

Brighton and Hove City Plan Part 2 Public Examination

Statement by Richard Bickers and David Bangs

for the Friends of Whitehawk Hill (ID 230)



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

Qu.1 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?

Qu.2 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?

Qu.3 Are the urban fringe housing allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?

Qu.4 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?

Qu.5 Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?

Qu.6 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?

Qu.7 What benefits would the proposed development bring? What are the potential adverse impacts of developing the site and how might they be mitigated?

The key document informing decision making regarding these sites subsequent to the Regulation 19 consultation is **ED24** - Urban Fringe Assessment Update 2021- May 2021 (2021 UFA) and our comments largely relate to this, although conclusions and statements in the 2021 UFA are carried over to **SD09ai** - Regulation 20 consultation statement (redacted version), May 2021 and **BHCC02** Revised Schedule of Proposed Modifications to the Proposed Submission City Plan Part 2, August 2021 and our comments apply equally to those.

The 2021 UFA was prepared by Land Use Consultants (LUC), the same consultants who carried out the 2014 and 2015 UFAs. As such it is our view that the document should not be considered to represent an independent review of the evidence supporting the relevant urban fringe allocations, nor of the representations made in relation to them during the regulation 19 consultation. We believe that LUC, in preparing the 2021 UFA, had an interest in not reaching conclusions that differ significantly from those reached by themselves in the 2014 and 2015 UFAs.

Issue 9 Land at and adjoining Brighton Racecourse

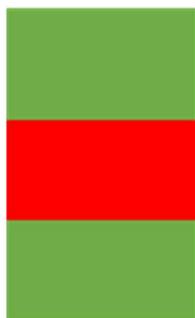
Land at and adjoining Brighton Racecourse: Given that this site includes a LWS and LNR, and taking into account the Urban Fringe Assessment 2021 Update and site specific requirements, would the proposed allocation be soundly based? Given that there is Rights of Way across this land and previous development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

Ecology

LUC in the 2021 UFA, whilst acknowledging that development within the allocated site ‘*may impact to a degree on the functionality of the LNR*’ (4.59) argue that the allocation at this site will not damage the integrity of the Local Nature Reserve in which it is located. This appears to be based (e.g. 4.6.7) on the following -

1. the allocation comprises a small percentage of the total LNR, and
2. the allocation does not include habitats or features for which the LNR was designated.

However, this response fails to address the location of the allocation near the centre of the core part of the LNR, a point made in our regulation 19 consultation representation¹ (4.2.10). It is well understood and evidenced, ecologically, that habitat loss in or near the centre of a reserve, or other area of nature conservation importance, will be more damaging than an equivalent area of habitat loss on the edge of a reserve (or equivalent). For example, other things being equal, scenario **A** below would normally be more damaging than scenario **B**, as **A** creates two smaller areas of habitat that are more vulnerable to negative edge effects and which are separated from each other, making it more difficult for wildlife to move or disperse through the reserve. These are fragmentation effects.



A Habitat loss in the centre of a reserve



B Habitat loss on the edge of a reserve



There is no definitive document or equivalent (e.g. citation) that sets out the habitats and features for which the LNR was designated, indicating that there is little basis for LUCs second argument. Although the presence of Priority Habitat Lowland Calcareous Grassland is clearly one of the primary reasons for designation, this does not mean that other habitats or features present, including scrub, do not have value, or did not contribute to the sites designation. Whilst it is accepted that the allocation site currently does not support Priority Habitat(s), the dense scrub which is present forms part of the wider mosaic of habitats within the reserve and contributes to its overall diversity and value.

