

Brighton & Hove City Plan Part Two Examination

BHCC31 - Further statement re. Matter 2, Issue 2 - Site Selection

The City Plan Part Two (CPP2) Inspector requests that the council provide a further statement to clarify to what extent the approach to site selection, with regard to the urban fringe site allocations in H2, is in compliance with / had regard to NPPF paragraph 179 and to the issue of safeguarding wider ecological networks and connectivity between them.

1. This statement has been prepared by the Council in consultation with LUC the consultants undertaking the 2014, 2015 and 2021 Urban Fringe Assessment Studies prepared to support City Plan Part One and the site allocations being made through City Plan Part Two, Policy H2.
2. The need to look at urban fringe sites for additional housing potential is clearly summarised in ED24, Urban Fringe Assessment Update, 2021 (LUC), at paragraphs 2.3 – 2.10. This addresses why the Council, as part of the examination of the City Plan Part 1 (CPP1), was directed by the Part 1 Inspector to look more rigorously at the city's urban fringe sites, including those with local designations such as Local Wildlife Sites, for additional housing potential to assist in meeting the city's significant housing need. The CPP1 Inspector noted in her report (CD23, paragraph 27) that she considered the 2014 Urban Fringe Assessment (UFA) (ED21a-c) to be robust.
3. The Council notes that the 2014 and 2015 Urban Fringe Assessment (UFA) Studies were undertaken before the 2018 revision to the NPPF and before the latest revision to the NPPF in July 2021. The Council welcomes the general strengthening of wording in the NPPF regarding conserving and enhancing the natural environment and the need to improve biodiversity and ecological networks.
4. The Council does not consider that the UFA studies; the methodology or the conclusions and recommendations, which ultimately informed CPP2 H2 urban fringe site allocations, are inconsistent with the updated version of the NPPF, specifically paragraphs 174 – 182 (previously paragraphs 170 – 177 in the 2018 NPPF).
5. Paragraph 179 requires plans to safeguard components of local wild-life rich habitats and wider ecological networks, promote the conservation, restoration and enhancement of ecological network and pursue net gains for biodiversity. It does not rule out development on locally designated sites. Paragraph 180 outlines principles for determining planning applications which may impact on biodiversity. It outlines the 'mitigation hierarchy' which requires significant harm from a development to be either avoided, adequately mitigated or compensated for. Further, it states that permission should only be refused if significant harm cannot be avoided.

6. The 2015 UFA ecological assessments were undertaken in accordance with best practice guidance with respect to the level of ecological information required at the local plan preparation stage (ED24, paragraphs 4.7). The assessments clearly identified potential impacts of development and assessed whether adequate mitigation and enhancement measures could be provided. For those sites where housing potential is identified, the assessments clearly set out the mitigation measures that will be required to be fully addressed.
7. Where housing potential is identified which would impact on a locally designated site (e.g. local wildlife site or local nature reserve), the approach was to ensure that any area identified for development would only impact on the least sensitive part of the designated site; to assess whether adequate mitigation / compensation could be achieved and thereby ensure that the overall integrity of the designation itself would not be adversely impacted. This approach is considered to be in accordance with the mitigation hierarchy. For sites allocated in H2, the assessments concluded that there was the ability to avoid significant harm (NPPF, paragraph 180). This was particularly the case given:
 - No irreplaceable habitats will be lost
 - Small proportions of the site features are affected (and can be mitigated);
 - Ability to recreate the common and widespread habitat types present and contribute to ecological networks
8. The 2021 UFA undertook ecological assessments on certain proposed site allocations to provide an updated evidence base. The methodology for these assessments was also in accordance with best practice guidance and was updated to reflect changes to the NPPF since the 2015 UFA was undertaken, specifically the requirement to pursue net gains for biodiversity as set out in paragraph 179b NPPF (ED24, paragraph 4.10). Opportunities for habitat enhancements outside the site allocations were identified providing for opportunities for net gains as well as enhancement of the wider ecological network.
9. As referenced in ED24 (paragraphs 2.3 – 2.10) the approach is considered consistent with the NPPF approach to designated sites, with reference to the hierarchy of international, national and locally designated sites of importance which is clearly referenced at paragraphs 174a, 175 and 179. Paragraph 11 'presumption in favour of sustainable development' and specifically paragraph 11 b) together with footnote 7, is also relevant. Local designations are not included as areas where development should be restricted. It is acknowledged that these sites are important for biodiversity but, as noted above, the habitats are not identified as 'irreplaceable' habitats.

10. The UFA studies provide a balanced view on the feasibility of development at each site. This is demonstrated, as an example, by the conclusions reached regarding the ecological assessment made for the Horsdean site (Site 16). This indicated that, due to extent of habitat that would be lost in relation to the local wildlife site, it was unlikely that significant harm could be avoided at the scale of proposed development envisaged by the Plan (ED24, Appendix 2, p.85).
11. CPP1 and CPP2 also comply with paragraph 179 of the NPPF in that locally designated sites of importance for biodiversity have been identified and mapped on the policies map, with CPP2 Policy DM37 Green Infrastructure and Nature Conservation providing a detailed policy basis for their protection and enhancement, reflecting the mitigation hierarchy as required by paragraph 180, NPPF. Wider connecting networks such as the Nature Improvement Areas were mapped through CPP1. The programmed review of CPP1 will enable local nature recovery plans and strategies to be reflected together with the mapping of biodiversity opportunity areas. The Council is currently preparing a Biodiversity and Nature Conservation Supplementary Planning Document which will provide further guidance for the effective implementation of CPP1, CP10 and CPP2, DM37. Individual development proposals may also offer positive opportunities to contribute to habitat connectivity in the wider area.
12. In conclusion, the approach to site selection, with regard to the urban fringe site allocations in H2, is considered in compliance with NPPF paragraph 179 and is not considered to adversely impact upon opportunities to secure the safeguarding of wider ecological networks and connectivity between them.

November 8, 2021