

## ANNEX 2

# Statement of Compliance

1 This Annex sets out how the Neighbourhood Plan (NP) meets the basic conditions which are required before the NP can come into force. The basic conditions are tested through the independent examination before the NP may proceed to referendum. This section refers and quotes extensively from the Neighbourhoods Plan Roadmap, published in 2018<sup>28</sup>

### 1.1 The Basic Conditions for neighbourhood plans:

- i [have regard to national policy](#)
- ii [contribute to the achievement of sustainable development](#)
- iii [are in general conformity](#) with the strategic policies in the development plan for the local area
- iv [are compatible with EU obligations](#) (as incorporated into UK law).

In preparing this plan the Forum has sought to meet these requirements in the following way:

#### i. National Policy:

2 The main source of national policies is the National Planning Policy Framework (NPPF). This is a concise document dealing with a wide range of planning matters. The key theme of the National Planning Policy Framework is the presumption in favour of sustainable development. Sustainability has social, economic and environmental dimensions.

3 In preparing the Neighbourhood Plan, the Forum has stayed very close to the Local Development Planning framework, mainly the City Plan Part 1 for Brighton and Hove and as such the Neighbourhood Plan pays full regard to the NPPF. The Forum has sought to prepare a plan which responds carefully to social matters, in particularly housing and community needs, economic matters in responding to the opportunities offered locally for new and modern employment and environmental issues in that the Forum is calling for an environmental transformation for the better for the neighbourhood area. As expected, the Forum has focussed on local issues and only dealt with those where in the Forum's opinion there has been scope to provide a local dimension and added value to the City Plan process.

4 Table 6 below provides the references for the NPPF in relation to the policies of the Hove Station Neighbourhood Plan as well as the relevant references to the Brighton and Hove City Plan Parts 1 and 2.

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<sup>28</sup> [https://neighbourhoodplanning.org/wp-content/uploads/NP\\_Roadmap\\_online\\_full.pdf](https://neighbourhoodplanning.org/wp-content/uploads/NP_Roadmap_online_full.pdf)

Table 6 - NPPF and City Plan references / relationships to Neighbourhood Plan policies.

Policy ref.	Subject	Key links to NPPF	Key links to City Plan
Policy 1	Creation of Hove Station Quarter	NPPF section 5 also paras 81, 118, 122	CPP1:DA6, Hove Station Master Plan /SPD
Policy 2	Sackville Coalyard	NPPF section 5 also paras 81, 118, 122	CPP1: DA6, CPP2: SSA4
Policy 3	Goldstone Retail Park	NPPF section 5 also paras 81, 118	CPP1: DA6, Aspirational policy to cover the possibility of the site coming forward for redevelopment within the plan period
Policy 4	Bus Depot	NPPF section 5 also paras 81, 118, 122	CPP1: DA6, Hove Station Master Plan / SPD
Policy 5	Remaining Lands South of the Railway	NPPF section 5, also para 81, 93, 118, 122	CPP1: DA6, Hove Station Master Plan / SPD
Policy 6	Housing Mix and Tenure	NPPF para 61	CPP1: SA6, CP14, CP19, CP20, CPP2: DM1
Policy 7	Affordable Housing	NPPF para 62-64	CPP1: CP20
Policy 8	Housing for the Elderly	NPPF para 61	CPP1: CP19, CPP2: DM4
Policy 9	Employment	NPPF para 82 and 85	CPP1: DA6, CP2, CP3, CP4, CPP2: DM13, DM40
Policy 10	Design and Public Realm	NPPF para 91, 125 and 127	CPP1: DA6, CP12, CP13, CP16, CPP2: DM22
Policy 11	Tall Buildings	NPPF para 126	CPP1: CP12, SPG15, Urban Design Framework SPD, Hove Station Area Master Plan / SPD

Policy ref.	Subject	Key links to NPPF	Key links to City Plan
Policy 12	Community Facilities	NPPF para 92	CPP1: DA6, SA6, CPP2: DM9
Policy 13	Community Hubs	NPPF paras 28 and 92	CPP1: DA6, SA6, CP4, CPP2: DM9
Policy 14	Conservation	NPPF paras 185 and 193	CPP1: DA6, CP15; CPP2: DM26, DM27, DM28, DM29
Policy 15	Parking and Movement	NPPF paras 102-106	CPP1: DA6, SA6, CP9, SPD14 CPP2: DM33, DM35-DM36 Hove Station Area Master Plan / SPD
Policy 16	Developer Contributions	NPPF para 34	CPP1: CP7, CP13

## ii. Contributing to Achieving Sustainability:

5 This in essence means enabling growth to cater for the needs of current generations, but ensuring that growth doesn't mean worse lives for future generations.

