

Fernhurst Neighbourhood Plan Basic Conditions Statement



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1 INTRODUCTION

- 1.1 This Basic Conditions Statement has been produced to explain how the proposed Fernhurst Neighbourhood Development Plan (hereafter known as 'the Neighbourhood Plan') has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 have been considered to have been met.
- 1.2 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.
- 1.3 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
 - the making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
 - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

Supporting documents and evidence

- 1.4 The Fernhurst Neighbourhood Plan is supported by a Consultation Statement, Sustainability Appraisal and this Basic Conditions Statement.

Key statements

- 1.5 Fernhurst Parish council is a qualifying body and entitled to submit a Neighbourhood Plan for its own parish. The Fernhurst Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area.
- 1.6 The neighbourhood area is contiguous with the parish boundary, as shown in the map accompanying the neighbourhood area designation application.
- 1.7 The Fernhurst Neighbourhood Plan covers the period from 2014 to 2029.
- 1.8 No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.
- 1.9 The Fernhurst Neighbourhood Plan does not relate to more than one neighbourhood area. It is solely related to the area of Fernhurst as designated by South Downs National Park Authority on 13th September 2012.
- 1.10 There are no other neighbourhood plans in place for the Fernhurst neighbourhood area.

2 CONFORMITY WITH NATIONAL PLANNING POLICY

- 2.1 It is required that the Fernhurst Neighbourhood Plan (FNP) has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF). However, the UK Government Vision and Circular addressing National Parks is also relevant, albeit that this is not policy.

National Planning Policy Framework

- 2.2 The NPPF in sections 183-185 refers to Neighbourhood Plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act which refers to the 'adopted Development Plan'.

- 2.3 This section demonstrates that the FNP has regard to relevant policies within the NPPF in relation to:

- Delivering a wide choice of high quality homes
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Supporting high quality communications infrastructure
- Requiring good design
- Promoting healthy communities
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

- 2.4 The FNP 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’.

2.5 Table 1 provides a summary of how each policy in the FNP conforms to the NPPF.

Table 1: Assessment of how each policy in the FNP conforms to the NPPF

No.	Policy title and reference	NPPF ref. (para.)	Commentary
1	Policy H1: Delivery and mix of housing	50, 54	Recognises the need for Fernhurst, as one of the larger settlements in the National Park, to provide for a range of housing needs, both for its community and the wider area it serves.
2	Policy H2: Affordable housing	50, 54	Addresses the particular need for affordable housing within this part of the National Park, including local needs.
3	Policy H3: Self-build residential development	50, 54	Provides for a range of opportunities that will help to address the need for more housing.
4	Policy SA1: Site Allocation – Oil Depot site, Midhurst Road	50, 54	Allocates a brownfield site close to the centre of Fernhurst village for housing.
5	Policy SA2: Site Allocation – Former Syngenta site, Midhurst Road	22, 50, 54	Allocates a brownfield site on a bus route into Fernhurst village and to the larger centres of Midhurst and Haslemere. Provides a mixed use solution to a redundant employment site.
6	Policy SA3: Site Allocation – Hurstfold Industrial Estate, Surney Hatch Lane	50, 54	Allocates a brownfield site which presently provides bad neighbour uses and is in an inappropriate location to provide for the long term employment needs of the parish.
7	Policy SA3: Site Allocation – Bridgelands site, Verdley Place	50, 54	Allocates a brownfield site which presently provides bad neighbour uses and is in an inappropriate location to provide for the long term employment needs of the parish.
8	Policy SC1: Residential care home	50, 54	Addresses the specific housing and care needs identified for older people and the ageing population.
9	Policy SB1: Fernhurst	55, 109	Defines the existing built up area boundary to ensure

No.	Policy title and reference	NPPF ref. (para.)	Commentary
	village settlement boundary		consistency with the need to deliver affordable and open market rural homes and to protect the natural landscape beyond the urban edge.
10	Policy EE1: Biomass energy	95, 97	Identifying the opportunity to use local natural resources to help minimise the impacts of climate change that arise from development.
11	Policy EE2: Solar panels in Conservation Areas	58, 126	Seeks to ensure that the provision of solar panels in visually intrusive places does not detract from the Conservation Areas.
12	Policy EE3: Light pollution	125	Seeks to ensure that light pollution does not detract from the quality of the night sky in an area of outstanding natural beauty.
13	Policy EE4: Protection of Local Green Spaces of Community Value	74, 76, 77	Makes use of the provision for making a designation and applies the site selection criteria.
14	Policy EE5: Protection of important views from Fernhurst village	109	Protects views of particularly valued local landscapes.
15	Policy TO1: Tourism and heritage signage	58	Seeks to ensure that Fernhurst can retain the aesthetic of a quality village and enhance its role as a gateway to the National Park.
16	Policy TO2: Protection of Crossfield Car Park	40	Seeks to protect a key site for parking in Fernhurst village that provides easy access to shops and services.
17	Policy TO3: Street furniture	58	Seeks to ensure that Fernhurst can retain the aesthetic of a quality village and enhance its role as a gateway to the National Park.
18	Policy CF1: Youth club and Scout hut buildings	70, 162, 171, 184	Seeks to ensure the long term viability of key community facilities.
19	Policy CF2: Provision of new allotments	70, 162, 171, 184	Seeks to provide for an identified need for new facilities that will contribute towards a healthier community.
20	Policy CF3: Improvement of existing community facilities	70, 162, 171, 184	Seeks to ensure the long term viability of key community facilities.
21	Policy TR1: Bus services	29, 30	Seeks to ensure the long term viability of rural bus services that provide for local needs and particularly for those with no access to a car.
22	Policy TR2: Provision of traffic calming measures	58	Seeks to ensure that Fernhurst village is a safe place for pedestrians where they come into contact with vehicular traffic.
23	Policy DE1: Style of residential development	58, 60	Seeks to reflect the distinctiveness on the architecture of local residential development in Fernhurst.
24	Policy DE2: Building materials	58, 60	Seeks to reflect the distinctiveness on the architecture of local residential development in Fernhurst.
25	Policy DE3: Landscaping	58	Seeks to ensure that the elements of new developments

