





sites, hazardous substances and land stability', DM44 'Energy Efficiency and Renewables' and the updated proposals map. Comments provided are made in the context of the Strategic Site Allocation DA2 'Brighton Marina, Gas Works and Black Rock Area' outlined in the adopted Local Plan Part One (2016).

In accordance with the guidance note on making representations to the draft Plan, our comments relate to matters of legal compliance and whether the Plan is 'sound' in the context of paragraph 35 of the National Planning Policy Framework (NPPF) which requires plans to be:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

Comments are also submitted in line with paragraphs 11 and 81 of the NPPF, which states that plans and decisions should apply a presumption in favour of sustainable development and for plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

## Site Background

The Site is a brownfield site and a former gas works site located to the east of Brighton city centre and northwest of Brighton Marina. The Site is bound by Boundary Road to the west, Roedean Road to the north and Marina Way to the east and south as shown in **Figure 1** below.

Figure 1: Brighton Gas Works Site Location

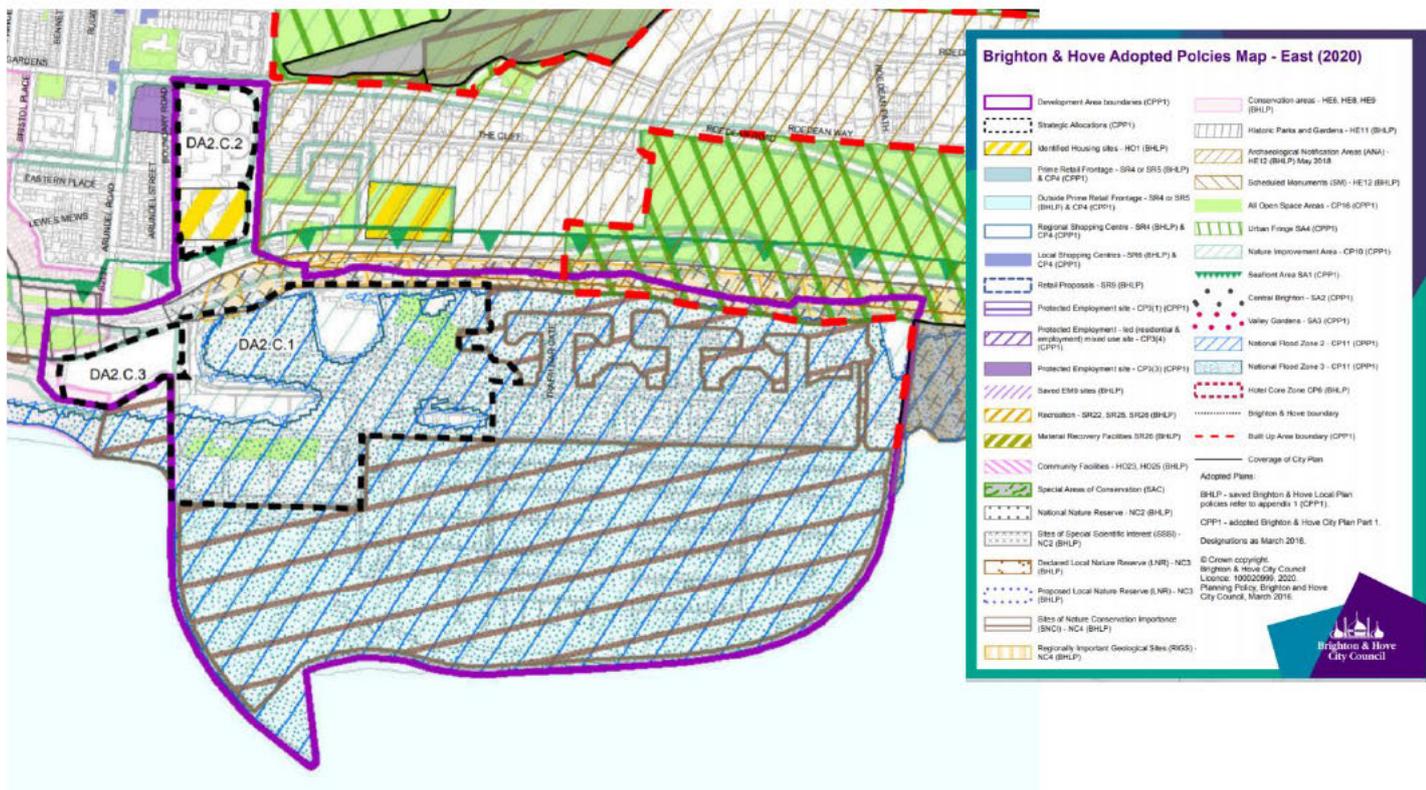




The existing site comprises a decommissioned gas holder and storage tank, vehicular parking areas, a number of commercial sheds and buildings used for automotive repairs and storage of commercial vehicles and a holding area for the construction work taking place at Sussex County Hospital.

The site is allocated within the adopted City Plan Part One under strategic site allocation DA2. Policy DA2 comprises 3 distinct sites: the Brighton Marina, the Gas Works site and the Black Rock Area. Part C.2 outlines the localised policies for the Gas Works site which identifies the site for 'a minimum' of 85 residential units, which are shown on the current proposals map to the south of the site (as highlighted in **Figure 2** below) and approximately 2,000 sqm of business floorspace to the north of the site. The policy goes on to explain that the employment provision should provide an appropriate mix of employment floorspace of varying sizes that cater for business uses ranging from office to light industrial, including small starter units or managed units (former Use Classes B1).

Figure 2: City Plan Part 1 Adopted Proposals Map Extract



Whilst this site allocation is outlined within the adopted City Plan Part One (2016) and is not therefore open for comment, these representations must be considered in the context of the site's strategic allocation and the framework set out in the City Plan Part One.

## Representations to the City Plan Part Two Proposed Submission Version

We set out below our formal representations to the City Plan Part Two Proposed Submission Version.



Policy Reference	Draft Policy DM11 New Business Floorspace
NPPF Paragraph 11 – Flexibility Test	This policy does not afford sufficient flexibility.
NPPF Paragraph 81 – Flexibility and responsiveness to rapid economic change	This policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests as it is not positively prepared, effective or consistent with national policy following the changes to the planning use class order on 1 September 2020.
Proposed Modification	<p><i>DM11 New <del>Business</del> Commercial Floorspace</i></p> <p>“Development proposals involving the provision of new <del>B1a, b and c</del> <b>E</b> Use Class <del>business</del> floorspace, either in stand-alone commercial or mixed-use schemes, should provide for well-designed buildings and layouts suitable for incorporating a range of unit sizes and types that are flexible, with good natural light, suitable for sub-division and configuration for new <b>Class E</b> <del>B4</del>– uses and activities...”</p>
Reason for Modification	<p>The changes to the planning use class order which took effect on 1 September 2020 include the introduction of new planning use class E which encompasses commercial, business and service uses and is intended to allow buildings to be used flexibly by having a number of uses taking place concurrently or by allowing different uses to take place at different times of the day, and by allowing them to change between different types of commercial uses (previously within different use classes and now within a singular use class) without constituting development. The online consultation page for the City Plan Part Two acknowledges the changes to the planning use class order and states that BHCC is currently considering the implications for planning policies. However, as currently drafted, the City Plan Part Two cannot be considered sound as it does not align with or reflect the recent changes to the planning use class order.</p> <p>By extension the adopted City Plan Part One is also now at odds with the new planning use classes and clarification is needed on how site allocations with particular use requirements (under the previous use class order) will be considered for example in the instance of site allocation DA2 within the City Plan Part 1 which requires approximately 2,000 sqm of business floorspace (former use class B1). The</p>



	<p>appropriate approach would be to ensure that relevant CPP2 planning policies such as Draft Policy DM11 are revised to acknowledge that other uses might also be appropriate alongside employment uses and in line with the objectives of new use class E, particularly where viability is a key consideration for complex sites such as gas works and that more flexibility should be incorporated into the policy to reflect this.</p>
<b>Policy Reference</b>	<b>Draft Policy DM18 High quality design and places</b>
NPPF Paragraph 11 – Flexibility Test	This policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests as it is not effective.
Proposed Modification	<p>Paragraph 2.148 to be revised as follows:</p> <p>“The scale of consideration of local context should be commensurate with the scale and impact of the proposals <b>as well as any significant and exceptional site constraints</b>. 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, <b>where bespoke design solutions will be required in order to deliver complex sites and ensure the potential of brownfield sites is maximised</b>”</p> <p>Paragraph 2.150 to be revised as follows:</p> <p>“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 <del>its size relative to its surroundings, and how apparent the scale of a building or development will be</del> <b>the quality of design and appearance within views</b>. Elements of any building that are visible from a highway are of particular importance”.</p>
Reason for Modification	Gas works sites, such as the Brighton Gas Works site, are distinctly different from ordinary brownfield sites as they attract much higher development risk, significant abnormal costs and are technically complex. To this end, higher density, larger scale, bespoke design solutions are needed and are essential in bringing forward such complex sites that would otherwise be unviable or unable to meet other



	<p>planning policy requirements. To this end, the constraints of a site must also be a key factor when considering design solutions for such sites, as demonstrated in the case of the Brighton Gas Works site, which has a number of existing site constraints in the form of existing gas infrastructure, contamination and significant changes in level.</p> <p>The proposed amendment is required in order to ensure the policy is effective in line with the tests of soundness.</p> <p>Paragraph 2.147 notes that more detailed design guidance will be published for developers, which will form part of the Urban Design Framework Supplementary Planning Document which is now out for public consultation. St William would welcome the opportunity to have input into this emerging guidance document and will respond separately to that consultation.</p>
<p><b>Policy Reference</b></p>	<p><b>Proposals map – waste and minerals sites allocation</b></p>
<p>NPPF Paragraph 11 – Flexibility Test</p>	<p>This policy does not afford sufficient flexibility.</p>
<p>NPPF Paragraph 35 – Soundness Test</p>	<p>The policy does not meet the soundness tests as it is not effective.</p>
<p>Proposed Modification</p>	<p>Revised waste and minerals sites allocation legend to make clear that it is an option for a waste and minerals site rather than an outright allocation. The key / legend should be revised to say:</p> <p>Waste &amp; Minerals Sites <u>option</u>.</p>



