



**Brighton & Hove
City Council**

**Proposed Submission City Plan Part 2
Brighton & Hove Development Plan April
2020**

Hearing Session: 10 November 2021 (AM)

**Statement in Response to Matter 7:
Housing site allocations in the
urban fringe (Policy H2)**

**BY
BRIGHTON & HOVE CITY COUNCIL**

List of Abbreviations

AMR - Authority Monitoring Report
CPP1 - City Plan Part 1
CPP2 – City Plan Part 2
LPAs - Local Planning Authorities
LNR – Local Nature Reserve
LWS – Local Wildlife Site
MM – Main Modification
NPPF - National Planning Policy Framework
PPG – Planning Practice Guidance
SDNP – South Downs National Park
SDNPA – South Downs National Park Authority
SHLAA – Strategic Housing Land Availability Assessment

Matter Statement 7 Housing site allocations in the urban fringe (H2)

Whether the proposed housing allocations in the urban fringe are soundly based:

- Issue 1 Land at Oakdene Southwick Hill/Land West of Mile Oak Road
- Issue 2 Land at Mile Oak Road, Portslade
- Issue 3 Land off Overdown Rise, Mile Oak
- Issue 4 Benfield Valley
- Issue 5 Land at and adjoining Horsedean Recreation Ground, Patcham
- Issue 6 Land at Ladies Mile, Carden Avenue
- Issue 7 Land to north east of Coldean Lane
- Issue 8 Land north of Valley Halls, Coldean Lane
- Issue 9 Land at and adjoining Brighton Racecourse
- Issue 10 Land at South Downs Riding School and Reservoir Site
- Issue 11 Land north of Warren Road (Ingleside Stables)
- Issue 12 Land at Ovingdean Hall Farm & at Bulstrode/Ovingdean Farm
- Issue 13 Land adjacent to Ovingdean and Falmer Road, Ovingdean
- Issue 14 Land at Former Nursery, Saltdean
- Issue 15 Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean
- Issue 16 Land at west of Falmer Avenue, Saltdean

The Council is requested to address the following questions for each of the proposed housing allocations. For those sites where representations have been made, the Council should respond to the particular issue(s) raised. In doing this any updated information regarding the planning and development status of the sites should be included. (see Matter 6 Issue 2/2)

Q1. How did the Urban Fringe Assessment (2014, 2015 and 2021) take account of environmental constraints, such as the South Downs National Park, Registered Parks and Gardens, local designations such as LWS and Local Nature Reserves (LNR), ecology, biodiversity (including biodiversity net gain) more generally, climate change, and infrastructure, including local transport infrastructure requirements? Would the development plan's policy framework along with proposed site specific measures, together, appropriately avoid, minimise and mitigate adverse development impacts?

1. The approach taken to environmental constraints and site assessment methodology is explained in detail in the UFA studies (see ED21a Chapter 3 and ED22a Chapter 2). In addition, the ED24 UFA Update 2021 Chapter 2 provides a justification for the approach taken in response to specific comments made by objectors. Constraints and impacts relating to climate change and infrastructure have also been considered as detailed in Matter Statements 1 and 17.

2. The UFA studies include site specific recommendations for avoidance, mitigation and enhancement measures linked to the scale of housing proposed. More generally, Policy H2 sets out specific requirements for green infrastructure, environmental mitigation/enhancements, sustainable transport and energy reduction/efficiency measures. Development proposals would also have to satisfy a range of other City Plan policies, including CPP1 Policies SA4, SA5 and CP10, and CPP2 Policy DM37 all of which are cross-referenced directly in H2.

Q2. Would those site allocations impacting LWS and LNR accord with the NPPF paragraph 174, which seeks to protect and enhance valued landscapes, sites of biodiversity or geological value and provide net gains for biodiversity?

3. Yes, it is considered that the site allocations accord with Paragraph 174¹. A detailed justification is provided in ED24 UFA Update 2021 Paragraphs 2.3-2.10. The CPP1 examination established the need to identify some housing on the urban fringe, including considering development potential on sites not subject to national designations.
4. Within this context, the UFA studies assessed all urban fringe sites not subject to 'absolute' development constraints such as national/international designations. The ecological/ biodiversity value of sites and potential impacts of development on LWS and LNR were assessed initially in the ED21 UFA 2014 and then in more detail in ED22 UFA 2015 which included a Desktop Study and Phase 1 Habitat Survey for all sites where potential for significant adverse impacts on ecology had been identified (e.g sites within or adjacent to a LNR or LWS). ED22 sets out specific recommendations for avoidance, mitigation and enhancement options linked to the development of each site. ED24 provides updated ecological assessments for Sites 11/12, 16, 30, 32/32a and 33 taking account of recent changes in legislation and planning policy including the requirements to achieve biodiversity net gains.
5. In addition, Policy H2(d) requires developments to mitigate any adverse impacts on designated sites and provide biodiversity net gains with accordance with Policies CP10 and DM37. Paragraph 3.76 requires detailed surveys (including species surveys) to support development proposals, and to inform specific mitigation requirements.

