

Subject: CPP2 consultation - Friends of Whitehawk Hill representation
Date: 29 October 2020 14:02:51

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

Hi,

the other day please find below a Dropbox link which provides access to the friends of Whitehawk Hill's representation to the City Plan Part 2 consultation.

<https://www.dropbox.com/sh/ztjwef9kkdIlkfk/AAB70WloYw2lvnRo59fth2B6a?dl=0>

The representation comprises the following -

1. Response form with preliminary sections (personal details, group tick boxes etc) completed (the rest of the representation is presented in the following documents)
2. FoWH representation
3. App I: 'Whitehawk Hill: Where the Turf Meets the Surf' by
4. App II: A Vision for Whitehawk Hill - Race Hill - Sheepcote Valley
5. App III: 1822 Tenantry Down Enclosure Deed (Indenture)
6. App IV: 1888 Indenture
7. App V: Biological Records 1988 - 2003
8. App VI: Biological Records 2019 - 2020

App V comprises -

1. Va Race Hill east slope plant survey 1988
2. Vb Grasslands North West of Wilson Avenue 1990
3. Vc Brighton Habitat Survey: Phase II. Whitehawk Downs South. 1990
4. Vd Brighton Habitat Survey: Phase II. Whitehawk Downs North, 1990
5. Ve Whitehawk Downs: all sub-site species records
6. Vf Whitehawk LNR Insects Survey 1997
7. Vg Whitehawk LNR Insects Survey Report No. 2. 2001
8. Vh Whitehawk LNR Hemiptera and Psocidae Survey. 2001
9. Vi "*Malthodes lobatus* new to Britain" paper 2003
10. Vj 'The Whitehawk Soldier Beetle soldiers for the National Park' press release 2003

App VI comprises -

1. VIa Breeding Bird Survey Report, 2019
2. VIb Entomological Survey Report, 2019
3. VIc Entomological Survey Report, 2019

4. Vld Entomological Survey Report, 2019
5. Vle 'Bryophytes (Mosses and Liverworts) of Whitehawk Hill' Survey Report, 2020

I would be very grateful if you would be able to confirm that you have been able to access and download all the documents.

[REDACTED]

[REDACTED]

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.

Friends of Whitehawk Hill

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)

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

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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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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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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.

	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.

[illegible]

8

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

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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.

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

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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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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.

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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)

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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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).*

Brighton and Hove City Plan Part 2

Submission Stage Consultation



Representation by the
Friends of Whitehawk Hill



'Whitehawk Hill' by [REDACTED]



October 2020

Contents

1	INTRODUCTION	1
1.1	Whitehawk Hill and The Racecourse Landscape	1
1.2	Friends of Whitehawk Hill	2
1.3	Authors and contributors	5
1.4	Scope of FoWH representation	6
2	DM37 GREEN INFRASTRUCTURE AND NATURE CONSERVATION	7
2.1	Introduction	7
2.2	Not justified	7
2.3	Not effective	7
2.4	Not consistent with national policy	7
2.5	Conclusion	8
3	DM38 LOCAL GREEN SPACES	9
3.1	Introduction	9
3.2	Not justified	9
3.3	Not effective	13
3.4	Not consistent with national policy	13
3.5	Conclusion	13
4	H2 HOUSING SITES – URBAN FRINGE	14
4.1	Introduction	14
4.2	Site 30 Land at and adjoining Brighton Race Course	16
4.3	Sites 32/32a Land at South Downs Riding School & Reservoir Site and 33 Land north of Warren Road (Ingleside Stables)	30

5 PUBLIC EXAMINATION

37

5.1 Friends of Whitehawk Hill Participation

37

APPENDICES

I: 'Whitehawk Hill: Where the Turf Meets the Surf' by David Bangs

II: A Vision for Whitehawk Hill - Race Hill - Sheepcote Valley

III: 1822 Tenantry Down Enclosure Deed (Indenture)

IV: 1888 Indenture

V: Biological Records 1988 - 2003

VI: Biological Records 2019 - 2020

1 Introduction

1.1 Whitehawk Hill and The Racecourse Landscape

1.1.1 The Racecourse Landscape (**Figure 1**), which embraces Whitehawk Hill and Race Hill, with Sheepcote Valley, is the richest open sub-landscape, biologically and culturally (SSSIs excluded), area for area, within and adjacent to the City of Brighton and Hove. It is next to, and much loved by, some of the most deprived communities in the city. Whitehawk Hill rises less than a mile from the Royal Pavilion, with whose history it is deeply connected, and the Palace Pier. Its wildlife is a kind of 'living archaeology' with an ecological continuity back 5000 years to the building of the Neolithic causewayed camp on its saddle. It has been a public, community space in the whole of recorded history, back to high Saxon times. The tetrad (2km x 2km square) that embraces its rich and varied habitats has 220 more recorded higher plant species than found in any other tetrad in Sussex¹ (including those with SSSIs, NNRs, SACs and SPAs). It was a sacred site for some 3000 years of late prehistory and still remains so, since the creation 150 years ago of the bosky Downland cemeteries on its slopes.

1.1.2 The importance of this landscape was recognised in a [REDACTED] [REDACTED] " (Appendix II), prepared by BHCCs Ecologist and Conservation Officer. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

1.1.3 Its proximity to some of the most deprived parts of Brighton has made it 'fair game' for much past attrition on its margins by built development, for its communities do not engage with the planning process in the way that more affluent communities do. However, its targeting for 3 allocations/development sites in the formulation of the City Plan Part two has been widely opposed in the local community and across the City.

¹ Sussex Botanical Recording Group, 2018. The Flora of Sussex. Nature Bureau



Figure 1 The Racecourse Landscape and its constituent areas, including Whitehawk Hill

1.2 Friends of Whitehawk Hill

1.2.1 Friends of Whitehawk Hill (FoWH) is a community group that seeks to;

- promote Whitehawk Hill Local Nature Reserve and the Racecourse Landscape as one of the most important assets of Brighton and Hove;
- conserve and enhance the wildlife and cultural assets of the Local Nature Reserve and the Racecourse landscape;
- oppose development that would adversely affect Whitehawk Hill Local Nature Reserve and the Racecourse landscape and their multiple values;
- promote the use of the educational and learning opportunities offered by Whitehawk Hill Local Nature Reserve and the Racecourse landscape;
- foster greater understanding of Whitehawk Hill Local Nature Reserve and the Racecourse landscape;
- encourage and foster public and community engagement with Whitehawk Hill Local Nature Reserve and the Racecourse landscape; and

- support positive conservation management of Whitehawk Hill Local Nature Reserve and the Racecourse landscape.

1.2.2 The Friends of Whitehawk Hill was formed in 1995 and worked hard to record and analyse the wildlife and landscape history of the Hill. They are a practical group and raised money for urgently needed conservation work there, as well as arguing for better recognition of this ancient, biodiverse place. This phase of activity culminated in the publication of a comprehensive landscape and natural history of Whitehawk Hill '*Whitehawk Hill: Where the Turf Meets the Surf*' (Appendix I) in 2004 with grant aid that they won.

1.2.3 The Friends of Whitehawk Hill was re-launched in April 2019 and has been involved in;

- campaigning to protect Whitehawk Hill and the Racecourse Landscape from damaging development.
- surveys to better understand and monitor the hills wildlife;
- practical conservation work with Brighton and Hove City Council's (BHCCs) ranger service and other local volunteer groups to conserve the hills Priority Habitats and the wildlife it supports;
- guided walks in relation to the hills archaeology and wildlife; and
- litter picking.

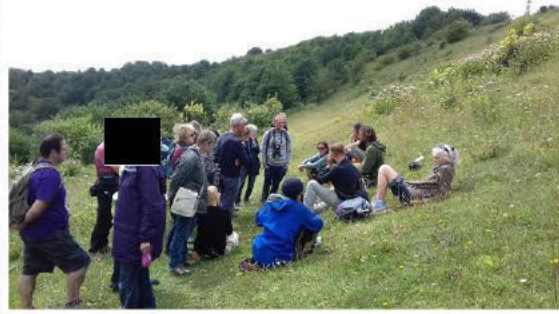
It has a Facebook page and group (with more than 450 members) where information, notifications and observations can be posted.



