

**PRE-SUBMISSION REVIEW OF FERNHURST NEIGHBOURHOOD PLAN**

AGENDA ITEM 15 REPORT PC 7/13  
APPENDIX 3

**PRE-SUBMISSION REVIEW OF FERNHURST NEIGHBOURHOOD  
PLAN (DRAFT FOR INFORMAL CONSULTATION)**

**CLIENT: SOUTH DOWNS NATIONAL PARK AUTHORITY**

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**30 JULY 2013**

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**1. Scope of the Project**

1.1 I have been asked to carry out a brief pre-submission review of the Fernhurst Neighbourhood Plan (FNP), focussing on whether the FNP seems likely to meet the basic conditions (see 3.1 below), and in particular on a set of issues identified by the South Downs National Park Authority (SDNPA). These issues are as follows:

- Whether the evidence base for the FNP is sufficiently robust.
- Whether the absence of a local housing needs survey is an issue.
- Assessment of the need for affordable housing.
- Adequacy of the current local plan (Chichester District Local Plan (1999)).
- Relevance of the emerging local plan for the National Park.
- The way in which the FNP deals with the brownfield Syngenta site, and in particular whether the FNP should set out all the alternatives and options for the Syngenta site.
- Whether the Syngenta site should be included in the FNP, or be considered as part of the emerging local plan.
- Whether the use of existing commercial sites for market housing is appropriate.

1.2 In the brief timescale specified by the SDNPA, it would be impossible to carry out an assessment at the breadth or the level of detail appropriate to a formal examination, and this report must be read with that in mind.

1.3 This analysis and report are the product of a 'desk study', using information to be found on the internet. I have not visited the places referred to in the report.

1.4 I have not recorded any typographical or other errors, except where they might fundamentally undermine the meaning, clarity or credibility of the plan.

1.5 Given the nature of my brief and the timescale available, this report must inevitably focus on the negative aspects of the FNP. I must therefore stress that it is clear to me that a great amount of care, commitment and effort has gone into the production of the draft plan, and that it is founded on a heartfelt desire to conserve and enhance the beauty of the national park, and to improve the choices available to present and future residents.

**2. Location and characteristics**

2.1 Fernhurst lies within the South Downs National Park. The parish has a population of around 3660, half of whom live in Fernhurst village. The village is tightly constrained by open countryside.

### **3. Background**

#### **3.1 The basic conditions**

3.1.1 In brief, the basic conditions which must be met by the FNP are:

- it must have appropriate regard to national policy
- it must contribute to the achievement of sustainable development
- it must be in general conformity with the strategic policies in the development plan for the local area
- it must be compatible with EU obligations, including human rights requirements
- it must not have a significant adverse effect on a 'European site' (under the Conservation of Habitats and Species Regulations 2010).

3.1.2 When submitted to the SDNPA, the plan should be accompanied by a map or statement identifying the area to which the plan relates, a 'basic conditions statement' explaining how the basic conditions are met, and a 'consultation statement' containing details of those consulted, how they were consulted, their main issues and concerns and how these have been considered and where relevant addressed in the proposed FNP.

3.1.3 The SDNPA will also need to be satisfied that the plan meets other legal requirements, including:

- that it is being submitted by a qualifying body (as defined by the legislation).
- that what is being proposed is a Neighbourhood Development Plan (NDP) (as defined in the legislation).
- that the FNP states the period for which it is to have effect.
- that the policies do not relate to 'excluded development'.
- that the proposed FNP does not relate to more than one neighbourhood area.
- that there are no other NDPs in place within the neighbourhood area.

3.1.4 There is no requirement for every NDP to be accompanied by a formal Sustainability Appraisal, but such documents can be very helpful. As I understand the legislation it is for the Local Planning Authority (LPA) to decide whether a particular NDP falls within the scope of the SEA directive (2001/42/EC).

#### **3.2 National policy**

3.2.1 National policy is set out in the National Planning Policy Framework (NPPF). The most significant policies relevant to the FNP appear to

be those on sustainability, on national parks and the countryside, on employment and on housing.