No.	Policy title and reference	NPPF ref. (para.)	Commentary
	and design of amenity spaces		which are most visible to the local community are of the highest quality and retain the rural and village feel of Fernhurst.
26	Policy DE4: Residential building heights	60, 61	Reflects community views about the importance of restricting building heights to preserve Fernhurst's rural village setting.
27	Policy EM1: Additional commercial floorspace at Fernhurst Business Park, Midhurst Road	21, 22, 28	Seeks to provide for new employment opportunities that can provide new jobs in a rural area.
28	Policy EM2: Support for micro-businesses	21, 28	Recognises the potential for small start-up businesses to grow and seeks to provide for their needs.
29	Policy EM3: Provision of commercial space at residential properties	21, 28	Recognises the potential for small start-up businesses to grow and seeks to provide for their needs.
30	Policy EM4: Tourism employment in Fernhurst	21, 28	Recognises the potential for Fernhurst to provide tourism-related employment opportunities linked to its role as a gateway to the National Park.
31	Policy EM5: Support for broadband services	43	Seeks to ensure that Fernhurst is provided with a high quality communications network in order that its economic base can grow.
32	Policy EM6: Improved training services at Fernhurst Centre	21	Seeks to provide for the needs of local employers in developing the skills within the local population that enables them to access employment opportunities locally.

Government Vision and Circular for National Parks

2.6 The Government Vision and Circular for National Parks¹ provides specific Government guidance on planning matters within National Parks. It seeks a renewed focus on achieving the Park Purposes, as first outlined in the National Parks and Access to the Countryside Act 1949. Its principle purposes in this respect are:

- Conserving and enhancing the natural beauty, wildlife and cultural heritage of the Parks; and
- Promoting opportunities for the understanding and enjoyment of the special qualities of the Parks by the Public.

2.7 The Vision and Circular also states how National Park Authorities should discharge their duty "to seek to foster the economic and social well-being of local communities within the National Park" in pursuing these two purposes. This includes supporting the delivery of affordable housing and at paragraph 78 it states:

"National Park Authorities have an important role to play as planning authorities in the delivery of affordable housing. Through their Local

¹ Department for Environment, Food and Rural Affairs (2010) *English National Parks and the Broads*, UK Government Vision and Circular 2010

Development Frameworks they should include policies that pro-actively respond to local housing needs. The Government recognises that the 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 focussed on meeting affordable housing requirements, supporting local employment opportunities and key services.”

2.8 Paragraph 79 goes on to say:

The Government expects the Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met and that affordable housing remains so in the longer term.”

2.9 Objective 1 of the FNP is to, '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.' Therefore the focus on the needs of the local community and the provision of affordable housing is paramount in the plan.

2.10 Table 2 below summarises the priority outcomes of the Vision and Circular and how the FNP contributes towards achieving these outcomes.

Table 2: Assessment of how each policy in the FNP contributes towards the priority outcomes of the Vision and Circular on National Parks

Priority outcome in Vision and Circular	Commentary
Leading the way in adapting to, and mitigating, climate change	
Helping people and nature to adapt to climate change	No policy
Mitigating climate change: leading the way	Seeks to avoid loss of greenfield land and promotes the development of high quality design in buildings as well as biomass as a source of energy.
Secure a diverse and healthy natural environment, enhance cultural heritage and inspire lifelong behaviour change	
Manage landscape, heritage and improve quality of place	Development proposals must ensure that an appropriate landscape strategy is in place. Developments must be of a high quality of design. Policies are in place to protect views into and out of Fernhurst village.
Biodiversity, valued, safeguarded and enhanced	Development proposals must ensure that an appropriate biodiversity strategy is in place. For the largest developments, a Phase 1 Habitats Survey is required.
Protecting and enhancing soils in our most valued landscapes	No policy. The Sustainability Appraisal assessed that development would not have a significant impact on soils.
Promoting and delivering agri-environment schemes and food security	No policy
Promoting better management of Common Land	No policy
Improving public understanding of the natural environment and the benefits of	Through site allocations, particularly at Syngenta, providing

