking water supply area Natural England recommends water efficiency polices should be developed to support Southern Water's "Target 100". This target, of 100 litres per person per day by 2040 has been identified to avoid the need for water supply options that are likely to damage biodiversity or/and effect protected landscapes.</p> <p>Water efficiency measures will meet one of the aims in Natural England's 'Building partnerships for nature's recovery: Action Plan 2020/21' and also contribute to the Government's 25 Year Environment Plan aspirations for clean and plentiful water and to restore sustainable abstraction.</p>	<p>Support welcomed. Adopted City Plan Policy CP8 Sustainable Buildings sets out the optional water efficiency target of 110 l per day.</p> <p>The council is aware of the 'Target 100' through the preparation of the Greater Brighton Water Plan. The review of CPP1 will be the appropriate mechanism to review the optional water efficiency target.</p>	No.	212	Natural England
Policy DM42	We have no objections to these policies	Comment noted.	No.	214	Whaleback Planning
<i>Representations raising issues of soundness</i>					
Policy DM42	<p>The policy is not sound against all tests and not legally compliant. The public and Planning Committee members are excluded from detailed information on water management plans as often granted conditional consent/ informative, suggesting further discussions with Southern Water and/or the Environment Agency.</p> <p>Lack of public confidence in Southern Water's ability to deliver the fresh and wastewater management in the 'water stressed' region between the R. Adur and the R. Ouse. There are no measures outlined to protect the aquifer below the chalk nor any to protect against overdevelopment.</p> <p>More effective action is needed to restore confidence in the ability of Brighton & Hove and Southern Water to protect our drinking water supply.</p>	<p>In response to the region being 'water stressed', the adopted City Plan Policy CP8.I Sustainable Buildings aspires to water neutrality and appropriately sets out the optional water efficiency target of 110 l per day for new residential development. Policy DM42 complements Policy CP8 and specifically sets out that development will not be permitted if it will have an unacceptable impact on the quality and potential yield of local water resources used for public water supplies. Statutory consultee comments on planning applications and requested Drainage Plans are published on the council's planning register.</p>	No.	172	

Policy DM42	Brighton Corporation bought the Stanmer Estate in 1947 to protect the source of water underneath for the increasing number of residents. It cannot be legally compliant to devise a policy for residential development which will destroy the countryside unnecessarily blotting out the rainwater catchment area. Already spoiled by the University of Sussex expansion and the A27.	Policy DM42 specifically sets out that development will not be permitted if it will have an unacceptable impact on the quality and potential yield of local water resources used for public water supplies. Further, Policy H2 Housing Sites - Urban Fringe indicates that development located in Ground Source Protection Zones will need to ensure that the groundwater resources are protected from pollution, water supplies safeguarded and have appropriate drainage solutions.	No.	104	
Policy DM42	Concerned that if any upgrading of sewer infrastructure capacity is left until occupation of the development, it may be too late. Significant risk that the introduction of hundreds/thousands of new residential units and residents could overwhelm the City's existing sewer systems and that upgrade works could be very costly and disruptive. Adequacy of sewer capacity need to be assessed and upgrades planned before construction of these developments is started. Suggest strengthening wording in supporting text 2.327 to make the policy effective through more binding requirements	The policy appropriately requires that where capacity assessments undertaken by the applicants show there is a need for new or improved infrastructure that occupation of development will be phased to align with the delivery of water or wastewater infrastructure. The wording of the policy has been agreed with Southern Water who is the statutory water and sewerage undertaker for the City Plan area.	No.	126	

Policy DM43 Sustainable Drainage

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy DM43	Support Policy. In conjunction with best practice guidance and local policy, we also advise SuDS design should consider local topography and landscape character to avoid incongruous drainage features. We support the inclusion of above-ground SuDS features wherever possible and recommend a master-planning approach to allow the spatial requirements of SuDS to be integrated with other features early in the design process. Well-designed SuDS schemes can provide multiple benefits for people, nature and local amenity value,	Support welcomed. It is considered that the third paragraph of the policy, together with supporting text paragraphs 2.332- 2.333 and the technical advice set out in the adopted SUDs SPD and design guidance set out in the council's draft UDF SPD will ensure full	N/A	212	Natural England

	and can contribute to net gains for biodiversity.	consideration of those issues and ensure well-designed sustainable drainage solutions which can provide multiple benefits.			
Policy DM43	We are particularly supportive of the first three sentences of the supporting text 2.333 as this will ensure that the design of SuDS is appropriate to the individual location so that the Brighton Chalk Block Aquifer is not compromised.	Welcome support	N/A	79	Environment Agency
Policy DM43	No objection to these policies	Noted	N/A		Whaleback Planning
<i>Representations seeking further criteria/ considerations/ clarifications</i>					
Policy DM43	Woods and trees form a highly effective part of Sustainable Drainage Systems (SuDS) in addition to their other benefits to environmental quality. Planting trees can slow the flow of water and reduce surface water runoff by up to 62% compared to asphalt, while individual tree canopies can intercept as much as 79% of a 20mm, 24-hour rainfall event under optimum, full leaf conditions. We therefore recommend strengthening this policy with a requirement to include trees and hedgerows in all SuDS schemes.	The role of trees and planting (including hedgerows) in ameliorating climate change and climate change adaptation is recognised in Policy DM22 Landscape Design and Trees and the council's draft UDF SPD. Policy DM22 requires their retention and wherever possible their provision. It would not be appropriate for Policy DM43 to require the inclusion of new trees and hedgerows in all sustainable drainage solutions given that they may not be the most appropriate solution in all circumstances particular with tightly constrained brownfield sites.	No change	202	Woodland Trust
<i>Representations raising Soundness Issues</i>					
Policy DM43	Not sound. It is widely acknowledged that soakaways are inappropriate in drinking water Source Protection Zones and although it is common practice, it is not best practice. It is another example of how the vulnerable nature of the chalk block beneath Brighton and Hove is not taken into consideration	Concerns noted. Protecting water quality is addressed through Policy DM42 Water Quality and is a key component in the design consideration for sustainable drainage as indicated in the third paragraph of Policy DM43 SUDs. Further technical guidance is set out in the adopted SUDs SPD and CIRIA (2015) SuDs Manual referred to in the policy. Paragraph 2.333 of the supporting text reflects that the choice of type of SUDs needs to be informed by specific catchment and ground characteristics. This will ensure that	No.	172	

		the Brighton Chalk Block Aquifer is not compromised.			
General Comments					
Policy DM43	To protect the environment, the Council should consider local drainage and potential localised flooding issues in all developments. Existing drainage issues should also be considered, and grant applications made to help solve these issues as a matter of priority for infrastructure projects.	Comments noted. The council is the Lead Local Flood Authority (LLFA) and takes the lead in managing local flood risks and prepares and maintains a strategy for local flood risk management in the city. The Strategic Flood Risk Assessment Update 2018 informed site allocations in the CPP2 and it is considered that adopted CPP1 Policy CP11 Flood Risk and Policy DM43 Sustainable Drainage ensure that localised flooding/ drainage issues are appropriately considered with all development proposals and where appropriate site level Flood Risk Assessments are required.	No	258	Brighton & Hove Liberal Democrats

Policy DM44 Energy Efficiency and Renewables

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
General Support					
Policy DM44	Support	Support welcomed	N/A	213, 158	Hove Civic Society, The Living Coast Unesco Biosphere
Policy DM44	General support - but a more robust approach to energy efficiency is needed. For new build, words like 'encourage' and 'may' are too aspirational and need to be changed to requirements.	Support noted. Policy DM44 conforms and complements with adopted City Plan Part 1 Policy DM8 Sustainable Buildings.	N/A	126	
Representations seeking further considerations					
Policy DM44	We note in footnote 103 the Council's recognition that residual emissions can be off-set against carbon-positive measures such as tree planting. Offsite carbon mitigation is a legitimate part of any responsible emissions reduction strategy. It should be within a hierarchical approach that first avoids emissions where possible, limits	Policy DM44 does not set out a carbon off-setting scheme - footnote 103 sets out the council's definition of carbon neutral. Paragraph 2.346 indicates that where it can be demonstrated that the minimum CO2	Yes - to footnote	202	The Woodland Trust

	<p>them to a minimum, finally compensating for those that are unavoidable.</p> <p>The Woodland Trust supports schemes to harness the potential of native woods and trees to mitigate energy use while reconnecting our landscapes: in particular, we recommend following the Woodland Carbon Code (WCC), which provides a best practice standard for domestic woodland creation schemes finance by carbon credits.</p>	<p>reduction targets cannot be met on-site, mitigation measures may be sought in accordance with City Plan Part One Policy CP7 Infrastructure and Developer Contributions. The supporting text also explains that the council will consider setting up a carbon offset scheme in the future. Clarification can be added to footnote 103 on this point.</p>			
Policy DM44	<p>Implementation of policy should take into account the whole life energy consumption of existing buildings on circular economy principles, including the embodied energy of the existing fabric and the theoretically unlimited life of a historic building, against the energy cost of demolition and disposal, new raw materials, manufacturing and transporting components to site and constructing new buildings of limited life.</p>	<p>This would need to be considered through a review of City Plan Part One and Policy CP8 Sustainable Buildings, where a methodology for establishing the embodied carbon in buildings could be investigated.</p>	No	247	Regency Society
Representations Raising Soundness Issues					
Policy DM44	<p>The policy is not consistent with national policy as the requirement for EPC standards is higher than the minimum legally required for new residential developments through Building regulations. The most effective approach to ensuring improvements in the energy efficiency of homes is through a consistent national approach applied through the Building Regulations. , We would suggest this requirement is removed to ensure consistency with national policy and avoid confusion as to the legally required standard.</p>	<p>The City Plan seeks to reduce inequalities and deliver energy efficient development. The council considers opportunities to improve the performance of existing and new developments should be taken in advance of the government targets informed by local analysis set out in the Brighton & Hove City Plan Part 2 Energy Study 2018.</p>	No	210	Home Builders Federation
Policy DM44	<p>This policy does not afford sufficient flexibility (NPPF para 11) and does not meet the soundness tests as it is not effective (NPPF para 35). The policy should be clear that the CO2 reduction is based on Part L 2013 baseline. It is expected that "Part L 2020" will soon be introduced, and this will already set the minimum targets 20-30% lower than the current Part L 2013 baseline, so will be equal to or greater than the current proposed 19% CO2 reduction. Therefore, changes to the policy are needed to be clear what the current Part L standard is – Part L 2013.</p> <p>Updating paragraph 2.345 to specify SAP 10.1 carbon emission factors will ensure the policy is making it clear that it is referring to the most recent emission factors from the outset (paragraph 2.345)</p>	<p>Comments noted, modifications will be proposed.</p> <p>Amend part 1 of the policy to specify the Part L 2013 baseline and refer to the government's intention to introduce the Future Homes Standard and Future Buildings Standards in 2025 and interim uplift in Part L 2021. Further clarification added to footnote 100 and supporting text at 2.345 to SAP10.1.</p>	Yes	211	St William Homes

Policy DM44	<p>The policy is not consistent with national policy as the issues it seeks to cover are being addressed at a national level by the government and the Government has set out explicitly that no measures beyond nationally described standards can be secured by LPAs. Policy DM44 goes beyond nationally described standards.</p> <p>The Policy states that the requirements set out in the policy must be met by 'all development', including conversions and changes of use unless doing so 'is not technically feasible and/or would make the scheme unviable'. Requirements should not be introduced that threaten viability. This will place a disproportionate burden upon small-scale developments.</p> <p>The current nationally described standards are already secured by CPP1 Policy CP8.</p> <p>A potential way forward would be to word the objectives of Policy DM44 as 'encouraging' developers to adopt such standards rather than setting enforceable requirements.</p>	<p>The policy is in accordance with the Planning and Energy Act 2008 and the 2015 Written Ministerial Statement which sets out an expectation that local planning authorities should not set energy efficiency standards for new homes higher than the energy requirements of Level 4 of the Code for Sustainable Homes, which is equivalent to a 19% improvement on the Part L 2013 standard. Policy DM44 complements and conforms with the adopted City Plan Part 1 Policy CP8 Sustainable Buildings by applying at least 19% improvement on the carbon emission targets set by Part L to all development not just residential new build.</p> <p>Evidence set out in the Brighton & Hove City Plan Part 2 Energy Study 2018 supports the requirements set out in Part 1 and 2 of the policy. The study considered that applying the standard to all development would not impact on viability.</p> <p>For clarity the policy wording could be amended to refer to the impending Future Homes and Building Standards and interim uplift in Part L which would supersede the 19% standard in Policy DM44 and would be applied to all development as set out in the government's response to the Future Homes Consultation published in January 2021.</p>	Yes – for clarification refer to the Future Homes and Building Standards and interim uplift in Part L.	214	Whaleback Planning
Policy DM44	<p>The policy is not effective or justified, positive or legally compliant. The Future Homes Standard may automatically make the 19% increase in energy efficiency unworkable, so should be removed. The new standard and SAP will increase standards so building regulations standards should be used, not planning policy.</p>	<p>Policy DM44 complements and conforms with the adopted City Plan Part 1 Policy CP8 Sustainable Buildings by applying at least 19% improvement on the carbon emission targets set by Part L to all development not just residential new</p>	Yes	171	

		build. The policy acknowledges that the standard could be superseded by national policy or legislation.			
Policy DM44	<p>The policy is not effective in asking for piecemeal renewables on new buildings as these will not be replaced or maintained. Should include reference to onshore renewables and focus on sites for district energy and heating</p> <p>There is no support in policy for increased energy efficiency retrofitting measures such as exemptions for External Wall Insulation in conservation zones, new roofs which improve energy efficiency, or other streamlines measures to support EPC improvements. Expecting new homes to meet this measure examples how poor this policies approach is. Suggests removing section of text relating to onsite electricity and heat production from paragraph 2.339 and to remove section of text from paragraph 2.345 related to CO2 emission reduction targets and carbon emission factors.</p>	The opportunities for renewable energy in Brighton & Hove have been investigated through the CPP1 Energy Study and the Brighton & Hove City Plan Part 2 Energy Study 2018. Opportunities for district heating and decentralised energy schemes are identified within certain Development Areas in the adopted City Plan Part 1 and energy efficiency measures in new homes and conversions are addressed through adopted City Plan Part 1 Policy CP8 Sustainable Buildings. Further, the council has published Planning Advice Notes provide guidance on retrofitting issues for houses in conservation areas and external wall insulation (PAN 09 and PAN 08).	No.	171	
Policy DM44	Add a section which sets out a Local Development Order (LDO) for homes meeting Passivhaus or 19% increase energy efficiency against Part L,	Given the council's ambition to become a carbon neutral city by 2030, the policy acknowledges the opportunities for new development to achieve greater reductions in CO2 emissions will be encouraged. Footnote 114 indicates that nationally recognised certification for other building standards such as Passivhaus or AECB standards will be considered. It would not be appropriate to introduce a Local Development Order through the City Plan Part 2 at this late stage in the plan preparation process.	No.	171	
Policy DM44	Low Carbon Opportunity Zones: the release of carbon from the loss of semi-natural habitats and the ability for semi-natural habitats to sequester and store carbon should be taken into account.	Opportunities for nature based solutions to carbon storage and sequestration have been considered in amendments to supporting text proposed to Policy DM37 paragraph 2.82.	Yes.	254	ESCC County Ecologist

Policy DM45 Community Energy

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Policy DM45	Do not object to policy as it is worded as 'encouraged to' rather than requiring. As an encouraging policy, see no point in setting out a size threshold, the encouragement can apply to all developments.	Noted	N/A	214	Whaleback planning

Policy DM46 Heating and Cooling network infrastructure

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Policy DM46	Support	Support welcomed	N/A	213, 158	Hove Civic Society, The Living Coast Unesco Biosphere
Policy DM46	No objection to policies	Noted.		214	Whaleback Planning

Policy SA7 Benfield Valley

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support policy					
SA7	General support for policy	Support welcomed	N/A	24, 173	
SA7	Support bullet points 1 and 3 regarding connectivity through the site to the SDNP and creation of gateway facilities respectively. Also welcome wording in the supporting text on improving pedestrian and cycle links through the site including the north/south route; the site as a visually attractive gateway to the National Park, and the creation of a community/interpretation facility at Benfield Barn.	Support welcomed	N/A	179	South Downs National Park Authority (SDNPA)
Support with caveats					
SA7	Support the inclusion of a Special Area policy for Benfield Valley and the policy commitment to protect and enhance the open space/green infrastructure.	Support noted. The objections raised by the consultees to other aspects of the policy are addressed separately.	N/A	219, 268, 121	Sussex Wildlife Trust, Benfield Valley Investments Ltd,
SA7	Support the policy making provision for some housing development, but consider there should be greater emphasis on the need for residential development given the need to meet the overall housing requirement and because increased development can provide funding to deliver all the other objectives for the site. <Representation proposes amended policy wording>.	Support noted. The objections raised by the consultee to other aspects of the policy are addressed separately.	N/A	268	Benfield Valley Investments Ltd
Representations raising soundness issues					
SA7	General objection to any housing development/loss of green space. (Includes petition to 'Save Benfield Valley' organised & submitted to council by BHCC Conservative Group)	The policy provides for a limited amount of residential development (c100 homes) on two sites north and south of Hangleton Lane which are allocated in Policy H2. The two allocated sites were identified as having potential to accommodate development following detailed analysis in the 2014 and 2015 Urban Fringe Assessments (supplemented by a further ecological assessment in the UFA 2021 Update). Detailed	No	231, 257, 58, 80, 98, 111, 218, 166, 170, 121, 185, 253, 271	BHCC Conservative Group, Cllr Dawn Barnett, Benfield Valley Project, CPRE Sussex,

		assessment of the site was also undertaken in 2017 by the Council in conjunction with the County Landscape Architect and County Ecologist as set out in the Benfield Valley Topic Paper.			
SA7	Inadequate local community consultation on the policy/development proposals. Local community consultation has failed to meet the council's Statement of Community Involvement (SCI).	Disagree. The CPP2 has been through three separate phases of public consultation during its preparation. Full details of the publicity and consultation undertaken by the Council are set out in the Consultation Statements which are published alongside the Plan.	No	231, 257, 170	BHCC Conservative Group, Cllr Dawn Barnett,
SA7	<p>The quantum of housing development for Benfield Valley in Policy H2 identified should be increased from the 100 dwellings to approximately 175 dwellings and the identified developable areas shown on the Policies Map should be extended to 3.3 ha in total (1.8ha for Site 11 and 1.5ha for Site 12) <the representation includes a map which indicates the proposed boundaries of the extended housing allocation>.</p> <p>The increased development area could accommodate 75 additional dwellings without compromising the function of the LWS and LGS at a development density of c53 dwellings per hectare, which is at the lower end of the range set out in CPP1 Policy CP14.</p>	<p>Disagree. The boundaries of the allocated sites and scale of housing proposed have been informed by the 2014 and 2015 UFA studies, which included landscape, ecological and archaeological assessments. Further detailed assessment was undertaken in 2017 by Council officers with the County Landscape Architect and County Ecologist as set out in the Benfield Valley Topic Paper. These assessments defined the proposed development boundaries and identified specific avoidance, mitigation and enhancement measures. The UFA studies and Topic Paper provide a detailed justification for the allocation site boundaries and the indicative level of housing proposed.</p> <p>The UFA 2021 Update includes an updated ecological assessment of the whole of Benfield Valley, and has reviewed the proposed amendments put forward in this representation. The study concludes that the suggested extensions to the Policy H2 site allocation boundaries would result in</p>	No	268	Benfield Valley Investments Ltd

		the loss of increased areas of habitat, including semi-improved grassland and woodland habitat, which contribute to maintaining the integrity of the LWS and form a key component of the wider ecological corridor within Benfield Valley as a whole			
Representations Raising Soundness issues - housing requirements					
SA7	Housing development at Benfield Valley is not necessary to meet the housing target in CPP1 (Policy CP1) which could be met through development on other (brownfield) sites.	<p>Disagree. The housing figure of 13,200 net dwellings set in CPP1 Policy CP1 provides for only 44% of the total OAN for Brighton & Hove, and the CP1 figure was therefore set as a minimum target.</p> <p>The CPP1 examination established that some development on the urban fringe is required to help address the city's housing needs. This is reflected in CPP1 Policy CP1 which provides for c1,000 homes on urban fringe sites.</p>	No	231, 257, 219, 228, 271	BHCC Conservative Group, Cllr Dawn Barnett, Sussex Wildlife Trust, Sussex Ornithological Society,
SA7	The Plan does not identify/allocate sufficient land to meet housing need. The findings of the SHLAA should be captured in Section 3 to help shape development over the plan period. The shortfall against NPPF requirements should be addressed to meet national policy. The Plan does not currently comply with the NPPF Paragraph 59 requirement to boost significantly the supply of housing.	<p>As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. CPP1 Policy CP1 sets an overarching development strategy to deliver a minimum of 13,200 homes over the period 2010-2030, taking account of the identified housing needs and the city's significant physical and environmental constraints. The City Plan housing figure and strategy was tested and found 'sound' at the CPP1 examination and now forms part of the adopted development plan.</p> <p>The Housing Provision Topic Paper and Site Allocations Topic Paper set</p>	No	246, 268	Aberdeen Standard Investment, Benfield Valley Investments Ltd

		out how the SHLAA has been used to identify sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and to assess the potential for housing delivery from other sources (e.g small windfall sites). The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and development strategy and subject to identified physical, environmental and infrastructure constraints. The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential housing supply above the minimum CPP1 requirement, clearly demonstrating the Council's commitment to boosting housing supply.			
SA7	The ability of the site to make a significant contribution to the Council's housing requirements needs to be more effectively recognised. In addition, the site is one of the city's few large greenfield sites and therefore offers greater potential to contribute to the delivery of affordable housing and family housing,	The identified capacity for development takes account of landscape, ecology and heritage constraints and the amenity/ recreational value of the open space. Further detailed explanation and justification is provided in the Benfield Valley Topic Paper.	No	268	Benfield Valley Investments Ltd
<i>Representations raising soundness issues - biodiversity/ecology</i>					
SA7	Object to the proposed housing development citing the Local Wildlife Site designation, ecological value of site and loss of wildlife. The proposed housing allocation is not considered compliant with national policy (NPPF Paragraph 174) regarding safeguarding components of local wildlife-rich habitats including locally designated sites of importance for biodiversity. Do not agree that allowing some development can provide positive benefits for biodiversity and open space in the long term or is necessary to achieve enhancements/better management.	The main purpose of Policy SA7 is to protect and enhance Benfield Valley as a valued open space and Local Wildlife Site and to support its careful use and management. The two housing sites together cover only a very small proportion of the total land (c1.6 ha out of 25+ ha). The ecological/biodiversity value of the site and potential impacts of development were considered in the	No	80, 98, 111, 218, 166, 170, 219, 228, 253, 271	Benfield Valley Project, Sussex Wildlife Trust, Sussex Ornithological Society, CPRE Sussex