3.2.2 Sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs (and this is set out in the Foreword to the NPPF). However, the NPPF goes on to interpret this in a number of ways which do not lend themselves to easy encapsulation. Such things as low-carbon development, the promotion of walking, cycling and public transport, and the reduction of private car use are obvious contributors to sustainability. Beyond that, the NPPF must be scrutinised carefully in relation to specific proposals in order to determine its relevance.

3.2.3 The NPPF says that great weight should be given to conserving landscape, scenic beauty, wildlife and cultural heritage in National Parks. This policy is amplified by the DEFRA publication *English National Parks and the Broads* (2010) upon which the FNP, appropriately, relies. Of particular relevance is the statement in *English National Parks and the Broads* that the government recognises that national parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services, and upon local needs. The FNP embodies these principles.

3.2.4 The NPPF also says that planning should recognise and respect the intrinsic character and beauty of the countryside.

3.2.5 The NPPF says that planning should 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.

3.2.6 Whilst stressing the need to support sustainable economic growth, the NPPF says that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

### **3.3 Existing development plan**

3.3.1 The saved policies of the Chichester District Local Plan (1999) constitute the existing development plan for the parish. Although they pre-date the designation of the national park, their broad strategic principles are very much in tune with what might be expected for an area with special environmental characteristics. They stress the need to conserve the countryside, the landscape, and local character, to limit housing development in sensitive areas, and to protect existing commercial and industrial sites. The FNP is broadly in line with this strategy.

3.3.2 The most obvious deficiency of the existing development plan is the lack of an up to date housing policy, and especially the absence of information about housing need and housing land availability.

3.3.3 It is important to note that the basic conditions are concerned only with the existing development plan, and not the emerging local plan. An examiner is not supposed to concern herself or himself with the soundness of the NDP, or with local plan policies which have not yet been adopted. It is clearly desirable that any NDP should be 'future-proofed', and that the LPA should ensure that it is in general accord with developing strategy. Otherwise it might have limited relevance once the emerging local plan was adopted. In my view it is very important that this issue should be thoroughly explored by the SDNPA and the Parish Council before post-submission publicity occurs, since a NDP which was effectively out of date within a short time of being made would be of little value.

### **3.4 Emerging local plan**

3.4.1 I have no information about the strategy to be adopted by the emerging local plan. Clearly its housing provisions are likely to be of critical importance to the future relevance of the FNP. To take an obvious example, a local plan policy which said that each village within the national park would be expected to provide a certain number of new dwellings on sites within or adjoining existing settlement boundaries would have significant implications for the FNP. As I have already said, this issue should be thoroughly explored before the FNP moves further ahead.

## **4. Key issues**

### **4.1 Whether the evidence base for the FNP is sufficiently robust.**

4.1.1 In the FNP and its two appendices there is a great deal of information about the existing population structure and the aspirations of various groups of residents. However, the plan then plunges straight into the issue of affordable housing without first setting out clearly an analysis of housing need and housing availability generally. Without that background it is difficult for a reader to assess whether the limited housing allocations in the plan are justified in terms of national and local policy.

4.1.2 I recognise that there are no extant statements of housing need and housing availability for the national park, but there could at least be some context-setting using the most recent and most relevant data.

**4.2 Whether the absence of a local housing needs survey is an issue.**

4.2.1 Undoubtedly it is. The section on affordable housing contains some data about need, drawn from the housing register, but it is clearly only a 'snapshot' in time, and relies on data from self-selected applicants. There is no broader assessment of need, encompassing all types of tenure, all sizes of dwelling, and needs arising in future years. The FNP does propose that a housing needs survey be considered, but not until five years into the plan period.

**4.3 Assessment of the need for affordable housing.**

4.3.1 The FNP (in section 4) provides evidence of the demand for affordable housing in the parish, and describes the existing and proposed mechanisms for its provision. The plan relies on the re-letting of existing social rented property to accommodate outstanding local demand over the next five years. Around one social rented property a month is re-let. However, it is not clear what happens to the departing tenants. Do they have local connections? Do they move on to intermediate or market housing, do they leave the parish, or do they re-join the housing register? Can it reasonably be assumed that the existing need will be absorbed by the re-letting process over the next five years? And is it reasonable to expect those on the housing register to wait for up to three years for a re-let property to become available? Moreover, why will there not be new entrants to the register during that five-year period? The evidence as presented does not, in my opinion, show the full picture. On the face of it, the local need, for which provision should be made, appears to be for 35 social rented properties and a further 40 intermediate properties.

