

Response ID ANON-8ZMD-Y4YK-M

Submitted to City Plan Part Two (Proposed Submission)

Submitted on 2020-10-27 17:21:10

Your details

What is your name?

[Redacted Name]

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

Organisation:

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

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

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

Special Area SA7 Benfield Valley

SA7 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

SA7 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

SA7 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I do support making Benfield Valley a Special Area for the stated aims of protection of heritage and that it is retained as a local green space. What I object to and believe to be unsound/ inappropriate is the proposal of building 100 houses in the middle of it and the suggestion of 3 storey homes where in the immediate area they do not go above 2. This will damage the area and character of the Valley . It will increase the traffic at an already busy large junction and if it is combined with the the objective listed under E1 for business and warehouse premises at Hangleton Bottom the traffic on the Hangleton Link Road and the junction with Fox Way will increase greatly particularly at peak times.

SA7 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

By removing the proposal for housing it will mean the objective of Benfield Valley being designated as a Local Green space and Special area would be achieved.

SA7 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

SA7 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

Benfield Valley

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

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

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

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

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I believe it to be unsound proposal to plan to build 100 , possibly 3 storey, homes in this Local Green space . It would cause great damage to the Valley and part of the area indicated is within a Archaeological Notification area (ANA) . The knock on from this would be increased traffic at the junction of Hangleton Lane, Hangleton Link Rd and Fox Way which gets very busy at peak times already. This problem would be made worse when combined with the proposal under E1 for warehouses at Hangleton Bottom which is a short distance north from this location further up the link road.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Remove the proposal for housing at Benfield Valley

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

E1 Opportunity site for business and warehouse uses

E1 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

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

E1 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

E1 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Although I understand there may be a need for light industrial units staff would have to travel to and from the site by car as public transport does not pass the site. Adding this traffic to the goods traffic to and from the businesses and what a waste management site would generate would severely increase the traffic on the Hangleton link road. The impact on the junction with Hangleton Lane and Fox Way would be huge if it is also added to what would be created if the plan for Housing in SA7 and H2 were to go ahead. You have noted the Foredown allotments are near the site , if the traffic levels increase those would be impacted by more pollutants from the increased traffic. The traffic flow from the recent Old Shoreham Road alterations already mean traffic is sometimes at a standstill or very slow moving this will exacerbate the problem

E1 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I believe the warehouse proposal should be removed as the impact of the extra traffic and in combination with the housing proposed in SA7 and H2 would dramatically change the character of Benfield Valley and the area nearby

E1 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

E1 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

With regard to Local Designated sites - the local plan includes the phrase 'Unless allocated in the City plan...'. I object strongly to this because this does not comply with the Council's duty to protect and enhance biodiversity. It is weaker than the previous 2005 City Plan. The phrase cannot be accepted because it enables development on Local Wildlife Sites, including a Local Nature Reserve which would result in the destruction of part of the site. This is in contravention of paragraph 174 of the National Planning Policy and the Council should respect this. There is no good evidence based reason to include this phrase, the proper ecological assessments have not been updated, Local Wildlife sites in the City area are improving as a result of the local action of volunteer groups and residents. It is not legally sound to proceed with sites allocated in the city plan because they have not been properly assessed within a reasonable timeframe.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Remove the phrase 'Unless allocated for development in the City Plan' from the paragraph about Local Wildlife/Designated sites. Do not substitute this with some other form of words that allows the land, which is supposed to be protected by the Council, to be developed.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

I want to see and hear the relevant people at Brighton and Hove Council who continue to pursue the development of Local Wildlife Sites and understand their reasoning.

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I believe that Whitehawk Hill should be considered as a Local Green Space, it has all the important qualifications such as the proximity to a large group under represented people who do not have transport, or are disadvantaged and so cannot get out to other areas of countryside. The evidence base for the selection of the Local Green Spaces is very weak and so unsound.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add Whitehawk Hill to the list of Local Green Spaces as there are not enough sites in the plan, it is not ambitious despite the value that time in nature provides in terms of mental health.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I object to the inclusion of any of the Local Wildlife Sites or the Local Nature Reserve in the City Plan because they are inconsistent with para 174 of the NPPF. These sites are already important for biodiversity and so their loss will not be able to be compensated for by the net gain policy (para 170 of NPPF). Whitehawk Hill has already been used as a receptor site for reptiles from development at Mile Oak and so to go ahead and develop this site would break the planning conditions of the previous development.

The Ecological evidence for including these sites is of a poor quality, it does not include all of the wildlife on site and hence the land cannot be developed without an adverse impact. The negative impacts are huge, there will be more pressure on the remaining land which is already very heavily used (and appreciated) by the public.

The Urban Fringe Assessment did not consider the impact of isolating an section of the Local Nature Reserve, this means that it will inherently lose it's wildlife value and cannot be mitigated for by creating land elsewhere. It is apparent that the ecological survey was of very poor quality - it mis-identified the chalk grassland as 'neutral' grassland and did not take account of the many butterflies and the linnets which use the area and need it to survive.

Riding school and stables - should not be developed because the Urban Fringe Assessment did not adequately consider the landscape implications of developing this area - on top of the hill it will create more blighted views. In particular, this area is next to a well used track which many people enjoy.

Benfield Valley is a Local Wildlife Site and again should not be included for development because of the wildlife value of the site.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Remove the sites ticked above from the allocation, that is Whitehawk Hill, Benfield Valley and the Riding School and stables.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

To support the campaigning group to save Whitehawk Hill.

Legally compliant sound - Sound:

Yes

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

Yes

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

SSA7 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

SSA7 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SSA7 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

Legally compliant sound - Sound:

No

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

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

Effective, Justified

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Not justified to build on green space.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Do not build on green space

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

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

Yes

(DM9) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

(DM9) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The Trust submitted comments at the previous stage of consultation noting our support for the premise of the policy but highlighting concern that it lacked sufficient strength to effectively protect Brighton's valued facilities from unnecessary loss. In particular we contended that marketing evidence should underpin demonstration that buildings or land is no longer required for their cultural, social or community purpose or for alternative uses of that nature. We suggested possible amendments which we considered would enhance robustness and effectiveness of the policy.

We also objected to the wording giving support for partial loss of floorspace through change of use where the use requires less floorspace or to sustain the existing use through cross-subsidy. While we appreciated the principle behind the policy, as drafted we considered it too permissive and gave rise to potential manipulation by applicants. Particularly we considered loss of space to read as a favoured option rather than a 'last resort'. This also applied to supporting paragraph 2.78 which is now replicated as paragraph 2.84. Community and cultural facilities will generally be at a disadvantage in terms of land value to more financially lucrative residential, short-stay and commercial uses. Many might not be viable on purely commercial terms. Without amendment, potentially all community and cultural facilities across the city could be at risk from inappropriate development that undermines their function and longer-term sustainability. We continue to strongly recommend amendment.

The proposed submission version of the plan is predominantly unchanged from the previous version in these respects, therefore our existing objections are to be carried forward.

(DM9) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Suggested wording:

2. Development that would lead to the loss of community facilities will only be permitted where it has been demonstrated that replacement facilities of an appropriate quality and size will be provided as part of new development proposals or in an alternative suitable location that meets the criteria in part 1 of this policy, or if the following circumstances applies:

- a) the facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility; or
- b) the building or land is no longer suitable to accommodate the current use or any alternative suitable community use and cannot be reasonably adapted to do so; and
- c) it has been demonstrated that there is no current or future need or demand for the space, either in its current use or any alternative community use and evidence of active, flexible and appropriate marketing of the site for community use has been provided.

Partial loss of floorspace through change of use will only be supported when the operational need of the community use requires less floorspace or in order to sustain the viability of the existing use by cross-subsidy, and robust evidence including marketing information and other information such as structural reports are provided to demonstrate that existing floorspace cannot be maintained.

(DM9) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

(DM9) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

We consider the changes proposed to be critical in securing Brighton's significant and renowned community and cultural infrastructure.

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

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

(DM1) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

(DM1) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM1) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

DM41 Polluted sites, hazardous substances & land stability

DM41 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

Yes

DM41 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

DM41 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

2.316 Re-use of polluted land and buildings

"After remediation land should be appropriate for the proposed use...."

I support the policy, but suggest the word "should" needs to be changed to "shall" to make this a binding obligation.

2.317 When there is cause to suspect that a proposed development site is polluted

" Any desktop study, site investigation, remediation and verification work should be undertaken by a competent person/company...."

I support the policy, but suggest the word "should" needs to be changed to "shall" to make this a binding obligation.

DM41 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

See item 3 above

DM41 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

DM41 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

n/a

DM42 Protecting the Water Environment

DM42 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

Yes

DM42 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

DM42 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM42 Protecting the Water Environment

"Applicants will be required to demonstrate that capacity exists on and off-site in the sewerage network to serve the development or that occupation of the development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider, to avoid sewer flooding. "

I am concerned that if any upgrading of sewer infrastructure capacity is left until occupation of the development, it may be too late!

I believe there is a significant risk that the introduction of hundreds/thousands of new residential units and residents could overwhelm the City's existing sewer systems and that upgrade works could be very costly and disruptive. If this is the case, I think the adequacy of sewer capacity need to be assessed and upgrades planned before construction of these developments is started.

2.327 Applicants should liaise with Southern Water.....

Suggest changing "should" to "shall", to make this a more binding obligation

"In some circumstances, it may be necessary"

Suggest changing "may" to "will", to make this a more binding obligation

DM42 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

See item 3 above

DM42 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

DM42 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

n/a

DM44 Energy Efficiency and Renewables

DM44 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

Yes

DM44 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

DM44 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I generally support the policy and appreciate that much of the feedback from earlier consultations has been incorporated in CPP2.

However, to mitigate the effects of the impending climate emergency, I believe we need a more robust approach to energy efficiency.

I therefore believe that, in the case on new builds, words like "encourage" and "may" seem to be too aspirational and need to be changed to absolute requirements.

DM44 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

See item 3 above

DM44 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

DM44 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

n/a

SSA3 Land at Lyon Close, Hove

SSA3 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

Yes

SSA3 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

SSA3 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

SSA3 Land at Lyon Close, Hove

Should the retail warehouse unit nrs 1 and 2 Peacock Industrial Estate come forward for redevelopment, provision needs to be made in the City Plan for appropriate new accessible locations for these units.

"f. Development should provide for a mix of dwelling type, tenure and size to cater for a range of housing requirements and to improve housing choice (see Policy

CP19);"

Suggest changing "should" to "shall", to make this a more binding obligation

"h. Occupation of development will be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider; and"

I believe that the need for any sewerage network reinforcement needs to be assessed and any infrastructure improvement works planned and implemented before planning consent for further redevelopment is granted.

"3.27 A coordinated masterplan approach"

I question the statement that the site allocation as being potentially suitable for taller buildings, especially if this results in excessive massing, density, shading, visual impact and lack of open spaces.

"3.31 potential for land contamination"

Suggest changing "should" to "shall", to make this a more binding obligation

SSA3 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

See item 3 above

SSA3 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

SSA3 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

n/a

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

Yes

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

Justified

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

In view of the requirements set out in DM37 and DM38, the need for biodiversity, the preservation of irreplaceable habitats and public open spaces in an increasingly congested City, I believe it is hard to justify the inclusion of the following sites in the CPP2:

- Site 30
- Site 32
- Site 32a
- Site 33

It seems a high price to pay for a potential 75 dwellings.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

See item 3 above

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

n/a

Response ID ANON-8ZMD-Y4Y4-WSubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-28 18:44:09

Your details

What is your name?

[REDACTED]

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

Organisation:

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

1. It is contrary to paragraph 174 of the National Planning Policy Framework.
2. The inclusion of this phrase represents a considerable weakening of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.
3. The inclusion of this phrase would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site.
4. The ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion.
5. The inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Whitehawk Hill Local Nature Reserve should be added to the list of sites for designation as Local Green Space.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

I am interested to hear the process with which a conclusion will be reached on this matter and I have lived in the area for 20 years and in that time I have seen how important Whitehawk Hill is as an open space and place for wildlife and nature to prosper on the edges of the urban city which as a community space is much loved and utilised.

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

. The choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment, from which the list in CPP2 is derived, is not supported by evidence to show why - and against the National Planning Policy Framework criteria - the sites selected were chosen and other sites, such as Whitehawk Hill Local Nature Reserve, were excluded.

. Paragraph 2 293 of the CPP2 justifies the designation of the four Local Green Spaces - because they act as 'important green wedges into the urban area' and it is very clear that Whitehawk Hill very much meets this objective.

. The choice of sites and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent with

national policy, as it excludes a site which would meet the designation criteria.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The changes I consider necessary to make the policy legally complaint and sound would be to add Whitehawk Hill Local Nature Reserve to the list of sites for designation as Local Green Spaces.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Positively Prepared, Effective, Justified

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

LAND AT AND ADJOINING BRIGHTON RACE COURSE

I object to the allocation for development of this area for the following reasons;

. in the 1822 /Tenantry Down (common) enclosure deed it states that the successor owner of the 'Race Ground' should not break up, convert into tillage, or divide the ground in any way and that this area be for the general use of the inhabitants of Brighton and the public for the purpose of racing and any other purposes of exercise. These same conditions were reiterated in the 1888 Indenture when the 'Race ground' was purchased by Brighton Corporation.

. The delivery of a net gain to biodiversity which is required by paragraph 170 fo the National Planning Policy framework will not be achievable.

. It is also not justified because the ecological evidence in the Urban Fringe Assessments - is out of date and therefore this undervalues the importance of the sites biodiversity and its Local Nature Reserve designation.

. The justification to the CPP2 conclusion of 'no significant impact' is not correct.

. The wildlife area of Whitehawk Hill would be significantly impacted on and the integrity of the Local Nature Reserve would be fragmented affecting parts of the reserve between Warren Road/Wilson Avenue and Manor Hill and the report of 2014 by Urban Fringe Assessment states that 'provision for the biodiersity assets MAY help to create new habitats and contr bute to habitat connectivity and so helping to mitigate significant negative effects'.

. No consideration or assessment has been made on the impact development on this allocation would have on the historic gorse scrub habitat and all the dependent species which includes the breeding population of the Red Listed bird species and Species of Principal Importance - the Linnnet , identified as using the gorse scrub in breeding bird surveys undertaken in 2019.

. Does not consider the impact that development of this site would have on many invertebrate which have been recorded recently within or close to the allocation. These include brown-banded carder bees and small heath, samm1 blue, dingy skipper, wall and brown hairstreak butterflies.

. Errors and omissions such as wrongly identifyig the Priority Habitat/Habitat of Principal Importance as semi-improved neutral grassland in the Phase 1 Habitat Survey, and wrongly reommending tree planting a a mitigaition measure, where the priority in this area is the conservation of open habitats, such as grassland. These erors undermine the credibility of the evidence of the Urban Fringe Assessments as well as their conclusion.

The development is not justified because is is framed in terms of its impact on the National Parks setting and views but did not consider effects within the local visual catchment such as views along Whitehawk Hill from the south and north as well as from the valley below. Although existing tower blocks impinge upon these views, the views are in many places still uninterrupted.

The evidence in the Urban Fringe Assessments did not acknowledge the result of development as intrusive of a residential landscape upon what at the moment is a semi-natural landscape which would reduce its strong feeling of naturalness.

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

. There will be loss of Open Space and this is not consistent with statements in CPP1 which looks to increase the amount of accessible land adjacent to the urban area (AS5 The Setting of the South Downs National Park, 3.170)

. It will interfere with the positive work of community volunteers on this site, who have been working with the councils Ranger Service to conserve and restore Priority Habitats/Habitats of Principal Importance in the Local Nature Reserve and this would in turn lead to the degradation of the rest of the Local Nature Reserve.

For many of the above reasons the plans are not effective because local councillors from all the main parties in the city have said they will not support any development of this site.

LAND AT SOUTH DOWNS RIDING SCHOOL AND RESERVOIR SITE AND LAND NORTH OF WARREN ROAD (INGLESIDE STABLES)

. These sites are open countryside on the edge of a current built up area of the city and therefore the residential development would be isolated and the National Planning Policy Framework advises against giving consent for new and isolated homes in the countryside. This is reinstated in CPP1 (3.16.1)

. The sites are in sensitive elevated locations close to the top of a ridge and close to the National Park Boundary and any development of these sites would have a negative impact on landscape character - contrary to the evidence in the Urban Fringe Assessments. The South Downs National Park Local Plan states:

'Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:....3. The settlement pattern and individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.'

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

. Loss of these farmsteads/buildings to housing will create a knock-on pressure for new replacement buildings within this landscape because residual 'bare land holdings' (without buildings) will require such infrastructure and a dangerous precedence would be set for further development on this open, high, greatly inter-visible Downland ridge which is between Brighton and Woodingdean and between the National Park, Bevendean Down and Whitehawk Hill LNRs, and this would further erode its present character.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I would suggest that you delete:

1. Land at and adjoining Brighton Race Course

and

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

from the list of allocations in policy H2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

I have been a resident [REDACTED] for 20 years and I walk on Whitehawk Hill and all the surrounding areas virtually every day and the views are stunning and I appreciate the biodiversity of the land during all of my walks on all of the surrounding areas including north of Warren Road where there is a track leading to Woodingdean and the South Downs walk along to Lewes and beyond. The track along there has important views over to Hollingbury and northeast of Brighton.

Because of the importance this area holds for biodiversity and therefore for all of us - I would like to participate in the hearing sessions.

Response ID ANON-8ZMD-Y4YB-BSubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-28 19:19:26

Your details

What is your name?

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

Organisation:

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted**Date Response Submitted:**

Not Answered

City Plan Part Two - Part One - Introduction

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

Comments on the Introduction of CPP2:

Ref. H1toH3 and E1.pdf sites 32, 32A & 33 page 180

With the ever increasing demands on water supply in the South East of England due to housing developments, it makes no sense whatsoever, to propose building on a valuable chalk aquifer reservoir. Especially when the site is too small to support enough units to make this justifiable. Surely we need to retain all the water supplies we currently have in order to support future housing.

It also seems senseless to destroy several successful local businesses that employ local people, some of which have existed for many decades. There are already too many people losing their jobs, with our current situation,.

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

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

No

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

Effective, Justified

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I am referring specifically to sites 32 and 32A.

To deprive several long standing businesses of a future and their employees of employment, plus the destruction of the local environment for wildlife can never be reversed.

However, with the ever increasing demand on our natural resources, it is essential that we safeguard them rather than destroying them. To propose building on a chalk aquifer reservoir when water is becoming an increasingly scarce resource is very short sighted and I cannot see how this can be justified.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

At the very least, the reservoir should be removed from the City Plan to protect this precious resource

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I object to the inclusion of the statement in the policy (section C) 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites. It is in contradiction to paragraph 174 of the National Planning Policy Framework.

The inclusion of this phrase represents a concerning reduction of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2. The addition of this phrase would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site. The ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion. The inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposal on Locally Designated Sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Please take out the phrase unless allocated for development in the city plan from paragraph C.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

I wish for my views to be fully represented

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

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

1) Whitehawk Hill is reasonably close to the community it serves. It is accessible on foot from Whitehawk so meets this criteria.

(a) Beauty

There are iconic views of the sea from Whitehawk Hill.

(b) Historic significance

Part of the site has a neolithic site which is of National Importance a 5,500 year old Stone Age monument (a Neolithic Causewayed Enclosure) on Whitehawk Hill is a rare type of ritual monument (predating Stonehenge by around 500 years) and marks the emergence of Britain's first farming communities.

The land should provide a setting for, and allow views of, heritage assets or other locally-valued landmarks. It may be necessary to research historic records from the County Archaeologist or National or Local Records Office.

(c) Recreational value

The area is used by families, dog walkers, walkers and runners. It was an asset to the community during the national lockdown.

(d) Tranquility

The area is next to an area of deprivation and provides much needed contact with nature.

(e) Richness of wildlife

The area is already designated as a nature reserve.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Land at and adjoining Brighton Race Course

I object to the allocation at Land at and adjoining Brighton Race Course because-■The allocation is inconsistent with conditions in the 1822 Tenantry Down

(common) enclosure deed, which state that the successor owner of the 'Race Ground' 'shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'. These conditions were reiterated in the 1888 Indenture when the 'Race Ground' was purchased by Brighton Corporation. ■ Contrary to paragraph 174 of the National Planning Policy Framework. ■ Won't be able to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework. ■ Not justified because the ecological evidence in the Urban Fringe Assessments - is out of date and undervalues the importance of the sites biodiversity and its Local Nature Reserve designation - is insufficient to justify their conclusion of no significant impact with mitigation. - is inconsistent, for example the conclusion that impacts on this site can be mitigated is inconsistent with other statements in the same documents, for example the 2014 Urban Fringe Assessment, which states that 'provision for the biodiversity assets may help to create new habitats and contribute to habitat connectivity helping to mitigate significant negative effects', which is rightly more cautious and does not claim that negative effects can be mitigated. - did not consider or assess the impact development on this allocation would have on the integrity of the Local Nature Reserve, partly severing (fragmenting) a section at the centre of the core part of the reserve between Manor Hill and Warren Rd/Wilson Ave - did not consider or assess the impact development on this allocation would have on the historic gorse scrub habitat and its dependent species, including a breeding population of the Red Listed bird species and Species of Principal Importance linnet, identified as using the gorse scrub in breeding bird surveys undertaken in 2019 - did not consider or assess the impact development on this allocation would have on the important invertebrate assemblage that surveys indicate the area in and around the allocation supports. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site.' - did not consider or assess the impact development on this allocation would have on several invertebrate Species of Principal Importance which have been recorded in recent years within or close to the allocation, including brown-banded carder bee and small heath, small blue, dingy skipper, wall and brown hairstreak butterflies. - contains errors and omissions, such as, within the wider site, wrongly identifying the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland in the Phase 1 Habitat Survey, and wrongly recommending tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland. These errors undermine the credibility of the evidence of the Urban Fringe Assessments as well as their conclusions. ■ Not justified because - the evidence in the Urban Fringe Assessments in relation to landscape is framed wholly in terms of impacts of development on the National Park's setting and views, and did not consider such effects within the local visual catchment (within and adjoining LNR), for example of views along Whitehawk Hill from the south and north, as well as from the valley below. Although the existing tower blocks impinge upon these views, the views are in many places currently uninterrupted. - the evidence in the Urban Fringe Assessments did not recognise that development would result in the intrusion of a residential landscape into what is currently a semi-natural landscape, significantly reducing its strong sense of naturalness. - the evidence in the Urban Fringe Assessments did not consider the loss of statutory Access Land (which includes the whole of the allocation) that would be caused by development in this allocation. - it will result in a loss of Open Space, which is inconsistent with statements in City Plan Part 1 which seeks to increase, not decrease the amount of accessible land adjacent to the urban area (SA5 The Setting of the South Downs National Park, 3.170). ■ Will undermine the positive work of community volunteers on this site, who have been working with the councils Ranger Service to conserve and restore Priority Habitats/ Habitats of Principal Importance in the Local Nature Reserve, leading to the degradation of the rest of the LNR. ■ Is not effective because councillors from all main parties in the city have said they won't support development

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

'Delete Land at and adjoining Brighton Race Course

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Supporting Documents and Background Studies

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

SA comments box:

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

(DM1) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I object to the inclusion of the phase "Unless allocated for development in the City Plan.

This area that is on the City Plan is suppose to be a protected Nature Reserve. The inclusion of this phase represents weakening of the protection to our local site and ALL Wildlife sites compared with previous Draft of the City Plan.

The phase means that developments on allocations with designated sites would be permitted even if they have adverse effect on the site. We have collected a huge amount of ecological evidence for this site which I am sure the Council have not .

(DM1) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Taken off the phase "Unless allocated for development in the City Plan.

The Whitehawk Hill site should never have been put on the City Plan it is an ancient Monument older than Stonehenge.

(DM1) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

It is against paragraph 174 of the National Planning Policy Framework.

These words weaken the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.

It would mean that developments on allocations within designated sites would be permitted to go ahead even if they have a negative effect on the integrity of the designated site.

The ecological evidence in the Urban Fringe Assessments, which I assume is used to justify these words, is both out of date and insufficient to justify them. These words attempt to bypass the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Whitehawk Hill Local Nature Reserve/the vRcaecourse Landscape meets all the criteria for designation as Local Green Space, as listed in paragraph 100 of the National Planning Policy Framework, but isn't listed for designation in City Plan Part 2

The choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment is not supported by any evidence to show why, against the NPPF criteria, the sites selected were chosen and why other sites, like Whitehawk Hill LNR, were not chosen.

Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Spaces chosen because they are 'important green wedges into the urban area'. Whitehawk Hill is also a green wedge of this sort.

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

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add Whitehawk Hill LNR/Racecourse Landscape to the list of sites for designation as Local Green Spaces

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Land at and adjoining Brighton Race Course

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

- The allocation is against conditions in the 1822 Tenantry Down (common) enclosure deed, which state that the successor owner of the 'Race Ground' 'shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'. These conditions were restated in the 1888 Indenture when the 'Race Ground' was purchased by Brighton Corporation.
- Its against paragraph 174 of the National Planning Policy Framework.
- Won't be able to deliver the net gain to biodiversity required by paragraph 170 of the National Planning Policy Framework because of the damage that would be done to important habitats and species, as well as the integrity of the LNR, would not be able to be mitigated
- Not justified because the ecological evidence in the Urban Fringe Assessments -
 - o is out of date and doesn't sufficiently value the importance of the sites biodiversity and its Local Nature Reserve designation
 - o is insufficient (e.g. a flawed Phase 1 habitat survey) to justify their conclusion that there would be no significant negative impact with mitigation.
 - o is inconsistent. For example the conclusion that negative impacts on this site can be mitigated is inconsistent with a statement in the 2014 Urban Fringe Assessment, which said that 'provision for the biodiversity assets may help to create new habitats and contribute to habitat connectivity helping to mitigate significant negative effects', which is much more cautious and does not claim that negative effects can be mitigated.
 - o did not discuss the impact development on this allocation would have on the integrity of the Local Nature Reserve, partly cutting through a section at the centre of the centre the reserve between Manor Hill and Warren Rd.
 - o didn't discuss the impact development on this allocation would have on the gorse scrub habitat and the species that live in it, including the Red Listed bird species and Species of Principal Importance linnets, which was shown to be using the gorse scrub in a breeding bird survey carried out in 2019
 - o didn't discuss the impact development on this allocation would have on the important insects that surveys found in the area in and around the allocation site. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site'.
 - o didn't discuss the impact development on this allocation would have on several insect Species of Principal Importance which have been recorded in recent years in or close to the allocation site, such as brown-banded carder bee and small heath, small blue, dingy skipper, wall and brown hairstreak butterflies.
 - o includes errors, such as, in the Phase 1 habitat survey wrongly identifying the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland, and wrongly suggesting tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland. These errors undermine the credibility of the evidence in the Urban Fringe Assessments as well as their conclusions.
- Not justified because -
 - o the evidence in the Urban Fringe Assessments in relation to landscape is made almost entirely in relation to impacts of development on the National Park, and did not consider effects within the local area (for example within and adjoining the LNR), for example views along Whitehawk Hill from the south and north, as well as from the valley. Although the existing tower blocks have an effect on these views, they are still enjoyed by many local people.
 - o the evidence in the Urban Fringe Assessments didn't discuss the fact that development on this site would put a residential area into what is currently a natural landscape, destroying its sense of naturalness.
 - o the evidence in the Urban Fringe Assessments didn't discuss the loss of statutory Access Land (which includes the whole of the allocation) that would be caused by development in this allocation.
 - o it will result in a loss of Open Space, which is against statements in City Plan Part 1 which try to increase, not decrease the amount of accessible land adjacent to the urban area. This natural open space is of particular importance as it is adjacent to, and heavily used and enjoyed by people from Whitehawk, one of the most deprived communities in the area.
- It will undermine the good work of community volunteers in the LNR, who have been working with the councils Ranger Service to conserve and restore habitats, and so it would lead to lack of management of the rest of the LNR.
- Is not effective because councillors from all the main parties in the city have said they won't support development of the site.

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

- These sites are separated from the edge of the built up area of the city so their development would create new residential developments in open countryside. The NPPF advises against giving permission for new and isolated homes in the countryside and this is also said in City Plan Part 1 (3.16.1). Although these allocations are not for single homes they are still within the spirit of the NPPF guidance.
- The evidence on landscape impact of development of these sites in the Urban Fringe Assessments was inadequate. The sites are in sensitive locations on the top of a ridge and next to the National Park . Development of these sites would have a negative impact on landscape character. The South Downs National Park Local Plan (Strategic Policy SD4: Landscape Character) states 'Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that: ... 3. The settlement pattern and individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.'
- Effects on some important views weren't discussed in the Urban Fringe Assessments. For example the western part of the allocation at Land north of Warren Road (Ingleside Stables) is on greenfield land immediately to the north of the well-used track which runs parallel with Warren Road. Development of this site would block this important view looking north from the track and from Warren Road.
- Loss of the buildings to housing will create knock-on pressures for new replacement buildings within the area because the remaining businesses will require such buildings.
- Allocation and development of these two sites would set a dangerous precedent for further development in this green gap between Brighton and Woodingdean), which would further damage it's character.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete the following sites from the list of Urban fringe housing allocations -

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

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

I am a resident [REDACTED].

We have been told over the years that Whitehawk is an area of deprivation and the area is overcrowded. Many residents are on benefits or very low incomes and many have poor physical and mental health issues. We need to improve the area not make it worse.

There is very bad infrastructure with only 1 main road in with small roads leading out.

Rain water gushes down the footpath dread to think what would happen if a road was built.

Cars already park on pavements and Green spaces.

There are many rare plants and Wildlife. More than 2000 reptiles were relocated here from another area in 2018.

Whitehawk residents should not be forced to choose between their Green Environment and the right to a home We deserve both. There is plenty of Brownfield sites without using our Greenfield sites.

Please do not destroy our unique and precious Nature Reserve Protect our area.

I appeal to you on behalf of the residents living in this beautiful area please take it OFF the City Plan

Response ID ANON-8ZMD-Y4US-RSubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-29 10:54:53

Your details

What is your name?

[REDACTED]
 [REDACTED]

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

Organisation:

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

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

No

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

No

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

No

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I am extremely concerned about the following wording: 'Unless allocated for development in the City Plan...' found in the paragraph dealing with Locally Designated Sites.

Firstly, it contradicts paragraph 174 of the National Planning Policy Framework.

Secondly, this will undermine the incredibly necessary protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) in the 2005 Local Plan and the previous Draft City Plan Part 2. This would be an irreversible tragedy which needs to be stopped now as this wording would allow developments to go ahead even if they have an adverse effect on the integrity of the site.

Thirdly, the ecological evidence cited in the Urban Fringe Assessments, which appears to be used to justify the inclusion of this phrase, is out of date and does not justify its inclusion.

Fourthly, this wording circumnavigates the vital due process of thoroughly assessing the ecological impact of development proposals on Locally Designated Sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

There is no evidence as to why Whitehawk Hill LNR was not chosen in the 2014 Urban Fringe Assessment, from which the list in City Plan Part 2 is derived. It is not clear how the NPPF criteria were used to select certain sites but not Whitehawk Hill. Indeed, Whitehawk Hill clearly meets the objective listed in paragraph 2.293 of the City Plan Part 2 as acting as an 'important green wedge(s) into the urban area'.

The choice of sites, and specifically the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent

with national policy. This is a site which meets the designation criteria, yet has been excluded.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Whitehawk Hill Local Nature Reserve should be added to the list of sites designated as Local Green Spaces. This will be for the benefit of the whole community and the local wildlife.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Land at and adjoining Brighton Race Course:

The 1822 Tenantry Down (common) enclosure deed, clearly states that the owner of the 'Race Ground', 'shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'. This was underlined in 1888 when the 'Race Ground' was purchased by Brighton Corporation.

The ecological evidence in the Urban Fringe Assessments is out of date and fails to capture the full importance of the sites biodiversity or assess the impact this development would have on the historic gorse scrub habitat and its dependent species, including the Red Listed bird species and Species of Principal Importance as noted in bird surveys from 2019.

Tree planting has been cited as a mitigating measure, however the priority in this area is the conservation of open habitats, such as grassland. These errors negate the conclusions drawn.

Further, this policy will undermine the efforts of community volunteers who have contributed much to this site by restoring priority habitats in the Local Nature Reserve.

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

Given that these sites are not connected to the built up area of the city, their development would create isolated developments in open countryside. The NPPF advises against giving consent for new and isolated homes in the countryside, advice which is restated in City Plan Part 1 (3.16.1).

The landscape impact of developing these sites given in the Urban Fringe Assessments was inadequate and insufficient. Given the sensitive elevated locations

and adjacent to the National Park Boundary, development would significantly and negatively impact the landscape character.

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

Were these two sites to be developed, in addition to the current damage, there would be a dangerous precedent set for future developments on an important ecological with much character.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Response ID ANON-8ZMD-Y4YR-U

Submitted to City Plan Part Two (Proposed Submission)
Submitted on 2020-10-29 11:15:13

Your details

What is your name?

[Redacted Name]

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

Organisation:

[Redacted Organisation Name]

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM35 Travel Plans and Transport Assessments

DM35 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

DM35 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

DM35 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

CPP2 was prepared negligently, it failed to check existing transport congestion levels and as a result forecast impossibly low congestion levels for 2030, concluding incorrectly that the target number of new homes could be developed sustainably.

This error would not have happened had it followed the relevant DfT guidelines for transport assessment.

*** This is explained and justified in the attached document ***

CPP2 is NOT LEGAL as it does not provide a suitable assessment of sustainability and did not follow the relevant DfT guidance for transport assessments.

It is NOT SOUND as it is

Not positively prepared - the plan is not prepared in a way that meets the need for housing and other development, as it does not satisfy the need to achieve this sustainably.

Not justified – did not provide EVIDENCE to support its key incorrect assumptions about congestion.

Not effective - the plan is not DELIVERABLE; the housing and other development cannot be carried out (sustainably).

Not consistent with national policy - the plan does not ENABLE SUSTAINABLE DEVELOPMENT and is not CONSISTENT with the POLICIES in the National Planning Policy Framework (NPPF-2019), Paragraphs 7-9.

###

---Note --- This means other CPP2 Appraisals that relied on the transport assessment for their congestion and related traffic data, such as the Sustainability Appraisal (3.5 air quality and transport), the Transport Topic Paper and the Systra A27 CPP2 TRANSPORT IMPACT ANALYSIS, are also NOT SOUND and may be NOT LEGAL making them open to judicial challenge.

Worryingly, the Systra dialogue with Highways England re the safety concerns due to East Slip Road congestion at the A27 Falmer Road Interchange, did not consider the increased Falmer Road congestion, a problem identified in the studies for CPP1.

DM35 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

CPP2's DM35 Travel Plans and Transport Assessments could be made LEGAL by re-doing the transport assessment in accordance with DfT Guidelines.

Taking congestion measurements at a dozen of the main pinch points should suffice, providing they used traffic measurements on days that meet the DfT's criteria (mid-week in neutral months etc.), though finding traffic data unaffected by Covid-19 could be challenging.

The model should then be rerun with that traffic data to show it is sensible, and then rerun with the estimated traffic data for 2030 to confirm the plan meets the sustainability criteria.

However it will still not be SOUND if, as seems inevitable, the corrected assessment shows congestion will be too high to support sustainable development of so many new homes.

To make it sustainable the excess congestion would then need to be tackled. There are several methods, a pinch point reduction program would probably be the quickest and least expensive, but success would not be guaranteed and meeting the 2030 timeframe may be difficult.

DM35 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

DM35 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Serious errors somehow escaped the attention of B&HCC and any consultants they used, yet they were quickly obvious to someone with local knowledge who understands forecasting and the DfT Guidelines and has experience spotting what the DfT calls "optimism bias".

This inspires no confidence that any B&HCC corrections and revisions will be robust.

The chances of the development targets being met sustainably, will be much enhanced if further errors are picked up earlier rather than later, when it may be too

late.

I believe I can contribute to that and would like to do so.

H2 Housing Sites – Urban Fringe

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

Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables), Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm, Land adjacent to Ovingdean and Falmer Road, Ovingdean, Land at former nursery, Saltdean, Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean, Land west of Falmer Avenue, Saltdean

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Please see comments on

DM35 Travel Plans and Transport Assessments

The local transport infrastructure has not been shown to be able to contain the developments sustainably.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Fix DM35 Travel Plans and Transport Assessments

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Supporting Documents and Background Studies

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

SA comments box:

As noted in DM35 Travel Plans and Transport Assessments

There is a lack of evidence for the assumptions made in the material concerning transport assessment/congestion and its drivers, also a lack of evidence to show DfT guidelines were known and followed (verification, baseline checks etc.)

No recent congestion measurements were published at all, even though major transport interventions have taken place since the CPP1 STA 2013 was published (e.g. at North Street, Lewes Road, the Vogue Gyratory ...)

This was adequately covered in comments on DM35 Travel Plans and Transport Assessments and the attached PDF but is noted here for completeness

Upload Supporting Information to your representation(s)

Do you have any supporting information to add to your submission?

upload box:

CPP2 Transport Briefing Oct 2020.pdf was uploaded

CPP2 committed one of the cardinal sins of modelling and forecasting, it relied on obsolete data (and forecasts). This is akin to using a 2015 long range weather forecast to check if it will rain tomorrow!

This transport assessment made unsupported assumptions that proved to be incorrect and have a major impact on CPP2's forecasts, that is, it is not SOUND. Why it fails 3 if not 4 of the criteria for being SOUND should become obvious, but an oversimplified explanation is given at the end of this submission

This problem would have been spotted had CPP2 followed DfT guidelines, so it is also not LEGAL. This may mean things that used its faulty forecasts (like the Sustainability Appraisal) are also not LEGAL.

It is assumed the mechanics of the error are of limited interest to an Inspector, but that not following guidelines is important and that the size of the error threatens the successful execution of the plan.