	<p>Responses include specific comments on the ecological/ biodiversity value of the site, including reference to chalk grassland, wildflower meadows, and listing fauna and flora observed on the site.</p>	<p>2014 UFA and 2015 UFA, which included a Desktop Study and Phase 1 Habitat Survey. Further ecological assessment was undertaken by Council officers and the East Sussex County Ecologist in 2017 as set out in the Benfield Valley Topic Paper. Most recently, an updated ecological assessment of the whole site has been undertaken as part of the UFA 2021 Update.</p> <p>These assessments have concluded that the proposed scale of housing development can potentially be accommodated within the allocated site without significant ecology impacts, subject to specified avoidance, mitigation and enhancement measures set out in the UFA studies and Benfield Valley Topic Paper. In addition, Policy H2 d) requires that all development proposals will mitigate any adverse impacts on designated sites and provide biodiversity net gains in accordance with CPP1 Policy CP10 and CPP2 Policy DM37. Paragraph 3.73 requires that Ecological Impact Assessments are undertaken at the planning application stage.</p>			
SA7	<p>Representations raising concerns that buffers around the proposed development sites are not sufficient to mitigate against negative impacts of introducing housing within the designated site,</p>	<p>The boundaries of the allocated sites were informed by the 2014 and 2015 UFA studies, which included ecological assessment. Further assessment was undertaken in 2017 by Council officers working with the County Ecologist and County Landscape Architect as set out in the Benfield Valley Topic Paper.</p> <p>The UFA 2021 Update includes an updated ecological assessment of the</p>	No	219, 228, 202	Sussex Wildlife Trust, Sussex Ornithological Society, Woodland Trust

		<p>whole of Benfield Valley. including a Desktop Study and Phase 1 Habitat Survey and has reviewed the specific comments in these representations. The importance of retaining appropriate buffers and maintain wildlife corridors is recognised. It is emphasised that proposed development will need to be sensitively designed and should focus on areas of amenity and poor semi-improved grassland habitat, allowing for the retention of buffers and maintaining valuable woodland corridors within the site. More detailed comments and proposals for avoidance, mitigation and enhancement are set out in Chapter 4 of the UFA 2021 Update.</p>			
	<p>The boundaries of the proposed housing allocations should be reduced to avoid loss of broadleaf woodland (the northern allocation overlaps approximately half a hectare broadleaf woodland while both sites encroach on the corridor of woodland running north-south).</p>	<p>The boundaries of the allocated sites were informed by the 2014 and 2015 UFA studies, which included ecological assessment. Further assessment was undertaken in 2017 by Council officers working with the County Ecologist and County Landscape Architect as set out in the Benfield Valley Topic Paper.</p> <p>The UFA 2021 Update includes an updated ecological assessment of the whole of Benfield Valley, and has reviewed the specific comments in this representation. The ecological value of the woodland habitat is recognised and it is emphasised that proposed development will need to be sensitively designed to minimise the loss of woodland, focusing on areas of amenity and poor semi-improved grassland habitat, allowing for appropriate buffers between the</p>	No	202	Woodland Trust

		retained woodland and the development, and maintaining the corridor of woodland running north south. More detailed comments and proposals for avoidance, mitigation and enhancement are set out in Chapter 4 of the UFA 2021 Update.			
SA7	Only parts of the site are of intrinsic ecological importance, whilst other areas have no meaningful ecological value. The greenspace at Benfield Valley has been neglected and much of the grassland is overgrown and subject to encroachment by scrub. Without development there is little prospect of securing the funds needed to restore and manage the LWS. The funds from proposed new housing development will allow for restoration, enhancement and long-term management of habitats	<p>Policy SA7 already sets the objective of securing ecological/biodiversity enhancements and the ongoing and positive management of wildlife habitats through a long term funded management and maintenance plan. The 2014 and 2015 UFA studies and Benfield Valley Topic Paper set out specific mitigation and enhancement measures and these are expanded further in the UFA 2021 Update which identifies that the development would present the opportunity for Biodiversity Net Gain to be delivered across the wider LWS.</p> <p>However, the housing proposed in Policies SA7 and H2 has been informed by detailed assessments of the site's potential and capacity taking account of landscape, ecology and heritage constraints and the amenity/recreational value of the open space. The Council considers that the scale and extent of housing development should be determined by the identified constraints and capacity of the site rather than the potential scope for generating developer funding or public/ community benefits.</p>	No	268	Benfield Valley Investments Ltd
SA7	The boundary of the housing allocation south of Hangleton Lane shown in the CPP2 Proposed Submission includes an area of existing woodland on its northern boundary which should be excluded from the developable area. The County Ecologist identified the tree belts and boundary habitats as being important in ecological terms and that	The UFA 2021 Update includes an updated ecological assessment of the whole of Benfield Valley, including a Desktop Study and Phase 1 Habitat Survey and has reviewed the specific	No	268	Benfield Valley Investments Ltd

	these should be retained (see para 4.9 of the Benfield Valley Topic Paper).	comments set out here. It is agreed that proposed development in this location will require sensitive design to ensure that ecological corridors and networks are retained and should provide appropriate buffers and maintain the integrity and long-term viability of important ecological features including tree belts and boundary habitats. More detailed comments and proposals for avoidance, mitigation and enhancement are set out in Chapter 4 of the UFA 2021 Update.			
Representations raising soundness issues - open space/recreation					
SA7	<p>Object to development citing the value of the open space, its recreational use, and physical and mental health benefits.</p> <p>The loss of public open space will impact disproportionately on lower income/more deprived households who do not have access to private open space.</p> <p>Specific detailed comments have been submitted on the benefits of open space and biodiversity for mental health.</p>	<p>The main purpose of Policy SA7 is to protect and enhance Benfield Valley as an important green wedge into the urban area, a valued Local Wildlife Site and Local Green Space and to support its careful use and management. Only a very limited area (c1.6 hectares) of the valley is proposed for housing development.</p> <p>Policy DM38 proposes to designate most of the land as Local Green Space which will provide even greater protection against development the long term. The benefits of open space and biodiversity for mental health are fully recognised by the Council and this is incorporated into several City Plan policies such as CPP1 Policies CP16 Open Space and CP18 Healthy City.</p>	No	80, 98, 111, 218, 166, 170, 271	Benfield Valley Project
SA7	Increased housing development would offer significant opportunities to deliver the creation of gateway facilities and enhanced use of Benfield Barn and its associated structures. Whilst the northern development area would encroach onto the footgolf course, there is ample scope for the course to be retained on the land between Hangleton Lane and the A27 with the listed barn continuing to provide ancillary facilities for the footgolf.	The Council agrees that housing development can provide opportunities to contribute towards the wider objectives for Benfield Valley set out in Policy SA7. This is already incorporated within the policy wording where it refers to residential	No	268	Benfield Valley Investments Ltd

		development. However, the Council considers that the scale and extent of housing development should be determined by the identified constraints and capacity of the site rather than the potential scope for generating developer funding or public/ community benefits.			
Representations raising soundness issues - landscape/visual impact					
SA7	Noting the location of allocated sites close to/within the setting of the South Downs National Park, we support the requirement for Landscape and Visual Impact Assessment (LVIA). Where required, we advise LVIA is undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA 3rd edition), recognising the Special Qualities of the South Downs National Park and the ambitions of the Partnership Management Plan. In accordance with NPPF paragraph 172, great weight should be given to conserving and enhancing landscape and scenic beauty of the National Park.	Comments noted. The requirement for any proposals to have regard to the National Park and its setting is set out in CPP1 Policy SA5.	No	212	Natural England
SA7	Consider proposed housing development is too high density and would be visually intrusive.	The visual impact of development was considered in the 2014 and 2015 UFA studies. Further landscape assessment was undertaken in 2017 by Council officers and the East Sussex County Landscape Architect as set out in the Benfield Valley Topic Paper.	No	228	Sussex Ornithological Society
SA7	None of the site is subject to any landscape designation and the developable areas could be expanded as proposed without any significant additional landscape impact. Development to the north and south of Hangleton Lane would be situated on the lower parts of the site where any landscape impact would be limited. Allowing no development north of the existing east-west hedgerow would protect views across the valley between the listed barn and Foredown Tower. On the southern part of the site where ground levels are lower there are substantial areas of boundary vegetation which would screen new built form from long distance views.	The boundaries of the allocated sites have been informed by the landscape assessments undertaken in the 2014 and 2015 UFA studies. Further detailed assessment was undertaken in 2017 by Council officers and the County Landscape Architect as set out in the Benfield Valley Topic Paper (which includes a Supporting Statement by the County Landscape Architect at Appendix 1).	No	268	Benfield Valley Investments Ltd
Representations raising soundness issues - heritage issues					
SA7	The allocated housing site north of Hangleton Lane is within an Archaeological Notification Area (ANA).	The location of part of Benfield Valley within an ANA is recognised in Paragraph 3.4 of the supporting text. Policy H2 Table 8 also highlights	No	170	

		archaeology as a Key Site Consideration.			
SA7	<p>The heritage objectives of Policy SA7, particularly the restoration and improvements to the buildings within the Benfield Barn Conservation Area, require financial input which could be funded by new housing development.</p> <p>Consider that the developable areas could be extended to include the western area of the footgolf car park, and the scrubby wooded areas east of the currently proposed housing allocation, without affecting areas of the setting that contribute to the significance and values – or means to experience – the Benfield Barn Conservation Area or the listed Benfield Barn. Consider that the open area of the northern section of the footgolf course to the north of the hedgerow running east-west from the edge of the Conservation Area just south of the barn and the route which runs north off Hangleton Lane make a positive contribution to the setting of the CA and Listed buildings, whereas the current car park makes no specific contribution to the heritage assets or an experience of them.</p>	<p>The Council agrees that housing development can and should contribute towards the wider objectives for Benfield Valley and this is already incorporated within the policy wording.</p> <p>The boundaries of the allocated sites have been informed by the assessments undertaken in the 2014 and 2015 UFA studies (supplemented by a further ecological assessment in the UFA 2021 Update). Further assessment was undertaken in 2017 by Council officers with the County Landscape Architect and County Ecologist as set out in the Benfield Valley Topic Paper.</p>	No	268	Benfield Valley Investments Ltd
SA7	Note that sites have been subject to assessment in relation to their potential impact on the significance of heritage assets or their settings. Note also the positive proposal for the use of the Grade II listed Benfield barn and protection of the character of the associated conservation area (which is on the Heritage at Risk Register) in Special Area SA7 Benfield Valley, and that a heritage assessment is required in relation to the effects that the housing allocation areas may have on the setting these assets. The siting, form and scale of the housing would have to be very carefully planned to ensure no harmful impacts arise and the positive benefits sought by the policy are realised.	Noted. The policy and supporting text seek to ensure that the heritage assets and their setting are protected and that provision is made for their long term maintenance and management.	No	204	Historic England
Representations raising soundness issues - traffic generation/air quality					
SA7	Objection to development due to impacts on air quality. Housing development will generate more traffic and the area south of Benfield Valley (A293 Boundary Road/A270 Old Shoreham Road junction) already falls within an Air Quality Management Area (AQMA).	The scale of development proposed is considered unlikely to lead to a significant increase in traffic. As set out in Paragraph 3.74, development proposals may be required to be supported by Air Quality Assessments and they would need to comply with the air quality requirements set out in CPP2 Policy DM40.	No	111, 218, 166, 170, 271	Benfield Valley Project,
SA7	Development will lead to increased traffic on local roads (e.g A293 and Hangleton Lane).	The scale of development proposed is considered unlikely to cause severe		257, 121, 170, 271	Cllr Dawn Barnett

		traffic impacts. Any potential impacts would be assessed at the planning application stage and, if needed, requirements for traffic reduction/mitigation would be applied through planning conditions or obligations.			
SA7	Request confirmation that the Special Area does not encroach upon the highway boundary as this could impede essential highway works including safety maintenance works.	A similar representation was made at the Draft CPP2 consultation stage. As previously indicated in the Statement of Consultation for the CPP2 Draft Consultation (Appendix 4), the boundaries of the Benfield Valley Special Area and Local Green Space on the Policies Map have been adjusted to exclude land within the highway boundary of the A27. It should also be noted that no development is proposed on land close to the northern boundary of the Policy SA7 allocation.	No	180	Highways England
Representations on Soundness issues - on community facilities					
SA7	Inadequate availability/capacity of local community infrastructure (e.g GP surgeries, dentists) to support additional development.	In preparing CPP2, the Council has considered the infrastructure requirements to support the proposed growth and site allocations and has consulted with all infrastructure and service providers. Necessary infrastructure and developer funding will be identified through the planning application process in accordance with CPP1 Policy CP7 and the Infrastructure Delivery Plan (Annex 2 to CPP1).	No	170	
Representations seeking further clarification/ consideration					
SA7	Support enhancement and management of Benfield Valley and propose its designation as a Conservation Area, Field in Trust, Local Nature Reserve or to become part of South Downs National Park.	Policy SA7 aims to promote the enhancement and long term management of the land and buildings at Benfield Valley. The policy would support and facilitate some of the suggested options where they are within the Council's control.	No	111, 218, 257	Benfield Valley Project, Cllr Dawn Barnett

SA7	Seek extension of the Local Green Space allocation to cover the whole of Benfield Valley.	The boundaries of the proposed Local Green Space have been drawn to exclude the proposed housing allocations north and south of Hangleton Lane. This is consistent with the purpose of Local Green Space as set out in the NPPF (Paragraph 99) which is to protect green spaces and be consistent with the local planning of sustainable development.	No	219, 228, 253	Sussex Wildlife Trust, Sussex Ornithological Society, CPRE Sussex
SA7	Consider the proposed development of 100 houses would result in loss of land/habitat across a wider area than the allocated land shown on the Policies Map.	The 2014 and 2015 UFA studies included consideration of the wider impacts of development on ecology/biodiversity at Benfield Valley and further assessment has been undertaken by the County Ecologist as set out in the Benfield Valley Topic Paper (which includes a Supporting Statement by the County Ecologist at Appendix 2). These conclusions have been supported by a further ecological assessment recently undertaken which is set out in the UFA Update 2021.	No	170	
SA7	Seek specific reference to food growing as a policy requirement as with the CPP1 policy for Toads Hole Valley, This would reflect the policies referring to food growing in CPP1 and the Council's recent adoption of the revised Planning Advice Note (PAN) on incorporating food growing in development. Local food production is also a key element in contributing towards the Council's targets on carbon reduction and sustainability - the IPCC & UK parliament Audit committee found that food contributes up to 30% of the carbon footprint.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted CPP1 and in CPP2. These policies are supported by the Food Growing Planning Advice Note (updated September 2020).	No	216	Brighton & Hove Food Partnership

Policy SSA1 Brighton General Hospital site

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
SSA1	Support the proposals to make the Hospital Site a Conservation Area. The aim to progress this proposal should be included.	Support noted and welcomed. Proposals to declare conservations areas are not part of plan policy making but would be covered by separate legislation.	N/A	247 256	The Regency Society The Brighton Society
SSA1	Support policy. The site can be redeveloped to make it fit for purpose for current and likely future health service need with potential for part of the site to contribute to meeting the city's housing need through the creation of new housing on surplus land.	Support noted and welcomed including commitment to preserve the Grade II Listed Arundel building.	N/A	266	Sussex Community NHS Foundation Trust
Representations raising Issues of Soundness					
SSA1	The requirement for a heritage impact statement is supported, but the policy itself should be worded to ensure the preservation of the Grade II Listed Arundel building and its setting in order for the policy to be effective.	The policy is considered to be effective and the issue raised is addressed in criteria a) of the policy. City Plan Part One Policy CP15 (Heritage) also sets out how heritage assets will be conserved and enhanced in accordance with its identified significance.	No.	204	Historic England
SSA1	To make the policy effective an amendment to Policy SSA1 is required to ensure that site-specific requirements are consistent with Policy DM37 in respect of conserving and enhancing biodiversity and protecting and supporting priority species with long term management. Seeks additional criteria: 'i) development proposals should specifically include proposals to provide alternative nest sites for Swifts, and these nests should be installed and proven to be successful before any development commences.'	The issue raised is appropriately addressed by the requirements to conserve and enhance biodiversity in City Plan Part 1 policy CP10 and policy DM37 of this Plan which would be applicable to this site as referenced in paragraph 3.18. Supporting paragraph 3.18 policy SSA1 refers specifically to the requirement to maintain and install new swift boxes. It would be unreasonable and would create uncertainty over delivery of a scheme to require new nest boxes to prove	No.	154 219 228	Royal Society for Protection of Birds Sussex Wildlife Trust Sussex Ornithological Society

		their success before development could take place.			
SSA1	Given the centrality of food being 30% of carbon footprint, in order to meet the tests of soundness and compatibility with sustainable development the role of food growing should form part of all of the major / strategic sites (SA7/ SSA1-7) include specific reference to food growing.	It is considered that there is a sufficient and positively prepared policy framework to encourage food growing set out in City Plan Part 1 and in this Plan. These policies are supported by the city council's Food Growing Planning Advice Note (Updated September 2020).	No.	216	Brighton & Hove Food Partnership
SSA1	Policy should be amended to include the Council's request for the land at BGH to be developed for "truly affordable housing, including options for development by the Joint Venture, B&H Community Land Trust, directly by the Council, or a combination." which was passed unanimously at the Council's Committee meeting on 19th July 2018. The wording of this policy should be amended to reflect this.	The site is not currently in the Council's ownership and development plan policies cannot specify who develops the land. However, the principle of community led housing is supported in the City Plan (e.g CPP1 Policy SA6 and CPP2 Policy DM1) and would allow an element of community led housing at BGH to be considered as part of any development subject to site constraints and viability considerations.	No.	223	Brighton & Hove Community Land Trust
SSA1	Section 3 of the draft CPP2 does not identify and allocate a sufficient supply of land to meet the housing need. The role of diversifying the land uses and offering of existing site allocations to deliver much needed housing should be acknowledged in Section 3. The findings of the SHLAA should be captured in Section 3 to help shape development over the plan period and identify land to meet its housing need.	As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. CPP1 Policy CP1 sets an overarching development strategy to deliver a minimum of 13,200 homes over the period 2010-2030. The City Plan housing figure and strategy was tested and found 'sound' at the CPP1 examination and now forms part of the adopted development plan. The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the SHLAA has been used to identify sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and to	No.	246	Aberdeen Standard Investments

		assess the potential for housing delivery from other sources (e.g. small windfall sites). SHLAA Update 2020 and Housing Provision Topic Paper identify a surplus against the housing target included in CPP1, clearly demonstrating the Council's commitment to boosting housing supply.			
SSA1	Support the aim of providing 40% "affordable homes" within housing developments to include a considerable element of "social rented" housing. To be effective the policy for the provision of affordable/social rented homes should apply to the "Strategic Site Allocations" listed in the City Plan Part 2.	The supporting text makes clear that residential development proposals on this site would be expected to meet the requirements for new housing consistent with City Plan Part One policies e.g. CP14 Housing Density, CP19 Housing Mix and CP20 Affordable Housing which seeks to negotiate 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. City Plan Part 2 Policy DM1 sets out a requirement to provide a mix of tenure and would be applied on a site by site basis subject to viability.	No.	258	Brighton and Hove Liberal Democrats

Policy SSA2 Combined Engineering Depot, New England Road

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
<i>Representations seeking further consideration/ criteria/ clarifications</i>					
Policy SSA2	A heritage impact statement should be prepared to identify the potential impacts of development on the assets as part of any application for the development of the site.	This issue is covered by Policy DM29 'The Setting of Heritage Assets'.	No.	204	Historic England
Policy SSA2	Given the centrality of food being 30% of carbon footprint, in order to meet the test of soundness and compatibility with sustainable development the role of food growing should form part of all of the major / strategic sites (SA7/ SSA1-7) include specific reference to food growing.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted City Plan Part 1 and in the City Plan Part 2. These policies are supported by the Food	No	216	Brighton & Hove Food Partnership

