

#### APPENDIX 4: Schedule of issues relating to the Fernhurst Neighbourhood Plan submission

*The comments have been agreed by the Chair of the SDNPA Planning Committee following Members’ discussion of the neighbourhood plan at the Planning Committee on 12 June 2014. The table briefly sets out the remaining areas of concern to the Authority. Comments relating to individual site allocations are set out in Appendix 5.*

<b>Application of National Park Duty</b>	The introduction is somewhat selective in its reference to the Duty. Its application needs to be clarified. It is agreed that the Defra Vision and Circular for English National Parks makes reference to the importance of delivering affordable housing (in para. 78 and 79). However, the Circular makes it clear that authorities should give priority to the purposes and that social and economic matters are secondary, for instance: “Authorities should continue to focus their expenditure on the delivery of the statutory purposes, whilst seeking to maximise the socio-economic benefits” (para. 66).
<b>Partnership Management Plan</b>	Factual update (para. 1.13 and 1.15): the Partnership Management Plan has been adopted by SDNPA.
<b>Para. 1.23</b>	Typographical error – the comments made on the draft Plan and how they were taken into account is set out in the Parish Council’s Consultation Statement, submitted alongside the Neighbourhood Plan. The final sentence of the paragraph is incomplete.
<b>Para. 4.20 and para 4.48</b>	It is accepted there may be a need for some intermediate housing but the high house prices in Fernhurst suggest this may still be an unaffordable option for many. No Housing Needs Survey has been undertaken to establish what might be a realistic level of supply for this tenure. This is important in the context of a FNP policy which seeks a slightly higher proportion of intermediate housing than that identified in the Strategic Housing Market Assessment. The Housing Authority (Chichester District Council) has made a separate representation on the Neighbourhood Plan.
<b>Para. 4.29 and Policy H1</b>	<p>The policy seeks to manage the pace at which development is delivered and give particular priority to sites allocated in the neighbourhood plan. However, the policy should acknowledge that rural exception sites could potentially still play a legitimate part of housing delivery, in addition to site allocations and infill developments. Paragraph 54 of the NPPF recognises that rural exception sites can help address local housing need in response to changing local circumstances. Outside settlement policy areas, the Chichester District Local Plan (Policy H9) states that residential development will only be permitted if it provides affordable housing and meets various other criteria, including that the site is modest in scale and relates well, in terms of location and size, to the existing settlement. While there is a degree of conflict between the saved policy and the NPPF, it is only in relation to whether or not to allow market housing in support of rural exception proposals. The broad thrust of the approach remains valid.</p> <p>It must be questioned whether all of the housing allocations would be/could be made sustainable locations for development. The removal of the Hurstfold allocation is sought. If this site cannot come forward for development, then there would be pressure on the Syngenta and Bridgelands allocations to meet the remaining housing need. Any proposal for Syngenta which accords with the FNP policy would need to demonstrate the requirements of para. 116 of the NPPF have been met – itself a demanding policy requirement. The Plan needs to recognise the potential</p>