Q3. Are the urban fringe housing allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?

6. Yes, the potential constraints and adverse impacts of all urban fringe sites have been examined in detail in the urban fringe assessments (ED21-ED24) and the proposed allocations are considered suitable and

¹ Now numbered as Paragraph 179 in the revised NPPF published in July 2021.

deliverable subject to the site-specific avoidance, mitigation and enhancement measures recommended in the studies. Additional infrastructure requirements have been assessed through consultation with the relevant infrastructure providers (further detail is provided in Matter Statement 17).

Q4. Are the site boundaries appropriate? Is there any justification for amending the boundaries? Are there any significant factors that indicate that any sites/parts of sites should not have been allocated?

7. The site boundaries proposed reflect the 'Potential Development Areas' identified in the UFA studies (i.e ED21 and any adjustments recommended in ED22 and ED24) and therefore take account of all identified development constraints. MM118 (BHCC02) proposes a minor adjustment to the boundary of Site 46a Land at former Nursery, Saltdean (see response to Question 24) in response to a landowner representation. Other than this, the Council does not consider there is any justification for amendments to the proposed allocation boundaries.

Q5. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?

8. Potential development site constraints for all the proposed site allocations have been examined in detail in the Urban Fringe Assessments (ED21-ED24). In addition, all relevant landowners were contacted as part of the Regulation 19 consultation (see SD09ai). No representations have been received from landowners raising concerns about delivery or viability except in relation to Site 46a which would be addressed through minor amendment to the site boundary as proposed in MM118 (see response to Question 24).
9. The updated planning status of all the H2 allocations is set out in the BHCC05 Site Allocations Update table. It should be noted that several of the sites already have planning permission and some are now under construction.

Q6. How were the site capacities determined? What assumptions have been made? Are these justified? What is the expected timescale and rate of development and is it realistic?

10. For most urban fringe sites, capacities and densities are based directly on the recommendations in the Urban Fringe Assessments (ED21-ED24) which took account of site constraints, potential development impacts and identified requirements for development mitigation (see ED21a Paragraphs 3.27-3.31). The indicative housing figures for Sites 11 and 12 (Benfield Valley) were increased following further site assessment by the County Landscape Architect and County Ecologist as detailed in the TP05 Benfield Valley Topic Paper. The figure for Site 30 Land at and adjacent to

Brighton Racecourse was reduced following Regulation 18 consultation due to uncertainties about the deliverability of a much larger development (see Paragraphs 5.10-5.12 of the TP07 Site Allocations Topic Paper). In both cases, the revised site capacities have been reviewed and supported by the ED24 UFA Update 2021.

11. Projected development rates and timescales are based on the ED15 SHLAA Update 2020 as explained in Matter Statement 3 Q5. The updated planning status of all the sites has also been set out in BHCC05. Based on this evidence, the Council considers that the site capacities and development timescales are justified and realistic.

Q7. What benefits would the proposed development bring? What are the potential adverse impacts of developing the site and how might they be mitigated?

12. The potential benefits and adverse impacts of Policy H2 and all proposed urban fringe allocations have been considered in detail through the Sustainability Appraisal (SA) as set out in SD05a section 5.8, Appendix F2 Site Assessments and Appendix G Housing Allocations Policies. The policy as a whole is considered to have Significant Positive Impacts for housing and Positive Impacts in terms of making best use of land, improving water quality, climate change mitigation, social equalities and community safety.
13. The SA did identify some potential adverse impacts in terms of environmental considerations such as biodiversity, open space, heritage, flood risk and the SDNP, and also for travel, accessibility, air/noise quality and health. However, potential for positive impacts were also identified for all these objectives when taking account of the mitigation and enhancement requirements included in the policy (criteria a–i). As noted elsewhere in this Statement, site specific mitigation measures are also identified in the Urban Fringe Assessments.

