

Compiled by the Planning Policy, Projects & Heritage Team
at Brighton & Hove City Council

Proposed Submission City Plan Part 2 Examination

**BHCC 52 bi - Appendix 10
copies of representations by
respondent number May 2022**

(redacted version)

Appendix 10

Representations Received in their Original Format -
Redacted

How to complete this survey

Privacy Notice

1 Please tick to confirm you have read our privacy statement

Yes

Your Details

1 What is your name?

Name:

[REDACTED]

2 What is your email address?

Email address:

[REDACTED]

3 What is your organisation? (if applicable)

Organisation:

4 Responding on behalf of (If applicable)

on behalf of:

5 Please let us know if you wish to be notified of the following:

Representation (1)

1 Main Modification Number

Mod number:

MM08

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

DM10, pages 43-44

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

No

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

(1) Not Positively Prepared, (2) Not Justified, (3) Not Effective

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

The modification states that planning permission will not be granted for development that will result in the loss of a pub unless the business owner can show that the pub is no longer viable. The supporting text states that the business owner must first attempt a range of initiatives to drum up business, including live music and providing guest accommodation. Two problems with this.

1) DM10 paints a picture of pubs as community assets, citing The Bevy as an example. But The Bevy is exceptional. Most pubs are businesses, run for profit by breweries and other large companies, many of which own hundreds of pubs. The description of pubs as community assets provides opinion but

no hard evidence of pubs in general providing a community benefit. It is hard to see how pubs whose customers are not drawn from the immediate vicinity are community assets. It is not appropriate for BHCC to dictate how private or publicly listed companies run their businesses and use their assets. It is highly unlikely that BHCC officers have the time or skillset required to comment on whether a business is 'viable' or to offer advice on how to make it viable.

2) The supporting evidence cites the CAMRA public house viability test. This advocates assessing pubs on a case-by-case basis, taking account of a pub's location, structure and target market. DM10 does not do this. DM10 makes no allowance for the location of the pubs or the nature of their surroundings and structure. Struggling pubs will be compelled to lay on live entertainment several nights a week, in spite of being surrounded by domestic dwellings and in historic (sometimes listed) buildings that are impossible to sound insulate. That is, in effect, a change of use, from pub to performance venue. My own local pub (a listed building in a conservation area) is a prime example. It lays on loud live entertainment seven nights a week. Far from being a community asset, it bans locals once a week in order to hand the pub over to an entertainment venture that operates an 'all you can drink' ticket option, in contravention of Home Office safe drinking guidelines. It has converted an upper story of the pub's premises to an airbnb flat aimed at stag and hen parties. Neighbours who want to move away are finding it impossible to find buyers for homes they have happily occupied for decades. All of this will be ratified by DM10, leaving residents with no power to object.

DM10 contradicts other parts of the City Plan. If any other business or property owner wished to apply for change of use, they would have to comply with DM20 (Protection of Amenity) and DM40, which states that 'noise and vibration...can have a serious impact on residential amenity and quality of life'. But DM10 demands that pubs impose such nuisance on their local environment.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

Ensure that DM10 does not result in effective change of use (from pubs to live entertainment venues) with an even weaker set of conditions than businesses would have to meet if they were applying for change of use or redevelopment.

Remove the blanket restriction on pub closures.

Either remove examples of initiatives that pubs should try or insert text stating 'subject to the pub's locality, to appropriate noise restrictions or sound insulation being introduced'.

Remove the blanket permission to pubs offering accommodation. Insert conditions such as only in circumstances where the publican or a manager lives on the premises or where the pub has applied for permission to operate as a hotel or self-catering holiday let.

These changes will avoid undermining existing planning laws.

7 Would you like to comment on another Main Modification?

No

Other Documents

1 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

2 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

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other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

4 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

Document Upload

1 If you have any supplementary information supporting your representation that you wish to upload please do so below (alternatively please email planningpolicy@brighton-hove.gov.uk along with your respondent ID)

Document Upload:

No file uploaded

Response ID ANON-5EFT-QX3R-2

002

Submitted to City Plan Part Two Main Modifications Consultation

Submitted on 2022-04-28 11:20:11

How to complete this survey

Privacy Notice

1 Please tick to confirm you have read our privacy statement

Yes

Your Details

1 What is your name?

Name:

[REDACTED]

2 What is your email address?

Email address:

[REDACTED]

3 What is your organisation? (if applicable)

Organisation:

Southern Water

4 Responding on behalf of (If applicable)

on behalf of:

Planning Policy

5 Please let us know if you wish to be notified of the following:

The Publication of the Inspector's Report, Adoption of the City Plan Part Two

Representation (1)

1 Main Modification Number

Mod number:

MM44

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy H1, Table 6 page 175 (page 69 of the Schedule of Proposed Main Modifications) for the newly proposed development of 30 homes at 154 Shoreham Road Hove, and 24 homes at Land at Preston Road/Campbell Road, Brighton.

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

For the newly proposed development of 30 homes at 154 Shoreham Road Hove - Southern Water identified no wastewater constraints. The site is within Southern Water's Inner, Outer and Total Capture Zones for groundwater (equivalent to SPZ 1, 2 and 3 respectively) and development would therefore be required to ensure protection of the public water supply source, no other water constraints were identified.

For the 24 homes development at Land at Preston Road/Campbell Road, Brighton - Southern Water identified no wastewater or water constraints. The site is within Southern Water's Total Capture Zone for groundwater (equivalent to SPZ 3) and development may therefore be required to ensure protection of the public water supply source.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

As specific site considerations are not included in the original Table 6 (compared to Table 8 which does include these) we cannot make a further suggestion on how to incorporate the information we have provided.

7 Would you like to comment on another Main Modification?

No

Other Documents

1 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

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Comments:

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1 If you have any supplementary information supporting your representation that you wish to upload please do so below (alternatively please email planningpolicy@brighton-hove.gov.uk along with your respondent ID)

Document Upload:

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CPP2 Policy Projects and Heritage Team
Brighton & Hove City Council
First Floor Hove Town Hall
Norton Road
Hove
BN3 3BQ

29 April 2022

Dear Policy Projects and Heritage Team

Brighton & Hove City Plan Part Two

Thank you for consulting the South Downs National Park Authority (SDNPA) on the Main Modifications to the Brighton and Hove City Plan Part Two.

The SDNPA and all relevant authorities, including Brighton and Hove City Council, are required to have regard to the purposes of the South Downs National Park as set out in Section 62 of the Environment Act 1995. The purposes are 'to conserve and enhance the natural beauty, wildlife and cultural heritage of the area' and 'to promote opportunities for the understanding and enjoyment of the special qualities of the national park by the public.'

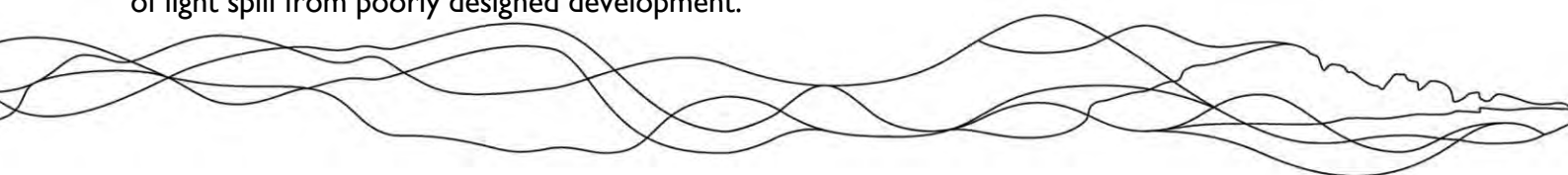
We also draw attention to the wording underlined below from Paragraph 176 of the National Planning Policy Framework: *'The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

We have the following comments to make on the modifications set out below.

Policy DM37 Green Infrastructure and Nature Conservation and modification MM29. We support the additional wording to paragraph 2.279 on page 114 of the supporting text referencing the People and Nature Network (PANN) 2020 and the Sussex Natural Capital Investment Strategy. The PANN is important in setting out how a range of partners can work together to plan positively for nature and natural services within and around the protected landscapes of the South East.

Policy DM40 Protection of the Environment and Health – Pollution and Nuisance and modification MM31.

We support the change of wording relating to DM40 criteria g) on page 123 deleting the word 'outdoor'. As a result the policy covers all forms of lighting, both indoor and outdoor. The change means the policy provides further protection to the night sky and the sensitivity of the South Downs National Park International Dark Sky Reserve from the potential impact of light spill from poorly designed development.



Policy EI Opportunity site for business and warehouse uses and modification MM47.
We support the additional wording in the supporting text on page 188, paragraph 2.87
regarding the use of design and materials being expected to reflect the setting of the National
Park and the reference to the relevant sections of the South Downs Integrated Landscape
Character Assessment (SDILCA).

Yours faithfully



Planning Policy Manager

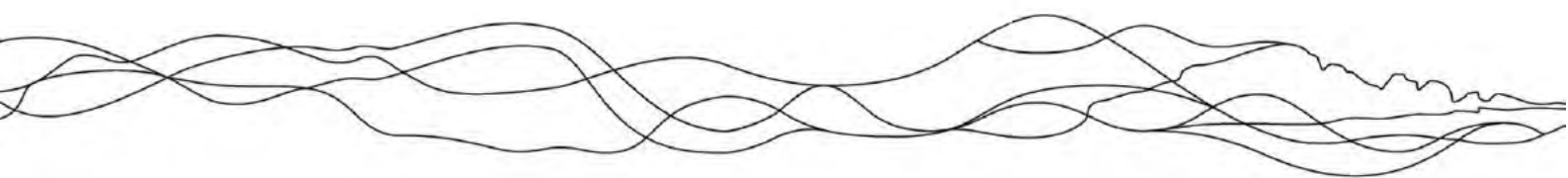


South Downs Centre, North Street,
Midhurst, West Sussex, GU29 9DH

T: 01730 814810

E: info@southdowns.gov.uk
www.southdowns.gov.uk

Chief Executive: Trevor Beattie



From: [REDACTED]
Sent: 29 April 2022 11:23
To: PlanningPolicy
Subject: RSPB Response to Brighton & Hove City Plan Part 2 - Main Modifications
Attachments: RSPB-Response-to-BHCC-City-Plan-2-Main-Modifications.pdf

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

Dear Sir/Madam,

Please see attached the RSPB's response to Brighton and Hove City Plan Part 2 – Main Modifications consultation.

Please can you confirm safe receipt of this email and its attachment, and please do get in touch should you have any queries or comments around its content.

Kind Regards,

[REDACTED]
Conservation Officer

rspb.org.uk

Let's give nature a home



The RSPB is the UK's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

CPP2 Policy Projects and Heritage Team
Brighton & Hove City Council
First Floor
Hove Town Hall
Norton Road
BN3 3BQ

By email only: planningpolicy@brighton-hove.gov.uk

29th April 2022

Dear Sir/Madam

Re: Brighton & Hove City Plan Part 2 – Main Modifications Consultation

Thank you for consulting the RSPB on the above consultation for the Brighton & Hove City Plan Part 2 – Main Modifications (henceforth referred to as “Main Modifications”). We have reviewed the council’s consultation documents and would like to make the following comments.

The RSPB has previously provided comment in response to Brighton and Hove City Council’s (BHCC’s) City Plan Part 2 Proposed Submission consultation, submitted Written Representation for BHCC’s City Plan Part 2 Examination, and provided further response to City Plan Part 2 through Examination Hearings.

1. SSA1 Brighton General Hospital site

The RSPB has reviewed examination document *BHCC44 Schedule of Main Modifications (supersedes BHCC04) February 2022* and welcomes the inclusion of Main Modification Number MM37 for Supporting text to Policy SSA1 (para 3.18, p. 155):

‘The site is understood to hold around 15 to 20 swift nests that are considered to be the oldest and largest swift breeding colony in Brighton and Hove and thus the site offers a unique opportunity to safeguard and enhance biodiversity. Any new scheme will be required to make robust and appropriate provision to safeguard, protect and support the swift colony throughout the entirety of the development phasing: demolition, construction and operation. Any demolition should not occur before the end of a swift breeding season. A phased approach to both demolition and construction may be necessary as part of measures to provide an interim solution to safeguard the colony which could include the provision of additional swift bricks/boxes on remaining existing on-site buildings. Interim solutions will need to be proven to be successful.’

The additional text provides an appropriate level of measures to protect the important swift nesting colony at the Brighton General Hospital site, in accordance with BHCC Policy DM37. As stated in the



The RSPB is part of BirdLife International, a partnership of conservation organisations working to give nature a home around the world.

RSPB's Written Representation, we do not believe that it is a requirement for BHCC to decide what is the appropriate action to take by the Applicant for SSA1, but that in order for the City Plan Part 2 to be considered 'sound', wording in regards to the protection of swift nest sites through all phases of development (including between demolition of old buildings and construction of new buildings) needs to be included to be consistent with policy DM37. In regard to SSA1 and Main Modifications, the RSPB now believes the plans to be sound.

We hope you find these comments useful. We would welcome the opportunity to discuss these comments with you in further detail.

Yours sincerely

A large black rectangular redaction box covering the signature area.A short black rectangular redaction box.A short black rectangular redaction box.

Email: 

Phone: 

To: [REDACTED]
Subject: [PlanningPolicy](#)
Date: Brighton & Hove City Plan Part 2 - Main Modifications Consultation - Comments from the Environment Agency
Attachments: 04 May 2022 11:54:44
[image001.png](#)

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

Dear Planning Policy

In response to the comments we made on the City Plan Part 2 Proposed Submission document, we are pleased to see the following included in the Schedule of Proposed Main Modifications:

Page 62

MM40 Policy SSA4 Page 162

SSA4 Sackville Trading Estate and Coal Yard Add criterion (k) to policy to read: k) Development must ensure that groundwater sources are protected to the satisfaction of the Environment Agency.

Page 77

MM46 Supporting text to Policy H3, para. 3.81 page 186

Policy H3 Purpose Built Student Accommodation. Add new paragraph after paragraph 3.81 to read: "Where a site is located in an area with underground chalk aquifers identified as Groundwater Source Protection Zones by the Environment Agency, development will need to ensure that groundwater resources are protected from pollution and safeguard water supplies, in line with the requirements of Policy DM42."

