

FITTLEWORTH NEIGHBOURHOOD DEVELOPMENT PLAN SUBMISSION FULL REPRESENTATIONS

22 JANUARY - 12 APRIL 2019



Respondent Reference:	R1
Organisation or Individual:	Environment Agency
Agent Details:	N/A



[REDACTED]

From: PlanningSSD
Sent: 09 April 2019 16:18
To: Neighbourhood
Subject: Fittleworth Neighbourhood Development Plan Submission Version - Environment Agency Comments

Dear Chris

Thank you for consulting the Environment Agency on the Fittleworth Neighbourhood Development Plan Submission version. Our comments are as follows:

Page 18 Objective 1

We support this policy.

Page 19 Policy FITT2 Biodiversity

We are pleased to see reference to 'net gain' in this policy.

Page 19 Policy FITT3 Water and Utility Infrastructure Management

We support this policy.

Page 23 Policy FITT5 Design of New Development

We are pleased to see that you have considered our previous comments and have included Sustainable Urban Drainage Systems within this policy.

Page 24 Policy FITT6 New Community Shop

We are pleased to see that the allocated site for the new community shop is in Flood Zone 1.

Page 28 Policy FITT9 Sites Allocated for Housing Development

- a) Fleet Cottage (CH032) - we are pleased to see that this site is allocated in Flood Zone 1. We cannot see any reference as to how wastewater will be dealt with. Please note that this site is located in a sensitive groundwater protection area (Source Protection Zone 3). We would expect the site to be connected to the mains foul sewer system.
- b) Land at corner of Limbourne Lane/The Fleet (CH033) - we are pleased to see that this site is allocated in Flood Zone 1. We appreciate that a Flood Risk Assessment and Strategy to address surface water and groundwater issues on the site is outlined in the policy. This will fall under the remit of the Lead Local Flood Authority. We cannot see any reference as to how wastewater will be dealt with for this site. We would expect the site to be connected to the mains foul sewer system.

Greatpin Croft Site (CH031) - assuming this site is within the Settlement Area boundary (we could not see it mapped on the plan), we are pleased that it is located in Flood Zone 1. We would expect the site to be connected to the mains foul sewer system.

Kind regards

Marguerite Oxley

Marguerite Oxley | Technical Specialist | Sustainable Places | Solent and South Downs Area |
Environment Planning and Engagement | Environment Agency | Guildbourne House | Chatsworth Road |
Worthing | West Sussex | BN11 1LD

Tel external: [REDACTED] | Tel internal: [REDACTED] | Mobile:- [REDACTED] |

Email :- [REDACTED] (or [REDACTED])

our Commitment:

Sustainable Places will prioritise and drive forward environmental outcomes from our work with local authorities and partners across the Solent and South Downs Area

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Respondent Reference:	R2
Organisation or Individual:	Highways England
Agent Details:	N/A



[REDACTED]

From: Cleaver, Elizabeth
Sent: 01 April 2019 12:14
To: Neighbourhood
Cc: Planning SE
Subject: Highways England response: Fittleworth Neighbourhood Development Plan 2018–2033 Submission Consultation (Regulation 16)

For the attention of: Neighbourhood Planning Team

Consultation: Fittleworth Neighbourhood Development Plan 2018 – 2033 Submission Consultation (Regulation 16)

Highways England Ref: #6969

Dear Chris Paterson

Thank you for your email of 22 February 2019 inviting Highways England to comment on the Fittleworth Neighbourhood Development Plan Submission Consultation 2018 – 2033 (Regulation 16).

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and, as such, Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs, as well as in providing effective stewardship of its long-term operation and integrity. We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN. In the case of Fittleworth parish, the SRN does not pass through or near to the parish.

We do not wish to comment on the Fittleworth Neighbourhood Development Plan Submission Consultation 2018 - 2033. However please continue to consult us via our inbox: [REDACTED]

Kind regards

Elizabeth Cleaver, Assistant Spatial Planning Manager

[REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED]
Web: <http://highwaysengland.co.uk/>

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Highways England Company Limited | General enquiries: [REDACTED] / [REDACTED]
[REDACTED] |
<https://www.gov.uk/government/organisations/highways-england> | [REDACTED]

Registered in England and Wales no [REDACTED] | Registered Office: [REDACTED]
[REDACTED]

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Respondent Reference:	R3
Organisation or Individual:	Historic England
Agent Details:	N/A



[REDACTED]

From: Lloyd Sweet, Robert [REDACTED]
Sent: 09 April 2019 10:35
To: Neighbourhood
Subject: Fittleworth Neighbourhood plan consultation

To whom it may concern:

Thank you for consulting Historic England on the Submission version of the Fittleworth Neighbourhood Plan.