FoWH relaunch meeting
St Cuthmans, Whitehawk
April 2019



Archaeological tour of Scheduled Ancient Monument with [REDACTED], July 2019



Wildlife walk with BHCC ranger [redacted], August 2019



Campaigning - 'Beating the Bounds' of the 'Race Ground' - Spring 2020 (left) & Autumn 2018 (right, by the 'Four Parishes Stone')



Litter picking, March 2020





Practical conservation work, autumn-winter 2019-20

1.3 Authors and contributors

1.3.1 [REDACTED] completed his PhD in plant ecology at the [REDACTED]. He is a consultant [REDACTED] with more than 13 years' experience working in ecological consultancy, including in relation to development proposals (baseline surveys, evaluations, mitigation and ecological impact assessment). Projects have included the [REDACTED]

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

[REDACTED] co-authored this representation and carried out the breeding bird survey of the area in and around the allocation site during spring 2019.

1.3.2 [REDACTED] is a field naturalist with a range of experience across many biological groups, including bats, molluscs, arachnids, hymenoptera, higher and lower plants and fungi. He has worked with local groups across many Brighton sites, as well as more widely in Sussex and central London. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

██████ has carried out much biological survey and monitoring work on Whitehawk Hill and co-authored this representation.

- 1.3.3 ██████ is a very experienced naturalist and biological recorder of national standing specialising in aculeate hymenoptera (bees, wasps and ants). ██████. One of the founders of the Bees, Wasps and Ants Recording Scheme (BWARS). ██████
██████
██████
██████ currently working on projects concerned with the pollination of crops with the ██████, which provides ecological survey and interpretation for a range of Commercial, Governmental and Charity organisations. Regularly carries out a range of entomological consultancy work, including surveys and evaluations, for example in relation to proposed developments. ██████ carried out an entomological survey of Whitehawk Hill in and around the allocation site, focusing especially on bees, wasps and ants in July 2019.

- 1.3.4 ██████ is a very experienced naturalist and biological recorder of national standing specialising in beetles. ██████. Regularly carries out consultancy work, including surveys and evaluations, for example in relation to proposed developments. ██████ carried out an entomological survey of Whitehawk Hill in and around the allocation site, focusing especially on beetles, bugs and flies in May 2019, as well as earlier surveys in 1997 and 2001, and separate surveys in Sheepcote Valley, elsewhere within the Racecourse Landscape.

- 1.3.5 ██████ is an independent botanist and member of the ██████. He recorded many special, scarce and rare species, including both plant and animal species. His work generated records of 818 plant species in the Racecourse Landscape tetrad (2km x 2km square), some 220 more than the next richest tetrad in Sussex at Amberley Wild Brooks.

1.4 Scope of FoWH representation

- 1.4.1 FoWH have comments to make on the following aspects of City Plan Part 2, where they consider parts of the plan are **unsound**.

1. DM37 Green Infrastructure and Nature Conservation
2. DM38 Local Green Spaces
3. H2 Housing Sites – Urban Fringe

2 DM37 Green Infrastructure and Nature Conservation

2.1 Introduction

- 2.1.1 Friends of Whitehawk Hill object to the inclusion of the phrase '*Unless allocated for development in the City Plan...*' at the beginning of the paragraph dealing with Locally Designated Sites.

2.2 Not justified

- 2.2.1 The inclusion of this phrase represents a significant weakening of the protection given to Locally Designated Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with, for example, the 2005 Local Plan and the previous Draft City Plan Part 2.
- 2.2.2 The inclusion of this phrase would mean that developments on allocations within Locally Designated Sites would be permitted to go ahead even if they have an adverse effect on the integrity of Locally Designated Sites.
- 2.2.3 The justification for including this phrase is not stated but it is assumed that it based on the evidence presented in the Urban Fringe Assessments. However, the evidence presented in these documents is both out of date and quite inadequate to justify the inclusion of this phrase. For example, the damaging effect of the allocation at site 30, Land at and adjoining Brighton Race Course, on the integrity of Whitehawk Hill Local Nature Reserve is quite inadequately evidenced or addressed in the Urban Fringe Assessments. Further, more recent and detailed surveys, as wells other surveys carried out in recent decades, evidence the damage development on this allocation would have on notable habitats and species.

2.3 Not effective

- 2.3.1 The inclusion of this phrase means that there is not equal protection for all Locally Designated Sites in the City Plan area, meaning that some Locally Designated Sites are not effectively protected. It is also contradictory with other parts of the development plan, particularly policy SA4 which states that adverse impacts of development must be minimised and appropriately mitigated and/or compensated for.

2.4 Not consistent with national policy

- 2.4.1 The inclusion of this phrase is contrary to paragraph 174 of the National Planning Policy Framework as there is insufficient evidence to demonstrate that by including it the plan will '*safeguard components of local wildlife-rich habitats and wider ecological networks*', and

again, without sufficient evidence to justify such an approach, it does not treat all Locally Designated Sites in the City Plan area equitably.

- 2.4.2 The inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites, based on inadequate and out of date evidence. It implies that if, as part of the ecological impact assessment of any future planning application on an allocation within a Locally Designated Site, adverse effects of the proposed development on the integrity of the Locally Designated Site were to be identified, these would not be a consideration in determining the application. This would effectively bypass the application of the mitigation hierarchy, i.e. avoid, mitigate, compensate (e.g. NPPF paragraph 175 a). It is also inconsistent with paragraph 2.280 of City Plan Part 2, which transposes this and states '*Any proposal affecting nature conservation features and/or designated sites should include a nature conservation/ecological report which demonstrates evidence of working within the mitigation hierarchy...*'

2.5 Conclusion

- 2.5.1 The phrase '*Unless allocated for development in the City Plan...*' should be removed from the beginning of the paragraph dealing with Locally Designated Sites.

3 DM38 Local Green Spaces

3.1 Introduction

- 3.1.1 Friends of Whitehawk Hill believes that Whitehawk Hill Local Nature Reserve and the wider Racecourse Landscape, meet all the criteria for designation as a Local Green Space, as set out in paragraph 100 of the National Planning Policy Framework. However, neither is it included in the list of sites to be designated as Local Green Space in City Plan Part 2.

3.2 Not justified

- 3.2.1 Insufficient evidence is presented for the choice of sites identified for designation as Local Green Spaces in City Plan Part 2. This list is based on the list of sites identified as having '*potential for designation as Local Green Spaces*' in the 2014 Urban Fringe Assessment. However, although the 2014 Urban Fringe Assessment mentions the NPPF criteria (paragraph 4.13), this list of sites is not supported by any evidence, for example in the form of a table or matrix, to show why, against the NPPF criteria, the sites selected were considered to meet the criteria and other sites, such as Whitehawk Hill LNR/the Racecourse Landscape, were considered not to meet them.
- 3.2.2 BHCCs Local Green Space Topic Paper (2019), which considered sites for Local Green Space designation in the light of the previous City Plan Part 2 consultation, was an improvement, because it did present some evidence for sites in relation to the NPPF criteria. However, this was limited to the sites identified as having potential for designation in the 2014 Urban Fringe Assessment and the Draft City Plan Part 2, as well as sites suggested for designation during the previous (2018) consultation. It did not reassess, for example, the other Urban Fringe sites, like Whitehawk Hill LNR/the Racecourse Landscape.
- 3.2.3 Paragraph 100 of the National Planning Policy Framework states - '*The designation should only be used:*
- *where the green space is in reasonably close proximity to the community it serves;*
 - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - *where the green area concerned is local in character and is not an extensive tract of land.'*

Taking these one by one in relation to Whitehawk Hill LNR/the Racecourse Landscape;

Criterion 1

- Whitehawk Hill and the Racecourse Landscape are adjacent to Whitehawk, Craven Vale and the Bristol Estate, as well as close to, and well used by, residents in Kemptown, Hanover, Queen's Park, the areas either side of Elm Grove and Bear Road, and parts of Woodingdean (Figure 1).

Criterion 2

- Many residents in the areas close to Whitehawk Hill and Race Hill say that it is special and important to them (Photo 1). It has been celebrated, enjoyed and written about by a wide variety of people for two hundred years.

