



The countryside charity  
Sussex

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30<sup>th</sup> October 2020

## **Brighton and Hove City Plan part 2 Proposed Submission Document**

This is the formal response of CPRE Sussex, countryside charity, to the above consultation. CPRE Sussex works to enhance, promote and protect the Sussex countryside and the ability of local communities to enjoy and value the natural world. We support a democratic, plan-led system that creates vibrant and successful places for people and nature.

Our response is as follows;

### **Section A - Your Details**

#### **Name (Required)**

Kia Trainor

#### **What is your address?**

CPRE Sussex  
Brownings Farm  
Blackboys  
Uckfield  
East Sussex TN22 5HG

#### **What is your email address? (Required)**

[Kia.trainor@CPRESussex.org.uk](mailto:Kia.trainor@CPRESussex.org.uk)

To promote, enhance and protect a thriving countryside for everyone's benefit

President: Lord Egremont

Campaign to Protect Rural England Sussex Branch CIO | Registered charity number: 1156568

Facebook : [www.facebook.com/CPRESussex](http://www.facebook.com/CPRESussex) | Twitter : @cpresussex

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

|             |
|-------------|
| CPRE Sussex |
|-------------|

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

|   | Yes                                 | No                       |
|---|-------------------------------------|--------------------------|
| The City Plan Part Two has been submitted for independent examination   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| The adoption of the City Plan Part Two  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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 here.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810383/Privacy\\_Statement\\_-\\_ROW\\_V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement_-_ROW_V2.pdf)

**Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice**

**Please Tick (Required)**

Yes

**Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7**

**If you want to comment on more than one policy, please copy the questions from this section and paste below your representation on each policy**

**Policy Number** (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

|      |
|------|
| DM22 |
|------|

**Policy Title** e.g. Housing and Accommodation

|                            |
|----------------------------|
| Landscape design and trees |
|----------------------------|

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

|                              | <b>Yes</b>                          | <b>No</b>                |
|------------------------------|-------------------------------------|--------------------------|
| Legally Compliant            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Sound                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Meets the Duty to Co-operate | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

|                                 | <b>Tick</b>              |
|---------------------------------|--------------------------|
| Positively Prepared             | <input type="checkbox"/> |
| Effective                       | <input type="checkbox"/> |
| Justified                       | <input type="checkbox"/> |
| Consistent with National Policy | <input type="checkbox"/> |

**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.**

CPRE Sussex supports policy DM22 as in line with the requirements of NPPF paragraph 170.

**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.**

N/A

**If you wish to make a representation on another policy (DM1 – DM46, SA7, SSA1 to SSA7) please copy and paste the questions from this section below.**

**Policy Number** (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

DM38

**Policy Title** e.g. Housing and Accommodation

Local Green Space

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

|                              | Yes                                 | No                                  |
|------------------------------|-------------------------------------|-------------------------------------|
| Legally Compliant            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Sound                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Meets the Duty to Co-operate | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

Tick

|                                 |                                     |
|---------------------------------|-------------------------------------|
| Positively Prepared             | <input type="checkbox"/>            |
| Effective                       | <input type="checkbox"/>            |
| Justified                       | <input checked="" type="checkbox"/> |
| Consistent with National Policy | <input checked="" type="checkbox"/> |

**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.**

CPRE Sussex supports the inclusion of policy DM38 and the allocation of Hollingbury Park, Three Cornered Copse, Ladies' Mile and Benfield Valley as Local Green Spaces (LGS). However, we believe that Whitehawk Hill should be designated as a LGS and that the policy is not sound without this. Whitehawk Hill LNR meets the criteria set out in paragraph 100 of the NPPF. CPRE Sussex is concerned that the allocation of a development site on Whitehawk Hill LNR (policy H2) will set a damaging precedent which is not consistent with paragraph 174 of the NPPF.

**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.**

CPRE Sussex believes that the allocation of 'Land at and adjoining Brighton Race Course' is not sound and should be deleted from the plan. Additionally, the entirety of Whitehawk Hill LNR should be included in the list of Local Green Spaces. If the allocation is not deleted, we believe that the remainder of the LNR should be designated as a Local Green Space, as has been done for Benfield Valley.

**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)**

|  | Tick                     |
|--|--------------------------|
| <b>No</b> , I do not wish to participate in hearing session(s) | <input type="checkbox"/> |

|  |                                     |
|--|-------------------------------------|
| Yes, I wish to participate in the hearing session(s) | <input checked="" type="checkbox"/> |
|--|-------------------------------------|

*(Please note you may be asked at a later point to confirm your request to participate)*

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

|  |
|--|
| CPRE Sussex wishes to attend the examination hearings so that we can present our views in this issue in more detail. |
|--|

Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**Policy Number** (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

|      |
|------|
| DM40 |
|------|

**Policy Title** e.g. Housing and Accommodation

|   |
|---|
| Protection of the Environment and Health – Pollution and Nuisance |
|---|

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

|                              | Yes                                 | No                                  |
|------------------------------|-------------------------------------|-------------------------------------|
| Legally Compliant            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Sound                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Meets the Duty to Co-operate | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

|  |      |
|--|------|
|  | Tick |
|--|------|

|                                 |                          |
|---------------------------------|--------------------------|
| Positively Prepared             | <input type="checkbox"/> |
| Effective                       | <input type="checkbox"/> |
| Justified                       | <input type="checkbox"/> |
| Consistent with National Policy | <input type="checkbox"/> |

**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.**

CPRE Sussex supports policy DM40, particularly point 'g' in relation to ensuring "outdoor lighting is well designed; low impact; efficient; the minimum necessary with an appropriate balance between intensity, fittings, height and structures; and, not cause unacceptable detriment to public and highway safety, biodiversity, in particular priority habitat and species, the night sky and the South Downs National Park International Dark Sky Reserve." We support protection of the dark skies of the SDNPA as believe that this is in alignment with the National Parks and Access to the Countryside Act 1949. However we question whether the word 'outdoor' should be removed so that this policy covers all lighting which may be intrusive?