The error lies in how CPP2 forecasted traffic congestion in 2030, which was needed to ensure the plan's additional developments' traffic could be absorbed sustainably (as per NPPF Paragraphs 7, 8 & 9).

The nature of the error. Part 1. Introduction.

As traffic congestion increases, the adverse economic, social and environmental impacts of additional traffic increase, reducing how much more traffic (e.g. new homes) can be added sustainably. Forecasts for City congestion underpin how CPP2 shows the 2030 development targets can be met sustainably.

Congestion at a road or a junction is the volume (V) of traffic that wants to use it, divided by the Capacity (C) available to carry it, often written as a Ratio V/C or more simply VCR. Congestion increases if the volume of traffic increases or if the capacity decreases (e.g. by narrowing a road).

The DfT Transport Assessment Guidance (TAG) Unit M1.1 Principles of Modelling and Forecasting sets out how forecasting should be done and the types of traffic data and checks that are essential.

The nature of the error. Part 2. Omitting essential checking.

CPP2 took CPP1's congestion forecasts for 2030. It then made adjustments to reflect changes in the allocation of new homes (and hence in the traffic they generate) in order to check that CPP1's forecast (that building the extra homes would be sustainable at 2030's congestion level) was still valid.

Superficially this sounds reasonable, however this approach (See STA Section 8) did not cater for congestion rising for reasons other than increased traffic volumes, that is, it made an assumption for which it gave no evidence, that is very wrong and that took a risk the DfT explicitly cautions against.

Specifically, it takes for granted that congestion in 2019 had risen in line with CPP1's forecast and no changes (such as North Street!) had reduced road capacity and thereby increased congestion.

This is inexcusable. By 2017 some congestion had already risen to the level forecast for 2030 and there was abundant evidence that this was due to reduced road capacities. **As in some other UK cities, congestion in recent years has grown more from reduced road capacities than from increased traffic.**

A correct procedure that complies with DfT guidelines would have been to re-run CPP1 with 2019 traffic data to check it had "forecast" 2019's congestion level correctly (using the DfT's GEH statistic.)

The DfT Guidelines on Transport Forecasting

You cannot measure 2030's traffic in 2020 to check your forecast, but what you can do is check your forecast for 2019 was accurate enough. This principle underpins the DfT guidelines, with details on the kind of traffic data to collect, when to collect it and what counts as accurate enough (GEH statistic.) .

The DfT Transport Assessment Guidance (TAG) Unit M1.1 Principles of Modelling and Forecasting Section 2.3.4 warns that over time things change in ways you won't predict, so in order for a forecast to be treated as **sensible**, it must take into account such unexpected changes.

*2.3.4 There is a risk that model may not be realistic or **sensible** due to the error around the model parameters used, or limitations in the extent to which the model can represent human behaviour. Therefore, before using any mathematical model, it is **essential** to check that it produces credible outputs consistent with observed behaviour. **This is usually done by running the model for the base year (either the current year or a recent year), and:***

- *comparing its outputs with independent data (validation);*
- *checking that its response to changes in inputs is realistic, based on results from independent evidence (realism testing); and*
- *checking that the model responds appropriately to all its main inputs (sensitivity testing).*

As CPP2 did not run such checks as those outlined above, it cannot be treated as sensible.

Errors of the size outlined in the next section should be no surprise if you run a forecast to 2030 using 2010 data without checking if you have run into some limitation or changes you did not anticipate.

As the DfT put it, the results may not be **sensible**!

To use 3 year old data would be questionable, but relying on 10 year old measurements is shocking.

The scale of the error.

Ideally, the scale of the error would be calculated by running CPP1's model for the current or a recent year and comparing it with that year's real world measured congestion and traffic measurements.

As the models were only run for 2030, that rigorous standard method cannot be used.

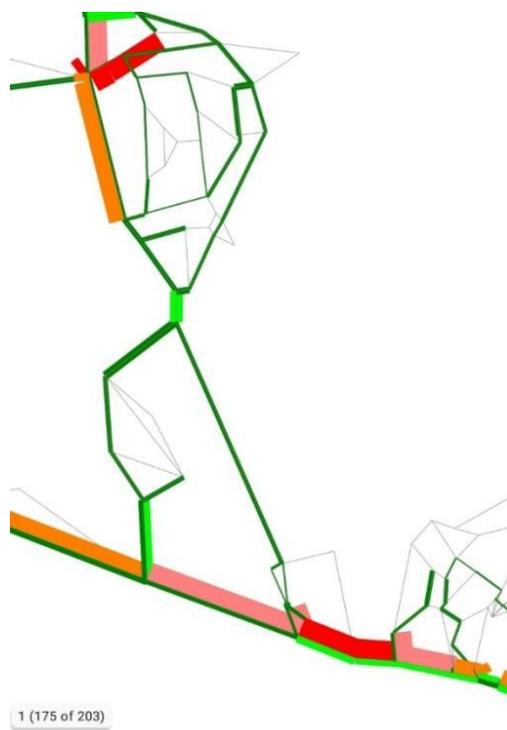
However by comparing the 2030 forecast congestion with recent measured congestion, we may be able to appreciate the scale of the error, if it is sufficiently large.

In 2017 there was suitable independent traffic data available for one of the main congestion hot spots, so this is examined below.

The relevant CPP1 documents are the 2013 Strategic Transport Assessment STA and its 2014 Addendum.

STA (Appendix F) shows the forecast "congestion maps" for 2030, colour coding the congestion levels on a simplified road map. Black means unacceptable, Dark Red marginal etc.

Below is an example. Further below is the bottom right corner portion of that City 2030 evening map (from Woodingdean to the A259 at the coast) for the highest congestion scenario, expanded for clarity with the colour key. (more A259 context is given in the CPP1 STA Para 8.46 to 8.48)



At the bottom going from the left, we first see the A259 West of Greenways (VC/R between 0.75 and 0.85), then the A259 from Greenways to *Rottingdean* High Street (VC/R between 0.85 and 1.00) and then the A259 just East of the High Street (VC/R between 1.00 and 1.25).

Queues would not normally be expected before congestion exceeds 0.85, so the big queue at Greenways which B&HCC believe merits introducing a new bus lane, tells us something is seriously wrong.

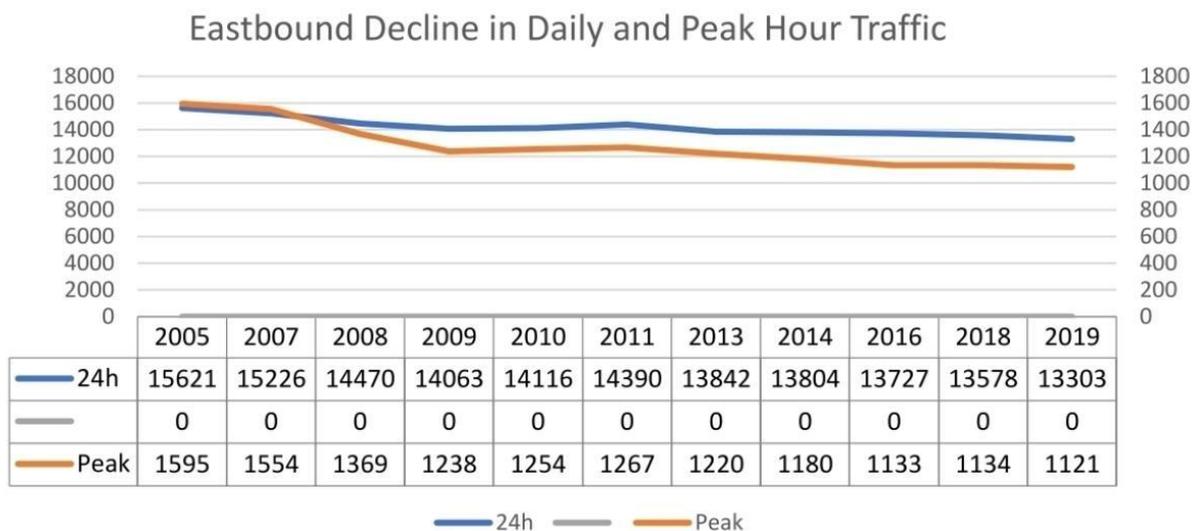
In 2017 higher congestion than above was recorded at two of these locations and the third had already reached VC/R 1.19, its growth rate suggesting that staying below 1.25 in 2030 was extremely unlikely.

If the error is so great that some forecast 2030 congestion levels were already reached or exceeded in 2017, it is extremely unlikely that the 2030 “plan” can be executed.

Caveat. This looked at just one of the many congestion hotspots in the City, chosen as suitable traffic data was available. It may be that others are worse or better than this. Knowing the cause of the growth in congestion (and it wasn't increased traffic volumes!) it is my opinion that the problem is widespread.

(The DfT's DMRB Traffic Capacity for Urban Roads V5 S 1 Part 3 gives things which affect road capacity, from which it is not difficult to identify the main sources of this problem)

Below is a chart of year on year traffic counts (extracted from ATC614 on the A259 just East of Rottingdean Junction). The peak hour count declines year on year, which as there are long queues, says Capacity is falling. This increases congestion unless there is a corresponding fall in the traffic volumes.

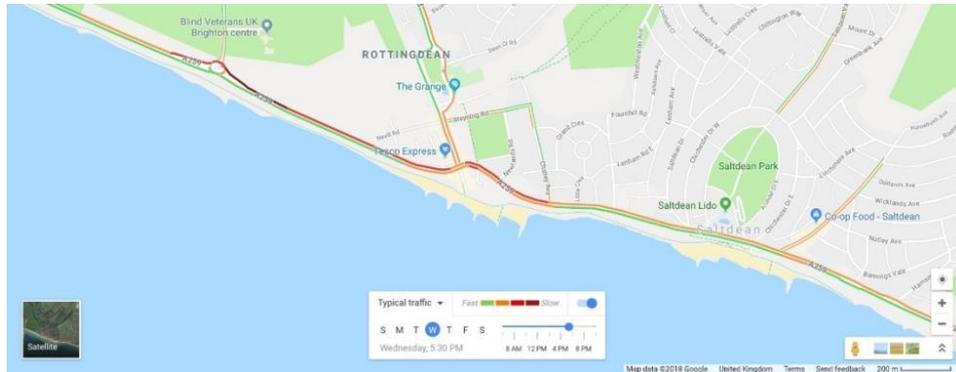


Though it is not important to the above submission, it is interesting to see confirmation from independent data that Road Capacity has been falling, which CPP2 assumed was constant.

The ATC614 source data is available if required, but as the file has around 1m data counts, its PDF form exceeds the 25mb limit for online submissions, so submission as an xlsx file may be preferable.

Why use the A259 near Rottingdean and 2017 data?

There is a wealth of “official” traffic data available for this area in most years between 2010 and 2019 (such as ATC614 as illustrated above) from which it is easy to estimate congestion and plot its trend, plus useful “unofficial” data such as the Google congestion map below and many planning applications.



However congestion estimates should be supported by professional measurements performed to DfT standards, and it was only in late 2017 that such a survey was available.

Observations on Sustainability and SOUND

It should be obvious the above means CPP2 is not SOUND, but a few non technical words may clarify the criteria for SOUND and the NPPF definition of Sustainable Development and its overarching principles.

From a Transport perspective, sustainable development must leave the transport infrastructure in a state where it is still usable and hasn't compromised the future. Congestion is the key indicator of critical overload, when unacceptable damage is inflicted on the economy (costly delays to people and businesses), or society (isolation and stress during travel) or the environment (CO2, NO2, PMx, etc).

For CPP2's developments to be sustainable, they must meet that criteria. As congestion rises so the amount of new development that is sustainable falls, threatening the execution of the plan to build the target number of new homes. That is, the higher congestion rises, the harder CPP2's challenge becomes.

The SOUND criteria that CPP2 must be tested against, are mostly about whether the development target can be met in the 2030 timeframe without sacrificing sustainability. Clearly by underestimating 2030's congestion so badly, CPP2 failed to satisfy that criteria. Perhaps with transport interventions it could do more, but CPP2 is time boxed with no such interventions planned.

SOUND also requires CPP2 to be justified with proportionate evidence. There is no need for CPP2 to repeat the entire evidence collection and analysis of CPP1, that would not be proportionate. However evidence is still needed, such as real world measurements to show CPP1's forecasts proved safe several years later, which must include congestion (or road capacity measurements) as well as traffic volumes.

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites should not be included. These sites should be protected, as outlined in paragraph 174 of the National Planning Policy Framework.

This protection is increasingly important with the current climate and biodiversity emergencies.

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

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

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

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

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites should not be included.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

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

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

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

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Include Whitehawk Hill LNR on the list of sites for designation as a 'Local Green Space'

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The allocation is not consistent with national policy because it is contrary to paragraph 174 of the National Planning Policy Framework and won't be able to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework

The policy is not justified or effective because the ecological evidence in the Urban Fringe Assessments is out of date and undervalues the importance of the site's biodiversity and its Local Nature Reserve designation. It did not consider or assess the impact development on this site would have on Whitehawk Hill Local Nature Reserve by causing significant fragmentation, habitat loss and impacts on important bird and invertebrate species, including brown-banded carder bee and small heath, small blue, dingy skipper, wall and brown hairstreak butterflies.

Development on this site also undermines the positive work of community volunteers on this site, who have been working with the Council's Ranger Service to conserve and restore the Local Nature Reserve.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Land at and adjoining Brighton Race Course should be removed from the list of allocations

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The phrase 'unless allocated for development in the City Plan' at the beginning of the para dealing with Locally Designated Sites is: contrary to para 174 of the National Planning Framework; its inclusion would mean that developments on allocations within designated sites could go ahead even if they have an adverse effect on the integrity of the site; the ecological evidence used to justify the inclusion is insufficient and out of date; the inclusion pre-empts the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites .

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

N/A

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Whitehawk Hill LNR meets all the criteria for designation as Local Green Space as listed in the National Planning Policy Framework and there is no evidence in the 2014 Urban Fringe Assessment, from which the City Plan Part 2 list is derived, to support its exclusion from the list of those sites suggested for such designation. The choice of sites and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified or consistent with national policy .

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

N/A

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

it would be inconsistent with the near 200 year old deeds which state that the public should have use of the land for the Race Ground for the purposes of racing...and ...exercise and diversion.'

it contravenes para 174 of the NPPF

it won't improve biodiversity as required by para 170 of the NPPF

It is not justified because the ecological evidence used in the Urban Fringe Assessments was out of date as stated earlier

did not take account of the fact that the LNR would be partly fragmented

did not consider the impact that development would have on rare species of bird and invertebrates and their habitat

contains errors and omissions such as recommending tree planting when the priority here is to conserve open habitats, such as grassland

It is also not justified because the evidence in the Urban Fringe Assessments did not recognise how development here would intrude onto a semi-natural landscape, would result in the loss of statutory Access land and a loss of Open Space which is inconsistent with the stated aims of City Plan Part 1 which sought to increase not decrease the amount of accessible land adjacent to the urban area.

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

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete land at and adjoining Brighton Race Course from the list of allocations in policy H2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

N/A

Response ID ANON-8ZMD-Y4UY-XSubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-29 14:16:22

Your details

What is your name?

[REDACTED]
 [REDACTED]

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

Organisation:

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

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

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

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

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I am very concerned that including the phrase "Unless allocated for development in the City Plan ..." at the beginning of paragraph dealing with Locally Designated Sites (including both LNRs and LWSs) is a significant stepping back from the protections in the previous City Plan and the draft of this Plan Pt2.

This is very likely to result in development happening on these valuable sites even though their ecology & amenity value will be damaged as a result.

I understand that the information in the Urban Fringe Assessments that will be used to make these decision is not always up to date nor is is complete.

Finally that this proposed policy does not reflect para. 174 of the National Planning Policy Framework

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I consider it necessary to delete the phrase "Unless allocated for development in the City Plan ..." from the beginning of the paragraph dealing with Locally Designated Sites

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I have a particular concern about Whitehawk Hill LNR not being proposed for designation in the City Plan Part 2 as I think it meets all the criteria for designation as a Local Green Space when you compare to paragraph 77 of the NPPF.

4 other Local Green Spaces are proposed in the City Plan to be designated as "important green wedges into the urban area" Yet it can be argued Whitehawk does the same.

This issue seems to stem from Whitehawk not being included in the 2014 Urban Fringe Assessment list as being suitable for designation. Yet it was not made clear then why this was the case and the same thing is happening again with insufficient justification .

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Designate Whitehawk Hill LNR as a Local Green Space in the City Plan and add it to the list

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Land adjacent to Brighton Race Course

* Contrary to para 174. of NPPF

* Won't be able to deliver net biodiversity gain consistent with para. 170 of NPPF

* Is based on out of incomplete and out of date ecological evidence in the Urban Fringe Assessment 2014

* Seems very unlikely that local councillors will vote for development given local community support for the LNR and the commitment of volunteers who have been helping to restore the site

Land at South Downs Riding School & Reservoir site & Land north of Warren Rd

* New and isolated homes in open countryside again is against consistent with NPPF

* Impact on views of this very visible ridge site - this creates a dangerous precedent & close to the SDNP boundary

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Exclude the following sites from the allocations list in H2 :

Land adjacent to Brighton Race Course

Land at South Downs Riding School & Reservoir site

Land north of Warren Rd

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I object to the phrase 'unless allocated for development in the City Plan' at the start of the paragraph dealing with Locally Designated Sites, as this represents a weakening of the protection given to previous local nature reserves and wildlife sites, and suggests a pre-emption of the due process of evaluating ecological impacts.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I suggest you remove the phrase 'unless allocated for development in the City Plan' at the start of the paragraph dealing with Locally Designated Sites.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

- It fails to uphold the 1822 Tenantry Down (common) enclosure deed and 1888 Indenture, which reserve the area for racing, exercise and diversion.
- It is unjustified by the Urban Fringe Assessments because the ecological evidence did not consider the impact on the historic gorse scrub habitat and dependent species including the linnet, which is Red Listed and a Species of Principal Importance, nor the impact on the integrity of the Local Nature Reserve; and undervalues the value of biodiversity, including precious Invertebrate Species of Principal Importance brown-banded carder bee, and brown hairstreak, dingy skipper, small blue and small heath butterflies.

I object to the allocation of Land at South Downs Riding School and Reservoir Site and Land north of Warren Road (Ingleside Stables) because:

- Development would create isolated housing sites in open countryside, having a significant negative impact on the character of the landscape of the South Downs National Park.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I suggest you delete 'Land at and adjoining Brighton Race Course'; delete 'Land at South Downs Riding School and Reservoir Site' and 'Land north of Warren Road (Ingleside Stables)' from the proposed allocations in policy H2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Response ID ANON-8ZMD-Y4UA-6Submitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-29 16:03:27

Your details

What is your name?

[REDACTED]

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

Organisation:

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

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

No

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

No

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

No

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I cannot agree with your inclusion of the phrase 'Unless allocated for development in the City Plan...' in the section dealing with Locally Designated Sites. This is inconsistent with paragraph 174 of the National Planning Policy Framework.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete this phrase.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Whitehawk Hill Local Nature Reserve would appear to meet all relevant criteria for designation as a Local Green Space as described in paragraph 77 of the National Planning Policy Framework, but it is not designated as such in City Plan Part 2.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

For full compliance you must reasonably add Whitehawk Hill Local Nature Reserve to the list of sites designated Local Green Spaces.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The Local Nature Reserve on land at Brighton Race Course will be seriously fragmented as a result of this allocation. Evidence presented in the Urban Fringe Assessments does not properly consider the damaging effect of this for biodiversity. As a result it will not be possible to ensure any 'net gain' is delivered.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Change the list of allocations in policy H2 to remove: land adjoining Brighton Race Course, Land at South Downs Riding School and Reservoir Site, and Land north of Warren Road (Ingleside Stables).

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I am concerned about the wording of this document and object the to use of the phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites.

This is because it is contrary to paragraph 174 of the National Planning Policy Framework. And the inclusion of this phrase represents a significant weakening of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.)

If this phrase is included it would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site - this obviously had very serious negative implications.

Additionally, the ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion. And so, the inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

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

In paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Space because they act as 'important green wedges into the urban

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

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I object to the allocation of the land adjoining Brighton Race Course as the ecological evidence used is out of date and does not take into account it's Local Nature Reserve designation, and it's rich bird and invertebrate biodiversity. Additionally, this site has been invaluable during the Covid pandemic in allowing local residents to access green space and benefit their physical and mental health and wel being.

I object to the allocation of the land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables), as any residential developments there would be isolated from the rest of the city. they would also have a negative impact on the character of the landscape so close to the South Downs National Park. it would also set a dangerous president for other building project s so close to the South Downs National Park.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Response ID ANON-8ZMD-Y4UB-7Submitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-29 17:43:43

Your details

What is your name?

[REDACTED]

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

Organisation:

No

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

City Plan Part Two - Part One - Introduction

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

Comments on the Introduction of CPP2:

SSA3 Land at Lyon Close, Hove

SSA3 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

SSA3 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

SSA3 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

- CPP2 states a minimum of 300 residential units. Please note that there are already 333 already built or approved, with a total pipeline of 478. This is massive overdevelopment over this area and this should not be allowed.
- CPP2: Proposes tall buildings above 6 stories. But if you have been there you will see that this area is not suitable for buildings over 6 stories. 6 should be the maximum allowed otherwise it will be towering and overpowering.
- CPP2 requires a co-ordinated master-plan approach . However, all the the recent applications have been viewed on a stand alone basis. We have even been told that the council planning committee specifically does NOT consider applications together with others in the area. How can this be aligned to the requirement of the CPP2? SSA3 seems already l ke a playing field for money hungry developers and existing building owners just wanting to develop and increase size and scope to fit in as much as possible with no consideration of existing infrastructure, area, neighbourhood, people.
- CPP2: "Design Principles" created with the support of Design South East.
This Design seems to have a vision to stack high and sell cheap. Approved plans have been high but expensive with hard to sell flats and empty building sites. We need a better plan which provides what is needed here and affordable!
- CPP2: Requirement for a high standard of design and amenity and a "coherent town-cape" . The sc-called townscape in this area of Hove consists still mainly of family homes, church, hospital, a few businesses and a few offices. It is not overtowered by a massive high-rise development with a canyon effect on the main road and very little space for green or trees. Also the flats are small, have little light and are just not providing the family and affordable or even social housing we need in this area.
- CPP2: A mixture of dwelling type, tenure and size
In reality the target for affordable housing is always missed with the explanation that the poor developers will not make enough profit. There is also never enough family housing provided (usually high density 1-2 bedroom flats with no gardens)
- CPP2: Occupation of development to be phased to align with upgrading public sewer capacity
This is strange - so you are saying there will be developments approved which cannot be supported by the existing infrastructure. There has never been a joint approach for all developments or an analysis of what the existing infrastructure can support or the effect on the area (pollution, traffic etc.) . If ever this infrastructure would get improved, what would it mean for the area? How many months or years of closed roads and noise in public highways?

Sorry if this is all not in the right box. Very difficult for us laymen to comment entirely in line with your four boxes. Please still consider these comments. Extremely important for current life in this neighbourhood and the future.

SSA3 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SSA3 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

SSA3 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

In the paragraph about Locally Designated Sites, I object to the inclusion of the phrase 'Unless allocated for development in the City Plan...'

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

- the Urban Fringe Assessment, which presumably is a base for the inclusion of this phrase, has out of date and insufficient ecological evidence

- in comparison with the Local Plan 2005 and the previous Draft City Plan Part 2, the phrase represents less protection for Local Sites

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

In the 2014 Urban Fringe Assessment it is unclear and not evidenced, which criteria were used to suggest designation of some Local Green Spaces and not others. A glaring omission was Whitehawk Hill Nature Reserve

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

- the designation of the four Local Green Spaces is justified in the City Plan Part 2, paragraph 2.293 thus: 'because they act as important green wedges into the urban area'. Clearly, so does Whitehawk Hill Local Nature Reserve situated, as it is, adjacent to a densely populated area.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

- it's contrary to paragraph 174 of the National Planning Policy Framework

- the 1822 Tenantry Down (common) enclosure deed clearly states, that successor owners shall not at any time break up or divide the Race Ground and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing and any other purposes of exercise and diversion as heretofore'. These conditions were part of the 1888 Indenture, when Brighton Corporation purchased the Race Ground.

- the ecological evidence in the Urban Fringe Assessment is out of date and undervalues the importance of the sites biodiversity and its Local Nature Reserve designation

- the Urban Fringe Assessment contains a number of erroneous recommendations, i.e. to plant trees, when efforts by ranger and volunteers have focused on opening up the landscape to preserve the ancient chalk grass land, which, incidentally, has also been wrongly identified in the Assessment.

- the positive effect of this unique, species rich green landscape on resident's mental health seems to have completely escaped the undertakers of the Urban Fringe Assessment. The Local Nature Reserve is used extensively by people living in the densely populated Whitehawk area, amongst other dog walkers, cyclists and joggers

- a previous development project, involving the council, got abandoned recently, citing technical difficulties with the elevated site, not least due to danger of ground water flooding

- the proposed development site will effectively cut the Nature Reserve in two, thereby adversely affecting the habitat of several mammals, amongst them foxes and badgers. A population of adders, slow worms, common lizards and other wildlife was recently relocated to the site from another development site elsewhere in the borough. A pretty pointless exercise, if they are to be moved yet again to make way for a new development

- access to any development in The Nature Reserve is problematic due to there being one way in between two existing blocks. The surrounding roads in Whitehawk are already congested with parked cars making it difficult for busses to negotiate the route

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete land at and adjoining Brighton Race Course from the plan.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The inclusion of "Unless allocated for development in the City Plan..." in the policy as it pertains to locally protected sites is not consistent with National Planning Policy Framework paragraph 174 Habitats and Biodiversity and represents a significant weakening of policy relating to locally protected sites compared to NC3 Local Nature Reserves (LNRs) in the 2005 adopted local plan.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Remove "Unless allocated for development in the City Plan." from the policy on locally protected sites. for reasons cited above.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

Land at and adjoining Brighton Race Course

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The allocation of land within this LNR for housing is inconsistent with paragraph 174 of the National Planning Policy Framework.

It is also inconsistent with the legal agreement signed when Brighton Corporation purchased the land in which it's use was to be preserved for the use of Brighton residents and the wider public for exercise and enjoyment.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The Land at and adjoining Brighton Race Course should be removed from the list of H2 Housing Sites

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

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

Yes

SSA3 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Justified

SSA3 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

In my opinion the height of the buildings should be limited to about five or maximum six stories. Any higher will bring too much height and bulk and volume to the site.

The current plan is biased too much in favour of the developers' business and profit, and not enough in favour of the local community.

I haven't seen sufficient concrete plans for expansion of local amenities - the park, the doctors, schools, buses, water etc. Not enough to justify this as an appropriate strategy.

SSA3 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

No buildings over six stories high

Concrete plans to expand local amenities (park, doctors, schools, buses, water etc.) according to the increase in population

SSA3 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

SSA3 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Submitted to **City Plan Part Two (Proposed Submission)**
Submitted on **2020-10-29 21:43:36**

Your details

What is your name?

[Redacted Name]

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

Organisation:
Sussex Cohousing

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

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

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

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

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

Yes

Date Response Submitted

Date Response Submitted:
Not Answered

DM4 Housing and Accommodation for Older Persons

(DM4) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:
Yes

Legally compliant sound - Sound:
No

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

No

(DM4) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective

(DM4) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The City Plan 2 is not sound in its current form with regards to addressing loneliness in the city. As by 2014, of the 121,540 households in Brighton & Hove, 12 per cent (14,468 households) are occupied by people aged 65 years or more, who live alone in the city.

In the version made available for consultation, the concept of loneliness is appearing a single time and in relation with student accommodation only. Loneliness is a phenomenon that affects all strata of population. The strategies identified in the plan to address it (as for example the provision in new developments for common areas, particularly for sharing meals as well alternative multipurpose public space) are appropriate but need to be made accessible to the wider population, particularly to aging people, people living with disability and single parents.

SuCo backs the provision in CP20 Affordable Housing supporting councils provision of "an element of affordable housing for older persons" to alleviate a portion of the need for specialist housing and accommodation for older people" acting as a bridge to more specialised care, where needed.

(DM4) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Intergenerational communities as community led housing developments can address loneliness in people at different stages of their lives and should be supported by the planning process to achieve more positive results in this domain.

We recommend the inclusion of cohousing as a tool to address these needs in ways that are inclusive and integrate the health and wellbeing challenges of Brighton and Hove's community. 'Integration' appears with regards to the need to ensure that accommodation and care are integrated.

The London School of Economics and Bridport Cohousing in late 2019 emphasized the gains of cohousing to address ageing, health and social integration in The wider benefits of cohousing: The case of Bridport. In summary:

1. Providing affordable, mixed-tenure housing, including hospital key workers, adding to local housing supply
2. Offering amenities and facilities for the local community
3. Contributing to neighbourhood cohesion and civil society
4. Acting as a 'social laboratory'
5. Promoting environmental sustainability and contributing to climate resilience

6. Improving patterns of demand for public services; while reducing demand for social and healthcare services with members who care for each other. Some of these benefits derive from co-living, "defined as 'a form of housing that combines private living spaces with shared communal facilities.'"..." which explicitly seeks to promote social contact and build community'.(Shafique, 2018). Co-living is considered an alternative to more traditional housing which facilitates social contact, shared activities and each other's daily lives through the living environment as the Cambridge Centre for Housing & Planning Research sum up. Like these, several other research pieces detail the value of cohousing and co-living available in the listing of Cohousing for older people The Housing Learning and Improvement Network (LIN) a network of housing, health and social care professionals in England, Wales, and Scotland to exemplify innovative housing solutions for an ageing population.

(DM4) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

(DM4) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM5 Supported Accommodation (Specialist and Vulnerable Needs)

(DM5) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

Yes

(DM5) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

(DM5) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Policies DM4 and 5 identify needs of these two categories (eg. nursing facilities, carers' accommodation) are not sound as they fail to put forward a sound policy of integration, whereby concrete steps are made to address the risk of isolation of both categories. The tool of co-housing may contribute to address these needs in a way that is inclusive and reinforcing the tissue of society. 'Integration' appears with regards to the need to ensure that accommodation and care are integrated, but this refers to carers only. The a sound policy of integration of people with different needs should be focused on the integration of all specific need in the fabric of society, in all areas of the city.

(DM5) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

We recommend the inclusion of cohousing as a tool to address these needs in ways that are inclusive and integrate the health and wellbeing challenges of Brighton and Hove's community. 'Integration' appears with regards to the need to ensure that accommodation and care are integrated. The London School of Economics and Bridport Cohousing in late 2019 emphasized the gains of cohousing to address ageing, health and social integration in The wider benefits of cohousing: The case of Bridport. In summary:

1. Providing affordable, mixed-tenure housing, including hospital key workers, adding to local housing supply

2. Offering amenities and facilities for the local community

3. Contributing to neighbourhood cohesion and civil society

4. Acting as a 'social laboratory'

5. Promoting environmental sustainability and contributing to climate resilience

6. Improving patterns of demand for public services; while reducing demand for social and healthcare services with members who care for each other.

Some of these benefits derive from co-living, "defined as 'a form of housing that combines private living spaces with shared communal facilities.'..." which explicitly seeks to promote social contact and build community'.(Shafique, 2018). Co-living is considered an alternative to more traditional housing which facilitates social contact, shared activities and each other's daily lives through the living environment as the Cambridge Centre for Housing & Planning Research sum up. Like these, several other research pieces detail the value of cohousing and co-living available in the listing of Cohousing for older people The Housing Learning and Improvement Network (LIN) a network of housing, health and social care professionals in England, Wales, and Scotland to exemplify innovative housing solutions for an ageing population.

(DM5) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

(DM5) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

ALL SITES

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

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

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

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The City plan 2 incorporates a sound policy with regards to addressing the housing needs by developing the urban fridge sites. The characteristics of the dwellings mentioned in the plan with regards to biodiversity, production of home-grown food, sustainable transport infrastructure and access to South Downs Way will assure that the development of the sites will be performed maintaining intact the environmental and social capital of these areas. Furthermore, the inclusion of Community Led housing projects will ensure further integration of established communities, and opportunity to involve local people as part of engagement and co-design process. This can bring forward a housing development more eco-sustainable thanks to values and practices upheld by community led initiatives. For example, with regards to transportation, community led projects are focussed on minimising the use of fossil fuel and will promote sharing and reducing vehicle mileage per household.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

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

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

No

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

Justified

(DM1) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I don't believe that the integrity of the policy is in line with the expectations of the people of Brighton and Hove

(DM1) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I believe the policy is believed by the council to be compliant

(DM1) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

I do not wish to participate

H2 Housing Sites – Urban Fringe

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

Benfield Valley

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

No

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

Positively Prepared, Effective, Justified

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I do not believe that the correct legal process has been carried out allowing representation of the people. A right to be heard was dismissed by the Mayor of Brighton

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I do not have sufficient legal training to articulate this.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I object to the use of the phrase 'unless allocated for development in the City Plan...'. In reference to the protection of locally designated sites.

This is a real weakening of the 2005 Local Plan policy on protection given to locally important sites (including Local Nature Reserve).

The phrase also prevents the proper evaluation of the impact of a development upon an ecologically important site.

This policy does not reflect paragraph 174 of the NPPF

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Please remove the phrase 'unless allocated for development in the City Plan' from the policy relating to locally designated sites.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

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

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

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I object to the allocation of land by Brighton racecourse, because it is not justified as the ecological evidence in the Urban Fringe Assessments contains errors and omissions, such as wrongly identifying the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland in the Phase 1 Habitat Survey and wrongly recommending tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland.

These errors undermine the credibility of the evidence of the Urban Fringe Assessments as well as their conclusions.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Response ID ANON-8ZMD-Y4X6-XSubmitted to **City Plan Part Two (Proposed Submission)**Submitted on **2020-10-29 22:56:52****Your details**

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

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

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

No

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

No

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

No

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

Yes

Date Response Submitted**Date Response Submitted:**

Not Answered

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

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I object to the inclusion of the phrase ‘

Unless allocated for development in the City Plan...’ at the beginning of the paragraph dealing with Locally Designated Sites.

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

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

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

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

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

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

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

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

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

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

SSA4 Sackville Trading Estate and Coal Yard

SSA4 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

SSA4 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

SSA4 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

SSA4 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SSA4 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

SSA4 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

It is not justified because the ecological evidence in the Urban Fringe Assessment did not consider or assess the impact that development on this allocation would have on the important invertebrate species that surveys indicate inhabiting the area in and around the allocation. I recognise myself the surprisingly variety biodiversity the area supports and a nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site' in respect of the biodiversity found there.

It will undermine the hard work of local community volunteers on this site, who have been working with the council's Ranger Service to conserve and restore Priority Habitats and Habitats of Principal Importance in the Local Nature Reserve, leading to the degradation of the rest of the LNR as a whole.

I object to the allocation of Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables) because:

These particular sites are separate from the edge of the current built up areas of the city and not very accessible, so development there would create isolated new residential developments in what is currently open countryside. Whilst these allocations are not for single homes they are still within the spirit of the NPPF guidance against giving consent for new and isolated homes in the countryside.

The sites are in sensitive elevated locations, close to the top of a ridge and adjacent to the South Downs National Park Boundary. Development of these sites would have a negative impact on the landscape character in general. Development of this site would obscure and negatively impact important and highly valued views north from this track and from Warren Road, both across the Downs and to the sea. Also views of this site from other areas of the city would be negatively impacted.

Allocation and/or development of these sites would set a precedent for further development on this important Downland ridge, (between Brighton and Woodingdean, and between the National Park and the Bevendean Down and Whitehawk Hill LNRs), this would further erode it's much loved character.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Response ID ANON-8ZMD-Y4XS-U

Submitted to **City Plan Part Two (Proposed Submission)**
Submitted on **2020-10-30 09:47:06**

Your details

What is your name?

[Redacted Name]

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

Organisation:

n/a

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road

SSA1 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

SSA1 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

SSA1 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

SSA1 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SSA1 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

SSA1 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

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

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

Positively Prepared, Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The Urban Fringe sites are not positively prepared - the smaller number of units these sites provide does not justify the impact on the environment and loss of facilities (e.g. stables, open green spaces around Whitehawk Hill etc).

It has been demonstrated that the housing quotas can be met by the CPP2, with the exclusion of the urban fringe sites.

The loss of these spaces to housing contradicts conclusions in the "Proposed Submission City Plan Part Two - Sustainability Appraisal (April 2020)".

Specifically:

- key sustainability objectives listed in section 3.2 - 'Biodiversity & geodiversity', are undermined by the development of these sites. The disruption to wildlife by these developments is in contradiction to these objectives.
- key sustainability objectives listed in section 3.7 - 'Cultural heritage, landscape and open space', are undermined by the development of these sites. The loss of open space and development of these areas is in contradiction to these objectives.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Remove section H2 From the CPP2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Local business owner and resident affected by the changes

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

No

DM35 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

DM35 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The transport implications of CPP2 on the neighbouring A259 in Lewes District (Highways Authority ESCC) do not appear to have been properly assessed with ESCC as is required under the Duty to Cooperate.

I know the government is consulting on changing this requirement, but CPP2 should be prepared respecting current law, not second guessing changes which may or may not happen, and responses to my FoI requests on communications with ESCC re the A259, show no such cooperation has taken place.

<http://www.transport-network.co.uk/Counties-call-for-advisory-bodies-to-tackle-co-operation-problem-in-planning/16931>

Please see FoI to ESCC:

https://www.whatdotheyknow.com/request/request_for_all_correspondence_i_3?unfold=1#incoming-1629036

This seems inconsistent with B&HCC having complied with the duty to cooperate in Transport Planning for CPP2. If B&HCC had complied, ESCC would have held and supplied details of the correspondence and communication from/with B&HCC and responses from ESCC.