<p>Reason for modification</p>	<p>The extract below is taken from the revised proposals map (<b>Figure 3</b>) and illustrates the changes that have been made to strategic site allocation DA2. St William welcomes the proposed removal of the housing allocation in the southern part of the site only and notes that the site is now also allocated as a potential waste and minerals site in accordance with the adopted East Sussex, South Downs and Brighton and Hove Waste and Minerals Sites Plan (WMSP) (February 2017):</p>  <p>St William understand from the supporting text in the Waste and Minerals Site Plan and from discussions with policy officers that this is an 'options' allocation identified as one of many sites that may be suitable, in principle, for a waste treatment activity. However, the WMSP recognises that the level of contamination on the site will affect viability and that higher value land uses may be necessary to finance decontamination and remediation of the site.</p> <p>Whilst the supporting text makes it clear that it is actually unlikely to be suitable for waste treatment activity on this site and that the allocation is merely indicating the site as an option, without reading the supporting text this waste and minerals site allocation as indicated on the updated proposals map could be misleading and does not make it clear as to how this waste and minerals site allocation sits with the wider strategic site allocation. The proposed amendment is necessary to make the policy / proposals map effective.</p>
<p>Policy Reference</p>	<p><b>Draft Policy DM33 Safe, Sustainable and Active Travel</b></p>



NPPF Paragraph 11 – Flexibility Test	This policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests as it is not effective.
Proposed Modification	<p><i>Policy DM33 Safe, Sustainable and Active Travel</i></p> <p>“2. Cyclists In order to ensure a safe and accessible environment for cyclists, new development should: ...e) make provision for high quality facilities that will encourage and enable cycling including <b>such as</b> communal cycle maintenance facilities, workplace showers, lockers and changing facilities”.</p>
Reason for Modification	Cycle facilities must be proportionate to the scale and nature of development proposals and whilst paragraph 2.252 makes it clear that high quality facilities are in particular expected of large workplace developments, sufficient flexibility should be incorporated within the policy itself to ensure it is not overly prescriptive.
Policy Reference	<b>Draft Policy DM41 Polluted Sites, Hazardous Substances and Land Stability</b>
NPPF Paragraph 11 – Flexibility Test	This policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests as it is not effective.
Proposed Modification	<p><i>Policy DM41 Polluted sites, hazardous substances and land stability supporting paragraph 2.319</i></p> <p>“2.319 <del>Where the suspected stability or contamination of a site is not considered to be significant or not of a high risk,</del> In some instances it <b>may be appropriate for permission to may</b> 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.”</p>
Reason for Modification	St William fully support the need for appropriate information to be provided at the appropriate time to ensure that all contaminated land is remediated safely and successfully.



	<p>The management and remediation of contaminated land is tightly controlled and highly regulated. The existing processes in place often result in an iterative process of information gathering and decision making between multiple parties to ensure the best strategy is selected on each site.</p> <p>The supporting paragraph 2.319 to policy DM41 should be amended to reflect that the site investigation and remediation strategy process is a complex and often iterative process, and that in some instances there may be reasons why the results of a full site investigation may not be available by the time of a planning application. Pre-commencement 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.</p>
<b>Policy Reference</b>	<b>Draft Policy DM44 Energy Efficiency and Renewables</b>
NPPF Paragraph 11 – Flexibility Test	This policy does not afford sufficient flexibility.
NPPF Paragraph 35 – Soundness Test	The policy does not meet the soundness tests as it is not effective.
Proposed Modification	<p><i>Policy DM44 Energy Efficiency and Renewables</i></p> <p><i>Part 1</i></p> <p>“All development including conversions and change of use of existing buildings to achieve at least 19% improvement on the carbon emission targets set by Part L 2013 unless superseded by national policy or legislation...”</p> <p>Paragraph 2.345 to be revised as follows:</p> <p>To ensure the assessment of new development better reflects the actual carbon emissions associated with their expected operation, planning applicants are required to use the government’s updated carbon emission factors (<b>SAP 10.1</b> or subsequent versions).</p>
Reason for Modification	The policy should be clear that the CO2 reduction is based on Part L 2013 baseline. It is expected that “Part L 2020” will soon be introduced, and this will already set the minimum targets 20-30% lower than the current Part L 2013 baseline, so will be equal to or greater than the

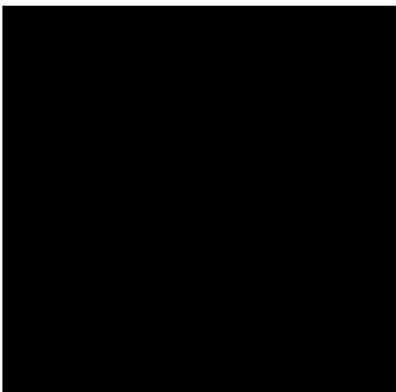


	<p>current proposed 19% CO2 reduction. Therefore, it needs to be clear what the current Part L standard is.</p> <p>Updating to SAP 10.1 carbon emission factors will ensure the policy is making it clear that it is referring to the most recent emission factors from the outset (paragraph 2.345).</p>
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As a general comment, St William welcomes the guidance outlined in the City Plan Part 2 and in particular the approach set out within Policy DM19 'Maximising development Potential', which aligns with government policy by seeking to avoid underdevelopment of sites and ensure that development makes the most efficient use of land. Our comments enclosed within these representations are submitted to ensure all other policies are implemented in line with this approach and implemented effectively.

We trust the above sets out clearly our representations and that they will be considered as part of the City Plan Part Two consultation.

St William welcomes the opportunity to work with BHCC and comment on the draft City Plan Part Two and look forward to continuing to work with BHCC collaboratively on the emerging development proposals for the Brighton Gas Works site.



**The adoption of the City Plan Part Two**

**Y**

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

**(Required)**

**I have read the PINS privacy statement above**

**Y**

Yours sincerely,

**Planning Policy Team  
Brighton & Hove City Council**

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

**Subject:** Brighton and Hove City Council City Plan Part 2 Proposed Submission Stage (2020) - Representations on behalf of St William Homes LLP

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

Good afternoon,

Please find enclosed on behalf of my client, St William Homes LLP, representations to the City Plan Part 2 Proposed Submission Version.

I would be grateful if you could confirm receipt of the attached.

Many thanks

[Redacted]



[Redacted]

[Redacted]

[Redacted]

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**Subject:** FW: Brighton and Hove City Council City Plan Part 2 Proposed Submission Stage (2020) - Representations on behalf of St William Homes LLP  
**Attachments:** 201030 City Plan Part 2 Proposed Submission Representations FINAL.pdf  
**Follow Up Flag:** Follow up  
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Good afternoon and Happy New Year!

We just wanted to follow up with a point of clarification on the representations submitted at the end of October 2020 on behalf of St William Homes LLP.

On page 7 of our (attached) representations we provide comments on the proposed changes to the proposals map and specifically the removal of the previous housing allocation in the southern part of the site (yellow diagonal stripe on the proposals map) and the introduction of the allocation as a potential waste and minerals site. For complete clarification, where we note that St William welcomes the proposed removal of the housing allocation in the southern part of the site only this is on the basis and understanding that this previous housing allocation for the site has now been superseded by the strategic site allocations (strategic site allocation DA2 applies to this site). Therefore, the housing allocation or designation for this site is captured by the requirements of the strategic site allocation (DA2) which applies to the entire site.

We understand that this is the intention of the strategic site allocations and that specific housing allocations (yellow diagonal stripe on the proposals map) now only exist where they fall outside of strategic site allocations.

Our comments about making it clearer that the new waste and minerals allocation is an option only remain.

We hope this is clear and makes sense but happy to discuss with the relevant policy officer if that would be helpful.

Many thanks and kind regards

[Redacted]



[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Subject:** Brighton and Hove City Council City Plan Part 2 Proposed Submission Stage (2020) - Representations on behalf of St William Homes LLP

Good afternoon,

Please find enclosed on behalf of my client, St William Homes LLP, representations to the City Plan Part 2 Proposed Submission Version.

I would be grateful if you could confirm receipt of the attached.

Many thanks

[REDACTED]

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

<p><b>(Required)</b> I have read the PINS privacy statement above</p>	
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Yours sincerely,

**Planning Policy Team  
Brighton & Hove City Council**

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

[Redacted signature block]

**Subject:** RE: Brighton & Hove's Proposed Submission City Plan Part 2 - Consultation 7th September - 30th October 2020

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 consulting Natural England on Brighton & Hove's Proposed Submission City Plan Part 2.

Please find attached our response, which I hope is helpful. If you have any queries regarding our advice please do not hesitate to contact us.

[Redacted]

[Redacted]

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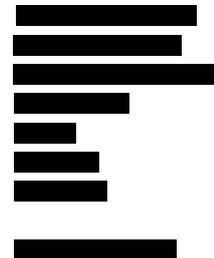
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Date: 30 October 2020  
Our ref: 327104



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



**BY EMAIL ONLY**

Dear Planning Policy Team

**Planning consultation: Brighton and Hove City Council - Proposed Submission City Plan Part Two**

Thank you for your consultation on the above dated 07 September 2020 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please find below our comments on the Proposed Submission City Plan Part Two. Note that we have not provided comments on all policies but those which have most influence on environmental issues.

**Please be aware that Natural England has concerns with regards to policy DM37: Green Infrastructure and Nature Conservation.** Our advice on this policy is contained within Section 1 below. Note that we consider our concerns may be addressed by amendments to policy wording. Additional comments on other policies are contained within Section 2 and are provided in the order in which the relevant policy features within the plan.

**1. DM37 Green Infrastructure and Nature Conservation**

**Green Infrastructure**

We support this policy's requirement for proposals to safeguard and/or contribute positively to existing Green Infrastructure (GI) network and that this GI should be integral to design and layout of the scheme.

**Nature Conservation**

Overarching Advice

In accordance with the mitigation hierarchy, impacts to biodiversity should be avoided in the first instance. Whilst we agree that impacts to nationally and locally designated sites should be avoided, we advise that this approach should apply to development in all areas and including internationally designated sites. You may therefore wish to consider including this

point as an overarching principle at the beginning of this policy, to highlight its importance.

The final section of the policy appears to refer to overarching measures applicable to all development, but this isn't clear. For the avoidance of doubt, we recommend that your authority considers moving this paragraph to the beginning of the policy and/or clarifying that all proposals must be supported by appropriate investigation/assessment and mitigation measures. We advise that where impacts to nature conservation features are identified, robust assessment of the impacts is provided, with clear demonstration of how impacts can be mitigated or compensated, in accordance with the mitigation hierarchy. With reference to the above advice, you may wish to amend the wording for part c), for example:

c) up-to-date information about the biodiversity/geodiversity which may be affected, ~~and how less impacts can be mitigated to achieve~~ **and** measurable net gains **achieved**.

Finally, we recommend in that section 2.283 includes reference to Beachy Head West Marine Conservation Zones (MCZs).

### Biodiversity Net Gain

We strongly support the approach that all development should ensure a net gain in biodiversity is achieved. Further advice on development of policy to secure measurable biodiversity net gain is included at Appendix A.

