



Sussex
Wildlife Trust



Date:



30 October 20



Brighton & Hove City Council's Development Plan April 2020 - Proposed Submission City Plan Part Two

The Sussex Wildlife Trust recognises the importance of a plan led system as opposed to a developer led process and supports Brighton & Hove City Council's (BHCC) desire to produce part 2 of their City Plan. We hope that our comments to this Regulation 19 consultation are used constructively to make certain that the plan properly plans for the natural capital needed within the city and ensures that any development is truly sustainable.

Please find attached our response within BHCC's word document response form. We have made comments in the following sections:

Section A – Your details

Section C – Representations on policies DM1 – DM46, SA7, SSA1 to SSA7

- DM22 – support
- DM32 – support
- DM37 – objection
- DM38 – objection
- DM39 – support
- DM40 – support
- DM42 – support
- Special Area SA7 – objection
- SSA1 – objection

Section D – H1 Housing Sites and Mixed Use Sites – Objection

Section E – H2 Housing Sites – Urban Fringe – Objection

We have also included an Appendix – Appendix A.

The Sussex Wildlife Trust wishes to participate in any examination hearings sessions relevant to any sections of the City Plan Part Two that we have submitted objections to. We wish to discuss our objections formally with the Inspector and respond to any additional evidence presented by other respondents.

Yours sincerely



City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Please Note

Policies in the Proposed Submission City Plan Part Two were agreed at Full Council on 23 April 2020. The Government announced amendments to the use classes in the Town and Country Planning (Use Classes) Order 1987 (as amended) on 21st July 2020 to come into effect on 1st September 2020.

The council notes that the changes to the use classes will require changes to be made in particular to Policies DM9, DM12, DM13, DM14 and DM15 of the City Plan Part Two to ensure the Plan is consistent with the changes to the Use Classes Order and effective.

It is proposed that the changes required will be dealt with through a separate focused public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Further consideration will be given to the most appropriate time to carry out the focused consultation.

Section A - Your Details

Name (Required)

What is your address?

What is your email address? (Required)

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

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

	Yes	No
The City Plan Part Two has been submitted for independent examination	☒	☐
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	☒	☐
The adoption of the City Plan Part Two	☒	☐

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.

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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 here.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement - ROW V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement_-_ROW_V2.pdf)

Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice

Please Tick (Required)

☒ **Yes**

Your Representation

Please fill in the relevant sections for your representation(s).

Section C should be completed for policies DM1 to DM46, SA7, and SSA1 to SSA7. If you want to comment on more than one of these policies, please copy and paste section C) for each policy

Sections D to G should be completed for policies H1, H2, H3 and E1. Please only fill out sections D-G) once.

Section H should be completed for supporting documents. Please only fill out section H once.

Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

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DM22

Policy Title e.g. Housing and Accommodation

Landscape design and trees

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

	Yes	No
Legally Compliant	☒	☐
Sound	☒	☐
Meets the Duty to Co-operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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.

The Sussex Wildlife Trust strongly supports policy DM22 and in particular criterion a. We are pleased to see that BHCC has incorporated our suggested wording from the regulation 18 consultation and feel that this policy now better reflects the requirements and opportunities set out in NPPF paragraph 170.

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.

N/A

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

DM32

Policy Title e.g. Housing and Accommodation

The Royal Pavilion Estate

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

	Yes	No
Legally Compliant	☒	☐
Sound	☒	☐
Meets the Duty to Co-operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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.

The Sussex Wildlife Trust is pleased to see that our suggested amendments from the regulation 18 consultation have been included in the new version of the policy. We strongly support the inclusion of the requirement to seek net gains to biodiversity within the policy and agree that this is consistent with national policy.

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.

N/A

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

DM37

Policy Title e.g. Housing and Accommodation

Green Infrastructure and Nature
Conservation

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

	Yes	No
Legally Compliant	☒	☐
Sound	☐	☒

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Meets the Duty to Co-operate	☒	☐
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2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☒

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.

The Sussex Wildlife Trust (SWT) supports the inclusion of policy DM37 in the City Plan Part 2 (CPP2) and recognise that the policy has been improved since the version presented in the regulation 18 consultation, in particular in relation to the requirement for net biodiversity gains.

However, SWT is very concerned about the addition of 'unless allocated for development in the City Plan' in part C of the policy and objects to this.

NPPF paragraph 171 states that plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. Additionally, NPPF paragraph 174 is clear that plans should safeguard components of local wildlife-rich habitats including locally designated sites of importance for biodiversity. Further to this, National Planning Practice Guidance states:

'National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.' (Paragraph: 013 Reference ID: 8-013-20190721)

We do not believe this policy is compliant with national policy as it does not safeguard the Local Wildlife Sites and Local Nature Reserve that are also allocated for housing in policies H1 and H2.

SWT does not believe that the exclusion of allocated locally designated sites within the requirements under part C of the policy is consistent with the rest of policy DM37. Namely that all development provides net gains to biodiversity, or policy H2(d) which requires that 'development will mitigate any adverse impacts on designated sites'. It is also not compliant with part 5d of policy SA4 Urban Fringe from the City Plan Part 1 which states that development should only be permitted on the urban fringe if 'any adverse impacts of development are minimised and appropriately mitigated and/or compensated for'.

One of the aims of the UFAS as stated in the Invitation to Tender was to provide a more detailed landscape and ecology assessment of the Study Areas to assist in determining: 'Whether the mitigation identified is likely to be sufficient and/or feasible; whether

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additional or alternative site specific mitigation is likely to be required; and/or whether mitigation is not likely to overcome the adverse impacts identified.'

As it stands, the first line of part C of policy DM37 only provides confusion as it contradicts so many other policies in the development plan. Removing this line will not prevent development on allocated sites that are also locally designated sites. However, it will make clear that applicants must demonstrate that any adverse impacts on the designated site are avoided through good design with residual impacts mitigated for in line with the mitigation hierarchy. This is already what is required by policy H2.

By removing this line, it allows BHCC to refuse an application which has clearly disregarded adverse impact. It would create consistency with the rest of the plan.

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.

In order to make this policy both compliant with the NPPF and internally consistent with the rest of policy DM37 and policy H2 '*Unless allocated for development in the City Plan*' should be deleted from part C. Locally Protected Sites.

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)

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

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

The Sussex Wildlife Trust wishes to attend the examination hearings so that we can discuss our objections formally with the Inspector and respond to any additional evidence presented by other respondents.

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

DM38

Policy Title e.g. Housing and Accommodation

Local Green Space

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

	Yes	No
Legally Compliant	☒	☐
Sound	☐	☒
Meets the Duty to Co-operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☒
Consistent with National Policy	☒

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.

The Sussex Wildlife Trust (SWT) supports the inclusion of policy DM38 and the allocation of Hollingbury Park, Three Cornered Copse, Ladies' Mile and Benfield Valley as Local Green Spaces (LGS). We also acknowledge that the policy has been strengthened since the regulation 18 consultation to better reflect the requirements of Chapter 8 of the NPPF.

The Local Green Space Topic paper explains that these four sites were identified as suitable for LGS designation in the 2014 Urban Fringe Assessment (UFA). Further to this, other sites were considered, but only if put forward by organisations/local residents during the local plan consultations in 2016 and 2018. We now believe that Whitehawk Hill should be designated as a LGS and that the policy is not sound without this.

Whitehawk Hill LNR meets the criteria set out in paragraph 100 of the NPPF and highlighted in paragraphs 2.290 and 2.293 of the proposed submission plan (please see our submission to question 3 for policy H2). Like the four suggested LGS, Whitehawk Hill is clearly also a 'green wedge' into the urban area. The council also clearly has no objection to designating Local Nature Reserves (LNR) where evidence justifies this, as LGS as both Ladies' Mile and Hollingbury Park are LNRs.

The council acknowledges in the topic paper (paragraph 4.2) that LGS designation implies a greater level of protection than general open spaces policy. In particular, that LGS designations should be capable of enduring in the long term (beyond the end of the plan period). SWT is very concerned that the allocation of a development site on Whitehawk Hill LNR (policy H2) will open the gates to further development as the council continue to fail to meet the unachievable housing targets required by the NPPF standard method. Whilst SWT does not believe any development should occur on the LNR, if the H2 allocation does go forward, it is paramount that there is not a shift to the continuous

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‘nibbling away’ of the LNR. SWT feel strongly that a LGS designation would allow the site to be protected in the long term for the benefit of both biodiversity and local residents.

As it stands we do not believe the exclusion of Whitehawk Hill as a LGS is justified as it is not clear what evidence was used in the 2014 UFA to identify potential sites. The topic paper (section 6.11) states that the UFA involved a comprehensive assessment of all sites within the city’s urban fringe, however the Schedule of Sites in Appendix 3 and the site proformas in Appendix 4 of the UFA do not mention the LGS designation. The main UFA text states that four sites have been identified, but not why they were selected or why others were ruled out. Not protecting the LNR from further development is also not consistent with paragraph 174 of the NPPF.

BHCCs own documentation demonstrates that they acknowledge the LNR contains one of Europe’s rarest and most spectacular habitats – ancient chalk grassland and Whitehawk Camp – one of Britain’s most significant earthwork structures. This indicates both richness to wildlife and local significance.

https://www.brighton-hove.gov.uk/sites/default/files/migrated/article/inline/downloads/cityparks/management_plans/Whitehawk_Hill_booklet_final.pdf.

There is clear local interest in the site, demonstrated by the activities of the Friends of Whitehawk Hill (FoWH) who are working with the council’s Park Rangers to actively manage the LNR and improve it for wildlife and people. As the FoWH demonstrate in their own submission to this consultation – Whitehawk Hill has been celebrated, enjoyed and written about by a wide variety of local people for two hundred years.

The whole of Whitehawk Hill LNR should be designated as a Local Green Space under DM38. Its glaring omission makes policy DM38 unsound.

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.

As demonstrated by our objection to policy H2, SWT believes that the allocation of ‘Land at and adjoining Brighton Race Course’ is not sound and should be deleted from the plan. Additionally, the entirety of Whitehawk Hill LNR should be included in the list of Local Green Spaces.

However, even if the Inspector does not delete the allocation in H2, we still believe that the remainder of the LNR should be designated as a Local Green Space, as has been done for Benfield Valley.

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)

	Tick
No , I do not wish to participate in hearing session(s)	☐

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



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

The Sussex Wildlife Trust wishes to attend the examination hearings so that we can discuss our objections formally with the Inspector and respond to any additional evidence presented by other respondents.

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

DM39

Policy Title e.g. Housing and Accommodation

Development on the Seafront

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

	Yes	No
Legally Compliant	☒	☐
Sound	☒	☐
Meets the Duty to Co-operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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.

The Sussex Wildlife Trust strongly supports this policy and in particular the recognition of the MCZ.

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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.

N/A

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

DM40

Policy Title e.g. Housing and Accommodation

Protection of the Environment and
Health – pollution and nuisance

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

	Yes	No
Legally Compliant	☒	☐
Sound	☒	☐
Meets the Duty to Co-operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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.

The Sussex Wildlife Trust is pleased to see that our suggested amendments from the regulation 18 consultation have been included in the new version of the policy. We strongly support this policy.

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.

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N/A

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

DM42

Policy Title e.g. Housing and Accommodation

Protecting the water environment

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

	Yes	No
Legally Compliant	☒	☐
Sound	☒	☐
Meets the Duty to Co-operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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.

The Sussex Wildlife Trust is pleased to see that our suggested amendments from the regulation 18 consultation have been included in the new version of the policy. We strongly support policy.

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.

N/A

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Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

Special Area SA7

Policy Title e.g. Housing and Accommodation

Benfield Valley

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

	Yes	No
Legally Compliant	☒	☐
Sound	☐	☒
Meets the Duty to Co-operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☒
Consistent with National Policy	☒

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.

The Sussex Wildlife Trust (SWT) supports the inclusion of a special area policy for Benfield Valley and in particular the acknowledgement that this site needs to be protected and enhanced as an important green wedge, a valued Local Wildlife Site (LWS) and a Local Green Space (LGS). This desire to protect Benfield Valley is clearly consistent with the requirements of NPPF paragraph 170 and particularly, the need to establish coherent ecological networks that are more resilient to current and future pressures.

However, SWT maintains its objection to allowing residential development within the LWS and the allocation of housing for this site under policy H2. We do not believe that this is justified or compliant with national policy.

NPPF paragraph 174 is clear that plans should safeguard components of local wildlife-rich habitats including locally designated sites of importance for biodiversity. Further to this, National Planning Practice Guidance states: *'National planning policy expects plans to identify and map these sites, and to include policies that not only secure their*

protection from harm or loss but also help to enhance them and their connection to wider ecological networks.' (Paragraph: 013 Reference ID: 8-013-20190721).

We understand that BHCC has received pressure from various site promoters to allow large scale development on the site. However, BHCC own the freehold of the site and therefore the council does have a large say in whether development occurs.

SWT greatly respects the professional opinion of the County Ecologist as set out in Appendix 2 of the topic paper. However, we disagree with both her and the council that the requirement for housing on the urban fringe established in the City Plan Part 1 (CPP1) means that it is not possible to avoid development within this LWS.

The CPP1 Inspector's Report (February 2016) clearly states that the CPP1 does not allocate urban fringe sites and that decisions on whether individual sites should be developed, will be made through the process of preparation of the City Plan Part 2 (CPP2).

Table 3 of the Housing Provision Topic Paper demonstrates that the updated assessment of housing delivery, including site allocations in the CPP2, shows potential to deliver 14,875 net dwellings. This is a surplus of 1,665 dwellings against the city plan target.

Removing the housing allocations in policy H1 and H2 that are in Local Wildlife Sites or Local Nature Reserves and do not currently have any planning permission would reduce this delivery number by 237 (as set out in our response to question 3 for policy H2).

This would still leave a surplus of supply of 1428 dwellings. CPP1 policy CP1 does set out the proposed distribution of new housing in part B, but caveats this with 'new housing will be delivered broadly in line with the following distribution'. We do believe that the number of dwellings being delivered in the urban fringe could be reduced with the CPP2 still being compliant with the requirements of the CPP1.

Specifically for Benfield Valley we disagree that retaining wildlife corridors and buffers around the development will be sufficient to reduce negative impacts of introducing housing within the designated site. In 2017, Yorkshire Wildlife Trust investigated the relationship between housing proximity and frequency of damage and disturbance on their nature reserves:

https://connectingfornature.files.wordpress.com/2017/11/inpractice97_sep2017_rylattgarsiderobin.pdf

The study found that 'Each of the five types of damage identified generally occurs more frequently the closer the reserve is to a settlement.' Whilst this is not surprising, it was also found that all but one type of damage and disturbance decreased between reserves within 100m of a settlement and reserves between 101m and 500m from a settlement. The decrease was seen again for reserves over 501m away. The study recommended that 'the first step in the planning process should be to locate new housing developments at least 100m from reserves, and ideally more than 500m away.

Further to this we note that Natural England supported policy SA7 during the regulation 18 consultation on the grounds that it recognises the value of Benfield Valley LWS as

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natural capital stock and a green infrastructure asset. This is as the LWS stands and whilst better management of the site would be very welcome, this is not required for the site to act as a natural capital asset or a valued component of the wider ecological network.

SWT does not believe it is consistent with the requirements of the NPPF, and in particular the need to allocate land with the least environmental or amenity value and safeguard locally designated sites, to develop on Benfield Valley Local Wildlife Site. We also do not think the allocation is justified given the council's evidence base and the surplus in housing delivery being proposed.

Apart from the above, we note the comment in section 2.4 of the Benfield Valley Topic Paper that *'The development of the Sainsbury's Superstore at the southern end of the valley in the early 1990s was linked to restrictive covenants which sought to protect the rest of valley for outdoor recreation.'* This is not mentioned again and it is unclear what impact this has on the proposal to allow some residential development.

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.

SWT requests that the second paragraph of policy SA7, which relates to residential development, be deleted from the plan.

Policy SA7 should reiterate that residential development is not appropriate on Benfield Valley Local Wildlife Site and the boundary of the Local Green Space should be extended to cover the whole of Benfield Valley.

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)

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

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

The Sussex Wildlife Trust wishes to attend the examination hearings so that we can discuss our objections formally with the Inspector and respond to any additional evidence presented by other respondents.

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Please use separate sheets for each policy that you wish to comment on

SSA1

Policy Title e.g. Housing and Accommodation

Brighton General Hospital Site

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

	Yes	No
Legally Compliant	☒	☐
Sound	☐	☒
Meets the Duty to Co-operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☒
Justified	☐
Consistent with National Policy	☐

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.

Whilst we support the development of this brownfield site, Sussex Wildlife Trust is concerned that the policy wording in part h is not sufficient to ensure the protection of the swift colony on site. Whilst this policy requires provisions to safeguard the policy, it does not require that these provisions are provided in advance of any development.

The current hospital buildings are home to Brighton's largest colony of Swifts (15 nests in 2018 and 19 nests in 2019) – an amber listed species, which in Great Britain nests only under the eaves of roofs of buildings or in Swift nest boxes. Swifts return to the same nesting location year on year and therefore it is the continuity of nest availability at this site that is key to maintaining the population.

Any proposal that requires the destruction or disturbance of the existing nests, must be required to provide successful alternative nesting opportunities before there is any disturbance i.e. the alternative nest sites should be installed and proven to be successful before any development commences. Without this requirement, there can be no guarantee that the proposals will be successful in safeguarding the colony.

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.

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SWT requests that part h is amended to read as follows:

h) The development should contribute towards Biodiversity Action Plan objectives and provide biodiversity net gains, green infrastructure and wider landscaping enhancements through creative landscaping solutions and provide alternative nest sites to safeguard the swift colony, these nests should be installed and proven to be successful before any development commences.

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)

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

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

The Sussex Wildlife Trust wishes to attend the examination hearings so that we can discuss our objections formally with the Inspector and respond to any additional evidence presented by other respondents.

Section D H1 Housing Sites and Mixed Use Sites

Please only fill this section out once

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

- ☐ **ALL SITES**
- ☐ Former St Aubyn's School, 76 High Street, Rottingdean
- ☒ Land between Marine Drive and rear of 2-18 The Cliff, Brighton
- ☐ 25 Ditchling Rise / rear of 57-63 Beaconsfield Road, Brighton
- ☐ 60-62 & 65 Gladstone Place, Brighton
- ☐ 76-79 & 80 Buckingham Road, Brighton
- ☐ 87 Preston Road, Brighton
- ☐ Eastergate Road Garages, Moulsecoomb, Brighton,
- ☐ Land between Manchester Street/Charles Street, Brighton
- ☐ Preston Park Hotel, 216 Preston Road, Brighton
- ☐ George Cooper House, 20-22 Oxford Street, Brighton
- ☐ Old Ship Hotel (garage), 31-38 Kings Road Brighton
- ☐ Saunders Glassworks, Sussex Place, Brighton
- ☐ 2-16 Coombe Road, Brighton
- ☐ Outpatients Department, Royal Sussex County Hospital
- ☐ Whitehawk Clinic, Whitehawk Road, Brighton
- ☐ Buckley Close garages, Hangleton
- ☐ Former playground, Swanborough Drive, Whitehawk
- ☐ Former Hollingbury Library
- ☐ 29-31 New Church Road, Hove
- ☐ 189 Kingsway, Hove
- ☐ Kings House, Grand Avenue, Hove
- ☐ Victoria Road Former Housing Office (adj Portslade Town Hall), Victoria Rd, Portslade
- ☐ Land at the corner of Fox Way and Foredown Rd, Portslade
- ☐ Smokey Industrial Estate, Corner Church Road, Lincoln Rd & Gladstone Rd Portslade
- ☐ Land south of Lincoln Street Cottages, Lincoln Street, Brighton
- ☐ Hove Sorting Office, 88 Denmark Villas, Hove
- ☐ Former Belgrave Centre & ICES, Clarendon Pl, Portslade (Site SP2 in JAAP Policy CA3)
- ☐ Wellington House (Site SP3 in JAPP Policy CA3)
- ☐ City College, Pelham Tower (and car-park), Pelham Street
- ☐ 71 - 76 Church Street, Brighton
- ☐ Post Office site, 62 North Road, Brighton
- ☐ 27-31 Church Street (corner with Portland Street)
- ☐ Former Dairy Crest Site, 35-39 The Droveway, Hove
- ☐ Kingsway/Basin Road North (site AB4 in JAAP policy CA2)
- ☐ Prestwich House (Site SP1 in JAAP policy CA3)

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- ☐ Regency House, North Street, Portslade (Site SP4 in JAAP policy CA3)
- ☐ Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP policy CA3)
- ☐ Church Road/Wellington Road/ St Peter's Road (site SP6 in JAAP policy CA3)
- ☐ Station Road site, Portslade (Site SP7 in JAAP policy CA3)

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

	Yes	No
Legally Compliant	☒	☐
Sound	☐	☒
Meets the Duty to Co-Operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☒

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.

The Sussex Wildlife Trust (SWT) objects to the allocation of the Land between Marine Drive and rear of 2-18 The Cliff, Brighton because this site is designated as a Local Wildlife Site (LWS).

The NPPF is clear in paragraph 174 that plans should safeguard components of local wildlife-rich habitats including the hierarchy of designated sites of importance for biodiversity. Further to this, the Planning Practice Guidance states: '*National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.*' (Paragraph: 013 Reference ID: 8-013-20190721).

The value of the site for biodiversity does not appear to have been considered in the SHLAA or draft versions of the plan. The Sustainability Appraisal (SA) site assessment notes that the site was recently designated as a LWS but does not acknowledge that the site was recommended as a LWS in both 2013 and 2017.

The SA site assessment also states that the amount of development proposed on the site has been reduced from 16 to 10 to reflect the LWS designation. However, as no evidence is provided to explain how the reduction was decided, this appears somewhat arbitrary.

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The Local Wildlife Site Review states that the site contains rough coastal grassland, including priority habitat chalk grassland, which is unusual within the City. The site also supports a significant population of common lizard.

This site is a core component of the city's ecological network and a natural capital asset that should be safeguarded as per the NPPF. As set out in our answers to question 3 for policy SA7 and policy H2, we believe this site can be removed from the plan without materially impacting on housing delivery.

Table 3 of the Housing Provision Topic Paper demonstrates that the updated assessment of housing delivery, including site allocations in the CPP2, shows potential to deliver 14,875 net dwellings. This is a surplus of 1,665 dwellings against the city plan target. Removing the housing allocations in policy H1 and H2 that are in Local Wildlife Sites or Local Nature Reserves and do not currently have any planning permission would reduce this delivery number by 237. This would still leave a surplus of supply of 1428 dwellings.

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.

Remove Land between Marine Drive and rear of 2-18 The Cliff, Brighton from policy H1 and protect it as a Local Wildlife Site.

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)

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

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

The Sussex Wildlife Trust wishes to attend the examination hearings so that we can discuss our objections formally with the Inspector and respond to any additional evidence presented by other respondents.

Section E H2 Housing Sites – Urban Fringe

Please only fill this section out once

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

- ☐ **ALL SITES**
- ☒ Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- ☒ Benfield Valley
- ☒ Land at and adjoining Horsdean Recreation Ground, Patcham
- ☐ Land at Ladies Mile, Carden Avenue
- ☐ Land to north east of Coldean Lane
- ☒ Land north of Varley Halls, Coldean Lane
- ☒ Land at and adjoining Brighton Race Course
- ☐ Land at South Downs Riding School & Reservoir Site
- ☒ Land north of Warren Road (Ingleside Stables)
- ☐ Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm
- ☐ Land adjacent to Ovingdean and Falmer Road, Ovingdean
- ☐ Land at former nursery, Saltdean
- ☐ Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean
- ☐ Land west of Falmer Avenue, Saltdean

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

	Yes	No
Legally Compliant	☒	☐
Sound	☐	☒
Meets the Duty to Co-Operate	☒	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☒
Consistent with National Policy	☒

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.

The Sussex Wildlife Trust (SWT) objects to this policy and does not believe it is consistent with national policy or justified.

8 of the 16 site allocations in Table 8 are designated as Local Wildlife Sites (LWS) and one is designated as a Local Nature Reserve (LNR) as follows:

- Land at Oakdene, Southwick/Land west of Mile Oak Road - BH22 Oakdene Southwick Hill LWS
- Land off Overdown Rise, Mile Oak - BH02 Mile Oak Fields LWS
- Benfield Valley - BH09 Benfield Valley LWS
- Land at and adjoining Horsdean Recreation Ground - BH101 Patcham Court Field LWS
- Land to north east of Coldean Lane - BH87 Land at Coldean Lane LWS
- Land north of Varley Halls, Coldean Lane - BH87 Land at Coldean Lane LWS
- Land at and adjoining Brighton Race Course - Whitehawk Hill Local Nature Reserve
- Land north of Warren Road (Ingleside Stables) - BH86 Bevendean Horse Paddocks LWS
- Land adjacent to Ovingdean and Falmer Road, Ovingdean - BH78 Meadowvale LWS

The NPPF is clear that the planning system should establish coherent ecological networks that are more resilient to current and future pressures (paragraph 170) and that plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure (paragraph 171). Further to this, paragraph 174 is clear that plans should safeguard components of local wildlife-rich habitats including locally designated sites of importance for biodiversity. This is reiterated in the Planning Practice Guidance which states:

'National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.' (Paragraph: 013 Reference ID: 8-013-20190721)

As it stands, SWT does not believe that policy H2 is consistent with this policy. Whilst H2 says that development must mitigate any adverse impacts and provide biodiversity net gains, SWT has not seen any evidence to demonstrate that adverse impacts of development on these sites can be effectively mitigated or that net gains can actually be provided. Whilst all these LWS would benefit from ongoing management, allowing development of part of them is not an essential or reasonable way to achieve that. More fundamentally, these sites are a finite resource and the allocations simply make the valuable areas of habitat smaller. This is not a sustainable approach and does not align with the council's need to protect and enhance the City's ecological network. Once built on, these core sites are gone forever.

SWT also does not feel that the need for some of these allocations is justified. The total number of dwellings allocated for these 9 sites is 639. Three of the sites - Land off Overdown Rise, Land to north east of Coldean Lane and Land adjacent to Ovingdean and Falmer Road – already have planning permission, so SWT accepts that the principle of development has been set for these sites. Removing the allocations for the other 6 designated sites would only reduce the yield on the urban fringe by 227 dwellings. Also removing Cliff Road Paddock from policy H1 would reduce the number of dwellings being planned in the CPP2 by 237.

Table 3 of the Housing Provision Topic Paper demonstrates that the updated assessment of housing delivery, including site allocations in the CPP2, shows potential to deliver 14,875 net dwellings. This is a surplus of 1,665 dwellings against the city plan target. Removing the housing allocations in policy H1 and H2 that are in Local Wildlife Sites or Local Nature Reserves and do not currently have any planning permission would reduce this delivery number to 14,638, still with a surplus of 1,428.

The CPP1 Inspector's Report (February 2016) clearly states that the CPP1 does not allocate urban fringe sites and that decisions on whether individual sites should be developed, will be made through the process of preparation of the City Plan Part 2 (CPP2). Further to this, whilst CPP1 policy CP1 does set out the proposed distribution of new housing in part B, it caveats this with 'new housing will be delivered broadly in line with the following distribution'.

SWT believes that the number of dwellings being delivered in the urban fringe could be reduced with the CPP2 still being compliant with the requirements of the CPP1. We also believe this strikes the right balance between the environmental and social pillars of the planning system, acknowledging that the natural capital that a coherent ecological network provides is an environmental and social benefit.

Land at and adjoining Brighton Race Course

Whilst we object to the allocation of housing on Local Wildlife Sites, we want to make clear to the Inspector that SWT's strongest objection is to 30 dwellings on Whitehawk Hill Local Nature Reserve (site name 'land at and adjoining Brighton Race Course'). This LNR is an exceptional site for wildlife and an extremely valuable community resource.

Detailed ecological evidence has been submitted in the Friends of Whitehawk Hill (FoWH) and we commend this information to the Inspector as an accurate representation of the ecological importance of the site. In particular, the detailed analysis from national and local experts which demonstrates that the conclusions of the Urban Fringe Assessment 2014 (UFA) and Urban Fringe Assessment Summary 2015 (UFAS) should be considered out of date and unreliable. A summary of the most recent FoWH ecological evidence is appended to this submission (Appendix A).

Under 'Evidential Requirements', the Procedure Guide for Local Plan Examinations (The Planning Inspectorate June 2019 (5th Edition)) states that '*Evidence base documents, especially those relating to development needs and land availability, that date from two or more years before the submission date may be at risk of having been overtaken by events, particularly as they may rely on data that is even older*'. SWT strongly feels that BHCC case for allocating on this LNR has been 'overtaken by events'.

The LNR has significant ecological importance that is recognised by BHCC, for example their acknowledgement that the LNR contains one of Europe's rarest and most spectacular habitats – ancient chalk grassland: https://www.brighton-hove.gov.uk/sites/default/files/migrated/article/inline/downloads/cityparks/management_plans/Whitehawk_Hill_booklet_final.pdf. Further to this, temporary grazing signage was put up on site in 2019 by BHCC describing Whitehawk Hill as 'one of the best wildlife

sites in Sussex'. It is self-evident that the site is of high biodiversity value and should be safeguarded as required by the NPPF (170, 171 and 174).

We note that Whitehawk Hill is not allocated as a LWS. However, this should not be taken as a reflection of its ecological value. It is apparent in the Introduction to the Brighton and Hove Local Wildlife Site Review that the process of identifying and designating LWS in the city has been a long and convoluted process, which still has not resulted in a comprehensive suite of sites. Whitehawk Hill LNR has never been assessed for designation as a LWS. However, if put forward, SWT believes it would clearly meet both the Brighton and Hove and Sussex LWS criteria.

The allocation of this site and the requirements under policy H2 indicates that BHCC believe that any adverse impacts on the site from development can be mitigated for and further to this, that net gains to biodiversity can be delivered. SWT strongly disagrees with this position and believes that BHCC have both underestimated the high value of the site and the likely impacts of development.

The council's evidence disregards the ancient gorse scrub as a valuable ecological feature and undervalues the importance and integrity of the mosaic of habitats acting together as a viable unit. The Lawton Review in 2010 was clear that the urgent need to recover nature required ecological networks that are 'bigger, better, more and joined up'. This principle has been taken forward in the Government's emerging Environment Act and the requirement for a Nature Recovery Network. Whitehawk Hill LNR is a linear 'finger' coming down from the South Downs National Park and into the city. The level of development around the LNR already makes it vulnerable to urbanising impacts, indeed as a core area, this site needs further buffering, not impingement at the narrowest point.

