

Independent Examiners Report on the Fernhurst Neighbourhood Development Plan

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22nd September 2015

CONTENTS

SECTION 1:

Contents Page 2

SECTION 2:

Summary Page 3

SECTION 3:

Introduction Pages 4-6

SECTION 4:

The report Pages 7- 41

Appointment of examiner Page 7

Qualifying Body Page 7

Neighbourhood Plan Area Page 7

Plan Period Page 7

South Downs National Park Authority Assessment Page 7

Consultation Process and comment on responses Pages 8-10

Compliance with Basic Conditions Pages 10-15

Planning Policy Pages 11-14

Other Relevant Policy Considerations Pages 14-15

Neighbourhood Development Plan Policies Pages 16-37

Strategic Aims Pages 16

SECTION 5:

Conclusion and Recommendations Page 42

SECTION 2

Summary

As the Independent Examiner appointed by South Downs National Park Authority to examine the Fernhurst Neighbourhood Development Plan, I can summarise my findings as follows:

2.1 I am satisfied having regard to the Fernhurst Parish Council Consultation Statement and my examination of the representations made in connection with this subject that the Fernhurst Neighbourhood Development Plan meets the Basic Conditions in connection with the consultation process.

2.2 I find that the policies contained within the Fernhurst Neighbourhood Development Plan subject to the recommended modifications meet the Basic Conditions.

2.3 I find that the Fernhurst Neighbourhood Development Plan subject to the recommended modifications can proceed to a Referendum.

2.4 I am satisfied that the Referendum Area should be the same as the Plan Area, should the Fernhurst Neighbourhood Development Plan go to Referendum.

2.5 At the time of my examination the adopted local plan is the Chichester Local Plan 1999, however the South Downs National Park Local Plan has progressed during the process of this examination and as a result it would be advisable for the Fernhurst Neighbourhood Development Plan to include a mechanism to monitor and review the Fernhurst Neighbourhood Development Plan should this become appropriate to ensure that the Fernhurst Neighbourhood Development Plan continues to be in general conformity with the strategic policies of the South Downs National Park Authority Local Plan once adopted.

SECTION 3

Introduction

3. Neighbourhood Plan Examination.

3.1 My name is Deborah McCann and I am the Independent Examiner appointed to examine the Fernhurst Neighbourhood Development Plan.

3.2 I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in the public, private and community sectors.

3.3 My role is to consider whether the submitted Fernhurst Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Fernhurst Neighbourhood Development Plan should proceed to Referendum.

3.3 My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full in Section 5 of this document.

3.4 The Fernhurst Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

3.5 This process allows for the holding of a Neighbourhood Plan Hearing where the Examiner decides that there are issues or information on which the Examiner requires clarification.

3.6 The Role of Examiner including the examination process and legislative background.

3.6.1 As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- i) The Plan can proceed to a Referendum
- ii) The Plan with recommended modifications can proceed to a Referendum
- iii) The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.6.2 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Fernhurst Neighbourhood Development Plan proceed to referendum.

3.6.4 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

3.6.5 I am also to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development; and
- Is in general conformity with the strategic policies contained in the Development Plan for the area.

3.6.6 The Plan must also not breach, and be otherwise compatible with EU obligations and Human Rights requirements.

3.6.7 Following its submission, South Downs National Park Authority will consider the Examiner's report and decide whether it is satisfied with the

Examiner's recommendations. The SDNPA will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications.

If the Neighbourhood Plan is submitted to a referendum then 28 days notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the SDNPA must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the plan then forms part of the Development Plan.

SECTION 4

The Report

4.1. Appointment of the Independent examiner

South Downs National Park Authority appointed me as the Independent Examiner for the Fernhurst Neighbourhood Development Plan with the agreement of Fernhurst Parish Council.

4.2. Qualifying body

I am satisfied that Fernhurst Parish Council is the qualifying body.

4.3. Neighbourhood Plan Area

The Fernhurst Neighbourhood Development Plan Area covers the whole of the Fernhurst Parish. The Basic Conditions Statement submitted with the Fernhurst Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area.

4.4. Plan Period

It is intended that the Fernhurst Neighbourhood Development Plan will cover the period 2013-2028.

4.5. South Downs National Park Authority initial assessment.

Fernhurst Parish Council, the qualifying body for preparing the Fernhurst Neighbourhood Development Plan, submitted the draft plan to South Downs National Park Authority for consideration. South Downs National Park Authority made an initial assessment of the submitted Fernhurst Neighbourhood Development Plan and suggested some modifications to the Plan were made following these comments.

4.6. Site Visit

I made an unaccompanied site visit to Fernhurst Parish on 9th of September 2014. The purpose of the site visit was to familiarise myself with the parish and view the sites mentioned in the Neighbourhood Development Plan.

4.7. Neighbourhood Development Plan Hearing

I made an initial examination of the plan and discovered that there were a number of issues that I did not fully understand from the information provided. I considered that the most appropriate way to clarify these issues was by holding a Hearing. This hearing was held on the 9th of September 2014. The Hearing was advertised and held in public.

4.8. The Consultation Process

4.8.1 I am required to check the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

4.8.2 The Parish Council has submitted a document entitled the Fernhurst Plan Consultation Statement dated April 2014. This document describes how and when the various elements of the consultation were undertaken for the preparation of the draft plan.

4.8.3 The legal basis of this Consultation Statement is provided by Section 15(2) of Part 5 of the 2012 Neighbourhood Planning Regulations, which requires that a consultation statement should:

- contain details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- explain how they were consulted;
- summarise the main issues and concerns raised by the persons consulted; and
- describe how these issues and concerns have been considered and, where relevant addressed in the proposed neighbourhood development plan.

4.8.4 The Neighbourhood Plan was launched with a public event held in the Village Hall on 3rd April 2012. The Consultation Statement records consultation with the community and businesses within the parish over a period of 18 months, including surveys, public meetings and events. The process was overseen and coordinated by the Fernhurst Neighbourhood Plan Steering

Group, which was formed to oversee the work of the respective Working Groups. The views and interactions from this process formed the evidence base that led to the Vision and Objectives in Section 3 of the Plan, and subsequently formed the basis for the key policies set out in Sections 4 to 13 of the Plan.

