BRIGHTON AND HOVE'S WILDLIFE FORUM
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To: planning.applications@brighton-hove.gov.uk **Date: 31 March 2014**

Re: Planning Application BH2014/00697
Dorothy Stringer High School, Loder Road, Brighton.
Installation of artificial turf pitch with associated fencing, floodlighting, incorporating landscaping works.

1. We note the above Planning Application has been submitted and wish to provide a formal representation.

2. Brighton and Hove's Wildlife Forum OBJECTS to this development for the reasons detailed below.

3. This objection follows our previous objection to a virtually similar application (ref: H2013/03280). Please refer to our letter dated 21 October 2013 providing details of that objection (also copied below for information).

4. Brighton and Hove's Wildlife Forum BHWF is a non-profit community partnership of representatives from seventeen local wildlife groups with local experts in their field; and over a hundred naturalists, students and professional environmental consultants. BHWF has the commitment to conserve and enhance Biodiversity across the Brighton and Hove area, further details can be seen by visiting www.BHWF.org.uk.

5. We note a new document has been submitted with this planning application: 'Extended Phase 1 Habitat Survey: Dorothy Stringer School, Brighton'. (March 2014) Urban Edge Environmental Consulting Ltd.

6. It demonstrates poor practice that the applicant delayed preparing an Environmental Assessment until after the initial application had been submitted. It appears to have been hurriedly prepared as a result of comments on the 2013 planning application.

7. In undertaking an Environmental Assessment, including a 'Phase 1' survery such as this, it is critical to select suitable times of the year. During winter many of the indicator vascular plant species will not be visible. However, whilst it is acknowledged that much of the land within the school grounds is 'improved' grassland, areas of species-rich grassland, edge habitat or hedgerow will not show their true biodiversity value during winter. Appendix 4 states '*Time of year when the survey was carried out and other variations will also influence the results of the survey…*'. All best-practice guidance emphasizes the importance of undertaking surveys during appropriate months, which is certainly not during winter!

8. Nevertheless we note that a Survey Report, albeit conducted at the wrong time of year, has been undertaken and this should automatically be required for developments impacting upon local biodiversity features.

9. We draw Development Control's attention to the following sections within the Habitat Survey:
E4.1 Due to the removal of potential terrestrial habitat suitable for great crested newts and reptiles, it is recommended that further surveys are carried out during the active season for both species/groups.
Viviparous lizard *Zootoca vivipara* should be surveyed from March to May (inclusive), a similar time window can be used for slow worms *Anguis fragilis*.

   1.1.2 ...walkover site survey on 15 November 2013. But Para. 2.3.2 states: *'The survey was carried out at an acceptable time of year for a survey of its kind when most plant species will be visible and identifiable'*. You will recall that last winter was cold and extremely wet (with significant flooding further west). Mid-November was certainly not an appropriate month to be undertaking vascular plant surveys. These are usually carried out between April (woodland vernal species) through to September (plants where 'fruits' are essential to identification'; for example, in sedges *Carex* genus).

   2.1 'Desk Study' refers to Sussex Biological Records Centre (SxBRC). This is sloppy as their Report will have been titled **Sussex Biodiversity Record Centre**. Refer to their Fig. 3.1.

   2.2.3 Despite the claim by 'Urban Edge Environmental Consulting' of referring to the 'Herpetofauna Workers Manual' (Gent and Gibson, 1998), this was significantly updated in 2003! Gent and Gibson (2003) certainly does NOT recommend undertaking reptile assessments during winter as best practice.

10. The importance of 'Wildlife Corridors' is highlighted in this Survey, for example:
2.2.7 '... other features (such as wildlife corridors or mosaics of habitats)'
Appendix III: Legislation – refers to the NPPF and that planning decisions should consider '...locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them…'

    And then the report completely fails to identify where these habitat corridors are (including the hedge and trees forming a corridor within the proposed development site), or even how they can be included (for example connecting Dorothy Stringer to the Varndean Campus and then to Withdean Park and Woods).

11. In terms of species with Local Biodiversity value recorded within 100 metres of the development footprint these include;

    Ground bug *Stictopleurus abutilon*
    Black ground bug *Aphanus rolandri*
    Toadflax Brocade Moth *Calophasia lunula*
    Brown-banded Carder-bee *Bombus humilis*
    Small Blue butterfly *Cupido minimus*

12. Whilst the presence of these local biodiversity indicator species have been previously bought to the attention of the council's Development Control team there is no mention made of local biodiversity indicator species in this 'Survey'. One of the reasons for Brighton and Hove Council awarding 'EcoSchool' status to Dorothy Stringer was the presence of such important local biodiversity species within the campus, and the promise to conserve them under the School Grounds Biodiversity Action Plan (BHCC, 2010).

13. Table 3.1 draws attention to the National Park being only 400 metres away, with Ditchling Road forming the boundary. Light and Noise pollution from the Football will detract from the National Park's qualities in still providing a sense of 'nature' so close to Brighton.

14. Section: 3.2.11 '*Semi-improved and semi-improved calcareous grasslands*'. This title does not make sense. Another example of sloppy writing in this Survey Report.

15. Section 3.2.18 There is no such species as '*Carex pendulosa*'; another example of sloppy writing in this Survey Report.

16. Section 4.5.2 '*The copse which will be directly impacted by the pitch installation provides suitable terrestrial habitat, particularly in the form of shelter or hibernacula for reptile species in the area.*': This is clearly true and deserves full attention as all reptile species are legally protected. The totally inappropriate selection of an area, specifically created to offset earlier planning loss, as a site for development now should also be highlighted. Sustainability requires an element of continuity in natural features over the long term.

17. Section E5.1 '*…the proposed scheme is unlikely to lead to significant ecological impacts or permanent loss of biodiversity value if the current landscaping proposals and recommended mitigation are implemented. However, it is necessary to establish the presence or likely absence of a range of protected species prior to commencing the works. Surveys for these species may lead to recommendations for additional mitigation measures not contained in this report*': A professional ecological assessment would not state '*…or likely absence*'. Objective surveys, using professional criteria, would determine the status of the reptile, bat and other protected species.