		Growing Planning Advice Note (Updated September 2020).			
Policy SSA2	Support the aim of providing 40% “affordable homes” within housing developments to include a considerable element of “social rented” housing. To be effective the policy for the provision of affordable/social rented homes should apply to the “Strategic Site Allocations” listed in the City Plan Part 2.	The supporting text makes clear that residential development proposals on this site would be expected to meet the requirements for new housing consistent with City Plan Part One policies e.g. CP14 Housing Density, CP19 Housing Mix and CP20 Affordable Housing which seeks to negotiate 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. City Plan Part 2 Policy DM1 sets out a requirement to provide a mix of tenure and would be applied on a site by site basis subject to viability.	No	258	Brighton and Hove Liberal Democrats
Representations Raising Issues of Soundness					
Policy SSA2	Section 3 of the draft CPP2 does not identify and allocate a sufficient supply of land to meet the housing need. The role of diversifying the land uses and offering of existing site allocations to deliver much needed housing should be acknowledged in Section 3. The findings of the SHLAA should be captured in Section 3 to help shape development over the plan period and identify land to meet its housing need.	As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. CPP1 Policy CP1 sets an overarching development strategy to deliver a minimum of 13,200 homes over the period 2010-2030, taking account of the identified housing needs and the city’s significant physical and environmental constraints. The City Plan housing figure and strategy was tested and found ‘sound’ at the CPP1 examination and now forms part of the adopted development plan. The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the SHLAA has been used to identify sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and to assess the potential for housing delivery from other sources (e.g small	No	246	Aberdeen Standard Investments

		windfall sites). The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and development strategy and subject to identified physical, environmental and infrastructure constraints. The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential surplus against the housing target included in CPP1, clearly demonstrating the Council's commitment to boosting housing supply.			
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Policy SSA3 Land at Lyon Close, Hove

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID number	Respondent Name/ Organisation
Support with Caveat					
SSA3	Support for the emerging mixed use allocation of the retail warehouse units on Davigdor Road with the caveat that: 1. The allocation would not jeopardise the current retail use in the medium term. 2. An increase in the residential quantum envisaged by the allocation to 500 units which would be necessary to support the viable redevelopment of the retail warehouses given their high existing use value; and 3. The potential for retail uses to be retained on the site as part of a comprehensive redevelopment pursuant to the Allocation.	It is considered that the policy is positively and effectively prepared as part of a balanced approach to meeting the city's housing needs and retaining employment on site. It is acknowledged that the current retail units may not come forward for redevelopment until the latter stages of the Plan period. Given the uncertainty of parcels of land coming forward, increasing the allocation of housing units on the site beyond the numbers currently permitted would render the policy unsound. The policy does state that should further parcels of land come forward, then additional residential units would be sought as part of a	No.	245	BAE Systems Pension Fund Trustees Limited

		mixed scheme. The allocation is supported by the background report of the Lyon Close Masterplan Principles Study. The next steps are to carry out further testing of scale and capacity of development on the site.			
Representations raising issues of soundness					
SSA3, Para 3.27	The policy is not justified due to the unsuitability of the area for tall buildings above 6 storey resulting in excessive massing, density, shading, visual impact, effect on conservation area and lack of open spaces and space for trees. Policy should state no more than 4 - 6 storeys.	Policy SSA3 is considered to be justified and the issues raised can also be addressed in policy CP12 of City Plan Part 1 and policies DM18; DM20 and DM22 of this Plan. The allocation is supported by the background report of the Lyon Close Masterplan Principles Study. The policy acknowledges that the site is not in an identified Tall Building corridor and that individual proposals would need to be assessed for their townscape impacts and against current tall buildings guidance in SPGBH15 'Tall Buildings' as well as the emerging Urban Design Framework. Other site constraints such as the Willets Conservation Area are also acknowledged in paragraph 3.27 as well as development management policies in City Plan Part 1.	No.	126 139 142 159 178 187 186 189 190 192 195 234 235 238 239 272	Hove Gold
SSA3	The policy is not justified as provision needs to be made in the City Plan for appropriate new accessible locations for the retail warehouse units to avoid loss of jobs.	The policy is considered to be justified as the current site is not identified as a protected employment site under policy CP3 of City Plan Part 1. The strategy for Policy SSA3 seeks to plan positively for the more effective and coordinated use of this mixed use area to meet the housing needs of the city and seek the provision/retention of 5,700 sqm of flexible B1a business floorspace as part of any redevelopment proposals recognising the changing nature of employment.	No.	126 186	

SSA3	Future infrastructure and community facilities, open space, transport requirements should be assessed before further development permitted in order for the policy to be effective.	The issues raised are addressed in the policy and in City Plan Part 1. Physical, social and community infrastructure needed in time and related to new development would be secured by developer contributions and planning conditions. The Lyon Close workshop with Design South East to establish masterplan and design principles for the site allocation going forward included open space and community facilities in the vision.	No.	126 139 186 142 187 188 190 195 238 272	
SSA3	To be effective suggest changing para 3.31 "should" to "shall", to make notification of land contamination issues a more binding obligation.	The policy wording is considered to be effective and is supported by policy DM40 of this Plan. The term 'should' is used throughout the Plan to ensure consistency and indicates a strong requirement to fulfil the relevant policy requirement. Site investigations into existing and potential land contamination and remediation on development sites can be required by local authorities prior to commencement of any development being permitted.	No.	126	
SSA3	Allocation of minimum of 300 residential units is excessive due to numbers already built or approved, with a total pipeline of 478. CPP2 requires a co-ordinated master-plan approach.	The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the SHLAA has been used to identify sites suitable for housing allocation in CPP2 to help meet the planned housing requirement. The allocation of a minimum of 300 residential units is based upon existing or lapsed planning consents which relate to parts of but not the whole 3.3 ha site allocation. The allocation is supported by the background report of the Lyon Close Masterplan Principles Study. The next steps are to carry out further testing of scale and capacity of development on the site.	No.	139 159 178 195 235 239	Hove Gold,

SSA3	To be effective policy criteria f) should be strengthened by saying development 'shall' not 'should' provide for a mix of dwelling type, tenure including 40% affordable and size to cater for a range of housing requirements and to improve housing choice (see Policy CP19). Type of housing proposed high density 1-2 bed flats with no gardens is not needed.	The policy is considered to be effective and the term 'should' is used throughout the Plan to ensure consistency and indicates a strong requirement to fulfil the relevant policy requirement. The wording of policy SSA3 is consistent with City Plan Part 1 policies CP19 (Housing Mix) and CP20 (Affordable Housing) which would be applicable to development coming forward on this site. Evidence of a significant need for smaller units (1-2 beds) for smaller households supported policy CP19 of City Plan Part 1 as part of positively planning for a provision of a mix of dwelling types in the city.	No.	126 139 159 178 188 192 195 235 238 239 272	Hove Gold
SSA3	Significantly exceeding the proposed number of residential units in this location will impact detrimentally on employment location due to stress on parking and public transport. Policy should be more flexible in designation of B1 space requirements in line with changes to the Use Class Order, to encourage diversity within the B category office and industrial space uses and within local area in terms of provision of mixed retail and service uses under Class E. Height precedents recently set by recent consents should be respected. Need for outdoor amenity space has become a necessity.	It is considered that the policy is positively and effectively prepared as part of a balanced approach to meeting the city's housing needs and retaining and promoting employment on site and is consistent with policies CP1 and CP2 in City Plan Part 1. The strategy for Policy SSA3 seeks to plan positively for the more effective and coordinated use of this mixed-use area to meet the housing needs of the city and seek the provision/retention of 5,700 sqm. of flexible B1a business floorspace as part of any redevelopment proposals recognising the changing nature of employment. The allocation is supported by the background report of the Lyon Close Masterplan Principles Study which included open space and community facilities in the vision.	No.	64	Withdean Commercial Property Ltd.
SSA3	Section 3 of the draft CPP2 does not identify and allocate a sufficient supply of land to meet the housing need. The role of diversifying the land uses and offering of existing site allocations to deliver much needed housing should be acknowledged in Section 3. The findings of the SHLAA should be captured in Section 3 to help shape	The policy is considered to be consistent with national policy. As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1,	No.	246	Aberdeen Standard Investments

	development over the plan period and identify land to meet its housing need.	rather than to review or amend the strategy established in the adopted Part One Plan. CPP1 Policy CP1 sets an overarching development strategy to deliver a minimum of 13,200 homes over the period 2010-2030. The City Plan housing figure and strategy was tested and found 'sound' at the CPP1 examination and now forms part of the adopted development plan. The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the SHLAA has been used to identify sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and to assess the potential for housing delivery from other sources (e.g. small windfall sites). The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential surplus against the housing target included in CPP1, clearly demonstrating the Council's commitment to boosting housing supply.			
<i>Representations Seeking further considerations/ criteria/ clarification</i>					
SSA3	Given the centrality of food being 30% of carbon footprint, in order to meet the test of soundness and compatibility with sustainable development the role of food growing should form part of all of the major / strategic sites (SA7/ SSA1-7) include specific reference to food growing.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted City Plan Part 1 and in the City Plan Part 2. These policies are supported by the Food Growing Planning Advice Note (Updated September 2020).	No.	216	Brighton & Hove Food Partnership
	Support the aim of providing 40% "affordable homes" within housing developments to include a considerable element of "social rented" housing. To be effective the policy for the provision of affordable/social rented homes should apply to the "Strategic Site Allocations" listed in the City Plan Part 2.	The supporting text makes clear that residential development proposals on this site would be expected to meet the requirements for new housing as set out in City Plan Part One policies e.g. CP14 Housing Density, CP19 Housing Mix and CP20 Affordable	No.	258	Brighton and Hove Liberal Democrats

		Housing which seeks to negotiate 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. City Plan Part 2 Policy DM1 sets out a requirement to provide a mix of tenure but would be determined on a site by site basis subject to viability.			
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Policy SSA4 Sackville Trading Estate and Coal Yard

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Representations Seeking further considerations/ criteria or clarifications					
Policy SSA4	Minor amendments proposed to the supporting text make explicit the key role this strategic site will play in the development of this new quarter.	The supporting text at 3.34 makes reference to the Neighbourhood Plan. This can be updated to reflect progress and status of the Neighbourhood Plan.	Yes.	229	Hove Station Neighbourhood Forum
Policy SSA4	There is an inconsistency in the policy wording for this site compared to SSA7 Land Adjacent to American Express Community Stadium, Village Way (which also falls within Groundwater Source Protection Zone 1, 2 and 3). As protection of the Brighton Chalk Block Aquifer is an important environmental consideration, we feel that it is important to provide this clarity and consistency in the wording between different strategic site allocations.	Comment noted. The following criterion can be added to the policy to "Development must ensure that groundwater sources are protected, to the satisfaction of the Environment Agency" for consistency.	Yes	79	Environment Agency
Policy SSA4	Given the centrality of food being 30% of carbon footprint, in order to meet the test of soundness and compatibility with sustainable development the role of food growing should form part of all of the major / strategic sites (SA7/ SSA1-7) include specific reference to food growing.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted City Plan Part 1 and in the City Plan Part 2. These policies are supported by the Food Growing Planning Advice Note (Updated September 2020).	No	216	Brighton & Hove Food Partnership
SSA4	Support the aim of providing 40% "affordable homes" within housing developments to include a considerable element of "social rented" housing.	The supporting text makes clear that residential development proposals on this site would be expected to meet the requirements for new housing as	No	258	Brighton and Hove Liberal Democrats

	To be effective the policy for the provision of affordable/social rented homes should apply to the "Strategic Site Allocations" listed in the City Plan Part 2.	set out in the adopted City Plan Part One policies e.g. CP14 Housing Density, CP19 Housing Mix and CP20 Affordable Housing which seeks to negotiate 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. City Plan Part 2 Policy DM1 sets out a requirement to provide a mix of tenure but would be determined on a site by site basis subject to viability.			
Representations Raising Soundness Concerns					
Policy SSA4	More can be done within draft Policy SSA4 to clarify that this allocation alone will result in an exceedance of the housing delivery targets set in Development Area DA6 (City Plan Part 1) and provide an update to CPP1 DA6 through amendment to SSA4 to expressly allow for further exceedance if other sites in the Development Area come forward for residential development, either solely or as part of a mixed-use development.	The housing delivery target in adopted City Plan Part One Policy DA6 is expressed as a minimum so it is not considered that this change is necessary. Should other sites come forward within the Development Area, the policy supports the efficient use of land through, predominantly employment and residential mixed development.	No	181	Royal London Asset Management
Policy SSA4	Section 3 of the draft CPP2 does not identify and allocate a sufficient supply of land to meet the housing need. The role of diversifying the land uses and offering of existing site allocations to deliver much needed housing should be acknowledged in Section 3. The findings of the SHLAA should be captured in Section 3 to help shape development over the plan period and identify land to meet its housing need.	As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. CPP1 Policy CP1 sets an overarching development strategy to deliver a minimum of 13,200 homes over the period 2010-2030, taking account of the identified housing needs and the city's significant physical and environmental constraints. The City Plan housing figure and strategy was tested and found 'sound' at the CPP1 examination and now forms part of the adopted development plan. The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the SHLAA has been used to	No	246	Aberdeen Standard Investments

		identify sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and to assess the potential for housing delivery from other sources (e.g. small windfall sites). The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and development strategy and subject to identified physical, environmental and infrastructure constraints. The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential surplus against the housing target clearly demonstrating the Council's commitment to boosting housing supply.			
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Policy SSA5 Madeira Terrace and Madeira Drive

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
<i>Representations Raising issues of Soundness</i>					
SSA5	Section 3 of the draft CPP2 does not identify and allocate a sufficient supply of land to meet the housing need. The findings of the SHLAA (that the Plan falls short of meeting its annual housing need figure and can only demonstrate a four year housing supply) are not sufficiently discussed or examined in the CPP2. This shortfall and deviation from the NPPF requirements should be addressed. The role of diversifying the land uses and existing site allocations to deliver much needed housing should be acknowledged in Section 3.	SSA5 is focused on the restoration and regeneration of the Madeira Terraces and Drive for a range of uses appropriate to the Grade II listed structure, its seafront location and role. Residential use is not considered a suitable use in this location.	No.	246	Aberdeen Standard Investments
<i>Representations seeking further considerations/ clarifications or criteria</i>					
SSA5	The site includes numerous heritage assets that contribute to its uniqueness and special character (i.e. the Terrace itself, street lamps, shelters, etc), and it is located within the East Cliff conservation area which is registered as a Heritage at Risk asset. The policy will be required to be implemented with care and in a way that supports the repair and restoration of the listed structures as a priority. The supporting text could be more explicit also about addressing the 'at Risk' status of the Conservation Area of which they are a key part.	Clarification will be added to the policy text at the second paragraph to make more explicit the priority to repair and restore the listed structures. This change will be supported by updates to the supporting text with respect to the recent re-grading and 'at risk status' and also to refer to the Conservation Management Plan which is under preparation.	Yes.	204	Historic England
SSA5	Given the centrality of food being 30% of carbon footprint, in order to meet the tests of soundness and compatibility with sustainable development the role of food growing should form part of all of the major / strategic sites (SA7/ SSA1-7) include specific reference to food growing.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted City Plan Part 1 and in the City Plan Part 2. These policies are supported by the Food Growing Planning Advice Note (Updated September 2020).	No.	216	Brighton & Hove Food Partnership
SSA5	Remove reference to overnight accommodation/ boutique hotel – not appropriate to incorporate as part of listed terrace.	Inclusion of reference to hotel in range of potential uses in the policy is guided by the Madeira Drive Regeneration Framework and positively addresses the findings of the Brighton & Hove Visitor Accommodation Update 2018 on	Yes.	256, 247	The Brighton Society, Regency Society

		further need for hotels over the plan period. Any potential visitor accommodation would be small scale/ boutique with limited services and this can further clarified in changes to the policy wording to refer to visitor accommodation and to the supporting text at paragraph 3.46.			
SSA5	Improvement/ removal of coach parking should be integral part of the project.	Criteria c) - e) positively address the need for sustainable transport improvements; improved accessibility and a coordinated approach to public realm and event space improvements and these would apply to consideration of improvements of coach parking.		247	Regency Society
SSA5	Basic facilities on beach should be kept to minimum and excepting lifeguards should preferably be accommodated within the terrace. Minimising traffic on the drive would facilitate this.	This is addressed in criterion f) with cross reference to Policy DM39 which sets out the presumption against development extending onto the shingle beach and the exceptions for new small scale public amenities.		247	Regency Society
SSA3 para 3.47	Stronger statement to reopen lift and staircase as part of restoration of terrace. Para. 3.47 reopening staircases should be prioritised as essential and feasible.	The Policy at criterion a) relates to the wider restoration and repair of the Terraces and access points and criterion d) relates to improved access to the beach. Wording in the supporting text at paragraph 3.47 can be clarified to emphasise the importance of reopening of the staircases and options regarding improving lift access.	Yes.	256, 247	The Brighton Society, Regency Society

Policy SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
SSA6	Note that sites in Section 3 Special Area and Strategic Site Allocations have been subject to assessment in relation to their potential impact on the significance of heritage assets or their settings. Bullet point b. in SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive is noted and supported.	Support welcomed.	N/A	204	Historic England
Representations seeking further considerations/ clarifications/ criteria					
SSA6	Given the centrality of food being 30% of carbon footprint, in order to meet the tests of soundness and compatibility with sustainable development the role of food growing should form part of all of the major / strategic sites (SA7/ SSA1-7) include specific reference to food growing.	It is considered that there is a sufficient and positive policy framework to encourage food growing set out in the adopted City Plan Part 1 and in the City Plan Part 2. These policies are supported by the Food Growing Planning Advice Note (Updated September 2020).	No.	216	Brighton & Hove Food Partnership
Representations Raising Issues of Soundness					
SSA6	Section 3 of the draft CPP2 does not identify and allocate a sufficient supply of land to meet the housing need. The findings of the SHLAA (that the Plan falls short of meeting its annual housing need figure and can only demonstrate a four year housing supply) are not sufficiently discussed or examined in the CPP2. This shortfall and deviation from the NPPF requirements should be addressed. The role of diversifying the land uses and existing site allocations to deliver much needed housing should be acknowledged in Section 3.	SSA6 is focused on the restoration and regeneration of the Madeira Terraces and Drive for a range of uses appropriate to the Grade II listed structure, its seafront location and role. Residential use is not considered a suitable use in this location.	No.	246	Aberdeen Standard Investments

Policy SSA7 Land Adjacent to American Express Community Stadium, Village Way

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
SSA7 b) Paras 3.56 - 3.58	Support need to visually connect to SDNP and enhance its setting and reference to policy DM40. Seeks reference to South Downs Integrated Landscape Character Assessment (SDILCA). Seeks reference to transport contribution to upgrade crossing at Village Way/B2123.	Support noted and welcomed. It should be clarified that the road junction and pedestrian crossing referred to is outside of the city boundary of B&HCC and is the responsibility of East Sussex County Council Highway Authority.	N/A	179	South Downs National Park (SDNP)
SSA7	Highways England should be consulted on any development proposals.	Support noted and welcomed.	N/A	180	Highways England
SSA7	LVIA accompanying development proposal should be undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA 3rd edition).	Support noted and welcome. Robustness of LVIA will considered at any application stage.	N/A	212	Natural England
Representations raising soundness concerns					
SSA7 d)	Concerned that no mitigating measures are proposed in relation to the impact of this major development on the A259 and B2123.	The policy requires sustainable transport infrastructure to be provided and to ensure that there is no adverse air quality impact. Additional specific mitigation measures would be identified during consideration of an individual development proposal consistent with City Plan Part 1 and Policy DM40 Protection of Environment and Health – Pollution and Nuisance.	No.	116	Rottingdean Parish Council
SSA7	Object to further development in vicinity of stadium due to residential amenity and traffic impacts. Development on Village Way would be intrusive.	Part of proposed development site has been allocated for the same proposed use within Lewes District Local Plan Part 2, adopted in 2020. To clarify, the site allocation is not on Village Way but on lower ground adjacent A27/B2123. Para 3.57 states that proposals should address road and rail noise quality issues	No.	173	Sussex Ramblers

		consistent with Policy DM40 Protection of Environment and Health – Pollution and Nuisance.			
Para 3.57	All SSA1-7 site allocations should require heritage impact assessments with development proposals.	Policy SSA1 para 3.59 refers to the need to consider the visual impact of a development proposal on the Grade II registered historic Stanmer Park and Listed Buildings within the University of Sussex campus and is consistent with Policy DM29 The Setting of Heritage Assets). For clarity a specific reference to a Heritage Impact Assessment can be made in para 3.59	Yes	204	Historic England
	Given the centrality of food being 30% of carbon footprint, in order to meet the test of soundness and compatibility with sustainable development the role of food growing should form part of all of the major / strategic sites (SA7/ SSA1-7) include specific reference to food growing.	It is considered that there is a sufficient and positively prepared policy framework to encourage food growing set out in City Plan Part 1 and in this Plan. These policies are supported by the city council's Food Growing Planning Advice Note (Updated September 2020).	No.	216	Brighton & Hove Food Partnership
Criteria d) and g)	Criteria d) Site is in a sustainable location and community stadium has undergone extensive transport infrastructure and operates under a Travel Plan. Criteria g) Unnecessary to require training place agreement given existing training carried out by Community Stadium Limited. Seeks removal of these requirements as scheme will become unviable.	The policy is justified and consistent with national policy guidance which requires that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Criteria d) is consistent with policy DM33 and City Plan Part 1 policies CP9 (Sustainable Transport) and DA3 (Lewes Road) within which the site is located. Criteria g) is justified and would build upon the policy requirements in City Plan Part 1 under policy CP7 (Infrastructure and Developer Contributions) which anticipated the implementation of a locally adopted	No.	242	The Community Stadium Limited