4.8.5 Regulation 14 Pre-Submission Consultation

The Neighbourhood Plan Steering Group finalised the Draft Plan in May 2013. The Regulation 14 Pre-Submission Consultation ran for a six-week period from 3rd June 2013 to 21st July 2013. A coordinated publicity campaign was undertaken which comprised:

- A newsletter delivered to every household in the parish.
- Hard copies made available in the Fernhurst Centre, Post Office and Fernhurst newsagents.
- Notices displayed in bus shelters, on lampposts and on noticeboards around the village.
- A notice and link to the plan was added to the Parish Council website.

4.8.6 The Statutory Consultees contacted:

- South Downs National Park Authority
- Chichester District Council
- West Sussex County Council (education and transport departments)
- Environment Agency
- English Heritage
- Natural England
- Linchmere, Milland, Woolbeding with Redford, Easebourne, Lodsworth and Lurgashall Parish Councils and Haslemere Town Council.

4.8.7 In total there were 42 respondents to the Pre-Submission Consultation, a mixture of local residents, business owners, landowners and other stakeholders.

The schedule of comments received, the responses to their comments and how the Fernhurst Neighbourhood Development Plan was amended to reflect the comments all form part of the Consultation Statement.

4.8.8 I am satisfied that the pre-submission consultation and publicity has met the requirements of regulation 14. The Parish Council and Steering Group have undertaken a thorough consultation process and I therefore consider that the Plan does meet the Basic Conditions in this respect.

4.8.9 Comment on Responses

South Downs National Park Authority placed the Fernhurst Neighbourhood Development Plan out for consultation from 3rd June 2014 and the consultation period came to an end on the 21st July 2014. A number of responses, including those from Statutory consultees were received and these have been recorded by South Downs National Park Authority. There were a considerable number of detailed comments and representations received, Whilst I have not made reference to specific representations in my report, I have taken them into consideration and addressed these issues in the following paragraphs and when commenting upon individual policies.

4.9. Compliance with the Basic Conditions

The Fernhurst Neighbourhood Development Plan working group produced a Basic Conditions Statement on behalf of Fernhurst Parish Council in April 2014. The purpose of this statement is for the Parish Council to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiners Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Fernhurst Neighbourhood Development Plan:

- Has regard to national policies and advice
- Contributes to sustainable development
- Is in general conformity with the strategic policies in the appropriate Development Plan
- Does not breach and is otherwise compatible with EU obligations and Human Rights requirements.

Documents brought to my attention by the SDNPA for my examination include:

- (a) The Fernhurst Neighbourhood Development Plan: This is the main document, which includes projects and policies developed by the community.
- (b) The Basic Conditions Statement. This document sets out how the Neighbourhood Plan Group believes that the Neighbourhood Development plan meets the Basic Conditions.
- (c): The Consultation Statement. This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Fernhurst Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

4.9.2 I am satisfied that the conclusion of the Basic Conditions Statement is correct.

4.9.3 I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Fernhurst Neighbourhood Development Plan does with modification meet the Basic Conditions.

4.10.Planning Policy

To meet the basic condition outlined under 3. above the Neighbourhood Development Plan should be

” In general conformity with the strategic policies in the appropriate Development Plan”

The relevant Development Plan is the Chichester District Local Plan (First Review) 1999.

In terms of the strategic policies within the Chichester District Local Plan (First Review) 1999 I find the Fernhurst Neighbourhood Development Plan subject to modification to be in general conformity with these policies.

4.10.1.National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions the Plan must have “regard to national policy and advice”.

The Fernhurst Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have considered how the Fernhurst Neighbourhood Development Plan has regard to national policies and advice. I have considered the National Planning Policy Framework and in particular due to the location of Fernhurst within the South Downs National Park paragraphs 115 and 116 of the National Planning Policy Framework are of particular relevance for the Fernhurst Neighbourhood Development Plan:

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The redevelopment of the Syngenta site, covered by Policy SA2 in the Fernhurst Neighbourhood Development Plan would be a “major development” hence the importance of ensuring that Policy SA2 does have regard to paragraph 116. I have considered Policy SA2 in great detail and have concluded that subject to modification this policy can meet the Basic Conditions in his respect.

I conclude that the Fernhurst Neighbourhood Plan does have regard to national policy and advice and therefore meets the basic conditions in this regard until such time as the South Down National Park Authority Local Plan is adopted

when it may be necessary to review the Fernhurst Neighbourhood Development Plan and a mechanism for doing this should be addressed in the current plan.

4.10.2. Local Planning Policy- The Development Plan

Fernhurst Parish is within the area covered by South Downs National Park Authority. The relevant development plan is therefore Chichester District Local Plan (First Review) 1999.

I have considered the Strategic policies of the Development Plan and the Policies of the Fernhurst Neighbourhood Development Plan and consider that subject to modification the Plan does meet the Basic Condition in this respect.

4.11. Other Relevant Policy Considerations

4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

STRATEGIC ENVIRONMENTAL ASSESSMENT

The requirement for a Strategic Environmental Assessment (SEA) emerges from Schedule 10, paragraph 8(2)(f) of the Localism Act which states that a draft Neighbourhood Development Order (or Plan) "meets the basic conditions if the making of the order does not breach, and is otherwise compatible with, EU obligations". In this case, the relevant EU obligations are represented by the SEA Directive.

The Fernhurst Neighbourhood Plan Steering Group sought a screening opinion from South Downs National Park Authority on the need for a Strategic Environmental Assessment in Summer 2013.

In addition to South Downs National Park Authority the following statutory bodies were consulted on the need for a SEA:

- The Environment Agency,

- English Heritage
- Natural England

On 1st July 2013, South Down National Park Authority's Environment and Sustainability Planning Officer confirmed that a Strategic Environmental Assessment was required. The officer also stated that, "While there is no statutory requirement to, it is recommended that you undertake a Sustainability Appraisal that takes into consideration the broader economic and social effects of the plan." It was therefore considered that an SA should be undertaken.

