

Response ID ANON-8ZMD-Y4YC-CSubmitted to **City Plan Part Two (Proposed Submission)**Submitted on **2020-10-25 12:09:32****Your details**

What is your name?

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If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:

Yes

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

Yes

Notification matrix - The adoption of the City Plan Part Two:

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

City Plan Part Two - Part One - Introduction

Do you have any comments on Section One 'Introduction' of the City Plan Part Two? (please reference the page and paragraph number)

Comments on the Introduction of CPP2:

DM37 Green Infrastructure and Nature Conservation

DM37 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 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.

response box for legal compliance, soundness and duty to cooperate:

I object to the inclusion of the phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites.

· It is contrary to paragraph 174 of the National Planning Policy Framework.

· The inclusion of this phrase represents a significant weakening of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.

· The inclusion of this phrase would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site.

· The ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion.

· The inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites.

DM37 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.

modifications to the policy to make sound and legally compliant:

'Delete the phrase 'Unless allocated for development in the City Plan...' from the beginning of the paragraph dealing with Locally Designated Sites.'

DM37 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)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 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.

response box for legal compliance, soundness and duty to cooperate:

Whitehawk Hill Local Nature Reserve meets all the criteria for designation as Local Green Space, as listed in paragraph 100 of the National Planning Policy Framework, but is not listed for designation in the City Plan Part 2.

· The choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment, from which the list in City Plan Part 2 is derived, is not supported by evidence to show why, against the NPPF criteria, the sites selected were chosen and other sites, such as Whitehawk Hill LNR, were excluded.

· Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Space because they act as 'important green wedges into the urban area'. Clearly Whitehawk Hill also meets this objective.

· The choice of sites, and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent with national policy, as it excludes a site which would meet the designation criteria.

DM38 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.

modifications to the policy to make sound and legally compliant:

Add Whitehawk Hill Local Nature Reserve to the list of sites for designation as Local Green Spaces.

DM38 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)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 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.

response box for legal compliance, soundness and duty to cooperate:

Land at and adjoining Brighton Race Course

I object to the allocation at Land at and adjoining Brighton Race Course because -

· The allocation is inconsistent with conditions in the 1822 Tenantry Down (common) enclosure deed, which state that the successor owner of the 'Race Ground' 'shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'. These conditions were reiterated in the 1888 Indenture when the 'Race Ground' was purchased by Brighton Corporation.

· Contrary to paragraph 174 of the National Planning Policy Framework.

· Won't be able to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework

· Not justified because the ecological evidence in the Urban Fringe Assessments -

1. is out of date and undervalues the importance of the sites biodiversity and its Local Nature Reserve designation

2. is insufficient to justify their conclusion of no significant impact with mitigation.

3. is inconsistent, for example the conclusion that impacts on this site can be mitigated is inconsistent with other statements in the same documents, for example the 2014 Urban Fringe Assessment, which states that 'provision for the biodiversity assets may help to create new habitats and contribute to habitat connectivity helping to mitigate significant negative effects', which is rightly more cautious and does not claim that negative effects can be mitigated.

4. did not consider or assess the impact development on this allocation would have on the integrity of the Local Nature Reserve, partly severing (fragmenting) a section at the centre of the core part of the reserve between Manor Hill and Warren Rd/Wilson Ave.

5. did not consider or assess the impact development on this allocation would have on the historic gorse scrub habitat and its dependent species, including a breeding population of the Red Listed bird species and Species of Principal Importance 'linnet', identified as using the gorse scrub in breeding bird surveys undertaken in 2019

6. did not consider or assess the impact development on this allocation would have on the important invertebrate assemblage that surveys indicate the area in and around the allocation supports. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site'.

7. did not consider or assess the impact development on this allocation would have on several invertebrate Species of Principal Importance which have been recorded in recent years within or close to the allocation, including brown-banded carder bee and small heath, small blue, dingy skipper, wall and brown hairstreak butterflies.

8. contains errors and omissions, such as within the wider site, wrongly identifying the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland in the Phase 1 Habitat Survey, and wrongly recommending tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland. These errors undermine the credibility of the evidence of the Urban Fringe Assessments as well as their conclusions.

· Not justified because -

1. the evidence in the Urban Fringe Assessments in relation to landscape is framed wholly in terms of impacts of development on the National Park's setting and views, and did not consider such effects within the local visual catchment (within and adjoining LNR), for example of views along Whitehawk Hill from the south and north, as well as from the valley below. Although the existing tower blocks impinge upon these views, the views are in many places currently uninterrupted.

2. the evidence in the Urban Fringe Assessments did not recognise that development would result in the intrusion of a residential landscape into what is currently a semi-natural landscape, significantly reducing its strong sense of naturalness.

3. the evidence in the Urban Fringe Assessments did not consider the loss of statutory Access Land (which includes the whole of the allocation) that would be caused by development in this allocation.

4. it will result in a loss of Open Space, which is inconsistent with statements in City Plan Part 1 which seeks to increase, not decrease the amount of accessible land adjacent to the urban area (SA5 The Setting of the South Downs National Park, 3.170).

5. it will undermine the positive work of community volunteers on this site, who have been working with the councils Ranger Service to conserve and restore Priority Habitats/ Habitats of Principal Importance in the Local Nature Reserve, leading to the degradation of the rest of the LNR.