The LNR is already in active management by BHCC rangers with committed, on the ground support by the Friends of Whitehawk Hill. BHCC claim that development on the LNR will result in enhancements to the remainder of the site, but it is clear that enhancements are already happening, despite the council's limited investment in their own LNR. This is a LNR that is working, that is valued by the local community and has a positive future. Allowing development on this site will undermine all this, undermine the community's enthusiasm and threaten the future of the whole LNR.

SWT feel strongly that both the physical damage to the integrity of the LNR and emotional damage to the local community outweighs the minor contribution that 30 dwellings will have on the council's housing delivery. As we have stated previously, this site could be removed and still leave the council delivering a surplus of homes against the requirement in the CPP1.

We acknowledge that the housing targets committed to in the CPP1 does not meet the OAN of the city which is considerably higher. Indeed, including the changes to the standard method which the Government has recently consulted on (<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>) would, according to Lichfields analysis (<https://lichfields.uk/grow-renew-protect-planning-for-the-future/how-many-homes-the-new-standard-method/#section16>), raise the OAN to 1,520 per year. This is an astronomical figure which could never be conceivably accommodated within the city. Even with radical

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planning changes, the city will always be constrained by geography (the sea and the SDNP) and therefore the pressure to develop on every patch within the city boundary will continue to grow.

It is clear that these 30 proposed dwellings makes no real contribution to this delivery gap. But allowing development on the LNR will set a precedent which will open this site up for discussion every time the city plan is reviewed. SWT is extremely concerned that we will see a nibbling away of the LNR every 5 years until there is nothing left. This is a cumulative impact that is simply not worth the harm it will cause, given the tiny gain this site currently provides to housing delivery.

Whitehawk Hill LNR is a site of high biodiversity value that should be cherished by the council as a core component of their ecological network. It is completely illogical to allocate this site for the development of such a small number of homes. This will have no real impact on housing delivery, but will irreversibly damage ecology, natural capital and community spirit. The allocation should be removed from the plan as unsound.

Please note that as a nature conservation charity SWT has focused its objection on ecological matters and the importance of the site for biodiversity. However, we are aware that the LNR also has high landscape, archaeological, historical and community importance as demonstrated by the FoWH submission.

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.

Remove the following sites from policy H2 and safeguard them as Local Wildlife Sites:

- Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- Benfield Valley
- Land at and adjoining Horsdean Recreation Ground, Patcham
- Land north of Varley Halls, Coldean Lane
- Land north of Warren Road (Ingleside Stables)

Delete the 'Land at and adjoining Brighton Race Course' from policy H2 and safeguard the site as a statutorily designated Local Nature Reserve.

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)

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

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

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The Sussex Wildlife Trust wishes to attend the examination hearings so that we can discuss our objections formally with the Inspector and respond to any additional evidence presented by other respondents.

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

The completed Word Form can be emailed to planningpolicy@brighton-hove.gov.uk or posted to: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

Appendix A

**Whitehawk Hill Local Nature Reserve
Summary of Biological Recording 2019-20**



Breeding Bird Survey, spring 2019, [REDACTED]

Covered the allocation site and immediately adjoining areas. Recorded 15 probable breeding species, including BoCC4 red listed linnet and song thrush and amber listed dunnock, as well as greenfinch and lesser whitethroat. Of particular note was the population of linnet, which recording indicated were breeding in the gorse scrub, centred on a location close to the boundary of the allocation, but recorded more widely in the area.

Entomological Survey, May 2019, [REDACTED]

Covered the allocation site and immediately adjoining areas. Focused on beetles, bugs and flies. Recorded 89 species. [REDACTED] noted *"To record 65 species of beetles by sweeping vegetation with a net in an area of chalk grassland 200 x 50 metres in just 3 hours in my opinion indicates an extremely rich site. Its importance in terms of conservation value is enhanced by the presence of several highly notable species."* Included eight notable species, including Nationally and Locally Scarce species, including the click beetle *Prosternon tessellatum*, which was recorded in good numbers and is characteristic of acid grassland and heathland, including Lullington Heath, and represents a possible relic of a chalk heath fauna related to the presence of gorse and related species in this area.

Entomological Survey, July 2019, [REDACTED]

Covered the allocation site and adjoining areas. Focused on aculeate hymenoptera. Recorded 41 species in sub-optimal conditions. This included six Nationally Scarce species and three s41 Species of Principal Importance. Of particular note were records of the brown banded carder bee *Bombus Humilis*, a Priority /s41 Species. ME commented that the records indicated the presence of several nests across the site, which form part of the wider metapopulation of this species in the Brighton area.

Butterfly Transect, April – September 2020, [REDACTED]

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Included areas adjoining the allocation. Recorded a total of 25 species, including the Priority/s41 species small heath, small blue, dingy skipper and wall. The scarce migrant long tailed blue was also recorded, Whitehawk Hill being arguably the best site in the country for this species (<https://www.theguardian.com/environment/2020/sep/29/butterflywatch-the-long-tailed-blue-visitor-or-native-species>). Brown hairstreak, a further Priority/s41 species was recorded in habitat similar to that within the allocation (blackthorn/wild plum scrub) during 2020. A further eight species were recorded during transect surveys carried out by [REDACTED] BHCC ranger, in the last decade, including the Priority/s41 species grizzled skipper.

Helen Gregory

Subject:

RE: City Plan Part Two - Policy DM37 and H2 representations

Attachments:

FINAL WORD REP FORM Sept 2020.docx; City Plan Part 2 - Final with appendix.pdf; 03 email to planning policy.pdf; 04 email attachment letter.pdf; 05 email attachment PEA.pdf; 06 email attachment [REDACTED].pdf

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sirs

Please find attached representations regarding the above (first attachment). For ease of reference, we also include our original submissions from 2016 (second attachment) which identify our client's site, and also representations made in 2018 regarding the ecological status of the site (attachments 3 to 6)

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

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Please Note

Policies in the Proposed Submission City Plan Part Two were agreed at Full Council on 23 April 2020. The Government announced amendments to the use classes in the Town and Country Planning (Use Classes) Order 1987 (as amended) on 21st July 2020 to come into effect on 1st September 2020.

The council notes that the changes to the use classes will require changes to be made in particular to Policies DM9, DM12, DM13, DM14 and DM15 of the City Plan Part Two to ensure the Plan is consistent with the changes to the Use Classes Order and effective.

It is proposed that the changes required will be dealt with through a separate focused public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Further consideration will be given to the most appropriate time to carry out the focused consultation.

Section A - Your Details

Name (Required)

What is your address?

What is your email address? (Required)

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

Ovingdean Estates Ltd

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

	Yes	No
The City Plan Part Two has been submitted for independent examination	☒	☐
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	☒	☐
The adoption of the City Plan Part Two	☒	☐

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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 here.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement - ROW V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement_-_ROW_V2.pdf)

Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice

Please Tick (Required)

☒ Yes

Your Representation

Please fill in the relevant sections for your representation(s).

Section C should be completed for policies DM1 to DM46, SA7, and SSA1 to SSA7. If you want to comment on more than one of these policies, please copy and paste section C) for each policy

Sections D to G should be completed for policies H1, H2, H3 and E1. Please only fill out sections D-G) once.

Section H should be completed for supporting documents. Please only fill out section H once.

Section B CPP2 Introduction

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

N/A

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Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7
If you want to comment on more than one policy, please copy the questions from this section and paste below your representation on each policy

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

DM37

Policy Title e.g. Housing and Accommodation

Green Infrastructure and Nature
Conservation

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☒
Meets the Duty to Co-operate	☐	☐

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

	Tick
Positively Prepared	☒
Effective	☒
Justified	☒
Consistent with National Policy	☐

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

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

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

If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

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.

Policy DM37 (together with list of sites listed as Local Wildlife Sites at Appendix 3 of the

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plan, and the supporting papers: SHLAA 2019 update and Local Wildlife Update). Would all combine to potentially prevent development on our client's site (land to the North East of Longhill Close, Ovingdean (listed in earlier SHLAA iterations as sites 43 and 723).

Earlier iterations of the SHLAA have identified the site as being suitable for up to 6 houses, yet the site has now been removed from the SHLAA and the whole site has been allocated as a Local Wildlife Site (BH100 in the Local Wildlife Update). This is despite detailed representations being provided by [REDACTED] (included with these representations for ease of reference) that clearly set out why the whole site did not need to be subject to an LWS designation.

The Council is facing massive pressure to secure suitable sites for housing, and the designation of our client's site (in its entirety) as an LWS (and the removal of the site from the SHLAA) merely prevents the construction of 6 houses that would make a positive contribution to housing supply and could be successfully integrated within the site – as per the report from [REDACTED].

Consequently this aspect of the Plan (and its supporting documents) has not been positively prepared and so is unsound

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

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

Policy DM37 (part C) should be re-worded to allow for development that does not cause any harm to relevant features of a local wildlife site. Reference to "exceptional circumstances" should be removed as this is too high a barrier for development when the site's designation has not been subject to a formal discussion between the site owner's ecologists and the Council (written representations only have occurred, with no further right of reply).

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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)

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

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

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

It may be necessary to prevent further evidence as to why our client's site should not be designated as a local wildlife site (in its entirety).

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

If you wish to make a representation on another policy (DM1 – DM46, SA7, SSA1 to SSA7) please copy and paste the questions from this section below.

Section D H1 Housing Sites and Mixed Use Sites

Please only fill this section out once

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

- ☐ **ALL SITES**
- ☐ Former St Aubyn's School, 76 High Street, Rottingdean
- ☐ Land between Marine Drive and rear of 2-18 The Cliff, Brighton
- ☐ 25 Ditchling Rise / rear of 57-63 Beaconsfield Road, Brighton
- ☐ 60-62 & 65 Gladstone Place, Brighton
- ☐ 76-79 & 80 Buckingham Road, Brighton
- ☐ 87 Preston Road, Brighton
- ☐ Eastergate Road Garages, Moulsecoomb, Brighton,
- ☐ Land between Manchester Street/Charles Street, Brighton
- ☐ Preston Park Hotel, 216 Preston Road, Brighton
- ☐ George Cooper House, 20-22 Oxford Street, Brighton
- ☐ Old Ship Hotel (garage), 31-38 Kings Road Brighton
- ☐ Saunders Glassworks, Sussex Place, Brighton
- ☐ 2-16 Coombe Road, Brighton
- ☐ Outpatients Department, Royal Sussex County Hospital
- ☐ Whitehawk Clinic, Whitehawk Road, Brighton
- ☐ Buckley Close garages, Hangleton
- ☐ Former playground, Swanborough Drive, Whitehawk
- ☐ Former Hollingbury Library
- ☐ 29-31 New Church Road, Hove
- ☐ 189 Kingsway, Hove
- ☐ Kings House, Grand Avenue, Hove
- ☐ Victoria Road Former Housing Office (adj Portslade Town Hall), Victoria Rd, Portslade
- ☐ Land at the corner of Fox Way and Foredown Rd, Portslade
- ☐ Smokey Industrial Estate, Corner Church Road, Lincoln Rd & Gladstone Rd Portslade
- ☐ Land south of Lincoln Street Cottages, Lincoln Street, Brighton
- ☐ Hove Sorting Office, 88 Denmark Villas, Hove
- ☐ Former Belgrave Centre & ICES, Clarendon Pl, Portslade (Site SP2 in JAAP Policy CA3)
- ☐ Wellington House (Site SP3 in JAPP Policy CA3)
- ☐ City College, Pelham Tower (and car-park), Pelham Street
- ☐ 71 - 76 Church Street, Brighton
- ☐ Post Office site, 62 North Road, Brighton
- ☐ 27-31 Church Street (corner with Portland Street)
- ☐ Former Dairy Crest Site, 35-39 The Droveway, Hove
- ☐ Kingsway/Basin Road North (site AB4 in JAAP policy CA2)
- ☐ Prestwich House (Site SP1 in JAAP policy CA3)
- ☐ Regency House, North Street, Portslade (Site SP4 in JAAP policy CA3)
- ☐ Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP policy CA3)
- ☐ Church Road/Wellington Road/ St Peter's Road (site SP6 in JAAP policy CA3)
- ☐ Station Road site, Portslade (Site SP7 in JAAP policy CA3)

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

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.

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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.

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City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

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)

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

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

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

[illegible]

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

Section E H2 Housing Sites – Urban Fringe

Please only fill this section out once

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

- ☒ **ALL SITES**
- ☐ Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- ☐ Benfield Valley
- ☐ Land at and adjoining Horsdean Recreation Ground, Patcham
- ☐ Land at Ladies Mile, Carden Avenue
- ☐ Land to north east of Coldean Lane
- ☐ Land north of Varley Halls, Coldean Lane
- ☐ Land at and adjoining Brighton Race Course
- ☐ Land at South Downs Riding School & Reservoir Site
- ☐ Land north of Warren Road (Ingleside Stables)
- ☐ Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm
- ☐ Land adjacent to Ovingdean and Falmer Road, Ovingdean
- ☐ Land at former nursery, Saltdean
- ☐ Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean
- ☐ Land west of Falmer Avenue, Saltdean

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☒
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☒
Effective	☒
Justified	☒
Consistent with National Policy	☐

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

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

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

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.

As with comments on policy DM37, our client's site (Land North East of Longhill Close, Ovingdean) has been omitted from the list of sites. The only reason for this (as set out in the Site Allocations Topic Paper) is that the site would yield less than 10 units (earlier SHLAAs have indicated six units on the site).

		Falmer Road, Ovingdean
43	No - Yield less than 10 units (<i>Land to rear of Longhill Road</i>)	
46a	Yes	Land at Former Nursery, Saltdean

Given the wording of City Plan Policy Part 1 policy SA4 restricts Urban Fringe housing development to sites that are allocated – this in effect means that the Council is refusing to allocate small scale housing on urban fringe sites. This is counterintuitive as a) it restricts the availability of housing sites and b) it will often be the case that pockets of smaller scale housing will be more appropriate (in terms of neighbour impact, highway impact and landscape/ecological impact) than larger site.

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.

The policy should be amended to include our client's site as being suitable for 6 units of housing, and the policy should also be worded more flexibly to allow for other urban fringe sites to come forwards if they can demonstrate acceptable impact with regard to landscape, ecology and highways.

You will need to say why each change will make the policy legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policy or

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

supporting text. Please do not use strikethrough text as this will not be shown in your submission.

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)

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

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

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

As with policy DM37, there may be a need to prevent further evidence in support of our client's site.

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

Section F H3 Purpose Built Student Accommodation

Please only fill this section out once

Which Purpose Built Student Accommodation site(s) does your representation refer to?
(Tick all that apply to your submission)

- ☐ **ALL SITES**
- ☐ Lewes Road Bus Garage, Lewes Road, Brighton
- ☐ 118–132 London Road, Brighton
- ☐ 45 & 47 Hollingdean Road, Brighton

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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.

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

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

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

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

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

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

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

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

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

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

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

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

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

Section H Supporting Documents and Background Studies

Please only fill this section out once

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

Supporting Documents / evidence can be found on this webpage <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

As referred to in our comments on policies DM37 and H2, strong concerns are raised with regard to:

Local Wildlife Study Update – which has designated the entirety of our client’s site as a local wildlife site, despite detailed representations submitted by David Archer Associates as to why this should not be the case (copy of representations attached).

SHLAA Update – that has removed our client’s site (43 – Land North East of Longhill Close) despite it being in earlier iterations

Site Allocations Topic Paper (Updated) that seems to have discounted our client’s site on the basis of it yielding less than 10 units.

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

The completed Word Form can be emailed to planningpolicy@brighton-hove.gov.uk or posted to: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

Legal Compliance

Legally compliant means asking whether or not the plan has been prepared in line with statutory regulations, the 'duty to cooperate' and legal procedural requirements. There are five areas to consider when looking at whether or not the Plan is legally compliant. These are:

- *Is the Plan consistent with the Council's production timetables known as the Local Development Scheme (LDS)?*
- *How has the community been involved in the process and has the Council met its Statement of Community Involvement (SCI)? Details of how the plan has been prepared are set out in the Statement of Consultation.*
- *Does the Plan meet the requirements for content and consultation set out in the Town and Country Planning (Local Planning) Regulations 2012 and the Planning and Compulsory Purchase Act 2004?*
- *Does the Sustainability Appraisal (SA) Report accompanying the Brighton & Hove City Plan Part Two form a suitable assessment of the sustainability of the Council's proposals and follow the relevant legislation and guidance?*
- *Has the Council complied with the Duty to Cooperate? This is addressed in the council's Duty to Cooperate Statement.*

The government's tests of Soundness

- **Positively prepared** - *the plan should be prepared in a way that meets the need for housing and other development, including infrastructure and business development.*
- **Justified** – *the plan should be based on evidence, and be the most appropriate strategy for the city when considered against other reasonable alternatives.*
- **Effective** – *the plan should be deliverable; the housing and other development should be capable of being carried out.*

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

- ***Consistent with national policy*** – *the plan should enable sustainable development and be consistent with the policies in the National Planning Policy Framework (NPPF).*



[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

21 September 2016

[Redacted]

Dear Sir/Madam

**Brighton & Hove Draft City Plan Part 2 – Scoping Document
Land to the North East of Longhill Close, Ovingdean**

Further to receiving notification of the City Plan Part Two Scoping Document, we write to respond on behalf of Ovingdean Estates Limited – the owners of the above site.

These representations specifically request that the above site (Land to the North East of Longhill Close, Ovingdean) is allocated in the City Plan for future housing development.

Proposal Site

The site is detailed in a Lewis and Co Planning letter (dated 28 September 2015) that was submitted in respect of the Council's Strategic Housing Land Availability Assessment (SHLAA) programme. A copy of that letter is appended to this letter.

The site is an urban fringe site – being adjacent to the built up area boundary and outside the South Downs National Park. The site is largely clear of trees, other than on the site boundaries

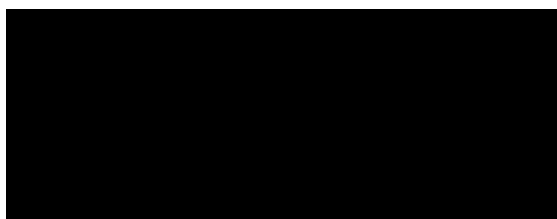
A site location plan is include overleaf. As can be seen, the site is surrounded by other development, and can connect directly to the public highway at two points – Wanderdown Close (to the north) and Longhill Close (to the west).



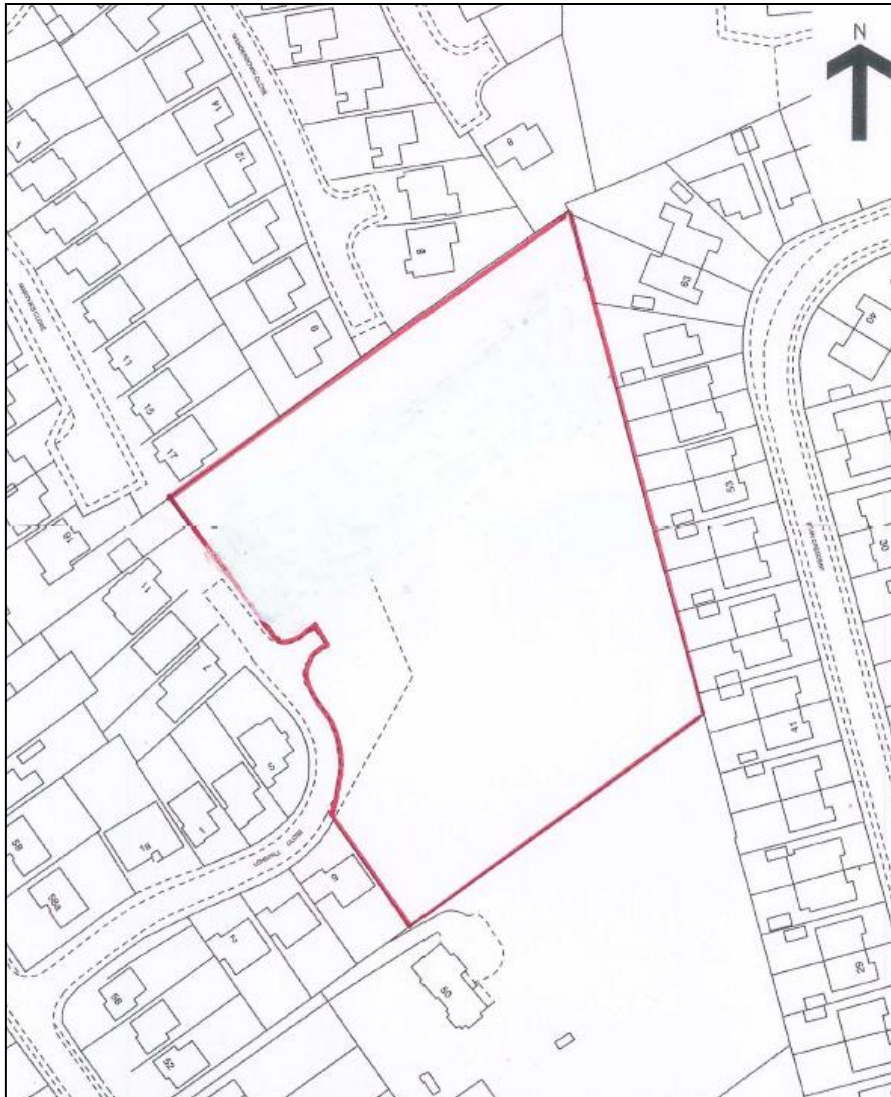
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mediation of space · making of place

Chartered Town Planners



Site Location Plan



Planning Policy History

The site is included in the Council's Draft 2015 SHLAA Update (July 2016) under site references 723 and 43. The SHLAA entry confirms an allocation of 6 units in the site's north east corner. This is in line with the recommendations in the Council's 2014 Urban Fringe Assessment.

City Plan (Part One) Policy SA4 allows for development within urban fringe locations where a site has been allocated for development in a development plan document. The policy goes on to state that should proposals for development come forward prior to adoption of Part 2 of the City Plan, the 2014 Urban Fringe Assessment will be a material consideration in the determination of applications for residential development.

Policy CP1 (Housing Delivery) includes an allowance for 1060 new dwellings to be built in urban fringe locations. This allowance forms part the City Plan Housing Delivery Strategy to provide at least 13,200 new homes before 2030.

The SHLAA allocation confirms that at least 6 units should be allocated for development on the site. We ask firstly that this allocation is carried through to the City Plan Part 2 site allocations.

However, we also ask that the whole site be allocated for residential development. The site is completely surrounded by residential development, and subject to a development scheme being sensitively designed, there is no reason why a greater proportion of the site cannot be developed in a manner sensitive to the surrounding area. Officers should note that the City Plan (Part One) Inspector confirmed that no stone should be unturned in the search for housing sites. To “only” allocate 6 houses on the site would not fulfil such a request. Development of a larger part of the site would allow for:

- A greater contribution towards overall housing supply
- A greater contribution towards affordable housing
- A reduction in pressure for development that would “push out” the urban boundaries of Brighton and Hove rather than the “consolidation” of boundaries that would arise out of the development of the subject site.

Allocation of the whole site for development (the site measures 1.1 hectares, so a development of around 20 to 30 units would be reasonable) would enable a development that could be designed to a high standard. Any allocation can be subject to the caveat that the applicant must demonstrate the development to have an acceptable impact on views to/from conservation areas, listed buildings and the National Park. Boundary trees should be retained.

Conclusion

We trust that the information contained in this letter and appendix can be taken into account for the publication of future versions of the City Plan (Part Two).

[Redacted signature block]

Yours faithfully

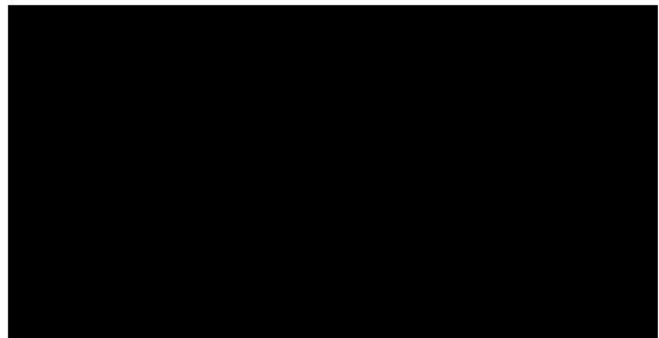
LCP

Lewis & Co Planning

[Redacted contact information]

APPENDIX 1

Lewis and Co Planning Letter dated 28 September 2015.



[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

By email

28 September 2015

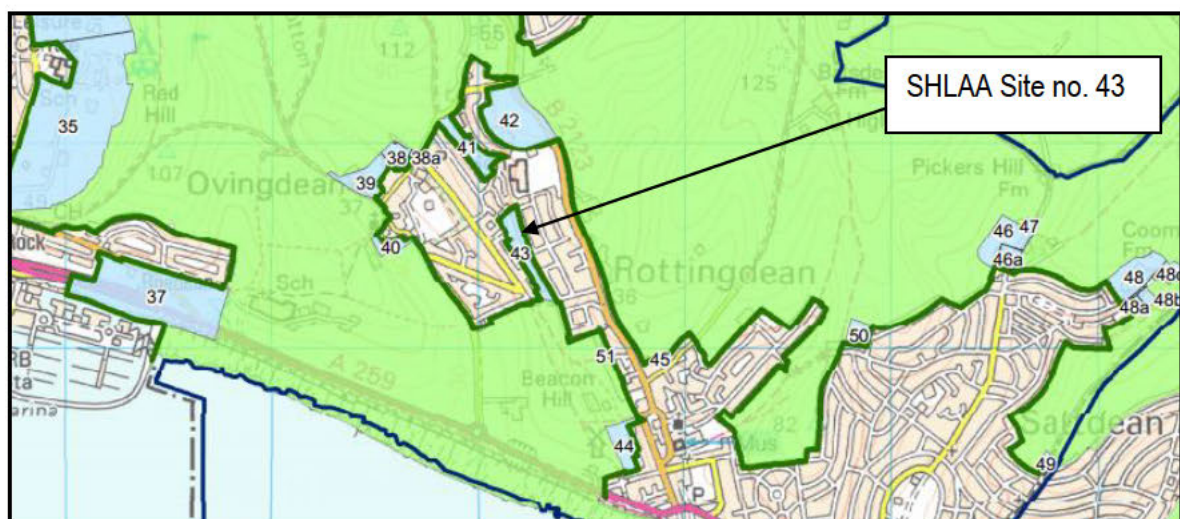
Dear Sirs

SHLAA UPDATE 2015
LAND TO THE NORTH EAST OF LONGHILL CLOSE

Please find enclosed the completed forms and site plan for the above site for consideration through the SHLAA process. Note that part of the site has previously been considered acceptable through earlier SHLAAs (the site forming part of SHLAA site reference "site 43").

This submission is made on behalf of the site's owners, Ovingdean Estates Limited.

"Site 43" is shown below, whilst the the Ovingdean Estates site is shown overleaf:



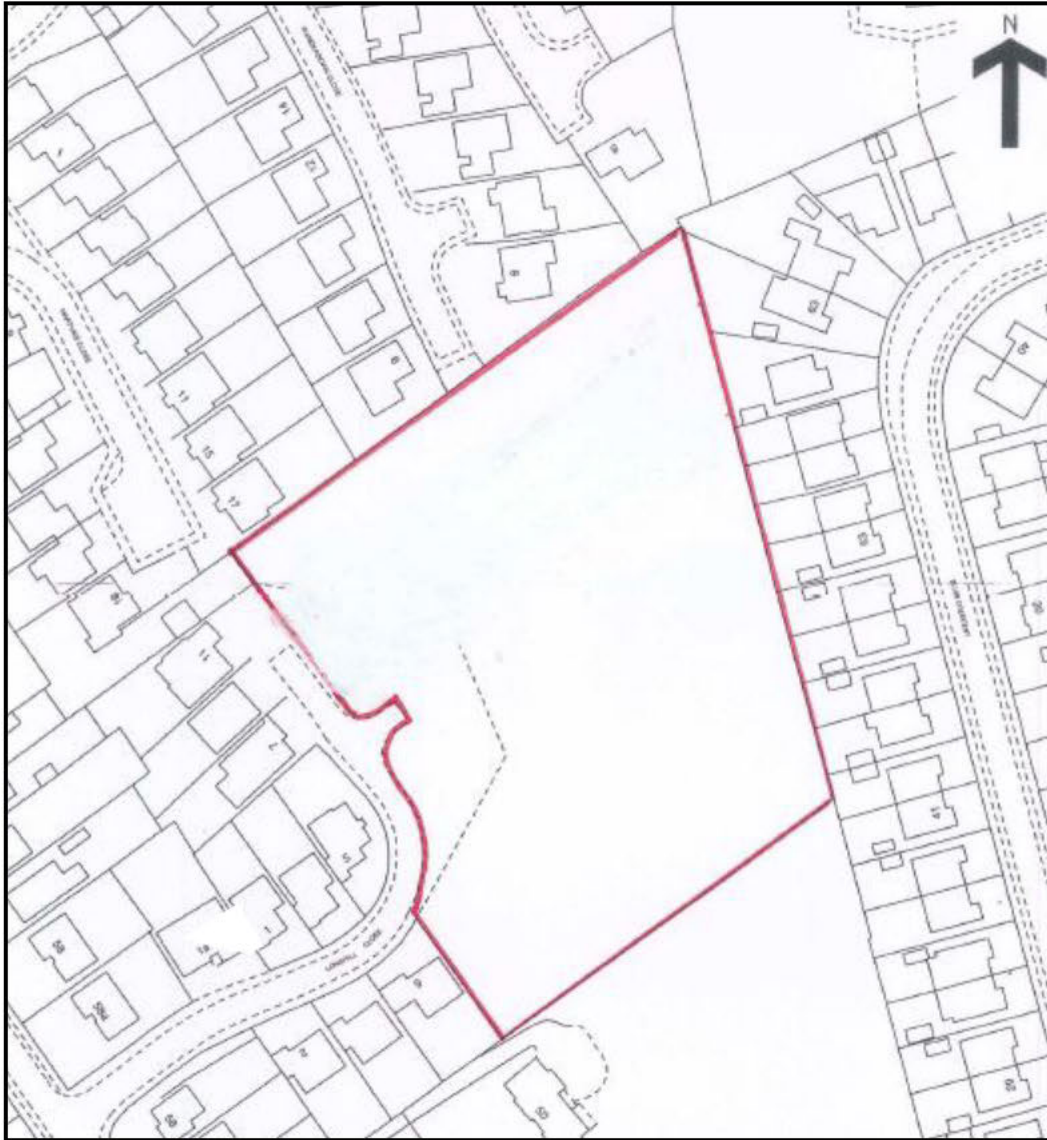
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mediation of space · making of place

Chartered Town Planners

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Map showing extent of land owned by Ovingdean Estates and which is considered suitable for development:



The total site area is approximately 1.1 hectares, and is bordered on three sides by residential development, whilst on its south eastern side it is bordered by garden land serving 50 Longhill Road.