4.3.2 The introduction of the Rural Allocations Policy may well have an effect upon the availability of affordable properties, and might result in those with local connections being offered housing more quickly. But the key question remains – why would there not be additional entrants to the register in the first 5 years of the plan?

4.3.3 In the FNP there are several references to Policy AH2, but I could not find such a policy in the plan.

**4.4 Adequacy of the current local plan (Chichester District Local Plan (1999)).**

4.4.1 The FNP merely has to be in general conformity with the strategic policies in the development plan for the local area. Clearly the saved policies of the local plan seek to protect the attractive landscapes and open countryside which characterise the locality.

4.4.2 The local plan housing targets are very out of date, there being no provision beyond 2006. The current Chichester Strategic Housing

Land Availability Assessment (SHLAA) does not include land within the national park. The previous SHLAA apparently did so. In paragraph 6.4 the FNP refers to a Chichester SHLAA (but does not identify it with a date) but says that no sites were identified within the settlement policy area of Fernhurst village. It is not clear whether sites were identified in the parish outside the settlement policy area.

- 4.4.3 The FNP does not make reference to any five-year housing supply targets, nor any existing strategic housing market assessment or housing needs survey.
- 4.4.4 The King Edward VII Hospital site, just outside the parish boundary, has the benefit of planning permission for 337 private dwellings and 79 assisted care living units. This will clearly be a significant material consideration when looking at housing needs and land availability in the locality, but a balanced picture would require information about housing need and land supply in the neighbouring parish as well as in Fernhurst.
- 4.4.5 In my opinion it is a weakness of the FNP that it does not set out clearly, before embarking upon the discussion of affordable housing, the evidence on housing need, potential housing sites, sites with planning permission, and the situation with regard to the five-year supply required by the NPPF. This background is necessary for a reader without in-depth knowledge of the locality and its planning history to understand the basis for the FNP site allocation policies.

**4.5 *Relevance of the emerging local plan for the National Park.***

- 4.5.5 A local plan for the South Downs National Park is at a very early stage. There does not yet appear to be any material guidance on housing needs or housing land availability which might guide the preparation of the FNP. However, see my comments on 'future-proofing' the FNP at 3.3.3 and 3.4.1.

**4.6 *The way in which the FNP deals with the brownfield Syngenta site, and in particular whether the FNP should set out all the alternatives and options for the Syngenta site.***

- 4.6.1 The Syngenta site was and is in commercial/industrial use. The relevant policy considerations are: what is national and local policy concerning the protection or redevelopment of commercial/industrial sites, and what is national and local policy concerning the redevelopment of brownfield sites within the national park? The FNP says that in the adopted Chichester Local Plan, the site is protected for employment use (the strategy being to resist the loss of sites for business, industrial or employment generating uses unless this would lead to the relocation of 'bad neighbour' uses), but that the SDNPA has agreed in principle that a



mix of uses could be appropriate for the site. It quotes the NPPF on major developments in national parks, and justifies the site's redevelopment on the basis of an exceptional need for housing in the national park. Whilst the nature of national parks and the policies protecting them means that this is true in a general sense, the lack of a clear cut statement of the housing issues (see 4.4.5 above) means that the case for redevelopment is weaker than it might be.

- 4.6.2 The FNP proposes a phased re-development of the site, but does not address in detail the mechanisms which would be required, in terms of ownership, viability, and so on. There is no assessment of the realism of the proposed policy, and without that it is difficult to evaluate its chances of success. However, it is important to remember that the plan must merely have appropriate regard to national policy, and that it must be in general conformity with the strategic policies in the development plan for the local area. The most likely ground for challenge is that the proposals are not viable, which might be seen as running counter to the thrust of the NPPF.
- 4.6.3 The FNP explains convincingly why it has chosen a cautious approach to the development of the site. My concern is that it may not be a realistic approach given the pressure which is likely to emerge for the redevelopment of a large, and relatively rare, brownfield site within the national park. Whilst it might be unreasonable to expect a NDP to consider all the possible options for re-developing such a large site, the FNP would certainly be more robust if it addressed in more detail the most likely alternatives.