Q8. Are the detailed policy requirements for each site, effective, justified and consistent with national policy? Do they adequately address all issues in relation to each site, including heritage, landscape, infrastructure, ecology and any other concerns? Should the 'potential number of dwellings units' required on each site be stated as a minimum to ensure soundness?

14. Yes, the policy requirements in Table 8 are considered consistent with national policy. They identify the key site considerations identified in the Urban Fringe Assessments and resulting from consultation with statutory bodies and key infrastructure providers. These considerations will be subject to further assessment at the planning applications stage. The housing figures are indicative, showing what might reasonably be achieved on each site. Whilst extensive assessment of the sites has already been undertaken through the UFA and other evidence studies, the Council

recognises that development on the urban fringe must be planned and designed extremely sensitively to comply with national policy (e.g NPPF Paragraphs 174-175 and 179-180). All development proposals on urban fringe allocations will be subject to the further detailed site assessments specified in Paragraphs 3.73-3.74. In these circumstances, it is not considered appropriate to set the number of dwellings as a minimum.

Q9. Would any Modifications proposed by the Council address any shortcomings?

15. The Council is proposing two modifications to site allocations as set out in the BHCC02 Modifications Schedule:

- MM108 and MM117: Deletion of the proposed allocation at Site 16 (Land at and adjacent to Horsdean Recreation Ground) in response to further evidence relating to site developability and potential impact on the integrity of Patcham Court Field LWS (see response to Q16).
- MM109 and MM118: Amendment to the site boundary of Site 46a (Land at former Nursery, Saltdean) to remove land in the ownership of a neighbouring landowner and consequential reduction of site area in Table 8 (see response to Q24). Also reduction of the Potential Number of Dwelling Units from 24 to 18 dwellings to reflect the recommendations of the landscape assessment in ED24 (see response to Q14).

Q10. Given that one site is proposed to be deleted from Table 8, would it be necessary, for the purposes of soundness, to include a replacement site? If so which one and why? Please address 1-8 above in relation to any additional sites proposed by the Council.

16. No, it is not considered possible or appropriate to include a replacement urban fringe allocation. As set out in this Statement and in Matter Statement 3, the Council has already undertaken all reasonable steps to maximise the potential for housing development within the urban fringe and has thoroughly investigated all potential sites through the ED21-ED24 Urban Fringe Assessments and the site assessment process outlined in TP07. The Council considers there are no additional urban fringe sites suitable for allocation where development could be sustainably delivered within the Plan period.

Q11. Would the wording of policy H2 (i), when read alongside para 3.69, provide a requirement for serviced plots for self and custom build housing? If not, should it?

17. Policy criterion i) was strengthened at the Proposed Submission stage to set a clear requirement that development proposals on urban fringe sites provide a proportion of serviced plots for self and/or custom build dwellings subject to viability considerations. The viability caveat is considered necessary as the urban fringe sites have not been subject to detailed viability assessment and are subject to significant development constraints

and mitigation requirements. For the same reason, the policy does not specify an exact number or proportion of serviced plots.

18. However, the Council agrees that the wording in Paragraph 3.69 could be strengthened to provide better support for the policy. The following Main Modification is proposed:

MM ##	Supporting text to Policy H2 Paragraph 3.69 page 183	<p><i>Policy H2 Housing Sites – Urban Fringe</i> <i>Amend final sentence of supporting text at paragraph 3.69 to read:</i></p> <p>In addition, the provision of serviced plots for self-build and custom build housing and proposals for community led housing will be strongly encouraged <u>all development proposals will be expected to include a proportion of serviced plots for self and/ custom build dwellings subject to viability considerations</u> (see <u>also</u> Policy DM1 Housing Quality, Choice and Mix).</p>	To provide clarity and support for policy criterion i).
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Q12. Should the wording of para 3.73, in relation to supporting studies, be amended to reflect best practice in relation to Environmental Impact Assessment and heritage assessment?

19. Yes, MM111 (BHCC02) is proposed in response to a representation by the County Ecologist as it is considered that the submission of a single Ecological Impact Assessment (rather than multiple reports) reflects good practice.

20. The Council considers that Paragraph 3.73 already provides clear guidance regarding heritage assessment. However, to provide further clarity, the following Main Modification is proposed:

MM ##	Supporting text to Policy H2 Paragraph 3.73 page 184	<p><i>Policy H2 Housing Sites – Urban Fringe</i> <i>Add new footnote after the words ‘Heritage Statement’ in the final sentence in the supporting text at paragraph 3.73:</i></p> <p><i>New footnote to read: <u>In accordance with Historic England Advice Note 12: Statements of Heritage Significance.</u></i></p>	To provide clarity and guidance on Heritage Statement requirements.
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Q13. Is amendment to para 3.76 required to reflect the methodology adopted to assess the ecological impacts of potential site allocations?