6 The Neighbourhood plan contains a number of policies and proposals which aim to contribute to achieving sustainability. Several of these mirror the suggestions set out in the neighbourhood planning guidance and include:

- limiting transport implications from new developments by controlling car parking and requiring mixed transport provision, including accessible public transport, cycle facilities and safe and convenient pedestrian routes;
- reducing transport impact by encouraging mixed use development and making full use of the proximity of the railway and bus systems for transport needs;
- requiring good urban design, creating safe, attractive, convenient, well-connected streets and spaces;
- enabling provision of varied local employment opportunities;
- considering the enhancement of the natural environment including high quality landscapes;
- encouraging green development and local energy generation;

7 Several other areas of sustainable development are covered already by the adopted City Plan Part 1 and are therefore only referred to briefly in the Neighbourhood Plan. This includes issues such as affordable housing provision and the requirement for a good mix of housing of different sizes to meet local need.

8 Overall the Forum believes that taken together that the policies and proposals in the Neighbourhood Plan will make a considerable contribution towards sustainability as defined by the NPPF.

9 The following table sets out the sustainability impacts of the policies in the neighbourhood plan by policy against the criteria set out in the NPPF para 8.

Table 7 - Assessment of neighbourhood plan policies against NPPF criteria (NPPF para 8)

Policy ref.	Subject	Economic impact	Social Impact	Environmental Impact
Policy 1	Creation of Hove Station Quarter	✓	✓	✓
Policy 2	Sackville Coalyard	✓	✓	✓
Policy 3	Goldstone Retail Park	✓	✓	✓
Policy 4	Bus Depot	✓	✓	✓
Policy 5	Remaining Land South of the Railway	✓	✓	✓
Policy 6	Housing Mix and Tenure	-	✓	-
Policy 7	Affordable Housing	-	✓	-
Policy 8	Housing for the Elderly	-	✓	-
Policy 9	Employment	✓	-	✓
Policy 10	Design and Public Realm	-	✓	✓
Policy 11	Tall buildings	-	-	✓
Policy 12	Community facilities	-	✓	✓
Policy 13	Community Hubs	-	✓	✓
Policy 14	Conservation	-	-	✓
Policy 15	Parking and Movement	-	-	✓
Policy 16	Developer contributions	✓	✓	✓

✓ = Positive impact; - = Neutral impact; X = Negative impact

### iii. General conformity with strategic policies in the City Plan

- 10 The Forum has worked closely with the City Council to ensure that the Neighbourhood Plan is generally in conformity with the Local Development Plan. This plan is of course a moving target in that City Plan Part 1, adopted since 2016, is now being followed by City Plan Part 2, with initial consultation during the summer 2018, with adoption likely in 2021. Part II is therefore at an early emerging stage, while the Neighbourhood Plan is more advanced and is likely to be adopted much earlier. Where there are potential impacts of Part II policies on the Neighbourhood Plan it is the Forum's view that as drafted (Autumn 2018) there are no problems and issues of concern for the Forum and Neighbourhood Plan. However, the Forum has not removed policies in the Neighbourhood Plan, because they are now related to policies in Part II of the City Plan as such adjustments would have to await adoption of City Plan Part 2.
- 11 The Neighbourhood Plan aims to deliver its vision of a new Hove Station Quarter around Hove Station, which will be of benefit both locally and to the city as a whole. The Forum has called for some time for more ambition by the City Council for this Centre of Hove and it is gratifying that both policy and support now is moving in this direction not least to start detailing the plans and to create a functioning masterplan which will help integrate the various parts of the station quarter.
- 12 The Forum is also advancing a range of transport, parking and environmental policies that will help shape the area. These are over and above City Plan policies, but do not conflict, rather they develop further those areas with the local insight that the Forum has.
- 13 From our discussions with the City Council and our understanding of the City Plan Part 1 and 2, we believe that the Neighbourhood Plan is in general conformity with the City Plan.
- 14 [Table 6 above](#) provides the references for the NPPF in relation to the policies of the Hove Station Neighbourhood Plan as well as the relevant references to the Brighton and Hove City Plan Parts 1 and 2.