#### A. Internationally protected sites

**It is our advice that part A of this policy does not accurately reflect the requirements of the Habitats Regulations 2017 (as amended).** All plans or projects with the potential to impact a European Designated site are subject to the requirements of the Habitats Regulations. Through a Habitats Regulations Assessment (HRA) it will be necessary to determine whether any qualifying plan or project is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Where a HRA states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, the proposal cannot be permitted unless it passes the tests of regulation 64: that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

#### B. Nationally protected sites

**We are particularly concerned that the wording of point B ii) weakens the protection offered to nationally designated sites.** It is our understanding that the intention of point B ii) may be to guide mitigation proposals where impacts to a nationally designated site are identified, in relation to NPPF paragraph 175 which states:

*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest*

It is our advice that **loss of a nationally designated site should not be supported and**

**cannot be mitigated.** In accordance with NPPF paragraph 175 (a), compensation should be a last resort. Furthermore, it should be noted that **biodiversity net gain does not apply to statutory designated sites or irreplaceable habitats.**<sup>1</sup>

We strongly recommend that revision to point B is required to ensure the requisite level of protection is afforded to nationally designated sites, in accordance with the requirements of the NPPF (particularly paragraph 175), the mitigation hierarchy and the principles of biodiversity net gain. It would be beneficial to clarify that biodiversity net gain cannot be achieved for a development impacting a statutory designated site. You may also wish to consider updating the wording for part C ii) in relation to mitigation of 'impacts' not losses.

## **2. Additional Advice**

Please find below Natural England's advice in relation to other policies contained within the Brighton and Hove City Council - Proposed Submission City Plan Part Two.

### **DM22 Landscape Design and Trees**

We support the requirement for proposals to retain, improve and provide appropriate landscape elements/ landscaping which take into account a need for: natural capital and ecosystem services including nature based solutions, SuDS, green roofs & walls, plants for pollinators, climate control and climate change adaptation.

*In line with the aims of the NPPF (20. 91. 150. 163. 165. 170. 171. & 181.) and the government's 25-year environment plan (Chapter 3.3.i.).*

We also support the need for developments to maximise opportunities for social integration, public health and safety, accessibility, connectivity, biodiversity net gain delivery, green infrastructure implementation and creation of green links for wildlife.

Securing agreements for green infrastructure plans for major developments and public realm schemes prior to determination is welcomed. This approach should provide a means to embed environmental considerations into schemes from the outset of the design process.

*In line with the aims of the NPPF (8. 91. 150. 170. 171. 174. 175. & 181.) and the government's 25-year environment plan (Chapter 1.1 & 3.3.i.).*

### **DM25 Communications Infrastructure**

We support this policy's requirement for communications infrastructure and associated ancillary development to ensure there is no unacceptable impact on important wildlife sites and the South Downs National Park.

*In line with both the NPPF (170. 172.) and the Government's 25-year environment plan (Chapter 2.).*

### **DM39 Development on the Seafront**

We support this policy's requirement to accord with shoreline management plan and coastal strategy study.

As well as the requirement to have regard to Beachy Head West Marine Conservation Zone (MCZ), we strongly recommend that the requirement is strengthened to include reference to the protection afforded this internationally designated site, and that a MCZ assessment may be required.

*In line with the NPPF (166.) and the government's 25-year plan (Chapter 5).*

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<sup>1</sup> <https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development-a-practical-guide/>

**DM40 Protection of the Environment and Health – Pollution and Nuisance**

We support this policy’s requirements for outdoor lighting to not cause detriment to biodiversity and/or the South Downs National Park International Dark Sky Reserve.

*In line with the NPPF (170, 172, & 180.) and the government’s 25-year environment plan (Chapter 2.).*

**DM42 Protecting the Water Environment**

We support this policy’s requirements for proposals to include measures to reduce any risk to the water environment and its ecology.

Additional advice on water efficiency is included in Annex A.

*In line with the NPPF (149, & 170.) and the government’s 25-year environment plan.*

**DM43 Sustainable Drainage**

We support this policy’s requirements for proposals to incorporate appropriate Sustainable Drainage Systems (SuDS).

In conjunction with best practice guidance and local policy, we also advise SuDS design should consider local topography and landscape character to avoid incongruous drainage features. We support the inclusion of above-ground SuDS features wherever possible and recommend a master-planning approach to allow the spatial requirements of SuDS to be integrated with other features early in the design process. Well-designed SuDS schemes can provide multiple benefits for people, nature and local amenity value, and can contribute to net gains for biodiversity.

*In line with the aims of the NPPF (163, & 165.).*

**3. Comments on allocations**

Noting the location of a number of allocation sites close to and/or in the setting of the South Downs National Park, we support the requirement for Landscape and Visual Impact Assessment (LVIA). Where required, we advise LVIA is undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (GLVIA 3rd edition), recognising the Special Qualities of the South Downs National Park and the ambitions of the Partnership Management Plan. In accordance with NPPF paragraph 172, great weight should be given to conserving and enhancing landscape and scenic beauty of the National Park.

**4. Comments on Sustainability Appraisal (SA)**

We have no specific comments to make regarding the SA for this plan. However, we refer to our comments on Policy DM37 in Section 2 of this letter, and comments in relation to the protection offered to nationally designated sites, which you may wish to re-consider against the relevant SA objectives.

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## Appendix A – Further Advice

### Biodiversity net gain

We strongly support the requirements of all development to seek to conserve and enhance biodiversity and geodiversity features by ensuring that a net gain in biodiversity is achieved. We welcome your plan's commitment to achieving biodiversity net gain and advise that further detail on this matter could be set out in a supplementary planning document. We hope the following advice is helpful.

The Government consultation on mandating net gain closed in February 2019 and the Spring Statement confirmed that mandatory net gain would be taken forward. Further detail on the implementation of mandatory net gain is set out in the [Government's response](#) to the consultation issued in July 2019. Further information on the relationship between mandatory net gain and the planning system will be provided once a mandatory system is introduced.

The Chartered Institute of Ecology and Environmental Management (CIEEM), along with partners, has developed a '[Good Practice Guide](#)' for biodiversity net gain, which can assist plan-making authorities in gathering evidence and developing policy. In particular, we highlight the 10 good practice principles which are contained within this document, and Chapter 4 which focuses on plan making.

Your authority's approach to biodiversity net gain should be compliant with the mitigation hierarchy, as outlined in paragraph 175 of the NPPF. The policy should ensure that biodiversity net gain is not applied to irreplaceable habitats and should also make clear that any mitigation and/or compensation requirements for European sites should be dealt with **separately** from biodiversity net gain provision. Biodiversity net gain should be additional to any habitat creation required to mitigate or compensate for impacts. It is also important to note that net gains can be delivered even if there are no losses through development.

Whilst details on the mandatory approach are being finalised, it is indicated that use of the Biodiversity Metric will likely be mandated. Further information on the current realisation of the metric can be found [here](#). The Metric is a fully tested tool that will ensure consistency across the plan-area and we would encourage its use. Alternatively, your authority may choose to develop a bespoke metric, which should be evidence based.

The following points may be useful considerations in developing plan policies for net gain:

- Use of a map. Mapping biodiversity assets and opportunity areas ensures compliance with national planning policy and also helps to clearly demonstrate the relationship between development sites and opportunities for biodiversity net gain.
- Use of a biodiversity net gain target. Any target should be achievable and evidence based and may be best placed in lower tier documents or a Supplementary Planning Document, to allow for regular updates in line with policy and legislation.
- Consideration should be given to thresholds for different development types, locations or scales of development proposals and the justification for this. Setting out the scope and scale of expected biodiversity net gains within Infrastructure Delivery Plans can help net gain to be factored into viability appraisals and land values. Natural England considers that all development, even small-scale proposals, can make a contribution to biodiversity. Your authority may wish to refer to Technical Note 2 of the CIEEM guide which provides useful advice on how to incorporate biodiversity net gain into small-scale developments.

- Policy should set out how biodiversity net gain will be delivered and managed and the priorities for habitat creation or enhancement in different parts of the plan area. The plan policy should set out the approach to onsite and offsite delivery. Natural England advises that on-site provision should be preferred as it helps to provide gains close to where a loss may have taken place. Off-site contributions may, however, be required due to limitations on-site or where this best meets wider biodiversity objectives set in the development plan. Further detail could be set out in a supplementary planning document.
- The policy could also usefully link to any complementary strategies or objectives in the plan, such as green infrastructure.

We recommend that your City Plan includes requirements to monitor biodiversity net gain. This should include indicators to demonstrate the amount and type of gain provided through development. The indicators should be as specific as possible to help build an evidence base to take forward for future reviews of the plan, for example the total number and type of biodiversity units created, the number of developments achieving biodiversity net gains and a record of on-site and off-site contributions.

We recommend that Brighton and Hove City Council works with local partners, including the Local Environmental Record Centre and Wildlife Trusts, to share data and consider requirements for long term habitat monitoring. Monitoring requirements should be clear on what is expected from landowners who may be delivering biodiversity net gains on behalf of developers. This will be particularly important for strategic housing allocations and providing as much information on monitoring upfront as possible will help to streamline the project stage.

### **Water efficiency**

Your Authority contains areas of Serious Water Stress as designated by the Environment Agency. For developments in Southern Water Services drinking water supply area Natural England recommends water efficiency polices should be developed to support Southern Water's "Target 100".

This target, of 100 litres per person per day by 2040 has been identified by Southern Water to avoid the need for water supply options that are likely to damage biodiversity or/and effect protected landscapes. For development in other companies' supply areas Natural England supports the Environment Agency's recommendation of a maximum of 110 litres per person per day.

Water efficiency measures will help reduce the current impact of water resources on the natural environment and thereby contribute to more resilient landscapes and seas, one of the aims in Natural England's ['Building partnerships for nature's recovery: Action Plan 2020/21'](#). Reducing the water we use will also contribute to the Government's 25 Year Environment Plan aspirations for clean and plentiful water and to restore sustainable abstraction.



## Brighton and Hove City Council - City Plan Part 2 Representations by Hove Civic Society

### **1. Introduction**

In 2018 Hove Civic Society made extensive representations at the draft stage to the City Plan Part 2. We supported a number of the policies and made suggestions for improvements in a number of other areas.

We are pleased that those policies we supported remain and in some cases have been strengthened. In particular we refer to policies DM1 and the inclusion of the national space standards, DM4, DM19, DM44 and DM46.

However we are disappointed that our general comments about the public realm and the various proposed improvements by the Council over the years have not been anchored in the plan as a natural corollary to the pressures created by new development across the City.