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]
Tel external: [REDACTED]
[REDACTED]

www.gov.uk/environment-agency

From: PlanningPolicy <PlanningPolicy@brighton-hove.gov.uk>
Sent: 17 March 2022 10:59
To: PlanningPolicy <PlanningPolicy@brighton-hove.gov.uk>
Subject: Brighton & Hove City Plan Part 2 - Main Modifications Consultation notification

City Plan Part 2 Main Modifications Consultation

17 March - 5 May 2022



Dear Consultee,

How to complete this survey

Privacy Notice

1 Please tick to confirm you have read our privacy statement

Yes

Your Details

1 What is your name?

Name:

[REDACTED]

2 What is your email address?

Email address:

[REDACTED]

3 What is your organisation? (if applicable)

Organisation:

4 Responding on behalf of (If applicable)

on behalf of:

5 Please let us know if you wish to be notified of the following:

Adoption of the City Plan Part Two

Representation (1)

1 Main Modification Number

Mod number:

MM45

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Modification to Policy H2 (Urban Fringe Housing Allocations) - deletion of Site 16 (land adjoining Horsdean Recreation Ground, Patcham) - as a local professional consultant ecologist, I wholeheartedly agree with the removal of this site as a proposed housing allocation - to allocate it for development would not align with the council's objectives to protect and enhance biodiversity; in fact it would be in direct conflict with this agenda, as it would result in land take from a LWS (Patcham Court Field) and threaten the integrity and valuable ecology this important site.

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

Modification to Policy H2 (Urban Fringe Housing Allocations) - deletion of Site 16 (land adjoining Horsdean Recreation Ground, Patcham) - as a local professional consultant ecologist, I wholeheartedly agree with the removal of this site as a proposed housing allocation - to allocate it for development would not align with the council's objectives to protect and enhance biodiversity; in fact it would be in direct conflict with this agenda, as it would result in land take from a LWS (Patcham Court Field) and threaten the integrity and valuable ecology this important site.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

7 Would you like to comment on another Main Modification?

No

Other Documents

1 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

2 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

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other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

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other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

Document Upload

1 If you have any supplementary information supporting your representation that you wish to upload please do so below (alternatively please email planningpolicy@brighton-hove.gov.uk along with your respondent ID)

Document Upload:

No file uploaded

007

From: [REDACTED]
To: [PlanningPolicy](#)
Subject: City Plan Part 2 Consultation
Date: 04 May 2022 16:37:03

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

Dear planning policy team,

Thank you for the information about the modifications to City Plan 2 - there were several sections which I felt were particularly welcome with regard to reducing and mitigating sensory pollution - noise and light pollution, and I welcome reference to The South Downs National Park International Dark Skies status in MM31. For me the wildlife/biodiversity impacts and human impacts of light pollution are even more important considerations.

The only slight worry I had was that we should be careful not to encourage the use of floodlighting as a crime deterrent, as there is no evidence for this actually working. (You can check this with the IDA) and such floodlighting can be pretty extreme at times.

In general good lighting design will make things more visible, - only the things which need to be visible, but this is distinct from making things brighter. If you use too much light you create glare which often actually renders things less visible and of course creates more light pollution. It's all about the sort of excellent lighting design which has been achieved for the footpaths in the Valley Gardens scheme.

Anyway thank you for the good work,

[REDACTED]

008

Submitted to City Plan Part Two Main Modifications Consultation
Submitted on 2022-05-05 10:13:36

How to complete this survey

Privacy Notice

1 Please tick to confirm you have read our privacy statement

Yes

Your Details

1 What is your name?

Name:

2 What is your email address?

Email address:

3 What is your organisation? (if applicable)

Organisation:
Sussex Wildlife Trust

4 Responding on behalf of (If applicable)

on behalf of:

5 Please let us know if you wish to be notified of the following:

The Publication of the Inspector's Report, Adoption of the City Plan Part Two

Representation (1)

1 Main Modification Number

Mod number:
MM29

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :
Policy DM37 page 110

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:
Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:
Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

The Sussex Wildlife Trust (SWT) supports all of the modifications to policy DM37 listed on page 110. We agree they are needed for the policy to be consistent with NPPF and that the amended/additional footnotes allow better understanding of the policy aims and appropriate application.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

N/A

7 Would you like to comment on another Main Modification?

Yes

Representation (2)

1 Main Modification Number

Mod number:

MM29

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy DM37 page 112 – Part C point i)

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

No

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

No

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

(2) Not Justified, (4) Not Consistent with National Policy

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

Whilst the amendments to point i) of Part C are preferable to the previous version. The Sussex Wildlife Trust (SWT) still objects to this part of the policy and does not believe it is consistent with paragraph 179 of the NPPF or the Planning Practice Guidance (ID: 8-013-20190721) in regards to the need to safeguard locally designated sites.

We are disappointed that the Inspector Note 9 Post Hearing Action Points [INSP09] does not refer to the discussions at the examination (matter 16) around the question of consistency with national policy of developing on locally designated sites. SWT understood that the Inspector had not come to a decision on this issue during the examinations and would take it away as an issue to consider further. We therefore expected some reference to this in INSP09.

SWT is clear that allocating locally designated sites within development plans cannot be considered 'safeguarding' and therefore is not consistent with the requirements of national policy. It is particularly problematic when the plan would meet the housing numbers required by the CPP1 without allocating locally designated sites. It must be recognised that these locally designated sites provide economic, social and environmental services to the city and should be valued as core components of the city's ecological network.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

In order to be consistent with the NPPF and NPPG the wording in part C i) should be amended to the following:

'...or there are exceptional circumstances that justify the development of the site that can be demonstrated to outweigh the need to safeguard the nature conservation value of the site.'

7 Would you like to comment on another Main Modification?

Yes

Representation (3)

1 Main Modification Number

Mod number:

MM29

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy DM37 page 112 – Part C

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

Excluding our objection to the modification to point i), the Sussex Wildlife Trust supports the other modifications to Part C listed under MM29. We do see these as necessary to ensure consistency with the NPPF and clarity of how the policy should be used by applicants.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

N/A

7 Would you like to comment on another Main Modification?

Yes

Representation (4)

1 Main Modification Number

Mod number:

MM29

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy DM37 page 112 move and amend final paragraph to follow bullet point list on page 111

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

The Sussex Wildlife Trust supports the movement of this paragraph. This is required to clarify that the content applies to all sites whether designated or not.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

N/A

7 Would you like to comment on another Main Modification?

Yes

Representation (5)

1 Main Modification Number

Mod number:

MM29

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy DM37 page 112 moving paragraph to new section headed 'Designated Sites' on page 111

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

The Sussex Wildlife Trust supports this modification and believe it is required to demonstrate consistency with NPPF paragraph 180.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

N/A

7 Would you like to comment on another Main Modification?

Yes

Representation (6)

1 Main Modification Number

Mod number:

MM29

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Supporting text to Policy DM37 page 115 - new paragraph

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

No

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

No

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

(4) Not Consistent with National Policy

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

Whilst the Sussex Wildlife Trust (SWT) supports the majority of the modifications to the supporting text for policy DM37, we object to the explanation of exceptional circumstances in relation to Part C of the policy and do not believe this is consistent with national policy.

Locally designated sites are key infrastructure that meets the wider needs of the city. These sites are a finite resource, being core areas within the ecological network and the development of them simply make the valuable areas of habitat smaller. It is clear that national policy considers local sites to be key components of wider ecological networks (para 179) and that the planning system should make these more resilient (para 174) and safeguard them (para 179).

Given that once built on, these core sites are gone forever, the examples of exceptional circumstances in this new paragraph are both vague and extensive. We do not believe it meets the bar set in the NPPF for equivalent issues e.g. footnote 63. For example, a new bus stop is transport related infrastructure, but is clearly not exceptional enough to warrant adverse impacts on a Local Wildlife Site.

Furthermore, we disagree that the examination of the City Plan Part 1 (CPP1) sets out exceptional circumstances. The CPP1 Inspector's Report [CD23] 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 CPP2. We would not consider the City's large unmet housing need as exceptional. Indeed, this is likely to be the situation for many years to come due to the geography of the city. Additionally, the majority of local authorities in Sussex are failing to meet their 5 year housing supply and again this is not exceptional i.e. it is typical across the county.

Including this explanation in the supporting text opens up a discussion about housing numbers every time a locally designated site is put forward for development. The section of paragraph about allocated sites is not needed because the policy is clear that it is referring to sites that are already allocated in the plan or sites where there are exceptional circumstances. There is no requirement to prove exceptional circumstances for allocated sites. We feel this just confuses things.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

This paragraph should be amended so that it simply reads as follows:

In relation to Part C of the policy, examples of exceptional circumstances include development required as part of nationally significant infrastructure projects or major flood defence or transport related infrastructure that meets the wider needs of the city. Any development proposals on locally designated sites, whether allocated or not, will still be required to meet the requirements under section C ii) and C iii) for mitigation and net gain in biodiversity/geodiversity as well as requirements relating to ecological assessment.

7 Would you like to comment on another Main Modification?

Yes

Representation (7)

1 Main Modification Number

Mod number:

MM36

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy SA7, page 156

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

No

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

No

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

(2) Not Justified, (4) Not Consistent with National Policy

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

The Sussex Wildlife Trust (SWT) objects to a locally designated site being allocated in the local plan. This is not consistent with the requirement of the NPPF to safeguard these sites or the requirement of the NPPG for plans to include policies to secure their protection from harm or loss and also help to enhance them and their connection to wider ecological networks. Locally designated sites are a finite resource and should be protected and enhanced through the planning system.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

Delete the housing allocation portion of this policy

7 Would you like to comment on another Main Modification?

Yes

Representation (8)

1 Main Modification Number

Mod number:

MM37

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Supporting text to Policy SSA1, Paragraph 3.18 page 155

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

The Sussex Wildlife Trust strongly supports the inclusion of this new paragraph and believe it is necessary to ensure the policy is consistent with the requirements of the NPPF to conserve and enhance biodiversity.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

N/A

7 Would you like to comment on another Main Modification?

Yes

Representation (9)

1 Main Modification Number

Mod number:

MM44

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy H1, Table 6 page 174

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

The Sussex Wildlife Trust strongly supports the deletion of 2-18 The Cliff from this table. We believe it would not be justified or consistent with the NPPF to allocate development on this Local Wildlife Site. Particularly the requirement to safeguard locally designated sites.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

N/A

7 Would you like to comment on another Main Modification?

Yes

Representation (10)

1 Main Modification Number

Mod number:

MM45

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy H2 – Table 8 Urban Fringe Allocations, page 180 - delete Land at and Adjoining Horsdean Recreation Ground

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

The Sussex Wildlife Trust (SWT) supports deletion of Land at and Adjoining Horsdean Recreation Ground, Patcham. It is a locally designated site and should be safeguarded under paragraph 179 of the NPPF.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

N/A

7 Would you like to comment on another Main Modification?

Yes

Representation (11)

1 Main Modification Number

Mod number:

MM45

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy H2 – Table 8 Urban Fringe Allocations, page 180

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

No

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

No

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

(2) Not Justified, (4) Not Consistent with National Policy

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

The Sussex Wildlife Trust (SWT) objects to a locally designated site being allocated in the City Plan. This is not consistent with the requirement of the NPPF to safeguard these sites or the requirement of the NPPG for plans to include policies to secure their protection from harm or loss and also help to enhance them and their connection to wider ecological networks. Locally designated sites are a finite resource and should be protected and enhanced through the planning system.

It was demonstrated during the hearing sessions and through our matter statements that allocating on locally designated sites is neither justified, effective nor consistent with national policy. Whilst all locally designated sites would benefit from ongoing management, allowing development of part of them is not an essential or reasonable way to achieve that. Particularly, for those sites that already have active community groups working to enhance them e.g. Benfield Valley Project and Friends of Whitehawk Hill. SWT is particularly concerned that the Land at and adjoining Brighton Racecourse is not referred to in INSP09, as again it was our understanding that the Inspector would be considering this site further and had not come to a decision.

It is clear that allocating development on locally designated sites is not a sustainable approach in a City with an astronomically high OAN that can never be met. The sites should be valued for what they already provide to the city and safeguarded.

It is also not clear why there is no modification to DM38 in relation to designating Whitehawk Hill as a Local Green Space. We understood that this had been agreed by BHCC during the course of the examination discussions and expected to see it in the Inspector Note 9 Post Hearing Action Points [INSP09].

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

Add Whitehawk Hill to policy DM38 and designated as a Local Green Space.

Delete the following allocations:

Land at Oakdene Southwick Hill/Land West of Mile Oak Road
Benfield Valley
Land north of Valley Halls, Coldean Lane
Land at and adjoining Brighton Racecourse
Land north of Warren Road (Ingleside Stables)

7 Would you like to comment on another Main Modification?

No

Other Documents

1 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

2 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

3 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

4 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

Document Upload

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009

Submitted to City Plan Part Two Main Modifications Consultation
Submitted on 2022-05-05 11:53:44

How to complete this survey

Privacy Notice

1 Please tick to confirm you have read our privacy statement

Yes

Your Details

1 What is your name?

Name:

2 What is your email address?

Email address:

3 What is your organisation? (if applicable)

Organisation:
Home Builders Federation

4 Responding on behalf of (If applicable)

on behalf of:

5 Please let us know if you wish to be notified of the following:

The Publication of the Inspector's Report, Adoption of the City Plan Part Two

Representation (1)

1 Main Modification Number

Mod number:
MM28

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :
amendments to DM36

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:
Yes

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:
Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

7 Would you like to comment on another Main Modification?

Yes

Representation (2)

1 Main Modification Number

Mod number:

MM29

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

supporting text to DM37

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

No

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

Yes

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

(2) Not Justified, (4) Not Consistent with National Policy

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

Modification is not necessary for the soundness of the local plan and could create uncertainty in decision making contrary to clarity required by paragraph 16 of the NPPF.

The HBF do not consider the proposed amendment to the supporting text at paragraph 2.282 on page 115 of the City Plan Part 2 to be required for the soundness of the local plan and as such it is unnecessary. Whilst Sussex Local Nature Partnership has an ambition to achieve a 20% target for biodiversity net gain from all development the inclusion of this statement is irrelevant to the soundness of the local plan or what is actually required of development under the Environment Act 2021. The paragraph whilst merely stating a future ambition could create uncertainty amongst decision makers as to what development is actually required to deliver. We would therefore recommend that this modification is not taken forward.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

Modification not taken forward.