I am happy to confirm Historic England do not have any matters to bring to the attention of the examiner in this case. Where the plan may have impacts for the Historic Environment we are satisfied that the National Park Authority has sufficient resource of conservation expertise to respond to these matters.

Yours faithfully

Robert Lloyd-Sweet

Rob Lloyd-Sweet | Historic Places Adviser | South East England | Historic England
Mobile: [REDACTED]

[REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED]



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Respondent Reference:	R4
Organisation or Individual:	Montagu Developments Ltd.
Agent Details:	Colin Kelly, Kiely Planning



[REDACTED]

From: Neighbourhood
Sent: 04 April 2019 15:38
To: [REDACTED]
Subject: FW: Regulation 15: Fittleworth Neighbourhood Development Plan 2019
Attachments: Fittleworth Neighbourhood Plan - 04.04.19 FINAL.pdf

From: Colin Kiely [REDACTED]
Sent: 04 April 2019 15:20
To: Neighbourhood
Subject: Regulation 15: Fittleworth Neighbourhood Development Plan 2019

Dear Sir/Madam,

Please find attached our representations submitted on behalf of our clients Montagu Developments Limited.

I look forward to receiving your acknowledgement in due course.

Kind regards

COLIN KIELY, MRTPI
Director

KIELY PLANNING LIMITED

[REDACTED] | [REDACTED] | [REDACTED] | [REDACTED]
t. [REDACTED] m. [REDACTED]

kiely
planning

kielyplanning.co.uk

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Ref. JR/0412
4th April 2019

South Downs National Park Authority
South Downs Centre
North Street
Midhurst
Hants GU29 9DH

By Email: neighbourhood@southdowns.gov.uk

Dear Sir/Madam,

Regulation 15: Fittleworth Neighbourhood Development Plan 2019

We write on behalf of Montagu Developments Limited following the publication of the above document for consultation prior to its submission to the Secretary of State. This letter seeks to confirm our client's support for **Policy FITT9** and particularly the site allocation 'Land at corner of Limbourne Lane/Fleet (CH033)'. Our client has a legal interest in the land having an option to purchase.

Importantly, the site is available for development and is relatively free of constraints. It is also positioned in a sustainable location having good access to public transport and being in close proximity to existing facilities within the village. In short, its allocation for housing is entirely consistent with the principles of sustainable development as endorsed by the National Planning Policy Framework (NPPF).

Notwithstanding the above, our client has concerns with regard to two aspects of the Policy, namely, the number of dwellings specified in the policy and highway matters. We address these in turn below.

With regard to the first issue, whilst we note that the site is proposed to be allocated for 'about' 12 homes; we consider this to be overly prescriptive. In view of the proposed site allocation our client has employed an architect to prepare sketch proposals to illustrate how the site could be developed. The enclosed drawings demonstrate one way that the land could potentially accommodate 15 units, in what we consider to be a satisfactory manner.

With regard to Policy, importantly, Paragraph 122 of the NPPF confirms '*planning policies and decisions should support development that makes efficient use of land....*'. Furthermore, this advice is mirrored in the emerging South Downs Local Plan. Notably draft Strategic **Policy SD25** 'Development Strategy' recognises the principle of development within a number of settlements including 'Fittleworth' and advises that such development should 'make efficient and appropriate use of land'.

The supporting text to the Policy at Paragraph 7.13 goes onto say:-

“Throughout the National Park, development pressures are great, whilst availability of land suitable for development is scarce. Furthermore, many of its villages and towns are characterised by relatively densely clustered, small buildings. Therefore it is important to make efficient use of land that does become available and is suitable for development. This approach is likely to encourage a design of new development that respects traditional patterns of built form, whilst reducing demand for additional land supply to meet local communities’ needs...”

In short, the plan recognises the need to make efficient use of land that is suitable for development. Furthermore, the plan also ensures that development is suitable in terms of its impact on character and that efficient use does therefore not translate into ‘overdevelopment’.

In light of the above, coupled with the enclosed sketch proposals, we consider the wording of the Policy should be amended to require a *minimum* of 12 homes rather than *about* 12 homes.

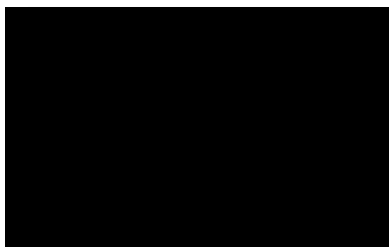
Secondly, with regard to highways, our client has obtained pre-application advice from West Sussex Highway Authority. They confirmed that no traffic calming measures would be necessary in light of proposed improvements to the junction of Limbourne Lane and The Fleet which would be secured through the development of the site. In addition, the principle of re-positioning the existing bus stop further to the west with direct access into the site was agreed; though this needs to be formalised in due course with the bus operator (Compass). Accordingly, we ask that part v) of the Policy be reworded to say:-

‘Appropriate measures are taken to ensure highway safety is improved in accordance with the recommendations of the Highway Authority’

Finally, we are pleased to note that no concerns have been raised with regard to the principle of the allocation by statutory consultees. Furthermore, only three representations have been submitted by third parties, two of which relate to highways (as covered above) with the third relating to drainage. With regard to the latter, our client’s Drainage Consultants are investigating ways of using the existing pond to increase water attenuation as part of the drainage strategy for the site. This will have the added benefit of enhancing biodiversity in accordance with the objectives of paragraph 177 of the NPPF.

