

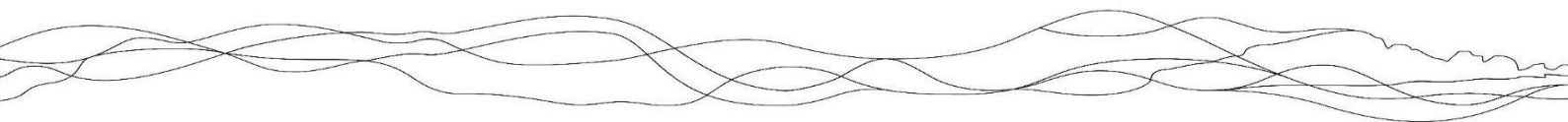


# Fittleworth Neighbourhood Development Plan 2018 – 2033

Response to Initial comments of the Independent Examiner

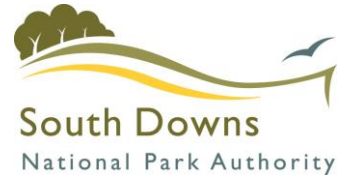
Prepared by Fittleworth Parish Council and The South Downs  
National Park Authority

16<sup>th</sup> May 2019





## Policy FITT 1



### **Question 4. Should the requirements in a) relate to *all* applications, even for minor developments such as residential extensions or changes of use?**

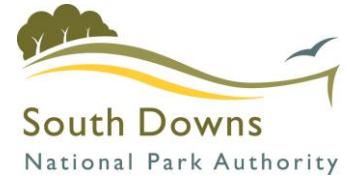
The Qualifying Body would like to see the requirements in policy clause (a) remain. The justification for this is that Fittleworth is a small village, minor changes can have a significant impact on the local landscape character. The policy should also be applied to minor development including modifications. A similar approach is adopted in Policy SD4 of the South Downs Local Plan, where all development proposals are required to conserve and enhance landscape character.

### **Question 5. Criterion c) refers to “Safeguarding important local views such as those from Hesworth Common”. Can the views that are considered “important” be shown on a map, otherwise decision makers will not know which are the views that deserve protection from the policy?**

The Qualifying Body do not feel it would be appropriate to identify specific views within the village as there are so many, and the views identified would not be informed by the wider community. Therefore the Qualifying Body request that the examiner modifies the policy to take a similar approach to that set out in Policy SD6 of the South Downs Local Plan, specifically part 2 of policy SD6 as set out below.

#### **Strategic Policy SD6: Safeguarding Views**

1. Development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the National Park, in particular by conserving and enhancing key views and views of key landmarks within the National Park.
2. Development proposals will be permitted that conserve and enhance the following view types and patterns identified in the *Viewshed Characterisation Study*:
  - a) Landmark views to and from viewpoints and tourism and recreational destinations;
  - b) Views from publically accessible areas which are within, to and from settlements which contribute to the viewers’ enjoyment of the National Park;
  - c) Views from public rights of way, open access land and other publically accessible areas; and
  - d) Views which include or otherwise relate to specific features relevant to the National Park and its special qualities, such as key landmarks including those identified in Appendix 2 of the Viewshed Characterisation and Analysis Study, heritage assets (either in view or the view from) and biodiversity features.
3. Development proposals will be permitted provided they conserve and enhance sequential views, and do not result in adverse cumulative impacts within views.



## Policy FITT 3

**Questions 6. Is it really appropriate for this policy to require a surface water management plan in the case of every development or is it a case of the development to be adopting a Sustainable Urban Drainage Scheme, where it is appropriate, or to make adequate provision for dealing with surface water disposal on a domestic property, for example to a soakaway?**

The Qualifying Body recognise the concerns of the Examiner and would like to suggest the following amendments to the policy.