7 Would you like to comment on another Main Modification?

No

Other Documents

1 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

2 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

3 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

4 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

Document Upload

1 If you have any supplementary information supporting your representation that you wish to upload please do so below (alternatively please email planningpolicy@brighton-hove.gov.uk along with your respondent ID)

Document Upload:

No file uploaded

Via email to Planning.policy@brighton-hove.gov.uk

Our ref: BHCC Response
Your ref:

28 March 2022

Dear Sir/Madam,

Thank you for inviting Horsham District Council to respond to the City Plan Part 2 – Main Modifications consultation.

We have no specific comments to provide on your modifications but do note that the City Plan (Parts 1 and 2) do not address fully current housing needs, as measured against the Government's standard method.

We share your commitment to working with other local authorities to address strategic priorities and therefore are glad to see reference to an updated West Sussex and Greater Brighton Statement of Common Ground in the plan. We can confirm that it is our hope that this will be ready for signing imminently.

We trust that these comments are of use.

Kind Regards,



Senior Planning Officer
Strategic Planning

From: [REDACTED]
To: [PlanningPolicy](#)
Subject: FAO Planning Policy Team REF: Brighton & Hove City Plan Part 2 - Main Modifications
Date: 28 March 2022 11:52:07

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

Application ref: Brighton & Hove City Plan Part 2 - Main Modifications
Our ref: 386315

Dear Sir or Madam

Natural England has no comments to make on this consultation request regarding the Main Modifications to your City Plan.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland, ancient and veteran trees](#) which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

[REDACTED]
Operations Delivery
Consultations Team

Natural England

This message has been sent using TLS 1.2

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

From:

Sent:

To:

Subject:

31 March 2022 11:01

PlanningPolicy

FW: Brighton & Hove City Plan Part 2 - Main Modifications Consultation notification

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

Good morning,

To confirm, WSCC as a service provider have no comments to make on the Main Modifications of the City Plan Part 2.

Please continue to inform us of any future consultations.

Kind regards,

The Planning Policy and Infrastructure Team

Location

From: PlanningPolicy <PlanningPolicy@brighton-hove.gov.uk>

Sent: 17 March 2022 10:56

To: PlanningPolicy <PlanningPolicy@brighton-hove.gov.uk>

Subject: Brighton & Hove City Plan Part 2 - Main Modifications Consultation notification

****EXTERNAL****

City Plan Part 2 Main Modifications Consultation

17 March - 5 May 2022



Dear Consultee,

Brighton & Hove City Plan Part 2 - Main Modifications Consultation

The City Plan Part 2 is under examination by an independent planning Inspector appointed by the Secretary of State. Public hearing sessions were held in November 2021. The Inspector is considering changes or 'main modifications' to the Plan to ensure it meets legal and soundness

From: [REDACTED]
Sent: 05 May 2022 14:59
To: PlanningPolicy
Cc: [REDACTED]
Subject: City Plan Part 2 Main Modifications Consultation

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

Brighton Active Travel Response Brighton and Hove City Council

City Plan part two Main Modifications

05 May 2022

Brighton Active Travel (BAT) broadly supports the amendments to the city plan

DM22 Landscape Design and Trees

As well as trees for development there needs to be a proactive policy on new tree planting in existing neighbourhoods with low tree cover

MM25 Policy DM33

Safe, sustainable and active travel

3) cycle parking should include provision of cycle hangars for residential parking with the aim of providing residential hangars to fulfil all existing demand and encourage a switch to bicycles etc as a core means of travel

DM33

Para. 2.253 p 100

BAT supports the inclusion of having regard to the Brighton and Hove bus service improvement plan.

[REDACTED] on behalf of Brighton Active Travel

05 May 2022

Sent from [Mail](#) for Windows

How to complete this survey

Privacy Notice

1 Please tick to confirm you have read our privacy statement

Yes

Your Details

1 What is your name?

Name:

[REDACTED]

2 What is your email address?

Email address:

[REDACTED]

3 What is your organisation? (if applicable)

Organisation:

Quod

4 Responding on behalf of (If applicable)

on behalf of:

St William Homes LLP

5 Please let us know if you wish to be notified of the following:

6 No comments to make?

No Comments to Make Text Box:

Representation (1)

1 Main Modification Number

Mod number:

MM09

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy DM11 New Business Floorspace

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

No

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

(3) Not Effective, (4) Not Consistent with National Policy

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

Our written representations are made in respect of the Council's proposed 'Main Modifications' (BHCC44) following the conclusion of the Examination in Public in March 2021 and the publication of the Inspector's Post Hearing Action Note (INSP09) that was published on 3 December 2021. These representations follow on from the representations that St William submitted to the Proposed Submission version on 30th October 2020 and the Examination in Public Matters Statements on 4th October 2021. Whilst it is acknowledged that it is not necessary to repeat previous comments these representations provide a mixture of new comments to newly proposed main modifications but do also repeat previous comments where suggested amendments have not been incorporated into the draft CPP2.

In respect of Main Modification 09 – Policy DM11 New Business Floorspace and in line with St William's previously submitted comments to the draft CPP2, we do not consider that the current wording of Policy DM11 (MM09) is effective nor consistent with national policy on account of the categorisation of sub-uses under Use Class E. We consider this approach to be against the spirit of the new class order, and not to accord with paragraph 82 of the NPPF, which requires planning policies to be flexible enough to accommodate needs not anticipated in the plan and to enable a rapid response to changes in economic circumstances.

Use Class E was introduced by the Government in September 2020 to "help streamline the system"¹ by providing greater opportunity for a range of flexible uses (commercial, business and service) to take place concurrently, or by allowing them to change between types of commercial uses without constituting development in order to "protect and grow our economy post Covid". The Council has duly updated CPP2 to reflect the changes made via the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 to the extent that it refers to Use Class E, but as proposed by Main Modification 09 (Figure 1 - refer to full representation for extract of BHCC44), draft Policy DM11 continues to seek restrictions on specific sub-uses under Class E to which explicit references to Use Class E(g) (former Class B1) are applied throughout the policy and supporting text. This is at odds with the intended purpose of the new class order and should duly be reviewed.

To address this matter, we recommend that Policy DM11 is updated so that it refers to "Use Class E, B2 and B8", as applicable business uses, removing reference to sub-uses within Use Class E. This would therefore recognise the flexibility intended by the introduction of Use Class E, and also acknowledge that other commercial uses are capable of generating meaningful employment to support CPP2, as demonstrated by the Employment Densities Guide (2010). No explanation has been provided as to why these amendments cannot be incorporated into the Plan.

1 Ministry of Housing, Communities & Local Government. September 2020. Permitted development rights and changes to the Use Class Order - Flexible use on the high street: key facts brief

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

Policy DM11 should be updated so that it refers to "Use Class E, B2 and B8"

7 Would you like to comment on another Main Modification?

Yes

Representation (2)

1 Main Modification Number

Mod number:

MM14

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

DM18 High Quality Design and Places

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

In respect of Main Modification 14, we have the following comments which are a combination of new and previous comments:

Impact on public realm: The proposed amendment to the last sentence of Policy DM18 High Quality Design and Places (set out at Figure 2 - please refer to full representation for extract of BHCC44) does not appear to be clear or effective enough meaning it does not meet the soundness test because it is unclear what is meant by 'impact on public realm'. We consider that the previous wording was more appropriate.

References to design guidance: We recognise the purpose behind the introduction of references to the National Design Guide and the Urban Design Framework SPD within paragraph 2.147 however it is not clear that references to 'future design codes or guidance' that do not yet exist could be found to be sound given the detail of these is currently unknown. The inclusion of a reference to future design codes and guidance should be removed.

Exceptional site constraints: The constraints of a site are a key factor when considering design solutions for such sites and the following previously proposed amendments (outlined in Figure 3 - please refer to full representation for extract of St William Homes representations to the Proposed Submission City Plan Part 2 (30 October 2020) are required to make this policy effective in line with the tests of soundness.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

As set out in response to question 5 and in respect to paragraph 2.148 and 2.150:

Paragraph 2.148

"The scale of consideration of local context should be commensurate with the scale and impact of the proposals as well as any significant and exceptional site constraints. For example, from the street scale in the case of a single dwelling proposal to a neighbourhood, and/or city-wide scale in the case of a larger and/or strategic development, where bespoke design solutions will be required in order to deliver complex sites and ensure the potential of brownfield sites is maximised"

Paragraph 2.150 to be revised to read as follows:

"This is a major factor in determining the visual character of an area. Generally the aim should be to create a sense of harmony and visual continuity between existing and new. The basic proportions of a building, including its height, width and depth, the shape of its gables and the pitch of the roof, can be varied to suit the local context. What matters is not so much the absolute size of a new building or development, but its size relative to its surroundings, and the quality of design and appearance within views. Elements of any building that are visible from a highway are of particular importance".

7 Would you like to comment on another Main Modification?

Yes

Representation (3)

1 Main Modification Number

Mod number:

MM32

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy DM41 Polluted and hazardous substances and land stability

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

With reference to Matter 32 – Policy DM41 Polluted and hazardous substances and land stability, our previous suggested amendments which have not been incorporated into the draft CPP2, set out below. The management and remediation of contaminated land is tightly controlled and highly regulated and the existing processes in place often result in an iterative process of information gathering and decision making between relevant regulators including the Local Planning Authority and the Environment Agency through the separate land contamination control regime. This allows for some matters to be dealt with via planning condition alongside these parallel processes, even in circumstances when sites are known to be contaminated. Planning conditions can be an equally effective medium for ensuring the objectives of the policy are met without unduly delaying the consideration of a planning application.

Policy DM41 Polluted sites, hazardous substances and land stability supporting paragraph 2.319 to be amended to read:

"2.319 In some instances it may be appropriate for permission to may be granted subject to conditions requiring site investigation, discovery strategy and any remedial measures as deemed necessary once a competent person has carried out an options appraisal."

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

7 Would you like to comment on another Main Modification?

No

Other Documents

1 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

2 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

3 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

4 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

Document Upload

1 If you have any supplementary information supporting your representation that you wish to upload please do so below (alternatively please email planningpolicy@brighton-hove.gov.uk along with your respondent ID)

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How to complete this survey

Privacy Notice

1 Please tick to confirm you have read our privacy statement

Yes

Your Details

1 What is your name?

Name:

[REDACTED]

2 What is your email address?

Email address:

[REDACTED]

3 What is your organisation? (if applicable)

Organisation:

Sussex Ornithological Society

4 Responding on behalf of (If applicable)

on behalf of:

5 Please let us know if you wish to be notified of the following:

The Publication of the Inspector's Report, Adoption of the City Plan Part Two

6 No comments to make?

No Comments to Make Text Box:

Representation (1)

1 Main Modification Number

Mod number:

MM37

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

SSA1 Brighton General Hospital site, Elm Grove, Freshfield Road

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

We fully support the new paragraph 3.19 regarding the protection of the existing Swift colony.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

7 Would you like to comment on another Main Modification?

Yes

Representation (2)

1 Main Modification Number

Mod number:

MM44

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy H1 Urban Housing Sites

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

We welcome the removal of Site 5, Land between Marine Drive and the rear of 2- 18 The Cliff from the site allocations as it will safeguard the designated Local Wildlife Site (LWS) and its colony of Common Lizard.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

7 Would you like to comment on another Main Modification?

Yes

Representation (3)

1 Main Modification Number

Mod number:

MM45

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy H2 Housing Sites - Urban Fringe

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

We also welcome the removal of Site 16, land at, and adjoining Horsdean Recreation Ground, from the site allocations, as it will safeguard the designated Patcham Court Field LWS

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

7 Would you like to comment on another Main Modification?

Yes

Representation (4)

1 Main Modification Number

Mod number:

MM45

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Housing allocations on parts of designated LWS's and on the Whitehawk

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

Housing allocations on parts of designated LWS's and on the Whitehawk

The following sites have all been allocated for development on part of land designated as a Local Wildlife Site or Local Nature Reserve:

Land west of Mile Oak Road, Portslade (UF sites 1 and 2) which will destroy about a third of Oakdene. Southwick Hill LWS (BH22).

Land North of Varley Halls, Coldean (UF site 21a) will effectively split the Land at Coldean Lane LWS (BH87), significantly reducing its value as a wildlife corridor.

Land at and adjoining Brighton Racecourse (UF site 30) which is on the designated Whitehawk Local Nature Reserve. which is not only a nature reserve but a key green wedge in Brighton's Nature Network.

Land north of Ingleside Stables, Warren Road (UF site 33) as 50% of the proposed development would be on the Bevendean Horse Paddocks LWS (BH86) Site 43, Benfield Valley (SA7) which is on an LWS and is recognised to be an important green corridor stretching northwards from the A270 Old Shoreham Road to the A27 Bypass, connecting with the SDNP beyond. The development will also interrupt the connectivity of this green corridor.

There are several other allocations that we did not comment on in our Reg 19 response that are also on parts of LWS's.

The cumulative impact of these allocations will be to reduce the area of space designated as being set aside for nature in Brighton & Hove. Policy DM37, Green Infrastructure and Nature Conservation states that:

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.

Quite clearly the only way all the allocations on LWS's and the Whitehawk LNR can go ahead in a way that Brighton & Hove's natural capital can be retained and enhanced in total, is if there is a plan to replace the natural capital being lost as a result of these CCP2 allocations. We believe this will best be achieved if it occurs in a single off-site location, which could be inside or outside Brighton & Hove, rather than relying on developers to come up with piece-meal proposals.

This is because it is a well-established fact that nature thrives better in larger interconnected areas than in small, isolated areas.

CCP2 has no plan to establish such an offsite nature recovery area to compensate for the loss of designated areas for nature in the parts of LWS's and an LNR that are being allocated for development. Indeed, our feeling is that CCP2 is unsound as no such plan exists and no plans to develop such a plan forms part of CCP2. Without such compensatory plans we do not believe that Brighton & Hove's natural capital can be retained and enhanced - rather it

will deteriorate - and an adverse impact on the city's UNESCO Biosphere objectives is also likely.