In providing her initial findings on the emerging City Plan, the Inspector stated in her letter dated 13 December 2013:

"I recognise that there are significant constraints to providing land for development, and that there are competing priorities for any land which may be available. However, given the significant shortfall in meeting housing needs, it is important that the Council rigorously assesses all opportunities to meet that need."

“[Urban fringe] sites are not subject to nationally recognised designations, which would indicate that development may be restricted. Whilst it may be the Council’s aspiration to designate some of these sites as Local Green Space, this is not being pursued through Part 1 of the Local Plan and I have doubts as to whether some of these areas would meet the requirements of paragraph 77 of the Framework.”

“Having now seen some of the sites and had the opportunity to examine more closely the underlying evidence on which this analysis is based, I am not persuaded that the protection from development implied by Policy SA4 is justified in relation to all urban fringe sites. In coming to this conclusion, I have taken account of paragraphs 73 and 74 of the Framework. However, your own analysis concludes that some of these sites do not make a significant contribution to the provision of useable open space, and have limited potential to do so in the future. No consideration appears to have been given to the possibility of allowing development on these sites, which would enable the provision of good quality public open space, as part of a package of development.”

“In view of the significant shortfall in meeting objectively-assessed needs I consider the Council should undertake a more rigorous analysis of the urban fringe sites, along the lines I have already suggested, to determine whether there is greater potential for the delivery of new housing from this source.”

“I recognise the constraints faced by the Council but if I am to find the Plan sound, notwithstanding such a significant shortfall in the provision of new housing, I would need to be satisfied that the Council had left no stone unturned in seeking to meet as much of this need as possible.”

Subsequent to the above comments being made, further amendments to the emerging City Plan have increased the Council’s Objectively Assessed Need for housing from 24,000 units to 30,120. In the light of the above comments, and such a further significant increase in the need for housing, the benefits of the site for the provision of new housing are clear. Furthermore, the site has no special environmental designations, is privately owned with no authorised public access, and its development would lessen pressure for development on more sensitive sites.

The site is eminently suitable for development, with ready-made vehicular access points on both the south-west and north-west boundaries of the site (Longhill Close and Wanderdown Close), and the ability to retain generous buffer strips to neighbouring properties in order to protect amenity. Consequently the whole of the site should be included within the SHLAA assessment.

Yours faithfully

LCP

Lewis and Co Planning

Simon Bareham

From: [redacted]
Subject: Proposed Local Wildlife Site - BH100 Ovingdean Close
Attachments: Proposed Local Wildlife Site - BH100 Ovingdean Close; Ovingdean Estates Ltd_Longhill Close, Ovingdean_Letter Regarding LWS_25.10.2019.pdf; Ovingdean Estates, Longhill Close_PEA Report_25.10.2019.pdf; Ovingdean Estates Ltd, Longhill Close_PEA_Confidentialia [redacted]

Dear Sirs

Further to our initial comments on the above (see first attachment to this email) we now have the additional information required in time for your 31 October deadline.

Please note the attached PDF documents:

- 1. Letter providing overview of David Archer Associates PEA and badger survey for the site – which concludes that the LWS designation can restricted to the eastern site boundary
- 2. Preliminary Ecological Appraisal
- 3. [redacted]

please can you confirm receipt of the above, and let us know about next steps.

Kind Regards

[redacted]
[redacted]
[redacted]
[redacted]

[redacted]
[redacted]

Lewis & Co Planning
town planning consultants

[redacted]
[redacted]

Subject: RE: Proposed Local Wildlife Site - BH100 Ovingdean Close

Thanks Simon – received with thanks

[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]

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

[redacted]
[redacted]
[redacted]

Subject: Proposed Local Wildlife Site - BH100 Ovingdean Close
Importance: High

Dear Sirs

Further to your letter (attached) to our clients Ovingdean Estates Limited. Please accept this email as notification that we do not agree with the findings contained in your letter.

We note that we have until 31 October to provide further information, and so will provide such information within this timetable.

Please confirm receipt of this email.

Kind Regards

[redacted]

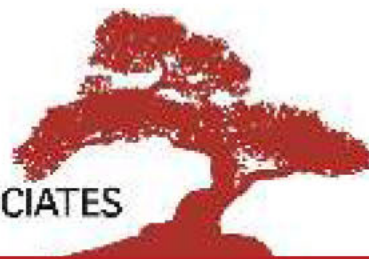


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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

24 October 2019

Dear [REDACTED]

Site: Land at Longhill Close, Ovingdean

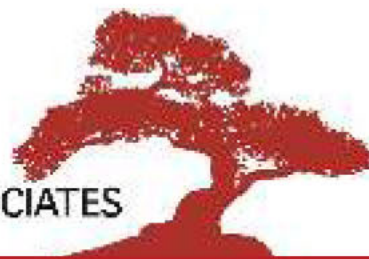
Thank you for appointing David Archer Associates (DAA) to carry out a Preliminary Ecological Appraisal (PEA) for the above site.

Having produced a PEA for the area shown within Appendix 2 of the PEA report (David Archer Associates, 2019), we now provide a response to the City of Brighton & Hove Council regarding their designation of this area as part of BH100 - Ovingdean Copse Local Wildlife Site (LWS).

PEA Report Summary

The PEA found the following:

- A corridor of broadleaved woodland is located along the eastern edge of the site, extending offsite to the north and south. The width of this corridor is 10-15m. The woodland is listed by Sussex Biodiversity Records Centre as Natural Environment and Rural Communities Act section 41 Priority Habitat 'Lowland Mixed Deciduous Woodland.'
- The remainder of the site occupies a moderate slope rising to the west and is comprised largely of dense scrub, which is regularly cleared across much of the site as part of a regular cutting regime.
- The site has confirmed presence of badger *Meles meles*, associated with woodland and scrub habitats. There is moderate suitability for hibernating bats within a World War II air raid shelter in the dense scrub habitat on site and moderate suitability for foraging and commuting bats along the woodland corridor. The mature trees present within the woodland and across the site have low suitability for roosting bats, but have not been surveyed in detail at this point. The scrub and woodland habitats have high potential to support common breeding birds, including species of conservation concern and high potential to support hedgehog *Erinaceus europaeus*. There is moderate potential for reptiles and low potential for hazel dormice *Muscardinus avellanarius*.
- Recommendations for future management include timings of ongoing scrub maintenance, and suggested enhancements such as installation of bat, hedgehog and bird boxes, planting of native shrubs and trees within the woodland strip, retention of dead wood, removal of non-native species, and retention of a buffer zone of dense scrub adjacent to the woodland.



Recommendations Regarding LWS Designation

As identified within the Sussex Local Wildlife Site Survey Report that underpins the LWS designation, the key value of the site is the ecological function as a wildlife corridor. The LWS report states that (for the wider LWS):

"The site appears to meet the definition of lowland mixed deciduous woodland under [s41 NERC] and woodland under the Sussex Biodiversity Action Plan, although its small size and poor species diversity limit its ecological interest as an example of broadleaved woodland. The sites most important ecological function is as a corridor of connective habitat linking the woodland within the Wanderdown Road Open Space LWS to the north, with the woodland to the south in the Beacon Hill LNR."

The PEA report findings are in agreement with this. It is considered that as with the woodland, the regularly managed dense scrub habitat to the west is also an ecological habitat of limited interest and moreover does not add particular value to the functionality of the woodland corridor.

However, it is acknowledged that the scrub does act as a protective buffer to the woodland at Longhill Close. At present the dense scrub occupies a zone of approximately 60m from west to east, but it is not necessary for this entire area to be retained and designated in order to fulfil its function as forming part of an ecological corridor.

The PEA report recommends that a strip of dense scrub be retained and designated as part of the LWS, perhaps of 5m width, in order to screen the woodland corridor from disturbance and access. Coupled with this we understand that there is a willingness to work with Brighton and Hove City Council to enhance the woodland habitat at Longhill Close, as recommended in the PEA report and in the LWS survey report.

Conclusion

It is concluded that whilst the functionality of the woodland corridor at Longhill Close is necessary in order to designate a coherent LWS, the full extent of the habitat present beyond the woodland does not add materially to the value of the designation. Therefore, it is proposed that the LWS designation be limited to the woodland corridor along the eastern site boundary and a protective buffer of scrub habitat, and that recommendations for enhancement of this area for wildlife be explored and implemented.

Reference

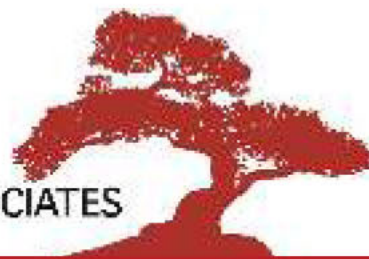
David Archer Associates, 2019. *Land at Longhill Close, Ovingdean – Preliminary Ecological Appraisal*.

Yours sincerely,

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Preliminary Ecology Appraisal

Land at Longhill Close

Ovingdean

Brighton

Date: October 2019



1 Summary

Site	Land at Longhill Close, Ovingdean
Central OS Grid Reference	TQ 3616 0360
Report Commissioned by	Ovingdean Estates Ltd.
Date of Survey	16 th October 2019

Considerations	Description	Comments & Recommendations
Ecological Importance of the Site	The site comprises broadleaved woodland, scattered trees, dense and scattered scrub habitats	The site is of local importance due to the connectivity provided by a corridor of broadleaved woodland in the east of the site. Scrub, and parkland/ scattered tree habitats are of site value only.
Further Surveys	Badgers	If setts identified on site or land up to 30m from setts would be affected by activities, a badger survey may be required [to be redacted from public domain] .
	Bats	If any site activities are to affect the World War II air raid shelter on site, hibernation surveys should first be undertaken. If any works are to affect trees, a ground level tree assessment should first be undertaken, potentially followed by emergence/ re-entry surveys. If any activities would lead to disturbance, loss or fragmentation of woodland habitat, bat activity surveys should be undertaken.
	Reptiles	If any areas of scrub habitat would be permanently lost as a result of any activity, a reptile survey should be undertaken.
Avoidance and General Mitigation	Nesting birds	Clear woody vegetation outside of the nesting bird season (March-August).
	Hazel dormouse	Clear woody vegetation outside of the peak breeding season (May-September).
	Reptiles	If scrub clearance is undertaken during September-October, avoiding nesting bird season, undertake directional clearance of scrub.
	Trees and broadleaved woodland	Retain trees and log piles.
Enhancements	To increase the ecological value of the site.	Planting of native shrubs and trees, install wildlife boxes for birds, bats and hedgehogs, leave dead wood in situ, maintain a scrub buffer adjacent to woodland, remove and replace non-native species .

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Appendix 1 Legislation and Planning Policy

Appendix 2 Phase I Habitat Map

Appendix 3 Wildlife Friendly Planting

2 Introduction

2.1 Background

David Archer Associates was commissioned by Ovingdean Estates Ltd to undertake a Preliminary Ecological Appraisal (PEA) at land at Longhill Close, Ovingdean, herein referred to as 'the site'. This report will inform a response to Brighton and Hove City Council (BHCC) who wish to designate the site as part of a Local Wildlife Site (LWS).

2.2 Site Location and Description

The site is located in the village of Ovingdean to the south of Woodingdean, west of Rottingdean and east of Brighton and Hove, which form a connected chain of settlement. The centre of the site is located at Ordnance Survey Grid Reference TQ 3616 0360. The site totals c. 1.1ha, comprising scrub and woodland habitats.

Although connected by road and residential development to adjacent settlements, the site is situated within a rural location and surrounded by the undulating slopes of the South Downs to the north, east and west. The majority of this landscape is chalk grassland, but a thin ribbon of woodland runs north and south from the site for 3-4km overall, but ends at Woodingdean in the north and Rottingdean in the east. The English Channel is located 1km south of the site.

2.3 Scope of Survey

The PEA comprised a single visit to the application site. The study area was also extended to consider the following ecological features according to certain distances around the site boundary:

- 2km for statutory sites of international importance designated for nature conservation;
- 1km for statutory sites of national and local importance designated for nature conservation;
- 1km for non-statutory sites designated for nature conservation;
- 1km for protected and notable species;
- 250m for habitats and water-bodies (in relation to great crested newts); and
- 30m for badger setts.

2.4 Development Proposal

The site has been identified as part of a candidate LWS in November 2018 by BHCC, following which the candidate LWS was surveyed by an ecologist in September 2018 and February 2019 (BHCC, 2019). The surveys confirmed that the site meets LWS criteria and the Council intends to designate it as such.

2.5 Objective

The objective of this PEA is to provide an ecological assessment of the site, and appraise its value in the context of its potential designation as part of a LWS and to recommend any management or enhancement opportunities in accordance with planning policy, and European and UK wildlife legislation (**Appendix 1**).

3 Methodology

3.1 Surveyor

The site was surveyed by Senior Ecologist [REDACTED], who is licensed to survey for great crested newts (licence number 2015-19299-CLS-CLS). [REDACTED] is also a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and subject to the CIEEM Professional Code of Conduct.

3.2 Desk Study

Natural England's Multi-Agency Geographic Information for the Countryside (MAGIC) database was accessed on 18th October 2019 for information on statutory sites designated for nature conservation within a 1km radius of the site. Consideration for Natura 2000 sites was extended to a 2km radius where the potential value of interest features of such sites may extend over a wider area. Such sites include Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites.

Sussex Biodiversity Records Centre (SxBRC) was also consulted on 14th October 2019 for the following information for a 1km radius around the application site:

- Non-statutory nature conservation designations, such as LWS;
- Legally protected species, such as great crested newts, reptiles, birds and bats; and
- Notable / priority species, such as those listed under Section 41 (s41) of the NERC Act, 2006.

3.3 Habitat Survey

The survey involved a site visit on 16th October 2019 to record and map habitat types and ecological features within the site. The survey was undertaken in accordance with *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2017), and the general principles and methods outlined in the *Handbook for Phase I Habitat Survey* (JNCC, 2010). Features of interest were identified as target notes on the Phase I Habitat Map (**Appendix 2**).

Aerial photographs, maps and field observations were used to identify habitats in the wider landscape which could be relevant to designation of the site.

Weather conditions during the survey were 16°C, a light breeze (Beaufort 2-3), 100% cloud cover and dry.

3.4 Protected and Notable Species Assessment

The site was inspected for evidence of and assessed for potential to support protected and notable species. This included species listed under the *Conservation of Habitats and Species (Amendment) Regulations 2017*, the *Wildlife and Countryside Act 1981 (as amended)* (WCA), and those given extra protection under the *Natural Environment and Rural Communities (NERC) Act 2006*, *Countryside and Rights of Way (CROW) Act 2000*, and the *Protection of Badgers Act 1992*.

MAGIC was also accessed on 18th October 2019 to identify any European Protected Species Mitigation (EPSM) licences granted by Natural England within a 2km radius of the site.

The following protected / notable species were considered within the assessment.

3.4.1 Amphibians

The site was assessed for suitability to support amphibians such as the legally protected great crested newt *Triturus cristatus* and the notable common toad *Bufo bufo*. The assessment was undertaken in accordance with the *Herpetofauna Workers' Manual* (Gent & Gibson, 2003) and the *Great Crested Newt Conservation Handbook* (Langton, *et al.*, 2001).

Based on Natural England (2015) guidance, surveys of land greater than 250m from the nearest water-body are normally appropriate when all of the following conditions are met:

- a) Maps, aerial photos, walkover surveys or other data indicate that the water-body(ies) has/have potential to support a large great crested newt population;
- b) The site footprint contains particularly favourable habitat, especially if it constitutes the majority available locally;
- c) The development would have a substantial negative effect on that habitat; and
- d) There is an absence of dispersal barriers.

The proposed development does not meet criteria a or c above, and therefore consideration was given to water-bodies on and within 250m of the site using OS maps and aerial images.

3.4.2 Reptiles

The site was assessed for suitability to support reptiles with reference to the *Herpetofauna Workers' Manual* (Gent & Gibson, 2003) and *Froglife Advice Sheet 10 An Introduction to Planning, Conducting and Interpreting Surveys for Snake and Lizard Conservation* (Froglife, 1999).

3.4.3 Badgers

The site and a 30m zone around the site (where accessible), were surveyed for badger *Meles meles* evidence such as setts, latrines, pathways, footprints, snuffle holes and badger hairs. Any setts recorded were classified according to published criteria (Harris, *et al.*, 1989).

The number of holes comprising each sett was recorded and classified as disused, partially-used or well-used. These sett descriptions and categories of use are set out in Tables 3.1 and 3.2 below.

Table 3.1: Badger sett categories.

Sett Type	Sett Descriptions
Main Setts	These usually have a large number of holes with large spoil heaps, and the sett generally looks well used. There will be well-used paths to and from the sett and between sett entrances. Although normally the breeding sett and in continuous use, it is possible to find a main sett that has become disused due to excessive digging or some other reason; it should be recorded as a disused main sett. The British National Badger Survey found that the average size of an active main sett is twelve holes (including all categories of use).
Annexe Setts	These are often close to a main sett, usually less than 150m away, and are usually connected to the main sett by one or more obvious, well-worn paths. They usually have several holes, but may not be in use all the time even if the main sett is very active. The British National Badger Survey found that the average size of an annexe sett is five holes (including all categories of use).
Subsidiary Setts	These often only have a few holes (averaging four), are usually at least 50m from a main sett, and do not have an obvious path connecting with another sett. They are not continuously active.
Outlying Setts	These usually have only one or two holes, often have little spoil outside the hole, have no obvious path connecting with another sett, and are only used sporadically. When not in use

Sett Type	Sett Descriptions
	by badgers, they are often taken over by foxes or even rabbits. However, they can still be recognised as badger setts by the shape of the tunnel (not the actual entrance hole), which is usually at least 250mm in diameter, and is rounded or a flattened oval shape. Fox and rabbit tunnels are smaller and often taller than broad.

Table 3.2: Badger sett categories of use.

Categories of Sett Use	Description
Well-used Holes	These are clear of any debris or vegetation, are obviously in regular use, and may or may not have been excavated recently.
Partially-used Holes	These are not in regular use and have debris such as leaves and twigs in the entrance, or have moss and / or other plants growing in or around the entrance. Partially used holes could be in regular use after a minimal amount of clearance.
Disused Holes	These have not been in use for some time, are partially or completely blocked and could not be used without a considerable amount of clearance. If the hole has been disused for some time, all that may be visible is a depression in the ground where the hole used to be, and the remains of the spoil heap, which may be covered in moss or plants.

3.4.4 Bats

Potential for the site to support roosting, foraging and commuting bats was assessed in line with the Bat Conservation Trust (BCT) *Bat Surveys for Professional Ecologists Good Practice Guidelines* (Collins, 2016).

3.4.4.1 Roosting

Trees were surveyed for evidence of bats and Potential Roost Features (PRFs), and then assigned a level of suitability for roosting bats as outlined in Table 3.3. PRFs include woodpecker holes, rot holes, hazard beams, cracks and splits, knot holes, cavities, loose bark, and partially detached ivy (Andrews, 2013).

Table 3.3: Classifying the bat roosting suitability of trees (Collins, 2016).

Negligible roosting suitability	Trees with few, if any, features suitable for roosting.
Low roosting suitability	A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
Moderate roosting suitability	A tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat. These trees are unlikely to support a roost of high conservation status.
High roosting suitability	A tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.

3.4.4.2 Foraging and Commuting

The site was assessed for its suitability to support foraging and commuting bats according to Table 3.4.

Table 3.4: Classifying the suitability of bat foraging and commuting habitat (Collins, 2016).

Negligible	Negligible habitat features on site likely to be used by commuting or foraging bats.
Low	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or un-vegetated stream, but isolated or poorly connected to habitat in the surrounding landscape. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in parkland) or a patch of scrub.
Moderate	Continuous habitat connected to the wider landscape that bats may use for commuting such as tree-lines and scrub or linked back gardens. Habitat that connects to the wider landscape that bats may use for foraging such as trees, scrub grassland and water.
High	Continuous, high quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, tree-lines and woodland edge. High quality habitat that is well-connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

3.4.5 Hazel Dormouse

The site was assessed for potential to support the hazel dormouse *Muscardinus avellanarius*, in accordance with the *Dormouse Conservation Handbook* (Bright, *et al.*, 2006). Dormice typically use connected woodland, hedgerows and scrub that contain suitable food plants. Aerial images were used to assess the connectivity of any suitable habitat on the site to woodland and hedgerows within the wider area.

3.4.6 Other Species

The site was assessed for suitability to support other protected and notable fauna species / assemblages including birds, invertebrates and mammals.

3.4.7 Invasive Species

The site was searched for invasive plants such as giant hogweed *Heracleum mantegazzianum*, Himalayan balsam *Impatiens glandulifera*, Japanese knotweed *Fallopia japonica*, and rhododendron *Rhododendron ponticum*.

3.5 Evaluation

Designated sites, habitats and species (where presence has been identified) have been evaluated in accordance with the *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial Freshwater, Coastal and Marine* (CIEEM, 2018).

These guidelines aim to give consistency in evaluating the importance of the ecological features within and around a site, which help inform any effects or impacts a scheme will have upon them.

A value of the ecological features (designated sites, habitats or species) has been assigned according to their level of importance using the following terms:

- International and European
- National
- Regional

-
- Local
 - Site
 - Negligible

3.6 Limitations and Assumptions

Access was available to the majority of the site, although dense scrub in the north of the site prevented access. The baseline conditions reported represent those identified at the time of the survey. The survey was completed during the optimal time of year for recording vegetation. Although a reasonable assessment of the site can be made during a single survey, seasonal variations are not observed.

This PEA provides an overview of the likelihood of protected / notable species occurring on the site (negligible, low, moderate, or high). Absence of a species cannot be presumed where no evidence was found. Assessment is based on the suitability of the habitat and any evidence observed.

This PEA does not constitute a full botanical survey or a Phase 2 pre-construction survey for Japanese knotweed.

The results of this assessment will remain valid for 12 months i.e. until October 2020.

4 Results and Evaluation

The following section presents the results, evaluation and discussion of the designated sites, habitats and protected / notable species, which may be impacted by the proposed development.

4.1 Designated Sites

4.1.1 Statutory Sites

Statutory sites designated for nature conservation within the vicinity of the site are provided in Table 4.1. SSSIs are of national importance and Local Nature Reserves (LNR) are of local importance. No internationally designated sites are located within 2km of the site.

There are no habitats or species within the site that serve as qualifying features of the nearby statutory sites. The application site is ecologically linked to Beacon Hill LNR due to a narrow corridor of woodland that extends south to join with the LNR (OS, 2019).

Table 4.1: Statutory designated sites of national and local importance within 1km of the application site.

Site Name	Distance & Direction from Site	Area (ha)	Reasons for Designation
Beacon Hill LNR	330m S	18.55	Chalk grassland, supporting a range of plants and butterflies. Plants include round headed rampion (Pride of Sussex) and orchids. Birds include skylark.
Brighton to Newhaven Cliffs SSSI	960m S	167.5	Although the main interest of the site is geological some rare and uncommon plants grow both on the cliff face and in the narrow strip of cliff-top chalk grassland. The cliffs support a locally important colony of breeding seabirds and a diverse community of beetles.

4.1.2 Non-Statutory Sites

Non-statutory sites designated for nature conservation that are located within 1km of the application site are provided in Table 4.2. LWSs are of local importance.

There does not appear to be any direct public path but there is woodland connectivity between Wanderdown Road Open Space LWS and the site (OS, 2019).

Table 4.2: Non-statutory sites within 2km of the application site.

Site Name	Distance & Direction from Site	Area (ha)	Reasons for Designation
Ovingdean School Grounds LWS	125m W	5.8	Woodland, scrub and rough grassland, with a stand of mature elm and a specially protected species.
Wanderdown Road Open Space LWS	200m N	2.6	Chalk grassland and chalk scrub with yellow rattle, round-headed rampion, autumn gentian, kidney vetch and marbled white butterfly.
St. Wulfran's Woods LWS	620m W	0.4	Broad leaved woodland with little owl and great-spotted woodpecker present.
Cowley Drive Paddocks LWS	610m N	13.0	Species-rich chalk grassland with strawberry clover, kidney vetch, yellow rattle and nationally rare red star thistle.

Site Name	Distance & Direction from Site	Area (ha)	Reasons for Designation
Ovingdean Road Horse Paddocks LWS	620m N	2.2	Nationally rare red star thistle is present.
Cattle Hill LWS	670m W	6.8	Chalk grassland with round-headed rampion, carline thistle, devil's bit scabious and a specially protected species.
Abinger Road Open Space LWS	880m N	3.1	Woodland, rough grassland and hedgerow and a specially protected species.

4.2 Habitats

The habitats below were recorded within the site during the survey. Consultation with the MAGIC database indicates that the onsite habitat is classed as deciduous woodland priority habitat, though with a low level of confidence. SxBRC also indicated the site as comprising NERC s41 priority habitat deciduous woodland. However during the survey, the majority of the site did not conform to woodland habitat and moreover the mature trees on site are almost exclusively sycamore, which is not a canopy species specifically cited under the priority habitat description. Protected plant species red star thistle *Centaurea calcitrapa* and meadow clary *Salvia pratensis* were returned by SxBRC as being present within 1km of the site, but were not found on site, nor are the habitats onsite suitable to support them. Habitat types are described below and shown on the Phase I Habitat Map (Appendix 2).

- Semi-natural Broadleaved woodland
- Dense/ continuous scrub
- Scattered scrub
- Parkland/ scattered trees

4.2.1 Semi-natural Broadleaved Woodland

This habitat forms a strip approximately 10-15m wide along the eastern boundary of the site (Photo 4.1), with a small area also present in the north of the site, separated by dense scrub. The mature trees are represented almost exclusively by sycamore *Acer pseudoplatanus*, with very occasional Norway maple *Acer platanoides* and less mature examples of horse chestnut *Aesculus hippocastanum* and elder *Sambucus nigra*. The majority of the trees have dense ivy *Hedera helix* cladding, with hedge bindweed *Calystegia sepium* present also. The canopy cover is not continuous with an understorey of bramble *Rubus fruticosus* and nettles *Urtica dioica* along with tree saplings occupying spaces in between mature trees.

An area of log piles has been created running north to south within this habitat (Photo 4.2; Appendix 2, Target Note 1).

The woodland corridor appears to extend both north and south forming an overall length of 3-4km, although potentially gappy in places. The broadleaved woodland forms a narrow corridor of habitat that extends north and south from the site and is therefore of local importance.

Photo 4.1: Broadleaved woodland on site



Photo 4.2: Log piles within broadleaved woodland on site



4.2.2 Dense/ Continuous Scrub

The majority of the site is occupied by dense scrub on a slope which rises from east to west at a moderately steep angle. The majority of the scrub has been cleared as part of a regular cutting regime (**Photo 4.3**). Toward the north of the site, dense scrub has not been cut recently (**Photo 4.4**). Species present include bramble, common nettle, ivy, ground ivy *Glechoma hederacea*, herb Robert *Geranium robertianum*, lords and ladies *Arum maculatum*, Wilson's honeysuckle *Lonicera nitida*, hogweed *Heracleum sphondylium*, cleavers *Galium aparine*, great willowherb *Epilobium hirsutum*, pendulous sedge *Carex pendula*, creeping thistle *Cirsium arvense*, buddleia *Buddleja davidii*, hop *Humulus lupulus*, travellers joy *Clematis vitalba*, hemp agrimony *Eupatorium cannabinum*, immature ash *Fraxinus*

exelsior, hawthorn *Crataegus monogyna*, greater celandine *Chelidonium majus*, flowering nutmeg *Leycesteria formosa*, immature beech *Fagus sylvatica*, common ragwort *Senecio jacobaea*, dogwood *Cornus sanguinea* and Yorkshire fog *Holcus lanatus*.

Some standing dead wood is present.

In the north-west of the site is a World War II air raid shelter (**Photo 4.5; Appendix 2, Target Note 2**). This has a disused entrance on the eastern side measuring approximately 1m x 0.5m. There is evidence of brick construction, but in general the feature has been overgrown by vegetation.

The dense scrub connects within the woodland strip to the east but not to further areas of similar habitat. In itself it provides a habitat that is of value to species of fauna such as common breeding birds. However, the site is subject to regular scrub clearance the habitat is therefore considered to be of **site importance** only.

Photo 4.3 Recently cleared scrub on site, facing north



Photo 4.4: Uncut scrub habitat on site, facing north



Photo 4.5 World War II air raid shelter in north-west of site



4.2.3 Scattered Scrub

In the south of the site the scrub grades into an area that has a higher proportion of grassland and ruderal species (**Photo 4.6**), which is also subject to regular clearance. In addition to scrub species listed in **Section 4.2.2**, species present include false brome *Brachypodium sylvaticum*, bearded couch *Elymus caninus*, cocksfoot *Dactylis glomerata*, wood avens *Geum urbanum*, lady's bedstraw *Galium verum* and creeping buttercup *Ranunculus repens*. The habitat is subject to regular scrub clearance and is small in area but is connected to managed areas of dense scrub and to broadleaved woodland. The habitat is considered to be of **site importance**.

Photo 4.6 Scattered scrub in the south of the site, facing north



4.2.4 Parkland/ Scattered Trees

Scattered individual mature sycamore trees are present through the scrub habitats on site. Along the southern boundary is a line of trees and shrubs that separates the site from the neighbouring property, and which extends upslope from the woodland strip in the east. Species present are sycamore and

introduced shrubs including garden privet *Ligustrum ovalifolium*. The habitat lacks native species diversity and is considered to be of **site importance**.