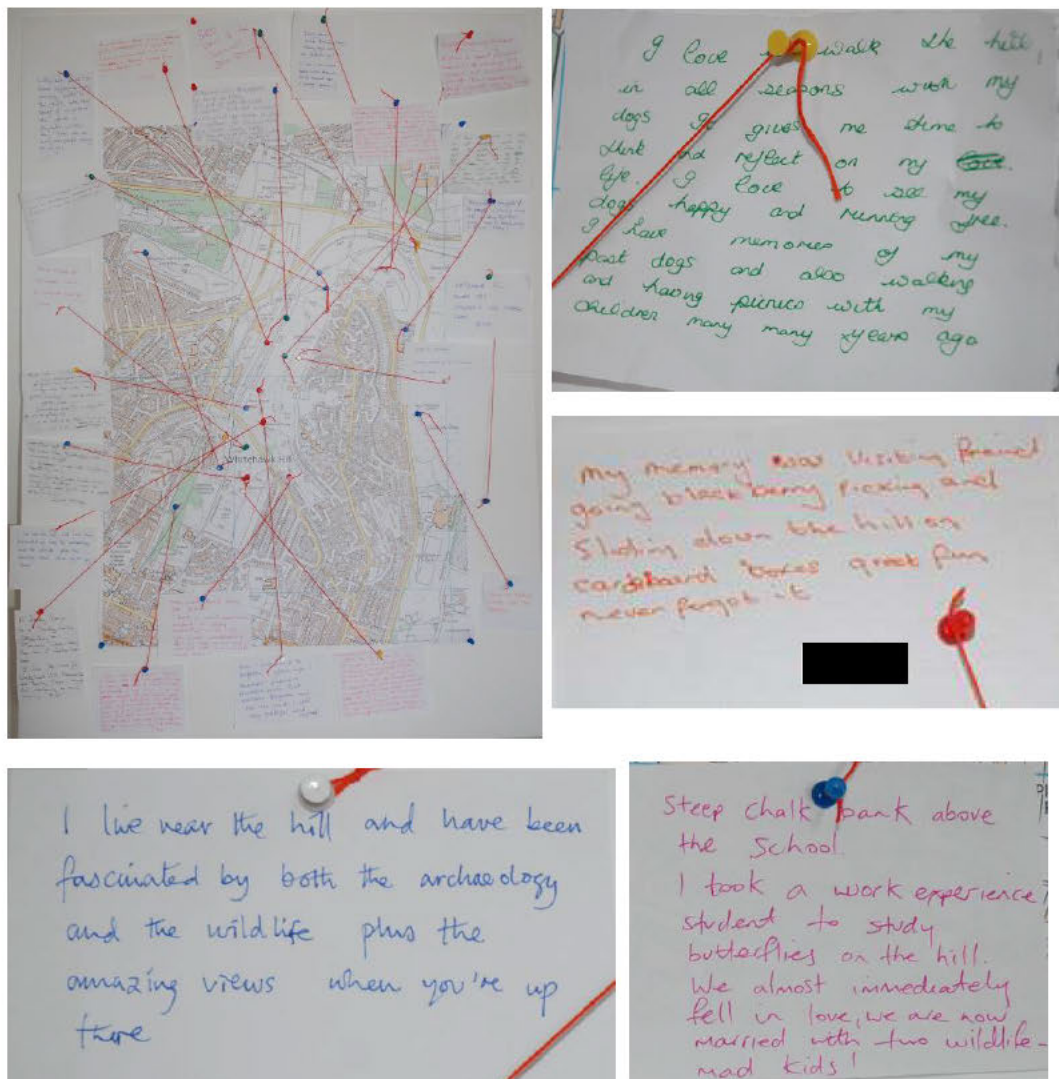
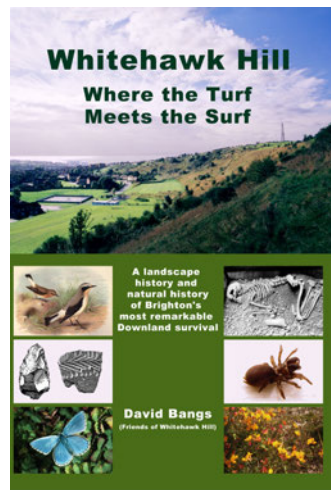


Photo 1 Messages of what Whitehawk Hill means to local people, from the re-launch of Friends of Whitehawk Hill April 2019.

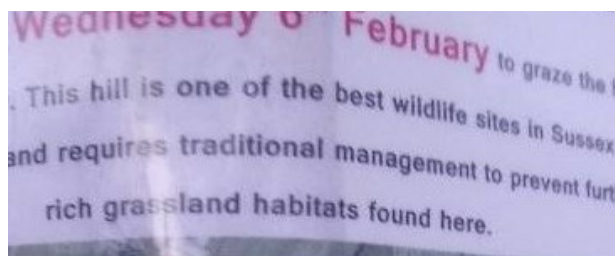
- It has been the subject of a book describing its history, and wildlife ('Whitehawk Hill: Where the Turf Meets the Surf' by David Bangs, 2004).



- Most people would agree that it is beautiful, and includes and supports features that are beautiful.
- It includes a Scheduled Ancient Monument - a Neolithic Causewayed Camp – and its wider setting and ‘archaeological landscape’.
- We know it because of Brighton Rock - Richard Attenborough's film and Graham Greene's book - and The Prince Regent's love of racing. It is a historic, prehistoric, and geohistoric landscape, which book-ends the whole sweep of the Sussex coastal plain.
- It is well used and loved by local residents on a daily basis throughout the year for contact with nature and a range of recreational activities.
- Despite its location next to built-up areas it has qualities of tranquillity. It is certainly an area of relative tranquillity in a local context.
- It has a statutorily designated Local Nature Reserve, supports a range of protected and notable species and has been described by BHCCs ranger service as '*one of the best wildlife sites in Sussex*' (Photo 2).



Photo 2 BHCC ranger service grazing notice which describes Whitehawk Hill as '*one of the best wildlife sites in Sussex*'



Criterion 3

- The last criterion, i.e. whether it is an '*extensive tract of land*' is clearly open to interpretation but, for example, BHCCs Local Green Space Topic Paper states (paragraph 6.15) '*the NPPF does not define any size thresholds for LGS designation, with the NPPG stating explicitly that there are no hard and fast rules about how big a LGS can be.*'

3.2.4 Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Space because they act as '*important green wedges into the urban area*'. Clearly Whitehawk Hill/the Racecourse Landscape also comprises such a 'green wedge', lying between the built up areas of Whitehawk to the east, Kemptown and the Bristol Estate to the south and Craven Vale, Queens Park, Hanover and Elm Grove to the west (**Figure 2**).



Figure 2 Whitehawk Hill/Racecourse Landscape green wedge and its relationship with adjoining residential areas of the city

3.3 Not effective

- 3.3.1 Given that Whitehawk Hill LNR/Racecourse Landscape meets the criteria for designation as a Local Green Space, its exclusion from the list of sites for designation in City Plan Part 2 means that the plan is not effective in designating those sites which could or should be so designated.

3.4 Not consistent with national policy

- 3.4.1 The exclusion of Whitehawk Hill LNR/Racecourse Landscape from the list of sites for designation as a Local Green Spaces in the City Plan Part 2, given that such a list is being brought forward in the plan, appears inconsistent with paragraph 100 of the National Planning Policy Framework.

3.5 Conclusion

- 3.5.1 The choice of sites, and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space, is therefore not justified, effective or consistent with national policy, as it excludes an important site which would meet the designation criteria.
- 3.5.2 Whitehawk Hill LNR/Racecourse Landscape should be added to the list of sites identified for designation as Local Green Spaces.

4 H2 Housing Sites – Urban Fringe

4.1 Introduction

Racecourse Landscape

- 4.1.1 Friends of Whitehawk Hill object to the inclusion of three of the Urban Fringe allocations which lie within the important Racecourse Landscape. **Site 30 Land at and adjoining Brighton Race Course**, lies wholly within Whitehawk Hill Local Nature Reserve, an important and much loved natural open space for nature and people in the city. In addition to its LNR designation the allocation lies within statutory Access Land under the Countryside and Rights of Way Act 2000 (CROW Act) and the wider area forms an important gateway to the South Downs National Park (**Figure 3**) and is of great landscape, historical and cultural significance.



Figure 3 Whitehawk Hill LNR and Racecourse Landscape as a Green Gateway to the South Downs (allocations in orange)

- 4.1.2 **Sites 32/32a Land at South Downs Riding School & Reservoir Site** and **33 Land north of Warren Road (Ingleside Stables)** are located within the wider Racecourse Landscape, distant from the edge of the city's built up area, in sensitive elevated positions on or close to the top of the ridge between Brighton and Woodingdean and adjacent to the National Park boundary.

- 4.1.3 BHCC, on 28th February 2002, voted by a large majority to recommend a boundary for the future South Downs National Park that included the whole of 'The Race Ground' recreational common - Whitehawk Hill and Race Hill - including the landmark racecourse grandstand and other racecourse buildings. They also recommended the inclusion of the Warren Road / 'Jugg's Road' ridge between Whitehawk and Bevendean and between Brighton and Woodingdean, as well as most of Sheepcote Valley. This boundary embraced sites 30 and 33. At the 2003 Public Inquiry into the proposal for a South Downs National Park the City Council supported a very similar draft boundary which also embraced sites 30 and 33. In both of these decisions Brighton's Council recognised the landscape value of this important Racecourse Landscape that forms a major gateway onto the wider downland plateau and the South Downs National Park.