¹ Bickers, R & Bangs, D for Friends of Whitehawk Hill 2020. Brighton and Hove City Plan Part 2 Submission Stage Consultation: Representation by the Friends of Whitehawk Hill

As noted in our regulation 19 consultation representation (4.2.11, Fig 5, Photos 1 & 2) the allocation impinges upon historic gorse scrub, which occurs in this part of the LNR and not elsewhere, and which was recently (2019) identified as supporting a population of breeding linnet, a Red Listed and Section 41 Priority Species². There are reasonable ecological grounds to believe that development within the allocation would adversely affect this breeding population, through a combination of direct habitat loss, as well as disturbance effects during both construction and operation. This is not recognised or discussed by LUC in the 2021 UFA. In addition, it illustrates that LUCs statement (4.69) that *'The proposed development area is focussed in an area away from key habitats that notable species depend on'* is incorrect. LUCs statement is characteristic, in the sense that it makes assertions which are insufficiently supported by evidence (see below).

The 2021 UFA also fails to address the evidence we presented in our regulation 19 consultation representation (4.2.13) that the area in and around the gorse scrub represents an important part of the diversity of the LNR, with evidence to suggest affinities with nationally rare chalk heath habitat, such as the presence of distinctive invertebrate species. For example, one of the invertebrate surveyors noted (Appendix VIb of our regulation 19 representation) of the area in and immediately adjoining the allocation, following their survey of the 23rd May 2019, that *'To record 65 species of beetles ... in just 3 hours ... indicates an extremely rich site. Its importance ... is enhanced by the presence of several highly notable species.'*

More widely, we presented a range of more detailed ecological evidence, including detailed survey evidence of both the allocation and the wider LNR, as part of our regulation 19 representation. The 2021 UFA fails to acknowledge or engage with this detailed evidence.

Both LUC and BHCC argue that the level of ecological evidence used to identify the allocation was sufficient or appropriate. This may be the standard but we would note that a desk study, Phase 1 habitat survey and assessment for potential to support protected or other notable species is the most basic level of ecological appraisal (Preliminary Ecological Appraisal, PEA). This is generally used as the basis for recommendations for further survey, mitigation etc, but except in the case of the most simple or ecologically low value sites, is not considered sufficient to assess whether development could be mitigated. This would particularly be the case for development in a designated LNR. As noted, we provided additional ecological evidence that could have been used to assess the potential effects of development in a more informed way, had BHCC and LUC, in an act of good faith, chosen to engage positively with it.

The 2021 UFA, whilst noting our comment (4.62) that the level of ecological evidence presented in the 2014 and 2015 UFAs was insufficient to determine whether it would be possible to satisfactorily mitigate the effects of development within the allocation, does not subsequently address this (4.63). We continue to argue that it is not appropriate to state, as the 2014 and 2015 UFAs do, that it would be possible to mitigate development on this site. In our view this can only be done with a satisfactory level of confidence when the appropriate full set of baseline ecological surveys have been carried out and when there is a detailed scheme to assess, i.e. at the Ecological Impact Assessment (EclA) stage. It is our view that statements to this effect in the 2014 and 2015 UFAs should not therefore be relied upon. Indeed, it is our view that, at least for the reasons outlined above, it would not be possible to satisfactorily mitigate development in the allocation site. Allocation of this site would therefore, in our view, be contrary to NPPF para 174.

² Bickers, R & Bangs, D for Friends of Whitehawk Hill 2020. Brighton and Hove City Plan Part 2 Submission Stage Consultation: Representation by the Friends of Whitehawk Hill. Appendix VIa Breeding Bird Survey report

FoWH have been and are working with BHCCs ranger service to deliver positive conservation management within the LNR. Plans are in the process of being developed for an expansion of such management to include the area in and adjoining the allocation site. Mitigation or Biodiversity Net Gain measures potentially associated with any development in the allocation site are not required to conserve and restore the LNRs habitats and features. Alternative means of funding delivery of positive management are available, including the future Environmental Land Management Scheme (ELMs), National Lottery Heritage Fund and community volunteers.

This site allocation would set a dangerous precedent for further development within Whitehawk Hill LNR and other local sites. BHCC argue (SD09ai) that it would not set such a precedent as they would be under no obligation to permit development on this or other locally designated sites. However, BHCC will soon be reviewing the CPP1 in the context of a very high objectively assessed need, which will be very difficult or impossible to deliver given the city's geography (between the sea and the SDNP), and which will continue to exert strong pressures for development within locally designated sites like Whitehawk Hill LNR. Indeed, the presence of adjoining development in the form of tower blocks has been used as in all three UFAs as at least partial justification for this allocation.