**4.7 *Whether the Syngenta site should be included in the FNP, or be considered as part of the emerging local plan.***

- 4.7.1 There is no reason in principle why the Syngenta site should not be included in the FNP, although the fact that it offers such great potential for development could be advanced as a reason for holding it back until such time as the emerging local plan has formulated a new strategy for the area. The FNP's cautious phased approach to development of the site would allow time for the new strategy to emerge. But there would be a risk that development proposals would come forward anyway, and that if the justification for the FNP's approach was not grounded in sufficiently strong evidence, the site would be developed in a piecemeal fashion as a result of decisions made on appeal.
- 4.7.2 I am reluctant to conclude that the site should not be considered at all by the plan. The legislation makes provision for excluding nationally significant infrastructure projects and minerals and waste sites. To exclude other sites would go against the spirit of the legislation, and would no doubt have a serious impact upon the enthusiasm and belief of the local community, and their ownership of the plan. In my opinion it would be preferable for the SDNPA to

engage in discussion with the parish council to help them build a better evidence base and to formulate more robust proposals for the site.

**4.8 Whether the use of existing commercial sites for market housing is appropriate.**

- 4.8.1 Under existing development plan policy there is a presumption against the use of employment land for housing unless there is an adequate supply of employment floorspace to meet the development plan requirements, the proposal would not result in the loss of types and sizes of site or accommodation of which there is limited availability in the locality, and the proposal would facilitate the relocation of uses which currently create damage to the surrounding environment or adversely affect surrounding residences. Those are stringent tests, and it is not clear that the FNP proposals would meet them.
- 4.8.2 However, the government stresses, and I would expect examiners to be sensitive to this point, that NDPs need conform only with the strategic elements of development plan policies, and not with the detail. National and local policies clearly want to ensure that local businesses survive and prosper, and the FNP proposals should support those principles. However, there must be questions about the impact which redevelopment might have upon the affected businesses. Can they afford the costs of relocation, or the higher rents which might be required in new premises? What are the mechanisms for ensuring that alternative premises will be available when required, and will those mechanisms be successful? These questions can only be answered by looking at the sites in detail on a case by case basis, and I am not convinced that there is sufficient evidence in the plan as it stands (see also 6.6 below).
- 4.8.3 Hurstfold Industrial Estate is in active industrial/commercial use, and its development for housing would run counter to existing development plan policy. The FNP recognises this and proposes the relocation of the existing businesses, or at least the provision of equivalent accommodation, elsewhere. The mechanism for achieving this is said to be the use of section 106 agreements. The risk would be that even if equivalent accommodation were provided elsewhere, the upheaval involved might cause the existing occupiers to go out of business.
- 4.8.4 The Bridgelands site is unoccupied, and whilst its use for housing would mean a reduction in the area available for employment uses, there would be no risk to existing businesses, and the FNP makes a convincing case for its redevelopment, in line with national policy.
- 4.8.5 It is not clear whether the oil depot site is in active industrial/commercial use.

**5. Other matters**

- 5.1 Policy MH1 permits 75 open market dwellings 'in the first phase of the plan period'. No time frame is given for this 'first phase'. The 75 dwellings are to be delivered predominantly on the four sites allocated by Policies SA1 – SA4. Over the remainder of the plan period (i.e. once the bulk of the 75 dwellings have been built), further market dwellings will be permitted subject to two criteria, one of which is that 80% of the market dwellings on the four allocated sites shall have been completed and occupied. Whilst I understand that the FNP is trying to regulate the rate of development by this means, it carries the unfortunate consequence that if development on the four allocated sites was stalled for any reason at all, such as ownership issues, financial problems, ground conditions or any one of a large number of possible causes, there would be no mechanism for bringing forward replacement sites, and the provision of market housing would be effectively ended.
- 5.2 The second criterion for further development under Policy MH1 requires evidence of additional demand by those working or living within the parish. That might in itself be a sufficient test for new proposals to meet.
- 5.3 I note that this second criterion says that the demand must be greater than that which is capable of being addressed by sites 'in the planning pipeline' either 'within the parish or close to its boundary'. This could presumably include the King Edward VII Hospital site referred to in 4.4.4 above, and this underlines my concern that the FNP cannot take a realistic view of housing needs and land availability without considering such sites in its initial analysis.
- 5.4 In the section headed 'Protection of public spaces of value', do the three aerial photographs and their captions correctly identify the open spaces referred to?
- 5.5 In the section headed 'Tourist accommodation' I question whether in law it is permissible to override planning statute by means of a policy. Would not the correct approach be to make a neighbourhood development order?
- 5.6 Policy DE3 (i) contains an error – 'not' should be deleted.
- 5.7 Policy EM5 - is it reasonable to expect all new development, of whatever type, to contribute towards training facilities which will be used by (some) businesses? I would expect there to be some resistance to this policy.