Cultural Importance

- 4.1.4 The huge, many-layered bulk of cultural associations that the Racecourse Landscape holds are not reflected in any way in the UFA assessments.
- 4.1.5 Rowlandson drew the racecourse (1789). Constable painted Whitehawk Hill from several angles. It was the setting for parts of Graham Greene's 'Brighton Rock'. Generations of race goers have visited the Racecourse and many of them have delighted in its downland wildlife. One race goer's daughter wrote: "*My fondest childhood memory is linked to (the Sussex Rampion) which I picked in bunches on Brighton racecourse in the early 1930's*"². Kipling's famous poem "Sussex" extolled its Downland ("*the barrow and the camp abide / the sunlight and the sword*".) Brighton's famous Booth Museum's drawers and cabinets hold specimen after specimen of bees, butterflies and other tiny wonders going back a century and more from the Hill's broad slopes.

Multiple Values

- 4.1.6 The inclusion of these three allocations in the Racecourse Landscape is the culmination of a systematic misrepresentation of the value of this landscape within the planning process leading up to the submission of CPP2. This has involved a systematic dismissal of the hard-won cultural recognition of its outstanding value which had developed in the years before and after the creation of its Local Nature Reserve, the South Downs National Park and the designation of its statutory Access Land. This dismissal / demotion involves many aspects: - its importance in terms of **value for wildlife**, its **centrality to the South Downs landscape**, its **historical and pre-historical value**, its **cultural value**, and its **millennia-and-more continuity of public rights of common and recreational usage**.
- 4.1.7 These three allocations were based on the conclusions of the Urban Fringe Assessments (2014 and 2015). We believe that the UFAs failed to utilise the existing large amount of available evidence for the multiple public values of this sub-landscape. Their own presented evidence was insufficient to justify their conclusions, and therefore to justify the allocations.

² Mabey, R., 1996. *Flora Britannica*

These documents did not recognise the multiple values of this landscape and its component features.

4.2 Site 30 Land at and adjoining Brighton Race Course

Introduction

- 4.2.1 Friends of Whitehawk Hill object to the inclusion of this site in the list of Urban Fringe housing allocations. The allocation lies fully within, and forms an integral part of, a statutorily designated Local Nature Reserve. It is also statutory Access Land. It lies at the centre of the natural landscape forming the arc enclosing the Whitehawk estate.

Not justified

Inspectors Instruction

- 4.2.2 At review of the City Plan Part 1 the inspector instructed BHCC to undertake a more rigorous analysis of the Urban Fringe to determine whether there was more potential to deliver housing. The inspector, in their letter of the 13th December 2013, framed this largely in terms of the contribution (actual and potential) the Urban Fringe sites make to the provision of open space. For example they commented, *'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.'* Clearly Whitehawk Hill, which is mostly statutory Access Land (see 4.2.29 – 4.2.31), does make a significant contribution to the provision of (semi-natural) open space.
- 4.2.3 Further, the inspector also wrote to the council on the 13th February 2014 that *'For the avoidance of any doubt, my initial conclusions should not be interpreted as an indication that all urban fringe sites would be suitable and/or appropriate for development. My main concern is that the decision to protect some sites from development because of their open space/recreational value is not supported by your own assessment of their existing or potential value for such uses.'* It is our view that Whitehawk Hill is wholly unsuitable and/or appropriate for development, not only because of its value as open space, but also for its other multiple values, which would be damaged by development within this allocation.

1822 'Race Ground' Enclosure Deed

- 4.2.4 The Site 30 allocation breaks the terms of the 1822 Tenantry Down (common) enclosure deed (**Appendix III**), which created the 'Race Ground', in which the allocation wholly lies. The deed of enclosure stated of the new 'Race Ground' that *'... such part thereof as is now uncultivated, should never be broken up or subdivided ...'* and that *'... the inhabitants and visitors of the town of Brighthelmston, and the public in general, should have the use of it for the purpose of racing, and other purposes of exercise and diversion as heretofore ...'* These conditions were reiterated in the 1888 Indenture (**Appendix IV**) when the 'Race Ground' was purchased by Brighton Corporation. Brighton Council again reiterated these conditions as the basis upon which it rejected a mooted housing development upon the Race Ground in 1962. Development within the allocation would breach these conditions.

Ecology

- 4.2.5 The ecological evidence in the Urban Fringe Assessments (2014 and 2015) is out of date, i.e. more than five years old. In general, ecological baseline evidence is considered out of date when more than three years old. It also fails to take into account the weight of evidence available and with the Council for consideration in the UFAS process.
- 4.2.6 The ecological evidence in the Urban Fringe Assessments (2014 and 2015) is insufficient to justify their conclusion that *'development has the potential to mitigate any significant negative effects.'* (2014) and *'it is considered that housing can be delivered ... without significant impacts on ... ecology...'* (2015). The ecological evidence presented in the Urban Fringe Assessments comprised;

2014

1. Desk base review of ecological designations; and
2. Site visit by a 'landscape planner' (not ecologist).

2015

1. Desk based review of biological records obtained from the Sussex Biological Record Centre; and
2. Phase 1 Habitat Survey.

- 4.2.7 This evidence is quite insufficient to justify the conclusions reached by them. For example, the Urban Fringe Assessments correctly make recommendations for further surveys, for habitats and protected and notable species, which would be likely to be necessary for any application that might be brought forward on the site. It would rightly be considered unjustified and contrary to national policy by a planning authority for an applicant to reach such conclusions on the basis of the level of evidence presented in the Urban Fringe Assessments, and in the absence of a full assessment based on further and more detailed surveys and detailed proposals.
- 4.2.8 There are major omissions in the ecological evidence. A large body of biological records and other relevant evidence (summarised in **Appendix V**), as well as local knowledge and expertise, which would evidence the ecological importance of the site, was not reviewed or consulted during the preparation of the documents. Further, this body of records was in the Council's possession. This includes;
- Botanical surveys (& some faunal records), 1998-1990, by [REDACTED] Undertaken in relation to BHCC's Sites of Nature Conservation Importance (SNCIs, now Local Wildlife

Sites/LWSs), which identified all the habitat types and a range of scarce and rare species and characteristic species of unimproved chalk grassland and leached chalk grassland;

- Further botanical surveys, 1990 onwards, by [REDACTED] and others;
- Entomological Surveys, 1997 and 2001, [REDACTED], consultant entomologist specialising in beetles, which identified many scarce and rare species and corroborated the importance of both the LNR and the wider Racecourse Landscape;
- Entomological Survey 2001, [REDACTED] entomologist specialising in bugs;
- Botanical survey work for '*The Flora of Sussex*', 2000 – 2015, led by [REDACTED]
- Entomological surveys work by developer's consultants, 2002, at the Wilson Avenue SNCI / LWS and adjacent LNR compartments, leading to the discovery of the Whitehawk Soldier Beetle;
- Surveys of molluscs, spiders, butterflies and moths, hymenoptera, and grassland fungi c. 1994 - 2006, by [REDACTED] and other Friends of Whitehawk Hill supporters, which generated records of many scarce and emblematic species; and
- Whitehawk Hill: "*Whitehawk Hill, Where the Turf Meets the Surf*", David Bangs (2004), a 240 page book was published, which embraced both landscape and natural history.

4.2.9 There is insufficient recognition of the importance of the Local Nature Reserve designation, and of the important habitats and species it supports.

4.2.10 The Urban Fringe Assessments do not recognise or discuss the damaging effect development in this allocation would have on the integrity of the LNR. Whilst the 2015 Urban Fringe Assessment states '*The potential development area includes a relatively small area of the LNR and therefore although this would result in loss of an area of habitat it is not considered that this would significantly affect the reasons for designation of the LNR.*' This does not take into consideration the location of this area in, or its relationship with, the boundaries of the LNR. It would result in a loss of semi-natural habitat which would partially sever and fragment an important section of the LNR at the centre of the core part of the reserve between Manor Hill and Warren Rd, as illustrated in **Figure 4**, thereby significantly adversely affecting the reserve's integrity. Habitat fragmentation is widely recognised as one of the main drivers of biodiversity loss.