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

7 Would you like to comment on another Main Modification?

No

Other Documents

1 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

2 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

3 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

4 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

Document Upload

1 If you have any supplementary information supporting your representation that you wish to upload please do so below (alternatively please email planningpolicy@brighton-hove.gov.uk along with your respondent ID)

Document Upload:

No file uploaded

How to complete this survey

Privacy Notice

1 Please tick to confirm you have read our privacy statement

Yes

Your Details

1 What is your name?

Name:

Coldean Neighbourhood Planning Forum

2 What is your email address?

Email address:

3 What is your organisation? (if applicable)

Organisation:

Coldean Neighbourhood Planning Forum

4 Responding on behalf of (If applicable)

on behalf of:

5 Please let us know if you wish to be notified of the following:

6 No comments to make?

No Comments to Make Text Box:

Representation (1)

1 Main Modification Number

Mod number:

MM45

2 Submission City Plan Part 2 Reference (e.g. Supporting text to Policy DM4, paragraph 2.28, page 25)

Section :

Policy H2 – Housing Sites Urban Fringe Supporting Text to Policy H2 Paragraph 3.76, Page 185

3 With the inclusion of the Main Modification do you consider the Plan is sound?

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Sound:

Legally Compliant/Sound/ Meets the Duty to Co-Operate - Legally Compliant:

4 If you have answered 'no' to the question above please specify on what grounds:

Unsound because - Tick all that apply:

5 Please set out your representation in full below. Please be as precise as possible.

support or object reason:

We wish to make objections to these modifications:

Policy H2 – Housing Sites Urban Fringe

Supporting Text to Policy H2

Current

However, detailed surveys (including species surveys) will be required to support development proposals, and these must be used to inform the development of specific mitigation requirements."

Proposed

Development will not be permitted where there the site is of ecological significance, either in part or whole, established by surveys and species surveys specific to the site or sites.

Where a site, regardless of size, is located in an area with underground chalk aquifers identified as Groundwater Source Protection Zones by the Environment Agency, development will need to ensure that groundwater resources are protected from pollution and safeguard water supplies, in line with the requirements of Policy DM42

6 Please set out what change(s) you consider necessary to make the Plan sound.

Changes Necessary:

as set out in answer to question 5.

7 Would you like to comment on another Main Modification?

No

Other Documents

1 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

2 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

3 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

4 Please specify which consultation document your comment relates to by ticking one of the following:

other docs list:

What is the Modification Number you are responding to (PM, AM), or which part of SA or HEQIA?:

Comments:

Document Upload

1 If you have any supplementary information supporting your representation that you wish to upload please do so below (alternatively please email planningpolicy@brighton-hove.gov.uk along with your respondent ID)

Document Upload:

No file uploaded



CPP2 Policy Projects and Heritage Team
Brighton & Hove City Council
First Floor Hove Town Hall
Norton Road BN3 3BQ

Our ref: PL00459128

Your ref:

Telephone

Email

Date

03 May 2022

By email only to planningpolicy@brighton-hove.gov.uk

Dear Sir / Madam

Brighton and Hove City Plan Part Two Main Modifications Consultation

Thank you for your email of 17 March 2022 inviting comments on the above document.

As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process and welcomes the opportunity to comment upon this key planning document.

Historic England's comments on the Main Modifications relate to our remit and previous comments are set out detail below:

Historic England supports the supports the proposed modifications to the following policies that seek to enhance and conserve the distinctive, historic character of the city and its heritage assets; viz.

- MM14:** DM18 High quality design and places;
- MM18:** DM26 Conservation Areas, DM27 Listed Buildings;
- MM20:** DM28 Locally Listed Heritage Assets;
- MM21:** DM29 The Setting of Heritage Assets;
- MM22:** DM30 Registered Parks and Gardens;
- MM23:** DM31 Archaeological Interest; and,
- MM 24:** DM32 The Royal Pavilion Estate.

MM36: In relation to policy SA7 Benfield Valley, as previously stated, we suggest that a heritage assessment is required in relation to the effects that the housing allocation areas may have on the setting Listed Benfield Barn and the Conservation Area. The siting, form and scale of the housing would have to be very carefully planned to ensure no harmful impacts arise and the positive benefits sought by the policy are realised.



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA
Telephone 020 7973 3700 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



MM37: SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road – we support the modification.

MM38: SSA2 Combined Engineering Depot, New England Road – we support the modification.

MM41: SSA5 Madeira Terrace and Madeira Drive – we support modification.

MM42: SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive – we support the modification.

MM43: SSA7 Land Adjacent to American Express Community Stadium, Village Way – we support the modification.

MM45: H2 Housing Sites – Urban Fringe we support the added reference within a footnote to the policy noting Historic England Advice Note 12 in relation to the requirement to assess the heritage impacts of developing sites.

These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.

Yours sincerely

[Redacted Signature]

Historic Environment Planning Adviser



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA
Telephone 020 7973 3700 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



From: [REDACTED]
Cc: [REDACTED]
Subject: Planning Policy Team – Brighton & Hove City Council - Brighton & Hove City Plan Part 2 – Main Modifications Consultation
Date: 21 April 2022 12:04:14
Attachments: [Planning Policy Team Brighton Hove City Council - Brighton Hove City Plan Part 2 Main Modifications Consultation.msg](#)

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 attached our response on the Main Modifications Consultation to City Plan Part 2 which unfortunately was sent to an incorrect email address. Please confirm you have received our response.

Kind regards

[REDACTED]
[REDACTED]
Area 4 Spatial Planning Manager (Acting)
[REDACTED]

National Highways | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

Web: <http://www.highwaysengland.co.uk>

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National Highways Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF | <https://nationalhighways.co.uk> | info@nationalhighways.co.uk

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Consider the environment. Please don't print this e-mail unless you really need to.

From: [REDACTED]
To: planning.policy@brighton-hove.gov.uk
Cc: [REDACTED]
Subject: Planning Policy Team – Brighton & Hove City Council - Brighton & Hove City Plan Part 2 – Main Modifications Consultation

For attention of:	Planning Policy Team – Brighton & Hove City Council
Consultation:	Brighton & Hove City Plan Part 2 – Main Modifications Consultation
National Highways Reference:	SB427 #16356

Dear Planning Policy Team,

Thank you for your notification dated 17 March 2022, inviting National Highways (formerly Highways England) to comment on the Brighton & Hove City Plan Part 2 (CPP2) Main Modifications Consultation, seeking a response no later than 5 May 2022.

We have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We will be concerned with plans and/or proposals that have the potential to impact on the safe and efficient operation of the SRN. In the case of the Brighton & Hove City Council, our interest relates primarily to the A23, A27 and associated junctions.

We have reviewed the main modifications being proposed as part of the current consultation and have concluded that they would not result in any significant changes to the previously assessed SRN impacts. As such, there is no requirement for any additional assessment of these impacts.

On this basis, we can confirm that our previous position, as detailed within the existing Statement of Common Ground, dated 9 November 2021, between National Highways and Brighton & Hove City Council, remains appropriate.

Considering the above, there are no material matters of concern for National Highways currently.

We hope our comments assist.

Please do continue to consult us as the plan progresses so that we can remain aware of, and comment as required on, its contents. Should you have any queries regarding our response, please contact us via planningse@nationalhighways.co.uk.

Kind regards

[REDACTED]

Area 4 Spatial Planning Manager (Acting)



National Highways | Bridge House | 1 Walnut Tree Close | Guildford | Surrey |
GU1 4LZ

Web: <http://www.highwaysengland.co.uk>

From: [REDACTED]
Sent: 02 May 2022 21:30
To: [REDACTED]
Subject: Response to Consultation on City Plan 2
Attachments: Biological survey and assessment of land at Varley Park Jan 2020 GL.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

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

I am writing as a resident of Coldean, and also as a member of the Coldean Neighbourhood Planning Forum. I wish to respond to the consultation on modifications to City Plan 2, and in particular to the inclusion of a sensitive ecological site of chalk grassland north-east of Coldean Lane, known as Site 21A.

You may be familiar with this site since a large development, known as Bluebell Heights, went ahead on an adjacent site in 2021, a project that has been plagued with problems ranging from illegal logging, destruction of wildlife habitat, lack of planning for pedestrians and traffic, failure to consider flood risk and ecological damage, and absence of any planning to secure the safety of residents in respect of the nearby footbridge over the A27.

In summary, the main points are that:

- the original ecological evidence and assessment of housing need on City Plan 2 were inadequate (badly timed and inaccurate respectively);
- the original period of consultation was not sufficient or equitable;
- as indicated in the attached Biological Report, Site 21A is a habitat for rare and protected species; and
- the Environment Act imposes new statutory duties on Councils that can be met by protecting Site 21A.

In detail:

1. Liz Hobden, Head of Planning, responded to the Forum's original email by stating that the Planning Committee cannot consider our feedback 'at this late stage'. However, in his invitation for responses, Martin Osborne, Co-Chair of the Tourism, Equalities, Communities and Culture Committee, states very clearly on the B&H Council website that 'this consultation is an important step in enabling the inspector to complete her report. I urge you to take part and give us your views.' We agree with Martin that **all feedback on the proposals should be taken into account, up to the deadline of 11.59pm on 5 May.**

2. We note that in her Modifications to City Plan 2, the government planning inspector removed one site (Horsdean Recreation Ground, Patcham) on the grounds of the potential impact of development on wildlife, and also reduced the size of permitted development at a second site (a former nursery in Saltdean). This demonstrates that changes to City Plan 2 are not outside the planning inspector's scope, and there is precedent for amending the plans in the light of ecological evidence, such as that presented in the Biological Report. We note, incidentally, that **the key site considerations that led to the withdrawal of Horsdean Recreation Ground from City Plan 2 are identical to those for Site 21a in Coldean Woods** (see https://consultations.brighton-hove.gov.uk/planning/city-plan-part-two-proposed-submission/user_uploads/h2-cpp2-april-2020.pdf).
3. The current development of 'Bluebell Heights' by Hyde Housing on Coldean Woods has exposed numerous problems that were overlooked during the consultation. These include: destruction of badger setts and ecologically significant habitats; inadequate and inaccurate evidence of housing need; lack of informed and expert advice on the local ecology; lack of mitigation measures before work began; lack of meaningful consultation with residents; no planning for safe access by road and by foot; no risk assessment for the proximity of a footbridge spanning the A27; lack of planning for parking arrangements and access to public transport; and serious risk of damage to Brighton & Hove's aquifer. Unsurprisingly, this multitude of oversights has not given Coldean's residents confidence that their concerns will be addressed or indeed heard. **We do not believe that the planning inspector was provided with accurate evidence and information to enable her to make a sound judgement on Site 21A.**
4. Since City Plan 2 was written in May 2021, the Environment Bill has passed into law. It specifies a legally binding 2030 species abundance target, which **this extraordinarily rich site has the potential to fulfil, boosting efforts to stem the decline in biodiversity and contributing to the national target of protecting 30% of land and sea for nature by 2030**. Other provisions in the Act, notably the statutory 10% Biodiversity Net Gain, as well as the requirements that will emanate from the Nature Recovery Green Paper, may also be secured through the protection of Site 21a.
5. We note that **the original circulation of City Plan 2, in May 2021, was limited to online access**, due to Covid-19 restrictions. There appears to have been no mitigation for this, in terms of extending the consultation period or making physical or audio copies available, meaning that anyone without access to the website, whether through lack of digital literacy, visual impairment or due to shielding, has not had an opportunity to have their voice heard, thus **failing to meet Objective 1.5 of the Council's Equality & Inclusion Policy Statement and Strategy** ('We will ensure that alternative communication routes remain available for people with specific requirements.')
6. The consultation events we have conducted locally indicate that **open green spaces and the environment are the top priority for residents of Coldean**. There are strong feelings among residents that Coldean is being overlooked, and considered inferior to areas such as Patcham. We hope that Councillors of all persuasions will demonstrate that this is not the case by coming to our aid and protecting this unique and valuable landscape.

Finally, in spite of Ms Hobden's assurance that raising objections to development plans is sufficient to safeguard Site 21A, recent experience tells us that **the only certain way of protecting this ecologically significant site is to withdraw it from City Plan 2 permanently**. The Forum has contacted all Brighton & Hove's councillors and Brighton & Hove's MP with this information and appears thus far to be receiving considerable positive feedback on its endeavours to remove Site 21A from City Plan 2.

Yours faithfully

[REDACTED]



[REDACTED]

[REDACTED]

Biological survey and assessment of land at Varley Park, Coldean Lane

February 2020



Fig. 1. The nationally rare and striking tortoise beetle *Pilemostoma fastuosa* recorded from the site.

0 - Summary

The author was approached to carry out a survey at short notice to provide some ecological advice on where/where not, on a patch of land of around 4 ha, would be best to place a development. The area is comprised of some open areas with chalk-grassland and some wooded areas. The site is predominantly south west facing and almost entirely surrounded by developments of some form.

The author was asked to survey, assess and provide recommendations for the different areas/habitats within the site.

The site was visited on the 8th February. It was split into four recording blocks, these were; Long Glade, North Glade (both containing fragments of chalk-grassland), Woodland and Plantation (both dominated by trees). The same recording effort (1 hour 30 minutes) was made in each. A species list was made for each recording block, with standardisation allowing for comparison between blocks. The focus was on invertebrates, birds and vascular plants.

A total of 423 records of 252 species were made. This included 83 vascular plants, 128 invertebrates and 21 birds. Of the invertebrates, beetles were most numerous with 45 species, followed by spiders at 36 species.

Ten invertebrates with conservation status were recorded, eight beetles, one spider and one bug. All but the spider were phytophagous species feeding on vegetation. The most interesting was the Ploughman's Spikenard feeding tortoise beetle *Pilemostoma fastuosa* shown in figure 1. The Scarab Shieldbug was also abundant on the site.

Three England Red Listed plant species were recorded; Carline Thistle, Devil's-bit Scabious and Wild Strawberry.

The open spaces with chalk-grassland were the most biodiverse for plants and invertebrates. The wooded areas had very low biodiversity interest with none of the ten invertebrates with conservation status being recorded in these areas. They did have more fungi, birds, molluscs and lower plants but very few of these species had any conservation status. Song Thrush and Mistle Thrush were perhaps the most significant bird species of the survey, both were recorded in the wooded areas.

