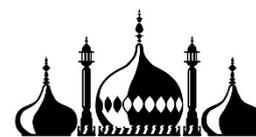


Brighton & Hove City Plan Part Two Proposed Submission Document

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 regulations¹. 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 needs²; 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.

¹ The 'regulations' comprise the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.

² 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.