In light of the above, and in the context of the conditions set out at Paragraph 8(2) of Schedule 4B of the TCP Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) we consider the above suggested amendments should be made.

Yours faithfully



COLIN KIELY, MRTPI
KIELY PLANNING LIMITED

m. [REDACTED]
e. [REDACTED]

Encl. Drg no. 18324 / SK08 – Sketch Layout & Illustrative Street Scene



SITE LAYOUT (1:500)



ILLUSTRATIVE STREET SCENE A-A (1:200)

Sketch Layout and Illustrative Street Scene
Limbourne Land and The Fleet, Fittleworth

18324 / SK08

Scale: As Shown @ A1 March 2019

Respondent Reference:	R5
Organisation or Individual:	National Grid
Agent Details:	Lucy Bartley, Wood



[REDACTED]

From: Projectmail - National Grid [REDACTED]
Sent: 13 March 2019 09:46
To: Neighbourhood
Subject: Fittleworth Neighbourhood Plan Consultation
Attachments: Fittleworth NP REP 27.02.19.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

Please find the attached response on behalf of National Grid.

Kind regards

Wood on behalf of National Grid

Planning & Design | E&I UK
Wood Plc

[REDACTED]
Tel [REDACTED]
[REDACTED]

Neighbourhood Planning
South Downs National Park Authority
South Downs Centre
North Street
Midhurst
West Sussex
GU29 9DH

Lucy Bartley
Consultant Town Planner

Tel: [REDACTED]
[REDACTED]

Sent by email to:
neighbourhood@southdowns.gov.uk

27 February 2019

Dear Sir / Madam

**Fittleworth Neighbourhood Plan Consultation
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regards to the above Neighbourhood Plan consultation.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales and National Grid Electricity System Operator (NGESO) operates the electricity transmission network across the UK. The energy is then distributed to the eight electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid previously owned part of the gas distribution system known as 'National Grid Gas Distribution limited (NGGDL). Since May 2018, NGGDL is now a separate entity called 'Cadent Gas'.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect National Grid's assets.

Specific Comments

An assessment has been carried out with respect to National Grid's electricity and gas transmission apparatus which includes high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has **no record** of such apparatus within the Neighbourhood Plan area.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Tel [REDACTED]
woodplc.com

[REDACTED]
[REDACTED]
Registered office:
[REDACTED]
[REDACTED]
Registered in England.
No. [REDACTED]



Electricity Distribution

The electricity distribution operator in South Downs National Park Authority is Scottish and Southern Electricity Networks. Information regarding the transmission and distribution network can be found at: www.energynetworks.org.uk

Appendices - National Grid Assets

Please find attached in:

- Appendix 1 provides a map of the National Grid network across the UK.

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database.

Lucy Bartley
Consultant Town Planner

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Spencer Jefferies
Development Liaison Officer, National Grid