18. Section 6.4.4 '*Additional enhancement recommendations are given to help contribute towards the goal of 'no net loss' of biodiversity as a result of the development*': **How uninspiring!** For an 'EcoSchool' surely we expect to see a net biodiversity gain from the planning system. This is recommended in the National Biodiversity Strategy ('Biodiversity 2020: A strategy for England's wildlife and ecosystem services', 2011)

19. The 'Conclusion' in this Survey fails to address the Landscape Scale, Habitat Connectivity, Green Wildlife Corridors, Biodiversity Indicator species or Local BAP objectives. **This is an inadequate report, for an inadequately planned development.**

20. This revised application is for a slightly smaller pitch (88 x 50m this time, instead of the previous application which was over 100m long). The two elm trees and TPO trees to the south will not be cut down, but there will be building within the formal root protection zone.

21. About one third of the native trees just south of the sports hall will still be lost. These were planted about ten years ago under a formal planning condition requiring mitigation for the loss of woodland following the sports hall development. These native species have biodiversity value. They support breeding birds and reptiles in the soil beneath. Native species include beech, field maple, lime, ash, elder, hazel, hawthorn, dogwood, sycamore and wild privet.

Root Protection

22. We note that some trees are protected by TPOs. For those trees which are not being removed we also note the artificial pitch falls within their root protection zone. The council will have access to formal arboricultural advice and we urge Development Control to seek an opinion on conflicts with TPO and formal root protection requirements in planning applications **from their arboriculture officer**.

23. In planning terms there is the 'Root Protection Area' around mature trees. This is defined as the zone around which machinery may not disturb the tree roots. It can be calculated based on the trunk diameter of all mature trees likely to be impacted. Refer to British Standard BS 5837:2005 '*Trees in Relation to Construction – Recommendations*'

24. We understand that the two RPA values are approaching 10 metres required distance:

	trunk diameter (1.5m height)	RPA
larger elm	82.8cm	994cm
smaller tree	73.2cm	878cm

25. The RPA calculations are particularly important for these mature trees as the ATP will restrict water flow to the roots. In addition the normal gas interchange between air and soil will be totally obstructed by the artificial pitch. This will be extremely damaging to the trees and adjacent shrubs. Similar damaging impacts can be seen when tarmac or pitch car parks are constructed directly over tree roots, with rapid death of adjacent trees.

26. We strongly recommed the council seeks an opinion from arboricultural specialists on conflicts with the TPOs and the root protection requirements in this case.

Floodlighting Impact on Wildlife

27. Floodlighting over long hours will be disruptive to local biodiversity. This will particularly impact upon bat flightlines, nesting bird populations and reptiles being exposed to predators when normally feeding at night.

28. Environmental Impact Assessments prepared under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 make it clear that light pollution must be considered when preparing environmental statements. Schedule 4 of these regulations lists the following in the information for inclusion in Environmental Statements:
    (1c) An estimate by type and quantity, of expected residues and emissions (water, air and soil pollution, **noise, vibration, light**, heat, radiation etc.)
    (3) A description of the environment likely to be significantly affected by the development, including in particular, population, fauna… landscape and the inter- relationship between the above factors.

29. Chapter 4 in The Royal Commission report (2009) is titled: 'Impacts Of Light Pollution On Organisms And Ecosystems' and this highlights damaging impacts from artificial light at night on bat flightlines and breeding bird populations.

30. Also, 'A Review of the Impact of Artificial Light on Invertebrates' (Bruce-White and Shardlow, 2011) highlights damaging impacts on biodiversity and concludes with the recommendation
    "Let's encourage councils to save money, save wildlife and turn the light down"
31. We do not consider the current application is significantly different to last September's proposal. In essence the

school is still proposing to destroy semi-natural habitat supporting a range of local native species. Replacing this with an artificial playing surface will provide no biodiversity benefits. The proposed mitigation is inadequate for the scale of biodiversity losses, in particular the destruction of potential habitat connectivity between Dorothy Stringer School and habitats to the north around the Varndean campus to Withdean Park.

32. The School's desire to have an artificial pitch installed at seemingly 'Any Cost' regardless of local objections surely raises concerns. Their judgement on the priority for local biodiversity which has taken many decades to become established, versus the location for an artificial pitch which could be swiftly located in many local positions also raises concerns. It seems particularly inappropriate that an 'EcoSchool', whilst so anxious to install an artificial pitch, would pay so little regard to the true biodiversity impact of their proposal.

33. Their suggested 'mitigation' is partially covered in the 2014 Survey report. However mitigation is supposed to address the environmental damage in a way which leaves an overall net positive impact.

34. In this case the damage of removing a mature hedge containing some mature elm trees and other trees covered by TPOs is certainly not mitigated by planting a few young trees. Creating more 'butterfly havens' on school grounds which already has suitable existing areas for butterflies is not a meaningful biodiversity gain. Any experienced planning officer would consider that the proposed mitigation is woefully inadequate. We understand that competent ecological advice available to local authorities has also called into question the validity and extent of the mitigation proposed for this planning application.

35. The earlier planning application was refused due to the impact on the mature elm *Ulmus* trees. This revised application pays 'lip service' to the earlier refusal by only partially addressing the impact on the trees and hedge. The specific reasons for our previous objection (21 October 2013) have not been addressed in this application. These reasons are elaborated upon below.

36. In respect of local biodiversity which currently exists within the application area, or may be affected through access routes and the wider development footprint, there is still a need for full disclosure of survey information. Bats are active from late spring. Reptiles must be surveyed between March and June. Invertebrates are surveyed between late spring and autumn. Standard practice for arranging biodiversity surveys are provided in a wide range of publications. For example refer to the 'Institute of Environmental Management and Assessment' (www.iema.net) / or reference textbooks such as Hill *et. al.* (2005).

37. It would not have been possible for biodiversity surveys to have been undertaken in winter between October 2013 and March 2014. However the developer has ignored this basic ecological fact.

