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at Brighton & Hove City Council

Benfield Valley Topic Paper

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Brighton & Hove
City Council

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1. Introduction

- 1.1 Benfield Valley forms part of the city's urban fringe and is the largest remaining area of undeveloped land south of the A27 Bypass in the west of the city. Over a number of years, it has attracted developer interest with proposals for large scale development put forward by several promoters. This developer interest has been reflected in representations to the draft City Plan Part Two (CPP2) promoting the site as a location for strategic housing development. At the same time, other consultees have argued that the valley should be protected from any development.
- 1.2 The draft City Plan Part Two (CPP2) includes policies which set out the Council's vision for the long term future of Benfield Valley. This would allow for a limited amount of residential development, whilst providing for the long term protection and management of the remaining undeveloped green space.
- 1.3 The key policies relating to Benfield Valley are:
- Policy SA7 (Benfield Valley) – An over-arching policy which allocates all of Benfield Valley as a 'Special Area' focusing on protecting and enhancing the site as an important green wedge linking the urban area to the South Downs National Park, a valued Local Wildlife Site and an important greenspace serving the west of the city. The policy seeks to facilitate the positive and ongoing management and maintenance of Benfield Valley's open spaces, wildlife habitats and heritage assets and to improve and enhance public access and connectivity with the adjoining urban areas and the South Downs National Park. Some limited residential development would be allowed for on two sites allocated in Policy H2.
 - Policy H2 (Housing Sites Urban Fringe) – Allocates 1.6 hectares of land to the north and south of Hangleton Lane for a combined indicative figure of 100 dwellings.
 - Policy DM38 (Local Green Space) – Allocates the whole of Benfield Valley (excluding the allocated housing sites) as Local Green Space to provide for its protection in the long term.
- 1.4 The purpose of this topic paper is to explain and justify the Council's policy approach for Benfield Valley as set out in CPP2. The paper also seeks to address issues raised in the representations received by the Council in response to consultation on the draft Plan in Summer 2018. The paper is supported by formal comments to the Council provided by the East Sussex County Landscape Architect and County Ecologist (Appendices 1 and 2).

2. Background

- 2.1 Benfield Valley forms an important green wedge extending from the urban area northwards to the South Downs National Park. It includes major open spaces at both the north and southern ends and is well used by the public for outdoor recreation.

There are also significant wildlife habitats and protected species and the majority of the valley¹ has been designated a Local Wildlife Site (LWS).

- 2.2 The valley forms a green corridor stretching over 1.5km from the A270 Old Shoreham Road to the A27 Bypass, connecting with the National Park beyond via a footbridge. The Hangleton Link Road runs along the western boundary of the area, whilst Hangleton Lane runs east-west across the valley bisecting the valley. To the south of Hangleton Lane is an area of open grassland surrounded by a woodland belt, whilst to the north, the land comprises grassland, scrub, and perimeter woodland, but is largely occupied by the amenity grassland and roughs of Benfield Valley Golf Course (now used for foot golf).
- 2.3 On the eastern side of the valley north of Hangleton Lane is Benfield Barn, a listed building, which together with its historic outbuildings and neighbouring flint walls is designated as the Benfield Barn Conservation Area. Hangleton Conservation Area lies close to the eastern edge of the valley. The area north of Hangleton Lane is designated as an Archaeological Notification Area (ANA).
- 2.4 The freehold of the site is owned by Brighton & Hove Council, but the land is leased on a long lease. The development of the Sainsbury's Superstore at the southern end of the valley in the early 1990s was linked to restrictive covenants which sought to protect the rest of valley for outdoor recreation.

3. Evolution of planning policy for Benfield Valley

City Plan Part One

- 3.1 Since the construction of the Hangleton Link Road and Sainsbury superstore in the early 1990s, local plan policies have sought to protect the remaining area of Benfield Valley as open space free from development. Policy NC9 (Benfield Valley) in the adopted Brighton & Hove Local Plan 2005 states that Benfield Valley should remain free from further built development and should be reserved for outdoor recreation, consistent with wildlife habitats, the landscape and safe use of rights of way by the public. The policy also seeks protection and enhancement, including proposals to improve access for pedestrians and cyclists appropriate to the area.
- 3.2 The draft City Plan Part One (CPP1), which was submitted for examination in February 2013, did not include any specific policy reference to Benfield Valley, but included policies to protect the urban fringe and designated areas of open space from development. However, at the CPP1 examination, the inspector required the Council to undertake further detailed work to assess more rigorously all opportunities to meet the city's housing need. This included a requirement to reconsider the potential for housing development on urban fringe sites.

¹ The LWS excludes the southernmost part of the Policy SA7 designation directly to the east of the Sainsbury superstore and west of Hangleton Road.

- 3.3 In response, the Council commissioned Land Use Consultants (LUC) to undertake a review of sites through the 2014 Urban Fringe Assessment (UFA)². This review concluded that around 1,000 new homes in total could be delivered on urban fringe sites. The potential for housing development at Benfield Valley was considered as part of this comprehensive assessment, with the UFA identifying potential for small scale low density housing (about 30 dwellings) on two sites to the north and south of Hangleton Lane.
- 3.4 Following the 2014 UFA, the Council undertook consultation on Proposed Modifications to CPP1 in Autumn 2014 and Further Proposed Modifications in Spring 2015. At both stages, representations were received on behalf of Bouygues Developments promoting a housing scheme of 387 dwellings at Benfield Valley. Their proposals were supported by a site plan, preliminary Landscape Appraisal and basic Habitats Survey.
- 3.5 However, in her final report, the CPP1 inspector stated that she was satisfied that the 2014 UFA provided a robust evidence base to guide the strategic level policy in CPP1. She further indicated that decisions on whether individual sites should be developed should be made through the preparation of CPP2 or, in advance of that, through the development management process. The modifications to CPP1 committed the Council to undertake more detailed assessment of potential housing sites on the urban fringe to inform allocations to be made in CPP2, with a particular emphasis on delivering housing to meet local needs (CPP1 Paragraph 3.159).

City Plan Part Two

- 3.6 The starting point for the development of CPP2 policies for Benfield Valley was the UFA 2014. The Council then commissioned further UFA studies in 2015 focusing on landscape and ecology, and archaeology. Following the CPP2 Scoping consultation in Summer 2016, further detailed assessment of the site was undertaken in 2017 by Council planning officers in conjunction with the East Sussex County Landscape Architect and County Ecologist. A summary of the key points established through these assessments is provided below.

2014 Urban Fringe Assessment

- 3.7 The analysis undertaken through the 2014 UFA considered the positive and negative effects of development of all urban fringe sites excluding those completely covered by 'absolute constraints', such as national environmental designations, utility infrastructure and cemeteries. The study provided recommendations with regard to suitability for development and estimates of the potential number of homes that sites could accommodate. It also considered the scope for new protective designations, such as Local Green Spaces, where justified by national planning policy; the scope for and role of mitigation in minimising adverse effects of development; the potential for sites to generate additional benefits for the city (e.g through provision of public open

² [Brighton & Hove Urban Fringe Assessment 2014 \(Land Use Consultants, June 2014\)](#)

space and community facilities); and mechanisms for bringing forward sites suitable for residential development.

- 3.8 The UFA 2014 sub-divided Benfield Valley into three urban fringe sites (Sites 10 to 12). The land at the northern end of the valley directly south of the A27 (Site 10) was considered unsuitable for any residential development. The UFA concluded that the whole of this site performs an important role as publically accessible open space, of which there is under-provision in the area. Benfield Hill provides an open green space which links the National Park to the urban edge and continues, with a more wooded character, south into the city as far as the A270. Any development within this northern part of the valley was considered to have significant negative impacts on landscape character, as the slopes both to the west and east of the hill are very visible from high points on public rights of way within the National Park. Furthermore, the site contains important heritage and ecological features which the UFA considered should, where possible, be safeguarded.
- 3.9 Sites 11 and 12 covering the remainder of the valley were considered to provide some limited opportunities for low density housing development on land directly to the north and south of Hangleton Lane close to the Hangleton Link roundabout and away from the Benfield Barn Conservation Area. The two potential development sites were considered to provide capacity for 30 dwellings in total at densities of no more than 25 dwellings/hectare. Both sites were considered to be relatively contained, with extensive tree and shrub cover restricting views to/from the National Park and it was considered that a modest loss of open space could be mitigated through appropriate enhancement of the remaining open spaces. However, the important heritage and ecological features would need careful consideration and handling through the location, layout and design of development. The UFA considered that development would require significant mitigation, maintaining a clear green north-south link through the valley, with development not overly visible from the rights of way along the ridges within the National Park. In addition, significant measures would be needed to maintain connectivity along the important wildlife corridor with appropriate enhancement measures to offset any long term adverse effects. Lost trees would need to be replaced and positioned to help enhance the Benfield Valley wildlife corridor and to screen development from the key views.
- 3.10 In addition to identifying the potential for a small amount of housing development on two sites within Benfield Valley, the UFA 2014 identified Benfield Valley as a whole as one of four urban fringe sites in the city suitable for designation as Local Green Space. The consultants noted that these sites provide 'green wedges' into the urban area, which act as wildlife corridors and important routes for people wishing to access the South Downs.