Priority outcome in Vision and Circular	Commentary
outdoor recreation	opportunities for people to access the surrounding countryside.
Foster and maintain vibrant, healthy and productive living and working communities	
Foster and maintain thriving rural economies	Employment provision is made at the Syngenta site and at Fernhurst Business Park. Opportunities are created for micro businesses and those working from home to be able to address their business needs.
Support the delivery of affordable housing	Policies seek to ensure that sufficient affordable housing is provided to address local needs and the areas that Fernhurst serves.
Encourage communications infrastructure	Support is given for improvement of broadband services.
Make tourism sustainable	Encourages sustainable tourism within Fernhurst and recognises the potential of the Syngenta site to act as a base for visitors to access the National Park.
Promote sustainable transport, including navigation	Policies seek to support opportunities to expand commercial and community bus service provision.

3 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

- 3.1 The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and 'should be seen as a golden thread running through both plan-making and decision-taking.'
- 3.2 The strategic objectives of the Neighbourhood Plan comprise a balance of social, economic and environmental goals.
- 3.3 The social goals are to maintain a thriving community within Fernhurst, recognising that the community and its needs may change over time. This it seeks to achieve by providing an appropriate mix of new homes to meet the demands and needs of the local and wider community and also by providing the supporting infrastructure that the community needs through additional community facilities.
- 3.4 The economic goals are to retain the existing employment base and to provide opportunities for the growth of new sectors within Fernhurst. This it seeks to achieve by identifying new locations for employment growth – at Fernhurst Business Park and at Syngenta – as well as protecting the existing employment base at the Syngenta site. It also provides opportunities for small start-up businesses to thrive.
- 3.5 The environmental goals are to protect the high quality environment of the National Park and ensure that development recognises this in its design, landscaping and access to the surrounding rural areas. This it seeks to achieve through the provision of guidance on the requirements of planning applications in respect of the proposed allocations. It also provides guidance on the appropriateness of development outside the built up area boundary.
- 3.6 Success in these respects will maintain the economically active population of the FNP area, whilst also addressing the needs of the ageing population. It can therefore be considered that the FNP will be making an important contribution towards addressing the wider economic needs of the South Downs National Park.
- 3.7 The South Downs National Park Authority (SDNPA) considered that a Strategic Environmental Assessment (SEA) was required because the FNP is likely to have a significant impact upon the environment. Furthermore, in view of the fact that the SDNP Local Plan is in the early stages of development and that no Sustainability Appraisal (SA) was ever undertaken for the Chichester District Local Plan, it was established that there is a need to consider the proposed housing sites and other elements of the plan against sustainability criteria.
- 3.8 For this reason, an SA has been undertaken to satisfy the requirements of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. While there is no statutory requirement to, it was recommended by SDNPA that a full SA was undertaken which takes into consideration the broader economic and social effects of the plan. This was duly undertaken and is provided as part of the supporting documents to the plan.

4 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

- 4.1 The development plan currently consists of the 1999 Chichester District Local Plan (First Review) 'Saved Policies' and the West Sussex Minerals Local Plan 'Saved Policies'. This will be superseded when the SDNPA adopts its Local Plan. However, this plan is in the early stages of preparation (an Issues and Options Consultation document is yet to be published) and is not expected to be adopted until June 2017 (as stated by SDNPA in its Local Development Scheme (<http://www.southdowns.gov.uk/planning/planning-policy/local-plan>)).
- 4.2 Although out of date, there are a number of 'saved' policies from the Chichester Local Plan that are relevant to this statement and the assessment of the FNP against the basic conditions. With one exception, these policies are all detailed in nature with the strategic policies (which informed the saved policies) historically coming from the West Sussex Structure Plan which is no longer in place.
- 4.3 One exception relates to affordable housing provision. Whilst there is no specific saved policy on this, an interim statement has been adopted by Chichester District Council which is intended to apply until the Local Plan is superseded. This interim statement provides affordable housing requirements for different thresholds of housing. In this respect, whilst the Neighbourhood Plan has a policy addressing the split of affordable housing (Policy H2), this is still in conformity with the interim statement.
- 4.4 It should also be noted that once the current Chichester Local Plan Saved Policies are superseded by the plan currently being prepared by the District Council, then Fernhurst will no longer be covered by this policy because responsibility for this will pass to the SDNPA.

5 DOES NOT BREACH, AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS

- 5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- 5.2 As stated earlier, an SEA was considered to be required as a result of a screening process undertaken by SDNPA. As a result, a Sustainability Appraisal of the whole Neighbourhood Plan has been undertaken.
- 5.3 The Neighbourhood Area is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations and so this has not been required by SDNPA.

6 CONCLUSION

- 6.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Fernhurst Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Fernhurst Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