A draft Scoping Report, dated January 2014, was prepared in consultation with the South Downs National Park Authority's Environment and Sustainability Planning Officer.

On 28th January 2014, the draft Scoping Report was then sent to the three statutory bodies for their comments. Responses from the three statutory bodies were received within the required five-week period.

Following this advice, the Sustainability Appraisal was prepared and submitted as one of the documents included as part of the submission under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

The Sustainability Appraisal included consideration of the Conservation of Habitats and Species Regulations 2010, which relate to Articles 6(3) and (4) of the Habitats Directive.

The conclusion of the Sustainability Appraisal was as follows:

“Overall the Neighbourhood Plan has a good performance on sustainability issues. There are no significant areas where sustainability has not been addressed. The appraisal framework has highlighted the need to provide an appropriate green infrastructure strategy on site allocations and the need for habitats surveys on some of these allocations. This has been reflected in the Neighbourhood Plan accordingly.”

COMMENT

I have considered the documents submitted and I am satisfied that they satisfy the requirement under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 and conclude that the Basic Conditions have been met in relation to sustainability

4.11.3 The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998. I am satisfied that the Fernhurst Neighbourhood Development Plan has done so. I am therefore satisfied that the Fernhurst Neighbourhood Development Plan meets the basic conditions on EU obligations.

4.11.4 Excluded development

I am satisfied that the Fernhurst Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.11.5 Development and use of land

I am satisfied that the Fernhurst Neighbourhood Development Plan covers development and land use matters.

4.12. Fernhurst Neighbourhood Development Plan Policies and Vision

4.12.1 The Fernhurst Neighbourhood Development Plan Vision

“Fernhurst will retain its role as a rural parish in a tranquil and wooded location within a National Park. It shall provide for the needs of those with a connection to the parish whilst recognising the wider needs of the South Downs National Park. Development shall preserve and enhance the quality of the environment for residents and visitors alike and ensure that unacceptable strain is not placed on the physical and social infrastructure of the parish. “

I am satisfied that the Fernhurst Neighbourhood Development Plan addresses the issues set out in the vision statement.

4.12.2 The Neighbourhood Development Plan Strategic Aims and Policies

The Fernhurst Neighbourhood Development Plan has six objectives:

Objective 1: Address the housing needs of those with a local connection to Fernhurst parish, particularly older and younger people who are unable to access housing at current market values.

This seeks to address the NPPF goal of ‘delivering a wide choice of high quality homes’.

Objective 2: Ensure the most sustainable use of brownfield sites in the parish. This seeks to address the NPPF goals of ‘delivering a wide choice of high quality homes’, ‘building a strong, competitive economy’ and ‘conserving and enhancing the natural environment’.

Objective 3: Provide for the changing needs of businesses and employment within the parish.

This seeks to address the NPPF goal of 'building a strong, competitive economy'.

Objective 4: Enhance and provide for the community's infrastructure needs. This seeks to address the NPPF goals of 'supporting high quality communications infrastructure' and 'promoting healthy communities'.

Objective 5: Ensure design of development respects the local vernacular. This seeks to address the NPPF goals of 'requiring good design', 'conserving and enhancing the historic environment' and 'conserving and enhancing the natural environment'.

Objective 6: Protect and enhance Fernhurst parish's role in the South Downs National Park, including as a tourist destination. This seeks to address the NPPF goals of 'supporting a prosperous rural economy' and 'building a strong, competitive economy'.

COMMENT

[I consider that the Fernhurst Neighbourhood Plan does meet its Strategic Aims.](#)

POLICY H1: DELIVERY AND MIX OF HOUSING

New housing in Fernhurst will predominantly be delivered on the sites allocated in Policies SA1 to SA4. Infill developments will be permitted in addition to this total, subject to the other policies in the Neighbourhood Plan.

At least 80% of new dwellings shall be suitable for occupation by older persons. Such properties shall fulfil all of the following criteria:

- Achieve Lifetime Homes standards, particularly in respect of wheelchair access.
- Be a mix of 1-, 2- and 3-bed properties.

Developments that seek to provide any more than 40% of the total number of properties of any particular size (number of bedrooms) will not be permitted.

In addition to the allocated sites in the Neighbourhood Plan, further market dwellings may be permitted, subject to the other policies in the Neighbourhood Plan, if appropriate market evidence has been provided of additional demand for

market housing by those currently living or working in Fernhurst parish. This demand must be greater than that which is capable of being addressed by sites in the planning pipeline that are either in the parish or close to its boundary and which have a reasonable prospect of being delivered. Such evidence must be agreed jointly by South Downs National Park Authority and Fernhurst Parish Council. This requirement shall only apply to developments of five or more dwellings.

In order to ensure the delivery of affordable housing to meet arising needs within the parish, market housing will be expected to be provided together with affordable housing. This affordable housing will be subject to the requirements of Policy H2.

COMMENT

The requirements of this policy could be considered onerous and unachievable. There are significant costs and housing yield implications associated with the provision of Lifetime Homes and fully accessible units and an 80% requirement could be in conflict with National Policy.

The penultimate paragraph of this policy is complex and the evidence required could be difficult to obtain and assess, I suggest that consideration is given to rewording this part of the policy and the final paragraph is not clearly worded.

I conclude however that with modification the policy does meet the Basic Conditions.

SUGGESTED MODIFICATION

New housing in Fernhurst will predominantly be delivered on the sites allocated in Policies SA1 to SA4. Infill developments will be permitted in addition to this total, subject to the other policies in the Neighbourhood Plan.

At least 80% of new dwellings shall be suitable for occupation by older persons. Such properties shall aim to fulfil the following criteria:

- Achieve Lifetime Homes standards, particularly in respect of wheelchair access.
- Be a mix of 1-, 2- and 3-bed properties.

Developments must have a mix of housing sizes.

In addition to the allocated sites in the Neighbourhood Plan, further market dwellings may be permitted if appropriate evidence of local need has been provided. This demand must be greater than that which is capable of being addressed by sites in the planning pipeline that are either in the parish or close to its boundary and which have a reasonable prospect of being delivered. Such evidence must be agreed jointly by South Downs National Park Authority and Fernhurst Parish Council. This requirement shall only apply to developments of five or more dwellings.