[REDACTED]
Delivered

[REDACTED]

Please can you supply copies of all correspondence over the last 3 years between B&HCC and ESCC relating to the Valley Gardens project in Brighton and any other developments along the A259 and their potential impact on the road network and transport, if any such correspondence exists.

Yours faithfully,

[REDACTED]

YOUR REQUEST FOR CLARIFICATION:

In terms of the A259 could you clarify what you mean by developments please? - for example if you were referring to new housing developments this would come under the responsibility of the relevant District or Borough Council in East Sussex or again Brighton and Hove.

Your request is on hold pending receipt of your clarification. I will not be able to take this matter further without this extra information from you. Please let me know by 25/07/2020.

ANSWER: I WAS REFERRING TO HOUSING DEVELOPMENTS (Past, Current and Proposed).

WHERE THESE IMPACT ON TRAFFIC AND JOURNEY TIMES FOR A NEIGHBOURING LOCAL AUTHORITY, I UNDERSTOOD THAT THE AUTHORITY WHICH WAS IMPACTING ON THE HIGHWAY AND ITS USE WAS LEGALLY BOUND TO NOTIFY NEIGHBOURING AUTHORITIES WHO MIGHT SUFFER FROM THE IMPACT OF ADDITIONAL TRAFFIC, CONGESTION AND INCREASED DIFFICULTIES IN JOURNEYS.

YOUR RESPONSE SUGGESTS THAT THIS NEVER HAPPENS IN REALITY. PLEASE CAN YOU CONFIRM ANY AND ALL INSTANCES (IF ANY) IN THE PAST 3 YEARS WHERE B&HCC HAVE ADVISED ESCC OF ANY NEW PROPERTY DEVELOPMENT ALONG THE B&HCC STRETCH OF THE A259 WHICH COULD IMPACT ON THE TRAFFIC LOAD ON THE A259 AND THE ABILITY OF ESCC RESIDENTS TO UNDERTAKE THEIR NORMAL DAILY JOURNEYS WITHOUT ANY DETRIMENT TO THE JOURNEY..

Additionally ESCC have taken charge of a potential funding bid for up to £50m to improve journey times on the A259 from Eastbourne to Brighton. ESCC through funding from LDC have paid to scope the A259. How can the scoping be correct if the data is subject to change without notification to ESCC?

Yours sincerely,

[REDACTED]

[REDACTED]

Thank you for your request for information, which has been dealt under the terms of the Freedom of Information Act 2000, I apologise for the delay in responding.

Please find attached our response to your request.

I am sorry that we were unable to provide the information you were seeking on this occasion. Please be assured that the Council will always provide information which we are able to provide by law, if you are not content with how we have dealt with your request then you can write back to me with your detailed grounds as to why we have not complied with our duties under the Act and I can pass it on for an Internal Review. We will now close our files with regards to this requests.

Please quote the FOI reference number in any communication regarding this particular request.

You have the right to apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the [REDACTED] internal review procedure as described in the previous paragraph. [REDACTED]

[REDACTED]

[REDACTED]

Your request and our response are set out below.

Request

Please can you supply copies of all correspondence over the last 3 years between B&HCC and ESCC relating to the Valley Gardens project in Brighton and any other developments along the A259 and their potential impact on the road network and transport, if any such correspondence exists.

Response

Under Section 21 of the Freedom of Information Act (FoIA), we are not required to provide information in response to a request if it is already reasonably accessible to you.

Any notification made to [REDACTED] on projects or developments impacting the road network or travel on the A259, and our subsequent response to that notification, is publicly available on the relevant planning application file.

This information is held on the Brighton and Hove City Council Planning portal - <https://www.brighton-hove.gov.uk/content/planning/planning-applications>

This response therefore acts as a refusal notice under section 17 of the FoIA.

DM35 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Compliance as highlighted in Q3 which has been completely ignored.

DM35 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

DM35 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

There appears to be an historic lack of compliance with B&HCC notifying and seeking opinion from ESCC. Historic non compliance will impact on the potential lawfulness of CPP2 and its ability to succeed as a plan.

Response ID ANON-8ZMD-Y4X5-W

Submitted to **City Plan Part Two (Proposed Submission)**
Submitted on **2020-10-30 10:13:45**

Your details

What is your name?

[Redacted Name]

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

Organisation:

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

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

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

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

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

Response ID ANON-8ZMD-Y4XH-GSubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-30 10:21:34

Your details

What is your name?

[REDACTED]
 [REDACTED]

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

Organisation:

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

City Plan Part Two - Part One - Introduction

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

Comments on the Introduction of CPP2:

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

My objection here is to the inclusion of the phrase 'Unless allocated for development in the City Plan...', which is at the beginning of the paragraph dealing with Locally Designated Sites, because:-

- It is contrary to paragraph 174 of the National Planning Policy Framework.
- The inclusion of this phrase represents a significant weakening of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.
- The inclusion of this phrase would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site.
- The ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion.
- The inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I would recommend that the phrase 'Unless allocated for development in the City Plan...' be deleted from the beginning of the paragraph dealing with Locally Designated Sites.'

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

- Whitehawk Hill Local Nature Reserve meets all the criteria for designation as Local Green Space, as listed in paragraph 77 of the National Planning Policy Framework, but is not listed for designation in the City Plan Part 2. This seems a serious oversight.
- The choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment, from which the list in City Plan Part 2 is derived, is

not supported by evidence to show why, against the NPPF criteria, the sites selected were chosen and other sites, such as Whitehawk Hill LNR, were excluded.

- Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Space because they act as 'important green wedges into the urban area'. Clearly Whitehawk Hill also meets this objective.
- The choice of sites, and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent with national policy, as it excludes a site which would meet the designation criteria.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I suggest that Whitehawk Hill Local Nature Reserve is added to the list of sites for designation as Local Green Spaces.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Land at and adjoining Brighton Race Course

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

- The allocation is inconsistent with conditions in the 1822 Tenantry Down (common) enclosure deed, which state that the successor owner of the 'Race Ground' 'shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'. These conditions were reiterated in the 1888 Indenture when the 'Race Ground' was purchased by Brighton Corporation.
- Contrary to paragraph 174 of the National Planning Policy Framework.
- Won't be able to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework

- Not justified because the ecological evidence in the Urban Fringe Assessments -
 - is out of date and undervalues the importance of the sites biodiversity and its Local Nature Reserve designation
 - is insufficient to justify their conclusion of no significant impact with mitigation.
 - is inconsistent, for example the conclusion that impacts on this site can be mitigated is inconsistent with other statements in the same documents, for example the 2014 Urban Fringe Assessment, which states that 'provision for the biodiversity assets may help to create new habitats and contribute to habitat connectivity helping to mitigate significant negative effects', which is rightly more cautious and does not claim that negative effects can be mitigated.
 - did not consider or assess the impact development on this allocation would have on the integrity of the Local Nature Reserve, partly severing (fragmenting) a section at the centre of the core part of the reserve between Manor Hill and Warren Rd/Wilson Ave.
 - did not consider or assess the impact development on this allocation would have on the historic gorse scrub habitat and its dependent species, including a breeding population of the Red Listed bird species and Species of Principal Importance linnet, identified as using the gorse scrub in breeding bird surveys undertaken in 2019

- did not consider or assess the impact development on this allocation would have on the important invertebrate assemblage that surveys indicate the area in and around the allocation supports. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site'.
- did not consider or assess the impact development on this allocation would have on several invertebrate Species of Principal Importance which have been recorded in recent years within or close to the allocation, including brown-banded carder bee and small heath, small blue, dingy skipper, wall and brown hairstreak butterflies.
- contains errors and omissions, such as, within the wider site, wrongly identifying the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland in the Phase 1 Habitat Survey, and wrongly recommending tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland. These errors undermine the credibility of the evidence of the Urban Fringe Assessments as well as their conclusions.

- Not justified because -

- the evidence in the Urban Fringe Assessments in relation to landscape is framed wholly in terms of impacts of development on the National Park's setting and views, and did not consider such effects within the local visual catchment (within and adjoining LNR), for example of views along Whitehawk Hill from the south and north, as well as from the valley below. Although the existing tower blocks impinge upon these views, the views are in many places currently uninterrupted.
- the evidence in the Urban Fringe Assessments did not recognise that development would result in the intrusion of a residential landscape into what is currently a semi-natural landscape, significantly reducing its strong sense of naturalness.
- the evidence in the Urban Fringe Assessments did not consider the loss of statutory Access Land (which includes the whole of the allocation) that would be caused by development in this allocation.
- it will result in a loss of Open Space, which is inconsistent with statements in City Plan Part 1 which seeks to increase, not decrease the amount of accessible land adjacent to the urban area (SA5 The Setting of the South Downs National Park, 3.170).
- Will undermine the positive work of community volunteers on this site, who have been working with the councils Ranger Service to conserve and restore Priority Habitats/ Habitats of Principal Importance in the Local Nature Reserve, leading to the degradation of the rest of the LNR.

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

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

- These sites are separated from the edge of the current built up area of the city so their development would create isolated new residential developments in what is currently open countryside. The NPPF advises against giving consent for new and isolated homes in the countryside and this is restated in City Plan Part 1 (3.16.1). Whilst these allocations are not for single homes they are still within the spirit of the NPPF guidance.
- The evidence in relation to the landscape impact of development of these sites in the Urban Fringe Assessments was inadequate. The sites are in sensitive elevated locations close to the top of a ridge and adjacent to the National Park Boundary. Development of these sites would have a significant negative impact on landscape character. The South Downs National Park Local Plan (Strategic Policy SD4: Landscape Character) states 'Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that: ... 3. The settlement pattern and individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.'
- Effects on views were not fully considered in the Urban Fringe Assessments. For example the western part of the allocation at Land north of Warren Road (Ingleside Stables) is on greenfield land immediately to the north of a well-used track. Development of this site would obscure and/or significantly negatively impact important and valued views north from this track and from Warren Road. This was not considered in the Urban Fringe Assessments. This part of the site is also clearly visible, for example, in an important view south eastwards from Hollingbury Camp/Castle, within the National Park on the northern edge of the city.
- Loss of these farmsteads/buildings to housing will create knock-on pressures for new replacement buildings within this landscape because residual 'bare land holdings' (without buildings) will require such infrastructure.
- Allocation and development of these two sites would set a dangerous precedent for further development on this open, high, greatly inter-visible Downland ridge, (between Brighton and Woodingdean, and between the National Park and the Bevendean Down and Whitehawk Hill LNRs), which would further erode its character.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

My recommendation to make the policy legally sound and compliant is to delete 'Land at and adjoining Brighton Race Course', 'Land at South Downs Riding School & Reservoir Site' and 'Land north of Warren Road (Ingleside Stables)' from the list of allocations in policy H2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Response ID ANON-8ZMD-Y4XN-P

Submitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-30 11:13:32

Your details

What is your name?

[Redacted Name]

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

Organisation:

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I object to the phrase "...unless allocated for development on the City Plan" at the commencement of the paragraph that deals with designated sites. This renders the policy contrary to para 174 of the National Planning Policy Framework. The phrase implies a significant weakening of the protections afforded to designated sites such as Local Nature Reserves and Local Wildlife Sites. The inclusion of the phrase opens the door to development on such sites despite whatever adverse effects this may have to their integrity. The reliance on evidence from Urban Fringe Assessments is not justified, as it is out of date and insufficient. The presence of the phrase pre-empts the due process of assessing the potential ecological impact of any development.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Permanently delete phrase "...unless allocated for development in the City Plan" from the beginning of the paragraph dealing with Designated Sites.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Whitehawk Hill Local Nature Reserve qualifies under the criteria for designation as Local Green Space in accordance with para 77 of the National Planning Policy Framework but is not so designated in the City Plan. The methodology for inclusion of other sites so designated implies that Whitehawk should also be included, but it is not. Whitehawk Hill clearly meets the "green wedge" criterion.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Include Whitehawk Hill as a designated local green space.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Brighton Racecourse;

Inconsistent with original Tenantry Down enclosure deed

Contrary to para 74 of NPPF

Will not deliver net biodiversity gain

Will fragment the important habitat at the site and damage its particularly valuable features which support red listed bird species and invertebrates

Will result in a loss of open space and compromise the natural beauty of the area.

South Downs Riding School and land North of Warren Road;

Creates isolated housing development in open countryside in contravention of NPPF

Contravenes requirements of South Downs National Park Local Plan by adversely affecting landscape character

Will destroy much treasured local views

Will create pressure for the erection of farm buildings lost to development

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete land at and adjoining Brighton Racecourse, land at South Downs Riding School and Reservoir site and Land North of Warren Road (Ingleside Stables) from the list of allocations in policy H2

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Regarding locally designated sites, the inclusion of the phrase 'Unless allocated for development in the City Plan...' will lead to a significant weakening in the protection afforded to these sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

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

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

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

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Include Whitehawk Hill LNR as a Local Green Site

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Brighton Race course - the allocation is against paragraph 174 of the national planning policy framework as well as the 1822 enclosure deed for the land. The land should remain for recreational use for the people of Brighton.

South downs riding school and land north of warren road - developing these areas would have a negative impact on the landscape character of the south downs and created isolated pockets of development.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Remove the three listed sites from the H2 policy.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Response ID ANON-8ZMD-Y4X4-VSubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-30 12:43:37

Your details

What is your name?

[REDACTED]
 [REDACTED]

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

Organisation:

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

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

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

Effective, Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

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

- It is contrary to paragraph 174 of the National Planning Policy Framework.
- The inclusion of this phrase represents a significant weakening of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.
- The inclusion of this phrase would mean that developments on allocations within designated sites would or could be permitted to go ahead even if they have an adverse effect on the integrity of the designated site. I object to the inclusion of the phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites.
- It is not clear what is considered the justification for the inclusion of this phrase. However, if it is the ecological evidence in the Urban Fringe Assessments, this is both out of date and insufficient to justify its inclusion. For example, the ecological evidence in the Urban fringe Assessments comprise only a review of records from the Sussex Biodiversity Record Centre and Phase 1 habitat surveys. This is insufficient evidence to justify the inclusion of this phrase. Further, in the case of at least one locally designated site with an allocation located within it, Whitehawk Hill Local Nature Reserve, the effect of the allocation on the integrity of the site, for example its location within and relationship with the boundary of the reserve, was not discussed. Further, the Phase 1 habitat survey for this site was poorly conducted and misidentified important habitats within the reserve.
- The inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites, based on out of date and inadequate evidence. Any development that may affect any locally designated site, whether allocated or not, should be assessed in the same way, with any proposal(s) assessed against an appropriate evidence base of baseline ecological surveys and with the application of the mitigation hierarchy, as set out in the NPPF (para 175a) and elsewhere within City Plan Part 2.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

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

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

- Whitehawk Hill Local Nature Reserve and the wider Racecourse Landscape meet all the criteria for designation as a Local Green Space, as listed in paragraph 100 of the National Planning Policy Framework, but is not listed for designation in the City Plan Part 2.
- The choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment, from which the list in City Plan Part 2 is derived, is not supported by evidence to show why, against the NPPF criteria, the sites selected were chosen and other sites, such as Whitehawk Hill LNR, were excluded.
- Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Space because they act as 'important green wedges into the urban area'. Whitehawk Hill LNR and the Racecourse Landscape is also just such a green wedge, lying between, for example, Whitehawk, Bristol Estate, Craven Vale and Queens Park etc. It also forms an important gateway to the wider South Downs and the National Park from near the centre of the city.

- The choice of sites, and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent with national policy, as it excludes an important site which would meet the designation criteria and which local people highly value and would like to see protected.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

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

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Land at and adjoining Brighton Race Course

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

- The allocation is inconsistent with conditions in the 1822 Tenantry Down (common) enclosure deed, which state that the successor owner of the 'Race Ground' '... such part thereof as is now uncultivated, should never be broken up or subdivided ...' and that '... the inhabitants and visitors of the town of Brighthelstone, and the public in general, should have the use of it for the purpose of racing, and other purposes of exercise and diversion as heretofore ...'. These conditions were reiterated in the 1888 Indenture when the 'Race Ground' was purchased by Brighton Corporation.
- Contrary to paragraph 174 of the National Planning Policy Framework.
- It won't be able to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework because the adverse effects on habitats and species arising from development could not be adequately mitigated
- Not justified because the ecological evidence in the Urban Fringe Assessments -
 - o is out of date and undervalues the importance of the sites biodiversity and its Local Nature Reserve designation
 - o is insufficient, comprising only a review of records from the SBRC and a poorly conducted Phase 1 habitat survey, to justify their conclusion of no significant impact with mitigation.
 - o is inconsistent, for example the conclusion that impacts on this site can be mitigated is inconsistent with the statement in the 2014 Urban Fringe Assessment, which more correctly states that 'provision for the biodiversity assets may help to create new habitats and contribute to habitat connectivity helping to mitigate significant negative effects'. The inclusion of 'may help', 'contribute to' and 'helping to' is rightly more cautious and does not claim that negative effects can be mitigated.
 - o did not consider or assess the impact development on this allocation would have on the integrity of the Local Nature Reserve, partly severing (fragmenting) a section at the centre of the core part of the reserve between Manor Hill and Warren Rd/Wilson Ave. Habitat fragmentation is recognised as one of the main drivers of biodiversity loss.
 - o did not consider or assess the impact development on this allocation would have on the historic gorse scrub habitat, which occurs within and close to the allocation and not elsewhere within the LNR, due to local variation in soils, as well as its dependent species, which includes a breeding population of the Red Listed bird species and Species of Principal Importance linnet, identified as using the gorse scrub in breeding bird surveys undertaken in 2019.
 - o did not consider or assess the impact development on this allocation would have on the important invertebrate assemblage that surveys indicate the area in and around the allocation supports. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site'. This survey also identified the

presence of a click beetle (*Prosternon tessellatum*) characteristic of acid grassland and heathland and whose presence in this area is likely to be linked to the local variation in soils reflected in the presence of the gorse scrub and which forms an important part of the diversity of the LNR.

It did not consider or assess the impact development on this allocation would have on several invertebrate Species of Principal Importance which have been recorded in recent years within or close to the allocation, including brown-banded carder bee (recorded by a nationally recognised expert) and small heath, small blue, dingy skipper, wall and brown hairstreak butterflies, recorded during butterfly transects carried out during 2020.

It contains errors and omissions, such as, within the wider site, wrongly identifying the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland, dense scrub and woodland in the Phase 1 Habitat Survey. The 2014 Urban fringe Assessment wrongly recommended tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland. Indeed BHCCs ranger service and local community volunteers spend a considerable time removing trees in order to conserve and restore these habitats. These errors undermine the credibility of the evidence of the Urban Fringe Assessments as well as their conclusions.

- Not justified because -

- o the evidence in the Urban Fringe Assessments in relation to landscape is framed in terms of impacts of development on the National Park's setting and views, and did not properly consider such effects within the local visual catchment (within and adjoining LNR), for example of views along Whitehawk Hill from the south and north, as well as from the valley below. Although the existing tower blocks impinge upon these views, the views are in many places currently uninterrupted and important and highly valued by the large number of people who regularly use the reserve.

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

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

- o it will result in a loss of Open Space, which is inconsistent with statements in City Plan Part 1 which seeks to increase, not decrease the amount of accessible land adjacent to the urban area (SA5 The Setting of the South Downs National Park, 3.170). Whitehawk Hill LNR, located adjoining some of the most deprived communities in the area, is of particular importance in this regard, as access to more distant areas of natural greenspace is often not an option for people from such communities.

- o the adverse effect of the allocation on the setting of Whitehawk Camp Scheduled Ancient Monument, as well as the wider 'archaeological landscape' of which it forms a part, is not addressed in the evidence in the Urban fringe Assessments.

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

- Is not effective because councillors from all main parties in the city have said they won't support development of the site. The Conservative group has opposed the allocation and set up a petition against it. The leader of the Labour group and the former leader of the council Nancy Platts, as well as other Labour councillors, has made public statements opposing development within the LNR. In an email to my self earlier this year a green councillor said 'The council owns Whitehawk Hill and thankfully no political party wants to develop it...'

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

- These sites are separated from the edge of the current built up area of the city so their development would create isolated new residential developments in what is currently open countryside. This would be contrary to the spirit of para 79 of the NPPF, which advises against giving consent for new and isolated homes in the countryside (and which is restated in City Plan Part 1 3.16.1).

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

- Development within the allocations would adversely affect the landscape character of the area. The South Downs NP Integrated Landscape Character Assessment identified this landscape as 'Open Downland', whose features include 'Large scale open elevated landscape of rolling chalk downland, with dry valleys and scarp slopes' and 'Sparse settlement, with occasional isolated farms and barns'. Further, The City Plan Part One (SA5. The Setting of the South Downs National Park) states 'Proposals within the setting of the National Park must have regard to the impact on the National Park. ... Development within the setting of the National Park: ... must respect and not significantly harm the National Park and its setting.'

- Development within the allocations would erode the character of the important green gap and gateway to the wider South Downs/National Park between Brighton and Woodingdean, in which the allocations lie.

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

- The current use of the sites and adjoining areas for horse grazing and its associated infrastructure etc supports a rich assemblage of notable wildlife species. Of particular note is an assemblage of aerial feeding bird and bat species, including BoCC Amber listed swift and house martin, as well as swallow, which depend on the abundant flying insects supported by the current land use. This is now one of the few locations in or on the edge of the city where such an assemblage can be experienced. A range of other notable invertebrate species have also been recorded.

- Loss of the buildings used by the current livery businesses will create knock-on pressures for new replacement buildings within this landscape because residual 'bare land holdings' (without buildings) will require such infrastructure.

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

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete the following sites from the list of allocations in policy H2 -

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

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Legally compliant sound - Sound:

No

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

Yes

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

Effective

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The RSPB welcomes the inclusion of the provision of swift bricks/boxes for new build, refurbishment, and renovation schemes in Brighton & Hove (section 2.281, p. 114-115). Swifts are a migratory bird that nests in cavities, often under the eaves of buildings. Swifts have an Amber UK conservation status and have declined by more than half since 1995. Loss of existing nesting sites, through building demolition or renovation, and lack of alternatives in new buildings is thought to contribute to this decline.

The RSPB would like to see the novel swift policy (section 2.281) included within the headline text for Nature Conservation (under Nature Conservation, p. 110) given the importance of swift and bee brick provision as a condition for planning consent in Brighton & Hove. The RSPB would therefore recommend the below amendment to 'Nature Conservation':

'All development should seek to conserve and enhance biodiversity and geodiversity features ensuring:

- a net gain in biodiversity is achieved;
- that recognised priority species and habitats are protected and supported;
- swift bricks/boxes and bee bricks are installed where feasible, following best practice guidance;
- that appropriate and long-term management of new or existing habitats is secured to ensure a network of nature recovery; and
- where relevant, the control and eradication of any invasive non-native species present on site.'

The RSPB also recommends amendments are made to the text provided in section 2.281 to avoid confusion when applying policy DM37 to new development in Brighton & Hove. The RSPB notes the original text within section 2.281 states:

'All new build, refurbishment, and renovation schemes should incorporate swift boxes and bee bricks where possible ensuring their installation follows best practice guidance.'

Where new development fulfils the requirement of eaves located at five metres or higher above the ground, swift bricks should be incorporated through policy DM37. If swift bricks are not feasible due to aspects of the development design, such as walls not containing brickwork to implement a swift brick, then swift boxes should be implemented instead.

Our recommended amendments are highlighted below:

'2.281 When applying this policy, regard will be given to the achievement of national and local Biodiversity Action Plan (BAP) Targets. Enhancement opportunities should focus on habitats and species of principal importance - Brighton & Hove's local BAP habitats (e.g chalk grassland) and priority species (e.g. swifts, peregrines, house sparrows, starlings, white-letter hairstreaks, hornet robberfly etc.). Strong consideration should also be given to the protection of native species, and provision of roosting/nesting boxes for bat/birds (including swifts, house martins and swallows), gaps/holes at ground level in boundaries for hedgehogs, biodiverse roofs and walls, and, appropriate innovative and creative measures. All new build, refurbishment, and renovation schemes must incorporate swift bricks or boxes (swift bricks are preferred where the scheme design allows) where the development is five metres or greater in height to the eaves, and ensure their installation follows best practice guidance. Measures to ensure swift bricks or boxes are installed will be secured through planning conditions. All new build, refurbishment, and renovation schemes should also incorporate bee bricks where possible into the design of the scheme, following best practice guidance. SPD11 Nature Conservation and Development will be updated and will refer to a range of other low-cost nature conservation features that can be secured through new development.'

The above recommendations have been discussed between Sussex Ornithological Society (SOS) and the RSPB, with both parties agreeing that these changes will enhance the application of policy DM37 in regarding to the provision of swift bricks/boxes and bee bricks.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road

SSA1 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

Yes

SSA1 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

SSA1 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

The RSPB is aware that Sussex Ornithological Society (SOS) has submitted comments regarding the Strategy Site A1 (SSA1), Brighton General Hospital, regarding swift brick provision. The RSPB agrees that an amendment to Policy SSA1 is recommended to ensure that the site-specific requirements for SSA1 effectively consider and implement Policy DM37 on Green Infrastructure and Nature Conservation. Policy DM37 states:

'All development should seek to conserve and enhance biodiversity and geodiversity features ensuring:

- a net gain in biodiversity is achieved;
- that recognised priority species and habitats are protected and supported;
- that appropriate and long-term management of new or existing habitats is secured to ensure a network of nature recovery;....'

The RSPB (in agreement with SOS) recommend that an additional requirement (i) be added to the site-specific requirements (p. 153) using the below paragraph:

'i) development proposals should specifically include proposals to provide alternative nest sites for Swifts, and these nests should be installed and proven to be successful before any development commences.'

SSA1 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SSA1 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

SSA1 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

- key sustainability objectives listed in section 3.7 - 'Cultural heritage, landscape and open space', are undermined by the development of these sites. The loss of open space and development of these areas is in contradiction to these objectives.

H2 Housing Sites – Urban Fringe

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

Land at South Downs Riding School & Reservoir Site

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

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

No

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Re: Section H2 for the urban fringe

The proposal to build 45 houses on the designated site is a very short sighted look at the effect that this would have on the environment, community, biodiversity and geodiversity of the area , bordering on the site of the Southdowns National Park. It is also contradictory to the 'Proposed Submission City Plan Part Two' – see section 3.2 and 3.7.

The area currently is rich in wildlife, badgers, foxes, bats and a variety of birds including kestrels, a sparrow hawk and woodpeckers.

Warren Road is already overburdened with traffic leading to the busy Falmer Road and an increase in housing would increase this problem.

The stables are a rich resource to the community providing experiences for disabled and disadvantaged children from the surrounding areas (this includes Whitehawk and Moulscombe where rich educational experiences are imperative both for children and adults). The stables are actually at the peak of a South Down. They also provide employment locally.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

See above

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Because the community should be at the forefront of this decision making.

Legally compliant sound - Sound:

No

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

No

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

Justified

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

We should not be building on the urban fringe as these residual urban green spaces are more beneficial to local communities than the housing that would be provided.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

No building in urban green spaces, instead derelict buildings and areas, fallow development areas and brownfield sites should be used.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Not applicable

Legally compliant sound - Sound:

No

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

No

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

Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

This is an undemocratic and unconstitutional decision. The mayor refused to allow representation which is undemocratic. Petitions have been repeatedly ignored. I expect the mayor and the council to represent the people and not act against our wishes or without our consent.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

A democratic vote of the residents needs to be held. The mayor refused to allow representation which is undemocratic. The mayor and the council should represent the people not themselves.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Response ID ANON-8ZMD-Y4XA-9Submitted to **City Plan Part Two (Proposed Submission)**Submitted on **2020-10-30 15:00:54****Your details****What is your name?**

[REDACTED]
 [REDACTED]

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

Organisation:

The Living Coast UNESCO Biosphere

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

No

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

No

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

No

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

Yes

Date Response Submitted**Date Response Submitted:**

Not Answered

City Plan Part Two - Part One - Introduction

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

Comments on the Introduction of CPP2:

none

DM16 Markets**(DM16) 1. Do you consider this policy is: (tick as appropriate)**

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

(DM16) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM16) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

(DM16) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

Not Answered

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

Why wish to speak:

DM22 Landscape Design and Trees

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

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

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

(DM22) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

(DM22) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM22) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

DM26 Conservation Areas

(DM26) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

(DM26) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM26 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM26 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM26 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM26 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM30 Registered Parks and Gardens

DM30 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

DM30 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM30 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM30 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM30 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM30 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM33 Safe, Sustainable and Active Travel

DM33 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

DM33 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM33 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM33 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM33 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM33 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

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

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

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

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

DM40 Protection of the Environment and Health – Pollution and Nuisance

DM40 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

DM40 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM40 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM40 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM40 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM40 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM41 Polluted sites, hazardous substances & land stability

DM41 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

DM41 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM41 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM41 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM41 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM41 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM42 Protecting the Water Environment

DM42 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

DM42 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM42 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM42 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM42 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM42 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM43 Sustainable Drainage

DM43 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

DM43 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM43 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM43 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM43 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM43 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM44 Energy Efficiency and Renewables

DM44 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

DM44 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM44 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM44 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM44 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM44 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM46 Heating and cooling network infrastructure

DM46 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

DM46 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM46 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

DM46 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM46 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM46 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Special Area SA7 Benfield Valley

SA7 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

SA7 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

SA7 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

SA7 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SA7 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

SA7 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Supporting Documents and Background Studies

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

SA comments box:

DM8 Purpose Built Student Accommodation

(DM8) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

No

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

Effective, Justified

(DM8) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

-

(DM8) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I believe the council should not approve any more student accommodation.

If the student developments in Lewes Road were instead properties for permanent resident the housing problem could be solved very quickly.

Student accommodation is a breeding ground for viruses as it involves shared accommodation and access.

Student accommodation is inefficient as it is only used for part of the year, it would be better to provide accommodation for permanent residents.

(DM8) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

-

DM10 Public Houses

(DM10) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

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

Yes

(DM10) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM10) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

-

(DM10) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I support the proposal to protect public houses; however it needs to be enforced.

**(DM10) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)?
(Tick as appropriate)**

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

(DM10) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

-

DM20 Protection of Amenity

(DM20) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

No

(DM20) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

(DM20) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

-

(DM20) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

It is vital that this policy is strengthened to ensure existing residents access to natural sunlight is preserved. High rise development that puts existing residents into a shadow should be specifically stopped.

**(DM20) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)?
(Tick as appropriate)**

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

(DM20) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

-

DM33 Safe, Sustainable and Active Travel

DM33 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

No

DM33 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified

DM33 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

-

DM33 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The policy also needs to make provision for car use. In its desire to promote cycling the council has breached its own desire to be inclusive

- the elderly cannot cycle
- those the lower limb weakness (but not classed as disabled) cannot cycle
- you cannot cycle to get a week's shopping for even a small family
- you cannot cycle for longer journeys
- you cannot cycle for even short trips in many parts of Brighton as it is hilly - this is not Amsterdam
- you cannot cycle in bad weather if you need to arrive at your destination looking presentable, such as at work.

For these reasons car transport should be provided for alongside other means.

DM33 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

DM33 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

-

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

Yes

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

Effective

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

-

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Hove Lawns should be included as a green space to be protected.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

-

SSA3 Land at Lyon Close, Hove

SSA3 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

No

SSA3 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified

SSA3 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

-

SSA3 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SSA3 is not suitable for "Tall Buildings" over 6 storeys, and the area is already overdeveloped and unsustainable. The policy should be amended to cap the number of storeys at below 6.

There are 333 already built or approved, with a total pipeline of 478! This is massive overdevelopment with no need to continue this trend.

None of the recent applications have taken a wider view of the SSA3 area in context. Plans are approved 'stand alone' by the Committee, however all reference previously approved tower blocks (like P&H etc). That's why SSA3 is becoming so un-coordinated and tall.

Recent applications have been high but certainly not cheap; resulting in hard to sell flats and empty building sites. We need a better plan that serves the community!

Recent plans have had very poor architectural design, and will create a canyon effect along Davigdor Road.

New buildings have little or no sympathy to existing Goldsmid architecture.

Never enough family housing is provided (usually high density 1-2 bedroom flats with no gardens).

SSA3 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

SSA3 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

-

SSA5 Madeira Terrace and Madeira Drive

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

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

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

SSA5 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

SSA5 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SSA5 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

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

Why wish to speak:

H3 Purpose Built Student Accommodation

H3 Which Purpose Built Student Accommodation site(s) does your representation refer to? (Tick all that apply to your submission)

H3 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

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

No

H3 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified

H3 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

-

H3 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

There should be no more student accommodation in the city. If we have a housing crisis then land should be used for permanent residents rather than being used for only a few months of the year. Covid restrictions are likely to lead to more online teaching and fewer students from overseas so this is a waste of resource. This space should be reallocated to residential.

H3 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

H3 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

-

Response ID ANON-8ZMD-Y4XW-Y

Submitted to **City Plan Part Two (Proposed Submission)**
Submitted on **2020-10-30 16:35:18**

Your details

What is your name?

[Redacted Name]

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

Organisation:

Cycling UK (Local Representative for Brighton and Hove)

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

City Plan Part Two - Part One - Introduction

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

Comments on the Introduction of CPP2:

There needs to be a statement about the impact of Covid-19 on the Transport and Travel content of the City Plan, particularly planning with regard to social distance requirements and the provision of more cycle facilities to free up space on public transport.

Recent guidance "Gear Change" says on page 31:

"The Network Management Duty in the Traffic Management Act 2004 is central to the decisions highway authorities make about their road infrastructure. We

published new statutory guidance in May 2020 that was aimed at supporting the response to Covid 19 and building a green recovery. "

DM1 Housing Quality, Choice and Mix

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

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

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

(DM1) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

(DM1) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add : "The dimensions should allow cycles to be stored indoors." to existing text:
"2.3 In addition, housing quality also encompasses other aspects which can have a direct and critical impact on the health and well-being of occupiers, including internal space access bility and adaptability, and suitably adapted homes to support independence at home."

Add: "external storage for cycles" to 2.13

Providing space for home cycle storage enables people to use a cycle to get healthy exercise and use sustainable transport thus improving their health and wel being and supporting Travel and Transport policies for encouraging sustainable transport.

(DM1) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM8 Purpose Built Student Accommodation

(DM8) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

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

(DM8) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

(DM8) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add: "or communal or individual indoor storage for cycles"
2.77 ... In order to reduce the impact on neighbouring streets, management arrangements will be expected to ensure that occupants do not keep cars in Brighton & Hove. Exceptions may apply in the case of disabled students.

Other measures to support sustainable transport use such as discounted bus tickets and cycle loans should also be provided.

(DM8) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

DM33 Safe, Sustainable and Active Travel

DM33 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

DM33 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM33 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

No account is taken of two recent government publications: "Gear Change A bold vision for cycling and walking" and "Cycle Infrastructure Design, Local Transport Note 1/20"

Gear Changes says on page 31: "We will not fund or part-fund any scheme that does not meet the new standards and principles described in theme 1 and in the Appendix. We will not allow any other agency or body to fund such schemes using any of our money. This includes schemes delivered through pots such as the Transforming Cities Fund."

Important new standards are described, and there is reference to better rail-cycle integration, more cycle carriage on buses, and more bike hangars and other secure on-street storage, for people who do not have space to keep their bikes at home.

Gear Change says on page 20 "...we will expect Local Authorities and developers to utilise the guidance in the design of their schemes regardless of whether they are seeking Government funding. "

Gear Change says on page 26 " We will ensure that all new housing and business developments are built around making sustainable travel, including cycling and walking, the first choice for journeys The purpose of the planning system is to contribute to the achievement of sustainable development. We expect sustainable transport issues to be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote cycling and walking are pursued. "

On page 157, LTN 1/20 says:

"14.3.15 Networks need to meet the five Core Design Principles set out in Chapter 4: Coherent; Direct; Safe; Comfortable; and Attractive"

These 5 principles should be used in preference to "safe, easy and convenient access" in the "Cyclists" section in DM 33.

LTN/120 also includes Table 11-1: Suggested minimum cycle parking capacity for different types of land use and Table 11-2: Recommended and minimum dimensions for banks of Sheffield stands. These should be referenced.

On page 23, Para 3.2.4 LTN 1/20 says: "Local Plans should consider section 9 of the National Planning Policy Framework on "Promoting sustainable transport" including consideration of high quality cycling and walking networks and supporting facilities such as cycle parking, drawing on LCWIPs."

LTN 1/20 also says: "14.2.4 Local Cycling and Walking Infrastructure Plans (LCWIPs) are ... supported by the NPPF. They offer a well-founded process for local authorities to identify how cycling and walking networks should be provided and improved across a wide area. 14.2.5 The LCWIP guidance states that they should be incorporated into local authority policies so that appropriate consideration is given to cycling and walking in all local planning and transport decisions."

DM33 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM33 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

DM33 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM34 Transport Interchanges

DM34 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

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

DM34 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

DM34 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

Criteria for Park and Ride schemes should include the reduction of total mileage by motor vehicles and no increase (and preferably a reduction) in the total number of parking places. Park and Ride should not be subsidised to provide a benefit which then undermines public transport for non-car users. This would be counter to policies on Sustainable Transport.

DM34 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Criteria for Park and Ride schemes should include the reduction of total mileage by motor vehicles and no increase (and preferably a reduction) in the total number of parking places. Park and Ride should not be subsidised to provide a benefit which then undermines public transport for non-car users, and the use of other sustainable modes.

DM34 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

DM34 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM35 Travel Plans and Transport Assessments

DM35 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

DM35 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM35 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

No account is taken of two recent government publications: "Gear Change A bold vision for cycling and walking" and "Cycle Infrastructure Design, Local Transport Note 1/20"

Gear Changes says on page 31: "We will not fund or part-fund any scheme that does not meet the new standards and principles described in theme 1 and in the Appendix. We will not allow any other agency or body to fund such schemes using any of our money. This includes schemes delivered through pots such as the

Transforming Cities Fund."