2015 Urban Fringe Assessments

- 3.11 In 2015, the Council commissioned consultants to undertake more detailed assessments of urban fringe sites with respect to landscape and ecology (LUC)³ and archaeology (Archaeology South-East)⁴. The key conclusions of these further studies are summarised below.
- 3.12 Landscape: The assessment re-emphasised the need to provide sufficient mitigation to maintain a green corridor for public recreation, and concluded that mitigation solely within the areas identified as having potential for development would be unlikely to be sufficient to avoid significant adverse effects on landscape character and views. It also concluded that the number of dwellings proposed on the two sites in UFA 2014 (i.e 30 dwellings) and density of dwellings on both sites could not be achieved without significant clearance of trees, therefore screening from recreational areas and to views from the National Park would be reliant on new planting which would be likely to result in significant adverse visual effects in the short to medium term.
- 3.13 Ecology: The assessment concluded that the potential development areas recommended in the UFA 2014 were appropriate, given the relatively small area of SNCI⁵ affected, the relatively low ecological value of the areas affected, and the potential for mitigation of impacts. However, despite the small area lost, the potential impacts on the SNCI would require mitigation. Detailed development proposals should be informed by updated Extended Phase 1 Habitat Surveys and species surveys to ensure that potential impacts are identified and appropriate mitigation developed. Long-term management of habitats should be detailed in a Landscape and Habitat Management Plan (LHMP), including any newly created as well as retained habitats to ensure long-term viability of such habitats.
- 3.14 Taking account of both landscape and ecology considerations, LUC concluded that development within the potential development areas would lead to a high likelihood of significant adverse landscape effects in the short/medium term, but with a reduced risk of significant adverse landscape effects in the longer term assuming that:
- Either housing yields are greatly reduced, or yields are reduced to a lesser extent but development is located on the margins of the potential development areas. The latter would be at the expense of existing roadside trees but would achieve greater separation between the public open space and development;
 - Provision of landscape planting as screening (and to provide wildlife habitat), assuming no significant reduction in open habitats;
 - Incorporation of robust mitigation measures to address any impacts on protected species; and

³ [Brighton and Hove: Further Assessment of Urban Fringe Sites 2015 - Landscape and Ecological Assessments \(Land Use Consultants, Dec 2015\)](#)

⁴ [Brighton & Hove: Further Assessment of Urban Fringe Sites 2015 - Archaeological Desk-based Assessment \(Archaeology South East, Jan 2016\)](#)

⁵ Benfield Valley Site of Nature Conservation Importance (SNCI), now re-designated as a Local Wildlife Site (LWS).

- Habitat enhancement can be assured within the remainder of the Study Area, including within the development.

3.15 Archaeology: The area was assessed as having a moderate to high archaeological potential, mostly relating to Bronze Age settlements and possible lynched field boundaries. There is also potential for medieval remains, although these are unlikely to extend into the potential development area. There is no indication at this stage that the potential development areas contain buried archaeological deposits of national significance that would necessitate preservation in situ or which would constitute an insurmountable constraint for development. There are no anticipated impacts on the setting of designated heritage assets, provided that potential development is not expanded to the north, where it would impact on the current open setting of the Listed Building (Benfield Barn) by intruding a built-up element. Any future planning applications should expect to be required to conduct a comprehensive suite of pre-application and post-determination archaeological works.

CPP2 Scoping consultation (June-Sept 2016)

3.15 Following on from the 2014 and 2015 UFA studies, the CPP2 Scoping consultation⁶ included specific questions seeking views on the considerations that should be used to guide the allocation of urban fringe sites (Question H2) and whether there are sites that should be put forward as housing site allocations in CPP2 (Question H3). Question B10 sought views on whether Benfield Valley should be designated as Local Green Space as proposed in the 2014 UFA.

3.16 At this stage a representation was received on behalf of Futureform Global Investments Limited⁷ arguing that Benfield Valley has capacity to support a significantly greater number of residential units than initially identified in the UFA 2014. The representation was accompanied by a Vision Document (prepared by LCE Architects), Preliminary Ecological Appraisal (Phlorum), Landscape and Visual Appraisal (Enplan), transport evidence (GTA Civils), a critique of the UFAs and proposed designation of Local Green Space (LCE Architects).

3.17 The Futureform representation also objected to the site being proposed as Local Green Space. However, no other objections were received, whilst in contrast there were 24 representations from organisations and individuals supporting the designation of Benfield Valley as Local Green Space.

Further officer site assessment 2017

3.18 Following the CPP2 Scoping consultation, Council officers together with the County Landscape Architect and County Ecologist undertook further assessment looking at the potential for residential development in Benfield Valley. This included exploring

⁶ [City Plan Part Two Scoping Document \(June 2016\)](#)

⁷ All responses to the CPP2 Scoping consultation are included in [City Plan Part Two Scoping Paper Statement of Consultation - Appendix 7](#)

the potential to move beyond the UFA recommendations within the context of a wider set of objectives for Benfield Valley:

- the need to respect landscape character of Benfield Valley and role as green wedge into the city;
- maintaining and enhancing wildlife corridors and connectivity through the site;
- the need to provide enhanced open space and improve the open space offer within the locality;
- achieving better pedestrian and cycle linkages from the city to the SDNP;
- retention of Benfield Barn and its potential for an SDNP Interpretation Centre; and
- the objective of securing long term management and maintenance of the whole valley.

3.19 This work included a joint site visit by Council officers, the County Landscape Architect and County Ecologist in August 2017. Detailed comments were provided by both the County Landscape Architect and County Ecologist setting out the key parameters for considering development potential, key mitigation requirements, and the main elements to be secured through a management plan / mitigation strategy. These points are restated in their supporting statements (Appendices 1 and 2). Their assessments also helped to inform what mitigation would be required mainly in the form of landscape management of existing green infrastructure.

3.20 In general, the further assessment undertaken in 2017 reinforced the main conclusions of the UFA studies – emphasising the need to avoid development in the northern most exposed part of the valley, respect the setting of Benfield Barn, retain the wooded corridor along the western side of the valley, and maintain the perception of a clear green link from the Downs into the urban area. However, officers considered that the potential development areas identified in the UFA studies could support a higher density of development within the same footprint with potential for buildings of up to three storeys. Whilst this would be higher density than the neighbouring residential areas, the physical and visual separation of the proposed development areas would allow for a more dense urban form without detracting from the character of the area.

3.21 Based on this evidence, it was agreed that there was capacity to provide around 100 dwellings across the two development sites, compared to the figure of 30 dwellings recommended in the UFA studies. It was also considered that the higher level of development could help support the wider policy aspirations for the enhancement and long term management of Benfield Valley.

Draft CPP2 (Regulation 18) consultation

3.22 The assessment work outlined above formed the basis for the policy aims for Benfield Valley that were set out in Policy SA7, Policy H2 and Policy DM38 (summarised in Paragraph 1.3 above). These policies formed part of the Draft CPP2 which was published for Regulation 18 public consultation between 5 July 2018 and 13 September 2018.

- 3.23 Overall, the Draft CPP2 policies relating to Benfield Valley generated relatively few representations at the Regulation 18 stage⁸. Policy SA7 itself received 12 representations in support and 6 objections. These included representations on behalf of Fairfax Acquisitions Ltd promoting substantial residential development of up to 375 dwellings on 6.25 hectares within Benfield Valley. The representation included an indicative map identifying 'Potential areas for development', which had been informed by an Extended Phase 1 Habitat Survey undertaken by the Ecology Co-op. The proposals also relied on the previous landscape appraisal undertaken by Enplan for Futureform in 2016.
- 3.24 A separate representation from LCE Architects also argued that Benfield Valley has potential for a much higher level of development, querying the Council's justification for allocating no more than 100 dwellings.
- 3.25 Both Fairfax Acquisitions and LCE Architects also submitted objections to Policy H2 (arguing that Benfield Valley has potential for substantially more than 100 dwellings) and Policy DM38 (arguing against the designation of Benfield Valley as Local Green Space).
- 3.26 A representation was received from Sussex Wildlife Trust, which supported the policy objective to protect/enhance the Local Wildlife Site/'green wedge', but objected to the allocation of any land for housing and queried the proposed allocation of 100 dwellings compared to the 30 dwellings recommended in the UFA studies.
- 3.27 Representations in support of the policy were received from the South Downs National Park Authority (SDNPA), Natural England, Historic England and the Environment Agency. Highways England raised a concern that the proposed Special Area designation extended within the strategic highway boundary of the A27. Objections to Policy SA7 were also submitted by two private individuals.