#### iv. Compatible with EU obligations

- 15 A neighbourhood plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. This includes specific obligations relating to environmental impacts, habitat protection and human rights. The neighbourhood plan has addressed these requirements as set out below.
- 16 The Plan, and the process under which it was made, conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) as amended. Brighton & Hove City Council carried out a screening, as required by Regulation 9 of the Regulations, to determine whether the Neighbourhood Plan was likely to result in significant effects. The screening was subject to consultation with the three statutory environmental bodies; two of which responded and agreed with the conclusion that significant effects could arise and that SEA was required.
- 17 The Forum has been provided with assistance by AECOM to carry out a Strategic Environmental Assessment (SEA). This has included the production of and consultation on a Scoping Report, meeting the requirements of Regulation 12(5) and 12(6), and preparation of the Environmental Report alongside the Neighbourhood Plan in accordance with Regulation 12. The Environmental Report was subject to consultation alongside the draft Plan at pre-submission stage, in accordance with Regulation 13. The SEA came to the following conclusion:
- 4 The assessment found that the current version of the HSNP is likely to lead to long term positive effects, across the majority of SEA topics assessed. The HSNP supports proposals that are coming forward through the development management process for the regeneration of previously developed land. These proposals along with a Concept Masterplan and Options Study (2017) demonstrate that there is the opportunity for significant brownfield regeneration within the Neighbourhood Plan area, in particular development area DA6 proposed through the adopted City Plan. This has the potential to deliver a significant number of new homes and employment opportunities along with improvements to the public realm and sustainable transport modes, with significant long-term positive effects for a number of SEA themes.
- 18 As part of the SEA screening, a pre-screening exercise took place to provide an early indication to the Forum of whether the Neighbourhood Plan was likely to require further assessment under the Habitats Regulations. This is set out in Annex 1 of the SEA Screening Report, August 2016. This concluded that further HRA was not required by taking into consideration the vision and objectives of the Neighbourhood Plan, the location of the Neighbourhood Plan area in relation to European sites, and the conclusions of the HRA screening undertaken for the City Plan Part 1. This was subject to the same consultation as the SEA screening report, however no response was received from Natural England.
- 19 Since the HRA pre-screening was undertaken, Brighton & Hove City Council has commissioned an updated HRA to support the draft City Plan Part 2 (which has now reached the pre-submission stage). The HRA considered the in-combination likely significant impacts of all development allocated and proposed through the City Plan Part

1 and draft City Plan Part 2 and screened out significant adverse impacts on all designated European sites (as confirmed by Natural England's letter of response to the HRA consultation). The Neighbourhood Plan as submitted does not seek to allocate sites which are not already allocated or proposed through the City Plan and does not include policies which specify any quantum of development. It is therefore considered that the conclusions of the HRA undertaken by the City Council also apply to this neighbourhood plan and that no separate HRA is required. The HRA reports can be viewed on the Brighton & Hove Council website as supporting documents to City Plan Part 2 at: <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

- 20 The submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and complies with the Human Rights Act. All those affected by the proposals within the Neighbourhood Plan have been adequately consulted and have had the opportunity to comment. The details of consultation that has been carried out on the Plan are outlined in the Consultation Statement.
- 21 It is therefore the Forum's view that the Neighbourhood Plan and plan preparation is compatible with EU obligations.

## ANNEX 3

# Summary of Strategic Environmental Assessment

1 The Strategic Environmental Assessment (SEA) for the Hove Station Neighbourhood Plan was received in May 2018.

2 Below is the summary of the SEA, including recommendations for changes to the plan. At the end of this Annex are set out the changes that have been made to the plan policies in response to those recommendations.

### 2.1 Non-Technical Summary

#### **What is strategic environmental assessment?**

3 A Strategic Environmental Assessment (SEA) has been undertaken to inform the Hove Station Neighbourhood Plan. This process is required by the SEA Regulations.

4 Neighbourhood Plan groups use SEA to assess Neighbourhood Plans against a set of sustainability objectives developed in consultation with interested parties. The purpose of the assessment is to avoid adverse environmental and socio-economic effects through the Neighbourhood Plan, and identify opportunities to improve the environmental quality of the area covered by the Neighbourhood Plan and the quality of life of residents.

