

**‘Brighton & Hove Proposed Submission City Plan Part One’**  
**Objection to Policy DA7**  
**Representations by the Campaign to Save Toad’s Hole Valley**

There are three main strands to these representations submitted on behalf of the Campaign to Save Toad’s Hole Valley.

First and foremost, Toad’s Hole Valley should be protected from development because it is a much-valued part of the South Downs. The site is a highly valued landscape that should be safeguarded from development by designating it as a Local Green Space in accordance with paragraphs 76 and 77 of the National Planning Policy Framework NPPF. (Section 1)

Second, Policy DA7 is not sound because (A) it conflicts with the core policies of the City Plan, (B) it would create a neighbourhood that was inherently unsustainable, contrary to the planning principles of the NPPF, and (C) there is a lack of evidence that the standards of sustainability and the benefits listed in policy could or would be delivered. (Sections 2 to 4)

Third, the proposed development of the valley would be incompatible with its surroundings and the impacts on the surroundings have not been properly assessed. (Section 5)

Conclusions are presented in Section 6.

Appendix 1 contains a detailed commentary on Policy DA7, which should be read in conjunction with Sections 1-5.

Appendix 2 explores the impact of deleting Policy DA7 from the city plan.

**The Campaign to Save Toad’s Hole Valley** is a group of local residents united by their concerns to protect this area of the South Downs from development. Unlike traditional amenity societies, this group communicates almost exclusively by email. Amongst its supporters are several serving city councillors and the former Director of Planning for Hove Borough.

The representations were drafted by Hazel McKay, who is a retired local government executive director, a past president of the Royal Town Planning Institute and an Honorary Member of Construction Industry Council.

A draft of the full text of these representations was circulated to all supporters of the campaign for comment, and after a number of revisions the final version of the text was agreed by email.

## **[1] Toad's Hole Valley should be protected from Development**

Any development of the site would be unsound in that it would:

- damage part of the South Downs chalk ridge
- destroy a much valued landscape between the boundary of the built-up area and the national park
- damage the interface between the city and the national park

### **1(a) Background**

The site is a beautiful expansive sweep of downland scenery, which frames views of the bypass and offers glimpses of the city and the sea.

The planning policies for the Toad's Hole Valley were first set out in the 1958 Hove and Portslade Town Map, where it was designated as land of Great Landscape Value and within water gathering grounds.

In 1966 the South Downs Area of Outstanding Natural Beauty was designated. This strengthened downland protection policies, which were supported by successive East Sussex Structure Plans.

For many years the valley has been vulnerable to pressure from landowners and developers. Before the Second World War there was a proposal to erect film studios on the land. East Sussex County Council compulsorily purchased the lower part for school playing fields but it did not work out, as flints kept coming to the surface. In the end, it was returned to the former owners. Later, the Albion used that part as a training ground but it too failed.

In 1980 came proposals for the A27 Bypass. Strong opposition to this was based on the belief that its benefits were outweighed by the harm it would do to the Sussex downland, including Toad's Hole Valley. There was fear that the new bypass would encourage the development of more downland on the AONB land south of the proposed new road.

At the public inquiry in 1983, the Department of Transport's main witness, Mr Collins, rejected this argument and told the inquiry the intention was not to encourage any further development.

His evidence was reinforced by the Department of Transport's landscape witness, Mr Chitty. He explained that, in order to make the best integration of the road into the AONB, the road was designed as a rural route, set within strategically wide landscaping, that would leave the sweep of the Downs as natural as possible.

After lengthy considerations, the bypass was approved and, even before the road was built, pressure to develop land south of the proposed route began. Toad's Hole Valley was part of a farm, owned by the wife of a partner in one Brighton's leading architectural practices. He submitted a proposal for a hypermarket but planning consent was refused, partly on the direction of the Department of Transport, which was concerned about traffic generation.

Construction of the bypass began in 1989 and the extensive landscaping promised by the Department of Transport was put in place. In particular, the embankments on the south had long easy, grassed gradients to preserve the downland appearance of Toad's Hole Valley.

For a while, there were considerable improvements to the valley. Hove Borough Council and the landowners came together and, with the enthusiastic support of local activists and residents, scrub was pushed back, grass was mown, a dewpond was created, rubbish was cleared and a management plan was agreed.

But soon there was renewed pressure for development, in particular, from the Brighton & Hove Albion Football Club, which was seeking to leave the Goldstone Ground. Wyncote Developments proposed a scheme that included a new football ground and commercial development to make the development viable. The club's proposals were strongly discouraged by the political leaders of both Hove and Brighton councils and by the planning policies of Hove Borough Council. No planning application was submitted but the landowners responded by withdrawing from the management plan and stopping public access to the valley. (See D. Bangs, 'A Freedom to Roam Guide to the Brighton Downs from Shoreham to Newhaven and Beeding to Lewes, 2008, p157)

The landowners then began a long campaign to have the land included for development in the first Hove Local Plan and its later versions. The Hove Borough Council maintained its stance and sustained its position at public inquiries, when the owners pressed their case.

By December 1994, the bypass had been constructed and, following the inquiry into the last Hove Local Plan, the inspector, Rosalind Whittaker, wrote:-

*"4.25 Toad's Hole Valley is a roughly triangular-shaped area of about 43 ha; it is bounded by King George VI Avenue to the south-east, Downland Drive to the south-west and the Bypass to the north. On the opposite sides of both King George VI Avenue and Downland Drive is residential development. Typical of the landscape of the AONB, Toad's Hole Valley is asymmetrical in shape with a steeply sloping south-western side and a more gentle slope to the north-east. Toad's Hole Valley is free from development; with the exception of the wooded western slope, the Valley is in agricultural use. Toad's Hole Valley is excluded from the Environmentally Sensitive Area, which covers the downland to the north of the Bypass; however, this is not a planning designation. The Valley includes some of the best and most versatile land which, in accordance with policy S12(d) of the Structure Plan, should be protected from development.*

*"4.26 From King George VI Avenue, the broad horizons to the north and north-west of Toad's Hole Valley are not seriously interrupted by the Bypass or traffic moving upon it. From the north-east beyond the Bypass, on the road leading to Devil's Dyke, traffic moving upon the*

*Bypass rather than the Bypass itself is visible; but these vehicle movements do not seriously affect the perception of Toad's Hole Valley as part of Downland. At closer range, especially from the higher ground of Downland Drive, the Valley is of sufficient size for its downland character to be readily appreciated in its own right. In my view, therefore, the character of Toad's Hole Valley itself and its relationship with the wider downland have not been significantly changed by the construction of the By-pass; it continues to make an important contribution to both the AONB and the exceptionally fine setting of the town of Hove."*

Miss Whittaker also rejected the objectors' arguments that the Toad's Hole Valley should not be covered by downland protection policies, stating (in paragraph 5.42 of her report) that *"I consider that the statement that Toad's Hole Valley is an intrinsic part of the Downland landscape is well justified"*.

She also declined (in paragraphs 5.45-48) to include the valley in land to meet the future development needs of Hove

At the public inquiry concerning the Community Stadium between 2003 and 2006, the City Council robustly argued that Toad's Hole Valley must be protected from any form of urban development.