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

Yours faithfully

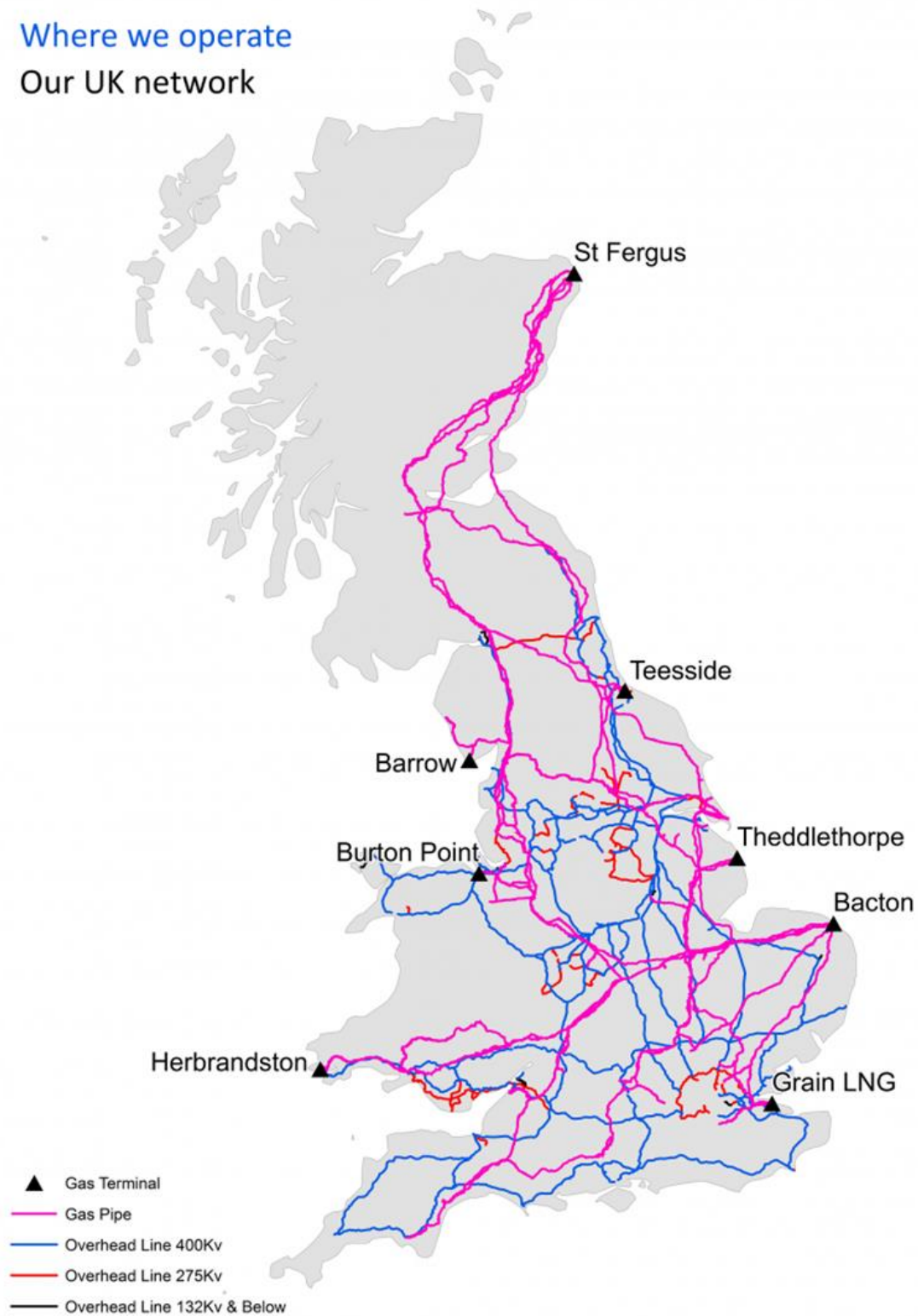
[via email]

Lucy Bartley
Consultant Town Planner

cc. Spencer Jefferies, National Grid

APPENDIX 1: WHERE NATIONAL GRID'S UK NETWORK

Where we operate
Our UK network



Respondent Reference:	R6
Organisation or Individual:	Chichester District Council
Agent Details:	N/A



From: Bryn Jones [REDACTED]
Sent: 11 March 2019 17:20
To: Neighbourhood
Subject: RE: Fittleworth Neighbourhood Plan - Submission Consultation (Regulation 16)
Attachments: 19 02 22 Fittleworth Neighbourhood plan reg 16 consultation BJ.docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Chris,

Please find attached consultation response for the Fittleworth Neighbourhood plan.

I am happy to discuss any of the points raised further, if required.

Kind regards,

Bryn



Bryn Jones
Housing Enabling Officer
Housing Delivery Team
Chichester District Council

Ext: [REDACTED] | Tel: [REDACTED] | [REDACTED] | Fax:



From: Neighbourhood [REDACTED]
Sent: 22 February 2019 10:49
Subject: Fittleworth Neighbourhood Plan - Submission Consultation (Regulation 16)

Dear Sir / Madam

I am contacting you because you responded to an earlier public consultation, on the Fittleworth Neighbourhood Development Plan, or as a Statutory Authority, who are required to be consulted at this stage of Neighbourhood Planning.

Fittleworth Parish Council formally submitted their Neighbourhood Plan, to the South Downs National Park Authority (SDNPA) on 23 January 2019, for examination by an independent examiner. Following a legal compliance check, the SDNPA has now published the Fittleworth Neighbourhood Plan (FNP), for consultation from Friday 22nd January 2019 to Friday 12 April 2019. All representations made as part of the consultation will be sent to the examiner, for consideration alongside the plan.

Please see the attached documents for further details of the consultation and how to make a representation, on the Fittleworth NDP (Submission version).