		Community Infrastructure Levy (CIL) to provide for infrastructure with contributions that will deliver strategic infrastructure to support wider area development.			
SSA7	Section 3 of the draft CPP2 does not identify and allocate a sufficient supply of land to meet the housing need. The role of diversifying the land uses and offering of existing site allocations to deliver much needed housing should be acknowledged in Section 3. The findings of the SHLAA should be captured in Section 3 to help shape development over the plan period and identify land to meet its housing need.	The allocation of the site for a residential development would be inconsistent with national policy and policy DM40 of this Plan (Protection of Environment and Health – Pollution and Nuisance) as it is located between a large community stadium, the Brighton-Lewes railway line and the A27 trunk road and thus would be unsuitable and would likely provide poor quality and unhealthy living accommodation and poor amenity for new residents. Refer also to responses to the same representation by same objector in respect of other strategic sites (SSA1 and SSA3) in this plan.	No.	246	Aberdeen Standard Investments

Policy H1 Housing Sites and Mixed Use Sites

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support					
Policy H1	General support	Support welcomed,	No	264 88	Kingsway and West Hove Residents Association (KAWRA), BHEP
Policy H1	We support the requirement for Landscape and Visual Impact Assessment (LVIA). Where required, we advise LVIA is undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA 3rd edition).	Comment noted.	No.	212	Natural England

Policy H1	The specific reference to food growing under H1-H3 (housing and mixed use sites) is welcomed.	Support welcomed.	No	216	Brighton & Hove Food Partnership
Policy H1	We are pleased to see that woodland has generally been excluded from sites, and the one section of ancient woodland potentially affected had a buffer applied.	Support welcomed.	No	202	Woodland Trust
<i>Representation raising soundness issues to overarching policy</i>					
Policies H1/H2	Highways England requires confirmation that the cumulative impact of the development sites has been included within the strategic transport modelling and therefore included within the previously agreed junction mitigations. If not, further consideration of appropriate mitigation may be required.	The council has worked with Highways England to address this concern and this is set out in the Transport Topic Paper May 2021. A Statement of Common Ground is being jointly produced to address any outstanding issues.	No.	180	Highways England
Policy H1	The Plan is not positively prepared or justified as it does not allocate sufficient sites to meet the 2015 objectively assessed housing need figure of 30,120.	Adopted City Plan Part One Policy CP1 (Housing Delivery) sets out the adopted housing target for the city for at least 13,200 new homes to be built over the plan period (2010 – 2030). The Housing Provision Topic Paper sets out how this target will be achieved. It is not the role of the City Plan Part Two to review the housing target.	No.	167	Brighton YIMBY
Policy H1	The housing target should be increased through suburban intensification and development on golf courses in the National Park.	The National Park does not fall within the Plan Area. Suburban intensification is supported in principle through Policy DM19 'Maximising Development Potential'.	No	167	Brighton YIMBY
Policy H1	The Council should undertake a more robust review of development sites to identify further opportunities for meeting the identified housing need. Without this, the plan cannot be said to be Positively Prepared or Effective and is considered Unsound.	The site selection process as set out in the Site allocations Topic Paper has been positive, thorough and robustly examined opportunities for identifying sites for housing development. A similarly positive approach has been taken to omission sites proposed during the Reg. 19 consultation.	No.	181	Royal London Asset Management
Policy H1	The Plan should promote solutions to providing more housing such as land reclamation from the sea, building under the Downs and allowing high rise housing within the city to replace low rise buildings	Adopted City Plan Part One Policy CP1 (Housing Delivery) sets out the adopted housing target for the city for at least 13,200 new homes to be built over the plan period (2010 – 2030) and the strategy for accommodating	No	197	

		growth in the city. The Housing Provision Topic Paper sets out how this target will be achieved. City Plan Part One Policy CP12 sets out the policy framework for assessing tall buildings. Making more efficient use of land in the city is promoted by Policy DM19 Maximising Development Potential.			
Policy H1	The wording of the policy and site entries should make clear that where appropriate a Heritage Impact Assessment is required as part of development applications.	It is considered that this issue is covered appropriately addressed by Policy DM29 'The Setting of Heritage Assets'.	No	204	Historic England
Policy H1	The policy should refer to the allocation numbers for all sites as "minimum number", rather than an "indicative number" or a "minimum indicative amount". This will provide greater certainty and clarity to the policy.	The policy wording allows for development schemes which exceed the indicative number of residential units. A proposed amendment will made to the policy wording to clarify that the figures are indicative rather than 'minimum indicative' which is rather incoherent.	Yes	207	NEK Holdings
Policy H1	The site allocation policies contain a number of outdated references to Use Classes that no longer exist and should be revised prior to submission.	Main modifications will be proposed to remove references to old use classes.	Yes,	241	Lewis & Co
Policy H1	The Plan does not identify and allocate a sufficient supply of land to meet the housing need. The findings of the SHLAA should be captured in Section 3 to help shape development over the plan period and, given the requirements of national policy for the planning authority to identify land to meet its housing need, this shortfall and deviation from the NPPF requirements should be addressed.	As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. CPP1 Policy CP1 sets an overarching development strategy to deliver a minimum of 13,200 homes over the period 2010-2030, taking account of the identified housing needs and the city's significant physical and environmental constraints. The City Plan housing figure and strategy was tested and found 'sound' at the CPP1 examination and now forms part of the adopted development plan. The Housing Provision Topic Paper and Site Allocations Topic Paper set		246	Aberdeen Standard Investments

		out how the SHLAA has been used to identify sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and to assess the potential for housing delivery from other sources (e.g small windfall sites). The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and development strategy and subject to identified physical, environmental and infrastructure constraints. The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential surplus against the housing target included in CPP1, clearly demonstrating the Council's commitment to boosting housing supply.			
Policy H1	The Housing Provision Topic Paper (October 2019) states that as at 1 April 2019 there is identified potential to deliver at least 14,875 net dwellings; 1,665 over the CP1 housing requirement. However, the over delivery is largely sourced from Small Sites (completions on small identified sites and windfall allowance), Prior Approvals and HRA Estates Regeneration sites rather than allocations. Without their specific allocation there must be robust evidence to justify their contribution to meeting the housing requirement.	Sites have been allocated where there is evidence that they can be delivered during the Plan period. The process is set out in the Site Allocations Topic Paper. Where sites are in the SHLAA they are allocated, but with others in the Estates Regeneration programme there is greater uncertainty regarding delivery. An allowance for 259 units through new homes for neighbourhoods has been made and this is set out in the Housing Provision Topic Paper.	No.	259	Mid Sussex District Council
<i>Representations raising soundness issues with specific site allocations</i>					
71 - 76 Church Street, Brighton	The Policy and allocation for 50 units on the site does not maximise the potential of this highly sustainable brownfield site to accommodate new dwellings. Increase to 80 units requested.	The allocation does not set a maximum number of units for the site. A larger development would be permissible under the policy subject to detailed on-site consideration of design and amenity considerations at the planning application stage,	No.	205	Patrick Moorhead Antiques Ltd

		particularly given its location in the North Laine Conservation Area.			
Land between Manchester Street/ Charles Street,	The policy allocation 12 units plus commercial space on the site does not make a full and efficient use of the land. Change requested to a minimum of 19 residential units and a minimum of 250sqm of commercial floor space (Class E).	The allocation does not set a maximum number of units for the site. A larger development would be permissible under the policy subject to detailed on-site consideration of design and amenity considerations at the planning application stage, particularly given its location in the East Cliff Conservation Area.	No	207	NEK Holdings
Saunders Glassworts, Sussex Place, Brighton	The allocation should permit a mixed-use proposal including commercial, leisure and community uses, as well as purpose-built student accommodation proposals	The site is retained for residential allocation but considered appropriate for E use class as part of a mixed use development. The council's priority is to allocate the majority of sites for C3 use which contributes towards the housing target as set out in City Plan Policy CP1. Allocation amended to permit E class uses alongside residential.	Yes		Brightstary
27-31 Church Street, Brighton	The allocation should be altered to solely office development to reflect a planning application currently under consideration.	This site is subject to an extant planning permission for housing-led mixed use redevelopment which has technically commenced. A planning application for a solely office development is currently under consideration and it is considered premature to amend the allocation until the application has been determined to avoid a conflict with the commenced scheme.	No.		SM Brighton Ltd
Preston Park Hotel, 216 Preston Road, Brighton	Not positively prepared as the requirement that "occupation of the development will be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider;" Such a restriction is unnecessary because the extant planning permission contains no such restrictions, and so it is inconsistent to now apply a restriction. Also drainage impact will not be materially different to the existing use of the site; and the scheme would not be suitable for phased occupation.	This requirement was included at the request of Southern Water. It does not affect an extant planning permission and would not require delivery of an alternative scheme to be phased if, following consultation with the service provider, there was no need to do so.	No.	249	Preston Park Hotel Ltd
Land between Marine	Objection to the allocation of the site because of the Local Wildlife Site designation. The NPPF is clear in paragraph 174 that plans should safeguard components of local wildlife-rich habitats including	LWS designation is not necessarily incompatible with development on part of the site. Following	No.	219 228	Sussex Wildlife Trust

Drive and rear of 2-18 The Cliff, Brighton	the hierarchy of designated sites of importance for biodiversity. Deletion of site requested.	representations to the draft City Plan Part Two, the indicative number of residential units has been reduced to 10 to reflect this constraint. A footnote to the allocation requires development to mitigate any adverse impacts on the designated site and provide biodiversity net gains in accordance with CPP1 Policy CP10 and CPP2 Policy DM37.			Sussex Ornithological Society
2-16 Coombe Road, Brighton	Landowner objects to the allocation of the site as it will not be made available within the Plan period. Deletion of site requested with additional wording to support the retention of the existing B8 use.	Given representation from the landowner indicating the site is not available during the plan period due to its current employment use, the site is proposed to be removed from allocation under Policy H1. The existing employment use would be protected under City Plan Part One Policy CP3 Employment Land.	Yes.	248	Big Yellow Self Storage Company Limited
Hove Sorting office, 88 Denmark Villas	The policy does not make effective use of a highly accessible and sustainably located site contrary to the NPPF given the lack of five year housing land supply and housing. The policy is not positively worded. Applying the minimum 100 dph density would result in significant under development. The indicative number of residential units should be increased a minimum of 128 dwellings which is comparable to recent approved applications/ allowed appeals in the area.	The allocation does not set a maximum number of units for the site. The indicative number is in line with the minimum density for major sites within Development Areas of 100dph, as set out in CPP1 Policy CP14. The proximity of heritage assets to the site means that full consideration of the impacts of a denser scheme would be required at the planning application stage.	No.	269	Royal Mail
Land at the corner of Fox Way and Foredown Road, Portslade	The site is at risk of flash flooding and allocation would be contrary to NPPF paras. 156 and 157. The site area represents a local amenity green infrastructure and is well used. Deletion from Plan requested.	The Strategic Flood Risk Assessment Update 2018 considered the site to be at low risk overall for flooding being in Flood Zone 1 and not found to have a higher risk of flooding from other sources The SFRA considered climate change impact and cumulative impacts. In accordance with the NPPF, the site is considered suitable for housing.	No	120	
<i>Representations putting forward Omission sites for consideration</i>					

Policy H1	Kap Ltd, Newtown Road Hove (BH2018/03356) should be allocated to support future development should the permission lapse before implementation.	This site is allocated for mixed use redevelopment in Policy CP3.4 of City Plan Part One. It is not the role of the City Plan Part Two to revisit site allocations in the adopted City Plan Part One.	No.	181	Royal London Asset Management
Policy H1	Land at Palmeira Avenue and Cromwell Road, should be included within the City Plan Part Two as a housing allocation with an indicative capacity of 95 dwellings.	A planning application (BH2020/01403) for a development of this size on this site was recently refused. The excessive height and scale was a reason for refusal and it is therefore not considered that a scheme of this size is deliverable on this site. The site is also in multiple ownerships and there is not clear evidence that a development would proceed if permission was granted.	No.	250	RKO Developments
Policy H1	Albany house, New England Street, Brighton BN1 4GQ and the adjoining land at St James House New England Street, Brighton should be allocated in the Plan for either a mixed use or PBSA scheme. Consider the site could accommodate 10 storey height building capable of accommodation a mixed use scheme of shop/offices on lower floors and 200 plus residential units.	This site is already allocated as a strategic allocation for employment use in the adopted City Plan Part One Policy DA4 as part of the 'Richardson's Scrapyard and Brewers Paint Merchant Site'. It is not the role of the City Plan Part Two to revisit site allocations in the adopted City Plan Part One.	No.	252	C.Brewer & Sons Limited
Policy H1	The site at 3–9 Blackman Street, Brighton could make a positive contribution to Housing Needs in Brighton and should be included under Policy H1 as a Housing Site or a mixed-use Site. The site is protected for offices but consider it could support high density residential or mixed-use development. Allocation for circa 50 residential units requested.	This site is already allocated as a strategic allocation for employment use in City Plan Part One Policy DA4 as site h) GB Liners Site, Blackman Street Site' It is not the role of the City Plan Part Two to revisit site allocations in the adopted City Plan Part One.	No	270	McLaren Living
Policy H1	Land at Preston Road / Campbell Road, Brighton should be allocated for residential use for an indicative 70 units. This would contribute to meeting the city's 5-year supply requirement.	The availability of this site is noted, and a site appraisal has been carried out to inform a decision to allocate. It is proposed that the site could be allocated for an indicative 24 units. The lower indicative figure reflects the site's constraints which may affect the scale of development that can be achieved.	Yes propose to allocate site under H1.	265	The Arch Company

Policy H1	Site at 154 Old Shoreham Road, Hove proposed for development comprising a 100-bed hotel (Use Class C1), 40 residential units (Use Class C3), with ground floor commercial (Use Class E).	The availability of this site is noted, and a site appraisal has been carried out to inform a decision to allocate. The site is proposed to be allocated for an indicative 30 units. The lower indicative figure is in line with the 100dph density expected in the City Plan Part One development area (DA6) and reflects the site's constraints which may affect the scale of development that can be achieved. Hotel use is not included in the allocation as the developer would need to demonstrate there are no sequentially suitable sites, in line with adopted City Plan Part One Policy CP6.	Yes propose to allocate site under H1.	181	Royal London Asset Management
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Policy H2 Housing Sites – Urban Fringe

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/Organisation
Support policy					
H2	General support for policy/no comments made	Support welcomed	N/A	167, 217	Brighton YIMBY,
H2	Consider the policy sound with regards to addressing the housing needs by developing the urban fringe sites. Policy requirements for biodiversity, production of home-grown food, sustainable transport infrastructure and access to South Downs Way will allow development that maintains the environmental and social capital of these areas. Support the inclusion of community led housing projects which will ensure integration with established communities, allow opportunities to engage/involve local people in the design process and deliver housing that is more eco-sustainable.	Support welcomed		143	Sussex Co-housing
H2	Welcome the specific reference to food growing in the policy.	Support welcomed	N/A	216	Brighton & Hove Food Partnership
Representations raising soundness issues – All sites/Not site specific					

H2	General objection to all sites/all development on the urban fringe	It was established through the CPP1 examination that some development on the urban fringe is required to help address the city's housing needs; this was necessary for the Plan to be found 'sound'.	No	29, 54, 57, 59, 95, 147, 156	
H2	<p>Consider there has been insufficient consultation with local people on development of urban fringe sites / consultation has not been easily accessible / residents' views have been ignored.</p> <p>Petitions and deputations to Council opposing the allocation/ development of several urban fringe sites (see below) have been ignored.</p> <p><BHCC Conservative Group representation includes the following resident petitions:</p> <ul style="list-style-type: none"> • Petition to Save Benfield Valley; • Petition to Save Whitehawk Hill; Ingleside Stables; South Downs Riding School from Development; • Petition to Save Land Adjoining Horsdean Recreation Ground AND Ladies Mile Adjoining the Ladies Mile Nature Reserve from Development; and • Petition to Save Coldean's Green Land from Development.> 	<p>Disagree. The CPP2 has been through three separate phases of public consultation during its preparation: the Scoping stage from June-Sept 2016; consultation on the draft Plan from July to Sept 2018; and the formal Proposed Submission Regulation 19 consultation in Sept/Oct 2020. At each of these stages consultation has been carried out in accordance with Government regulations and the Council's Statement of Community Involvement (SCI). Full details of the publicity and consultation undertaken by the Council are set out in the Consultation Statements which are published alongside the Plan.</p> <p>The petitions submitted in response to the Regulation 19 consultation have been treated as representations and will be considered by the CPP2 Inspector at the examination.</p> <p>The CPP2 Proposed Submission was approved for Regulation 19 consultation by Full Council on 23 April 2020. Votes on tabled amendments were taken at that meeting in accordance with an agreed protocol published with the Committee Report. The issue of receiving deputations at a subsequent meeting of Full Council is a matter relating to the agreed Council protocol</p>		231, 13, 53, 69, 87, 99, 169	BHCC Conservative Group

		which has been addressed separately by the Council's Chief Executive.			
H2	The Plan does not identify/allocate sufficient land to meet housing need. The findings of the SHLAA should be captured in Section 3 to help shape development over the plan period. The shortfall against NPPF requirements should be addressed to meet national policy. The Plan does not currently comply with the NPPF Paragraph 59 requirement to boost significantly the supply of housing.	<p>As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. CPP1 Policy CP1 sets an overarching development strategy to deliver a minimum of 13,200 homes over the period 2010-2030, taking account of the identified housing needs and the city's significant physical and environmental constraints. The City Plan housing figure and strategy was tested and found 'sound' at the CPP1 examination and now forms part of the adopted development plan.</p> <p>The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the SHLAA has been used to identify sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and to assess the potential for housing delivery from other sources (e.g small windfall sites). The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and development strategy and subject to identified physical, environmental and infrastructure constraints. The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential housing supply above the minimum CPP1 requirement, clearly demonstrating the Council's commitment to boosting housing supply.</p>		246	Aberdeen Standard Investments

H2	<p>Oppose any greenfield development – consider development should be focused on brownfield sites in the city.</p> <p>There are many redundant sites and empty buildings in the city. The impacts of COVID-19/trend towards home working will free up redundant office space for conversion to housing. The construction of new purpose-built student accommodation in the city will free up existing housing stock for residential use.</p>	<p>The City Plan strategy already seeks to maximise development on brownfield sites subject to physical, environmental and amenity constraints. All available brownfield sites have been subject to detailed assessment through the Strategic Housing Land Availability Assessment (SHLAA) in terms of their development capacity, and this has been subject to further review through an independent Housing and Employment Land Study (Dec 2017) and Sustainability Appraisal of allocated sites. However, the Plan housing targets cannot be achieved without allowing some (limited) development on the urban fringe. This was clearly established at the CPP1 examination and is required to conform with the strategy for housing delivery set out in CPP1 Policy CP1 which includes provision for 1,060 homes within the urban fringe.</p>	No	231, 215, 13, 34, 50, 54, 59, 65, 69, 70, 71, 87, 93, 147, 156, 172, 225, 226, 227, 262, 263	BHCC Conservative Group, South Downs Society,
H2	<p>Consider development on greenfield sites/ allocated urban fringe sites is not necessary to meet the minimum target of 13,200 homes in CPP1 Policy H1. The Housing Provision Topic Paper identifies potential to deliver 14,875 net dwellings which is a surplus of 1,665 dwellings against the minimum City Plan housing target. This increases to nearly 16,000 dwellings if adjusted to take account of increased projections for the Hove Station Development Area following planning permissions recently granted for the Sackville Trading Estate and KAP Peugeot garage sites. This indicates that the required housing figure could be met on brownfield sites without the need for greenfield urban fringe allocations.</p> <p>Consider the number of sites/ dwellings allocated on the urban fringe could be reduced whilst still maintaining compliance with CPP1. The CPP1 inspector's correspondence with the Council was not prescriptive on how BHCC should look again at the urban fringe or which sites should be included or excluded from any assessment. The Inspector's Report states that CPP1 does not allocate urban fringe</p>	<p>Disagree. The NPPF (Paragraph 35) states that for local plans to be considered 'positively prepared', they should provide a strategy which seeks to meet the area's objectively assessed needs. The housing figure of 13,200 net dwellings set in CPP1 Policy CP1 provides for only 44% of the total OAN identified for Brighton & Hove, which takes account of the city's physical and environmental constraints. In response to this shortfall, the CP1 figure has been intentionally set as a minimum target. The CPP1 Inspector's Report (paragraph 37) specifically noted that "this offers scope for the number to be increased when more detailed consideration of individual sites is</p>	No	231, 219, 53, 57, 59, 147, 168, 225	BHCC Conservative Group, Sussex Wildlife Trust