We are therefore challenging the soundness of the plan in four interrelated areas:

1. Public realm: we believe that for the plan to be sustainable the off-site impact of the large amount of new development in the city needs to be recognised and the pressures on the existing fabric of the city dealt with as far as possible. We propose a public realm policy to deal with this.
2. Arts and Culture: Arts and Culture is a generally recognised key component of city life and is largely ignored in the plan. We propose a substantial strengthening of existing policies or an entirely new policy.
3. Street Trees: The plan gives insufficient weight to the importance of street trees and their role in an environmentally sustainable townscape that seeks to contribute to efforts to deal with climate change. We propose an addition that seeks to increase our street tree cover not least in order to mitigate CO2 emissions created by new developments.
4. Conservation Areas: we believe the requirement of taking into account conservation area management plans only has effect if such plans are prepared. This is the role of the local authority and there should be a commitment to ensure that such plans are being prepared.

### **2. Public Realm**

Brighton and Hove face major intensification as demonstrated by its various policies and the continuous demand for housing in the area. Hove and Brighton are among some of the most popular destinations in the UK with rents and house prices commensurate. New development is being squeezed in between the National Park to the north and the sea to the south, with increasing pressure on remaining brownfield sites, urban fringe sites and intensification including upwards on many locations across the city.

This intensification in a very limited area puts added pressure on an already strained infrastructure, generated by new residents and visitors. Simply additional wear and tear of our existing city fabric.



Whereas City Plan Part 2 goes to great lengths to ensure that new development is as sustainable as practicably possible it fails to deal with the impact of 'town cramming' on the remainder of the city.

As a counterpoint to the framework for enabling new development there is a critical need for a commensurate policy dealing with the public realm in the city – its management and enhancement – to ensure that the aspirations of enabling new development do not fundamentally undermine the fabric of the city.

This is particularly critical in times of public austerity, which tends to hit environmental and neighbourhood services hardest in areas administered by unitary authorities such as Brighton and Hove City Council, where social services and education are inevitably accorded highest priority with neighbourhood services suffering disproportionately. The recent pandemic with its associated changes in people's dynamics, not least working patterns, can be argued to strengthen the need for well-designed public realm as we know it can help people's mental health and the wider health agendas.

In order to achieve an overall sustainable city where the pressures of new development don't undermine the essential fabric of the City we therefore need a policy that deals with the public realm. This will aim to prevent the creation of poor environments as a result of the additional development pressure and will enhance the sustainability of communities and residential environments as expected in the National Planning Policy Framework paras 81 and 92.

The public realm policy should deal with the following:

- Improvements of spaces surrounding and adjacent to development sites. DM18 refers to spaces between the buildings proposed within a site. This needs to be extended and could require pavement rebuilds, street tree planting, creation of microparks on land adjacent to and in the vicinity of development sites. Such improvements should dovetail with conservation area improvement plans and other physical improvement plans that the city has prepared and agreed upon in the past.
- To provide a coherent framework for improvements to the public realm, the council should set out in a Supplementary Planning Document or framework the areas requiring environmental improvements in the city and set out clearly the improvements needed. The ambition by the city council to create a climate neutral city should be visualized in this context – car free areas, pedestrian and cycle facilities and a substantial shift of land from car use to leisure space, play facilities etc. This can easily be indicated on a proposals map. Such proposals could grow in number over time but at this stage those proposals which have already been made (such as those in the study public life, public space <sup>1</sup>) should be bundled and mapped.
- There will need to be a clear commitment by the council to use CIL funding for these improvements as well as S106 within and immediately adjacent to or in the vicinity of new developments. This will also require a high level of transparency in terms of how these funds are being spent.

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<sup>1</sup> <https://www.brighton-hove.gov.uk/content/parking-and-travel/travel-transport-and-road-safety/public-life-public-space>



- A public realm policy will offer a major opportunity for city communities to help identify areas that are in need of improvements not just near new developments but across the city.

The following approximate wording for a new policy is suggested:

**The Council will aim to manage the adverse impacts on the city’s environment resulting from new development by undertaking compensating investments in the public realm across the city. Funding for this will come from a mixture of CIL funds and other appropriate sources of capital and revenue. The Council will define improvements necessary to the public realm across the city with the support of local communities and incorporate these in a Supplementary Planning Document that will act as the Council’s investment strategy into the public realm in the city for the plan period.**

Reason: Whereas the City Plan makes careful provision for environmental and sustainability measures on site for new developments and seeks to mitigate any impacts of new developments in terms of providing affordable homes, adequate open space and education infrastructure as well as managing the immediate physical transport impacts of new developments, there is no recognition of the city wide impact of new development in terms of the effects of intensification, higher densities and commensurate wear and tear of the city fabric. This policy seeks to ensure that there is a city wide continuous and planned process that enhances the public realm in step with the intensification of land uses in the city. Such process should also link closely to the council’s efforts to create a more climate smart city.

### **3. Public art**

The introduction to the Brighton and Hove Cultural Framework (Daring to be Different) sets the scene for the importance of arts and culture in the city:

*Brighton & Hove is known internationally as hotbed of creativity. It is at the epicentre of one of the most dynamic and innovative creative clusters in the UK, at the forefront of advances in artificial intelligence and augmented reality, as well as being home to hundreds of artists and creative producers. It hosts over sixty festivals a year, including the largest annual arts festival in England. Artists and creative people are drawn to live and work in the city because of its fantastic setting between the sea and the South Downs, its much-loved Georgian Architecture and heritage, and its liberal and cosmopolitan attitude, epitomised by its diverse day and night life. As well as being home to 35,000 students, the city boasts a strong civil society with over 2,300 third sector organisations and one of the largest populations of freelancers and homeworkers in the UK.*

Bearing in mind its central importance to the City's character, reputation and economy, arts and culture are not sufficiently recognised in the City Plan Part 2. We believe that in this area the plan fails the soundness tests.

The NPPF in para 20c makes a reference to cultural infrastructure which is not reflected in CPP2. The reference to artistic components in new developments in policy DM18 is non-committal and does not reflect the importance of arts and culture to the city.



We believe the subject deserves a separate policy or at the very least a significant strengthening of DM18.

Our studies of the impact of arts and culture contributions from new developments demonstrate at least two decades of missed opportunities as funding has been spent largely on small installations that have been allowed to deteriorate. Our study leads us to conclude that from an investment of over £1M over the last two decades very little has been created that has a lasting impact. Developments have funded minor pieces of work, adornments often such as gates or fences. This cannot be the meaning of cultural infrastructure.

The funding which has been available could have started developing a significant cultural infrastructure and we believe it is for the CCP2 to set the scene for such infrastructure to happen.

We suggest the following:

- Require new developments to contribute to arts and culture infrastructure within, adjacent or in the vicinity of new developments.
- Allow developers to make joint contributions where this creates the financial volume that allows significant and durable installations to be generated – in line with the council’s policy on improving the public realm as suggested above.
- Define arts and cultural infrastructure – our contribution is the Sculpture in the City public arts initiative, which aims to generate high class sculpture, initially showcased on the Hove Plinth, to be located at suitable locations throughout the city. (This should link to the City’s Public Arts Strategy, once complete)
- Coupled to this in policy DM18: last paragraph therefore reword to: "In addition to the above major development proposals on strategic and/or prominent sites *will be required to* incorporate an artistic element."

The rationale for this policy is to use limited resources for arts and culture to create the best impact for all concerned across the city.

The following wording for a new policy or addition to Policy 18 is suggested:

**The Council wishes to ensure that development contributions to arts and culture are spent in a way that creates a durable and significant legacy for the city as a whole. The City’s Public Art Strategy will provide pointers to how such contributions can best be invested. Sculpture in Our City provides a partial framework which over time would achieve a City-wide sculpture trail. The City Council will encourage developers to work together, for example by making joint contributions, to achieve artistic elements that are significant, high quality and durable to help enhance the City.**

Reason for this addition: In times of continued public austerity it is critical to ensure funds available for arts and culture are carefully deployed. To be of any lasting significance artistic works need to be substantial, durable and of high quality as well as highly visible. This policy seeks to improve on the council’s current procedures to ensure that artistic funds create a lasting legacy for the city.



#### 4. Street Trees

There is great concern about the impact of climate change on our cities. NPPF para 149 refers for example to the risk of overheating from rising temperatures. With the intensification of our urban fabric as heralded in CCP2 come these and additional pressures on the local climate. Well recognised mitigating factors will be the amount of greenery and street tree cover, not least the extent of the street tree canopy we can create and maintain in our city. Trees provide shade, they absorb CO<sub>2</sub>, they filter pollution, they create pleasant micro climates and help reduce peak temperatures.

With the level of intensification of our built environment enshrined in CCP2 we believe more specific and focussed mitigation measures are needed. We believe this is particularly important in relation to our street environment as we believe parks and other open spaces are adequately catered for in this context. It is the streets that most people immediately experience.

We are proposing an addition either as new policy or in addition to DM22. We believe this is also in tune with the council's ambitions to become a carbon neutral city and the city's designation as a UNESCO World Biosphere Region.

- To compensate for the generation of CO<sub>2</sub> emissions and intensification of land new developments will need to ensure planting of street trees or equivalent measures.
- This should be at rate of 1 new tree for each new dwelling created. Because of the density of new development in the city there is unlikely to be sufficient space on site or immediately adjacent to it. Hence additional planting should be undertaken on land in the vicinity or in suitable locations across the city.
- Species to be chosen should allow for the development of a good canopy across streets.

It may be necessary to develop these criteria more closely in the context of the council's carbon neutral city plans and hence there could be the undertaking to provide an SPD on this matter. We are particularly concerned that any trees that are diseased and have to be removed are replaced.

The following wording for policy addition to DM22 is suggested:

**New developments will generate substantial CO<sub>2</sub> emissions both through construction and occupancy of new buildings. To mitigate such emissions new development will need to contribute one new tree to be planted for each new dwelling. These trees will be planted in the street space around the new developments and in adjacent areas, if additional space is required.**

Reason: To become carbon neutral the city needs to deploy a wide range of measures. Planting new street trees is an effective way of dealing with both carbon neutrality and other climate change issues. Apart from CO<sub>2</sub> mitigation, street trees will assist in controlling micro climates, they assist in reducing peak temperatures, they help filter pollution and provide shade when most needed.



## **5. Conservation areas – management plans**

Policy DM26 deals with proposals in conservation areas and stresses that new developments should be of the highest design quality and should *'take the opportunity to enhance the special interest of the area wherever possible, having regard to any adopted management plan.'*

Management Plans often evolve from Character Statements and look in great detail at features that are worthy of retention or improvement. Many of these are in the street space or public realm and include street furniture, walls or materials such as kerbstones.