6. Is not effective because councillors from all main parties in the city have said they won't support development of the site.

Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables)

· These sites are separated from the edge of the current built up area of the city so their development would create isolated new residential developments in what is currently open countryside. The NPPF advises against giving consent for new and isolated homes in the countryside and this is restated in City Plan Part 1 (3.16.1). Whilst these allocations are not for single homes they are still within the spirit of the NPPF guidance.

· The evidence in relation to the landscape impact of development of these sites in the Urban Fringe Assessments was inadequate. The sites are in sensitive elevated locations close to the top of a ridge and adjacent to the National Park Boundary. Development of these sites would have a significant negative impact on landscape character. The South Downs National Park Local Plan (Strategic Policy SD4: Landscape Character) states 'Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that: ... 3. The settlement pattern and individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.'

· Effects on views were not fully considered in the Urban Fringe Assessments. For example the western part of the allocation at Land north of Warren Road (Ingleside Stables) is on greenfield land immediately to the north of a well-used track. Development of this site would obscure and/or significantly negatively impact important and valued views north from this track and from Warren Road. This was not considered in the Urban Fringe Assessments. This part of the site is also clearly visible, for example, in an important view south eastwards from Hollingbury Camp/Castle, within the National Park on the northern edge of the city.

· Loss of these farmsteads/buildings to housing will create knock-on pressures for new replacement buildings within this landscape because residual 'bare land holdings' (without buildings) will require such infrastructure.

· Allocation and development of these two sites would set a dangerous precedent for further development on this open, high, greatly inter-visible Downland ridge, (between Brighton and Woodingdean, and between the National Park and the Bevendean Down and Whitehawk Hill LNRs), which would further erode its character.

H2 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.

modifications to the policy to make sound and legally compliant:

Delete Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables) from the list of allocations in policy H2'.

H2 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)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

(DM8) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM8) 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.

response box for legal compliance, soundness and duty to cooperate:

(DM8) 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.

modifications to the policy to make sound and legally compliant:

(DM8) 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)

Not Answered

(DM8) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM22 Landscape Design and Trees

(DM22) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM22) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM22) 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.

response box for legal compliance, soundness and duty to cooperate:

(DM22) 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.

modifications to the policy to make sound and legally compliant:

(DM22) 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)

Not Answered

(DM22) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM37 Green Infrastructure and Nature Conservation

DM37 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 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.

response box for legal compliance, soundness and duty to cooperate:

When referring to Locally Designated Sites, the inclusion of the wording 'Unless allocated for development' means that developments on these sites would be permitted even when they have significant negative effects on the site.

This is contrary to paragraph 174 of the National Planning Policy Framework and also implies that decisions are being made without considering the ecological importance of these sites.

DM37 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.

modifications to the policy to make sound and legally compliant:

Remove the phrasing 'Unless allocated for development in the City Plan' from the section on Locally Designated Sites. This will resolve the concerns I have expressed in answer to the previous question.

DM37 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)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 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.

response box for legal compliance, soundness and duty to cooperate:

I agree with the inclusion of the 4 mentioned sites as protected areas, but it is not clear why other areas are not included as well.

In particular, Whitehawk Hill LNR meets the criteria for designation as Local Green Space, as listed in paragraph 77 of the National Planning Policy Framework and the criteria used to select sites in paragraph 2.293 of the City Plan Part 2. However, it has been excluded from the list of sites selected in this policy.

DM38 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.

modifications to the policy to make sound and legally compliant:

Apply the selection criteria for Local Green Spaces consistently, to include other areas in the city which fit these criteria.

Specifically, add Whitehawk Hill LNR to the list of designated sites.

DM38 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)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

SSA5 Madeira Terrace and Madeira Drive

SSA5 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

SSA5 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

SSA5 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.

response box for legal compliance, soundness and duty to cooperate:

SSA5 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.

modifications to the policy to make sound and legally compliant:

SSA5 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)

Not Answered

SSA5 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 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.

response box for legal compliance, soundness and duty to cooperate:

I object to the allocation of Land at and adjoining Brighton race course as it is inconsistent with national policy and does not take into account the biodiversity and ecological significance of the site. In particular, this puts it at odds with paragraph 174 of the National Planning Policy Framework which sets a requirement to 'safeguard components of local wildlife-rich habitats'.

This development allocation is also unjustified as the assessment has not accounted for the impact of the loss of integrity it causes to this rare chalk downland LNR site. The reduction in the available land space and interconnectedness of different parts of the LNR will harm the survival chances of species at this site, including red listed bird species such as linnet and declining invertebrate species such as wall brown butterflies. Considering the downward trend in insect species observed nationally, sites such as this containing threatened species are vital to protect.

Further, ecological assessment contains glaring errors, including the suggestion that the effects can be mitigated by tree planting, when the significance of this site is due to the open grassland habitat it provides.

The allocation of Land at South Downs Riding School & Reservoir Site and of Land north of Warren Road (Ingleside Stables) is outside the current residential area of the city and is a very visible location on a ridgeline. Development on these sites would impinge upon the views and amenity of the area.

H2 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.

modifications to the policy to make sound and legally compliant:

Remove the areas I have commented on from the allocations in policy H2. These are Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables).