A major change came with the decision not to include some of Hove's downland periphery, including Toad's Hole Valley, in the South Downs National Park. The city council and the South Downs Conservation Board resisted any attempts to reallocate Toad's Hole Valley or to withdraw its protected status. Following the initial inquiry, it was decided that the valley should be part of the national park. However, at a subsequent inquiry on the boundary details, that decision was overturned.

When the decision on the final extent of the national park was made in 2010, the AONB designations in the South Downs were revoked, leaving some lands around the city unprotected, including Toad's Hole Valley. This has to be one of the unintended consequences of the campaign to create the South Downs National Park. Instead of having enhanced protection, Toad's Hole Valley then had no significant protection, pending approval of the city's next development, but it did not follow that the valley ought to be developed.

In recent years the condition of the land has deteriorated as a consequence of the neglect by the owners and its illegal use by bikers has marred its charm. But basically it is good quality agricultural land that is not being used by its owners. It has been argued that it is scruffy, so its development would be no great loss, but the owners should not be allowed to profit from the dereliction.

It would take little effort to restore the valley to its former glory. As David Bangs wrote in 2008, *"The site is in a scandalous mess. The landowners should hang their heads in shame."* (See Bangs, *ibid*, p226) A previous survey of the valley identified thirty different species of birds, as well as deer, rabbits and foxes. (See J. Middleton *'Encyclopaedia of Hove and Portslade, volume T to V, 2003, p28)*

Allowing the degradation of land on the urban fringe is a well-established practice of developers seeking to convince the public that such land is worthless and ought to be developed. Were local planning authorities to succumb to such pressures, it would create a developer's charter.

The valley is a deep downland coombe. Prior to its neglect, it was a beautiful swathe of green that rippled in the south-west wind, with the sea shining in the distance. Even today, driving through the valley on the bypass, one feels engulfed by the downland on both sides and a surprising sense of remoteness. It is, in Miss Whittaker's words, part of "*the exceptionally fine setting of Hove*".

### **1(b) Reasons for continuing to protect Toad's Hole Valley**

The South Downs is one of the country's most valuable landscapes that has been frequently under threat from urbanisation since the railways made the south coast easily accessible from London. The pressures for urbanisation in the twentieth century consumed large tracts of downland, destroying in the process some of the very features that new residents came to enjoy. It was only the robust campaigning by some notable individuals and the Society of Sussex Downsmen (now the South Downs Society) that ensured the South Downs were not more severely damaged by urbanisation than actually happened. (See '*The South Downs*' by Brandon and Reid, 2011)

The creation of the South Downs National Park in 2011 now protects most of the downland from development, but a few sites were excluded from the park, including Toad's Hole Valley. The site wasn't excluded because it wasn't downland, but because remedial management was required to return it to the condition of the downland north of the bypass. Before the bypass was constructed, the land north and south of the bypass formed a continuous sweep, with no appreciable differences in its condition north and south of the route. There is only one reason now for the site's poor condition, and that is neglect by the site's landowners, who are now seeking to use the site's badly managed state as a reason why it should be released for development.

Despite losing AONB status when the South Downs National Park was designated, Toad's Hole Valley continues to be part of the chalk ridge of the South Downs and it is the part of the South Downs that is most visible from North Hove. It is also located at the point where the South Downs are at their narrowest and most vulnerable. More than any other site around the city, this site performs the functions of a 'Green Belt', in that it is:

- safeguarding the downland from further encroachment
- checking the sprawl of the built up area of the city into the downland
- preserving the setting of the distinguished town of Hove which is visually bounded by the sea and the downs
- assisting the urban regeneration of the whole city, by encouraging the recycling of derelict and underdeveloped urban land

As a downland site, Toad's Hole Valley is characterised by (i) high landscape value, which remains despite the owner allowing its degradation, (ii) good quality agricultural land, which the owner declines to exploit, (iii) an aquifer collecting rainwater for the benefit of the city, and (iv) an area of biodiversity which could be improved with better management. The draft city plan offers no reasons as to why those constraints should be set aside.

This special site in the South Downs can only be released once for development; once released, there would be no turning back. Previously, it has been argued by the city council that, even in exceptional circumstances, Toad's Hole Valley should not be released. Most recently, at public inquiry, the council vigorously resisted using the site for a community stadium, even though that was argued to be a very special case, and nothing about Toad's Hole Valley's condition has changed since that inquiry. Unlike the case made for locating the stadium in the downs at Falmer in that it had very special access requirements, covering Toad's Hole Valley with residential and employment buildings would be downland encroachment for no special reason; in fact, it will be argued below that the site would not even be well suited for the uses proposed.

### **1(c) Future protection for Toad's Hole Valley**

The paragraph 76 of the NPPF indicates that *"local communities through local (...) plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances."*

Given the very special nature of this downland site, Toad's Hole Valley appears to be a site that merits protection as a 'Local Green Space'.

Toad's Hole Valley satisfies the criterion for designation detailed in NPPF para 77 in that:

- the valley is in reasonably close proximity to the community it serves
- the valley is demonstrably special to the surrounding local communities and holds a particular local significance, because of its beauty, geological and historical significance, recreational value, visual tranquility and richness of its flora and fauna
- the valley has a local character in that it is contained by the neighbourhoods of Hangleton, Nevill, and the Goldstone Valley

## **[2] Conflict with the Principles of the Core Strategy**

The proposed release of Toad's Hole Valley is inconsistent with the Strategy that underpins the Local Development Framework (LDF) as expounded in Section 2 of the plan.

The section sets out the 'vision and objectives' for city until 2030, which are fleshed out under a number of headings.

Under a 'Strong and Prosperous City' (para 2.2), bullet 6 states:  
*"Significant new development will be directed to areas of the city with good sustainable transport links and to those areas in need of regeneration and renewal."*

Under a 'Sustainable City' (para 2.3), strategic objective SO9 says the plan will *"make full and efficient use of previously developed land in recognition of the environmental and physical constraints to development posed by the sea and the South Downs."*

Under an 'Attractive City' (para 2.4), strategic objective SO14 makes a commitment to conserving and enhancing the South Downs National Park.

The proposal to release Toad's Hole Valley for development conflicts with these fundamental principles of the LDF in that

- a) the valley does not have good sustainable transport links
- b) the site, being greenfield, is not in need of regeneration or renewal
- c) releasing the site would fail to conserve or enhance the South Downs

## **2(a) Development of the valley would not be sustainable**

The proposal to release this greenfield site for development was not included in the original plan for the obvious reason that it was not compatible with the principles of the LDF. The strategy supports the development of a compact city that is well served by public transport and grows by reusing previously developed land. Proposing to release a greenfield site, with excellent accessibility to the strategic road network and poor potential for public transport services, is totally at odds with the strategy and with the core planning principles of the NPPF.

Policy DA7 was only inserted following protestations from the landowner that proper consideration had not been given to the development potential of Toad's Hole Valley, given it is no longer designated as AONB. The landowner had a valid point, but a proper examination of the site demonstrates, as explained later in this submission, that by virtue of its location, there is no possibility of the site being developed in a sustainable manner, rather the policy would create an isolated car borne suburb.

