

**FISHBOURNE**  
**Your Village ... NEIGHBOURHOOD PLAN ... Your Say**

**2014-2029**

**AMENDMENTS TO SUBMISSION DRAFT**

(February 2015)

Incorporating Screening and Determination in regard of SEA



# BASIC CONDITIONS DOCUMENT

*The amendments consist of:*

*Amended section of page 4 (part of 3.0 Summary of Compliance Statement) to take account of the following changes:*

- The removal of the letter from Sue Payne of 22 April 2014 in AppendixBC2*
- Its replacement by the insertion of the letter from Andrew Frost and the Screening Report*

**NOTE: For the purposes of consultation: The amended section of this page is shaded**

A Neighbourhood Plan will be considered to have met the Basic Conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
- The making of the neighbourhood development plan contributes to the achievement of sustainable development;
- The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority ( or any part of that area);
- The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
- Prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

The evidence documenting compliance with these conditions is provided in sections 4-7.

A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment or Habitat Regulations Assessment would be required in support of the plan. (For letter confirming this and copy of the Screening Determination from LPA - Please see Appendix BC2.) In the case of the HRA the Parish Council had acknowledged that there could be a significant “in combination” impact of development on the SPA and has included a requirement that any planning applications should illustrate how they would mitigate this impact and/or make a contribution to the Solent SPA Interim Planning Framework. No other European sites will be affected by the policies described in the Neighbourhood Plan

Chichester District Council consulted with the relevant statutory agencies on the contents of the neighbourhood plan in accordance with Regulation 9 (2) of the Environmental Assessment of Plans and Programmes Regulations 2004 and on the basis of this made the following determination:

“The screening determination is that an environmental assessment of the Fishbourne Neighbourhood Plan is not required due to there being no adverse comments from the Statutory bodies and for the reasons set out in the screening report.

As such it is the opinion of Chichester District Council that the Fishbourne Neighbourhood Plan is in accordance with the provisions of the European Directive 2001/42/EC as incorporated into EU law by the Environmental Assessment of Plans and Programmes Regulations 2004.”

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European convention on Human Rights and complies with the Human Rights Act 1998.

**FISHBOURNE PARISH COUNCIL**

Chairman: Geoff Hand  
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Tel. 01243 781692 E-mail: hand4@btinternet.com

Ms. Sue Payne  
Planning Policy Officer  
Chichester District Council  
1 East Pallant  
Chichester  
West Sussex  
PO19 1TY  
26 March 2014

Dear Ms Payne

**FISHBOURNE NEIGHBOURHOOD PLAN (2014 -2029)**  
**Strategic Environmental Assessment or Habitat Regulations Assessment**

As part of the preparation of the Basic Conditions Document, Fishbourne Parish Council formally seeks the view of the District Council on whether or not the Fishbourne Neighbourhood Plan would require a Strategic Environmental Assessment or Sustainability Appraisal.

The Parish Council would also appreciate the District Council's view on whether the emerging Fishbourne Neighbourhood Plan meets the EU requirement that the plan "does not breach, and is otherwise compatible with, EU obligations".

Thank you for your continued help and support.

Yours sincerely

Geoff Hand

Chairman

Mr Geoff Hand  
Chairman, Fishbourne Parish Council  
Water Gypsy  
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PO20 7EJ

If calling please ask for: **Andrew Frost**  
01243 534892  
afrost@chichester.gov.uk

Our ref:

Your ref:

17 December 2014

Dear Mr Hand

**Fishbourne Neighbourhood Plan**

**Strategic Environmental Assessment (SEA) Opinion Screening Determination under Regulation 9 and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004**

This letter addresses whether an environmental assessment of the Fishbourne Neighbourhood Plan is required and as such whether it meets one of the basic conditions that a neighbourhood plan must meet in order to proceed to referendum: that it does not breach, and is otherwise compatible with, EU obligations.