Four Ancient Woodland Indicators were recorded, including Spurge-laurel. Unfortunately, it was in the process of being cut down, possibly due to it being mistaken for Rhododendron or Cherry Laurel. It is however native, and the most interesting species in the woods.

The areas of chalk-grassland are a priority for the site, much of the woodland is extremely poor biologically. Prioritisation is given for the site and management recommendations to help any community groups that may work on the site are also provided. The main issue facing the site is the imminent loss of both parcels of chalk-grassland to scrub and woodland, chiefly Sycamore.

1 - Introduction

The author was approached to carry out a survey at short notice to provide some ecological advice on where on a patch of land of around 4 ha would be best to place a development. The area was comprised of some open areas with chalk-grassland present and some wooded areas. The site is predominantly south west facing (which is the ideal for many

invertebrates). It is bounded by halls of residence to the south west, an ongoing development to the north west. The A27 to the north east and some older woodland to the south east.

The author was asked to survey, assess and provide recommendations for the different areas/habitats within the site.

Unlike ecological consultancies, the author adopts a holistic approach that is driven by what is best for the site, not just the protected species. This survey should therefore be seen as complimentary to a protected species survey.

2 - Methodologies

The site was visited on the 8th February. The site was split into four recording blocks which are shown in figure 2 below. A grid reference was assigned to the centre of each recording block (a site centroid) and within each block, records were therefore assigned to that particular grid reference. If an unusual species was recorded, then a specific eight-figure grid reference was recorded.

Each block was recorded for 1 hour and 30 minutes. All birds, plants, mammals and invertebrates were recorded and specimens taken where necessary. Being outside of the typical invertebrate survey season, the author relied heavily on the use of an electric suction-sampler. Any species that could not be identified in the field were taken back for microscopic identification.

Similarly, botanical surveying had to rely heavily on vegetative parts and last year's flower heads. Being out of the main survey season, some species could only be recorded to genus. The species list is likely to be much higher for both plants and invertebrates.

The four areas were:

- Long Glade
- Woodland
- North Glade
- Plantation



Fig. 2. Map of the recording blocks.

All species were entered into the author's database by compartment and in time this will be synchronised with the Sussex Biodiversity Record Centre database. Once entered, all records were pulled out and a pivot table was used to create four species lists. Additionally, the two glades and the two woodland blocks were bulked together to allow a comparison of 'open' with 'closed' habitat (i.e. glade with woodland).

3 - Results

Before displaying the results, the author feels that a disclaimer should be added at this point. Although 252 species may seem comprehensive, it is by no means a comprehensive list for the site. A single survey in February is not acceptable for assessing a site and this large list is more a reflection of the author's experience. However, given that time was of the essence, in the absence of a comprehensive survey, this survey can at least act as a guide.

3.1 - Overview of species recorded

A total of 423 records of 252 species were made. The species recorded break down as follows:

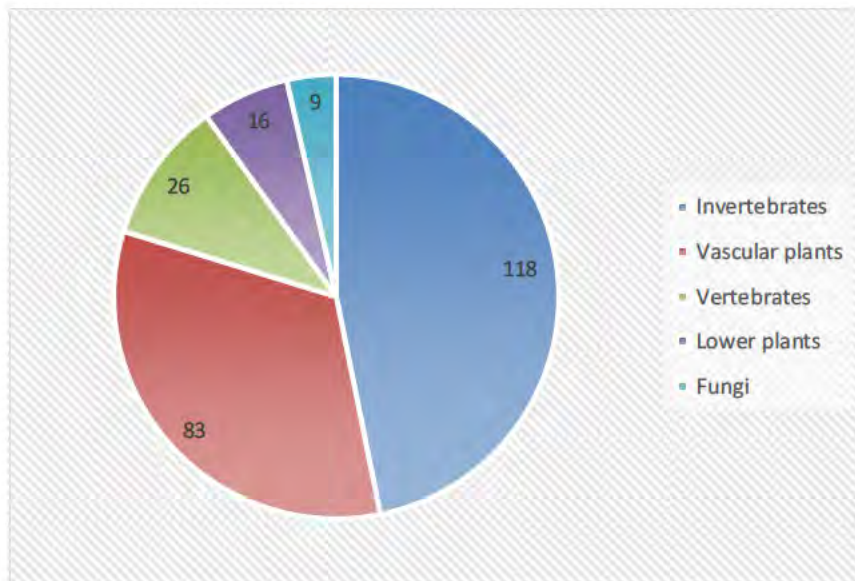


Fig. 3. Overview of species recorded.

3.2 - Species with conservation status

Conservation status is a complex issue. Each taxonomic group has used a slightly different set of criteria for assessing their species. Within each group, some species are assessed more often or more thoroughly than others. Some are long overdue and as a result there are two systems running at present. Mike Edwards has kindly allowed the author to use this text to explain both systems:

“GB Conservation Status categories are in the process of being upgraded. This means that it is currently necessary to provide values for both systems as not all groups have been dealt with.

The old RDB (Red Data Book) Conservation Status categories were based purely on the number of 10km squares which a species was known to have been recorded from, with a base-line date of 1970. These categories are obviously susceptible to the progressive accumulation of new records over time. This is especially so as, for some species in particular, non-specialist recording has increased significantly. There are also known changes in range and abundance which have been increasingly commented on by specialists.

The old system graded species like this:

RDB 1. Endangered. Species currently (post 1970) known to exist in five or fewer ten-kilometre squares.

RDB 2. Vulnerable. Species in severely declining or vulnerable habitats, or of low known populations. Known to exist (post 1970) in ten, or fewer, ten-kilometre squares.

RDB 3. Rare. Species with small populations, not at present Endangered or Vulnerable, but which are felt to be at risk. Species currently known to exist (post 1970) in fifteen, or fewer, ten-kilometre squares.

RDB K. Species of undoubted RDB rank, but with insufficient information for accurate placement; includes possible recent arrivals.

Nationally Scarce. Species currently (post 1970) known to exist in one hundred, or fewer, ten-kilometre squares.

In some groups these are further sub-divided into:-

Nationally Scarce a. Species currently (post 1970) known to exist in thirty, or fewer, ten-kilometre squares.

Nationally Scarce b. Species currently (post 1970) known to exist in thirty-one to one hundred ten-kilometre squares.

The new IUCN-type Red Data Book Conservation Status categories are based on perceived threat, of which distribution is only one part, the other being related to the population trend over the 10 years previous to the assessment, for the species in question. Such trends may be inferred from accumulated specialist knowledge, but, as the quantity and quality of data improves increasing effort is being made to model such changes. The output of such modelling being then compared with the specialist knowledge. Species with a negative trend may not be inherently rare, it is the decline which is the significant factor.

The new system grades species like this (This is very much a summary, there is considerable detail to this, please consult the group-appropriate published Great Britain Red List for a better understanding of how the gradings have been arrived at):

Regionally Extinct (RE). See group-appropriate Red List for criteria. In general, a sufficiently long time has elapsed since the last record of this species.

Critically Endangered (CE). Species with a very severe decline in population trend or geographic range within the area considered.

Endangered (E). Species with a severe decline in population trend or geographic range within the area considered.

Vulnerable (V). Species with a marked decline in trend or geographic range within the area considered.

Near Threatened (NT). Species which are suspected to qualify for Vulnerable, but where the data does not quite support such a category.

Least Concern (LC). Species which show no marked negative population trend or geographic range. Indeed, they may have positive values for either or both.

There will be a number of species where it has been considered that there is insufficient information to provide a supported grading, such species are called Data Deficient (DD). There are also categories for invasive (with anthropogenic agency) species, which are usually assessed as Not Applicable (NA).

The IUCN Red List system was primarily developed for assessing large mammal populations and fish stocks, adapting it for invertebrates is, inevitably, an experimental process and it is to be expected that there will be variability in its application and interpretation between groups. However, each published GB Red List has information on the actual way in which decisions have been arrived at. These should be consulted where necessary.

There is no inherent equivalence between the old and new systems

Great Britain has a considerable environmental gradient from north to south and, to a lesser extent, east to west. Species which are stable in their trend or geographic extent may still be considerably limited by the availability of suitable habitat resources. In order that such species do not get missed from conservation considerations a second, parallel, system of GB scarcity has been developed. This is similar to the old Conservation Status system in that it is based on the number of 10km squares which the species is known from, in a given time period, usually 30 years previous to the date of the assessment.

Categories for this National Scarcity rating are:

NR, with 1-15 10Km occupied squares

NS, with 16 to 100 10Km occupied squares.

Clearly both systems will require periodic revision if they are to remain relevant to the needs of a modern country and the conservation of its fauna.”



Fig. 4. Location of some of the scarcer/more unusual species recorded during the survey

3.2.1 - Invertebrates

Although 118 species were recorded, only 115 of these were to genus (this latter figure is used in the following calculation). Of these, ten were found to have some form of conservation status (8.7%). These nine species are comprised of eight beetles, one spider and one bug. No flies, bees, wasps, moths, butterflies, crickets, grasshoppers, dragonflies or damselflies were recorded due to the time of year.

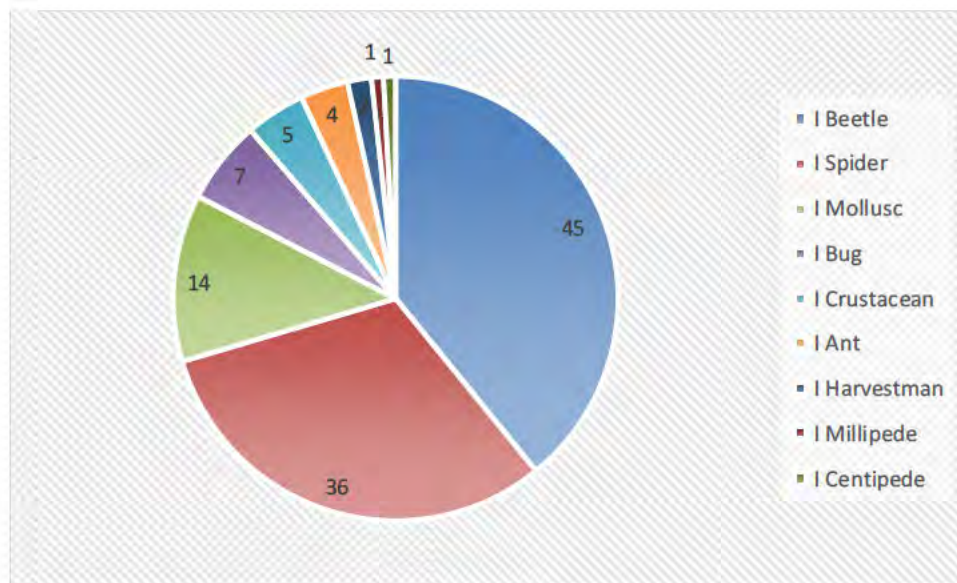


Fig. 5. Breakdown of the invertebrate groups recorded.

Araneae (spiders)

A total of 36 species of spider were recorded with 35 to species but only one of these had conservation status (2.9%). None of the chalk-grassland specialists were found meaning this site was not especially important for spiders although overall diversity was high.

The site sits to the north of the author's home 10 km square of TQ30. Despite this, a number of the spiders recorded here were recorded in this square for the first time

Meioneta mollis - Nationally Rare/Section 41

Both males and females were recorded in both the Long Glade and the North Glade. Although spider conservation statuses were only reassessed in 2017, this species seems to be clearly expanding in range. The author encounters it on practically every survey/recording excursion in the south east. It does not seem to have any particular habitat association and probably doesn't deserve such a high conservation status. On the Sussex Rare Species Inventory for example it is likely to not be assessed as a Sussex rare.

Coleoptera (beetles)

The largest invertebrate group with 45 species noted, 42 of which were recorded to species with eight of these having conservation status (19.0%). This is quite a high proportion. All of the eight species can be considered phytophagous, that is they all feed on plants (of the eight species, one was a leaf beetle and the remaining seven were weevils). This is typical of chalk-grassland that has large number of different species of plant and therefore a large range of species that feed on them.

Cathormiocerus spinosus - Nationally scarce a

Previously known as *Trachyphloeus asperatus*. Two specimens of this tiny hedgehog weevil were recorded by suction sampler along the Long Glade. This species likes light soils and warmth, where it feeds on roots. The species is flightless.



Fig.6. The flightless hedgehog weevil *Cathormiocerus spinosus*.

Diplapion stolidum - Nationally scarce b

A small black apionid. This species feeds on Ox-eye Daisy that was abundant to the north of the Long Glade where it was found. This is the first time the author has encountered this species.

Hypera meles - Nationally scarce a

Now quite a common species that does not perhaps deserve the status that it has. Feeds on clovers, usually Red Clover. A single animal was suction-sampled from the the Long Glade and another from the Northern Glade.

Pilemostoma fastuosa - Nationally Rare/Near Threatened

A single animal of this striking tortoise beetle was suction-sampled from the top of the North Glade. The species feeds on Ploughman's Spikenard and Fleabane. As Ploughman's Spikenard was abundant across this site, this would be the food plant on this site.



Fig.7. *Pilemostoma fastuosa* suction-sampled from the Northern Glade.

Protapion difforme - Nationally scarce b

A single female was suction sampled from along the Long Glade. Feeds on clovers.



Fig. 8. The weevil *Protapion difforme*.

Smicronyx reichii - Rare

A single animal was suction sampled from somewhere along the Long Glade. This species feeds on Common Centaury and Yellow-wort.



Fig. 9. The tiny *Smicronyx reichii*.

Squamapion cineraceum - Nationally scarce a

This species was abundant in the chalk-grassland at the top of the Northern Glade, while only a single animal was found on the Long Glade. It feeds on *Selfheal*, which was abundant in both these areas. It is the first time the author has encountered this species.



Fig. 10. One of many *Squamapion cineraceum* found in both glades.

Trachyphloeus alternans - Nationally scarce b

A single animal was suction-sampled from a large open area of chalk-grassland on the Long Glade and is shown in the map below. The species needs warm, free draining sites where it feeds on plant roots.



Fig. 11. *Trachyphloeus alternans* with the characteristic scales on alternate elytral intervals.

Hemiptera (true bugs)

Only seven species were recorded with one having conservation status (14.3%). This is a high proportion for this taxa but is misleading due to the small pool of species recorded.