## **2(b) Undermining brownfield development**

The release of Toad's Hole Valley would actually undermine the strategy of the LDF, by making it harder to achieve the proposed redevelopments of the seven brownfield development areas, set out in Policies DA1-6, & DA8.

Recent attempts to secure the redevelopment of major brownfield sites within the city, such as the Marina or King Alfred, have floundered. Given they are difficult and expensive to redevelop, it is important to maximise the prospects for their success by avoiding the distraction of easier development

opportunities. Releasing Toad's Hole Valley would be a distraction, because it will always be easier to develop a greenfield site, if one be available.

### **2(c) Protection of the South Downs**

Whilst Toad's Hole Valley lies outside the South Downs National Park, it is still a downland site and its development would be in conflict with the principle of conserving and enhancing the South Downs. Moreover, any development of the valley would inevitably have an adverse impact on the setting of the national park and on how the park is viewed from the built-up area. Also by allowing the built-up area to encroach closer to the park, it would detract from the dark skies policy of the national park, which was respected when the A27 bypass was constructed without street lighting west of the Devil's Dyke junction.

### **2(d) Conflict with the NPPF**

Policy DA7 is similarly in conflict with the 'core planning principles' of the NPPF (paragraph 17), which inter alia require patterns of growth to be *"actively managed... to make the fullest possible use of public transport, walking and cycling, and (to) focus significant development in locations which are or can be made sustainable"* and *"encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value."*

## **[3] Policy DA7 Proposes an Inherently Unsustainable Development**

Whereas the city council claims that Toad's Hole Valley presents the opportunity to create a highly sustainable neighbourhood that would be an exemplar of 'One Planet Living', policy DA7 would actually create an isolated car borne community because the valley is in an inherently unsustainable location.

Toad's Hole Valley is characterised by its excellent access to the A27, the A23 and the wider strategic road network.

- The travel time to the M25 is only 35mins, which offers access within an hour to many destinations in south London, to the Dartford Tunnel in just over an hour and to Heathrow Airport in about 1¼hrs.
- Via the M23 the travel times to both Gatwick airport and the Crawley industrial area (Manor Royal) are both about 35mins, Horsham can be accessed in 30mins and Haywards Heath in 20mins.
- Via the A27 Worthing, Lewes and Newhaven can be accessed in 20mins.

In short, Toad's Hole Valley is an ideal location from which to travel to work by car. Similarly it is as an excellent location for any business, where the employees and/or customers need access by car or for operating a distribution network.

The new neighbourhood would be physically isolated from adjacent areas because there are barriers on all three sides of the valley.

- To the north the A27 trunk road is a fenced highway that creates an impenetrable barrier. Whilst the policy speaks of improving links from the site to the national park, in reality there is no prospect of any additional bridge or tunnel being constructed across the trunk road. A new crossing would be expensive and could not be justified as there is no public right of way north of the A27 with which it could connect.
- The south-east of the site is currently severed from the built up area by King George VI Avenue and a continuous barrier of hedging and fencing that protects King George VI Drive from the valley. Access to the valley can only be gained at the top via Dyke Road Avenue or at the bottom via Goldstone Crescent. Regardless of whether or not King George VI Avenue were rerouted, existing residents would expect the hedging and fencing to be retained to protect the amenity of the King George VI Drive and Goldstone Valley neighbourhood. In any event, if for whatever reason the hedge were to be grubbed out and the fence removed, King George VI Drive and the Goldstone Valley neighbourhood would continue to form a barrier preventing access to the other parts of Hove. This is because the estate in the Goldstone Valley is itself a big cul-de-sac that is accessed from Goldstone Crescent and is severed from the rest of Hove by Woodland Drive. This can be clearly seen by examining any street map.
- To the south-west is a very steep hill separating the valley from Downland Drive and north Hangleton. Because of the gradient it would not be possible to create a simple footpath cycleway connection between the two areas. To achieve an acceptable gradient any path would have to be very long, running almost parallel to the bank and doubling back in a zigzag; such a path would not be attractive. This problem has been recognised by the landowner's agents, who in jest suggested constructing a cable car connection. If a new road were constructed along the base of the bank to take the traffic currently using King George VI Avenue, it would only serve to augment the severance between the valley and Downland Drive.

Because of these barriers it would not be possible to create good pedestrian links between the valley and the surrounding neighbourhoods or the rest of Hove. Moreover, given the gradient within the valley, footpaths within the new neighbourhood would also be challenging, particularly for the less able bodied, or adults pushing prams or accompanied by small children.

Similarly, because of the barriers, buses could only access the valley at the bottom via the junction of Goldstone Crescent with King George VI Avenue, or at the top via the Devil's Dyke roundabout. Therefore, as there are currently no regular bus services along the northern part of Dyke Road Avenue, any service into the valley would have to enter at the bottom and would inevitably take the form of an extension to the suburban bus route serving the Goldstone

Valley. This would offer access to the central parts of Hove and Brighton within about half an hour, similar to the time to Crawley or Gatwick by road. There is no realistic prospect of bus services being provided to other parts of the city, such as Hangleton or Portslade, or to the surrounding Sussex towns. In fact, the valley would suffer problems with bus accessibility similar to those currently experienced by Mile Oak or Bevendean. Connectivity by public transport would thus be very poor relative to the valley's excellent connectivity by road.

Cycle routes would also be limited by these barriers to the two main access points at Goldstone Crescent or the Devil's Dyke roundabout, and a long zigzag path to Downland Drive through the nature conservation area.

In short, because of its location, the potential for creating sustainable routes into the valley is very limited, whether for walking, cycling or public transport. Therefore, development of the site would be incompatible with 'One Planet Living' designation sought by the council because, as stated in para 4.94 of the City Plan, sustainable transport is a key principle of 'One Planet Living'.

The development would likewise be incompatible with the core planning principles of the NPPF (para 17), which include *"actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable"*.

#### **[4] Lack of Evidence Policy DA7 would deliver on its Promises**

There is no evidence that the exemplary standards of sustainable construction specified in Policy DA7 could or would be delivered. There is similarly a lack of evidence that various key features and benefits would be delivered, notably a secondary school or new link across the A27 into the national park.

##### **4(a) Housing and sustainability**

Policy DA7 states that all the dwellings would be constructed to Sustainable Homes Code Level 6 and at least 50% of the dwellings would have 3+ bedrooms (including the affordable dwellings), whilst policy CP20 states that 40% of the homes would be affordable. These are high expectations but it is most unlikely they would all be achieved.

Constructing to such high standards of sustainability would substantially increase construction costs by a factor of about 50%. However, there is no evidence to suggest that dwellings sold on the open market would achieve substantially higher prices than those in neighbouring areas. It is, therefore, most unlikely that the sales of market housing would be able to recoup the additional costs of Sustainable Homes Code Level 6.

Requiring 40% of the dwellings to be affordable and at least 50% of the affordable dwellings to have 3+ bedrooms would require cross subsidy from the market housing as the subsidies from the Homes and Communities

Agency are being withdrawn. The burden of this cross subsidy would be additional to the costs of Sustainable Homes Code Level 6 and there no evidence is offered to show that the market housing could afford this level of cross subsidy.