In order to ensure the delivery of affordable housing to meet the needs of the Parish, any development of market housing will be expected to provide for affordable housing as required by Policy H2

POLICY H2: AFFORDABLE HOUSING

The mix of affordable dwellings delivered, as part of any residential development shall seek to provide a split of social rented and intermediate properties in the ratio 60:40. This reflects the need for social rented properties along with the significant requirement for intermediate properties by those with a local connection to Fernhurst parish.

COMMENT

Having considered the representations received in connection with this policy and the additional clarification provided at the Hearing I think that with modification this policy could comply with the Basic Conditions

For clarification I think it would be helpful if this policy made reference to the % of affordable housing required for any development in addition to how that provision will be split.

SUGGESTED MODIFICATION

Affordable housing will be sought in line with adopted strategic policy (currently CDC Local Plan 1999 Policy H8 and Interim Housing Statement) and national guidance, unless stated otherwise for a specific site. 40% affordable housing will be sought on sites of 11 dwellings or more. 20% affordable housing will be sought where there are 6-10 net dwellings. The mix of affordable dwellings delivered, as part of any residential development shall seek to provide a split of

social rented and intermediate properties in the ratio 60:40. This reflects the need for social rented properties along with the significant requirement for intermediate properties by those with a local connection to Fernhurst parish.

POLICY H3: SELF-BUILD RESIDENTIAL DEVELOPMENT

Self-build residential development will be encouraged. Principally this is expected to be on individual plots within larger developments. New-build residential schemes should actively promote the opportunity for interested parties to build their own properties.

Such properties must be in keeping with the design principles of the overall scheme as well as the design policies DE1, DE2, DE3 and DE4 in this Neighbourhood Plan.

COMMENT

I consider that this policy does meet the Basic Conditions tests

POLICY SA1: SITE ALLOCATION – OIL DEPOT SITE, MIDHURST ROAD

The site could be developed for a minimum of 3 residential units. These units shall comply with the requirements in Policy H1 in respect of Lifetime Homes standards and unit size (number of bedrooms).

COMMENT

I understand that this site is already the subject of a planning approval and is no longer relevant and consideration should be given to removing this policy from the plan.

POLICY SA2: SITE ALLOCATION – FORMER SYNGENTA SITE, MIDHURST ROAD

The former Syngenta site can be brought forward for a mixed-use development incorporating residential and commercial development. Its location within an area of outstanding natural beauty in a national park means that any scheme must be of the highest quality in terms of its appearance and environmental sustainability. It must also maximise the potential to enhance biodiversity of the

area and should ensure that visitors to the National Park are able to use the site as a base to explore the surrounding countryside.

Any application for development of the site must demonstrate how it intends to address the following requirements:

Housing

- Any development shall deliver approximately 150 new build dwellings, subject to the Highfield building being demolished.
- It is expected that the provision of this scale of development would be appropriately phased to ensure that the site can address local needs over the lifetime of the Neighbourhood Plan.

Residential care home

- If there is interest from a provider, then a residential care home for the elderly could be included as part of the development.

Employment

- In order to protect the businesses currently occupying the existing buildings on the Longfield site (in the west of the site), these buildings should be retained.
- If new-build residential units are delivered, then the Highfield building must be demolished.
- Provision of new employment floorspace (B1/B2/B8) shall be permitted. Where possible, this should be provided as part of an expanded commercial development on the Longfield part of the site.
- The Pagoda building should be retained for commercial uses unless it is unoccupied and it can be demonstrated that there is no reasonable prospect of securing a new user.

Leisure and tourism

- In order to promote the South Downs National Park as a tourist destination, and reflecting Fernhurst's position as a gateway into the National Park, a building capable of being used as a tourist information and visitor centre will be welcomed. This building should seek to provide the opportunity to be shared, as a facility addressing the wider needs of the community.
- The provision of a limited amount tourist accommodation (of an appropriate scale) and interpretive and educational facilities will be welcomed.

- The provision of allotments to serve the needs of the new resident population will be strongly supported.
- In order to enable access to the National Park by sustainable modes, provision will be made for bicycle hire or equivalent services.
- Provision must be made for appropriate access to the surrounding countryside. This must include the provision of access to existing footpaths and bridleways. An assessment of the leisure infrastructure needs of the community that can reasonably be accommodated on the site must be undertaken to inform any proposed scheme. This must involve a clear process of consultation with the Fernhurst community at that time and any scheme must demonstrate how it has sought to best address these needs.

Energy and utilities

- Any development must seek to maximise its energy generation from renewable sources.
- As part of any application, a Sustainable Water Strategy must be provided.

Transport

- A Travel Plan must be provided that demonstrates how journeys by car are to be minimised.
- Any development must seek, where possible, to provide improved access to Fernhurst village by non-car modes, principally walking and cycling.

Design

- In order to ensure that any scheme demonstrates a high quality of design that respects the surrounding environment, all relevant matters will be addressed either through a design brief to be agreed with South Downs National Park Authority or through the production of a Supplementary Planning Document (SPD) covering design matters.
- Any design brief or SPD on design should ensure that certain principles are observed, namely that development must recognise the local cultural heritage, including the green villages of the Western Weald, and must be reflective generally of its natural setting in an area of high landscape value.

Landscape

- Any development must demonstrate how it has been informed by the South Downs Integrated Landscape Character Assessment, the West Sussex County Council Land Management Guidelines and the Fernhurst Neighbourhood Plan

Landscape and Visual Impact Assessment, as well as any other published guidance of relevance.

- A detailed landscape and visual character assessment of the site should be undertaken. This will need to take into consideration the impact that any development may have upon 'covenanted' views from Blackdown Hill.
- Built development should be restricted to the areas that were previously developed, with the existing areas of trees retained.

Biodiversity

· Any development must provide a net gain in biodiversity and natural habitats. For individual biodiversity assets, any adverse environmental impacts must be appropriately mitigated.