38. It appears the main incentive is to obtain an artificial sport surface at low financial cost to the school. Their Agent: 'Surfacing Standards', is based in Corby where it sells artificial turf pitches. Consequently, whilst there is benefit to a Corby company in reaching a new market there will be very little local employment or local economic benefit. Whilst the school may bear little cost, the environmental costs are high.

39. Even a quick look at aerial photographs of the local area reveal the large extent of managed grassland cut with regular mowing. Such 'improved grassland' has little biodiversity value. However the 'semi-improved' grassland along the margins, roadside verges and linking areas form valuable habitats in their own right, and may help to link other wildlife areas for more mobile species such as reptiles and bats.

40. Public Bodies have a formal Duty to promote biodiversity through the Natural Environment and Rural Communities Act 2006. Section 40 aims "*...to raise the profile of biodiversity in England and Wales, so that the conservation of biodiversity becomes properly embedded in all relevant policies and decisions made by public authorities*".

    Both BHCC and the School are 'Public Bodies'.

41. The Lawton Review (2010) 'Making space for nature' recommends:
    - More: Area of land managed for nature
    - Bigger: How much more land will be managed for nature?
    - Better: How will the nature conservation quality be improved?
    - Connected: How will these individual areas be connected to each other?

    This is implemented in planning terms. For example, the National Planning Policy Framework Recommendations sets out the aims to enhance and not just protect the natural environment. Planning Decisions should seek a net gain for nature and also supports the creation of better local ecological networks. Local Plans should contain a clear strategy for enhancing the natural environment. Local councils and communities should plan positively for the protection and enhancement of networks of biodiversity and green infrastructure, and to recognise the wider benefits of ecosystem services.

42. In the case of this planning application the 'Brighton & Hove Biodiversity Checklist' appears to have NOT been filled in accurately and is misleading for the following reasons (note:BHCC numbering followed)
    4. Removal or modification of woodland or mature trees : Should be 'YES' – bats may use this area for roosting and as a feeding area / flightline.
    10. Loss of a hedge (including garden hedges) of 10m or more : 'YES' – but no indication of how this loss will be addressed.
    11. 'Veteran' trees on or overhanging the development site, 'Veteran' trees, are trees with holes, cracks or cavities, or with peeling bark, or with large dead branches, or which support well established Ivy growth: Should be 'YES'! Quite clearly mature trees supporting these features can be seen on the application site.
    12. Loss of grassland of more than 100sq.m (about the size of half a tennis court), which is cut infrequently, or which supports a variety of flowers: Should be 'YES'. The unmanaged grassland and area which 'the copse' is maturing on falls within this category.
    Comments on the application are made with particular reference to Landscape, Open Space and Biodiversity following a review of the BHCC Saved Local Plan and SPD 11- Nature Conservation and Development.

43. SAVED LOCAL PLAN POLICIES
    QD3 Design - efficient and effective use of sites
    This policy states –
    New development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.
    To secure the efficient and effective use of a site, proposals will be expected to incorporate an intensity of development appropriate to: the locality and / or prevailing townscape; the needs of the community; the nature of the development; and proposed uses. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.

When applying this policy, in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area. Proposals for 'backland' development will be rigorously examined in respect of these features and its impact on amenities. Special attention will be paid to the design and quality of spaces between buildings.

Contrary to this policy, a large artificial pitch with its associated infrastructure is crammed into a well-used amenity space within the Stringer/Varndean/Balfour campus, resulting in the loss of trees, grassed areas and nature conservation features contained within it.

The design of the spaces around the pitch is insufficiently detailed in order to accurately assess its quality.

44. QD15 Landscape design
This policy states –
All proposals for development must submit details to show that:
a. adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process;
b. the proposal includes suitable open space provision;
c. high quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use;
d. effective use has been made of existing landscape features;
e. where appropriate, existing nature conservation features have been retained and new suitable ones created;
f. if the location is appropriate, the site contributes to the Brighton and Hove Greenway Network.

Planning conditions may be imposed or a planning obligation sought in order to secure the provision of landscaping and future maintenance. On major schemes, details of structural landscaping that contributes to the existing overall landscape quality of an area will need to be agreed with the planning authority prior to the determination of a planning application. It will be a requirement, in appropriate cases, that some landscaping is planted prior to development commencing.

45. The proposal attempts to shoe-horn a large artificial pitch into an insufficient space failing even to respect the grain of existing development on the site, contrary to policy QD15.

46. Nature conservation features are proposed to be removed and are inadequately compensated for, for example two fine and irreplaceable mature Wheatley Elms are proposed to be removed. The Design and Access Statement talks of replacing these with native Elm trees, which unavailable in the nursery trade.

No proposals for the future maintenance of the area are provided as part of the application.

47. QD17 Protection and integration of nature conservation features
This policy states –
Development proposals affecting nature conservation features outside protected sites will be granted planning permission provided:

a. the proposal can be subject to conditions that prevent damaging impacts on those features; or
b. the impact is minimised and as many existing features as possible are protected and enhanced and compensating and equivalent features are provided for any that are lost or damaged.
New nature conservation features will be required as part of development schemes. These features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme.

Suitable schemes where such features have not been incorporated will be refused. Where necessary, conditions will be imposed or a planning obligation sought in order to secure these requirements.

48. There is a report from adjacent land provided, which indicates the potential biodiversity value of the application site: BRIGHTON & HOVE LOCAL WILDLIFE SITE SURVEY FORM - August 2011

This survey states:

Dorothy Stringer Wildlife Area

Habitat Size & Diversity
"A surprising variety of diverse wildlife habitats occur within the grounds of Dorothy Stringer School. These comprise species-rich chalk grassland, a wildlife pond and deciduous woodland, all actively managed for wildlife with the involvement of school children.

Deciduous woodland: Canopy is English Elm, Sycamore and Ash over Elder, Hawthorn, Field Maple, Spindle, Blackthorn saplings and Hazel. Frequent gaps in the canopy have allowed a dense understory to develop in places. Glades tend to be dominated by Nettle, Hogweed, Cow Parsley with Hedge Woundwort and Greater Burdock. Traveller's Joy and *Convolvulus* frequent. Ivy clad trees. Fallen dead wood.