It is not a function of the planning system to require higher standards of construction than those required by the building regulations, and this principle is reaffirmed by policy CP8, which indicates that those higher standards of construction would be required 'unless it can be demonstrated that doing so ... would make the scheme unviable'. So construction to Sustainable Homes Code Level 6 is not an obligation.

In any event this site would be expensive to develop because the land is very steep and the site has no services – no access roads, electricity, gas, water supply, sewerage or cable. Furthermore, the costs of installing all those services, together with the costs of constructing the proposed relief road (or road improvements) would have to be incurred at the beginning of the development period, significantly increasing total development costs.

The development, it is stated, would protect the aquifer, which would necessitate measures to prevent surface water being lost via the sewers to the sea or by surface water run off. This would be expensive to achieve and would add further to total development cost.

All these essential costs would impact on the viability of the development, reducing the margin for discretionary features. It would thus appear most unlikely that any dwellings constructed at Toad's Hole Valley would achieve 'Code Level 6' or any code level in excess of the buildings regulations. Were that to be the case on any other site, it would not be a matter of great consequence, but in this case exemplary sustainable performance is being advanced as a primary reason for releasing Toad's Hole Valley for development. In reality, what is likely to be delivered is an unsustainable edge-of-town suburb.

#### **4(b) Employment floorspace and sustainability**

Policy DA7 states that the B1 employment floorspace will be constructed to the standard of BREEAM 'Outstanding' and that "*the office element of scheme [class B1(a)] will be high tech units with a range of sizes to attract new businesses to the city and support growing businesses.*"

Again these are high expectations that are unlikely to be achieved.

The supporting text indicates that there will be a mix of B1 uses including light industry [class B1(c)] and that the whole B1 allocation "*will support a key growth sector in the economy - the knowledge based economy - by providing the opportunity for high quality, sustainable and flexible business space offering move-on space for successful companies that need to expand and incubation space linked to the universities.*"

As explained below, this employment floorspace would be located in an inherently unsustainable location, which would not be attractive to employees given the lack of local amenities (such as shops, cafés, medical facilities) and poor accessibility by public transport.

Because, in the BREEAM assessment, the site could only achieve a very poor score for public transport, it is most unlikely the proposed development would achieve BREEAM 'Outstanding', even if all other aspects of the development were exemplary. However, again as indicated above, policy CP8 states such a high standard would not be required if *"it could be demonstrated that doing so ... would make the scheme unviable"*.

It is the case that business properties constructed to higher standards of sustainability can in some locations command higher rents. However, a location so far from the main railway stations, the central hub of the city and the universities would be unlikely to be attractive to businesses in the target group (modern knowledge-based companies), so the rents that could be achieved would be depressed. Meanwhile, fledgling and young companies usually look to keep their overheads low by seeking units with low rents and 'easy-in easy-out' terms, quite the opposite of the high quality, high rental space that is proposed. It is also the case that the scale of development proposed, 25,000sqm, is very much larger than other business innovation centres, by about a factor of 10.

The policy further states that the new floorspace would attract new business to the city but no evidence is given. Businesses requiring good road access would find the location attractive but would be unlikely to want to pay premium rents for an edge of town location. There is, therefore, a mismatch between the location and scale of the space proposed, together with the high standard of sustainability proposed, and the rental levels that are likely to be achieved.

For these and other reasons, it is most unlikely that any floorspace constructed at Toad's Hole Valley would achieve BREEAM 'Outstanding' or any other standard in excess of the buildings regulations. As with the housing, in any other location that would not be a big issue, but in this case the claim that the development would be an exemplar of sustainable development is a prime reason for advocating development of the site. In reality, what would probably be delivered would be a fairly standard edge-of-town business development.

A further serious consideration regarding the large allocation for employment space would be whether or not there would be sufficient demand to justify such a large allocation. This is a legitimate concern, given the quantities of vacant industrial space in city. Policy DA7 makes no provision for how the land might be developed were there to be a shortfall in demand. Given that this site would be ideal for edge-of-town retailing or distribution centres, it seems inevitable that a shortfall in the demand for B1 would result in pressure for retailing and storage/distribution. This would continue the theme of the mixed-use suburb but would further undermine the claims that it would be an exemplar of sustainability.

#### **4(c) Construction of a new secondary school**

It is the case that Policy DA7 only requires the landowner to reserve a 5-hectare site for a secondary school. It gives no indication as to how the school would be funded and, in particular, does not require the landowner to pay for the school. The city council does not have a budget for a new school and no source of public funding has been identified. The current Government programmes are for 'free schools' and 'academies', operating outside of local authority control, and those funds are quite limited.

The benefit of securing a new secondary school is being commended as a key reason why release of Toad's Hole Valley should be supported, without any evidence that a secondary school could be delivered on the site.

Furthermore, the policy does not address what would happen in the event that the funds for the school could not be found. In similar cases, when the funding has not been forthcoming, the landowner has sought and secured planning permission for housing on the reserved land. Were that to happen at Toad's Hole Valley, development of the valley would amount to little more than a suburban housing estate in an unsustainable location.

#### **4(d) Creating improved pedestrian and cycle links to the national park**

To suggest that there might be a new bridge or tunnel across the A27 raises false expectations, as any such crossing would be very expensive and it would be impossible to justify that expense given there is no public right of way north of the A27 with which a new crossing could connect. As explained in the appendix, the improved route to the South Downs National Park is only likely to consist of a footpath/cycleway from Goldstone Crescent across the site to the existing footbridge over the A27 north of Downland Drive. Whilst such a facility might be desirable, the benefit would not justify releasing the whole of Toad's Hole Valley for development.

### **[5] Lack of Evidence about the Adverse Impacts on Neighbouring Areas**

#### **5(a) Protecting the setting of the South Downs National Park**

Concerning the impact on the national park Policy DA7 states:

*"Ensure that development respects the setting of the South Downs National Park and enhances links to the National Park for local residents and tourists."*

*"Due regard will be given to the impact of development on the purposes and setting of the South Downs National Park"*

and the supporting text indicates:

*"In terms of design, care will be taken to ensure that future development will not adversely affect views to and from the South Downs National Park."*

No evidence is offered that it would be possible to develop 700+ dwellings

and 25,000sqm B1 employment floorspace without having a serious impact on the setting of the national park or without adversely affecting views into and out of the park. On the contrary, it is impossible to conceive of how such a development could be configured to avoid having a serious adverse impact on both the setting of the park and on views of the park from North Hove.

In Switzerland, the impact of the proposed development would have to be demonstrated by constructing a scaffold to show the outlines of the buildings proposed. That could be a useful exercise to undertake in Toad's Hole Valley to demonstrate the impact of the proposed development on the national park, before any decision is taken.

### **5(b) Housing density and car parking**

The proposed density of between 50 and 75 dwellings per hectare would be twice or thrice the density of neighbouring suburbs and thus totally out of character with its surroundings. Whereas the suburbs of the Goldstone Valley, Hove Park, Nevill and Hangleton are characterised by houses with good-sized gardens that are rich in flora and fauna, with mature trees and shrubs, the proposed new neighbourhood would be much more built up. Any gardens in the new development would be very much smaller, contributing much less to biodiversity and with much less space for trees or large shrubs.