4.3 Protected and Notable Species

Records of protected / notable species for the last ten years have been considered within the assessment below. Older records have been considered where appropriate. None of the records pertain to the site, and MAGIC did not return any records of granted EPSM licences from within 1km.

4.3.1 Invertebrates

SxBRC returned records of 43 protected or notable moth species and 8 butterfly species within 1km of the site. The majority of the butterfly species were associated with nearby Beacon Hill LNR, 330m to the south of the site, associated with chalk downland habitats. The moth species were almost all recorded at a residential address in Ovingdean, approximately 400m south-west of the site, which may indicate species attracted to a light trap.

The scrub and woodland habitats on site are unlikely to support most of these rare or notable species. Limited nectaring opportunities are available, and the deadwood noted within the broadleaved woodland has not sufficiently decayed to support stag beetle *Lucanus cervus* larvae or other saproxylic species. The site therefore holds **negligible** potential for rare / notable invertebrates.

4.3.2 Amphibians

SxBRC returned no records of great crested newt and no recent records of common toad. There are no water bodies within the site or within 250m (OS, 2019).

The site contains a World War II air raid shelter (**Photo 4.5; Appendix 2, Target Note 2**), but this is generally well sealed and overgrown with vegetation and thus has negligible hibernation potential. The prevalent dense scrub does not provide optimal habitat for amphibian species.

The site therefore holds **negligible** potential for great crested newts and other amphibians.

4.3.3 Reptiles

SxBRC returned six records of common lizard *Zootoca vivipara* and seven of slow-worm *Anguis fragilis* (closest records 500m north of the site as recently as 2017). The dense scrub habitat that forms the majority of the habitat on site has suitability for reptile species once cut back, but at other times will likely be too dense to support reptiles. Together with the woodland areas this would lack the required mosaic of habitats including open areas for foraging and bare ground or clear areas for basking. However, there is less dense scrub in the south of the site, which links to garden, grassland and orchard habitats offsite to the south and reptiles could move onto the site at times when the habitat is suitable (i.e. when the scrub has been cleared).

The site contains a World War II air raid shelter (**Photo 4.5; Appendix 2, Target Note 2**), but this is generally well sealed and overgrown with vegetation and thus has negligible hibernation potential. The log piles in the woodland habitat on site have suitability for hibernating reptiles.

Overall the site therefore holds **moderate** potential for reptiles.

4.3.4 Birds

SxBRC returned records of many bird species listed as Annex I (Birds Directive) and / or Schedule 1 (WCA). The records also included Red-listed and Amber-listed species of Birds of Conservation Concern (BoCC) (Eaton *et al.*, 2015).

The following birds were recorded during the survey: wren *Troglodytes troglodytes*, robin *Erithacus rubecula*, woodpigeon *Columba palumbus*, blackbird *Turdus merula*, goldcrest *Regulus regulus*, magpie *Pica pica*, chaffinch *Fringilla coelebs*, blue tit *Cyanistes caeruleus*, dunnoek *Prunella modularis*, carrion crow *Corvus corone*, and great tit *Parus major*.

Bird interest (nesting / foraging) is likely to be confined to the dense scrub, scattered trees and woodland. The site therefore holds **high** potential for widespread species of nesting bird. The only bird of conservation concern noted on site was the Amber-listed dunnoek. Other species of conservation concern returned by the desk study and which could potentially breed on site include song thrush *Turdus philomelos*. The site overall is, however, considered to hold **negligible** potential for Annex 1 or WCA Schedule 1 bird species to be breeding. The small nature of the site, and lack of connectivity to open areas of fields or water, mean that the site has **negligible** potential for notable wintering bird species and assemblages.

4.3.5 Badgers

Badgers and their setts are legally protected (see **Appendix 1**). Records of badger are not released by SxBRC as local badger groups have requested that badger records remain confidential.

4.3.6 Bats

SxBRC returned four records for one bat species: common pipistrelle *Pipistrellus pipistrellus*. The most recent record was of an individual predated by a domestic cat in 2016.

4.3.6.1 Roosting (Trees)

Mature trees with at least **low** suitability for roosting bats during the active and/or hibernation season were recorded throughout the site as the majority of mature sycamore trees present have dense ivy cover. A detailed ground level tree assessment was not undertaken as not all trees were accessible due to dense scrub.

4.3.6.2 Roosting (Other Features)

The World War II air raid shelter present on site (**Photo 4.5; Appendix 2, Target Note 2**) is accessible to bats and could provide suitable conditions for hibernation. Due to health and safety reasons the World War II air raid shelter was not accessed during the Phase 1 survey to search for evidence of roosting bats. At present the feature is assessed as offering **moderate suitability** for hibernating bats.

4.3.6.3 Foraging and Commuting

Suitable habitat for foraging and commuting bats was recorded within the site. Habitats include the woodland corridor which connects to similar habitats within the wider area. The site is therefore of **moderate** suitability for foraging and commuting bats.

4.3.7 Hazel Dormice

SxBRC did not return any records for dormice. The site is located within the dormouse natural range and the dense scrub and woodland on the site contain suitable food plants such as bramble. Although the narrow woodland corridor on site extends north and south over 3-4km, it does not connect at any

point to larger areas of woodland. However, depending on the extent of habitat covered by the whole woodland corridor, the availability of foraging and nesting opportunities, distance and extent of gaps in this corridor, and protection from predators, including domestic cats from nearby properties, the woodland corridor may have potential to support a viable dormouse population. The site is therefore considered to hold **low** potential for dormice.

4.3.8 Hedgehogs and Other Section 41 Priority / Rare Species

SxBRC returned five records of hedgehog *Erinaceus europaeus*, the most recent from 2016, and the closest approximately 400m south-west of the site. Some areas of habitat have **high** potential for hedgehogs, including the margins of the dense scrub and log piles for shelter. Suitable habitat is present in adjacent gardens.

4.3.9 Invasive Plants

No invasive plant species listed under Schedule 9 of the WCA were noted on site during the survey.

5 Further Surveys, Avoidance, Mitigation and Enhancement Recommendations

This section discusses recommendations for further surveys, mitigation, and possible enhancements in line with relevant wildlife legislation and planning policy (see **Appendix 1**).

At present, no development proposals exist for the site, but the site is currently proposed as a LWS by BHCC.

5.1 Further Surveys / Assessments

5.1.1 Bat Roosts: Structures

For any proposed works that could result in loss of or disturbance to the World War II air raid shelter on site, hibernation surveys would be recommended to include a minimum of two manual searches for hibernating bats by a suitably licensed ecologist, one in mid-January and one in mid-February. These manual searches for bats should be supplemented with automated / static detector surveys for winter activity within for a minimum of two weeks in each month from December to February.

5.1.2 Bat Roosts: Trees

Retention of the mature trees on site is recommended. A ground level tree assessment of any trees that would be removed would be required if any are scheduled for removal in order to determine fully their bat roost suitability. Follow-up emergence / re-entry surveys (possible May – August / September) would be required for any trees with higher than 'low' suitability for roosting bats that are to be impacted. Surveys of low suitability trees would be considered on a case by case basis.

5.1.3 Bats: Foraging and Commuting

The site is considered to hold moderate suitability for foraging and commuting bats. Therefore, prior to any proposals that would result in potential loss, fragmentation or disturbance of the woodland corridor in the east of the site a bat activity survey comprising twice-monthly walked transects and automated recording techniques between April and October is recommended. This type of survey would aim to identify bat species, numbers and habitat usage within the site in line with current guidance (Collins, 2016).

5.1.4 Reptiles

The site is considered to hold moderate suitability for reptiles. For any works that would result in permanent loss of areas of scrub habitat on site, a reptile presence / likely absence survey is recommended in line with current guidance (Froglife, 1999). This involves placing artificial cover objects in suitable habitat and checking them, and other suitable habitat features, for reptiles on seven occasions between mid-March and the end of September in suitable weather conditions.

If reptiles are found to be using parts of the site, further survey visits may be required to estimate the population size and inform the design of mitigation and avoidance measures. Mitigation would be likely to involve incorporating improved reptile habitat within the site or translocating reptiles to a suitable off-site receptor area, usually requiring habitat enhancement measures to be incorporated prior to translocation commencing.

5.2 Mitigation

5.2.1 Birds

Clearance of scrub and woodland habitats should take place between September and February (inclusive) to avoid the breeding bird season.

5.2.2 Hazel Dormouse

Clearance of scrub and woodland habitats should take place between late September and February (inclusive) to avoid the peak dormouse breeding season.

5.2.3 Hedgehog

Log piles created within the broadleaved woodland on site should be retained.

5.2.4 General Site Measures

Use these precautionary measures to avoid / reduce impacts to wildlife:

- For any scrub clearance undertaken during September-October (outside of the breeding bird season, but during the active season for reptiles), directionally clear scrub habitats on site down to 10cm from a north-west to south-east direction in warm weather to allow any reptiles to disperse toward areas of suitable habitat. This reduces the risk of killing / injury of any animals during works.

5.3 Enhancements

The recommendations below are designed to enhance the value of the site for wildlife, as encouraged through the National Planning Policy Framework (2019), and to help achieve meaningful biodiversity net gain in the context of both national and local biodiversity priorities and targets:

- 1) Retain the broadleaved woodland corridor on site and explore options for planting or encouraging colonisation by native trees and shrub species to bolster the continuity of the canopy cover and connectivity of a shrub layer. Locally sourced, native fruit and berry bearing species such as hazel *Corylus avellana*, apple *Malus* spp., hawthorn, blackthorn *Prunus spinosa*, guelder rose *Viburnum opulus*, and spindle *Euonymus europaeus* would be suitable shrub layer species, whilst oak *Quercus robur*, field maple *Acer campestre* and yew *Taxus baccata* would be examples of appropriate tree species. Refer to **Appendix 3** for further suitable species.
- 2) Install Schwegler 1B General Bird Boxes onto retained suitably mature trees at least 3m above the ground, avoiding direct sunlight (not directly south-facing) and prevailing wind.
- 3) Install Schwegler IFF and/or 2F Bat Boxes onto retained suitably mature trees. Install the bat boxes at least 5m above the ground and face in a southerly direction, so that they receive sun for part of the day. Place boxes clear of any obstructions to allow access for bats (e.g. overhanging branches).
- 4) Leave fallen deadwood in situ in order to further enhance the opportunity for invertebrates and hibernation sites for hedgehogs.
- 5) Provide a hedgehog house within a sheltered location e.g. at the base of retained trees.
- 6) Create and maintain a swathe of infrequently cut scrub along the western edge of the woodland corridor to provide a buffer of relatively undisturbed habitat for small mammals, invertebrates, and birds.

-
- 7) Remove non-native species such as Wilson's honeysuckle, buddleia and flowering nutmeg and replace with native species that will attract pollinating insects, for example honeysuckle *Lonicera periclymenum*, wild privet *Ligustrum vulgare* and lilac *Syringa vulgaris*.

6 Conclusion

The site can be managed with minimal negative impact to habitats and protected / notable species if the mitigation measures outlined within **Section 5**, are implemented.

There is also the opportunity to enhance the site for local wildlife in the long-term by implementing the enhancement measures.

At present no further surveys are required, but should any site activities necessitate surveys for species as outlined within **Section 5**, these should be undertaken and any measures arising from the outcomes should be incorporated.

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Appendix 1 Legislation & Planning Policy

Legislation

Conservation of Habitat and Species Regulations (CHSR)

The *CHSR 2017* transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time).

Wildlife & Countryside Act (WCA)

The *WCA 1981*, as amended by the *Countryside and Rights of Way Act (CROW) 2000* and the *Natural Environment and Rural Communities Act (NERC) 2006*, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.

Sites of Special Scientific Interest (SSSI) are designated under this Act.

Special Protection Areas (SPA) are strictly protected sites, designated under the Birds Directive, for rare and vulnerable birds and for regularly occurring migratory species.

Natural Environment & Rural Communities (NERC) Act

The *NERC Act 2006* amends the *CROW Act*, by further extending the requirement to have regard for biodiversity to all public authorities, which includes local authorities and local planning authorities and requires that the Secretary of State consults Natural England (NE) in the publication of the list of living organisms and habitat types deemed to be of principal importance in conserving biodiversity.

Relevant Protected Species Legislation

Species	Relevant Legislation	Level of Protection
Reptiles (adder, grass snake, common lizard & slow-worm)	Partially protected under <i>Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended)</i> .	It is an offence to: - intentionally kill or injure these animals. - sell, offer for sale, advertise for sale, possess or transport for the purposes of selling any live or dead animals or part of these animals.
Birds	Protection under the <i>Wildlife and Countryside Act, 1981 (as amended)</i> .	It is an offence to: - intentionally kill, injure or take any wild bird. - intentionally take, damage or destroy nests in use or being built (including ground nesting birds). - intentionally take, damage or destroy eggs. - Species listed on Schedule 1 of the WCA or their dependant young are afforded additional protection from disturbance whilst they are at their nests.
Badger	<i>Protection of Badgers Act, 1992.</i>	It is an offence to: - wilfully kill, injure, take, possess, or cruelly ill-treat a badger, or to attempt to do so. - intentionally or recklessly interfere with a sett.
Bats	European protected species under the <i>Conservation of Habitats and Species Regulations 2017</i> . Full protection under <i>Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended)</i> . Protected by the <i>Wild Mammals (Protection) Act 1996</i> .	It is an offence to: - intentionally kill, injure, or take any species of bat. - intentionally or recklessly disturb bats. - intentionally or recklessly damage destroy or obstruct access to bat roosts.
Hazel Dormouse	European protected species under the <i>Conservation of Habitats and Species Regulations 2017</i> . Full protection under <i>Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended)</i> .	It is an offence to: - deliberately capture, injure or kill hazel dormice. - damage or destroy a dormouse resting place or breeding site. - deliberately or recklessly disturb a hazel dormouse while it's in a structure or place of shelter or protection. - block access to structures or places of shelter or protection. - possess, sell, control or transport live or dead hazel dormice, or parts of hazel dormice.

Species	Relevant Legislation	Level of Protection
Wild Mammals	The <i>Wild Mammals (Protection) Act 1996</i> .	This makes it an offence to: crush or asphyxiate any wild mammal with intent to inflict unnecessary suffering. This may apply during site clearance for development, particularly where burrowing animals such as foxes and rabbits are present, since such animals could be crushed or asphyxiated in their burrows by heavy machinery.

National Planning Policy

National Planning Policy Framework (NPPF)

The NPPF sets out current government policy on biodiversity and nature conservation and places a duty on planners to make material consideration to the effect of a development on legally protected species when considering planning application (MHCLG, 2019). The NPPF also promotes sustainable development by ensuring that developments take account of the role and value of biodiversity and that it is conserved and enhanced within a development, following the principles of the mitigation hierarchy. The goals set out within the NPPF are for developments to minimise impacts on and provide net gains for biodiversity, including at the catchment or landscape scale.

The NPPF works in conjunction with Government Circular *06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System.'*

Regional and Local Planning Policy and Guidance

Local Structure Plans

County, District and Local Councils have Structure Plans and other policy documents that include targets and policies which aim to maintain and enhance biodiversity. These are used by Planning Authorities to inform planning decisions.

Biodiversity Action Plans

The UK Biodiversity Action Plan (UKBAP) was organised to fulfil the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. A 'UK Post-2010 Biodiversity Framework' was published in July 2012, and succeeded the UKBAP. Much of the work for the UK BAP is now focussed at a country level due to devolution and the creation of country-level biodiversity strategies.

The UKBAP lists of priority species and habitats are still valuable reference sources. Notably, they have been used to help draw up statutory lists of priority species and habitats as required under Section 41 of the NERC Act (2006).

UK Post-2010 Biodiversity Framework

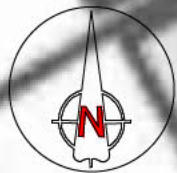
The UK Post-2010 Biodiversity Framework (2012) was produced in response to a change in strategic thinking following the publication of the Convention of Biological Diversity's Strategic Plan for Biodiversity 2011–2020. The Strategic Plan consists of 20 new biodiversity targets for 2020, termed the 'Aichi biodiversity targets' and the launch of the new EU Biodiversity Strategy in May 2011.

The framework sets a structure for action across the UK between now and 2020, including a shared vision and priorities for UK-scale activities to help deliver the Aichi targets and the EU Biodiversity Strategy. A major commitment by Parties to the Convention of Biological Diversity is to produce a National Biodiversity Strategy and/or Action Plan (NBSAP).

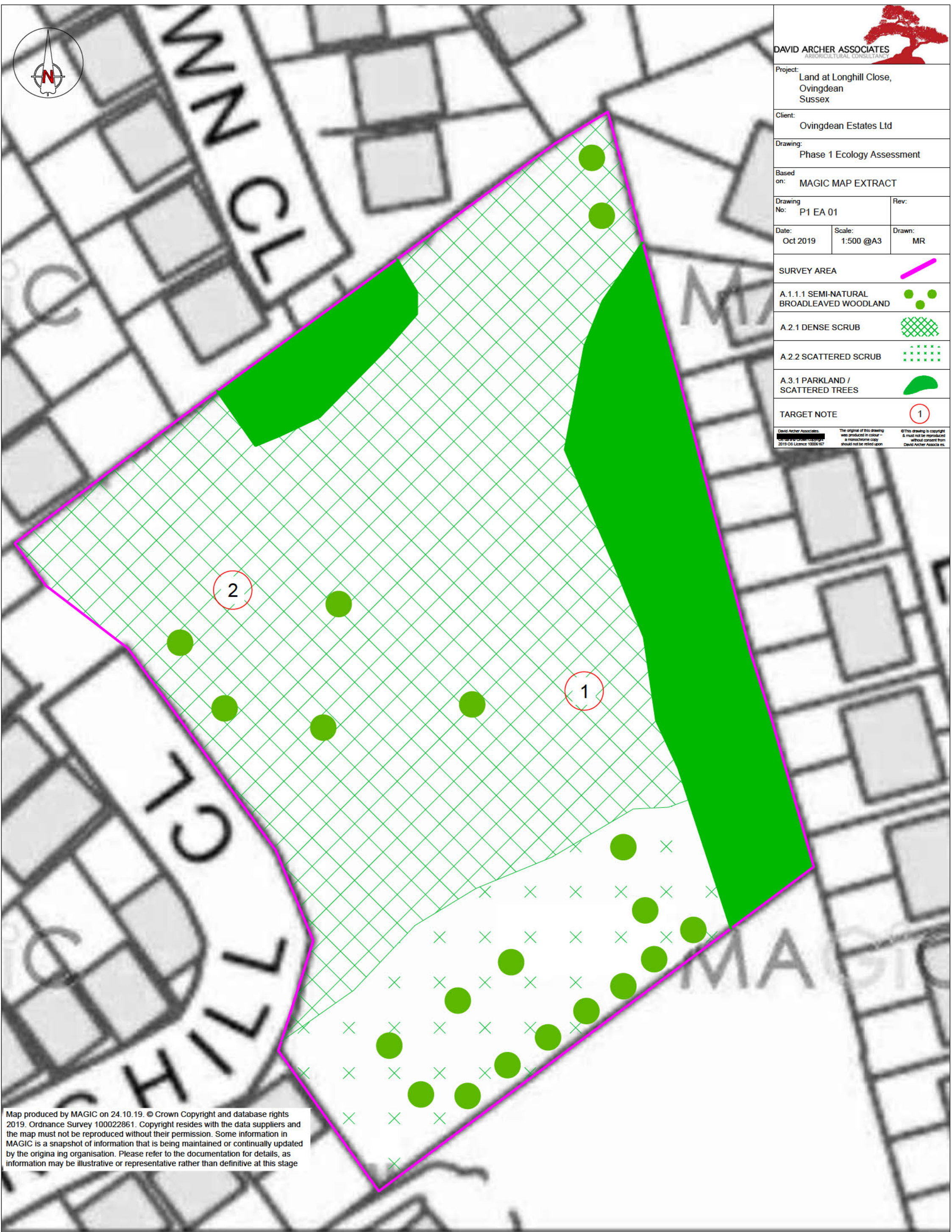
Natural England Standing Advice

Natural England has adopted national standing advice for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It replaces some of the individual comments that Natural England has provided in the past to local authorities.

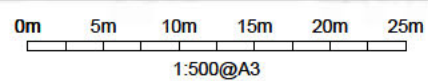
Appendix 2 Phase I Habitat Map



DAVID ARCHER ASSOCIATES ARBORICULTURAL CONSULTANCY 		
Project: Land at Longhill Close, Ovingdean Sussex		
Client: Ovingdean Estates Ltd		
Drawing: Phase 1 Ecology Assessment		
Based on: MAGIC MAP EXTRACT		
Drawing No: P1 EA 01	Rev:	
Date: Oct 2019	Scale: 1:500 @A3	Drawn: MR
SURVEY AREA 		
A.1.1.1 SEMI-NATURAL BROADLEAVED WOODLAND 		
A.2.1 DENSE SCRUB 		
A.2.2 SCATTERED SCRUB 		
A.3.1 PARKLAND / SCATTERED TREES 		
TARGET NOTE 		
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Appendix 3 Wildlife Friendly Planting

Table A3.1: Native and wildlife-friendly shrubs (Natural England, 2008).

Common Name	Scientific Name
Hazel	<i>Corylus avellana</i>
Elder	<i>Sambucus nigra</i>
Goat willow	<i>Salix caprea</i>
Hawthorn	<i>Crataegus monogyna</i>
Dog rose	<i>Rosa canina</i>
Guelder rose	<i>Viburnum opulus</i>
Gorse	<i>Ulex europaeus</i>
Broom	<i>Cytisus scoparius</i>
Wayfaring tree	<i>Viburnum lantana</i>
Shrubby cinquefoil	<i>Potentilla fruticosa</i>
Raspberry	<i>Rubus idaeus</i>
Alder buckthorn	<i>Frangula alnus</i>
Wild privet	<i>Ligustrum vulgare</i>
Barberry	<i>Berberis × stenophylla</i>
Barberry	<i>Berberis vulgaris</i>
Bell heather	<i>Erica cinerea</i>
Bilberry	<i>Vaccinium myrtillus</i>
Black currant	<i>Ribes nigrum</i>
Blackthorn	<i>Prunus spinosa</i>
Buckthorn	<i>Rhamnus catharticus</i>
Butcher's-broom	<i>Ruscus aculeatus</i>
Cowberry	<i>Vaccinium vitis-idaea</i>
Cross-leaved heath	<i>Erica tetralix</i>
New Zealand holly	<i>Olearia macrodonta</i>
Daphne	<i>Daphne odora</i>
Dogwood	<i>Cornus sanguinea</i>
Field rose	<i>Rosa arvensis</i>
Firethorn	<i>Pyracanthus angustifolia</i>
Flowering Currant	<i>Ribes sanguineum</i>
Gooseberry	<i>Ribes uva-crispa</i>
Hebe 'Midsummer Beauty'	<i>Hebe</i> sp.
Himalayan honeysuckle	<i>Leycesteria formosa</i>
Holly	<i>Ilex aquifolium</i>
Japanese quince	<i>Chaenomeles japonica</i>
Lilac	<i>Syringa vulgaris</i>
Mexican orange	<i>Choisya ternata</i>
Mezereum	<i>Daphne mezereum</i>
Midland hawthorn	<i>Crataegus laevigata</i>
Oregon grape	<i>Mahonia aquifolium</i>
Osier	<i>Salix viminalis</i>
Portugal laurel	<i>Prunus lusitanica</i>
Privet	<i>Ligustrum ovalifolium</i>
Purple willow	<i>Salix purpurea</i>

Common Name	Scientific Name
Snowy mespilus	<i>Amelanchier canadensis</i> , <i>Amelanchier lamarckii</i>
Spindle	<i>Euonymus europaeus</i>
Spurge laurel	<i>Daphne laureola</i>
Sweet briar	<i>Rosa rubiginosa</i>
Wild privet	<i>Ligustrum vulgare</i>

Table A3.2: Native and wildlife-friendly trees (Natural England, 2008).

Common Name	Scientific Name
Pedunculate oak	<i>Quercus robur</i>
Ash	<i>Fraxinus excelsior</i>
Wych elm	<i>Ulmus glabra</i>
Whitebeam	<i>Sorbus aria</i> agg.
Rowan	<i>Sorbus aucuparia</i>
Aspen	<i>Populus tremula</i>
Apple	<i>Malus domestica</i>
Bird cherry	<i>Prunus padus</i>
Common alder	<i>Alnus glutinosa</i>
Crab apple	<i>Malus sylvestris</i>
Crack willow	<i>Salix fragilis</i>
Downy birch	<i>Betula pubescens</i>
Field maple	<i>Acer campestre</i>
Hornbeam	<i>Carpinus betulus</i>
Juniper	<i>Juniperus communis</i>
Large-leaved lime	<i>Tilia platyphyllos</i>
Small-leaved lime	<i>Tilia cordata</i>
Pear	<i>Pyrus communis</i>
Scots pine	<i>Pinus sylvestris</i>
Sessile oak	<i>Quercus petraea</i>
Silver birch	<i>Betula pendula</i>
Sweet chestnut	<i>Castanea sativa</i>
Wild cherry	<i>Prunus avium</i>
Wild service-tree	<i>Sorbus torminalis</i>
Yew	<i>Taxus baccata</i>

part of the formal consultation process will be made available to view in due course on the council's website.

The council will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS) who will undertake the examination of the City Plan on behalf of the government. 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

[PINS Privacy Statement \(June 2019\)](#)

(Required) I have read the PINS privacy statement above	Y
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Yours sincerely,

Planning Policy Team
Brighton & Hove City Council

If you would like the Policy, Projects and Heritage team at Brighton & Hove City Council to continue to occasionally contact you with news of their documents and consultations then please fill in your details [here](#).

[Redacted signature block]

Subject: City Plan Part 2 - Consultation

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sir/Madam,

I write concerning the current consultation on the City Plan Part 2, the comments in this email are in specific reference to Policy DM4 'Housing and Accommodation for Older Persons'.

I attach a copy of our Local Plan representation document which goes into detail recommending the incorporation of points to feed into the Brighton & Hove City Council City Plan Part 2.

Who are Inspired Villages

Inspired Villages is a developer and operator of retirement communities in the UK. We are majority owned and fully funded by Legal & General. We currently have six operating villages, with a further 14 sites legally secured with a number of those under construction, consented or

in planning/pre-planning. Our business plan is to have 60 operational villages within the next ten years providing purpose built housing for 12,000 residents.

A retirement community falls under the extra care model and our developments are within the C2 use class. Inspired Villages is a member of Associated Retirement Communities Operators (ARCO) and we encourage Brighton and Hove City Council to engage with ARCO to assist with your understanding of the Retirement Community Sector, and would recommend you view their website:- <https://www.arcouk.org/what-retirement-community>

Recent consents we have secured / or resolution to approve include:-

- Land at Chandlers Ford in Test Valley Borough Council – LPA accepted development as Use Class C2 (construction starts in 2021)
- Land at Leeds village in Maidstone Borough Council – LPA accepted development as Use Class C2 (under construction)
- Land at Turvey Station in Bedfordshire Borough Council – LPA accepted development as Use Class C2 (under construction)
- Land at Caddington in Central Bedfordshire Council – LPA accepted development as Use Class C2 (construction starts in 2021)
- Land at Kingswood in Reigate & Banstead Borough Council – LPA accepted development as Use Class C2 (construction starts in 2021)
- Land at Frant in Wealden District Council – LPA accepted development as Use Class C2 (construction starts in 2021)

City Plan Part 2

Policy DM4 'Housing and Accommodation for Older Persons' seeks to ensure a sufficient supply and range of housing and accommodation suitable for older people. It is positive that Brighton and Hove City Council have acknowledged, at Paragraph 2.28, the benefits that specialist housing for older people can bring to individuals and their families, as well as to the NHS and wider housing market through releasing family accommodation. This reflects Recommendation Seven in the attached document, which highlights the significant benefits associated with specialist housing for older people including a reduced demand upon health and social care, employment generation and lower traffic generation than traditional residential developments.

Further, Recommendation 2 in the attached document advises that a robust evidence base is used to identify the housing requirements of specialist housing for older persons. The Housing Needs Assessment undertaken by Housing LIN, identifies a future demand for private sector retirement housing at 649 units to 2030 at Paragraph 2.29 of the CPP2. Demographic projections indicate there will be 68,100 people aged 60 and over living in the City by 2030, therefore the cumulative target for private sector retirement housing reflects less than 1% of this anticipated population group. We would advise these targets are adjusted to reflect a proportionate approach with respect to demographic projections and housing need.

Finally, Paragraph 2.36 identifies Use Classes for planning purposes of different types. Here, the CPP2 states that age restricted housing will fall under Use Class C3, with just nursing homes to be included solely within Use Class C2. We write to request that Brighton and Hove City Council fully understands that a Retirement Community (extra care) falls squarely within the C2 Use Class. A retirement community differs from a C3 Use dwelling house, for example, a typical

Inspired Villages retirement community provides approximately 25% of its floorspace as non-saleable space comprising the communal and care facilities available to its residents. Please refer to paragraph 2.14 of the attached document for full justification of the above determination.

We request that you review the eight recommendations in the attached document and request that Policy DM4 is updated to reflect the recommendations within.

Please do not hesitate to contact me should you have any questions regarding the above or attached.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

www.inspiredvillages.co.uk



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Registered in England and Wales No: 10876791. [REDACTED]

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Inspired Villages

Representation by Inspired Villages for a Local Plan that will support the practical delivery of much-needed specialist accommodation to meet the needs of an ageing population

Inspired
Villages

The *best* years of your life?

Introduction

1.1 There is a significant existing shortage of suitable accommodation to meet the needs of the ageing population in the UK and the planning system must take positive measures to address this. The National Planning Policy Guidance (NPPG) identified that in mid 2016 there were 1.6m over 85s and this will double to 3.2m by 2041.¹ The majority of the ageing population are able to, and want to, live independently for as long as possible, and will not require intensive care home accommodation until much later in life, if at all. However, in this period older people will reconsider whether their home is most suitable for their current needs and are more likely to require increasing assistance with day to day tasks and managing their health. Accordingly, there is a need for a variety of types of specialist accommodation for older people, to meet the varying needs of individuals.

