

Our Ref:

Your Ref:

22 December 2022

Brighton Marina Neighbourhood Forum  
c/o the Marina Administration Office  
Brighton  
BN2 5UF

Dear Brighton Marina Neighbourhood Forum

**Representations to the Regulation 14 Consultation on the Brighton Marina Neighbourhood Plan**

We write on behalf of our client, the Outer Harbour Development Company Partnership LLP (OHDCP), to provide representations to the above consultation.

The OHDCP is supportive of the principle of preparing a Neighbourhood Plan (NP) for the area, however we have a number of comments, as set out below, which we hope the Forum find helpful.

1. Role of the NP in the Framework of Existing Policy and Guidance

The Marina is subject to multiple layers of existing planning policy and guidance comprising: the National Planning Policy Framework (NPPF) (and associated Planning Practice Guidance (PPG)); the Brighton and Hove City Plan Part 1 (CPP1) and Part 2 (CPP2); The Brighton Marina SPG20 (Volumes 1 and 2); and Planning Advice Note (PAN) 4 (the Brighton Marina Masterplan). The various documents that make up this framework of policy and guidance are not entirely consistent with one another which creates uncertainty and confusion for applicants, decision-makers, and the public when trying to apply them together as a whole. The adoption of a NP with its own set of site-specific policies will add a further document (layer of policy) into this framework which risks adding further confusion, and prejudicing the effectiveness of the NP unless carefully managed.

In order to address this, we recommend that the Planning Policy Context section of the NP provides a much clearer explanation of how the NP will sit within this existing framework of policy/guidance, including its role in informing the SPD required by CPP1 Policy DA2. We recommend that the content in the supporting text to Policy BM4 regarding the new SPD (including that it will replace SPG20 and PAN04) should be brought forward to the Planning Policy Context section.

2. Reference to the Part-Implemented Consent (Outer Harbour Site)

As referred to in CPP1 Policy DA2, the Outer Harbour site is subject to a part-implemented planning permission (ref. BH2006/01124), which, in total, allows the phased development of 853 homes in buildings ranging from 6 to 40 storeys alongside non-residential uses:

- Phase 1 has been completed. This includes the 'Sirius' and 'Orion' buildings which accommodate ground floor commercial uses with residential above (195 homes) in buildings of up to 9-storeys with basement car parking; and
- Phases 2 and 3 have not yet commenced. These comprise 658 homes and associated non-residential uses in 9 buildings of 6-40 storeys.

This should be treated as a 'commitment' in planning terms which could be implemented in full and therefore is an important material consideration in the preparation/determination of any planning applications within the NP area. We recommend that for completeness, content that describes/explains this (as set out above) is added to the introductory sections of the NP.

### 3. Detailed Comments on Policies BM1 to BM8

In reviewing NP Policies BM1-8, our key consideration is whether they satisfy the Basic Conditions (as set out at paragraph 8(2) of Schedule 4B to the Town and Country Planning act 1990), particularly with regards to whether they are in general conformity with the strategic policies set out in the adopted City Plan.

We have also had regard to the importance of ensuring that the policy wording is clear, unambiguous, justified, and achievable in the interest of ensuring the effectiveness of the policies. Our comments are set out below:

- There is repeated reference throughout the document to '**adding value**' as being one of the main aims of the NP. This term is ambiguous in the planning sense. We recommend that this wording is revised or clarification is given as to its intended meaning for the purposes of the NP. For example, one interpretation would be that it seeks to secure gains against the 3 objectives of sustainable development (economic, social, and environmental).
- The roads within Brighton Marina are under multiple private ownerships which poses a constraint on the practical ability of individual landowners to improve connectivity/permeability (particularly for pedestrians and cyclists) across/within the Marina itself. As a consequence, we recommend the following minor amends (shown as tracked changes):
  - o **Policy BM2** ..... '*should demonstrate good connectivity between buildings and spaces within the Marina and wider area insofar as is reasonably practicable*'
  - o **Policy BM3**..... '*all new elements of public realm should be designed and laid out so that they are connected in a sensitive, legible, and imaginative way both to its related development and to other adjacent developments and associated public realms insofar as is reasonably practicable. Development proposals will be welcomed which address the difficulties for pedestrians getting around the Marina, in particular:*
    - *Joining up the coastal path through the marina*
    - *Making it possible to walk around the marina in a safe, pleasant environment*
    - *Improving the pedestrian access from the beach/Blackrock*
  - o **Policy BM4**..... '*insofar as is reasonably practicable, new developments should secure improved legibility, permeability and connectivity for pedestrians within and to the Marina and the surrounding areas through high quality building design, townscape and public realm*

- **Policy BM5** states that *'new developments should demonstrate that their proposals do not impact adversely on the **visibility** ..... of the cliffs'*. CPP1 recognises that the cliffs are nationally important for their geological interest and that they form part of a designated SSSI, however there is nothing in the strategic policies that requires the **visibility** of the cliffs (an entirely different matter) to be maintained. We consider there to be no planning reason to protect the visibility of the cliffs, nonetheless if the NP is to retain this policy requirement, evidence should be provided to justify why visibility of the cliffs is necessary in planning terms. Furthermore, the wording is currently ambiguous – it should be revised to clarify from where (i.e. what viewpoint(s)) visibility should be maintained, which should be underpinned by the evidence referred to above.
- **Policy BM7** requires that *'development proposals should demonstrate the **highest standards of energy use**'*. The term 'highest standards' is ambiguous. We recommend that this is revised to clarify specifically what standards development proposals should demonstrate. For consistency purposes, we recommend signposting to CPP1 Policy CP8 which sets out clear city-wide standards.
- **Policy BM7** requires *'charging facilities for electric vehicles in all parking spaces provided'*. This is not in general conformity with the parking standards set out in CPP2 which requires 10% actual plus 10% passive provision, nor is any evidence provided to justify deviating from the city-wide policy. We recommend that this requirement is amended to tally with CPP2 Policy DM36 (Parking Standards at Appendix 2).

We hope that the above comments are helpful, however please do not hesitate to get in touch should you have any queries.

Yours sincerely



**Nick Alston**  
**Principal**  
**+44 (0)20 7911 2056**  
**nick.alston@avisonyoung.com**  
**For and on behalf of Avison Young (UK) Limited**