H2 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)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 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.

response box for legal compliance, soundness and duty to cooperate:

I would like to say that I object to the inclusion of the phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph which deals with the Locally Designated Sites. The reason for this is that I believe it is contrary to paragraph 174 of the National Planning Policy Framework. This document sets out the government's planning policies for England, and therefore how the government expects these policies to be applied by councils, which states the following:

"Habitats and biodiversity

174. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁵⁶; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

The inclusion of the phrase 'Unless allocated for development in the City Plan...' would represent a significant weakening of the protection outlined above compared to both your 2005 Local Plan, and to the previous Draft City Plan Part 2. The protection is vital for our cherished Brighton local sites, including both local nature reserves and our local wildlife sites.

By including the phrase mentioned above, developments on allocations within designated sites would be allowed to go ahead, even if they affected the integrity of the site in a negative way.

Furthermore, the ecological evidence mentioned in the Urban Fringe Assessments, which presumably is used to justify your inclusion of this phrase, is very out of date, and it is not sufficient to justify its inclusion.

Finally, the inclusion of the phrase 'Unless allocated for development in the City Plan...' represents a pre-emptive move, in terms of the due process of evaluating any ecological impact that would occur from any development proposals on Locally Designated Sites.

DM37 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.

modifications to the policy to make sound and legally compliant:

I think you should delete the following phrase please: "Unless allocated for development in the City Plan..." from the beginning of the paragraph which deals with Locally Designated Sites. I object to this phrase for the reasons given in Box 3 above.

DM37 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)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Yes

Effective, Justified, Consistent with National Policy

response box for legal compliance, soundness and duty to cooperate:

"The Local Green Space designation should only be used where the green space is:

- In fact I believe it is the community who are able to designate what is and what is not 'Local Green Space': "The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.". Whitehawk Hill Local Nature Reserve is important to our local community, yet it is not listed for designation in the City Plan Part 2.

In the 2014 Urban Fringe Assessment, the choice of sites suggested for designation as 'Local Green Spaces' is not supported by evidence to explain why Whitehawk Hill Local Nature Reserve was excluded, but the other sites selected were chosen. Again, I believe that this evidence should be matched against the criteria detailed in the National Planning Policy Framework.

Furthermore, paragraph 2.293 of the City Plan Part 2 tries to explain that the four Local Green Spaces were designated as such because they are 'important green wedges into the urban area'. Surely Whitehawk Hill also meets this outlined objective.

In conclusion, I believe that the choice of sites, and the exclusion of Whitehawk Hill Local Nature Reserve from its rightful designation as a 'Local Green Space' is not justified, effective or consistent with national policy. It excludes a site which would meet the designation criteria.

DM38 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.

modifications to the policy to make sound and legally compliant:

I believe that you should add 'Whitehawk Hill Local Nature Reserve' to your list of sites for designation as a Local Green Space. I believe that many members of our community here would agree with this.

DM38 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)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 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.

response box for legal compliance, soundness and duty to cooperate:

1. The Land At and Adjoining Brighton Race Course.

I know this land very well and walk through it most days

Firstly, I strongly object to the allocation of 'Land At and Adjoining Brighton Race Course' because I believe it to be contrary to the National Planning Policy Framework.

This states that: "174. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁵⁶; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

I do not believe that the works proposed will be able to deliver net gains to biodiversity (paragraph 170, point d of the NPP Framework).

Secondly, I do not believe that the allocation is consistent with the conditions outlined in the 1822 Tenantry Down (common) enclosure deed. This states that the successor owner of the 'Race Ground':

"Shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground", and also "that the inhabitants of Brighton...should have the use of it for the purposes of racing...and any other purposes of exercise and diversion as heretofore". If you go down to this land on a sunny day, you will see many many inhabitants of Brighton enjoying exercise and nature on this land. The conditions I have mentioned above were also reiterated in the 1888 Indenture, which was when the 'Race Ground' was purchased by Brighton Corp.

Thirdly, I don't think that the ecological evidence in the Urban Fringe Assessment is of an acceptable standard. It is out-of-date, and does not capture the importance of the site's biodiversity. Nor does it represent the site's 'Local Nature Reserve' designation. For example, it doesn't consider the impact your development on this land would have on the many invertebrates who live in this area. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site'; within the last few years, there have also been several 'Species of Principal Importance' identified within or close to the allocated site. These include brown hairstreak butterflies (Section 41 species of principal importance under the NERC Act in England) and Dingy Skipper Butterflies (Section 41 species of principal importance under the NERC Act in England; also UK Biodiversity Action Plan status: Priority Species). Small Heath butterflies have also been seen in this area (Section 41 species of principal importance under the NERC Act in England, also Butterfly Conservation priority: High). I have had the pleasure of observing many butterflies in this area during the summer months. There is also a gorse scrub habitat in this area which has many species depending on it. This has not been given proper consideration.

I also don't think that the Urban Fringe Assessment considered the impact that this allocation would have by fragmenting the Local Nature Reserve. It would sever a section at the centre of the reserve, between Manor Hill and Warren Road/Wilson Avenue. This is bound to affect the many creatures and plants living in the reserve.

I also feel that the work suggested will create a loss of Open Space. This is inconsistent with the statements in City Plan Part 1, which wanted to increase the amount of accessible land adjacent to the urban area (SA5 The Setting of the South Downs National Park).