1.2 What is not so clear is how these different types of development should be classified, **and delivered**, by the planning system. There is no consistent approach to local plan policies looking to tackle this issue. Some Local Plans might support the principle of the delivery of specialist accommodation for older people, but do not necessarily deal with delivery in a practical sense. An update to research carried out by Irwin Mitchell (October 2019), identified that *“45% of Councils still have neither a clear elderly accommodation policy nor site allocations for their ageing populations.”* For example, South Gloucestershire Council’s Core Strategy (adopted December 2013) Policy CS20 supports the provision of extra care accommodation which *“should be located so they are accessible to local*

facilities, proportionate in scale to the locality and provide ancillary facilities as part of the development.” However, for retirement village operators searching for suitable accessible sites there will normally be competition with residential developers for allocated sites or, if not allocated, then usually this would be outside the settlement boundary and thereby there may be some degree of conflict with other development plan policies.

1.3 There has been an inconsistent approach to plan making and decision taking at a local level across the country, which inevitably causes uncertainty for developers and operators within the sector, which results in delay to delivery and reduces investor confidence. The lack of specific local plan policies and misinterpretation of the Use Classes Order in particular.

1.4 Inspired Villages (IV) representation provides a developer/operator’s perspective, to provide industry insight at an early stage in your plan making process, which can be used to develop planning policies that are better placed to support delivery and in compliance with the objectives of the National Planning Policy Framework (NPPF) and the NPPG. Details of who IV are and our model are set out in the accompanying 21st Century Care document. At the end of this representation are recommendations for the local planning authority to consider and to incorporate within their emerging local plan to ensure the delivery of much needed older people’s housing.

“There has been an inconsistent approach to plan-making and decision taking at a local level across the country.”

¹ NPPG Paragraph: 001 Reference ID: 63 001 20190626

Definitions of older people's housing and care

2.1 Since the late 1970s, accommodation for older people was generally limited to three options: remaining in the family home; moving into sheltered housing; or moving into a care home.² A large volume of sheltered housing was developed in the 1980s to 2000s, predominantly by McCarthy & Stone and registered providers of social housing. This stock forms the bulk of provision in the UK. In recent years there has been a considerable reduction in the availability of funding with spending falling in real terms,³ and local authorities seek alternative, more cost effective means of providing care and accommodation for those who would otherwise be funded to move into residential care.

2.2 Furthermore, those who would otherwise fund their own care in a care home now seek alternative options to retain their independence for as long as possible. The opportunity to retain a level of equity from an existing home by moving at an earlier stage to specifically designed housing for older people from properties that are often larger and difficult to maintain, and where increasing levels of care can be bought in as required, can serve to delay or prevent a move into a care home.⁴

2.3 The Government's 'Housing for Older and Disabled Guidance (2019)⁵' set out four types of specialist housing to meet the diverse needs of older people and we also provide additional points from the Associated Retirement Community Operators (ARCO),⁶ the main body representing the retirement community sector in the UK, (in italics, below), with regards the size of schemes:

- **Age-restricted general market housing:** Usually for people aged 55 and over. May include some shared amenities such as communal gardens but does not include support or care services.
- **Retirement living or sheltered housing:** Usually consists of purpose built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. Does not generally provide care services but

provides some support to enable residents to live independently (may include 24 hour on site assistance and a warden or house manager). The housing provided is available on a variety of tenures: shared ownership, long leasehold and rent (social and private). *Typically, 40 60 units.*

- **Extra care housing or housing-with-care (assisted living or independent living):** Usually consists of purpose built or adapted flats or bungalows with a medium to high level of care available, if required, through a registered on site care agency. Residents can live independently with 24 hour access to support services and staff, and meals are also available. Often there are extensive communal areas, spaces to socialise or a well being centre. In some cases, these developments are known as retirement villages or retirement communities with the intention for residents to benefit from varying levels of care as time progresses. *Typically, 60 250 units.*

- **Residential care homes and nursing homes:** Provide individual rooms (usually with en suite) within a residential building, together with a high level of care (24 hour), meeting all activities of daily living. Also includes dementia care homes. Range of facilities and activities including gardens, lounges and dining rooms. *Sizes of homes vary considerably. Registered and regulated by the Care Quality Commission (CQC) in England, (by the Regulation and Quality Improvement Authority (RQIA) in Northern Ireland and the Care Inspectorate in Scotland and the Care Inspectorate in Wales (CIW)).*

2.4 Until recently, 'housing with care' was not widely recognised as providing an alternative to residential care. However, such accommodation maintains an individual's independence within their own specifically designed property with a

² Jones, R (2007) A Journey through the Years: Ageing and Social Care. (Ageing Horizons) Issue No. 6, 42 51. Oxford Institute of Ageing

³ Bottery S, Ward D and Fenney D (2019) Social Care 360. The King's Fund

⁴ The University of Sheffield and Dwell (2015). Extra care Housing: Brief development

⁵ Gov.UK (2019) Housing for Older and Disabled People

⁶ Associated Retirement Community Operators (ARCO) website: www.arcouk.org

range of services and, importantly, where increasing levels of care can be bought in as needs change. Having evolved in recent years to respond to the growing demand from older people for greater choice, quality and independence, the number of models and designs have made it difficult to define this form of accommodation, however, the Care Services Improvement Partnership (2011)⁷ identified three common features:

- 1 A type of residential accommodation, a person's own home. It is not a care home or a hospital and this is reflected in its occupancy through ownership, whether it be lease or tenancy;
- 2 It is accommodation that has been specifically designed, built or adapted to facilitate the care and support requirements of its owners or tenants; and
- 3 Access to care and support is available 24 hours per day.

Recommendation One:

Local plans must be based on a clear understanding of specialist housing for older people and the use classes order drawing upon the PPG and other relevant guidance.

2.5 Private extra care development in the UK broadly reflects the economic boom of the middle part of the 2000's. Between 2005 and 2009 there was an acceleration of development, particularly care villages. However, following the downturn in the residential housing market, the number of new, private extra care and care village developments reduced significantly from 2009. Such developments have increased again from the mid 2010s resulting from the ever increasing ageing population.

2.6 The average size of older people's housing developments has increased year on year, driven by larger village style developments and a requirement for economies of scale when providing on site care and facilities.

Table 1

Older people's housing by age of construction					
Decade	Schemes	Total units	Private units	% of private units	Average scheme size
Unknown	487	11,701	9,384	5.4	24
Prior to 1970	130	2,895	2,171	1.3	22
1970s	50	1,405	948	0.6	28
1980s	1,886	66,086	59,987	34.8	35
1990s	864	30,018	26,418	15.3	35
2000s	932	40,054	34,963	20.3	43
2010s	1,079	52,632	37,107	21.6	49
Forthcoming	46	2,184	1,141	0.7	47
Total	5,474	206,975	172,119	100.0	37.8

Source: Carterwood, EAC database May 2019. (Note. EAC database includes all schemes, including private rental and 'other' tenure types, the latter making up a small proportion of total units. 'Unknown' schemes are likely to be older developments where no date of construction has been provided.)

⁷ The Extra Care Housing Toolkit https://www.housinglin.org.uk/assets/Resources/Housing/Support_materials/Toolkit/ECH_Toolkit_Website_Version_Final.pdf

Recommendation Two:
The local plan must be based on a robust evidence base that identifies the housing requirements of specialist housing for older people drawing upon appropriate sources recognised within the sector.

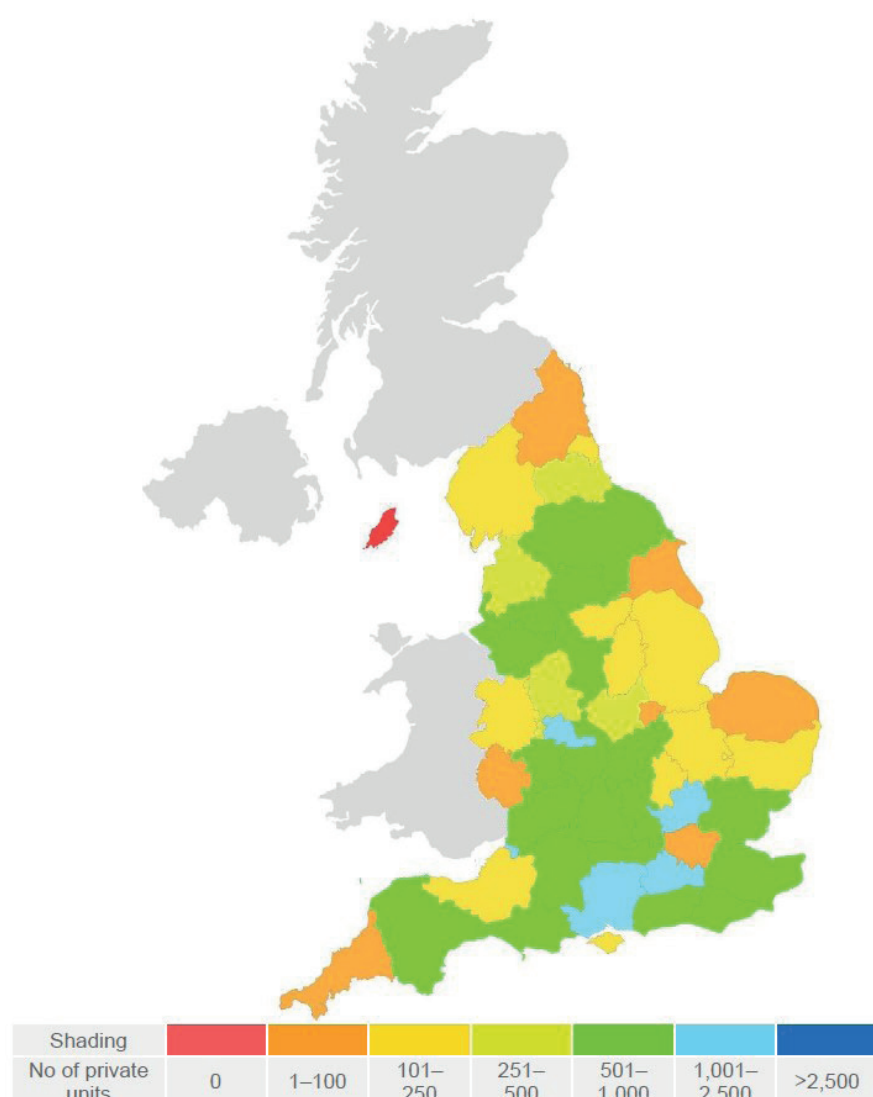
2.7 It is important that a range of tenure types are provided for to meet housing need for older people. For the private sector, the decision to acquire or rent an extra care unit is choice driven, whereas in the affordable sector it is more likely to be based on need.

For those choosing to acquire or rent a private extra care unit they should be able to choose the type of accommodation that best suits their circumstances and that consequently planning policy needs to support the delivery of housing types that meet the relevant local demand.

2.8 Figure 1 below shows the geographic distribution by county in England of private older people's housing units where on site care and facilities are provided. Overall it shows an historic low level of provision across England.

Private older people's housing per county with on-site care and facilities

Figure 1



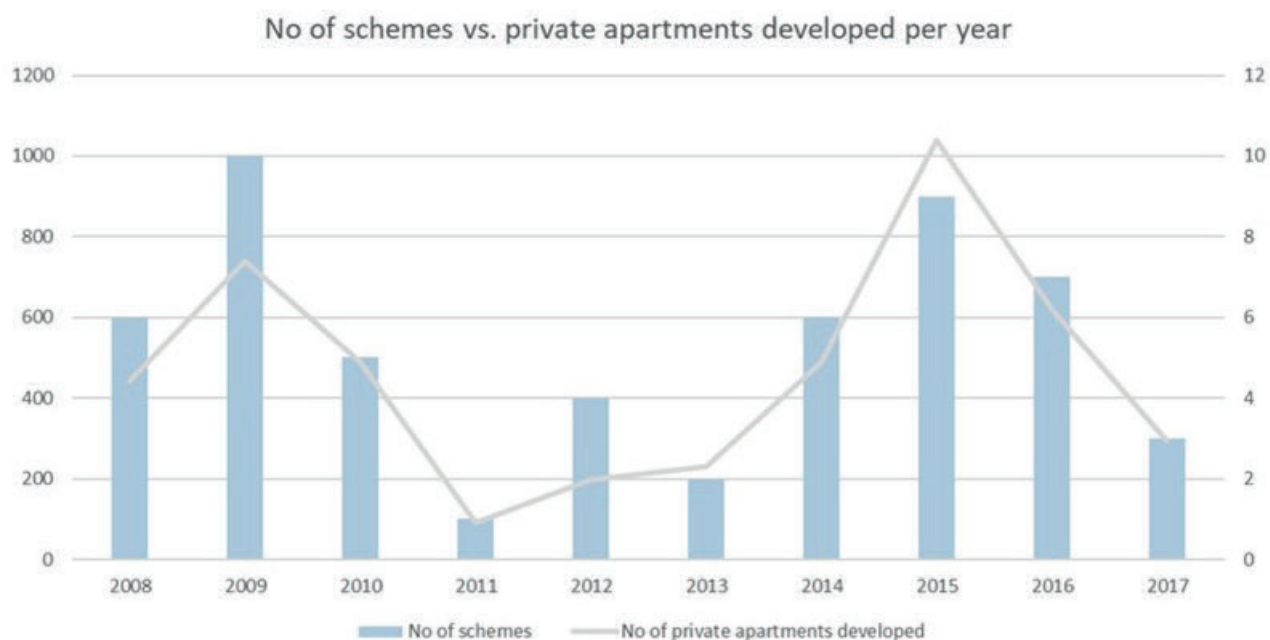
Source: Carterwood, EAC database May 2019.

2.9 There are a variety of site size requirements dependent upon the operator, the proposed scheme and its location. They tend to range between 0.5 to 1.5 acres for more traditional sheltered housing schemes and care home schemes where a lower level of amenities is provided on site, up to approximately 10 acres for the more extensive, all encompassing care village schemes.

2.10 Despite strong sales rates and a demand that is tending to outstrip supply, the UK has just 4,535 private older people's housing schemes, including 124 care villages (based on the EAC definition of care village).⁸

2.11 There have been fluctuations in new development during the ten years to 2017, as shown in table 1 below which compares the number of schemes developed against the number of private apartments. These care villages are operated by, among others: Audley Retirement, Inspired Villages, Retirement Villages, Richmond Villages, Lifecare Residences, Fortis Living, The Extracare Charitable Trust, The Joseph Rowntree Housing Trust, MHA and St Monica Trust.

Table 2



Source: Carterwood.

⁸ Hartley, B (2018) Care Village Editorial. Healthinvestor

Deliverability and use class

2.12 Planning policies typically require there to be an identified need and for development to be proportionate to its surroundings. However, in terms of deliverability for a care village, for the communal facilities, funding and infrastructure needed to work as housing with care, which can sufficiently facilitate ‘wellness’ long term, there is a minimum scale that works financially and operationally. Inspired Villages typical model is for approximately 150 units of accommodation with some 210,000 sq.ft of floorspace, of which, approximately 40,000 sq.ft would be communal facilities (café/bar, restaurant, wellness centre including treatment rooms, fitness studio and pool, library, craft room and hairdressers). Therefore, a development requires a certain minimum scale of development whilst meeting the identified need. This means that it is not realistic to disaggregate a development into smaller amounts as it would not be viable to deliver.

Recommendation Three:
The local plan should set out clear and specific policy/policies to address housing needs for older people (e.g. care villages / extra care), on land in, or adjacent to settlement boundaries where those settlements provide a certain level of services and facilities, where the proposed development provides sustainable transport measures and communal facilities and where there is an identified need.

2.13 Planning policies must be sufficiently flexible to take account of current identified need for older people’s housing, assessed on a case by case basis, via each planning application.

Use class

2.14 The key considerations in determining the Use Class for specialist older people’s housing is the level of care and scale of communal facilities provided.⁹ Indeed these are the key reasons why an elderly person chooses to move. A care village is not accommodation alone, they provide both 24 hour care and communal facilities, that

enables individuals to live independently in their own home, with the security and amenities that allow for peace of mind. Such developments are C2 rather than C3 use, even when there is no registered care home as part of the development. This has been identified in recent planning appeals such as West Malling in 2018, amongst others.^{10 11 12} LPAs which seek to wrap older persons housing into a general C3 use or affordable housing policy acts as a barrier to delivery.

2.15 In July 2018, ARCO agreed the NPPF was right in recognising the need for a sufficient supply of housing for older people. ARCO stated that *‘More work needs to be done, including clear guidance for councils to make provision for the different needs of older people. Without this there is a risk of the NPPF becoming a blunt instrument which fails to make a difference to planning decisions’* and supported a *‘more explicit statement that C2 use classes include genuine housing with care developments.’* IV are an ARCO Approved Operator and adhere to their Consumer Code which provides a benchmark for good practice in the sector.

2.16 The reason for the lack of clarity is because the Use Classes Order pre dates the introduction of the variety of options for accommodation (with or without care) that now exist.

2.17 The 2019 report ‘Shining a spotlight on the hidden housing market’¹³ considered that a new use class should be created specifically for retirement living schemes as they have previously fallen under C2, C3 or sui generis, which has led to inconsistencies in terms of delivery, location and affordable housing provision between local authorities. The term ‘specialist housing for older people’ covers a range of types of development. Some of these types of development do not involve the delivery of care, nor the inclusion of facilities that support the delivery of care and on going “wellness” and it is generally agreed that these development fall within Use Class C3, whereas a care village falls fully within C2.

⁹ NPPG Paragraph: 014 Reference ID: 63 014 20190626

¹⁰ Appeal Decision: Ref: APP/Q3630/W/18/3195463. Oak Tree Nurseries, Stroud Road, Virginia Water, GU25 4DB. 15 February 2019

¹¹ Appeal Decision: Ref: APP/A0665/W/18/3203413 Beechmoor Garden Centre, Whitchurch Road, Great Boughton, Chester CH3 5QD. 17 July 2019

¹² Appeal Decision: Appeal Ref: APP/H2265/W/18/3202040 Land to the rear of 237 259 London Road, West Malling, Kent ME19 5AD. 19 December 2018

¹³ Shakespeare Martineau and Housing LIN (2019) Shining a Spotlight on the Hidden Housing Market.

2.18 Specialist housing for older people differs in a number of ways that affect its viability, which all feed into the consideration of whether or not it can fund additional obligations such as affordable housing, including:

- Funding;
- The long term operation, management and ownership of the site;
- The provision, maintenance, upkeep and management of the significant communal facilities, including its delivery before the first unit is occupied; and
- Staffing

2.19 These factors are intrinsic in recognising that a care village or extra care model is different from Class C3 residential development that directly affects deliverability, and in turn the inappropriateness of applying policy intended to be applied to C3 residential development.

2.20 The following principles are drawn from recent appeal decisions for example, Retirement Villages appeal at Shiplake in South Oxfordshire District Council¹⁴ that grapple with Use Class and the application of affordable housing policies:

- Even though it may be reasonable to consider individual self contained units of accommodation as dwellings, where the proposed development forms a collection of units of accommodation with extensive communal facilities, beyond that reasonably likely to be provided in standard Class C3 accommodation, and which clearly exists to serve the residents, both the units and the communal facilities are intrinsic to each other and therefore, form part of the same planning unit.

That planning unit as a whole exists to provide accommodation with care, to people in need of care, falling wholly within Use Class C2.

- Where the units are occupied only by residents in need of, and receiving, a minimum level of care, their existence is founded on the need for, and delivery of accommodation with care, for those in need of care, in direct correlation with Use Class C2. Where this is secured through occupation restrictions set down within a legal agreement, the terms of the grant of permission mean it can only be used for Use Class C2.
- Where care and assistance is provided at additional cost to an occupant, the occupant is only likely to choose to live there if they are in need of that care and assistance.
- Care can cover a very broad range of activities that assist people in carrying out everyday tasks, which may become increasingly difficult with age. What is important is that the planning unit is designed and exists to provide care and which is capable of increasing over time. The physical attributes of the building, the interconnectivity between accommodation and facilities and the extent of communal facilities are all relevant to assessing the nature of the development.

2.21 The fundamental point arising from this, is that these developments exist to provide accommodation with the availability of care and the provision of extensive communal facilities. With regard to these points and the guidance provided in the PPG: *“when determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided.”*

¹⁴ Paragraph 43 Appeal Decision APP/Q3115/W/19/3220425 Land to the east of Reading Road, Lower Shiplake, 14 October 2019

Definitions of care

2.22 A definition for ‘care’ is provided in the Interpretation section (Section 2.) of the Use Classes Order, as follows:

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment.”

2.23 The 1987 Use Classes Order also pre dates the formal definition of the term ‘Personal Care’ in the health legislation. For the avoidance of doubt, the term ‘Personal Care’ is now defined in the health and social care legislation, regulations and guidance, having been introduced in 2008; however, the reference to ‘personal care’ in the definition of care provided in the Use Classes Order is not synonymous with the health legislation definition, which did not exist at the time it was written. The definition in the Use Classes Order can only be taken in its practical sense, as described, i.e. ‘individual’ care to a person in need of care.

2.24 The different approach by different local authorities has led to different operational restrictions/obligations being secured at

different sites that essentially constitute very similar development, not helped by a Use Classes Order which is now of some considerable age. This is understandably difficult to manage and unpredictable for developers of this type of development.

2.25 To support delivery, we strongly encourage the Local Planning Authority adopts policies that allow for the specific circumstances of the proposal to be assessed in each case, rather than seeking to pre determine Use Class based on a particular characteristic; and to be clear that affordable housing policies designed to apply to unrestricted, open market residential development do not apply to Class C2 development. Where there is doubt, policies should provide sufficient flexibility for specific circumstances (e.g. may include viability) to be assessed through a planning application, unless specialist housing for older people had been fully considered at the plan making stage (infrastructure, relevant policies and local and national standards, cost implications of Community Infrastructure Levy (CIL) and Section 106.¹⁵

Evidence base and approach for local plan making

National planning policy context

3.1 The National Planning Policy Framework (NPPF) 2019 stresses the importance that the needs of groups with specific housing requirements are addressed, with paragraph 61 stating *‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies’*, including for older people. The PPG identifies the evidence that plan makers should consider when assessing the housing needs of older people; in terms

of census data, projections of population and households by age group, together with the future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered housing, extra care)¹⁶. This can be assessed from online tool kits, e.g. The Extra Care Housing Toolkit¹⁷, Housing LIN SHOP¹⁸ and evidence prepared by health and well being boards together with comparisons with other local authorities.

¹⁵ NPPG Paragraph: 015 Reference ID: 63 015 20190626

¹⁶ NPPG Paragraph: 004 Reference ID: 63 004 20190626

¹⁷ Care Services Improvement Partnership, Department of Health (2006) The Extra Care Housing Toolkit.

¹⁸ Housing LIN (2011) Strategic Housing for Older People (SHOP) Resource Pack.

3.2 With specific regard to planning and the supply of homes for older people, the PPG sets out the following guidance for local planning authorities:

- **Set clear policies** to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the LPA will consider proposals for the different types of housing that these groups are likely to require.
- Can provide **indicative figures or a range for the number of units** of specialist housing for older people needed across the plan area throughout the plan period.¹⁹
- Include the provision of housing for older people for **monitoring progress** when preparing the Authority Monitoring Report.²⁰
- **Plans need to provide for specialist housing for older people where a need exists.** Innovative and diverse housing models will need to be considered where appropriate. Plan makers need to consider the size, location and quality of dwellings needed to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish.²¹
- **Allocating sites** can provide greater certainty for developers and encourage the provision of sites in suitable locations, which may be appropriate where there is an identified unmet need. Location is a key consideration with factors including proximity to good public transport, local amenities, health services and town centres.²²

Recommendation Four:
The local plan should set indicative figures or a range for the number of specialist housing for older people needed across the plan area and throughout the plan period and this must recognise the diverse models that exist.

Recommendation Five:
The local planning authority must monitor the delivery of specialist housing for older people and deliver action plans to address under provision.

Recommendation Six:
The local plan should consider the inclusion of specialist housing for older people within appropriate strategic or other site allocations subject to consideration of need, site and locational factors and deliverability.

¹⁹ NPPG Paragraph: 006 Reference ID: 63 006 20190626

²⁰ NPPG Paragraph: 007 Reference ID: 63 007 20190626

²¹ NPPG Paragraph: 012 Reference ID: 63 012 20190626

²² NPPG Paragraph: 013 Reference ID: 63 013 20190626

Evidence base and approach for local plan making

Evidence base and methods

3.3 From Carterwood's research,²³ the typical average age for entry to private extra care housing is 80 to 82 years, with an age range of 70 to 90 years forming the bulk of residents. Typically, single females occupy 65-70% of units, couples 20-25%, and single males 10%. As such, it is important to assess the relative age profile of a catchment market in order to establish the size of the population matching this demographic, both in relative and absolute terms.

3.4 Older people will make a conscious choice to move into an extra care/assisted living scheme and own or rent their property. This also means that the choice can be a large financial decision, often coinciding with a need to leave the larger family home, as well as an emotional decision.

3.5 The key demographic profile is where the household reference person (HRP), as defined by the Census 2011, i.e. the decision maker of any buying decision, meets the following criteria:

- 65+ years – we know from empirical evidence that the average age of those entering private extra care is 80+ years of age, and typically those entering sheltered housing is 70+ years. Therefore, the key demographic is the 65+ year age group.
- Owns their property outright therefore has the required equity in their own property to form the means of being able to make a private property purchase or rental decision.

3.6 The toolkit assesses how users may better understand supply and demand, given the substantial increase in the elderly demographic, the high proportion of home ownership for those aged 65+ (although this housing is not always suitable) and the rapidly increasing cost of caring for the elderly population. The growth in the elderly demographic is not considered the best way of predicting demand for particular types of elderly care and accommodation, as traditional residential care homes make way for new forms of

accommodation and care.

3.7 By considering older people's preferences should they need care, SHOP advises that although over 60% of people wish to remain in their home, this decision may be limited by choice rather than preference. Often a choice is made based on what is available with a decision being made following a crisis event, when need is greatest. It suggests indicative levels of provision of various forms of accommodation for older people, including extra care and enhanced sheltered housing available on a long leasehold basis or for rent.

3.8 In 2004, Kerslake and Stilwell²⁴ estimated that about one third of the population entering a care home '*could have moved to a form of housing with care as a viable alternative, with a further third who could have managed in such housing had they moved at some time earlier in their care history*'. Other models for estimating demand for supported housing and housing markets and independence in old age include Ball (2011).²⁵

3.9 Laing and Buisson's 'Extra Care Housing UK Market Report'²⁶ does not provide a tool for assessing demand, but instead refers to the demographic factors that are likely to influence demand, as follows:

- An expansion of the older population;
- A reduction in the pool of young adults available for training as nurses or care assistants to work in the community or care homes;
- An increase in the number of middle aged people looking after children and a parent;
- An increase in the proportion of older people with a living child;
- Changes in the health and dependency levels of older people; and
- Changes in the patterns of immigration by potential care workers and emigration by trained care staff.

²³ Carterwood Focus, Issue 13 (2014) Extra care housing – where do residents come from?

²⁴ Kerslake, A and Stilwell, P (2004) What makes older people choose residential care, and are there alternatives? Housing Care and Support

²⁵ Ball, M (2011). Housing Markets and independence in old age: expanding the opportunities. Henley, University of Reading

²⁶ LaingBuisson (2015) Extra Care Housing UK Market Report, Thirteenth Edition

3.10 LaingBuisson's Age Standardised Demand (ASD) rates for care home beds shows a trend whereby demand for residential care beds has reduced as alternatives to residential care are developed.

3.11 The use of comparative evidence and indicators from a variety of sources is a useful method to ascertain the indicative level of need for extra care in a particular local authority area. There will remain other accommodation options available, in addition to retirement villages, including remaining in their own homes, moving to traditional sheltered housing, moving to a care home or moving to another informal care setting. Most importantly, it is necessary to have a full understanding of the various forms of care and accommodation, knowledge of schemes and their availability, and input from a range of sources to determine appropriate indicative levels of need over the plan period (including existing shortfalls).

3.12 The methods of determining demand in a given area reveal a clear message; that there is a strong and increasing demand for new forms of care and accommodation as an alternative to traditional residential care, alongside an increased requirement for nursing and dementia care homes for those with the highest care needs. The difficulty in trying to accurately assess demand for extra care housing is that, due to the relatively new nature of the product, there is no position of over supply upon which to assess a position of balance. Essentially, the additional supply creates 'demand' when it is developed.

3.13 The government's response to the Inquiry into Housing for Older People (2019),²⁷ included the following points and which the local authority should consider in their plan preparation:

- *'We have a rapidly ageing population. The needs of older people are now different from previous generations and their aspirations around housing and lifestyles have changed dramatically.'*

- *Offering older people a better choice of accommodation can help them to live independently for longer, improve their quality of life and free up more family homes for other buyers.*

- *We recognise that the integration of housing with health and social care services is a vital part of ensuring that people are able to live healthier, more independent lives for longer.*

- *We agree that more older owner occupiers, living in low value housing, should have the opportunity to move to more appropriate housing as they age. At present, new commercial specialist older people's housing tends not to cater for this market while new supported housing is largely targeted at the most vulnerable. We are keen to encourage innovative approaches, especially from local authorities and housing associations.*

- *More of all types of housing for older people – extra care, sheltered and accessible housing – need to be built across the social and private sectors.*

- *Older people moving home in later life could be part of the solution to tackling the housing shortage but there is little evidence to support this. We agree that further research into the impact of older people moving home on the housing market could contribute to a stronger evidence base to inform policy making.*

- *It is important that providers use clear terminology (with regard to the different types of specialist housing), so that people can make informed choices.'*

“There is a strong and increasing demand for new forms of care and accommodation as an alternative to traditional residential care.”

²⁷ Government response to the second report of 2017-2019 of the Housing, Communities and Local Government Select Committee Inquiry into housing for older people. (September 2018)

Evidence base and approach for local plan making

3.14 The government's Social Care White Paper, 'Caring for our Future',²⁸ committed to provide support to help local authorities develop their market capacity to provide greater choice for users and drive up quality in care services. The Developing Care Markets for Quality and Choice programme, launched by the Department of Health in 2012, is intended to support local authorities to improve capacity through preparing or improving their market position statements.