Kind regards
Chris Paterson

Chris Paterson

Communities Lead
South Downs National Park Authority
Tel: [REDACTED]

[REDACTED]
www.southdowns.gov.uk | [Facebook](#) | [SDNPA Twitter](#) | [Ranger Twitter](#) | [Youtube](#)



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E-mail or phone [REDACTED]
[REDACTED]

Memorandum

To: Fittleworth Parish Council **From:** Bryn Jones **Ext:** [REDACTED]

CC: [REDACTED] **Date:** 11th March 2019

Subject: Fittleworth Neighbourhood Plan – Submission Consultation (Regulation 16)

The Housing Delivery Team has reviewed the Fittleworth submission development plan and have the following comments to make:

Policy FITT9 (Sites allocated for housing development):

It is recommended that under point A (ii) that “elsewhere in the village” be removed. Affordable housing financial contributions can be sought from developments providing a net increase of between 6 and 10 dwellings in rural designated areas under section 157(1) of the housing act 1985. However, these sums cannot be restricted for use within the village but are instead restricted to the enabling and provision of affordable housing across the National Park area of Chichester District. Furthermore, emerging policy SD28 of the South Downs Local Plan is requiring an onsite contribution of affordable housing on schemes delivering 4 or more dwellings.

Point B (i) requires at least 40% of the units to be provided as affordable housing. Emerging Policy SD28 of the South Downs National Park Local Plan requires that 50% of the dwellings on schemes providing 11 or more units are to be provided as affordable housing. It is my understanding that a neighbourhood plan cannot prescribe a lower quota of affordable housing as this would conflict with the emerging Local Plan policies. As such, it is recommended that this figure be amended to 50% to reflect the emerging policy requirements.

Greatpin Croft (Site (CH031) identifies that developments coming forward on this site are likely to be windfall sites. The policy requires all dwellings are provided as affordable housing and secured for occupation in perpetuity by people with a local connection to Fittleworth. It was previously advised by the Housing Delivery Managers consultation that references to local connection be removed for the reasons set out below.

It is the policy of CDC and its RP partners to operate a choice based lettings scheme. An allocation scheme is a legal requirement under the terms of Section 167 of the Housing Act 1996. It sets out the priorities and procedures for letting of all forms of affordable (social) housing and our nominations to the RP's. The scheme applies to existing RP tenants wanting to move (transfer) and to new applicants applying to the housing register for the first time.

The Council's adopted "Allocation Scheme" includes a "Rural Allocations Policy". When an existing affordable home within a rural area becomes available for re-let, preference will be given to households that:

1. Are able to demonstrate (to the reasonable satisfaction of the council) a local connection to the parish in which the property is located, and;
2. Have "reasonable preference" on the housing register (i.e. those households that are in bands A-C).

N.B All other eligibility requirements for the property (e.g. bedroom need) must be met. If no eligible households bid, the property will be allocated to households that has the greatest assessed housing need, regardless of local connection to the parish.

On 1st lets of all schemes CDC review the sensitivity of the site and in most cases devise a Local Lettings Plan with the Registered Provider; which considers the housing need near the time of letting and in some cases consider prioritising local households in bands A-D on 1st lets depending on the sensitivity and need.

CDC's Rural Allocations policy was devised to ensure that local priority is given "reason preference" but "not absolute priority over everyone else", as the House of Lords made clear in the case of *R (on application of Ahmad) v. Newham LBC* [2009]. S.166A(3)¹ only requires that people encompassed within that section are given "reasonable preference". It "does not require that they should be given absolute priority over everyone else"². This means that an allocation scheme may provide for other factors than those set out in s.166A(3) to be taken into account in determining which applicants are to be given preference under a scheme, provided that:

- They do not dominate the scheme , and
- Overall, the scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not

The proposed local connection criteria set out within the policy would be in breach of the above statutory requirements to only give "reasonable preference". Additionally, we would be concerned if there was no one eligible from Fittleworth that bid upon a property, then the homes would be untenable and left empty. This would not be acceptable bearing in mind the large number of households on the housing register with a housing need in the district.

Kind regards

Bryn Jones
Housing Enabling Officer
Chichester District Council

¹ Previously s.167(2), which continues to apply to allocations by housing authorities in Wales

² Baroness Hale at para [18]

Respondent Reference:	R7
Organisation or Individual:	SDNPA
Agent Details:	N/A

Appendix 2. SDNPA response to the Fittleworth Submission (Regulation 16) Neighbourhood Development Plan

All references to emerging South Downs Local Plan (SDLP) policies relate to the Submission version rather than any subsequent revision (unless specified). All text to be added is underlined, all deleted text is ~~struck through~~.