I also don't believe it would be effective, because councillors from all the main parties in Brighton have been quoted that they will not support development of the site.

The Land at South Downs Riding School...

This proposed development would create some isolated new residential developments, in what is currently open countryside (the view is very spectacular; again, I often walk here for pleasure). The NPPF advises against giving consent for new and isolated homes in the countryside "79. Planning policies and decisions should avoid the development of isolated homes in the countryside." It then gives a list of exception criteria, which I do not believe the proposed changes would meet.

Yet again, the Urban Fringe Assessment was inadequate. It did not consider the effect on the views for the local community. One example is that the western part of the allocation at the land North of Warren Road (Ingleside Stables) is on greenfield land, immediately to the north of a well-used track. Developing this site will obscure and/or negatively impact important views that are valued by our local community. I believe that allocation and development of these sites will create a dangerous precedent. So much scientific evidence these days points to the need for people to have access to green spaces for their physical and mental health. At a time where the nation's health is more important than ever, why is our council trying to damage or limit our access to these beautiful spaces?

H2 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.

modifications to the policy to make sound and legally compliant:

Delete 'Land at and adjoining Brighton Race Course'. Also please delete 'Land at South Downs Riding School & Reservoir Site and Land North of Warren Road (Ingleside Stables)' from the list of allocations in policy H2.

H2 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)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Response ID ANON-8ZMD-Y4YW-ZSubmitted to **City Plan Part Two (Proposed Submission)**Submitted on **2020-10-26 10:35:36****Your details****What is your name?**

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
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 [REDACTED]
 [REDACTED]
 [REDACTED]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:

Yes

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

Yes

Notification matrix - The adoption of the City Plan Part Two:

Yes

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Yes

Date Response Submitted**Date Response Submitted:**

Not Answered

H2 Housing Sites – Urban Fringe**H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)**

Land at and adjoining Horsdean Recreation Ground, Patcham

H2 1. Do you consider this policy is: (tick as appropriate)**Legally compliant sound - Legally Compliant:**

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

H2 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

H2 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.

response box for legal compliance, soundness and duty to cooperate:

Horsdean Recreation Ground was reduced to 1/3 of its original size as a result of the building of the bypass in the 1990s which divided the area in two. The northern part of what was a public space was allocated to a travellers site soon after the bypass was completed. The area that remains is adjacent to the public space between Vale and Barhill Avenues, and this is now treated as one area by all users. (photograph 2) The road access to the proposed development will again divide the remaining area into two sections (photograph 3), and crossing a road will create danger to all the users of the space, including many children. (Photographs 4 and 9) Dogs will have to be kept on a lead and will not have the free range that they enjoy at the moment. None of the public spaces in the locality have any barriers to the adjoining roads, eg: Patcham Place, Withdean Park, Surrenden Park, Preston Park, so it is assumed that this site will not either. The land to the east of Horsdean Recreation Ground, which prior to the building of the bypass was a ploughed field and part of Standean farm. Since then, the land has been used 'as of right' in accordance with the Commons Act 2006 and has been so for over the prescribed 20 years, and is now therefore common land. (Photographs 1,5,6,7,8)

H2 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.

modifications to the policy to make sound and legally compliant:

As stated above, the area to the east of Horsdean Recreation Ground has been used 'as of right' in accordance with the Commons Act 2006 and has been so for over the prescribed 20 years, is now common land, and cannot therefore be legally developed.

H2 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)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:



























Response ID ANON-8ZMD-Y4Y8-1Submitted to **City Plan Part Two (Proposed Submission)**Submitted on **2020-10-27 12:23:11****Your details****What is your name?**

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

Rottingdean Parish Council

Please let us know if you would like to be notified of any of the following:**Notification matrix - The City Plan Part Two has been submitted for independent examination:**

Yes

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

Yes

Notification matrix - The adoption of the City Plan Part Two:

Yes

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Yes

Date Response Submitted**Date Response Submitted:**

Not Answered

SSA7 Land Adjacent to American Express Community Stadium, Village Way**SSA7 1. Do you consider this policy is: (tick as appropriate)****Legally compliant sound - Legally Compliant:****Legally compliant sound - Sound:**

No

Legally compliant sound - Meets the Duty to Co-Operate:

SSA7 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared

SSA7 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.

response box for legal compliance, soundness and duty to cooperate:

SSA7: Rottingdean Parish Council welcomes note d) in this policy but remains concerned that no mitigating measures are proposed here in relation to the inevitable impact of this major development on the A259 and B2123.

d) Sustainable transport infrastructure will be required to support proposals and to ensure that there is no adverse impact on air quality and/or congestion"

SSA7 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.

modifications to the policy to make sound and legally compliant:

SSA7)

d) Sustainable transport infrastructure will be required to support proposals and to ensure that there is no adverse impact on air quality and/or congestion"

SSA7 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)

SSA7 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Response ID ANON-8ZMD-Y4YZ-3Submitted to **City Plan Part Two (Proposed Submission)**Submitted on **2020-10-27 12:56:42****Your details****What is your name?**

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:

No

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

No

Notification matrix - The adoption of the City Plan Part Two:

No

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Yes

Date Response Submitted**Date Response Submitted:**

Not Answered

DM37 Green Infrastructure and Nature Conservation**DM37 1. Do you consider this policy is: (tick as appropriate)****Legally compliant sound - Legally Compliant:**

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 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.

response box for legal compliance, soundness and duty to cooperate:

Hello,

I object to and believe the following phrase should be removed from the beginning of the paragraph relating to Locally Designated sites: 'Unless allocated for development in the City Plan...'.