3.15 The 2013 'Top of the Ladder' report by Demos,²⁹ the leading cross party think tank, provided some key findings:

- *'Retirement properties make up just 2% of the UK housing stock, or 533,000 homes, with just over 100,000 to buy. One in four (25%) over 60s would be interested in buying a retirement property equating to 3.5 million people nationally.'*
- *'More than half (58%) of people over 60 were interested in moving. More than half (57%) of those interested in moving wanted to downsize by at least one bedroom, rising to 76% among older people currently occupying three, four and five bedroom homes.'*
- *'If just half of the 58% of over 60s interested in moving (downsizing and otherwise) were able to move, this would release around £356 billion worth of (mainly family sized) property with nearly half being three bedroom and 20% being four bedroom homes.'*

3.16 The report suggested a number of national policy recommendations to assist in overcoming these problems:

- *'Giving retirement housing special planning status akin to affordable housing, given its clear and demonstrable social value.'*
- *'Tackling S106 and community infrastructure levy (CIL) planning*

charges, which make many developments untenable and affect them disproportionately compared with general needs housing developments'.

- *'Quotas and incentives for reserving land for retirement housing, and linking this to joint strategic needs assessment and health and well being strategies for local areas.'*

3.17 The 'Shining a Spotlight on the hidden housing market' report included a survey of 200 individuals from a variety of backgrounds in the UK later living sector, from local authorities to private developers, care operators and designers. Some 97% of respondents thought that the development of later living accommodation would play a key role in alleviating the housing crisis and 73% thought that the demand for later living accommodation would significantly increase in the next 5 years, while 89% felt that planning laws would need to change to boost later living development and 33% are calling for a 'Retirement Villages Act'.

3.18 Some of the strategic recommendations from the report is that there should be legislative and policy suggestions for local and national government, including reform of planning policies, tax breaks for older people looking to 'right size', and the appointment of a dedicated minister responsible for the needs of older people.

“One in four (25%) over-60s would be interested in buying a retirement property.”

²⁸ HM Government (2012) Caring for our future: reforming care and support

²⁹ Wood, C (2013). The Top of the Ladder. Demos

Local planning authority plan-making

- 4.1** Local authorities are increasingly aware of the variety of accommodation and care options available to enable the elderly to receive care within their own homes, as a more cost effective alternative to residential care. In certain areas, they are considering the potential for the reconfiguration of dated and under used sheltered housing stock to provide additional, affordable extra care housing.
- 4.2** In reality, upgrading sheltered housing to extra care suitable for those with increasing care needs is rarely the most efficient solution, as existing developments are often too small to enable the required economies of scale to deliver 24 hour on site care, nor are they able to provide the layout and additional communal facilities necessary to form a genuine extra care community.
- 4.3** Housing LIN consider that the later living market needs to be made both acceptable and financially viable to enable older people to move from unsuitable accommodation (too large to manage, costly to maintain, poorly located or ill equipped to deal with changing needs) to better, thoughtfully designed homes in sought after places. *'Right sizing does not mean a compromise on design'* and new homes that are accessible and adaptable and can meet with the current and future lifestyle goals of potential residents.
- 4.4** There is a strong wish for older people to remain independent for as long as possible, and extra care housing appeals to this desire. The key issues leading people to move into extra care are health and care requirements, frequently prompted by the death of a spouse or partner. The decision to move is often strongly influenced by immediate relatives, and the more frail or vulnerable the elderly person, the more this applies. Aspects such as accessibility and convenience for visiting play a major role in the decision making.
- 4.5** An estimated six million people provide significant support to elderly relatives, neighbours and friends across the UK. This factor contributes additional demand, as carers understand the benefits associated with their charges moving to an environment where some of the care burden can be shared, allowing them to remain, sometimes indefinitely, outside of the care home environment. Additionally, the family is often involved in a decision to move a loved one to an extra care scheme located more conveniently, so that regular visits are more easily made and concerns over 'welfare at a distance' can be eliminated.
- 4.6** In 2019, ARCO partnered with ProMatura to conduct the biggest ever study of retirement communities,³⁰ with surveys of residents representing 81 communities and 15 different care operators, which provided evidence of the huge health, well being and security benefits for residents.
- 4.7** The main reasons given for moving to a retirement community were cited as being: less need for property maintenance, access to communal facilities, and the availability of 24 hour support and domiciliary care on site. The benefits of living in extra care included: being more active and healthier for longer, the ability to enjoy life, having greater control, and feeling safe and secure, with a consequent reduction in loneliness.
- 4.8** The resultant recommendations for action set out, amongst others, that the government and local authorities should:
- *'Develop a legal and regulatory framework for Retirement Communities to bring the UK into line with leading countries around the world'*
 - *'Develop a clear definition and terminology for Retirement Communities and recognise the significant contribution they are making to our health and social care systems'*
 - *'Provide more funding and land for affordable housing in Retirement Communities'*
 - *'Undertake further research on the level of Retirement Community supply and demand in their areas'*
 - *'Ensure they have provisions in their local plans for Retirement Community housing'*
 - *'Partner with specialist Housing Associations with expertise in extra care Retirement Communities to increase provision.'*

³⁰ ARCO with research by ProMatura International (2019) Housing, Health and Care. The health and wellbeing benefits of Retirement Communities.

Local planning authority plan-making

4.9 Tailored housing that is accessible, well designed and well located for facilities may reinvigorate a person's social life through their offer of a wide range of activities and communal areas that provide opportunities for making new friends. There is evidence that residents have better health outcomes than older people living elsewhere; designs that minimise the risk of falling, for example, and social facilities that reduce feelings of loneliness.

4.10 By providing an attractive alternative type of accommodation in the form of extra care housing, older homeowners may benefit from releasing equity from their existing properties, which they can use to fund their retirement years. Extra care housing can also contribute to addressing wider housing market concern, by releasing their homes onto the market for families.

4.11 There are other benefits in promoting care villages as they can reduce the demand upon health and social care. Research from Aston Research Centre³¹ in 2015 set out that the NHS saved more than **£1,000 per year on each resident** living in Extra Care Charitable Trust's schemes between 2012 and 2015. The Homes for Later Living 'Healthier and Happier' report³² suggests that each person living in a older people's housing contributes to a fiscal saving to the NHS and social care of approximately **£3,500 per annum**.

Recommendation Seven:
The local plan and its evidence base must recognise the significant benefits associated with specialist housing for older people and this can inform planning decision making.

4.12 As an operator, unlike residential developers, IV considers the ownership and management of the site into the future; therefore, it is vital that we secure suitable sites and planning permissions

that allow the implementation of a viable development. It is often very difficult for an operator, such as Inspired Villages to secure sites on the open market due to competition from residential developers. The inclusion of positive policies to support extra care housing generally, could give landowners an incentive to proceed with this type of development over a residential developer and can be partly justified on the basis that extra care/care village developments are relatively self contained (because of the extensive communal facilities on site); lower traffic generation, which are predominantly off peak (because residents do not commute to work); they are employment generators; and can result in significant savings to the NHS and adult social care, amongst other benefits.

4.13 We recommend that the local planning authority properly engages with the extra care sector regarding the potential for including this form of development in strategic site allocations to ensure this would be deliverable, or an appropriate site location. The sector is an emerging market and operators do not tend to have strategic land, meaning that they may not be able to promote potential sites at the time the Local Plan is being prepared. Therefore, to avoid being prejudiced, LPAs could consider whether policies should allow for a greater degree of flexibility for proposals for specialist housing for older people on land that may otherwise be inappropriate for standard residential development, for example, adjacent to settlement boundaries where those settlements provide a certain level of services and facilities. Such a policy approach has been applied in local planning authorities, such as Hart District, South Northamptonshire and Horsham District.

³¹ Holland, C (2015) Collaborative Research between Aston Research Centre for Healthy Ageing (ARCHA) and the ExtraCare Charitable Trust

³² WPI Strategy for Homes for Later Living (2019) Healthier and Happier; An analysis of the fiscal and wellbeing benefits of building more homes for later living

Recommendation Eight:

The local plan should set out different policy requirements, for example, affordable housing, for specialist housing for older people (C2 use) compared to residential development within the C3 use class and the evidence base and viability should take into account the different circumstances between the uses (e.g. care villages provide significant levels of communal facilities/ non saleable floorspace and their ongoing maintenance and management, staffing, funding, etc). Where there is doubt, policies should provide sufficient flexibility for specific circumstances, which may include viability, to be assessed through a planning application;

4.14 IV recognises that some local planning authorities have specifically considered the need for policies to be adopted to support the delivery of affordable extra care type housing, but IV is concerned to ensure that local planning policy also gives sufficient policy support for the full range of specialist housing provision to serve older people, including private sector extra care housing / care villages, as set out in the definitions of specialist housing in the PPG. The need identified is across the board in terms of affordable and private tenures, and LPA's have a duty to plan for the delivery of development to meet all housing needs. The 'critical need' has been identified in the PPG and the requirement to ensure sufficient land is available to address housing requirements of groups with specific needs and incorporate policies that deliver housing for all is identified at paragraphs 59 and 61 of the NPPF. Private sector care village developments are one of the various options (along with care homes, affordable models, and sheltered housing) that will contribute towards addressing the need.

4.15 In addition to responding to this duty, planning policies that support the delivery of specialist housing for all older people, regardless of financial means, are of significant benefit to social care and NHS funding. This is because, individuals who plan for their future by using their own private financial means to secure accommodation in a setting that supports their health and wellness, without or before the need to call on the NHS and social care, will significantly reduce their need to draw on these socially funded services. LPAs should not underestimate the beneficial effect that supporting development proposals that facilitate people to fund and plan for their own health and wellness.

4.16 We therefore strongly encourage the LPA produce policy, which supports the delivery of specialist housing to meet the needs of older people in line with the requirements of the NPPF and the PPG which states *"where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need."*³³

33 NPPG Paragraph: 016 Reference ID: 63 016 20190626

Summary of recommendations

5.1 We recommend, based on the above information, the following points are incorporated into the emerging Local Plan to support the practical delivery of specialist housing for older people and meet the ever growing need. The Local Plan and its evidence base should:

1. Be based on a clear understanding of specialist housing for older people drawing upon national guidance and other sources, particularly regarding the Use Class and the recognise the different types of specialist housing which exist;
2. Be based on a robust evidence base that identifies the housing requirements of specialist housing for older people drawing upon appropriate sources recognised within the sector;
3. Set out clear and specific policy/policies to address housing needs for older people (e.g. care villages and extra care), on land in, or adjacent to settlement boundaries where those settlements that provide a certain level of services and facilities, where the proposed development provides sustainable transport measures and communal facilities and where there is an identified need;
4. Set indicative figures or a range for the number of specialist housing for older people needed across the plan area throughout the plan period and this must recognise the diverse models that exist;
5. Monitor the delivery of housing for older people and deliver action plans to address under provision;
6. Consider the inclusion of specialist housing for older people within appropriate strategic or other site allocations subject to consideration of need, site and locational factors and deliverability;
7. Must recognise the significant benefits associated with specialist housing for older people and this can inform planning decision making; and
8. Set out different policy requirements, for example, affordable housing, for people people (C2 use) compared to residential development within the C3 use class and the evidence base and viability should take into account the different circumstances between the uses (e.g. care villages provide significant levels of communal facilities/ non saleable floorspace and their ongoing maintenance and management, staffing, funding, etc). Where there is doubt, policies should provide sufficient flexibility for specific circumstances, which may include viability, to be assessed through a planning application.

Examples of other local authorities taking a similar policy approach

Hart Local Plan Strategy and Sites 2016-2032 (as of April 2020 Local Plan pending adoption):

Policy H4 - Specialist and supported accommodation (as per main modifications)

Proposals for specialist and supported accommodation that meets the needs of older persons or others requiring specialist care will be permitted:

- a) On sites within settlement boundaries and within the new community at Hartland Village; and
- b) On sites in the countryside provided:
 - i. There is a demonstrated local need for the development in that area; and
 - ii. There are no available or viable alternative sites within settlement boundaries where the need arises; and
 - iii. The site is well related to an existing settlement with appropriate access to services and facilities either on or off site.

South Northamptonshire Part 2 Local Plan (Emerging):

Proposed policy LH6 - Specialist housing and accommodation needs (including proposed modifications)

Proposals to meet older persons/specialist housing needs for two or more dwellings will be supported on suitable sites that are within the settlement confines subject to the following criteria:

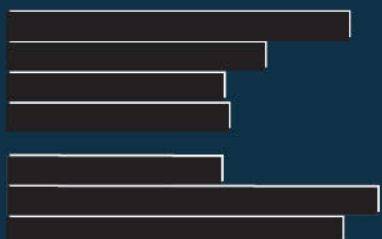
- a) The location is well served by public transport or within walking distance of community facilities (within 400m) such as shops, medical services, public open space, and social networks appropriate to the needs of the intended occupiers, or where this is not the case, such facilities are provided on site; and
- b) The scale, form and design of the development is appropriate to the client group and in relation to the settlement where it is located; and
- c) Highway, parking and servicing arrangements are satisfactorily addressed; and
- d) Gardens and amenity space are provided and are of an appropriate size and quality.

Proposals for older persons /specialist housing on suitable sites immediately adjacent to the settlement confines of Rural Service Centres and Primary Service and Secondary Villages (A) should meet all of criteria (a) to (d) above and:

- e) The scale of development should be clearly justified by evidence of need in the district; and
- f) Evidence is provided which demonstrates that there are no alternative suitable available sites within the adjacent confines

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JANUARY 2020



City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Please Note

Policies in the Proposed Submission City Plan Part Two were agreed at Full Council on 23 April 2020. The Government announced amendments to the use classes in the Town and Country Planning (Use Classes) Order 1987 (as amended) on 21st July 2020 to come into effect on 1st September 2020.

The council notes that the changes to the use classes will require changes to be made in particular to Policies DM9, DM12, DM13, DM14 and DM15 of the City Plan Part Two to ensure the Plan is consistent with the changes to the Use Classes Order and effective.

It is proposed that the changes required will be dealt with through a separate focused public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Further consideration will be given to the most appropriate time to carry out the focused consultation.

Section A - Your Details

Name (Required)

What is your address?

What is your email address? (Required)

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

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

	Yes	No
The City Plan Part Two has been submitted for independent examination	☒	☐
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	☒	☐
The adoption of the City Plan Part Two	☒	☐

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.

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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 here.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement - ROW V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement_-_ROW_V2.pdf)

Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice

Please Tick (Required)

☒ **Yes**

Your Representation

Please fill in the relevant sections for your representation(s).

Section C should be completed for policies DM1 to DM46, SA7, and SSA1 to SSA7. If you want to comment on more than one of these policies, please copy and paste section C) for each policy

Sections D to G should be completed for policies H1, H2, H3 and E1. Please only fill out sections D-G) once.

Section H should be completed for supporting documents. Please only fill out section H once.

Section B CPP2 Introduction

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

N/A

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7
If you want to comment on more than one policy, please copy the questions from this section and paste below your representation on each policy

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

--

Policy Title e.g. Housing and Accommodation

--

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

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.

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City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

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

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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)

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

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

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

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

If you wish to make a representation on another policy (DM1 – DM46, SA7, SSA1 to SSA7) please copy and paste the questions from this section below.

Section D H1 Housing Sites and Mixed Use Sites

Please only fill this section out once

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

- ☐ **ALL SITES**
- ☐ Former St Aubyn's School, 76 High Street, Rottingdean
- ☐ Land between Marine Drive and rear of 2-18 The Cliff, Brighton
- ☐ 25 Ditchling Rise / rear of 57-63 Beaconsfield Road, Brighton
- ☐ 60-62 & 65 Gladstone Place, Brighton
- ☐ 76-79 & 80 Buckingham Road, Brighton
- ☐ 87 Preston Road, Brighton
- ☐ Eastergate Road Garages, Moulsecoomb, Brighton,
- ☐ Land between Manchester Street/Charles Street, Brighton
- ☐ Preston Park Hotel, 216 Preston Road, Brighton
- ☐ George Cooper House, 20-22 Oxford Street, Brighton
- ☐ Old Ship Hotel (garage), 31-38 Kings Road Brighton
- ☐ Saunders Glassworks, Sussex Place, Brighton
- ☐ 2-16 Coombe Road, Brighton
- ☐ Outpatients Department, Royal Sussex County Hospital
- ☐ Whitehawk Clinic, Whitehawk Road, Brighton
- ☐ Buckley Close garages, Hangleton
- ☐ Former playground, Swanborough Drive, Whitehawk
- ☐ Former Hollingbury Library
- ☐ 29-31 New Church Road, Hove
- ☐ 189 Kingsway, Hove
- ☐ Kings House, Grand Avenue, Hove
- ☐ Victoria Road Former Housing Office (adj Portslade Town Hall), Victoria Rd, Portslade
- ☐ Land at the corner of Fox Way and Foredown Rd, Portslade
- ☐ Smokey Industrial Estate, Corner Church Road, Lincoln Rd & Gladstone Rd Portslade
- ☐ Land south of Lincoln Street Cottages, Lincoln Street, Brighton
- ☐ Hove Sorting Office, 88 Denmark Villas, Hove
- ☐ Former Belgrave Centre & ICES, Clarendon Pl, Portslade (Site SP2 in JAAP Policy CA3)
- ☐ Wellington House (Site SP3 in JAPP Policy CA3)
- ☐ City College, Pelham Tower (and car-park), Pelham Street
- ☐ 71 - 76 Church Street, Brighton
- ☐ Post Office site, 62 North Road, Brighton
- ☐ 27-31 Church Street (corner with Portland Street)
- ☐ Former Dairy Crest Site, 35-39 The Droveway, Hove
- ☐ Kingsway/Basin Road North (site AB4 in JAAP policy CA2)
- ☐ Prestwich House (Site SP1 in JAAP policy CA3)
- ☐ Regency House, North Street, Portslade (Site SP4 in JAAP policy CA3)
- ☐ Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP policy CA3)
- ☐ Church Road/Wellington Road/ St Peter's Road (site SP6 in JAAP policy CA3)
- ☐ Station Road site, Portslade (Site SP7 in JAAP policy CA3)

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

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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.

--

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

--

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

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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)

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

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

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

[illegible]

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

Section E H2 Housing Sites – Urban Fringe

Please only fill this section out once

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

- ☐ **ALL SITES**
- ☐ Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- ☐ Benfield Valley
- ☐ Land at and adjoining Horsdean Recreation Ground, Patcham
- ☐ Land at Ladies Mile, Carden Avenue
- ☐ Land to north east of Coldean Lane
- ☐ Land north of Varley Halls, Coldean Lane
- ☐ Land at and adjoining Brighton Race Course
- ☐ Land at South Downs Riding School & Reservoir Site
- ☐ Land north of Warren Road (Ingleside Stables)
- ☐ Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm
- ☐ Land adjacent to Ovingdean and Falmer Road, Ovingdean
- ☒ Land at former nursery, Saltdean
- ☐ Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean
- ☐ Land west of Falmer Avenue, Saltdean

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☒
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☒
Effective	☐
Justified	☒
Consistent with National Policy	☒

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

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

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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.

The draft policy is not sound as it does not make the most efficient use of land, nor does it seek to maximise the delivery of new homes.

Having assessed the recently approved scheme for 32 new homes at Falmer Avenue which was consented at a density of 30 dwellings per hectare (DPH), and the existing development at Looes Barn Close which has an estimated density of 29 DPH and which is directly to the south of the Saltdean Nurseries Site, it is considered that the site allocation for Saltdean nurseries should be for 28 homes, which would give a density of development of 30DPH.

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.

The allocation for this site should be for 28 new homes, at a density of 30DPH.

This is considered to be an efficient use of the land and will help to maximise the delivery of new homes in accordance with the requirements of the National Planning Policy Framework that the Local Plan is positively prepared and seeks to meet the Objectively Assessed need for housing.

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

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)

☐ Tick

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

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

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

If the draft policy is changed as required by this representation to increase the allocation for the site to 28 homes then it will not be necessary to appear at the hearing sessions.

If the allocation is not increased, then we would wish to appear at the hearing sessions in order to demonstrate why our proposed allocation of 28 is reasonable and achievable on the site having regard the sites capacity, prevailing densities in the area and the need to maximise the delivery of homes on allocated sites.

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

Section F H3 Purpose Built Student Accommodation

Please only fill this section out once

Which Purpose Built Student Accommodation site(s) does your representation refer to?
(Tick all that apply to your submission)

- ☐ **ALL SITES**
- ☐ Lewes Road Bus Garage, Lewes Road, Brighton
- ☐ 118–132 London Road, Brighton
- ☐ 45 & 47 Hollingdean Road, Brighton

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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.

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

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

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

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

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

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

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

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

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

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

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

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

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Section H Supporting Documents and Background Studies

Please only fill this section out once

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

Supporting Documents / evidence can be found on this webpage <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

The completed Word Form can be emailed to planningpolicy@brighton-hove.gov.uk or posted to: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

Legal Compliance

Legally compliant means asking whether or not the plan has been prepared in line with statutory regulations, the 'duty to cooperate' and legal procedural requirements. There are five areas to consider when looking at whether or not the Plan is legally compliant. These are:

- *Is the Plan consistent with the Council's production timetables known as the Local Development Scheme (LDS)?*
- *How has the community been involved in the process and has the Council met its Statement of Community Involvement (SCI)? Details of how the plan has been prepared are set out in the Statement of Consultation.*
- *Does the Plan meet the requirements for content and consultation set out in the Town and Country Planning (Local Planning) Regulations 2012 and the Planning and Compulsory Purchase Act 2004?*
- *Does the Sustainability Appraisal (SA) Report accompanying the Brighton & Hove City Plan Part Two form a suitable assessment of the sustainability of the Council's proposals and follow the relevant legislation and guidance?*
- *Has the Council complied with the Duty to Cooperate? This is addressed in the council's Duty to Cooperate Statement.*

The government's tests of Soundness

- **Positively prepared** - *the plan should be prepared in a way that meets the need for housing and other development, including infrastructure and business development.*
- **Justified** – *the plan should be based on evidence, and be the most appropriate strategy for the city when considered against other reasonable alternatives.*
- **Effective** – *the plan should be deliverable; the housing and other development should be capable of being carried out.*
- **Consistent with national policy** – *the plan should enable sustainable development and be consistent with the policies in the National Planning Policy Framework (NPPF).*

Subject: RE: City Plan Part Two Consultation Reps
Date: 02 November 2020 10:34:23
Attachments: [image004.png](#)
[image006.png](#)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Planning Policy Team

Please find our responses below...

The reps are from Brighton and Hove Community Land Trust, contact [REDACTED] – contact details below.

Kind regards

[REDACTED]
 Brighton & Hove Community Land Trust, Community-Led Housing Hub



[REDACTED] | Web: <http://bhclt.org.uk>

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[Invest in our Community Share Offer](#)

Brighton & Hove Community Land Trust (Community Benefit Society no. 7502)

[REDACTED]
 [REDACTED]
 [REDACTED]

Subject: RE: City Plan Part Two Consultation Reps

you for your representations to the Proposed Submission City Plan Part Two. In order to help us process your formal representation to the City Plan Part Two we do also need to know the following information:

Please let us know if you would like to be notified of any of the following (delete as appropriate);

The City Plan Part Two has been submitted for independent examination	Y
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	Y
The adoption of the City Plan Part Two	Y

Please be aware that 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 council's website.

The council will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS) who will undertake the examination of the City Plan on behalf of the government. 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

[PINS Privacy Statement \(June 2019\)](#)

(Required) I have read the PINS privacy statement above	
--	--

Yes

Yours sincerely,

Planning Policy Team
Brighton & Hove City Council

If you would like the Policy, Projects and Heritage team at Brighton & Hove City Council to continue to occasionally contact you with news of their documents and consultations then please fill in your details [here](#).

Subject: City Plan Part Two Consultation Reps

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sir / Madam,

Brighton and Hove Draft City Plan – Part Two

We are grateful for the opportunity to be given the chance to comment again on the Draft Plan.

We continue to have concerns with a number of aspects of the document which we feel affect the work of our organisation and we hope can be resolved either through further amendments to the Plan or through the examination process.

Brighton & Hove Community Land Trust (BHCLT) was set up in 2014 and developed throughout 2016 and 2017 through a series of community engagement workshops with grassroots community groups actively involved in land and housing issues in the city. This work was supplemented through interviews with key players within the institutional housing sector, including local councillors with roles in Housing and Brighton & Hove City Council (BHCC) Housing Officers. BHCLT in its current form emerged and was formally constituted in March 2017. It is a [community benefit society](#) and acts as an umbrella CLT for the whole city.

[Our vision](#) is to work towards providing people with affordable and environmentally sustainable places to live in Brighton. These communities will have social value based on innovative and creative joint working practices.

We work closely with Councillors and officers in the Council and we believe that we have good support within BHCC to be able to achieve this vision.

In August 2020, representatives from [NUB Self-build Housing Group](#) and BHCLT presented their petition for Community Led Housing to be prioritised over private development, and for land to be made available in affordable ways to a Brighton & Hove full special council meeting on 13 August (agenda item 32(1))

The presentation was a great success, gaining cross party support, and a near unanimous vote, to accept a Green amendment embedding *strategic support* for Community Led Housing in the city, and for land to be made available at affordable rates through initiatives like the Public Works Loans Board.

Planning policy (CPP2) must also support this vision and our work to deliver CLH schemes that are affordable in perpetuity. For instance;

- I. Using the site allocation process to identify specific sites for community led housing
- II. Developing an urban alternative to the rural exception site policy
- III. Introducing policies for the inclusion of community led housing and self-build provision in proposals for large sites, eg Brighton General Hospital.
- IV. Establishing a light touch procedure for small sites and small groups which provides flexibility for CLH schemes (space standards, density, vehicle numbers) where the community supports the scheme
- V. Ensure that the design of CLH schemes meet best practice for inclusion of accessibility and health and well-being measures
- VI. Working with BHCLT and CLH groups to consider other planning policy instruments that could promote long term stewardship of land by communities.

We want to work alongside the City Council to help achieve their strategic aims for the city and help deliver the community led development that the city needs. We would welcome any opportunity to discuss these matters further.

Housing need

The City Plan – Part One only seeks to deliver a proportion of the City’s housing needs (less than half) and the Council is still falling significantly short of this minimum housing requirement. This increasing shortfall has been identified by the local planning authority year-on-year through their Authority Monitoring Report. Development management policies within the CPP2 need to positively and appropriately respond and drive improvements in future delivery against a wide-range of recognised and established needs.

We feel that there is a severe need for new, creative solutions to deliver new housing in the city (such as CLH) and there is a need for a new suite of planning policies that will increase the volume of windfall developments that come forward over the next ten years of the City Plan period and act as a catalyst for new development.

These comments were made by a number of respondents at the previous consultation two years ago, but no significant revision or additional allocations have been identified in the proposed submission of the CPP2. In fact, the development management policies proposed are more restrictive and onerous than current adopted policies and may further limit the development of new housing rather than enabling future development.

We therefore consider that CPP2 fails to meet the legal tests of soundness as the document has not been positively prepared to deliver a strategy that will adequately meet the future needs of the city, is not justified by the evidence base, is not effective as it will replicate the worsening issues that have arisen over the last fifteen years of Local Plan policies and is not consistent with national policy for the reasons set out above.

Specific policies:

DM1 – Housing Quality, Choice and Mix

*“b) make provision for a range and mix of housing /accommodation formats subject to the character, location and context of the site, for example, **self and custom build housing**, build for rent, **community led housing**, starter homes and other types of provision supported by national and*

local policy.”

COMMENT – This part of the policy is positive for CLH, although the wording ‘make provision’ is perhaps too weak. We think it should read “must include...”

“c) all residential units should meet the nationally described space standards”

COMMENT - The introduction of space standards for residential accommodation is positive and makes designing units easier and clearer. However, these space standards do not allow for the innovative ‘tiny home’ type of housing. It is a response to mass low quality developer type housing and therefore is too prescriptive.

Strategic Site Allocations

SSA1 Brighton General Hospital Site

The policy related to the BGH site does not include the Council’s request for the land at BGH to be developed for “truly affordable housing, including options for development by the Joint Venture, **B&H Community Land Trust**, directly by the Council, or a combination.” which was passed unanimously at the Council’s Committee meeting on 19th July 2018. The wording of this policy should be amended to reflect this.

H2 - Urban Fringe

We would like to suggest that ALL Council owned Urban Fringe sites should be approached as "public land for public good" and could only be developed with meaningful community engagement, biodiversity and ecology at the heart alongside 100% affordable and 0% carbon housing outcomes. With this in mind, we suggest that all development on Council owned UF should be led by BHCLT working in partnership with community stakeholders and CLH groups. This will also support the Special Council Agenda item 32(1) referred to above.

Kind regards

[Redacted signature]

Brighton & Hove Community Land Trust, Community-Led Housing Hub



[Redacted contact information]

Web: <http://bhclt.org.uk>

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[Sign up to our mailing list here](#)

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Brighton & Hove Community Land Trust (Community Benefit Society no. 7502)

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Thank you in anticipation of your co-operation.

You can visit our website at <http://www.brighton-hove.gov.uk>

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Please Note: Both incoming and outgoing Emails may be monitored and/or recorded in line with current legislation



Subject:
Date:



Re: City Plan 2 Comment
21 October 2020 10:00:11

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

In response to your email:

The City Plan Part Two has been submitted for independent examination	Y
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	Y
The adoption of the City Plan Part Two	Y

(Required)	
I have read the PINS privacy statement above	Y



[m](#)

Thank you



Thank you for your submitted representation in response to Policy H2 Urban Fringe Housing, Land North of Warren Road (Ingleside Stables) in the Proposed Submission City Plan Part 2.

In order to help us process your email as formal representation to the City Plan Part Two we do also need to know the following information from you:

Please let us know if you would like to be notified of any of the following (delete as appropriate);

The City Plan Part Two has been submitted for independent examination	Y
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	Y
The adoption of the City Plan Part Two	Y

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[PINS Privacy Statement \(June 2019\)](#)

(Required)	
I have read the PINS privacy statement above	Y

Yours sincerely,

Planning Policy Team**Brighton & Hove City Council**

If you would like the Policy, Projects and Heritage team at Brighton & Hove City Council to continue to occasionally contact you with news of their documents and consultations then please fill in your details [here](#).

Subject: City Plan 2 Comment

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hello planning,

I would like to comment on the City Plan 2 proposals as part of your consultation.