	<p>role of other suitable sites being required to address the parish's housing need.</p> <p>If reference to exception sites is added to the policy, the final paragraph would need to explain that market housing would only be permitted on such sites where it was necessary for the viability of an affordable housing scheme.</p> <p>It is unclear how the review of evidence by Fernhurst Parish Council would work in practice. It would be the LPA's role to assess this material as the appropriate decision making body.</p>
<b>Policy 4.42</b>	The last sentence is factually incorrect. SDNPA will continue to give weight to this document as it was adopted by the Authority on becoming an LPA in 2011 until such a time as SDNPA deletes it and/or adopts new guidance.
<b>Para. 5.2</b>	Policy H1 of FNP does allow infill development but doesn't specify a requirement for market housing only to be occupied households with a local connection. Similarly any other sites in the settlement policy area which come forward in accordance with H1 also are not required to be occupied by households with a local connection.
	<b><u>Consideration of the individual site allocations (Policies SAI to SA5) is set out in Appendix 5.</u></b>
<b>Policy EE5: Protection of important views from Fernhurst village</b>	The commitment to protect views is welcomed however there is a danger that by singly out specific views for protection, there may be other views which need protecting but become devalued by not being mentioned in the Plan. The critical issue is the effect of development on the overall landscape character of which views/sightlines forms one part.
<b>Policy DE2 – Building Materials</b>	Relevant locally distinctive materials would be Midhurst sandstone and local brick (e.g. Pitsham brickworks).
<b>Policies TO3 – Street furniture and TR2 Provision of Traffic Calming Measures</b>	Both of these policies should acknowledge that a sympathetic design is required which is sensitive to the National Park context.
<b>The Sustainability Appraisal</b>	<p>The Sustainability Appraisal tests two main strategic planning approaches, guided by the initial community engagement. One was a brownfield approach (whereby a package of brownfield sites is allocated) versus a greenfield approach reliant only on the use of greenfield sites. Supporting this 'high-level' testing is an analysis of all the proposed allocations, except Fernhurst Business Park, against the SA testing framework. This finds that the brownfield approach scores much more positively against the SA objectives and has many more "highly positive" effects. The Chichester District Council SHLAA (2010) identified 4 sites in Fernhurst parish in 2010. Three of the sites were considered to be suitable for development and most likely to come forward for development in years 6-10. A fourth site (land south east of Midhurst Road) was included despite some degree of policy conflict:</p> <p><i>"This site is included in this SHLAA pending decisions on the eventual distribution of development. When considered against the provisions of the current Local Plan (the Chichester District Local Plan First Review 1999), this site would be contrary to certain policies (including Policy RE1, restricting</i></p>

	<p><i>development which does not require a countryside location and RE6, development in strategic gaps). However the Local Plan will be replaced by the Local Development Framework (LDF), which will revise and refresh those policies and include a review of settlement policy/built up area boundaries. In that respect this site could be suitable for housing development in the 2<sup>nd</sup> or 3<sup>rd</sup> phases of the LDF Core Strategy (ie post 2015, or post 2020)."</i> 2 other sites: Land at Cooksbridge and Land at Woodlands, Vann Common were identified by CDC as having no potential. SDNPA has developed a SHLAA Methodology and is undertaking a review of all SHLAA sites, including sites featured in the District Council SHLAA. It is too early to say whether these sites will be carried forward into the SDNPA SHLAA. SDNPA's SHLAA methodology can be viewed here:  <a href="http://www.southdowns.gov.uk/planning/planning-policy/local-plan/evidence-and-supporting-documents/strategic-housing-land-availability-assessment">http://www.southdowns.gov.uk/planning/planning-policy/local-plan/evidence-and-supporting-documents/strategic-housing-land-availability-assessment</a></p> <p>The sustainability effects of allocating the individual SHLAA sites has not been considered, only in broad terms through the greenfield option. A "review of all other land and sites around Fernhurst" was undertaken to identify potential sites not identified through the SHLAA (para. 6.7 of the SA). However, this concluded that most of these potential sites would not be available and certain sites were undevelopable because there was no access.</p> <p>We have a concern that some sites may not have been given sufficiently rigorous consideration. It may be possible to reduce the potential for negative effects on sustainability through allocating just part of a site or appropriate mitigation measures. An allocation on the settlement edge could enhance the transition between the built-up area and surrounding countryside or contribute to enhanced Green Infrastructure (this would need to be confirmed through more detailed analysis). It was reported at Planning Committee by officers that SDNP Local Plan could potentially allocate sites in Fernhurst (the 'Preferred Option' is expected to be published in early 2015). This would become necessary if evidence established there was unmet need not addressed by the neighbourhood plan and there were appropriate sites available to meet this need.</p>
<p><b>Landscape and Visual Impact Assessment (LVIA)</b></p>	<p>SDNPA's Landscape Officer has reviewed the study and considers it does not adequately consider how the existing land uses on the sites relate to surrounding land uses or the landscape character of their setting. It is unclear how the proposed land uses would be able to enhance the setting of the sites. The mitigation options proposed do not consider the possibility of developable areas within any of the Chichester District Council SHLAA sites: the LVIA includes no 'settlement edge' impact.</p> <p>The Assessment does not consider the townscape of Fernhurst and how development could conserve and enhance this. The Guidelines for Landscape and Visual Impact Assessment, published by the Landscape Institute state that townscape quality should be considered . There is no supporting evidence to justify a 'green-belt' approach around Fernhurst village.</p>