Thyreocoris scarabaeoides (Scarab Shieldbug) - Nationally Scarce

This small shieldbug is, in Sussex, entirely associated with the Downs. In this survey, a single animal was sieved from moss in the Long Glade and five were sieved from the same clump of moss in the North Glade. The species likes warm sunny situations and is thought to feed on violets, Hairy Violet the likely foodplant in this habitat (albeit this species was not recorded). This is a new 10 km square record for this species. See figure 4 for where this species was recorded.



Fig. 12. The five Scarab Shieldbugs sieved from moss in the Northern Glade.

Mollusca (slugs and snail)

A total of 14 species were recorded but none had conservation status. This is a fairly large list for the survey effort but is typical of calcareous sites with a mixture of woodland, scrub and grassland. The chalk-grassland indicator *Pupilla muscorum* was found in the Long Glade by suction.



Fig.13. Not a scarce species but *Merdigera obscura* was abundant on trees and in leaf litter in the woods.

3.2.2 - Vertebrates

A total of 21 birds and five mammals were recorded. No reptiles or amphibians were recorded which is to be expected on a chalk slope in February.

3.2.2.1 - Birds

For this analysis, the BTO's Birds of Conservation Concern (BoCC) is used.

Herring Gull, although on the red list, was not recorded using the site (only ever flying over) and is therefore not included in this analysis.

The avifauna of the site was unremarkable and perhaps the most significant record was of a Mistle Thrush.

Song Thrush - Red Listed

Singing throughout the woodland and likely to be breeding on the site.

Mistle Thrush - Red Listed

A single animal was heard calling off site and it later landed in the mature trees in the woodland. It was not singing but it is possible it could go on to hold territory there.

Dunnock - Amber Listed

Singing mainly in the scrub along the Long Glade but also using the adjacent woodland.

3.2.2.2 - Mammals

Rabbits are the only grazers on site and are important at keeping open what little is left of the chalk-grassland. Grey Squirrel, Fox and Mole were also recorded. A Badger set was noted at the south of the site and although it may be just off the land, it is clearly going to have an impact on one of the proposed access routes (see figure 4 for a location of the set).

3.2.3 - Vegetation and fungi

3.2.3.1 - Vascular plants

A total of 83 vascular plants were recorded. No rare or scarce species were noted so the English Red List was looked at to, this has less stringent criteria for assessing species than the Great Britain Red List but should be used with caution as they are not widely accepted national conservation statuses. That said, even using this list only two species were noted.

Carline Thistle - England Red List - Near Threatened

This chalk-grassland indicator (that particularly likes broken turf) was present in several large patches in the Long Glade and the Northern Glade.



Fig. 14. A stand of Carline Thistle on the Long Glade.

Devil's-bit Scabious - England Red List

Found only to the very north of the North Glade. This species is usually more abundant on the north face of chalk-grassland, liking some humidity. It is typically not found in extremely hot and dry grassland.

Wild Strawberry - England Near Threatened

Recorded in all four blocks and was too numerous to map. This is the commonest and least habitat specific of the three England Red List, Near Threatened species recorded.

Bluebell - Protected under schedule 8

Not on the England Red List but Bluebell does have some protection and this should be considered if any work is done in the woods. The leaves were only just coming up above the ground so more work should be done to assess them later in the spring. There is a chance they could be Hybrid Bluebells given the nature of the site. Found on the south east end of the main block of woodland.

Other chalk-grassland indicators

Salad Burnet and Wild Thyme were only recorded in the North Glade. Wild Basil and Wild Marjoram were common in both glades. Ploughman's Spikenard was abundant everywhere across the site in all four blocks at low densities. Many more species are likely to be present in summer in both these locations.

Ancient Woodland Indicators

Spurge-laurel, Bluebell, Tutsan and Wild Strawberry were the only four AWIs for the south east that were recorded. This is not surprising as this is secondary woodland on the Downs, which is known to be especially poor. More species could well be present in the spring and summer. Lords-and-ladies and Dog's Mercury were the only ground flora of any abundance in the wood but these are not considered AWIs. The more established woodland to the north and west of the North Glade could well have more in the spring.



Fig. 15. Spurge-laurel.



Fig. 16. Spurge-laurel in flower.

It was alarming to see that some Spurge-laurel had actively been sought out and cut down. The author assumes that some well-meaning person or group was doing so, thinking they were controlling Rhododendron or Cherry Laurel. Spurge-laurel is not closely related to these plants and is a native species. Sadly, it is by far the most interesting plant species in the wood. Stopping this immediately is important for the site as it is unnecessary and if this area is not developed, it should be maintained.



Fig. 17. Spurge-laurel with some plants (front centre) recently cut down.

3.2.3.2 - Fungi

No fungi with conservation statues were recorded but one particularly notable species was recorded. *Ophiocordyceps gracilis* is a fungus that infects subterranean moth larvae. It fruits out of their bodies to send more spores that go onto infect other larvae.



Figs. 18 & 19. The unusual fungus *Ophiocordyceps gracilis*.

Additionally, Elfin Saddle *Helvella lacunosa* was recorded in the Plantation area where a large number were growing in Beech litter.



Fig. 20. Elfin Saddle.

3.3 - Exotica (non-native species)

Invertebrates

Only four species were noted that can be considered introduced, which is low for such a site. None are thought to be a major threat.

Garden Snail

A now ubiquitous snail around houses and buildings.

Kentish Snail *Monacha cantiana*

A now ubiquitous snail.

Otiorhynchus carategi

A single animal was sieved from woodland litter. This synanthropic species is known to feed on Wild Privet and is typical of 'brownfield' sites of this nature.

Mermessus trilobatus

This tiny American money spider is spreading throughout the south east rapidly. It was found in the Long Glade only, represented by a single female.

Vertebrates

Grey Squirrel were found to be using the site.

Vegetation

A site such as this often have a great deal of non-native species. However, the list was limited and none of the species were more threatening to the site than the naturally regenerating Sycamore, Dogwood and Ash in the two glades.

Sycamore - a major issue, invading all of the precious open space across the site.

Holm Oak - scattered throughout and could become a problem if not controlled.

Turkey Oak - only one plant noted in the Long Glade.

Rose of Sharon - a single small patch was noted in the Long Glade.

Buddleiah - saingle plant was spotted in the Plantation.

Cotoneaster sp. - becoming a problem along the Long Glade, particularly the north end.

Reflexed Stonecrop - a single plant found in the nice area of chalk-grassland to the north of the North Glade. This should be removed.

3.4 - Other interesting species

Rhombic Leatherbug

A single adult was suction-sampled from the North Glade. This species used to be particularly coastal but is increasingly found inland. This is a new 10 km square record for this species.



Fig. 21. A single Rhombic Leatherbug was suction-sampled form the North Glade.

Ozyptila sanctuaria

An uncommon spider found by suction in the Long Glade.



Fig. 22. An adult female *Ozyptila sanctuaria* showing the clavate hairs on the abdomen.

4 - Analysis and conclusions

The site is clearly a diverse site and has some biodiversity interest. However, most of this is associated with the remaining open spaces. However, the open spaces are clearly under threat from scrub and little has been done to prevent scrub from taking over. A small amount of scrub clearance has been done but it is negligible for what is needed to keep these sites open. What biodiversity they have now is likely to be lost unless a significant programme of winter scrub control is put in place with immediate effect.

4.1 - Analysis by compartment

Tab. 1. Summary of findings by compartment. Green shows the highest score in a category and red the lowest, allowing for an 'at a glance' analysis.

	Long	North	Wood	Plant	Open	Close	ALL
TOTAL SPECIES	145	102	91	78	175	138	252
Invertebrates	64	50	31	27	80	50	118
Vertebrates	17	12	18	9	20	22	26
Vascular plants	54	33	28	31	63	44	83
Lower plants	9	7	7	8	11	13	16
Fungi	1	0	7	3	1	9	9
All species with status	12	8	6	1	14	6	18
Invertebrates with status	9	5	0	0	10	0	10
Proportion of invertebrates with status	14.1	10.0	0.0	0.0	12.5	0.0	8.5
Beetles	27	18	7	6	35	11	45
Spiders	20	18	6	10	25	15	36
Molluscs	7	5	6	6	7	10	14

4.1.1 - Species-richness

Clearly the Long Glade comes out on top for the overall species-richness, with the North Glade some distance behind this and the Plantation strip with the least species.

4.2 - Wooded versus open

The open area comes out on top in nearly every category. Only vertebrates, lower plants, fungi and molluscs all score higher in the two wooded plots. Mainly these are common species that can tolerate shade and humid conditions. More birds were found perched in the trees of the wooded areas than those in the scrub (no invertebrates were recorded in the wood that have conservation status).

4.3 - Ranking of the four areas in terms of their biodiversity values

1. Long Glade
2. North Glade
3. Woodland
4. Plantation

In simple terms, the Long Glade comes out on top for its biodiversity value. It has the most species, the highest proportion and number of invertebrates with conservation status. Mapping these areas in terms of priority is shown in figure 23 below.

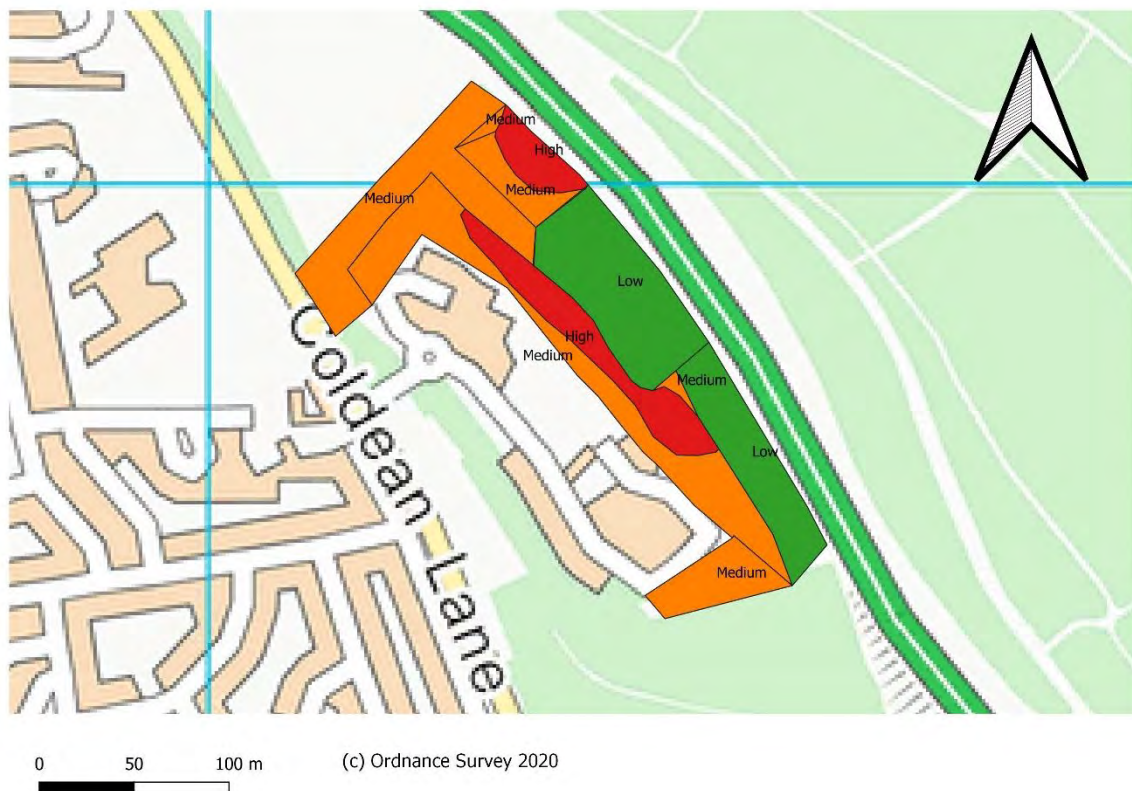


Fig. 23. A heat map of the most biodiverse and priority habitat on the site.

4.4 - Ranking of the four areas in terms of biodiversity and pragmatism

The major factor here is whether the developing scrub is going to be tackled. In this instance, the author is assuming the status quo will take place. That is, the level of scrub control witnessed onsite will continue into the future, i.e. very little. This will result in the closure and over-shadowing of the open spaces in time. For the Long Glade, this is imminent in many places, the Yellow Meadow Ant nests are clearly becoming overgrown with scrub. The Northern Glade has more time before the scrub overshadows it, mainly due to the slope and the lack of buildings directly to the south. Therefore, in order of importance, the author suggests the following:

1. North Glade
2. Long Glade
3. Woodland
4. Plantation

This is not to suggest that any scrub control on the Long Glade would be pointless, quite the contrary. This is simply an exercise of combing the biodiversity data collected and observations on succession to make some judgement on the relative importance of the two open spaces. They still both come out significantly more than the wooded areas but the Northern Glade grassland is of slightly greater importance.

4.5 - Comments on the three access options

The route to the south past the allotments is likely to affect a Badger set, as is the northern route. The route coming past the western end of the Halls of Residence is perhaps the least likely damaging route to the site.

4.6 - Conclusions

4.6.1 - North Glade

The northern tip of this glade has some very nice grassland that in places looks like it could be old chalk-grassland. Species such as Wild Thyme, Salad Burnet and Devil's-bit Scabious were found here and nowhere else on the site. The site is suffering from neglect however. That said, this area of the site was the best area on the site and should be protected and enhanced where possible.



Fig. 24. The best area of grassland on the site is under threat from scrub on all sides.

4.6.2 - Long Glade



Fig. 25. Encroaching Sycamore is starting to negatively impact the sward, the decline of the Yellow Meadow Ant hills is evident.

This site has a rich and varied flora, it is not quite as strongly base-rich, particularly to the north but being larger and with more varied soils, has a wider range of species than the Northern Glade and more species with conservation status. It is well worth holding on to but as mentioned earlier, simply not building on it is not enough, as in a decade or two it would end up looking like the nearby woodland and lose most of its value.

4.6.3 - Woodlands

The large block of mainly Sycamore, Ash and Beech woodland was extremely dull biologically. The large trees that surround the Northern Glade are much older and the woodland here has a more diverse feel. These areas are certainly worth as little intervention as possible. The dense stands of secondary woodland however, are of limited interest.