	<p>sites and that decisions on whether individual sites should be developed will be made through CPP2.</p> <p>CPP1 Policy CP1 states only requires that new housing will be 'delivered broadly in line' with the broad housing distribution indicated.</p>	<p>undertaken for the preparation of the City Plan Part Two."</p> <p>The Housing Provision Topic Paper published alongside the CPP2 Proposed Submission identified a total potential supply of 14,875 net dwellings (based on the SHLAA 2019 Update). The suggested figure of nearly 16,000 dwellings substantially over-estimates the identified housing supply and appears to double count some sites that are already allocated (e.g Sackville Trading Estate) and also to build in 'increased projections' over and above current City Plan policy which are not specified and where there is no evidence of deliverability.</p> <p>The Council's housing supply figure is a best estimate of projected delivery to 2030, which includes assumptions about future development phasing and delivery. However, as the Topic Paper notes, delivery rates will to some extent depend on general housing market conditions and specific landowner/ developer actions which lie outside the Council's control. Delivery rates over the Plan period to date have fallen below the annual requirements in the CPP1 housing trajectory. For this reason, the identification of housing potential which exceeds the minimum CPP1 requirement provides greater confidence that the minimum CPP1 target will be met.</p>			
H2	The UFA recommendations on sites with development potential have not been balanced with further environmental, amenity and leisure studies and urban fringe sites have been allocated in CPP2 prior to	Disagree. The UFA studies involved a comprehensive assessment which took account of all potential	No	231	BHCC Conservative Group

	<p>knowing how many sites with development potential are available elsewhere.</p>	<p>constraints on the development of urban fringe sites, including ecology, historic environment, open space, landscape and other potential issues such as flood risk. As such, it drew on information from other studies such as the Open Space Studies in 2008 and 2011 and sought to assess site developability in the context of environmental constraints and the city's amenity and leisure needs.</p> <p>The CPP1 Inspector's letter dated 13 Dec 2013 stated clearly that the Council should leave 'no stone unturned' in aiming to meet as much as the city's housing need as possible. For this reason the housing requirement in CPP1 Policy CP1 is set as a minimum target. It would therefore be inappropriate to constrain development of urban fringe sites which have been identified to have housing potential.</p>			
H2	<p>The scale of housing development proposed on the urban fringe has the potential to cause permanent and irreversible damage to the National Park. All urban fringe developments should provide a buffer zone between development and the Park boundary to preserve a green space both for the residents of the development and for the local flora and fauna. All developments should be designed so that there is adequate screening to preserve the open views from the Downs.</p>	<p>Disagree. The potential impacts of development on the National Park and its setting were key considerations in the identification of potential housing sites in the UFA 2014 and 2015 studies and they included specific recommendations to mitigate the impacts of development on the sites identified. In addition, Policy H2 and other City Plan policies such as SA4 and SA5 provide a strong planning policy framework to protect and enhance the National Park. In preparing the Plan, the Council has worked closely with the South Downs National Park Authority through the Duty to Cooperate and has taken account of the SDNPA's</p>	No	215	South Downs Society

		comments on Policy H2 at each of the CPP2 consultation stages.			
H2	Land protected as Historic Parks and Gardens should not have been included in the UFA studies. Policy HE11 in the 2005 Brighton & Hove Local Plan should have been carried forward into CPP1.	Policy HE11 is to be replaced by policy DM30 in CPP2. The 2014 and 2015 UFA studies appropriately considered the contribution that particular sites make to the significance of a Registered Park and Garden and whether and how any development impact can be avoided or mitigated. This UFA assessment informs the suggested developable area and number of units.		172	
H2	<p>Development of urban fringe sites will require additional services such as schools & health care and will increase traffic in areas less well served by sustainable transport links. It will also stress local water resources and potentially increase flood and pollution risk. Provision of Infrastructure/utilities will be more costly to provide compared to redeveloping existing brownfield sites.</p> <p>Development of urban fringe sites will result in the loss of accessible, local green spaces for local residents, including those with mobility issues.</p>	<p>The proposed allocations involve the development of only a small percentage (c7%) of the urban fringe and Policy H2 sets a requirement that the developments will incorporate green infrastructure and deliver additional/improved publicly accessible open space provision.</p> <p>The Council has also considered the infrastructure requirements to support the proposed growth and site level allocations in CPP2 and has consulted with all infrastructure and service providers. Necessary infrastructure and developer funding will be identified through the planning application process in accordance with CPP1 Policy CP7 and the Infrastructure Delivery Plan (Annex 2 to CPP1).</p>	No	65, 69, 70, 71, 92	
H2	Allocation of urban fringe sites for development is contrary to wider City Council policies on climate change and the environment (e.g the City Council declaration of a climate and biodiversity emergency in December 2018).	National planning policy requires that development plans aim to meet assessed local needs through the delivery of sustainable development. This involves balancing economic, social and environmental objectives and seeking to pursue these in mutually supportive ways.		32, 166	

		<p>It was established through the CPP1 examination that some development on the urban fringe is required to help address the city's housing needs and that this was necessary for the Plan to be found 'sound'. The sites proposed for allocation in Policy H2 have been identified through the 2014 and 2015 Urban Fringe Assessments, which included consideration of environmental constraints and specific recommendations for avoiding, minimising and mitigating identified development impacts. In addition, Policy H2 includes specific policy requirements to ensure that development on the allocated sites will achieve high levels of carbon reduction and energy efficiency, and will minimise and mitigate adverse environmental impacts, including contributing to green infrastructure enhancements and biodiversity net gains.</p>			
H2	<p>Consider that local transport infrastructure has not been shown to be able to accommodate new developments sustainably (see comments on Policy DM35).</p>	<p>CPP2 is seeking to implement and deliver the spatial development strategy already set out in CPP1. The transport evidence underpinning CPP1 was considered as part of the CPP1 examination and was found 'sound' at that stage. It was adopted by the Council in 2016 and now forms part of the development plan. Additional technical work has been undertaken during the preparation of CPP2 to ensure that the mitigation measures proposed for Strategic Road Network junctions remain appropriate for the distribution of development proposed in CPP2.</p>	No	132	
H2	<p>Consider that all Council owned urban fringe sites should be approached as "public land for public good" and only be developed with meaningful community engagement, biodiversity and ecology at</p>	<p>Policy H2 (supported by other City Plan policies) already places strong emphasis on ensuring that urban</p>	No	223	Brighton & Hove Community

	<p>the heart alongside 100% affordable and 0% carbon housing. Suggest that all development on these sites should be led by BHCLT working in partnership with community stakeholders and CLH groups. This will also support the Special Council Agenda item 32(1) (referenced in the representation).</p>	<p>fringe developments achieve benefits for ecology and biodiversity (see Policy H2 d), achieve high levels of energy efficiency and carbon reduction (see Policy H2 h), and deliver at least 40% affordable housing as required by CPP1 Policy CP20. However, it should be recognised that development on individual sites may be subject to specific physical and environmental constraints and/or viability considerations that place limits on what is deliverable.</p> <p>Policy H2 strongly encourages proposals for self and custom build housing, including community led housing. The policy wording of H2 i) was strengthened at the Proposed Submission stage to make it a requirement that development proposals for urban fringe sites provide a proportion of serviced plots for self and/or custom build dwellings unless is demonstrated that this would make the scheme unviable.</p> <p>The Council is strongly committed to community engagement as set out in the Statement of Community Involvement (SCI) and has a long history of working with housing co-operatives to support community led housing. The Council is working in partnership with the BHCLT to deliver a programme of community led housing in the city and has developed a pathway for Council owned sites to ensure there is clear route for considering when land or building opportunities may be suitable for community led housing, in line with</p>			<p>Land Trust (BHCLT)</p>
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		the council's Corporate Plan commitment. At present five sites have been identified which could be used for community housing schemes and the Council is reviewing options for further sites.			
H2 (policy wording)	Several sites allocated in the policy have historic environment (i.e. archaeology, heritage) or related (i.e. landscape) significance. Seek amendment to policy wording to make explicit the requirement to assess the heritage impacts of developing the sites, e.g. by addition of an additional bullet point (similar to bullet d) for the natural environment).	The requirement to undertake Landscape and Visual Impact Assessments, Archaeological and Heritage Assessments is already clearly set out in other City Plan policies, such as CPP1 Policy SA4 and SA5 and CPP2 Policies DM26-DM31, and is also stated explicitly in the supporting text to Policy H2 at Paragraph 3.73. The inclusion of an additional criterion in the policy as suggested would merely duplicate or cross-reference these other policies and is therefore considered unnecessary.	No	204	Historic England
H2 (Para 3.73)	To align with best practice guidance and to streamline the planning process, seek amendment to the wording to delete the reference to 'Ecological Assessment including Protected Species Surveys' and replace with 'Ecological Impact Assessment'.	Agree the proposed amendment and propose minor modification as suggested in the representation.	Yes	254	East Sussex County Council (County Ecologist)
H2 (Para 3.76)	The paragraph incorrectly states that all sites identified in the 2014 UFA were subject to detailed ecological assessments in the 2015 UFA. Sites were subject to desktop studies and Phase 1 habitat surveys to identify broadscale impacts and potential for protected/notable habitats and species. These studies cannot be classified as detailed surveys.	This point is accepted. It is proposed to amend the wording of Paragraph 3.76 to delete the word 'detailed'.	Yes.	254	East Sussex County Council (County Ecologist)
<i>Representations raising soundness issues - object to development on all sites with LNR/LWS designations (Sites 10/11/12, 16, 17, 21, 21a, 30, 32/32a & 33)</i>					
H2	The proposed allocations will significantly fracture and impinge upon the integrity of LNRs. They will also weaken the planning weight given to LNR designations when considering future proposals for development on the urban fringe and green spaces.	Disagree. It should be noted that the only site proposed for allocation that is located within a LNR is Site 30 (Land at and adjoining Brighton Race Course). Some of the other sites listed are adjacent or close to a LNR (Sites 17, 32/32a and 33) or are located within or partly within a LWS (Sites 10/11/12, 16 and 33).	No	22	Friends of Waterhall

		<p>All of these sites have been subject to ecological assessment in the UFA studies. The 2014 UFA considered the ecological/ biodiversity value and the potential impacts of development, whilst the 2015 UFA included a Desktop Study and Phase 1 Habitat Survey for each site and set out specific recommendations for avoidance, mitigation and enhancement options linked to the identified development potential.</p> <p>The UFA 2021 Update has updated the ecological assessments from the 2014 UFA taking account of recent changes in legislation and planning policy including the requirements to achieve biodiversity net gains. The updated surveys support the previous UFA conclusions for all of the proposed allocations except for Site 16 (Land at and adj Horsdean Recreation Ground) which is now proposed for deletion from Policy H2.</p> <p>Policy H2 d) requires that all development proposals will mitigate any adverse impacts on designated sites and provide biodiversity net gains in accordance with CPP1 Policy CP10 and CPP2 Policy DM37. Paragraph 3.73 requires that Ecological Impact Assessments are undertaken at the planning application stage.</p>			
H2	<p>General objection to the allocation of housing sites which overlap/impact upon local designations (e.g Local Nature Reserves/Local Wildlife Sites).</p> <p>Insufficient weight has been given to protection of these sites as required by national policy (NPPF Paragraph 170) and to maintaining</p>	<p>The Council recognises that national planning policy requires that locally designated sites should be protected and enhanced, and this is provided for in the City Plan policies, including CPP1 Policy CP10 and CPP2 Policy</p>	No	219, 228, 253, 25, 122, 169	<p>Sussex Wildlife Trust, Sussex Ornithological Society, CPRE Sussex,</p>

	<p>and enhancing networks of habitats and green infrastructure (NPPF Paragraph 171) and safeguarding components of local wildlife-rich habitats including locally designated sites of importance for biodiversity (NPPF Paragraph 174).</p> <p>Consider Policy H2 is not consistent with national policy. Although H2 states that development must mitigate any adverse impacts and provide biodiversity net gains, no evidence has been provided to demonstrate that such impacts can be effectively mitigated or that net biodiversity gains can be provided.</p> <p>Development would also be contrary to existing local planning policies. These sites should not have been included in the UFA studies.</p>	<p>DM37. However, it was established through the CPP1 examination that some development on the urban fringe is required to help address the city's substantial unmet housing needs and that this should include looking at urban fringe sites not subject to national designations.</p> <p>In response to the CPP1 inspector, the Council commissioned the 2014 UFA which involved comprehensive assessment of all potential urban fringe sites not subject to 'absolute' development constraints such as national/international designations. This included assessing the ecological/ biodiversity value of all the sites and considering the potential impacts of development. The 2015 UFA included more detailed ecological assessments of sites where potential for significant adverse impacts on ecology had been identified in the 2014 UFA (e.g sites within or adjacent to a LNR or LWS). The 2015 UFA included a Desktop Study and Phase 1 Habitat Survey and set out specific recommendations for avoidance, mitigation and enhancement options linked to the development of each site.</p> <p>The UFA 2021 Update has updated these ecological assessments taking account of recent changes in legislation and planning policy including the requirements to achieve biodiversity net gains. The updated surveys support the previous UFA conclusions with respect to all of the proposed allocations except for Site 16 (Land at and adj Horsdean</p>			
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		Recreation Ground) which is now proposed for deletion from Policy H2. A more detailed response to the comments here is provided in Chapters 2 and 4 of the UFA 2021 Update.			
H2	The proposed allocations are not effective because development of these sites has been publicly opposed by councillors from all the main parties in the city.	Disagree. The CPP2 Proposed Submission was considered by Full Council at its meeting on 23 April 2020 and was approved for Regulation 19 consultation at that meeting	No	25	
Representations raising soundness issues - object to specific sites					
H2	The following sites are located in close proximity to the A27 and therefore Highways England will need to be consulted on any applications submitted as they could impact on the Strategic Road Network (SRN): <ul style="list-style-type: none"> Land at Mile Oak Road (Sites 4 & 4a) Land off Overdown Rise (Sites 4b, 5 & 5a) Land at/adj Horsdean Recreation Ground (Site 16) Land at Ladies Mile (Site 17) Land northeast of Coldean Lane (Site 21) Land north of Varley Halls (Site 21a) Highways England requires confirmation that the cumulative impact of the development sites has been included within the strategic modelling and therefore included within the junction mitigations. If not, further consideration of appropriate mitigation may be required.	The council has worked with Highways England to address this concern and this is set out in the Transport Topic Paper. A Statement of Common Ground is being jointly produced.	No	180	Highways England
Representations raising soundness issues - UF Sites 1& 2 Land at Oakdene, Southwick Hill / Land West of Mile Oak Road					
H2 (Sites 1 & 2)	Objections to the site's allocation for reasons including: <ul style="list-style-type: none"> housing/loss of green space/impacts on local character/ infrastructure /local services etc visibility from higher ground in the National Park and strong connectivity with it ecological reasons/effect on Local Wildlife 	The UFA 2014 considered the site constraints and potential impacts of development and more detailed landscape and ecological assessments were undertaken in the UFA 2015. The UFA studies include specific recommendations for avoiding, minimising and mitigating identified development impacts. The Council has also considered the infrastructure requirements to support the proposed growth and site level	No	215, 228, 253, 44, 92, 271	South Downs Society, Sussex Ornithological Society, CPRE Sussex,

		allocations in CPP2 and has consulted with all infrastructure and service providers.			
Representations raising soundness issues - UF Sites 4 & 4a Land at Mile Oak Road. Portslade					
H2 (Sites 4 & 4a)	<p>Objections to the site' allocation for reasons including:</p> <ul style="list-style-type: none"> • housing/loss of green space/impacts on local character/ infrastructure /local services etc • visibility from higher ground in the National Park and has strong connectivity with it 	The UFA 2014 considered the site constraints and potential impacts of development and more detailed landscape, ecological and archaeological assessments were undertaken in the UFA 2015. The UFA studies include specific recommendations for avoiding, minimising and mitigating identified development impacts. The Council has also considered the infrastructure requirements to support the proposed growth and site level allocations in CPP2 and has consulted with all infrastructure and service providers.	No	215, 36, 44, 92, 93	South Downs Society,
Representations raising soundness issues - UF Sites 4b, 5 & 5a Land off Overdown Rise, Mile Oak					
H2 (Sites 4b, 5 & 5a)	General objection to housing/loss of green space/impacts on local character/ infrastructure /local services etc	The site is now subject to planning permission (BH2017/02410/OUT and BH2018/01441/RM) for 125 dwellings which are now under construction.	No	36, 44, 92, 93	
H2 (Sites 4b, 5 & 5a)	Object to development as the site can be viewed from higher ground in the National Park and has strong connectivity with it, notwithstanding the A27.	The site is already subject to planning permission (BH2017/02410/OUT and BH2018/01441/RM) for 125 dwellings which are now under construction.	No	215	South Downs Society
Representations raising soundness issues - UF Sites 10,11 & 12 Benfield Valley					
H2 (Sites 10, 11 & 12)	Consider more housing could be accommodated on the site without having greater impact in terms of landscape character, heritage or ecology than the current allocation for 100 dwellings. The area allocated on the Proposals Map could be extended to accommodate 175 dwellings without compromising the function of the LWS and LGS at a development density of c53 dwellings per hectare. This would increase the number of dwellings allocated in Policy H2 to be closer to the indicative figure of 1,060 net dwellings set out in Policy CP1 of the	Disagree. The boundaries of the allocated sites and scale of housing proposed have been informed by the 2014 and 2015 UFA studies, which included landscape, ecological and archaeological assessments. Further detailed assessment was undertaken in 2017 by Council officers with the County Landscape Architect and County Ecologist as set out in the	No	268	Benfield Valley Investments Ltd

	<p>adopted CPP1.</p> <p>The increased development could provide enhancements to the remainder of Benfield Valley by improving public access/ recreational uses and links to the SDNP; long term habitat management; and securing high quality restoration/ maintenance works to the historic buildings within the Benfield Barn Conservation Area.</p> <p>The current policy wording and allocation fails to make the most effective use of the site to help meet the city's unmet housing needs and to boost the supply of housing.</p> <p>Seek the following amendments to policy:</p> <ul style="list-style-type: none"> • Amendment to the column headings in Policy H2 Table 8 to read 'Approximate area of development potential' and 'Approximate number of dwelling units'. • Rounding of the indicative development areas to one decimal point rather than two. • Increasing the 'Area of development potential' for the Benfield Valley site to a total of 3.3 ha (1.8ha for site 11 and 1.5ha for site 12). • Amendment of the 'Potential number of dwelling units' to a total of approximately 175. <p><The supporting document submitted with the representation includes a map indicating the proposed expanded boundaries of the indicative developable areas as shown on the Policies Map></p>	<p>Benfield Valley Topic Paper. These assessments defined the proposed development boundaries and identified specific avoidance, mitigation and enhancement measures. The UFA studies and Benfield Valley Topic Paper provide a detailed justification for the allocation site boundaries and the indicative level of housing proposed.</p> <p>The UFA 2021 Update includes an updated ecological assessment of the whole of Benfield Valley, including a Desktop Study and Phase 1 Habitat Survey and has reviewed the proposed amendments put forward in this representation. The study concludes that the suggested extensions to the Policy H2 site allocation boundaries would result in the loss of increased areas of habitat, including semi-improved grassland and woodland habitat, which contribute to maintaining the integrity of the LWS and form a key component of the wider ecological corridor within Benfield Valley as a whole. Delivering the allocated housing is considered achievable but challenging and will require a high-quality scheme that includes appropriate mitigation and enhancement measures. It is therefore not considered appropriate to further extend the development boundaries or to increase the level or density of housing.</p>			
H2 (Sites 10, 11 & 12)	<p>Objections to the site's allocation for reasons including:</p> <ul style="list-style-type: none"> • housing/loss of green space/impacts on local character/ infrastructure /local services etc 	<p>The UFA 2014 considered the site constraints and potential impacts of development and more detailed landscape, ecological and</p>		231, 22, 215, 218, 219, 228, 253,	BHCC Conservative Group, Friends of Waterhall,