This phrase significantly weakens the protections put in place for these sites in the 20

05 Local Plan and the previous Draft City Plan Part 2 in that it would allow developments to go ahead even if they would weaken the integrity of this site - a site which has identified numerous species of wildlife and which has a unique character in the area. Unlike the more manicured parks nearby (Queens Park, The Level) I've enjoyed this site for the natural wildlife and true connection to nature that it gives me while living in Kemp Town BN2. I see this access to nature, and to plants that I don't see elsewhere in such abundance, as very important to my mental health especially during this new era we are experiencing of 'lock-downs' and restrictions to movements beyond our local areas. Now is the time more than ever to protect these areas for the benefit of the mental health of the local population.

If the aforementioned phrase is included developments will not be required to go through the proper process of evaluating the ecological impact they will have.

This phrase (I assume) is based upon ecological evidence in the Urban Fringe Assessments which is out of date.

DM37 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.

modifications to the policy to make sound and legally compliant:

It is necessary to remove the phrase 'Unless allocated for development in the City Plan ...' from the beginning of the paragraph dealing with Locally Designated Sites.

DM37 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)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

n/a

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 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.

response box for legal compliance, soundness and duty to cooperate:

Whitehawk Hill Local Nature Reserve is a local green space, according to para 77 of the national planning policy framework, however this particular Space is NOT allocated this status in the City Plan Part 2. We are not told why this site was not selected and others were in the 2014 Urban Fringe Assessment (which has informed the City Plan Part 2). The city plan part 2 does mention four local green spaces being 'important wedges into the urban area' - it is clear that Whitehawk Hill also fulfils this function. As a cyclist with no access to a car my options for accessing green spaces is limited. I arrived in my [REDACTED] home last year and consider

myself extremely lucky to have this amazing space so nearby. I have really mined the limits of where I can get to on foot and on my bike and there is no other area which comes close to fulfilling a much-needed contact with nature, stunning, unbroken views over Brighton and onward access to other green areas. The choice to exclude Whitehawk Hill as a local green space is puzzling, lacking in transparency and runs contrary to national policy.

DM38 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.

modifications to the policy to make sound and legally compliant:

Whitehawk Hill Local nature Reserve should be added to the list of sites for designation as a local green space.

DM38 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)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

n/a

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 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.

response box for legal compliance, soundness and duty to cooperate:

Relating to the land adjoining the racecourse:

200 year old laws stipulate that the inhabitants of Brighton should benefit from access to an unbroken section of land around the race course.

Instead of delivery a gain to the biodiversity of the area as required by para 170 of the national planning policy framework, this could reduce the biodiversity of the site.

Evidence used by the city plan part 2 - the urban fridge assessments - is out of date and underestimates the value of this site. There isn't evidence to support the conclusion that there will be no significant impact on the biodiversity of the site with mitigation. The effect of the division or part-division of the site has not been investigated so a decision to proceed is callous.

This reserve has become an important breeding ground for rare and endangered birds and other species of invertebrate.

The plans will result in a loss of open space and accessible land adjacent to urban areas as stipulated in the city plan part 1.

There has clearly been a lot of work on this site by rangers, and a lot of local effort put into conserving and encouraging new species into the site. It has a unique character in the area for being a semi re-wilded area.

H2 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.

modifications to the policy to make sound and legally compliant:

Delete 'Land at and adjoining Brighton Race Course' from the list of allocations in policy H2'

H2 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)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

n/a

Response ID ANON-8ZMD-Y4YP-SSubmitted to **City Plan Part Two (Proposed Submission)**Submitted on **2020-10-27 14:40:42****Your details****What is your name?**

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

N/a

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:

No

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

Yes

Notification matrix - The adoption of the City Plan Part Two:

No

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Yes

Date Response Submitted**Date Response Submitted:**

Not Answered

H2 Housing Sites – Urban Fringe**H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)**

Benfield Valley

H2 1. Do you consider this policy is: (tick as appropriate)**Legally compliant sound - Legally Compliant:**

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

H2 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.

response box for legal compliance, soundness and duty to cooperate:

This is an area of outstanding natural beauty. It is a narrow green corridor link to the Downs. It is not worth building a minimum amount of housing, which could be included elsewhere on a more suitable site, for instance, Hangleton Bottom.

H2 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.

modifications to the policy to make sound and legally compliant:

N/a

H2 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)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

N/a

Response ID ANON-8ZMD-Y4YF-FSubmitted to **City Plan Part Two (Proposed Submission)**Submitted on **2020-10-27 16:18:07****Your details**

What is your name?

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

N/A

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:

Yes

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

Yes

Notification matrix - The adoption of the City Plan Part Two:

Yes

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Yes

Date Response Submitted

Date Response Submitted:

Not Answered

City Plan Part Two - Part One - Introduction

Do you have any comments on Section One 'Introduction' of the City Plan Part Two? (please reference the page and paragraph number)

Comments on the Introduction of CPP2:

DM1 Housing Quality, Choice and Mix

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

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

Justified, Consistent with National Policy

(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.

response box for legal compliance, soundness and duty to cooperate:

I object to the inclusion of the phrase "unless allocated for development in the City Plan" at the beginning of the paragraph dealing with Locally designated Sites.