On the basis of the contents of the neighbourhood plan that was the subject of consultation with the relevant statutory agencies in accordance with Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004, the following determination can be made.

The screening determination is that **an environmental assessment of the Fishbourne Neighbourhood Plan is not required** due there being no adverse comments from the statutory bodies and for the reasons set out in the screening report which is attached to this letter.

As such it is the opinion of Chichester District Council that the Fishbourne Neighbourhood Plan is in accordance with the provisions of the European Directive 2001/42/EC as incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.

This decision has been based on the information provided. If the contents of the Plan are revised and/or there is a material change in the environmental characteristics in the locality (e.g. any additional nature conservation or other environmental designations), then the comments contained in this decision would need to be reconsidered in order to take account of the changes.

Yours sincerely

A handwritten signature in black ink that reads 'Andrew Frost'.

Andrew Frost  
Head of Planning Services

## Screening Report for the Fishbourne Neighbourhood Plan

### Criteria and response of screening

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
<b>The characteristics of plans and programmes</b>	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	<p>The Fishbourne Neighbourhood Plan (NP) would, if adopted, form part of the Statutory Development Plan and as such will establish the development control framework for Fishbourne and the surrounding environs.</p> <p>The NP is prepared for town and country planning and land use planning purposes and sets out a framework for future development in Fishbourne. The nature of the NP includes housing, open space, infrastructure and employment development, which may fall under 10(a &amp; b) of Annex II of the EIA directive.</p> <p>Locally and internationally designated wildlife sites lie within the NP area. The NP seeks to protect open and green spaces and internationally designated sites and avoid or mitigate any cumulative impacts.</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>The NP is the lowest tier in the planning hierarchy and must conform to plans in the upper tiers, rather than influence them. The Fishbourne NP must conform to the Chichester Local Plan, the National Planning Policy Framework and European Directives.</p>
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	<p>There are opportunities for integrating environmental considerations within Fishbourne. The Fishbourne NP contains policies which allocate open spaces in the village as "local green spaces", which are protected from development. Additionally, any development which results in the loss of biodiversity will not be permitted unless appropriate mitigation is provided.</p>
(d) environmental problems relevant to the plan or programme; and	<p>Key issues taken from the Scoping Report of the Chichester Local Plan and derived from the Fishbourne NP include:</p> <ol style="list-style-type: none"> <li>1. A rapidly increasing population in the village is putting a pressure on the</li> </ol>

	<p>infrastructure and resources in the Parish;</p> <ol style="list-style-type: none"> <li>2. A distinct shortage of affordable homes;</li> <li>3. Increase in traffic through the village in order to avoid Fishbourne Roundabout; and</li> <li>4. Creating a sense of community and involving all residents.</li> </ol>
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	<p>The NP is a land-use plan and sets the framework for future development consents within the Fishbourne NP area.</p> <p>The NP sets policies, including environmental policies, which planning applications within the Fishbourne NP area must adhere to.</p>
<b>Characteristics of the effects and of the area likely to be affected</b>	
(a) the probability, duration, frequency and reversibility of the effects;	<ol style="list-style-type: none"> <li>1. Effects on biodiversity are likely to be long term, irreversible and frequent due to the rural extent of the Parish. Local effects such as the removal of certain habitats may impact directly on protected species or indirectly by reducing the integrity of a designated site. Policy ENV4 of the NP works to avoid developments which will result in a loss of biodiversity and does not demonstrate appropriate mitigation.</li> <li>2. The historic environment represents a key receptor within Fishbourne and the Chichester District. Adverse effects on important cultural heritage assets such as the Roman Palace are likely to be irreversible meaning historic assets will require protection through sensitive and appropriate design and location of new development, as well as sympathetic changes to the urban realm of which these features are a part.</li> <li>3. The impact of the construction of 50 dwellings in the Fishbourne Parish is not anticipated to produce any significant effects on Air Quality, Landscape, Material Assets, Population, Health, Soils, Climate Change and Water in the Fishbourne Parish.</li> </ol>
(b) the cumulative nature of the effects;	The plan has the potential to contribute to cumulative impacts in combination with the Chichester Local Plan due to Fishbourne's