Reference	Comment	SDNPA Recommendation to Examiner
Basic Conditions Statement	The table which describes the Fittleworth conformity with saved policies of the Chichester District Local Plan and the emerging South Downs Local Plan is incorrectly titled. The title should read 'Fittleworth NDP – Conformity with the Local Development Plan'	Amend table heading on page 5 of the Basic Conditions Statement to read 'Fittleworth NDP – Conformity with the Local Development Plan'
General	The FNDP should include a copy of the original designated neighbourhood area map, so it is clear to the reader where policy contained in the FNDP is to be applied. This could be included as an appendix in addition to the policy map	Include a copy of the designated neighbourhood area map with the FNDP
Chapter 2 The Legal Framework for a Neighbourhood Development Plan	The SDNPA would like to see this section set out clearly what forms the Development Plan for the village of Fittleworth. This should include reference to the South Downs Local Plan, Fittleworth Neighbourhood Plan, West Sussex and South Downs Waste Local Plan 2014 and the West Sussex and South Downs Joint Minerals Local Plan 2018. This could be included as a short paragraph in section 2.	Section 2 of the FNDP to include reference to the South Downs Local Plan, West Sussex and South Downs Waste Local Plan 2014 and the West Sussex and South Downs Joint Minerals Local Plan 2018 to make it clear what the development plan consists of locally
Policy FITT5	One of the criteria of this policy require new development to demonstrate that 'the development will contribute to and be compatible with local fibre or internet connectivity'. It is not clear how this would be a design consideration in relation to new development. Clarification is required to ensure decision makers users of the FNDP are clear as to the intention of this policy	Further clarification to be provided for this policy clause in supporting text or, consideration should be given to moving this policy clause to Policy FITT8
Policy FITT9 a) Fleet Cottage	Policy Fitt9, housing allocation policy a. requires an appropriate contribution to be secured towards the provision of affordable housing elsewhere in the village, in accordance with the development plan policies. At the time of writing the FNDP this would have been the correct approach. However, the progression of the South Downs Local Plan now requires 2 affordable dwellings to be delivered on site on sites of 6 dwellings. Therefore this policy clause should be amended to read 'Two affordable dwellings will be secured on site, at least one of these dwellings should be a rented affordable tenure, as per the Development Plan'	Policy FITT9 The following sites are allocated for housing development, as shown on the Policies Map, subject to the development principles outlined below (rejected sites are discussed at Appendix 9): a) Fleet Cottage (CH032) is allocated for about 6 homes provided that: i) The settlement area to which this site abuts is extended to incorporate this site; ii) Appropriate contributions are secured towards the provision of affordable housing

		elsewhere in the village in accordance with Development Plan policies; <u>Two affordable dwellings will be secured on site, in perpetuity, at least one of these dwellings should be a rented affordable tenure, as per the Development Plan'</u>
Policy FITT9 a) Fleet Cottage	Policy Clauses v and vii are repeated, one of these policy clauses could be removed	Remove either policy clause v or policy clause vii to remove repetition
FITT9 b) Land at corner of Limbourne Lane / The Fleet	Policy Fitt9 housing allocation policy b. requires at least 40% of the units to be affordable housing secured as such in perpetuity. At the time of writing the FNDP this would have been the correct approach. However, the progression of the South Downs Local Plan now requires development proposals of 11 or more homes to provide a minimum of 50% of new homes created to be affordable homes. Therefore it is recommended this policy clause is amended to align with the South Downs Local Plan Policy SD28	b) Land at corner of Limbourne Lane/The Fleet (CH033) is allocated for about 12 homes provided that: i) At least 40 <u>50</u> % of the units (i.e. homes) are affordable housing and secured as such in perpetuity;
FITT9 b) Land at corner of Limbourne Lane / The Fleet	The existing bus stop on the north side of the A283 (Opposite Wyncombe Close) is far from ideal (it has only a very small standing area, no shelter, no safe pedestrian access and it is hidden by vegetation). Could the allocation for Limbourne Lane/The Fleet include a requirement to re-site the bus stop (preferably including a shelter) onto the frontage of the new development, as long as this would not result in the loss of roadside trees?	The Qualifying Body to consider whether an additional requirement for Policy FITT9 b. to require the new development to include a new bus stop facility to replace the inadequate facility further along the A283. Alternatively this could be explored with the Highways Authority using the Parish CIL receipt.
Policy Fitt9	Policy Fitt9 sets out 2 housing site allocations, however there is no clear indication on the policy map as to which site is Limbourne Lane and which site is Fleet Cottage	Include housing site allocation references on supporting policy map shown at Fitt9
Policy Fitt9 (policy map)	The current FNDP does not include a separate policies map	Policy map shown at Fitt9 to be produced as a separate policy map to support the NDP

Respondent Reference:	R8
Organisation or Individual:	Southern Water
Agent Details:	N/A

[REDACTED]

From: Policy, Planning [REDACTED]
Sent: 04 April 2019 09:41
To: Neighbourhood
Subject: RE: Fittleworth Neighbourhood Plan - Submission Consultation (Regulation 16)

Dear Sir/Madam,

Thank you for your email below, inviting Southern Water to comment on the Submission version of the Fittleworth Neighbourhood Plan.