21. Yes, MM112 was proposed in response to a representation by the County Ecologist to better represent the ecology work already undertaken to date

as part of the Urban Fringe Assessments. However, MM112 was wrongly entered in BHCC02. The corrected wording for the proposed MM is set out below.

MM 112	Supporting Text to Policy H2 Paragraph 3.76 page 185	<p><i>Policy H2 Housing Sites – Urban Fringe</i> <i>Amend second sentence of supporting text at paragraph 3.76 to read:</i></p> <p>All sites where potentially significant impacts on ecology were identified in the 2014 Urban Fringe Assessment have been subject to detailed ecological assessments in the 2015 Urban Fringe Assessment, which included a Desktop Study and Phase 1 Habitat Survey. However, detailed surveys (including species surveys) will be required to support development proposals, and these must be used to inform the development of specific mitigation requirements.</p>	For accuracy in response to a representation from the ESCC County Ecologist.
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Additional site specific questions

Q14. Land at Former Nursery, Saltdean: Given the findings of the Urban Fringe Assessment Update 2021, would the potential number of dwelling units be soundly based?

22. Yes, the site allocation would be soundly based, subject to MM109 (BHCC02) which would reduce the indicative housing from 24 to 18 dwellings. The proposed MM reflects the conclusions of the landscape assessment in ED24 Chapter 5 which recommends a potential development area of 0.75ha (approximately 75% of the site) at a low dwelling density of 25 dwellings/hectare to allow for the retention of existing vegetation around the site's northern and western boundaries.

Q15. Benfield Valley: How have the impacts on air quality and traffic been assessed and any adverse impacts mitigated?

23. The cumulative traffic impacts of the Benfield Valley sites and other developments proposed in CPP2 have been assessed as set out in the TP03 Transport Topic Paper. The scale of development proposed is limited and considered unlikely to cause significant traffic impacts. Any potential impacts would be assessed at the planning application stage and, if needed, requirements for traffic reduction/mitigation would be applied through planning conditions or obligations.

24. As set out in Paragraph 3.74, development proposals may be required to be supported by Air Quality Assessments and would need to comply with

the air quality requirements set out in CPP2 Policy DM40.

Q16. Land at and adjoining Horsdean Recreation Ground, Patcham: Given the findings of the Urban Fringe Assessment Update 2021, in respect of the integrity of the Patcham Court Field LWS impacts, would the allocation of this site be soundly based?

25. No, it is considered that allocation of this site would not be soundly based and it is therefore proposed to delete the site (see MM108 and MM117). This follows the recommendations of ED24 UFA Update 2021 (Chapter 4) following ecological assessment which concluded that the site could not be developed for 25 dwellings as proposed without causing unacceptable harm to the integrity of the Patcham Court Field LWS. The study considered that a much smaller development (c5 dwellings) might be achievable but this would fall below the threshold for site allocations in CPP2.

Q17. Land at Ladies Mile, Carden Avenue: How have any adverse impacts on traffic and flood risk and the local drainage/sewerage system been taken into account?

26. The cumulative traffic impacts of this site and other developments proposed in CPP2 have been assessed as set out in TP03. The scale of development proposed is considered unlikely to cause severe traffic impacts with any potential traffic impacts to be assessed at the planning application stage.

27. The site is in Flood Zone 1 and was considered by the ED13 Strategic Flood Risk Assessment (SFRA) to be at low risk of flooding. However, Table 8 highlights ground water flooding as a Key Site Consideration which should be assessed as part of any future development proposal.

Q18. Land to north east of Coldean Lane: How have any adverse impacts on traffic been taken into account?

28. The cumulative traffic impacts of this site and other developments proposed in CPP2 have been assessed as set out in TP03. The site already has outstanding planning permission (BH2018/03541) for 242 residential units and the traffic impacts were assessed at the application stage. The permission includes a range of measures for traffic mitigation and management, including a residential accommodation travel plan, sustainable travel contributions etc.

Q19. Land north of Varley Halls, Coldean Lane: How has the impact of development on heritage assets and the LWS been taken into account?