Figure 4 Indicative spatial relationship between Whitehawk Hill LNR (green) and CPP2 Site 30 allocation (orange)

- 4.2.11 The ecological evidence did not consider or assess the impact development in this allocation would have on the LNRs gorse scrub or its dependent species. This is an historic landscape feature and habitat and is an important component of the habitat mosaic within the LNR. The gorse scrub grows on this part of the reserve and not elsewhere, due to local variation in soils. It is identifiable in historic mapping and photographs (**Figure 5a** and **Photos 1 & 2**). The relationship between the allocation and gorse scrub is illustrated in **Figure 5b**.



a)



b)

Figure 5 Showing distribution of gorse scrub, a) on 1877 Ordnance survey map (gorse scrub highlighted in yellow), and b) current distribution (yellow) and allocation (orange, indicative)

Photo 1 Gorse scrub c.1901 looking south along hill close to allocation



5569. THE RACE HILL. BRIGHTON - JUGGES LTD.

Photo 2 Looking north along Whitehawk Hill c.1905 with gorse scrub visible as dark area(s) on right



- 4.2.12 A breeding bird survey carried out by [REDACTED] during spring 2019 (**Appendix VIa**) identified a breeding population of Linnet (BoCC Red Listed and a S41 Species of Principal Importance) located within the gorse scrub. Such a population is of at least Local Importance and development within the allocation would put this population at significant risk, due to the combination of direct habitat loss, as well as disturbance during and after construction. In recent decades the gorse scrub has also supported other notable and characteristic breeding bird species, including Dartford Warbler (WCA schedule 1 and BoCC Amber Listed) and Stonechat.
- 4.2.13 The evidence did not consider or assess the impact development on this allocation would have on the important invertebrate assemblage that surveys indicate the area in and around the allocation supports. A nationally recognised expert [REDACTED], following a survey focusing on beetles, bugs and flies within and immediately adjoining the allocation in May 2019, wrote in his report (**Appendix VIb**) that *'To record 65 species of beetles ... in just 3 hours ... indicates an extremely rich site. Its importance ... is enhanced by the presence of several highly notable species.'* These included both Nationally and Locally Scarce species, as well as a click beetle (*Prosternon tessellatum*), which was recorded in good numbers and is characteristic of acid grassland and heathland, and also found at Lullington Heath National Nature Reserve, one of the few surviving chalk heath sites on the South Downs or the country. It is likely that this record reflects the underlying soils, which differ from those elsewhere in the reserve. Based on the results of this survey the area can be considered to be of at least Local Importance for these insect groups. Loss of this area to development would threaten these species and the assemblage.
- 4.2.14 The evidence did not consider or assess the impact development on this allocation would have on several invertebrate S41 Species of Principal Importance which have been recorded recently within or close to the allocation. These include a population of the brown-banded carder bee, recorded during a survey carried out in July 2019 by the nationally recognised expert [REDACTED]. His assessment (**Appendix VIc**) was that this core part of the reserve

supported several colonies of this important bee. Habitat loss and fragmentation within the reserve could put this population at risk. They also include populations of small heath, small blue, dingy skipper, wall and brown hairstreak butterflies, identified in surveys within the reserve, including butterfly transect surveys carried out by [REDACTED] during 2020.

- 4.2.15 The evidence did not consider or assess the impact development on this allocation would have on the breeding bird assemblage that the area in and around the allocation supports. A breeding bird survey carried out by [REDACTED] during spring 2019 (**Appendix 4**) recorded 15 breeding bird species, including S41 Species of Principal Importance and BoCC Red listed Linnet and Song Thrush, as well as Greenfinch, which experienced a 65% decline in England between 2007 and 2017³. The assemblage is considered to be of at least Local Importance.
- 4.2.16 The evidence contains errors and misjudgements undermine the credibility of the evidence of the Urban Fringe Assessments, as well as their conclusions. For example, in the wider site, the Phase 1 Habitat Survey carried out as part of the 2015 Urban Fringe Assessment wrongly identified the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland (or dense scrub or woodland, **Figure 6**), thereby undervaluing one of the most important habitats in the LNR.

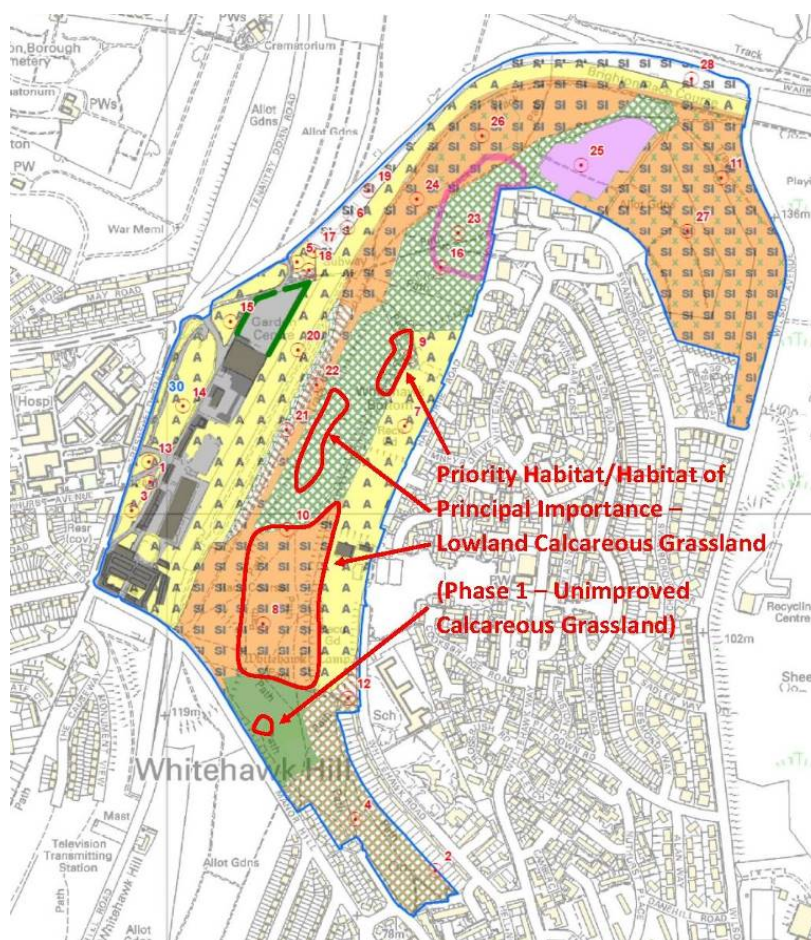


Figure 6 Areas of Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland (Phase 1 Unimproved Calcareous Grassland) misidentified as habitats of lower value in the 2015 Phase 1 Habitat Survey

³ <https://app.bto.org/birdtrends/species.jsp?s=grefi>

- 4.2.17 The 2014 Urban Fringe Assessment wrongly recommended tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland. Indeed BHCCs ranger service, with the help of local volunteers, has been working hard for some years removing trees to conserve and restore these habitats.
- 4.2.18 The evidence presented is inconsistent. For example, the conclusion presented in both Urban Fringe Assessments that impacts on this site can be mitigated is inconsistent with other statements within the same documents. For example the 2014 Urban Fringe Assessment, states that (our bold) *'provision for the biodiversity assets **may** help to create new habitats and **contribute** to habitat connectivity **helping** to mitigate significant negative effects'*. This is rightly more cautious and does not claim that negative effects can be mitigated, only that they may help to contribute to mitigating them.
- 4.2.19 In 2018 an area close to the allocation was used as a receptor site for a large reptile translocation (planning ref. BH2018/00238) during which more than 2,000 reptiles were moved to Whitehawk Hill LNR from a development site in Mile Oak. Natural England's standing advice⁴ states *'If you need to move reptiles to a new location you'll have to choose a receptor site: that will be safe from future development and managed in the long term'*. Translocated reptiles will disperse from the original release site and suitable habitat for reptiles is present within and immediately adjoining the allocation.

Landscape

- 4.2.20 The evidence in the Urban Fringe Assessments in relation to landscape is framed almost wholly in terms of impacts of development on the National Park's setting and views, and did not properly consider such effects within the local visual catchment (i.e. within and adjoining the LNR), for example of views along Whitehawk Hill from the south and north, as well as from the valley below (**Photos 3-5**).
- 4.2.21 The significant adverse effect of the existing tower blocks was minimised and used as a justification for further damaging development. Thus, the 2014 Urban Fringe Assessment comments *'the tower blocks have very little impact on the wider landscape as they sit just below the enclosing ridgeline. There may be scope to accommodate similar buildings on the steeper slope to the west'*. There is no recognition of the impact these blocks have more locally within the enclosing ridgeline. Yet even BHCCs Housing Department, in recognition of their visual intrusiveness, initiated a programme of brown horizontally banded 'camouflage' cladding of the larger blocks during the early 2000s.
- 4.2.22 Nevertheless, although the existing tower blocks do impinge upon Whitehawk Hill and its views, an uninterrupted sweep of the hill remains intact and important views are in many places currently uninterrupted. This would be lost if the allocation were to be developed.