Ground bug *Stictopleurus abutilon* - Formerly very scarce ground bug requiring dry, warm conditions – expanding populations
Black ground bug *Aphanus rolandri* - A large and distinctive black ground bug - very scarce (Na) known primarily from the extreme south of England.
Toadflax Brocade Moth *Calophasia lunula* - Restricted to the south-east and central southern coasts of England
Brown-banded Carder-bee *Bombus humilis* - UKBAP Priority Species Restricted to southern England coastal and chalkland.
Small Blue butterfly *Cupido minimus* - UKBAP Priority Species. It is often confined to small patches of sheltered grassland where its sole foodplant kidney vetch *Anthyllis vulneraria* grows. The butterfly tends to live in small colonies, it is declining in most areas and is rare and localised.

49. The 'BRIGHTON & HOVE LOCAL WILDLIFE SITE SURVEY FORM - August 2011' also states:

    Appreciation of nature
    The site is used by the school for educational purposes and the children are involved in conservation management."

    Cutting down mature trees, removing a copse of growing trees and destroying a habitat corridor has precisely the opposite effect in promoting an 'Appreciation of nature'.

50. It appears there has been no survey of the application area, but the August 2011 wildlife survey indicates the biodiversity value of the trees, hedgerows and new 'copse' area could be high based on the land within 100m of the application survey.

51. There is no mention of survey for reptiles, which are legally protected and likely to live in the taller grassland and edge habitats. There has been no survey for *Stictopleurus abutilon, Aphanus rolandri, Calophasia lunula, Bombus humilis* or *Cupido minimus* which are priority biodiversity species which may be present in the application area.

52. The lack of a comprehensive and up-to-date ecological report on the proposed development site means that there is no base-line to assess accurately either impacts upon the existing nature conservation interest on the site, or potential compensatory or equivalent features.

53. Examining the application to replace an area of mixed hedgerow, trees and grassland with an artificial surface indicates a loss of biodiversity features. There is no mitigation indicated and inadequate compensation. This will result in a net loss of biodiversity.

54. Whilst new nature conservation features are mentioned in the application, and chalk embankments are referred to in the Design and Access Statement, and may be appropriate to this site, there is no design detail as part of the planning application. No drawings or specifications are provided to enable these to be accurately assessed. It therefore cannot be judged whether or not these features would be fully integrated within the scheme, and as such it should be refused.

55. Policy QD18 Species protection

    This policy states –
    Where it is evident that a proposal could directly or indirectly affect a species of animal or plant, or its habitat (including feeding, resting and breeding areas) protected under National legislation, European legislation or categorised as 'a declining breeder', 'endangered', 'extinct', 'rare' or 'vulnerable' in the British 'Red Data' books, the applicant will be required to undertake an appropriate site investigation.

    Measures will be required to avoid any harmful impact of a proposed development on such species and their habitats. Where practicable, the developer will be expected to enhance the habitat of the respective species. Where necessary, a condition will be imposed or a planning obligation sought in order to secure these requirements.

Permission will not be granted for any development, including changes of use, that would be liable to cause demonstrable harm to such species and their habitats.

There are 5 species on the nearby site which fall into one or more of the categories referred to in the first paragraph of this policy. They are highly likely to also occur within the 'development footprint'; an appropriate site investigation should therefore have been carried out prior to this application being submitted.

56. The lack of a detailed and up-to-date ecological report means that not all species on the site may be known about, harmful impact cannot be assessed, and mitigation therefore cannot be designed. Such habitat improvement referred to in the Design and Access Statement, once again, is insufficiently detailed, and may even be inappropriate depending upon the results of the ecological survey.

57. QD20 Urban open space
This policy states –
Planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value.

Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance.
The loss of an area of open space important to people will only be considered in exceptional circumstances. For example, where it can be demonstrated that the proposal is of national importance or essential to meet social, environmental and / or economic needs, which cannot be located elsewhere. Where such exceptional circumstances apply, the planning authority will require alternative appropriate open space provision of a suitable size, type, layout, character, appearance and location.
Planning permission for the development of areas of public and private open space that are not considered to be important to people, will only be permitted where the applicant can satisfy the planning authority that:
a. there are no alternative open space needs in the area, such as deficiencies in outdoor recreation space, accessible natural green space or allotments; or
b. the area of open space is not suitable to meet alternative open space needs.
Major developments will be required to provide accessible open space as part of the proposal.

This proposal is contrary to this policy in a number of respects –

58. The space which would be occupied by the artificial pitch has recreational, community and social value, as not only an organised sports area for students of the schools on this campus, but also an important 'hanging out' and socialising area.

59. Its wildlife value is indicated by two of the documents in the application, but needs further research.

60. The site has amenity value both as part of the setting of the Stringer School buildings, and due to the open space it provides for local people during the week out of school hours, and at weekends.

The policy states that the loss of an area of open space important to people will only be considered in exceptional circumstances, e.g. where the proposal cannot be located elsewhere. The Stringer/Varndean/Balfour campus is very large with extensive open areas, and it is difficult to imagine that this is the only site which has been considered.

The policy also demands alternative open space provision if exceptional circumstances do apply and a development is permitted, of a suitable size, type, layout, character, appearance and location. No proposals for such an alternative space appear in the planning application.

61. SPD 11 – NATURE CONSERVATION AND DEVELOPMENT
Section 2 Green Network
Para 2.5 states - The Brighton and Hove Green network is defined in the emerging Local Development Framework. It comprises interlinked green spaces forming a continuous, natural network through the urban area and into surrounding countryside. The Green Network incorporates most of the city's nature conservation sites and other natural habitat of value. It also identifies areas of land suitable for habitat creation to meet local, natural green space and LBAP targets.