**6. Conclusions**

- 6.1 Overall I conclude that the FNP faces a difficult task in that there is an information and policy vacuum arising from the age of the existing development plan and the recent designation of the national park. It is hard to form a coherent picture of future development in the parish because there is no local plan for the national park and no comprehensive analysis of housing need and housing land availability. The plan would be greatly improved by some context-setting using the most recent and most relevant data on these matters.
- 6.2 The difficulties are compounded by the presence of two large brownfield sites, one within and the other just outside the parish boundary. One of the sites already has permission for housing, and the LPA has signalled its willingness to accept at least some housing on the other. The size of the two sites is such that there must be questions about whether they could both reasonably be reserved, in the long term, simply to serve local needs.
- 6.3 Because of the local significance of the King Edward VII Hospital site, just outside the parish boundary, a balanced picture would require some information about housing need and land supply in the neighbouring parish as well as in Fernhurst.
- 6.4 I have concerns about the rationale underlying the plan's proposals for affordable housing, which in effect defer key decisions for at least five years, and which assume that the numbers on the housing register will reduce in the interim.
- 6.5 I also have concerns about the criteria for allowing market housing beyond the initial allocation of 75 dwellings. As they stand, a failure to develop the allocated sites would mean a halt to market housing development in the parish, even if there were a demonstrable need.
- 6.6 The use of existing industrial/commercial sites for housing is not inappropriate in principle, but there are risks where the sites are in use. Even if equivalent accommodation were provided elsewhere, there is no guarantee that it would be feasible for the existing businesses to relocate. I would like to see evidence that the individual firms and landowners affected have been consulted on the implications, and are content that the proposals are practical and viable, and that the proposals would not result in a loss of local employment, which would have an adverse effect upon sustainability.
- 6.7 The future of the Syngenta site is of key importance to the locality, and I understand why the plan seeks to set out a structure for its development. However, without a comprehensive analysis of housing needs and housing land availability it is difficult to be

confident about the future of the site. I am reluctant to conclude that the site should not be considered at all by the plan. The legislation makes provision for excluding nationally significant infrastructure projects and minerals and waste sites. To exclude other sites would go against the spirit of the legislation, and would no doubt have a serious impact upon the enthusiasm and belief of the local community, and their ownership of the plan. In my opinion it would be preferable for the SDNPA to engage in discussion with the parish council to help them build a better evidence base and to formulate more robust proposals for the site.

- 6.8 There is no requirement for every NDP to be accompanied by a formal Sustainability Appraisal, but such documents can be very helpful.
- 6.9 I believe that it is for SDNPA to determine whether SEA is required under the European Directive.
- 6.10 Although not a requirement of the basic conditions, it is clearly desirable that the FNP should be 'future-proofed', and that the LPA should ensure that it is in general accord with developing strategy. Otherwise it might have limited relevance once the emerging local plan was adopted. In my view it is very important that this issue should be thoroughly explored by the SDNPA and the Parish Council before post-submission publicity occurs, since a NDP which was effectively out of date within a short time of being made would be of little value.
- 6.11 In the FNP there are several references to Policy AH2, but I could not find such a policy in the plan.
- 6.12 There are a number of other matters which need attention, set out at 5.4 - 5.7 above.

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30 July 2013