It is contrary to paragraph 174 of the National Planning Policy Framework.

The inclusion of this phrase represents a significant weakening of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.

The inclusion of this phrase would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site.

The ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion.

The inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites.

(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.

modifications to the policy to make sound and legally compliant:

'Delete the phrase 'Unless allocated for development in the City Plan...' from the beginning of the paragraph dealing with Locally Designated Sites.'

(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)

Yes, I wish to participate in the hearing session(s)

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

Why wish to speak:

I am a resident of the area [REDACTED]. I regularly walk and exercise on the hill and find it ludicrous that such an area would be used for building more houses. At a time when the council has claimed that we are in a state of emergence as far as the environment is concerned, to create further developments in the area contradicts that statement and accord to bring levels of pollution down. I believe it is crucial that residents are heard and respected in this process and that is why I have stated that I will participate in the hearing.

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 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.

response box for legal compliance, soundness and duty to cooperate:

Whitehawk Hill Local Nature Reserve meets all the criteria for designation as Local Green Space, as listed in paragraph 77 of the National Planning Policy Framework, but is not listed for designation in the City Plan Part 2.

The choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment, from which the list in City Plan Part 2 is derived, is not supported by evidence to show why, against the NPPF criteria, the sites selected were chosen and other sites, such as Whitehawk Hill LNR, were excluded. Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Space because they act as 'important green wedges into the urban area'. Clearly Whitehawk Hill also meets this objective.

The choice of sites, and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent with national policy, as it excludes a site which would meet the designation criteria.

DM38 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.

modifications to the policy to make sound and legally compliant:

'Add Whitehawk Hill Local Nature Reserve to the list of sites for designation as Local Green Spaces.'

DM38 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)

Yes, I wish to participate in the hearing session(s)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Because I am a resident of the area.

H2 Housing Sites – Urban Fringe

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

ALL SITES, Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 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.

response box for legal compliance, soundness and duty to cooperate:

I object to the allocation at Land at and adjoining Brighton Race Course because -

The allocation is inconsistent with conditions in the 1822 Tenantry Down (common) enclosure deed, which state that the successor owner of the 'Race Ground' 'shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'. These conditions were reiterated in the 1888 Indenture when the 'Race Ground' was purchased by Brighton Corporation.

Contrary to paragraph 174 of the National Planning Policy Framework.

Won't be able to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework

Not justified because the ecological evidence in the Urban Fringe Assessments -

is out of date and undervalues the importance of the site's biodiversity and its Local Nature Reserve designation

is insufficient to justify their conclusion of no significant impact with mitigation.

is inconsistent, for example the conclusion that impacts on this site can be mitigated is inconsistent with other statements in the same documents, for example the 2014 Urban Fringe Assessment, which states that 'provision for the biodiversity assets may help to create new habitats and contribute to habitat connectivity helping to mitigate significant negative effects', which is rightly more cautious and does not claim that negative effects can be mitigated.

did not consider or assess the impact development on this allocation would have on the integrity of the Local Nature Reserve, partly severing (fragmenting) a section at the centre of the core part of the reserve between Manor Hill and Warren Rd/Wilson Ave.

did not consider or assess the impact development on this allocation would have on the historic gorse scrub habitat and its dependent species, including a breeding population of the Red Listed bird species and Species of Principal Importance linnet, identified as using the gorse scrub in breeding bird surveys

undertaken in 2019

did not consider or assess the impact development on this allocation would have on the important invertebrate assemblage that surveys indicate the area in and around the allocation supports. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site'.

did not consider or assess the impact development on this allocation would have on several invertebrate Species of Principal Importance which have been recorded in recent years within or close to the allocation, including brown-banded carder bee and small heath, small blue, dingy skipper, wall and brown hairstreak butterflies.

contains errors and omissions, such as, within the wider site, wrongly identifying the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland in the Phase 1 Habitat Survey, and wrongly recommending tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland. These errors undermine the credibility of the evidence of the Urban Fringe Assessments as well as their conclusions.

Not justified because -

the evidence in the Urban Fringe Assessments in relation to landscape is framed wholly in terms of impacts of development on the National Park's setting and views, and did not consider such effects within the local visual catchment (within and adjoining LNR), for example of views along Whitehawk Hill from the south and north, as well as from the valley below. Although the existing tower blocks impinge upon these views, the views are in many places currently uninterrupted. the evidence in the Urban Fringe Assessments did not recognise that development would result in the intrusion of a residential landscape into what is currently a semi-natural landscape, significantly reducing its strong sense of naturalness.

the evidence in the Urban Fringe Assessments did not consider the loss of statutory Access Land (which includes the whole of the allocation) that would be caused by development in this allocation.

it will result in a loss of Open Space, which is inconsistent with statements in City Plan Part 1 which seeks to increase, not decrease the amount of accessible land adjacent to the urban area (SA5 The Setting of the South Downs National Park, 3.170).

Will undermine the positive work of community volunteers on this site, who have been working with the councils Ranger Service to conserve and restore Priority Habitats/ Habitats of Principal Importance in the Local Nature Reserve, leading to the degradation of the rest of the LNR.