The effect of the urbanisation is deliberately understated in the concept plan posted on behalf of the landowners on the website [www.toadsholevalley.co.uk](http://www.toadsholevalley.co.uk) where new buildings are depicted in a biscuit colour, whilst the existing buildings are shown in dark grey. The gardens of the surrounding suburbs are shown in green, but no gardens are shown for the new dwellings. Were the same colour scheme adopted for the new as for the existing, the new neighbourhood would largely be coloured dark grey; that would present a much more realistic representation, but much less attractive. The proposed suburb would be totally out of character with the neighbouring suburbs and would have an adverse impact on the environs that characterise them.

Policy DA7 does not address the impact of car parking on neighbouring areas. Currently, guidance is to be found in BH SPG4, which specifies 1 space per dwelling with up to 3 bedrooms with 1 visitor's space per two dwellings, and this standard is to be reviewed with a view to lowering the standard. In contrast households in the neighbouring Goldstone Valley and Nevill areas typically have at least two cars, which reflects the areas excellent accessibility by private car and limited accessibility by public transport.

Toad's Hole Valley would similarly have excellent accessibility by private car and only limited potential for public transport services, so the level of parking provision prescribed by BH SPG4 would be incompatible with the site's location. The consequence of insufficient parking provision, together with the high density proposed in the valley, would be to create parking pressures in the adjacent residential areas, particularly in and around King George VI Drive. Those pressures would in turn be likely to lead to calls for parking controls that would adversely impact on the character of the existing adjacent suburbs.

Furthermore, the proposal to use the business car parks for informal Park+Ride appears in the supporting text without any assessment of its impact on neighbouring areas.

### **5(c) Community and medical facilities**

Contrary to the claims in Policy DA7, any community or medical facilities constructed on the site would only benefit the residents of the new development. The scale of the proposed facilities would only have the capacity to serve the new neighbourhood and the residents of the surrounding area would not have easy access to those facilities. The lack of bus services and pedestrian linkages would generally necessitate driving to reach them.

### **5(d) Highway safety in King George VI Avenue and environs**

Policy DA7 raises the expectation that the traffic currently using King George VI Avenue would be rerouted so that it no longer impacts on the residents of King George VI Drive. However, constructing a new route is not a requirement of the policy and would be most unlikely to be the cheapest solution to the problem, as a large section of any new road would have to be constructed on embankment. If a cheaper solution were found, the traffic would continue to flow close to King George VI Drive and its residents would have to suffer the additional adverse impact of 700 plus new dwellings.

The policy has no regard to the impacts on the neighbouring areas of the additional traffic generated by 700+ dwellings and 25,000sqm of B1. Since the A27 bypass and Devil's Dyke junction were constructed, there have been traffic problems in the Goldstone Valley, Hove Park, and Nevill area. Nevill Road is now overloaded for long periods each day and other streets have high volumes of rat-running. Most of the problems stem from the limited routes across the coastway railway and there are no measures in the plan to address that problem. The overloading of the junction of Nevill Road with Old Shoreham Road, for which there is no obvious solution, is a serious problem that should not be exacerbated by developing Toad's Hole Valley.

This incompatibility, between the proposed development and the city council's aspirations to reduce car ownership and usage, serves to highlight why Toad's Hole Valley is not a suitable location for the city's growth. As stated in the core policies, growth should be directed to areas that are well served by public transport.

## **[6] Conclusions**

Policy DA7 for Toad's Hole Valley is unsound. The proposed development would be unsustainable and in conflict with the principles of the strategy that underpins the LDF.

- The release of site would be an unacceptable incursion of the built up area into the South Downs that would significantly damage the city's downland setting.
- Toad's Hole Valley is not in need of regeneration or renewal and there is

no prospect of it being well served by public transport. Rather than creating an exemplar of sustainability and 'One Planet Living', the policy would result in an isolated car borne suburb, quite the opposite of the council's declared aspirations.

- Releasing Toad's Hole Valley for development would be likely to prejudice delivery of the proposed redevelopments of major brownfield sites that are critical elements of the city plan.
- The council has offered no evidence that it would be feasible for the development package proposed in policy DA7 to be delivered, and many aspects of the policy are contradictory or ambiguous.

Rather than continuing to argue that an exemplary sustainable suburb could be created in an inherently unsustainable location, policy DA7 should be abandoned and Toad's Hole Valley protected in perpetuity from development by designating it as a Local Green Space.

## APPENDIX 1

### DETAILED CRITIQUE OF POLICY DA7

Policy DA7 is reproduced below annotated in blue italics to show the detailed comments by the Campaign to Save Toad's Hole Valley. Comments are presented in this manner because, whilst it is strategic, the policy contains a lot of detail and ambiguities.

#### **DA7 – Toad's Hole Valley**

**The strategy for the development of Toad's Hole Valley and Court Farm is to secure a modern, high quality and sustainable mixed use development to help meet the future needs of the city, improve accessibility and provide new community facilities to share with adjacent neighbourhoods.**

#### **A. The local priorities to achieve this strategy are:**

**1. That the site is used efficiently and effectively to assist in meeting the development and infrastructure requirements of the city.**

*Whilst the policy states that development of the site will assist in meeting the infrastructure requirements of the city, the paragraph headed 'Secondary school and infrastructure' identifies no other element of infrastructure that this site would deliver for the benefit of the city.*

*If the site were to be released for essential infrastructure such as a new regional hospital, then it would be possible to argue that there was a special case for releasing this sensitive site, but policy DA7 does not propose anything of the kind. In the recent past a special case was argued to enable the football stadium to be built on land in the former AONB.*

**2. Ensure that development is of an exemplary standard in terms of environmental, social and economic sustainability, achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives.**

*It is impossible for a site in such an unsustainable location to be an exemplar for environmental, social and economic sustainability. Toad's Hole Valley is located in an inherently unsustainable location in that it has unparalleled access to the strategic road network, whilst the potential for serving the site by public transport is exceedingly limited. It takes only 35 mins to reach the M25 by car from Toad's Hole Valley, 35 mins to Gatwick Airport, less than 20 mins to Worthing, Lewes and Newhaven.*

*In contrast, the only realistic public transport option for Toad's Hole Valley would be an extension of a suburban bus route, which would offer access into the city, but not other directions, with a journey time of about half an hour to reach central Brighton or Hove. The paucity of sustainable transport would be incompatible with 'One Planet Living', of which sustainable transport is a key principle as stated in para4.94 of the City Plan.*

*If the site were released for development, there would be no mechanism available to the council to require the developers to pursue this well-intended objective. Whilst the council may wish to see a development that over performs relative to the current building regulations, it would have no powers to require a developer or house builder to build to those higher standards, which would inevitably undermine the economic viability of the development.*

**3. Ensure that development respects the setting of the South Downs National Park and enhances links to the National Park for local residents and tourists.**

*Any development of the site with a mix of high-density housing and offices, would inevitably damage the setting of the South Downs National Park. Although not stated in the policy, the council's officers have indicated that the height of any development would be restricted to three stories, which may mitigate to some extent the impact of any development on views out of the national park. As regards views into the national park from north Hove, with development of two or three stories across the valley, it is unlikely the park would be visible. In any event, for height restrictions to apply, they should be specified in the policy.*