**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.**

Remove the word 'outdoor' from this policy.

**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)**

|  | Tick                                |
|--|-------------------------------------|
| <b>No</b> , I do not wish to participate in hearing session(s) | <input type="checkbox"/>            |
| <b>Yes</b> , I wish to participate in the hearing session(s)   | <input checked="" type="checkbox"/> |

*(Please note you may be asked at a later point to confirm your request to participate)*

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

CPRE Sussex wishes to attend the examination hearings so that we can present our views in this issue in more detail.

Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**Policy Title** e.g. Housing and Accommodation

Benfield Valley

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

|                              | Yes                                 | No                                  |
|------------------------------|-------------------------------------|-------------------------------------|
| Legally Compliant            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Sound                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Meets the Duty to Co-operate | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

|                                 | Tick                                |
|---------------------------------|-------------------------------------|
| Positively Prepared             | <input type="checkbox"/>            |
| Effective                       | <input type="checkbox"/>            |
| Justified                       | <input checked="" type="checkbox"/> |
| Consistent with National Policy | <input checked="" type="checkbox"/> |

**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.**



CPRE Sussex objects to residential development within the LWS at Benfield Valley. We do not believe that this is justified or compliant with national policy under paragraph 174 of the NPPF which requires plans to safeguard components of local wildlife-rich habitats including locally designated sites of importance for biodiversity.

**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.**

You will need to say why each change will make the policy legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policy or supporting text. Please do not use strikethrough text as this will not be shown in your submission.

CPRE Sussex requests that the second paragraph of policy SA7, which relates to residential development, be deleted from the plan. The boundary of the Local Green Space should be extended to cover the whole of Benfield Valley.

**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)**

|  | Tick                                |
|--|-------------------------------------|
| No, I do not wish to participate in hearing session(s) | <input type="checkbox"/>            |
| Yes, I wish to participate in the hearing session(s)   | <input checked="" type="checkbox"/> |

*(Please note you may be asked at a later point to confirm your request to participate)*

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

CPRE Sussex wishes to attend the examination hearings so that we can present our views in this issue in more detail.

Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

**Section E**      **H2 Housing Sites – Urban Fringe**

**Please only fill this section out once**

**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
- 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

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

|                              | <b>Yes</b>                          | <b>No</b>                           |
|------------------------------|-------------------------------------|-------------------------------------|
| Legally Compliant            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Sound                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Meets the Duty to Co-Operate | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

|                                 | Tick                                |
|---------------------------------|-------------------------------------|
| Positively Prepared             | <input type="checkbox"/>            |
| Effective                       | <input type="checkbox"/>            |
| Justified                       | <input checked="" type="checkbox"/> |
| Consistent with National Policy | <input checked="" type="checkbox"/> |

**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.**

CPRE Sussex objects to this policy and does not believe it is consistent with national policy or justified. The NPPF is clear that the planning system should stablish coherent ecological networks that are more resilient to current and future pressures (paragraph 170) and that plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure (paragraph 171). Further to this paragraph 174 is clear that plans should safeguard components of local wildlife-rich habitats including locally designated sites of importance for biodiversity. We object to all allocations which compromise Local Wildlife Sites and the overall coherence of ecological networks. We strongly object to the allocation of 30 dwellings on Whitehawk Hill Local Nature Reserve (site name ‘land at and adjoining Brighton Race Course’). This LNR is an exceptional site for wildlife and of high landscape, archaeological, historical and community importance.

The total number of dwellings allocated for these sites is small against the main housing target, yet the ecological and community value is significant. The CPP1 Inspector’s Report (February 2016) clearly states that the CPP1 does not allocate urban fringe sites and that decisions on whether individual sites should be developed, will be made through the process of preparation of the City Plan Part 2 (CPP2).

**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.**

Remove the following sites from policy H2

- Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade

- Benfield Valley
- Land at and adjoining Horsdean Recreation Ground, Patcham
- Land north of Varley Halls, Coldean Lane
- Land north of Warren Road (Ingleside Stables)
- Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm

Delete the 'Land at and adjoining Brighton Race Course' from policy H2 and safeguard the site as a statutorily designated Local Nature Reserve.

You will need to say why each change will make the policy legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policy or supporting text. Please do not use strikethrough text as this will not be shown in your submission.

**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)

|  | Tick                                |
|--|-------------------------------------|
| No, I do not wish to participate in hearing session(s) | <input type="checkbox"/>            |
| Yes, I wish to participate in the hearing session(s)   | <input checked="" type="checkbox"/> |

*(Please note you may be asked at a later point to confirm your request to participate)*

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

CPRE Sussex wishes to attend the examination hearings so that we can present our views in this issue in more detail.

*Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

CPRE Sussex wishes to participate in any examination hearings sessions relevant to any sections of the City Plan Part Two that we have submitted objections to. We wish to discuss our objections formally with the Inspector and respond to any additional evidence presented by other respondents.

Yours sincerely,

*Kia Trainor*

Kia Trainor  
Director, CPRE Sussex