Important new standards are described, and there is reference to better rail-cycle integration, more cycle carriage on buses, and more bike hangars and other secure on-street storage, for people who do not have space to keep their bikes at home.

Gear Change says on page 20 "...we will expect Local Authorities and developers to utilise the guidance in the design of their schemes regardless of whether they are seeking Government funding. "

Gear Change says on page 26 " We will ensure that all new housing and business developments are built around making sustainable travel, including cycling and walking, the first choice for journeys The purpose of the planning system is to contribute to the achievement of sustainable development. We expect sustainable transport issues to be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote cycling and walking are pursued. "

On page 157, LTN 1/20 says:

"14.3.15 Networks need to meet the five Core Design Principles set out in Chapter 4: Coherent; Direct; Safe; Comfortable; and Attractive"

These 5 principles should be used in preference to "safe, easy and convenient access" in the "Cyclists" section in DM 33.

LTN/120 also includes Table 11-1: Suggested minimum cycle parking capacity for different types of land use and Table 11-2: Recommended and minimum dimensions for banks of Sheffield stands. These should be referenced.

On page 23, Para 3.2.4 LTN 1/20 says: "Local Plans should consider section 9 of the National Planning Policy Framework on "Promoting sustainable transport" including consideration of high quality cycling and walking networks and supporting facilities such as cycle parking, drawing on LCWIPs."

LTN 1/20 also says: "14.2.4 Local Cycling and Walking Infrastructure Plans (LCWIPs) are ... supported by the NPPF. They offer a well-founded process for local authorities to identify how cycling and walking networks should be provided and improved across a wide area. 14.2.5 The LCWIP guidance states that they should be incorporated into local authority policies so that appropriate consideration is given to cycling and walking in all local planning and transport decisions."

DM35 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM35 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

DM35 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Special Area SA7 Benfield Valley

SA7 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

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

SA7 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

SA7 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

SA7 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SA7 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

SA7 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Response ID ANON-8ZMD-Y4B7-9Submitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-30 16:51:16

Your details

What is your name?

[REDACTED]
 [REDACTED]

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

Organisation:

Friends of Whitehawk Hill

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

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

Yes

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

Yes

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

Yes

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

Yes

Date Response Submitted**Date Response Submitted:**

Not Answered

City Plan Part Two - Part One - Introduction

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

Comments on the Introduction of CPP2:

DM37 Green Infrastructure and Nature Conservation

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I strongly object to the phrasing, 'unless allocated for development in the City Plan'

surely this wording immediately weakens the protection that is already in existence - for example, in the case of Whitehawk Hill, an LNR and implicitly gives permission for development to proceed.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

To delete the phrase 'Unless allocated for development in the City Plan' from the paragraph which deals with Locally Designated Sites.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

Simply to represent the views of the community who have long supported that Whitehawk Hill remains as it is.... an LNR and free from the threat of development.

DM38 Local Green Spaces

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

I understand that Whitehawk Hill LNR meets all of the criteria for the status of Local Green Space as noted in para 77 of the National Planning Policy but it is not designated as such in the CPP2 - is there a reason for its exclusion?

There does not appear to be consistency in the choice of sites designated as a Local Green Space

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Include Whitehawk Hill in the list of sites to be designated as a Local Green Space.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

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

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

Why wish to speak:

To support the community who would wish to see Whitehawk Hill with the status of Local Green Space.

H2 Housing Sites – Urban Fringe

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

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

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

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

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

Yes

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

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

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

My objection to the allocation of land at and adjoining Brighton Racecourse is because:

- The Urban Fringe assessment has not fully considered or measured the impact of development on the site would have on the local nature reserve.
- If the development were to take place, the LNR would be split at the core part of the reserve between Manor Hill and Warren Road/Wilson Avenue.
- Whitehawk Hill has historic gorse, scrub habitat, and a breeding population of the Red Listed Bird species., including the linnet. This has been identified from breeding bird surveys in 2019.
- The site is of importance not just because of its flora and fauna, but it is worth referencing the 1822 Tenantry Down Enclosure Deed which states the owner of the race ground 'shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'.
- For many years, community volunteers have been working with Council Ranger Service to conserve and restore habitats of principal importance - development means their conservation work will be undermined.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

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

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

To represent the views of the community.

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I object to the inclusion of the phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites.

It is contrary to paragraph 174 of the National Planning Policy Framework.

The inclusion of this phrase weakens of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife sites)

The inclusion of this phrase would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site.

The ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion.

The inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete the phrase 'Unless allocated for development in the City Plan...' from the beginning of the paragraph dealing with Locally Designated Sites.'

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Whitehawk Hill Local Nature Reserve meets all the criteria for designation as Local Green Space, as listed in paragraph 77 of the National Planning Policy Framework, but is not listed for designation in the City Plan Part

2.

The choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment, from which the list in City Plan Part 2 is derived, is not supported by evidence to show why, against the NPPF criteria, the sites selected were chosen and other sites, such as Whitehawk Hill LNR, were excluded.

Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Space because they act as 'important green wedges into the urban area'. Clearly Whitehawk Hill also meets this objective.

The choice of sites, and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent with national policy, as it excludes a site which would meet the designation criteria.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add Whitehawk Hill Local Nature Reserve to the list of sites for designation as Local Green Spaces.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I object to the allocation at Land at and adjoining Brighton Race Course because It will not be able to deliver a net to biodiversity (per National Planning Policy Framework) - quite the opposite in fact.

It relies on the urban fringe assessments which are out of date and inadequate - failing to acknowledge the the importance of biodiversity at the site and the damage that will be caused by fragmenting through important scrub habitat home to rare birds and reptiles.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables) from the list of allocations in policy H2

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Response ID ANON-8ZMD-Y4BH-TSubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-30 17:41:32

Your details

What is your name?

[REDACTED]
 [REDACTED]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

Sustrans

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:

No

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

No

Notification matrix - The adoption of the City Plan Part Two:

No

Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

Yes

Date Response Submitted**Date Response Submitted:**

Not Answered

DM33 Safe, Sustainable and Active Travel**DM33 1. Do you consider this policy is: (tick as appropriate)****Legally compliant sound - Legally Compliant:**

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM33 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Consistent with National Policy

DM33 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

DM33 section 2 Cyclists (p98)

With Gear Change the government is expecting cycle facilities to be fully inclusive. I there should be direct reference to inclusive facilities eg that can accommodate tricycles or has accessible parking for those with disabilities. " Universally access ble" as a phrase I don't believe is specific enough for developers to act on.

DM33 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Include phrases used in Gear Change. All new developments should comply with Equality Legislation including access to facilities for cyclists who are disabled - this applies to car drivers.

DM33 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM33 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM40 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared

DM40 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I think that what the policy says about light pollution, or more positively put: good quality lighting design and lighting strategies is absurdly minimal. Actually it fails to recognise some good work done/in progress by the council's own lighting design team. The positive impact this good quality design has on light pollution levels in general, human and wildlife impacts specifically is very important, and needs to be spelt out in much more detail in this document. Sadly people struggle to understand that sometimes light can be a bad thing, mainly because for millennia the church has equated light with good and dark with bad.

It also needs to be more considered in its approach to light nuisance and light harms: it needs to deal with super spills, unshielded glare, harmful colour temperatures and flicker.

The prominence given to the use of lighting professionals with adequate training and experience is woefully lacking. As it stands the document demonstrates a lack of even basic understanding about light. If we use light well it can be a real asset. If we use it badly it can cause great harm. With LEDs light has become as cheap as plastic, and like plastic its uncontrolled proliferation is a driver of extinction.

DM40 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

All developments, including highways, will need to demonstrate highest quality lighting design in order to ensure that light is only directed where it is needed, and never directed or reflected upwards.

Lights which create harmful spectra, flicker or other damaging effects will be prohibited.

A lighting audit process will ensure that year on year light pollution is reduced, and the light that is used is more effective and efficient.

Street lights will not be moved to positions nearer to people's bedrooms, and luminaires will not be placed on ever higher poles which enable the light to spill further.

In general the policy should be to reduce artificial light to benefit human health and wildlife habitat.

DM40 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM40 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

I have some relevant expert knowledge. I have

[REDACTED]

Response ID ANON-8ZMD-Y4BN-ZSubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-30 17:57:26

Your details

What is your name?

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:

No

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

No

Notification matrix - The adoption of the City Plan Part Two:

No

Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM37 Green Infrastructure and Nature Conservation

DM37 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I object to the inclusion of the phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites.

- I think it shocking that this phrase was added at a later date to bypass the due process of ecological assessment and it shows a cynical ploy to preempt the due process.
- It is contrary to paragraph 174 of the National Planning Policy Framework.
- The inclusion of this phrase represents a significant weakening of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.
- The inclusion of this phrase would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site.
- The ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete the phrase 'Unless allocated for development in the City Plan...' from the beginning of the paragraph dealing with Locally Designated Sites.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

- Whitehawk Hill Local Nature Reserve meets all the criteria for designation as Local Green Space, as listed in paragraph 100 of the National Planning Policy Framework, but is not listed for designation in the City Plan Part 2.
- The choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment, from which the list in City Plan Part 2 is derived, is not supported by evidence to show why, against the NPPF criteria, the sites selected were chosen and other sites, such as Whitehawk Hill LNR, were excluded.
- Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Space because they act as 'important green wedges into the urban area'. Clearly Whitehawk Hill also meets this objective.
- The choice of sites, and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent with national policy, as it excludes a site which would meet the designation criteria.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add Whitehawk Hill Local Nature Reserve to the list of sites for designation as Local Green Spaces.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Land at and adjoining Brighton Race Course

I object to the allocation at Land at and adjoining Brighton Race Course because -

- The allocation is inconsistent with conditions in the 1822 Tenantry Down (common) enclosure deed, which state that the successor owner of the 'Race Ground' 'shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'. These conditions were reiterated in the 1888 Indenture when the 'Race Ground' was purchased by Brighton Corporation.
- Contrary to paragraph 174 of the National Planning Policy Framework.
- Won't be able to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework
- Not justified because the ecological evidence in the Urban Fringe Assessments -
 - o is out of date and undervalues the importance of the sites biodiversity and its Local Nature Reserve designation
 - o is insufficient to justify their conclusion of no significant impact with mitigation.
 - o is inconsistent, for example the conclusion that impacts on this site can be mitigated is inconsistent with other statements in the same documents, for example the 2014 Urban Fringe Assessment, which states that 'provision for the biodiversity assets may help to create new habitats and contribute to habitat connectivity helping to mitigate significant negative effects', which is rightly more cautious and does not claim that negative effects can be mitigated.
 - o did not consider or assess the impact development on this allocation would have on the integrity of the Local Nature Reserve, partly severing (fragmenting) a section at the centre of the core part of the reserve between Manor Hill and Warren Rd/Wilson Ave.
 - o did not consider or assess the impact development on this allocation would have on the historic gorse scrub habitat and its dependent species, including a breeding population of the Red Listed bird species and Species of Principal Importance linnet, identified as using the gorse scrub in breeding bird surveys undertaken in 2019
 - o did not consider or assess the impact development on this allocation would have on the important invertebrate assemblage that surveys indicate the area in and around the allocation supports. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site'.
 - o did not consider or assess the impact development on this allocation would have on several invertebrate Species of Principal Importance which have been recorded in recent years within or close to the allocation, including brown-banded carder bee and small heath, small blue, dingy skipper, wall and brown hairstreak butterflies.
 - o contains errors and omissions, such as, within the wider site, wrongly identifying the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland in the Phase 1 Habitat Survey, and wrongly recommending tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland. These errors undermine the credibility of the evidence of the Urban Fringe Assessments as well as their conclusions.
- Not justified because -
 - o the evidence in the Urban Fringe Assessments in relation to landscape is framed wholly in terms of impacts of development on the National Park's setting and views, and did not consider such effects within the local visual catchment (within and adjoining LNR), for example of views along Whitehawk Hill from the south and north, as well as from the valley below. Although the existing tower blocks impinge upon these views, the views are in many places currently uninterrupted.
 - o the evidence in the Urban Fringe Assessments did not recognise that development would result in the intrusion of a residential landscape into what is currently

a semi-natural landscape, significantly reducing its strong sense of naturalness.

o the evidence in the Urban Fringe Assessments did not consider the loss of statutory Access Land (which includes the whole of the allocation) that would be caused by development in this allocation.

o it will result in a loss of Open Space, which is inconsistent with statements in City Plan Part 1 which seeks to increase, not decrease the amount of accessible land adjacent to the urban area (SA5 The Setting of the South Downs National Park, 3.170).

- Will undermine the positive work of community volunteers on this site, who have been working with the councils Ranger Service to conserve and restore Priority Habitats/ Habitats of Principal Importance in the Local Nature Reserve, leading to the degradation of the rest of the LNR.
- Is not effective because councillors from all main parties in the city have said they won't support development of the site.

Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables)

- These sites are separated from the edge of the current built up area of the city so their development would create isolated new residential developments in what is currently open countryside. The NPPF advises against giving consent for new and isolated homes in the countryside and this is restated in City Plan Part 1 (3.16.1). Whilst these allocations are not for single homes they are still within the spirit of the NPPF guidance.
- The evidence in relation to the landscape impact of development of these sites in the Urban Fringe Assessments was inadequate. The sites are in sensitive elevated locations close to the top of a ridge and adjacent to the National Park Boundary. Development of these sites would have a significant negative impact on landscape character. The South Downs National Park Local Plan (Strategic Policy SD4: Landscape Character) states 'Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that: ... 3. The settlement pattern and individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.'
- Effects on views were not fully considered in the Urban Fringe Assessments. For example the western part of the allocation at Land north of Warren Road (Ingleside Stables) is on greenfield land immediately to the north of a well-used track. Development of this site would obscure and/or significantly negatively impact important and valued views north from this track and from Warren Road. This was not considered in the Urban Fringe Assessments. This part of the site is also clearly visible, for example, in an important view south eastwards from Hollingbury Camp/Castle, within the National Park on the northern edge of the city.
- Loss of these farmsteads/buildings to housing will create knock-on pressures for new replacement buildings within this landscape because residual 'bare land holdings' (without buildings) will require such infrastructure.
- Allocation and development of these two sites would set a dangerous precedent for further development on this open, high, greatly inter-visible Downland ridge, (between Brighton and Woodingdean, and between the National Park and the Bevendean Down and Whitehawk Hill LNRs), which would further erode it's character.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables) from the list of allocations in policy H2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM31 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM31 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM31 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

DM31 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM31 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM31 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM37 Green Infrastructure and Nature Conservation

DM37 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I consider that the phrase 'unless allocated for development in the City plan' is too general, is unsound and not compliant with the statutory protections afforded by previous legislation. It is being used to over-rule specific and detailed designations of Local Nature Reserves and Local Wildlife Sites and is contrary to the National Planning Policy Framework (para 174). It undermines the proper evaluation of ecological impacts in a way that is also unsound.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

As set out above, the phrase 'unless allocated for development in the City plan' renders almost all relevant planning and ecological protections null and void. The phrase the phrase 'unless allocated for development in the City plan' should be removed from the document .

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Whitehawk Hill Local Nature Reserve meets all the criteria for designation as Local Green Space and should be included. It is a green 'wedge' maintaining an uninterrupted channel between the City and the South Downs National Park.

Benfield Valley despite its designation as a Local Green Space is still subject to development which is unsound. Proposed development here is contrary to the National Planning Framework and is not justified. It will diminish the integrity of the site with damaging impacts on local residents and threatened wildlife.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Whitehawk Hill Local Nature Reserve should be added to the list of protected Local Green Spaces.

Benfield Valley LGS should be fully protected and deleted from the allocations in policy H2.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Special Area SA7 Benfield Valley

SA7 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

SA7 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

SA7 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The policy is unsound in that does not take full account of the loss of uninterrupted green space, habitat loss for threatened species, detrimental outcomes for local people and the increase in air and noise pollution (which is already high and requires monitoring).

The putative improvements could be carried out at low cost without the loss of the site to private housing. The council can meet its statutory housing requirements without these 100 dwellings.

SA7 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The proposed development is not in the public interest. It brings no benefit for current local residents, no benefit is shown for incoming new residents, it is not required by the City's housing need and should not go ahead.

The City should support enhancement of the site in consultation with the local community.

SA7 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

SA7 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

Benfield Valley, Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The policy is not consistent with National Planning Policy Framework (170, 174). It is not justified in terms of housing need. It undervalues existing biodiversity and compromises the City's biodiversity and environmental goals for 2030.

It takes insufficient account of the need for the the City to maintain unimpeded green 'wedges' to the SDNP or the rarity species and habitat of the Local Nature Reserve and Green Spaces.

The proposed developments are not congruent with other established aims of the City, including meeting carbon neutral targets, promoting good mental health through access to green space and access to green space to a wide diversity of residents as is currently the case in the Urban Fringe, e.g. Whitehawk and Benfield.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The City should delete from H2 policy Benfield Valley; Land at Brighton Racecourse; Land at South Downs Riding School & Reservoir Site; Land North of Warren Road (Ingleside Stables).

The City should undertake measurable surveys into current use and record the diversity of the local communities using these spaces.

Further, although the City is claiming that current Government policy is behind the City's decision to build private housing on Green Spaces, the Government itself is under pressure (e.g. the White Paper on Planning for The Future) to align planning laws with: access to nature, public health and well-being and improved democratic accountability.

The City should use its position to align itself with these aims and delete all Green Space and Local Wildlife Sites from H2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

accommodation by high rents that result from a housing shortage.

Therefore we propose the following amendments:

p. 5 Paragraph 1.2 'ensuring everyone has access to a decent home' should be changed to 'ensuring everyone who wishes to live in our city to have access to a decent home at affordable rents'.

'the need to achieve a balanced and sustainable approach to accommodating the city's development needs, particularly for jobs and homes, with the continuing need to protect and enhance the city's high-quality environments and the nationally designated landscapes that surround the city.' should be changed to 'the need to achieve a sustainable approach to accommodating the city's development needs, particularly for overall housing affordability, within a planning framework that enables the enhancement of the city's high-quality environments and the nationally designated landscapes that surround the city;

p. 5 paragraph 1.4 'improve access to good quality and affordable housing; reducing homelessness and rough sleeping in the city' should be replaced by 'improve access to good quality and affordable housing, with the aim of reducing the number of people on the council waiting list by at least 50% and eliminate rough sleeping in the city by 2030'

Therefore at the end of the 'Neighbourhood planning' on p.8 paragraph 1.9 ', We propose the addition of:

'We shall develop a policy favouring planning applications for suburban intensification signed by at least 60% of the residents on a single stretch of street between two crossroads or between a crossroads and the end of the street, to a maximum height of four storeys plus one mansard roof storey, provided that the proposal has minimal impacts on residents of other streets. Any dwellings in the new development shall be required to be car-free.'

DM1 Housing Quality, Choice and Mix

(DM1) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM1) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM1) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

(DM1) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM1) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM1) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM2 Retaining Housing and residential accommodation (C3)

(DM2) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM2) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM2) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

(DM2) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM2) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM2) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM3 Residential conversions and the retention of smaller dwellings

(DM3) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM3) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified

(DM3) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The regulation of subdivisions should be included in any plan to make sure these conversions meet the minimum standards set out in the local plan.

However, we strongly object to the attempt to prevent subdivisions of smaller family dwellings and force larger accommodation into subdivisions. Legislating that housing sizes should be larger than that which many low-income people in our city are able to afford at current rents is the equivalent of banning them from the city altogether and is not justified by the space standards given. Such a policy is contrary to the plans aims of providing a suitable mix of dwelling for a variety of income levels.

In addition, we strongly object to the rhetoric used in paragraph 2.23 which appears to imply that subdivision of properties can lower neighbourhood amenity. This appears to endorse exclusionary rhetoric regarding renters, particularly low-income workers and students, who are resident in shared occupancy properties.

(DM3) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Paragraph 2.22 should be deleted as it is an unsound policy.

In paragraph 2.23 the sentence 'Too much conversion activity can have an adverse impact on residential amenity, particularly in those areas where dwelling densities are already high' should be deleted as it contains exclusionary rhetoric.

(DM3) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM3) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM4 Housing and Accommodation for Older Persons

(DM4) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM4) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM4) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We support the commitment to provide appropriate housing services for the elderly.

(DM4) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM4) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM4) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM5 Supported Accommodation (Specialist and Vulnerable Needs)

(DM5) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM5) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM5) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We support the intention to provide accommodation for those with Specialist and Vulnerable needs.

(DM5) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM5) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM5) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM6 Build To Rent Housing

(DM6) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM6) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM6) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

(DM6) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM6) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM6) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM7 Houses in Multiple Occupation (HMOs)

(DM7) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM7) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

(DM7) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

This policy is unreasonable and has a discriminatory equalities impact. HMOs are generally populated by younger citizens, members of ethnic minorities and other protected groups such as those with disabilities, and citizens on lower incomes, as the document itself, admits (paragraph 2.61). Putting unsubstantiated allegations of 'negative impacts on local communities' and a 'breakdown of community cohesion' is irresponsible and endorses exclusionary rhetoric. There is no or at best insufficient evidence to justify this policy provided.

If people are unable to afford full properties due to our cities housing shortage then they should not be penalised for doing so. Attempting to ban HMOs beyond one-fifth of the total housing stock in an area is tantamount to banning underprivileged and protected groups and those of lower incomes from large swathes of the city.

The framework for 'regulating' the proliferation of HMOs is therefore unacceptable, discriminatory and a waste of the Council's resources and time.

(DM7) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Policies to approve HMO conversions only if:

- 2a) fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;
- 2b) the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;
- 2c) the proposal does not lead to a continuous frontage of three or more HMOs

should be deleted.

Paragraphs 2.57, 2.58, 2.59 should be deleted due to their unsubstantiated claims regarding HMOs, their discriminatory impact and their endorsement of exclusionary rhetoric.

Paragraphs 2.61, 2.62 should be deleted due to their explicit desire to discriminate against the residents of HMO's compared to those who are able to afford family homes. Once again the rhetoric of 'over-concentration' and 'negative effects' of HMO's are highly inappropriate.

The regulatory framework for regulating HMO's in paragraph 2.63 to 2.67 should also, therefore, be deleted as it is an unjustified use of council resources for discriminatory purposes.

(DM7) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM7) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

The policies concerning HMOs in our city are being perpetuated due to the unrepresentative demands of wealthier homeowners who wish to exclude the ethnic minorities, those with disabilities and mental health issues, the poor and young from their neighbourhoods.

Regrettably, those who live in HMO's are often unable to engage in the planning process due to a lack of time and resources. As an organisation that represents younger renters, we implore that our voices be heard in this debate as well. People of all incomes deserve the opportunity to live in our city.

DM8 Purpose Built Student Accommodation

(DM8) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM8) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM8) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

(DM8) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM8) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM8) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM9 Community Facilities

(DM9) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM9) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM9) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

(DM9) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM9) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM9) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM10 Public Houses

(DM10) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM10) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

(DM10) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Attempting to micromanage the brewery industry, including limiting the ability of uneconomic pubs to be converted into desperately needed housing because of the expected wrath of minor NIMBY campaigns is a counterproductive waste of the councils time and resources.

(DM10) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The entirety of DM 10 should be deleted as it is not justified.

(DM10) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM10) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM18 High quality design and places

(DM18) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM18) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified

(DM18) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We fully support the desire for high-quality design and places. However, it is a clear beauty and good design are very subjective concepts and difficult to achieve a consensus about over tens of thousands of people. Not to mention the constant constraints of viability and delivery

Therefore we suggest experimenting with allowing more small-scale resident-led initiatives in a neighbourhood based-framework as suggested in the introduction. We believe that it is easier for individual streets and neighbourhoods to agree on an optimal design code for their local area than an entire city and would lead to better results.

(DM18) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add new paragraph (2.160):

'The council will seek to investigate the possibility of trials of limited street-by-street design codes and intensification, as suggested by the Ministry of Housing and Local Government's report, 'Living with beauty: report of the Building Better, Building Beautiful Commission p.80''

(DM18) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM18) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

We believe that this proposal offers a great opportunity for improved local design, and in the long run, improved supply and affordability with local participation and consent. This type of assertive and construction local engagement would show Brighton's community character and creativity at its best.

DM19 Maximising Development Potential

(DM19) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM19) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

(DM19) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We support the broad thrust of this policy to use existing sites effectively.

However, we believe it is wrong to suggest that Brighton has 'only a limited supply of land suitable for development'. Large sections of the city plan area are covered by one to two-story suburban sprawl which is around one fifth to one-tenth of popular and well-designed areas along and behind the seafront.

Instead of blaming Brighton's atrocious housing situation on geographical factors, we must instead start to look at using our existing land effectively. We suggest that measures to promote the intensification of existing residential suburban land to allow for a net gain in housing be promoted into the plan. In particular, we suggest approaches as proposed by the Royal Institute of British Architects (RIBA) 'Ssupurbia' reports. The Royal Town Planning Institute has recently endorsed trials of 'microdemocracy' to pursue such intensification, as have the research organisations Create Streets and Centre for Cities, the final report of the Building Better Building Beautiful Commission, and the recent government White Paper on planning.

We suggest the policy of street-led intensification described in the introduction to allow this level of densification with local support.

(DM19) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add paragraph (2.163):

'The plan also seeks to encourage the intensification of low-density suburban land with local support. Using the principles established in the Ministry of Housing and Local Governments Building Better Building Beautiful Commission we will develop a proposal to encourage resident-led applications for suburban intensification to create better streets and more affordable housing. This policy will be subject to rules and compensation guidelines to protect neighbouring streets'.

(DM19) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM19) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

We believe this policy to be an important addition to improving the availability of housing in Brighton and enhancing the character of the local area and wish for the chance to explain it in more detail and promote it.

DM20 Protection of Amenity

(DM20) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM20) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

(DM20) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Amenity protection is an important part of any plan and should be factored into major development using this framework.

Where a broad consensus exists among most residents to strengthen an area, such as a street, by allowing sensitive suburban intensification, a broad approach should be taken which takes account of the fact that the capital gain from an ambitious permission for each plot within that area may mitigate some or all of the inconvenience from construction and other matters. For that reason, we propose the development of the policy described in the introduction in addition to a compensation mechanism for neighbouring streets suggesting below.

(DM20) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add paragraph (2.170):

Compensation:

For the individual extension of properties either through planning application or resulting from street votes which occur above 30 degrees of a property on a separate street, compensation should be enforced at 100% of the proposed damage. This mechanism will replace formal planning considerations for a height of up to five stories'

(DM20) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM20) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

This is a major part of our proposal on streets and we would like to include it in our presentation.

DM21 Extensions and alterations

(DM21) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM21) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

(DM21) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We support the overall desire to allow extensions if well designed. For this reason, we have proposed the policy of street votes described in the introduction.

(DM21) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Replace the entirety of paragraph 2.172 with:

'in general, extensions should respect the proportions and context of the local area or the locally adopted design code. Further extensions will be permitted if planning applications for suburban intensification signed by at least 60% of the residents on a single stretch of street between two crossroads or between a crossroads and the end of the street, to a maximum height of four storeys plus one mansard roof storey, provided that the proposal has minimal impacts on residents of other streets. If the resulting structure is above five stories then it should not lead to unacceptable impacts on amenity of neighbouring properties (see Policy DM20 Protection of Amenity).'

(DM21) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM21) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

This is in an important part of our general suggestions and needs to be further elaborated.

DM22 Landscape Design and Trees

(DM22) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM22) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM22) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

(DM22) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM22) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM22) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM26 Conservation Areas

(DM26) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM26) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

DM26 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We support the plans desire to protect areas of our cities heritage. However, in certain more homogenous conservation areas, such as for example near Preston Park, there may be opportunities for smaller-scale intensification which will enhance the area.

We suggest that the neglect of the statutory purpose of 'enhancement' of conservation areas has led to profoundly discriminatory impacts on the lower-income residents and members of protected groups in places outside of conservation areas, as new construction has been imposed on them. Therefore, we propose a policy that any refusal of an application for consent in a conservation area should include an indication of what types of enhancements would be acceptable on the site in question

DM26 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

In paragraph 2.204 delete ' may be set out in a character statement or management plan for the area. The council will have regard to management plans when instigating proactive programmes of action to secure the repair and redecoration of buildings, through enforcement where necessary.'

Replace with ' must be indicated when an application for a consent in a conversation area is refused.'

DM26 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM26 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Please see the reasons given in previous statements.

DM33 Safe, Sustainable and Active Travel

DM33 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM33 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

DM33 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We strongly support measures to improve the opportunities for active travel within the city. In particular, we would also like to also state the necessity of protected cycle lanes in the general public realm.

DM33 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM33 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM33 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM36 Parking and Servicing

DM36 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM36 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

DM36 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We strongly support the emphasis on 'car-free' development. However, considering Brighton's existing status as a hub of public transport and a fairly compact city with major land constraints in conjunction with the existing climate emergency we feel that these policies do not go far enough. All developments should be actively encouraged to be car-free (with obvious exceptions for those with mobility issues) and an emphasis should be put upon the extension of walking, cycling and public transport infrastructure in new developments.

DM36 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Statement 2) Delete 'subject to consideration of relevant factors as set out in SPD14 'Parking Standards for New Development' (and any subsequent revisions). '

Paragraph 2.267 Delete 'demonstrate that there is sufficient on-street parking capacity in the immediate vicinity of a development site to support the extra demand that the development could create. A parking survey is required as an aspect of this case which should include a robust analysis of typical parking conditions taking into account variations in demand at different times of the day and/or week. Within Controlled Parking Zones, consideration will also be required of the possible existence of waiting lists for permits at any time of the year.' Replace with ' will need to become car-free with the use of any city parking by the residents forbidden as a planning condition '.

Paragraph 2.269 delete 'however regard should be had to the considerations set out in SPD14. These include the scale and type of development, accessibility to sustainable transport modes and capacity for on-street parking in the immediate vicinity of the site and in the surrounding area.' replace with 'extension of active travel networks may be necessary;

DM36 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM36 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

See previous reasons given.

H1 Housing Sites and Mixed Use Sites

H1 Which site(s) does your representation refer to? (Tick all that apply to your submission)

ALL SITES

H1 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

H1 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

H1 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We currently believe the current housing site allocation is grossly inadequate considering both Brighton's acute shortage of housing and its demographic predictions.

The Brighton and Hove City Council report of Objectively Assessed Need in 2015 suggested 30,120 homes were needed between 2010 and 2030. A target of

13,200 is therefore under half what the city calculates it needs to stop the housing situation deteriorating any further. The current plan is therefore a statement for Brighton's housing crisis to get worse.

Therefore we suggest that this plan has not been Positively Prepared or can be Justified in any meaningful sense. By deliberately worsening Brighton's housing shortage it contravenes Paragraph 20 section a) of the NPPF by failing to make sufficient provision for housing.

We instead suggest that the rate of housebuilding over part 2 of the plan period be at least increased to yearly figure which the OAN figure suggests is necessary, 1,500 homes per year. This would imply an overall figure of 20,000 homes for the plan.

We believe that such a target can be effective assuming a capable and proactive planning policy. Brighton's land constraints can be overcome using a policy of suburban intensification, promoting the better and more environmentally friendly use of poorly-utilised land which comprises the majority of the city. That will allow more journeys to be undertaken via non-vehicular modes of travel, provide support for local shops and other amenities, and reduce national carbon emissions by allowing people to move to less car-dependent modes of living. Assuming an average of 500 hundred homes are built through this scheme per annum this will allow the addition of 5,000 houses to be added to the housing target of the plan.

In addition, there are areas of the national park, namely the six golf courses that are contained within the jurisdiction of the city area. Although the plan has currently agreed to not co-operate with the National Park Authority in providing housing, which is in violation of the duty to co-operate, there is an opportunity to change this as the duty to co-operate is being replaced in the current planning reforms.

We suggest that this opportunity be taken. It has been estimated that the Hollingbury golf course, which we understand to be regularly sprayed with pesticides, has space for 1,500 homes alone. Therefore we believe the remainder of our more realistic target, which requires 1800 more houses, can be met on these otherwise unattractive and ecologically barren and environmentally damaging areas. Building on these areas would be both possible and desirable. We are confident in the ability of the planning authorities of Brighton and the National Park to make sure that these houses enhance the local landscape and enable net biodiversity gain. They can be completed with local support through good design, the provision of extensive affordable housing as many of these courses are on public land, and the provision of high-quality public greenspace.

H1 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Paragraph 3.62:

Delete 'housing target of 13,200 new homes'.

Replace with 'housing target of 20,000 new homes'

To residential site allocations add:

'Suburban sites for intensification' - 5000

South Downs National Park - 1800.

H1 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

H1 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

We believe there is a strong case for Brighton being able to build more of the homes that it desperately needs. These policies will benefit large sections of people, such as younger people and those on low incomes, who are unable to traditionally voice their opinions in the planning system.

H2 Housing Sites – Urban Fringe

H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

ALL SITES

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

In addition to this we also fully support the current efforts of the council and planning department to develop Brighton's rural-urban fringe. We are appalled by the misinformation and hostility being shared to these highly necessary and beneficial developments.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

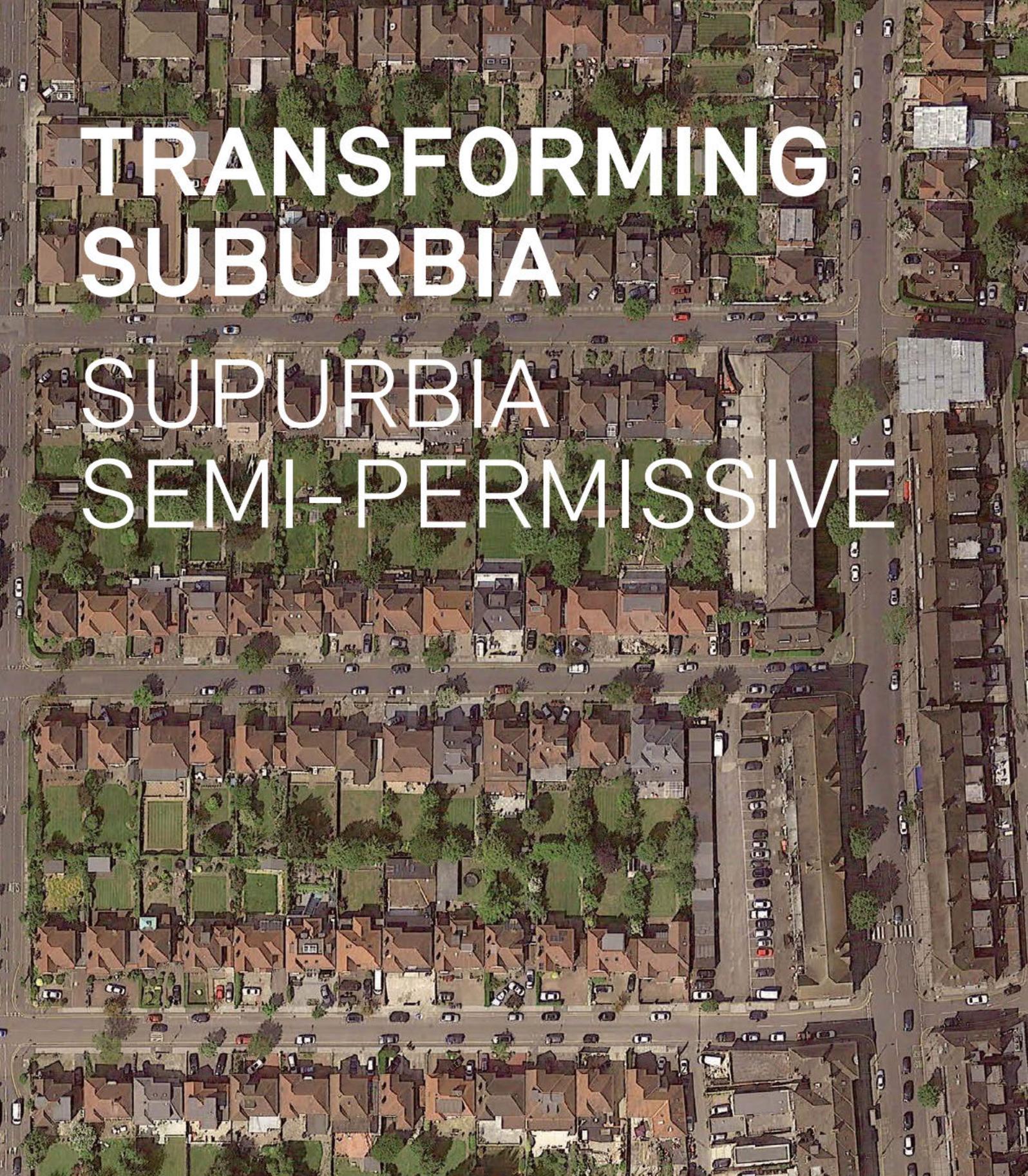
Why wish to speak:

Upload Supporting Information to your representation(s)

Do you have any supporting information to add to your submission?

upload box:

supurbia-semipermissive_v5_LR.pdf was uploaded



TRANSFORMING SUBURBIA SUPURBIA SEMI-PERMISSIVE



Pollard
Thomas
Edwards



Nathaniel Lichfield
and Partners

Planning Design Economics

2015

TRANSFORMING
SUBURBIA
SUPURBIA
SEMI-PERMISSIVE

Foreword: Peter Murray



I am lucky enough to live in a suburb, and a very special one at that. Bedford Park is the 'first garden suburb' - it was a precursor of the Garden City movement and of developments such as Hampstead Garden Suburb and Brentham. It sports tree-lined streets, front and back gardens and distinctive fences. The majority of the houses, detached and semi-detached, were designed by R Norman Shaw in the Queen Anne style and built of bright red bricks fired in local kilns. It is low density.

Since it was built in the latter part of the 19th century there have been various phases of increasing that density. The Edwardians built two new mansion blocks. They are four storey rather than the two and three storeys of the surrounding houses, and they deliver 16 generous apartments where there would be four family houses.