4. Justification of CPP2 policies for Benfield Valley and response to representations received

- 4.1 This section presents a more detailed explanation and justification of the Council's policy approach to Benfield Valley in CPP2, drawing on the site assessment and evidence referred to above. It also addresses the specific objections and comments submitted in response to the Regulation 18 consultation in Summer 2018.

Landscape & visual impact

- 4.2 As noted above, landscape considerations have been critical in determining the Council's policy approach to Benfield Valley. The 2014 and 2015 UFAs and subsequent assessment undertaken by the County Landscape Architect have established a number

⁸ Full details of the consultation are provided in the Council's [CPP2 Proposed Submission Statement of Consultation \(updated April 2020\)](#) which includes a Summary of Key Issues Arising from Representations listed by policy (Appendix 4) and copies of the original representations received (Appendix 5).

of key principles which are of critical importance in maintaining the landscape character of the valley. These key elements are set out in the supporting statement provided by the County Landscape Architect (Appendix 1) and include:

- Retention of the northern, most elevated part of the valley as undeveloped green space. The housing allocations proposed in Policy SA7 would ensure that these views and the character of this part of the area are conserved.
- The need to retain a clear defined north/south green link to retain the 'green wedge' linking the urban area to the South Downs National Park – this would require retention of open green space in the south of the valley at the narrowest part of the corridor adjacent to the Hove Park School playing fields and the southern part of the recreation ground.
- The importance of maintaining open space in the vicinity of Benfield Barn and its conservation area in order to conserve and enhance the setting of these heritage assets.
- Allowing for the constraints listed above, the suitability of small areas to the north and south of Hangleton Lane for some suitably mitigated housing development.

4.3 Policy SA7 provides for the protection and enhancement of the landscape role and character of Benfield Valley as an important green wedge connecting the urban area to the SDNP. Policy H2 allocates land to the north and south of Hangleton Lane for small scale residential development, however Policy SA7 in conjunction with the Local Green Space designation proposed in Policy DM38 will provide for the protection, enhancement and long term management of the remaining undeveloped open spaces at Benfield Valley.

4.4 Based on the assessment undertaken by the County Landscape Architect, the Council considers that the proposed housing sites can support a higher density of development than suggested in the UFA studies, whilst occupying an equivalent development footprint. As set out in the County Landscape Architect's statement, the physical and visual separation of the proposed developable areas would allow for a denser urban form without detracting from the character of the area. The visual containment provided by the surrounding trees and woodland would allow for buildings up to three storeys without having unacceptable impacts on the surrounding areas. The UFA 2015 assessment of landscape and ecology suggested that the loss of trees to accommodate the development would have an adverse impact and would open up views to the proposed development. However, in the County Landscape Architect's view, the existing tree belts have been neglected and would benefit from positive management. She considers that a high quality landscape led development need not detract from the visual amenity of the valley or surrounding areas.

4.5 In addition, it should also be noted that the Explanatory Memorandum accompanying Policy SA7 requires that development proposals at Benfield Valley provide are supported by Landscape and Visual Character Assessment which will inform landscape led masterplans for development sites and associated management/maintenance plans. This requirement was strongly supported by the SDNPA in its Regulation 18 comments on the Draft CPP2.

- 4.6 The representations submitted by Fairfax Acquisitions Ltd and LCE Architects referred to the Landscape and Visual Appraisal (LVA) provided by Enplan dated September 2016. The County Landscape Architect reviewed the Fairfax concept plan and the Enplan LVA and provided a number of detailed comments in her supporting statement. The main points are:
- The Fairfax proposals would extend development onto the higher ground in the north of the valley (northern part of Site 11) which is open to views from the SDNP on Foredown Hill and which appears as part of the sweep of the open downland between Foredown Hill and Benfield Valley. The landscape character of this northern part of the valley is contiguous with the open downland to the north of the A27. The Enplan LVA indicates that structural tree planting would be required in the north of the valley to mitigate the impact on views from within the SDNP. However, such planting would conflict with the open downland character of this part of the valley and would restrict views down the valley to the sea.
 - The proposed extent of development to the south of Hangleton Lane would occupy most of the available area leaving very little land as green corridor or open space. This would have an adverse impact on the provision of multifunctional green infrastructure for access and wildlife. It would not allow for the retention of a well-defined green corridor maintaining a clear visual link between the Downs and the urban area.

Ecology

- 4.7 Ecological considerations are a key factor in determining the scale and location of any development within Benfield Valley and also underpin the Council's objective of securing long term management of the whole of the valley. The majority of the site is designated as a Local Wildlife Site (LWS) for its broad-leaved woodland, rough grassland mature hedgerow, scrub, Saxon hedgeline and specially protected species. As noted in the supporting statement by the County Ecologist (Appendix 2), Benfield Valley is important for being a large and diverse site which brings the countryside deep into the urban area, and forms a green wedge linking the Downs with the urban communities to the west of the city. The site includes one of the largest areas of woodland in Hove, as well as other Habitats of Principal Importance including chalk grassland. Areas of species-poor grassland are included within the site because of their importance for badger foraging and to ensure the integrity of the site as a viable unit. The site is also important for the public appreciation of nature and is a key component of a wider ecological network and an important wildlife corridor.
- 4.8 Brighton & Hove's LWSs were reviewed in 2013 and ratified by the East Sussex Technical Panel to provide a comprehensive list of LWSs which are included in CPP2. Reviews in 2013 and 2017 have confirmed the continued designation of Benfield Valley as a LWS, subject to some minor boundary changes to the LWS, primarily to rectify anomalies in the original mapping process.
- 4.9 Ecological assessments of the site (undertaken as part of the LWS designation process in 2010) have identified key areas as chalk grassland with the potential to restore this habitat elsewhere on site, woodland and habitat mosaics, as well as the importance of

the site for protected species, including but not limited to dormice, reptiles, bats, breeding birds and badgers. In the view of the County Ecologist, there would be a need to retain and enhance tree belts and boundary habitats. She also considers that higher density of development on a similar footprint to that identified in the UFA studies would allow the retention of sufficient habitat to retain protected species on site with sufficient buffers to offset impacts such as increased disturbance and predation.

4.10 The County Ecologist's comments also emphasise the importance of securing long term positive management of the wider site for biodiversity, recognising the LWS as a key component of a wider ecological network and an important wildlife corridor. In her view, this could be secured by allowing a small amount of development provided this retains the most important habitats and those known to support protected species (in particular woodland and woodland edge and chalk and semi-improved grassland).

4.11 Policy SA7 includes strong wording to secure the protection and enhancement of Benfield Valley as a valued LWS through the careful use and management of land and buildings. This will include protecting and enhancing its wider biodiversity role in connecting the urban area to the South Downs National Park, and securing biodiversity conservation and enhancements, including ongoing and positive management of wildlife habitats, and securing a long term funded management and maintenance plan to be agreed with the Council. In response to the comments of the County Ecologist and representations on the Regulation 18 consultation, the policy wording was amended to include a specific requirement to provide for wildlife connectivity and buffer zones. The reasoned justification requires that proposals for development will need to be supported by an Ecological Assessment to inform associated management/maintenance plans.

4.12 In its Regulation 18 representation, Natural England supported Policy SA7 on the grounds that it recognises the value of Benfield Valley LWS as natural capital stock and a green infrastructure asset. It considered that securing biodiversity and conservation enhancements as well as long term funding will ensure net gains for biodiversity and the wider ecological network at a landscape scale. The Council considers that such net gains could be secured through the small scale and sensitive development proposed in the policy.

4.13 The Regulation 18 representation submitted by Fairfax Acquisitions Ltd was supported by a Preliminary Ecological Appraisal (PEA) and Phase 1 Habitat Survey⁹ and a proposed concept plan. The County Ecologist reviewed the Fairfax concept plan and accompanying ecology report and provided a number of detailed comments which are set out in her supporting statement (Appendix 2). The main points are:

- The proposed areas for development shown in the concept plan would result in the loss of significant areas of priority and higher value habitats, particularly semi-improved calcareous grassland and some woodland edge habitat. In particular, the

⁹ Preliminary Ecological Appraisal (PEA) and Phase 1 Habitat Survey (The Ecology Co-op, August 2018)

proposed development south of Hangleton Lane coincides with a large area of chalk grassland. Proposing development in this area appears to contradict the view expressed in the PEA that habitats of higher ecological value should be retained as far as possible.

