

Emsworth Neighbourhood Development Plan

2019-2036

**A report to Havant Borough Council on the
Emsworth Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by Havant Borough Council in June 2019 to carry out the independent examination of the Emsworth Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 16 July 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new development can be accommodated successfully. It proposes a series of local green spaces. In the round the Plan has positively identified a range of issues where it can add value to the strategic context already provided by the adopted development plan.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Emsworth Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
6 January 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Emsworth Neighbourhood Development Plan 2019-2036 (the 'Plan').
- 1.2 The Plan has been submitted to Havant Borough Council (HBC) by the Emsworth Forum in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on maintaining the character and the integrity of the town and ensuring good design standards.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by HBC, with the consent of the Emsworth Forum, to conduct the examination of the Plan and to prepare this report. I am independent of both HBC and the Forum. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements. In paragraph 7.128 I recommend modifications which specifies a start date for the Plan period. This was raised with the Forum during the examination process. Its end date remains unaffected.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the HBC SEA screening report;
- the HBC HRA screening report;
- the Neighbourhood Forum's responses to my Clarification Note;
- the Borough Council's responses to my Clarification Note
- the representations made to the Plan;
- the adopted Havant Borough Core Strategy;
- the adopted Havant Borough Local Plan (Allocations);
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 16 July 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised HBC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Forum has prepared a Consultation Statement. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (November to December 2017). It captures the key issues in a proportionate way and is then underpinned by more detailed sections on the feedback received.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the launch of the Forum website;
 - the Open Day and the AGM;
 - the public meetings on key topics;
 - the Visioning workshops; and
 - the use of leaflets and posters.
- 4.4 The Statement also provides details of the way in which the Forum engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 The Statement provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. HBC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by HBC for a six-week period that ended on 7 June 2019. This exercise generated comments from a range of organisations as follows:

- Emsworth Slipper Sailing Club
- Environment Agency
- Gladman Developments Limited
- Hampshire County Council
- Havant Borough Council
- Highways England
- Historic England
- Land and Partners
- Lillywhite Motors
- Markfield Investments
- Metis Homes
- Ringwood
- Natural England
- National Grid
- Southbourne Parish Council
- Southern Water
- Westbourne Parish Council

4.9 The consultation exercise also generated 19 representations from local persons (either landowners or other interested parties).

4.10 I have taken account of all the representations in examining the Plan. Where it is appropriate to do so I refer specifically to individual representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the civil ward of Emsworth. It is an irregular area running in a north to south alignment. The A27, the A259 and the railway line run through the centre of the area in an east-west direction. It is located between Havant to the west and Southbourne to the east. The southern boundary of the neighbourhood area borders the northern edge of Chichester Harbour. The neighbourhood area was designated on 23 July 2014.
- 5.2 The historic core of Emsworth is located around the harbour and High Street, King Street, South Street and Tower Street. As Pevsner comments ‘the town proper is on a blunt peninsula between two small creeks, with an intricate pattern of streets and alleyways leading to different parts of the waterside’. It is a designated conservation area. It includes a wider range of vernacular buildings which in their different ways reflects Emsworth’s maritime heritage. The various waterfronts are both attractive and vibrant. The remainder of the neighbourhood area to the north of the A259 and to the south of the A27 includes a range of community, retail and commercial premises in and around North Street, the railway station and attractive residential properties both to the north and to the south of Havant Road.
- 5.3 The part of the neighbourhood area to the north of the A27 consists principally of more modern residential properties off Horndean Road and New Brighton Road. This part of the neighbourhood area is more open and rural. Emsworth Common Road presents a very different character to other roads in the south of the neighbourhood area.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is comprehensive. It consists of the adopted Havant Borough Local Plan 2011-2026. There are two parts to the Local Plan. The first is the Core Strategy 2011. The second is the Site Allocations Plan 2014.
- 5.5 The Site Allocations Plan has provided a clear context for the development of the neighbourhood plan. Emsworth is one of the five urban areas identified in the Borough and which will be the focus for new development in the Plan period. This follows on from the approach taken in Policy CS17 of the Core Strategy. Urban area boundaries are identified for Emsworth in Policy AL2 of the Site Allocations Plan.
- 5.6 In addition to the strategic approach set out above the following policies in the Site Allocations Plan have been particularly important in influencing and underpinning the various policies in the submitted Plan:

Policy AL3	Town, District and Local Centres
Policy AL8	Local Green Spaces
Policy EM1	Emsworth Housing Allocations

Policy EM2 Emsworth Employment Allocation

- 5.7 The submitted Plan has been prepared within its wider adopted development plan context. It has also sought to take account of the emerging Havant Local Plan 2036. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 It is also clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. In particular it seeks to add value to policies on the built and the natural environment. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 16 July 2019. It was a perfect Summer day and showed off the neighbourhood area at its best. I drove into the neighbourhood area along the A27 and then the A259 from the west. This gave me an initial impression of its setting and the character. It also highlighted its connection to the strategic road system.
- 5.10 I parked in Warblington Road. Given the compact nature of the neighbourhood area I was able to carry out the majority of the visit on foot. I walked initially to Western Parade. I joined several other people enjoying the weather and the wider attractiveness of the Harbour. I saw the memorial to the Earl Mountbatten of Burma and his association with the Emsworth Sailing Club. I continued along the Millpond wall (The Promenade) into the historic core of the town. This iconic element of Emsworth reinforced the connection between the historic core and its maritime setting.
- 5.11 I then saw the Slipper Sailing Club and a series of attractive cafes and restaurants at the northern end of The Promenade. I continued up South Street to High Street. I saw the vibrant range of retail and commercial outlets in the town centre. I saw the way in which the various street radiated in an attractive way from St Peter's Square.
- 5.12 I took the opportunity to look at the various streets in the historic core. I saw Tower Street with its very distinctive Georgian houses and which collectively make for a very attractive townscape. I then looked at King Street and walked down to the Yacht Harbour.
- 5.13 I traced my steps back into the town centre and walked down Queen Street. I saw the range of Georgian and other vernacular buildings as I walked to the east. I saw that The Old Flour Mill was an attractive conversion of a traditional industrial building. Its current uses also highlighted the ambition in the Plan for the development of creative and tourism industries. I also saw The Lord Raglan PH and Lillywhite's Garage. I walked through the courtyard of the modern houses at the eastern end of Queen Street so that I could see the Slipper Millpond. I spent a quiet five minutes in the company of a swan.