*To suggest that there might be any new links to the national park across the A27 (for the benefit of local residents and tourists) raises false expectations. Any new crossing of the A27 would be very expensive and it would be impossible to justify that expense because there is no public right of way north of the A27 with which a new crossing could connect. All that is actually proposed is a footpath cycleway across the site from the top of Goldstone Crescent/Nevill Road to the existing footbridge over the A27, north of Downland Drive. That facility could be provided without releasing the whole of the valley for development.*

**4. To secure development that will benefit residents in terms of the mix of uses, an improved provision of community facilities, road safety improvements, training and job opportunities for local people and the provision of green infrastructure including public open space and natural green space.**

*The benefits for residents of the surrounding neighbourhoods would be minimal. Improvements to road safety in King George VI Avenue would be most welcome, but could almost certainly be achieved without releasing the valley for development. The proposed community facilities and public open space are of a scale appropriate to the number of new dwellings proposed; they would not be higher order facilities attractive to a wider catchment, so of little relevance to existing residents.*

**5. To improve sustainable transport links to the area.**

*As there are currently no sustainable transport links into Toad's Hole Valley, any provision would represent an improvement. In reality the only sustainable*

*modes available for the area are buses, cycling and walking, and there are only two points at which access can be gained to the valley.*

*The two points of access are at the Devil's Dyke roundabout at the top of the valley and adjacent to the junctions with Goldstone Crescent and Nevill Road at the bottom of the valley. This is because the valley has barriers on all its three sides. To the north is the A27 trunk road, to the west is a very steep slope between the valley and Downland Drive, and to the east is the continuous barrier comprised of hedging and fencing that protects King George VI Drive from the valley. The residents of King George VI Drive would undoubtedly resist any right of way being created through the barrier but, in any event, were the hedge to be removed, there is only one road leading from King George VI Drive into the rest of the Goldstone Valley, which is itself a large cul-de-sac development off Goldstone Crescent. The Goldstone Valley is separated from the rest of Hove by Woodland Drive and there is no prospect of a new access between the two being created.*

*Thus any walking or cycling routes linking the valley to the surrounding area would have to go via Dyke Road Avenue at the top of the valley or Goldstone Crescent at the bottom of the valley and bus routes would be similarly restricted. Given there are no regular bus services along the northern part of Dyke Road Avenue, any bus service into the valley would have to use Goldstone Crescent, which is served by a suburban route that could be extended. Such a route would give future residents of the valley access by bus to some part of Brighton & Hove, but it would not compare with the site's excellent access to a much wider area by private car.*

## **6. To incorporate appropriate landscaping and planting to maximise opportunities to increase biodiversity across the site.**

*The site is currently a haven for flora and fauna. To suggest that the biodiversity of the site could or would be increased by developing the valley with houses and offices lacks all credibility. The vegetation on the site could be better managed to improve its ecosystems; of that there can be no doubt, but the proposed development would be of no assistance. (Essentially there are two options: to clear the scrub and manage rejuvenation of the diverse grassland that typifies the downs or to allow the flora on the site to evolve naturally into mature woodland.)*

*It is a serious concern that the proposed new neighbour would lack the richness of vegetation that characterises the traditional suburban areas of north Hove. Dwellings in the surrounding neighbourhoods have good-sized gardens, characterised by rich flora and fauna. Given the proposed densities, any gardens in the new development would be very small and so likely to contribute much less to biodiversity.*

## **7. Conserve and enhance the designated Site of Nature Conservation Importance.**

*The Site of Nature Conservation Importance could be better managed, and*

*was being better managed by volunteers before the landowners halted their activities. This led to the condition of the land deteriorating in support of the case for releasing the valley for development.*

**8. Protect sensitive groundwater source protection zones from pollution and ensure the reduction of surface water run-off and flood risk.**

*In its current state the Toad's Hole Valley contributes positively to the management of water in the town, it absorbs rainwater, which helps to charge the aquifers and, by acting like a sponge, prevents surface water run-off and flood risk to properties lower down the valleys. (Water is still extracted further south from the adits adjoining the old waterworks, now the Engineerium.) As front gardens have been paved over in the Hove suburbs, surface water run-off has become an increasing problem, with footways frequently being unsuitable for pedestrians during downpours.*

*If the valley were to be developed as indicated in policy DA7, a much higher proportion of the land would be built or paved over than characterises the adjacent neighbourhoods, where a much higher proportion of the land is still given over to gardens. It should, therefore, be an absolute requirement that any new development would be engineered to prevent any surface water run-off from the site. There should be no additional surface water run-off and no additional risk of flooding. This would not be cheap to achieve, but for surrounding residents would be much more important than many of the other benefits sought by policy DA7.*

**9. Provide the necessary infrastructure for the development including water distribution and sewerage.**

*Clearly the valley could not be developed without essential infrastructure, so it is unnecessary to indicate this is a priority. Of much greater concern is that this additional capacity should be provided without any detrimental impact on the surrounding residential neighbourhoods. Again that should be an absolute requirement of any new development.*

*As more than once in recent years there have had prolonged periods of water usage restrictions, residents are concerned that the water supply for Brighton & Hove cannot adequately support any further buildings. The plan does not offer any general improvements to water supply that would enable continuous supply for all the water usage needs of the existing and new buildings.*

**B. Provision will be made for the following amounts and types of additional development to be provided by 2030:**

- **A minimum of 700 residential units**
- **A minimum 25,000sqm of B1 employment space**
- **A new secondary school – site area 5ha**
- **Public open space with children's play space and informal sports facilities – 2 hectares**
- **Provision of ancillary supporting uses – shops and cafes**
- **Multi-use community facility**

- **Food growing space – 0.5 hectares**
- **Green infrastructure integrated through the site to deliver Biosphere objectives and contribute to Biodiversity Action Plan targets**
- **Energy infrastructure such as district cooling, heating and power networks**

**C. The strategic allocation for Toad’s Hole Valley is:**

**1. Toad’s Hole Valley east of the SNCI and south of the A27 embankment.**

**Provision will be made for a high standard sustainable, mixed-use development across the site comprising a minimum of 700 residential units, 25,000sqm B1 employment space, a new secondary school, a multi-use community facility and ancillary supporting uses.**

*It is argued that policy DA7 would limit the damage that could be inflicted on the local area by the developing Toad’s Hole Valley. As both the key indicators in the policy, 700 homes and 25,000 sqm of B1 employment space, are minima and the policy sets no maximum limits on the numbers of dwellings or the amount of employment floorspace, it is not apparent what development excesses would be ruled out by this policy.*

*The policy asserts that the valley would be developed to a high standard, but as the council does not own the site, it would not be in a position to influence the quality of the development; the quality would be determined by its developers and the market.*

**The following criteria will form the framework for detailed planning guidance and the basis for considering development proposals:**

**a) New development will be expected to make the best use of the site and residential densities should fall within a range of 50 - 75 dwellings per hectare.**

*Developing a site with such excellent road access for housing hardly represents making best use of the site. Release of the site should only be considered in exceptional circumstances for uses offering superior public benefit that need to have such high quality access to the strategic road network.*