⁴ <https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences>

4.2.23 The Urban Fringe Assessment's identification of this site's suitability for development appears to rest very largely on the presence of the existing tower blocks. Further, they go on to suggest that similar buildings be delivered within the site. This not only fails to recognise the adverse landscape impact of the existing blocks, but also the devastating effect further such development would have within the LNR.

4.2.24 The evidence in the Urban Fringe Assessments did not recognise that development would result in the intrusion of a residential landscape into an area with a strong sense of naturalness. Such an intrusion would inevitably have a significant adverse effect on landscape character in and around the allocation and the impact this would have on people's experience of this part of the reserve, including as part of an important gateway to the South Downs National Park.

Location, Photos 3-5

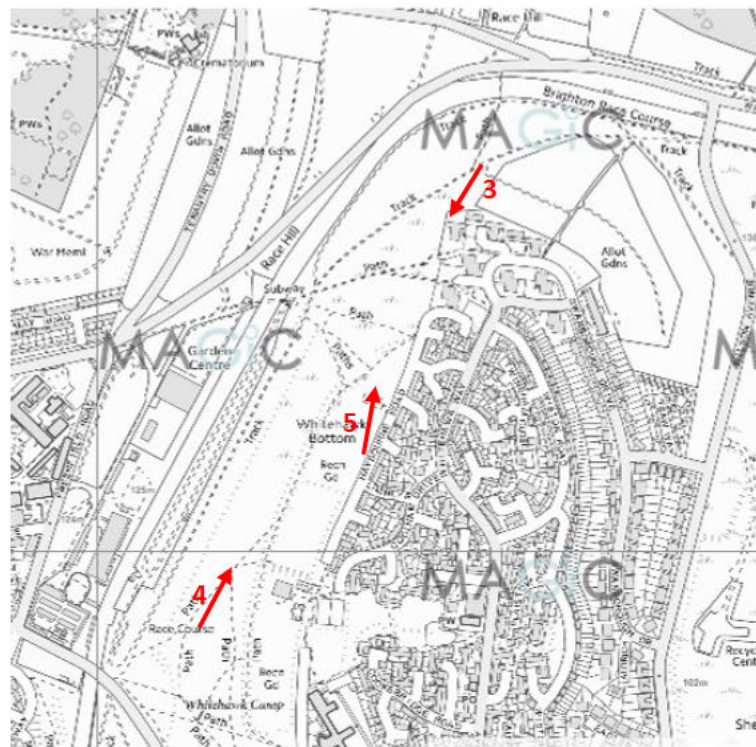


Photo 3 View south along Whitehawk Hill from the north of the existing tower blocks



Photo 4 View north east from diagonal track, Whitehawk Hill



Photo 5 View from northern end of playing fields adjacent to Haybourne Road



Archaeology

- 4.2.25 Too little weight was given to the archaeological significance of Whitehawk Hill (and the wider Racecourse Landscape) in the Urban Fringe Assessments and this is reflected in the allocations in City Plan Part 2.
- 4.2.26 Whitehawk Camp Scheduled Ancient Monument, which comprises a Neolithic causewayed enclosure, and which may also include an earlier Neolithic long barrow, lies less than 500m to the south of the allocation. It is one of only 66 such features currently known in Britain. *"Compared to the 1,500 Iron Age hillforts or the 600 Neolithic long barrows this is a tiny number. Yet of this small number only 15 survive to any extent as upstanding earthworks, and only ten are well preserved. Whitehawk Hill's camp is a very special survival"*⁵.
- 4.2.27 Whitehawk Hill, Race Hill and the ridges that connect and extend from them form a wider 'archaeological landscape'. In addition to the Scheduled Ancient Monument the wider landscape includes remains of a cluster of (probably Bronze Age) round barrows, which are located on the racecourse. A further possible cluster of barrows exists west of, and adjacent to, the racecourse tunnel, and further potential sites of importance have also been suggested. Evidence of Iron Age-Romano British farming has been recorded on the ridge during the course of excavation work at the camp, as well as on the southern slopes of Whitehawk Hill. Much more geophysical examination and sampling excavation remains to be done to identify the full extent, nature and importance of the archaeological features in this landscape.
- 4.2.28 Modern research into the Neolithic emphasises the importance of landscape setting for the understanding of such monument/features⁶. Furthermore, the scarcity value and intactness of the Whitehawk camp, together with its close proximity to a major conurbation and consequent greatly heightened value as an educational monument, combine to make the current integrity of its contextual landscape of huge importance.
- 4.2.29 Development within the allocation would damage and adversely affect the archaeological landscape setting of the Scheduled Ancient Monument and is inconsistent with City Plan Part 2 Policy DM31 Archaeology, which states (our bold) *'Development proposals affecting heritage assets with archaeological interest will be permitted where it can be demonstrated that development will not be harmful to the archaeological interest of the heritage assets or their settings, having regard to their significance. This will include: direct impacts on designated sites (e.g. developments requiring Scheduled Monument Consent); **indirect impacts on the settings of designated sites; and impacts on sites that have the potential to include heritage assets with archaeological interest.***

⁵ David Bangs, 2004. Whitehawk Hill: Where the Turf Meets the Surf pp. 40-41

⁶ [REDACTED], pers. comm.

Access Land and Open Space

- 4.2.30 Whitehawk Hill is a well-used and much loved by residents, for example, in the adjoining Whitehawk estate, one of the most deprived communities in the city (based on the index of multiple deprivation), for whom access to natural greenspace close to home is of particular importance, as well as by residents from areas adjacent to the west and south, and elsewhere in the city.
- 4.2.31 The whole allocation, along with much of the LNR, is currently both statutory Access Land (CROW Act 2000, Figure 7) and public access land in perpetuity (under the terms of The Race Ground deed, 1822, 1851, 1888, 1962, Figure 8). The evidence in the Urban Fringe Assessments did not consider or even discuss the loss of Access Land that would result from development of this allocation, despite the resonance such loss has with the local community and across the city.