Para 2.6 adds -Many nature conservation features occur outside both designated sites and the Green Network. To be sustainable, important that development identifies, conserves and enhances such features. The Dorothy Stringer/Varndean/Balfour campus is defined as a Green Buffer in the final report. It is difficult to see how the construction of a large all weather pitch and the loss of both mature and maturing trees and other woody vegetation conserves or enhances this element of Brighton and Hove's Green Network.

62. Section 3 Legislation and Policy Base
contains the following key messages -
• The local planning authority has a statutory duty to have regard to conserving biodiversity as part of the planning process.
• The local planning authority is expected to ensure its planning decisions are based on upto-date information on local nature conservation features.
• Nature conservation features of value frequently occur outside designated sites and these should be conserved, enhanced and additional features created as part of development.
• Maintaining current levels of biodiversity is not sufficient. A Local Biodiversity Action Plan should set out how adequate provision for biodiversity will be made, including through the development control process.
• Brighton and Hove supports several sites, habitats and species of particular importance (please see details below). The council has a particular responsibility to promote their maintenance and long-term conservation as part of the planning process.

63. In its decision therefore, **BHCC must consider the biodiversity of the application site and its surroundings.**

64. The application's Design and Access Statement talks about creating chalk downland for butterflies from the spoil produced from the excavations for the ATP. There are no drawings or specifications indicating how this might be achieved. A basic requirement should be existing and proposed contour plans showing a balanced cut and fill of the excavated and replaced material.

65. Annex 1 lists a number of species of particular importance to B&H. Examples of English Elm, one of these, will be lost as part of this development. A number of other species are likely to occur on the site (e.g. Slow Worm, various bat species, various bird species) but insufficient ecological survey has been carried out in order to confirm or deny this.

66. Furthermore, 5 other rare or exceptional species have been noted on the site, including 2 UKBAP priority species, Brown Banded Carder Bee and Small Blue, plus two very scarce ground bugs and the Toadflax Brocade Moth.

67. Section 4 Step by Step Guide to Building Nature into Development.
    Section A2 is as follows –
    A2 Nature Conservation survey must be carried out by a qualified ecologist. Take account of any nature conservation features within the development site and wider area (refer to Annex 1). Compile any relevant information from existing sources - Sussex Biodiversity Record Centre, Booth Museum.

68. The application does not feature an adequate complete survey by a qualified ecologist. The document submitted does not consider the wider area.

    The SPD describes very thoroughly at para 5.10 – 13 how a survey should be carried out and presented.

    Section A3 states –
    A3 Mitigation
    Working with the consultant ecologist, ensure the layout and design of the development avoids wherever possible and minimises harm to the features identified in A1 and A2. Ensure less obvious impacts are considered, such as effects outside the development boundary, activities during the construction phase, pipes and underground cables, shading and light pollution (refer to Annex 5). Failure to avoid damaging impacts may lead to application refusal.

69. The landscape scheme submitted is very sketchy and lacking in detail. There are no proposed levels; soil profiles; plant species; specifications for planting and seeding mixes; and landscape and engineering operations. There is no evidence of ecological input.

70. There is a mosaic of habitats between the grassland opposite Varndean School on the east side of Ditchling Road and Withdean Park. However much is in privately owned gardens with variable connections between the larger parks. In terms of maintaining local biodiversity it will be critical to ensure there are numerous habitat connections retained.

71. Section A4 adds –
    A4 Compensation
    If damage to nature conservation features cannot be avoided entirely, it may be possible to compensate for these residual effects, or as a last resort, calculate a commuted sum (refer to Annex 6). Applications which do not compensate for damage to nature conservation features will be refused.

72. A plantation of native woody species on the northern edge of the application site, planted as a planning condition for the PFI project a few years ago on the site, is developing well into the thicket stage and already providing habitat and potential bird nesting sites. This will be lost as part of the development and is not adequately compensated for.

73. In November 2010: Brighton and Hove 'Biodiversity Conference' launched the 'School Grounds Biodiversity Action Plan' (BHCC, 2010) which emphasized the importance of School Grounds as a place for children to learn about their local biodiversity. It also recommended engaging children in surveys of the local biodiversity and in habitat creation to benefit nature on the school grounds. Dorothy Stringer School was included in this School Grounds BAP, and also hosted the conference. It is regrettable that their own recommendations for enhancing biodiversity are now not being followed.

Conclusion

74. In conclusion it appears the desire for a free or very reduced cost 'artificial turf sports pitch' by the Dorothy Stringer School (planning application ref: BH2014/00697) has taken priority over their consideration of the true biodiversity costs of installing this artificial pitch over the local native wildlife. Brighton and Hove's Wildlife Forum therefore OBJECTS to this development.

75. We hope the Planning Committee finds these comments useful and look forward to a REFUSAL decision in due course.

    Brighton and Hove's Wildlife Forum
    31 March 2014

References:

BHCC, 2010. '*School Grounds Biodiversity Action Plan*'. Brighton and Hove City Council

Bruce-White and Shardlow M, 2011, '*A Review of the Impact of Artificial Light on Invertebrates'*.Buglife. www.buglife.org.uk

Gent A and Gibson S, 2003, '*Herpetofauna Workers Manual*', JNCC

Hill D, Fasham M, Tucker G, Shewry M and Shaw P (Eds), 2005. *'Handbook of Biodiversity Methods: Survey, Evaluation and Monitoring'*. CUP.

Royal Commission, 2009, '*Artificial Light in the Environment*'. The Royal Commission on Environmental Pollution. HMSO ISBN: 9780108508547

For Information: COPY OF PREVIOUS OBJECTION SUBMITTED: 21 October 2013

Re: Planning Application BH2013/03280 – Dorothy Stringer School, Loder Road, Brighton.

Installation of an artificial turf pitch with associated fencing and floodlighting, incorporating alteration to internal access and landscaping works.

Brighton and Hove's Wildlife Forum OBJECTSto this development for the reasons detailed below.

Brighton and Hove's Wildlife Forum BHWF is a non-profit community partnership of representatives from seventeen local wildlife groups with local experts in their field; and over a hundred naturalists, students and professional environmental consultants. BHWF has the commitment to conserve and enhance Biodiversity across the Brighton and Hove area, further details can be seen by visiting www.BHWF.org.uk.