All new developments will need to ~~demonstrate that there is a surface water management plan that shows that the risk of flooding both on and off site is minimised and managed~~ adopt a Sustainable Urban Drainage Scheme, where it is appropriate, or to make adequate provision for dealing with surface water disposal on a domestic property. Proposals which seek to manage and improve the drainage function, water quality and biodiversity of the River Rother, the River Arun, the Fleet Stream and other local watercourses will be supported. New and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community, subject to other policies in the Plan. Part of the Neighbourhood Plan area falls within a Ground Water Protection Zone (see map overleaf), therefore new development should ensure that it does not negatively impact on this zone and hence affect water quality.

## Policy FITT 4

**Question 7. The maintenance and repair of listed buildings and other heritage assets does not require consent. Would the Parish Council wish the policy to include alterations instead? Are there any non-designated heritage assets in the Parish?**

7. The Qualifying Body have considered the Examiner's suggestions. However, the Qualifying Body would like the policy to be amended as set out below.

Subject to the necessary consents, the sustainable re-use, ~~maintenance~~ alteration and repair of listed buildings and other heritage assets will be supported where the intrinsic character and historic value of the asset and of the wider historic environment is conserved and enhanced. The South Downs National Park is committed to the preparation of character appraisals and management plans for the conservation areas but admits it will take many years to achieve comprehensive coverage. The one Grade II listed building at risk has been fully restored in the last year.

This modification is proposed because repair is often virtually inseparable from alteration. The Qualifying Body site the following example to demonstrate the justification for this proposal:

The central transverse ceiling beam in a 14th-15th century house had been replaced in the 1970s by a railway sleeper because a supporting wall of uncertain date, but not original, was being removed. After some 50 years, that sleeper was sagging under the weight, causing cracks, and would ultimately have failed. It was replaced with an RSJ clad in oak. That in turn required the substitution of two supporting vertical railway sleepers at either end with two RSJs cased in plasterboard.



## Policy FITT 5

### **Question 8. Is the Parish Council's expectation that the design principles, as set out in this policy, should only relate to new residential development?**

The Qualifying Body consider the policy to be clear and that it should apply to new development and any alterations to existing buildings. The final sentence of the policy states: 'Design principles for new development and alterations to existing buildings will demonstrate....'

### **Question 9. Can you give more guidance as to what you would consider constitutes a "suburban" means of enclosure?**

The Qualifying Body appreciate that this statement does not assist the decision maker and have suggested the following modification to this particular clause of policy FITT 5.

That the boundary treatment around individual plots clearly defines public and private spaces, is appropriate to Fittleworth, ~~and is not suburban in character~~ and is in-keeping with local boundary treatments;

### **Question 10. Some of the requirements regarding the technical standards for new buildings appear not to be compatible with Secretary of State policy as set out in a Written Statement to the House of Commons dated 25th March 2015.**

The Qualifying Body would like to understand which policy clauses will need to be removed in order to comply with the Written Statement to the House of Commons dated 25<sup>th</sup> March 2015, the Qualifying Body are content that the Examiner will need to remove any policy clauses which do not conform.

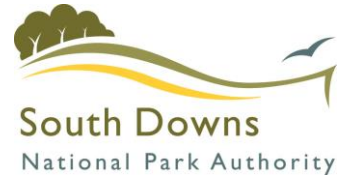
## Policy FITT 6

### **Question 11. Now that the shop and café plus the playground are in place (I enjoyed a lovely cup of chocolate when I visited), is there now any value in retaining this allocation in the plan?**

The Qualifying Body agrees that it is no longer appropriate to include policy

FITT 6. This will be removed, and all later policies and paragraphs renumbered. The artist's impressions of how the shop will look (on the cover, and on page 24) will be replaced by current photographs. Paragraph 7.6 will be amended to reflect the current situation. The following changes are suggested:

