

**City Plan Part Two Brighton and Hove City Council's Development  
Plan (the Plan/Local Plan) April 2020 Examination**

**Inspectors' Matters, Issues, and Questions (MIQs)**

**MATTER 5 –**

**Strategic site allocations (SSA1)**

**FRIDAY 24<sup>th</sup> SEPTEMBER 2021**



**STATEMENT ON BEHALF OF THE  
ROYAL SOCIETY FOR THE PROTECTION OF BIRDS (RSPB)**

## Issue 1 SSA1 Brighton General Hospital site

### Does it appropriately reflect requirements in relation to heritage/biodiversity/food growing?

1.1 The Royal Society for the Protection of Birds (the RSPB) is a registered charity that takes action for wild birds and the environment. We are the largest wildlife conservation organisation in the UK, with the principal objective to save nature.

1.2 The RSPB has previously provided comment in response to Brighton and Hove City Council's (BHCC's) City Plan Part 2 Proposed Submission consultation. We welcome the amendments made by BHCC in regard to DM37 Green Infrastructure and Nature Conservation (p.110). However, our concerns remain in regard to the wording around site-specific requirements for site SSA1 Brighton General Hospital.

1.3 We provided a recommendation for an additional requirement, 'j', to be added with the below wording:

*'j) 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.'*

1.4 The RSPB would like to further clarify the requirement for this additional text in the matter of **soundness** of the Local plan in ensuring that SSA1 Brighton General Hospital does not conflict with BHCC's policy DM37 Green Infrastructure and Nature Conservation, which is underpinned by the National Planning Policy Framework (NPPF, 2021) and thus required to be consistent with national policy. The tests of soundness will also be applied to non-strategic policy in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area (para 36, NPPF (2021)). It is therefore critical to ensure that the site-specific requirements for site SSA1 are consistent with BHCC's policy DM37, notably the below requirements under 'Nature Conservation' (p. 110, BHCC Proposed Submission City Plan Part 2) with MM45, MM46, and MM47 of the BHCC02 Updated schedule of proposed modifications to proposed submission City plan Part 2 August 2021 document included:

*'Development should avoid adverse impacts and ~~All development should~~ seek to conserve and enhance biodiversity and geodiversity features ensuring:*

- *Accordance with the mitigation hierarchy*
- *An additional net gain in biodiversity is achieved;*
- *that recognised protected and notable ~~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; and*
- *where relevant, the control and eradication of any invasive non-native species present on site.'*

1.5 Common swifts (*Apus apus*) are an Amber Listed species under the UK's Birds of Conservation Concern 4 (BoCC 4) list (Eaton *et al.*, 2015), a Priority Species for the RSPB, and a species of particular importance in Brighton and Hove under The Brighton & Hove Local Biodiversity Action Plan (2013). Swifts are migratory summer breeders in the UK, nest in crevices in buildings generally five metres and above from ground level, and have seen severe declines of up to 58% between 1995 and 2018 (Harris *et al.*, 2020). Common swifts (henceforth referred to as 'swifts') pair for life and meet up each spring at the same nest site. One of the likely main causes for decline in swift populations in the UK is

the loss of suitable and available nest sites across the country. In order to protect and support swifts, key nest sites should be made available to swifts each year.

1.6 Brighton General Hospital is currently home to one of the largest swift colonies in Sussex. Potential impacts to the swift colony at Brighton General Hospital may be able to be sufficiently mitigated through the provision of alternative nest sites implemented into the design of the new development. However, the interim period between the demolition of the current nest sites and construction of any new buildings (and new nest sites within the design) under the Brighton General Hospital development is likely to cause disruption to the breeding opportunities and nesting availability of the swift colony if not considered in any mitigation for the colony. The RSPB believes that in order for SSA1 and the associated site-specific requirements for development to be consistent with BHCC's policy DM37, an interim solution must be provided to protect and support the swift colony throughout the entirety of the development phasing; demolition, construction, and operation. There are two most appropriate solutions that would provide protection during the phase between demolition and construction, which are presented below:

1. Ensuring the timetable for demolition and construction of buildings at Brighton General Hospital does not overlap with the swift breeding season, i.e. works for demolition and construction involving areas with swift nest sites are done so within one non-breeding season from September to March; and/or
2. Providing undisturbed and accessible temporary nest sites that are available to nesting swifts if the demolition and construction phase of buildings at Brighton General Hospital falls within the swift breeding season.

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

1.8 The RSPB therefore continues to recommend an additional site-specific requirement as identified in the City Plan Part 2 Proposed Submission consultation (see para 1.3). Without such a requirement, the RSPB **does not** believe BHCC's City Plan Part 2 to be **sound**.

## References

Brighton and Hove City Council (2013) *The Brighton & Hove Local Biodiversity Action Plan*. Available online at:

<https://ww3.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/Brighton%20%20Hove%20LBAP%20ADOPTED%20VERSION.pdf>

(last accessed 24/09/21)

Harris, S.J., Massimino, D., Balmer, D.E., Eaton, M.A., Noble, D.G., Pearce-Huggings, J.W., Woodcock, P. & Gillings, S. (2020) *The Breeding Bird Survey 2019*. British Trust for Ornithology, 726.

Eaton, M.A., Aebischer, N.J., Brown, A.F., Hearn, R.D., Lock, L., Musgrove, A.J., Noble, D.G., Stroud, D.A. and Gregory, R.D. (2015) *Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man*. *British Birds* 108, 708–746. Available online at [www.britishbirds.co.uk/wp-content/uploads/2014/07/BoCC4.pdf](http://www.britishbirds.co.uk/wp-content/uploads/2014/07/BoCC4.pdf)

Ministry of Housing, Communities & Local Government (2021) *National Planning Policy Framework*. Available online at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)