In the 1930s a single large house, built for Jonathan Carr, the developer of the suburb, was demolished to make way for a block of older persons flats. Then in the 1950s and early sixties Acton Borough Council implemented a programme of demolishing the then rather run down houses and replacing them with blocks of flats. A single plot could deliver up to 20 new units over five floors.

The vandalism of the Council in demolishing important Norman Shaw houses so upset the locals that they set up an amenity society to protect them and as a result the majority of houses on the estate were listed in 1967 and the densification programme was halted.

Densification of suburbs is not new and done appropriately it works. It also has real benefits to the local community in providing a richer mix of types and sizes of accommodation to suit different lifestyles. Very importantly, it needs to be done with the consent of the local community; London's suburban residents are famously sensitive about development in their back yards.

That is why the well considered approaches to densifying London's suburbs illustrated in this book are so important. Suburban sprawl is an inherently inefficient use of land - the capital's most valuable resource. As the ideas on the following pages show, well considered replanning and densification of suburban areas can make a substantial contribution to the delivery of much-needed homes for Londoners. Not only can it deliver large numbers of homes but it can also help to regenerate the lacklustre economies of London's towns and high streets.

Executive Summary

For all their virtues, the inter-war suburbs need to change – they are land-hungry, energy-hungry and car-dependent – but local democracy and owner-occupation make large scale change almost impossible.

How can we modernise the suburbs, increase the number and variety of homes and reduce car dependence – but maintain the space, greenery and independence that people value?

This report shows how urban intensification of suburban London can increase housing supply, promote economic activity, improve local service provision and reduce congestion – whilst improving the quality of life, the choices available and the sustainability of the suburbs. Doubling the density of just 10% of the outer London Boroughs could create one million new homes.

Suburbia

Supurbia is a strategy for intensifying London's suburbs that balances their inherent advantages with higher density and amenity value. Its approach is twofold: redeveloping the local main streets and parades as mixed-use places with increased housing, improved service and amenity provision; and enabling owner-occupiers to develop their land, creating rich diversities of housing. The strategy will bring together local authorities and communities to plan appropriate developments, and allow homeowners to release equity in their land for home improvements. It will also reduce reliance on mainstream developers to ease the housing crisis, providing an approach that is more adaptable to communities' needs.

Semi-permissive

Permitted development rights can incentivise suburban householders to collaborate in replacing and supplementing their houses with modern homes. Giving suburban householders a vested interest in development could help to overcome resistance to change.

There are over 725,000 semi-detached and detached houses in the outer London Boroughs. This scheme could create over 100,000 additional homes and renew a similar number.

16 Ideas for transforming Metroland

The original report Supurbia: a study in urban intensification in Outer London was produced by HTA Design LLP in 2014.

It asked: how might suburban transformation be triggered, what incentives might begin to unlock the potential? Is there a case for special measures based on the principle of Housing Zones proposed in the GLA's Housing Strategy? Or should the incentives be more generally applied across the outer Boroughs and London as a whole?

The study made 16 preliminary proposals for further discussion. Many of these have been developed further in this latest report and in submissions to the NLA's New Ideas for London Insight Study.

Creating value in suburbia

The place potential of well connected areas of metroland makes possible value uplift associated with the Supurbia vision. According to Savills, the gross development value generated by homeowners who club together to develop their plots could be as much as 60% – a considerable incentive for change.

About this report and its authors

This report has been produced by HTA Design LLP and Pollard Thomas Edwards (PTE), with support from Savills and Nathaniel Lichfield and Partners.

It has grown out of an earlier report - Supurbia: a study in urban intensification in Outer London produced by HTA in 2014 - and from recent submissions by both practices to the NLA's New Ideas for London Insight Study. The report contained input from Savills on delivery and viability.

HTA's Supurbia - one of the ten winning entries to the NLA competition - covers a wide range of potential initiatives to transform the suburbs. Supurbia is offered here as an umbrella title not only for the ideas set out below, but also for other contributors to bring forward their own proposals.

Semi-permissive is Pollard Thomas Edwards's more detailed proposal to use carefully-framed permitted development rights to bring about beneficial change and to incentivise householders to become micro-developers. PTE was supported by planning consultants Nathaniel Lichfield and Partners.

The two approaches have much in common, but also show distinctively different attitudes to planning and delivery: PTE and NLP propose a more market-led approach facilitated by top-down planning reforms, while HTA propose a more consensual approach based on neighbourhood planning and local development orders. We have found the debate stimulating: we hope that the readers of this report will add their own contributions through our website.



Both Supurbia and Semi-permissive envisage a reduction in car domination and the greening of streetscapes

Introduction

The Metroland problem

When London's Metroland was first developed in the early 20th century, it was conceived as an affordable means of access to London's booming economy for working Londoners. It was popular, successful and gave rise to a culture all of its own, perhaps best characterised by the late British poet laureate, Sir John Betjeman in his 1973 documentary film, *Metro-Land*, made for BBC, and in various evocative poems, including 'Middlesex'; 'Gaily into Ruislip gardens / runs the red electric train...'

A century later, perceptions of some areas of outer London have deteriorated and some suburbs are under-performing by comparison with central London, lagging behind in job creation, average incomes and property values. According to the Smith Institute 'Towards a Suburban Renaissance' levels of poverty were still growing in outer London suburbs in 2014, whilst remaining stable in central London during the same period.

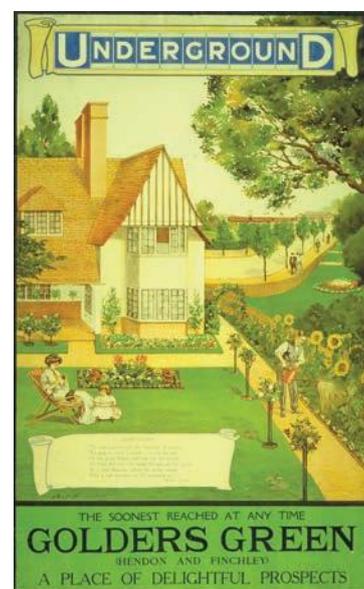
Supurbia is an idea that recognises that the capacity to increase supply identified in the recent Strategic Housing Land Availability Assessment (SHLAA) for London already includes the contribution of all currently identified brownfield sites, infill sites, redeveloped local authority stock and redeveloped industrial land. So the Supurbia idea instead concentrates on the capacity of the three quarters of a million privately owned semi-detached houses in outer London. Whilst once the suburban ideal, there has been some loss of original character, as front gardens have been converted for parking and verges and trees lost to hardstanding. Moreover, changes in household makeup mean that ever fewer households really benefit from their space.

These homes are not only low density - typically averaging only 25 - 35 homes per hectare - but amongst the most under-occupied. Nearly 40% of owner-occupier

households (often 'empty nesters') have at least two spare bedrooms, while sharing groups who increasingly rent suburban homes rarely take full advantage of large gardens. In Bexley, based on the 2011 Census data, 45% of the population inhabit the ubiquitous three bed semi. 60% of the households comprise two persons or less, 80% are owner occupiers, 66% own cars, 24% own two or more cars. In one neighbourhood of three and four bedroom semis in Bexleyheath, which we examined as a pilot, we estimated that 38 households comprised 110 people including only 18 children, or 2.9 people per 3- or 4-bedroomed home.

At the same time, occupants of the suburbs are famously resistant to changes that might unlock the vast potential of this huge area of low density city. According to The Centre for London, 75% of people in outer London Boroughs (compared to 50% in inner London) oppose new housing development in their neighbourhoods. The politics and planning of housing development now favour the rights of those who are well housed to resist development in their neighbourhoods to meet the needs of those who are not. This phenomenon is now evident in all sectors of society, not just amongst the well-resourced middle classes.

The Supurbia project examines how financial self-interest could be one way of stimulating change



and delivering new housing development. The potential prize is great: doubling the density of just 10% of the outer London Boroughs would create the capacity for one million new homes - the area covered is simply huge and the capacity so correspondingly great that it should not be overlooked, either by the Local Authorities concerned or by the Mayor of London, who seek to find solutions to London's housing crisis.

But how might such changes be triggered and what incentives might begin to unlock the potential? And is there a case for targeted measures based on the principle of Housing Zones proposed in the GLA's Housing Strategy, or should the incentives be more generally applied across the outer Boroughs and London as a whole?

Metroland's Potential

The objective of Supurbia is to build on the inherent quality of the suburbs (individual homes on their own plots with parking, easy access to public and private open space set in a verdant environment) with a set of policies targeted at meeting popular aspirations. The underlying premise is that by offering people choices that are currently denied them, a notoriously static situation might be transformed into a dynamic one. A programme of urban intensification might trigger changes resulting in a much improved fit of population to its accommodation; that is more sustainable, efficient, affordable and desirable. The intended outcome is both an increase in housing supply and a more visually pleasing, greener urban environment. This should come alongside an improvement in economic activity, local service provision and reduction in energy use and congestion. In all, an improved quality of life for London's suburbanites.

Some of the neighbourhoods we have examined as potential pilot areas are decidedly sub-topian examples of

a paradise lost; once tree-lined streets are now tree-less, what were front gardens are now concreted driveways, and homes have such low rates of occupancy that local services struggle and trade dies in local parades awash with cheap take-away joints and pound shops.

The Supurbia idea sets out to re-imagine such neighbourhoods with greater population density, better fitted to the available accommodation and creating improved commercial footfall for improved local services and safer streets. Our calculations show how contemporary building and public realm design, and standards of construction can also dramatically reduce energy use and increase biodiversity. Similarly, techniques of neighbourhood infrastructure design and management can redistribute supply and demand to avoid the necessity of major infrastructure replacement and renewal.



Paradise Lost - the qualities of suburbia have been eroded over time in some areas

Supurbia

Transforming Metroland

The main Supurbia idea addresses the streets of semi-detached housing behind main roads. With an estimated 24% of London's land classified as rear gardens, suburban plots consume a disproportionate amount of land. The typical suburban plot, at 8m wide and 40m deep, often accommodates no more than a two storey house with a footprint of 7.5m by 6m. So a mere 15% of the plot is actually built on, which could easily rise to 30%, not only leaving plenty of green space as gardens but potentially without any loss of greenspace - replacing large sheds with new homes and grassing over concrete verges are some obvious examples. These plots and the houses that sit on them also display a remarkable degree of consistency owing to the standardisation of approach adopted by their developers - often Wates and John Laing, the leading housing developers of the inter-war years. This uniformity lends itself to a standardised design-led approach to augment the housing provision that is described in what follows.

The vision for intensifying suburban London with consistent high quality development is for the Local Planning Authorities and the local residents within a neighbourhood to work together with a lead facilitator to draw up suitable and agreeable options for the redevelopment of privately owned properties, and of the public realm in the wider neighbourhood area. These would then be worked into a "Local Development Order". Local Development Orders (LDOs) are a mechanism by which a range of such standard design solutions can be pre-approved (i.e. granted planning permission) so as to create options from which householders can select their preference, without again having to apply for planning permission at a future date - more or less equivalent to permitted development. LDOs are applied to a defined area such as a neighbourhood or block.

To begin the process, Local Planning Authorities could take a consultative, pro-active, but more hands-on approach in partnering with developers and off-site manufacturers, whilst ensuring that local residents are fully engaged and on board from the initial stages of working on the Local Development Orders. In this way householders would have early input on the materials palette and design options that would be suited to a particular area. These would then be incorporated into Local Plans. Under this route it is important that residents buy into the proposals and are closely involved with them from the beginning.

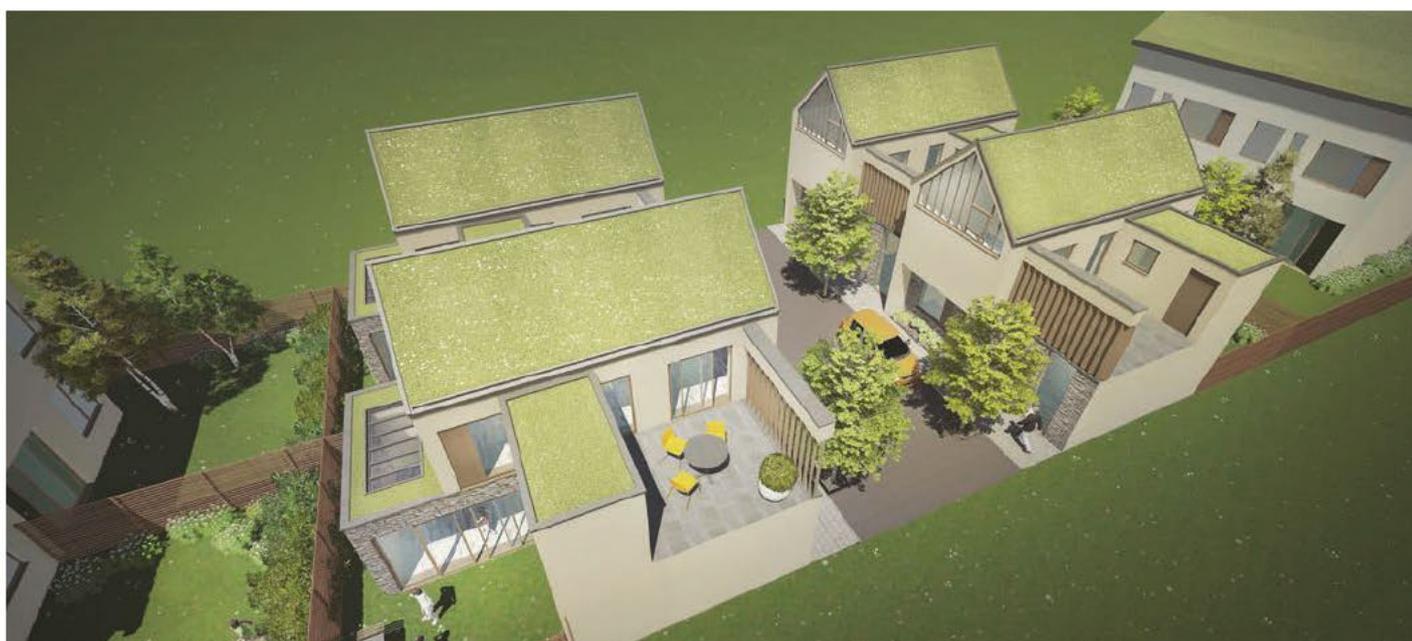
But actually Neighbourhood Planning might well be the main route to the designation of such areas within Local Plans. For Neighbourhood Planning a group would have to be formally established and the neighbourhood boundaries approved by the local authority. Aside from the potential cost of extensive consultation the Neighbourhood Plan would have to be approved via a neighbourhood referendum. Again, Local Planning Authorities could proactively encourage the formation of such groups but they could be more hands off in driving the process.

Either way, we suggest that the costs of such processes could be met by the promoters of the redevelopment or those of major regeneration schemes seeking to engage with surrounding neighbourhoods.

The process of creating a Local Development Order would bring into being a range of "plot passports" (a form of permitted development) for all homeowners in the neighbourhood. Plot Passports would be a menu of redevelopment options available for all homeowners within the neighbourhood to redevelop their property. They could exercise these options if they wanted to, but equally they could refrain from doing so, if they did not want their property redeveloped. Importantly one homeowner

refraining does not prevent another homeowner from going ahead, though it does obviously prevent the collaborative options with their immediate neighbours.

Just as importantly, though, it raises the opportunity for the owner of a single semi-detached house, or a pair of neighbouring or facing owners where there was collaboration between them, to exercise choices by developing their land to suit their needs; new family homes, bungalows or flats over garaging in rear gardens, or the redevelopment of pairs of existing semi-detached homes on existing street frontages. Each passport would also contain a solution that could be adopted to intensifying back garden land, depending on the degree to which householders would like to take up the opportunity on their land alone. We illustrate a possible range of plot passport options for existing semi-detached homeowners in the adjacent diagrams.



Transforming an existing rear access into a mews design that maximises private amenity space and avoids overlooking

The drawing below shows an area of South London with a typical range of suburban block typologies which would be suitable in principle for this treatment - some with rear access lanes between opposing back gardens, many with plots deep enough to permit rear garden development of the type we envisage. Having analysed such plots, we would have a set of suitable solutions for intensification.

All in all, our illustrative block begins with a density of 33 homes per hectare - a typically low suburban density. If a quarter of all plots added one dwelling, the density would increase to 45 homes per hectare. Logistically we could intensify 10% of outer London boroughs every 10 years.

Initially the Supurbia policy would be about focused, area-based, schemes centred on under-developed transport hubs where urbanisation in a concentric pattern could create outward moving contours of increased value, like the ripples in a pond, triggering the take up of intensification schemes in a variety of typologies. This could transform the poorer, often subtopian areas of London's heavily concreted and low density suburbia into a vision of thriving, vibrant and sustainable placemaking - the Supurbian vision.



Illustration of a typical low density suburban blocks in outer London



Making it happen

Financial incentives for homeowners

For each of the options illustrated we have evaluated the increase of value achieved as a consequence of development by individual homeowners, netting off development costs, and any value reductions occasioned by the reduction in garden sizes. The results indicate a realistic level of financial incentive for homeowners to exercise their redevelopment options in most cases. Land would thus be intensified while preserving buildings' individuality, and owner-occupiers could unlock the equity in their unused land and invest it in their home, raising the quality of housing across the neighbourhood and improving the street as front plots are renovated and the neighbourhood area improved (i.e. reinstating tree-lined streets) as part of the redevelopment.

Our preliminary studies reveal that homeowners may stand to benefit from net development profits of between £110,000 and £210,000 per household, depending on the redevelopment option and typology adopted.

Changes to planning

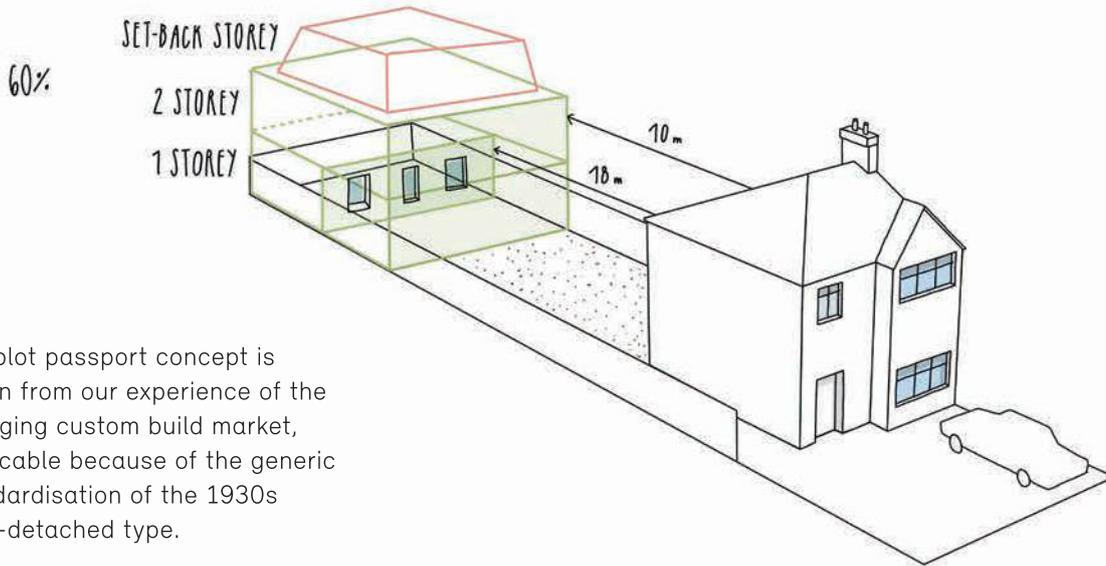
The Treasury's Productivity Plan published on the 10th of July 2015 made it clear that the Government sees the solution to the country's housing problem in the development of brownfield land via automatic permission for housing on such sites. But there are good reasons why

brownfield land often remains undeveloped: being heavily contaminated and/or cut off from good access to public transport, the creation of well designed, good quality, popular and affordable housing without vast upfront investment and years of costly remediation seems a bit of a leap of faith.

Back garden land is generally protected, but not all London boroughs take an entirely protectionist approach. Back garden land has been given added protection in the National Planning Policy Framework (NPPF) when it was reclassified from brownfield to formerly undeveloped land. However, the NPPF makes it clear that the key consideration should be whether back garden development would harm local character. We are not advocating a free for all; we believe a carefully considered design-led and consultative approach could improve the character of certain suburban areas.

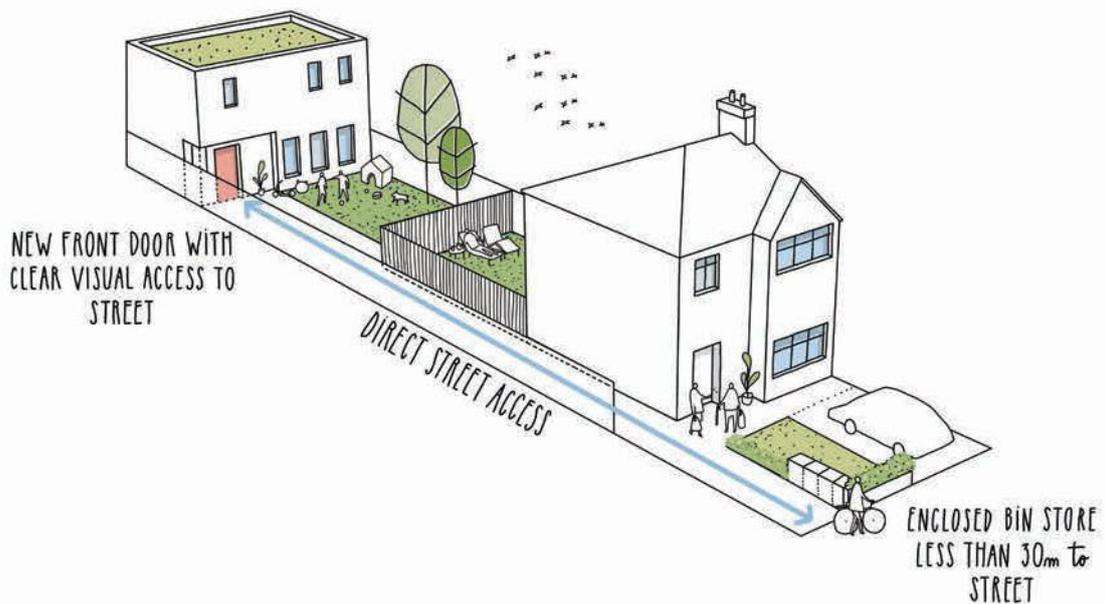
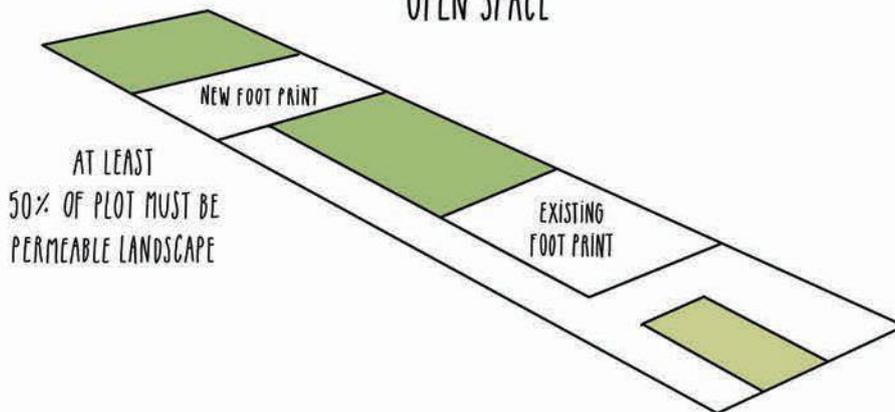
Householders already have a wide range of permitted development rights, such as the ability to extend their homes up to 50% of the curtilage of the original house, back/side extensions up to 6 metres in the case of semi-detached and terraced homes from the closest back wall to the house (8 metres in the case of detached homes), loft extensions up to 40 cubic metres in the case of terraced homes and 50 cubic metres in the case of detached homes.

DEVELOPMENT AREA



The plot passport concept is drawn from our experience of the emerging custom build market, applicable because of the generic standardisation of the 1930s semi-detached type.

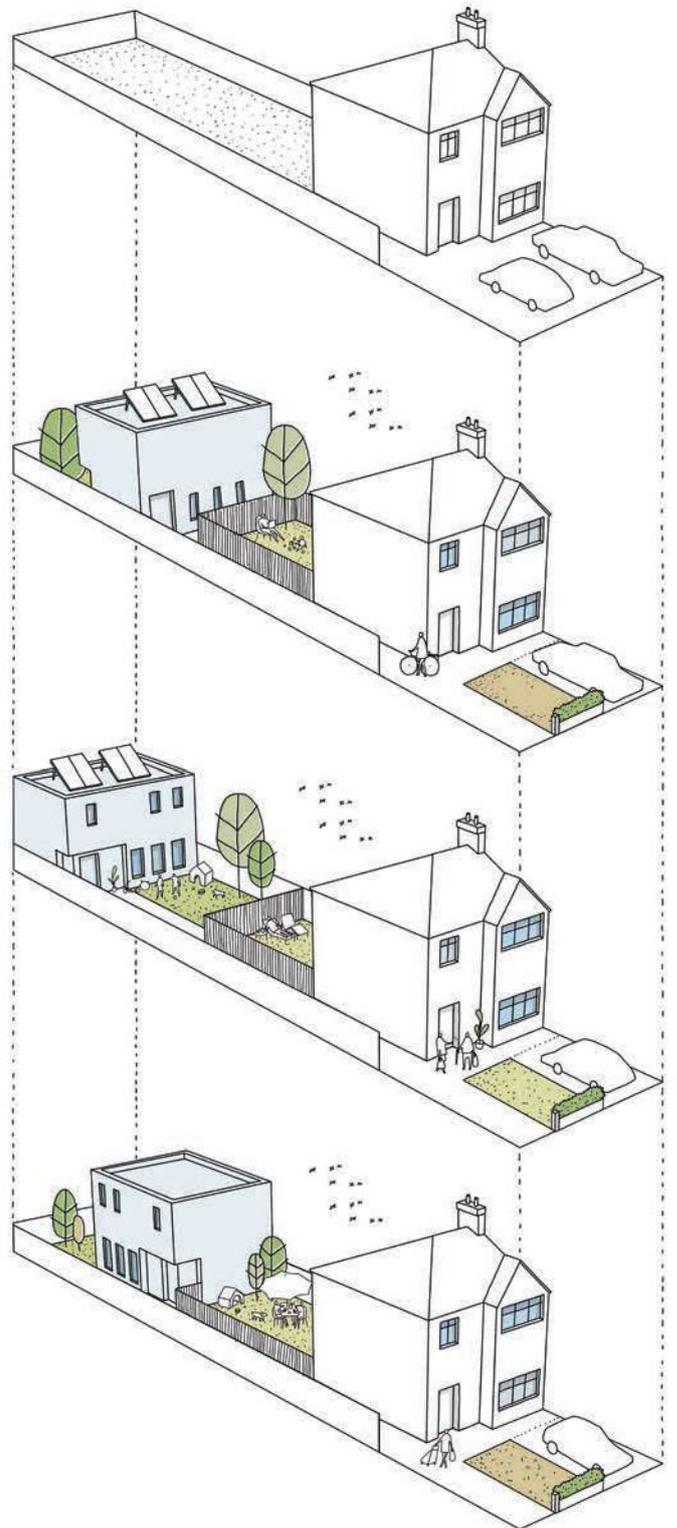
OPEN SPACE



Example 1 Self Build Single Plot Intensification

This single plot intensification retains the main house garden up to 10m or 12m. Options show a new 2-storey, 2 bedroom mews house averaging 72sqm. Depending on the context and relationship to the main house, the design of the new mews houses are sited to the rear or front of the new plot with their private amenity space taking up the remainder.

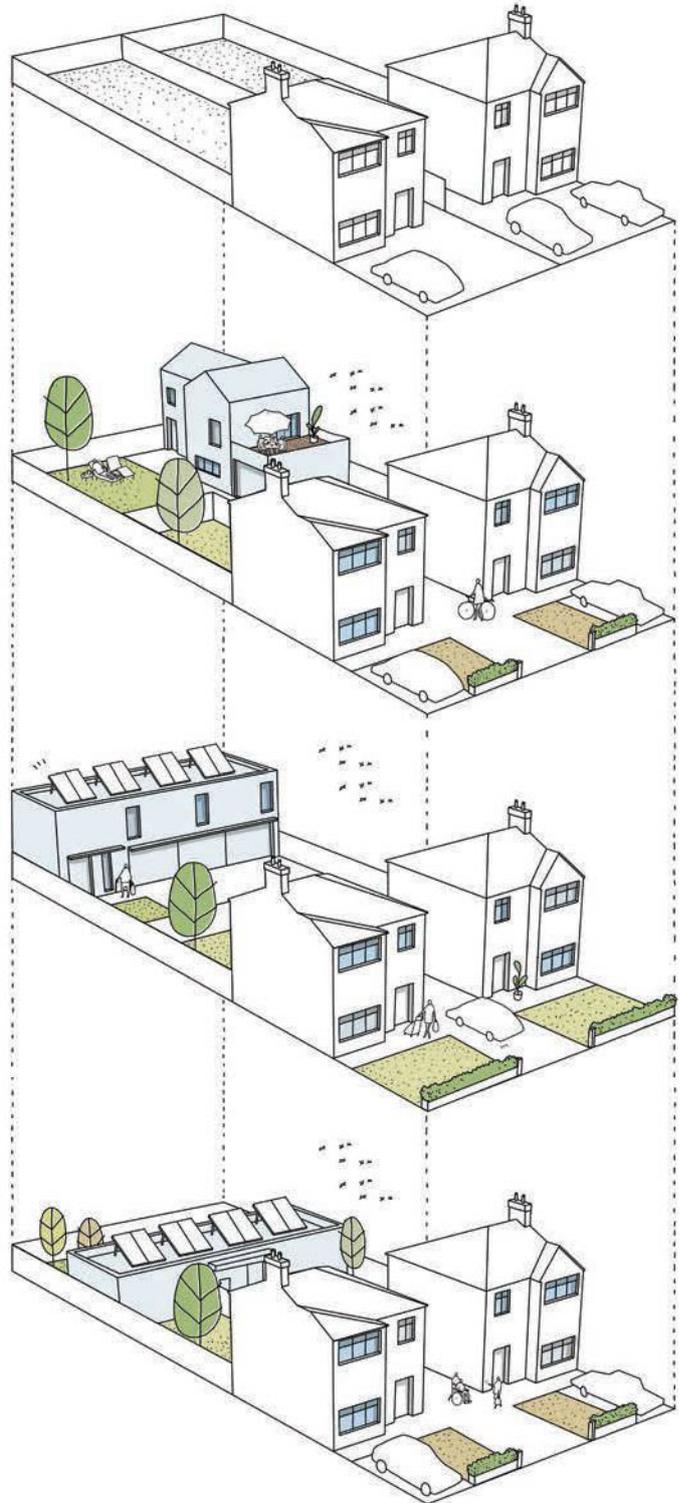
The range of options illustrated create one additional home and a typical profit of £140,000 for the homeowner.



Example 2 Self Build Double/Facing Plot Intensification

The double plot intensification of facing homes, which share a driveway, enables the creation of a third plot at the back that utilises a portion of garden space from each of the two main homes. The illustrated options show a double storey mews house, a flat above garages (one for each of the existing and new dwellings) and a single storey accessible dwelling. The options range in size from 72 to 90 sqm.

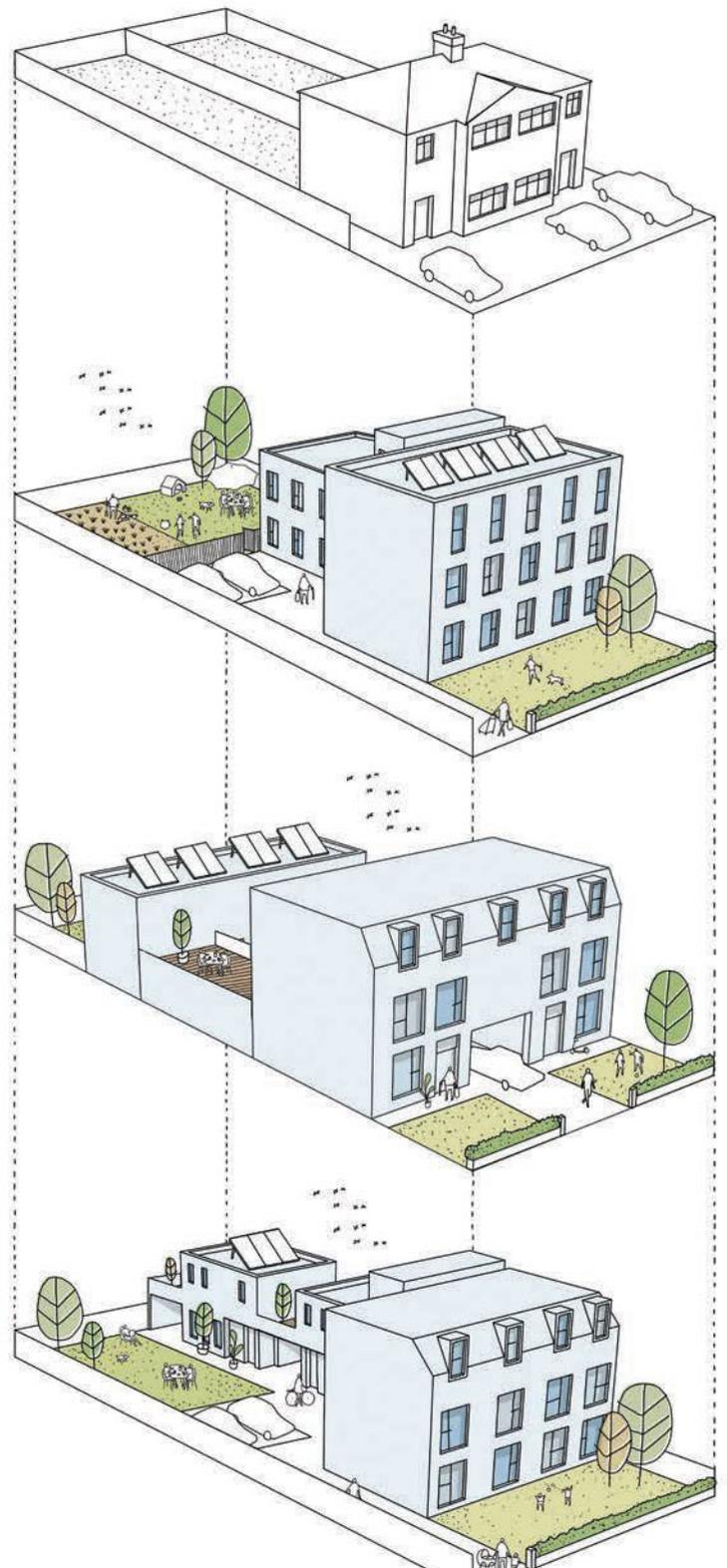
The range of options create one additional home and a typical profit of £110,000 for the homeowners.



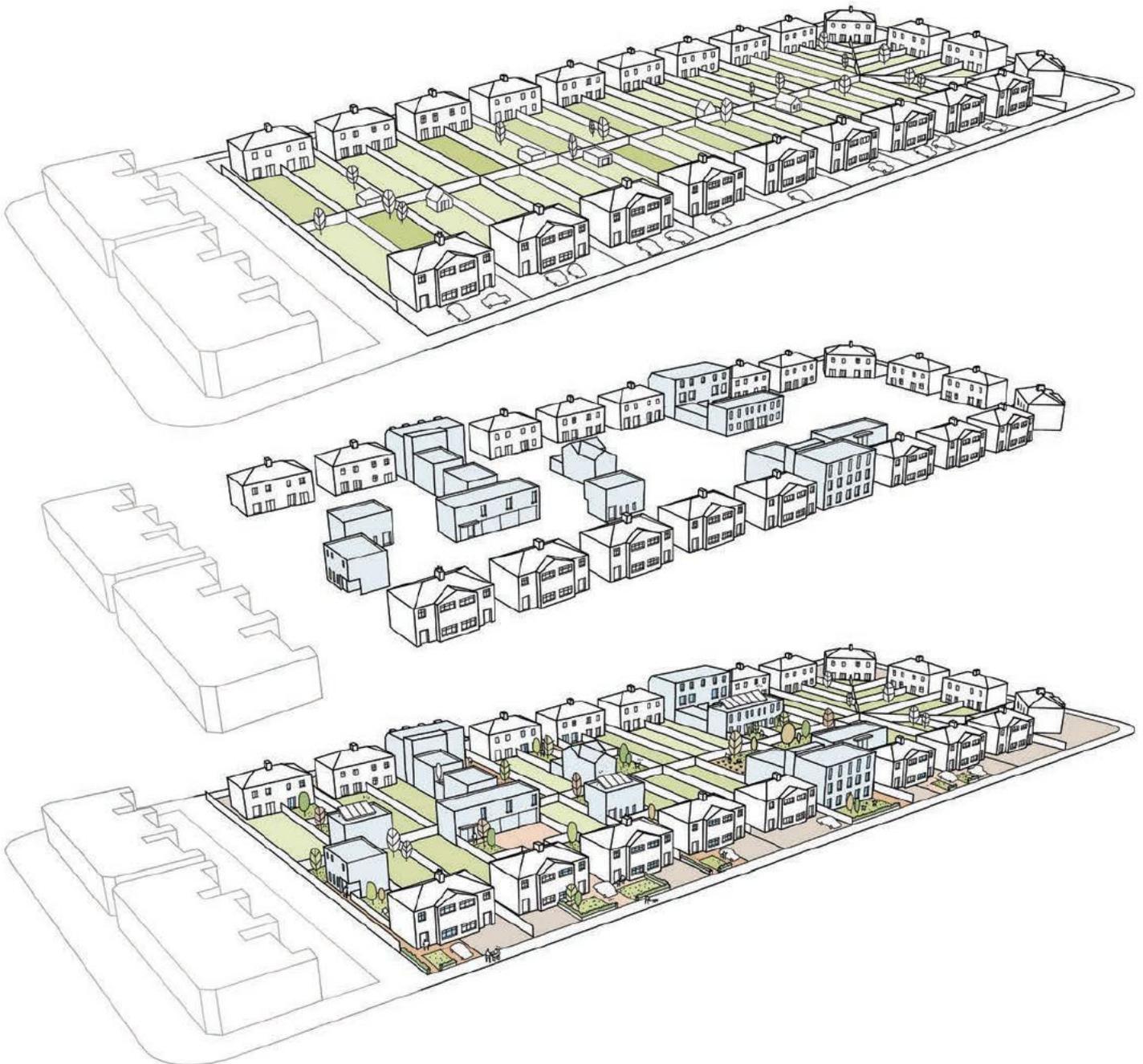
Example 3 Self Build Double/Paired Plot Intensification

The double plot intensification of paired homes enables the replacement of the two existing dwellings with an entirely new development that can provide a new block of flats or townhouses fronting the streets, with new garden houses to the rear overlooking the amenity spaces. The options present a range of shared or private amenity space arrangements and parking solutions.