**7.6** The loss of the local shop and Post Office in 2011 has been a major area of concern for some time. A group under the direction of the Parish Council carried out a local survey and found a great deal of support for a community shop. Initially work on the project was under the auspices of the Parish Council, but in September 2016 a Community Benefit Society, entitled Fittleworth Community Shop Limited (FCSL) was set up, and planning, fund raising and design proceeded under the control of FCSL. Sufficient funds were raised and commitments were made to progress the plans to the point where Pplanning permission was ~~has been~~ sought and granted; design and building proceeded, and the shop opened on 1<sup>st</sup> October 2018 ~~design and major fundraising are progressing.~~ The shop and café are ~~will be~~ located on the site currently ~~which was~~



occupied by the children's play area. The latter ~~is in~~ was in need of refurbishment and renewal and was ~~will~~ be relocated at the same time to an adjacent site. In addition, a youth area for older children was installed. The siting of the shop fronting School Lane and with the benefit of the adjacent village hall car park in the heart of the settlement area is important. It ~~is~~ will be close to the village school, and adjacent to the village hall, sports and social club and recreation ground. It ~~is within~~ will be in reasonable walking distance of most of the houses within the settlement area reducing the need for car transport.

## **Policy FITT 8**

**Question 12. Can the settlement boundary be shown at a larger scale so that its relationship to buildings and plot boundaries can be clearly defined?**

Yes, a modified map is attached to this response at Appendix I.

**Question 13. Should the two allocation sites be included with a revised settlement boundary?**

Yes, a modified map is attached to this response at Appendix I.

**Question 14. Is the reason for the last sentence of c) to ensure that affordable housing remains affordable in perpetuity?**

Yes, that is the Qualifying Body's intention.

## **Policy FITT 9**

**Question 15. Can the two allocation sites be shown on an OS base so that it is possible to see the relationship with existing buildings on or adjacent to the two sites?**

Yes, a modified map is attached to this response at Appendix I.

**Question 16. Are the provisions set out with reference to possible development in the Greatpin Croft area, in fact already covered by the presumption in favour of residential development with the settlement boundaries set out in Policy FITT8. In which case, what is the justification for requiring all houses in that area to be subject to the 5 criteria and to only be social housing? If I were to be satisfied that that policy is justified having regard to national and local plan policy, the extent of where the policy applies needs to be shown on a plan.**

The Qualifying Body are content that reference to Greatpin Croft is removed from the allocation policy as the site will come forward as a windfall site given its location within the Settlement Boundary.



## SEA/HRA Screening

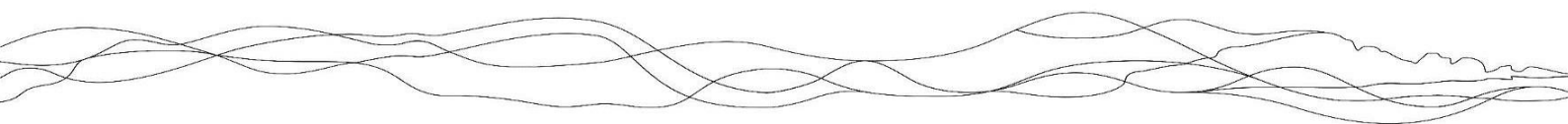
**Question 17. Would the SDNPA confirm that it has screened the plan under both the SEA and HRA Regulations? I have seen the reports from the consultants but that does not constitute the decision of the LPA which is the Competent Authority.**

The SDNPA can confirm that the Fittleworth Neighbourhood Plan has been screened under both the SEA and HRA Regulations. The Screening Opinion is attached to this response at Appendix 2.

It should be noted that the original screening opinion did not include a requirement for carry out a Habitat Regulation Assessment (HRA). However, in Natural England's response to the Scoping Report consultation for the Strategic Environmental Assessment, they request a HRA, which is why the Qualifying Body have prepared a HRA to support the Neighbourhood Plan. All correspondence referred to is attached to this response at Appendix 3.