- Development based on the concept plan would result in the loss and severance of habitats across the site that are suitable for bats, breeding birds, dormice, reptiles and lepidoptera.
- In proposing the replacement of habitats lost to development, the ecology report makes no reference of the value of lost habitats for badger and bat foraging, for invertebrates and reptiles, or for their role in maintaining the integrity of the site as a viable unit.
- The information in the appraisal was incomplete in terms a full assessment of potential impacts on protected and notable species (as it was a preliminary appraisal). Any development would need to be fully informed by phase 2 surveys for the relevant species. Without this, it is not possible to assess whether the concept plan would allow for sufficient mitigation.
- No reference is made to the additional impacts of increased disturbance, lighting and predation. Increased development would limit the potential to mitigate these impacts.
- The ecology report includes little reference to how the loss of existing habitats will be compensated, how retained and new habitats will be managed in the long term, or how the impacts of increased predation and disturbance will be mitigated.
- The landscape opportunities and constraints plan (Enplan 01-582.008) indicates that tree planting in the north part of the site will be required to mitigate views, however such planting would not be appropriate in this part of the LWS given the known presence of chalk grassland and importance of open grassland for reptiles, badgers and potentially bats.
- The concept plan would retain only narrow green corridors along the valley, which would have a significant adverse impact on the site's key role as a wildlife corridor.

4.14 For these reasons, the Council is not persuaded that the PEA/Phase 1 Habitat Survey provides evidence or justification for extending the boundaries of the developable area or increasing housing development as proposed by the objector.

4.15 In its Regulation 18 representation, Sussex Wildlife Trust strongly supported the policy objectives to protect and enhance the LWS and to protect and enhance biodiversity. However, it objected to the proposed allocation of any development within Benfield Valley, arguing that all LWS should be safeguarded against development to ensure that they are able to contribute to a robust ecological network within Brighton & Hove. The Trust also objected to the indicative development figure of 100 dwellings proposed in Policy H2, arguing that the increased number compared to the 30 dwellings recommended in the UFA studies has not been justified and could have impacts on the LWS in terms of increased recreation disturbance.

4.16 The Council fully acknowledges the role and significance of the LWS but considers that this must be considered within the context of the conclusions of the CPP1

examination. Given the requirement already established in CPP1 to identify urban fringe land to accommodate some housing to help meet the city's housing needs, it is not possible to avoid some development within or close to LWS. The approach to identification of urban fringe sites was set out in the UFA 2014 and was accepted by the inspector at the CPP1 examination. The suitability of Benfield Valley to accommodate some development was considered in UFA 2014, and subsequently assessed in further detail in the 2015 UFA study, which included detailed ecological assessment (including desktop review of biological records and Phase 1 habitat survey) for the site. The draft CPP2 proposes only a very limited amount of housing within a small part of Benfield Valley, with provision for protecting and enhancing biodiversity and ongoing conservation management of the remainder of the valley.

- 4.17 In her supporting statement, the County Ecologist acknowledges that a higher number of housing units would increase the level of disturbance, but considers that confining the housing development within a similar footprint to that identified in the UFAs would minimise potential impacts on important habitats and maximise the retention of significant wildlife corridors and buffers. She considers that with positive management of the remainder of the site, and a review of its access, such impacts could be minimised.

Historic environment

- 4.18 Benfield Valley includes some important heritage assets. Benfield Barn is a listed building and together with the historic outbuildings and flint walls in the vicinity of the Barn constitutes the Benfield Barn Conservation Area. Hangleton Conservation Area lies close to the eastern edge of the valley, whilst the area north of Hangleton Lane is an Archaeological Notification Area (ANA). An important consideration within the CPP2 allocation of land for housing development at Benfield Valley is that development should preserve the settings of the Benfield Barn and Hangleton Conservation Areas.
- 4.19 In addition, Policy SA7 makes provision for the sympathetic repair and re-use of Benfield Barn and its associated structures and walls in a way that is compatible with and integrates with the landscape character of Benfield Valley, the wider natural environment and the Benfield Barn Conservation Area.
- 4.20 In its Regulation 18 representation, Historic England supported the positive proposal for the use of the Grade II listed Benfield Barn and its associated Conservation Area (which is on the Heritage at Risk Register), but expressed some concern that the housing allocation areas may have some detrimental effects on the setting of these assets. Its comments highlighted the need to assess the potential impact of the housing allocation on the significance of heritage assets or their settings, stating that the siting, form and scale of the housing would have to be very carefully planned to ensure no harmful impacts arise and to achieve positive benefits.
- 4.21 The Council considers that the relatively small scale of the housing allocations and their location away from the immediate vicinity of Benfield Barn would minimise any

potential impact, whilst the policy wording already includes a specific requirement to preserve the settings of the Conservation Areas. In addition, the reasoned justification sets a requirement for any development proposals to be accompanied by a Heritage Statement and Archaeological Assessment.

- 4.22 In addition, new wording was added to the reasoned justification highlighting the Archaeological Notification Area (ANA) designation north of Hangleton Lane. This area has high potential for archaeology from the prehistoric, Romano-British and medieval periods, as was highlighted in the UFA 2015 Archaeological Assessment.

Open space

- 4.23 Benfield Valley acts as an important greenspace linking the western part of the city with the South Downs. It includes major areas of public open space and is well used by the public for outdoor recreation. Policy SA7 seeks the protection and enhancement of the open spaces at Benfield Valley to include a long term funded management and maintenance plan to be agreed with the Council.
- 4.24 As set out in the reasoned justification, it is envisaged that Benfield Valley would continue to include a mix of types of open space provision. The northern part of the valley would be best suited to informal outdoor recreation that preserves its character within the wider landscape and protects and enhances wildlife habitats. The middle section (to the west of Greenleas) and southern part of the valley provide opportunities for more formal outdoor recreation, including sports provision, whilst still giving appropriate regard to biodiversity. Provision for indoor sports provision within this area might be justified in exceptional circumstances but would be required to demonstrate an identified need and that there are no alternative deliverable sites in order to justify an exception to the proposed Local Green Space designation.
- 4.25 In their Regulation 18 representation, LCE Architects argued that the significance of Benfield Valley as an open space resource for the west of the city has been overstated. They considered that the wider area is already well provided for by other open spaces (e.g Greenleas Rec, St Helen's Park and the South Downs National Park) which have catchment areas overlapping with Benfield Valley, and therefore large areas of the valley are surplus to requirements as evidenced by the apparent infrequent use of large tracts of the land. In addition, they argued that neighbouring wards already have access to very large open spaces and/or are a lengthy walking distance from Benfield Valley.
- 4.26 The Open Space Study (2008) and Study Update (2011)¹⁰ identify the wider area to have a shortfall of open space which will become more pronounced during the development plan period. The 2011 Update indicated that, of the wards directly adjacent to Benfield Valley, North Portslade had an existing deficiency (in the year 2007) in all categories of open space, whilst Hangleton & Knoll and South Portslade are deficient in all open space categories except Allotments and Urban Farms. These

¹⁰ [Open Space Sport and Recreation Study 2008 and Open Space Study Update \(March 2011\)](#)

deficiencies are projected to increase by 2030 due to projected growth in the local population. Benfield Valley has the potential to address some of these shortfalls, whilst meeting open space accessibility standards¹¹. In addition, Benfield Valley may offer potential to help meet strategic city-wide needs for sports provision (though this would be subject to demonstrating both need and a lack of alternative sites as set out above).

- 4.27 Although LCE Architects argued that there is an abundance of ‘open space’ in Brighton & Hove, their use of the term was not clearly defined. Their definition made no distinction between different categories and uses of open space and included the ‘seafront/beach’ and ‘South Downs’ within their definition.
- 4.28 Fairfax Acquisitions Ltd argued that new development on the site has the potential to contribute to the provision of enhanced open space at Benfield Valley, in particular by opening up the existing golf course north of Hangleton Lane to general public access, which could include new types of open space such as amenity green space and children’s play areas. The Council agrees that cessation of the golf course use would enable increased public access and improved management of the open space in the northern part of Benfield Valley which would accord with the objectives of Policy SA7. However, this could be achieved without the substantial and damaging scale of housing development proposed by Fairfax. In addition, the Council would not support intensive or formal recreation uses such as children’s play areas in the northern part of the valley due to its landscape and ecological sensitivity.

Local Green Space

- 4.29 As noted above, a key aim of the CPP2 strategy for Benfield Valley is to protect the majority of the area as undeveloped greenspace in order to maintain its character and wider landscape, biodiversity and open space/recreation role. To ensure protection of the open character of the valley in the long term, Policy DM38 proposes to designate all of Benfield Valley except the areas proposed for housing allocation as Local Green Space.
- 4.30 In their Regulation 18 representation, LCE Architects argued that Benfield Valley does not meet the criteria for Local Green Space as defined in the NPPF as it is an extensive tract of land and cannot be claimed to be demonstrably special to the local community or have historic significance.
- 4.31 The Council has prepared a separate Local Green Space Topic Paper which provides a detailed justification of the Local Green Space designations proposed in CPP2. It should be emphasised that the broad criteria set out in the National Planning Policy Framework (NPPF) for defining Local Green Space are effectively the same criteria against which Benfield Valley was assessed in the 2014 Urban Fringe Assessment Study which judged it to be suitable for such a designation. The role of Benfield Valley

¹¹ 10 minute walk time (420m) for Amenity Greenspace, 15 minute walk time (720m) for all other open space categories (see CPP1 Policy CP16); 20 minute walk time (960 metres) for Outdoor Sports Facilities (see CPP1 Policy CP17).

as an important green wedge connecting the urban area to the South Downs National Park was highlighted in the UFA 2014. As noted above, the Scoping consultation on CPP2 in Summer 2016 asked a specific question (Question B10) on whether Benfield Valley should be designated as Local Green Space and gained strong support (24 responses in support with only one response from Futureform Developments objecting).