Regrettably not many Conservation Areas do have Management Plans, with the latest implementation plans going back to the 90s.

Management Plans or improvement plans provide a framework for measures needed in the public realm and we believe are essential for this policy to be effective. This is yet again a case where a public sector action is needed to allow private development to progress in the most environmentally sensitive way.

Without such an essential element underpinning this policy is not effective. In view of public sector austerity it may be reasonable to expect developers to undertake or fund all or part of such plans.

We therefore believe that policy DM26 needs to be augmented by adding the following:

**In order to ensure that there are clear enhancement plans, investment strategies and management plans for all conservation areas the council will prepare and expect developers to contribute to such plans.**

Reason: Without such plans there is no coherent framework in place for maintaining, improving and enhancing conservation areas in the city.

## **6. Conclusions**

We believe that in dealing with our objections the City Plan will become sound and help provide both a better framework for managing the off-site impact of new development and improve the management of our townscape and environment in times of climate change and environmental stress.

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W H A L E B A C K



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



30 October 2020

Dear Policy Projects and Heritage Team,

**Response to Proposed Submission City Plan Part Two Consultation**

Please accept this letter as our formal response to the Proposed Submission City Plan Part 2 (CPP2) consultation. The CPP2 Submission was agreed at the virtual full council meeting on 23 April, to guide new development in Brighton & Hove to 2030. The plan supports the City Plan Part One, (adopted in March 2016), which sets out the strategic planning framework for the city and includes citywide targets for new housing, employment and development management policies.

We are a local planning consultancy based in Sussex. We represent many applicants within the Brighton & Hove city boundary and submit planning applications to your authority on a regular basis. A number of our employees live in the City and have previously worked for the Brighton & Hove City Council Planning Department. We have extensive experience in applying City Plan Part One policies from both sides of the planning process and are well placed to provide informed feedback from the development industry in Brighton & Hove. We therefore welcome the opportunity to formally respond to the CPP2 consultation that will affect our City so greatly in the coming years.

We request to be notified of the following stages in the adoption process:

- When the City Plan Part Two has been submitted for independent examination
- The publication of the recommendations of the Inspector who carries out independent examination of the CPP2
- The adoption of the CPP2



## General Comment

City Plan Part One (CPPI) was adopted 24 March 2016. Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that Local Planning Authorities (LPAs) must review their Local Plan within five years of the date of adoption. A review of CPPI is therefore required to be carried out before 24 March 2021, otherwise the Plan will be considered out of date.

Is there an intention to carry out this necessary review? Are details able to be viewed publicly?

We consider that a review of CPPI is essential as the housing needs of the City, and housing delivery since 2016, require review and assessment against current circumstances and the Government's direction of travel set out in the NPPF 2019 (which post-dates the current development plan). The NPPG amendments and White Paper also post-date the Plan. In this regard, housing policies CP1 (Housing Delivery), CP19 (Housing Mix) and CP20 (Affordable Housing) should be reviewed.

In recent years, significant development of purpose-build student accommodation has occurred within the city centre and along the Lewes Road corridor. The impacts of this additional providing of student housing should therefore be assessed as part a review of policy CP21 (Student Housing and Housing in Multiple Occupation) of the CPPI.

Brighton & Hove City Council introduced a Community Infrastructure Levy (CIL) charge on CIL-liable planning permissions approved after 5<sup>th</sup> October 2020. Policy CP7 (Infrastructure and Developer Contributions) therefore requires review.

In recent months significant changes have been made to the Use Class Order and General Permitted Development Order in response to the covid-19 pandemic. The changes that have occurred within a short timeframe will undoubtedly have a significant impact on employment and retail floorspace. The loss of distinguished use classes and resultant amalgamation into the Class E- Commercial, Business and Service use mean that CPPI policies CP2 (Sustainable Economic Development), CP3 (Employment Land) and CP4 (Retail Provision) are defunct.

The Government's review of the planning system indicates that the threshold of affordable housing contributions could be raised to 39+ units. The current affordable housing threshold in Brighton & Hove is 10 units. CCPI policy CP20 (Affordable Housing) should therefore be reviewed.

We welcome the adoption of an updated development plan that is informed by up-to-date evidence bases and local context. However, the deliverability and effectiveness of CPP2 will be severely compromised if sits upon the existing CPPI which is outdated.

## Policy-specific Comments

### Policy DM1 (Housing Quality, Choice and Mix)

We support this policy. The inclusion of the Nationally Described Space Standards is welcomed. Requirement (f) relating to outdoor amenity space remains vague (as it is in current Local Plan policy HO5).

### Policy DM2 (Retaining Housing and Residential Accommodation)

We support this policy.

### Policy DM3 (Residential Conversions and the Retention of Smaller Dwellings)

This policy is an update of Local Plan Policy HO9. Policy HO9 currently sets a minimum size for conversion of 115 sqm. Policy DM3 now proposes to increase this threshold to 120 sqm. It is unclear why this threshold has been increased. Without any justification for the increase, we object

to the proposed threshold of 120 sqm and fail to see how this increase would be defended at examination.

The largest minimum size unit threshold set out in CPP2 Policy DM1 for a 3-bedroom dwelling is 108 sqm (3-bedroom, 3 storey dwelling). This gives an indication that the current 115 sqm threshold is sufficient to protect smaller dwellings suitable for family accommodation (i.e. 2 or 3 bedroom units)- as is set out as the objective of the policy set out in para 2.22 of the supporting text.

The increase in threshold to 120 sqm is not justified and is the policy is therefore unsound.

#### **Policy DM5 (Supported Accommodation)**

We support this policy.

#### **Policy DM6 (Build to Rent Housing)**

We support this policy.

#### **Policy DM7 (Houses in Multiple Occupation)**

CPP1 Policy CP21 already applies a restriction to the provision of new HMOs across the city. This has been an effective policy tool and has stopped the increase of localised concentration of HMOs. We are not aware of any study which has fully assessed the impacts of Policy CP21 since its adoption in 2016, and therefore we cannot see a valid evidence base for applying further restrictions in addition to those set out in Policy CP21. We therefore object to the additional restrictions set out in Policy DM7.

As acknowledged in the policy, HMO's meet an important housing need in the city, for professionals and students alike, due to the costs associated with rental or purchase of self-contained dwellings in the city. Therefore, it does not benefit the City to make the provision of new HMOs in the city over-complicated. The existing Policy CP21 already creates significant uncertainty for developers as they cannot, without submitting a formal pre-application enquiry with an associated fee and a 28-day timescale, obtain definitive advice as to whether the LPA considers that there are more than 10% of properties in HMO use within a 50m radius of a particular property. This mapping exercise is conducted manually which results in inaccuracies and inconsistencies.

The new restrictions add further complication and uncertainty. The proposal to look at contiguous output areas in particular makes proposals for new HMO's extremely complicated, with 625-875 properties requiring assessment as to whether they are subdivided into self-contained units of accommodation, and whether the LPA has evidence of HMO use, to calculate the percentage of HMOs and ascertain whether this is more than 20%. This level of work is beyond what can reasonably be expected from a small-scale developer/property owner, and would also create an unworkable burden for LPA Planning Officers unless the work involved is automated.

This new restriction is largely unworkable in practice. There does not appear to be any suggestion that the mapping exercise will be automated. Notwithstanding, there appears to be no evidence to suggest that the current restrictions set out in CPP1 Policy CP21 have not been effective. We therefore strongly object to the super-output area approach as it is overly restrictive and unnecessary.

The LPA should urgently look at an automated process where prospective property purchasers / developers can determine whether a particular property meets or fails the tests set out in Policy CP21, and those in Policy DM7 (if adopted). Without this, Policy DM7 will stifle the supply of HMOs in the city and hold back the provision of a type of housing which the policy is an important element of the City's housing supply. Put simply, the proposed policy DM7 will worsen the situation for the City's housing supply and therefore the City would be better served by retaining Policy CP21 and omitting Policy DM7 from CPP2.

Restrictions (b) and (c) are very simplistic, are not evidenced based, and appear to be based upon the assumption that all HMO properties are likely to cause disturbance of some kind. This is not the case as many HMOs operate without causing any nuisance to neighbours. There is no evidence linking anti-social behaviour to HMOs.

Restriction (c) will in practice work directly against the objectives of restriction (b). If there is an existing situation where there is a non-HMO dwelling 'sandwiched' between two existing HMO's, a situation which the LPA considers problematic as per restriction (b), an obvious solution to this perceived problem is the conversion of the central property to a HMO.

This solution is however blocked by restriction (c), leaving the non-HMO property permanently 'sandwiched' between the two HMOs. This is nonsensical; one part of the policy would work directly against another part of it.

In summary, the proposed policy is clearly overly restrictive and is not evidence based. Restriction (a) is overly restrictive and close to unworkable without significantly improved automated systems which are open to the public. It is not plausible that such systems will be made available by the LPA. Restrictions (b) and (c) are overly restrictive, work against each other, and are not evidence based; they appear to be based upon the assumption that all HMO occupants will cause neighbours disturbance.

We support criteria (d) and (e) as we acknowledge the importance of delivering a good standard of amenity for HMO residents.

Overall we object to this policy as it is overly complicated in conjunction with the already-adopted restrictions set out in CPP1 Policy CP21. The policy will not be effective, as it will stifle the provision of HMO accommodation and will be extremely time-intensive to implement, without due justification of its requirement. The policy is therefore unsound.

#### **Policy DM8 (Purpose Built Student Accommodation)**

We support this policy.

#### **Policy DM9 (Community Facilities)**

This Policy is now out of date following the new 'Class E' use class. The LPA has acknowledged this and have set out that an updated policy will be published for further consultation. We await this updated policy before commenting further.

#### **Policy DM10 (Public Houses)**

We support this policy.

#### **Policy DM11 (New Business Floorspace)**

This policy is out of date as it refers to Class B1 which no longer exists (superseded by Class E). This Policy therefore requires updating. The flexibility introduced through changes between uses within Class E, which do not constitute development, must be acknowledged and addressed. We object to the Policy in its current form as it is out of date. We await an updated policy before commenting further.

#### **Policy DM12 (Changes of Use within Regional, Town, District and Local Shopping Centres)**

This Policy is now out of date following the new 'Class E' coming into force. The LPA has acknowledged this and have set out that an updated policy will be published for further consultation. We await this updated policy before commenting further.

**Policy DM13 (Important Local Parades, Neighbourhood Parades and Individual Shop Units)**

This Policy is now out of date following the new 'Class E' coming into force. The LPA has acknowledged this and have set out that an updated policy will be published for further consultation. We await this updated policy before commenting further.