Whilst not within the allocation we think it is worthy of note that the Phase 1 habitat plan for the site (2021 UFA, Appendix 3) repeats the error made in the 2015 UFA (as noted by us in our representation, 4.2.16) of misidentifying areas of Lowland Calcareous Grassland Priority Habitat (which in Phase 1 habitat classification should be identified as 'Unimproved Calcareous Grassland'), as semi-improved neutral grassland and dense scrub, habitats of lower conservation importance. Indeed, more widely Appendix 3 of the 2021 UFA appears more or less unchanged from the equivalent information presented in the 2015 UFA, for example it refers to the Wilson Avenue, Whitehawk SNCI, which is now a Local Wildlife Site (LWS), with no attempt made to correct this or other errors we identified.

Landscape

LUC in the 2021 UFA continue to argue that development in the allocation could be delivered without significant adverse effects on landscape, we understand largely due to the presence of existing housing blocks to the east of the allocation. However, we continue to believe that development within the allocation would have a significant negative visual impact, as an additional negative effect over and above that of the existing blocks, as well the narrowing of the semi-natural corridor at this point. This would alter and 'interrupt' people's experience of moving through this corridor

Viability and Deliverability

We questioned, in our regulation 19 consultation representation (4.2.35) whether housing in this allocation would be deliverable due to the opposition to development expressed by many councillors from all three main parties in the city. BHCC argue (SD09ai - Regulation 20 consultation statement (redacted version) - May 2021, p228) that following the approval of the proposed submission CPP2 at full council '*There is no reason to believe that the proposed allocations in CPP2 will not continue to be supported by the majority of councillors.*' However, councillors stated, both verbally and in writing, to both the authors of the Friends of Whitehawk Hill regulation 19 consultation representation and this statement, as well as to other members of Friends of Whitehawk Hill, that whilst they voted to support the submission stage CPP2, because they were persuaded that not to do so, or to remove this

allocation, would threaten CPP2 as a whole, they would oppose any development within this allocation. There is no reason to believe that their position has changed.

Despite BHCCs assertion to the contrary (e.g. SD09ai - Regulation 20 consultation statement (redacted version) - May 2021, pp 227 & 228), we believe questions still remain regarding the viability of development on this allocation due to site characteristics, which were considered grounds to reduce the number units from 150 to 30.

The allocation of 30 units would make a relatively trivial contribution to the delivery of housing in the city, or meeting the housing shortfall, but would damage a statutorily designated LNR which is of value to nature and the local community.

Issue 10 Land at South Downs Riding school and Reservoir Site & Issue 11 Land north of Warren Road (Ingleside Stables)

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?

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?

Ecology

As noted in our regulation 19 consultation representation (4.3.11-16) many notable elements of the wildlife in the area in and around these allocations is dependent on current management. Loss of the buildings which support and enable this management is likely to result in changes of management which could adversely affect the wildlife interest.

Landscape

The 2021 UFA notes (5.22) that (for both sites) *'any development which could be considered to represent a suburbanising influence could have a significant adverse impact on landscape character.'* In our view it is difficult to imagine how residential development, including building type and design, vehicle access splays, lighting etc, on these sites could have anything other than just such a suburbanising influence. For example, the western part of the allocation at Land north of Warren Road (Ingleside Stables) is particularly sensitive in this regard, due to its current greenfield status and open character, especially when viewed from the track and Warren Road to the south. Indeed, the 2021 UFA acknowledges *'there would be some adverse visual impact for users of the track alongside Warren Road, and from Warren Road'*. To assist in avoiding such suburbanising influences LUC suggest planting be used. However, our view is that any such planting would further erode the open downland character of this area and in itself would comprise a suburbanising influence.