- 4.32 The Regulation 18 representation by Sussex Wildlife Trust questioned the suitability of allocating housing on a site designated as Local Green Space. This comment had arisen from an error in the illustrative diagram at Figure 2 of the Draft CPP2 which showed the proposed housing allocations as falling within the proposed Local Green Space boundary. This was corrected in the Proposed Submission CPP2 which now shows the Local Green Space boundary excluding the allocated housing land.

Accessibility

- 4.33 A key objective of the Council's planning strategy for Benfield Valley is to achieve better pedestrian and cycle linkages from the city to/from the South Downs National Park, as well as better local linkages with the surrounding residential areas. Policy SA7 specifically seeks improved public access through the site and to the wider natural environment through the provision and improvement of safe pedestrian and cyclist access including the north/south linear footpath/cycleway on the eastern side of Benfield Valley and existing rights of way. As stated in the reasoned justification, there are opportunities to achieve better linkages and improved pedestrian and cycle routes, such as the existing north-south cycle/footway and other existing rights of way.
- 4.34 Linked to this is the policy objective to create 'gateway' facilities and interpretation facilities in connection with the South Downs National Park. The need to enhance accessibility and deliver an effective and visually attractive 'gateway' to the National Park will be important considerations in the determination of development proposals and agreed management plans.
- 4.35 The policy objectives of enhancing pedestrian/cycling links and creating 'gateway' facilities for the National Park received support from the SDNPA and Natural England in their representations to the Draft CPP2. The creation of a gateway to the National Park has also gained qualified support from Sussex Wildlife Trust, although subject to assessment of the potential impacts of increased access and recreation on the site.

Highways and transport

- 4.36 The housing development proposed at Benfield Valley through the Policy H2 allocation is relatively small scale and is therefore expected to have only limited impacts in terms of highways and transport. Benfield Valley is a sustainable location close to a range of facilities and services which would be readily accessible by walking/cycling or by public transport. Proposals for housing development will be subject to the usual detailed

assessment at the planning application stage, including consideration of site access and highways/transport impacts associated with any development proposal.

- 4.37 In its Regulation 18 representation, Fairfax Acquisitions Ltd provided detailed plans for vehicular access to serve its proposed indicative development scheme. However, this level of detail would be more appropriately considered at the planning application stage. In addition, a Draft CPP2 representation was received from one private individual arguing that the proposed housing allocation would create extra traffic on surrounding roads which are already extremely busy especially at peak times. However, the scale of development proposed is unlikely on its own to lead to a substantial increase in traffic and any traffic impacts would be assessed at the planning application stage.
- 4.39 In its Regulation 18 representation, Highways England sought confirmation that the proposed Special Area designation does not encroach upon the A27 strategic highway boundary as this could impede essential highway works including safety maintenance works. In response, the Council has adjusted the boundaries of the Special Area and Local Green Space boundary to exclude any highway land adjacent to the A27.

Other issues

- 4.40 A representation was received from a private individual arguing that the proposed development will put additional pressure on local schools, doctors' surgeries and dentists. However, as noted above, the scale of housing development proposed by the Council is limited and the additional impact on local services can be addressed through the Council's Community Infrastructure Levy (CIL) which was implemented from 5 October 2020.

5. Proposed Submission (Regulation 19) consultation

- 5.1 In response to the Proposed Submission (Regulation 19) consultation in Autumn 2020, the council has received a total of 27 representations relating to Policy SA7, with the same number of representations on the proposed housing allocations at Benfield Valley in Policy H2. Detailed council responses to all comments received at the Regulation 19 stage are set out in Appendix 9 of the Regulation 22 Consultation Statement. A summary of the main issues raised is provided below.
- Support for the policy was received from the SDNPA and two private individuals. In addition, Sussex Wildlife Trust whilst objecting to the proposed housing allocation, expressed support for the inclusion of the Special Area policy for Benfield Valley and the policy commitment to protect and enhance the open space/green infrastructure.
 - Natural England and Historic England both submitted representations which did not raise issues of soundness but emphasised the importance of development being carefully planned to respect the setting of the SDNP and local heritage assets (including Benfield Barn) respectively.

- Highways England similarly did not raise soundness issues but restated their previous request for confirmation that the Special Area does not encroach upon the highway boundary.
- The majority of representations received are objections to the allocation of housing at Benfield Valley. This includes representations from the BHCC Conservative Group, Sussex Wildlife Trust, Sussex Ornithological Society, Campaign for Protection of Rural England (CPRE), the Benfield Valley Project (a local community group) and around 20 local residents. The comments from objectors focus mainly on the loss of open space, potential harm to the amenity and recreational value of Benfield Valley, and ecological issues, citing the potential harm to wildlife, loss of habitat and objecting to development within a designated LWS. Other comments refer to the landscape/visual impacts of development, impacts on heritage and archaeology, additional traffic generation and air quality and increased pressure on local infrastructure and facilities.
- Comments from the Sussex Wildlife Trust, Sussex Ornithological Society and the Woodland Trust question whether the proposed development areas allocated in Policy H2 would allow for sufficient buffers to ensure the retention of viable wildlife corridors. The Woodland Trust also express concerns about the potential loss of an area of broadleaf woodland within the housing allocation north of Hangleton Lane.
- A submission by Enplan on behalf of Benfield Valley Investments Ltd supports the allocation of some housing development, but is seeking an increased level of development, arguing that this would provide funding to deliver the other objectives for Benfield Valley set out in Policy SA7. Specifically the representation proposes that the boundaries of both housing allocations north and south of Hangleton Lane should be extended, increasing their combined area to 3.3 ha (1.8ha for Site 11 and 1.5ha for Site 12) with the indicative level of housing increased to approximately 175 dwellings. The representation argues that the developable areas could be extended without causing significant impacts on the setting of the listed Benfield Barn and Conservation Area and whilst retaining substantial open space and woodland buffers. However, the representation does not include any further supporting landscape or ecological assessments.
- The BHCC Conservative Group argue that there has been inadequate public and local community consultation on the policy and development proposals.

Urban Fringe Assessment 2021 Update

- 5.2 Following the completion of the Proposed Submission (Regulation 19) consultation, the Council commissioned a review and update to the Urban Fringe Assessments undertaken in 2014 and 2015. The UFA 2021 Update includes an updated ecological assessment of the whole of Benfield Valley (Sites 10, 11 and 12) comprising a Desktop Study and Phase 1 Habitat Survey. The study also sets out a detailed response to the

specific issues raised in the Regulation 19 representations by Benfield Valley Investments.

- 5.3 The UFA 2021 Update has reinforced and validated the previous urban fringe studies, justifying the methodology used and finding that the conclusions drawn in those reports generally remain robust. The study concludes that delivery of the proposed housing allocation at Benfield Valley is achievable but is likely to be challenging and will require a high-quality scheme that includes appropriate mitigation and enhancement measures. The importance of retaining appropriate buffers and maintaining wildlife corridors are recognised and it is emphasised that the proposed development will need to be sensitively designed and should focus on areas of amenity and poor semi-improved grassland habitat, allowing for the retention of buffers and maintaining valuable woodland corridors within the site.
- 5.4 The study considers that the extensions to the boundaries of the housing allocation proposed by Benfield Investments Ltd would result in the loss of increased areas of habitat, including semi-improved grassland and woodland habitat, which contribute to maintaining the integrity of the LWS and form a key component of the wider ecological corridor within Benfield Valley as a whole. It is therefore not considered appropriate to further extend the development boundaries or to increase the level or density of housing.

6. Conclusion

- 6.1 In the Council's view, Benfield Valley is not a suitable site for large strategic development on the scale that has previously been promoted by Fairfax Acquisitions Ltd and other site promoters. Such development would lead to the loss of a high proportion of the existing green space which would change irreversibly the character of the valley, leading to unacceptable impacts on the landscape, ecology and heritage which would be impossible to mitigate.
- 6.2 However, taking account of the very high level of housing need in the city, the Council considers it important to maximise the potential that has been identified for smaller scale housing development, whilst seeking to ensure that such development will contribute to the long term protection and management of Benfield Valley. Based on the UFA studies and subsequent assessments undertaken by the County Landscape Architect and County Ecologist, the Council considers it would be possible to deliver around 100 dwellings subject to substantial measures for mitigation and enhancement, and this view has been reinforced by the conclusions of the UFA 2021 Update. However, the Council does not consider that the higher figure of 175 dwellings now being proposed by Benfield Valley Investments could be accommodated whilst still allowing for satisfactory landscaping, habitat buffers/wildlife corridors and achieving biodiversity net gains.