*The proposed density is out of character with the surrounding areas: the Goldstone Valley, Hove Park and Nevill areas are characterised by densities of about 25 dwellings per hectare. In other words the new development would be two or three times denser than those neighbourhoods.*

**b) There will be a minimum of 50 per cent 3+ bedroom family sized dwellings provided as part of the residential scheme.**

*The research that purports to reveal the requirement for family houses with 3+*

*bedrooms is flawed. It mistakenly equates the demand for larger units with a requirement for more bedrooms. The data in the research supports the contention that there is a demand for larger units, not that those units need to have three or more bedrooms, nor that those units need to be large houses as opposed to spacious flats.*

*(The mistake arose because the input data was unnecessarily converted from residential floorspace into numbers of bedrooms per dwelling. Without that conversion the sizes of dwellings in the output would have been measured in floorspace, as opposed to numbers of bedrooms.)*

**c) The office element of the scheme will be high tech, modern office space that will provide a range of unit sizes to attract new businesses to the city and support growing business.**

*There is a lack of evidence to support this claim.*

**d) Due regard will be given to the impact of development on the purposes and setting of the South Downs National Park.**

*See comments above under A3 on page 18*

**e) Environmental sustainability will be central to the design and layout of the scheme which will be expected to meet Code for Sustainable Homes Level 6, BREEAM Outstanding and be zero carbon (or carbon neutral).**

*A justification given for releasing Toad's Hole Valley for development is that the resulting development would be an exemplar of sustainable development, achieving very high standards that are not being attained elsewhere.*

*In reality it is most unlikely the new dwellings would be built to Sustainable Homes Code Level 6 because quite simply it would be too costly. However much is spent on construction, the selling prices for dwellings in Toad's Hole Valley would not be significantly different from the prices being achieved for comparable properties in the surrounding area. In large part that's because that's how dwellings are valued in this country. Location establishes the benchmark the house prices in an area and this creates a price norm for each dwelling type; construction quality has very little impact on price.*

*In 2010, DCLG's own review found Code Level 6 construction costs to be 40% to 50% more than the costs for comparable units constructed to the current building regulations (about £35,000 to £45,000 extra). The costs were updated by DCLG in 2011 and show additional costs for constructing to Code Level 6 on edge-of-town and greenfield sites to be close to 50%. Meanwhile, evidence finds purchasers unwilling to pay significantly more for such units.*

*Because it would not be possible to recoup the additional costs from purchasers, this key feature of the proposed development, constructing to the highest standards of sustainability, lacks credibility.*

*Whilst quite different considerations apply to commercial buildings, it is most unlikely that any office development would be able to achieve 'BREEAM Outstanding', given that the development would be located in such an inherently unsustainable location.*

*An outstanding building has to achieve a BREEAM score of 85% and transport counts for 8% of the score. The proposed location for the B1 development is at the top of Dyke Road Avenue, which has unrivalled accessibility by private car. Currently the only bus service passing the Devil's Dyke roundabout provides intermittently for leisure trips to the Dyke and any new services into Toad's Hole Valley would gain access from the bottom of the valley, which would do little to improve the accessibility to and from the B1 development. With such a poor score for transport, 'BREEAM Outstanding' wouldn't be a realistic target.*

*In any event, this would be a very poor location for employees, as they would not have ready access to shops, cafés, medical facilities or other amenities. Good access to a wide range of facilities contributes significantly to the quality of an employee's working life.*

**f) Development within this area will be expected to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability.**

*This is an aspiration, not a requirement. Whether or not it would be achieved would depend on the developer and the market.*

**g) The scheme will make provision for 5ha of land to accommodate a new secondary school to be developed in partnership with the city council.**

*This part of the policy is particularly misleading, as many members of the public have gained the impression that the landowner/ developer of Toad's Hole Valley would be paying for the construction of a new secondary school. Moreover, this misconception is the specific reason why some people support the proposed release of Toad's Hole Valley, and the city council has made no attempt to dispel those misconceptions.*

*It is, of course, the case that a new state school would have to be constructed either by the city council or by an organisation developing 'free' schools or 'academies'. Currently the city council does not have a budget for the construction of a new school, no other source of funding has been identified and there is no provision in policy DA7 to deal with the eventuality that the funds do not materialise. Elsewhere, when a site has been reserved for a school and the funding has not been secured, the site has later been released for housing. Given that the provision of a new school is of critical importance, if the site has to be released, should not the proposed release be delayed until funding for the school has been secured?*

**h) Development will make provision for improved pedestrian and cycle links to the South Downs National Park.**

*As indicated above, the most that will be achieved is a new section of footpath cycleway across the site from the bottom of King George VI Avenue to the existing footbridge across the A27 north of Downland Drive.*

**i) The provision of a new multi-use community facility to include a community meeting place, a doctor's surgery and a resource promoting links to the National Park.**

*If Toad's Hole Valley were to be developed then it would be essential for community and medical facilities to be provided to support the new residents. However, those facilities would be of minimal benefit to existing residents, not least because the only sensible way to access them would be by car.*

*It is strange that the policy is proposing a new doctor's surgery when those making provision for primary care now favour larger medical centres with the capacity to undertake some procedures that used to have to be done in hospitals.*

*Toad's Hole Valley is not the ideal place for a resource centre promoting the national park; Stanmer Park is generally considered to be a better location.*

**j) Development proposals will address the issues of highways safety on King George VI Avenue, noise and other traffic impacts from the A27 and provide improved links to adjacent residential areas.**

*The requirements of this criterion are neither clear nor specific. The policy is again misleading and the city council has done nothing to dispel the misunderstandings. Many believe that the landowner/developer would be required to construct a new road close to the A27, which would carry all the traffic that currently uses King George VI Avenue, and agents for the landowner have reinforced that notion by publishing a drawing that shows King George VI Avenue downgraded to a greenway. The policy should be specific as to whether a new road has to be constructed or whether modifications to the existing road would be sufficient. Existing residents need to know which is proposed, as the impacts of the two schemes would be quite different.*

*Constructing such a new road, a large part of which would have to be on embankment, would be very expensive, and there are almost certainly cheaper ways of making King George VI Avenue safer. If Toad's Hole Valley were released and the traffic were not removed from King George VI Avenue, the residents of King George VI Drive would be more adversely affected than at present. Quite notably, there is no proposal to mitigate the noise from the traffic on King George VI Avenue, which is the very least residents of King George VI Drive would expect.*

*If a new road were not constructed, the traffic on King George VI Avenue would sever the new development from the existing. On the other hand, if a new road were constructed to take that traffic, following a route close to the A27 and the bottom of the nature reserve, then the new road would create an additional barrier between the proposed neighbourhood and the Downland Drive area.*

*As the new road would inevitably be longer and slower than the current route via King George VI Avenue, the residents of Woodland Drive are concerned that the rerouting would inevitably lead to increased traffic in that street.*

*As explained above, it would not be practical to create improved links to adjacent residential areas because the valley is separated from the Downland Drive area by a very steep bank and a continuous barrier of hedging and fencing prevents access from the valley to the King George VI Drive neighbourhood.*