1. It appears the main incentive is to obtain an artificial sport surface at low financial cost to the school. The 'Agent': Surfacing Standards, is based in Corby. Consequently, whilst there is benefit to a Corby company in reaching a new market there will be very little local employment or local economic benefit. Whilst the school may bear little cost, the environmental costs are high.

2. Even a quick look at aerial photographs of the local area reveal the large extent of managed grassland cut with regular mowing. Such 'improved grassland' has little biodiversity value.

However the 'semi-improved' grassland along the margins, roadside verges and linking areas form valuable habitats in their own right, and may help to link other wildlife areas for more mobile species such as reptiles. Further details on the Biodiversity Impact are given below.

3. Public Bodies have a formal Duty to promote biodiversity through the Natural Environment and Rural Communities Act 2006. Section 40 aims "...to raise the profile of biodiversity in England and Wales, so that the conservation of biodiversity becomes properly embedded in all relevant policies and decisions made by public authorities".

Both BHCC and the School are 'Public Bodies'.

4. The Lawton Review (2010) 'Making space for nature'recommends:
• More: Area of land managed for nature
• Bigger: How much more land will be managed for nature?
• Better: How will the nature conservation quality be improved?
• Connected: How will these individual areas be connected to each other?
This is implemented in planning terms.

For example, the National Planning Policy Framework Recommendations sets out the aims to enhance and not just protect the natural environment. Planning Decisions should seek a net gain for nature and also supports the creation of better local ecological networks. Local Plans should contain a clear strategy for enhancing the natural environment. Local councils and communities should plan positively for the protection and enhancement of

networks of biodiversity and green infrastructure, and to recognise the wider benefits of ecosystem Services.
5. In the case of this planning application the 'Brighton & Hove Biodiversity Checklist' appears to have NOT been filled in accurately and is misleading for the following reasons
(note: checklist numbering followed):

4. Removal or modification of woodland or mature trees : Should be 'YES' – bats may use this area for roosting and as a feeding area / flightline.

10. Loss of a hedge (including garden hedges) of 10m or more : 'YES' – but no indication of how this loss will be addressed.

11. 'Veteran' trees on or overhanging the development site, 'Veteran' trees, are trees with holes, cracks or cavities, or with peeling bark, or with large dead branches, or which support well established Ivy growth: Should be 'YES'! Quite clearly mature trees supporting these features can be seen on the application site.

12. Loss of grassland of more than 100sq.m (about the size of half a tennis court), which is cut infrequently, or which supports a variety of flowers: Should be 'YES'. The unmanaged grassland and area which 'the copse' is maturing on falls within this category.

Comments on the application are made with particular reference to Landscape, Open Space and Biodiversity following a review of the BHCC Saved Local Plan and SPD 11- Nature Conservation and Development

6. SAVED LOCAL PLAN POLICIES
QD3 Design - efficient and effective use of sites
This policy states –
New development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

To secure the efficient and effective use of a site, proposals will be expected to incorporate an intensity of development appropriate to: the locality and / or prevailing townscape; the needs of the community; the nature of the development; and proposed uses. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and Facilities.

When applying this policy, in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area. Proposals for 'backland' development will be rigorously examined in respect of these features and its impact on amenities. Special attention will be paid to the design and quality of spaces between buildings.

Contrary to this policy, a large artificial pitch with its associated infrastructure is crammed into a well-used amenity space within the Stringer/Varndean/Balfour campus, resulting in the loss of trees, grassed areas and nature conservation features contained within it.

The design of the spaces around the pitch is insufficiently detailed in order to accurately assess its quality.

7. QD4 Design - strategic impact

This policy states -

In order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design.

Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted.
The following features and buildings are considered to be of strategic importance:
a. views of the sea from a distance and from within the built up area;
b. views along the seafront and coastline;
c. views across, to and from the Downs;
d. views across valleys;
e. views into and from within conservation areas;
f. the setting of listed buildings and locally well-known landmark buildings of townscape merit;
g. vistas along avenues, boulevards and steeply rising streets; and
h. initial views of Brighton & Hove from access points by all modes of transport.
This development is contrary to this policy in that it will interrupt the fine views across the city from around the college campus and further north and east emphasised in the BHCC Urban Characterisation Study: Surrenden Neighbourhood section.

8. QD15 Landscape design
This policy states –
All proposals for development must submit details to show that:
a. adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process;
b. the proposal includes suitable open space provision;
c. high quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use;
d. effective use has been made of existing landscape features;
e. where appropriate, existing nature conservation features have been retained and new suitable ones created; and
f. if the location is appropriate, the site contributes to the Brighton and Hove Greenway Network.

Planning conditions may be imposed or a planning obligation sought in order to secure the provision of landscaping and future maintenance. On major schemes, details of structural landscaping that contributes to the existing overall landscape quality of an area will need to be agreed with the planning authority prior to the determination of a planning application.
It will be a requirement, in appropriate cases, that some landscaping is planted prior to development commencing.

The proposal attempts to shoe horn a large artificial pitch into an insufficient space failing even to respect

the grain of existing development on the site, contrary to policy.

9. This proposed development is further contrary to this policy as the landscape proposals are sketchy and insufficiently detailed to enable an assessment of the proposal to be made.

Especially in respect of the design of the repositioning of the apparently considerable quantity of excavated materials which will be derived from the ground levelling operation, no drawings showing either existing or proposed levels are included in the submission.

10. No specifications or detailed drawings are shown describing the detail of the planting and seeding works which would be necessary as a result of the engineering works, therefore their quality cannot be assessed.

11. Nature conservation features are proposed to be removed and are inadequately compensated for, for example two fine and irreplaceable mature Wheatley Elms are proposed to be removed. The Design and Access Statement talks of replacing these with native Elm trees, which unavailable in the nursery trade.
No proposals for the future maintenance of the area are provided as part of the application.