	<ul style="list-style-type: none"> ecology and effect on the designated LWS site visibility from higher ground in the National Park and has strong connectivity with it 	<p>archaeological assessments were undertaken in the UFA 2015. Further assessment of the site's developability and impact was undertaken subsequently by the Council in conjunction with the County Landscape Architect and County Ecologist and is set out in the Benfield Valley Topic Paper. The UFA Update 2021 includes an updated ecological assessment which supports and reinforces the conclusions of the earlier studies. The UFA studies and County officer comments include specific recommendations for avoiding, minimising and mitigating identified development impacts.</p>		<p>25, 31, 32, 36, 39, 44, 49, 67, 92, 93, 94, 118, 121, 122, 157, 166, 271</p>	<p>South Downs Society, Benfield Valley Project, Sussex Wildlife Trust, Sussex Ornithological Society, CPRE Sussex,</p>
H2 (Sites 10, 11 & 12)	<p>The proposed housing development will result in increased traffic at the junction of Hangleton Lane, Hangleton Link Rd and Fox Way which gets very busy at peak times already. This problem would be made worse in combination with the Policy E1 proposal for business and warehousing development at Hangleton Bottom.</p> <p>Increased traffic will worsen existing air quality issues as the south of Benfield Valley (A293 Boundary Road/A270 Old Shoreham Road junction) already falls within an Air Quality Management Area (AQMA).</p>	<p>The scale of development proposed is considered unlikely to cause severe traffic impacts. Any potential impacts would be assessed at the planning application stage and, if needed, requirements for traffic reduction/mitigation would be applied through planning conditions or obligations.</p> <p>As set out in Paragraph 3.74, development proposals may be required to be supported by Air Quality Assessments and would need to comply with the air quality requirements set out in CPP2 Policy DM40.</p>		<p>218, 121</p>	<p>Benfield Valley Project,</p>
H2 (Sites 10, 11 & 12)	<p>Consider there has been insufficient local public consultation on plans for development on the site and local resident views have been ignored.</p>	<p>Disagree. The CPP2 has been through three separate phases of public consultation during its preparation: the Scoping stage from June-Sept 2016; consultation on the draft Plan from July to Sept 2018; and the formal Proposed Submission Regulation 19 consultation in Sept/Oct 2020. Full details of the</p>		<p>31, 144, 157</p>	

		publicity and consultation undertaken by the Council are set out in the Consultation Statements which are published alongside the Plan.			
Representations raising soundness issues = UF Site 16 Land at and adjoining Horsdean Recreation Ground, Patcham					
H2 (Site 16)	<p>Objections to the allocation of the site for a variety of reasons, including:</p> <ul style="list-style-type: none"> housing/loss of green space/impacts on local character/ infrastructure /local services etc strong connectivity with the South Downs National Park. proposed development destroying about 40% of the Patcham Court Field LWS (BH101) which also adjoins the Braeside Avenue Scrub LWS (BH63). amenity value of the open space and benefit to local people has been given insufficient weight. Concerns about site access increased traffic on local roads The currently wooded site acts as a sound barrier to traffic noise from the A27 for local residents, which would be lost through development of the site. impact of development on the local drainage/sewage system and increased flood risk The land proposed for development has been used 'as of right' in accordance with the Commons Act 2006 for over the 20 years and is therefore now common land. 	It is proposed to delete this housing allocation from the Plan. This follows an ecological assessment of the site undertaken as part of the Urban Fringe Assessment 2021 Update which concluded that the site could not be developed for 25 dwellings as indicated in the CPP2 Proposed Submission, or for a lower figure of at least 10 dwellings (the threshold for allocating sites in the Plan) without causing unacceptable harm to the integrity of the Patcham Court Field LWS.	Yes	231, 219, 256, 13, 16, 18, 21, 30, 24, 46, 50, 51, 55, 60, 61, 62, 63, 66, 69, 70, 71, 72, 75, 83, 86, 90, 91, 93, 94, 97, 99, 115, 193, 194, 225, 260, 261	BHCC Conservative Group, Sussex Wildlife Trust, The Brighton Society, South Downs Society, Sussex Ornithological Society, CPRE Sussex,
Representations raising soundness issues - UF Site 17 Land at Ladies Mile, Carden Avenue					
H2 (Site 17)	<p>General objection to housing/loss of green space/impacts on local character/ infrastructure /local services etc</p> <p>Connectivity to the National Park</p> <ul style="list-style-type: none"> ecology and effect on designated sites 	. The UFA 2014 considered the site constraints and potential impacts of development and more detailed landscape, ecological and archaeological assessments were undertaken in the UFA 2015. The UFA studies include specific recommendations for avoiding, minimising and mitigating identified development impacts. The Council has also considered the infrastructure requirements to support the proposed growth and site level allocations in CPP2 and has consulted with all infrastructure and service providers.	No	231, 22, 215, 13, 16, 18, 19, 21, 30, 46, 50, 51, 55, 61, 62, 63, 66, 69, 70, 71, 72, 75, 83, 90, 91, 93, 94, 99, 194, 225	BHCC Conservative Group, Friends of Waterhall, South Downs Society,

H2 (Site 17)	Concerns that the development would lead to increased traffic and the poor access to the site	The scale of development proposed is considered unlikely to cause severe traffic impacts. Any potential impacts would be assessed at the planning application stage Site access requirements will also be determined at the planning application stage.	No	19, 50, 66, 194, 233	
H2 (Site 17)	Concerns about impact of development on the local drainage/sewage system and increased flood risk. Patcham has suffered several flood events in recent years and this risk will increase in the future due to climate change.	The site is in Flood Zone 1 and was considered by the Strategic Flood Risk Assessment (SFRA) to be at low risk of flooding, however Table 8 highlights ground water flooding as a Key Site Consideration for any future development proposal.	No	50	
Representations raising soundness issues - UF Site 21 Land to north east of Coldean Lane					
H2 (Site 21)	General objection to development for reasons including: <ul style="list-style-type: none"> housing/loss of green space/impacts on local character/ infrastructure /local services etc Additional traffic Ecological reasons detrimental heritage and archaeological impacts 	The site is now subject to planning permission (BH2018/03541) for 242 dwellings and site works for the development have commenced.	No	231, 22, 101, 204, 219, 13, 62, 63, 73, 87, 93, 94, 102, 103, 105, 106, 107, 108, 110, 124, 172	BHCC Conservative Group, Friends of Waterhall, Coldean Residents Association, Historic England, Sussex Wildlife Trust,
Representations raising soundness issues - UF Site 21a Land north of Varley Halls, Coldean Lane					
H2 (Site 21a)	General objection to housing/loss of green space/impacts on local character/ infrastructure /local services etc <ul style="list-style-type: none"> Ecology and effect on designated sites, particularly with regard to the LWS being effectively split into two halves, significantly reducing its value as a wildlife corridor detrimental heritage impacts in view of the high archaeological potential of the site and its location within the Grade II Stanmer Park Registered Park and Garde 	The UFA 2014 considered the site constraints and potential impacts of development and more detailed landscape, ecological and archaeological assessments were undertaken in the UFA 2015. The UFA studies include specific recommendations for avoiding, minimising and mitigating identified development impacts. The Council has also considered the infrastructure requirements to support the proposed growth and site level allocations in	No	231, 22, 101, 204, 219, 228, 253, 13, 62, 63, 87, 93, 94, 102, 103, 105, 106, 107, 110	BHCC Conservative Group, Friends of Waterhall, Coldean Residents Association, Historic England, Sussex Wildlife Trust, Sussex Ornithological

		CPP2 and has consulted with all infrastructure and service providers.			Society, CPRE Sussex,
H2 (Site 21a)	To be legally compliant and sound, the land needs to be formally released from the Stanmer Estate and from agricultural use.	There is no legal requirement for the land to be formally released from its existing use; the acceptability of the proposed development and change of land use is established through the grant of planning permission.	No	101, 102, 103, 105, 106	Coldean Residents Association
Representations raising soundness issues - UF Site 30: Land at and adjoining Brighton Racecourse (Whitehawk Hill)					
H2 (Site 30)	General objection to housing/loss of green space/impacts on local character/ infrastructure /local services etc Ecology and effect on Local Nature Reserve conflict with NPPF Paragraph 170 since it would not be possible to achieve net gain to biodiversity due to the damage to the integrity of the LNR caused by development. contrary to NPPF Paragraph 174 as it would not protect or enhance a valued landscape and a designated site supporting habitats of high biodiversity value.	The UFA 2014 considered the site constraints and potential impacts of development and more detailed landscape, ecological and archaeological assessments were undertaken in the UFA 2015. The UFA Update 2021 includes a review of the landscape assessment and an updated ecological assessment, both of which support and reinforce the conclusions of the earlier studies. The UFA studies include specific recommendations for avoiding, minimising and mitigating identified development impacts. The Council has also considered the infrastructure requirements to support the proposed growth and site level allocations in CPP2 and has consulted with all infrastructure and service providers. An updated ecological assessment of the whole site has been undertaken as part of the UFA 2021 Update which includes a detailed response to these comments.	No	230, 231, 11, 76, 215, 219, 228, 253, 256, 2, 6, 8, 9, 13, 14, 15, 20, 23, 24, 25, 26, 27, 48, 81, 85, 89, 91, 109, 112, 113, 114, 117, 119, 120, 122, 126, 127, 129, 130, 133, 134, 135, 141, 145, 150, 151, 152, 153, 162, 165, 166, 168, 169, 174, 175, 176, 183, 191, 271	Friends of Whitehawk Hill, BHCC Conservative Group, Sussex Branch of SERA, Brighton & Hove Friends of the Earth, South Downs Society, Sussex Wildlife Trust, Sussex Ornithological Society, CPRE Sussex, The Brighton Society, (XR Brighton),
H2 (Site 30)	Development of the site would contravene the terms of the 1822 Tenantry Down Enclosure Deed which were reiterated in the 1888 Indenture when the land was bought by Brighton Corporation.	The existence of covenants on land is not a material planning consideration in the determination of planning applications. Landowners have the	No	230, 11, 6, 7, 8, 9, 14, 15, 20, 24, 25, 26, 27, 78,	Friends of Whitehawk Hill, Sussex Branch of

	<Documents appended to the Friends of Whitehawk Hill representation>	option to apply to the Lands Tribunal for covenants to be released and therefore they do not necessarily constitute an absolute constraint to development. This would be an issue for the Council to consider in its capacity as the landowner.		89, 109, 112, 114, 117, 119, 120, 127, 129, 130, 131, 134, 136, 140, 141, 150, 151, 152, 153, 161, 165, 169, 175, 176, 271	SERA, (XR Brighton),
H2 (Site 30)	The ecological evidence for the site in the Urban Fringe Assessments is now out of date (over five years old).	The council has addressed this issue by commissioning an updated ecological assessment which was undertaken in January 2021 as part of the UFA 2021 Update.	No	230, 11, 219, 6, 8, 15, 25, 27, 112, 114, 117, 119, 120, 127, 129, 130, 131, 133, 134, 135, 138, 140, 150, 153, 162, 165, 175	Friends of Whitehawk Hill, Sussex Branch of SERA, Sussex Wildlife Trust,
H2 (Site 30)	The ecological evidence in the Urban Fringe Assessments 2014 and 2015 undervalues the LNR/LWS designation and is insufficient to justify the conclusions that development has the potential to mitigate any significant negative effects (UFA 2014) and that housing can be delivered without significant impacts on ecology (UFA 2015). The conclusions presented in both UFA studies that impacts on this site can be mitigated is inconsistent with other statements within the same documents.	Disagree. A detailed response to these comments is provided in the UFA 2021 Update. An appropriate level of consideration has been given to the value of the LNR and LWS that is proportionate to the level of impacts that may arise from the proposed housing allocation. This is supported by the updated ecological assessment presented in the UFA 2021 Update. The proposals will result in the loss of a small proportion of dense scrub present and will therefore not result in the loss of any habitats for which the LNR and LWS are designated. The proposed development is therefore not considered to result in a	No	230, 219, 228, 253, 8, 9, 14, 20, 24, 25, 26, 27, 112, 117, 119, 120, 122, 129, 130, 131, 133, 134, 136, 137, 138, 140, 146, 150, 153, 161, 162, 165, 169, 174, 175, 176, 236, 237, 271	Friends of Whitehawk Hill, Sussex Wildlife Trust, Sussex Ornithological Society, CPRE Sussex,

		significant effect on the integrity of the LNR.			
H2 (Site 30)	The evidence in the UFA studies ignores a large body of biological records and other relevant evidence, as well as local knowledge and expertise, that indicate the ecological importance of the site, but were not reviewed during the preparation of the documents. <The representation includes local botanical & faunal surveys of the site dating back to 1990 >	A detailed response to these comments is provided in the UFA 2021 Update. The ecological assessments undertaken in the 2014 and 2015 UFA studies, and supplemented by the UFA 2021 Update, provide an appropriate level of evidence for the local plan preparation and is considered sufficient to support the allocation of the proposed housing site.	No	230, 153	Friends of Whitehawk Hill,
H2 (Site 30)	The allocation would partially sever and fragment the LNR through the loss of semi-natural habitat at the centre of the core part of the reserve between Manor Hill and Warren Rd. This would damage the integrity of the LNR and the green corridor, thereby impeding habitat connectivity and wildlife movement. Development would also adversely affect ongoing work by the Council's Ranger Service and community volunteers to conserve and restore Priority Habitats/ Habitats of Principal Importance in the LNR.	A detailed response to these comments is provided in Chapter 4 of the UFA 2021 Update. The indicative number of housing units proposed in this allocation has been reduced from 150 to 30 dwellings which will provide more scope for any proposal to be designed in a sensitive manner by focussing development in areas adjacent to the existing residential development and by retaining scrub habitat to along the western boundary of the site as a buffer between the development and the rest of the LNR. In addition, any proposed development has the potential, if designed suitably, to provide appropriate mitigation measures and deliver biodiversity net gains that could further enhance the ecological features for which the LNR is designated for and secure long-term management gains.	No	230, 11, 219, 228, 8, 9, 14, 20, 0, 23, 24, 25, 26, 27, 78, 109, 112, 113, 114, 117, 119, 120, 122, 127, 129, 130, 131, 133, 134, 135, 136, 137, 140, 146, 150, 151, 153, 161, 165, 169, 175, 176, 183, 271	Friends of Whitehawk Hill, Sussex Branch of SERA, Sussex Wildlife Trust, Sussex Ornithological Society, Friends of Waterhall,
H2 (Site 30)	The ecology evidence presented in the UFA studies contains factual errors and misjudgements which undermine the credibility of the evidence and the UFA conclusions regarding development potential. <ul style="list-style-type: none"> The Phase 1 Habitat Survey in the 2015 UFA wrongly identifies Areas of Priority Habitat/Habitat of Principal Importance Lowland 	The UFA 2021 Update incorporates an updated ecological assessment which has been carried out in accordance with current best practice and includes an updated Phase 1	No	230, 11, 22, 6, 7, 9, 14, 15, 20, 25, 27, 109, 112, 113, 114,	Friends of Whitehawk Hill, Sussex Branch of

	<p>Calcareous Grassland (Phase 1 Unimproved Calcareous Grassland) as habitats of lower value.</p> <ul style="list-style-type: none"> The 2014 UFA recommended tree planting as a mitigation measure, whereas the priority in this area is conservation of open habitats. <p><The Friends of Whitehawk Hill representation includes further detail accompanied by maps>.</p>	<p>Habitat Survey. The proposed development area is focussed in an area away from key features for which the LNR is designated, including calcareous grassland habitat and key habitats that notable species depend on. The updated assessment continues to support that view that the development proposed can in principle be achieved provided there is careful design and high-quality mitigation, enhancements and demonstratable biodiversity net gains are delivered. This may require the provision of enhancements within the wider LNR.</p>		<p>119, 120, 127, 129, 130, 131, 140, 145, 150, 153, 165, 169, 175, 176</p>	<p>SERA, Friends of Waterhall,</p>
H2 (Site 30)	<p>The housing allocation is close to an area recently used as a receptor site for the translocation of 2,000 reptiles from a development site in Mile Oak (planning ref. BH2018/00238). Natural England's standing advice states that reptile receptor sites should be safe from future development and managed in the long term. Suitable habitat for the translocated reptiles is present within and immediately adjoining the allocation.</p>	<p>The receptor site for the translocated reptiles at Whitehawk Hill does not directly overlap with the proposed housing allocation and is in an area that is suboptimal habitat for reptiles, which will reduce the impact of housing development. Any potential impacts from loss of habitat, disturbance etc would be considered as part of the ecological assessment that would be required at the planning application stage in accordance with Policy H2 d) and Paragraph 3.73 of the supporting text.</p>		<p>230, 140, 169</p>	<p>Friends of Whitehawk Hill</p>
H2 (Site 30)	<p>The landscape evidence in the UFA studies is framed almost wholly in terms of impacts of development on the National Park's setting and views, and did not properly consider such effects within the local visual catchment (i.e. within and adjoining the LNR), for example of views along Whitehawk Hill from the south and north, as well as from the valley below.</p> <p>The UFA conclusions on the site's suitability for development rest very largely on the presence of the existing tower blocks. Consider that these already do have an adverse landscape impact, which would be worsened substantially by the proposed development. Development would result in the intrusion of a residential landscape into an area</p>	<p>A detailed response to these comments is provided in the Urban Fringe Assessment 2021 Update.</p> <p>The Council agrees that the landscape as a whole is physically distinctive and recreationally and culturally important and this was fully recognised in the 2015 UFA.</p>	No	<p>230, 256, 6, 9, 14, 27, 109, 112, 119, 120, 127, 129, 130, 134, 150, 153, 165, 175, 176, 271</p>	<p>Friends of Whitehawk Hill, The Brighton Society,</p>

	<p>with a strong sense of naturalness. This would have a significant adverse effect on landscape character in and around the allocation, including in its role as a gateway to the South Downs National Park.</p> <p><The Friends of Whitehawk Hill representation includes photographs illustrating key local views towards the proposed housing site>.</p>	<p>The landscape assessment in the UFA 2021 Update restates the view that there is potential for additional development without significant adverse landscape impact, subject to careful design through a detailed Landscape and Visual Impact Assessment (LVIA).</p>			
H2 (Site 30)	<p>Development of the allocated site would damage and adversely affect the archaeological landscape setting of the Whitehawk Hill Scheduled Ancient Monument (SAC) and is inconsistent with CPP2 Policy DM31 Archaeology. The UFA conclusions give too little weight to the archaeological significance of Whitehawk Hill (and the wider Racecourse Landscape).</p>	<p>The potential impacts of development on the Whitehawk Hill Scheduled Monument and its setting were considered in the 2014 UFA. Further archaeological and landscape assessments were undertaken as part of the 2015 UFA. As indicated in Paragraph 3.73, any future planning application would be required to be supported by Heritage Statement (incorporating an Archaeological Assessment) which would need to demonstrate that the proposals comply with CPP2 Policy DM31.</p>	No	230, 153, 169, 191, 237	Friends of Whitehawk Hill,
H2 (Site 30)	<p>Development would result in the loss of open space which is well used and valued by the local community. Access to natural greenspace is particularly important for the adjoining Whitehawk estate which is one of the most deprived communities in the city (based on the index of multiple deprivation), and the open space is also accessible and well used by residents from elsewhere in the city. Whitehawk Hill also provides access routes into the National Park.</p> <p>The allocation would result in the loss of statutory Access Land (under the CROW Act 2000) and public access land in perpetuity (under the terms of The Race Ground deed, 1822, 1851, 1888, 1962). The evidence in the UFA studies did not consider or discuss the loss of Access Land that would result from the proposed allocation/development. <The Friends of Whitehawk Hill representation includes a map which shows the extent of the statutory Access land at Whitehawk Hill></p> <p>The loss of Open Space is inconsistent with policy in City Plan Part 1 (e.g. Policy SA5 The Setting of the South Downs National Park, paragraph 3.170) which seeks to</p>	<p>The proposed site allocation occupies only a very small proportion of the total area of open space (c1.2ha out of nearly 50 ha within the Whitehawk Hill LNR which itself forms part of a much larger area of publicly accessible open space within this part of the urban fringe). The impact of development on open space was one of the factors considered in the 2014 Urban Fringe Assessment which noted that the Open Space Study Update (2011) recorded the East Brighton ward as having no issues of under-provision in any open space category, whilst both East Brighton ward and the wider sub-area recorded a significant surplus in Natural and Semi-natural Greenspace.</p>	No	230, 11, 9, 14, 20, 23, 24, 25, 27, 85, 112, 114, 117, 119, 120, 122, 127, 129, 130, 134, 138, 140, 150, 151, 152, 153, 165, 169, 175, 176, 191, 236, 237, 271	Friends of Whitehawk Hill, Sussex Branch of SERA,

	increase, not decrease the amount of accessible land adjacent to the urban area.	<p>The fact that land is statutory Access land under the CROW legislation does not present an absolute bar to development, nor do the restrictive covenants (see separate Council officer response).</p> <p>Any development proposals will be required to comply with all relevant CPP1 policies, including SA4, SA5 and CP16. In addition, criterion b) in Policy H2 specifically requires development to provide secure additional and/or improved publicly accessible open space provision within the proposed scheme.</p>			
H2 (Site 30)	Access to any development on the site would be problematic due to there being one way in between two existing blocks. The surrounding roads are already congested with parked cars making it difficult for busses to negotiate the route	The previous Homes for Brighton & Hove (Joint Venture) proposal for 200+ affordable homes was not pursued due to issues of financial viability which related to access and technical difficulties on the site. However, it is considered that these issues would not necessarily rule out a smaller residential scheme as now proposed in Policy H2.	No	140	
H2 (Site 30)	Allocation/development of the site sets a precedent for further development within the urban fringe/countryside and on Local Nature Reserves and local wildlife sites.	Disagree. The Council would be under no obligation to permit development on other urban fringe sites or within other designated local wildlife sites.	No	11, 219, 228, 15, 23	Sussex Branch of SERA, Sussex Wildlife Trust, Sussex Ornithological Society,
H2 (Site 30)	The allocation of 30 housing units (reduced from the 150 units recommended in the UFA studies) would make only a small contribution to meeting the city's housing needs which would not outweigh the damage to the ecology and local community value of the site.	Policy CP1 provides for only 44% of the total objectively assessed housing need identified for Brighton & Hove. For this reason the housing requirement in CPP1 Policy CP1 is set as a minimum target. It would be inappropriate to constrain development of urban fringe sites		230, 219, 169	Friends of Whitehawk Hill, Sussex Wildlife Trust,