We have reviewed the Plan and are pleased to note that our comments on the Pre-Submission version of the Plan have been taken into account. We therefore have no further comments to make and look forward to being kept informed of progress through examination to the 'making' of the Plan.

Yours faithfully,

Charlotte Mayall
Development Manager



From: Neighbourhood [REDACTED]
Sent: 22 February 2019 10:49
Subject: Fittleworth Neighbourhood Plan - Submission Consultation (Regulation 16)

Dear Sir / Madam

I am contacting you because you responded to an earlier public consultation, on the Fittleworth Neighbourhood Development Plan, or as a Statutory Authority, who are required to be consulted at this stage of Neighbourhood Planning.

Fittleworth Parish Council formally submitted their Neighbourhood Plan, to the South Downs National Park Authority (SDNPA) on 23 January 2019, for examination by an independent examiner. Following a legal compliance check, the SDNPA has now published the Fittleworth Neighbourhood Plan (FNP), for consultation from Friday 22nd January 2019 to Friday 12 April 2019. All representations made as part of the consultation will be sent to the examiner, for consideration alongside the plan.

Please see the attached documents for further details of the consultation and how to make a representation, on the Fittleworth NDP (Submission version).

Kind regards
Chris Paterson

Chris Paterson
Communities Lead
South Downs National Park Authority
Tel: [REDACTED]

[REDACTED]

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Respondent Reference:	R9
Organisation or Individual:	West Sussex County Council
Agent Details:	N/A



[REDACTED]

From: Eloise Short [REDACTED]
Sent: 10 April 2019 11:33
To: Neighbourhood
Cc: Janet Duncton
Subject: Fittleworth Neighbourhood Plan - Submission Consultation (Regulation 16)

Thank you for the opportunity to comment upon the Submission Neighbourhood Plan for Fittleworth.

The focus of the County Council's engagement with the development planning process in West Sussex is the new Local Plans that the Districts and Boroughs are preparing as replacements for existing Core Strategies and pre-2004 Local Plans. Whilst welcoming the decisions of so many parishes to prepare Neighbourhood Plans, the County Council does not have sufficient resources available to respond in detail to Neighbourhood Plan consultations unless there are potentially significant impacts on its services that we are not already aware of, or conflicts are identified with its emerging or adopted policies.

We can confirm that WSCC Services have no further comments to make on the Reg. 16 Plan.

Please continue to send consultations on the Neighbourhood Plan to [REDACTED] and [REDACTED] liaison will take place with services within the County Council and respond if it is considered appropriate.

Kind regards,

Eloise Short

Assistant Planner | Planning Policy and Infrastructure | Planning Services

[REDACTED]

Phone: [REDACTED]

Email: [REDACTED] | Web: www.westsussex.gov.uk

From: Neighbourhood [REDACTED]
Sent: 22 February 2019 10:50
Subject: Fittleworth Neighbourhood Plan - Submission Consultation (Regulation 16)

Dear Sir / Madam

I am contacting you because you responded to an earlier public consultation, on the Fittleworth Neighbourhood Development Plan, or as a Statutory Authority, who are required to be consulted at this stage of Neighbourhood Planning.

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Please see the attached documents for further details of the consultation and how to make a representation, on the Fittleworth NDP (Submission version).

Kind regards
Chris Paterson

Chris Paterson
Communities Lead
South Downs National Park Authority
Tel: [REDACTED]

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Respondent Reference:	R10
Organisation or Individual:	Natural England
Agent Details:	N/A



Date: 21 January 2019
Our ref: [REDACTED]



BY EMAIL ONLY

T [REDACTED]

Dear Sir/Madam

Fittleworth Neighbourhood Plan Habitats Regulations Assessment (HRA)

Thank you for providing additional information regarding the above Plan.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please find our comments in relation to the Fittleworth Neighbourhood Plan Habitats Regulations Assessment (HRA).

The Fittleworth Neighbourhood Plan includes habitats within the “Core Sustenance Zone” for The Mens Special Area of Conservation (SAC). Therefore particular consideration must be applied for all future development within this Neighbourhood Plan.

We note that the HRA has been amended to make more specific reference to the key importance of linear habitats and foraging areas which we support, however due to fact that this Plan needs to clearly demonstrate compliance with the Mitigation Hierarchy and firstly *avoid* impacts to the SAC we advise the following:

We recognise that the Plan now cites variously the importance of maintaining linear habitats and foraging areas, and the Sussex Bat Protocol (which we welcome) we specifically advise that for clarity, each Development Policy within the Plan should include the following:

- A requirement that developments will *avoid* impacts to the SAC via avoiding impacts on supporting foraging and commuting (functionally-linked) habitats;
- That development will be designed around the existing linear habitats and foraging areas.