**Appendix 5: Assessment of site allocations in Fernhurst Neighbourhood Plan – submission version**

***The comments have been agreed by the Chair of the SDNPA Planning Committee following Members’ discussion of the neighbourhood plan at the Planning Committee on 12 June 2014. The table briefly sets out the remaining areas of concern to the Authority. Comments relating to other sections of the document are set out in Appendix 4.***

<p><b>Oil Depot site (Policy SA1)</b></p> <p>A small site and the only one considered by the Parish Council to be suitable and available to meet housing needs within the settlement policy boundary. A proposal for four detached dwellings on this site was granted planning permission in April 2014 (SDNPA/13/05945/FUL).</p> <p><u>Recommendation:</u> there is no objection to this policy.</p>
<p><b>Hurstfold Industrial Estate (Policy SA3)</b></p> <p>The industrial sheds are similar to agricultural barns and the site retains an agricultural appearance that is appropriate to its setting. It sits reasonably well in the landscape.</p> <p>The policy involves the redevelopment of an active employment site for housing on a site well detached from Fernhurst village. The Neighbourhood Plan seeks to address the implications arising from the loss of these employment premises through re-providing equivalent premises elsewhere in the parish (potentially through two allocations at Syngenta and Fernhurst Business Park). There are doubts whether this approach is achievable: in light of the viability concerns surrounding the Syngenta proposal, the Syngenta policy’s lack of a requirement for new employment floorspace and a planning application to develop the Fernhurst Business Park land which was dismissed at appeal. The likely upheaval these businesses would experience through being relocated is also relevant<sup>1</sup>. The proposition that a relocated occupier “must be offered tenancies on the same terms at present” is an understandable desire but probably unworkable. There are also concerns about the sustainability of new housing in such an isolated location and the impact residential development would have on landscape character. A pre-application enquiry was made in respect of a similar proposal for this site in 2013 and at the time was considered to be unacceptable to Officers (SDNP/13/04822/PRE). The site allocation has not been fully tested against reasonable alternative sites, closer to the services and facilities of Fernhurst village.</p> <p><u>Recommendation:</u> this policy should be deleted as the proposal is in an unsustainable location and would potentially lead to a loss of jobs (especially since the re-location requirements are unrealistic and may be undeliverable taking into SDNPA’s concern relating to the viability of the proposed Syngenta policy and the appeal decision for the Fernhurst Business Park site).</p>
<p><b>Bridgelands, Verdley Place (Policy SA4)</b></p> <p>The site was formerly part of the ICI estate supporting activities at the Syngenta site. There is an extant permission for a commercial scheme (which includes the Syngenta site). The South Downs Integrated Landscape Character Assessment (SDILCA) refers to the “<i>modification of areas of former enclosure to allow more modern farming methods to be adopted (particularly around the Verdley Place Horticultural Research Station)</i>...however these small patches of modern fields do not</p>

<sup>1</sup> A concern raised at Pre-Submission stage by Brian Dodd’s Pre-Submission Review of the Fernhurst Neighbourhood Plan, Mediation and Planning Services (2013)

*affect the essentially medieval appearance of the landscape.*” (para. O.1.5) Under ‘landscape management issues/development considerations’ specific to the Milland Basin, the SDILCA queries whether there would be an opportunity to enhance the setting and identity of villages and developments through appropriate planting which is in keeping with the existing landscape pattern- including at Verdley Place (para. O1.12).

The policy refers to the requirement for a “green infrastructure strategy”: the supporting text in paragraph 5.70 explains this will demonstrate how connectivity between the site and existing green infrastructure networks will be enhanced. As with Syngenta, this is an important consideration in determining the sustainability of any proposal (particularly since the proposal includes an element of affordable housing). The impact of the proposal on landscape character very much depends on what management arrangements are put in place. It is welcomed that the policy seeks to retain the “predominantly green parts of the site”, however it is the long-term management of this area which needs to be assured – the policy needs to be more precise as to how this undeveloped land and the mature trees will be maintained. Particular opportunities could arise from habitat management, succession planting for the mature trees and measures to enhance integration of the site with the surrounding landscape character (e.g. incorporation of new tree planting which is consistent with surrounding tree patterns).