· In order to ensure that ground conditions are suitable for development, any applicant must have carried out a contaminated land site investigation and risk assessment, prior to the submission of any application. Development will only be granted permission once any required mitigation measures have been agreed with the local planning authority.

· An assessment of the biodiversity of the site and its ecological importance must be integral to any development proposals. Relationships with the surrounding and adjoining natural environment will need careful consideration in order not to result in conflicts. Wildlife corridors and areas will be required within and across the site.

· An ecological approach to open green space will be required which enhances existing features and provides and creates corridors/green links between and around the development and the National Park. Development must include the creation of high quality habitats, particularly

Biodiversity Action Plan (BAP) habitats, referring to the adjoining Cooksbridge Meadow Local Nature Reserve and to Snapes Copse and Verdley Wood Biodiversity Opportunity Area, with the addition of buffer areas adjacent to existing woods.

· In order to address these requirements, a green infrastructure strategy and appropriate Phase One habitats surveys will be required to accompany any application. It is expected that applicants will work with appropriate partner bodies in undertaking these studies.

COMMENT

I have considered this policy in great detail. My conclusion is that this policy promotes major development within the National Park and as such it is necessary for the policy to “have regard to national policy and advice.”

Paragraph 116 of the NPPF states that

“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. “

A case needs to be made for exceptional circumstances or public interest.

In addition Strategic Policy B8 Safeguarding Business Floorspace of the Chichester Local Plan 1999(the relevant Development Plan for the purposes of assessing the Neighbourhood Plan) is relevant and although the site isn't allocated it does effectively protect this site for business purposes:

“planning permission for the change of use of business, industrial or warehousing sites (either allocated or used) and buildings will be refused unless the district planning authority is satisfied that:

- (1) there is an adequate supply of floorspace to meet the requirement set out in b1;
- (2) 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;
- (3) the proposal would facilitate the relocation of uses which currently create damage to the surrounding environment or adversely affect surrounding residences.”

My concern is compounded by the structure and wording of the policy, which could be considered to contain challengeable housing figures, does not adequately secure the provision of a mixed use development and could be considered not to adequately address the sustainable development of the site.

I consider however that these concerns can be overcome by appropriate rewording, which would need to address the points raised above. In my suggested modification I have reflected the South Downs National Park Authority's a representation. In addition the supporting information should clearly address the exceptional circumstances tests.

SUGGESTED MODIFICATION

The former Syngenta site can be brought forward for a sustainable mixed-use development incorporating residential and commercial development and other suitable uses. Its location within a National Park means that any scheme must be of the highest quality in terms of its appearance and environmental sustainability. It must also maximise the potential to enhance biodiversity of the area and should ensure that visitors to the National Park are able to use the site as a base to explore the surrounding countryside.

Proposals for this site are considered to be 'major development' and must therefore meet the exceptional circumstances tests set out in NPPF paragraph 116 and be in the public interest. Proposals must be exemplars of sustainable development and be masterplanned to support the development of a sustainable community within the parish of Fernhurst.

Any planning application shall demonstrate how the development will address the following requirements:

Housing

- The development will deliver approximately 200 new build dwellings as part of a mixed-use scheme for the whole site and subject to an approved masterplan. This masterplan will take into account the aims of this policy, the viability of the scheme and the net benefits to the existing and future residents of Fernhurst and the Special Qualities of the National Park.

- 50% of the new dwellings will be affordable.
- Any new build dwellings are subject to the Highfield building being demolished.

Residential care home

- If there is interest from a provider, then a residential care home for the elderly could be included as part of the development.

Employment

- Business use should support the National Park including the wood fuel economy.
- Existing business use should be retained (with the existing buildings on the Longfield site being retained). The Pagoda building should be retained for commercial uses unless it is unoccupied and it can be demonstrated that there is no reasonable prospect of securing a new user through a robust marketing exercise agreed and approved by the South Downs National Park Authority.
- Employment floorspace provision (B1/B2/B8) should be provided in accordance with the tests of Chichester Local Plan Policy B8. Provision of space for smaller businesses and as live-work units will be expected.

Leisure and tourism

- Tourism uses should include self-catering accommodation and provision for the visitor economy, with a tourist information and visitor centre that can be used as a shared facility with the wider community particularly welcomed.
- An assessment of the leisure infrastructure needs of the community that can reasonably be accommodated on the site must be undertaken to inform any proposed scheme. This must involve a clear process of consultation with the Fernhurst community and any scheme must demonstrate how it has sought to best address these needs.
- The provision of allotments to serve the needs of the new resident population will be strongly supported.
- Provision must be made for appropriate access to Fernhurst village and the surrounding countryside by sustainable modes. This must include the provision of access to existing footpaths and bridleways and bicycle hire or equivalent services.

Energy and utilities

- Any development must seek to maximise its energy generation from on-site renewable sources.
- As part of any application, a Sustainable Water Strategy must be provided.
- The culverted watercourse must be restored to a surface flow feature as part of a site-wide sustainable drainage scheme.

Transport

- As part of any application a package of sustainable transport solutions must be provided that integrates sustainable modes of transport including walking, cycling, buses, electric cars and car sharing. In particular, sustainable linkages to Fernhurst village, Haslemere, Midhurst and the King Edward VII site should be provided.

Design

- The masterplan will be expected to integrate sustainability principles into the design of proposals and provide an accompanying sustainability audit against the ten sustainability principles and targets used by SDNPA to underpin its emerging Local Plan. The masterplan should aspire to achieve the best performance against the ten principles and demonstrate their commitment to the same through the objectively assessed process.
- Any design must deliver substantial environmental improvements, respond to local distinctiveness and the site's natural setting within the National Park, recognise local cultural heritage, must be reflective generally of its natural setting in an area of high landscape value and should incorporate a significant area of high quality public realm into any layout.

Landscape

- Any development must demonstrate how it has been informed by published guidance of relevance regarding landscape matters. Any application must be accompanied by a Landscape Visual Impact and Landscape Character Assessment; this should include consideration of the impact upon 'covenanted' and key views.

- Built development should be restricted to the areas that were previously developed, with important native trees retained.

Biodiversity

Any application must be accompanied by an appropriate Phase One habitat survey and green infrastructure strategy.