**Policy DM14 (Commercial and Leisure Uses at Brighton Marina)**

This Policy is now out of date following 'Class E' coming into force. The LPA has acknowledged this and have set out that an updated policy will be published for further consultation. We await this updated policy before commenting further.

**Policy DM15 (Commercial and Leisure Uses on the Seafront)**

This Policy is now out of date following 'Class E' coming into force. The LPA has acknowledged this and have set out that an updated policy will be published for further consultation. We await this updated policy before commenting further.

**Policies DM16-DM43**

We have no objection to the content of these policies.

**Policy DM44 (Energy Efficiency and Renewables)**

The NPPF (2019) at para. 50 states that:

***'Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.'***

The current NPPG states that:

***'The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building's sustainability to do so in a way consistent with the government's zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability. In this respect, planning authorities will need to take account of government decisions on the Housing Standards Review when considering a local requirement relating to new homes.'*** (Paragraph: 009 Reference ID: 6-009-20150327)

The ['Housing Standards Review'](#) referred to in the NPPG was published in 2015 with a [Written Ministerial Statement 25 March 2015](#), which included the following passage:

***'local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; the government has now withdrawn the code, aside from the management of legacy cases. Particular standards or requirements for energy performance are considered later in this statement.'***

*Local planning authorities and qualifying bodies preparing neighbourhood plans should consider their existing plan policies on technical housing standards or requirements and update them as appropriate, for example through a partial Local Plan review, or a full neighbourhood plan replacement in due course. Local planning authorities may also need to review their local information requirements to ensure that technical detail that is no longer necessary is not requested to support planning applications.*

***The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. Neighbourhood plans should not be used to apply the new national technical standards.***

The 2019 NPPF has re-affirmed that, as set out in the 2015 Housing Standards Review, Local Plan requirements should reflect the Government's national approach to technical standards. Therefore, it is not for LPA's to set their own local additional standards. The LPA has the option to require nationally described standards where they address a clearly evidenced need and where their impact on viability has been considered.

The current nationally described standards are already secured by CPP1 Policy CP8.

Policy DM44 goes beyond Government's nationally described standards (i.e. the optional building regulations for energy and water usage). Policy DM44 requires:

- 19% CO2 emission reduction over Part L requirements
- Minimum EPC ratings
- CO2 emission reduction measures
- Off-site CO2 mitigation measures
- The submission of 'Energy Statements' at validation stage which must meet technical guidance requirements (yet to be published)
- The submission of post-completion reports to demonstrate that CO2 emission reductions have been achieved, which must meet technical guidance requirements (yet to be published)

The policy states that these requirements must be met by 'all development', including conversions and changes of use. There is no threshold set out, therefore it appears that the requirements will apply to all new development regardless of scale.

We support the objective of addressing the challenges of climate change and CO2 emissions, these are however national / international issues. Government has set out definitively that the Planning agenda in respect of these issues and any standards for buildings will be set at a national level.

The proposed requirements are therefore contrary to the Government's clear approach and we object to them on this basis. Furthermore, they will place a disproportionate burden upon smaller developments as no threshold has been set in the policy.

The policy states that the standards set out in Policy DM44 '*will be required unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable*'. This is not an appropriate approach. The NPPG sets out clearly that the drafting of such policies should pay careful attention to viability. Requirements should not be introduced which threaten viability. The wording proposed suggests that the LPA expects that in some cases the requirements will threaten viability and then puts the onus upon developers to make this case, presumably through a detailed viability case which will in itself incur expense and an additional burden, particularly in respect of small-scale developments.

Policy DM44 should not be adopted in its current form, as the issues it seeks to cover are being addressed at a national level by Government, and Government has set out explicitly that no measures beyond the nationally described standards can be secured by Local Planning Authorities. These permitted standards are already secured by CPP1 Policy CP8.

A potential way forward would be to word the objectives of Policy DM44 as 'encouraging' developers to adopt such standards rather than setting enforceable requirements.

The policy as it stands is not consistent with national policy. The policy is therefore unsound.

**Policy DM45 (Community Energy)**

We note that this policy is worded as developers are 'encouraged to'. Therefore, unlike Policy DM44 this policy does not set out any definitive requirements. We do not therefore object to this policy.

As the policy sets out encouragement rather than any requirements, we see no point in setting out a size threshold for medium scale and Major developments. The encouragement can apply to all developments.

**Policy DM46 (Heating and Cooling Network Infrastructure)**

We have no objection to this policy.

Thank you for giving us the opportunity to provide feedback. We would welcome further involvement during the plan making process. We wish to participate in hearing sessions, particularly in respect of the policies we have objected to above. If you would like to discuss any of the above matters in more detail, please contact us via the contact details above.

We agree to the terms of the following statement:

*'Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below'*

Yours sincerely,

**WHALEBACK**



# Friends of the SOUTH DOWNS

SOUTH DOWNS SOCIETY



*Protecting the beauty of the Downs*

## Submission

### Public consultation on the City Plan Part 2

The Friends of the South Downs (The South Downs Society), is grateful for the opportunity to comment on the City Plan Part Two. Our core business is campaigning and fundraising for the conservation and enhancement of the landscape of the South Downs National Park (SDNP) and its quiet enjoyment, recognising that these qualities can only be realised if the setting of the SDNP is also respected and protected. We recognise that the City Plan is for that element of the city that lies outside the SDNP but it is vital that the plan affords appropriate priority to the conservation and enhancement of the park. Indeed, there is a statutory duty on the City Council under Section 62 of the Environment Act 1995 to have regard to its implications for the SDNP.

The Society provided its comments throughout the process of the City Plan Part One (now adopted) with particular emphasis on the setting of the SDNP and the sites allocated for possible development on the Urban Fringe. We acknowledge that when the City Plan Part One was examined in 2013, the Inspector instructed your Council to plan much more positively to meet as much of the city's full housing need which has resulted in some sites on the Urban Fringe being allocated through Part Two. We believe the revised housing supply numbers on the scale set out within the Urban Fringe and adjacent to the SDNP has the potential to cause permanent and irreversible damage to the Park.

Our concerns throughout the whole process, including the content of this City Plan Part Two, is that there would inevitably be a reduction in the City's limited and largely green infrastructure preventing urban sprawl and those areas that are adjacent and/or form the gateway to the SDNP. Below summarises our concerns on some, but not all of, the sites allocated in Part Two:

Sites 48 to 48c -Cluster at Coombe Farm. This site has been granted outline planning consent for 60 dwellings. A decision is pending for full planning permission (BH2020/00002) for 72 dwellings. The site is highly sensitive due to its proximity to the boundary of the SDNP which is particularly important to defend from the impact of development. The Society consider this to be over development of the site which would significantly impact on the setting of the SDNP.

Sites 38, 38a & 39 – Land at Ovingdean Hall Farm etc. Again the site is highly sensitive due to its proximity to the boundary of the SDNP which is particularly important to protect from the impact of development. The site is viewed from high ground and development could have a significant negative impact on the setting. Access is also very restricted. It would seem most inappropriate to develop the site other than for continued rural use.

Sites 1,3 4, 4a and 5 at Mile Oak and Portslade can all be viewed from higher ground in the SDNP and



# Friends of the **SOUTH DOWNS** SOUTH DOWNS SOCIETY



## *Protecting the beauty of the Downs*

notwithstanding the A27 have strong connectivity with the SDNP. Similarly are sites 11 & 12 at Benfield Valley have strong connectivity with the SDNP as has Site 2 at Patcham.

Sites 30, 31, 32, 32a and 22 at Brighton Racecourse, Racehill and Warren Road at all located at high level and highly visible from distant view points.

The impact of developments on these sites will result in a decrease in “green space”, farm and amenity land and a loss of wildlife habitat.

We recognise that the principle of development on a number of the Urban Fringe sites may have been established under the City Plan Part One. However, there is still the opportunity to ensure the sites can continue to be protected from development during the period of the City Plan up to 2030.

The Council will be aware that the Government has launched a consultation on proposals for reform of the planning system in England. This consultation closes at on 29 October 2020. Under the draft proposals land is divided into three categories – Growth, Renewal and Protected. Protected Areas would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in Growth or Renewal areas. Whilst the Society have reservations regarding the current planning reform proposals, it would ask the Council would consider that its Urban Fringe sites in the City Plan Part 2 by deemed as “Protected” therefore preventing them from development

We prefer that all plans close to the boundaries of the SDNP should incorporate a buffer zone between the development and the Park boundary to preserve a green space both for the residents of the development and for the local flora and fauna. And all developments should be so designed that there is adequate screening to preserve the open views from the Downs.

We also ask the Council that plans for the development on any of the Urban Fringe sites to be considered only as a matter of last resort and only after proposals and housing numbers on the brownfield sites have been fully established. This would also take into account additional brownfield sites that may become available during the course of the City Plan up to 2030. The Society would not consider it proper that the Council and developers prioritise Urban Fringe sites which may take advantage of cheaper land for return for early gains in housing numbers.

On a positive note the Society welcomes DM33 Safe, Sustainable and Active Travel outlining the commitment to promote and provide for the use of sustainable transport and active travel by prioritising walking, cycling and public transport in the city providing this is reflected in less traffic use to, through and from the SDNP.



**Subject:**  
**Date:**



RE: Re Brighton Plan Part 2  
22 October 2020 16:24:48

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Dear

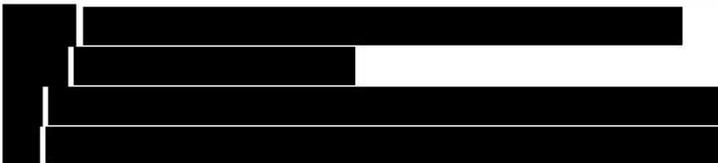
Thank you for clarifying this.

Regards



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**Subject:** Re: Re Brighton Plan Part 2

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

Thanks for the three choices.

Our answers are:

- No
- Yes
- No



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

[Redacted]

**Subject:** Re Brighton Plan Part 2

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

Good Afternoon  
Please take the attached comments into account  
Kind regards

--  
[Redacted]

[Redacted]

Please help us to make a difference on the South Downs. We are currently replacing stiles with kissing gates, providing log seats and taking ownership of the repair of a small section of the South Downs Way at Millpond Bottom Penn Hill, West Sussex. To donate go to <https://www.southdownssociety.org.uk/>



[Redacted]



**"Friends of the South Downs"** is a brand name of the South

## Downs Society



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Office hours are Monday to Wednesday - 9am to 1:30pm (not including Public Holidays)

*The Society is an independent charity which relies on member subscriptions and gifts in wills*



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

<p><b>(Required)</b> I have read the PINS privacy statement above</p>	<p><b>Y</b></p>
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Yours sincerely,

**Planning Policy Team**  
**Brighton & Hove City Council**

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

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**From:** [REDACTED]

[REDACTED]  
[REDACTED]

**Subject:** Brighton & Hove Food Partnership Response to City Plan Part 2 consultation

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

I am submitting the following consultation response on behalf of Brighton & Hove Food Partnership:

Noting the multiple policies relating to food growing in City Plan, Part 1, the recent adoption of the revised PAN on incorporating food growing in development and the incorporation of food growing and food access we feel that this area has been overlooked in the DM policies in city plan part 2.