**k) Improvements to public transport access and a good quality public realm that encourages healthy lifestyles (walking and cycling with connections to existing cycle infrastructure).**

*See comments above on public transport, cycling and walking under A5 on page 19.*

*As explained above access to the existing highway and footpath network can only be via the Devil's Dyke roundabout at the top of the valley or via the Goldstone Crescent/ Nevill Road junctions at the bottom of the valley. Because of the steepness of the valley, walking routes within the valley would have challenging gradients that would not be attractive to elderly residents, mothers with prams or those who are not very fit. Drawings prepared by the landowner's agent show a very long footpath zigzagging the steep bank to Downland Drive, but they didn't consider it an attractive route and in jest suggested a cable car to overcome the problem.*

**l) Development will need to provide local infrastructure to the water and sewer system at the nearest point of adequate capacity.**

*See comments above under A9 on page 20.*

**m) Provision of children's play facilities, public open space (2 ha. minimum), improved links to existing parks and food-growing space (0.5 ha.) and opportunities.**

*Provision of 2 hectares of public open space and children's play facilities is the minimum one would expect in support of a development of this size. It would not be possible to improve the link to Hove Park as that would have to remain via Goldstone Crescent.*

*0.5 hectare of food growing space is minimal for a development of 700 dwellings, which would at best have very small gardens. Existing residents*

*would support much more land being reserved for allotments, as there is a dire shortage of allotments in the city and very long waiting lists.*

**n) Developer contributions will be sought to secure the sustainable conservation and enhancement of the adjacent Site of Nature Conservation Importance.**

*If the landowner were acting responsibly, the Site of Nature Conservation Importance would already be well managed; they should be asked to provide a dowry for its future management, regardless of whether or not the valley is released for development.*

**o) The developer will enter into a training place agreement to secure training for local people.**

*Supported.*

**p) The site will be the subject of detailed guidance provided in a future planning brief.**

*No comment*

**q) Work in partnership with the Highways Agency and developer to improve the operational performance of the trunk road network and links to local roads that will be set out in a future planning brief for the area.**

*The purpose of this criterion is obscure but presumably concerns the Devil's Dyke junction with the A27 and the junctions at the bottom of King George VI Avenue. Whilst the Highways Agency is only concerned with the operational performance of the trunk road network, local people are concerned about the impact this proposed development would have on local roads in the adjacent neighbourhoods.*

*The impacts on local roads such as Goldstone Crescent, Nevill Road and Holmes Avenue should be properly evaluated before any decision is made as to whether or not Toad's Hole Valley should be developed. The likely impact on these roads of increases in the volumes, speed and mix of traffic, and any overspill parking, are all matters of serious concern to existing residents.*

## **APPENDIX 2**

### **IMPLICATIONS OF DELETING POLICY DA7 FROM THE CITY PLAN**

In arguing that Toad's Hole Valley should not be developed, these representations do not ignore the demand for new homes, but their primary focus is a critique of Policy DA7.

First, the local housing market must be analysed in its strategic context. The demand for housing in the city is insatiable because Brighton's housing market is part of London's dynamic housing market. London's market is driven by foreign investment, which has driven up house prices in the capital, causing existing residents to seek cheaper accommodation outside the capital and city of Brighton & Hove is a particularly attractive cheaper alternative. New houses in Brighton & Hove are marketed in London. The pressure on Brighton & Hove would be reduced, if the London Boroughs were building more dwellings, and there is growing pressure for a step change in the amount of housing being built in all the Boroughs. Also when Crossrail becomes operational, some of the pressure may be diverted to Essex.

Brighton's housing market is also part of a much larger housing market along the south coast, with some residents, particularly older ones, moving considerable distances along the coast to take advantage of cheaper housing and a less hectic lifestyle.

Whilst the 700+ units proposed for Toad's Hole Valley would undoubtedly contribute to the supply of housing, the total demand for housing in the Brighton & Hove area would probably remain unchanged because of the impact London has on the city's housing market, constantly topping up the demand for units in the city.

Secondly, by building dwellings in Toad's Hole Valley, it is likely that fewer dwellings would be built on brownfield sites in the city, so development of the valley may not increase the total number of dwellings being constructed in the city. Conversely, by not developing Toad's Hole Valley, the prospects for developing the identified brownfield sites would be improved. It is generally accepted that the prospects for developing brownfield sites are significantly reduced if greenfield sites are available. Moreover, developers and housebuilders control the rate at which dwellings are constructed in an area so as not to erode selling prices. Thus, increases in the numbers of dwellings being released for sale on one site (in this case Toad's Hole Valley) are likely to be balanced by reductions elsewhere (on the identified brownfield sites).

Thirdly, there is much more scope to intensify development within the city in sustainable locations than is envisaged by the City Plan as drafted. It is beyond the scope of this submission to propose the necessary amendments to other policies in the plan, but applying the following principles would result in more redevelopments being forthcoming in sustainable locations.

(1) For a city so tightly constrained by the South Downs and the sea, there are large areas that are loosely developed. There is scope to encourage more intensive redevelopments around transport nodes and transport corridors, particularly around the city's seven railway stations, along main arterial roads within the built up area and around suburban bus nodes.

(2) There is scope for the plan to be much more supportive of the market, adopting a more flexible approach to the reuse and redevelopment of existing properties with different uses or different mixes of uses. In particular, areas reserved for various business uses would be redeveloped with mixed uses that incorporate residential units. This could generate a lot of windfall sites.

(3) There is scope to revisit some of the lands protected from development by Policy SA4 Urban Fringe, which does not protect the largest urban fringe site at Toad's Hole Valley. As stated in the plan, 'the urban fringe is made up of 'pockets' of residual green space rather than any homogenous green 'belt' around the city'. In some of those 'pockets', land uses could be reorganised, to enable some small areas of land to be released for development, whilst retaining the facilities being protected and without encroaching into the downland.

(4) There should be a thorough systematic review of the council's own landholding to ensure that all parts are being used as efficiently and as effectively as possible. This is common practice for many authorities, and it is remarkable how much development land can be revealed. In Brighton & Hove, it should be possible to identify opportunities to consolidate operational uses, thereby releasing some buildings for redevelopment or conversion, and/or to relocate to backland sites, existing uses that do not need a road frontage, thereby releasing frontage sites for housing.

Finally, the following is a list of sites, where it is suggested the amount of housing proposed could be increased or housing could be introduced, where none is proposed:

Shoreham Harbour, Preston Barracks, Freshfield Road industrial estate, Sackville trading estate, Brighton General Hospital, Telephone Engineering Centre (Old Shoreham Road), Peacock industrial estate (Lyon Close, Hove), Hove Greyhound Stadium, the retailing park on the former Goldstone ground, South Portslade industrial area, and Hove Town Hall (which has foundations for several more storeys.)

In summary, the only reason for releasing Toad's Hole Valley is to chase an unrealistic housing target. Previously, housing targets for Brighton & Hove have respected the fact that the towns are constrained by the sea and the South Downs, and the current target was agreed on the basis that Toad's Hole Valley was AONB and would be protected.

With more flexibility and a more positive approach to scouring the built up area for opportunities, the city plan could generate the confidence that sufficient windfall developments would be forthcoming without further encroachment on to the South Downs.