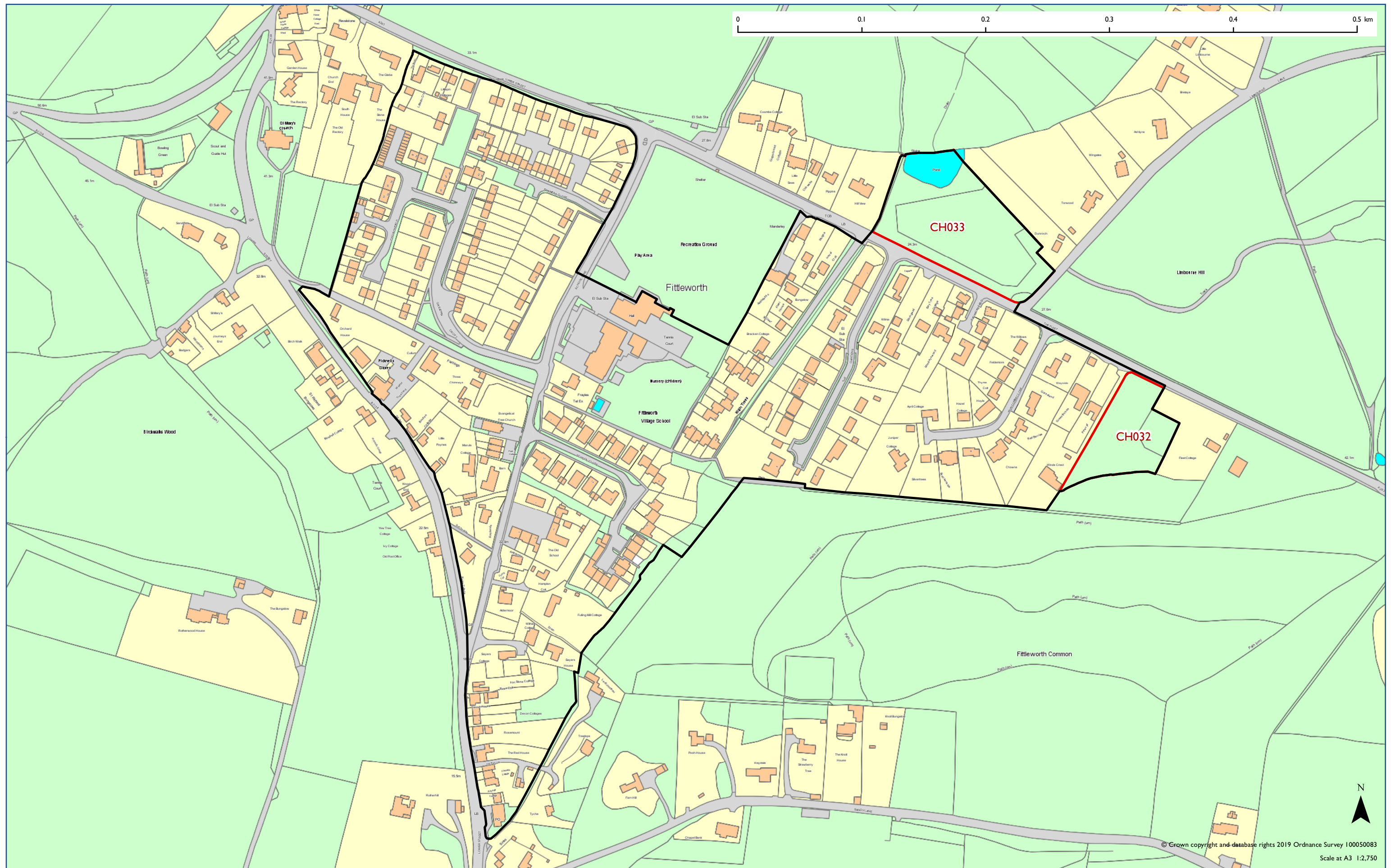
# APPENDIX I: FITTLEWORTH ALLOCATIONS & SETTLEMENT POLICY BOUNDARY MAP

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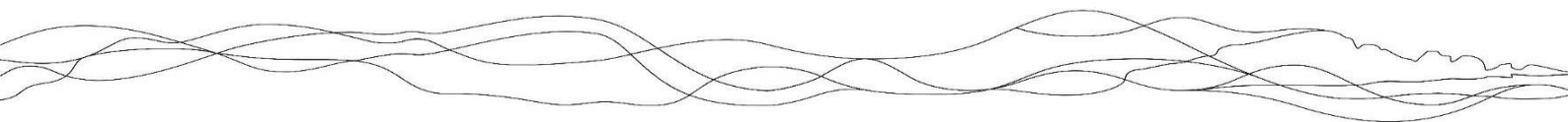
## Fittleworth Housing and Settlement Boundary Allocations





# APPENDIX 2: SDNPA'S FITTLEWORTH SA & HRA SCREENING OPINION RESPONSE LETTERS

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11 March 2016

Chris Welfare,  
Fittleworth Neighbourhood Development Plan

Dear Chris,

I am writing in response to Fittleworth Neighbourhood Plan Steering Group's request for a screening opinion to assess whether the Fittleworth Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA).

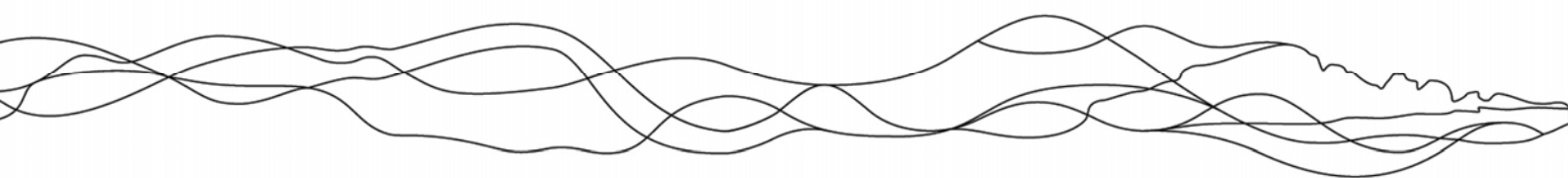
When adopted, Neighbourhood Development Plans plans will be used by the local planning authority to determine planning applications for the Neighbourhood Areas that they cover. As the parish falls within the South Downs National Park, the policies for the NDP, once adopted, will form the planning policy for that part of the National Park in the Parish of Fittleworth.

The EU's SEA Directive requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not. Such a requirement can be screened out if it is felt, based on the information available, that the NDP would not have a likely significant environmental affect. In order to assess the likely significance of the plan on the environment, the scope of the plan has been appraised against Annex II of the directive which identifies criteria for determining significance.

The South Downs National Park Authority (SDNPA) has based its screening opinion on the understanding that the Parish Council will prepare a Neighbourhood Development Plan that:

- will have policies consistent with national policy;
- will have policies consistent with existing and emerging local plan policies;
- will allocate sites to deliver development of around 15-20 new homes in and around the village.

The SDNPA recommends that Fittleworth will need to undertake an SEA and that this should be undertaken in the form of a Sustainability Appraisal. Whilst the premise of a allocating up to 6 dwellings has been assessed through the SA for the South Downs Local Plan, the detailed location of allocations to be included in the Neighbourhood Plan has not been assessed. In addition the Neighbourhood Plan has the potential to allocate up to 14 additional dwellings. Given the environmental sensitivity of the parish, including the presence of sensitive areas close to the village, the potential for significant environmental effects from these proposed allocations cannot be discounted.



In determining the appropriate locations of new development considerations will need to include:

- The effects upon the Mens Special Area of Conservation;
- The effects of any proposed development on the SSSIs present locally;
- The effects upon landscape character to which the project team is directed to the South Downs Integrated Landscape Character Assessment:  
<https://www.southdowns.gov.uk/planning/planning-advice/landscape/>  
particularly Appendices L2, M1 and N1 that highlight Landscape Management/Development Considerations for the area;
- The effect of any proposed development on areas of flood risk associated with the River Rother; and
- The effect of any proposed development on the settings of the listed buildings and the Conservation Area.