The neighbourhood plan states “*the site has not been used for commercial activity of any form since at least 2000*”. This is a crucial statement in view of the overall acceptability of the approach. The site does not have a number of active small businesses like Hurstfold. However, it is concerning the site has not been tested against reasonable alternatives closer to the services and facilities of Fernhurst. This may mean better, more sustainable sites have not been adequately examined. Such sites could be more capable of addressing Fernhurst’s housing need (particularly affordable housing).

Recommendation: this policy should refer to the long-term management of the site, particularly the area of open space to ensure the proposal positively contributes to conserving and enhancing the local landscape character, in line with the first National Park Purpose.

### **Fernhurst Business Park (Policy EMI)**

This involves the use of an “*existing yard area*” to provide new-build to the rear of existing buildings on the estate (para. 13.5). A broadly similar site was subject to an appeal in 2008/9 (APP/L3815/A/08/2078644). The Inspector concluded that the far south-west of the site until 2007 appeared to comprise of open grassland or similar. He considered it had not been demonstrated that the appeal site was part of the Business Park, nor that the appeal site as a whole was previously developed land. He observed the site’s elevated position about 2m above the adjoining area of the Business Park, which would make the proposed scheme visually prominent.

The neighbourhood plan policy does not adequately acknowledge this constraint identified by the Planning Inspector: “*development of a similar scale and layout to the existing development on the site*” could be as large as the appeal development. The creation of a new access onto the A286 would add to the visual impact of the business/industrial park. The site is open to the road and is not well screened. There are already clear views of car parking and industrial activity from the collection of various unconnected industrial buildings over much of the site. Views would be opened up over the site from the south due to tree removal which would be needed to facilitate this access. The existing residential property facing onto the A286 would be surrounded by industrial activity. This proposal should be removed from the Neighbourhood Plan. This, in turn, heightens the likelihood of the Hurstfold policy being undeliverable. The Fernhurst Business Park allocation does not appear to have been separately tested in the

Sustainability Appraisal, although its merits in being located on the A286 (rather than small country lanes) and away from ancient woodland are briefly referenced.

Recommendation: this policy should be deleted as the site has previously been subject to an appeal decision. The Inspector had raised concerns about the visibility of the site and whether the whole site could be defined as previously developed land.

### **Syngenta (Policy SA2)**

This site is far larger in scale compared to the other sites, which only propose a relatively modest quantum of development. Syngenta is proposed for 150 dwellings, with unspecified support for commercial and leisure/tourism subject to market demands. This is a far greater level of housing than is needed to meet the parish of Fernhurst's housing need. The SDNPA Local Plan Options Consultation Document identifies Syngenta as one of three important strategic brownfield sites in key locations in the National Park (para. 6.34) but doesn't specify any proposals at this stage. SDNPA can provide the Examiner with the representations received during this consultation on Syngenta. Comments received will inform any policy relating to this issue when the Authority publishes its 'Preferred Option' in 2015.

SDNPA has been attempting to address the issues relating to this site since it became the Local Planning Authority in 2011. There is an opportunity to explore the mix of uses which would be appropriate in this location. The SDNPA Design Review Panel in 2013 queried whether it would be feasible to create an exemplar new community in this location. In such a scenario, some residential would be introduced on this site alongside community uses, new green infrastructure and the provision of more or improved employment floorspace.

Chichester District Council and SDNPA prepared a planning brief for the site, many of its principles have been carried into the neighbourhood plan. This was shared with the neighbourhood plan steering group. SDNPA is hoping to enter into a Planning Performance Agreement with the landowner. It is welcomed there is reference to the National Park Purposes and Duty (para. 5.15) and the outcomes set by the SDNP Partnership Management Plan.