These example illustrate either 4 or 5 new homes (with a net gain of 2 to 3 homes) and a typical profit of £210,000 for the homeowners.



The Supurbia concept envisages suburban improvement areas where a cocktail of policy initiatives including area based local development orders (and possibly local referenda, through neighbourhood planning). Plot Passports enable the gradual take-up of development opportunities as household circumstances permit. Public realm improvements further enhance the neighbourhood environment.



However, the current permitted planning rules do not allow for buildings to be constructed within the land that surrounds a house for the purpose of being lived in (i.e. having a plumbed-in and self contained bathroom and/or kitchen).

New measures announced in the Productivity Plan will include permitted development rights to extend up to the height of neighbouring buildings - if neighbours do not object. A lot of these measures do not necessarily allow for a well-considered approach to achieving high quality design; resulting in a widely eclectic, piecemeal and at times not ideal intensification of suburban areas.

Back gardens are widely valued because of their contribution to biodiversity. However, the development of back gardens does not mean that equal or increased amounts of biodiverse rich landscaping could not be put back on site – particularly with the use of living roof coverings such as the increasingly popular sedum.

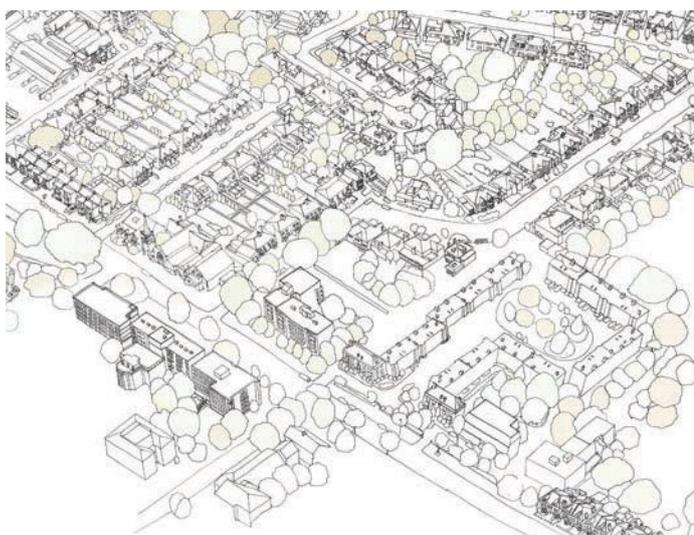
So the permitted development rules should be changed to allow self-contained homes to be built on the land surrounding an existing house, where the design specification has been agreed with the neighbourhood, most probably through the neighbourhood plan.

Funding the creation of Plot Passports in a neighbourhood

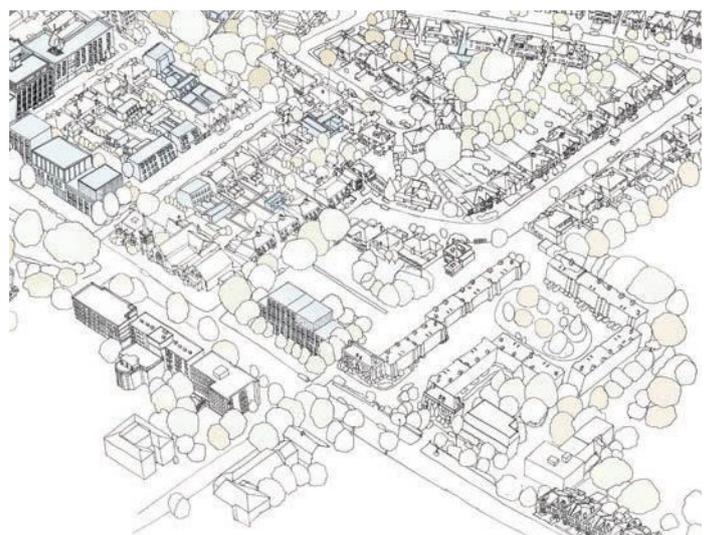
Outer London is now peppered with an increasing array of housing zones, opportunity areas, local authority estate redevelopments and major brownfield developments, particularly around new transport infrastructure investment. Many, if not most of these can seem like incongruous islands of high density threatening to overbear on the surrounding suburban neighbourhoods. It's not uncommon for the density of such projects to rise to 350 homes per hectare - so called 'superdensities' that exceed the density of surrounding neighbourhoods by ten times or more.

We envisage that the joint venture partnerships of local authorities, developers and housing providers that have to come together to deliver these gargantuan projects may see the virtue of engaging with the populations of the surrounding suburban hinterland of their developments, many of whom can otherwise be in entrenched opposition to what may seem to them to be interloping alien developments. In our experience opposition and support are opposite sides of the same coin and one can turn to the other if only there is the appropriate incentive.

So these consortia may well be willing to sponsor neighbourhood planning in the interests not only quelling potential opposition, but also because participation in urban intensification around their projects would be a way of adding value to their investment. If so, we foresee the identification of suitable pilot areas, the collaboration of



Before



After

Many two storey shopping parades have the capacity for redevelopment suitable for both millennials and empty nesters, liberating the suburban hinterland for family accommodation.

local authorities and sponsorship of community advocates to undertake Neighbourhood Planning exercises designed to nest suburban improvement areas within Local Plans.

The design-led approach

The next stage is the development and testing of designs for the range of typologies we have illustrated in more detail. This is a design-led and technical process in which the procurement and constructional issues would be flushed out. The premise is that the standardised nature of semi-detached suburbia is such that this exercise will produce a range of standard solutions capable of meeting the regulatory challenge in most of the circumstances that can be foreseen. These solutions would therefore become standard templates suitable for adoption within the framework of Local Development Orders - enabling the rapid adoption of pre-approved typologies in a wide range of settings.

Analysis of plots would produce sets of suitable solutions for intensification of back garden land and redevelopment of existing buildings, indicated on plot passports comparable to outline planning permissions. These would incorporate planning considerations such as sunlight/daylight, back-to-back distances, retention of valuable trees and suitable amounts of open space, and could give guidelines on how to reinvest a portion of gain from development into improving the environmental efficiency of main houses. Each passport would contain a range of

parameters and solutions for intensifying back garden land and redeveloping existing buildings.

Property owners could select a pre-approved option or customise one within the set parameters, either developing their land alone or in collaboration with neighbours where this was an option. This concept builds on the current approach of both permitted development rights and forthcoming zoning for brownfield land; local authorities would provide additional amenities as intensification reached agreed thresholds. Each improvement will have been agreed through the Local Development Orders and tied to income generated through the development process and additional council tax revenue.

Tax Increment Financing might become the method for funding improvements to neighbourhood energy systems and area improvements to public realm that we envisage as part of the process of achieving a significant improvement to neighbourhood quality to accompany the investment in individual and groups of private homes.

This process enriches limited suburban housing stock with a spectrum of options. Instead of the undifferentiated one and two bedroom homes that dominate many large scale developments, this will include family homes with gardens, investor PRS schemes, accessible ground floor older people's accommodation (bungalows) and affordable starter houses for young households. Plot passports will



New family homes accessed from existing frontages designed to maximise the private amenity, and eliminate overlooking

Supurbia will be a more socially inclusive and convivial environment



enable local authorities to agree parameters on the range of sites within a neighbourhood, optimising quantum and mix of development. This provides opportunities to speed investment from custom build to small investors and builders.

A new breed of SME in high quality offsite manufactured homes

The plot passport menu of options would comprise online design catalogues for homeowners to choose high quality, pre-manufactured yet durable housing options exceeding London standards. Groundwork can be minimised through the use of lightweight prefabricated structures and the experience of construction using pre-manufactured structural insulated panels (SIPS) is that disruption is minimal. These techniques would maximise speed and minimise inconvenience of construction, helping to preserve existing communities and taking full advantage of the pre-existence of all necessary infrastructure.

This makes room for niche developers that already specialise in custom built or pre-manufactured houses to grow into the market and work with local authorities and communities to continue the development of the different house types. This takes the onus of easing the housing crisis off large-scale speculative development, which

often faces huge obstacles in terms of funding and community opposition, introducing a steadier stream of housing supply into the market. In addition, it champions the needs and characters of local communities and preserves the qualities that make London's suburbs so popular, while combining them with the vibrancy and convenience of the city centre.

Conclusion

As well as increasing housing supply and improving London's suburbs, the Supurbia concept has the capacity to liberate equity locked up in relatively poor quality private housing stock by facilitating home owners to participate in profitable development which will also increase supply and improve neighbourhoods. The design-led approach, based on Local Development Orders and prior approval of plot passports would guarantee a high quality outcome.

We recommend pilot studies, located in the hinterland of large scale urban regeneration schemes in London that would enable local people to participate in the betterment of their neighbourhoods and thus become advocates for, rather than opponents of, urban intensification and new housing development, turning NIMBYism on its head or turning NIMBY's into YIMBY's (Yes – in my back yard!)

Semi-permissive

The challenge

London's biggest building boom took place in the 1920's and 30's, with massive expansion of the suburbs around new commuter rail and underground links. The great architectural legacy of Metroland is the semi-detached house. There are around 541,000 semi-detached dwellings in the outer London Boroughs, and over 176,000 detached houses.

The form was pioneered by distinguished architects and planners of the Arts & Crafts and Garden City movements, and popularised by the developers of By-pass Tudorbethan. They all extol the merits of a house with its own front door, and gardens front and rear. Pairing offers the appearance and status of a 'villa' and the practical benefits of a garden-passage and side-windows – at a lower development cost than a detached house. The semi has been celebrated in popular culture, from John Betjeman and Osbert Lancaster to the Bonzo Dog Doo-Dah Band and The Good Life.

For all its virtues the inter-war suburban semi is in some respects an outmoded dwelling type for 21st century London. It is land-hungry and energy-hungry and encourages car dependence. Car-cramming has disfigured

the street-scene, destroying privet hedges and cherry trees. The side passage is less important now that we have stopped digging for victory and feeding coal-fired boilers. The admirable flexibility of the semi to suit growing and shrinking families becomes a problem in a time of housing pressure. Many suburban homes are under-occupied: if empty-nesters could realise some value from their asset, move into a more convenient home and free-up a family dwelling then everyone wins. Conversely, in some areas privately rented semis in multiple occupation provide overcrowded and insanitary living conditions.

Politicians and planners are very reluctant to promote change in the suburbs, and suburban voters are fiercely protective of the status quo. The pattern of individual freeholds and predominance of owner-occupation contribute to community cohesion, but make large scale change almost impossible.

So, how can we modernise the suburbs? How can we update the building stock to modern standards, increase the number and variety of homes, reduce car dependence – and yet retain the characteristics of space and greenery, privacy and independence that people value?



The vision ...



... The reality in some areas of outer London

Our solution

Our proposal is to use permitted development rights to incentivise the owners of semis (and detached home-owners also) to collaborate to replace or supplement their two houses with additional modern homes – development will be semi-permitted. It builds on the wider-ranging work by HTA on Supurbia, and it works like this.

Owners of adjoining semis (sharing a party wall) would be permitted to redevelop or radically remodel their houses to create three or more modern homes.

Owners of neighbouring semis (removing their party fence and combining their side passages) would be permitted to develop one or more single-storey courtyard house at the rear. Our proposal would lift the blanket restriction on ‘garden grabbing’ and extend permitted development with a more intelligent approach.

We have modelled six scenarios based on a pair of typical suburban house plots, and creating between one and five additional homes.

Pre-conditions

Our proposal is to establish a Prior Approval process under the Town and Country Planning General Permitted Development Order 1995. It would apply in the following circumstances:

	There must be a net increase in residential dwellings
	Developments must be within 800m of a tube or railway station
	Land in the Green Belt is excluded
	Conservation Areas, statutorily and locally listed buildings are excluded

The presumption is that approval will be granted subject to the verifiable checks set out below.

The Rules

Permitted Development must not be hampered by over-complex rules or subjective approvals. On the other hand, a few simple rules can ensure that a decent standard of design is achieved. These need to be measurable, easily understood by the applicant and easily checked by an approved inspector. Permitted development should improve the appearance and sustainability of its setting, not damage them.

Transport

Given the requirement to be within 10 minutes walk of a station, a reduction in car parking will be acceptable subject to a Controlled Parking Zone being in place or being created. Capped financial contributions towards a CPZ and Car Club may be required. Cycle parking is required in line with existing policies.

Flooding

Within Flood Zone 2 or 3 a Flood Risk Assessment is required.

Design

The GLA would prepare a Supplementary Planning Document (SPD) providing minimum design standards for Semi-Permissive development. A Design Statement must accompany the Prior Approval application.

Financial contributions

Unless a local CIL is in place, a Section 106 Agreement on a standard template will cover transport and affordable housing obligations where required. A financial contribution to affordable housing would be set at a standard rate per additional home created.

The benefits

Semi-permissive development could make a significant contribution to housing delivery in London, and it can be implemented quickly and easily working within the established planning system.

Approximately 40% of land in outer London falls within 800m of a local station, which suggests that around 287,000 existing houses meet the location requirement. If just 10% of owners brought forward proposals to double the homes on their plot, this would create 72,500 additional homes and renew a similar number. A 15% take-up coupled with our more ambitious design scenarios could create over 200,000 additional homes.

New and remodelled homes would comply with modern technical, access and space standards, including energy standards. (Anyone who has lived with draughty Crittall windows knows how uncomfortable and costly to run a 1930's house can be).

The location and transport criteria will help to reduce car dependence and parking blight.

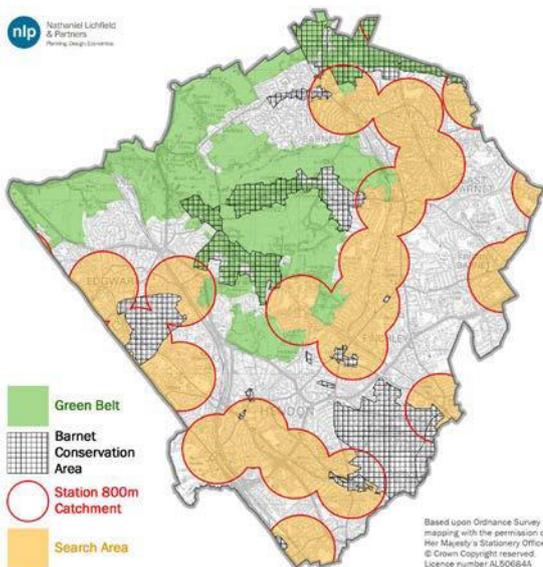
The scheme will generate work for small builders and local design and planning professionals.

Our proposals will provide a strong financial incentive for collaborating owners to help solve London's housing crisis.

We expand on this with the Development Appraisal that follows.

What next?

The GLA is asked to endorse the scheme and fund research and development of a pilot scheme in a designated area.

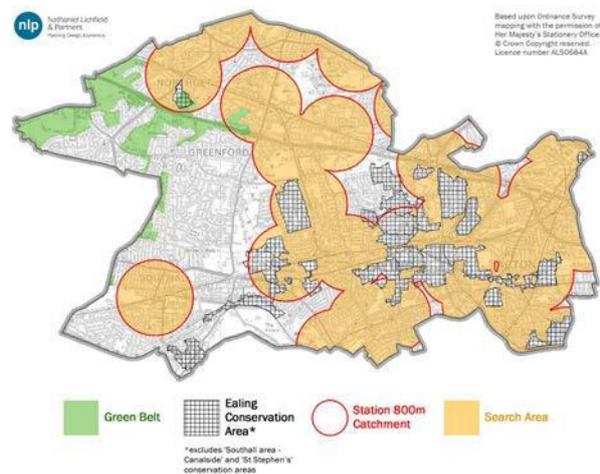


Existing Homes *	
Detached	180,000
Semi-detached	550,000
Total	730,000

Net Additional New Homes		
Participation rate	One additional home per existing house	Two additional homes per existing house
5%	36,500	73,000
10%	73,000	146,000
15%	109,500	219,000

Net Additional New Homes (Barnet and Ealing)				
Participation rate	Scenario A	Scenario B	Scenario C	Scenario D
	2 become 3	2 become 4	2 become 6	A, B and C combined
5%	1,369	2,738	5,477	3,195
10%	2,738	5,477	10,954	6,390
15%	4,107	8,215	16,431	9,585

* Based on 2011 census and 2014 household data of outer London boroughs only



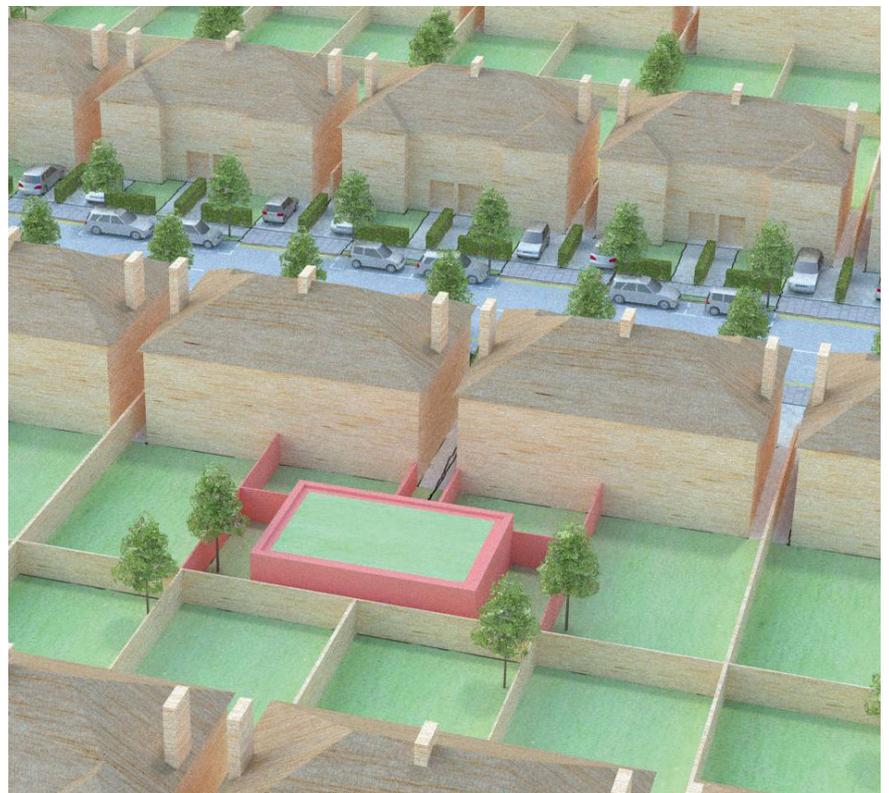
Applying the pre-conditions to sample boroughs

Scenario 1 - two become three



The scenarios for change are based on a typical outer London suburban street of semi-detached houses with on-plot parking. Plot width is 9.0 metres and garden length is 15.0 metres. Existing houses are 2.5 storeys with four bedrooms and around 135 sqm floor space.

In scenario 1, neighbouring owners collaborate to combine their gardens and remodel their side-passages, creating access to a new single-storey house located in the rear garden. At 75 sqm the new house has two bedrooms and is wheelchair adaptable, making it ideal for older downsizers or for a small family. The existing and new properties each has a 30 sqm garden. The new house has a green roof and its outlook is into its own courtyard gardens, minimising impact on neighbours. There is no demolition of the existing homes.

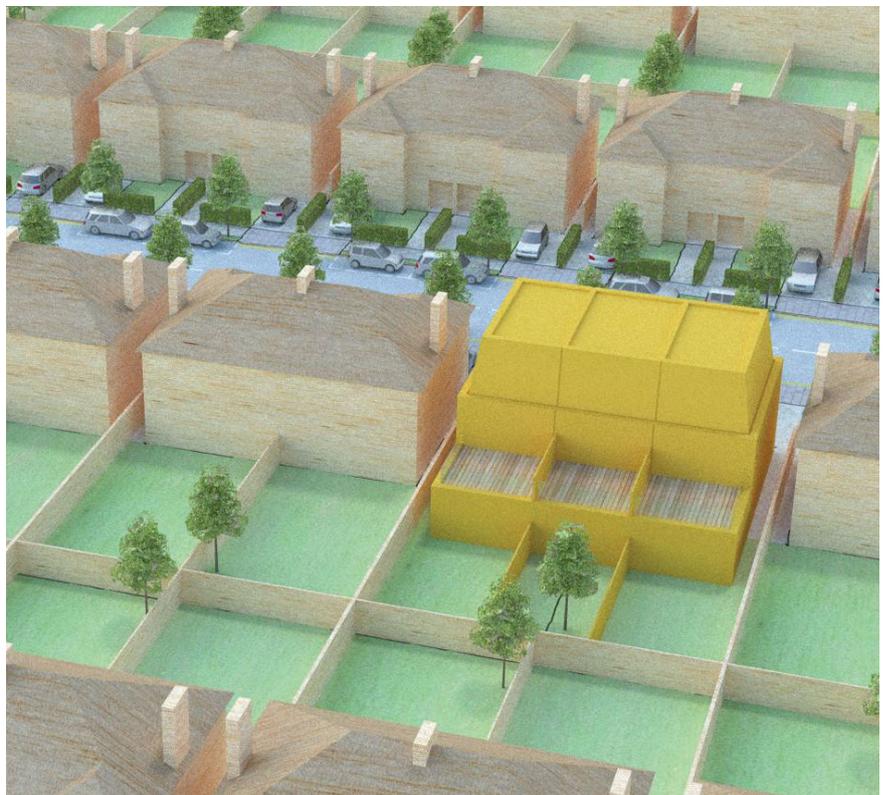


Many existing suburban houses have larger gardens, which may enable the insertion of two houses rather than the one shown here.

Scenario 2 - two become three



Two adjoining semis are replaced by three terraced houses, each with front and rear gardens and roof terraces. Internal plot width is 4.8 metres and total floorspace is 145 sqm including a second floor mansard, providing space for four bedrooms or more.



Scenario 3 - two become four



Two adjoining semis are replaced by a pair of garden flats with a pair of duplexes above. All four homes have their own front door to the street and direct access to a private garden, and the duplexes also have large roof terraces. The floorspace of the flats is 104 sqm and the duplexes are 130 sqm: all are generous family homes with space for three or four bedrooms.

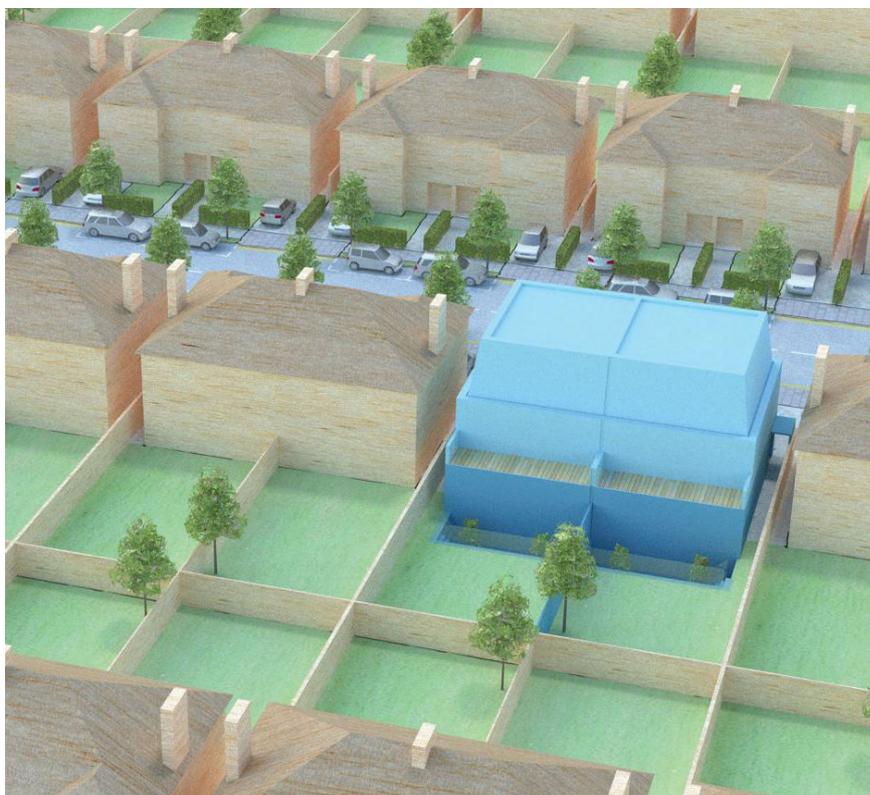


Scenario 4 - two become four



Two adjoining semis are replaced by a pair of ground floor and basement duplexes with a pair of duplexes above. All four homes have their own front door to the street and direct access to a private garden or large roof terrace. The floorspace of the lower duplexes is 160 sqm and the upper duplexes are 125 sqm: all are generous family homes with space for four bedrooms or more.

The cost of basement excavation and construction make this scenario more suitable for higher value areas.



Scenario 5 - two become six



Two adjoining semis are replaced by a small three-storey block of six flats. Ground and first floors flats have three bedrooms, at least 86 sqm floorspace and direct access to a private garden. Second floor flats have two bedrooms and 70 sqm floorspace.

On suitable sites, this scenario will yield the most homes and the highest financial value to the existing owner.



Scenario 6 - 12 become 24



This shows all of Scenarios 1 to 5 combined in a single suburban block and interspersed randomly with retained semi-detached houses. It also shows that Scenarios 1 and

3 could be combined. The overall impact is sympathetic to the existing scale and grain of the neighbourhood.



Draft Design Guide for Semi-Permitted Development

To be effective, Permitted Development must not be hampered by over-complex rules or a subjective approvals process. On the other hand, a few simple rules can ensure that a decent standard of design is achieved. These need to be measurable, easily understood by the applicant and easily checked by the approved inspector. Permitted development should improve the appearance and sustainability of its setting, not damage them.

The objective is to promote 'good ordinary' design, which will stand the test of time – and to prevent bad design. Following rules cannot in itself achieve award-winning outcomes or ground-breaking innovation. Other satisfactory solutions – and maybe better ones – may well be possible, but will require planning permission in the normal way.

So, we propose to draft and test a simple design guide covering the following headings – the final version would be put to the GLA for endorsement and adoption as a Supplementary Planning Document. It would include guidance on the following topics. We have added in *italics* the assumptions made in our sample Scenarios, which generally adopt a conservative approach.



1. Building lines and distance between facing habitable room

Our scenarios follow the existing building lines to the street and maintain at least 20m between facing rear windows.



2. Height and massing in relation to the prevailing eave and ridge heights in the area

Our scenarios build no higher than existing ridge heights. We use mansard roofs set-back behind parapets to increase second floor accommodation.



3. Gardens and terraces

Every home in our scenarios has a generous private outdoor space. Gardens are at least 30sqm and roof terraces are larger than London Plan standards.



4. Internal space standards

Our scenarios focus on family homes and show internal areas larger than London Plan standards.



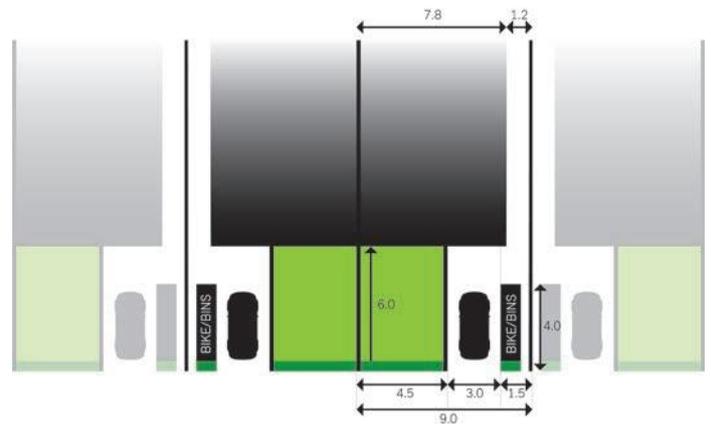
5. Basements

Our scenario 4 includes ground and basement duplexes. We propose that wholly basement flats should be disallowed.



6. Front gardens and car parking

We believe the suburban street scene should be dominated by greenery not cars. We show hard-standings covering no more than 50% of the front garden area, and openings for car access no more than 3.0m wide, leaving most of the frontage for hedging.



Example of measurable design rules



7. Refuse stores and cycle parking

Semi-permissive development is an opportunity to counter bin blight. The discrete integration of refuse storage and cycle parking takes precedence over the provision of on-plot car parking.



8. Mechanical and electrical kit

Semi-permissive development is an opportunity to counter blight from pipes and wires by minimising the allowable kit visible from the street.



9. Roof and wall materials

Semi-permissive development could stipulate a durable palette of traditional materials and a prohibited list of those which easily degrade.



10. Side passages

The gap between semis is a key aspect of their character and utility. However, where there is sufficient width to meet access requirements, it is acceptable to enclose the side passage with a single-storey infill subordinate to the main building.

Sample Development Appraisal

By way of example we have tested the financial viability of Scenario 3, which replaces one pair of semi-detached houses with two duplexes and two flats. This is likely to be one of the more financially challenging options, but it passes the test and incentivises the owners with £200,000 profit. By comparison, Scenario 1 is easy, because it involves no demolition, and Scenario 5 will generate the most value.

There are many ways in which collaborating owners could develop their combined plots and create new and improved homes. They may want to occupy one or more of the new homes themselves and sell the others, or they may want to move elsewhere and sell or rent them all.

Enterprising and equity-rich pairs of householders could fund and carry out their own development. Some may group together to create larger co-housing projects. Others will turn to the market, which will respond with funding and development packages increasing the speed and scale of change. Developers can offer streamlined services based on a standardised set of designs, which would also lend themselves to consumer choice through custom-build.

In order to test the financial viability of Semi-Permissive we have assumed a scenario whereby a developer contracts with the owners to fund and carry out all the development work. On completion the developer pays the full market value of the original houses (now demolished) and shares the development profit with the owners. Owners can also choose to swap their original equity for one of the new properties: this would reduce development risk and sales costs.

This scenario provides the owners with maximum return for minimal effort and minimises stamp duty and finance costs. The downside is that the owners need to fund their own alternative accommodation during the development period: alternative scenarios can provide some or all of the plot value up-front, enabling the owners to buy or rent elsewhere, but would reduce the profit margin.

The main influence on viability and profit level is the additional amount of floor space and added value of the new homes in comparison with the old ones. Clearly the differential will be greatest where the existing plots are under-developed and the houses are in poor condition. For this exercise we have assumed average conditions and a typical mid-value location.



Small is beautiful

Image courtesy of www.acrylicize.co.uk

Development income

Two garden flats @ 1200 sqft each valued at £570,000	1,140,000
Two duplexes @ 1400 sqft each valued at £665,000	1,330,000
Gross sales value	2,470,000
Sales, marketing and legal costs @2.5%	(62,000)
Net income	2,408,000

Land cost

Two semi-detached houses @1450 sqft each valued at £550,000	1,100,000
Legal costs assuming deferred payment and no SDLT	15,000
Total	1,115,000

Planning costs

Affordable housing contribution@ £20,000 per additional home	40,000
Car club contribution	5,000
Professional fees	10,000
Total	55,000

Works costs

Demolition and enabling works	25,000
Construction @ £1500 per sqm	725,000
Fees and miscellaneous costs @ 10%	75,000
Finance costs @7.5% based on 15 month cashflow including void period	31,000
Total	856,000

Outcome

Development income	2,408,000
Combined development costs	2,026,000
Gross surplus	382,000
Developer's margin @ 20% of planning and works costs	182,000
Additional profit allocated to owners	200,000

16 ideas for transforming Metroland

The original report, “Supurbia: a study in urban intensification in Outer London” was produced by HTA Design LLP in 2014.

The study showed how urban intensification of suburban London might contribute to an increase in housing supply, promote economic activity, improve local service provision and reduce congestion – whilst improving the quality of life, the choices available and the sustainability of the suburbs.

The study suggested that giving suburban householders a vested interest in development could help to overcome resistance to change. It contended that doubling the density of just 10% of the outer London Boroughs could create 20,000 new homes per annum.

But how might such changes be triggered, what incentives might begin to unlock the potential? Is there a case for special measures based on the principle of Housing Zones proposed in the GLA’s Housing Strategy? Or should the incentives be more generally applied across the outer Boroughs and London as a whole? The study made 16 preliminary proposals for further discussion. Many of these have been developed further in this latest report and in submissions to the NLA’s New Ideas for London Insight Study.

Here is the list in full.

1. Suburban intensification zones

Designation of priority status for areas of poor environmental quality, and high levels of social deprivation and fuel poverty. A planning policy framework for intensification including enhanced permissible development rights, relaxation of density limitations and restrictions on development in gardens. Area based collaboration integrating contributions from the local authority social landlords, private housing developers, and energy providers, amongst others. Pre-negotiated development agreement for standard intensification typologies (pattern books).

2. Redevelopment of high street frontage

Development of high quality homes for millenials and downsizers following HAPPI principles in locations close to appropriate services. Significant increase in residential densities (doubling or trebling) and re-provision of smaller amounts of retail floorspace that can be serviced from the street, liberating rear service areas for conversion to high quality shared public realm. Improvements to public realm, provision for shared transportation – mobility scooters, electric bikes and cars.

3. Planning consent through Local Development Orders and Plot Passports

Enable co-housing and custom build projects by collaborating neighbours through planning legislation creating permitted development opportunities as described in the plot passports (referencing the pre-approved pattern books) in consenting neighbourhoods. Local Authorities promote such incentives through Local Development Orders. Over time, some communities may adopt Neighbourhood Plans to encourage intensification which would lead to area based referenda based on mutual consent.

4. Local Pattern Books

Use of pattern books (developed by local architects, possibly for a royalty fee) for new homes which are compliant with modern building regulations, life time homes principles and national space standards. Based on the typological uniformity of the archetypal semi-detached suburbia, a range of standard typologies (possibly prefabricated, at least in part). The range of solutions would include roof and rear extensions, mews houses and gap infilling types. The Pattern Books can be referenced in the plot passport.

5. Custom build

Packaged development service for purchasers of high quality, branded manufactured homes, including site acquisition, choice of appropriate mortgages, manufactured home showroom, site and service preparation, pre-negotiated framework agreements with LPA for approved types.

6. Car sharing

Set up local fleet companies to hire out electric only vehicles and e-bikes on a large scale. Encourage homeowners to ditch owning their cars and use the fleet cars and bikes instead. Offer them an allotment outside their home where their car-parking space used to be.

7. Public realm improvements

Phased reduction in space allocated to cars in private ownership alongside take up of modal shift to sustainable transport and car/bike/mobility scooter sharing. Introduction of street trees and biodiverse green infrastructure and creation of new micro parks on unused parking spaces due to an increase in car sharing. Create cycle lanes following a reduction in street car parking by 50%. Turn some streets into linear parks with games areas, trees and play spaces for toddlers.

8. Neighbourhood concierge

Local corner shop or cafés to expand to deliver a neighbourhood concierge to accept deliveries, keep keys, arrange dry cleaning or house cleaning and to include a Swap Shop (based on collaborate consumption principles for hiring out / swapping sporting equipment, DIY tools, photographic gear, fitness equipment, etc)

9. Zero carbon new homes

Build super-efficient homes that minimise the impact on the energy and water grids. This will save money by saving the cost of additional infrastructure that is always needed on greenfield sites. These homes need no new roads, sewers, power lines or drains, they already exist.

10. Carbon budget

Give each plot a carbon budget to spend, which enables them to trade amounts emitted between the new and the existing homes. Link it to local taxation. Reduce the budget over time to make sure that the homes are maintained and upgraded.

11. Retrofitting

Encourage the improvement of the energy efficiency of the existing buildings to make space in the infrastructure grids for new homes.

12. Neighbourhood water management scheme

Water usage and waste streams should be reduced to minimise the impact of the new development on sewer and drainage systems. By building efficiently and by retrofitting improvements to the existing stock we can remove the need to install new and expensive infrastructure. Low water use appliances, Sustainable urban drainage, using rainwater to irrigate gardens and recycling systems are all practical methods that can be applied.

13. Neighbourhood Energy Storage

Create large battery storage nodes near substations to enable local enterprises to generate and store energy locally where it is needed most. Use roof-mounted PV systems, local car park areas, roofs of supermarkets and businesses to site PV arrays. Encourage locals to use the energy when it is cheaply available by selling stored energy at a low rate.

14. Drone delivery

Set up a drone delivery company to deliver the myriad of small packages coming from online shopping. Reduce the daily traffic in the suburbs substantially and improve air quality at the same time.

15. Ban combustion

Introduce a boiler replacement drive where gas combustion is replaced by air source heat pumps as homes are upgraded. With the car hire replacing combustion engines this will remove pollution from the suburbs for good, reducing noise, improving air quality, improving health and the desirability of city life.