29. The ED21 UFA 2014 considered the site constraints and potential impacts of development in relation and in relation to the LWS and the Registered Historic Park. More detailed ecological and archaeological assessments

were undertaken in the UFA 2015 (ED22c and ED23). The UFA studies include specific recommendations for avoiding, minimising and mitigating identified development impacts. Detailed assessments undertaken to support development (BH2018/03541) on neighbouring Site 21 may also be relevant.

Q20. Land at and adjoining Brighton Racecourse: Given that this site includes a LWS and LNR, and taking into account the Urban Fringe Assessment 2021 Update and site specific requirements, would the proposed allocation be soundly based? Given that there is Rights of Way across this land and previous development proposals have raised traffic and access concerns, would the site be deliverable?

30. Yes, the Council considers that the proposed allocation would be soundly based. Full recognition has been given to the site's location within a LNR and LWS and the potential impacts of development have been carefully considered through the UFA assessments (see ED21c, ED22d and ED24). The allocated site occupies only a very small proportion of the LNR and would not result in the loss of any habitats for which the LNR and LWS are designated. In addition, the limited scale and density of development (reduced to 30 dwellings from the 150 dwellings initially proposed) would allow for development to be designed sensitively and to minimise ecological impacts. As such, ED24 indicates there would be potential to deliver biodiversity net gains that could enhance the ecological features for which the LNR is designated.
31. The limited scale and density proposed would also allow development to be planned to maintain existing Rights of Way and would result in limited impacts due to traffic and access concerns. The previous Homes for Brighton & Hove (Joint Venture) proposal was for a much larger scheme of 200+ affordable homes. It is considered that the current reduced allocation would entail more limited infrastructure and mitigation requirements and would therefore be more viable and deliverable.

Q21. Land at South Downs Riding School and Reservoir Site: Given its proximity to the Bevendean Down LNR and other constraints, and taking into account site specific mitigation measures, would this allocation be soundly based?

32. Yes, the proposed allocation would be soundly based. The UFA 2014 (ED21c) considered the site constraints and potential impacts of development and more detailed landscape, ecological and archaeological assessments were undertaken in the UFA 2015 (ED22d). The ED24 UFA Update 2021 includes a review of the landscape assessment and updated ecological assessment, both of which support the conclusions of the earlier studies. As set out in the UFA studies, the proposed development is focused in areas of low ecological value which do not contribute to the ecological value of the adjacent LNR. Low density housing is considered acceptable subject to appropriate measures in accordance with the

recommendations for avoidance, mitigation and enhancement outlined in the studies.

Q22. Land north of Warren Road (Ingleside Stables): Given its proximity to the Bevendean Down and Whitehawk Hill LNRs and other constraints, and taking into account site specific mitigation measures, would this allocation be soundly based?

33. Yes, the proposed allocation would be soundly based. The UFA 2014 (ED21c) considered the site constraints and potential impacts of development and more detailed landscape assessment was undertaken in the UFA 2015 (ED22e). The ED24 UFA Update 2021 includes a review of the landscape assessment and an ecological assessment, both of which support the conclusions of the earlier studies. As set out in ED24, the proposed development is focused in areas of low ecological value (primarily within an existing development footprint) which do not contribute to the ecological value of the LWS or adjacent LNRs. Low density housing is considered acceptable subject to appropriate measures in accordance with the recommendations for avoidance, mitigation and enhancement outlined in the studies.

Q23. Land at Ovingdean Hall Farm & at Bulstrode/Ovingdean Farm: Given its proximity to heritage assets and other constraints, and taking into account site specific mitigation measures, would this allocation be soundly based?

34. Yes, the proposed allocation would be soundly based. The potential impacts of development on heritage assets were considered in the 2014 UFA (ED21c) with further landscape assessment undertaken in the 2015 UFA (ED22e). These assessments concluded that the proposed housing development could be accommodated without significant impacts subject to recommended mitigation measures. Any planning application will need to be supported by a Heritage Statement demonstrating that development would preserve and enhance the Conservation Area and not harm the setting of nearby Listed buildings.

Q24. Land at Former Nursery, Saltdean: Would the site boundary be soundly based? Given landscape constraints is the potential number of dwelling units justified?

35. Yes, the site boundary would be soundly based, subject to MM118 (BHCC02) which proposes minor amendments to remove a small area where the relevant landowner (5) has objected to the inclusion of the land within the site boundary. It is not considered that this minor adjustment to the boundary would impact on the deliverability of development or potential number of dwellings.

36. In response to landscape constraints, it is proposed to reduce the indicative housing from 24 to 18 dwellings as set out in the Council's answer to Q14.