		which have been identified to have housing potential.			
H2 (Site 30)	Previous development proposals for the site (the Council/Hyde Housing Joint Venture scheme) was abandoned citing technical difficulties with accessing the elevated site and ground water flooding issues.	The previous Homes for Brighton & Hove (Joint Venture) proposal for 200+ affordable homes was not pursued due to issues of financial viability which related to access and technical difficulties on the site. However, it is considered that these issues would not necessarily rule out a smaller residential scheme as now proposed in Policy H2.	No	140	
H2 (Site 30)	The allocation is not effective in terms of delivering housing since development of the site has been publicly opposed by councillors from all the main parties in the city.	Disagree. The CPP2 Proposed Submission (which includes the proposed allocation of this site) was considered by Full Council at its meeting on 23 April 2020 and was approved for Regulation 19 consultation at that meeting (subject to some tabled amendments) by a majority vote of 38 to 14. There is no reason to believe that the proposed allocations in CPP2 will not continue to be supported by the majority of councillors.	No	230, 6, 9, 14, 20, 24, 25, 109, 112, 114, 119, 120, 127, 129, 130, 134, 135, 153, 165, 175, 176	Friends of Whitehawk Hill,
Representations raising soundness issues - UF Site 32 & 32a: Land at South Downs Riding School & Reservoir Site					
H2 (Site 32 & 32a)	<p>Objection to housing development,</p> <ul style="list-style-type: none"> • loss of green space/wildlife, impacts on infrastructure/ local services etc • landscape reasons and impact in setting of the National Park • creating of isolated new residential development within open countryside which is contrary to national policy (NPPF Paragraph 79) which is restated in CPP1 (Paragraph 3.161). • adverse impact on the local ecology and on the Whitehawk Hill and Bevendean Down LNRs and their setting 	The UFA 2014 considered the site constraints and potential impacts of development and more detailed landscape, ecological and archaeological assessments were undertaken in the UFA 2015. The UFA Update 2021 includes a review of the landscape assessment and an updated ecological assessment, both of which support and reinforce the conclusions of the earlier studies. The UFA studies include specific recommendations for avoiding, minimising and mitigating identified development impacts. The Council has also considered the infrastructure requirements to support the proposed	No	230, 231, 11, 76, 215, 219, 256, 6, 7, 8, 9, 14, 15, 20, 23, 24, 25, 26, 27, 78, 81, 85, 89, 91, 109, 112, 113, 114, 119, 120, 122, 126, 127, 130, 131, 132, 135, 136, 137, 138, 145, 146, 150, 151,	Friends of Whitehawk Hill, BHCC Conservative Group, Sussex Branch of SERA, Brighton & Hove Friends of the Earth, South Downs Society, Sussex Wildlife Trust, The Brighton Society, (XR Brighton),

		growth and site level allocations in CPP2 and has consulted with all infrastructure and service providers.		152, 153, 161, 162, 165, 166, 168, 169, 175, 176, 191, 206, 227, 236, 237, 271	
H2 (Site 32 & 32a)	Consider the evidence on the landscape impact of development of the site in the UFA studies was inadequate and the effects on views were not fully considered.	Disagree. The Urban Fringe Assessment 2021 Update includes detailed responses to the specific points made in representations.	No	230, 6, 7, 9, 14, 25, 26, 27, 112, 114, 119, 120, 127, 130, 150, 153, 165	Friends of Whitehawk Hill,
H2 (Site 32 & 32a)	Loss of the existing farmsteads/buildings to housing will create knock-on pressures for new replacement buildings within the landscape/green gap, because the residual land holdings will require buildings/ infrastructure in order to function.	The Council would be under no obligation to permit development on other sites. The UFA studies noted the need for development to remain focused within the clearly defined and limited areas proposed as housing allocations and it is accepted that landscape sensitivity elsewhere within the green gap would be greater.	No	230, 6, 9, 14, 25, 27, 112, 119, 120, 127, 130, 150, 151, 153, 165	Friends of Whitehawk Hill,
H2 (Site 32 & 32a)	Consider allocation/development of the site will create a precedent for further development within the downland ridge/green gap between Brighton and Woodingdean, and between the National Park and the Bevendean Down and Whitehawk Hill LNRs.	The Council would be under no obligation to permit development on other sites. The UFA studies noted the need for development to remain focused within the clearly defined and limited areas proposed as housing allocations and it is accepted that landscape sensitivity elsewhere within the green gap would be greater.	No	230, 22, 6, 9, 14, 15, 23, 25, 27, 112, 114, 119, 120, 127, 130, 131, 135, 138, 146, 150, 153, 165	Friends of Whitehawk Hill, Friends of Waterhall,
H2 (Site 32 & 32a)	Consider the evidence presented in the UFA studies omitted important aspects of the ecology of the site. The structural diversity and rough informality of the existing habitat/land uses (e.g informal agricultural structures and pasture land with free-ranging horses and grazing livestock etc) has created a rich wildlife assemblage which includes Priority Species/S41 Species of Principal Importance (invertebrates, bats, swifts etc). This would be threatened the loss of habitat/impact resulting from development.	As set out in the UFA 2015 and UFA 2021 Update, the proposed development is focussed in areas of low ecological value, including buildings, bare ground and amenity grassland, which do not contribute to the ecological value of the adjacent LNR. The provision of low density housing is considered acceptable	No	230, 22, 219, 128, 153, 155, 168, 206, 227, 236	Friends of Whitehawk Hill, Friends of Waterhall, Sussex Wildlife Trust,

		subject to appropriate mitigation measures to avoid and minimise impacts to the adjacent LNR and protected species, and the delivery of biodiversity net gains and long-term management of the site and the designated areas.			
H2 (Site 32 & 32a)	Housing development will lead to the loss of several established businesses with consequent loss of employment. The existing stables also provide a valuable recreational and educational resource for wider local communities.	The value of the Riding School as a source of employment and community/ recreational asset is accepted. However, this must be balanced against the requirement established through CPP1 to identify urban fringe land for c1,000 homes to help address the city's housing needs.	No	128, 155, 168, 206, 227	
H2 (Site 32 & 32a)	Development will add to existing problems of traffic congestion on Warren Road and Falmer Road.	The scale of development proposed is considered unlikely to create severe traffic impacts. Traffic generation would be assessed at the planning application stage and, if needed, requirements for traffic reduction/mitigation would be applied through planning conditions or obligations.	No	155, 168, 206, 236	
H2 (Site 32 & 32a)	The site has archaeological interest including flint walls.	The flint walls are not listed buildings and are not included on the Local List. However, the site falls within an Archaeological Notification Area (as noted in the UFA) and therefore will be subject to CPP2 Policy DM31. The County Archaeologist would be consulted on any development proposals and would advise on the archaeological significance of flint walls as part of any assessment.	No	168, 206, 227	
H2 (Site 32 & 32a)	The site is distant from facilities such as shops and schools and does not have mains supplies of water, sewage, gas, electricity.	The distance to local facilities is acknowledged, although this is shared with several of the other CPP2 urban fringe allocations. However, there is relatively good public transport, with frequent bus services (every 10 minutes). The Council has	No	168, 206, 227	

		consulted with all the relevant utilities during the preparation of CPP2 and no constraints to development of this site have been raised.			
H2 (Site 32 & 32a)	Object to development on a chalk aquifer reservoir when water is becoming an increasingly scarce resource. The reservoir should be removed from the City Plan to protect this precious resource.	The reservoir does not form part of the proposed housing allocation and there is already adjacent development at Bellevue Cottages.	No	128	
Representations raising soundness issues - UF Site 33 Land north of Warren Road (Ingleside Stables)					
H2 (Site 33)	<p>Objections to the allocation for housing development for reasons including:</p> <ul style="list-style-type: none"> • loss of green space/wildlife, impacts on infrastructure/ local services etc • landscape reasons. The site is separated from the built-up area in a sensitive elevated location on/close to the top of an open ridge-top and adjacent to the National Park boundary • unacceptable landscape impacts on the South Downs National Park and its setting <p><The Friends of Whitehawk Hill representation includes an aerial photograph/map illustrating the separation of the site from the defined Built-up Area Boundary.></p>	The UFA 2014 considered the site constraints and potential impacts of development and more detailed landscape assessment was undertaken in the UFA 2015. The UFA Update 2021 includes an ecological assessment and review of the landscape assessment, both of which support and reinforce the conclusions of the earlier studies. The UFA studies include specific recommendations for avoiding, minimising and mitigating identified development impacts. The Council has also considered the infrastructure requirements to support the proposed growth and site level allocations in CPP2 and has consulted with all infrastructure and service providers.	No	230, 231, 11, 76, 215, 219, 256, 6, 7, 8, 9, 14, 15, 20, 23, 24, 25, 26, 27, 73, 78, 85, 89, 91, 109, 112, 113, 114, 119, 120, 122, 126, 127, 128, 130, 131, 132, 135, 136, 137, 138, 145, 146, 150, 151, 152, 153, 161, 162, 165, 166, 168, 169, 175, 176, 191, 206, 224, 227, 236, 237, 251, 271	Friends of Whitehawk Hill, BHCC Conservative Group, Sussex Branch of SERA, Brighton & Hove Friends of the Earth, South Downs Society, Sussex Wildlife Trust, The Brighton Society, (XR Brighton),
H2 (Site 33)	<p>Consider the evidence on the landscape impact of development of the site in the UFA studies was inadequate and the effects on views were not fully considered. Specifically, the UFA did not assess:</p> <ul style="list-style-type: none"> • The impact of development on the western part of the site which is less well screened and lies immediately north of a well-used path/track forming part of the gateway to the National Park from the eastern part of Brighton. 	Disagree. The Urban Fringe Assessment 2021 Update includes detailed responses to the specific points made in representations.	No	230, 6, 7, 9, 14, 15, 25, 26, 27, 112, 114, 119, 120, 127, 130, 150, 153, 165	Friends of Whitehawk Hill,

	<ul style="list-style-type: none"> The impact on views north and north westwards from the track and from Warren Road, to the wider National Park which would be obscured and/or significantly impacted by development of the site. This part of the site is also visible from other viewpoints within the National Park (e.g Hollingbury Castle). <p><The Friends of Whitehawk Hill representation includes photographs illustrating these views of the site.></p>				
H2 (Site 33)	The loss of the existing farmsteads/ buildings to housing will create knock-on pressures for new replacement buildings within the landscape/green gap, because the residual land holdings will require buildings/ infrastructure in order to function.	The Council would be under no obligation to permit development on other sites. The UFA studies noted the need for development to remain focused within the clearly defined and limited areas proposed as housing allocations and it is accepted that landscape sensitivity elsewhere within the green gap would be greater.	No	230, 6, 9, 14, 25, 27, 112, 119, 120, 127, 130, 150, 151, 153, 165	Friends of Whitehawk Hill,
H2 (Site 33)	Consider allocation/development of the site will create a precedent for further development within the downland ridge/green gap between Brighton and Woodingdean, and between the National Park and the Bevendean Down and Whitehawk Hill LNRs.	The Council would be under no obligation to permit development on other sites. The UFA studies noted the need for development to remain focused within the clearly defined and limited areas proposed as housing allocations and it is accepted that landscape sensitivity elsewhere within the green gap would be greater.	No	230, 6, 7, 9, 14, 15, 23, 25, 27, 112, 114, 119, 120, 127, 128, 130, 131, 135, 138, 146, 150, 153, 165	Friends of Whitehawk Hill,
H2 (Site 33)	<p>Object to the allocation/development for ecology reasons. Development will have an adverse impact on the local ecology and on local ecology and the Whitehawk Hill and Bevendean Down LNRs, and their setting. 50% of the proposed development of 30 dwellings on this site would be within the Bevendean Horse Paddocks LWS (BH86). Land designated as a LWS should be safeguarded under NPPF Paragraph 174.</p> <p>Consider the evidence presented in the UFA studies omitted important aspects of the ecology of the site. The structural diversity and rough informality of the existing habitat/land uses (e.g informal agricultural structures and pasture land with free-ranging horses and grazing livestock etc) has created a rich wildlife assemblage which includes Priority Species/S41 Species of Principal Importance</p>	The ecological/biodiversity value of the site and potential impacts of development were considered in the 2014 UFA. A more detailed ecological assessment of the site, incorporating a desktop study and Phase 1 habitat survey, has been undertaken as part of the UFA 2021 Update which also includes a detailed response to these comments.	No	230, 22, 219, 228, 253, 153, 227, 236	Friends of Whitehawk Hill, Friends of Waterhall, Sussex Wildlife Trust, Sussex Ornithological Society, CPRE Sussex,

	(invertebrates, bats, swifts etc). This would be threatened the loss of habitat/impact resulting from development.				
H2 (Site 33)	Housing development will lead to the loss of several established businesses with consequent loss of employment. The existing stables also provide a valuable recreational and educational resource for wider local communities.	The value of the Stables as a source of employment and community/ recreational asset is accepted. However, this must be balanced against the requirement established through CPP1 to identify urban fringe land for c1,000 homes to help address the city's housing needs.	No	128, 168, 206, 224, 227	
H2 (Site 33)	Development will add to existing problems of traffic congestion on Warren Road and Falmer Road. Warren Road is a main route into the city that is busy and suffers with heavy fog / low cloud in the winter. The entrance to the proposed housing development would be located close to a blind corner on a section which has seen many collision accidents over the years. The site access would also be shared with a restricted access lane that serves as a main gateway to the South Downs National Park for horse riders, cyclists and pedestrians.	The scale of development proposed is considered unlikely to create severe traffic impacts or access problems. Traffic generation impacts would be assessed at the planning application stage and, if needed, requirements for traffic reduction/mitigation would be applied through planning conditions or obligations. Site access requirements would also be determined at the planning application stage, including identifying any measures required for safety reasons.	No	168, 206, 224, 236, 251	
Representations raising soundness issues - UF Sites 38, 38a & 39 Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm					
H2 (Sites 38,38a & 39)	General objection to housing/loss of green space/impacts on local character/ infrastructure /local services etc	The UFA 2014 considered the site constraints and potential impacts of development and more detailed landscape assessment was undertaken in the UFA 2015. The UFA studies include specific recommendations for avoiding, minimising and mitigating identified development impacts. The Council has also considered the infrastructure requirements to support the proposed growth and site level allocations in CPP2 and has consulted with all infrastructure and service providers.	No	76, 73, 132	Brighton & Hove Friends of the Earth,

H2 (Sites 38,38a & 39)	Oppose the allocation/development due to its impact on the character of the Ovingdean Conservation Area. The proposed development will not preserve or enhance the distinctive character of the conservation area nor its setting on the edge of the National Park. It will interrupt the important views between open downland, Grade I listed church and village, including key views to/from Cattle Hill and Greenways.	The potential impacts of development on the historic environment, including the Conservation Area and Listed buildings, were considered in the 2014 UFA and further landscape assessment was undertaken in the 2015 UFA. The UFA studies concluded that the proposed scale of housing development could be accommodated without significant landscape impacts subject to recommended mitigation measures. Any planning application will be required to be supported by a Heritage Statement demonstrating that development would preserve and enhance the Conservation Area and not harm the setting of Listed buildings as required by CPP2 Policies DM26 and DM29.	No	240	
H2 (Sites 38,38a & 39)	The site is highly sensitive due to its proximity to the boundary of the National Park which is particularly important to protect from the impact of development. Development could have a significant negative impact on the Park's setting when viewed from the surrounding high ground, including through light and noise pollution. Consider it inappropriate to develop the site other than for continued rural use.	The visual impact and connection of the sites with the National Park and its setting was considered in the 2014 UFA and further landscape assessment was undertaken in the 2015 UFA. The UFA studies concluded that the proposed scale of housing development could be accommodated without significant landscape impacts subject to recommended mitigation measures. Policy H2 requires that all development proposals have particular regard to CPP1 Policy SA5 The Setting of the South Downs National Park and Paragraph 3.73 states that a Landscape and Visual Impact Assessment (LVIA) will be required.	No	215, 240	South Downs Society,
H2 (Sites 38,38a & 39)	Object to the allocation/development for ecology reasons. Although not a designated LWS, the site in 2020 had successfully nesting Barn Owl, a Schedule 1 species and Sussex BAP species. Development	The ecology value of the sites and potential impacts of development were considered in the 2014 UFA. The assessment concluded that the	No	228, 253	Sussex Ornithological Society, CPRE Sussex

	would extend the urban footprint and impact the surrounding agricultural land leading to loss of wildlife-rich habitat.	proposed scale of housing development could potentially be accommodated without significant ecology impacts subject to provision for biodiversity assets to help create new habitats and contribute to habitat connectivity .			
H2 (Sites 38,38a & 39)	Road and pedestrian access to the site is very restricted and unsuitable to accommodate 50 additional houses. The narrow road width and lack of pavements emphasise the rural origins of Ovingdean village and greatly contribute to the character of the Conservation Area.	The scale of development proposed is considered unlikely to create severe traffic impacts or access problems. The 2014 and 2015 UFA studies assessed the potential impact of development on the character of the Conservation Area and highlighted the need to give consideration to the effects of increased activity/traffic movements when considering development proposals. Access and traffic impacts would be assessed at the planning application stage.	No	215, 240	South Downs Society,
Representations raising soundness issues - UF Site 42 Land adjacent to Ovingdean and Falmer Road, Ovingdean					
H2 (Site 42)	General objection to housing/loss of green space/impacts on local character/ infrastructure /local services etc	The majority of the allocated site is now subject to outline planning permission (BH2016/05530) allowed on appeal for 45 dwellings, with the remaining part subject to a separate full planning permission (BH2015/01890) allowed on appeal for 6 dwellings.	No	76, 73, 132	Brighton & Hove Friends of the Earth,
Representations raising soundness issues - UF Site 46a Land at former nursery, Saltdean					
H2 (Site 46a)	General objection to housing/loss of green space/impacts on local character/ infrastructure /local services etc	The UFA 2014 considered the site constraints and potential impacts of development and more detailed ecological assessment was undertaken in the UFA 2015. The UFA Update 2021 includes a landscape assessment which concludes that the site is suitable for development subject to the retention of some existing boundary vegetation as landscape buffering. The UFA studies include specific recommendations for avoiding,	No	73, 132	

		minimising and mitigating identified development impacts. The Council has also considered the infrastructure requirements to support the proposed growth and site level allocations in CPP2 and has consulted with all infrastructure and service providers.			
H2 (Site 46a)	The respondent is the site landowner and is seeking to increase the potential number of housing units (shown in Table 8) from 24 to 28 dwellings. Consider the draft policy does not make the most efficient use of land, nor maximise the delivery of new homes. Development of 28 units would give a density of 30 dwellings/ha. This would be broadly equivalent to the recently approved planning application for 32 homes at Falmer Avenue (UF Site 50) and the existing housing directly to the south of the site at Looes Barn Close (where the estimated density is 29 dwellings/ha).	The Council has commissioned a landscape assessment of the site as part of the Urban Fringe Assessment 2021 Update. This survey has concluded that the site can accommodate low density housing development (25 dwellings per hectare) within a developable area of approximately 0.75ha allowing for the retention of existing vegetation around the northern and western boundaries of the site. In response to these conclusions, it is proposed to reduce the Potential number of dwellings units shown in Policy H2 Table 8 from 24 to 18 dwellings which accords with the recommendation in the 2014 and 2015 UFA studies.	Yes	222	
H2 (Site 46a)	The respondent is a private landowner who owns the track to the south of the Saltdean nursery site which separates it from the housing in Looes Barn Close. Seeks removal of this land from the site allocation.	It is proposed to amend the boundary of the allocated site to remove the track to the south of the former Saltdean nursery. The track itself is not required for development or for access to the proposed development area.	Yes	5	
Representations raising soundness issues - UF Sites 48, 48a, 48b & 48c Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean					
H2 (Sites 48, 48a, 48b & 48c)	General objection to housing/loss of green space/impacts on local character/ infrastructure /local services etc	The majority of the allocated site is now subject to outline planning permission (BH2016/01903) for 60 dwellings. A separate detailed application (BH2020/00002) for 72 dwellings has been agreed by the	No	132	

		Council Planning Committee subject to a s106 agreement.			
H2 (Sites 48, 48a, 48b & 48c)	Consider the current planning application for 72 dwellings (BH2020/00002) to be over-development of the site which would significantly impact on the setting of the National Park.	The planning application referred to was approved by the Council Planning Committee on 2 December 2020 subject to a s106 planning agreement.	No	215	South Downs Society
Representations raising soundness issues - UF Site 50 Land west of Falmer Avenue, Saltdean					
H2 (Site 50)	General objection to housing/loss of green space/impacts on local character/ infrastructure /local services etc	The site is now subject to planning permission (BH2014/03394) allowed on appeal for 32 dwellings which are now under construction.	No	73, 132	
Representations raising soundness issues - Omission Sites					
UF Site 43 Land North East of Longhill Close, Ovingdean					
H2 (Omission Site 43)	Objection from the landowner seeking the allocation of Land NE of Longhill Close, Ovingdean for 6 dwellings. The reason stated for not allocating the site (in the Site Allocations Topic Paper) is that it would yield less than 10 units. However, consider that the wording of CPP1 Policy SA4 restricts urban fringe development to allocated sites, which effectively prevents smaller scale development on the urban fringe. Consider that smaller housing developments will often be more appropriate than larger developments. The policy should be worded more flexibly to allow for other urban fringe sites to come forward if they can demonstrate acceptable impact with regard to landscape, ecology and highways.	A small part of UF Site 43 was identified in the 2014 UFA as having potential for 6 dwellings. However, following more detailed landscape assessment, the 2015 UFA concluded that the potential yield may need to be reduced given the need to accommodate an access road. The site was therefore removed from the SHLAA (which only lists sites of 6+ dwellings) and was not allocated in CPP2. City Plan policies allow for development of less than 10 dwellings on suitable sites including within the urban fringe (e.g BH2020/02835 Land rear of 28-30 Longhill Road where permission has recently been approved for four dwellings on another part of UF Site 43).	No	220	Ovingdean Estates Ltd
Hollingbury Golf Course					
H2 (Omission Site Hollingbury Golf Course)	Support the re-allocation of Hollingbury Golf Course as an area for 'Mixed Use'.	The Hollingbury Park Golf Course is entirely within the South Downs National Park so falls outside the boundary of the City Plan area.	No	258	Brighton & Hove Liberal Democrats