Specifically, I would like to comment on Policy H2 Urban Fringe Housing, Land North of Warren Road (Ingleside Stables). This land is unsuitable for housing development because:

1. The site is located on a busy artery road into Brighton that suffers with heavy fog / low cloud in the winter. The entrance to the proposed housing development would be located close to a blind corner on this road. With a 40 mph speed limit, this section of the road has seen many collision accidents over the years.
2. The entrance to the proposed development would also be shared with a restricted access lane that serves as the main gateway for East Brighton into the South Downs National Park. This lane is popular with horse riders, cyclists and pedestrians, and should not be shared with traffic entering and leaving the new proposed development.

3. The proposed development will mean the loss of a business (Ingleside Stables) and therefore the owner's and employee's livelihoods,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thank you

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Thank you in anticipation of your co-operation.

You can visit our website at <http://www.brighton-hove.gov.uk>

Please consider the environment, only print out this email if absolutely necessary.

Please Note: Both incoming and outgoing Emails may be monitored and/or recorded in line with current legislation

Sent: 26 October 2020 12:27
To: PlanningPolicy
Subject: City Plan Part 2 Objection

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

I strongly oppose the urban fringe of Brighton and Hove being developed as outlined in the City Plan Part 2- H2 Housing Sites- Urban Fringe.

I object to all the green spaces that are listed being developed as I believe they should be protected from any development and remain in use as precious green space for the benefit of residents of Brighton and Hove.

It is my view that all brownfield sites should be fully developed for use as housing, rather than greenfield sites. Brownfield sites should be prioritised with a strong emphasis on progressing development, as I see some sites being abandoned or not utilised year on year.

The recent, and sadly continuing, Covid 19 pandemic has detrimentally impacted certain areas of the retail trade and office premises.

With the increasing amount of on-line shopping, even before the pandemic, there is the opportunity to convert redundant retail premises into housing.

Additionally with the large increase in working from home during the pandemic, again there is the opportunity to convert redundant office space into housing.

Whilst I'm objecting to all the identified sites on the urban fringe, I'm particularly concerned about the loss of precious green space in the Patcham Ward i.e The site adjacent to Horsdean Recreation Ground and the Ladies Mile Nature Reserve.

It is my understanding that the land by Horsdean Recreation ground was designated as an area of outstanding natural beauty. The proposed development would mean the destruction of numerous trees, and adversely affecting wildlife and the ecology.

Access for residents of the city to the South Downs and the National Park should be protected from any development.

Similarly, the aptly named Ladies Mile Nature reserve and the green areas adjacent to it should also be preserved as it is a valuable green space which should be protected against any more urban sprawl.

These two area, along with other urban fringe green sites, have been invaluable during the pandemic giving green spaces for fresh air, exercise and for general health and mental wellbeing.

I understand from reading about these proposals that there is no need to build on precious green land in the city.

The City Plan Part 2 is required to meet a minimum housing target of 13,200 additional homes. With the removal of the greenfield sites (section H2) and developing only on brownfield sites listed in the Plan, this, I understand, would still leave the Council more than 1,900 homes above the minimum target, meaning there is no need to build on greenfield sites.

Therefore I look forward to the removal of these urban fringe sites from the City Plan.

[REDACTED]

Subject:
Date:

RE: City Plan Part 2 Objection
27 October 2020 09:41:05

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Planning Policy Team,

Thanks for your email.

I would like to be notified for the three sections below have made the appropriate deletions and also I confirm that I've read the PINS privacy statement.

[REDACTED]
[REDACTED]

Thank you for your representation to the Proposed Submission City Plan Part Two. In order to help us process your email as formal representation to the City Plan Part Two, please could you also provide the following information:

Please let us know if you would like to be notified of any of the following (delete as appropriate);

The City Plan Part Two has been submitted for independent examination	Y
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	Y
The adoption of the City Plan Part Two	Y

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be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

[PINS Privacy Statement \(June 2019\)](#)

(Required) I have read the PINS privacy statement above	Y
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Yours sincerely,

Planning Policy Team
Brighton & Hove City Council

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[Redacted signature block]

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City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Please Note

Policies in the Proposed Submission City Plan Part Two were agreed at Full Council on 23 April 2020. The Government announced amendments to the use classes in the Town and Country Planning (Use Classes) Order 1987 (as amended) on 21st July 2020 to come into effect on 1st September 2020.

The council notes that the changes to the use classes will require changes to be made in particular to Policies DM9, DM12, DM13, DM14 and DM15 of the City Plan Part Two to ensure the Plan is consistent with the changes to the Use Classes Order and effective.

It is proposed that the changes required will be dealt with through a separate focused public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Further consideration will be given to the most appropriate time to carry out the focused consultation.

Section A - Your Details

Name (Required)

What is your address?

What is your email address? (Required)

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

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

	Yes	No
The City Plan Part Two has been submitted for independent examination	☐	☐
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	X	☐
The adoption of the City Plan Part Two	☐	☐

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement - ROW V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement_-_ROW_V2.pdf)

Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice

Please Tick (Required)

Tick Yes

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Your Representation

Please fill in the relevant sections for your representation(s).

Section C should be completed for policies DM1 to DM46, SA7, and SSA1 to SSA7. If you want to comment on more than one of these policies, please copy and paste section C) for each policy

Sections D to G should be completed for policies H1, H2, H3 and E1. Please only fill out sections D-G) once.

Section H should be completed for supporting documents. Please only fill out section H once.

Section B CPP2 Introduction

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

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7
If you want to comment on more than one policy, please copy the questions from this section and paste below your representation on each policy

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

--

Policy Title e.g. Housing and Accommodation

--

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

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.

--

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

--

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

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

--

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)

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

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

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

--

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

If you wish to make a representation on another policy (DM1 – DM46, SA7, SSA1 to SSA7) please copy and paste the questions from this section below.

Section D H1 Housing Sites and Mixed Use Sites

Please only fill this section out once

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

- ☐ **ALL SITES**
- ☐ Former St Aubyn's School, 76 High Street, Rottingdean
- ☐ Land between Marine Drive and rear of 2-18 The Cliff, Brighton
- ☐ 25 Ditchling Rise / rear of 57-63 Beaconsfield Road, Brighton
- ☐ 60-62 & 65 Gladstone Place, Brighton
- ☐ 76-79 & 80 Buckingham Road, Brighton
- ☐ 87 Preston Road, Brighton
- ☐ Eastergate Road Garages, Moulsecoomb, Brighton,
- ☐ Land between Manchester Street/Charles Street, Brighton
- ☐ Preston Park Hotel, 216 Preston Road, Brighton
- ☐ George Cooper House, 20-22 Oxford Street, Brighton
- ☐ Old Ship Hotel (garage), 31-38 Kings Road Brighton
- ☐ Saunders Glassworks, Sussex Place, Brighton
- ☐ 2-16 Coombe Road, Brighton
- ☐ Outpatients Department, Royal Sussex County Hospital
- ☐ Whitehawk Clinic, Whitehawk Road, Brighton
- ☐ Buckley Close garages, Hangleton
- ☐ Former playground, Swanborough Drive, Whitehawk
- ☐ Former Hollingbury Library
- ☐ 29-31 New Church Road, Hove
- ☐ 189 Kingsway, Hove
- ☐ Kings House, Grand Avenue, Hove
- ☐ Victoria Road Former Housing Office (adj Portslade Town Hall), Victoria Rd, Portslade
- ☐ Land at the corner of Fox Way and Foredown Rd, Portslade
- ☐ Smokey Industrial Estate, Corner Church Road, Lincoln Rd & Gladstone Rd Portslade
- ☐ Land south of Lincoln Street Cottages, Lincoln Street, Brighton
- ☐ Hove Sorting Office, 88 Denmark Villas, Hove
- ☐ Former Belgrave Centre & ICES, Clarendon Pl, Portslade (Site SP2 in JAAP Policy CA3)
- ☐ Wellington House (Site SP3 in JAPP Policy CA3)
- ☐ City College, Pelham Tower (and car-park), Pelham Street
- ☐ 71 - 76 Church Street, Brighton
- ☐ Post Office site, 62 North Road, Brighton
- ☐ 27-31 Church Street (corner with Portland Street)
- ☐ Former Dairy Crest Site, 35-39 The Droveway, Hove
- ☐ Kingsway/Basin Road North (site AB4 in JAAP policy CA2)
- ☐ Prestwich House (Site SP1 in JAAP policy CA3)
- ☐ Regency House, North Street, Portslade (Site SP4 in JAAP policy CA3)
- ☐ Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP policy CA3)
- ☐ Church Road/Wellington Road/ St Peter's Road (site SP6 in JAAP policy CA3)
- ☐ Station Road site, Portslade (Site SP7 in JAAP policy CA3)

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

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.

--

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.

--

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

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)

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

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

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

--

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

Section E H2 Housing Sites – Urban Fringe

Please only fill this section out once

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

X ALL SITES

- ☐ Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- ☐ Benfield Valley
- ☐ Land at and adjoining Horsdean Recreation Ground, Patcham
- ☐ Land at Ladies Mile, Carden Avenue
- ☐ Land to north east of Coldean Lane
- ☐ Land north of Varley Halls, Coldean Lane
- ☐ Land at and adjoining Brighton Race Course
- ☐ Land at South Downs Riding School & Reservoir Site
- ☐ Land north of Warren Road (Ingleside Stables)
- ☐ Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm
- ☐ Land adjacent to Ovingdean and Falmer Road, Ovingdean
- ☐ Land at former nursery, Saltdean
- ☐ Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean
- ☐ Land west of Falmer Avenue, Saltdean

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	X
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	X
Consistent with National Policy	☐

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

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

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

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.

Brown field sites should be considered before urban fringe sites

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.

BHCC should have a stated policy that planning applications for green-field and urban fringe sites will not be considered until construction has started on all brown-field sites.

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

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)

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

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

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

--

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

Section F H3 Purpose Built Student Accommodation

Please only fill this section out once

Which Purpose Built Student Accommodation site(s) does your representation refer to?
(Tick all that apply to your submission)

☐ **ALL SITES**

- ☐ Lewes Road Bus Garage, Lewes Road, Brighton
☐ 118–132 London Road, Brighton
☐ 45 & 47 Hollingdean Road, Brighton

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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.

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

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

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

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

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

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

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

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

--

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

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

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

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

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

--

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

Section H Supporting Documents and Background Studies

Please only fill this section out once

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

Supporting Documents / evidence can be found on this webpage <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

The completed Word Form can be emailed to planningpolicy@brighton-hove.gov.uk or posted to: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

Legal Compliance

Legally compliant means asking whether or not the plan has been prepared in line with statutory regulations, the 'duty to cooperate' and legal procedural requirements. There are five areas to consider when looking at whether or not the Plan is legally compliant. These are:

- *Is the Plan consistent with the Council's production timetables known as the Local Development Scheme (LDS)?*
- *How has the community been involved in the process and has the Council met its Statement of Community Involvement (SCI)? Details of how the plan has been prepared are set out in the Statement of Consultation.*
- *Does the Plan meet the requirements for content and consultation set out in the Town and Country Planning (Local Planning) Regulations 2012 and the Planning and Compulsory Purchase Act 2004?*
- *Does the Sustainability Appraisal (SA) Report accompanying the Brighton & Hove City Plan Part Two form a suitable assessment of the sustainability of the Council's proposals and follow the relevant legislation and guidance?*
- *Has the Council complied with the Duty to Cooperate? This is addressed in the council's Duty to Cooperate Statement.*

The government's tests of Soundness

- **Positively prepared** - *the plan should be prepared in a way that meets the need for housing and other development, including infrastructure and business development.*
- **Justified** – *the plan should be based on evidence, and be the most appropriate strategy for the city when considered against other reasonable alternatives.*
- **Effective** – *the plan should be deliverable; the housing and other development should be capable of being carried out.*
- **Consistent with national policy** – *the plan should enable sustainable development and be consistent with the policies in the National Planning Policy Framework (NPPF).*

Subject:
Date:

RE: City Plan Part Two Proposed Submission Stage (2020) - Comment
29 October 2020 14:43:53

[REDACTED]

Thank you for submitting your completed response form with your representation to policy H2.

Please accept this as confirmation of receipt.

Best regards

Planning Policy Team
City Development & Regeneration | Brighton & Hove City Council
First floor Hove Town Hall, Norton Road, Hove, BN3 3BQ
W: www.brighton-hove.gov.uk

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

-----Original Message-----

[REDACTED]

Subject: Re: City Plan Part Two Proposed Submission Stage (2020) - Comment

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

[REDACTED]

My comment is intended as a formal submission and I have tried to include it in the most relevant section on the attached form.

Thank you

[REDACTED]

>
> Thank you for your email. However, it is not clear if your comment is intended as a formal representation in response to City Plan Part 2? If you wish to make a formal representation, please could you fill in the attached Representation form.

>
> [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

> W: www.brighton-hove.gov.uk

>

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> you with respect

>

[REDACTED] - Comment

>

> This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

>

>

> In order to successfully prioritise the use of brown-field sites before green-field sites in the City, there should be a clear statement that planning applications for the use of green-field sites will not be granted until all brown-field sites development has been completed.

>

> Regards

>

[REDACTED]

>

> Notice to recipient:

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> only for the use of the individual to whom it is addressed and may contain information which is privileged and confidential, the disclosure of which is prohibited by law.

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> note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify the sender immediately.

> Thank you in anticipation of your co-operation.

>

> You can visit our website at <http://www.brighton-hove.gov.uk>

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> Please consider the environment, only print out this email if absolutely necessary.

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> and/or recorded in line with current legislation

>

>



Subject:
Date:

RE: INGLESIDE STABLES AND SOUTH DOWNS RIDING SCHOOL
30 October 2020 11:16:04

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Duly filled in.



Subject: RE: INGLESIDE STABLES AND SOUTH DOWNS RIDING SCHOOL



Thank you for your submitted representation in response to the Proposed Submission City Plan Part 2. In order to help us process your email as formal representation to the City Plan Part Two we do also need to know the following information from you:

Please let us know if you would like to be notified of any of the following (delete as appropriate);

The City Plan Part Two has been submitted for independent examination	Y
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	Y
The adoption of the City Plan Part Two	Y

Please be aware that 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 council's website.

The council will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS) who will undertake the examination of the City Plan on behalf of the government. 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

[PINS Privacy Statement \(June 2019\)](#)

(Required)	Yes
I have read the PINS privacy statement above	

Yours sincerely,

Planning Policy Team

Brighton & Hove City Council

If you would like the Policy, Projects and Heritage team at Brighton & Hove City Council to continue to occasionally contact you with news of their documents and consultations then please fill in your details [here](#).

Subject: INGLESIDE STABLES AND SOUTH DOWNS RIDING SCHOOL

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Proposed planning permission ideas on these riding establishments are uncountenanceable and destructive.

Both these facilities provide valuable employment for a relatively large number of people, many if them younger people, in whose age bracket steady employment is already a rare and unstable commodity. The services to the local community that both equine businesses offer are extremely valuable to us all in terms of health and wellbeing. There are also many activities provided for some of the more vulnerable in our environment, that is, disabled children and adults.

The proposals would be an eyesore in a landscape that has remained reasonably unchanged for a long time, certainly beyond any local can recall, and possibly centuries. This area is also a nature reserve and borders on the South Downs (hence the very name of the riding school ...) and is an area that is flourishing with an abundance of native wildlife and wildflowers. The lockdown earlier this year was a real boon for nature, one result of which was a visit by a (migrating?) corncrake, which any birdwatcher worth her salt will tell you is a real rarity (many told me it was "unlikely" to be this bird, but it was! a true thrill). Flora, too, has come into its own. It also has its many fascinations for archaeologists and historians - some have even suggested that the area ought, indeed, to be Listed.

The area is poorly served for services and the infrastructure is at a bare minimum - local shops are at least a mile away, with no direct bus service, so further reliance would be placed on personal transport, thereby adding to air quality degradation.

The real threat of climate change is another reason to pass this plan over. Destruction of green lungs for the city to be replaced with a vast to light pollution, noise pollution, as already mentioned degradation of air quality, and swathes of nature-hating concrete. Why destroy something beautiful and constructive and replace it with something ugly and destructive?

There are many brownfield sites available in Brighton and Hove and there are a large number of buildings that have been empty for a long time and many that have become empty because of Covid-19 - for a council that is so hot on recycling, surely the ultimate feather in the cap? Repurpose all these empty buildings. And a much, much cheaper option, surely?

When I look at the many new buildings that are being thrown up across the city, my heart sinks. B&H is, at its heart a beautiful city many fine building, some magnificent, even. Most of this "new build" is identikit, tacky tacky, undistinguished boxes piled on top of one another.

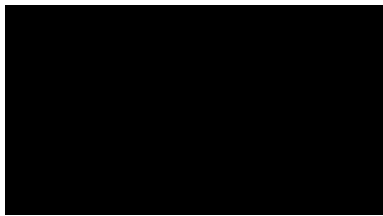
Brighton and Hove is a unique city - this region of stables/riding school is also unique and, therefore, irreplaceable. Once it is gone, it is gone for good (or, rather, worse).

I have heard that the stables and riding school have been served notice already. If this is true, surely it most irregular, if not illegal, since the consultation period is not yet over?

I would urge the Planning Committee to get its "green priorities" right and leave this site alone.

SAVE OUR STABLES.

Yours sincerely



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Thank you in anticipation of your co-operation.

You can visit our website at <http://www.brighton-hove.gov.uk>

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Please Note: Both incoming and outgoing Emails may be monitored and/or recorded in line with current legislation

[REDACTED]

Subject:

[REDACTED]

RE: SOS response to CPP2

Attachments:

CPP2 - FINAL WORD REP FORM Sept 2020.docx

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

[REDACTED]

I have completed Part A of your form, which is attached. I have not filled in the other sections as I would hope our comments are clearly laid out under each appropriate policy in the submission we have sent you, but let me know whether that is a problem for you

As stated in our submission we do wish to attend the public examination of the policies that we have commented on.

Kind regards,

[REDACTED]

Subject: RE: SOS response to CPP2

[REDACTED]

Thank you for your representation on behalf of the Sussex Ornithological Society. In order to help us process your email as formal representation to the City Plan Part Two, please could you complete the attached representation form indicating whether you consider the Plan to be sound/unsound etc, and also whether you wish to participate in the CPP2 examination hearings and/or wish to be notified at future stages of the Plan process.

[REDACTED]

Our customer promise to you

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

[REDACTED]

Sent: 25 October 2020 11:29

[REDACTED]
Subject: FW: SOS response to CPP2

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

For the attention of CPP2 Policy Projects and Heritage Team, Brighton and Hove City Council

Please find attached the Sussex Ornithological Society's (SOS) response to CPP2.

Please let me know if you have any queries

[REDACTED]
[REDACTED]
Notice to recipient:

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Subject:

RE: SOS response to CPP2

Date:

29 October 2020 10:37:19

Attachments:

[SOS Conservation - Brighton and Hove - response to CPP2.docx](#)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

[Redacted]

My sincere apologies, but I made an error in the document that I sent to you on 24 October.

I have been liaising with RSPB re our response to Policy DM37 and had agreed some modifications that we would like to see in paragraph 2.281 (Page 4 on my original and the revised response, attached) but I omitted to include the revised words; instead, in my 24 October letter, I had included the words shown in CPP2 !

I have corrected this matter in the attachment, and **have highlighted** the resulting change to my original submission, and would ask that you take note of this revision.

Again, my apologies for any extra work that this may cause you

Best wishes,

[Redacted]

[Redacted]

[Redacted signature block]

Subject: RE: SOS response to CPP2

[Redacted]

[Redacted] for providing the additional information.

Kind regards

[Redacted signature block]

[Our customer promise to you](#)

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Subject: RE: SOS response to CPP2

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

[REDACTED]

I have completed Part A of your form, which is attached. I have not filled in the other sections as I would hope our comments are clearly laid out under each appropriate policy in the submission we have sent you, but let me know whether that is a problem for you

As stated in our submission we do wish to attend the public examination of the policies that we have commented on.

[REDACTED]

[REDACTED]

Subject: RE: SOS response to CPP2

[REDACTED]

Thank you for your representation on behalf of the Sussex Ornithological Society. In order to help us process your email as formal representation to the City Plan Part Two, please could you complete the attached representation form indicating whether you consider the Plan to be sound/unsound etc, and also whether you wish to participate in the CPP2 examination hearings and/or wish to be notified at future stages of the Plan process.

Kind regards

[REDACTED]

[REDACTED]

Our customer promise to you

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

[REDACTED]
[REDACTED]
[REDACTED]

Subject: FW: SOS response to CPP2

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

For the attention of CPP2 Policy Projects and Heritage Team, Brighton and Hove City Council

-
Please find attached the Sussex Ornithological Society's (SOS) response to CPP2.

Please let me know if you have any queries

[REDACTED]
[REDACTED]

[REDACTED] recipient:

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City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Please Note

Policies in the Proposed Submission City Plan Part Two were agreed at Full Council on 23 April 2020. The Government announced amendments to the use classes in the Town and Country Planning (Use Classes) Order 1987 (as amended) on 21st July 2020 to come into effect on 1st September 2020.

The council notes that the changes to the use classes will require changes to be made in particular to Policies DM9, DM12, DM13, DM14 and DM15 of the City Plan Part Two to ensure the Plan is consistent with the changes to the Use Classes Order and effective.

It is proposed that the changes required will be dealt with through a separate focused public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Further consideration will be given to the most appropriate time to carry out the focused consultation.

Section A - Your Details

Name (Required)

What is your address?

What is your email address?

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

Sussex Ornithological Society

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

	Yes	No
The City Plan Part Two has been submitted for independent examination	☒	☐
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	☒	☐
The adoption of the City Plan Part Two	☒	☐

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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 here.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement - ROW V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement_-_ROW_V2.pdf)

Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice

Please Tick (Required)

☒ **Yes**

Your Representation

Please fill in the relevant sections for your representation(s).

Section C should be completed for policies DM1 to DM46, SA7, and SSA1 to SSA7. If you want to comment on more than one of these policies, please copy and paste section C) for each policy

Sections D to G should be completed for policies H1, H2, H3 and E1. Please only fill out sections D-G) once.

Section H should be completed for supporting documents. Please only fill out section H once.

Section B CPP2 Introduction

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

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7
If you want to comment on more than one policy, please copy the questions from this section and paste below your representation on each policy

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

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Policy Title e.g. Housing and Accommodation

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

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.

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City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

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

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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)

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

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

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

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

If you wish to make a representation on another policy (DM1 – DM46, SA7, SSA1 to SSA7) please copy and paste the questions from this section below.

Section D H1 Housing Sites and Mixed Use Sites

Please only fill this section out once

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

- ☐ **ALL SITES**
- ☐ Former St Aubyn's School, 76 High Street, Rottingdean
- ☐ Land between Marine Drive and rear of 2-18 The Cliff, Brighton
- ☐ 25 Ditchling Rise / rear of 57-63 Beaconsfield Road, Brighton
- ☐ 60-62 & 65 Gladstone Place, Brighton
- ☐ 76-79 & 80 Buckingham Road, Brighton
- ☐ 87 Preston Road, Brighton
- ☐ Eastergate Road Garages, Moulsecoomb, Brighton,
- ☐ Land between Manchester Street/Charles Street, Brighton
- ☐ Preston Park Hotel, 216 Preston Road, Brighton
- ☐ George Cooper House, 20-22 Oxford Street, Brighton
- ☐ Old Ship Hotel (garage), 31-38 Kings Road Brighton
- ☐ Saunders Glassworks, Sussex Place, Brighton
- ☐ 2-16 Coombe Road, Brighton
- ☐ Outpatients Department, Royal Sussex County Hospital
- ☐ Whitehawk Clinic, Whitehawk Road, Brighton
- ☐ Buckley Close garages, Hangleton
- ☐ Former playground, Swanborough Drive, Whitehawk
- ☐ Former Hollingbury Library
- ☐ 29-31 New Church Road, Hove
- ☐ 189 Kingsway, Hove
- ☐ Kings House, Grand Avenue, Hove
- ☐ Victoria Road Former Housing Office (adj Portslade Town Hall), Victoria Rd, Portslade
- ☐ Land at the corner of Fox Way and Foredown Rd, Portslade
- ☐ Smokey Industrial Estate, Corner Church Road, Lincoln Rd & Gladstone Rd Portslade
- ☐ Land south of Lincoln Street Cottages, Lincoln Street, Brighton
- ☐ Hove Sorting Office, 88 Denmark Villas, Hove
- ☐ Former Belgrave Centre & ICES, Clarendon Pl, Portslade (Site SP2 in JAAP Policy CA3)
- ☐ Wellington House (Site SP3 in JAPP Policy CA3)
- ☐ City College, Pelham Tower (and car-park), Pelham Street
- ☐ 71 - 76 Church Street, Brighton
- ☐ Post Office site, 62 North Road, Brighton
- ☐ 27-31 Church Street (corner with Portland Street)
- ☐ Former Dairy Crest Site, 35-39 The Droveway, Hove
- ☐ Kingsway/Basin Road North (site AB4 in JAAP policy CA2)
- ☐ Prestwich House (Site SP1 in JAAP policy CA3)
- ☐ Regency House, North Street, Portslade (Site SP4 in JAAP policy CA3)
- ☐ Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP policy CA3)
- ☐ Church Road/Wellington Road/ St Peter's Road (site SP6 in JAAP policy CA3)
- ☐ Station Road site, Portslade (Site SP7 in JAAP policy CA3)

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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

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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.

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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.

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City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

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)

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

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

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

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Section E H2 Housing Sites – Urban Fringe

Please only fill this section out once

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

- ☐ **ALL SITES**
- ☐ Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- ☐ Benfield Valley
- ☐ Land at and adjoining Horsdean Recreation Ground, Patcham
- ☐ Land at Ladies Mile, Carden Avenue
- ☐ Land to north east of Coldean Lane
- ☐ Land north of Varley Halls, Coldean Lane
- ☐ Land at and adjoining Brighton Race Course
- ☐ Land at South Downs Riding School & Reservoir Site
- ☐ Land north of Warren Road (Ingleside Stables)
- ☐ Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm
- ☐ Land adjacent to Ovingdean and Falmer Road, Ovingdean
- ☐ Land at former nursery, Saltdean
- ☐ Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean
- ☐ Land west of Falmer Avenue, Saltdean

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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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.

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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)

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

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

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

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Section F H3 Purpose Built Student Accommodation

Please only fill this section out once

Which Purpose Built Student Accommodation site(s) does your representation refer to?
(Tick all that apply to your submission)

- ☐ **ALL SITES**
- ☐ Lewes Road Bus Garage, Lewes Road, Brighton
- ☐ 118–132 London Road, Brighton
- ☐ 45 & 47 Hollingdean Road, Brighton

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

	Yes	No
Legally Compliant	☐	☐
Sound	☐	☐
Meets the Duty to Co-Operate	☐	☐

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

	Tick
Positively Prepared	☐
Effective	☐
Justified	☐
Consistent with National Policy	☐

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

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After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
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City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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.

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

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

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

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

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

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

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City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

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

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

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

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

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

Section H Supporting Documents and Background Studies

Please only fill this section out once

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

Supporting Documents / evidence can be found on this webpage <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

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

The completed Word Form can be emailed to planningpolicy@brighton-hove.gov.uk or posted to: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

Legal Compliance

Legally compliant means asking whether or not the plan has been prepared in line with statutory regulations, the 'duty to cooperate' and legal procedural requirements. There are five areas to consider when looking at whether or not the Plan is legally compliant. These are:

- *Is the Plan consistent with the Council's production timetables known as the Local Development Scheme (LDS)?*
- *How has the community been involved in the process and has the Council met its Statement of Community Involvement (SCI)? Details of how the plan has been prepared are set out in the Statement of Consultation.*
- *Does the Plan meet the requirements for content and consultation set out in the Town and Country Planning (Local Planning) Regulations 2012 and the Planning and Compulsory Purchase Act 2004?*
- *Does the Sustainability Appraisal (SA) Report accompanying the Brighton & Hove City Plan Part Two form a suitable assessment of the sustainability of the Council's proposals and follow the relevant legislation and guidance?*
- *Has the Council complied with the Duty to Cooperate? This is addressed in the council's Duty to Cooperate Statement.*

The government's tests of Soundness

- **Positively prepared** - *the plan should be prepared in a way that meets the need for housing and other development, including infrastructure and business development.*
- **Justified** – *the plan should be based on evidence, and be the most appropriate strategy for the city when considered against other reasonable alternatives.*
- **Effective** – *the plan should be deliverable; the housing and other development should be capable of being carried out.*
- **Consistent with national policy** – *the plan should enable sustainable development and be consistent with the policies in the National Planning Policy Framework (NPPF).*



SUSSEX ORNITHOLOGICAL SOCIETY

Registered charity 256936

www.sos.org.uk



24 October 2020



For the attention of

CPP2 Policy Projects and Heritage Team, Brighton & Hove City Council

Dear Sirs,

The Sussex Ornithological Society (SOS) is the county bird club. We promote the recording, study, conservation and enjoyment of birds in Sussex. We have 1900 members and a database of over 5 million bird records in Sussex. We publish the annual *Sussex Bird Report* and in 2014 wrote *The Birds of Sussex*, a 614 page avifauna which was judged the BB/BTO Best Local Bird Atlas 2007-17. Our Records Committee assesses whether records of rare or difficult-to-identify birds in Sussex, which do not have to go to the British Birds Rarities Committee, should be accepted or considered "not proven". More information about us can be found on our website www.sos.org.uk

We welcome this opportunity to participate in the Regulation 19 consultation on the proposed submission City Plan Part 2.

We have made comments on the following sections of CPP2

Policy DM1 - object

Policy DM37 – object

Policy DM38 – support

Special Area SA7 – object

SSA1- object

H1 - objection to the development of one site

H2 – objection to the development of six sites

SOS wishes to participate in any examination hearings sessions relevant to any sections of the City Plan Part Two that we have submitted objections to. We wish to discuss our objections formally with the Inspector and respond to any additional evidence presented by other respondents.

Policy DM1 Housing Policy, Choice and Mix

We do not consider this policy sound because we do not consider it to be effective or compliant with national policy.

Our fundamental criticism of CCP2 is the proposals to develop parts of designated Local Wildlife Sites and the Whitehawk LNR. We believe this is a direct result of the assumptions made about the densities of developments. As Policy DM1 is supposed to cover Housing Quality, Choice and Mix we would expect the density of housing to be covered by this policy. Instead CCP2 appears to avoid any discussion of this matter anywhere.