- 5.14 I then took the opportunity to look at the Brook Meadow Nature Reserve (proposed local green space 1). I walked along Lumley Road and saw the attractive semi-detached cottages at Watersedge. I took the footpath into the Nature Reserve and followed its course back to the A259. I was rewarded with a very pleasant break from the bustle of the town. I also saw the very impressive area of bulrushes.
- 5.15 I walked along the A259 to its junction with North Street. I saw the nature of the highway network and the associated pedestrian subways. I saw a few people attempting to cross the road from south to north at grade level. This part of the visit highlighted the basis on which Policies M1-M3 has been included in the Plan. I then looked at the range of commercial and retail facilities in this part of the town. I saw that they were slightly different from those in the historic core. I took the opportunity to look at the proposed community hub and St James' Church. Its grounds were both well-maintained and well-used as a pedestrian route. I walked up to the railway station so that I could understand its relationship and accessibility to the wider town.
- 5.16 I walked back to my car and finished my visiting the more outlying parts of the neighbourhood area. I looked at the proposed Local Green Space at the Horse Field on Havant Road. I then drove along Horndean Road, New Brighton Road, Southleigh Road and Emsworth Common Road. This highlighted the relationship between the two parts of the neighbourhood area and their setting in the wider landscape.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).
- 6.3 I assess the Plan against the basic conditions under the following headings.
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Emsworth Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Havant Core Strategy and the Allocations Plan;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance high quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area within the context of its importance as an urban area in Havant Borough. In particular it includes a series of policies on the scale and nature of new development. It proposes local green spaces. It includes a series of well-considered policies on design. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a range of policies for employment development (Policies C2/W1/W4/W6). In the social role, it includes policies on a community and public services hub (Policy C1), on leisure and recreational facilities (Policy C4), on housing mix (Policy L2) and on the public enjoyment of the Waterfront (Policy WF1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policies D1-D4) and on local green spaces (Policy C5). The Forum has undertaken its own assessment of the Plan's contribution to sustainable development in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Havant Borough in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement HBC undertook a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 HBC has produced a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 The HRA report is very thorough and comprehensive. It took appropriate account of the significance of the extensive package of European sites which have been separately assessed as part of the wider work undertaken by HBC on its own planning policies. It provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Forum in particular have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. The Plan includes a series of Neighbourhood Plan Projects. They are appropriately distinguished from the principal land use policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies. The Projects are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-3)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected photographs and maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction to the Plan is particularly effective. In particular it comments about:
- neighbourhood planning in general;
 - the designated neighbourhood area and its relationship with surrounding settlements;
 - the planning policy context in the Borough of Havant;
 - the incorporation of the Emsworth Design Statement into the Plan; and
 - the wider structure based on a series of planning policy themes.
- 7.10 The use of colours for the policy themes is very helpful. It is translated elsewhere within the Plan.

- 7.11 The 'Emsworth Today' Section comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It has a particular focus on the following matters:
- the demography of the neighbourhood area;
 - its natural environment;
 - its retail and commercial uses;
 - schooling and education;
 - health services;
 - the town centre retail offer;
 - access and movement; and
 - green spaces, recreation and leisure.
- 7.12 The 'Vision Statement' Section comments about the Plan's Vision. It is well-constructed. It identifies the following six elements:
- an outward looking but cohesive community;
 - ensuring that new development is supported by infrastructure;
 - the enhancement of Emsworth's attraction as a recreational centre;
 - recognising the needs of elderly people;
 - extending the range of facilities for young people; and
 - bridging the Emsworth north/south divide.
- 7.13 The Neighbourhood Plan Objectives Section comments about the nature of the ten objectives of the Plan. Its key strength is the way in which the objectives directly stem from the Vision.
- 7.14 Thereafter the Plan incorporates planning policies within the structure as described within its earlier sections.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy C1 Community and Public Service Hub

- 7.16 This policy provides a context for the development of a community and public service hub. It is based on land that includes the former Victoria Cottage Hospital site, the Community Centre, the Old Post Office, the Fire Station and The Hole in the Wall Pottery. It is shown in Figure 4 of the Plan.
- 7.17 As submitted the policy reflects the understandable lack of certainty about the overall composition of development on the wider site. The first part of the policy offers support for the development of health or social care facilities, the second offers support for community and public services and the third part offers support for a public library, a nursery or other social and cultural services. In its response to the clarification note the Forum advised that the SE Hampshire NHS Clinical Commissioning Group and the Emsworth Medical Practice have stated they intend to re-use the Hospital site for

medical purposes. Planning Permission was granted in September 2019 for the Conversion of the Hospital to a GP Surgery (APP/19/00414). However, at that time some legal and commercial negotiations relating to the implementation of the scheme remained outstanding.

- 7.18 I recommend that the policy is modified to reflect the potential wide range of acceptable uses that could come forward on the site. As submitted, it includes a degree of both priority and uncertainty in commenting that community and public services will be supported if health and social care facilities do not come forward. The modification will deliver a policy approach which more neutrally provides a context for a wider range of development proposals. Nevertheless, I acknowledge that the community has a clear preference for the clinical use of the site, and I recommend modifications to the supporting text to confirm this issue.

Replace the policy with:

‘Proposals for the development of a community and public services hub within the area identified on Figure 4 will be supported.

Development proposals will be particularly supported which incorporate:

- **health and social care facilities;**
- **community services;**
- **public service provision;**
- **a public library;**
- **a nursery; and/or**
- **other social or cultural services’**

In the first paragraph of the Policy Background on page 27 insert the following additional sentence immediately before its final sentence:

‘The community’s clear preference is for the development of health or social care facilities on the site. Policy C1 is designed to support such uses or other related alternative and/or complementary uses in the event that health or social care facilities do not come forward on the site’

Policy C2 Retail, High Street and Food/Drink uses

- 7.19 This policy offers support to proposals for shops (Class A1), professional services (Class A2), food and drink establishments (Class A3) and drinking establishments (Class A4) within High Street, St Peters Square, North Street and South Street. The supporting text correctly identifies the importance of supporting new uses of this kind in maintaining and enhancing the attractiveness of Emsworth.
- 7.20 The policy requires that any such proposals should demonstrate that they would ‘add to a safe, vibrant and attractive street scene’. I sought clarification from the Forum on the basis on which it had incorporated this part of the policy. I was advised that it was intended to ensure that there are few ‘dead’ frontages. These uses would generate visibility or activity and people on the frontage of the buildings through windows or spill

out onto the street. The Forum contends that this would add to the safe, vibrant and attractive street scene.

- 7.21 I have considered this response very carefully. The approach taken by the Forum has clear merit. However, planning policy is based around land use rather than directly addressing the vibrancy and attractiveness of any proposed business use or activity. In any event market conditions would be unlikely to support the uses anticipated by this policy that they were unsafe, lacked vibrancy or interest or which were unattractive. On this basis I recommend that the policy is simplified by way of a matter of fact reference to land uses. In addition, I recommend that it acknowledges that not all changes of use within and between the Class A land uses will need planning permission. I also recommend consequential modifications to the Policy Background.

Replace the policy with:

‘Insofar as planning permission is required proposals for shops and retail outlets (Class A1), professional services (Class A2), food and drink establishments (Class A3) and drinking establishments (Class A4) on High Street, St Peters Square, North Street and South Street will be supported’

In the second sentence of the Policy Background insert a full stop after town centre locations. Thereafter replace the remainder with:

‘Uses of this type have the ability to enhance public and community uses and contribute to a safe, vibrant and attractive street scene. This is already an important component of the character and appearance of the town centre’

Policy C3 Public Realm Design

- 7.22 This policy offers support to proposals that would improve the public realm across the neighbourhood area. I saw first-hand on my visit the significance of the public realm to local residents and visitors alike.
- 7.23 It meets the basic conditions.