Policy H3 Purpose Built Student Accommodation

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Support/support with caveat					
Policy H3	Sites at Lewes Road Bus Garage and 45 & 47 Hollingdean Road fall within Groundwater Source Protection Zones 1, 2 and 3. Within this policy, there is no acknowledgement that these sites fall within these zones. This is inconsistent with the wording of other allocations in Section 3 which either acknowledge these zones within the policy wording, supporting text or both.	Comment wording for consistency will be added to supporting text.	Yes.	79	Environment Agency
Policy H3	We are pleased to see that woodland has generally been excluded from sites, and the one section of ancient woodland potentially affected had a buffer applied.	Support welcomed	N/A	202	Woodland Trust
Policy H3	The specific reference to food growing under H1-H3 (housing and mixed use sites) is welcomed.	Support welcomed, although it should be noted that the food growing requirement does not apply to Policy H3.	No	216	Brighton & Hove Food Partnership
Representation of Objection					
Policy H3	There should be no more student accommodation in the city. If we have a housing crisis then land should be used for permanent residents rather than being used for only a few months of the year.	The provision of new Purpose Built Student Accommodation meets an identified need in the city as set out in the Student Accommodation Study 2019.	No.	159	
Representations putting forward Omission sites for consideration					
Policy H3	Albany house, New England Street, Brighton BN1 4GQ and the adjoining land at St James House New England Street, Brighton should be allocated in the Plan for either a mixed use or PBSA scheme.	This site is already allocated as a strategic allocation for mixed use redevelopment (housing and employment use) in the adopted City Plan Part One Policy DA4.1.c) as part of the 'Richardson's Scrapyard and Brewers Paint Merchant Site' and therefore student housing would not accord with adopted City Plan Part One Policy CP21.7	No	252	C. Brewer & Sons Limited
Policy H3	If the site 'Land at Preston Road / Campbell Road' is not allocated for residential use in Policy H1 then it should be allocated for PBSA in this Policy H3	Following a site assessment process, set out in the Site Assessment Topic Paper May 2021 it is proposed to allocate this site for use class C3	No	265	The Arch Company

		residential use in Policy H1 (see also response to representation under H1).			
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Policy E1 Opportunity site for business and warehouse uses

Policy, Para. Number, site name	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
Representation of Objection					
E1	Understand there may be a need for light industrial units but the warehouse proposal should be removed as the impact of the extra traffic and in combination with the waste management site and housing proposed in SA7 and H2 would dramatically change the character of Benfield Valley and the area nearby. Would severely impact on the junction with Hangleton Lane and Fox Way and traffic pollution would impact on nearby allotments.	The site is in a highly accessible location adjacent to a strategic route network, the A27/A293 junction and a Transport Assessment would be required with any planning proposal in accordance with Policy DM35. This assessment would include consideration of air quality and also the cumulative impact of the proposals alongside allocations and permitted development.	No	121	
Representation seeking further considerations/ criteria or clarification					
E1	Note reference in supporting text para 3.87 to 'regard should be given to the need to conserve and enhance biodiversity' with reference to the overlap with local wildlife sites. In order to be consistent with other policies, would like to see a more specific reference to retaining or enhancing environmental value of the site in accordance with biodiversity net gain principles.	Comment noted. The final sentence of supporting text 3.87 can be amended for consistency with other policies.	Yes.		The Woodland Trust
E1	Noting the location of a number of allocation sites close to and/or in the setting of the South Downs National Park, we support the requirement for Landscape and Visual Impact Assessment (LVIA). Where required, we advise LVIA is undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA 3rd edition), recognising the Special Qualities of the South Downs National Park and the ambitions of the Partnership Management Plan. In accordance with NPPF paragraph 172, great weight should be given to conserving and enhancing landscape and scenic beauty of the National Park.	The need to conserve and enhance the landscape and scenic beauty of the National Park is addressed in adopted City Plan Part 1 Policy SA6 The setting of the National Park. For consistency with other policies, an amendment to the supporting text at paragraph 3.87 can be made to refer to need for development to reflect the South Downs Integrated Landscape Character statement prepared by the South Downs National Park Authority.	Yes.		Natural England

Sustainability Appraisal

	Main Issue Raised	Officer Response	Potential to change plan	Respondent's unique ID	Respondent Name/ Organisation
Assessment of reasonable alternatives not adequate (DM1)					
In relation to DM1	<p>The assessment of a “no policy approach” to this policy is not considered a sufficient assessment of alternatives. A ‘no policy approach’ is not the same as having a policy on Housing Quality without prescriptive standards (<i>nb: relates to nationally described space standards; accessibility and adaptability standards and private outdoor amenity space requirement</i>).</p> <p>The Sustainability Appraisal fails to assess these the detailed requirements against strategic objectives.</p>	<p>The alternative approaches at options stage are considered to be a reasonable alternatives.</p> <p>At options stage, the SA assessed (1) the no policy approach; (2) the approach of having 3 separate policies covering housing quality (with standards), housing choice and housing mix separately; and (3) the approach of having a single policy covering these matters.</p> <p>Although the SA of option 1 considered this to be the most flexible and less restrictive option, and that this may help bring forward housing applications, and had greater potential for positive impacts in relation to making the best use of land, it was found to have potential for mixed effects on objectives relating to housing and health, and adverse effects on equalities due to not having any requirements to meet space, accessibility or amenity space standards. Overall, options 2 or 3 were preferred as had greater potential for more wide-ranging positive impacts. The SA has assessed the policy options against strategic objectives. It is not considered reasonable to assess each detailed requirement individually.</p>	N/A	241	Lewis and Co Planning

Revision of SA for certain policies required					
DM37	No specific comments to make regarding the SA. Comments made on policy DM37 outlined the protection of nationally designated sites was weak. Representation suggests re-considering the Sustainability Appraisal of DM37 in relation to comments made on this policy.	Comment noted. Modifications are proposed for policy DM37 including the section on nationally designated sites. An SA assessment published in the SA Addendum May 2021 has considered the changes proposed to DM37 in a revised SA of all modifications, including the changes to the section on protection of nationally designated sites. The SA found the policy with the proposed changes to have positive impacts for biodiversity.	N/A	212	Natural England
Does not agree with SA findings of specific policy					
SA7	SA does not recognise the value of Benfield Valley in relation to biodiversity, the mental health benefits provided by access to open space, or the air quality benefits it provides. Does not agree with SA assessment that the policy could have positive impacts on biodiversity in the longer term. Does not agree with SA assessment which states the site allocated has a lower ecological value.	The Propopsed Submission SA recognises the biodiversity value of Benfield Valley under objective 1 in the assessment of policy SA7 and also in the site assessment (in Appendix F2). The Proposed Submission SA recognises the open space value, including for mental health, under objective 2 and objective 16 in the assessment of policy SA7 and also in the site assessment. Although the SA does not refer to the air quality benefits of natural habitats, it does include an SA objective for air quality/noise quality where impacts are considered. It is generally accepted that sites which undergo regular management and maintenace have improved ecology/biodiversity. The SA assessment, which found the impacts on biodiversity to be positive in the longer term, is based on this requirement of the policy, as well as other policy requirements. The statement in the SA that refers to the ecological value of the site being low relates to the parts of the site		218; 111	Benfield Valley Project

		allocated for housing only. This is based on evidence in the ecological assessments contained in the Urban Fringe Assessment 2015, updated in 2021.			
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Representations made in relation to CPP2 Supporting/ Background Documents/ Topic Papers

	Main Issue Raised	Officer Response	Potential to change plan	Respondent ID Number	Respondent Name/ Organisation
<i>Duty to Cooperate Update Topic Paper</i>					
	Please refer to similar comments made in relation to Duty to Cooperate Statement and SHLAA have been made to Part 1 of Plan	<p>Progress on duty to cooperate is set out in the topic paper. A statement of Common Ground is being prepared with the West Sussex and Greater Brighton Authorities and further details is set out in the Duty to Cooperate Paper May 2021.</p> <p>By way of factual update, propose to refer to Statement of Common Ground to be included in the Introduction, paragraph 1.10 page 9.</p>	Yes	210	Home Builders Federation
	<p>The Council states in its Duty to Co-operate statement that most cross boundary issues affecting the city were dealt with at the examination of the City Plan Part 1. It takes the view that these do not need to be re-opened. Such an approach does not take account of the progress, or lack of progress, on certain key issues, including the supply of housing, or the acknowledged “significant” under- provision against objectively assessed need, since 2016. It also does not take into account that the Duty to Cooperate is an on-going requirement of plan making.</p> <p>The unmet need for housing in Brighton and Hove identified in the City Plan Part 1 is not addressed in the Duty to Cooperate Update Paper. No detail is provided as to the progress made by other authorities in addressing Brighton and Hove’s unmet housing needs. In the absence of any evidence of progress in addressing the strategic issue of unmet housing need it will be necessary for the Council to consider whether more can be done to meet housing need through</p>	<p>Progress on duty to cooperate is set out in the topic paper. A statement of Common Ground is being prepared with the West Sussex and Greater Brighton Authorities and further details is set out in the Duty to Cooperate Paper May 2021.</p> <p>By way of factual update, propose to refer to Statement of Common Ground to be included in the Introduction, paragraph 1.10 page 9.</p>	Yes	265	The Arch Company

	the City Plan Part 2 and this should be done before the plan is submitted for examination.				
Housing Delivery Topic Paper/SHLAA					
	<p>Aside from an increased housing need compared to CPP1, the inability to achieve a five year housing supply also stems from the Council's inability to identify a sufficient supply of suitable, achievable and available sites to satisfy the housing need figure. This reflects in some part the physical and environmental constraints of the city.</p> <p>The Council's poor housing delivery against housing need identified in the SHLAA and HDT should be recognised in the CPP2. The under delivery of housing indicates a more flexible approach to the planning policy framework should be adopted. This should include a flexible approach to mixed use development in demonstrably appropriate strategic locations.</p> <p>As the Council is unable to identify enough land to fulfil its housing need this should translate to policies within CPP2 which support the delivery of housing on other strategic allocation sites and other locations where housing would be an appropriate use, achievable on the site and the site is available for development.</p> <p>It should also highlight the impact of the CIL Charging Schedule in housing delivery and in particular the urgent need for an early review.</p>	<p>Disagree. As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the Council has sought to identify additional sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and how additional sources of housing delivery (e.g small windfall sites) have been assessed. The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and development strategy and subject to identified physical, environmental and infrastructure constraints.</p> <p>The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential housing supply well above the minimum CPP1 requirement. It should also be noted that the most recent SHLAA and HDT results provide evidence of much improved housing delivery. The Council has also published a Housing Delivery Action Plan (dated January 2021) which analyses the factors influencing housing delivery in the city and lists a range of actions which the Council is undertaking to support improved housing delivery. However, delivery rates are to a significant extent dependent on general housing</p>	No	246	Aberdeen Standard Investments

		<p>market conditions and specific landowner/ developer actions which lie outside the Council's control. The Council has only very recently introduced CIL charging (from 5 October 2020). It is clearly much too early to assess any impact it may have on housing delivery, However, in accordance with national planning legislation and policy requirements, the CIL charging schedule was based on extensive viability testing and subject to independent examination. A key principle underpinning the CIL charging rates which was tested at examination is that the levy is set at a level that will not put the overall development of the area at risk.</p>			
Site Assessment Topic Paper					
	<p>The Site Allocations Topic Paper (2019) highlights the need to identify further sites for development to meet, in particular, increased housing need. It recommends further strategic site allocations to be incorporated in the CPP2 which have subsequently come forward in CPP2 policies. However, as identified in the SHLAA the further site allocations via CPP2 do not meet the housing need of the area. Table 3 of the Site Allocations Topic Paper details the changes requested to proposed site allocation policies and the Council's actions. These include changes to site allocation land uses and changes to the indicative housing numbers of proposed site allocations to allow for more flexibility. Supportive of this flexible approach shown by the Council to the capacity and use for specific site allocations and how landowner and developer comments have been considered and incorporated into the draft submission CPP2. This approach should act as a blueprint for the flexible approach to site allocation policy requirements the Council will adopt, with consistency, when discussing strategic site allocations with landowners and developers. This flexibility should include discussions on the existing Brighton Centre and Churchill Square site allocation Policy (DA1) where identified development challenges are being presented to the Council.</p>	<p>As a Part Two plan, the role and purpose of CPP2 is to support the implementation and delivery of CPP1, rather than to review or amend the strategy established in the adopted Part One Plan. CPP1 Policy CP1 sets an overarching development strategy to deliver a minimum of 13,200 homes over the period 2010-2030, taking account of the identified housing needs and the city's significant physical and environmental constraints. The City Plan housing figure and strategy was tested and found 'sound' at the CPP1 examination and now forms part of the adopted development plan. The Housing Provision Topic Paper and Site Allocations Topic Paper set out how the SHLAA has been used to identify sites suitable for housing allocation in CPP2 to help meet the planned housing requirement and to assess the potential for housing</p>	No	246	Aberdeen Standard Investments

		<p>delivery from other sources (e.g small windfall sites). The Council's objective throughout has been to maximise housing potential within the context of the CPP1 housing requirements and development strategy and subject to identified physical, environmental and infrastructure constraints. The SHLAA Update 2020 and Housing Provision Topic Paper identify a potential housing supply well in excess of the minimum CPP1 requirement, clearly demonstrating the Council's commitment to boosting housing supply.</p> <p>Support for the approach detailed in the Site Allocations Topic Paper is welcomed.</p> <p>Policy DA1 is in the adopted CPP1 and is not being reviewed as part of the CPP2 process. The need to update CPP1 has been identified by the council and this process will begin after the adopted of CPP2.</p>			
Build to Rent Study (2019)					
	<p>The Council has produced a Build to Rent Study (2019) which has been used to inform and support the build to rent policies with the CPP2. The study looks at the viability of built to rent ("BTR") schemes and outlines the justification for the methodology chosen for this study.</p> <p>Support the inclusion of CIL charging rates in the methodology given the implications this has for viability and the importance of setting CIL rates which do not adversely impact delivery. Support the study's recognition of the genuine viability challenges of providing affordable housing within BTR schemes as the study notes that the tensions between affordability and viability "are likely to be difficult to match-up and it may be that the affordable element of BTR will need to be viewed as fulfilling a different role in the overall provision of choice within the local housing market offer as a whole".</p> <p>Consider that the affordable element within BTR developments is likely to take the form of affordable market rent. This is more</p>	<p>The support for the methodology applied in the Build to Rent Study and the overall study conclusions is welcomed. The respondent's detailed comments on the Build to Rent policy in CPP2 are addressed in the Council officer response under Policy DM6.</p>	No	246	Aberdeen Standard Investments

	compatible with the management of BTR developments and has the advantage of being fully integrated so occupants of DMR units are not segregated from those paying full rent.				
Housing Provision Topic Paper					
	27-31 Church Street – listed as ‘under construction’ – boarded vacant site. No obvious work has been started.	The site is considered to have technically commenced as it is subject to two previous planning permissions which have been lawfully commenced, meaning that either development could be completed without the need for further planning permission. The first permission was for a 5-storey mixed use office and retail building which was first approved in 1996 and amended in 2002. The second permission was for a 4-storey retail and office building which was allowed on appeal in 2013 and amended in 2016 and 2017. In terms of planning law, development is considered to have lawfully commenced at the point when any material operation allowed for in the planning permission is carried out. In addition to construction works, this may also cover demolition of existing buildings, digging foundations, constructing roads/access or a material change in the use of the land.	No	12	
	No mention in Topic Paper of uncontrolled growth of Airbnb and risk presents to availability of housing stock, house prices and rents. Recognise council’s lack of control but issue should be acknowledged somewhere in the planning documents.	This issue has been considered in the background evidence study: Visitor Accommodation Update 2018. Policy CPP2 Policy DM2 Retaining Housing and residential accommodation (C3) protects residential accommodation and indicates at paragraph 2.17 that where it can be demonstrated that there has been a material change of use from a residential use (as may be the case for some holiday lets), then this policy may be used for enforcement purposes.	No	12	

		However, short term holiday lets are classified by the Government as a residential use (C3 Use class), and planning permission is not generally required. This means that the planning system can provide very little control over the growth of Airbnb or its impact on housing stock and prices.			
Strategic Flood Risk Assessment Level 1 and 2 Screening					
	In order for the City Plan Part 2 to be sound, the Technical Note produced for Brighton and Hove City Council dated 15 October 2020 and titled 'UKCP18 updates and the impact on site allocation with the City Plan Part 2' should be included as part of the evidence base for the Strategic Flood Risk Assessment and City Plan Part 2. We are satisfied that the Technical Note considers the impact of the new sea level rise allowances on the allocations contained within Section 3 of the City Plan Part 2 document for the sources of flooding that fall within our remit.	Noted, the Technical Note will be uploaded as annexe to the SFRA at Submission Stage.		79	Environment Agency
Transport Topic Paper					
	Highways England is continuing to liaise with the council and their transport consultants Systra with regard to the supporting Transport Evidence Base. Whilst Highways England has accepted the methodology in the published Transport Topic Paper, have unresolved concerns with the modelling undertaken. Until these outstanding matters are resolved, Highways England is not able to accept the Transport Assessment in support of the City Plan Part 2 and therefore the CPP2 itself. Accordingly we are not satisfied that CPP2 will not have a detrimental impact on the Strategic Road Network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF2019, particularly paragraphs 108 and 109).	The council has worked with Highways England to address this concern and this is set out in the Transport Topic Paper. A Statement of Common Ground is being jointly produced with the Highways Agency.	No	180	Highways England
	Reiterate concerns raised re DM35 Travel Plans and Transport Assessment - Lack of evidence for the assumptions made in background documents regarding transport assessment/ congestion. Lack of evidence to show DfT guidelines were followed. No recent congestion measurements since CPP1 STA 2013 was published even though major transport interventions have taken place (eg at North Street, Lewes Road)	City Plan Part Two implements the spatial strategy set out in City Plan Part One. The CPP1, including the transport evidence underpinning it, was examined and found sound by an independent planning inspector and adopted by the Council in 2016. A review of City Plan Part One will commence following the adoption of CPP2 which will be the appropriate time to revisit and update the Strategic Transport Assessment.	No	132	

		Additional technical work has been undertaken to ensure that the mitigation measures proposed for Strategic Road Network junctions remain appropriate for the distribution of development proposed in CPP2 and its estimated levels of vehicular trip generation			
<i>Proposed Changes to the adopted CPP1 Policies Map</i>					
	Welcome changes made with the SDNP boundary now shown	Support welcomed	N/A	179	South Downs National Park Authority
	Waste and Minerals Sites Allocations legend on map is not effective - misleading and needs to make clear that it relates to an option for a waste and minerals site rather than an outright allocation.	Comment noted. Legend of map will be amended to clarify "Waste site allocations and areas of opportunity". Change to policy map legend is proposed.	Yes to map legend	211	St William Homes LLP
<i>Site specific issue that relate to number of studies</i>					
	Reference to specific site – Land North East of Longhill Close: - LWS Study disagree with designation of whole site as LWS (despite submitted representations submitted by David Archer Associates during LWS process). - SHLAA – disagree with sites removal (was in previous versions) Site Allocations Paper – seems to have discounted site on basis of it yielding less than 10 units.	The justification for the designation of LWS, as well as the process and methodology is set in the LWS Review document. The panel considered additional evidence provided by the landowner however recommended the entire site should be designated as a LWS. The LWS designation process is robust and has been undertaken in accordance with the Defra Guidance. A small part of UF Site 43 was identified in the 2014 UFA as having potential for 6 dwellings. However, following more detailed landscape assessment, the 2015 UFA concluded that the potential yield may need to be reduced given the need to accommodate an access road. The site was therefore removed from the SHLAA which only lists sites of 6+ dwellings. For the same reason, the site was not allocated in CPP2 where	No	220	Ovingdean Estates Ltd

		a minimum threshold of 10 dwellings is applied for housing site allocations.			
DM20 Protection of Amenity					
	<p>Pleased that developers will be required to consider the effects of proposals on sunlight but find the BRE standard for assessing this to be inadequate for properties in the centre of towns on the south coast. The BRE assessment uses as its benchmark sunlight and over-shadowing at the Spring Equinox. This takes no account of homes in narrow streets behind existing taller buildings, such as on the seafront, where direct sunlight reaches the smaller properties during the summer months. The BRE assessment would wrongly conclude that such properties are in year-round shadow and that new developments of any height will present no loss of amenity. If at all possible, BHCC should use assessments that are relevant to the city's coastal position and topography, rather than rely solely on national standards.</p>	<p>Comment noted. When considering planning applications, the council will where appropriate be guided by the tests laid out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight', A guide to good practice, Second Edition. However, the introduction section of the BRE Guide states that the advice given within the Guide is not mandatory and the Guide should not be seen as an instrument of planning policy.</p>	No	12	

Appendix 10 - Copies of the original redacted representations - available electronically on the website as separate document

Appendix 11 provides copies of representations in Plans order – available electronically on the website as a separate document



Brighton & Hove
City Council