Is not effective because councillors from all main parties in the city have said they won't support development of the site.

Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables)

These sites are separated from the edge of the current built up area of the city so their development would create isolated new residential developments in what is currently open countryside. The NPPF advises against giving consent for new and isolated homes in the countryside and this is restated in City Plan Part 1 (3.16.1). Whilst these allocations are not for single homes they are still within the spirit of the NPPF guidance.

The evidence in relation to the landscape impact of development of these sites in the Urban Fringe Assessments was inadequate. The sites are in sensitive elevated locations close to the top of a ridge and adjacent to the National Park Boundary. Development of these sites would have a significant negative impact on landscape character. The South Downs National Park Local Plan (Strategic Policy SD4: Landscape Character) states 'Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that: ... 3. The settlement pattern and individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.'

Effects on views were not fully considered in the Urban Fringe Assessments. For example the western part of the allocation at Land north of Warren Road (Ingleside Stables) is on greenfield land immediately to the north of a well-used track. Development of this site would obscure and/or significantly negatively impact important and valued views north from this track and from Warren Road. This was not considered in the Urban Fringe Assessments. This part of the site is also clearly visible, for example, in an important view south eastwards from Hollingbury Camp/Castle, within the National Park on the northern edge of the city. Loss of these farmsteads/buildings to housing will create knock-on pressures for new replacement buildings within this landscape because residual 'bare land holdings' (without buildings) will require such infrastructure.

Allocation and development of these two sites would set a dangerous precedent for further development on this open, high, greatly inter-visible Downland ridge, (between Brighton and Woodingdean, and between the National Park and the Bevendean Down and Whitehawk Hill LNRs), which would further erode its character.

H2 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.

modifications to the policy to make sound and legally compliant:

'Delete Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables) from the list of allocations in policy H2'.

H2 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)

Yes, I wish to participate in the hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

I am a resident of the hill and feel strongly about being a part of this process.

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 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.

response box for legal compliance, soundness and duty to cooperate:

The phrase 'Unless allocated for development in the City Plan...' is included at the beginning of the paragraph dealing with Locally Designated Sites. This wording is in direct opposition to the safeguarding duty in paragraph 174 of the National Planning Policy Framework: 'To protect and enhance biodiversity and geodiversity'.

This phrase represents a significant weakening of protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.

Whilst appropriate and sensitive development remains important, the presumption in favour of development, implied by this phrase will inevitably have a detrimental impact upon Nature Reserves, Wildlife Sites and other green space.

The inclusion of this phrase would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site.

The ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion.

DM37 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.

modifications to the policy to make sound and legally compliant:

Delete the phrase 'Unless allocated for development in the City Plan...' from the beginning of the paragraph dealing with Locally Designated Sites.

DM37 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)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 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.

response box for legal compliance, soundness and duty to cooperate:

Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Spaces because they act as 'important green wedges into the urban area'. Whitehawk Hill also meets this objective.

Whitehawk Hill Local Nature Reserve meets all the criteria for designation as Local Green Space, as listed in paragraph 77 of the National Planning Policy

Framework, but is not listed for designation in the City Plan Part 2.

In 2014 an Urban Fringe Assessment was undertaken. It identified the sites now included in City Plan Part Two Proposed Submission. However, no evidence has been published either in 2014 or since to indicate why some sites were chosen for inclusion, yet Whitehawk Hill Local Nature Reserve was excluded,

The choice of sites, and the exclusion of Whitehawk Hill Local Nature Reserve from designation as a Local Green Space is therefore not justified, effective or consistent with national policy, as it excludes a site which would meet National Planning Policy Framework criteria.

DM38 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.

modifications to the policy to make sound and legally compliant:

Add Whitehawk Hill Local Nature Reserve to the list of sites for designation as Local Green Spaces.

DM38 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)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H1 Housing Sites and Mixed Use Sites

H1 Which site(s) does your representation refer to? (Tick all that apply to your submission)

Land at the corner of Fox Way and Foredown Road, Portslade

H1 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H1 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

H1 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.

response box for legal compliance, soundness and duty to cooperate:

The inclusion in the plan of 'Land at the corner of Fox Way and Foredown Road, Portslade' as a development site has elicited dep concern among local residents.

The legal basis of this submission relates to the National Planning and Policy Framework (NPPF) [1]. Specifically, paragraph 157: Planning and flood risk [2].

The steep slope from Fox Way down to Valley Road is at risk of flash flooding, whenever there is heavy rain. Water frequently runs as deep as the kerm-stones, [REDACTED] on Southdown Road. There have been long-standing and well documented problems with flooding in Portslade Old Village, at the bottom of this hill.

New, non-porous surfaces,, which will be part of any development inevitably increase these risks.

NPPF paragraph 157, specifically dictates that policy must be drafted not only based upon historic flood risk, but 'taking into account the current and future impacts of climate change.'

Paragraph 156 requires planning policy to 'consider cumulative impacts'. Given the huge changes to this area over the past 30 years, the increase in flood risk from increased run off has already been considerable. Any further increase in this risk is unjustified, given the alternative local development sites which could be found for a small number of houses.

The area marked for development also represents a local amenity 'Green Infrastructure' as defined on page 192 of the City Plan Part Two Proposed Submission. The area is well used and any housing development at this altitude will have significant impact upon visual amenity.