16. Internet of things

Use the local energy storage enterprise to set up an Internet of Things network to enable energy savings to be maximised. Freezers that shut down at peak times to save power at no risk, electric vehicles that charge themselves when there is a lot of renewable energy, washing machines and dishwashers that turn themselves on when it's cheapest to run a wash.

Conclusion

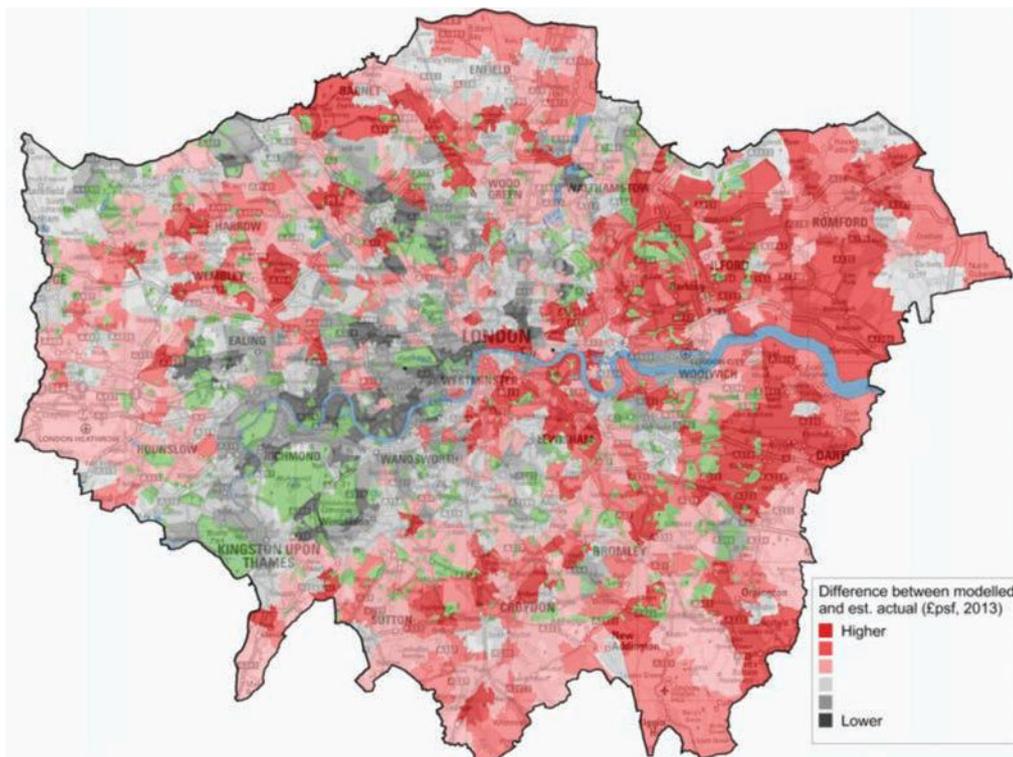
We propose one or more pilot studies in collaboration with participating Local Authorities, where we intend to explore the possibilities of these approaches based on realistic assessments of actual and potential value. We recognise that the piecemeal nature of ownership in London's suburbs means that the outcome would need to be capable of supplying sufficient yield for the owners of such property to create the necessary incentive for change.

We envisage area based schemes, centred on under-developed transport hubs where urbanisation in a concentric pattern could create outward moving contours of increased value, like the ripples in a pond, triggering the take up of intensification schemes in a variety of typologies which we will explore and illustrate. Our hope is that we can postulate a viable scenario for processes capable of transforming the poorer, often subtopian areas of suburbia into a vision of thriving, vibrant and sustainable placemaking – a vision of Supurbia!

Creating value in Suburbia

The place potential of well-connected areas of metroland makes possible value uplift associated with conversion to Supurbia significant.

The map below shows Savills model of value uplift potential in London, it shows some of the greatest potential is in suburban outer London.



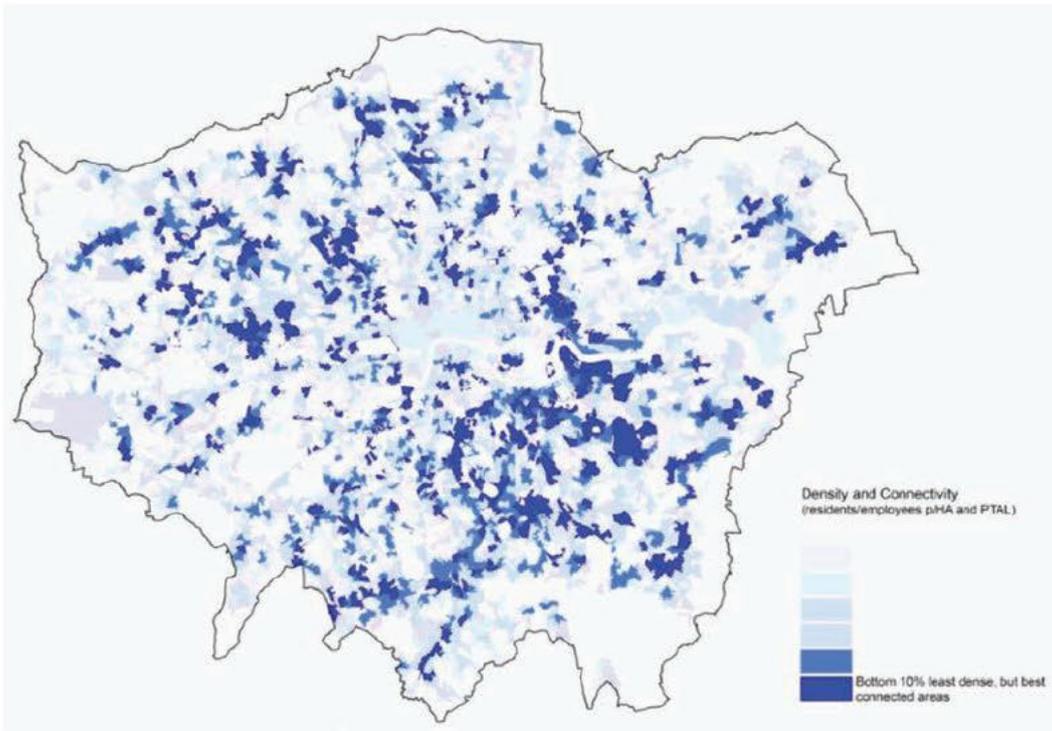
London's value uplift potential

This map shows the difference between the modelled potential flat values and existing flat values. The darker the red areas, the greater the potential for regenerative development to unlock market value uplift and achieve the modelled flat values. In these areas, there is likely to be a barrier to reaching higher values. In order to achieve value uplift, this barrier will need to be removed. There needs to be a catalyst to remove this barrier, which could be either a

transport improvement or high standard placemaking. The creation of Supurbia from Suburbia may be part of this.

The places in closest proximity to central employment locations are likely to see value uplift before more distant locations so it would seem best to locate the parts of metroland that are closest to faster transport nodes.

London's Density potential



In addition to this place potential, the potential increase in housing density means gross development values (GDVs) per hectare should increase substantially.

A worked model of the Supurbia site shows that using a conventional developer model to achieve it yields a lower, though not unrespectable margin of 21% after the costs of land acquisition and development. Land acquisition under conventional models would however be lengthy, difficult and fraught with problems. If one landowner is unwilling to sell, it could scupper the whole scheme and cost a great deal of money. Significant premiums would probably need to be paid for units in order to incentivise owners to sell.

If owners themselves are incentivised to club together in groups around each building group of, say 8 properties, the uplift they could see on the gross development value of their new buildings could be in the region of 60%. This is because they would not have to acquire their site. As owners, they would be landowner developers.

The table shown is a roughly worked case study of the Supurbia site and shows that the density uplift is significant (from 25 units per hectare to 59 units per hectare) and that, even without place quality uplift, the potential returns to the owners of the typical 3 bed semis in the area should be significant enough to act as a strong incentive for development.

This begs the question as to what sort of development vehicle would be needed for owners to realise this uplift.

Three elements would appear essential:

- 100% agreement of neighbours in groups of houses capable of enabling development and land equalisation agreements in advance of development to share the benefits of cooperation equitably.
- Group self-procurement mechanisms with trusted providers to minimise development risk.
- Mechanisms to minimise capital outlay by landowners until units are sold or mortgaged. This might be secured on land or built property value by custom house builders.

	Hectares	Current housing units per hectare	Current value per hectare	Gross development value per hectare	After all costs
Suburbia	1.58	25	£14.8m		
Supurbia	1.58	59		£53.2m	
Less build costs				£33.1m	
Developer's margin					21%
Owner occupier's self procured margin					62%

Credits



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Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The Urban Fringe sites are not positively prepared - the smaller number of units these sites provide does not justify the impact on the environment and loss of facilities (ex the 2 Riding Stables, open green spaces around Whitehawk Hill etc).

It has been demonstrated that the housing quotas can be met by the CPP2, with the exclusion of these urban fringe sites.

The loss of these spaces to housing contradicts conclusions in the "Proposed Submission City Plan Part Two - Sustainability Appraisal (April 2020)". Specifically:

- key sustainability objectives listed in section 3.2 - 'Biodiversity & geodiversity', are undermined by the development of these sites. The disruption to wildlife by these developments is in contradiction to these objectives.
- key sustainability objectives listed in section 3.7 - 'Cultural heritage, landscape and open space', are undermined by the development of these sites. The loss of open space and development of these areas is in contradiction to these objectives.

I strongly object to the proposal to develop these three precious and special sites.

The proposals to build houses on this site are not sound or justified. And I cannot believe that building on an area of national beauty and on the edge of a national park is consistent with national policy.

The stables provide exercise and occupation for many local young people and disabled riding is encouraged.

The area is on a very busy road and would add approximately 100 or more cars to the area.

There are no local shops or schools.

There are no mains supplies of water, sewage, gas, electricity

The site is on the edge of a national park and it would cause light pollution and noise pollution to a peaceful rural area full of wildlife - Skylarks, Woodpeckers, Kestrels, Badgers, Foxes, Slowworms, Frogs, Toads. And so many Butterflies, Moths and Insects of all shapes, sizes and colours that I have never even seen before and are probably rare. These would all be driven out by an increase in human activity.

The destruction of ancient flint walls is pure vandalism.

The site is also of archaeological interest.

Unauthorised buildings have crept on to what was a farm site without being stopped by the council. Thus the site has the appearance of being more developed than it actually should be. It is historically inaccurate to assume this site is already residential - it is actually a number of trailer homes and caravans. It does of course supply a lot of homes for many Horses and Ponies who have nowhere else to go.

The site is exposed and would be visible for miles - the development should be in a valley, not on a national park hilltop.

I think this area of the plan should be seriously reconsidered and stopped in its tracks.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

To Remove H2 from CPP2. it is not necessary since the quota for housing has already been met.

It would also disturb/kill off rare wildlife. Has a survey even been done to examine all the incredible wildlife and flora that is there?

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

n/a

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites was recently added to the plan to remove protections and I think this phrase should be taken out.

It would mean that for example, a Local Nature Reserve or Local Wildlife site would lose protections outlined in this part and protections they should have.

Otherwise, why have these designations? Nature Reserves are designated for sound and thorough reasons. In City Plan 1 and the draft of CPP2, until February 2020, these protections were there.

Those very allocations in this City Plan are a result of the Urban Fringe Assessments of 2014 and 2015 and much was missed in those flawed, mostly desk top assessments. The ecological evidence was not robust, the understanding of sites was flawed and I believe Locally Designated Sites allocated for development require further scrutiny and protections.

It appears to remove the requirement for Ecological Impact Assessments on Locally Designated Sites. It would allow for developments to just go ahead despite adverse effects to sites whilst sites not earmarked for development would retain those protections, which is unjust. Our city's Local Nature Reserves should all have equal protections.

We are in a tipping point for our local biodiversity and it is not justified to remove existing protections in this manner. It is an attempt to dodge even national requirements for designated sites. Paragraph 174 of the National Planning Policy Framework states a requirement to 'safeguard components of local wildlife-rich habitats and wider ecological networks'.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

I think for the phrase 'Unless allocated for development in the City Plan...' be deleted from the beginning of the paragraph dealing with Locally Designated Sites and thus all sites with local designations within the city will be treated and protected equally and fairly.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Whitehawk Hill Nature reserve and the wider Race Hill landscape has not been listed for designation as a Local Green Space, despite the fact that it meets all the criteria as set out in National Planning Policy Framework, paragraph 77. This is far from sound.

The four sites chosen for Green Spaces were suggested in the 2014 Urban Fringe Assessment, but further scrutiny shows that there is not clear evidence to show why they are included and why Whitehawk Hill Nature Reserve and wider Landscape is not.

The CPP2 states that the four chosen sites are chosen "due to their value to the local community and their local significance in their role as areas for enjoyment of recreation, tranquillity, wildlife, heritage and their linkages to the adjacent urban area.", however Whitehawk Hill has all these in abundance.

Local communities include Whitehawk to the east, Kemptown and Craven Vale to the south, Pankhurt Estate, Hanover and Elm Grove to the West and Bevendean and Woodingdean to North and north east value this land. All these communities join onto the boundaries of the Racehill landscape, it sits between them and there is a constant flow from each to each, with the Hill being our piece of Downs in the middle, much to our delight.

Recreation – used directly, daily, for walking, running, cycling, dog-walking, horse riding. There are football pitches at the bottom and multiple paths up and across the Hill and around top and bottom.

Tranquility – this is Downland in the city, with all the nature and peace that can offer. Long views, skies, sea views or sitting amongst wildflowers watching butterflies.

Wildlife- is abundant, badgers, foxes, birds, butterflies, bats, bees, beetles, grassland dainties. It is one of the richest sites in the city as evidenced recently in a submission Friends of Whitehawk Hill made to the council. Four experts made studies showing the scope and detail of precious species in this site.

Heritage – locals love this Neolithic landscape, with the causewayed Camp, and schoolchildren learn about the ancient heritage, with the amazing finds displayed at the museum. 'Whitehawk Woman' is a very famous mother and baby neolithic skeletons. More recent heritage is from Georgian times, the racegoers from that time to now. It is old common land, still enshrined in a deed from this time. We walk our history on this landscape, seeing similar views to the ancients. The Downland Heritage is also valuable, remnants of old farm buildings at the two stable sites, and sheep grazing across the Hill all year, our Sussex tradition.

Linkages to local areas – for walking on old chalk pathways from Bevendean down to Kemptown, quicker than bus. There are no roads from top of Whitehawk and hundreds use the paths to get into town. Likewise the other direction, this is where we walk into the South Downs National park. Walks to Sheepcote Valley, to Rottingdean beach, to Castle Hill National Nature reserve, the Juggs Lane to Lewes and more.

Finally, Paragraph 2.293 of the CPP2 justifies the designation of the four Local Green Space because they act as 'important green wedges into the urban area'. Whitehawk Hill is a green wedge from the National Park swooping through the edges of the surrounding high density urban areas.

All of the criteria for a Local Green Space are more than met.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Whitehawk Hill Local Nature Reserve should be added to the list of sites for designation as Local Green Space.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

n/a

H2 Housing Sites – Urban Fringe

H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The inclusion of these 3 sites, 30/32/33, is not justified due to the unsoundness of the study that their inclusion was based on, the Urban fringe Assessment, and the non-compliance with local policies and national. I give more detail further on.

(I find this consultation really difficult to respond to. I am an ordinary person who does not understand the detail of planning law, nor terms like soundness. I have read the notes on this but it is extremely hard for me to grasp and I worry that only a small proportion of citizens will be able to reply in the way that seems to be expected. I don't find that inclusive. I will do my best to explain, but know it won't be in the expected parameters, because I don't understand them).

Site 30 is strangely named as 'Land at and adjoining Brighton Race Course' rather than what it is which is part of a Local Nature Reserve, a statutory designation. Chosen for its special features. Whitehawk Hill is a spectacular site, unacknowledged in the desk-based report written by people who neither knew it nor took time to understand its natural, ancient, local nor cultural history.

Whitehawk Hill is -

-An ancient Neolithic site, with a nationally important Ancient Scheduled Monument, a causewayed Camp, as part of the landscape context. An ancient site is not just the stones or ridges, but the land as a whole, the setting.

- Local Nature Reserve. The decision not to exclude Local Nature Reserves from the Urban Fringe Assessments was the council's and was not prescribed by the planning inspector who advised that sites must be "suitable and appropriate".

BHCC Planning Policy – states that development that would have an adverse effect on a Local Nature Reserve should not be permitted unless it is of regional significance.

- Statutory Access Land as designated in the CROW Act, land for the public to walk all across and enjoy in perpetuity.

- ancient common land since those Neolithic times

- a post enclosure 'recreational common', created in the 1822 Deed of Inclosure. 105 acre 'Race Ground', with new recreational rights and a clause preventing the 'break up' the Race Ground, which was included in the 1888 Indenture relating to the purchase of the 'Race Ground' by Brighton Corporation.

- In 2012 it was considered of such quality that full council voted for its inclusion in the South Downs National Park. Locals have never known or been told why this was reversed.

Communities around this site include Whitehawk to the east, Kemptown and Craven Vale to the south, Pankhurst Estate, Hanover and Elm Grove to the West and Bevendean and Woodingdean to North and north east value this land. All these communities join onto the boundaries of the whole sweeping Racehill landscape, it sits between them and there is a constant flow from each to each, with the Hill being our piece of Downs in the middle. Our Down.

The Hill is used directly, daily, for walking, running, cycling, dog-walking, horse riding. There are football pitches at the bottom and multiple paths up and across the Hill and around top and bottom. It is a gateway to the South Downs National Park and part of its landscape.

It is a rare Downland in the city, a green lung, with all the nature and peace that can offer. Long views, skies, sea views or sitting amongst wildflowers watching butterflies.

Views to the east take in the white cliffs. To the West it is the bay of Sussex with distant views of Cissbury Ring and Chanctonbury Ring, and vice versa. These long distant views and common history are important. At the top, at the threatened sites 32/33, both of which literally join the South Downs National Park, the views are even more spectacular. Views through the lens of our ancestors, which should not be destroyed. There are 360 degree views here, those I have mentioned but also the northern sweep.

All 3 of these proposed developments will ruin this whole, this historic landscape. We walk our history on this landscape, seeing similar views to the ancients.

Locals learn this Neolithic landscape, with the causewayed Camp, and schoolchildren learn about the ancient heritage, with the amazing finds displayed at the museum. 'Whitehawk Woman' is a very famous mother and baby neolithic skeletons. More recent heritage is from Georgian times, the racegoers including Prince Regent, from that time to now. The Downland Heritage is also valuable, remnants of old farm buildings at the two stable sites, and sheep grazing across the Hill all year, our Sussex tradition.

This is also a thoroughfare as folk walk on old chalk pathways from up Bevendean down to Kemptown, quicker than bus. There are no roads from top of Whitehawk and hundreds use the paths to get into town. Likewise the other direction, this is where we walk into the South Downs National park. Walks to Sheepcote Valley, to Rottingdean beach, to Castle Hill National Nature reserve, the Juggs Lane to Lewes and more.

The Urban Fringe Assessments took none of that into account.

They took little detail of the natural ecology into account either it seems and have significant omissions and therefore are very flawed and unsound as a basis for these sites to be included as development sites in the CPP2. The report was a desktop report, the site visit was by a 'landscape planner' not an ecologist. The suggestion is that it could be mitigated for but to smash a landscape in two, to remove ancient and special and protected species to plant some inappropriate hedging seems a bit lacking. I consider them to be unsound, and that must mean the inclusion of these sites is.

- Damage to the integrity, and fragmentation of, a core part of the Local Nature Reserve, which would be cut in half, is not discussed or assessed in the UFAs
- There are errors and omissions in the UFA ecological survey, including the failure to identify the presence of chalk grassland (BAP Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland, of international importance as a threatened habitat) in the reserve, one of its most important habitats, which undermines the credibility of the UFAs assessments
- They do not recognise that development would cause the loss of notable features of ecological interest within and adjoining the proposed development area, including:
 - o The gorse scrub, a historic landscape feature and habitat which occurs on this part of Whitehawk Hill and not elsewhere, reflecting local differences in soils that

form part of the diversity of the reserve, and which is barely recognised in the UFAs;

o A group of distinctive and notable breeding birds intimately linked to the gorse scrub as a breeding habitat, including BoCC red listed species such as Linnet (breeding in the area in 2019), as well as Dartford Warbler and Stonechat (which have bred in recent years).

o Elements of a chalk heath flora;

o Notable invertebrate species associated with chalk heath and/or heathland habitats.

o Development would threaten a population of the BAP Priority Species/Species of Principal Importance brown banded carder bee;

- There would be a loss of statutory Access Land and Open Space, which is not discussed or addressed;
- Significant negative visual impact effects on the landscape and on important views within the local visual catchment, along the hill and from the valley, which would compromise the naturalness of the landscape and views and its sense of space and place - are not properly addressed as this is considered largely from the perspective of effects on the wider landscape and the National Park;
- They make inappropriate mitigation proposals, such as tree planting, when management of the hill to conserve and restore its historic landscapes and notable habitats requires the removal of trees;
- They do not address the effect development would have, by severing this green wedge and gateway to the Downs, on peoples experience and enjoyment of this landscape; and
- They wrongly conclude that that effects of development could be mitigated.

Reptile translocation – Whitehawk Hill was used as a receptor site for more than 2,000 reptiles in a translocation from a site in Mile Oak in 2018. National guidance states receptor sites should be safe from future development.

The ecological evidence did not consider or assess the impact development in this allocation would have on the LNRs gorse scrub or its dependent species. This is an historic landscape feature and habitat and is an important component of the habitat mosaic within the LNR. The gorse scrub grows on this part of the reserve and not elsewhere, due to local variation in soils.

The allocation is contrary to paragraph 174 of the National Planning Policy Framework, as it would not protect or enhance a valued landscape and a designated site supporting habitats of high biodiversity value

It won't be possible to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework, due to the damage it would incur on the integrity of the LNR, and to its habitats and species.

The site is already in positive management due to the efforts of the Friends of Whitehawk Hill and the council Ranger service and Conservation Volunteers working together on conservation alongside the grazing project for chalk grassland preservation and repair.

The inclusion of site 30 will not be effective in providing housing. The recently really reduced allocation (from 150, although the 2018 proposal was for 217) of 30 housing units makes such a small contribution to meeting the city's housing needs that clearly does not outweigh the serious damage to both the ecology of the site and the communities' use of the site and love for it.

Sites 30/32/33 should be removed from the CPP2.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Sites 30/32/33 should be removed from the CPP2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Response ID ANON-8ZMD-Y4UW-V

Submitted to **City Plan Part Two (Proposed Submission)**
Submitted on 2020-10-30 21:29:53

Your details

What is your name?

[Redacted Name]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:
Yes

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:
Yes

Notification matrix - The adoption of the City Plan Part Two:
Yes

Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

Yes

Date Response Submitted

Date Response Submitted:
Not Answered

Special Area SA7 Benfield Valley

SA7 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:
No

Legally compliant sound - Sound:
No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

SA7 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Justified

SA7 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I do not believe that the policy is legally compliant as the Council have not adhered to their Statement of Community Involvement. Although information has been made available online, the Council have not attempted to involve the community or draw the community's attention to the policy or the plan to build on Benfield Valley. [REDACTED] and have received no information from the council. I also frequently walk through Benfield Valley and I have never seen any council notices advising of their intention to build 100 houses on it.

Secondly, I do not consider that the Council's policy is Positively prepared or Sound for the reasons below:

1. The building of 100 houses of up to 3 stories each on Benfield Valley cannot be justified. Benfield Valley is a highly valued community green space and is widely used by residents. Walking, cycling, jogging and dog walking are frequent and popular activities undertaken in Benfield Valley by the local community. Today, I even saw someone riding a horse in the Valley. Brighton & Hove Council should instead concentrate on the development of the brown field sites available.
2. It has been proven that being able to get out and exercise in a natural environment is good for both physical and mental health. I am particularly concerned that building on Benfield Valley would have a negative impact on the mental health of those who live locally. We cannot keep "chipping away" at the last undeveloped space within communities. If we do, soon there will be none left, to everyone's detriment.
3. I do not believe that 100 homes can be built solely within the area indicated as a Housing site (H2) on the Brighton and Hove map – I think that were 100 houses to be built here, the wild natural area lost would be much greater than the area implied by the yellow lines on the map. For instance, the map does not show how either site would be accessed from the road, that would be additional land area lost to development.
4. The policy does not seem to have properly considered the required infrastructure to support 100 additional homes, which it is required to do to be considered "positively prepared". The policy states "it is recognised that some services are located more than preferred maximum walking distance from the site". It is already problematic trying to find GP and Dentist surgeries in the area.
5. The policy states that building in Benfield Valley "should lead to improved public access to and through the site, including for pedestrians and cyclists". Pedestrians and cyclists already have good access to this area! Building 100 houses will lead to increased traffic levels on the A293 and Hangleton Lane and will detract from the pleasure of cycling and walking here and will make it much harder for cyclists and walkers to cross Hangleton Lane from one side of Benfield Valley to the other!
6. The Brighton & Hove CPP2 West Area map (Feb2020) available here: <https://www.brighton-hove.gov.uk/sites/default/files/migrated/article/inline/ CPP2%20West%20Area%20map%20Feb2020web.pdf> shows that the proposed development North of Hangleton Lane is within an Archaeological Notification Area (ANA) – once this historic, open land is built upon, it is lost to the community, forever.
7. The National Planning Policy Framework states under item 118b that Planning policies and decisions should "recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production". Benfield Valley meets several of these criteria:
 - a) Wildlife: There is abundant wildlife living here – photos of the local wildlife can be seen on the Benfield Valley Project Facebook page (<https://www.facebook.com/benfieldvalleyproject>). Wildlife would be displaced if this land is built upon. Brighton & Hove admit in their policy that building on Benfield Valley would have an adverse effect on biodiversity.
 - b) Recreation: Benfield Valley is widely used for recreation as already described above. Building on this land would damage the opportunity to appreciate the natural environment.
 - c) Carbon storage: The area proposed for building is heavily wooded, building would require destruction of the trees and release carbon, feeding climate change.
8. The Council admit that residential development on the site is likely to "increase vehicle movements". The A293 can already become congested, adding 100 homes will make this worse, leading to increased congestion and pollution. The council also admit in their policy that this increased traffic could result in "significant adverse impacts for air and noise quality". This is very bad news for those that suffer from asthma or other respiratory problems.
9. Brighton & Hove Council claim in their policy that the delivery of 100 homes would "help to improve the surrounding site through securing ongoing maintenance and management, improving the open space offer". The Council should not be claiming in their policy that Benfield Valley will be "an important green wedge into the urban area, a valued Local Wildlife Site and Local Green Space" while planning to destroy a significant proportion of it. That is nonsense. The open space is already widely used and enjoyed by the community and is already a valued local wildlife site. The Council should be protecting all of what we already have from residential development!

10. The policy refers to Benfield Barn being derelict! The barn is not derelict, it is being used by Brighton Footgolf to sell drinks to their customers and is shown in their video on the company's webpage: <https://brightonfootgolf.com/> (also available on youtube: <https://youtu.be/Ed1-WLhTcpc>). The photo on the same webpage shows the area proposed for development; the entire wooded area shown in the photograph would be destroyed. This open space will be lost to the community.

11. The National Planning Policy Framework states in section 15 "Conserving and enhancing the natural environment", paragraph 170:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes ...
- b) recognising the intrinsic character and beauty of the countryside ...
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."

I think there is little doubt that building 100 homes in the middle of the "green wedge" (as the Council refer to it) and hence dividing it further will greatly diminish the ability of the local ecology and ecosystems to be more resilient to future pressures.

I would urge Brighton & Hove Council to remove the planned residential development of Benfield Valley from their Policy.

SA7 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

In view of the points I have set out in answer to part 3 above, I consider it necessary to remove the proposed allocation for housing in Benfield Valley from Brighton & Hove Council's City Plan (Part 2).

I firmly do not believe that building on Benfield Valley is justifiable as it would be detrimental to the local community (loss of green space, increased traffic and noise, reduced air quality) and to the local wildlife (loss of habitat).

The Council should also not refer to Benfield Barn as being derelict when it is clearly not. This is misleading. The barn is actively being used by Brighton Footgolf and is shown in the video on their website: <https://youtu.be/Ed1-WLhTcpc> amongst other things, it sells refreshments in the barn to its customers! What is true is that building 100 houses adjacent to the barn would irreparably spoil the historic setting of the barn and its surroundings.

SA7 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

SA7 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

I am a [REDACTED] and I wish to make it clear that the community don't want Benfield Valley to be built on. Its value as a green Space for the community would be reduced and the effect on the local wildlife would be damaging.

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

(DM1) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified

(DM1) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The councils housing needs assessment is not robust enough to be considered justifiable. Many issues are not listed, such as rough sleeping, social housing, adequate self build policy and there needs to be explicit regard to outside space, such as balconies. The local authority must consider how it understands true housing need, not simply following the national standard.

There are major concerns that the Duty to Cooperate with South Downs National Park is a duty to avoid responsibility. We must build new communities, and the plan vastly understates housing needs.

Proposals for self build are clearly inadequate, owing to the fact the council has delivered 3 self build homes, for a coop, despite hundreds of people being on the self build register for a number of years.

(DM1) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

A fuller housing needs assessment taking in required needs.

Clear policies to support outside space for new and old buildings, so that more of our residents can deliver proper.

Reference to the need to deliver social housing.

A commitment to build on National Park land to meet housing need and a commitment to reassess the Duty to Cooperate.

(DM1) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM1) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

There needs to be some representation of those in the community who recognise that the city boundaries are too narrow and that housing need is represented appropriately.

DM2 Retaining Housing and residential accommodation (C3)

(DM2) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM2) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM2) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

(DM2) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM2) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM2) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM4 Housing and Accommodation for Older Persons

(DM4) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM4) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

(DM4) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The council needs to build on the outskirts of the city and this will create difficulties in meeting DM4 a) because many places will need to be outside of main amenities., such as shops. The policy must have regard of this eventuality.

There is also a concern over how the council views or understands housing need for older people, as there is a need to provide independent living opportunities on new sites.

(DM4) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

b) is accessible to public transport, shops, services, community facilities, and social networks appropriate to the needs of the intended occupiers, unless it can be proved that the scheme is able to meet residents needs;

2.26 The council has commissioned an Older People's Housing Needs Assessment²³ which included detailed analysis of the accommodation and support needs of older people in Brighton & Hove and involved local consultation with older people about their preferences for housing and care. The study also considered the supply of specialist housing and housing support for older people in terms of its suitability in relation to older people's needs, and assessed the projected future need/demand for specialist accommodation for older people. This must be updated to secure greater focus on independent living needs.

(DM4) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM4) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

The housing needs assessments must do more to understand how independent living can support more people to make that choice but within tailored developments in new places.

DM8 Purpose Built Student Accommodation

(DM8) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM8) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

(DM8) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The plan must recognise a need to build closer to the Universities, so that family housing is not lost to students and lower emissions for travel are sustained at source.

(DM8) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM8

If the above criteria (a to g) can be met and the accommodation is within one mile of the University campus, a streamlined planning permission in line with a Local Development Order (LDO) will be granted.

(DM8) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

(DM8) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM12 Changes of Use within Regional, Town, District and Local Shopping Centres

(DM12) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM12) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM12) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

(DM12) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM12) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM12) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM18 High quality design and places

(DM18) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM18) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

(DM18) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

There needs to be an exemption for works which will make a considerable difference to the energy efficiency of the building. We must support more efficient buildings over the look of the area, for example the addition of External Wall Insulation.

(DM18) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Building materials and architectural detailing 2.151 The selection of external materials and finishes is often a critical factor in determining how well a new development relates visually to its surroundings; however when energy efficiency has been considerably improved, for example, rising two EPC ratings, special dispensation will be considered.

(DM18) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM18) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

I do not feel anyone represent the need for proper energy efficiency solutions of existing buildings. Retrofit must be a preference.

DM19 Maximising Development Potential

(DM19) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM19) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

(DM19) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

There is no mention of garage sites or infill, yet this is a major opportunity for maximising development potential within the cities existing boundary. The council will set up a Small Sites Register to help achieve this.

(DM19) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The council will look to promote infill and garage sites, especially those who come from the self build register.

(DM19) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM19) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

The council needs to work towards a better approach to making the most of their small sites and infill, yet this does not appear in the plan.

DM21 Extensions and alterations

(DM21) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

(DM21) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective

(DM21) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The councils is far too restrictive on extensions and should encourage, especially owner occupied properties to grow as families grow and not be locked out of balconies, higher buildings, dormers or new floors.

(DM21) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM21 Extensions and alterations Planning permission for extensions or alterations to existing buildings, including roof extensions, will be granted if the proposed development: a) is well designed and scaled, sited and detailed in relation to the property to be extended and to the surrounding area;

b) takes account the existing character of the area; and

c) uses materials that complement the parent building.

I have removed adjoining properties because extensions should be relative to the street scene, not adjoining properties or we are harming unique design and opportunity,

(DM21) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

(DM21) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM33 Safe, Sustainable and Active Travel

DM33 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM33 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified

DM33 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The council must do more to recognise the important of cars and other vehicles to residents of Brighton and assess provision change against impact to drivers. Cars are sustainable. I am surprised the council doesn't refence them.

DM33 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

2.

f) The council will assess the traffic impacts of cycling infrastructure before making changes.

DM33 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM33 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Somebody needs to remind the council that we need to support transport change which works for residents. Cars are sustainable, even if the report does not recognise that.

DM35 Travel Plans and Transport Assessments

DM35 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

DM35 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

DM35 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Vehicles are vital to the city, the language used will hinder private vehicles use, not ensure great mitigation. The city cannot simply expect fewer cars, it must first enable the opportunities for people not to drive and understand why the do. Currently, the city doesnt, or appreciate how many people do.

DM35 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

All development proposals should include appropriate measures to ensure that journeys by private car are minimised and to make the greatest possible use of sustainable travel in order to deliver the objectives for sustainable transport set out in Policy CP9 of the City Plan Part One. Where necessary, planning obligations will be sought to facilitate or support such measures. - REMOVE THIS SECTION

DM35 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM35 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM36 Parking and Servicing

DM36 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

DM36 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified

DM36 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

We should support car free but not encourage it as it impacts who can live in our city.

DM36 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Car-free residential developments will be supported subject to consideration of relevant factors as set out in SPD14 'Parking Standards for New Development' (and any subsequent revisions).

DM36 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM36 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM40 Protection of the Environment and Health – Pollution and Nuisance

DM40 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

DM40 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified

DM40 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I cannot see how this policy, without describing mitigations such as EV's can work and is incoherent as it cites pollution from diesel vehicles, without accepting the new class Euro 6 of diesel vehicles which pollutes less than many petrol vehicles.

We may need to reduce car use but we are a rural city, therefore without great transport links across the region, the policy is fairly incoherent and does not appreciate how residents really live.

DM40 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM40 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM40 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM44 Energy Efficiency and Renewables

DM44 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

DM44 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

DM44 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The Future Homes Standard may automatically make the 19% increase in energy efficiency unworkable, so should be removed. The new standard will increase standards so building regulations standards should be used, not planning policy. This is also a pointless endeavour as this will be met with SAP, not with true energy efficiency need.

It is also incorrect to ask for renewables on new buildings as they will not be replaced or maintained. The councils needs to focus on district energy and heating, not piecemeal renewables on new homes.

Bizarrely, there is also no reference to onshore renewables. It is astounding that this is the case and sites should be allocated to onshore renewables.

There is no support for increased energy efficiency retrofitting measures such as exemptions for External Wall Insulation in conservation zones, new roofs which improve energy efficiency, or other streamlines measures to support EPC improvements. Expecting new homes to meet this measure examples how poor this policies approach is.

DM44 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

2.339 Developments should maximise opportunities for on-site electricity and heat production from solar technologies (photovoltaic and thermal) and use innovative building materials and smart technologies. This will reduce carbon emissions, reduce energy costs to occupants, improve the city's energy resilience and support the growth of green jobs - REMOVE THIS SECTION

2.345 To mitigate carbon emissions associated with all new development and meet local and national policy objectives for CO2 emissions reduction, this minimum requirement now applies to all types of development. In order to meet the national and local carbon reduction targets, greater CO2 emission reductions will need to be delivered in the future and these targets will be kept under review. 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 (SAP 10 or subsequent versions). It is anticipated that on developments where carbon savings from certain technologies (e.g. gas-engine CHP and solar PV) do not achieve the carbon savings set out in City Plan Part One Policy CP8, alternative or additional technologies will need to be utilised to meet the 19% improvement against part L. - REMOVE THIS SECTION

Add a section which sets out a Local Development Order (LDO) for homes meeting Passivhaus or 19% increase energy efficiency against Part L,

DM44 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM44 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

This policy is unviable and nobody appears to understand why. The council is not helping residents, it is harming them. Somebody needs to speak up.

Supporting Documents and Background Studies

Please provide comments you have on the Supporting Documents and / or Supporting Evidence (Please be as precise as possible, with reference to the name of the document / studies you would like to comment on)

SA comments box:

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

(DM22) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

(DM22) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The granting of permission for BH2018/03541 for the erection of 6 and 7 storey blocks of flats within an Historic Park and Garden, tends to detract from the worthy intent of this policy including plans to fell 62 mature trees in the western woodland belt of Stanmer Park.

The SDNP objection points out that 250 dwellings is significantly higher than the DRAFT ALLOCATION (my caps) and the degree of development proposed would be a form of overdevelopment of an inappropriate scale and density for this hillside urban fringe location within the setting of the SDNP.

The SDNP objection states also that it would appear to conflict with SA4 of CPP1.

As this development does not comply with the aim to 'integrate development into its surroundings with minimal impact on the environment', it has been suggested that this might be one of the reasons for the planning decision to have been signed off before adoption of CPP2 in April 2020.

Why would the Council include development plans in CPP2 when the decision to allow the worst possible outcome for this part of Stanmer Park to go ahead without scrutiny from the Planning Inspectorate.