Policy C4 Leisure and Recreational Facilities

- 7.24 This policy sets out to safeguard important leisure and recreational uses. They are well-defined recreational facilities in the neighbourhood area.
- 7.25 The policy immediately identifies a series of circumstances where the protection anticipated would not apply. This generates an unusual structure to the policy. Furthermore, it does not have the clarity required by the NPPF. As such I recommend that the structure of the policy is re-ordered. I also recommend that the policy allows for new development that would contribute to the attractiveness and/or use of the facility concerned. For example, a modest development or redevelopment of changing rooms might transform the attractiveness of a sports pitch. Otherwise the policy meets the basic conditions.

**Replace the opening part of the policy with:
‘The following community spaces as shown on Figure 5 are identified as key leisure and recreational facilities:
[List the four spaces]’**

**At the end of the policy add:
‘Development will not be supported on the identified key leisure and recreational facilities unless:**

- **it would deliver essential infrastructure; or**
- **it would contribute to the attractiveness and/or use of the facility concerned; and**
- **the benefits arising from the proposed development would outweigh any harm and there are no reasonable alternative sites to accommodate the development proposed.’**

Policy C5 Designated Local Green Space

7.26 This policy proposes the designation of fourteen local green spaces (LGSs). They are shown more widely on Figure 6 and in detail on the maps on pages 34-37 of the submitted Plan.

7.27 Whilst the Plan does not directly make reference to the concept of LGSs as identified in the NPPF the table within the Plan assesses each LGS against some of the criteria identified in national policy for such designations. I sought advice from the Forum on the way in which it had carried out its assessments of the various proposed LGSs against the NPPF criteria. I also sought particular advice on the respective sizes of the larger LGSs and the relationship of proposed LGS2 (Hollybanks Wood) with equivalent designations in the emerging Local Plan. In its response to the Clarification Note the Forum submitted details on each site against the NPPF criteria.

7.28 On the basis of all the information available to me I am satisfied that the following proposed LGSs meet the three criteria in the NPPF:

LGS3	Emsworth Victoria Cottage Hospital Garden
LGS4	Hampshire Farm Meadow
LGS5	Southleigh Park Recreation Ground
LGS6	Horndean Road Recreation Ground
LGS7	Nore Barn Woods
LGS9	Emsworth Town Millpond
LGS11	Emsworth Valley Corridor
LGS12	Washington Road Allotment
LGS13	Warblington Road Allotment
LGS14	Redlands Grange Allotment

7.29 LGS9 Emsworth Town Millpond is a rather unusual proposed LGS. It is shown in a different colour to the other proposed LGSs on Figure 6. However, I am satisfied that

a mill pond can reasonably be a local green space. Paragraph ID: 37-013-20140306 of Planning Practice Guidance comments that LGS can consist of a variety of spaces and is ultimately a matter of local judgement.

- 7.30 The proposed Brook Meadow Nature Reserve LGS (LGS1) has attracted representations about its incorporation of a small parcel of land in its south eastern section. It is privately-owned and is different in character to that of the bulk of the proposed LGS. The Forum and HBC have acknowledged this matter in the HBC response to the clarification note. I recommend that the small parcel of land in the south eastern corner of the site is excluded from the proposed designated area. This is shown in Appendix A of this report. Otherwise the proposed LGS meets the criteria in the NPPF. It is an attractive parcel of land within the main body of the town and is an attractive nature reserve.
- 7.31 The proposed Hollybanks Woods LGS (LGS2) has attracted detailed comments. Whilst the principle of the approach taken is supported, concern is expressed about the relationship between the proposed designation of local green space in the submitted neighbourhood plan and the proposed housing site allocation in the emerging Havant Borough Local Plan (Policy H8- land north of Long Copse Lane).
- 7.32 The Borough Council sees the value of Hollybank Woods, and considers it worthy of protection. To this end, it has safeguarded the Woods in Policy E8 'Protection of existing Open Spaces' of the emerging Local Plan. HBC suggests that it would be sensible if LGS2 in the Emsworth Neighbourhood Plan could be amended to align on the east side with the boundary of Hollybank Woods as proposed in the emerging Local Plan. This would ensure consistency between the two plans, as well as the removal of the conflict between the LGS designation and the proposed development allocation. HBC has discussed this approach with the Emsworth Forum and the Forum has indicated that it is content with such an approach.
- 7.33 The examination of the neighbourhood plan has properly highlighted this important issue. On the one hand, I am pleased that there is the potential for a locally-agreed outcome to be secured on the extent of the proposed green spaces in the two emerging plans. On the other hand, the proposed LGS is 60.6 hectares in size. Whilst I am satisfied that its designation as proposed LGS would meet the 'close proximity' and 'demonstrably special' criteria in the NPPF I am not satisfied that it is 'local in character'. In this regard it is significantly larger in scale than the other proposed LGSs included in the submitted neighbourhood plan. In my judgement it is an extensive tract of land. In all the circumstances I recommend that proposed LGS2 is deleted from the submitted neighbourhood plan.
- 7.34 The proposed Peter's Pond LGS (LGS8) is outside the neighbourhood area. Whilst it has strong functional links with the town a neighbourhood plan cannot comment about land outside its designated area. The Forum has acknowledged this matter in its response to the clarification note. In all the circumstances I recommend that this proposed LGS is deleted.

- 7.35 The proposed designation of the Horse Field LGS (LGS10) has attracted a detailed representation from the owners of the site. In summary it contends that the parcel of land does not have the characteristics required for LGS designation as included in the NPPF. I looked carefully at the proposed LGS when I visited the neighbourhood area. I saw that it was a flat parcel of land on the western edge of the built-up part of the town and was used as a series of paddocks separated by internal wooden post and wire fences. On the basis of the information available to me and my visit I am not satisfied that the proposed LGS meets all the criteria in national policy. Whilst it is in close proximity to the community that it would serve and is local in scale, it is not demonstrably special to the local community and of a particular local significance. As a series of paddocks, it is little different to many other parcels of land on the edge of urban areas. In my view it fails to come up to the standards expected by national policy for the designation of LGSs.
- 7.36 In any event the proposed LGS is within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Paragraph ID: 37-011-2014030 of Planning Practice Guidance advises where land is already protected by designations such as an AONB, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. I am not satisfied that in the circumstances of this site that there would be any additional local benefit in doing so. In all the circumstances I recommend that the proposed LGS is deleted from the schedule in the policy.
- 7.37 In a broader sense, I am satisfied that the designation of the proposed package of LGSs (as recommended to be modified in this report) accords with the more general elements of paragraph 99 of the NPPF. Firstly, the package of sites is consistent with the local planning of sustainable development. In this context the Allocations Plan includes housing and mixed-use sites in the neighbourhood area. The various LGSs do not conflict with or challenge these sites. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, in many cases they are established elements of the local environment and are sensitively managed as green spaces in ways appropriate to their particular uses. The recommended modifications to the range of proposed LGSs (or their precise boundaries) in this report reinforce the ability of those sites which would remain in the Plan to endure beyond 2036.
- 7.38 The policy itself sets out to follow the approach taken the NPPF. Paragraph 101 makes it clear that LGS designation should have the same effect as Green Belt designation. However, in doing so it goes beyond the matter-of-fact approach taken in the NPPF. In particular it seeks to identify circumstances where development would be supported on LGSs. Whilst this is helpful, HBC will be able to come to its own judgement on the extent to which development proposal affecting designated LGSs do or do not demonstrate the approach expected in the NPPF. On this basis I recommend that this part of the policy is deleted. Nevertheless, I recommend that it is repositioned into the supporting text to take account of the community's views on this important matter.