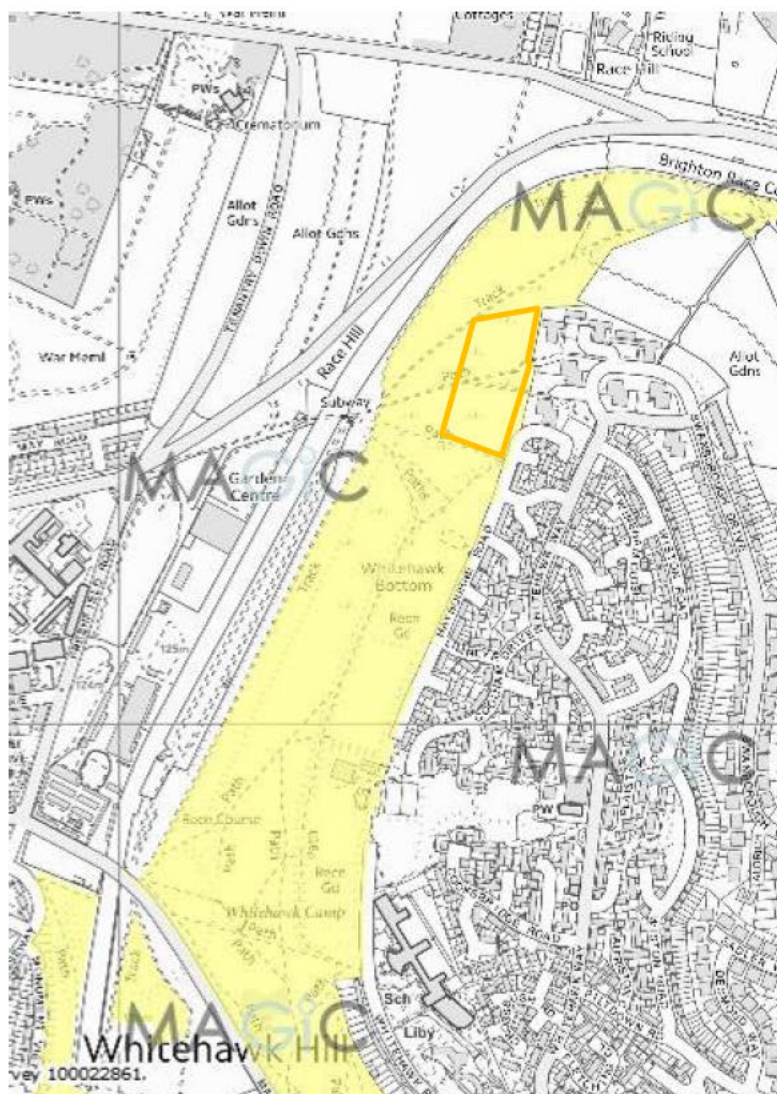
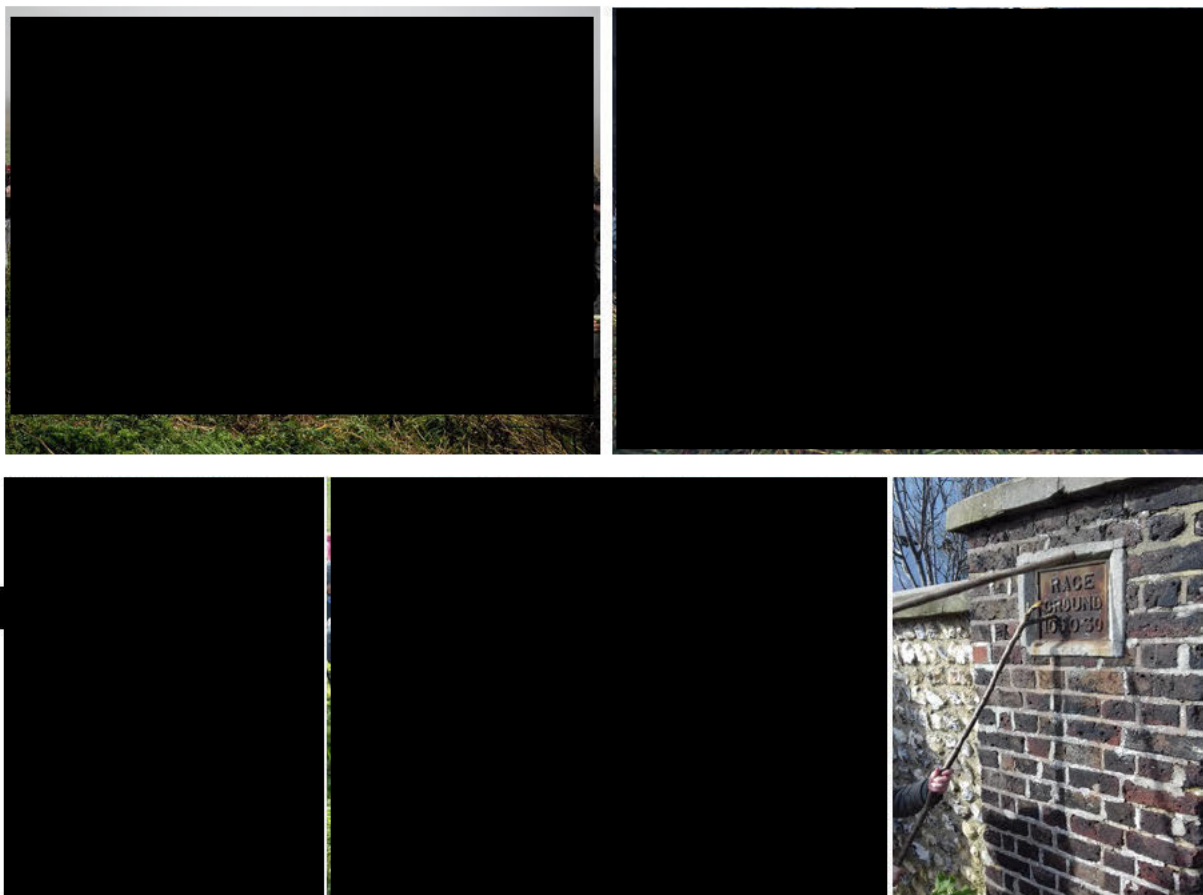


Figure 7 Relationship between allocation (orange, indicative) and statutory Access Land (from Magic Map application)



'Beating the Bounds' of 'The Race Ground' - Autumn 2018 (above) and Spring 2020 (below)

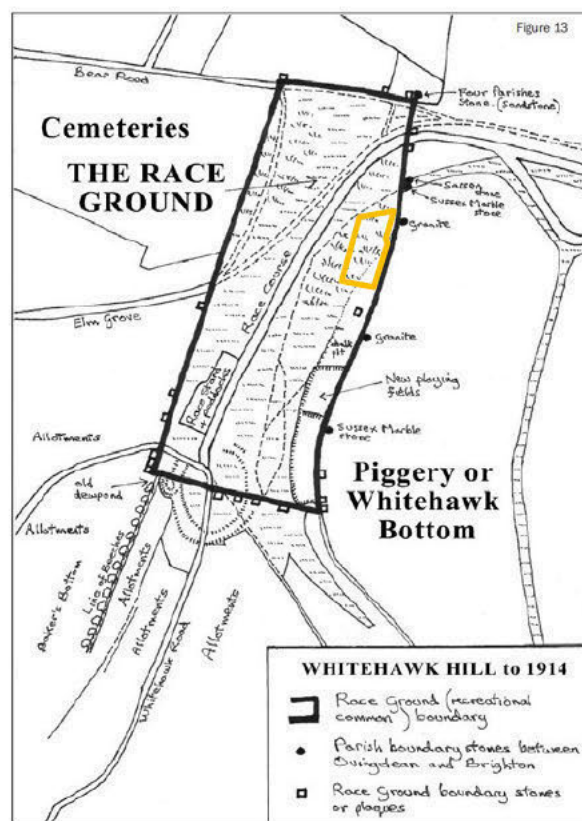


Figure 8 Relationship between allocation (orange, indicative) and 'The Race Ground'

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

Not consistent with national policy

- 4.2.33 The allocation is contrary to paragraph 174 of the National Planning Policy Framework, as it would not protect or enhance a valued landscape and a designated site supporting habitats of high biodiversity value.
- 4.2.34 It won't be possible to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework, due to the damage it would incur on the integrity of the LNR, and to its habitats and species. It should be noted that the site is already in positive management due to the efforts of local volunteers, including the FoWH, and the BHCC ranger service.

Not effective

- 4.2.35 The allocation would not be effective in delivering housing because councillors from all main parties in the city have said they won't support development of the site. For example, Nancy Platts, the leader of the previous Labour administration spoke out repeatedly against development on the Whitehawk Hill LNR allocation⁷. The Conservative group have publically announced their opposition to development of the site⁸ and set up a petition against it⁹. In an email to [REDACTED] earlier in 2020 a councillor from the Green group wrote '*The council owns Whitehawk Hill and thankfully no political party wants to develop it...*'. Similar views have been expressed to members of FoWH by councillors from all main parties and independents.
- 4.2.36 The now reduced allocation (from 150) of 30 housing units would make a small contribution to meeting the city's housing needs that clearly does not outweigh the serious damage to both the ecology of the site and the communities passion for it.

Conclusion

- 4.2.37 **This site should be removed from the list of Urban Fringe housing allocations.** The ongoing management work by BHCCs ranger service and local volunteers to restore the LNRs landscapes and habitats, and to improve people's access to them, should not be undermined by damaging the reserves integrity, habitats and species.

⁷ E.g. <https://www.brightonandhovenews.org/2018/11/17/brighton-councillor-sets-out-opposition-to-new-homes/>

⁸ <https://www.brightonandhovenews.org/2020/09/10/why-its-time-for-a-final-stand-on-whitehawk-hill/>

⁹ <https://www.brightonhoveconservativecouncillors.com/campaigns/petition-save-whitehawk-hill-development>

4.3 Sites 32/32a Land at South Downs Riding School & Reservoir Site and 33 Land north of Warren Road (Ingleside Stables)

Introduction

- 4.3.1 Friends of Whitehawk Hill object to the inclusion of these two sites in the list of Urban Fringe Allocations. The sites lie within a precious open ridge-top corridor (just over half a mile long) forming a 'green gap' between the edge of Brighton at the top of Bear Road/Elm Grove and Woodingdean, and form an important part of the Racecourse Landscape and a gateway to the South Downs/National Park. This area represent the first intimation (as one leaves the Brighton built-up area) of the farmed landscape of the wider Downs.
- 4.3.2 On a summer evening birds and bats forage above your head on the many insects dependent upon the horse pastures, as you cast your eyes across to the high Downland landmarks of Ditchling Beacon hillfort, Hollingbury hillfort, Seaford Head hillfort, Cissbury Ring hillfort, Highdown, the Devils Dyke hillfort, and the blue-grey distant cliffs of Bembridge on the Isle of Wight.
- 4.3.3 The allocation of these development sites ignores and reverses BHCC's own rising trajectory of recognition of the importance of this high downland ridge.
- 4.3.4 This recognition within development planning had been expressed as far back as the 1930's, when the planning authority (East Sussex County Council) adopted the 300ft contour as the datum above which Downland development should not be permitted. Development site 32/32a is 160 feet above the 300 ft contour, and development site 33 is 175 ft above that contour.
- 4.3.5 Brighton Council in its 1995 Local Plan included the whole of this ridge in their 'AILEV' (Area of Important Landscape and Environmental Value) which was a further advance of landscape protection for Brighton's Downland after the designation of the South Downs AONB in 1966. This boundary embraced UFA development sites 32 and 33.