Large, destructive plans have been imposed on Stanmer and Coldean without appearing in either CPP1 or CPP2 - an investigation into how this has come about might be useful.

(DM22) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM22) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

(DM22) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

To be heard

DM30 Registered Parks and Gardens

DM30 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

DM30 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

DM30 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

p221 or is it 222, it's hard to tell because the page numbers do not accord with the PDF page numbers at the top...

HE11 Historic Parks and Gardens is to be replaced by DM30 Registered Parks and Gardens

HE11 Historic Parks and Gardens was (accidentally?) omitted from City Plan Part One despite being one of the retained policies of Local Plan 2005 (updated in March 2016) and a further reference in Annex 4 of CPP1 itself.

DM30 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Reinstate the protection of Historic Parks and Gardens - HE11 - into City Plan Part One before replacing it and thereby retrospectively protect the Grade II Listed & Registered Stanmer Park and Garden.

References to development within and adjoining Stanmer Park in both CPP1 and CPP2 only refer to the University campuses of Sussex and Brighton, and the football Stadium.

DM30 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM30 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

To be heard

DM37 Green Infrastructure and Nature Conservation

DM37 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Policy does not comply with paragraph 174 of NPPF

Part C

Locally Designated Sites

'Unless allocated for development in the City Plan' appears to be a catch all phrase that predetermines against the protection intended to be afforded by the policy and should be deleted.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete the phrase 'unless allocated for development in the city plan'

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The Urban Fringe Assessment is an unreliable and inconsistent appraisal of the importance of many treasured Local Green Spaces, for instance Whitehawk Hill, not only a LNR but a much loved green space for those living in the tower blocks at the top of the estate. Also the Land to the North East of Coldean Lane, where planning consent has already been granted to destroy agricultural land forming part of the Stanmer Historic Park and Garden. The only designation of the Coldean site as available for building is from the UFA which is an assessment and not a development plan and the consent is therefore unsound.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add Whitehawk Hill LNR to the list of sites for designation as Local Green Spaces and remove the planning consent for the Stanmer Land to the NE of Coldean Lane.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM41 Polluted sites, hazardous substances & land stability

DM41 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

DM41 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM41 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I cannot find any details of the Development plans for the Black Rock Gas Works in this document but trust this policy would negate the proposals for residential development currently being developed for this brownfield site.

DM41 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM41 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM41 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM42 Protecting the Water Environment

DM42 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

DM42 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

DM42 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The public and members of the Planning Committee are excluded from any detailed information on water management plans before granting consent, which are often accompanied by a Condition of Informative suggesting further discussions with Southern Water and/or the Environment Agency.

However, there remains a gap in public knowledge since 2016, the time of the adoption of CPP1, as Southern Water, with the worst record in the UK, remains under investigation by Ofwat and the Environment Agency.

There is a lack of public confidence in the ability of Southern Water to deliver the fresh and waste water management in the area between the R. Adur in the west and the R. Ouse in the east. The region is described as 'water stressed' and so it is, but there are no measures outlined here to protect the aquifer below the chalk nor any to protect against overdevelopment. The population of the University of Sussex campus is now equal to that of Lewes town. Lewes has an above ground river, Brighton does not.

DM42 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The ChAMP project and the Aquifer Partnership are a great start, but there needs to be much more effective action taken in order to restore confidence in the ability of Brighton & Hove and Southern Water to protect our drinking water supply.

DM42 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM42 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

To be heard

DM43 Sustainable Drainage

DM43 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

DM43 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM43 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

It is widely acknowledged that soakaways are inappropriate in drinking water Source Protection Zones and although it is common practice, it is not best practice. It is another example of how the vulnerable nature of the chalk block beneath Brighton and Hove is not taken into consideration.

DM43 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM43 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM43 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road

SSA1 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Yes

Legally compliant sound - Sound:

Yes

Legally compliant sound - Meets the Duty to Co-Operate:

SSA1 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

SSA1 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

SSA1 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SSA1 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

SSA1 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

ALL SITES, Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade, Land at Mile Oak Road, Portslade, Land off Overdown Rise, Mile Oak, Portslade, Benfield Valley, Land at and adjoining Horsdean Recreation Ground, Patcham, Land at Ladies Mile, Carden Avenue, Land to north east of Coldean

Lane, Land north of Varley Halls, Coldean Lane, Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables), Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm, Land adjacent to Ovingdean and Falmer Road, Ovingdean, Land at former nursery, Saltdean, Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean, Land west of Falmer Avenue, Saltdean

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

No

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Positively Prepared, Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Land has been included in the Urban Fringe Assessment which should have been protected by HE11 Historic Parks and Gardens.

HE11 was a retained policy from Brighton's Local Plan 2005 (updated March 2016) and appears as Annex 4 of City Plan Part One, adopted 24 March 2016. DM30 from draft CPP2 is intended to replace HE11 from CPP1 - but how is that possible if HE11 does not appear in CPP1?

It has come to light recently that HE11 was inexplicably omitted from City Plan Part One and its omission has had serious consequences for Grade II Listed and Registered Park & Garden of Stanmer Park. The estate walls and woodland tree belt form the south west boundary of Stanmer Park, most of which lies within the South Downs National Park.

There is a body of evidence to prove that the planning permission granted for BH2018/03541 on 23 March 2020 is unsound.

The convenient omission of all protection of Historic Parks and Gardens, and the omission of development plans for Stanmer Park from City Plan Part One, is a matter of such a serious nature that it merits a full public investigation.

Likewise there is no reference to the development plans for the south west part of the Stanmer Estate - Land to the NE of Coldean Lane, although the land lies outside the SDNPA (why?) and outside the B&H City area, nevertheless the land remains part of the Grade II Listed & Registered Park and Garden.

Perhaps it is because Brighton and Hove Council have already granted planning consent for their Joint Venture with Hyde Housing to develop the land? The only designation of the site being available for building development is in the Urban Fringe Assessment(s) but, of course, these are not development plans, merely assessments.

Are you not surprised that the most toxic plans for Brighton's most popular historic Stanmer Park appear in neither CPP1 or CPP2?

The policies contained in this CPP2 do not take account of recent Government proposals to increase green spaces by 30%, nor the importance to local communities that has been underlined over the last six months of Covid restrictions. For many, particularly those without their own outside space, the availability of 'nature on the doorstep' has been a life saver and this benefit has not been acknowledged or addressed.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Unlocking brownfield sites which have already been granted planning consent before destroying the urban fringe for building development. Greater emphasis should be placed on sustainably produced food and community-led ECO housing on green spaces around Brighton. Ensure that HE11 is reinstated into City Plan Part One with the removal of planning consent from BH2018/03541 as a result.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

To get a fair hearing.

Upload Supporting Information to your representation(s)

Do you have any supporting information to add to your submission?

upload box:

CPP2 Supporting Evidence.pdf was uploaded

[REDACTED] submitted a deputation to Full Council in support of the Coldean Residents Association's challenge to the decision to erect 7 tower blocks on their local green space.

Planning permission had been granted on 23 March 2020 to a Joint Venture Partnership between Brighton and Hove Council and Hyde Housing - now in tatters (1) as a result of a 'viability gap', the project has thus far cost £3.1m.

Details have emerged recently calling into question the process by which this planning decision was made and exposing some apparently underhand activities, including the serious omission of crucial

documents from the Planning Portal; the subsequent doctoring of online files, documents and dates; the absence of any evidence of Change of Use; the breach of Restrictive Covenants; and the misleading information given to the planning committee. But perhaps most importantly, the omission of HE11, the policy designed to protect Historic Parks and Gardens in City Plan Part One.

In an unprecedented move, the Mayor dismissed 3 petitions and 2 deputations (including this one) relating to contentious building developments on the city's urban fringe, submitted to the Full Council meeting held online last Thursday, 22 October.

Interestingly, the webcast has still not been made publicly available, however, phone recordings do exist of relevant sections of the debate, including the Coldean residents' question, with a written response promised for their supplementary question regarding Change of Use. However it's unlikely this will be received before the City Plan Part 2 consultation deadline, at midnight tomorrow.

Although HE11, appears in both the Local Plan 2005 (2) and Annex 4 of CPP1 itself (3), and Appendix 5 of draft CPP2 (4), the policy somehow failed to be included in the final version of the adopted City Plan.

The serious omission of such an important policy from CPP1 merits

immediate investigation, as does the recent evidence of retrospective alterations to the planning portal and the other examples of deceitful activities that threaten to bring Brighton and Hove Council into disrepute.

This lack of protection has resulted in disastrous consequences for part of the Grade II Listed Stanmer Estate and unless restrained, Hyde and the Council will forge ahead and start felling Stanmer's woodland belt before next Spring (62 mature trees are doomed) and before the Planning Inspectorate has had a chance to respond to the public consultation.

Perhaps it would be preferable to extend the public consultation period until the results of this enquiry have

been made public.

(1) webcast of Joint Housing and Policy Resources Committee meeting of last Wednesday, 21 October:

<https://aisapps.sonicfoundry.com/AuditelScheduler/Player/Index/?id=8b0e7888-2ce9-4635-b8fa-b712e5d33dac&presID=3bbc6c18210f43b1937406000c1f5abd1d>).

(2) p8 of the Brighton & Hove Local Plan 2005, updated March 2016, and was one of the many policies intended to be retained, rather than replaced, in City Plan Part One.

<https://www.brighton-hove.gov.uk/sites/default/files/migrated/article/inline/Saved%20Adopted%20Local%20Plan%20as%20at%20March%202016%20compressed.pdf>.

Also p8:

[Department of the Environment's] PPG15 'Planning and the Historic Environment' (1994) advises that the effect of proposed development on a registered park or garden or its setting, is a material consideration in the determination of a planning application. **Policy HE11 therefore seeks to protect such areas.**

(3) HE11 also appears on p14 of Annex 4 of City Plan Part One : [Annex 4 Brighton & Hove Local Plan Policies to be replaced by the Brighton & Hove City Plan Part One March 2016 \(PDF 200KB\)](#) towards the end of the List of Brighton & Hove Local Plan policies that are retained.

(4) HE11 appears on p217 draft CPP2 Appendix 5 - List of Brighton & Hove Local Plan policies that will be superseded on adoption of the City Plan Part 2:

This policy - HE11 - should have been all the protection that the Coldean site needed, but it was omitted from CPP1. We need to know why...

Saved Adopted Local Plan as at March 2016 compressed.pdf 130 / 146 P124

HE11 Historic parks and gardens

Planning permission will not be granted for proposals that would harm the historic structure, character, principal components or setting of an area included in the Register of Parks and Gardens of Special Historic Interest in England.

page version has been removed and the full version has been renamed. How can the public have any confidence in such an abused system?

<input type="checkbox"/>	20 Dec 2018	Public Comment	ONLINE COMMENT
<input type="checkbox"/>	19 Dec 2018	Public Notice	
<input type="checkbox"/>	18 Dec 2018	Consultee Comment	SGN INITIAL RESPONSE
<input type="checkbox"/>	18 Dec 2018	Consultee Comment	SGN INITIAL RESPONSE
<input type="checkbox"/>	18 Dec 2018	Consultee Comment	UK POWER NETWORKS INITIAL RESPONSE
<input type="checkbox"/>	18 Dec 2018	Consultee Comment	CHILDRENS & YOUNG PEOPLES TRUST COMME
<input type="checkbox"/>	18 Dec 2018	Consultee Comment	CYPT SPREADSHEET 1 COMMENTS
<input type="checkbox"/>	18 Dec 2018	Consultee Comment	CYPT SPREADSHEET 2 COMMENTS
<input type="checkbox"/>	18 Dec 2018	Consultee Comment	BRIGHTON & HOVE ARCHAEOLOGY COMMENT
<input type="checkbox"/>	18 Dec 2018	Supporting Document(s)	EIA SCREENING OPINION

Planning policy is about to be radically reformed, but due process within the existing system should be guaranteed until then. This retrospective manipulation of documents reveals a cynical lack of transparency, accountability and democracy and must be investigated.

This is Historic England listing for Stanmer:

STANMER PARK

 [1 contribution](#)

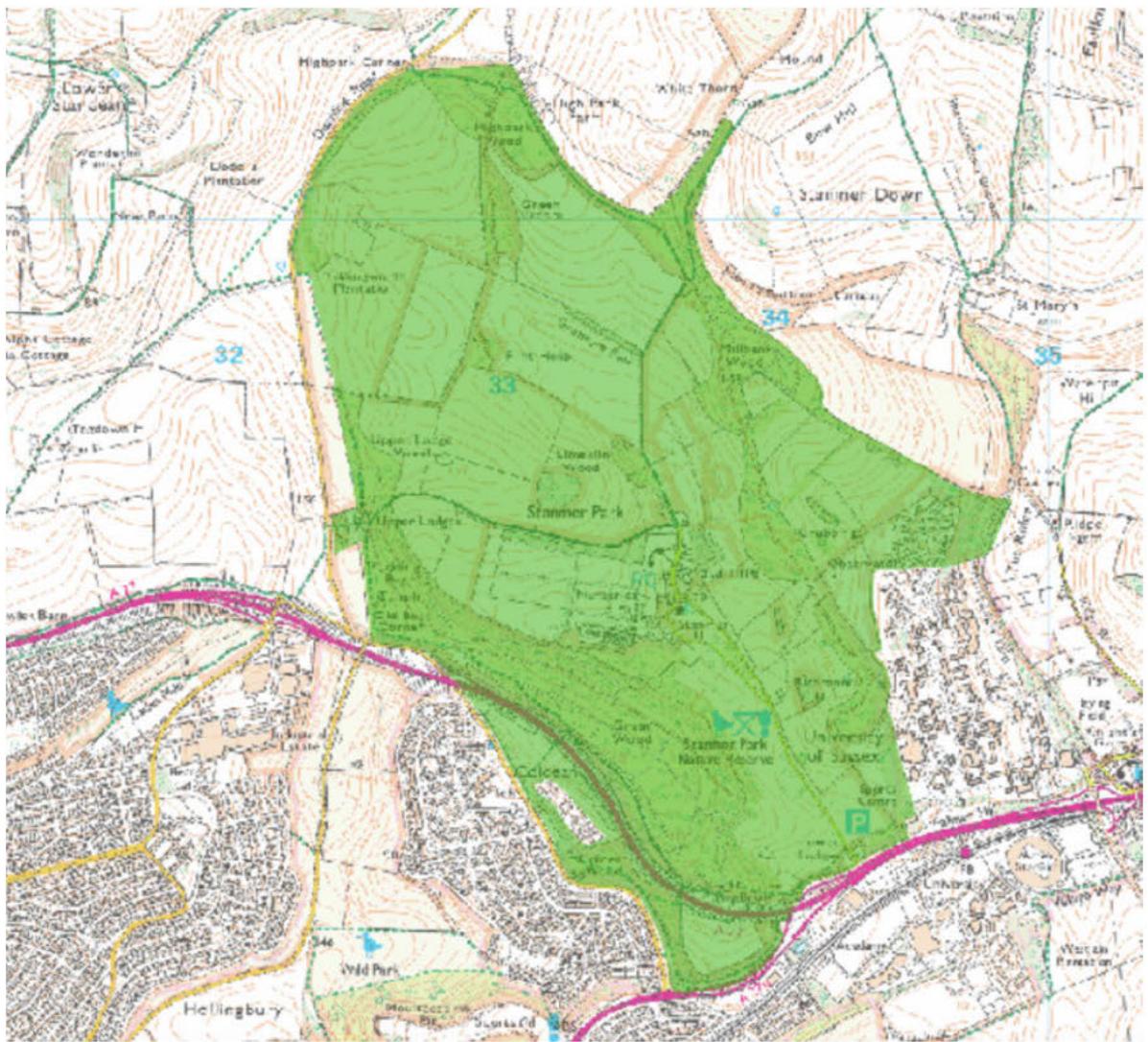
Overview

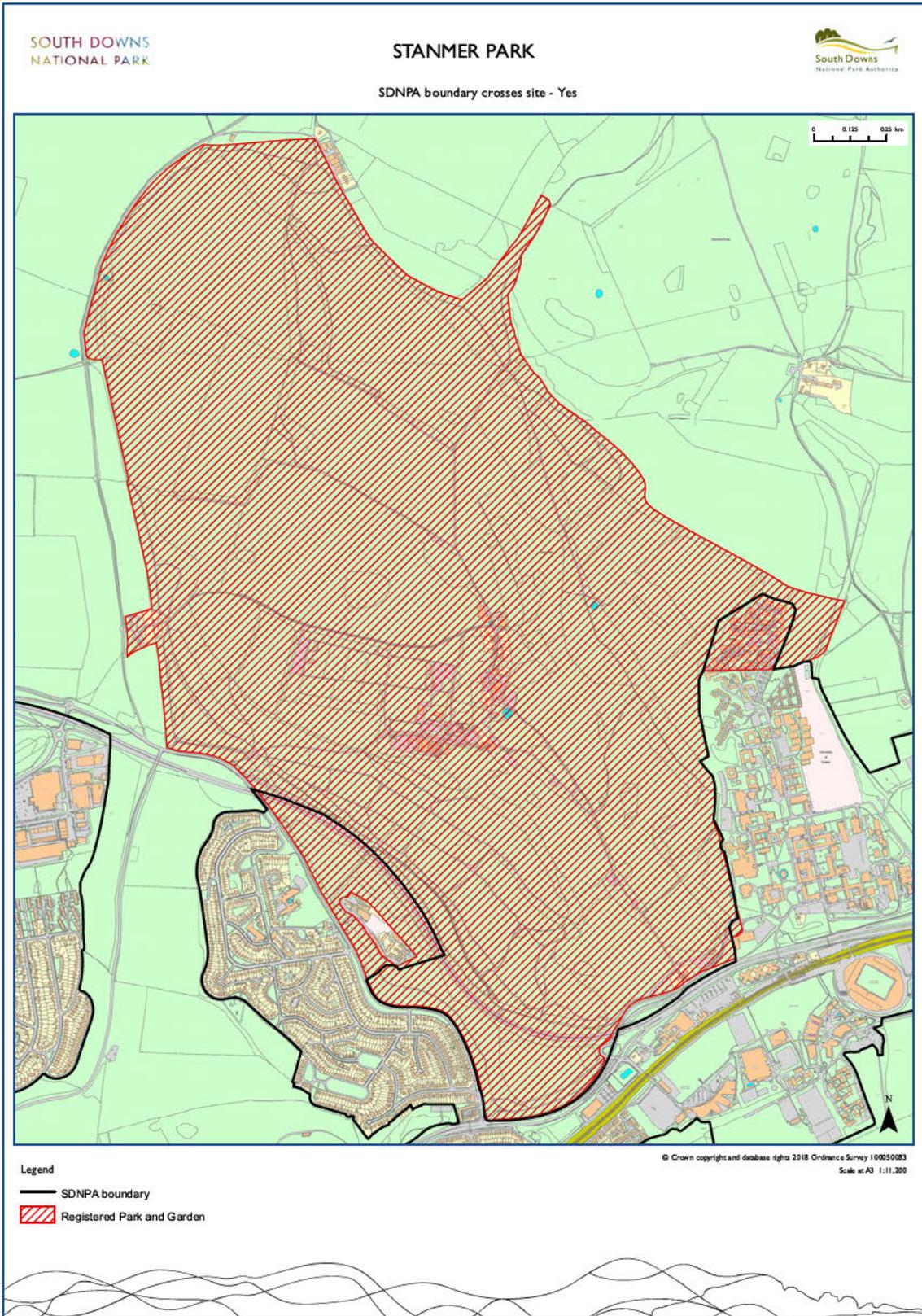
Heritage Category: Park and Garden

Grade: II

List Entry Number: 1001447

Date first listed: 20-Jan-2000





The exclusion of the Coldean section of the Stanmer Estate from the South Downs National Park rendered the land vulnerable to development.



Legend

- SDNPA boundary
-  Registered Park and Garden

I question the ability of Brighton Council to grant itself a Change of Use from agricultural land within an Historic Park & Garden to a building development without Permission to Develop, in defiance of the Restrictive Covenant and based solely on the inappropriate designation contained within the UFA, and hence CPP2 which has not yet been adopted.

"THE Purchaser hereby covenants with the Vendor to the intent that the burden of this covenant may run with and bind the property transferred and every part thereof and to the intent that the benefit thereof may be annexed to and run with each and every part of the Vendor's Stanmer Estate remaining unsold at the date hereof not to use the property transferred otherwise than as agricultural land and such word shall bear the same meaning as the bear in the Agriculture Act 1947."

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM9) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM9) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

i basically support the policy but ask for the addition of comment shown in Q4 below.

(DM9) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Developers should be required to provide access on foot/cycle to green spaces from new housing developments.

(DM9) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

(DM9) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM18 High quality design and places

(DM18) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM18) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM18) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I basically support the policy but ask for greater emphasis as shown in Q4 below.

(DM18) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Greater emphasis is needed in considering scale and shape of buildings, materials and architectural detailing where development is on the City fringe and adjacent or near to South Downs National Park boundary.

(DM18) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

(DM18) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM19 Maximising Development Potential

(DM19) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM19) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM19) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I support the policy, especially point (d).

(DM19) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM19) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM19) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM20 Protection of Amenity

(DM20) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM20) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM20) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I support the policy but ask for greater emphasis as shown in Q4 below.

(DM20) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Greater emphasis should be given when designing new development to ensure inclusion of "sunlight and daylight" as this is essential for the health and wellbeing of residents.

(DM20) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

(DM20) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM21 Extensions and alterations

(DM21) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM21) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM21) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I support the policy.

(DM21) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

(DM21) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

(DM21) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM22 Landscape Design and Trees

(DM22) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM22) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

(DM22) 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I basically support the policy but point (d) needs to be strengthened as shown in Q4 below.

(DM22) 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

It is unsatisfactory to state in point (d) "Where removal is unavoidable". Apart from the exemption given in point (e), plans should be amended to make removal of trees unnecessary.

(DM22) 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

(DM22) 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM26 Conservation Areas

(DM26) 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

(DM26) 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM26 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

DM26 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM26 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM26 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM33 Safe, Sustainable and Active Travel

DM33 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

DM33 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM33 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I support the policy.

DM33 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM33 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM33 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM37 Green Infrastructure and Nature Conservation

DM37 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I support the policy.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I support the policy.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Special Area SA7 Benfield Valley

SA7 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

SA7 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

SA7 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I support the policy and would like to see it applied to other Local Wildlife Sites and Local Green Spaces within the City.

SA7 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

SA7 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Not Answered

SA7 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

SSA7 Land Adjacent to American Express Community Stadium, Village Way

SSA7 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

Legally compliant sound - Sound:

Legally compliant sound - Meets the Duty to Co-Operate:

SSA7 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified

SSA7 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I object to this policy for reasons given in Q4 below.

SSA7 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

There should be no further major development in the vicinity of the Amex Stadium. and certainly not outside the City boundary into Lewes District. The residents of Falmer have already suffered enough with the imposition of the stadium on their doorstep but whereas the stadium is in use only when there is a football match or other event, any other development is likely to be in use for much longer periods.

Any new development along Village Way, because of its elevated position, will be higher than the stadium and more intrusive in the setting of the National Park which should be reason enough not to allow new development here. Furthermore, it will lead to more congestion along the B2123.

Therefore, i strongly urge the City Council to rethink this policy.

SSA7 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

SSA7 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I object to the inclusion of the phrase 'Unless allocated for development in the City Plan...' at the beginning of the paragraph dealing with Locally Designated Sites.

- It is contrary to paragraph 174 of the National Planning Policy Framework.
- The inclusion of this phrase represents a significant weakening of the protection given to Local Sites (including both Local Nature Reserves and Local Wildlife Sites) compared with the 2005 Local Plan and the previous Draft City Plan Part 2.
- The inclusion of this phrase would mean that developments on allocations within designated sites would be permitted to go ahead even if they have an adverse effect on the integrity of the site.
- The ecological evidence in the Urban Fringe Assessments, which it is assumed is used to justify the inclusion of this phrase, is both out of date and insufficient to justify its inclusion.
- The inclusion of this phrase represents a pre-emption of the due process of evaluating the ecological impacts of any development proposals on Locally Designated Sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

- 'Delete the phrase 'Unless allocated for development in the City Plan...' from the beginning of the paragraph dealing with Locally Designated Sites.'

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

- Whitehawk Hill Local Nature Reserve meets all the criteria for designation as Local Green Space, as listed in paragraph 77 of the National Planning Policy Framework, but is not listed for designation in the City Plan Part 2.

- The choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment, from which the list in City Plan Part 2 is derived, is not supported by evidence to show why, against the NPPF criteria, the sites selected were chosen and other sites, such as Whitehawk Hill LNR, were excluded.
- Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Space because they act as 'important green wedges into the urban area'. Clearly Whitehawk Hill also meets this objective.
- The choice of sites, and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent with national policy, as it excludes a site which would meet the designation criteria.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

- Add Whitehawk Hill Local Nature Reserve to the list of sites for designation as Local Green Spaces.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

H2 Housing Sites – Urban Fringe

H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

Land at and adjoining Brighton Race Course

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Land at and adjoining Brighton Race Course

I object to the allocation at Land at and adjoining Brighton Race Course because the Urban Fringe Assessments does not guarantee that there won't be an impact on the biodiversity of this rich and rare site. In particular, it did not consider or assess the impact development on this allocation would have on the historic gorse scrub habitat and its dependent species, including a breeding population of the Red Listed bird species and Species of Principal Importance linnnet, identified as using the gorse scrub in breeding bird surveys undertaken in 2019.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete Land at and adjoining Brighton Race Course from the list of allocations in policy H2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Response ID ANON-8ZMD-Y4B8-ASubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-30 23:18:27

Your details

What is your name?

[REDACTED]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:

Yes

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

Yes

Notification matrix - The adoption of the City Plan Part Two:

Yes

Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

DM37 Green Infrastructure and Nature Conservation

DM37 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Where you say "unless allocated for development in the City Plan" that is not consistent with the National Planning Framework. It is you, Brighton & Hove City Council, that has designated land around the city as protected, for example as Local Nature Reserves. That kind of protection was important when you made those designations and remains important. All the more so now we are aware of the extent of the extinction crisis.

If you go ahead with this weakening of protection it means that allocations on designated sites would be permitted even if they would cause significant loss of natural resource and amenity to local communities. This goes against both the letter and the spirit of legislation. The Urban Fringe Assessments that you are relying on were of poor quality and failed to take into account the whole biodiversity and ecological importance of sites on the urban fringe. To include this would pre-empt the due process of evaluating the ecological impacts on locally designated sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete the phrase "unless allocated in the City Plan" from the beginning of the paragraph dealing with Locally Designated Sites.

By omitting that phrase you will continue with the protection that you have already given to the downland around the city, and will be compliant with the ensemble of planning legislation.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

Simply because you need to hear from as many members of the community as possible, [REDACTED]. [REDACTED] I have some knowledge of the local ecology and environmental history, as well as of planning policy.

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Although Whitehawk Hill Local Nature Reserve clearly meets all the criteria to be designated as a Local Green Space, for some reason it is not listed for designation in City Plan Part Two.

Your choice of sites suggested for designation as Local Green Spaces in the 2014 Urban Fringe Assessment from which you have derived the list in City Plan Part 2, is not supported by evidence to show why, against the NPPF criteria, the sites selected were chosen and other sites, such as Whitehawk Hill Local Nature Reserve, were excluded.

Paragraph 2.293 of the City Plan Part 2 justifies the designation of the four Local Green Spaces because they act as 'important green wedges into the urban area'. Clearly Whitehawk Hill also meets this objective and there is no reason for you to omit it.

The choice of sites, and the exclusion of Whitehawk Hill LNR from designation as a Local Green Space is therefore not justified, effective or consistent with national policy, as it excludes a site which would meet the designation criteria.

You must surely be aware that the ecological and historic landscape value of Whitehawk Hill is recognised nationally and even internationally, as exceptionally biodiverse chalk grassland, chalk heath and scrub on an urban fringe location.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Add the Whitehawk Hill Local Nature Reserve to the list of sites for designation as Local Green Spaces.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

You need as many members of local communities as possible to explain to you the value of urban sites like Whitehawk Hill. [REDACTED] I also have knowledge of the local ecology and historical environment which should be of interest to you.

H2 Housing Sites – Urban Fringe

H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

I object to the allocation at Land at and adjoining Brighton Race Course because the allocation is inconsistent with conditions in the 1822 Tenantry Down (common) enclosure deed, which state that the successor owner of the 'Race Ground' shall not at any time thereafter break up, convert into tillage, or divide the said Race Ground' and 'that the inhabitants of Brighton and the public in general should have the use of it for the purpose of racing...and any other purposes of exercise and diversion as heretofore'. These conditions were reiterated in the 1888 Indenture when the 'Race Ground' was purchased by Brighton Corporation.

Contrary to paragraph 174 of the National Planning Policy Framework

Won't be able to deliver a net gain to biodiversity as required by paragraph 170 of the National Planning Policy Framework

Not justified because the ecological evidence in the Urban Fringe Assessments is out of date and undervalues the importance of the sites biodiversity and its Local Nature Reserve designation is insufficient to justify their conclusion of no significant impact with mitigation.

It is inconsistent. For example the conclusion that impacts on this site can be mitigated is inconsistent with other statements in the same documents, for example

the 2014 Urban Fringe Assessment, which states that 'provision for the biodiversity assetsmay help to create new habitats and contribute to habitat connectivity helping to mitigate significant negative effects', which is rightly more cautious and does not claim that negative effects can be mitigated.

It did not consider or assess the impact that development on this allocation would have on the integrity of the Local Nature Reserve, partly severing (fragmenting) a section at the centre of the core part of the reserve between Manor Hill and Warren Rd/Wilson Avenue.

It did not consider or assess the impact that development on this allocation would have on the historic gorse scrub habitat and its dependent species, including a breeding population of the Red Listed bird species and Species of Principal Importance linnet, identified as using the gorse scrub in breeding bird surveys undertaken in 2019

It did not consider or assess the impact development on this allocation would have on the important invertebrate assemblage that surveys indicate the area in and around the allocation supports. A nationally recognised expert wrote that a survey in 2019 'indicates an extremely rich site'.

It did not consider or assess the impact development on this allocation would have on several invertebrate Species of Principal Importance which have been recorded in recent years within or close to the allocation, including brown-banded carder bee and small heath, small blue, dingy skipper, wall and brown hairstreak butterflies. It contains errors and omissions, such as, within the wider site, wrongly identifying the Priority Habitat/Habitat of Principal Importance Lowland Calcareous Grassland as semi-improved neutral grassland in the Phase 1 Habitat Survey, and wrongly recommending tree planting as a mitigation measure, where the priority in this area is the conservation of open habitats, such as grassland.

These very basic errors undermine the credibility of the evidence of the Urban Fringe Assessments as well as their conclusions.

Not justified because the evidence in the Urban Fringe Assessments in relation to landscape is framed wholly in terms of impacts of development on the National Park's setting and views, and did not consider such effects within the local visual catchment (within and adjoining LNR), for example of views along Whitehawk Hill from the south and north, as well as from the valley below. Although the existing tower blocks impinge upon these views, the views are in many places currently uninterrupted.

The evidence in the Urban Fringe Assessments did not recognise that development would result in the intrusion of a residential landscape into what is currently a semi-natural landscape, significantly reducing its strong sense of naturalness.

The evidence in the Urban Fringe Assessments did not consider the loss of statutory Access Land (which includes the whole of the allocation) that would be caused by development in this allocation. It will result in a loss of Open Space, which is inconsistent with statements in City Plan Part 1 which seeks to increase, not decrease, the amount of accessible land adjacent to the urban area (SA5 The Setting of the South Downs National Park, 3.170)

It will undermine the positive work of community volunteers on this site who have been working with the Council's Ranger Service to conserve and restore Priority Habitats/ Habitats of Principal Importance in the Local Nature Reserve, leading to the degradation of the rest of the LNR.

It is not effective because councillors from all main parties in the city have said they won't support development of the site.

In relation to the land at the South Downs Riding School and the Ingleside Stables, I will write in a more personal way as [REDACTED] and have been crucial to so many people taking exercise during lockdown. You must take into account the impact on views of users of the National Park. I do not believe that you have taken into account the impact on the Downland landscape. There are views to Hollingbury Castle, to Devil's Dyke and Truleigh Hill, to Falmer Down even to Chanctonbury Ring. Development of these sites would have a extremely detrimental effect on the character of the landscape.

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site and Land north of Warren Road (Ingleside Stables) from the list of allocations in policy H2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

You need to hear from local residents.

Response ID ANON-8ZMD-Y4BZ-CSubmitted to **City Plan Part Two (Proposed Submission)**

Submitted on 2020-10-30 23:41:26

Your details

What is your name?

[REDACTED]

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Organisation:

n/a

Please let us know if you would like to be notified of any of the following:

Notification matrix - The City Plan Part Two has been submitted for independent examination:

Yes

Notification matrix - The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two:

Yes

Notification matrix - The adoption of the City Plan Part Two:

Yes

Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

Yes

Date Response Submitted

Date Response Submitted:

Not Answered

City Plan Part Two - Part One - Introduction

Do you have any comments on Section One 'Introduction' of the City Plan Part Two? (please reference the page and paragraph number)

Comments on the Introduction of CPP2:

DM37 Green Infrastructure and Nature Conservation

DM37 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM37 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM37 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

The phrase " unless allocated for development in the city plan " is in contravention of paragraph 174 of the National Planning Policy Framework.

The previous draft city plan part 2 and the 2005 Local Plan had significant more protections in place for local wildlife sites & nature reserves as this phrase was not included.

This phrase would open the door to development on allocations within designated sites regardless of the damage the development would do to the sites viability & integrity .

The ecological assessments have not been done thoroughly and are out of date and cannot be used to justify the inclusion of this phrase.

The inclusion of this phrase would pre-empt the due process of evaluating the ecological impact of any development proposals on Locally Designated Sites.

DM37 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

The paragraph dealing with Locally Designated Sites needs to have the phrase " unless allocated for development in the city plan " taken out of the beginning of the paragraph.

DM37 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

Yes, I wish to participate in the hearing session(s)

DM37 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

I consider it is necessary as I am flabbergasted at the proposals to decimate our local nature reserve and the local species extinction and loss of so much wildlife diversity and if it is not a criminal act then it should be and brought about by the same council that only recently signed a species extinction and climate emergency declaration. That will not be the only breach if this is allowed to go ahead, i think it is necessary for me to take part in this process as a concerned local resident.

DM38 Local Green Spaces

DM38 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

DM38 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

DM38 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Whitehawk Hill meets all the criteria as a designation as a Local Green Space, as listed in paragraph 77 of the National Planning Policy Framework, but is not listed for designation in the City Part Plan 2.

The choice of sites designated as Local Green Spaces in the 2014 Urban Fringe Assessment from which City Part Plan 2 is derived is not supported by evidence to show why against the NPPF criteria, the sites selected were chosen and other sites such as Whitehawk Hill LNR were excluded .

Paragraph 2,293 of the City Plan 2 justifies the designation of the 4 Local Green Spaces because they act as important wedges into the urban areas. Clearly Whitehawk Hill meets this objective.

The choice of sites & exclusion of Whitehawk Hill LNR as a Local Green Space is therefore not justified, effective or consistent with national policy as it excludes a site which would meet the designation criteria.

DM38 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Include Whitehawk Hill LNR as a designated Local Green Space.

DM38 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

DM38 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

N/A

H2 Housing Sites – Urban Fringe

H2 Which urban fringe site(s) does your representation refer to? (Tick all that apply to your submission)

Land at and adjoining Brighton Race Course, Land at South Downs Riding School & Reservoir Site, Land north of Warren Road (Ingleside Stables)

H2 1. Do you consider this policy is: (tick as appropriate)

Legally compliant sound - Legally Compliant:

No

Legally compliant sound - Sound:

No

Legally compliant sound - Meets the Duty to Co-Operate:

Yes

H2 2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

Effective, Justified, Consistent with National Policy

H2 3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

response box for legal compliance, soundness and duty to cooperate:

Land at & Adjoining Brighton Racecourse

Contravenes Paragraph 174 of the NPPF

In breach of of the 1822 Tenantry Down (Common) Enclosure Deed which states the land & use of, to the people of Brighton for racing exercise & leisure and is not to be broken up or built upon. When Brighton Corporation signed the lease on taking ownership in 1888, these terms were reconfirmed.

Contravenes paragraph 170 of the NPPF as it won't be able to produce a gain in biodiversity as required.

The ecological evidence in the Urban fringe Assessments undervalues the importance of the sites local nature reserve & biodiversity.

There are lots of inconsistencies in the urban fringe assessments.

It will break the nature reserves integrity.

Did not consider the ecological impact on the birds, rare grasses, flowers & insects. This area is rich with all of these some of which only exist here.

The urban assessments are unsound , it recomends tree planting in rich grass downland when it is the exact opposite that is required, it is lacking in basic knowledge & credibility is out of date.

Is not effective as councillors from all parties have promised not to build on it.

It will result in a loss of open space which is inconsistent with statements in City Plan 1 which wants to increase not decrease the amount of access ble land adjacent to the urban area.

The loss of Statutory Land was not considered in the Urban Fringe Assessments .

It is a semi natural landscape which will be significantly changed by this development, the change to residential and its impact on the landscape setting was not considered in a local setting only in relation to the national park.

***Land at South Downs Riding School & reservoir site

The NPPF states that home should not be built in open country and City plan 1 endorses this . City plan 2 contravenes this by this building proposal.

It will ruin the landscape views .

it will leave the area open to more development.

****Ingleside stables

H2 4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

modifications to the policy to make sound and legally compliant:

Delete the Land at & adjoining Brighton racecourse, Land at South Downs riding school & reservoir site and Land north of Warren road (Ingleside stables) from the list of allocations in H2.

H2 5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

No, I do not wish to participate in hearing session(s)

H2 6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Why wish to speak:

N/A