4.6.4 - Plantation

The area of planted woodland has a relatively diverse range of scrub but almost no open space within it. Standing up is almost impossible in this area and this did make sampling more difficult than elsewhere. This kind of planting is very frustrating as it has very little value for wildlife and if planned and thought through more carefully, could be used to create some valuable habitat. As it stands, this is the least interesting of the areas surveyed.

5 - Management recommendations

5.1 - Comments on green roofs and mitigation grassland

Any green roofs used should be as close to the calcareous soils and associated botanical assemblages as possible. Therefore, calcareous perennials should be chosen where possible as this will allow for the least amount of after care management.

The same could be said for any mitigation grassland. Species such as Corncockle and Cornflower mentioned in the Sussex Wildlife Trust report are completely inappropriate, they are short-lived annuals, arable weeds. Species that have mainly gone extinct in the wild. They flower prolifically for the first year but by the second year they are decreasing in number. These generic one-size fits all lists of plants are not appropriate to try and recreate a chalk-grassland sward. Care should be given to not only source the right species but to secure local seed if possible.

If further advice is needed on this then more detail could be requested from the author at a later date.

5.2 - Management as if the site were a nature reserve

The author appreciates that this is unlikely to be followed but it at least gives an understanding of what a site like this needs, in order for the existing biodiversity to be maintained and enhanced and could at least help any local group working on the site. The following prescriptions are listed here in order of importance.

1. Begin a programme of scrub clearance. The most important area being the northern end of the North Glade where chalk-grassland that is left is narrowest and easily overshadowed by the scrub. The arsing should be taken out of the area that has been cleared. There is a pile of brash from some scrub clearance that clearly happened in the summer but the arisings have been left in situ. They should be removed and burnt in a sacrificial area away from the chalk-grassland that is being cleared. It is far better to have one or two areas where burning takes place than to have large piles of brash building up around the site. Long term these have far more of a negative effect.
2. Non-natives such as Cotoneaster, Evergreen Oak and Rose of Sharon should be removed.
3. Control of the native Ancient Woodland Indicator Spurge-laurel should stop immediately.
4. Cutting of Ivy, a highly valuable plant for wildlife, should stop immediately.
5. Where dead wood falls, the minimum number of cuts should be made to the wood as possible. Ideally, this should be none.



Fig. 26. Cotoneaster, Rose of Sharon and Evergreen Oak all threatening the more interesting chalk sward.



Fig. 27. The view south from the clearing of chalk-grassland in the Northern Glade into the wall of scrub.

5.3 - Survey work

It would be worthwhile having any Ash Dieback assessed as soon as possible. This is not an ideal time to assess this, so the author's only input at this point is that there is Ash on site and Ash Dieback in the area so it should be expected to be present. It may have some influence on where development takes place.

Acknowledgements

A huge thank you to [REDACTED] for assisting with the recording of birds during the survey and providing a delicious lunch. Thanks to [REDACTED] and [REDACTED] for commissioning me to carry out the survey and for their help. Thanks also to [REDACTED] and [REDACTED] for meeting me on site and giving me some guidance on what is required. Thanks also to [REDACTED] for allowing me to use his text on conservation statuses of invertebrates.

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Appendices

Species in bold are those with conservation status. R = Red List, A = Amber List, Nb = Nationally scarce b, Na = Nationally scarce a, NS = Nationally Scarce, NR = Nationally Rare, S.41 = Section 41/BAP, NT = Near Threatened, ENG = England Red List.

Order		Status	Species	Long	North	Wood	Plant	Open	Close	ALL
fungus	F		Beech Jellydisc			1			1	1
fungus	F		Beech Woodwart			1			1	1
fungus	F		Elfin Saddle				1		1	1
fungus	F		Jelly Ear			1			1	1
fungus	F		King Alfred's Cakes			1	1		1	1
fungus	F		Maple Whitewash				1		1	1
fungus	F		Ophiocordyceps gracilis			1			1	1
fungus	F		Sycamore Tarspot	1		1		1	1	1
fungus	F		Turkeytail			1			1	1
ant	I		<i>Lasius flavus</i>	1	1			1		1
ant	I		<i>Lasius niger</i>	1	1		1	1	1	1
ant	I		<i>Myrmica sabuleti</i>	1				1		1
ant	I		<i>Stenamma debile</i>			1			1	1
beetle	I		22-spot Ladybird	1				1		1
beetle	I		<i>Acalles misellus</i>			1			1	1
beetle	I		<i>Anotylus</i> sp.	1				1		1
beetle	I		<i>Biphyllus lunatus</i>			1			1	1
beetle	I	Na	<i>Cathormiocerus spinosus</i>	1				1		1
beetle	I		<i>Ceratapion onopordi</i>	1	1			1		1
beetle	I		<i>Chaetocnema hortensis</i>	1				1		1
beetle	I		<i>Chrysolina hyperici</i>				1		1	1
beetle	I	Nb	<i>Diplapion stolidum</i>	1				1		1
beetle	I		<i>Drusilla canaliculata</i>		1			1		1
beetle	I		<i>Glocianus distinctus</i>	1				1		1
beetle	I	Na	<i>Hypera meles</i>	1	1			1		1
beetle	I		<i>Kissister minimus</i>	1				1		1
beetle	I		<i>Longitarsus dorsalis</i>	1	1			1		1
beetle	I		<i>Meligethes aenea</i>			1			1	1
beetle	I		<i>Metopsia clypeata</i>				1		1	1
beetle	I		<i>Microlestes maurus</i>	1	1			1		1
beetle	I		<i>Micropeplus fulvus</i>				1		1	1
beetle	I		<i>Mycetoporus</i> sp.				1		1	1
beetle	I		<i>Nephus redtenbacheri</i>	1				1		1
beetle	I		<i>Notiophilus biguttatus</i>			1	1		1	1
beetle	I		<i>Notiophilus rufipes</i>			1			1	1
beetle	I		<i>Olibrus aeneus</i>	1				1		1
beetle	I		<i>Olibrus affinis</i>		1			1		1
beetle	I		<i>Otiorhynchus crataegi</i>			1			1	1
beetle	I		<i>Paederus littoralis</i>	1				1		1
beetle	I		<i>Philonthus carbonarius</i>	1	1			1		1
beetle	I		<i>Philonthus cognatus</i>	1				1		1
beetle	I	NR, NT	<i>Pilemostoma fastuosa</i>		1			1		1
beetle	I	Nb	<i>Protapion difforme</i>	1				1		1
beetle	I		<i>Protapion fulvipes</i>	1				1		1
beetle	I		<i>Quedius semiobscurus</i>		1			1		1
beetle	I		<i>Sitona hispidulus</i>	1				1		1
beetle	I		<i>Sitona humeralis</i>		1			1		1
beetle	I	Rare	<i>Smicronyx reichi</i>	1				1		1
beetle	I	Na	<i>Squamapion cineraceum</i>	1	1			1		1

Order		Status	Species	Long	North	Wood	Plant	Open	Close	ALL
beetle	I		<i>Stenus aceris</i>		1			1		1
beetle	I		<i>Syntomus foveatus</i>	1	1			1		1
beetle	I		<i>Tachyporus atriceps</i>	1	1			1		1
beetle	I		<i>Tachyporus chrysomelinus</i>		1			1		1
beetle	I		<i>Tachyporus dispar</i>	1				1		1
beetle	I		<i>Tachyporus hypnorum</i>	1	1	1	1	1	1	1
beetle	I		<i>Tasgius melanarius</i>		1			1		1
beetle	I	Na	<i>Trachyploeus alternans</i>	1				1		1
beetle	I		<i>Trichosirocalus troglodytes</i>	1	1			1		1
bug	I		<i>Anaceratagallia ribauti</i>	1				1		1
bug	I		<i>Dolycoris baccarum</i>				1		1	1
bug	I		<i>Drymus sylvaticus</i>	1				1		1
bug	I		<i>Issus coleoptratus</i>			1			1	1
bug	I		<i>Nabis ferus</i>		1			1		1
bug	I		Rhombic Leatherbug		1			1		1
bug	I	NS	Scarab Shieldbug	1	1			1		1
centipede	I		<i>Lithobius forficatus</i>			1			1	1
crustacean	I		Common Pill Woodlouse			1	1		1	1
crustacean	I		Common Rough Woodlouse			1			1	1
crustacean	I		Common Shiny Woodlouse			1			1	1
crustacean	I		Common Striped Woodlouse	1	1	1	1	1	1	1
crustacean	I		Trichoniscus pusillus agg.			1			1	1
harvestman	I		Anelasmacephalus cambridgei		1			1		1
harvestman	I		Platybunus triangularis			1			1	1
millipede	I		Pill Millipede	1	1			1		1
mollusc	I		<i>Aegopinella nitidula</i>			1	1		1	1
mollusc	I		<i>Arion hortensis</i>			1			1	1
mollusc	I		<i>Candidula intersecta</i>	1	1		1	1	1	1
mollusc	I		<i>Cernuella virgata</i>	1	1			1		1
mollusc	I		<i>Clausilia bidentata</i>				1		1	1
mollusc	I		<i>Cochlicella acuta</i>	1			1	1	1	1
mollusc	I		<i>Cochlicopa cf. lubricella</i>	1	1			1		1
mollusc	I		<i>Cochlodina laminata</i>			1			1	1
mollusc	I		<i>Columella edentula</i>			1			1	1
mollusc	I		<i>Cornu aspersum</i>	1	1	1	1	1	1	1
mollusc	I		<i>Lauria cylindracea</i>				1		1	1
mollusc	I		<i>Merdigera obscura</i>			1			1	1
mollusc	I		<i>Monacha cantiana</i>	1	1			1		1
mollusc	I		<i>Pupilla muscorum</i>	1				1		1
Spider	I		<i>Amaurobius fenestralis</i>			1			1	1
Spider	I		<i>Anyphaena accentuata</i>				1		1	1
Spider	I		<i>Centromerita concinna</i>				1		1	1
Spider	I		<i>Centromerus dilutus</i>				1		1	1
Spider	I		<i>Clubiona terrestris</i>				1		1	1
Spider	I		<i>Cnephalocotes obscurus</i>	1	1		1	1	1	1
Spider	I		<i>Mermessus trilobatus</i>	1				1		1
Spider	I		<i>Erigone atra</i>	1	1			1		1
Spider	I		<i>Erigone dentipalpis</i>	1	1			1		1
Spider	I		<i>Euophrys frontalis</i>		1		1	1	1	1

Order		Status	Species	Long	North	Wood	Plant	Open	Close	ALL
Spider	I		<i>Hahnia nava</i>	1	1			1		1
Spider	I		<i>Harpactea hombergi</i>			1			1	1
Spider	I		<i>Lepthyphantes minutus</i>			1			1	1
Spider	I		<i>Lepthyphantes tenuis</i>		1	1		1	1	1
Spider	I		<i>Mangora acalypha</i>	1	1			1		1
Spider	I	NR, S41	<i>Meioneta mollis</i>	1	1			1		1
Spider	I		<i>Meioneta rurestris</i>		1			1		1
Spider	I		<i>Microlinyphia pusilla</i>	1				1		1
Spider	I		<i>Microneta viaria</i>			1	1		1	1
Spider	I		<i>Neottiura bimaculata</i>	1				1		1
Spider	I		<i>Neriere clathrata</i>	1				1		1
Spider	I		<i>Nursery-Web Spider</i>	1	1			1		1
Spider	I		<i>Ozyptila sanctuaria</i>	1				1		1
Spider	I		<i>Pachygnatha degeeri</i>				1		1	1
Spider	I		<i>Pardosa sp.</i>		1			1		1
Spider	I		<i>Pelecopsis parallela</i>	1	1			1		1
Spider	I		<i>Philodromus albidus</i>			1			1	1
Spider	I		<i>Phrurolithus festivus</i>	1	1			1		1
Spider	I		<i>Tenuiphantes tenuis</i>	1				1		1
Spider	I		<i>Tenuiphantes zimmermanni</i>	1				1		1
Spider	I		<i>Theridion pallens</i>				1		1	1
Spider	I		<i>Tibellus oblongus</i>	1	1			1		1
Spider	I		<i>Trachyzelotes pedestris</i>	1	1			1		1
Spider	I		<i>Xysticus cristatus</i>	1	1			1		1
Spider	I		<i>Zelotes latreillei</i>		1			1		1
Spider	I		<i>Zora spinimana</i>	1	1		1	1	1	1
springtail	I		<i>Orchesella cincta</i>	1		1		1	1	1
springtail	I		<i>Orchesella villosa</i>			1	1		1	1
springtail	I		<i>Tomocerus longicornis</i>	1	1	1		1	1	1
algae	L		<i>Nostoc commune</i>	1	1		1	1	1	1
lichen	L		Common Orange Lichen	1			1	1	1	1
lichen	L		Oak Moss				1		1	1
lichen	L		<i>Ramalina farinacea</i>	1			1	1	1	1
lichen	L		<i>Ramalina fastigiata</i>	1			1	1	1	1
liverwort	L		<i>Metzgeria furcata</i>			1			1	1
moss	L		<i>Brachythecium rutabulum</i>	1	1	1	1	1	1	1
moss	L		<i>Calliergonella cuspidata</i>	1	1			1		1
moss	L		<i>Eurhynchium striatum</i>		1	1		1	1	1
moss	L		<i>Fissidens sp.</i>			1			1	1
moss	L		<i>Homalothecium lutescens</i>	1	1		1	1	1	1
moss	L		<i>Homalothecium sericeum</i>			1			1	1
moss	L		<i>Kindbergia praelonga</i>		1	1		1	1	1
moss	L		<i>Rhytidiadelphus squarrosus</i>	1				1		1
moss	L		<i>Scleropodium purum</i>	1	1			1		1
moss	L		<i>Thamnobryum alopecurum</i>			1	1		1	1
plant	P		Annual Mercury	1				1		1
plant	P		<i>Aphanes sp.</i>	1	1		1	1	1	1
plant	P		Ash			1	1		1	1
plant	P		Beech	1		1	1	1	1	1