12. QD17 Protection and integration of nature conservation features
This policy states –
Development proposals affecting nature conservation features outside protected sites will be granted planning permission provided:
a. the proposal can be subject to conditions that prevent damaging impacts on those features; or
b. the impact is minimised and as many existing features as possible are protected and enhanced and compensating and equivalent features are provided for any that are lost or damaged.

New nature conservation features will be required as part of development schemes. These features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme. Suitable schemes where such features have not been incorporated will be refused. Where necessary, conditions will be imposed or a planning obligation sought in order to secure these requirements.

13. There is a report from adjacent land provided, which indicates the potential biodiversity value of the application site:

BRIGHTON & HOVE LOCAL WILDLIFE SITE SURVEY FORM - August 2011 survey states:
Dorothy Stringer Wildlife Area
Habitat Size & Diversity
"A surprising variety of diverse wildlife habitats occur within the grounds of Dorothy Stringer School. These comprise species-rich chalk grassland, a wildlife pond and deciduous woodland, all actively managed for wildlife with the involvement of school children.

Deciduous woodland: Canopy is English Elm, Sycamore and Ash over Elder, Hawthorn, Field Maple, Spindle, Blackthorn saplings and Hazel. Frequent gaps in the canopy have allowed a dense understory to develop in places. Glades tend to be dominated by Nettle, Hogweed, Cow Parsley with Hedge Woundwort and Greater Burdock.

Traveller's Joy and *Convolvulus* frequent. Ivy clad trees. Fallen dead wood.

Ground bug *Stictopleurus abutilon* - Formerly very scarce ground bug requiring dry, warm conditions – expanding populations

Black ground bug *Aphanus rolandri* - A large and distinctive black ground bug - very scarce (Na) known primarily from the extreme south of England.

Toadflax Brocade Moth *Calophasia lunula* - Restricted to the south-east and central southern coasts of England

Brown-banded Carder-bee *Bombus humilis* - UKBAP Priority Species Restricted to southern England coastal and chalkland.

Small Blue butterfly *Cupido minimus* - UKBAP Priority Species. It is often confined to small patches of sheltered grassland where its sole foodplant kidney vetch *Anthyllis vulneraria* grows. The butterfly tends to live in small colonies, it is declining in most areas and is rare and localised.

Appreciation of nature
The site is used by the school for educational purposes and the children are involved in conservation management."

14. It appears there has been no survey of the application area, but the August 2011 wildlife survey indicates the biodiversity value of the trees, hedgerows and new 'copse' area could be high based on the land within 100m of the application survey.

15. There is no mention of survey for reptiles, which are legally protected and likely to live in the taller grassland and edge habitats. There has been no survey for *Stictopleurus abutilon, Aphanus rolandri, Calophasia lunula, Bombus humilisor Cupido minimus* which are priority biodiversity species which may be present in the application area.

16. The lack of a comprehensive and up-to-date ecological report on the proposed development site means that there is no base-line to assess accurately either impacts upon the existing nature conservation interest on the site, or potential compensatory or equivalent features.

17. Examining the application to replace an area of mixed hedgerow, trees and grassland with an artificial surface indicates a loss of biodiversity features. There is no mitigation indicated and inadequate compensation. This will result in a net loss of biodiversity.

18. Whilst new nature conservation features are mentioned in the application, and chalk embankments are referred to in the Design and Access Statement, and may be appropriate to this site, there is no design detail as part of the planning application. No drawings or specifications are provided to enable these to be accurately assessed. It therefore cannot be judged whether or not these features would be fully integrated within the scheme, and as such it should be refused.

19. Policy QD18 Species protection
This policy states –

Where it is evident that a proposal could directly or indirectly affect a species of animal or plant, or its habitat (including feeding, resting and breeding areas) protected under National legislation, European legislation or categorised as 'a declining breeder', 'endangered', 'extinct', 'rare' or 'vulnerable' in the British 'Red Data' books, the applicant will be required to undertake an appropriate site investigation.

Measures will be required to avoid any harmful impact of a proposed development on such species and their habitats. Where practicable, the developer will be expected to enhance the habitat of the respective species. Where necessary, a condition will be imposed or a planning obligation sought in order to secure these requirements.

Permission will not be granted for any development, including changes of use, that would be liable to cause demonstrable harm to such species and their habitats.

There are 5 species on the nearby site which fall into one or more of the categories referred to in the first paragraph of this policy. They are highly likely to also occur within the 'development footprint'; an appropriate site investigation should therefore have been carried out.

20. The lack of a detailed and up-to-date ecological report means that not all species on the site may be known about, harmful impact cannot be assessed, and mitigation therefore cannot be designed. Such habitat improvement referred to in the Design and Access Statement, once again, is insufficiently detailed, and may even be inappropriate depending upon the results of the ecological survey.

21. QD20 Urban open space
This policy states –
Planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value.

Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance.

The loss of an area of open space important to people will only be considered in exceptional circumstances. For example, where it can be demonstrated that the proposal is of national importance or essential to meet social, environmental and / or economic needs, which cannot be located elsewhere. Where such exceptional circumstances apply, the planning authority will require alternative appropriate open space provision of a suitable size, type, layout, character, appearance and location.

Planning permission for the development of areas of public and private open space that are not considered to be important to people, will only be permitted where the applicant can satisfy the planning authority that:
a. there are no alternative open space needs in the area, such as deficiencies in outdoor recreation space, accessible natural green space or allotments; or
b. the area of open space is not suitable to meet alternative open space needs.

Major developments will be required to provide accessible open space as part of the proposal.

This proposal is contrary to this policy in a number of respects –

22. The space which would be occupied by the artificial pitch has recreational, community and social value, as not only an organised sports area for students of the schools on this campus, but also an important 'hanging out' and socialising area.

23. Its wildlife value is indicated by two of the documents in the application, but needs further research.

24. The site has amenity value both as part of the setting of the Stringer School buildings, and due to the open space it provides for local people during the week out of school hours, and at weekends.

The policy states that the loss of an area of open space important to people will only be considered in exceptional circumstances, e.g. where the proposal cannot be located elsewhere. The Stringer/Varndean/Balfour campus is very large with extensive open areas, and it is difficult to imagine that this is the only site which has been considered.