- 7.39 I also recommend a modification to the submitted supporting text. Its final section suggests that each LGS meets the national test of LGS designation based on each of the five criteria listed. The associated table in the Plan identifies that this is not the case. The recommended modification draws attention to each site demonstrating its own characteristics.

Replace the policy with:

‘The following sites are designated as Local Green Spaces. They are shown on Figure 5 and in more detail in the maps on pages [insert numbers] of the Plan. [List LGS (numbers and titles) as follows]

LGS1 (as modified)

LGS3-6 (inclusive)

LGS7

LGS9

LGS11-14 (inclusive)

Development will not be supported within the designated local spaces except in very special circumstances’

In the supporting text insert ‘As appropriate to their particular characteristics’ at the beginning of the final sentence (before the bullet points).

At the end of the submitted supporting text add:

‘Policy C5 applies the matter of fact approach to LGSs as incorporated in the NPPF. Havant Borough Council will be able to come to its own judgement on the extent to which development proposal affecting designated LGSs do or do not relate to the approach in the NPPF. However, these may include proposed development for essential utility infrastructure and it is demonstrated that there are no reasonable alternative sites for the proposed development’

Policy L1 General Housing Policy

- 7.40 This policy sets out the Plan’s approach to housing development in the neighbourhood area in general terms. It has four related components as follows:

- new housing will be supported where it relates to Local Plan policies;
- in developments of more than ten dwellings 40% shall be for affordable housing for rent;
- new housing development should respect the heritage assets of Emsworth; and
- new housing development should not result in the loss of public access to the waterfront.

- 7.41 The supporting text comments that the Forum has agreed with HBC that the emerging Local Plan will lead on housing policy and site allocations. It then goes on to comment that the submitted Plan has a wider influencing role. Within this context I sought advice from the Forum on whether the first part of the policy added any practical value to

existing and emerging local policies. I also sought advice on the choice of the 40% figure in the second part of the policy and the extent to which the affordable housing should be for rent.

- 7.42 On the first point the Forum advised that the policy provided a context for those unfamiliar with the relationship between the two plans. On the second point the Forum responded the 40% figure was determined by Aecom in their Housing Needs Assessment. I was advised that the figure had not been tested for viability as it had been recommended by AECOM and was strongly supported by the community in the pre-submission consultation. On the third point the Forum commented that the approach is supported by the Emsworth Housing Needs Assessment which confirmed that there is a high level of demand for affordable housing in Emsworth and that Emsworth has a low proportion of socially rented housing compared to local and national averages. Whilst the Forum intended to reflect this matter in Policy L1b it comments that it did not intend that all affordable housing should be for rent and accept that there may be a need for greater flexibility in this policy.
- 7.43 I have considered these matters carefully. In doing so I have considered the various representations from the development industry. They raise issues about the robustness of the evidence to support the policy approaches and the potential impact of the implementation of such policies on commercial viability. These matters are important in their own right. In the circumstances that apply to Emsworth they are particularly important as the neighbourhood plan has the ability to affect both the deliverability and the viability of sites which emerge from the Local Plan process.
- 7.44 I recommend that Policy L1a) is deleted. As a policy it adds no value to the approach included in the emerging Local Plan. In any event the matter is addressed in the Policy Background. However, to provide the clarity that the Forum would like the neighbourhood plan to bring I recommend that the Policy Background is expanded so that makes explicit reference to the Emsworth housing allocations in the emerging Local Plan.
- 7.45 The Forum advises that its evidence and the associated approaches on the extent and type of affordable housing originate from the AECOM Housing Needs Assessment April 2016. This is an excellent document which helpfully identifies a series of housing needs at that time. Nevertheless, it is a document produced in 2016 and which pre-dates the approach to housing development as now captured in the NPPF 2019. In addition, the emerging Local Plan has progressed significantly since that time, and development proposals have been developed.
- 7.46 Having considered all the information on this matter I recommend that Policy L1b) is recast so that it requires affordable housing to be delivered to current HBC standards or to any future updates. Plainly the adoption of the emerging Local Plan will be a key update. This approach will ensure that the policy approach has regard to national policy on viability and is in general conformity with the strategic policies of the development plan.

- 7.47 Finally I recommended detailed modifications to Policies L1 c) and d) to ensure that they have the clarity required by the NPPF and can be applied clearly and consistently by HBC.

Delete Policy L1a)

Replace Policy L1b) with: ‘Proposed developments with a net gain of ten or more houses shall deliver affordable housing to the amount and tenure types to the relevant levels included in the most up to date version of Havant Borough Council policy on this matter.’

In Policy L1c) replace ‘must’ with ‘should’ and replace the second sentence with: ‘Where appropriate to their scale and location new housing developments should safeguard and respect the views and roofscapes identified in the Emsworth Conservation Area Character Appraisal. Development proposals which would have an unacceptable impact on these features will not be supported’

Replace Policy L1d) with: ‘New residential developments on or adjacent to the waterfront should safeguard public access to the waterfront and, where appropriate, incorporate the access into the design and layout. Proposals which would have an unacceptable impact on public footpaths and other public access will not be supported’

At the end of the first paragraph of the Policy Background add: ‘The emerging Local Plan includes six housing allocations (Policies H8 to H13 inclusive). Whilst the development of these sites will principally be determined by their respective policy in the Local Plan the policies in this Plan will also form part of the development plan’.

At the beginning of the second paragraph of the Policy Background replace ‘That said’ with ‘In this context’ and delete ‘continue to’.

Include a third paragraph to read: ‘Policy L1b) ensures that new residential development in the neighbourhood area is compatible with the standards required by the Borough Council for the delivery of an element of affordable housing on site of ten or more houses. Nevertheless, Emsworth has a low proportion of socially-rented housing compared to local and national statistics. Within the context of the Borough Council’s policy the local community considers that the provision of affordable housing for rent is supported by the housing needs assessment where such provision is appropriate to the site concerned and does not detract from the viability of the wider development’.

Policy L2 Housing Mix

- 7.48 This policy requires that new housing developments of ten or more houses should demonstrate how the proposed mix of houses responds to the needs of Emsworth. It is underpinned by the results of the Housing Need Assessment. The Policy Background is very thorough in its analysis of the specific housing types.

- 7.49 The policy has been well-developed. It meets the basic conditions.