Appendix 1: Supporting Statement by East Sussex County Landscape Architect

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date

06.08.19

your ref

Benfield Valley

For the attention of: Robert Davidson

Site/Property: Benfield Valley, Hangleton, Hove.

Landscape Statement

1. An initial consultation request was made in April 2017 with regard to a representation to the Scoping Consultation for City Plan Part Two with the view to the site being allocated. The following observations were made with regard to landscape and visual issues in the consultation response.
 - The Urban Fringe Assessment (UFA, LUC June 2014) suggests that low density development on 0.75ha. in the northern part of Site 12 and to the south of Hangleton Lane could be acceptable, site 12 extends from Hangleton Lane to the A270 in the south. Any proposals would need to retain open green space adjacent to the Hove Park School playing fields and the southern part of the recreation ground as this is the narrowest part of the undeveloped corridor.
 - The UFA (LUC 2014) identifies that the southern part of site 11, an area of 0.75ha. immediately to the north of Hangleton Lane, may provide an opportunity for some suitably mitigated development
 - The UFA (LUC2014) considered that site 10, the most elevated area of the valley between the A27 and site 11, should remain undeveloped. The UFA also considered that the undeveloped parts of all three areas should be allocated as Local Green Space in City Plan Part 2.
 - Further landscape and ecological assessment of the urban fringe sites was carried out by LUC in the 2015 UFA. This assessment emphasises the importance of Benfield Valley as a green wedge linking town and country.

- The 2015 UFA identifies the importance of key views from the SDNP towards the Benfield Valley. This assessment concludes that a limited amount of development in the 1.5ha. identified in sites 11 and 12 of the 2014 UFA would not impact on elevated areas of the SDNP. Site 10 was not taken forward for further assessment as it was considered unsuitable for development.
 - The 2015 UFA sets out that development in these sites would need to provide significant mitigation so as not to compromise the 'green wedge' of Benfield Valley and that it should maintain a clear north/ south GI link. The exposure of the western parts of sites 11 and 12 to residential development on the higher ground to the west and noise from the A293 gives these areas an urban edge character. The UFA concludes that this would allow scope for low density development in the western part of these areas away from the heritage assets in the Hangleton Conservation Area.
 - The 2015 UFA emphasised the importance of open grassland to the landscape character of the valley and for its amenity value as accessible GI. By contrast the woodland is relatively recently planted and it was considered that some scrub and woodland could be sacrificed if other areas were brought into positive management as accessible GI.
 - The proposal put forward in the Scoping Consultation would not conserve the setting of Benfield Barn and the Conservation Area as it would intrude up to the southern edge of the barn.
 - The northern part of Site 11 is open to views from the SDNP on Foredown Hill and it appears as part of the sweep of the open downland between Foredown Hill and Benfield Valley. The landscape character is contiguous with the open downland to the north of the A27. In this context the corridor of open space proposed to remain to the west of Meads Avenue would be too narrow.
 - The landscape opportunities and constraints plan (enplan 01-582.008) acknowledges that tree planting in the north part of the site will be required to mitigate views from the downs to the north. This would suggest that the northern part of the site should not be developed. The character of this higher ground is also of open downland and planting would therefore conflict with this character as well as restrict views from the open space down the valley to the sea. Subject to the views of the County Ecologist it is likely that the priority would be to conserve chalk grassland in this area and more woodland cover may not be desirable.
 - The UFA identifies that there could be some scope in parts of the valley for sensitive small scale and low density development. There could be advantages if new development could be a catalyst for a complete review of the design and layout of the Benfield Valley open spaces. This could provide opportunities for improving the access and management of the area for both wildlife and people. However this must not result on the loss of the character of the green corridor or erosion of the interface of the open areas in relation to the wider downland. The current proposal would not achieve the correct balance in this context.
2. An officer meeting was held in July 2017 where key factors were considered from a landscape perspective. This included:
- the role of the green wedge of Benfield Valley in landscape character terms,
 - sensitive parts of the site from landscape perspective,
 - key views,
 - the need to retain the perception of a linear link from Downs to town,
 - the need to protect and enhance setting of listed Benfield Barn,
 - potential for development parcels within the site,
 - need for northern end of site to remain open,
 - potential for LGS at northern end.
3. The following notes were provided to BHCC as a follow up to these discussions.

Parameters

- a) The northern limit of any proposed development should not intrude further north than Benfield Barn.
- b) The setting of Benfield Barn should be conserved and enhanced and the barn restored and if possible brought into community use as a visitor centre at the gateway to the downs.
- c) Benfield Hill, both north and south of the A27, should be managed for informal access and recreation (and maximised habitat value - as advised by the ecologist).
- d) The wooded corridor along the western side of the valley should be brought into positive management and protected as a noise and visual screen to the A293.
- e) A generous recreational corridor with a cycle and footpath should be provided along the entire eastern side of the valley to give access between the Upper Shoreham Road and the downs north of the bypass. This corridor should be open to allow surveillance and free movement onto it from adjacent residential areas. An avenue of disease resistant elm trees could be planted along its length to create character and as continuity for wildlife.
- f) Pedestrian and cycle links across the valley west to east to ensure the communities are well connected.
- g) The narrowest southern section of the valley, adjacent to Hove Park School and the southern at least part of Greenleas Rec., should be kept open to retain the green wedge in the built up area. This flatter area could provide potential for new sports pitches.

Mitigation

- a) Strategic tree and other planting to screen any proposed development and existing intrusive features such as roads.
- b) Appropriate densities of housing to integrate into the existing townscape and minimise visual impacts.
- c) High quality urban design in a strong landscape setting which will enhance the local sense of place.

Management Plan

- a) Appropriate management for all areas to ensure the long term preservation of woodland areas and open spaces to maximise amenity and habitat value.
- b) Designate local green spaces to protect the GI areas in perpetuity.

4. A joint site visit was held with BHCC officers and the County Ecologist in August 2017.
5. These consultations and discussions informed an assessment of which parts of the site could be developed without having unacceptable impacts on landscape character and views. The assessment also helped to inform what mitigation would be required mainly in the form of landscape management of existing GI.

Policy SA7 Benfield Valley

6. The housing allocation provides an opportunity to establish the long term protection and management of Benfield valley as a key area of multifunctional green infrastructure (GI) in the built up area.
7. It is important that the proposed allocation for residential development in the valley can ensure the viability of securing a long term management plan for the remaining GI. Detailed assessment has identified that the visual containment of the southern part of site 11 and the northern part of site 12, as identified in the UFAs (LUC 2014 and 15), would support a higher density of development than suggested in the UFAs. This could be achieved on a similar footprint to that suggested in the UFA with buildings up to 3 storeys. This would be of a higher density than the neighbouring residential areas.

The physical and visual separation of the proposed developable areas would allow for a more dense urban form without detracting from the character of the area. A high quality development in a landscaped setting could conserve and enhance the character of the valley.

8. The visual containment of these areas provided by the surrounding trees and woodland would allow for buildings up to three storeys without having unacceptable impacts on the surrounding areas. This would provide a higher density development on a similar footprint than suggested in the UFA. The 2015 UFA suggests that the loss of trees to accommodate the development would have an adverse impact and would open up views to the proposed development. The existing tree belts, which were planted to mitigate for the Hangleton Link Road, have been neglected and would benefit from positive management. Rotational coppicing and some thinning would allow for natural regeneration and infill planting of evergreen species which would enhance the screening value. Areas of scrub have extended out from the wooded edges due to lack of grassland management. Clearance of this scrub would not impact on the visual screening provide by the boundary woodland. A high quality landscape led development need not detract from the visual amenity of the valley or surrounding areas. The development should relate positively with the surrounding open spaces with active building frontages providing natural surveillance.
9. The designation of the remaining open spaces in the valley as LGS will protect these areas in the long term.