	<p>strong geographic relationship with Chichester. The impacts on development on certain receptors, such as water and air quality, within the Parish may produce cumulative effects with developments in Chichester. These can be only be explored as the plan progresses.</p>
(c) the transboundary nature of the effects;	<p>The majority of effects within the Parish will be localised. Due to the nationally important natural and historic assets, effects on these features may occur beyond the area of the Parish.</p>
(d) the risks to human health or the environment (for example, due to accidents);	<p>Fishbourne does not currently have any AQMAs but there are three in the bordering city of Chichester. The NP may increase traffic levels but not to an extent that is anticipated to cause significant effects on human health.</p>
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	<p>Fishbourne is the largest settlement in the Parish and neighbours the historic city of Chichester. Due to the lack of employment opportunities within Fishbourne Parish, residents generally out-commute for work. Indirect effects of the plan, such as out-commuting, may extend beyond the immediate area of the plan but are not anticipated to cause significant effects.</p>
(f) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	<p>(i) The important historic quality of the Parish and general area is fundamental to the cultural character of Chichester District. Damage to the historic character of the area would be expected to have a significant impact.</p> <p>(ii) Recent infrastructure reinforcement projects over recent years have resulted in improved connectivity between their sources and water quality and waste water treatment is not thought to exceed environmental quality standards or limit values.</p> <p>(iii) The Fishbourne Parish has areas of high productivity agricultural land, with areas of grade 1, 2 and 3a land all situated within the Parish. The location of housing in Fishbourne Parish is concentrated within the village itself. Development outside of existing residential areas could lead</p>

	to a reduction in best and most versatile agricultural land.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	<p>Fishbourne is home to the Roman Palace and Garden, a Scheduled Monument and Registered Garden. Inappropriate development in the area could detract from its overall character. The Roman Palace is the key cultural heritage receptor in Fishbourne Parish. The land surrounding the Roman Palace may have undiscovered associated archaeological features or remains and this should be explored further prior to development. The design and layout of specific developments in the Parish should be dealt with through the development management process.</p> <p>English Heritage has requested that any groundworks are taken prior to the commencement of any works. Policy BE3 paragraph 61 in the Chichester Local Plan and Chapter 12 paragraph 132 of the NPPF uphold the protection of Scheduled Monuments. The NPPF notes that any such proposed development site should be dug prior to construction. These policies are in place in order to protect cultural heritage in an area. Due to the aforementioned policies in place to protect cultural heritage, any development likely to affect cultural heritage assets would not be permitted and mitigation must take place in order to ensure that there are no significant effects.</p> <p>There are locally and internationally designated wildlife sites within the NP area. The NP seeks to protect open and green spaces and internationally designated sites and avoid or mitigate any cumulative impacts.</p> <p>The SAC, SPA, RAMSAR and SSSI in the Parish are important for the biodiversity in the area. Any developments should be planned so as to not cause a significant effect on the integrity of the Sites or the species which rely on them for survival. Policy RE7, RE8 and BE14 paragraph 49 in the Chichester Local Plan strive to protect</p>

statutory sites in the District.

The Fishbourne NP Policy ENV4 states that any development proposals which would result in a loss of biodiversity will not normally be permitted unless appropriate mitigation can be provided. Additionally, Policy SD1 states that the “in combination” impact of development on the SPA will make a contribution to the Solent SPA Interim Planning Framework. Any development resulting in a loss of biodiversity in Fishbourne Parish will not be permitted unless it can be mitigated appropriately.

The Fishbourne NP is not anticipated to significantly affect the nearby Chichester Harbour AONB and South Downs National Park. Proposed development is integrated in areas of land within Fishbourne village and lies outside of both the AONB and National Park and is unlikely to adversely affect the character.