Policy L3 Walking Distances

- 7.50 This policy comments that housing proposals will be supported where they are within walking distance of a local shop. Its ambition is to ensure that new development can make appropriate use of sustainable modes of transport.
- 7.51 I have sympathy with the ambition of the policy. Nevertheless, I am not satisfied that it meets the basic conditions. Firstly, it is out of context with the approach taken in Policy L1 where the Forum has agreed with HBC that the emerging Local Plan will lead on housing policy and site allocations. The effect of Policy L3 has the ability to conflict with the emerging strategic approach. Secondly the policy has the ability to generate unintended consequences. In particular it could suggest that a potential housing development might be acceptable given its proximity to a local shop where that shop is on the edge of the built-up part of Emsworth and where the resulting development would be in the countryside. Finally, whatever the level of sustainability offered to a new development by an existing local shop may quickly evaporate in the event that the local shop ceased to trade or changed the nature of its retail offer such that it was no longer relevant to the local community.
- 7.52 In all these circumstances I recommend the deletion of the policy.

Delete the policy.

Delete the supporting text.

Policy L4 Independent Living

- 7.53 This policy sets out the Plan's approach towards independent living. Its principal ambition is to ensure that new housing development for older persons is designed and located so that it will assist and promote independent living. It has a particular focus on promoting such housing in central locations given their access to community and retail services. The policy has two related parts. The first supports proposals for new specialist housing in central locations. The second comments that proposals for the redevelopment of existing residential properties should include design measures to support independent living.
- 7.54 In general terms I am satisfied that the role and purpose of the policy is appropriate and that it reflects the local circumstances in the neighbourhood area. The Forum's response to the clarification note provided specific advice on the operation and remit of the second part of the policy. I recommend modifications both to the policy and to the Policy Background accordingly. They shift its focus from a prescriptive policy to one which would support the introduction of measures to assist independent living. They will bring the clarity required by the NPPF for a development plan policy both in general terms, and in particular as the submitted policy is unspecific about the scale and nature of the design measures envisaged. In any event such matters are increasingly managed through the Building Regulations. I also recommend a modification to the first part of the policy.

In the first part of the policy replace ‘especially’ with ‘particularly’ and ‘with’ with ‘which would have’

In the second part of the policy replace ‘Redevelopment’ with ‘Proposals for the redevelopment of existing’ and ‘should’ with ‘which’. At the end of this part of the policy add: ‘will be supported’

At the end of the Policy Background add: ‘The second part of the policy applies both to proposals for the physical redevelopment of existing residential properties and for the conversion and reconfiguration of existing properties’

Policy L5 Avoiding Settlement Coalescence

- 7.55 This policy seeks to ensure that Emsworth and the adjacent communities of Westbourne, Southbourne and Denvilles should retain their own separate identities. In particular its ambition is to prevent that coalescence between Emsworth and the other settlements.
- 7.56 The ambition of the policy is self-evident. However as submitted it has the characteristics of a strategic policy which would identify the scale and nature of new development in this part of the Borough in general terms, and the designation of settlement gaps in particular. In addition, the spatial relationship between the towns and other urban areas in this part of the wider Borough is such that the effective implementation of the policy is outside the direct control of the neighbourhood plan. This applies particular to the separation between Emsworth and Denvilles (Havant) to the west and Southbourne to the east. In particular a neighbourhood plan can only produce policies for its designated area. In addition, the Policy Background acknowledges that a strategic housing site has already been identified between Denvilles and Emsworth in the emerging Local Plan 2036.
- 7.57 In all the circumstances I recommend that the policy is deleted.

Delete the policy

Delete the Policy Background

Policy H1 Design and Heritage

- 7.58 This policy sets the scene for a series of heritage related policies. In this case its focus is on safeguarding designated and undesignated heritage assets in the neighbourhood area.
- 7.59 Historic England suggests that the policy is amended so that it concentrates on the assets themselves rather their setting. I am satisfied that this approach is necessary to ensure that the policy meets the basic conditions. I recommend according

Replace the policy with: ‘Any new development or alteration to an existing structure that affects, or has the potential to affect a heritage asset (whether

designated or undesignated) will be required in its design, scale and materials to conserve or enhance the significance of the heritage asset, the wider historic character of Emsworth, and to have regard to the design guidance within this neighbourhood plan'

Policy H2 Heritage Appraisals

- 7.60 This policy comments about the Plan's approach towards heritage appraisals. It includes three detailed matters which proposed developers should include within applications for new development which would affect a heritage asset.
- 7.61 The matters are well-developed. Nevertheless, they are process related matters rather than policy. I raised this matter with the Forum through the clarification note process. It accepted that this policy was effectively supporting text for Policy H1. I recommend accordingly.

Delete the policy

At the end of Policy H1 include:

'Policy Background

This policy recognises the way in heritage assets play an important role in the environment fabric of the neighbourhood area. Its focus is on both the heritage assets themselves and how the development proposed takes account of wider design guidance in the Plan.

As appropriate to their scale and location planning applications which have an impact on heritage assets in the neighbourhood area should provide the following information: [at this point insert a/b/c from the submitted Policy H2]'

Policy H3 Buildings of Local Historic Interest

- 7.62 This policy comments about building of historic interest. The first part of the policy identifies buildings of local interest. The second part of the policy comments about the community use of the identified buildings.
- 7.63 I am satisfied that the generality of the approach taken in the policy is appropriate. Nevertheless, I recommend modifications to the format and the content of the policy. The first modification identifies the properties and buildings of local interest. The second modification would more properly apply the national test to such buildings.
- 7.64 The Forum has clarified that the Slipper Sailing Club is both a listed building and a private, non-community club. As such neither the first nor the second parts of the policy apply to this building. I recommend that the Club is removed from the schedule.
- 7.65 I am also satisfied that the continued use of the identified community buildings is appropriate to the circumstances in the neighbourhood area. In reaching this conclusion I have taken account of the representations which suggest that some of the buildings could be used for other purposes. In any event, the potential for additional

uses in the buildings is captured within part of the policy. I recommend that the format of the policy is modified so that it relates to the development management process. As submitted, it expects the buildings to continue to be used for public and community purposes without identifying the means by which this outcome would be achieved.

Replace the first part of the policy with: ‘The Plan identifies the following properties as Buildings of Local Historic Interest. They should be conserved for their strong local historic and architectural interest and contribution to local character’

[List the buildings thereafter excluding The Slipper Sailing Club mill building and the adjacent malthouse]

In part b) of the policy replace the first sentence with: ‘Proposals for the change of use of the identified buildings to uses other than for public and community purposes (Use Class D1) will not be supported unless it can be demonstrated that the existing community use is no longer viable’

In the second sentence replace ‘New uses may be supported’ with ‘Proposals for the introduction of alternative or additional uses into the identified buildings which would be complementary to the community use concerned and/or which would enhance the vitality and the availability of amenities in the neighbourhood area will be supported’ and replace ‘this’ with ‘they’

Policy W1 Employment Premises and Design Quality

- 7.66 This policy sets out the Plan’s expectations for new employment development. It would apply outside existing industrial and employment areas, including the employment sites identified in the Allocations Plan. It has two parts as follows:
- new developments should enhance the neighbourhood area as a visitor attraction and as an attractive location for new businesses; and
 - new development should demonstrate clear connections with the town centre and create public access to the waterfront and with surrounding areas.
- 7.67 I sought clarity from the Forum on both elements of the policy. On the first, I was keen to understand the need for all new employment development to enhance the neighbourhood area as a visitor attraction. On the second, I sought to understand the extent to which all new employment development could create convenient connections with the town centre, and create public access to the waterfront with surrounding areas.
- 7.68 On the both matters I was advised that the intention was to promote connectivity in public spaces for employees and the general public and to improve and support public access around new employment buildings. In particular the Forum does not want new employment development to detract from Emsworth’s function as a quality visitor attraction/destination. In this context I recommend modifications to both elements of the policy. I also recommend consequential additions to the Policy Background.