#### **What is the Hove Station Neighbourhood Plan**

5 The Neighbourhood Plan area covers the Hove Station area including part of the DA6 Hove Station area which relates to Policy DA6 in the Brighton & Hove City Council Local Plan. Prepared to be in conformity with the Brighton and Hove City Plan, it sets out a vision and a range of policies for the Neighbourhood Plan Area. These relate to a range of topics, including, but not limited to, landscape and townscape character, the quality of life of residents, tourism and the protection and enhancement of the environment.

6 It is currently anticipated that the Neighbourhood Plan will be submitted to Brighton & Hove Council in 2018.

7 This Environmental Report, which accompanies the current consultation on the Neighbourhood Plan, is the second document to be produced as part of the SEA process. The first document was the SEA Scoping Report (October 2017), which includes information about the Neighbourhood Plan area's environment and community.

## The purpose of this Environmental Report is to:

- Identify, describe and evaluate the likely significant effects of the Neighbourhood Plan and alternatives; and
- Provide an opportunity for consultees to offer views on any aspect of the SEA process which has been carried out to date.

## The Environmental Report contains:

- An outline of the contents and main objectives of the Neighbourhood Plan and its relationship with other relevant policies, plans and programmes;
- Relevant aspects of the current and future state of the environment and key sustainability issues;
- The SEA Framework of objectives against which the Neighbourhood Plan has been assessed;
- The appraisal of alternative approaches for the Neighbourhood Plan;
- The likely significant environmental effects of the Neighbourhood Plan;
- The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects as a result of the Neighbourhood Plan; and
- The next steps for the Neighbourhood Plan and accompanying SEA process.

## Assessment of alternative approaches for the Neighbourhood Plan

- 5 Emerging evidence suggests that there is the opportunity to deliver significantly more housing and employment growth within the Hove Station development area (DA6) than envisaged through the adopted City Plan in Policy DA6, which proposes a minimum level of employment and housing growth subject to a number of criteria.
- 6 The adopted City Plan recognises that while the Hove Station development area (DA6) offers a significant opportunity for regeneration, there are also a number of constraints that need to be a factor in decision-making. These include a declared Air Quality Management Area, which falls partially within the Neighbourhood Plan Area and development area DA6, as well as several junctions in the area being near or at capacity. There is also a significant number of designated and non-designated heritage assets within and surrounding the Neighbourhood Plan Area.
- 7 Taking the above into account, it was considered appropriate for the SEA to focus on the overall level of growth to be delivered within the Hove Station area during the life of the Neighbourhood Plan. In particular, there is a need to consider the relative merits of a lower level of growth closer to the minimum proposed in the adopted City Plan compared to the higher level of growth being proposed by

developers. As a result, two options were identified for detailed assessment through the SEA. These were:

- **Option 1:** Lower level of growth in line with the minimum targets set out in Policy DA6 of the adopted City Plan (i.e. delivery of 525 residential units, retention/replacement of 13,000m<sup>2</sup> of employment floorspace).
- **Option 2:** Higher level of growth in line with emerging evidence (i.e. delivery of 1,233 to 1,333 residential units and retention/replacement of 23,800m<sup>2</sup> of employment floorspace).

8 These two options were appraised as ‘reasonable alternatives’ against both the baseline and relatively (i.e. against each other). They were considered through the SEA Framework of objectives and assessment questions developed during scoping and the two options have been ranked in terms of their sustainability performance against the relevant SEA Theme.

9 The detailed findings of the appraisal are presented in Table 4.1 in the main body of the Environmental Report. The assessment found that Option 2 is more likely to result in long term significant positive effects as it provides an opportunity to regenerate large areas of previously developed land within the Neighbourhood Plan area and deliver significant benefits to the local community, which includes new homes and employment opportunities as well as improvements to sustainable transport modes and the public realm.

10 Option 2 was progressed as the preferred approach by the Hove Station Neighbourhood Forum as it is in line with the aspirations and policies set out in the adopted City Plan and reflects emerging evidence.