We note the following:

The nature of the potential impacts (notably lighting, noise and visual disturbance during construction, or loss of functionally-linked land) are very closely related to exactly how the development will be designed and constructed, or detailed development site-specific survey data, and therefore cannot be assessed in detail at the plan level. In these instances, the appropriate assessment focusses on the available mitigation measures, the extent to which such measures would be achievable and effective and whether an adequate protective framework exists to ensure that the policy would not lead to an adverse effect on the integrity of any internationally designated sites.

We agree that at Plan level the detailed design is not available however it is not sufficient to state that the developments will include a survey of the habitats for example. We advise regardless of

later project-level detail that key principles should be included to guide developments and ensure that deleterious impacts to protected sites and biodiversity for example can be avoided. In this particular instance developments can be designed to avoid impacts via maintaining linear habitats and foraging areas with a suitable buffer zone. Due to the sensitive nature of habitats included in the Plan area it is of fundamental importance that this is clearly stated.

Biodiversity net gain

We further advise that such measures would be required in order to fulfil biodiversity and net gain requirements within the amended NPPF (see below) and should not be constrained to a requirement for barbatelle/Bechstien's habitats. The protocol was designed in order to *avoid* impacts on habitats supporting the SAC. This provides benefits on a landscape scale to a multitude of additional species by maintaining habitat connectivity throughout the landscape

Policy FITT2 - Biodiversity gives protection to biodiversity and states that developments must *"protect and take opportunities to enhance the biodiversity of Fittleworth."*

We advise that biodiversity net gain should be included here.

We further note the following:

This policy also states that there will be requirements to comply with Habitats Regulations, and that existing habitat networks and wildlife corridors should be protected. However, it is recommended that this wording is adjusted to specifically relate the protection of existing habitat networks and wildlife corridors to the barbastelle and Bechstein's bats and their foraging and commuting habitats within the Neighbourhood Plan area, particularly any future development not covered under Policy FITT9 (which has its own policy wording on this issue). Since other windfall sites not specifically allocated in FITT9 may come forward it is also advised that the specific wording in FITT9 regarding protection of the Sussex bat SACs is added to this policy as follows: "If site survey indicates that habitat on or adjacent to any development site constitutes key features for barbastelle or Bechstein's bats, appropriate design and mitigation should be put in place including retaining such key features and limiting light spill onto key features within or outside of the boundaries of the development site to no greater than 0.5 lux".

It is not clear where the level of 0.5 originates. In order to avoid impacts to bats the Sussex Bat Protocol recommends the following:

Design the lighting so that the light levels for all roosts, feeding and commuting habitats during construction and operational phases does not increase above pre-development/impact levels

We further note the following:

However, it is recommended that this wording is slightly adjusted to read "Appropriate design and mitigation should be put in place with regard to impacts on bats, including retaining key features used by bats and avoiding light spill onto key features within or outside of the boundaries of the development site' and that the same wording is applied to the reference to Greatpin Croft in this policy.

We note this recommendation and advise that avoidance is used to comply with the mitigation hierarchy and the provisions of the Bat Protocol in this sensitive area. .

Net Gain

We advise that the NPPF has been amended and contains a clear direction to ensure new development demonstrate a net gain in biodiversity. We welcome this approach. The various allocation sites will need to echo this direction stemming from a clear steer within the biodiversity policy to include net gain,

The revised NPPF states the following:

170 d). *Planning policies and decisions should contribute to and enhance the natural and local environment by “minimising impacts on and providing net gains for biodiversity....”* 174 b) *Plans should “...identify and pursue opportunities for securing measurable net gains for biodiversity”*

118. *Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains-such as developments that would enable habitat creation or improve public access to the countryside”*

We advise that the biodiversity policy should provide more robust protection to statutorily designated sites and include ancient woodland. We advise that the current wording does not provide robust protection afforded in the NPPF. Furthermore with regard to ancient woodland the NPPF provides a clear direction to protect this irreplaceable habitat as follows:

development should be refused unless there are wholly exceptional reasons (footnote 58) and a suitable compensation strategy exists”.

We welcome the reference to the emerging SDNP Local Plan’s International Sites Policy which is of clear reference to this Plan. Natural England advises however that the Neighbourhood Plan currently includes site allocations which could deleteriously impact key functionally-linked habitat supporting the Mens SAC and this needs to be urgently addressed.

I hope the above is helpful and please do not hesitate to contact me should you wish to discuss this matter. Please send further correspondence, marked for my attention, to

[REDACTED] quoting our reference [REDACTED]

Yours sincerely

Rebecca Pearson
Lead Adviser
Sustainable Development