In part a) of the policy:

- **replace ‘Any’ with ‘Proposals for’**
- **replace ‘will be required’ with ‘should’**
- **replace ‘to enhance...new businesses’ with ‘provide an attractive business environment which takes account of the character and appearance of Emsworth’**

In part b) of the policy:

- **replace ‘All’ with ‘New’**
- **replace ‘need to’ with ‘should’**
- **replace ‘how they relate...context’ with ‘how they respect the character and appearance of the neighbourhood area.**
- **Replace the remainder of the policy with: ‘Where their locations provide practical opportunities to do so, development proposals will be supported where, as appropriate to their scale and location, they provide clear and convenient connections with the town centre and create public access to the waterfront and/or with surrounding areas.**

At the end of the Policy Background add: ‘Policies W1 a) and b) comment on the Plan’s requirements for new employment development. An important element of their focus is one which seeks to ensure that new employment development does not detract from Emsworth’s role as a quality visitor attraction/destination’

Policy W2 Strong Economy and Youth Training

- 7.69 This policy is based on developing a strong economy and in promoting youth training. The first part supports new businesses which would contribute to Emsworth’s tourism and employment offer and which would not undermine the town centre economy. The second part supports developments that would provide job opportunities for those leaving education and seeking further training.
- 7.70 I sought advice from the Forum on the first part of the policy in general and on the way in which it proposes a connection between proposed employment development and the wider town centre economy. I was advised that the Forum considered that the policy reinforces Policy W1 and could be assessed through loss of jobs and employment space and less activity due to change of use.
- 7.71 Having considered all the information on this matter I am satisfied that the first part of the policy is capable of reinforcing the approach taken in Policy W1. I recommend modifications to the policy to achieve this effect. I recommend that the reference to the relationship between new business activities and the town centre economy is repositioned into the Policy Background. As submitted, it would not be capable of being applied clearly and consistently by HBC.
- 7.72 The approach taken in the second part of the policy meets the basic conditions in general terms. However, I recommend detailed changes to the policy wording so that it can be applied clearly and consistently by HBC.

Replace the first part of the policy with: ‘Proposals for new business development that would contribute to the range and diversity of Emsworth’s tourism and employment activities will be supported’

In the second part of the policy replace ‘Applications for developments’ with ‘Development proposals’

At the end of the Policy Background add:

‘New business activities are supported throughout the neighbourhood area. However, the Plan expects that any such new developments should not undermine the wider town centre economy, either individually or cumulatively’

Policy W3 Change of Use Applications

- 7.73 This policy is an important component of the Plan in relation to the future vitality and vibrancy of its commercial, industrial and retail activities. It has four elements as follows:
- addressing proposals for the change of use from business/industrial use to other uses (W3a);
 - addressing proposals to combine two or more retail units into a single larger unit (W3b);
 - support for Class A3 uses (cafes and restaurants) (W3c); and
 - resisting Class A4 and A5 uses (pubs, drinking establishments and takeaways) in key retail frontages (W3d)
- 7.74 I sought clarification from the Forum on a series of matters. The first related to Policy W3b and sought advice on how this matter could be controlled through planning legislation. It also sought to establish what harm would be caused by the creation of larger shop units (for example the incorporation of a successful shop into vacant retail premises next door). The second related to Policy W3c) and the extent to which any of the uses identified would be able directly to demonstrate that they would add to a safe, vibrant and attractive street scene. The third related to Policy W3d) and the way in which that part of the policy relating to A4 uses appears to conflict with Policy C2. I address these issues in turn in the following paragraphs of this report.
- 7.75 In relation to Policy W3b the Forum advised that its intention is to offer some protection to small independent businesses which tend to need smaller spaces. It comments that larger spaces tend to be occupied by large chain stores. Whilst this may be the case, the incorporation of several smaller retail units into a larger retail unit does not need planning permission other than for any resulting changes to the shopfronts. In any event the intention of the policy may prevent the otherwise acceptable business expansions. As such I recommend that the policy is reconfigured so that it supports the development of new retail units and the incorporation of sensitive shop frontages where retail units are combined.

- 7.76 In relation to Policy W3c) I recommend a modification which reflects the same approach that I have taken on Policy C2. It acknowledges that planning policy is based around land use rather than directly addressing the vibrancy and attractiveness of the proposed use. I also recommend consequential modifications to the Policy Background.
- 7.77 In relation to Policy W3d) I recommend the deletion of any reference to drinking establishments (Use Class A4). They are an appropriate component of a town centre location. In any event such uses are supported by Policy C2 of the Plan. I also recommended detailed word changes to the wording of the policy so that it has the clarity required by the NPPF. Finally, I recommend the deletion of the heading in the policy background about banks and building societies. As submitted, it is confusing. In any event it has no direct relationship to the wider policy.

Replace W3b) with: ‘Insofar as planning permission is required, proposals for new retail units will be supported within the town centre. Where two or more retail units are combined into a single larger retail unit, proposals for any new shop frontages should reflect the character of the buildings concerned, and, where necessary, respect the scale, nature and composition of the host buildings in general, and their elevations in particular.’

In W3c) delete ‘where it can be.... street scene’

In W3d) delete ‘A4 and’ and ‘e.g. pubs, drinking establishments and’ and replace ‘be resisted’ with ‘not be supported’

In the Vibrant and vital town centre section of the Policy Background insert a new sentence after the first sentence to read:

‘Uses of this type have the ability to enhance public and community uses and contribute to a safe, vibrant and attractive street scene. This is already an important component of the character and appearance of the town centre’

In the second sentence of this section delete ‘where it can be.... street scene’ and ‘A4’

Delete the heading and supporting text on Banks, building societies and credit unions.

Policy W4 Technology and Tourism

- 7.78 This policy supports the development of employment and tourism opportunities. The supporting text helpfully comments about the thriving marine industry in the neighbourhood area and the accompanying benefits for tourism and leisure activity.
- 7.79 The positive nature of the policies meets the basic conditions in general terms. However, both parts of the policy offer ‘encouragement’ to such proposals. This has very limited effect in policy terms. As such I recommend that ‘encouraged’ is replaced with ‘supported’.