Given the centrality of food in carbon reduction, with the IPCC & UK parliament Audit committee findings that food contributes **up to 30% of carbon foot print**, along with Brighton & Hove City Council's climate emergency declaration and commitment to become the first Gold Sustainable city in the UK, we urge that in order to meet the test of soundness and compatibility with sustainable development the role of food growing has to be part of these policies in order to meet the test.

Additionally some revision will be required wrt the Government's new use classes.

We would have welcomed a policy specifically relating to DM and food growing in DM37, as a key component of addressing climate change. However we recognise this would be difficult to include at this stage of the process therefore we suggest the following in order to redress this.

DM 37 para 2.277 recognises that “allotments, orchards and community food production spaces” form part of the city’s green infrastructure this is the only reference and we would therefore like to see food growing spaces included in the following areas as a very minimum:

- Green Infrastructure, Bottom of p.110 – Should be a headline bullet point, i.e. a bullet on food growing should be added to the list following “Developers will be expected to work with existing partnerships to support and enhance the following green infrastructure and nature conservation features:” Alternatively should be included in the ‘green infrastructure’ section in the first two paragraphs on this policy (top of page 110)
- p.114-115 – an explanatory paragraph should be added to the supporting text, amplifying the above.

Additionally we welcome the inclusion of food growing as bullet point (g) of policy DM22 on landscape design, however there should be an explanatory paragraph in the supporting text which is currently silent on food growing.

Other points -

We welcome the inclusion of food growing in older people’s accommodation in DM4 (e) and would suggest this should be added to other types of accommodation in this section.

We welcome the importance placed on local shopping parades in DM 13 and the specific reference to the avoiding loss of fresh food retail in unless there is alternative equivalent provision within 300 metres. We would query whether the wider section will need updating in the light of the government’s introduction of new use classes including specific protection for shops selling fresh food.

We welcome the importance of supporting new and existing markets and market stalls in DM16 and their role in support access to local produce and healthier food. There seems to be some ambiguity as the policy talks about market and market stalls, however the supporting text largely refers to markets. We would suggest 2.137 and 2.138 should be expanded to clarify they include market stalls as well as markets, otherwise this policy is not clear and usable in practice.

We welcome the specific reference food growing under H1-H3 (housing and mixed use sites) however We are disappointed that none of the major / strategic sites (SA7/ SSA1-7) include specific reference to food growing as an upfront requirement, as with Toads Hole Valley, which made it clear that 1.59 hectares of food growing space was required.

In short, as Brighton and Hove City Council have already accepted the principle that food is 30% of carbon footprint, and implemented planning policy as a response, if this area is not addressed alongside transport and energy then the plan as a whole cannot be considered to meet the test of soundness wrt sustainable development.

We would be happy to participate in the Inspector's hearing to make these points.

Kind regards

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

[REDACTED]

[www.bhfood.org.uk](http://www.bhfood.org.uk)

[@btnhhovefood](https://twitter.com/btnhhovefood)



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**Subject:**  
**Date:**

Proposed house patcham  
22 October 2020 16:55:10

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

To whom it may concern

I am emailing to support the proposed housing allocation on land adjacent to hoursedaen recreation ground and ladies mile nature reserve.

The 60 new units are much needed.

I am a home owner and live [REDACTED]. I regularly walk near by both potential locations and do not feel it will be an issue at all, well worth doing. these developments have potential to enhance these spaces.

We are in a housing crisis, countles people are homeles, in temporary or precarious housing, appalling over priced rents and overcrowding. We need these developments and much more as a matter of urgency.

Best wishes

[REDACTED]

[REDACTED]

---

**Subject:**

[REDACTED]

Re: Please protect Benfield Valley from Development - PLEASE READ ALL

**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.

[REDACTED]

Thank you so much for getting back to me. My full name is [REDACTED] the Benfield Valley Project, which is in the process of becoming a Constituted Community Group. All other responses are below.

Anything else you need, please just let me know.

With love,

[REDACTED]

[REDACTED]

[REDACTED]

Thank you for your email regarding Benfield Valley.

In March this year the Tourism, Equalities, and Culture Committee recommended that the Proposed submission CPP2 was referred to Full Council for consideration. At its 23 April 2020 meeting Full Council approved the submission CPP2 for statutory public consultation. Council also approved that following the consultation the Plan and comments or representations received during the consultation period would be submitted to the Secretary of State who will appoint an independent planning inspector to examine the 'soundness' of the Plan against the government defined tests. Further information on the test of soundness is set out in this guidance note: [https://www.brighton-hove.gov.uk/sites/default/files/migrated/article/inline/CPP2%20Guide%20to%20Making%20Representations%20\(FINAL\).pdf](https://www.brighton-hove.gov.uk/sites/default/files/migrated/article/inline/CPP2%20Guide%20to%20Making%20Representations%20(FINAL).pdf).

In examining the Plan, the Planning Inspector will consider the preparation process and content of City Plan Part Two and the background evidence submitted by the council together with the representations received during the proposed submission consultation.

Given the concerns that you have raised with Policy SA7 Benfield Valley, a formal representation to the Proposed Submission City Plan Part Two would be the best way to have your concerns considered. Can you confirm that you wish your email to be treated as a formal representation to the Proposed Submission City Plan Part 2? Yes, confirmed.

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

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

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

Please be aware that due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the council's website.

The council will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS) who will undertake the examination of the City Plan on behalf of the government. Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below [PINS Privacy Statement \(June 2019\)](#)

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

[Redacted]

[Redacted]

Due to the current exceptional circumstances and changed working arrangements we are currently unable to deal with incoming phone calls.

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[Redacted]

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[Redacted]

Subject: Please protect Benfield Valley from Development - PLEASE READ ALL

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

To Brighton and Hove Planning Committee,

**RE: The planned development of Benfield Valley as stated in the CPP2 Proposals**

As I begin this letter, it is 4.27am on a Tuesday morning and I cannot sleep. I have been wanting to write this email to you for weeks but have not been able to find the words, so I will just write it anyway. It's a long one (and yes it has attachments and footnotes!) but please read until the end. **I would also be grateful for a response to the points I have raised as this has taken a significant amount of my time to put together and I would be grateful if this could be respected.**

Six months ago, at the beginning of lockdown, I heard about the CPP2 plans to develop a section of the Benfield Valley (Special Area 7 on the CPP2) via a school whatsapp group for the parents of [REDACTED] class. I felt so impassioned by what I found out that I spoke to a number of local individuals, community groups, including:

- Cllr. Dawn Barnett,
- the Benfield Wildlife and Conservation Group (who look after the site to the north of the A27),
- HK Hedgehogs,
- The Hangleton and Knoll Project,
- our local Bat Group and Moth and Butterfly group,
- and the Hangleton Community Centre

[REDACTED] set up the Benfield Valley Project, a community group to support and protect the wildlife, flora and fauna of the Benfield Valley for generations to come. Going forward we will be working with Claire Johnson at HK Project to become a Constituted Community Group and provide social and conservation activities for the land and local residents.

**What's the Problem?**

You see, fellow residents (and I address you as such as we are all residents of Brighton and Hove and this affects us all), the fact is that people become attached to natural spaces; lockdown strengthened this attachment for local residents and visitors to the space. **The CPP2 threatens not just the mental health of those that use this space - something that could arguably lead to greater expenditure by the local NHS in caring and providing for those whose mental health may suffer as a result of seeing this land carved up for profit - but the wildlife that lives there, the trees that grow there and which do an incredible job of absorbing the emissions from the neighbouring A293 (the lower section of which is an AQMA as detailed in Brighton & Hove's Air Quality Report 2020, see below for further detail) and the busy A27.**

We cannot keep needlessly carving up our landscape, nonchalantly claiming, 'oh, it's just a little bit,' and expect our natural world to recover from the damage we have already done to it. No-one is disagreeing that we need affordable housing, of course we do, but, if as local Councillor Stephen Bell said in the Argus recently, deleting the urban fringe sites such as

Benfield and Whitehawk Hill from CPP2 will still bring Brighton and Hove council 1,900 dwellings above their target, then building on a green space which is the last green lung that connects the Old Shoreham road to the South Downs, is senseless and destructive. There are plenty of unused dwellings (and perhaps some recently vacated office spaces?) within and around B&H which can serve this purpose; **but once any section of the Benfield Valley is concreted over, however much we try to 'make room for nature'** (which I hope would be up there on the list of top priorities should the council go against consensus and dangerously continue with the plans), **the fact is that those trees will no longer exist.** Ecologists tell us that our land is now so depleted that re-planting trees is not the same as allowing old ones to continue to grow, we cannot recreate the conditions that the trees initially grew under so anything that follows is, whilst still better than nothing, of less value to the biodiversity of the area:

***'The older the tree, the more vital to wildlife it becomes.'* (The Woodland Trust)**

## **The Sustainability Appraisal**

### **Every Space Has Value**

In my eyes, having read the Sustainability Appraisal as it applies to Benfield Valley, section 5.6 of the CPP2 Sustainability Appraisal does not go far enough to recognise the value of this space. I will go through the main issues here. Firstly, it cites that,

***'Although the policy was found to have potential for adverse effects for biodiversity in the short term, it was found to have positive effects for biodiversity and open space in the longer term, as whilst the policy supports housing delivery on two parts of the site, the policy was found to have overall benefits these objectives, as it seeks to secure funding to protect and enhance the remainder of the site for nature conservation and open space purposes. It is also noted that the areas for development have been assessed as having lower ecological value than other parts of the site which should help to minimise ecological losses.'***

No local conservation group or Ecologist not driven by financial gain would agree that any of this statement is true and I cannot understand how something so counter-intuitive could end up in an official document such as the CPP2 - ***why do we need to build on this space in order for it to have value and deserve protection and therefore access to funding?*** No area in a space like Benfield Valley is of 'lower ecological value' and I would appreciate the evidence for this being presented to the local community conservation and wildlife groups. ***In the natural world, every space has value,*** whether it's the fungi that grows on the woodland floor and nourishes the earth through its mycelium, or the foraging and living space that it provides for local wildlife such as:

- ***the now threatened hedgehog***
- ***rare Wasp Spiders***
- ***Common Lizards, which are protected in the UK under the Wildlife and Countryside Act, 1981 and are priority Species under the UK Post-2010 Biodiversity Framework (see video and highlighted images in the link at the bottom of this letter)***
- ***red Foxes***
- ***butterflies of many species including the Common Blue and Red Admiral***
- ***Adders***
- ***Lime Hawkmoths***
- ***Buff Ermine Moths***
- ***Peach Blossom moths***
- ***Swallow-tail Moths***
- ***Buff Arches moths***
- ***and Buff-Tip moths***

*(see images and videos in the link at the bottom of this letter as evidence - all taken by local residents and community groups from in and around the areas marked for development),*

*...as well as the homes that the canopies of the trees in this area provide for local birds such as:*

- *robins*
- *sparrows*
- *skylarks*
- *blackbirds*
- *blue tits*
- *and also our community of climate-indicators, Pipistrel bats.*

If this space is seen as having 'lower ecological value' it is only because it has not been properly managed or cared for: paths have not been maintained, rubbish has not been cleared, tree canopies have not been tended to so as to provide more light to the woodland floor and encourage further growth and biodiversity. Why the council feels it could only do this if the land were to be 'developed' (and I use that term ironically), as mentioned in the Sustainability Appraisal, is anyone's guess.