Brighton & Hove is a City. It already has areas designated for tall buildings, and we would have hoped that BHCC would have come forward with policies to extend the area designated for tall buildings/designate new areas for them, or to densify new developments so that the majority of the Council's housing targets were primarily accommodated within the urban area. We cannot see, in CPP2, that any attempt has been made to do this.

We do recognise that CPP1 set a requirement for some development on the urban fringe. But this does not equate to a requirement to build on sites designated as being important for nature conservation. Although large parts of the urban fringe area lie within the SDNP, or are designated as Local Wildlife Sites or an LNR, there is plenty of urban fringe land that does not lie in areas designated to be important for nature conservation. And plenty more dwellings can be built in the urban area if densification policies are increased.

CPP2 proposes that development occurs on no less than nine Local Wildlife Sites plus a Local Nature Reserve. The Inspector carrying out the Public Examination of CPP1 was clear that it would be for BHCC to determine suitability of potential allocations in the urban fringe through the making of CPP2. We cannot find any work that has been done on this and no information is presented in CPP2 justifying any of these developments on sites of nature conservation importance, and no proposals to mitigate or compensate for such developments has been put forward. In our view this completely contradicts paragraphs 171 and 174 of the NPPF, which require BHCC to take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure and to safeguard components of local wildlife-rich habitats, including locally designated sites of importance for biodiversity. CPP2 appears to do none of this.

Our fear is that this is not going to be a one off and one has to presume that if BHCC continue down this path that future Local Plans will include further developments on sites that are designated to be protected for nature – so that more and more development will occur on LWS's and LNR's, and the designated area for nature within BHCC will shrink with every future Local Plan.

This outcome contradicts the principles laid down in Policy DM37, Green Infrastructure and Nature Conservation, and appears to directly oppose one of the three objectives of the Brighton and Lewes Downs UNESCO Biosphere, namely "*to conserve and enhance nature*". CPP2 appears to do next to nothing to enhance nature, rather it seeks to destroy some areas currently set aside for nature.

We suggest that the solution to this is for BHCC to make it clear that developments on LWS's or LNR's will not be considered, and that building densification standards will be set that enable housing targets to be delivered on sites outside areas designated to be important for nature.

To bring this about, we believe that BHCC needs to develop a strategy about where they are going to allow development of tens of thousands more dwellings in the decades to come. Such a strategy should also clearly lay out how areas designated to be of importance for nature conservation will be enriched and improved so that nature has some chance of holding its own in an ever denser and expanding Brighton & Hove.

Policy DM37 Green Infrastructure and Nature Conservation

Aside from the point already made about densification levels above, we have two points to make about the specifics of this policy:

1) The policy

SOS fully supports the statements in policy DM37 that read

Development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces; the interrelationship between these spaces and; ensure that the natural capital of the area is retained, enhanced and complements UNESCO Biosphere objectives.

and (Part C)

~~*Unless allocated for development in the City Plan development proposals that will result in an adverse effect on the integrity of any local site which cannot be either avoided or adequately mitigated will not be permitted, unless: i) exceptional circumstances outweighing the adverse effects are clearly demonstrated; and ii) the loss can be mitigated through on or off-site habitat creation to achieve a net gain in biodiversity/geodiversity. Development proposals considered to have a significant effect on local sites will be required to assess the impact by means of an Ecological Impact Assessment.*~~

However, we object to the opening wording of Part C above, wherein CPP2 clearly signals that this policy is not to be followed

~~*Unless allocated for development in the City Plan*~~

The result is that SA7, H1 and H2 put forward development proposals on nine LWS's and one LNR, all of which are on land owned by BHCC. CPP2 contains no analysis nor explanation of what exceptional circumstances outweigh the adverse effects on the green infrastructure that will result, nor do they attempt to require that any programmes of mitigation or compensation be put in place.

We believe that designating sites on LWS's and LNR's for development does not comply with national policy, and that it is unsound. NPPF paragraph 171 states that plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. Additionally, NPPF paragraph 174 makes it clear that plans should safeguard components of local wildlife-rich habitats including locally designated sites of importance for biodiversity.

Neither do we believe that the exclusion of allocated locally designated sites of conservation importance under part C of the policy is consistent with the rest of policy DM37. Namely that all development must achieve net biodiversity gains, or policy H2(d) which requires that 'development will mitigate any adverse impacts on designated sites'. It is also not compliant with part 5d of policy SA4 Urban Fringe from the City Plan Part 1 which states that development should only be permitted on the urban fringe if 'any adverse impacts of development are minimised and appropriately mitigated and/or compensated for'

We would like to see the words *Unless allocated for development in the City Plan* deleted from the start of Part C. This would then mean that the rest of Policy DM37 made a very clear statement that no development should occur on land that is designated as being important for nature conservation, unless a very exceptional case is made as to why this is necessary and that if this were then to occur full mitigation measures would need to be put in place so that no net loss of biodiversity results. This would remove the confusion that the first line of part C of Policy DM37 causes as it contradicts so many other policies in CPP2.

2) Swift bricks/boxes and Bee bricks

We know that RSPB have reached agreement with BHCC that the incorporation of Swift bricks/boxes and Bee bricks will be a planning condition of all new developments where this is feasible. Following discussions with RSPB we believe that this could be better reflected in CPP2 if specific reference were made to this in Policy DM37 and if supporting paragraph 2.281 were also amended.

We would, therefore, like to see the following inserted into Policy DM37:

Nature Conservation

All development should seek to conserve and enhance biodiversity and geodiversity features ensuring:

- a net gain in biodiversity is achieved;
- that recognised priority species and habitats are protected and supported;
- that Swift bricks/boxes and Bee bricks are installed whenever feasible
- that appropriate and long-term management of new or existing habitats is secured to ensure a network of nature recovery, and
- where relevant, the control and eradication of any invasive non-native species present on site

We would also like to see paragraph 2.281 amended as follows:

When applying this policy, regard will be given to the achievement of national and local Biodiversity Action Plan (BAP) Targets. Enhancement opportunities should focus on habitats and species of principal importance - Brighton & Hove's local BAP habitats (e.g chalk grassland) and priority species (e.g. swifts, peregrines, house sparrows, starlings, white-letter hairstreaks, hornet robberfly etc.). Strong consideration should also be given to the protection of native species, and provision of roosting/nesting boxes for bat/birds (including swifts, house martins and swallows), gaps/holes at ground level in boundaries for hedgehogs, biodiverse roofs and walls, and, appropriate innovative and creative measures. *All new build, refurbishment, and renovation schemes must incorporate swift bricks or boxes (swift bricks are preferred where the scheme design allows) where the development is five metres or greater in height to the eaves, and ensure their installation follows best practice guidance. Measures to ensure swift bricks or boxes are installed will be secured through planning conditions. All new build, refurbishment, and renovation schemes should also incorporate bee bricks where possible into the design of the scheme, following best practice guidance.* SPD11 Nature Conservation and Development will be updated and will refer to a range of other low-cost nature conservation features that can be secured through new development.'

The above recommendations have been discussed between Sussex Ornithological Society and the RSPB, with both parties agreeing that these changes will enhance the application of policy DM37 regarding the provision of swift bricks/boxes and bee bricks.

DM38 Local Green Spaces

It is noted that Benfield Valley is one of four designated Green Spaces and that it is also a Local Wildlife Site. This policy states

Development will not be permitted within a Local Green Space designated within the City Plan or an approved Neighbourhood Plan unless there are very special circumstances where the public benefits of the development proposed would outweigh the harm that would be caused by development within the Local Green Space.

Paragraph 2.293 explains that

All four also act as important green wedges into the urban area which act as wildlife corridors

SOS welcomes these policy statements and the allocation of Hollingbury Park, Three Cornered Copse, Ladies' Mile and Benfield Valley as the three other Local Green Spaces (LGS's)

Special Area SA7 Benfield Valley

The proposal is to develop 100 dwellings on land designated as a Local Wildlife Site. The buildings would not blend into the landscape - instead it is proposed that they would be 3-stories high, which is higher than surrounding residential densities. In other words this would be visually an intrusive development on land that is designated to protect nature.

The importance of the whole valley is reflected in paragraph 3.7 of BHCC's Local Greenspace Topic Paper, which states:

Benfield Valley forms an important green corridor stretching northwards from the A270 Old Shoreham Road to the A27 Bypass, connecting with the SDNP beyond. It includes major open spaces at both the north and southern ends and is well used by the public for outdoor recreation. It also contains significant wildlife habitats and protected species and much of the area has been designated a LWS.....

No attempt is made to explain what the “*very special circumstances*” are that justify bisecting this “*important green wedge and wildlife corridor*” - as is required by Policy DM38, (see paragraph 2.293) nor to explain (let alone mention) why development is even being considered on an LWS. No mitigation is being put forward to compensate for the loss of part of this LWS to development.

Allowing development to bisect wildlife corridors goes against every principle of linking areas of nature conservation importance that is being promoted by the current development of Nature Recovery Networks. It also weakens Brighton City's Green Network by breaking the continuity of one of the main arteries in that Network.

For all the above reasons SOS objects to the proposed development of Special Area SA7, Benfield Valley, as we believe it is neither justified nor effective. As noted elsewhere in this submission, by insisting on a small increase in overall building densifications the loss of these 100 dwellings would not affect BHCC's ability to meet its housing targets.

SOS therefore requests that that the second paragraph, which relates to residential development, be deleted. Instead Policy SA7 should reiterate that residential development is not appropriate on Benfield Valley Local Wildlife Site and the boundary of the Local Green Space should be extended to cover the whole of Benfield Valley.

SSA1 Brighton General Hospital

The current hospital buildings are home to Brighton's largest colony of Swifts (15 nests in 2018 and 19 in 2019) – an amber listed species, which in Great Britain nests only under the eaves of roofs of buildings or in Swift bricks/ boxes. As noted in our comments on Policy DM37 and the clarification that we and RSPB are seeking to paragraph 2.281, RSPB has reached agreement with BHCC that this species should be protected, and that all developments should include the installation of Swift nests whenever this is suitable.

Given the opening statements of Policy DM37.....

All development should seek to conserve and enhance biodiversity and geodiversity features ensuring:

- *a net gain in biodiversity is achieved;*

- *that recognised priority species and habitats are protected and supported;*
- *that appropriate and long-term management of new or existing habitats is secured to ensure a network of nature recovery;....'*

..... and the importance of the Swift colony at Brighton General Hospital, we ask that an addition be made to Policy SSA1 to make it more effective. We would like to see the following paragraph added:

i) development proposals should specifically include proposals to provide alternative nest sites for Swifts, and these nests should be installed and proven to be successful before any development commences.

Policy H1- Urban Housing sites

Site 5. Land between Marine Drive and the rear of 2-18 The Cliff

CCP2 allocates this BHCC-owned land as a development site for just 10 dwellings. This entire (small) site was designated as an LWS (Cliff Road Paddock LWS, BH66) in January 2017 (although it was first recognised as a Candidate LWS in 2013). We understand that this chalkland site has a healthy reptile population of Common Lizard, whose habitat would be destroyed if the site were developed. Its development would not be in accord with paragraph 174 of the NPPF which states that plans should safeguard components of local wildlife-rich habitats including the hierarchy of designated sites of importance for biodiversity.

This is one of the most recently designated LWS's in Sussex and we are disappointed to see BHCC putting it forward as they own the site and have recently been deeply involved in its being designated an LWS.

Its proposed development also runs contrary to the principles laid out in Policy DM37, namely: *Development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure that covers all forms of green and open spaces; the interrelationship between these spaces and; ensure that the natural capital of the area is retained, enhanced and complements UNESCO Biosphere objectives.*

There are clearly no overwhelming reasons why such a newly established LWS should be destroyed so that a mere 10 dwellings can be built on it. Removal of this site from the allocated sites for development will not affect BHCC's ability to deliver 13200 new dwellings in the 2010-2030 time frame, especially as BHCC have identified a further 1655 dwellings which they expect can be added to the current CCP1 and CCP2 allocations. The tiniest increase in planned overall densification of new developments would cover the loss of 10 dwellings on this site. It would also save the Common Lizard colony.

Policy H2 – Housing sites, Urban Fringe

For the reasons already explained in our responses to densification and Policy DM37 SOS is disappointed that CPP2 proposes substantial development in the Urban Fringe. Moreover, we strongly object that development is planned on designated Local Wildlife Sites and on an LNR. We would hope that BHCC looked at increased densification in urban sites first and then at urban fringe sites which are NOT designated as LWS's second.

SOS notes that planning applications are already being considered for three sites that will be built on LWS's, and therefore that the principle of their being developed, much as we dislike it, is already underway.

At the time of writing we understand that no planning applications have been lodged for the following six proposed Urban Fringe developments, all of which affect LWS's or Whitehawk LNR. For the same reasons that we have outlined in our comments on DM37 and H1, we object to development on all six of these UF sites, which is for a total of only 227 dwellings

Land west of Mile Oak Road, Portslade (UF sites 1 and 2)

The proposed development of 30 dwellings would destroy about a third of Oakdene. Southwick Hill LWS (BH22).

Land at, and adjoining Horsdean Recreation Ground (UF site 16)

The proposed development of 25 dwellings on this 1.17ha site would destroy about 40% of the Patcham Court Field LWS (BH101) which is 2.3ha in size, and which adjoins (to the east) Braeside Avenue Scrub LWS (BH63) of 6.63ha. Both LWS's run alongside the A27 to the north with the SDNP beyond.

Land North of Varley Halls, Coldean (UF site 21a)

The proposed development of 12 dwellings on this 0.94ha site to the east of Halls of Residence, would destroy a small part of the 29.95ha Land at Coldean Lane LWS (BH87). Sited alongside the existing Halls of Residence, this development would lead to this LWS being effectively split into two halves, significantly reducing its value as a wildlife corridor. For such a small gain in dwellings we do not believe that such a development is justified.

Land at and adjoining Brighton Racecourse (UF site 30) We object to this proposal to put 30 dwellings on this designated Local Nature Reserve. We object in principle to any development on a designated LNR, and in the case of the Whitehawk LNR we recognise its additional function as part of a key green wedge in Brighton's Nature Network and that it is a very important archaeological site. It also has an active Friends Group who monitor and help maintain it as Nature Reserve. Any permitted development on it would, we feel, be the thin end of the wedge and could lead to further nibbling away of the LNR in future City Plans.

Land north of Ingleside Stables, Warren Road (UF site 33)

50% of the proposed development of 30 dwellings on this 1.2 ha site would be completely set in the 20.44ha Bevendean Horse Paddocks LWS (BH86)

Site 43, Benfield Valley – see comments on Policy SA7 above.

In addition to objecting to these 6 UF developments on LWS's/ Whitehawk LNR, we also object to a seventh UF development, namely.....

Ovingdean Hall Farm and Bulstrode Farm (UF Sites 38, 38a and 39) This site borders the SDNP, but is not designated as an LWS. Barn Owl, a Schedule 1 species and Sussex BAP species, successfully nested in a Barn Owl box on this site in 2020 and the young were ringed by licensed ringers. The presence of successful nesting Barn Owl shows that the agricultural land around this site is attractive to small mammals. Development of this site for a mere 50 dwellings would increase BHCC's urban footprint into a surrounding agricultural area which clearly attracts wildlife and which directly borders the SDNP to the north and west. Such wildlife will be scared away for some considerable distance if humans and their pets were to inhabit a development on this site which is presently occupied by farm buildings. We therefore object to its development.

To summarise; SOS are asking for 287 dwellings to be deleted from CPP2.

These are at:

SA7 Benfield Valley	(100 dwellings)
HI, site 10	(10 dwellings)
H2, sites UF 1 and 2	(30 dwellings)
site UF16	(25 dwellings)
site UF 21a	(12 dwellings)
site UF30	(30 dwellings)
site UF33	(30 dwellings)
sites UF38,38a and 39	(50 dwellings)

The loss of these 287 dwellings could be made up by achieving an overall increased densification of 2.2% on the balance of the 12,913 houses covered by the other urban and urban fringe sites, thereby restoring the total of dwellings to 13200. As BHCC have already identified opportunities to build an extra 1655 dwellings on the CPP1 and CPP2 sites, protecting these nature-conservation assets from development by deleting these 287 dwellings would not impact BHCC's ability to deliver its housing targets.

We believe that going ahead with these developments would also put BHCC in breach of meeting their nature conservation commitments as required by Sections 171 and 174 of the NPPF. Instead not building them would go some way to limiting the damage that CPP2 will do to BHCC's nature network.

If you have any queries please do get in touch.

Yours sincerely,

[Redacted signature block]

(Required) I have read the PINS privacy statement above	YES
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Yours sincerely,

**Planning Policy Team
Brighton & Hove City Council**

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[Redacted signature block]

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To the Planing Policy Team

I attach the Hove Station Forum consultation respnse to the City Plan Part Two.

I would be grateful if you would acknowledge receipt

Best wishes

[Redacted signature]

[Redacted signature]

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PROPOSED SUBMISSION CITY PLAN PART TWO

REPRESENTATION BY HOVE STATION NEIGHBOURHOOD FORUM 2020

1. Introduction

In 2018 Hove Station Neighbourhood Forum submitted representations at the draft stage of City Plan Part 2 from the point of view of its relationship to the emerging Neighbourhood Plan. Our representations at that stage are attached as Annex 1.

Following the Regulation 14 Draft Neighbourhood Plan Consultation in May 2019 the Hove Station Neighbourhood Forum was re-designated in September 2019 for a further five year period 2019-2024, as a qualifying body with the responsibility of completing the preparation of the Hove Station Neighbourhood Plan. The response to this consultation involved detailed discussions with Council officers to agree amendments to the Neighbourhood Plan.

At its October 2020 meeting the Forum Management Committee approved the Regulation 16 Draft Neighbourhood Plan and agreed that following the approval of the Consultation Statement at its November Management Committee, the Regulation 16 Draft Neighbourhood Plan will be submitted to the Council on Friday 27th November for the Council to undertake the Regulation 16 Consultation.

In parallel, the emerging Consultation Draft Hove Station Area SPD aims to provide detailed planning guidance for the DA6 area which takes account of the policies of both the emerging NP and emerging City Plan Part 2.

In these changed circumstances since 2018 the Forum requests the Council to include a map in the text of CPP2 that shows the spatial relationship between DA6 and the boundary of the designated Hove Station Neighbourhood Area.

2. City Plan Part 2 policies and the NP vision of a Hove Station Quarter

The Forum believes that the emerging City Plan Part 2 should explicitly support the overall aim of Hove Station Neighbourhood Plan which is to 'facilitate the regeneration of the Hove Station Neighbourhood

Area in way which realises its potential by creating a vibrant and inclusive community, focused on a new **Hove Station Quarter**, as a great place to live, work and relax’.

The Neighbourhood Plan includes a series of interlinked policies for the integrated regeneration of the DA area across the railway line, which provide a framework for the implementation of City Plan Policy DA6 to deliver the proposed Hove Station Quarter

CPP2 includes both proposals which we first identified in the Hove Station Quarter Concept Plan that we informally consulted on in 2017-18 and then incorporated in the 2019 Regulation 14 Draft Plan and other policies which will support the realisation of the Neighbourhood Plan Vision.

These individual policies are commented below. But it would be appropriate for an additional comment to be inserted in the CPP2 text to the effect that the implementation of policies SSA4,H1,DM11,DM13, DM19 and DM22 will contribute to the delivery of the Neighbourhood Plan Policy for the creation of a Hove Station Quarter.

Policy SSA4 Sackville Trading Estate and Coal Yard

We propose minor amendments to the text in red for Policy SSA4 to make explicit the key role this strategic site will play in the development of this new quarter

- a. Contribute towards the local priorities for the wider Development Area as set out in City Plan Part One Policy DA6 and meet the policy requirements of a future Hove Station Neighbourhood Plan **for the delivery of a sustainable Hove Station Quarter** once adopted;

3.34 The site also falls within the Hove Station Neighbourhood Forum area. A draft Neighbourhood Plan has been produced, **which was informally consulted on in 2018 and formally consulted on in spring 2019. The draft Plan identified the high density mixed use redevelopment of this major site as a key component of the proposed Hove Station Quarter.**

3.39 Connectivity and pedestrian linkages from the southern part of the site are currently poor and redevelopment proposals need to ensure it becomes a successfully integrated part of the **proposed Hove Station Quarter**. The site is located in close proximity to Hove Station, however there is no easy means of accessing the station by vehicle or on foot. Redevelopment proposals should robustly investigate the feasibility of providing improved access, for example through the provision of a footbridge to the existing station car park or by the creation of a new access to Fonthill Road from the east of the Coal Yard which would follow pedestrian desire lines, **as suggested in the Draft Neighbourhood Plan**

Policy H1 Housing Sites and Mixed Use Sites

Residential sites allocation Table 6 Hove Sorting Office - 67 units

This site was allocated for housing development in early draft NP policies and is included in the Regulation 16 Draft.

DM 13 Important Local Parades

Hove Park Villas Goldstone Villas

This policy will support the Neighbourhood Plan Policy for Community Hub 1 Hove Station as a key component of the Hove Station Quarter .

DM19 Maximising Development Potential

This policy supports the NP policies designed to promote the development of a high density mixed use urban quarter.

DM22 Landscape Design and Trees

The Forum has given particular attention to tree planting as a means of establishing the character and identity of the proposed Hove Station Quarter. An extensive tree planting across the NP Area would be a unifying public realm investment bringing benefits to both residents in new housing areas and residents of the adjacent Victorian streets.

Thus Neighbourhood Plan Policy 10 Design and Public Realm sets a target objective for developments within the Hove Station Quarter (DA6 area) of planting 1 street tree per residential dwelling or 1 per 100m² of non-residential floor space within the designated area.

The Forum therefore supports the Hove Civic Society representations on CPP2 for strengthening Policy DM 22,

DM35 Travel Plans and Transport Assessments

Larger developments requiring Transport Assessments should also consider the cumulative transport impacts arising from other committed or planned developments (i.e. development that is permitted or allocated and there is a reasonable degree of certainty delivery will occur). Development will not be permitted where the residual cumulative impact of the development is severe, unless provision is made for appropriate mitigation.

This policy needs to be strengthened by two policy commitments from the Council in relation to the traffic impacts of CP1 policies DA6 and DA7.

The first commitment would be for the Council to undertake a formal and transparent assessment of the cumulative transport impacts arising from the developments which are already committed in DA6 by successive planning approvals in the past 5 years, in the context of the likely early approval of major development envisaged in DA7 Toads Hole Valley. This would establish a baseline on which the transport impacts of further development could be transparently assessed as planning applications are submitted.

Community engagement during plan preparation has from the outset repeatedly emphasized importance of minimising the traffic and parking impact of new development in the area, in terms of both increasing traffic congestion and the threat of overspill parking. But thus far planning applications have been processed on an application by application basis which has not included an assessment of their cumulative impact. The result has been increasing public concern which has been evident in the Forum's recent community engagement activities and in the large number of individual objections to planning applications. Public confidence in the planning system has been eroded by this approach. In its submissions on planning applications the Forum has consistently pressed for the cumulative impact to be assessed and shared with the public. Most recently Highways England indicated in their response our Regulation 14 Draft Neighbourhood Plan consultation that they would have to object to the Neighbourhood Plan

because of the estimated quantum of housing development identified in Neighbourhood Plan Part One (Table 4 pp 43) – a minimum of over 1300 dwelling units (10% of the City Plan total).

The second commitment would be to prepare a comprehensive traffic management plan to minimise the cumulative impact of the quantum of development already approved or likely to be approved in DA6 and DA7, as proposed in *Neighbourhood Plan Part 2 Section 4 The Need for a Traffic Management Plan for the Area*. This an urgent task as the construction of major developments will begin in 2021 with the reasonable certainty that most of the 1300 dwellings in DA6 will be delivered in the next 5 years, followed by early phase projects in DA7.

3. DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities OBJECTION

The following City Plan Part 1 Strategic Allocations/ Development Areas are identified as search areas for new hotel development:

DA6 Hove Station Area – sustainable transport hub with links to Hove town centre and seafront but not considered a significant hotel location. Potential for a budget hotel alongside other uses if there is sufficient capacity.

In our response at the draft stage of CP2 we suggested that there was no support for this policy. We now ask for its deletion. The approval of the Watkins Jones Hove Garden project has set a benchmark for high density redevelopment of DA 6 south of the railway for housing combined with commercial and community uses which complement the existing provision in the Important Local Parade (CP2 DM 13) immediately adjacent to Hove Station. The approval of major applications north of the railway means that there is no capacity there. There is no evidence of demand for hotel in DA6 and the vision of a new Hove Station Quarter does not include the development of the area as a destination for tourists.

ANNEX 1

HOVE STATION NEIGHBOURHOOD FORUM COMMENTS ON CITY PLAN PART 2

The Forum welcomes the opportunity to comment on the Draft City Plan Part 2. Our contribution is based on our experience of developing the statutory Hove Station Neighbourhood Plan since the designation of the Forum and the Neighbourhood Area at the end of 2014.

The relationship between the emerging Neighbourhood Plan and the emerging City Plan Part 2

The Forum will be launching its Section 14 Pre-Submission Consultation on the Draft Neighbourhood Plan in January 2019. A successful referendum later in 2019 will mean that the Neighbourhood Plan will be 'made' as part of the City's Development Framework before the adoption of City Plan Part 2 in 2021. In this context it will be important to ensure that the Neighbourhood Plan complements the emerging CP2 – perhaps in some cases enabling CP2 policies to be brought into effect in the NP Area before the adoption of CP2. It would also be helpful to review the extent to which the responses to the City Plan Part 2 Consultation could contribute to the evidence base of the Draft NP.

Thus the following comments should be reviewed with the LPA in October-November as the Consultation Draft NP is finalized, following a public consultation on the emerging Draft Plan at our 7th Have Your Say Day on July 2017 and its publication at

<http://www.hovestationforum.co.uk/feature/our-emerging-neighbourhood-development-plan-ndp/>

Policy SSA4 Sackville Trading Estate and Coal Yard

Our vision of developing DA6 as a new Hove Station Quarter has driven the neighbourhood planning process for the past three years. It was clear from the outset that the DA6 allocation of the former Coal Yard as a Waste Management Site was a major obstacle to realizing this vision. Thus the Forum objected to this allocation in the Waste and Minerals Sites Plan. The case for re-allocation of the site for mixed use residential and commercial redevelopment was based on the neighbourhood planning rationale for the integrated redevelopment of DA6. This was supported by a petition which delivered over 600 signatures – clear evidence of local residents' support for our vision of a Hove Station Quarter and our emerging policies for DA6 .

This re-allocation enabled the Forum to further develop its ideas for the proposed Hove Station Quarter in the emerging Neighbourhood Plan which includes *the Hove Station Concept Plan –Community Ideas for a future City Council Master Plan*

Thus the Forum broadly supports the quantum and composition of development proposed by Policy SS4. We also support the site specific requirements, not least because they clearly endorse the relevant emerging NP policies and the site specific proposals embodied in Concept Plan - all of which have been subject to community consultation through our three latest Have Your Say Days in 2017 and this year, which have been attended by over 250 neighbourhood residents

DM4 Housing and Accommodation for Older Persons

We support this policy and are in a positive dialogue with MODA to secure significant provision as a component of the redevelopment Sackville Trading Estate and Coal Yard site. The evidence of local need which they have shared with us supports such provision and will enable us to include specific reference to it in the forthcoming Section14 Pre-Submission Draft Neighbourhood Plan.

DM6 Build to Rent Housing

In the context of recent NPPF Guidance on Build to Rent we are also in discussions with MODA about their proposal for a major build to rent scheme on the Sackville Trading Estate and Coal Yard Site. MODA are currently undertaking a pre-application public consultation on their outline scheme. The outcome of this exercise and our further work may enable us to support this proposal in the Section 14 Draft NP.

DM9 Community Facilities

The Forum has developed the concept of Community Hubs as key locations within the Neighbourhood Area where there are both needs and opportunities to improve existing community facilities (albeit with a wider definition of facilities) – namely the Hove Station Community Hub, the Sackville Road/Conway Street Community Hub and the Stoneham Community Hub. A fourth is proposed for incorporation in the redevelopment of the Sackville Trading Estate and Coal Yard. They all meet the criteria set out for new and improved facilities.

The loss of community facilities through redevelopment for housing in the Poets Corner/Wish part of the Neighbourhood Area west of Sackville Road has emerged as a major issue for the Neighbourhood Plan – exemplified by the redevelopment causing the loss of the Westons facilities and those provided by the YMCA. Thus this policy is very welcome and may help us to strengthen the NP policies to more effectively address this issue.

DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units

This policy is very welcome as it addresses key neighbourhood issues. The Forum will maximise the extent to which the NP can promote its provisions, not least through its Community Hubs Policy.

DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities

This policy identifies Hove Station Development Area 6 as a 'suitable search area' for new hotel development, having 'potential for a budget hotel alongside other uses if there is sufficient capacity'. The Forum has not addressed this issue but it will do so in the community engagement work prior to the launch of the Section 14 Consultation in January. It is extremely unlikely that there will be judged to be 'sufficient capacity', given the demands for other uses in the DA6 Area.

DM18 High quality design and places

The policy states that 'Development proposals must demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment'. The Forum fully supports this and the NP policy will be refined to require that all development proposals in DA6 contribute to the sense of Hove Station Quarter as a 'new place'.

Artistic element

The Forum fully supports the Hove Civic Society proposed amendment that major development proposals on strategic and/or prominent sites will be required to incorporate an artistic element in the development. The Section 14 Draft NP will include an appropriate policy.

DM22 Landscape Design and Trees

The emerging Draft Neighbourhood Plan includes the following as a component of ***Policy 10 Design and Public Realm*** *Developers will be expected to plant and fund planting of trees, including street trees on site and within the Neighbourhood Plan Area at the rate of 1 tree per residential dwelling or 1 per 100sqm of non-residential floor space.* Thus we support the Hove Civic Society proposal for new street tree planting of 1 tree per new dwelling, to be planted adjacent to or in the vicinity of new developments.

Moreover we also support the Society suggestion of creating a mechanism coupled to developer contributions that sets up endowment fund from which resources can be drawn in future years for the maintenance of trees in the public realm.

The Forum is currently developing a proposal for a ***Neighbourhood Endowment Fund*** which would provide resources from both private and public contributions to secure the improvement and ongoing maintenance of the public realm of the proposed Hove Station Quarter.