In both parts of the policy replace ‘encouraged’ with ‘supported’

Policy W5 Home Working

- 7.80 This policy addresses proposals for working from home. The supporting text highlights the advantages of this type of working both to individuals and more generally in reducing commuter-related journeys.
- 7.81 The Forum acknowledged in its response to the clarification note that not all proposals for home working will constitute a material change of use and will not therefore require planning permission. I recommend modifications accordingly. I also recommend that the policy takes account of the potential impacts of home-working on historic assets.
- 7.82 I recommend that the amenity part of the policy is recast. As submitted, it refers simply to the potential for disturbance to neighbouring properties. Plainly such potential will always exist. However, in policy terms, the key test is the acceptability or otherwise of any impact. Finally, I recommend that the policy includes reference to the likely generation of vehicular traffic. Whilst this is a distinct component of the wider amenity issue it would align the neighbourhood plan to local policies on traffic generation and vehicular movement.

Replace the policy with:

‘Insofar as planning permission is required proposals for home-based workspaces will be supported subject to the following criteria:

- **they would not generate an unacceptable impact on the amenities of any residential properties in the immediate locality;**
- **any associated vehicular movements and/or deliveries would respect the character and appearance of the immediate locality in general, and that of residential areas in particular; and**
- **they take appropriate account of any heritage assets within the curtilage of the property concerned’**

At the end of the associated supporting text add:

‘Policy W5 sets out the Plan’s approach to home working. It acknowledges that not all proposals for home working will constitute a material change of use and will not therefore require planning permission.’

Policy W6 Creative and Digital Industries

- 7.83 This policy offers support to creative and digital industries in the neighbourhood area. In particular it offers support for:
- the development of new cultural and creative venues in the town centre; and
 - the use of vacant properties and land for pop-up and temporary events.
- 7.84 I recommend two modifications to the policy. The first refines the policy language used to offer support for the type of uses identified in the policy. The second acknowledges

that many temporary uses will not need planning permission, and as such cannot be controlled by way of a planning policy.

In the opening part of the policy replace ‘is supported’ with ‘will be supported’

In part b) of the policy insert at the beginning ‘Insofar as planning permission is required’

Policy M1 Havant Road Civic Square

- 7.85 This policy comments that improvements will be sought to the A259 Havant Road. In particular it seeks to ease traffic flow, improve conditions for pedestrians and cyclists and enhance the character of the wider town centre.
- 7.86 Figure 8 provides a scheme visualisation for what appears to be an innovative approach to this part of the town. In the event that the project is implemented in this or an equivalent format, it will bring significant benefits to the environment of this part of the town and pedestrian connectivity. The Plan also makes the comparison with Poynton in Cheshire. The Forum further clarified the basis on which the policy had been prepared in its response to the clarification note.
- 7.87 I saw first-hand the way in which the A259 splits the retail and the commercial attraction in the town into two separate parts. The Plan is clear that it wishes to reconnect the parts of the community that are currently divided.
- 7.88 However as submitted the policy is a neighbourhood plan Project rather than a land use policy. Neither the Plan itself nor the Forum have any direct way of implementing the policy. In the event that any project proceeds it is probable that it would be entirely within the public highway and would therefore be undertaken by the County Council using its powers under the Highways Acts. In these circumstances I recommend that the policy is deleted as repositioned as a neighbourhood plan project.

Delete the policy

Delete the Policy Background

Reposition the policy so that it is a specific Project within the wider schedule of Neighbourhood Plan Projects

Policy M2 Improve the pedestrian environment

- 7.89 This policy comments about potential improvements to the pedestrian environment. It addresses both improvements to the network and proposals for widening and resurfacing.
- 7.90 This policy raises identical issues to those in Policy M1, albeit on a more modest and local scale. I recommend a similar remedy by way of modifications,

Delete the policy

Delete the Policy Background

Reposition the policy so that it is a specific Project within the wider schedule of Neighbourhood Plan Projects,

Policy M3 Cycling Strategies

- 7.91 This policy offers support and encouragement to the creation of on-street and off-street cycling routes and the creation of a shared network between the main commercial and social areas of activity and residential areas.
- 7.92 This policy raises identical issues to those in Policy M1. Clearly the development of such proposed networks has the ability to be strategic in nature. I recommend a similar remedy by way of modifications.

Delete the policy

Delete the Policy Background

Reposition the policy so that it is a specific Project within the wider schedule of Neighbourhood Plan Projects.

Policy M4 Cycle Storage Provision

- 7.93 This policy sets out the Plan's expectations for the provision of cycle storage. Its first section relates to residential development. Its second section refers to other forms of development.
- 7.94 In relation to the former, it requires a minimum of the provision of storage facilities for at least one bicycle. For three bedroomed houses it requires storage for two bicycles. I recommend that this part of the policy is modified so that it takes account of houses larger than those with three bedrooms, and uses appropriate policy language. I also recommend similar technical modifications to the second part of the policy. Otherwise the wider policy meets the basic conditions

In part a:

- **replace 'must' with 'should'**
- **Replace 'three-bedroom dwellings' with 'three or more-bedroom dwellings'**

In part b:

- **replace 'must' with 'should'**
- **replace 'latest guidance issued' with 'most recent technical standards prepared'**

Policy WF1 Public Enjoyment of the Waterfront

- 7.95 This policy celebrates the attractive waterfront in Emsworth. It is an iconic feature of the neighbourhood plan. The policy includes the following components:
- new development on the waterfront should provide public access to the waterfront;
 - development proposals should not have a significant effect on protected species in the harbour;
 - development proposals should appraise their provision of public spaces; and
 - proposals will be supported which support the delivery of the Coastal Path project being promoted by Natural England.
- 7.96 As part of the clarification note process, I sought advice from the Forum on a series of matters. On the first matter I recommend that part a) of the policy is modified so that it is clear that waterfront access should be provided where it is both appropriate and practicable to do so. As submitted this part of the policy fails to identify the ‘exceptional circumstances’ which may arise such that access does not need to be provided.
- 7.97 I also raised with the Forum the contents of Policy WF1e). It requires that community consultation and involvement should be carried out for waterside activities as part of the planning application process. Whilst I can understand the importance which the community gives to this matter, it is a procedural issue rather than a land use policy. In any event HBC undertakes its own consultation on planning applications and the opportunity exists for a developer to engage in pre-application engagement should it wish to do so. On this basis I recommend that the policy is deleted. Nevertheless, I recommend that the issue is incorporated within the Policy Background.
- 7.98 Finally I recommend that Policy WF1g) is modified to acknowledge that proposals to repair the promenade are likely to be permitted development and therefore beyond planning control.
- 7.99 Otherwise I am satisfied that with detailed modifications the policy meets the basic conditions. The Waterfront is highly-valued and appreciated by the wider community, and by those who make active commercial and recreational use of the water itself in particular.