Not justified

Landscape and Views

- 4.3.6 The evidence in relation to the landscape impact of development of these sites in the Urban Fringe Assessments was inadequate. The sites are in sensitive elevated locations on or close to the top of an open ridge-top (**Photos 6 & 7**) and adjacent to the National Park Boundary (**Figure 10**). Development of these sites would have a significant adverse impact on landscape character, eroding the green gap between Brighton (at the top of Bear Road and Elm Grove) and Woodingdean, and between Bevendean and Whitehawk (**Figure 9**). The

South Downs National Park Local Plan (Strategic Policy SD4: Landscape Character) states *'Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that: ... 3. The settlement pattern and individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.'*

Photo 6 View eastwards along the Warren Road ridge from near Site 32/32a towards Site 33



Photo 7 View westwards along the Warren Road ridge from near Site 33 towards Site 32/32a





Figure 9 Indicative location of ridge-top 'Green Gap' (green) between Brighton and Woodingdean, and Bevendean and Whitehawk, and indicative location of sites 32/32a and 33 (orange) within it

- 4.3.7 The landscape within the immediately adjoining National Park has been characterised as 'Open Downland'¹⁰. Its features include '*Large scale open elevated landscape of rolling chalk downland, with dry valleys and scarp slopes*' and '*Sparse settlement, with occasional isolated farms and barns*'. Although the sites lie just outside the National Park, insertion of these residential developments into this landscape would erode its character and adversely impact the setting of the National Park. The City Plan Part One (SA5. The Setting of the South Downs National Park) states '*Proposals within the setting of the National Park must have regard to the impact on the National Park. ... Development within the setting of the National Park: ... must respect and not significantly harm the National Park and its setting.*'
- 4.3.8 Loss of the existing farmsteads/buildings to housing will create knock-on pressures for new replacement buildings within this landscape/green gap, because the residual 'bare land holdings' (lacking buildings) will require such infrastructure in order to function.
- 4.3.9 Allocation and development of these two sites would set a dangerous precedent for further development in this downland ridge green gap, (between Brighton and Woodingdean, and

¹⁰ LUC, for the South Downs National Park Authority, 2005 (updated 2011). *Integrated Landscape Character Assessment*

between the National Park and the Bevendean Down and Whitehawk Hill LNRs), which would further erode it's integrity and character.

- 4.3.10 Effects on views were not fully considered in the Urban Fringe Assessments. For example, whilst it is true that parts of the allocation at site 33 Land north of Warren Road (Ingleside Stables) are screened by existing woodland from some directions, the western part of the site is on greenfield land immediately to the north of a well-used path/track forming part of the gateway to the National Park from the eastern part of Brighton. Development of this site would obscure and/or significantly negatively impact important and valued views north and north westwards from this track and from Warren Road, to the wider National Park (Photos 10 & 11). Neither of these impacts were recognised or assessed in the Urban Fringe Assessments.

Location, Photos 8-11

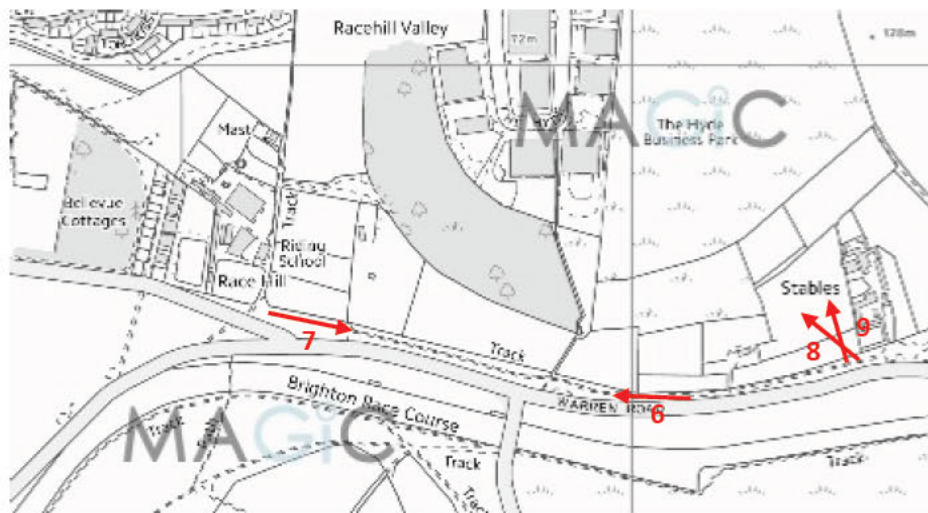


Photo 8 View north west from track beside Warren Road with indicative extent of the western part of Site 33 allocation



Photo 9 View north north from track beside Warren Road with indicative extent of the western part of Site 33 allocation



Ecology

- 4.3.11 The ecological evidence presented in the Urban Fringe Assessments omitted important aspects of the ecology of these two sites, which lie between Whitehawk Hill and Bevendean Down LNRs, and their setting. The structural diversity and rough informality of pasture, scrub, dung heaps, woodland, decaying agricultural structures and free ranging horses and ponies on these Downland ridge top smallholdings has generated an extremely rich wildlife assemblage. Any threat to the particular urban fringe pastoral character of this landscape will threaten the wildlife it supports. It should also be noted that Land north of Warren Road (Ingleside Stables) is designated as a Local Wildlife Site and therefore should be safeguarded as per NPPF 174.
- 4.3.12 Use of the land as horse pasture supports an abundant invertebrate fauna, including a range of dung beetle species. Other notable species include the scarce Priority Species/s41 Species of Principal Importance predatory Hornet Robberfly, *Asilus crabroniformis*, our biggest and most spectacular British fly species, and the Nationally Scarce Red Bartsia Bee, *Melitta tricincta*.
- 4.3.13 The abundant insects support an important assemblage of aerial feeding bat and bird species, including Red listed Serotine bats, which commute several kilometres to feed on the flying insects, and Noctules, which probably roost at adjacent Woodvale cemetery, as well as Pipistrelles and Brown Long Eared Bats. BoCC Amber listed Swifts (from the very important General Hospital nesting site), and House Martins (from the very important Fitch Drive, Bevendean site), as well as Swallows also feed on the flying insects. This represents one of the very few sites on the edge of the city where this kind of assemblage can be experienced

- 4.3.14 In addition, the Bevendean Valley Rook population utilise the woodland adjacent to site 33 Land north of Warren Road (Ingleside Stables) as a winter and summer roost. Other notable bird species resident or using the site include BoCC Red listed Song Thrush and skylark) and Amber listed Meadow Pipits and Kestrels, as well as Greenfinch.
- 4.3.15 The pastures and scrubby woodland have both Red listed breeding Hedgehogs and resident Badgers (at a very large sett).
- 4.3.16 Most of these species are associated with the presence of grazing livestock and loss of the infrastructure and businesses which support this would put these species, as well as people's opportunity to experience them, at risk.

Not consistent with national policy

- 4.3.17 The evidence presented in the Urban Fringe Assessments did not recognise or discuss the fact that these two sites are significantly separated from the edge of the current built up area of the city (**Figure 10**), the only two such sites in the Plan area to be so distant from the built up area. As a result, their development would create isolated new residential developments in what is currently open countryside. The NPPF (paragraph 79) advises against giving consent for new and isolated homes in the countryside and this is restated in City Plan Part 1 (3.161). Whilst these allocations are not for single homes they are still within the spirit of the NPPF guidance.



Figure 10 Relationship between sites 32/32a and 33 (orange, indicative) and edge of built up area (red) and National Park boundary (blue)

Conclusion

- 4.3.18 **These sites should be removed from the list of Urban Fringe housing allocations.** Instead, they and the landscape of which they form part should be subject to positive landscape and ecological restoration, along with the whole of the whole of the precious Racecourse Landscape.

5 Public Examination

5.1 Friends of Whitehawk Hill Participation

- 5.1.1 Friends of Whitehawk Hill would like to participate in the Public Examination hearing sessions. This would provide the opportunity for a full examination of the issues and evidence, and for representatives from Friends of Whitehawk Hill to answer questions regarding their case and its supporting evidence.