### **Habitats Regulation Assessment (HRA)**

Given the close proximity to the Mens SAC the effects of development will need to be considered in relation to conservation features and overall integrity of this site under the Habitats Directive. In this respect, the attention of the project team is drawn to policy SD13 in the Preferred Options Local Plan. Providing that the conservation features of the European site form an integral component to the development of the NDP, it is considered that the requirement to assess the proposed development sites under the HRA Directive can be incorporated into the HRA of the SDNP Local Plan later this year.

SDNPA will be happy to consider a scope for the SEA / SA as and when it has been compiled.

The SDNPA has compiled this response following consultation with Natural England, English Heritage and the Environment Agency.

Attached is a copy of the SEA screening report which has informed our decision.

Yours Sincerely

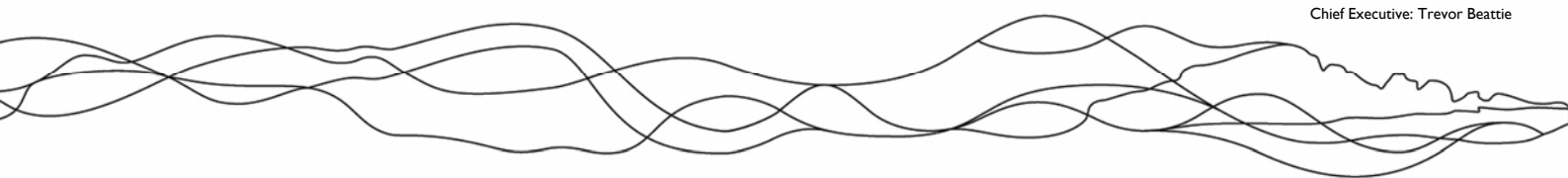
Sarah

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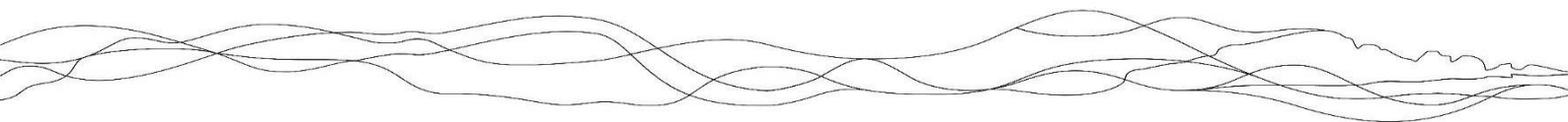
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Chief Executive: Trevor Beattie



# APPENDIX 3: NATURAL ENGLAND'S COMMENTS ON SCOPING REPORT

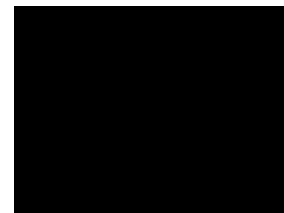
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Date: 16 September 2016  
Our ref: [REDACTED]



**BY EMAIL ONLY**



T [REDACTED]

Dear Mr Welfare

**Planning consultation: Scoping Report for Sustainability Appraisal - Fittleworth Neighbourhood Development Plan, SDNP**

Thank you for your consultation on the above dated 13 August 2016 which was received by Natural England on the same day.

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.

We note the contents on the Scoping report and have the following comments to make:

Landscape Character and Ecology

We advise that Landscape Character and Ecology should be considered separately as they involve separate legislative issues and considerations.

We note that you have identified the Mens Special Area of Conservation (SAC) within Fittleworth Parish. This site has been afforded international statutory protection as a Special Area of Conservation (SAC). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is also notified at a national level as The Mens Site of Special Scientific Interest (SSSI).