Order		Status	Species	Long	North	Wood	Plant	Open	Close	ALL
plant	P	Protecte	Bluebell			1			1	1
plant	P		Bramble	1	1	1	1	1	1	1
plant	P		Bristly Oxtongue	1				1		1
plant	P		Bulbous Buttercup		1			1		1
plant	P		Burdock sp.	1				1		1
plant	P		Butterfly-bush				1		1	1
plant	P	ENG NT	Carline Thistle	1	1			1		1
plant	P		Cherry sp.				1		1	1
plant	P		Cleavers				1		1	1
plant	P		Common Centaury	1	1			1		1
plant	P		Common Field-speedwell	1				1		1
plant	P		Common Mouse-ear	1			1	1	1	1
plant	P		Common Nettle	1		1		1	1	1
plant	P		Common Ragwort	1				1		1
plant	P		Cotoneaster sp.	1				1		1
plant	P		Cow Parsley	1				1		1
plant	P		Creeping Buttercup	1				1		1
plant	P		Creeping Cinquefoil	1	1			1		1
plant	P		Creeping Thistle	1	1			1		1
plant	P		Daisy	1	1			1		1
plant	P		Dandelion			1			1	1
plant	P	ENG NT	Devil's-bit Scabious		1			1		1
plant	P		Dock sp.			1			1	1
plant	P		Dog-rose		1			1		1
plant	P		Dog's Mercury			1	1		1	1
plant	P		Dog-violet sp.		1	1		1	1	1
plant	P		Dogwood	1	1		1	1	1	1
plant	P		Dove's-foot Crane's-bill	1	1			1		1
plant	P		Elder			1			1	1
plant	P		Evergreen Oak	1			1	1	1	1
plant	P		False-brome		1		1	1	1	1
plant	P		Field Forget-me-not	1	1		1	1	1	1
plant	P		Field Madder	1				1		1
plant	P		Field Maple	1		1	1	1	1	1
plant	P		Germander Speedwell	1	1			1		1
plant	P		Great Mullein	1			1	1	1	1
plant	P		Ground-ivy	1	1	1	1	1	1	1
plant	P		Hawthorn			1	1		1	1
plant	P		Hazel				1		1	1
plant	P		Hedge Bedstraw	1				1		1
plant	P		Herb-Robert		1	1		1	1	1
plant	P		Holly			1			1	1
plant	P		Ivy			1			1	1
plant	P		Lesser Hawkbit	1	1		1	1	1	1
plant	P		Lords-and-Ladies			1	1		1	1
plant	P		Mouse-ear Hawkweed	1				1		1
plant	P		Oxeye Daisy	1				1		1
plant	P		Pedunculate Oak		1	1	1	1	1	1
plant	P		Perforate St John's-wort	1				1		1

Order		Status	Species	Long	North	Wood	Plant	Open	Close	ALL
plant	P		Pine sp.				1		1	1
plant	P		Ploughman's-spikenard	1	1	1	1	1	1	1
plant	P		Procumbent Pearlwort	1			1	1	1	1
plant	P		Reflexed Stonecrop		1			1		1
plant	P		Ribwort Plantain	1	1			1		1
plant	P		Rose-of-Sharon	1				1		1
plant	P		Rough Hawkbit	1	1			1		1
plant	P		Selfheal	1	1	1	1	1	1	1
plant	P		Sow Thistle sp.	1		1		1	1	1
plant	P		Spear Thistle	1				1		1
plant	P		Spindle				1		1	1
plant	P		Spurge-laurel			1	1		1	1
plant	P		Sweet Violet	1				1		1
plant	P		Sycamore	1	1	1		1	1	1
plant	P		Thyme-leaved Speedwell			1	1		1	1
plant	P		Traveller's-joy	1			1	1	1	1
plant	P		Turkey Oak	1				1		1
plant	P		Tutsan	1				1		1
plant	P		Water Figwort	1				1		1
plant	P		Whitebeam sp.	1				1		1
plant	P		Wild Basil	1	1			1		1
plant	P		Wild Marjoram	1	1			1		1
plant	P		Wild Privet	1		1		1	1	1
plant	P	ENG NT	Wild Strawberry	1	1	1	1	1	1	1
plant	P		Wild Teasel	1	1			1		1
plant	P		Wild Thyme		1			1		1
plant	P		Willowherb sp.	1	1			1		1
plant	P		Wood Avens		1	1		1	1	1
plant	P		Yew			1	1		1	1
plant	P		Yorkshire-fog	1						1
bird	V		Blackbird	1	1	1		1	1	1
bird	V		Blue Tit	1	1	1	1	1	1	1
bird	V		Buzzard		1	1	1	1	1	1
bird	V		Carrion Crow	1			1	1	1	1
bird	V	A	Dunnock	1		1		1	1	1
bird	V		Feral Pigeon	1	1		1	1	1	1
bird	V		Goldfinch	1			1	1	1	1
bird	V		Great Spotted Woodpecker			1			1	1
bird	V		Great Tit	1		1		1	1	1
bird	V		Green Woodpecker	1	1	1		1	1	1
bird	V	R	Herring Gull	1	1	1		1	1	1
bird	V		Jackdaw	1	1	1		1	1	1
bird	V		Jay			1	1		1	1
bird	V		Long-tailed Tit		1	1		1	1	1
bird	V		Magpie	1	1	1		1	1	1
bird	V	R	Mistle Thrush			1			1	1
bird	V		Robin	1		1	1	1	1	1
bird	V		Rook				1		1	1
bird	V	R	Song Thrush			1			1	1

Order		Status	Species	Long	North	Wood	Plant	Open	Close	ALL
bird	V		Woodpigeon	1	1	1	1	1	1	1
bird	V		Wren	1		1		1	1	1
mammal	V		Eastern Grey Squirrel	1				1		1
mammal	V	Protected	Eurasian Badger			1			1	1
mammal	V		European Mole		1			1		1
mammal	V		European Rabbit	1	1			1		1
mammal	V		Red Fox	1				1		1
				Long	North	Wood	Plant	Open	Close	ALL
			TOTAL SPECIES	145	102	91	78	175	138	252
			Invertebrates	64	50	31	27	80	50	118
			Vertebrates	17	12	18	9	20	22	26
			Vascular plants	54	33	28	31	63	44	83
			Lower plants	9	7	7	8	11	13	16
			Fungi	1	0	7	3	1	9	9
			All species with status	12	8	6	1	14	6	18
			Invertebrates with status	9	5	0	0	10	0	10
			Proportion of invertebrates with status	14.1	10.0	0.0	0.0	12.5	0.0	8.5
			Beetles	27	18	7	6	35	11	45
			Spiders	20	18	6	10	25	15	36
			Molluscs	7	5	6	6	7	10	14

From: [REDACTED]
Subject: Re: Brighton & Hove City Plan Part 2 Examination - Consultation on the Main Modifications --- Representor 132
Date: 15 April 2022 12:19:41
Attachments: [Representor No 132 15th Apr 2022.pdf](#)

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

CPP2 Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road BN3 3BQ

Please confirm receipt of the attached PDF copy my representation.

I am sorry that I did not find it practical to use the submission portal, but as myrepresentation is wide ranging and concerns omissions rather than comissions, this was not possible.

Yours

[REDACTED]

c.c. Pauline Butcher ... Programme Officer

On 15/03/2022 15:40, programme_officer@talktalk.net wrote:

To all those who made representations on the Brighton & Hove City Plan Part 2

Dear Representors,

I am writing to let you know that, at last week's meeting, the Committee approved the Main Modifications for consultation. This will commence on Thursday 17 March and the Council will shortly be notifying all consultees.

The Schedule of Main Modifications, Sustainability Appraisal, Health and Equality Impact Assessment addendums and schedules of additional modifications are now in the Examination Library and on the website <https://www.brighton-hove.gov.uk/planning/examination-documents-council>.

During this consultation period, representations may only be submitted on the Main Modifications themselves; this will not be an opportunity to comment on the Plan submitted in April 2020.

Kind regards,

Pauline

Pauline Butcher

Representor (Respondent) No 132 ... Consultation on Main Modifications to City Plan Part 2

MMs responded to: This representation relates to a failure to comply with planning law after the earlier review and subsequent documentation added by B&HCC (notably BHCC35 and BHCC46 where this is the first opportunity to respond) and is generic, rather than mandating specific MMs to alter to ensure the plan is executed successfully.

The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) Regulation 17(1) stipulates that “*The responsible authority shall **monitor** the significant environmental effects of the **implementation** of each plan or programme with the purpose of identifying **unforeseen adverse effects** at an **early stage** and being able to undertake **appropriate remedial action**”.*

**** The Local Plan’s Monitoring Plan specifies “how” this is done and the annual Authority Monitoring Report publishes the monitoring results. “how” is crucial, no doubt why the CPP1 Inspector challenged the lack of thresholds and appropriate actions in the initial monitoring plan in her first note to B&HCC¹, even before raising her “matters”.*

Not updating the sustainability monitoring in CPP1 to ensure it remains appropriate given the passage of time (BHCC46 Para 10.1.1), increases the risks of **unforeseen adverse effects** derailing the City Plan. Where, as in this case, it is known that thresholds are obsolete, actions are inappropriate or targets need updates to reflect historic underperformance against earlier targets (see comments on BHCC35 below), just saying CPP1 covers this is unacceptable.

In the absence of a revised sustainability monitoring plan and the opportunity to consult on a such a plan, CPP2 does not comply with the above SEA Regulations so the **Inspector’s decision** that CPP2 is SOUND without this, **must be challenged**.

B&HCC’s response in BHCC35 (**which this is the first chance to comment on**) to monitoring issues raised, shows B&HCC failed to learn from the execution of CPP1’s monitoring plan and identify where improvements are essential, including (but not exclusively) not recognising ...

A. The performance of an indicator in **2016²** did/can not **monitor** the **implementation** of the plan in **subsequent** years 2017, 2018, 2019 nor will it monitor it in 2023, 2024 etc.

B. A check on a **5-year moving average³** of an indicator’s data (already 12-18 months old), does not meet Regulation 17’s requirement for an **early** warning of adverse effects. i.e. an effect may take many years to impact the 5-year average enough to trigger action

C. Underperformance on a Sustainability **Transport** indicator cannot be addressed by revisiting an **Air Quality⁴** action plan! This is not an **appropriate** remedial action

Nor can a Transport threshold alert be actioned by reviewing transport plan **Targets⁵**

Nor should any annual target set in 2013, when there has been substantial (cumulative) underperformance since it was set, be carried forward to 2022 without adjustment.

To suggest when an indicator's measure falls to **499,999** action is needed, but at **500,000**⁶ it is not⁷, shows not only **misplaced faith in the accuracy of the measurements** but also a **failure** to understand that indicators are **proxies** to flag possible adverse effects to **investigate**, not exact measurements of the state of the resources whose sustainability must be protected.

B&HCC's poor understanding of the **purpose** of monitoring is further evidenced in BHCC35's last but one paragraph which excuses missing a threshold and also in the preceding paragraph that argues whether or not a threshold was *precisely* exceeded, neither respecting that **the purpose of Regulation 17(1) is to protect the execution of the plan** and that indicators are there to help identify adverse effects, they are not measures whose precise accuracy should be debated.

It is very hard to see how a Judicial Review challenge in (say) 2026 alleging that a development was not sustainable, could be defended based on CPP2's soundness, if (for example) transport sustainability had not been monitored in accordance with Regulation 17.

This risk to the plan re Sustainable Transport is magnified, as CPP2's appraisal also ignored the recent council traffic study that said the Transport Infrastructure could not support the Development Plan⁸ and CPP2's Sustainability Assessment (Transport Assessment) is based on 2010 traffic measurements⁹, contrary to the DfT requirement to use recent measurements.

A major risk to the execution of the development plan has not been dealt with adequately or dealt with as required by planning law, so in this respect, CPP2 is not sound.

The comments below on material B&HCC submitted during the Review, **where this is the first opportunity to comment**, include additional concerns about SEA Regulations compliance.

BHCC35. See the relevant comments in the text above.

BHCC46 The following paragraph 4.1.20 in BHCC46 requires comment/objection in this monitoring context, in addition to the comments on Para 10.1.1 above.

4.1.20 In the city, carbon emissions generated by energy consumption from domestic buildings make up the greatest proportion of total carbon emissions and is higher than the England average. This is in part due to the large proportion of historic buildings and older building stock in the city. Overall, monitoring of total carbon emissions from all sources per capita shows an overall downward trend over the long term, however there is still a significant reduction to be achieved if the Climate Change Act targets are to be met, making it imperative that new buildings are highly energy efficient.

Firstly, whether or not there is a **comforting overall downward trend** is not germane. The issue is whether or not the plan is **on track** to meet the Climate Change Act targets (and not just for domestic carbon emissions, a minority and shrinking component of the targets).

BEIS publishes annual measurements so perhaps no further indicators are needed, but where are CPP2's annual targets, thresholds and remedial actions for these indicators?

Secondly, if planned developments make it harder to meet Climate Change Act's targets, **are they sustainable developments?** Is this the same as UK Air Quality targets (c.f. CPP1's Policy SU9 that implemented NPPF's directives re AQMAs), so those developments must be refused?

Either carbon reduction targets fall within Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) Regulation 17(1) and need indicators, thresholds, annual targets (ideally with trajectories) and appropriate remedial actions in a Monitoring Plan, or the monitoring of adherence to UK carbon targets should be covered elsewhere in CPP2, but in neither case has appropriate publication and consultation taken place. The record on Transport Carbon reduction as evidenced in BHCC35, should be a major concern in its own right, not just as an indicator that CPP1's transport plan has failed.



References:- All material referenced is already online in the council's recent submissions or in my earlier representations, except Reference 1, so they are not repeated here but some pointers to the relevant sections/paragraphs are provided for convenience.

1. Full letter available on request ... ID-01 Letter to Council 22nd July 2013 Final paragraph

... There are no trigger points or indications of what steps will be taken if expectations are not being achieved. Without this, the Plan may not be considered effective

2. BHCC35 Table ... Bottom Row, 3rd Column, 1st sentence
3. BHCC35 Table ... Middle Row, 2nd Column, 1st sentence
4. BHCC35 Table ... Bottom Row, 3rd Column, 2nd sentence
5. BHCC35 Table ... Middle Row, 3rd Column, 2nd sentence
6. BHCC35 2nd Paragraph 1st Sentence
7. BHCC35 2nd Paragraph 3rd Sentence
8. See REPRESENT03c Page 21 and REPRESENT03b Page 5 Para 5
9. See Row 10 in Note submitted by Representator No 132 for previous Matters Review,



Brighton & Hove
City Council