The site is partly occupied by a number of active businesses (in the Longfield building and former Conference Centre/Pagoda<sup>2</sup>) which the neighbourhood plan seeks to retain. There is an extant permission (dating from the 1980s) for a 6,200sqm office building on the site of the Highfield building<sup>3</sup>. This has not been constructed, however the permission has been implemented. The NPPF is clear that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. SDNPA accepts that a change of use from B1 (offices) to C3 (residential) meets the criteria for permitted development, however further consents would be needed in order to construct the development.

The level of development envisaged by the Neighbourhood Plan would undoubtedly be a major development meaning the tests in paragraph 116 of the NPPF would have to be met by an applicant seeking planning permission. While the Neighbourhood Plan policy could potentially address all of Fernhurst's housing need (in a relatively unsustainable location), SDNPA is concerned that an allocation even of 150 dwellings may be insufficient to deliver a truly sustainable scheme of outstanding quality and capable of meeting National Park purposes. A difficult policy balance has to be struck between achieving a critical mass of development which can ensure a scheme of the highest quality to justify the exceptional circumstances for a major

<sup>2</sup> Workshops, storage and offices occupy Longfield; the Pagoda is occupied by a leather goods company.

<sup>3</sup> Highfield is entirely vacant – a 16,000sqm building arranged over 3 floors designed as a quadrangle.

development in the National Park and the weight given to extant policy which seeks to tightly control development in the countryside. A masterplanning exercise is required which can test different mixes of development on the site. It is too early to tell whether 150 is an appropriate quantum.

The Neighbourhood Plan policy unfortunately has the effect of hindering the likelihood of new employment activity being delivered at Syngenta. SDNPA commissioned a High Level Viability Review for the Syngenta site in early 2014. In testing the relationship, the consultants undertook an iterative approach whereby the assumed commercial floorspace (B class uses) alongside the residential was increased whilst monitoring the overall effect on viability. Commercial floorspace is generally found to be less viable than residential or even not viable at all (meaning it would not be profitable to build). This means that commercial floorspace on this site will require cross-subsidy from more viable residential development.

The testing showed that more than 150 dwellings would be required to ensure some commercial floorspace was delivered and 200-250 dwellings would provide more certainty, as well as scope to deliver other community facilities. The Study also concluded the rehabilitation of the Highfield building for office use would be uneconomic and there is likely to be limited market capacity/demand for such an approach. The High Level Viability Review is provided separately for the Examiner to consider.

Chichester District Council Economic Development officers report an unmet need for accommodation in the district for start-up businesses. Vacancy rates in Fernhurst are low, the site is well situated on a main road with reasonable access to larger settlements in the Western/Central part of the National Park and beyond. No evidence has been suggested to SDNPA that it is not possible to accommodate additional employment floorspace. Policy SA2 is too passive in the way it addresses the prospect of additional commercial floorspace. Rather than suggesting new B1/B2/B8 “shall be permitted”, the policy should expect it to be required. There may be some merit in providing additional commercial floorspace on the Longfield site but other parts of the site may also be suitable locations, subject to the detailed design of scheme and overall mix of uses. It is also important that in a National Park, any commercial buildings should be a high design quality. As worded, the policy gives much greater emphasis to the design of residential buildings.

Not all B1/B2/B8 proposals will be suitable in the National Park. This reflects guidance relating to the rural economy in the Defra Circular 2010. Major B8 uses, in particular, would be much more suitably located in major urban areas outside the National Park with better accessibility to strategic transport routes. While the policy should seek to require additional B1/B2/B8 uses, not every proposal will be appropriate for the site. Insertion of the words “small-scale” would address this issue.

Recommendation: Any application must demonstrate the exceptional circumstances or public interest reason to justify an exception to the presumption against major development in paragraph 116 of the NPPF. SDNPA seeks the deletion of the 150 dwelling target from the Syngenta policy as it is not based on robust evidence. This would allow the quantum of development for the Syngenta site to be determined through a masterplanning approach capable of testing a range of assumptions for the site. Rather than suggesting new B1/B2/B8 “shall be permitted”, the policy should expect it to be provided, but it needs to be at an appropriate scale. It has not been demonstrated why it is necessary to restrict the promotion of commercial floorspace to the Longfield part of the site and therefore, this requirement should be removed.