One of the qualifying features of The Mens is the Barbastelle bat. We welcome that the Plan has highlighted that development within 7km of this site has the potential to deleteriously impact the flightlines and foraging areas of this species. We advise that although this section includes this key information it is not substantiated by inclusion in subsequent sections, most notably those highlighting the need to comply with relevant policies in the South Downs National Park (SDNP)'s emerging Local Plan. This needs to be addressed.

We advise that a key Policy of relevance to Fittleworth Neighbourhood plan is SP13 International Sites which cites the following:

*Development proposals on greenfield sites and sites that support or are in close proximity to suitable commuting and foraging habitat (including mature vegetative linear features such as woodlands, hedgerows, riverine and wetland habitats) within 7km of the Mens SAC or 5km of the Ebernoe Common SAC should have due regard to the possibility that Barbastelle and Bechstein bats will be utilising the site and will be required to incorporate necessary surveys and ensure that key features (foraging habitat and commuting routes) are retained, in addition to a suitable buffer to safeguard against disturbance. Proposed use or development of the tunnels comprising the Singleton and Cocking Tunnels SAC will be required to demonstrate that there is no adverse effect*



*on the conservation features, including hibernation habitat for Barbastelle and Bechsteins bats, or on the integrity of the site. Suitable commuting and foraging habitat for the site that lies within or in close proximity to any proposed development needs to be retained, in addition to a suitable buffer to safeguard against disturbance. This will ensure no loss or severance of existing commuting and foraging routes occurs either from direct land take or disturbances from lighting, noise and vibrations both during construction and operational phase of any development.*

### **Habitats Regulations Assessment**

Due to the location of the Mens SAC within Fittleworth Parish we advise that a Habitats Regulation Assessment will be required for this Neighbourhood Plan. This is due to the potential impacts of the Plans on the Mens SAC and the foraging areas and flightlines of the Barbastelle bat. Therefore we advise that the Plan has the potential to impact upon the Mens SAC and that an HRA will need to demonstrate there is no likely significant effect to this European Site.

The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

In advising your Parish on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the Plan is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

Of particular significance is that the SDNP Local Plan has not yet been adapted. Should the Neighbourhood Plan precede the adoption of the SDNP Local Plan, an HRA must be included

### Further advice

We advise that Arun Banks SSSI is included in the list of SSSIs.

We advise that the importance of retaining and enhancing ecological networks and ancient woodland is given greater emphasis here. This is of relevance to Fittleworth being located in the western weald with a number of connected wooded and riverine habitats which provide stepping stones throughout the landscape. It also supports NPPF Paragraph 117.

SSSIs are designated for both their ecological and geological value and this should be reflected in this document.

Priority habitats and species should also be included here.

### **Landscape**

We advise that the South Downs National Park is consulted on the potential impacts of the Neighbourhood Plan on the special Qualities of the National Park. We note that you have included Tranquillity, Setting and light pollution which we welcome.

### **Sustainability Assessment Framework**

#### Biodiversity

This section should also mention geological interest.

The Assessment Criteria cites that designated sites *and their settings* are protected. We advise that although settings are relevant to National Park Designations they are not relevant for SACs and SSSIs.

We also advise that the paragraph regarding development within the Barbastelle foraging and commuting zone relating to The Mens should be omitted as this will depend on the findings of the HRA as discussed in the previous section.

Furthermore we advise that the Objective should include the retention and enhancement of habitat networks and wildlife corridors as this is of key relevance to Fittleworth. It also support paragraph 117 of the NPPF . It is also of importance when considering climate change and species adaptation.

We further advise that priority habitats and species of relevance to the parish are included as Assessment Criteria and Objectives in this section.

We advise that you consider including Ecosystems Services as a Sustainability Theme. This is of recognised as a key theme driving the SDNP's emerging Local Plan.

We further advise that SDNP SP13 is also referenced in the screening stage as this is relevant to the Neighbourhood Plan

The Mens has been cited as a Special Protection Are in this section, the correct term is Special Area of Conservation.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Rebecca Pearson on [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Rebecca Pearson  
Lead Adviser  
Sustainable Development