Response to representations

10. The representations submitted by Fairfax and LCE Architects in response to the Draft City Plan Part Two consultation in summer 2018 refer to the Landscape and Visual Appraisal (LVA) provided by ENPLAN dated September 2016. I have the following comments with regard to the appraisal and proposed Fairfax land allocation Plan:
 - a) Section 1.4 of the LVA suggests that the most sensitive parts of the site would not be developed and would be retained as open space. The proposed Land Allocation Plan, dated August 2018, submitted by Fairfax indicates a developable area extending onto the higher ground in the north of the valley. This part of the site is open to views from the Foredown Tower ridge in the SDNP. The northern part of Site 11 is open to views from the SDNP on Foredown Hill and it appears as part of the sweep of the open downland between Foredown Hill and Benfield Valley. The landscape character is contiguous with the open downland to the north of the A27.
 - b) Whilst this may not be the most tranquil area of the SDNP it is of cultural and amenity significance. The proposed limit to development suggested in Policy SA7 would ensure that these views and the character of this part of the area are conserved. In this context the extension of development into the northern part of the site would have unacceptable landscape and visual effects.
 - c) The landscape opportunities and constraints plan (enplan 01-582.008) acknowledges that tree planting in the north part of the site will be required to mitigate views from the downs to the north. This would suggest that the northern part of the site should not be developed. The character of this higher ground is also of open downland and planting would therefore conflict with this character as well as restrict views from the open space down the valley to the sea. The Land Allocation Plan indicates extensive areas of woodland on either side of the allocated area to the north of Hangleton Lane. Subject to the views of the County Ecologist it is likely that the priority would be to conserve chalk grassland in this area and more woodland cover may not be desirable.
 - d) The proposed extent of development to the south of Hangleton Lane would occupy most of the available area with very little land left as green corridor or open space. This would have an adverse impact on the provision of multifunctional GI for access and wildlife. The LVA section 6.6 indicates that parts of the site are threatening with a lack of surveillance. The proposed housing allocation in Policy SA7 would allow for the retention of a green corridor throughout the valley. Woodland management and the introduction of a cycle footway through this area would enhance surveillance and increase footfall.

- e) The UFA identifies that there could be some scope in parts of the valley for sensitive small scale and low density development. There could be advantages if new development could be a catalyst for a complete review of the design and layout of the Benfield Valley open spaces. This could provide opportunities for improving the access and management of the area for both wildlife and people. However this must not result on the loss of the character of the green corridor or erosion of the interface of the open areas in relation to the wider downland.

Yours sincerely,

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Appendix 2: Supporting Statement by East Sussex County Ecologist

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date

15 August 2019

your ref

Benfield Valley

For the attention of: Robert Davidson

Site/Property: Benfield Valley, Hangleton, Hove.

Ecology Statement

1. An initial consultation request was made in February 2017 with regard to a representation to the Scoping Consultation for City Plan Part Two with the view to the site being allocated. The following observations were made with regard to ecological issues in the consultation response.

Policy Context

- a. The Urban Fringe Assessment (UFA, LUC June 2014) suggests that low density development (15 houses on 0.75ha) in the northern part of Site 12 and to the south of Hangleton Lane could be acceptable. The UFA notes that the significant ecological value of the valley as a wildlife corridor becomes increasingly sensitive in the southern half of the site where it narrows and as such, any development should be concentrated in the north east corner of the site, away from the Hangleton Conservation Area, close to the roundabout.
- b. The UFA (LUC 2014) identifies some limited scope for low density development (15 houses on 0.75ha) set within the vegetation at the southern end of site 11, away from the Hangleton Conservation Area. The site contains important ecological features that would need careful consideration and handling through the location, layout and design of development.
- c. The significant ecological constraints of sites 11 and 12 would require significant measures to maintain connectivity along this important wildlife corridor and appropriate enhancement measures to offset any long term adverse effects.
- d. The UFA (LUC 2014) considered that site 10 was unsuitable for residential development as the site is the top of the strategically important Benfield Valley green corridor, providing a safe haven for local wildlife.

- e. Further landscape and ecological assessment of the urban fringe sites was carried out by LUC in the 2015 UFA. The assessment reiterated the importance of the sites as being an important wildlife corridor and that connectivity would need to be maintained.
- f. The 2015 UFA concludes that a limited amount of development in the 1.5ha identified in sites 11 and 12 of the 2014 UFA could be mitigated from an ecological perspective assuming provision of landscape planting as screening and wildlife habitat providing there was no significant reduction in open habitats, incorporation of robust mitigation measures to address any impacts on protected species, and the assurance of habitat enhancement within the remainder of the site, including within the development. Site 10 was not taken forward for further assessment as it was considered unsuitable for development.
- g. The 2015 UFA considered the potential development areas appropriate given that they affect a relatively small area of habitats within the Local Wildlife Site (LWS or Site of Nature Conservation Importance), the relatively low ecological value of the areas affected, and the potential for mitigation of impacts. Despite the small area of loss from the LWS, mitigation would be required and could include enhancement of retained habitats within the LWS and other habitats that complement the LWS, including grassland/scrub management to enhance habitat and floristic diversity and rough grassland habitats.
- h. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.
- i. The *Making Space for Nature Review 2010* of terrestrial wildlife sites highlighted the need to improve the quality of current wildlife sites by better habitat management; to increase the size of existing wildlife sites; the enhance connections between sites; the create new site; and to reduce the pressure on wildlife by improving the wider environment.
- j. Local Sites make a vital contribution to delivering UK and local Biodiversity Action Plan targets and maintaining local character and distinctiveness. They provide important and widely distributed wildlife refuges for most of our fauna and flora and, through their connecting, stepping stone and buffering qualities, support other site networks (*Local Sites: Guidance on their identification, selection and management*. Defra, 2006).

Benfield Valley Local Wildlife Site

- a. The Site is designated as a Local Wildlife Site (LWS or Site of Nature Conservation Importance). The site is designated for its broad-leaved woodland, rough grassland mature hedgerow, scrub, Saxon hedgeline and specially protected species. It is important for being a large and diverse site which brings the countryside deep into the urban area, and forms a green wedge linking the Downs with the urban communities to the west of the City. The site includes one of the largest areas of woodland in Hove, as well as other Habitats of Principal Importance including chalk grassland. Areas of species-poor grassland are included within the site because of their importance for badger foraging and to ensure the integrity of the site as a viable unit. The site is also important for the public appreciation of nature.
- b. Brighton & Hove’s LWSs were reviewed in 2013, a process that is currently being ratified against Sussex wide selection criteria so that a comprehensive list of LWSs can be included in the City Plan Part Two. Both the 2013 and 2017 reviews have confirmed the continued designation of Benfield Valley as a LWS as it continues to meet both Brighton & Hove and pan-Sussex selection criteria. The review includes some minor boundary changes to the LWS, primarily to rectify anomalies in the original mapping process.
- c. The representation comprised a proposal for the development of c. 800 units across c. 45% of the total land area, including conversion of the existing barn. Potential impacts include, but are not limited to, habitat loss; loss of foraging, commuting and resting habitat; increased disturbance, light and noise pollution; increased predation; fragmentation and isolation of

habitats and species populations; reduction in ecosystem services provided; habitat enrichment and increased risk of garden escapes.

- d. In evaluating the site, the value of species-poor grassland for badger foraging and site integrity should be taken into account.
 - e. Bat roost surveys confirmed the presence of roosting bats in Benfield Barn, and as such, additional surveys are required to allow characterisation of the roost and to inform appropriate mitigation, compensation and enhancement. Further surveys of any trees with bat roost potential are also required given the likely impacts of increased lighting associated with any development. The habitat mosaic within the site has the potential to provide a valuable foraging resource for bats.
 - f. Reptile surveys recorded an exceptional population of slow worm and a good population common lizard on site, despite constraints to the survey. With the numbers recorded, the site qualifies as a Key Reptile Site (the Key Reptile Site Register is a mechanism designed to promote the safeguard of important reptile sites).
 - g. Hazel dormouse has been confirmed on site.
 - h. Any planning application for the site should be informed by an Ecological Impact Assessment carried out in accordance with British Standards (BS42020:2013 *Biodiversity – Code of practice for planning and development*) and CIEEM guidance. Ecological impacts should be assessed and recommendations for appropriate mitigation, compensation and enhancement made. The survey and assessment should consider the proposed development and the surrounding area, and should include a data search from the Sussex Biodiversity Record Centre. In line with the NERC Act and the NPPF, it should consider the existing nature conservation resource of the site, identify impacts and assess the need for avoidance, compensation and new benefits for biodiversity, including the potential to create and/or strengthen connectivity between existing habitats. The cumulative and in combination effects of this development with other local developments/plans/projects should be considered. It is recommended that an Ecological Constraints and Opportunities Plan (ECOP) is produced to help inform the overall design process and to help gain the best outcomes for biodiversity.
 - i. It is recognised that there has been relatively little positive management of the site for nature conservation in recent years, and that development could secure the means for long-term management of the site to the benefit of biodiversity. However, the scale of development must be such that any impacts can be mitigated without any net loss, and preferably providing net gain. From the information available, it is considered unlikely that the ecological impacts of a development at this scale could be accommodated on site from an ecological perspective.
2. An officer meeting was held in July 2017 where key factors were considered from an ecological perspective. The following key issues were identified.
- a. The site lies entirely within the Benfield Valley LWS. The recommendation of the LWS review is that the LWS be retained with a boundary extension to the north west (to include an area of chalk grassland to the west of the roundabout with the A27).
 - b. Habitats within the LWS include chalk grassland, dense native scrub, mature hedgerow, semi-improved grassland with native scrub, tall ruderal vegetation, improved grassland, scattered trees, deciduous woodland and mixed woodland. Together these form an important habitat mosaic.
 - c. Features of interest include mature Elm trees, anthills and part of an ancient Saxon hedgeline.
 - d. The site includes one of the largest areas of woodland in Brighton & Hove.
 - e. Areas of species-poor grassland provide important badger foraging habitat and help ensure the integrity of the site as a viable unit.
 - f. Exceptional population of slow worm and good population of common lizard on western and northern boundaries of north section and in semi-improved grassland, plus western boundaries of southern section. These populations make it a Key Reptile Site.
 - g. Bat roost in barn (European Protected Species).
 - h. Dormice confirmed (European Protected Species).