Replace WF1a) with: ‘Proposals for new development at a waterfront site waterfront should provide public access to the waterfront where it is both appropriate and practicable to do so’

In WF1 b replace ‘must’ with ‘should’

In WF1d replace ‘Applications’ with ‘Development proposals’, ‘support’ with ‘contribute towards’ and delete ‘when relevant...area’

Delete WF1e

In WF1g) add: ‘Insofar as planning permission is required’ at the beginning

*Include Policy Background at the end of the policy to read
‘Policy Background*

Policy WF1 celebrates the attractive waterfront in Emsworth. It is an iconic feature of the neighbourhood plan. It has a clear focus on ensuring public access to the waterfront, safeguarding habitats and supporting projects which would help to deliver Natural England’s England Coast Path project. Given the importance of the waterfront in the community developers are actively encouraged to engage with local residents and affected interest groups before detailed proposals are finalised and/or planning application are submitted’

Policy D1 General Design Policy

7.100 This policy is at the heart of the Plan. It is the first of a series of five policies. The supporting text comments that the policy objectives are as follows:

- to generate creative living and working environments;
- to maintain and enhance the surrounding townscape setting;
- to ensure that the layout, form and density of new development reflects the historic urban grain; and
- to ensure that applicants demonstrate how their proposals respond to the wider Emsworth context.

7.101 The policy is underpinned by a comprehensive Design Checklist. It is based on the Emsworth Design Statement of 2008. The Design Check-list provides commentary on the following factors which the Plan suggests create a Sense of Place:

- Use and activities;
- Access and movement;
- Streets and Spaces; and
- Form and Detail.

7.102 The wider effect of the Design Check-List is very impressive. Its key strength is the way in which it applies general design principles to the very attractive and distinctive features in Emsworth.

7.103 The policy has three components. The first has general effect in expecting new development to be of a high quality. The second requires that the impact of any new development is specified in a Design and Access Statement. The third requires development proposals to have regard to the Design Checklist. The second and third parts of the policy meet the basic conditions. I recommend a detailed modification to the first part of the policy so that it can be applied through the development management process.

In the first part of the policy replace ‘are expected to’ with ‘should’

Policy D2 Height, Mass and Materials

- 7.104 This policy continues the design theme. In this case it comments on height, mass and materials and the use of upper floors for residential uses.
- 7.105 The policy takes an appropriate approach to this important matter. I saw when I visited the neighbourhood area that the historic core of the neighbourhood area had a very distinctive character which needs to be managed carefully and sensitively.
- 7.106 I recommend detailed modifications to parts a) and b) of the policy so that they have the clarity required by the NPPF and therefore meet the basic conditions. I also recommend modifications to the wording of part c) of the policy so that it clarifies that the policy applies, as appropriate, both to the conversion of existing upper floor accommodation to residential uses and to proposals for new development which incorporate residential accommodation on the upper floors.

In part a) of the policy replace ‘shall be required to’ with ‘should’

In part b) of the policy replace ‘Except’ with ‘Other than’ and add ‘new’ before ‘buildings’

In part c) of the policy:

- **replace ‘Applications for.... ground floors’ with ‘Proposals for the use of upper floors above retail or commercial premises and for the use of upper floors for residential development in new developments’**
- **replace ‘will be supported provided’ with ‘will be supported where, as appropriate to the nature of the development concerned,’**

Policy D3 Layout, Form and Density

- 7.107 This policy continues the design theme. In this case it comments on layout, form and density.
- 7.108 The three parts of the policy address the urban grain of the historic core of the town, the need to make efficient use of land, and to develop to the optimum density for any site. As with the other policies, it has been well-developed. I recommend a modification to the wording used in the third part of the policy. It acknowledges that HBC will need to consider all relevant material considerations in determining planning application.

In part c) of the policy replace ‘should be refused’ with ‘will not be supported’

Policy D4 Design of Public Spaces and External Access

- 7.109 This policy continues the design theme. In this case it comments on the design of public spaces and external areas

7.110 The policy has been well-developed. It is distinctive to the character and appearance of the neighbourhood area. It meets the basic conditions.

Policy D5 Integration and Strong Connections

7.111 This policy continues the design theme. In this case it comments on integration and strong connections.

7.112 The policy has been well-developed. It is distinctive to the character and appearance of the neighbourhood area. It meets the basic conditions.

Policy D6 Resource Efficiency

7.113 This policy addresses resource efficiency. In particular, it requires that development should minimise its carbon footprint through the promotion of good design. The second part of the policy identifies a series of sustainability and energy efficiency matters which developments should consider.

7.114 The policy has been sensitively-developed. In particular it is non-prescriptive and provides an opportunity for developers to respond to the various matters on a case by case basis.

7.115 The policy meets the basic conditions.

Policy D7 Mitigate Light Pollution

7.116 This policy provides specific guidance about the use of external lighting and the resulting potential for light pollution. In general terms it seeks to ensure that development proposals respond in an appropriate manner to the character and appearance of the neighbourhood area.

7.117 In general terms it is well-constructed. However, I recommend that the second part of the policy which highlights the importance of the waterfront and the surrounding countryside is incorporated into the first part of the policy. Otherwise it meets the basic conditions.

At the end of part a) of the policy add:

‘This will particularly apply for developments on sites on or adjacent to the Emsworth waterfront and in areas adjacent to the open countryside’

Delete part b) of the policy.

Design Check List

7.118 I have commented on the Check List within the context of Policy D1.

7.119 It is a first-class local response to the important national initiative on design.

7.120 It meets the basic conditions.

Projects

7.121 The Plan includes a series of Neighbourhood Plan Projects. They are non-land uses matters which have naturally arisen during the preparation of the Plan. This approach reflects the advice in Planning Practice Guidance.

7.122 The Projects reflect the topic chapters (and the associated land use policies) in the main part of the Plan. The approach taken reflects national policy advice is that projects of this nature should be captured in a separate part of the Plan.

7.123 The Projects are concentrated on the principal themes of the Plan as follows:

- Community Engagement;
- Living;
- Heritage;
- Working;
- Moving;
- Waterfront; and
- Design

7.124 I am satisfied that the various Projects are both relevant and appropriate to the neighbourhood area. They are distinctive to its environment, opportunities and challenges.

7.125 The following Projects are particularly noteworthy:

Living – the creation of development briefs for key sites and to develop renewable energy projects.

Working – the appointment of a Town Centre Manager and the creation of a visitor centre/tourist information centre.

Moving – installing charging points for electric vehicles and developing a new bus service to Oak Park Community Health Centre.

Other matters

7.126 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for HBC and the Forum to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

The Plan period.

7.127 The submitted Plan identifies that it will run until 2036. This is entirely appropriate.

7.128 The Plan does not specify a start date. During the examination the Forum confirmed that it should be 2019. I recommend accordingly.

At the end of first paragraph of the Introduction add: 'The Plan period runs from 2019'

On the front cover of the Plan add '2019-2036 immediately after 'Plan'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It is a very impressive Plan produced by a local community in general, and by a Community Forum in particular.
- 8.2 Following my independent examination of the Plan I have concluded that the Emsworth Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to Havant Borough Council that subject to the incorporation of the modifications set out in this report that the Emsworth Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by Havant Borough Council on 23 July 2014.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
6 January 2020

Appendix A:

Brook Meadow Nature Reserve LGS (LGS1) – Recommended Change to Boundary

Yellow Boundary denotes recommended extent for LGS1 Brook Meadow Nature Reserve