- Any development must provide a net gain in biodiversity and natural habitats through an ecosystems services approach. For individual biodiversity assets, any adverse environmental impacts must be appropriately mitigated.
- A contaminated land site investigation and risk assessment must be undertaken prior to the submission of any application.
- An assessment of the biodiversity of the site and its ecological importance must be integral to any development proposals. The relationship with the surrounding natural environment must be improved, taking an ecological approach to open green space to enhance existing features and provides and creates corridors/green links between and around the development and the National Park.
- Development must include the creation of high quality habitats.

Other uses

- Other land uses, which meet the requirements of the Neighbourhood Development Plan and the Local Plan, cater for local needs and support the purposes and duty of the National Park will be supported. This may include a hotel.

POLICY SA3: SITE ALLOCATION – HURSTFOLD INDUSTRIAL ESTATE, SURNEY HATCH LANE

The site could be developed for up to 10 residential units. These units shall provide a mix of unit sizes. It is expected that any affordable housing delivered on the site should predominantly be intermediate tenure but this would be subject to negotiation as part of a Section 106 agreement.

Prior to the construction of any residential units at Hurstfold, new B-class commercial premises must be provided at an appropriate location within the parish. This location must be demonstrably sustainable as a commercial

location, for example by virtue of being on or close to the main road network, and must provide B-class commercial floorspace which is equivalent in overall quantum and size of individual units to those currently provided at the Hurstfold Industrial Estate.

Given the nature of some of the existing uses at the Hurstfold Industrial Estate, new provision of floorspace must ensure that it avoids un-neighbourly uses impacting on residential amenity.

These units can either be provided directly by the developer of the site in question or by way of a financial contribution, secured by Section 106 agreement, with the appropriate landowner.

Any existing occupier of the Hurstfold Industrial Estate that wishes to relocate to alternative premises within Fernhurst must be offered tenancies on the same terms as at present.

Design and landscaping of any development must be of the highest standards and must demonstrate how it is in keeping with the surrounding properties and prevailing landscape of the Low Weald Character Area. Massing and density of individual properties must ensure that a suburban feel to the development is avoided, this not being in keeping with the area.

Landscaping must provide genuine benefits, for example through the restoration of the former glasshouses to agriculture/woodland. Guidance is provided in the South Downs Integrated Landscape Character Assessment for the Low Weald character area.

In order to address potential ecological impacts, a green infrastructure strategy and appropriate Phase One habitats surveys will be required to accompany any application.

COMMENT

This policy is contrived and seems to require actions, which fall outside the control of the planning system. In addition the affordable housing requirement seems to conflict with policy H2. I consider, however with modification the policy could meet the Basic Conditions.

SUGGESTED MODIFICATION

This site could be considered suitable for a mixed-use development to include up to 10 residential units. These homes shall provide a mix of unit size and a mix of tenure in line with Policy H2.

The existing B1 and B2 space should be retained on site unless as part of a comprehensive redevelopment scheme an alternative acceptable site for the B1 and B2 floor space is proposed within the Parish. In this case the construction of the appropriate new class B1 and B2 floorspace shall be secured by a Section 106 agreement, which will require the completion of the new B1 and B2 floorspace prior to the occupation of the first new home at Hurstfold.

The design of any new buildings on the site will be required to demonstrate how it relates to the local character and is appropriate to its rural location and avoids a suburban feel (Guidance is provided in the Fernhurst Village Design Statement).

New commercial development must demonstrate design principles that ensure it is in keeping within the surrounding landscape and does not have a negative impact on the amenity of adjacent residential properties. If existing commercial units are retained on the site as part of a mixed use development, then it is expected that the visual appearance of these will reflect the quality of a new-build commercial development of similar use (such as permitted scheme FH/07/04247/FUL) and will also be appropriately landscaped.

Any application must also be accompanied by a detailed landscaping scheme, which reflects the prevailing landscape character of the Low Weald Character Area. The detailed landscaping scheme should include mitigation, for example through the restoration of the former glasshouse area to agriculture/woodland. Guidance is provided in the South Downs Integrated Landscape Character Assessment for the Low Weald character area.

In order to address potential ecological impacts a Phase One habitat survey will be required to accompany any application together with a long term Landscape and Ecology Management Plan.

The site could be developed for up to 10 residential units. These units shall provide a mix of unit sizes. It is expected that any affordable housing delivered on the site should predominantly be intermediate tenure but this would be subject to negotiation as part of a Section 106 agreement.

Access must be provided to and from Lickfold Road. Access to the site from Verdley Place will not be permitted.

Built development must be directed towards the parts of the site, which previously had buildings or structures on them. Development of predominantly green parts of the site will not be permitted.

The existing mature trees on the bulk of the site shall be retained and new planting will be provided in order to appropriately screen the new dwellings from existing neighbouring residential properties.

Design and landscaping of any development must be of the highest standards and must demonstrate how it is in keeping with the surrounding properties and prevailing landscape of the Low Weald Character Area. Massing and density of individual properties must ensure that a suburban feel to the development is avoided, this not being in keeping with the area. Guidance is provided in the South Downs Integrated Landscape Character Assessment for the Low Weald character area.

In order to address potential ecological impacts, a green infrastructure strategy and appropriate Phase One habitats surveys will be required to accompany any application.

COMMENT

The affordable housing requirement for this policy seems to conflict with Policy H2 and in addition the special landscape character of the site could be further protected by referring to the requirement for a long term landscape and ecology management plan for the site.

I consider however that with appropriate modification this policy could meet the Basic Conditions.

SUGGESTED MODIFICATION

This site could be developed for up to 10 residential units. These units shall provide a mix of unit size and tenure in line with Policy H2.

Access must be provided to and from Lickfold Road. Access to the site from Verdley Place will not be permitted.

Built development must be directed towards the previously developed parts of the site. Development of predominantly green parts of the site will not be permitted.

The existing mature trees on the site shall be retained and new planting will be provided in order to appropriately screen the new dwellings from existing neighbouring residential properties.