- i. The site supports a number of notable species including brown hairstreak (Species of Principal Importance under S41 of the NERC Act) and Stinking Hellebore (Nationally Scarce), hedgehog (S41 species).
 - j. Important site for birds.
 - k. The site is a strategically located green space in the west of Brighton & Hove, linking the Benfield Valley with scrub and woodland to the east which runs to Toad's Hole Valley LWS and Benfield Hill LNR.
 - l. Value of site for invertebrates is currently unknown – invertebrate surveys recommended.
3. The following notes were provided to BHCC as a follow up to these discussions.

Parameters

- a. Connectivity should be maintained throughout the site and with other designated sites in local area. Recommend retention of woodland boundary to west and grassland boundary to east.
- b. Any footpath/cycleway should be restricted to the east side.
- c. Dormouse habitat (woodland, hedgerows and scrub) should be retained and enhanced.
- d. Woodland, hedgerows and scrub should be unlit. No floodlighting, especially not of Barn.
- e. Mosaic of habitats should be retained.
- f. Retain badger foraging habitat and commuting routes.
- g. Breeding bird habitat should be retained and enhanced.

Mitigation

- a. Any works that could impact on bats or dormice would require a European Protected Species licence.
- b. Reptiles are likely to need relocating, although should be retained on site. Measures will need to be taken to reduce the impact of increased predation, e.g. suitable buffer zone between development and reptile habitat, planting to restrict access. Retained habitat would need to be enhanced to increase carrying capacity.
- c. Also measures to reduce increased predation on dormice.
- d. Sensitive lighting scheme to avoid impacts on nocturnal species.
- e. Access into woodland along western boundary should be restricted.
- f. There are currently no known badger setts on site but this could change (there are badgers in the area, and the site is used for foraging and commuting) and mitigation would need to be adjusted accordingly

Management

- a. The remainder of the LWS should be brought into positive management and management agreed for the long term.
4. A joint site visit was held with BHCC officers and the County Landscape Architect in August 2017. These consultations and discussions informed an assessment of which parts of the site could be developed without having unacceptable impacts on ecology. The assessment also helped to inform what mitigation would likely be required.

Policy SA7 Benfield Valley

- a. The housing allocation provides an opportunity to secure biodiversity conservation and enhancements to be managed in the long term, recognising the LWS as a key component of a wider ecological network and an important wildlife corridor.
- b. Ecological assessments of the site (LWS surveys 2010) have identified key areas as chalk grassland with the potential to restore this habitat elsewhere on site, woodland and habitat mosaics, as well as the importance of the site for protected species, including but not limited to dormice, reptiles, bats, breeding birds and badgers. The proposed allocation would confine development to areas with lesser ecological value, but it is important that tree belts and boundary habitats are retained and enhanced. A higher density of development on a similar footprint to that identified in the UFAs would allow the retention of sufficient habitat to retain

protected species on site with sufficient buffers to offset impacts such as increased disturbance and predation. The proposed allocation would secure the long term management of the site for biodiversity.

- c. It will be important to secure long term positive management of the wider site for biodiversity and this could be secured by allowing a small amount of development. Any development must retain the most important habitats and those known to support protected species, most notably woodland and woodland edge and chalk and semi-improved grassland. Significant green corridors should be retained along both sides of the Valley. Chalk grassland restoration and expansion should be undertaken and the woodland and scrub would benefit from active management to increase diversity and improve structure.

Representations to SA7

5. Representations to the draft City Plan Part Two consultation in summer 2018 included one from Fairfax Acquisitions Ltd. The representation included a Preliminary Ecological Appraisal (PEA) and Phase 1 Habitat Survey (The Ecology Co-op, August 2018) and a proposed concept plan. The concept plan identified a potential developable area of 6.35ha with the potential to deliver up to 375 new homes. I have the following comments with regard to the appraisal and proposed Fairfax land concept plan.
 - a. The concept plan is based on development within areas considered in the PEA and representations to be of lower ecological value, on an assumption that any higher value habitat lost can be replaced elsewhere on site or portions can be retained and enhanced. However, the appraisal makes no reference of the value of these habitats for badger and bat foraging, for invertebrates and reptiles, or for their role in maintaining the integrity of the site as a viable unit.
 - b. The PEA notes that housing development based on the Fairfax concept plan would result in the loss of much of the poor semi-improved grassland, a portion of semi-improved calcareous grassland, some dense and scattered scrub, ruderal habitat and amenity grassland. Whilst some of these could be classed as habitats of lower ecological value taken in isolation, calcareous grassland is a priority habitat (listed as a Habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Furthermore, the assessment takes no account of the value of the habitats for protected and notable species or for their role in providing an important habitat mosaic and wildlife corridor. Some woodland edge habitat would also be lost. The proposed extent of housing south of Hangleton Lane appears to coincide with the large area of chalk grassland recorded there in the ecological appraisal and would therefore not be appropriate. Proposing development in this area is contrary to the view expressed in the PEA that habitats of higher ecological value, such as calcareous grassland, should be retained as much as possible. No reference is made to the additional impacts of increased disturbance, lighting and predation. An increase in the level of development would limit the potential to lessen these impacts through e.g. appropriate buffer zones, screening and designated wildlife areas.
 - c. The ecological appraisal noted the potential of the site to support protected and notable species including, but not limited to, badgers, bats, breeding birds, dormice, reptiles and invertebrates. The information provided in the appraisal was incomplete in terms of making a full assessment of potential impacts (as it was a preliminary appraisal) and at times contradictory (e.g. for badgers). Any development would need to be fully informed by phase 2 habitats for these species. Without a full understanding of the importance of the site for protected and notable species, it is not possible to assess whether the concept plan would allow for sufficient mitigation. The appraisal noted that development based on the concept plan would result in the loss and severance of habitats across the site that are suitable for bats, breeding birds, dormice, reptiles and lepidoptera.
 - d. The appraisal makes some suggestions for measures that could enhance the site for biodiversity, such as the provision of green walls and roofs, butterfly gardens and a new pond. However, little reference is made to how the loss of existing habitats will be compensated, how retained and new habitats will be managed in the long term, or how the impacts of increased predation and disturbance will be mitigated.
 - e. It is noted that the landscape opportunities and constraints plan (enplan 01-582.008) acknowledges that tree planting in the north part of the site will be required to mitigate views

from the downs to the north. Such planting would not be appropriate in this part of the LWS given the known presence of chalk grassland and importance of open grassland for reptiles, badgers and potentially bats.

- f. The concept plan shows narrow green corridors along both sides of the Valley. This would have a significant adverse impact on the site's key role as a wildlife corridor.
6. Sussex Wildlife Trust objected to Policy SA7 on the grounds that all LWS should be safeguarded against development to ensure they are able to contribute to a robust ecological network. The Trust also objects to an increase from 30 to 100 homes as this could have impacts on the LWS in terms of increased recreation disturbance. Whilst the role of LWS in providing an ecological network is recognised and strongly supported by BHCC, this must be considered in the light of the Inspector's conclusions on the City Plan Part One with respect to giving weight to social need. The proposed increase to 100 homes as set out within SA7 is confined to a similar footprint to that identified in the UFA. As such, impacts on important habitats would be minimised and the retention of significant wildlife corridors and buffers would be maximised. It is acknowledged that the level of disturbance will be increased but it is felt that with positive management of the remainder of the site, and a review of its access, such impacts could be minimised.
7. Natural England supported SA7 on the grounds that it recognises the value of Benfield Valley LWS as natural capital stock and a green infrastructure asset. The view of Natural England is that securing biodiversity and conservation enhancements as well as long term funding, which would be released with small scale sensitive development, net gains for biodiversity and the wider ecological network will be provided at a landscape scale.

Yours sincerely,

Dr Kate Cole MCIEEM
County Ecologist
East Sussex County Council



Brighton & Hove
City Council