## Assessment of the current version of the Hove Station Neighbourhood Plan

- 11 The current consultation version of the Neighbourhood Plan presents planning policies for guiding development in Neighbourhood Plan Area. Utilising the SEA Framework of objectives and assessment questions developed during the earlier scoping stage of the SEA, the SEA process has assessed the policies put forward through the current version of the Neighbourhood Plan. The Environmental Report has presented the findings of the assessment under the following SEA topics:
1. Air Quality
  2. Climate change
  3. Landscape and historic environment
  4. Land, soil and water resources
  5. Population and community
  6. Health and wellbeing; and
  7. Transportation.
- 12 The assessment found that the current version of the HSNP is likely to lead to long term positive effects, across the majority of SEA topics assessed. The HSNP supports proposals that are coming forward through the development management process for the regeneration of previously developed land. These proposals along with a Concept Masterplan and Options Study (2017) demonstrate that there is the opportunity for significant brownfield regeneration within the Neighbourhood Plan area, in particular development area DA6 proposed through the adopted City Plan. This has the potential to deliver a significant number of new homes and employment opportunities along with improvements to the public realm and sustainable transport modes, with significant long-term positive effects for a number of SEA themes.
- 13 There are uncertainties around the nature and significance of effects on transport and air quality given the lack of evidence relating to impacts on traffic. However, the assessment concluded that residual effects are still likely to be positive given the opportunity to regenerate the area and promote Hove Station as a sustainable transport hub for the city. This along with the delivery of significant homes and employment opportunities could help to reduce commuting by private vehicle. It is considered that this has the potential for a long-term positive effect on transport and therefore indirect positive effects for air quality and climate change. It will be important for any proposal coming forward to demonstrate how they will minimise impacts on traffic and improve sustainable transport modes.
- 14 Policies within the adopted City Plan and the HSNP should ensure that development coming forward is sensitively designed and that building heights are limited so that there are no residual negative effects on the historic environment.

## Recommendations at this current stage

- 15 A number of recommendations have been made for improving the sustainability performance of the current version of the HSNP. These are summarised as follows:
- To ensure that the historic environment is adequately considered as part of any development management process it is recommended that Policy 14: is strengthened by including a need for development to contribute towards the conservation and enhancement of historic environment features.
  - It is recommended that the relevant Conservation Area Appraisals are referenced within the HSNP.
  - It is recommended that Policy 10 (Design and Public Realm) is strengthened further through alignment with, and direct reference to, the Brighton and Hove Green Infrastructure Network Study.<sup>29</sup>

## Next steps

- 16 This Non-Technical Summary and Environmental Report accompanies the Pre-Submission version of the Hove Station Neighbourhood Plan for consultation.
- 17 Following consultation, any representations made will be considered by the Hove Station Neighbourhood Forum, and the Non-Technical Summary and Environmental Report will be updated as necessary. The updated Non-Technical Summary and Environmental Report will then accompany the Neighbourhood Plan for submission to the Local Planning Authority, Brighton & Hove City Council, for subsequent Independent Examination.
- 18 At Independent Examination, the Neighbourhood Plan will be considered in terms of whether it meets the Basic Conditions for Neighbourhood Plans and is in general conformity with the Brighton & Hove City Plan.
- 19 If the subsequent Independent Examination is favourable, the Hove Station Neighbourhood Plan will be subject to a referendum, organised by Brighton & Hove City Council. If more than 50% of those who vote agree with the Neighbourhood Plan, then it will be 'made'. Once made, the Hove Station Neighbourhood Plan will become part of the Development Plan for Brighton & Hove City, covering the defined Neighbourhood Plan area.

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<sup>29</sup> Brighton and Hove Council (2009) Green Infrastructure Network Study [online] available at: <http://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-one-background-studies>

## Changes made to the Neighbourhood Plan policies in response to the SEA recommendations

The following changes were introduced to the plan in response to the SEA:

1. At the end of Policy 14: add the following para:

New developments will be expected to contribute towards the conservation and enhancement of historic environment features.

1. What is referred to in the SEA recommendations as Conservation Area Appraisals exist only as Conservation Area Character Statements and these are already referred to in 4.9 Conservation.
2. The following additional text is proposed to Policy 10:

Development proposals within the DA6 part of the Neighbourhood Plan area should provide opportunities to bring nature into the city by substantially increasing the amount of green space in the area (horizontally and vertically). Developers should seek opportunities to create new pedestrian and cycle links as green corridors through the area, including linking up pocket parks and other open space.

Add to reason:

Whereas there are no designated wildlife sites in the Neighbourhood Plan Area, policy 10 seeks to substantially strengthen the amount of green space (horizontally and vertically) and create a number of pedestrian and cycle links that can also be planted up and that will eventually create corridors with interspersed pocket parks, These can deliver multiple benefits efficiently and have important benefits for healthy lifestyles and community development. There will then be a reference to the Brighton & Hove City Council (2009) Green Infrastructure Study.