Design and landscaping of any development must be of the highest standards and the design of any new building on the site will be required to demonstrate how it relates to the local character and is appropriate to its rural location and avoids a suburban feel. Guidance is provided in the Fernhurst Village Design Statement and in the South Downs Integrated Landscape Character Assessment for the Low Weald character area.

In order to address potential ecological impacts a Phase One habitat survey will be required to accompany any application together with a long term Landscape and Ecology Management Plan.

POLICY SC1: RESIDENTIAL CARE HOME

Proposals for a residential care home (use class C2) on any brownfield site within Fernhurst parish shall be supported. This shall be subject to the proposals satisfactorily addressing all other policy criteria.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY SB1: FERNHURST VILLAGE SETTLEMENT BOUNDARY

The Fernhurst village settlement boundary is shown in the map below. There will be a strong presumption against development outside this boundary (apart from site allocations SA2 to SA4) because it will create inappropriate sprawl of the village of Fernhurst and will therefore not serve to contribute towards the overall

objective of keeping Fernhurst village as a tranquil rural village within its setting in a National Park.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY EE1: BIOMASS ENERGY

Developments, which propose on-site renewable energy generation through the demonstrable use of local biomass (wood chip) sources shall be considered favourably.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY EE2: SOLAR PANELS IN CONSERVATION AREAS

There will be a strong presumption against the siting of solar panels on walls fronting the public highway in the Conservation Areas within Fernhurst parish.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY EE3: LIGHT POLLUTION

New development will be required to demonstrate how it has minimised light pollution created through its proposed use. Where lighting of public places is proposed, the use of downlighters will be required.

There will be a presumption against development, which will still create high levels of light pollution even after the above criteria have been addressed.

Guidance from the Institute of Lighting Engineers (Guidance Notes for the Reduction of Light Pollution 2000) shall be followed in respect of sites within national parks.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY EE4: PROTECTION OF LOCAL GREEN SPACES OF COMMUNITY VALUE

In recognition of their importance to the community and role in growing tourism in Fernhurst parish, the redevelopment of any part of the following green open spaces will not be permitted:

- i. The Fernhurst Recreation Ground
- ii. The green in front of the Crossfield shops, Fernhurst village
- iii. Fernhurst Village Green
- iv. Vann Common

COMMENT

I consider this policy complies with the Basic Conditions.

POLICY EE5: PROTECTION OF IMPORTANT VIEWS FROM FERNHURST VILLAGE

The following views from Fernhurst village will be protected:

- Blackdown
- Marley Ridge
- Bexley Hill
- Butser Hill/Titty Hill
- Telegraph Hill/Older Hill

Any new development, which adversely affects existing views of these landmarks, will not be permitted.

Any new development that is highly visible from Fernhurst village will be required to demonstrate how it will minimise its visual impact, for example by maintaining natural screening using existing trees and foliage.

COMMENT

I consider that this policy would be more robust if it made reference to a reference plan/map identifying the views.

I consider this policy meets the Basic Conditions

POLICY TO1: TOURISM AND HERITAGE SIGNAGE

New development in Fernhurst Parish will be expected to contribute towards the provision of new signage through the community infrastructure levy mechanism. This signage must make a positive contribution towards promoting Fernhurst village as a gateway village to the South Downs National Park.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY TO2: PROTECTION OF CROSSFIELD CAR PARK

In recognition of its role in providing parking to visitors, the development of any part of the existing Crossfield Car Park in Fernhurst village that results in a net loss of parking spaces will not be permitted.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY TO3: STREET FURNITURE

New development in Fernhurst parish will be expected to contribute towards the costs of providing new benches and litter/dog mess bins at appropriate public spaces in Fernhurst village through the Community Infrastructure Levy mechanism or other appropriate mechanism.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY CF1: YOUTH CLUB AND SCOUT HUT BUILDINGS

Where appropriate, contributions secured from new development in Fernhurst parish will contribute towards the maintenance and improvement of the existing youth club and scout hut buildings. This is in recognition of their roles in providing facilities for youth activities.

Contributions will be secured through the Community Infrastructure Levy mechanism or other appropriate mechanism.

COMMENT

[I consider this policy meets the Basic Conditions.](#)

POLICY CF2: PROVISION OF NEW ALLOTMENTS

The provision of allotment facilities close to Fernhurst village shall be strongly supported. Where appropriate, contributions from new development towards the provision of additional allotment facilities will be sought.

Contributions will be secured through the Community Infrastructure Levy mechanism or other appropriate mechanism.

COMMENT

[I consider this policy meets the Basic Conditions.](#)

POLICY CF3: IMPROVEMENT OF EXISTING COMMUNITY FACILITIES

In order to provide for increased usage as a result of the growth in population, appropriate improvements to the pavilion at the Recreation Ground and the Village Hall shall be strongly supported.

Contributions towards addressing the cost of these improvements will be secured through the Community Infrastructure Levy mechanism or other appropriate mechanism

COMMENT

[I consider this policy meets the Basic Conditions.](#)

POLICY TR1: BUS SERVICES

Contributions from new development in Fernhurst parish will be used to provide additional community bus services or, where appropriate, improvements to the public bus service by way of increased services. These contributions will be collected through the Community Infrastructure Levy mechanism or other appropriate mechanism.

COMMENT

[I consider this policy meets the Basic Conditions.](#)

POLICY TR2: PROVISION OF TRAFFIC CALMING MEASURES

New development in Fernhurst parish will contribute towards the provision of appropriate traffic calming measures at key points along the local road network. This is intended to reduce traffic speeds where pedestrians most commonly cross the road.

Innovation in provision is expected through proven modern methods whereby pedestrians and vehicles can more naturally share the road space. One example is shared surfaces.

Contributions will be secured through the Community Infrastructure Levy mechanism or other appropriate mechanism.