The policy also demands alternative open space provision if exceptional circumstances do apply and a development is permitted, of a suitable size, type, layout, character, appearance and location. No proposals for such an alternative space appear in the planning application.

25. SPD 11 – NATURE CONSERVATION AND DEVELOPMENT
Section 2 Green Network

Para 2.5 states - The Brighton and Hove Green network is defined in the emerging Local Development Framework. It comprises interlinked green spaces forming a continuous, natural network through the urban area and into surrounding countryside. The Green Network incorporates most of the city's nature conservation sites and other natural habitat of value. It also identifies areas of land suitable for habitat creation to meet local, natural green space and LBAP targets.

Para 2.6 adds -Many nature conservation features occur outside both designated sites and the Green Network. To be sustainable, it is important that development identifies, conserves and enhances such features.

The Dorothy Stringer/Varndean/Balfour campus is defined as a Green Buffer in the final report. It is difficult to see how the construction of a large all weather pitch and the loss of both mature and maturing trees and other woody vegetation conserves or enhances this element of Brighton and Hove's Green Network.

26. Section 3 Legislation and Policy Base contains the following key messages -
• The local planning authority has a statutory duty to have regard to conserving biodiversity as part of the planning process.
• The local planning authority is expected to ensure its planning decisions are based on upto-date information on local nature conservation features.
• Nature conservation features of value frequently occur outside designated sites and these should be conserved, enhanced and additional features created as part of development.
• Maintaining current levels of biodiversity is not sufficient. A Local Biodiversity Action Plan should set out how adequate provision for biodiversity will be made, including through the development control process.
• Brighton and Hove supports several sites, habitats and species of particular importance (please see details

below). The council has a particular responsibility to promote their maintenance and long-term conservation as part of the planning process.

27. In its decision therefore, BHCC must consider the biodiversity of the application site and its surroundings.

28. The decision must be based upon up-to-date information. A report containing information, the most recent of which is August 2011 is therefore insufficient. A recent ecological report is required.

29. The application's Design and Access Statement talks about creating chalk downland for butterflies from the spoil produced from the excavations for the ATP. There are no drawings or specifications indicating how this might be achieved. A basic requirement should be existing and proposed contour plans showing a balanced cut and fill of the excavated and replaced material.

30. Annex 1 lists a number of species of particular importance to B&H. Examples of English Elm, one of these, will be lost as part of this development. A number of other species are likely to occur on the site (e.g. Slow Worm, various bat species, various bird species) but insufficient ecological survey has been carried out in order to confirm or deny this.

31. Furthermore, 5 other rare or exceptional species have been noted on the site, including 2 UKBAP priority species, Brown Banded Carder Bee and Small Blue, plus 2 very scarce ground bugs and the Toadflax Brocade Moth.

32. Section 4 Step by Step Guide to Building Nature into Development.
Section A2 is as follows –

A2 Nature Conservation survey must be carried out by a qualified ecologist. Take account of any nature conservation features within the development site and wider area (refer to Annex 1). Compile any relevant information from existing sources - Sussex Biodiversity Record Centre, Booth Museum, www.CityWildlife.org.uk.

33. The application does not feature an up to date and complete survey by a qualified ecologist.

The document submitted does not consider the wider area. There is no evidence of recent information being derived from either the SxBRC or the Booth Museum. The SPD describes very thoroughly at para 5.10 – 13 how a survey should be carried out and presented.

Section A3 states –

A3 Mitigation
Working with the consultant ecologist, ensure the layout and design of the development avoids wherever possible and minimises harm to the features identified in A1 and A2.

Ensure less obvious impacts are considered, such as effects outside the development boundary, activities during the construction phase, pipes and underground cables, shading and light pollution (refer to Annex 5). Failure to avoid damaging impacts may lead to application refusal.

34. The landscape scheme submitted is very sketchy and lacking in detail. There are no proposed levels; soil profiles; plant species; specifications for planting and seeding mixes; and landscape and engineering operations. There is no evidence of ecological input.

35. There is a mosaic of habitats between the grassland opposite Varndean School on the east side of Ditchling Road and Withdean Park. However much is in privately owned gardens with variable connections between the larger parks. In terms of maintaining local biodiversity it will be critical to ensure there are numerous habitat connections retained.

36. Section A4 adds – A4 Compensation
If damage to nature conservation features cannot be avoided entirely, it may be possible to compensate for these residual effects, or as a last resort, calculate a commuted sum (refer to Annex 6). Applications which do not compensate for damage to nature conservation features will be refused.

37. A plantation of native woody species on the northern edge of the application site, planted as a planning condition for the PFI project a few years ago on the site, is developing well into the thicket stage and already providing habitat and potential bird nesting sites. This will be lost as part of the development and is not adequately compensated for.

38. The pair of fine mature Wheatley Elmswill be lost. It is arguable whether a number of very much smaller trees is adequate compensation. The use of native Elm species referred to in the Design and Access Statement is unrealistic as they are unavailable in the nursery trade due to Dutch Elm Disease.

39. In November 2010: Brighton and Hove 'Biodiversity Conference' launched the 'School Grounds Biodiversity Action Plan' (BHCC, 2010) which emphasized the importance of School Grounds as a place for children to learn about their local biodiversity. It also recommended engaging children in surveys of the local biodiversity and in habitat creation to benefit nature on the school grounds. Dorothy Stringer School was included in this School Grounds BAP, and also hosted the conference. It is regrettable that their own recommendations for enhancing biodiversity are now not being followed.

Conclusion

40. In conclusion it appears the desire for a free or very reduced cost 'artificial turf sports pitch' by the Dorothy Stringer School (planning application ref: BH2013/03280) has taken priority over their consideration of the true biodiversity costs of installing this artificial pitch over the local native wildlife. Brighton and Hove's Wildlife Forum therefore OBJECTS to this development.

41. We hope the Planning Committee finds these comments useful and look forward to a REFUSAL decision in due course.

Brighton and Hove's Wildlife Forum
21 October 2013