### **The Impact on Mental Health**

To continue on from the Sustainability Appraisal,

*'Delivery of housing, particularly affordable housing can help reduce housing-based deprivation and also contributes towards economic growth. **The policy was found to have potential for significant adverse impact for landscape in the short term, although impacts should improve over time, as the areas of the site suitable for housing have been assessed as having potential for significant landscape effect<sup>120</sup> based on a lower amount than proposed in the policy and therefore a higher amount could have a greater significant landscape effect particularly in the short term whilst any screening mitigation is ineffective. Impacts become less significantly adverse in the longer term as mitigation becomes more effective.***

The irony here is that working class people, ethnic minorities (who are statistically more likely to face socioeconomic disadvantage), and those facing 'housing-based deprivation' are those most likely to suffer the long term mental health effects of a lack of good quality, accessible green space (and this does not include sports pitches) as those lower income households are more likely to live in urban areas, which generally have with less uninterrupted green space. A 2014 OECD report based on the results of a project conducted 2010-2013 states that, *'what we do know about living in cities is that it increases our risk of mental health problems...(and that)...cities have both health risks and benefits (such as accessible health care and social support), but mood and anxiety disorders are more prevalent in city-dwellers and the incidence of schizophrenia is much higher in people born and raised in cities.'*

Studies prove that the human brain needs natural biodiversity for so many reasons. US researcher, Richard Taylor and his team, found that **natural shapes and repeated patterns in nature (known as fractals) prompt the alpha and beta waves in the brain, suggesting a 'relaxed but focused state' when out in good quality green spaces.**

This was supported by recent study by the University of Derby, **which demonstrates a greater level of activity in the parasympathetic nervous system when in a natural setting.** The parasympathetic system is also known as the 'relax and restore' system and is the state that humans need to be in in order to feel and be well, rather than in the sympathetic nervous system, which prompts the 'fight or flight' response in the brain, raising

levels of adrenaline and cortisol in the blood, thereby depressing the immune system and causing physical and mental health problems.

An OECD report in 2019 reported that the NHS spends approximately **£94billion per year** on mental health conditions; if something as simple as natural green spaces can help and actually improve the mental health of human beings, eventually saving the council and NHS money, then why get rid of them at such a rate?

Moreover, thanks to the law of Trespass, **92% of land in the England is privately owned**, meaning that unless you are privileged enough to call an expanse of green space your back garden, you only will have access to 8% of good quality green space in England. We must hold onto to whatever spaces we have with both arms, not sell it off to the highest bidder who cares for nothing but profit at the expense of public health.

### **The Last 1% of Chalkland in the South Downs is Here...**

Alongside this, the suggestion here if we look at the second sentence is that we are better off with these plans because **'...based on a lower amount than proposed in the policy and therefore a higher amount could have a greater significant landscape effect particularly in the short term whilst any screening mitigation is ineffective. Impacts become less significantly adverse in the longer term as mitigation becomes more effective.'** My argument would be that no section of the Valley should be built on - be that 100 dwellings or more - due to it's ecological value. The whole of the Valley is part of the last 1% of chalkland (**known as a priority habitat**) that we have in the South Downs. From the National Trust website,

***'Wildflower meadows on chalk downland are sometimes called Europe's tropical rainforest. They're home to an incredibly rich and diverse range of plant and insect life...Up to 40 species of flowering plants can be found in one square metre of chalk grassland – also called lowland calcareous grassland. Many species grow nowhere else, including many beautiful orchids and wildflowers. In turn, they attract many insects and rare butterflies such as the Adonis Blue and Duke of Burgundy...Lime-rich, but low in nutrients, the thin soil holds little water and heats up quickly. These stressed conditions stop the dominant lush grasses from taking over. This allows a diverse range of smaller herbs and lower plants to flourish.'***

Anyone who has walked from the bottom end of the Benfield Valley all the way to the top at the South of the A27 on a Summer's day will know this to be true. Attached are images of just a few of the species to be found on the section of land marked for development and include:

- **Pleated Inkcap,**
- **Spindle,**
- **Hawthorn,**
- **Apple tree,**
- **Blackthorn/Sloe berries,**
- **Agrimony,**
- **Ribbed Melilot,**
- **Common Mallow,**
- **Old Man's Beard,**
- **Clover,**
- **Wild Carrot,**
- **Creeping Thistle,**
- **Yarrow**
- **and Teasel.**

We cannot afford to lose any of this space and the council is setting a dangerous precedence by allowing any of it to be built upon.

## **Air Quality**

Before I begin this section, did you know that it takes seven trees to provide enough oxygen for one person? As stated in the Sustainability Appraisal,

*'The policy was found to have **potential for significant adverse impacts for air and noise quality**. The site suffers from road noise, which could impact upon occupier amenity and which could worsen through any increase in transport movements. **Although outside the AQMA, delivery of 100 dwellings on the site could result in an increase in vehicle movements that has a significant effect on air quality.**'*

The area to the south of the Benfield Valley, at the bottom of the A293, is stated on the 2020 Brighton and Hove Air Quality survey as being an AQMA (see map attached). It stands to reason that with a significantly reduced number of trees to absorb carbon emissions from the passing traffic, air quality could not only worsen the situation further but also put more pressure on the local NHS services. As stated in the 2018 government guidance document 'Health Matters: Air Pollution,'

*'Air pollution has a significant effect on public health, and poor air quality is the largest environmental risk to public health in the UK. In 2010, the [Environment Audit Committee](#) considered that the cost of health impacts of air pollution was likely to exceed estimates of £8 to 20 billion.'*

We already know from cases such as the death of nine year-old Ella Kissi-Debrah in 2014 as the result of a fatal asthma attack thought to have been brought on by spikes in nitrogen oxide and PM10s near to her home in South London, that high levels of air pollution have the potential to cause serious health damage. Especially in the times we are facing now, councils should be helping with constituents to remain healthy and safe, not decimate one of the few, uninterrupted green spaces we have left in the borough.

## **So where do we go from here and what could the space become? Some ideas.**

**My offer to you then is to come to the Benfield Valley, to see the section the planning committee has marked for development, and allow me to walk you around it, showing you everything that is there and the potential it offers us for becoming a nature reserve that could be a source of pride for Brighton and Hove and East Sussex** as a whole (this outdoor meeting would not be a contravention of any current government restrictions and could take place at a time of your convenience).

There is funding and support available outside of town councils for protecting green spaces such as Benfield Valley and by tapping into these, working with local rangers, Ecologists and Conservation and Community groups, this space could be something even more wonderful than it already is, drawing in visitors from around the country. Some suggestions and possibilities are as follows:

- **Create a stopping off point for walkers visiting the South Downs Way, which runs nearby,**
- **Create a centre for environmental/conservation education for young people and students as well as the wider community.**
- **The grade II listed barn (also a home for our Pipistrel bats) on the north site could be restored by local builders to become a community arts and learning hub,**
- **Convert the garden behind the barn to a 'wild garden' to teach and learn about permaculture and biodiverse gardening in small spaces would provide an opportunity for local conservation and community groups**
- **Designate the Benfield Valley a Local Green Space,**
- **Add it to the list of Conservation areas,**

- **Create a Field in Trust, or saving the space**
- **Transform it into a legally-protected Nature Reserve in the way that the Worthing and Adur Council have done for the New Salts Farm the council would be protecting the health and wellbeing not just of our local ecosystem, but of our children, who want so much to grow up in a world rich with biodiversity and wildlife.**
- **This space also provides an opportunity for 'green jobs' for locals for many years to come, contributing to the local economy in innovative and creative ways.**

The current leaseholders do not care for this space as the local residents do, and as the council should (and my thoughts on that could write another four page letter entirely!). Spaces such as the Benfield Valley should not be held to ransom in this way. It is dangerous, it is unethical and it is just a small (but no less significant) part of what seals our fate as a species. All it takes is imagination, community engagement and the courage to do things differently.

Thank you for taking the time to read this letter. Please do let me know if you would like to take me up on my offer of introducing you to and guiding you around the space.

In hope,

[REDACTED]

[REDACTED]

**\*\*\*Please go to this link to view all images and videos referenced in this letter:** [https://drive.google.com/drive/folders/198S-tbnTg8lpW9mZAZVbqF3LCxl\\_0yZK?usp=sharing](https://drive.google.com/drive/folders/198S-tbnTg8lpW9mZAZVbqF3LCxl_0yZK?usp=sharing) \*\*\*

*NB. Please note that a copy of this letter has also been sent to Peter Kyle MP, Caroline Lucas MP, a representative at BBC South Today, BBC Radio Sussex, the Sussex branch of the CPRE, the Sussex Wildlife Trust, The Woodlands Trust, community and conservation leaders and in the local area and has been published, with all addressees named, on [REDACTED] [www.promptedbynature.co.uk](http://www.promptedbynature.co.uk) as well as the Benfield Valley Project Facebook page.*

## **References and Links**

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Figure 20 Hove and Portslade NO<sub>2</sub> Diffusion Tubes 2018



Note: Labelled sample sites are those active in 2018. Archive monitors (before 2018) are not labelled but included as points on the background map. Blue, green and yellow monitoring locations indicate compliance with the Air Quality standards for nitrogen dioxide NO<sub>2</sub>. Red and purple exceed the NO<sub>2</sub> limit in 2018.



































DAY 5













### **Benfield Valley Project (DP218) videos**

Videos submitted with representation include:

- Common Lizard
- Wasp Spider
- Red Fox

Videos available on request