COMMENT

[I consider this policy meets the Basic Conditions.](#)

POLICY DE1: STYLE OF RESIDENTIAL DEVELOPMENT

Proposals for new residential development shall seek, where appropriate, to reflect the local vernacular architecture. In particular, the following are considered to be important aspects of the design of a dwelling house, which should, where possible, reflect that local vernacular:

- Frontages with wall hung tiling
- Door surrounds and porches
- Chimneys and chimney stacks

Guidance is provided in the Fernhurst Village Design Statement

COMMENT

[I consider this policy meets the Basic Conditions.](#)

POLICY DE2: BUILDING MATERIALS

Proposals for new residential development shall use building materials that reflect the style of other traditional properties in the surrounding area. In particular, proposed developments, which seek to use locally distinctive materials will be strongly supported. Such materials include:

- Sandstone
- Brick

- Wealden clay (tiles)

Guidance is provided in the Fernhurst Village Design Statement

COMMENT

I consider this policy meets the Basic Conditions.

POLICY DE3: LANDSCAPING AND DESIGN OF AMENITY SPACES

- i. The edge of a property should be defined by indigenous shrubs or stone walling. Only in exceptional situations shall close-boarded fences or brick walls be permitted, particularly in more rural locations in the parish.
- ii. Particularly at the front of new-build properties, the planting of indigenous trees in gardens will be encouraged where this is possible because of appropriate soil, drainage, etc. This is to provide natural screening of the new buildings.
- iii. Garages and car ports which partially or totally obscure the frontage of residential properties will not be permitted unless it can be demonstrated that there is no possible alternative (including a reduction in the density of the development).

COMMENT

I consider this policy meets the Basic Conditions.

POLICY DE4: RESIDENTIAL BUILDING HEIGHTS

In Fernhurst village there shall be a presumption against the development of residential properties of more than two storeys in height, particularly where this would create a higher roofline than at present.

For residential properties fronting onto the south side of Vann Road between The Leys and Vann Bridge, there shall be a presumption against development exceeding one storey in height.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY EM1: ADDITIONAL COMMERCIAL FLOORSPACE AT FERNHURST BUSINESS PARK, MIDHURST ROAD

The continued use and development of Fernhurst Business Park for commercial (Class B) uses is supported. To maintain its value as a local employment site serving the parish, the following developments will be permitted:

- Changes of use of individual buildings within the B-Use Class (B1/B2/B8)
- Alterations and small-scale extensions to existing buildings
- Redevelopment of existing buildings to provide replacement commercial floorspace of a similar scale
- New-build commercial development (Class B1/B2/B8) on the existing yard area to the rear of existing buildings 3 and 4 (the south west corner of the site).

In each case, such development will be required to be of a similar scale and layout to the existing development on the site and should respect the rural setting of the site.

Associated parking provision and the impact of additional traffic generated by the development must be acceptable to the highway authority.

COMMENT

The concerns connected with new built commercial development on the area outlined in blue within the policy could be reduced if the area for potential new build was more accurately defined and accompanied by a policy requirement for a visual impact assessment and landscaping strategy. The potential for the additional access should also be tested for highway and environmental impact. It should be noted that much of the content of this policy is currently Permitted Development.

Having considered the information and representations received in connection with this policy and the additional clarification provided at the Hearing I think that with the modification suggested below this policy could comply with the Basic Conditions.

SUGGESTED MODIFICATION

The continued use and development of Fernhurst Business Park for commercial (Class B) uses is supported. To maintain its value as a local employment site serving the parish, the following developments will be permitted:

- Changes of use of individual buildings within the B-Use Class (B1/B2/B8)
- Alterations and small-scale extensions to existing buildings
- Redevelopment of existing buildings to provide replacement commercial floorspace of a similar scale.

In each case, such development will be required to be of a similar scale and layout to the existing development on the site and should respect the rural setting of the site.

Associated parking provision and the impact of additional traffic generated by the development must be acceptable to the highway authority. Any additional access in a proposal will be subject to an assessment of highway and environmental impacts.

Applications for new development on the site must be accompanied by a Visual Impact Assessment and Landscape Character Assessment.

POLICY EM2: SUPPORT FOR MICRO-BUSINESSES

Strong support will be given to micro-businesses looking to locate in Fernhurst parish and requiring planning permission in respect of their premises. Any proposals will be subject to the other policies in the development plan.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY EM3: PROVISION OF COMMERCIAL SPACE AT RESIDENTIAL PROPERTIES

Support will be given to proposals for residential extensions or separate buildings in the gardens of residential properties where the expressed purpose is to provide B-class commercial space from which to operate a business.

Proposals will only be considered if they can clearly demonstrate that the work area for its occupant(s) is ancillary to the primary residential use.

The commercial activity must demonstrate that it is appropriate in terms of amenity to residential neighbours – this includes traffic generation, parking, noise and odours.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY EM4: TOURISM EMPLOYMENT IN FERNHURST

Proposals for development, which provides new sustainable employment in Fernhurst parish will be strongly supported, subject to them representing sustainable tourism as defined by the European Charter for Sustainable Tourism. Any proposals will be subject to the other policies in the development plan.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY EM5: SUPPORT FOR BROADBAND SERVICES

The provision of infrastructure, which supports the expansion of broadband capacity for Fernhurst parish, will be supported.

COMMENT

I consider this policy meets the Basic Conditions.

POLICY EM6: IMPROVED TRAINING SERVICES AT FERNHURST CENTRE

New development in Fernhurst parish will be expected to contribute towards training programmes at the Fernhurst Centre through the community infrastructure levy mechanism.

COMMENT

I consider this policy meets the Basic Conditions.

SECTION 5

Conclusion and Recommendations

5.1.I find that the Fernhurst Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

5.2.The Neighbourhood Development Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning At 1990.

5.3. The Fernhurst Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.

5.4.I find that the Sustainability Appraisal adequately addresses the Conservation of Habitats and Species Regulations 2010, which relate to Articles 6(3) and (4) of the Habitats Directive and therefore meets the EU Obligation in this respect.

5.5. I consider that the policies and plans in the Fernhurst Neighbourhood Development Plan would contribute to achieving sustainable development. Subject to modification they have regard to national policy and to guidance, and generally conform to the strategic policies of Chichester District Local Plan (saved policies) 1999.

5.6.I therefore recommend that with the suggested modifications detailed in appendix A, the Fernhurst Neighbourhood Development Plan can proceed to a Referendum.