[1] <https://www.gov.uk/government/collections/planning-practice-guidance>

[2] <https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change>

H1 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.

modifications to the policy to make sound and legally compliant:

Removal of 'Land at the corner of Fox Way and Foredown Road, Portslade' from page 175, Table 6 of the City Plan Part Two Proposed Submission.

This will make the plan legally compliant, because it will not further exacerbate local flood risk.

H1 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)

H1 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 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.

response box for legal compliance, soundness and duty to cooperate:

Land at and adjoining Brighton Race Course

I object to the allocation at Land at and adjoining Brighton Race Course because:

The allocation is inconsistent with conditions in the 1822 Tenantry Down (common) enclosure deed, which state that the successor owner of the 'Race Ground' 'shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'. These conditions were reiterated in the 1888 Indenture when the 'Race Ground' was purchased by Brighton Corporation. Furthermore, the allocation:

- Is contrary to paragraph 174 of the National Planning Policy Framework;
- Will not be able to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework;
- Is not justified because the ecological evidence in the Urban Fringe Assessments;
- Is out of date and undervalues the importance of the sites biodiversity and its Local Nature Reserve designation;
- Insufficiently justifies their conclusion of no significant impact with mitigation;

The allocation inconsistent, for example the conclusion that impacts on this site can be mitigated is inconsistent with other statements in the same documents, for example the 2014 Urban Fringe Assessment, which states that 'provision for the biodiversity assets ... may help to create new habitats and contribute to habitat connectivity ... helping to mitigate significant negative effects', which is more cautious and does not claim that negative effects can be mitigated.

The City Plan Part Two Proposed Submission does not consider or assess the impact development on this allocation would have on the integrity of the Local Nature Reserve, partly severing (fragmenting) a section at the centre of the core part of the reserve between Manor Hill and Warren Rd/Wilson Ave.

The City Plan Part Two Proposed Submission does not consider or assess the impact of this development on the historic gorse scrub habitat and its dependent species, including a breeding population of Linnet, a Red Listed bird species: Identified as using the gorse scrub in breeding bird surveys, 2019.

The City Plan Part Two Proposed Submission does not consider or assess the impact development on this allocation would have on invertebrate species. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site'.

Consistent errors undermine the credibility and soundness of this allocation. A phase 1 habitat survey mis-identified the Priority Habitat: Lowland Calcareous Grassland, as semi-improved grassland.

This allocation is not justified because:

The evidence in the Urban Fringe Assessments in relation to landscape is framed wholly in terms of impacts of development on the National Park setting and views, and did not consider such effects within the local visual catchment (within and adjoining Local Nature Reserve), for example of views along Whitehawk Hill from the south and north, as well as from the valley below. Although the existing tower blocks impinge upon these views, the views are in many places currently uninterrupted.

The evidence in the Urban Fringe Assessments did not recognise that development would result in the intrusion of a residential landscape into what is currently a semi-natural landscape, significantly reducing its strong sense of naturalness.

The evidence in the Urban Fringe Assessments did not consider the loss of statutory Access Land (which includes the whole of the allocation) that would be caused by development in this allocation.

Development of the allocation would result in a loss of Open Space, which is inconsistent with statements in City Plan Part 1 which seeks to increase, not decrease the amount of accessible land adjacent to the urban area (SA5 The Setting of the South Downs National Park, 3.170).

Development of the allocation would undermine the positive work of community volunteers on this site, who have been working with the councils Ranger Service to conserve and restore Priority Habitats/ Habitats of Principal Importance in the Local Nature Reserve, leading to the degradation of the rest of the LNR.

Development of the allocation is not effective because councillors from all main parties in the city have said they won't support development of the site.

Land at South Downs Riding School and Reservoir Site and Land north of Warren Road (Ingleside Stables)

These sites are separated from the edge of the current built up area of the city so their development would create isolated new residential developments in what is currently open countryside. The NPPF advises against giving consent for new and isolated homes in the countryside and this is restated in City Plan Part 1 (3.16.1). Whilst these allocations are not for single homes they are still outside the spirit of the NPPF guidance.

Evidence in relation to the landscape impact of development of these sites in the Urban Fringe Assessments was inadequate. The sites are in sensitive elevated locations close to the top of a ridge and adjacent to the National Park Boundary. Development of these sites would have a significant negative impact on landscape character. The South Downs National Park Local Plan (Strategic Policy SD4: Landscape Character) states 'Development proposals will only be permitted where they conserve and enhance landscape character.'

Effects on views were not fully considered in the Urban Fringe Assessments. For example the western part of the allocation at Land north of Warren Road (Ingleside Stables) is on greenfield land immediately to the north of a well-used track. Development of this site would have a significant impact on visual amenity. This was not considered in the Urban Fringe Assessments. This part of the site is also clearly visible, for example, in an important view south eastwards from Hollingbury Camp, within the National Park on the northern edge of the city.

Loss of these farmsteads/buildings to housing will create knock-on pressures for new replacement buildings within this landscape because residual 'bare land holdings' (without buildings) will require such infrastructure.

Allocation and development of these two sites would set a dangerous precedent for further development on this open, elevated, downland sites.

H2 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.

modifications to the policy to make sound and legally compliant:

Delete Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables) from the list of allocations in policy H2, p181.

H2 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)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak: