

Fishbourne Neighbourhood Plan 2014-2029

Submission Draft

A Report to Chichester District Council of the Examination into the Fishbourne Neighbourhood Plan

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Appendix 1 - Recommended policy alterations to the Submission Draft Plan

Appendix 2 - Section 4 Projects –Delivering the Plan

1.0 Introduction

- 1.1 Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the Fishbourne Neighbourhood Plan, referred to as the Plan. The Parish of Fishbourne is within West Sussex and forms part of the Chichester District administrative area. It comprises a single settlement to the west of Chichester at the head of the Fishbourne Channel.
- 1.2 Fishbourne Parish Council (Parish Council) commenced preparation of the Plan from 15th February 2013, when the Parish Council agreed that a Neighbourhood Plan should be produced for the Parish. The Basic Conditions Statement explains that the need for a neighbourhood plan for Fishbourne has arisen from progressive development north from the historic core of the historic settlement which was essentially based on a rural economy until the Second World War after which a number of housing developments took place extending the settlement northwards from the original linear form along the A259. Developments in the past decade have now reached the northern boundary of the village, the population having increased by 25% since 2001. The Plan explains that in parallel with the rapid increase in the size of the settlement, this has coincided with a loss of local services; the village now has no village shop, no post office and no medical facilities. Additional development without adequate infrastructure enhancements has substantially increased the traffic congestion and flooding remains a long-standing problem consequent upon the increased demand due to the larger population and local housing growth.
- 1.3 The parish has prepared the draft neighbourhood plan with the objective of taking greater control of development within the settlement, having prepared a comprehensive sustainable vision for Fishbourne to 2029. The vision states, *“In fifteen years’ time (2029) Fishbourne will be recognised as a vibrant, sustainable community which offers a safe and pleasant environment in which to live and work and which has met its indicative target for new housing while successfully maintaining its separate identity as a village and conserving and enhancing the character of its historic fabric and environment. It will continue to offer a wide range of physical and cultural activities so that its residents can enjoy a healthy and rounded lifestyle without the need to travel by car. To achieve all this, its residents will increasingly have experienced involvement in the decision-making process”*.
- 1.3 A Steering Group was formed in May 2013, five task groups were established and each assigned a major theme. The Consultation Statement explains how a village survey was prepared, distributed to all households in the parish in September 2013 and subsequently analysed, explained in Appendices CS2, CS3, CS4, CS5 and CS6 to the Consultation Statement to assist in informing the preparation of the Plan.

- 1.4 The resultant Neighbourhood Plan comprises five Key Areas through which land use policies have been prepared to deliver the neighbourhood planning policy objectives as follows:
- Housing and Planning;
 - Local Economy and Tourism;
 - Environment (Historic, Built and Natural);
 - Travel and Transport; and
 - A sense of Community.
- 1.5 The Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Fishbourne, as designated by Chichester District Council on 23rd July 2013 in accordance with the Neighbourhood Planning (General) Regulations 2012 and section 61G of the Town and Country Planning Act 1990, as amended.
- 2.0 **Role of the Independent Examiner**
- 2.1 My role as an Independent Examiner when considering the content of a neighbourhood plan is limited to testing whether or not a draft neighbourhood plan meets the basic conditions, and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood plan or examine other material considerations.
- 2.2 Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C(5)], states that the Plan must meet the following “basic conditions”;
- it must have appropriate regard for national policy;
 - it must contribute towards the achievement of sustainable development;
 - it must be in general conformity with the strategic policies of the development plan for the local area;
 - it must be compatible with human rights requirements and
 - it must be compatible with EU obligations.
- 2.3 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft order containing recommendations and make one of the following three recommendations:
- (a) that the draft order is submitted to a referendum, or
 - (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
 - (c) that the proposal for the order is refused.

- 2.4 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Fishbourne Neighbourhood Plan area to which this Plan relates. I make my recommendations at the end of this Report.
- 2.5 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.
- 2.6 In examining the Plan in relation to the basic conditions, it is only the draft policies to which I have had regard in examining the Fishbourne Neighbourhood Plan.

3.0 **Basic Conditions**

- 3.1 I now consider the extent to which the Plan meets the “*basic conditions*”. A Basic Conditions Statement has been prepared and published by Fishbourne Parish Council and supplied to me by Chichester District Council for the purpose of this independent examination of the Fishbourne Neighbourhood Plan 2014-2029.
- 3.2 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.
- 3.3 The Basic Conditions Statement confirms that the Parish Council has worked with the officers of Chichester District Council (CDC) throughout the preparation of the neighbourhood plan. The current development plan against which I am required to assess the Fishbourne Neighbourhood Plan is the Chichester Local Plan: Key Policies 2014-2029 adopted in July 2015. The Fishbourne Neighbourhood Plan 2014-2029, has been examined against those policies and the policies of the NPPF.

- 3.4 I am satisfied that Fishbourne Parish Council is the qualifying body and is entitled to submit a Neighbourhood Development Plan (NDP) for the parish, within the meaning of s38A of the Localism Act 2011. I am satisfied that this area is appropriate to be designated as a neighbourhood area and note that it was confirmed by Chichester District Council on 23rd July 2013.
- 3.5 I am also satisfied that the Fishbourne Neighbourhood Plan 2014-2029 does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.
- 3.6 The Plan period is defined as being up to 2029, aligning the Chichester Local Plan: Key Policies 2014-2029.
- 3.7 The Basic Conditions Statement confirms that the Fishbourne Neighbourhood Plan 2014-2029, does not include policies for any excluded development. I concur with that statement and that the Plan is in accordance with s61K of the Town & Country Planning Act 1990.
- 3.8 **Conformity with European Union Obligations**
- 3.9 The Basic Conditions Statement augmented by the more recent, “Amendments to the Submission Draft Basic Conditions Statement, February 2015, Incorporating Screening and Determination in regard of SEA,” explains the screening process carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) and Habitat Regulations Assessment (HRA) would be required in support of the Plan. In the case of the Habitat Regulations Assessment (HRA) the Parish Council has 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.
- 3.10 In order to clarify the SEA process undertaken with regard to the Plan, I explain my understanding of the sequence of events as follows. On 26th March 2014, as part of the preparation of the Basic Conditions Statement, Fishbourne Parish Council formally sought the view of the District Council on whether the Fishbourne Neighbourhood Plan would require a Strategic Environmental Assessment or Sustainability Appraisal, whether the then emerging Fishbourne Neighbourhood Plan met the EU requirement that the plan does not breach, and is otherwise compatible with, EU obligations. The Council replied on 22nd April advising that a Strategic Environmental Assessment (SEA). or Sustainability Appraisal (SA) should be undertaken if:

- The plan incorporates proposals that diverge from the inherited development plan;
- The plan is determined to be likely to cause significant environmental effects that have not already been assessed in a higher level plan.

- 3.11 I understand that the view of the Council at that time was that for the Chichester Neighbourhood Plans in general, the Council did not see their range of options adding significantly to the range or degree of sustainability impacts already set by the higher level Local Plan policies. An SEA/SA should not be required if it would either repeat the Local Plan SEA/SA, challenge it or look at options of which the effects are so localised that are not significantly different in SEA/SA terms.
- 3.12 The Chichester Local Plan: Key Policies Pre-submission 2014-2029 had been subject to an HRA. As a result of the evidence from the Solent Disturbance and Mitigation Project and on advice from Natural England, the advice from the Council was that all developments of one net new dwelling or more are considered to have a likely significant effect, in-combination with all other developments, unless mitigation measures are provided. The reply further explained that in the Chichester area a buffer zone around the protected sites had been designated, where development will be required to contribute towards strategic mitigation measures.
- 3.13 I understand that during the preparation of the Plan, Fishbourne Parish Council acknowledged that there could be an in-combination impact of development locally on the Chichester and Langstone Harbour Special Protection Area and mitigation measures relating to the selection of sites, how development might be designed and laid out may mitigate the impact or may justify a contribution to the Solent SPA Interim Planning Framework. The overall conclusion of the Council in relation to these matters was that based on the available evidence and proposed content of the plan, it was considered that neither an HRA nor SEA/SA of the Fishbourne Neighbourhood Plan would need to be carried out, as this has been covered through the assessments of the CLPKP.
- 3.14 The Council's opinion in relation to the need for an SEA was challenged during the Submission Plan consultation. Icen Projects claimed that the Council's advice to the Parish Council in April 2014 was contrary to the Environment Assessment Regulations on the grounds that the LPA's correspondence makes no reference to the Regulations and fails to properly assess whether an SEA is required. In particular Icen Projects claimed that the LPA erred by stating that an SEA or SA should be undertaken where proposals diverge from the inherited development plan as in this case as the Plan allocates sites for housing development and is thus divergent from the adopted Development Plan (1999). In addition due to the sensitive habitats within the Fishbourne Plan boundary including (Chichester Harbour AONB, SPA, SSSI and Ramsar designations) and significant archaeological potential, the Plan may cause significant environmental effects which had not been assessed.

- 3.15 The Neighbourhood Plan Examination was suspended on 11th August 2014 In light of the representations made by Icen Projects, by way of a letter from Mr. Andrew Frost, Head of Planning Services at Chichester District Council, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, to enable the Council to seek advice on the need to undertake further work to address the issue raised regarding the Strategic Environmental Assessment. The Council re-evaluated the SA/SEA considerations through the appointment of Lepus Consulting an independent environmental consultant to advise on the preparation of a screening opinion. The screening opinion was issued in October 2014.
- 3.16 As a consequence, the Council's letter of 22nd April 2014, was withdrawn and replaced with the letter prepared by Mr. Andrew Frost dated 17th December 2014 confirming that the Plan had been 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. This letter confirmed the screening determination of the Fishbourne Neighbourhood Plan that SEA is not required consequent upon there being no adverse comments from any statutory bodies. Mr Frost's letter provided the reasons set out in the screening report why this determination had been reached. These reasons were forwarded to me by the Council on 10th February 2015 together with the "Amendments to the Submission Draft Basic Conditions Statement, February 2015, Incorporating Screening and Determination in regard of SEA".
- 3.17 Taking all of these matters into consideration, I am of the opinion that in relation to SA and SEA, the making of the Plan would not breach, and is otherwise compatible with these EU obligations.
- 3.18 The preparation of the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I agree that the Plan is compatible with EU obligations and will contribute to achieving sustainable development within the parish and further conclude that the Neighbourhood Plan would have no likely significant adverse effects on the environment or European Sites.
- 3.19 **Regard to the National Planning Policy Framework (NPPF)**
- 3.20 The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:
- set planning policies through neighbourhood plans to determine decisions on planning applications; and

- grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 3.21 Paragraph 184 of the NPPF requires that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.
- 3.22 In relation to the presumption in favour of sustainable development, the NPPF advises that all plans should be based upon this presumption with clear policies that will guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.
- 3.23 It is evident that regard has been given in the preparation of the Plan policies to the NPPF. Indeed there is an express reference in section 5 of the Plan acknowledging the importance of developing the Plan in accordance with the sustainability principles in paragraphs 6 and 7 of the NPPF. The Plan also confirms, *“Care has been taken to ensure that The Neighbourhood Plan is clearly expressed in order to meet the requirement of the NPPF (17) that Plans should “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.”* However the Basic Conditions Statement is relatively weak on any analytical assessment as to how the policies in this Plan reflect the policy context of the NPPF. It is therefore perhaps not surprising that this has caused a number of consultees to question the extent to which the Plan does reflect NPPF policy.
- 3.24 Icen Projects complain that the Plan fails to meet the requirements of the NPPF at paragraph 14. This states:
- “For plan-making this means that:
- local planning authorities should positively seek opportunities to meet the development needs of their area;
 - Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted. “

To the extent that this policy is extended to cover the preparation of neighbourhood plans, the capacity assessment that was available to the Parish in preparing the Fishbourne Neighbourhood Plan provides an adequate framework against which it would appear the development within the Plan has been assessed. At Fishbourne, there are a number of specific planning policy restrictions, as explained in the footnote of this paragraph within the NPPF which operate to constrain development. The Plan has had regard to these in allocating land for development and I am satisfied that the approach adopted is consistent with the guidance in paragraph 14 of the NPPF.

- 3.25 Icen Projects further complains that the Plan fails to meet the requirements of the NPPF at paragraph 49, dealing with housing supply. The extent to which the Fishbourne Plan is able to contribute towards development opportunities, having regard to paragraph 14 of the NPPF, for example, is limited and constrained by other planning designations. The Plan pays proper regard to this in my opinion having regard to capacity considerations. It would of course be open to Icen Projects and other developers to test their particular development ambitions in the event that they considered the policy approach in the preparation of this Plan is flawed. Such applications would doubtless be considered against the planning policies in the NPPF in addition to the Neighbourhood Plan, if made, as well as other adopted district wide policies at that time. This would include the guidance contained in paragraph 49, for housing development, where such applications “should be considered in the context of the presumption in favour of sustainable development”. The capacity constraints clearly identified at Fishbourne and related planning policies would be taken into consideration in determining whether such development would amount to sustainable development.
- 3.26 Southern Water’s representations raise some concerns over the extent to which drainage systems would cope with additional development. Their concerns are to some extent circular. The Water Authority raises concern under paragraph 162 of the NPPF, dealing with infrastructure. It is clear from the consultation statement that the Qualifying Body has worked with the Water Authority in the preparation of the Plan. In relation to the proposed development, it appears that despite raising objections to proposed development based on the existing capacities, it is not clear whether the Water Authority is saying that the capacities cannot be increased, or whether this would not be feasible. If necessary capacities can be delivered, it is not clear what the cost would be and whether such cost would be capable of being carried by the developer whilst still allowing an adequate return and also, in the light of such costs, whether the landowner would be willing to bring the land forward to the market for development. The incidence of the costs would mainly fall on the landowner and may mean, if too great, that development

would be unlikely to proceed. In that event there may be a need to identify other land for development.

- 3.27 The Basic Conditions Statement prepared in support of the draft Plan by Fishbourne Parish Council identifies nine of the thirteen principal objectives of the NPPF in delivering sustainable development. In Appendix BC3, the Plan considers the draft plan policies to the extent that they relate to the nine relevant principal objectives which have relevance to the draft Plan.
- 3.28 Except for: *Supporting high quality communications infrastructure*, the other three principal policy objectives not explicitly covered in the Basic Conditions Statement are not relevant in the context of Fishbourne. These relate to:
- Protecting Green Belt Land; and
 - Facilitating the Sustainable use of Minerals.
 - Ensuring the vitality of Town Centres
- 3.29 Despite not referencing *Supporting high quality communications infrastructure* as a principal policy objective, it is clear in relation to the questionnaire survey that this issue was examined carefully to the extent that the parishioners were asked the following questions relating to matters involving *communications infrastructure*:
- 4A Parish Council to continue with Village Voice and develop use of social media and a network to link with other information providers including Primary and Pre-Schools?
- 4e IT facilities/resource centre for community use should be made available?
- 4g A communal website/facebook page would help everyone find out what is happening?
- 3.30 The responses to these questions are recorded in Appendix CS4 and CS5 as follows:

Table 1: Top Ten Priorities, as identified by the issues with the greater than a 90% positive response (combined 'Strongly Agree' and 'Agree' values). Highlighted questions also appear in Table 2, below.

Parish Council to continue with Village Voice and develop use of social media and a network to link with other information providers including Primary and Pre-Schools.	90.9%
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Table 3: The most controversial issues i.e. those approximately 50% in favour and 50% against:

Question	% In favour	% Against	% No answer
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IT facilities/resource centre for community use should be made available.	57.8%	34.1%	8.2%
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APPENDIX CS5

VILLAGE SURVEY RESULTS – September 2013

ANNEX A

4. A SENSE OF COMMUNITY	Strongly agree	Agree	Disagree	Strongly disagree	No answer
Parish Council to continue with Village Voice and develop use of social media and a network to link with other information providers including Primary	65	146	12		9
A feedback forum on the PC website would help to get people involved.	36	141	31	5	19
IT facilities/resource centre for community use should be made	30	104	69	10	19
A communal website/facebook page would help everyone find out what is	32	121	49	7	23

- 3.31 It will be evident that developing the use of social media and a network to link with other information providers including Primary and Pre-Schools was regarded as being one of the top ten priorities within the survey results. Also, the majority of respondents were in favour of all other IT and *communications infrastructure* questions as demonstrated in the matrices above, abstracted from the parish questionnaire survey.
- 3.32 The inference drawn from the survey results might indicate a community preference for a neighbourhood plan land-use related policy supporting high quality communications infrastructure. The Plan recognises this need, but rather than formulating a related planning policy, has covered the issue by way of Project 10, “*Enhancement of communication structures within the village*”. This, with its accompanying action statements demonstrates the ways in which this will be achieved by the parish, but outside of the formal opportunities which could have been taken up through the formulation of a neighbourhood planning land use policy. With the benefit of hindsight this may be an example of a missed development management opportunity. It is not clear that the distinction to be drawn between projects and policies was clear to the parish residents but I believe this was the case by those drafting the Plan, having regard to the text, in Section 3, under the heading “What the Fishbourne Plan Aims To Achieve”:

“These projects do not have planning weight but are included in the plan as a part of a holistic approach and as a focus for community action. The relevant policies appear in a separate section (Section 6)”.

- 3.33 Subject to my comments and recommendations in section 5 of this report, in relation to various policies of the Plan, were these recommendations to be accepted, I am generally satisfied that the Plan has adequate regard to the related policies in the NPPF. Also, in relation to the preparation of the Plan policies, proper regard to paragraph 17 of the NPPF has been given for the purpose of satisfying this Basic Conditions test.
- 3.34 **Conformity with the Strategic Policies of the Chichester Local Plan: Key Policies 2014 – 2029, (CLPKP)**
- 3.35 The Plan has been prepared against saved policies of the Chichester District Local Plan First Review 1999 and in the knowledge of then draft policies of the Chichester Local Plan: Key Policies 2014 – 2029, (CLPKP). The examination of this Plan was postponed pending the examination of the CLPKP. The CLPKP was adopted on 14th July 2015. The Submission version of the Fishbourne Neighbourhood Plan was then subject to a further round of consultation ending in August 2015. There were nine consultation responses but no further substantive matters were raised. The examination of the Plan was resumed in September 2015, having regard to the policies of the current adopted Local Plan for the district. I also note that the Basic Conditions Statement was prepared having regard to the then extant saved policies of the Chichester District Local Plan First Review 1999 and in the knowledge of the emerging policies of the CLPKP. However the Basic Conditions Statement confirms that, *“As outlined in Neighbourhood Planning: Planning Practice Guidance neighbourhood plans are not tested against the policies in an emerging Local Plan. The FNP has, however, been prepared acknowledging the intent of the emerging Local Plan. Specifically this is through the inclusion of the target of 50 homes in the plan period proposed in the emerging Local Plan by identifying suitable sites in the FNP.”* Thus the Basic Conditions Statement has not evaluated the Plan policies against the policies of the CLPKP. However, in undertaking this examination, I have had regard to the extent to which the Plan policies conform to the CLPKP. Where I consider these do not accord with the policies of the adopted Local Plan or are otherwise unacceptable as land use planning policies, I have recommended changes as I consider appropriate, to assist development management of planning proposals within the Parish having regard to the land use planning objectives expressed within the Plan.
- 3.36 Within the strategic policies of the CLPKP, Policy 5 concerns neighbourhood planning and requires neighbourhood plans to:
1. show how they are contributing towards the strategic objectives of the plan and be in general conformity with its strategic approach;
 2. clearly set out how they will promote sustainable development at the same level or above that which would be delivered through the Local Plan; and

3. have regard to information on local need for new homes, jobs and facilities, for their plan area.

3.37 Fishbourne Neighbourhood Plan is somewhat light on demonstrating how it will be contributing to the strategic objectives of the new Local Plan. On 10th August, Mr Geoff Hand, Chairman of the Parish Council wrote to me via Chichester District Council as part of the post adoption of the CLPKP consultation of the Plan explaining that at the time when the Plan was being prepared, in order to comply with national guidance, neighbourhood plans were not to be evaluated against emerging local plan strategic policies, although it is clear from Mr Hand's letter and the addendum contained within it, the Steering Group had regard to the policy thrust of the CLPKP in preparing the Plan, together with assistance from CDC planning officers. As I have set out in this examination report in considering the Fishbourne Neighbourhood Plan examination version policies, I am of the opinion that the Plan is in general conformity with the newly adopted Local Plan's strategic approach. The Plan also provides development within the Parish over the duration of the Plan which is not less than that anticipated in the adopted Local Plan.

3.38 **Contribution to Sustainable Development**

3.39 At paragraph 7, the NPPF defines the three dimensions to sustainable development as being, economic, social and environmental; the NPPF sets out the roles that the planning system is expected to perform in relation to each. Under the heading, National Policies and Advice, the Basic Conditions Statement claims, *"In Section 5 of the Plan, policies are scrutinised for their contribution to the environmental, social and economic issues of Sustainable Development under the headings of Housing; Planning and Design; Local Economy and Tourism; Environment; and Transport."* The extent to which these policies have already been assessed is in fact is limited.

3.40 Icen Projects contends that the Plan has failed to provide an evidence base to justify why it considers that the proposed residential sites are sustainable in the context of the three dimensions of sustainable development. The Plan is also criticised for not carrying out an appraisal of options and an assessment of individual sites against clearly identified criteria. In looking at the background evidence available to the Parish when preparing the Plan, there was up to date evidence prepared in 2013 by the District Council in preparation for the then emerging Chichester Local Plan Key Policies document, the purpose of which was firstly, to assess the key characteristics of the different settlements in the Plan area and, secondly, to assess the capacity and potential of settlements to accommodate future growth and housing development, including potential physical and environmental constraints and the capacity of key infrastructure to support new development. The introduction to this capacity report explains that in order to plan development sustainably, it is important to have an understanding of the character, role and function of different settlements and how they relate to each other within settlement hierarchies. This report also explained that in planning for growth, it is necessary to

identify the future requirements of different communities and to assess their potential capacity for future growth and change. In considering this evidence, there is a clear and objective methodology against which the various settlements in the district, including Fishbourne have been assessed. I note that the conclusions reached were as follows:

“Fishbourne is a relatively large village which has seen a relatively high level of new development in recent years. Although the village has a fairly limited range of facilities (including a primary school but lacking a shop or post office), it lies only 3 km from Chichester city and has a railway station. Although in general terms the village could be a sustainable location for significant new housing, there are significant constraints imposed by proximity to Chichester Harbour SPA/Ramsar site, in particular Natural England’s concerns about the impacts of recreational disturbance on birds at the head of the Fishbourne Channel immediately south of the village. A further major constraint is the limited capacity available at the Apuldram WwTW which serves the village.”

3.41 The report concluded that in relation to capacity:

“The Local Plan identifies Fishbourne as a Service Village and sets an indicative housing figure of 50 homes for the parish. This reflects the village’s size, accessibility and proximity to Chichester city. However, it is acknowledged that achieving this figure will depend on achieving solutions to the current recreational disturbance issues.”

3.42 In addition, the Parish would have had available to it the *Chichester Strategic Housing Land Availability Assessment March 2013*, providing the potential sites for housing development, to assist in considering potential housing allocations.

3.43 Reference is made by Icen Projects in support of its concerns that the Fishbourne Neighbourhood Plan has not been prepared on a basis which is satisfactory regard to the principles of sustainable development and points to the landscape and visual amenity considerations which were analysed in 2005 on behalf of the District Council and published in *“The Future Growth of Chichester: Landscape and Visual Amenity Considerations 2005”*. That study, which comprised a landscape and views assessment, whilst of importance at that time, was not designed to consider all of the economic, social and environmental dimensions that would be necessary to assess the capacity of Fishbourne to accommodate sustainable development in the period to 2029. I consider the up to date assessment prepared in 2013, to establish the sustainable development capacity for this settlement in the period to 2029 is to be preferred as it has been prepared on a holistic basis. I consider objections made to development of land adjacent to the Roman Palace in the section of my report assessing the site allocation policies.

- 3.44 Whilst the Basic Conditions Statement has not expressly considered how the three dimensions of sustainable development have been assessed in relation to the NPPF, these are covered to a limited extent through the summaries of the policies in the Plan. I am however satisfied, that if made, the Plan as a whole would contribute positively to achieving sustainable development in the context of the definition of sustainable development in the NPPF.

4.0 **Background Documents**

- 4.1 In examining the Fishbourne Neighbourhood Plan 2014-2029, I have had regard to the following documents in addition to the original Submission Version of the Plan:

- a) National Planning Policy Framework, March 2012
- b) National Planning Policy Framework, Planning Practice Guidance
- c) Town and Country Planning Act 1990 (as amended)
- d) The Planning Act 2008
- e) The Localism Act (2011)
- f) The Neighbourhood Planning Regulations (2012)
- g) Chichester Local Plan: Key Policies 2014-2029, adopted 14th July 2015
- h) Strategic Housing Land Availability Assessment (SHLAA) 2013 and 2014 update
- i) Fishbourne Neighbourhood Plan 2014-2029 Submission Draft (February 2015) Incorporating Screening and Determination in regard of SEA.
- j) Fishbourne Neighbourhood Plan 2014-2029 Submission Draft incorporating the Amendment of Policy SD1 and pages 17-19 of the Neighbourhood Plan.
- k) Fishbourne Neighbourhood Plan 2014-2029 Basic Conditions Document Incorporating Screening and Determination in regard of SEA.
- l) Fishbourne Neighbourhood Plan 2014-2029 Consultation Statement
- m) Fishbourne Neighbourhood Plan - Summary of Representations (Regulation 16)
- n) Letter approving designation of Fishbourne Parish Council Neighbourhood Area 23rd July 2013.
- o) Fishbourne Parish Council Neighbourhood Plan Area, 22nd April 2014.
- p) 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, 17 December 2014

- q) Strategic Environmental Assessment of the Fishbourne Neighbourhood Plan SEA Screening Report October 2014, Lepus Consulting
- r) Fishbourne Neighbourhood Plan Summary of Statutory Consultations – Strategic Environmental Assessment
- s) Interim Policy Statement on Development and Disturbance of Birds in Special Protection Areas and identified Compensatory Habitats Effective April 2014

5.0 Public Consultation

- 5.1 Details relating to the public consultation undertaken in the preparation of the Fishbourne Neighbourhood Plan are helpfully summarised in the Consultation Statement. Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. The Neighbourhood Planning Regulations 2012 requires a Consultation Statement to be submitted with the neighbourhood plan confirming the persons and bodies consulted about the proposed neighbourhood plan; explaining how they were consulted; summarising the main issues and concerns raised and how these matters have been considered within the proposed Plan. Such engagement with the community during plan-making has raised awareness and encouraged community involvement, particularly by way of a detailed questionnaire survey.
- 5.2 Effective consultation can create a sense of public ownership, achieve consensus and in the context of neighbourhood planning provide the confidence for support of the Plan and I believe that this has been engendered through the consultation process at Fishbourne. To fulfil the legal requirements of the Section 15(2) of Part 5 of the Neighbourhood Planning regulations 2012, a Consultation Statement should contain:
- details of the persons and bodies who were consulted about the proposed neighbourhood plan development;
 - an explanation of how they were consulted;
 - a summary of the main issues and concerns raised by the persons consulted;
 - a description of how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood plan.
- 5.3 The Fishbourne Neighbourhood Plan the Consultation Statement has been prepared to fulfill these legal obligations and it is clear that there has been an extensive amount of engagement with local community and statutory bodies, by the Parish Council together with the Neighbourhood Plan Steering Group and the community from the launch event on 29th June 2013. The Consultation Statement clearly sets out how and when the community consultation took place in the preparation of the Plan, identifies the main issues raised. The consultation does not expressly state how the issues and concerns were translated into the draft policies within the Plan, however the analysis and the

approach taken towards the formulation of the draft policies can be gleaned from the Appendices to the Consultation Statement and I consider this to be sufficient.

- 5.4 Following the adoption of the CLPKP on 14th July 2015, the Submission version of the Fishbourne Neighbourhood Plan was then subject to a further round of consultation in August 2015. There were nine consultation responses. With the exception of the explanatory comments made on behalf of the Parish Council by Mr Hand (Chairman), referred to at paragraph 3.37 above, there were no new matters raised.
- 5.5 The process and management of the community consultation has been generally satisfactory and comprehensive. The Consultation Statement sets out the supporting evidence, outlining the terms of reference and actions of the Steering Group, the comprehensive workshops, consultation letters and feedback forms leading to the formulation of draft policies. Taken together with the subsequent pre-submission consultation following the drafting of the initial policies, plus the supplemental public consultation undertaken in February, following SEA screening, revisions to Policy SD 1 and further consultation subsequent to the adoption of the Chichester Local Plan: Key Policies 2014-2029, in August 2015, has resulted in compliance with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations. Therefore the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

6.0 Fishbourne Neighbourhood Plan – Land Use Planning Policies

6.1 *Projects and Policies*

- 6.2 The structure of the Submission Plan is unusual. The Plan includes a conventional aspirational vision, but then sets out a series of twelve “Projects”. These are partially land-use planning related and partly socio-economic, environmental and community based in terms of their objectives. In addition the Submission Plan includes neighbourhood planning policies which the Parish has prepared. The Plan correctly recognises if the Plan is made, that only the Plan policies can have weight for development management purposes. However the Plan....***“describes priority projects that the community will seek to bring forward during the life of the Plan. These projects do not have planning weight but are included in the plan as a part of a holistic approach and as a focus for community action.”*** (Plan’s emphasis). It is clear that whilst the Plan accepts that it is only the Plan policies that would carry weight, the Plan anticipates that the various Projects will be used to “deliver the Plan”. From a town planning development management perspective, there may be some considerable difficulty in expecting that the Plan can be used in this way to influence non land use planning decisions, although I accept that the Projects may have value in setting out overall thematic ambitions and objectives that the Parish Council will seek to achieve. I remain concerned that the “Projects”, and those matters which underpin them have been

developed in some detail, but the draft policies, which may be used to influence, manage and control development in the Parish are comparatively limited in scope. Nonetheless, in accordance with my terms of reference I have examined the Plan.

- 6.3 The Plan includes twelve projects, as distinct from policies. These therefore do not fall to me to be examined in relation to assessing whether the Plan meets the Basic Conditions. Nonetheless I consider they need some comment, not least because they have been subject to consultation as part of the Plan. Paragraph 184 of the NPPF states that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:.....

set planning policies through neighbourhood plans to determine decisions on planning applications;.....”

- 6.4 The Plan helpfully distinguishes very clearly projects from policies through the use of different colour fonts and thus there should be no difficulty in being able to discriminate between matters which are projects and others which are policies. There is some risk that the “projects” might become surrogate policies in the future and used to try to influence development control decisions. This would not be appropriate. However the projects are not policies and not held out to be so by the Parish Council. Projects 9-11 inclusive relate to local matters to assist community cohesion. They are not planning related and no land use planning policies are derived from them. These projects are understandably important to the Parish and members of the Steering Group and whilst they are laudable, they should not form part of the Neighbourhood Plan.
- 6.5 I have considered the Fishbourne Neighbourhood Plan policies and set out below my comments, observations and recommendations. This assessment has been made following the identification of the five key areas outlined early in the Plan making process as follows:

Housing, Planning & Design
Local Economy & Tourism
Environment (Historic, Built and Natural)
Travel and Transport
A Sense of Community

- 6.6 Whilst I accept the Plan’s statement in the third paragraph of this section which states; *“These projects do not have planning weight but are included in the plan as a part of a holistic approach and as a focus for community action”*, I remain concerned that there is a need for changes in the text of Section 4 in order that the thrust of the Plan complies with national and local planning land use policies. I have therefore attached

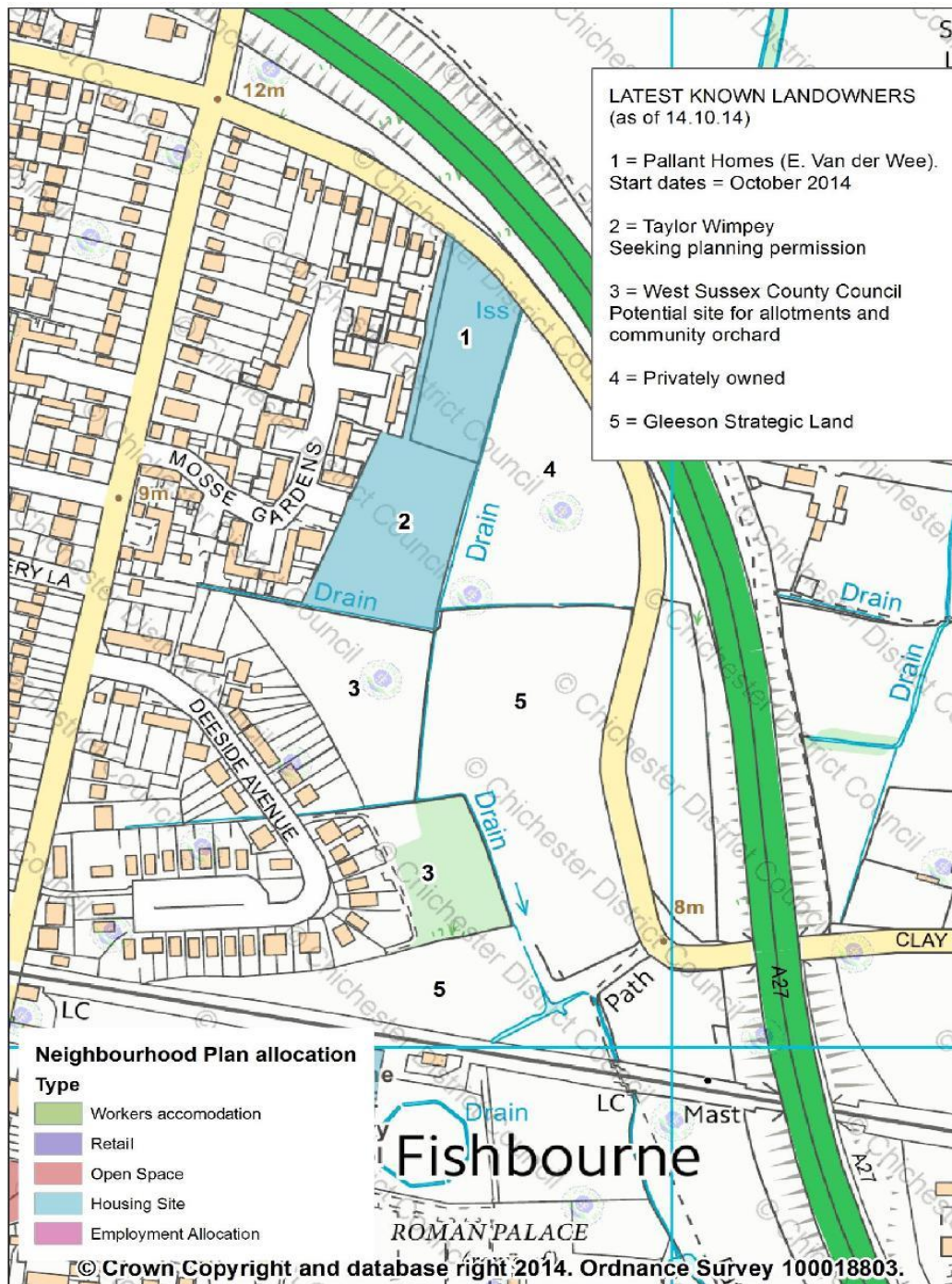
recommended alterations to, “*Section 4 Projects –Delivering the Plan*” in Appendix 2. I have provided a commentary and justification for those recommended changes in blue text. If these alterations are accepted there would need to be a re-numbering of the projects within the Plan.

6.7 I now consider the draft policies relating to the first four of the five key areas identified in paragraph 5.1 above.

6.8 **Housing, Planning and Design**

6.9 **Policy SD 1**, allocates two adjoining sites for housing development, known as land east of Follis Gardens and land to the rear of Romans Mead Estate, Mosse Gardens, Fishbourne, each for the construction of 25 dwellings. The northern site, land to the east of Follis Gardens, was the subject of a planning application made on behalf of Pallant Homes on 19 July 2013 and permitted, subject to conditions and a s106 Agreement (13/02278/OUT) on 26th February 2014. Reserved matters approval have since been granted and the development has taken place, known as “The Oaks”. The second parcel, comprising land to the rear of Romans Mead Estate, Mosse Gardens, is the subject of planning proposals by Taylor Wimpey for 24 dwellings, associated parking, landscaping and public open space together with access from Clay Lane and a pedestrian/cycle link from Mosse Gardens. I note that by way of a consultation response published on the CDC web-site on 16th September 2015, that the Parish Council supports these proposals.

6.10 The Policy SD 1 site plan as amended, is shown below:



6.11 The Plan policy relating to these sites, as revised, states:

Policy SD1: Land east of Mosse Gardens is allocated to deliver 2 x 25 dwellings of the appropriate size, tenure and mix.

Proposals for the site should:

- **Provide sufficient parking provision in line with West Sussex County Council parking standards**
- **Seek to extend the 30mph speed limit area further along Clay lane**
- **Provide appropriate street lighting and pavements**
- **Indicate how the design/layout can mitigate the “in combination” impact of development on the SPA or make a contribution to the Solent SPA Interim Planning Framework.**

- 6.12 The site plan in relation to this amended policy is provided in the amendment of Policy SD 1 (pages 17-19) of the February 2015 Submission version of the Plan.
- 6.13 Following the additional work undertaken in considering SEA in 2014 and early 2015, the examination version development site plan relating to this policy requires revision to identify the two development areas to which the policy relates. The amended policy includes a site plan (above), showing the land ownership and amended boundaries. I recommend that if the Plan should proceed further, this site plan should be substituted in the Plan for clarification, with an amended key. It would not be necessary to identify the details of ownership, simply the land parcels relating to amended policy SD 1 and its boundaries. It is recommended that the two development areas are titled “Phase 1” and “Phase 2”. The settlement boundary shown in Appendix FNP3 would require a similar adjustment to exclude the buffer land.
- 6.14 Site 3 referred to as a potential site for allotments and community orchard would be better included in the Plan as an aspiration, to include text on Page 17 of the amendment to the Plan.
- 6.15 Policy SD 1 would be improved if parts of the supporting text were included in the policy as below:
- Access being made from Clay Lane and;
 - Pedestrian access via Mosse Gardens will encourage walking by providing an easy route to the Station and to Fishbourne Pre-School and Fishbourne Primary School.
- 6.16 The parking standards appropriate in Fishbourne for new residential development are provided in West Sussex County Council’s Guidance for Car Parking in New Residential Developments, September 2010. Reference to this document would be helpful in the explanatory text to the policy.
- 6.17 Concerning the speed limit on Clay Lane, I note that within the developed envelope of Fishbourne the speed limit is clearly marked as being 30 miles per hour. The limit rises beyond the settlement boundary. It would appear that the speed limits in West Sussex villages have been an issue for local communities over recent years. The control of speed limits falls to the County Council as Highway Authority to review; speed limits are not land use planning matters. I note that in a report prepared in March 2010 the

Executive Director Communities and Director Operations Infrastructure, West Sussex County Council, advised that at the County Council meeting on 12 February, 2010, Councillors voted to:-

- promote the aim to have 30mph in all villages
- remove the requirement to link the decision to actual speeds
- give CLCs more scope and opportunities to recommend lower limits, and
- give priority to villages with an existing 40mph limit.

- 6.18 It would therefore be a matter for the County Council to make the reduction of the speed limit by way of a Traffic Regulation Order, once the settlement boundary has been varied, either by reference to the approval of the Neighbourhood Plan, if made, or possibly once the new Local Plan has been adopted, if this is the case. It would not be a matter that the District Council would be able to deliver on the grant of planning permission, but it would be reasonable for the Neighbourhood Plan to incorporate a 30 mph speed limit on Clay Lane in the vicinity of the access to the new development as this would be consistent with the County Council's resolution on 12th February 2010, but it would be for the County Council to promote and make the necessary Traffic Regulation Order.
- 6.19 Recent guidance is provided by the County Council in "*Lighting of Developer Promoted Highway Schemes in West Sussex*", revised March 2015. The normal arrangement as I understand matters would be for the developer to seek approval of these matters from the Highway Authority under a s278 and or a s38 Agreement under the Highways Act. An explanatory justification for the policy in the Plan might explain that prior to detailed approval, an Estate Street Phasing and Completion Plan shall set out the development phases and the design standards to which the estate streets serving each phase of the development will be completed, to ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; and to safeguard the visual amenities of the locality and users of the highway.
- 6.20 In order to mitigate the "in combination" impact of development on the SPA, the policy should be revised to provide acceptable mitigation measures and financial contributions to deliver those measures, in accordance with the District Council Solent SPA Interim Planning Framework. I believe that the relevant document referred to is the "*Interim Policy Statement on Development and Disturbance of Birds in Special Protection Areas and identified Compensatory Habitats Effective April 2014*"¹ and should be correctly referenced to avoid ambiguity, (please see footnote below).
- 6.21 As pointed out by Chichester District Council in its Regulation 16 Summary of Representations, Policy SD 2 currently includes part of what I understand should form part of Policy SD 1 as follows:

¹ Interim Policy Statement on Development and Disturbance of Birds in Special Protection Areas and identified Compensatory Habitats Effective April 2014, prepared and published by Chichester District Council. <http://www.chichester.gov.uk/CHHttpHandler.ashx?id=21446>

“Southern Water’s infrastructure crosses the proposed site at Mosse Gardens. Therefore, the development should be designed to: (i) avoid building over it so that it can continue to function effectively and (ii) provide access for maintenance purposes.”

- 6.22 Concerning this additional policy element, this appears to be more of an informative than a policy matter and I would anticipate the infrastructure would be protected by an easement, rather than requiring protection by way of planning policy. I therefore recommend that this text be incorporated in the justification for the policy within the Plan, rather than in Policy SD 1.
- 6.23 Southern Water raised objection to Policy SD 1 on the grounds that it had carried out an assessment of the existing capacity of its infrastructure and its ability to meet the forecast demand for this development. That assessment is said to have revealed that additional local sewerage infrastructure would be required to accommodate the development involving the development making a connection to the local sewerage network at the nearest point of adequate capacity. I note that planning permission has been permitted in relation to the site south of Clay Lane without a new connection and that in relation to the southern allocated site, a detailed flood risk assessment has been submitted in connection with a proposal for 24 dwellings and that the conclusions reached established that the proposed site is not at present or future (for lifetime of the development) at risk of flooding from all six sources including tidal, fluvial (rivers, streams and watercourses), pluvial (overland rainfall runoff), groundwater, artificial sources (canals and reservoirs) and existing / proposed sewerage and water mains infrastructure. I understand that the proposals may include a SUDS scheme, but the planning application is yet to be determined. This approach would comply with CLPKP Policy 42 on Flood Risk.
- 6.24 Reference to the second part of the site and the generic and specific development constraints being met, is somewhat loose and I recommend that the policy be revised as set out below:

POLICY SD 1: Land to the south of Clay Lane ~~east of Mosse Gardens~~ is allocated to deliver 2 x 25 dwellings of an appropriate size, tenure and mix to be determined in accordance with the requirements of the development plan.

Proposals for the site should:

- Provide access from Clay Lane;
- Provide pedestrian access via Mosse Gardens to encourage walking to the Station and to Fishbourne Pre-School and Fishbourne Primary School.
- Provide sufficient parking provision in line with West Sussex County Council parking standards
- Seek to extend the 30mph speed limit area further along Clay lane
- Provide appropriate street lighting and pavements

- Provide pedestrian access via Mosse Gardens to the Station, Fishbourne Pre-School and Fishbourne Primary School.
- ~~Demonstrate by means of design and layout the mitigation of~~ ~~Indicate how the design/layout can mitigate the likely~~ “in combination” impact of development on the ~~Chichester and Langstone Harbours SPA and or~~ making an appropriate contribution to the ~~Interim Solent Recreation Mitigation Strategy or subsequent iteration.~~

6.25 **POLICY SD 2: Land at the Roman Palace**

6.26 Policy SD 2 provides for an allocation of land for the development of up to 15 dwellings on land at the Roman Palace, subject to maintaining and enhancing the footway / cycleway between Fishbourne and Chichester and enhancing the setting and character of the former Roman Palace. This Policy taken together with Policy SD 1, allocates up to 65 dwellings in the Plan period. It therefore exceeds the housing land supply for the Parish, identified in Policy 5 of the Local Plan. This would also be consistent with the expectations concerning deliverability contained within strategic Policy 6 of the Local Plan concerning Neighbourhood Plans.

6.27 In the Submission version of the Plan, the policy text states:

POLICY SD 2: Land at the Roman Palace

Land at the Roman Palace is allocated to deliver up to 15 dwellings of the appropriate size, tenure and mix. Proposals for the site should;

- Ensure the existing Emperor Way cycle/pedestrian link is enhanced and maintained to encourage connectivity between Fishbourne and Chichester City.
- Reflect and enhance the setting and character of the internationally renowned archaeological site of Fishbourne Roman Palace.

Southern Water’s infrastructure crosses the proposed site at Mosse Gardens. Therefore, the development should be designed to: (i) avoid building over it so that it can continue to function effectively and (ii) provide access for maintenance purposes

6.28 As set out in my comments on Policy SD 1 above, the last two sentences in this policy should be deleted and provided as an informative within the textual justification for Policy SD 1.

6.29 I note that English Heritage (now Heritage England) has supported SD 2, but recommended archaeological investigation should take place in advance of development proposals being formulated so that the findings of that investigation can inform the proposals. English Heritage has further suggested that a copy of the findings and an

explanation of how they have informed the development proposals should be submitted with any planning application. This would be desirable in satisfying CLPKP Policy 47. English Heritage also recommended a minor alteration to the policy text to read, “.....reflect and enhance the setting, character and significance of the internationally renowned archaeological site of Fishbourne Roman Palace.” These comments are helpful and I note have been included in the Submission version of the Plan and would assist in ensuring that development complies with CLPKP Policy 47 concerning heritage protection.

- 6.30 Objection to Policy SD 2 has been raised by Southern Water, similar to their objection to that proffered for Policy SD 1. It would appear that Policy SD 2 is in general accordance with the strategic policies in the CLPKP which has recently been adopted and that development on Land at the Roman Palace envisaged under this policy would not be inconsistent with Policy 9 of the CLPKP, being the strategic local plan policy regarding development and infrastructure. Policy 42 (Flood Risk mitigation) provides a clear framework for assessing measures that may need to be taken on a district wide basis to assess flood risk. This may mean that a new connection is required to the closest point of adequate capacity for development proposals adjacent to the Roman Palace as indicated by Southern Water, although equally there may be other appropriate solutions. It would seem to me that taken together with Policy 42 of the CLPKP, the policy provisions of Policy SD 2 should prove acceptable for development management purposes in formulating an appropriate solution.
- 6.31 In relation to the Habitats Regulation Assessment (HRA), the Parish Council has acknowledged that there could be a significant “in combination” impact of development on the SPA and has included a requirement that planning applications for development under Policy SD 1 should illustrate how they would mitigate this impact and/or make a contribution to the Interim Solent Recreation Mitigation Strategy or subsequent iteration. This has not been carried through to Policy SD 2. This appears to be inconsistent and possibly an oversight and I believe this provision should form part of Policy SD 2.
- 6.32 I therefore recommend that Policy SD 2 be amended as follows:

POLICY SD 2: Land at the Roman Palace

Land at the Roman Palace is allocated to deliver up to 15 dwellings of the appropriate size, tenure and mix. Proposals for the site should:

- Ensure the existing Emperor Way cycle/pedestrian link is enhanced and maintained to encourage connectivity between Fishbourne and Chichester City.
- ~~Reflect and enhance the setting and character~~ Reflect and enhance the setting, character and significance of the internationally renowned archaeological site of Fishbourne Roman Palace

- Demonstrate by means of design and layout the mitigation of the likely “in combination” impact of development on the Chichester and Langstone Harbours SPA and make an appropriate contribution to the Interim Solent Recreation Mitigation Strategy, or subsequent iteration.

~~Southern Water’s infrastructure crosses the proposed site at Mosse Gardens. Therefore, the development should be designed to: (i) avoid building over it so that it can continue to function effectively and (ii) provide access for maintenance purposes~~

6.33 **POLICY SD 3: GENERIC DEVELOPMENT CONSTRAINTS**

- 6.34 I note that this policy is not referred to in the Basic Conditions Statement. This draft policy mainly comprises a series of statements which may have relevance for certain development proposals within the Parish, rather than constituting a land use planning policy. The policy title may also be misleading; rather than “Generic” development constraints, it may be preferable for these to be described as simply Development Constraints, since many will be appropriate for particular developments but others will not. Their applicability will be dependent upon factors such as location, proposed land use and scale of activity; a number of these constraints will be the antonym of, “generic” as they will be specific. Fishbourne Parish Council in its representations has clarified that the policy is intended to provide “*guidance for would-be developers of problems they would need to resolve in order to put forward plans for sustainable development*”. In order to provide that guidance, as is intended, a rewording of the draft policy would be necessary. I have prepared a revision to the draft policy that, if acceptable to the Steering Group should achieve that objective.
- 6.35 In making the recommended alteration to this policy, it would be helpful if a plan could be prepared identifying by coloured overlays the extent of the areas identified in constraints 1-6 inclusive.
- 6.36 As explained earlier in this examination report, in late 2014 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. On 17th December 2014, Mr Andrew Frost, Head of Planning Services confirmed to Mr Geoff Hand, Chairman, Fishbourne Parish Council, that under Regulation 9 and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, it was 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 opinion was reached following consultation on the contents of the Plan with the relevant statutory agencies in accordance with Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004. I understand that this determination was made since there were no adverse comments

from the statutory bodies and for the reasons set out in the criteria assessed screening report which had been prepared at that time.

- 6.37 However, in relation to the Habitats Regulation Assessment (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 planning applications for development under Policy SD 1 should illustrate how they would mitigate this impact and/or make a contribution to the Interim Solent Recreation Mitigation Strategy, or subsequent iteration.
- 6.38 Regarding point 7 of the Submission version of Policy SD 3, this is an informative rather than policy. This was I believe derived from the “Position Statement on Wastewater and Delivering Development in the Local Plan”, January 2014 prepared by Chichester District Council. This was updated in July 2014 in “Position Statement on Wastewater and Delivering Development in the Local Plan (Apuldram Wastewater Treatment Works)”. In the updated position statement, the allocation of Parish numbers from the CLP had been included in assessing the headroom for Apuldram. Paragraph 8 of the updated position statement advised that at that time there was an estimated headroom for 159 dwellings to connect to Apuldram WwTW, over and above the allocation in the CLP. The report indicated that with an average windfall delivery rate of approximately 100 dwellings per year in Chichester City, allowing development on green-field sites would erode the remaining headroom and prevent development from occurring on brownfield sites within existing settlements. The report recommended refusal of planning permission on green-field sites, in favour of retaining the existing headroom for brownfield development, if proposals intended to utilise the treatment facilities at Apuldram. In fact the housing development assessed in the Parish of Fishbourne in the updated report was 58 dwellings. This excluded the Neighbourhood Plan allocation of a further 15 dwellings adjacent to the Roman Palace. The advice to the District Council from the Environment Agency, dated 16th September 2013 appended to both position statements was that liaison with Southern Water should take place over monitoring permissions granted in excess of the headroom figure of 159 dwellings. The consequence of exceeding the headroom amount, would be a significant increase in the nitrogen loads and weed growth in the Harbour.
- 6.39 In the light of the explanation of the problem outlined above, if my recommended policy alteration is accepted, it would be helpful if a brief statement could be included in the text justifying the policy (as amended), to say that in the light of limited residual capacity of the Apuldram Wastewater Treatment Works, developers are advised to discuss capacity for development proposals with Southern Water and the District Council prior to making planning applications which would involve use of the Apuldram WwTW.
- 6.40 As to the requirement in point 8 of the Submission version of this policy to provide a connection to the sewer system at the nearest point of adequate capacity in the local sewerage system, “as advised by Southern Water and in accordance with NPPF (para

157)”. I believe paragraph 157 has been considered out of context. This paragraph refers to the preparation of Local, rather than development plans. I note that the recently adopted CLPKP does not include such a provision. Indeed Policy 12 is permissive concerning water resources in the Apuldrum wastewater treatment catchment, *“Planning permission will be granted for development where the provision of water infrastructure is not considered detrimental to the water environment, including existing abstractions, river flows, water quality, fisheries, amenity and nature conservation.”*

- 6.41 Point 9 of this policy in the Submission version of the Plan requires that development proposals will need to demonstrate the inclusion of sustainable drainage systems. Policy 42 of the CLPKP more accurately reflects paragraph 103 of the NPPF by requiring all development to ensure that, as a minimum, there is no net increase in surface water run-off. The policy states that priority should be given to incorporating Sustainable Drainage Systems (SuDS) to manage surface water drainage, unless it is proven that SuDS are not appropriate. Where SuDS are provided, Policy 42 of the CLPKP requires that arrangements must be put in place for their whole life management and maintenance.

- 6.42 Within Fishbourne, there may be instances within the parish which cover a range of geology and soils in addition to three flood risk zones where SuDs are not necessary. To that extent the policy formulation in the CLPKP Policy 42 is to be preferred and does not require repetition in the Plan.

- 6.43 Concerning the requirement in point 10 of the Submission version Policy SD 3 that No surface water from new development shall be discharged to the public foul or combined sewer systems, this provision is already included in CLPKP Policy 12 (3) and therefore the Plan version should be deleted.

- 6.44 Finally regarding this policy in point 11 covering the timely delivery of infrastructure, this is in accordance with paragraph 177 of the NPPF, as stated in the Plan. To put this in context, it should be appreciated that the derivation of this element of national policy is derived from the plan making chapter and proportionate evidence base section of the NPPF. With this in mind, the NPPF policy refers to “planned infrastructure”, which in this context would be infrastructure required as a consequence of development envisaged within the plan. In relation to the Fishbourne Neighbourhood Plan, the infrastructure improvements anticipated relate principally to development arising from residential development under Plan policies SD 1 and SD 2. Policy 9 of the CLPKP sets out a framework for the provision and delivery of strategic infrastructure within the district council’s administrative area, including Fishbourne. This policy states that the Council will work with partners, neighbouring councils, infrastructure providers and stakeholders to ensure that new physical, economic, social, environmental and green infrastructure is provided to support the development identified in the Local Plan. If the Plan is made, the Parish Council will in the future be entitled to 25% of CIL monies raised within the Plan area and there needs to be a wider consideration as to how these receipts should be applied to infrastructure needs within the Parish. I recommend a small amendment to point 11 below to allow for a widening of the definition of infrastructure over the life of

the Plan, which may be desirable in order to meet the wider needs of the community, which may be funded through CIL receipts.

6.45 The recommended policy amendments to Policy SD 3 are as follows:

POLICY SD 3: GENERIC DEVELOPMENT CONSTRAINTS for new building in Fishbourne. are as follows:

Development proposals within the parish should have regard to the following constraints:

- 1) Impact of Development and Recreational Disturbance (particularly at the head of the Fishbourne Channel), Chichester and Langstone Harbours SPA and Ramsar Site immediately to the north - west of the village.
- 2) Fishbourne Meadows, a SNCI, adjoins the village to the south - east.
- 3) Areas of flood risk which extend from Chichester Harbour and follow the River Lavant to the south of the village (Flood zones 2 and 3).
- 4) The southern part of the village, south of the A259 which is within the Chichester Harbour AONB.
- 5) The Conservation Area which covers the southern part of the village.
- 6) Fishbourne Roman Site Scheduled Ancient Monument and associated Historic Park and Garden extends to the south and east.
- 7) The limited capacity available at the Apuldrum Waste Water Treatment Site. There will be a limited amount of headroom at the Apuldrum Waste Water Treatment Site, from April 2014, as the result of the installation of UV treatment on the storm overflow to mitigate the impact of discharges on the Harbour. (The 50 homes allocated in the Neighbourhood Plan have been identified by the District Council in their Wastewater Position Statement as development expected to connect to Apuldrum WwTW once the UV treatment is in place.)
- 8) All developments are required to provide a connection to the sewer system at the nearest point of adequate capacity in the local sewerage system, as advised by Southern Water and in accordance with NPPF (para 157).
- 9) Development proposals will need to show that they include sustainable drainage systems.
- 10) No surface water from new development shall be discharged to the public foul or combined sewer systems.

- 11) ~~To comply with NPPF (para 177) which states that it is important “to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion”.~~ New and improved utility physical and social infrastructure will be encouraged and permitted in order to meet the identified needs of the community.
- 12) ~~A Conservation Area covers the southern part of the village.~~
- 13) ~~Fishbourne Roman Site Scheduled Ancient Monument and associated Historic Park and Garden extends to the south and east.~~

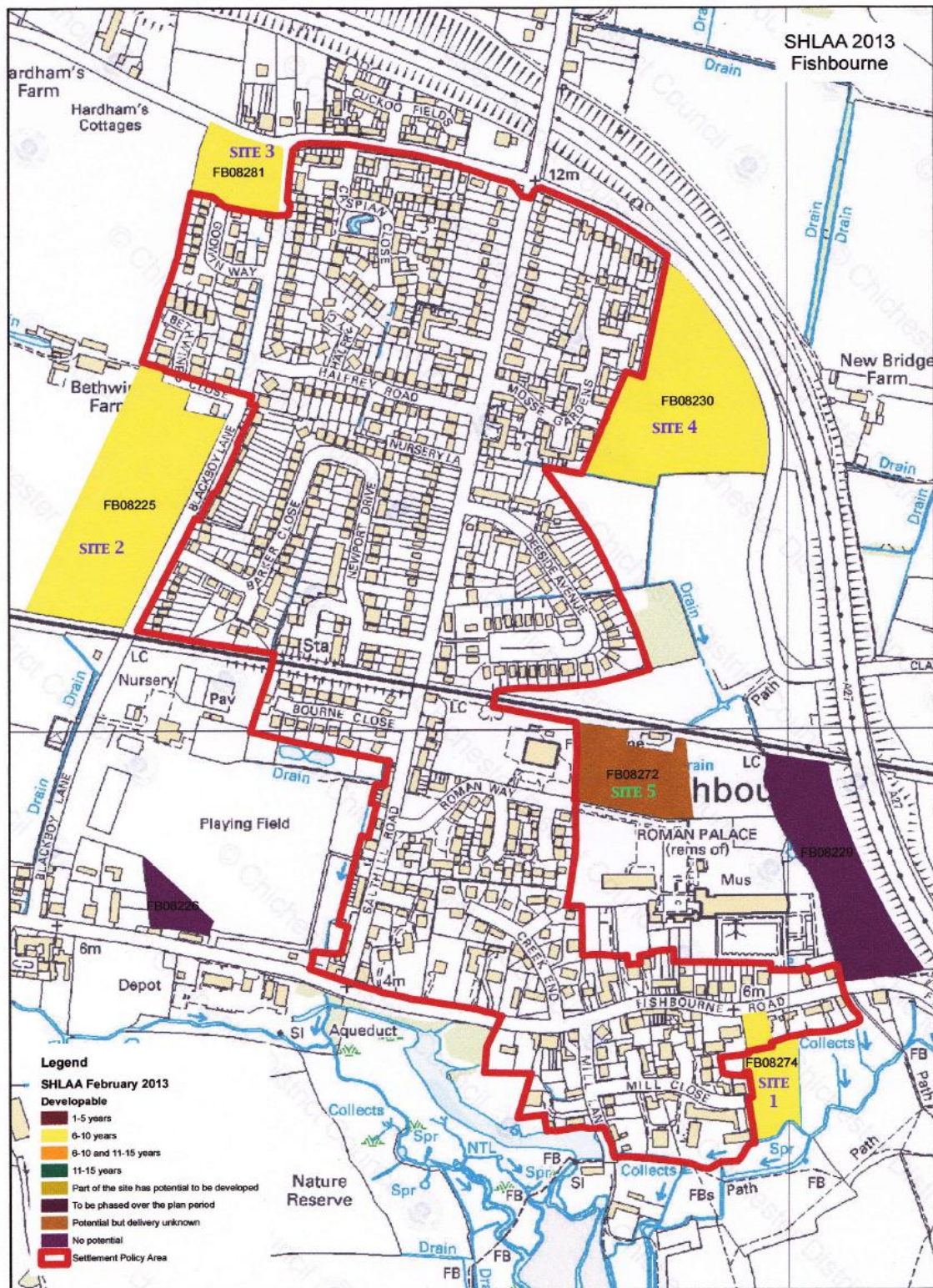
6.46 Concerning the issues raised by Iceni Projects in connection with site allocations, the recently adopted CLPKP confirms the allocations in Plan Policy SD 1. The allocation of these sites will meet the housing contribution anticipated by the CLPKP over the life of the Plan. Iceni complains that extending the Settlement Policy Boundary to incorporate site allocations is not supported by an evidence base to justify why these sites are sustainable in the context of the three dimensions of sustainable development within Fishbourne. I understand that in preparing the Plan the Steering Group considered various potential housing sites for inclusion. These were evaluated in autumn 2013 following the village survey and were derived mainly it would appear from the SHLAA 2013. The sites selected were contiguous with the existing settlement boundary and avoided significant incursions into strategic gaps. The sites under consideration at that time were thought to be deliverable within the first five years of the Plan subject to meeting development constraints. They are shown on the draft Plan for Community Consultation, November 2013, at page 13 as outlined on the plan on the following page.

6.47 The sites comprised:

- Site 1 (FB 08274): land to rear of 69 Fishbourne Road West; (0.70 ha), potential dwellings: 22
- Site 2 (FB 08225): land to the west of Blackboy Lane; (1.25 ha), potential dwellings: 36
- Site 3 (FB 08281): land north of Godwin Way (0.80 ha), potential dwellings: 26
- Site 4 (FB 08230): land east of Mosse Gardens; (3.00 ha), potential dwellings: 96
- Site 5 (FB 08272:) there is the possibility of land being available at the Roman Palace, (1.10 ha).

6.48 From the assessment of the sites detailed in the draft Consultation Statement, it is clear that a rational assessment of the various sites has been made having regard to proximity to the existing settlement boundary and potential harm to the strategic gaps, potential

harm to Grade 2 agricultural land to the west of the settlement and harm to a Scheduled Ancient Monument (Fishbourne Roman Palace).



6.49 As to design matters, the Plan includes Policy D 1 as follows:

6.50 **POLICY D 1:** In Fishbourne, “good design” means:

- responding to local character and history, and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- using good quality materials that complement the existing palette of materials used within Fishbourne;
- needing to prevent coalescence between Fishbourne and Bosham by establishing a strong sense of place where the individual identity of Fishbourne, whether actual or perceived, is maintained;
- establishing a strong sense of place where the individual identity of Fishbourne, whether actual or perceived, is maintained and development of poorer agricultural land has been fully considered;
- adopting the principles of sustainable drainage;
- creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- optimising the potential of the site to improve the quality and character of the site; being visually attractive through good architecture and appropriate landscaping;
- being innovative in the achievement of low carbon emissions;
- making provision for adequate external amenity space including refuse and recycling storage and car and bicycle parking to ensure a well-managed and high quality streetscape;
- restricting houses to 2 storeys where possible;
- avoiding apparent excessive bulk of houses by careful design of roof elevations.

6.51 English Heritage welcomed and supported Policy D 1, particularly the local definition of good design that in Fishbourne, “good design” means “responding to local character and history, and reflecting the identity of local surroundings and materials, “using good quality materials that complement the existing palette of materials used within Fishbourne” and “establishing a strong sense of place”.

6.52 In addition, the policy accords with the NPPF core planning principles and paragraph 60, which instructs that planning policies and decisions should not attempt to impose architectural styles or particular tastes but that it is proper to seek to promote or reinforce

local distinctiveness. The characterisation work proposed under PROJECT 4 will underpin this Policy by identifying local character and materials. The policy also conforms with the CLPKP's comment at paragraph 10.11 that:

“Good design is crucial to achieving attractive and durable places to live. It is also an important element in achieving sustainable development including use of locally sourced materials and traditional construction skills and techniques.”

6.53 There were no objections raised in relation to this policy and I consider it to be acceptable for development control purposes.

6.54 The Plan includes an employment policy, Policy E 1 which is related to small businesses as follows:

POLICY E 1:

Proposals that support the development of small scale businesses that meet the needs of the community will be permitted provided that they would:

- Not involve the loss of dwellings
- Not increase noise levels to an extent that they would unacceptably disturb occupants of nearby residential property
- Not generate unacceptable levels of traffic movement or pollution
- Contribute to the character and vitality of the local area
- Be well integrated into and complement existing businesses, such as the small industrial estate at Polthooks Farm or sites which already have some commercial activity but where there is potential for small development (such as Bosham Clinic, Hillier's Garden Centre and Fishbourne Roman Palace). This is compliant with CLT 16.6.

6.55 This policy is supported by the NPPF in terms of the core planning principle to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. At paragraph 16 dealing with the application of the presumption in favour of sustainable development, it will mean that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. At paragraph 28, the NPPF further encourages neighbourhood plans to promote a prosperous rural economy through sustainable growth and expansion of all types of business and enterprise. The policy is also aligned with CLPKP Policy 3 which acknowledges that small-scale employment development or live/work units, including

extensions to existing sites in rural areas, may be identified in neighbourhood where commercial demand exists.

- 6.56 As helpfully pointed out by the Chichester Harbour Conservancy, there appears to be a typographic error in the last sentence of the policy. In any event now that the CLPKP has been adopted this sentence should be removed. If this recommendation is accepted, the policy would then read,

POLICY E 1:

Proposals that support the development of small scale businesses that meet the needs of the community will be permitted provided that they would:

- Not involve the loss of dwellings
- Not increase noise levels to an extent that they would unacceptably disturb occupants of nearby residential property
- Not generate unacceptable levels of traffic movement or pollution
- Contribute to the character and vitality of the local area
- Be well integrated into and complement existing businesses, such as the small industrial estate at Polthooks Farm or sites which already have some commercial activity but where there is potential for small development (such as Bosham Clinic, Hillier's Garden Centre and Fishbourne Roman Palace). ~~This is compliant with CLT 16.6.~~

6.57 POLICY E 2

Seeking to protect the best and most versatile agricultural land for food production, the Plan includes an environmental policy, Policy E 2. This accords with the policy protection and intention of paragraph 112 of the NPPF endeavours that in considering development proposals, the use of poorer quality land for development should be preferred to that of a higher quality. The CLPKP similarly acknowledges at paragraph 16.2 that the district has a good growing climate and both the agricultural and horticultural industries are important. In the light of a growing population, domestic food production is of strategic national importance and is likely to remain so over the life of the Plan. I note that Iceni Projects have objected to Policy E2, but having regard to the NPPF guidance and the recently adopted CLPKP which confirms at paragraph 16.3 that it is important to protect the best and most versatile agricultural land and to minimise its loss to development in order to safeguard this resource, the Iceni Projects comments in this matter carry no weight regarding the Fishbourne Neighbourhood Plan. The CLPKP acknowledges that while the protection of the best and most versatile is a priority there may sometimes be occasions when its loss may be necessary as there may be instances where there are no suitable, sustainable alternatives to development. I am satisfied that this is not

currently the case in Fishbourne where sufficient land has been allocated for housing development within the Plan period. The CLPKP also accepts that in the future, there is likely to be a need for increasing self-sufficiency, taking advantage of the UK climate to produce more food for home and export markets. Plan Policy E 2 also accords with CLPKP Policies 45 and 46 and I find Policy E 2 acceptable as a neighbourhood plan policy.

6.58 Policy ENV 1: Protection of Green Spaces

6.59 The Submission version is:

Policy ENV 1: Protection of Green Spaces

We define “Green Spaces” as “undeveloped spaces which are capable of delivering aesthetic, environmental and quality-of-life benefits for the local community”. This would not include agricultural land which would be protected under separate policies.

Development that results in the loss of Green Spaces or in significant harm to their character, appearance or general quality or amenity value will be permitted **ONLY** if the Community gain equivalent benefit from the provision of suitable replacement green space.

Existing open spaces, sports and recreational facilities should not be built on unless the resultant loss would be replaced by equivalent or better provision in terms of quantity and quality. This policy allocates specific open spaces in the village as “local green spaces” in line with the NPPF which are to be protected from development. These are shown on the Local Green Spaces map.

“Local Green Spaces” to be protected from development are:

- Fishbourne Playing Field and the Fishbourne Centre
- Fishbourne Meadows
- The entrance to Creek End
- Landscaped entrance to Roman Way

6.60 Policy ENV 1 is concerned with the protection of Green Spaces within the parish and are defined as “*Green Spaces*” as “*undeveloped spaces which are capable of delivering aesthetic, environmental and quality-of-life benefits for the local community*”. They exclude land in agricultural use. In addition and it would appear separately, the Plan allocates certain green spaces as “Local Green Spaces”, within the meaning defined in the NPPF at paragraph 77 as follows:

“77. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.”

6.61 It appears from the Consultation Statement, Appendix CS10, that the suggestion to include “Local Green Spaces” within Policy ENV 1 emanated from a response from Chichester District Council which was taken up by the Steering Group. Unfortunately, there is no evidence to demonstrate that the sites selected for this designation are particularly special. The only specific support for ENV 1 as identified in the Regulation 16 Summary of Representations is the support from English Heritage which welcomed and supported Policy ENV 1 for the protection it affords to Fishbourne Meadows. English Heritage also commented that the Fishbourne Conservation Area Character Appraisal recommended that Fishbourne Meadows should be included within a revised Conservation Area boundary. Notably in the questionnaire survey there were no questions related to environmental matters that would fit even loosely within a local green space category.

6.62 It is clear from the NPPF, paragraph 77, that generally a local green space designation will not be appropriate for most green areas or open space. The Plan identifies four local green spaces. Each of these would need to meet the three NPPF criteria in paragraph 77 cited above. Each of the proposed local green spaces meets the proximity and size criteria, as Fishbourne is a relatively compact settlement and each local green space is small in scale and would be within a few minutes’ walk of the communities that would be served.

6.63 The second criterion, whether each local green space is, “*demonstrably special to a local community and holds a particular local significance*” requires careful consideration and assessment to determine. Paragraph 78 of the NPPF states that local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. In assessing whether the green areas proposed as Local Green Space are demonstrably special to a local community and hold a particular local significance, it is important to be able to assess those qualities of local significance and the characteristics that demonstrate that the land is special to the local community. As far as I can see from the Plan and the associated statements provided in connection with this examination, I am not aware of any evidence that would indicate that the four sites selected for Local Green Space designation are “*demonstrably special*”. Fishbourne Meadows could be protected by inclusion within a conservation area as suggested by English Heritage.

- 6.64 Representations made by Southern Water raised concerns that in the event that a Local Green Space designation was made covering certain green areas within Fishbourne this would mean that the utility company would need to be able to demonstrate that very special circumstances exist to carry out engineering operations and to install engineering equipment on such land, which might be necessary as part of flood prevention or mitigation works. Southern Water has recognised that in Arundel, for example, engineering operations of this type could be regarded as arising out of very special circumstances. I anticipate a similar approach would be taken in Fishbourne in the event that similar interventions were necessary in relation to Local Green Spaces, if such a designation was made.
- 6.65 Whilst I appreciate this may come as a disappointment, I do not consider that a case has been made to demonstrate the special qualities of the proposed local green spaces. Adequate protection would appear to be available to protect Fishbourne Meadows through their inclusion within a conservation area, as already mooted.
- 6.66 However, in relation to the CLPKP, I consider that the Parish Council's proposed "Green Spaces" definition is in broad accord with Policy 52 of the Local Plan, concerning the protection and enhancement of Green Infrastructure. Policy 52 also provides for substitution of Green Spaces by way of compensatory provision. Accordingly, I consider it would be appropriate to amend Policy ENV 1 to fit more closely with CLPKP Policy 52, whilst providing protection to the identified Green Spaces of particular interest within the Parish as follows:

6.67 **Policy ENV 1: Protection of Green Spaces**

Within the Fishbourne Neighbourhood Plan, the following Green Spaces have been identified and are shown on the Green Spaces map:

- Fishbourne Playing Field and the Fishbourne Centre
- Fishbourne Meadows
- The entrance to Creek End
- Landscaped entrance to Roman Way

Development that results in the loss of Green Spaces or significant harm to their character, appearance or general quality, or amenity value, will not be permitted unless compensatory provision of equivalent benefit from the provision of suitable replacement Green Space shall be provided. For the purpose of this policy, "Green Spaces" are defined as "undeveloped spaces which are capable of delivering aesthetic, environmental and quality-of-life benefits for the local community".

6.68 **Policy ENV 2: Trees and Hedgerows**

Policy ENV 2: Development which damages or results in the loss of ancient trees or trees with good arboricultural value which bring amenity value to the surrounding area will not normally be permitted.

- 6.69 This policy is in broad accord with the advice in paragraph 118 of the NPPF that seeks to conserve and enhance biodiversity by applying various principles. In relation to trees this includes refusing planning permission for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. Concerning the CLPKP, Policy 52 covering the enhancement and protection of Green Infrastructure. In the context of masterplanning the CLPKP notes at Appendix 1, A9 that where strategic sites contain existing hedgerows and mature trees, the expectation is that layout of the site is masterplanned around these existing features in order to help screen development from long distance views and assist with maximising opportunities for biodiversity benefits. Policy ENV 2 is similarly in accordance with the advice concerning trees and hedgerows and would assist in maintaining and enhancing biodiversity and local distinctiveness and would thus contribute towards delivering sustainable development within Fishbourne. The policy is therefore acceptable as part of the Plan.

6.70 **POLICY ENV 3: Flooding**

Policy ENV 3: The FNP will be informed by an appropriate assessment of flood risk and will ensure development is steered to areas of lower flood risk where possible, and that the impact of flood risk and climate change will be managed so that there is no overall increase.

- 6.71 The thrust of Policy ENV 3 conforms to the planning advice contained within section 10 of the NPPF, considering the challenge of climate change, flooding and coastal change. In particular, the policy accords with paragraph 100 of the national guidance. It also complies with CLPKP Policy 42, seeking to mitigate and alleviate flood risk within the district. I note that the Parish Council is working with Operation Watershed and The Fishbourne & Parklands Flood Prevention Group to ensure that preventative measures are in place to prevent serious flooding except in exceptional circumstances. The Plan states that in conjunction with Operation Watershed, the parish intends to prepare a Fishbourne Flood Prevention Policy including strategies for ensuring streams and ditches are monitored and cleared when necessary and that culverts are working to their capacity. The Plan states that this Policy will also include, advice from the Environment Agency and the lead local flood authority which will advise where increased flood risk might be expected in relation to existing development. For development management purposes, the utility of the policy would be improved were it to relate directly to

development proposals within the parish. Accordingly I recommend that the policy be amended as follows:

Policy ENV 3: Development proposals should include an appropriate assessment of flood risk to ensure that development occurs in areas of lower flood risk where possible. Where necessary, development proposals should include appropriate flood risk mitigation measures to demonstrate that the impact of the proposals will not result in increased flood risk.

6.72 Policy ENV 4: Biodiversity

Policy ENV 4: Development proposals which would result in a loss of biodiversity will not normally be permitted unless they can demonstrate that appropriate mitigation can be provided.

6.73 Policy ENV 4 reflects the NPPF's national guidance at paragraph 109 seeking to conserve and enhance the natural environment. It is similarly consistent with the advice in paragraph 118 in determining planning applications where biodiversity effects arise. Policy 42 of the CLPKP provides a clear criteria based policy to assist the evaluation of development proposals to the extent that they may be regarded as would contribute to achieving sustainable development. The Plan policy echoes the objective in Policy CLPKP 42 and is acceptable.

6.74 Policy H1: Heritage Protection

6.75 Policy H 1: The significance of designated heritage assets, including nationally protected listed buildings and their settings, archaeological sites and conservation areas and their settings, as well as undesignated heritage assets (including locally listed buildings), will be recognised and given the requisite level of protection.

Development proposals which conserve and enhance a heritage asset will be supported where this is clearly and convincingly demonstrated by way of an assessment of the significance of the asset or its setting.

The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported, particularly where they are being identified as being at risk.

6.76 This Plan policy reflects the tenth core planning principle underpinning the planning system, set out in the NPPF, to "... conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". The policy is also consistent with section 12 of the NPPF providing guidance on conserving and enhancing the historic environment. The policy

also conforms to criteria 1 and 2 of CLPKP Policy 47, covering heritage protection matters. It is acceptable for development management purposes.

6.77 **POLICY T 1: Sustainable Transport**

6.78 The Plan contains two transport policies, the first relating to sustainable transport, the second traffic speeds and volumes. Policy T 1 states:

POLICY T 1: Sustainable Transport

Development proposals will be supported only if they show how they will contribute to a policy of sustainable travel in the village. Developments impacting negatively on cycleways and footpaths in the village will not be acceptable.

6.79 Again, the direction of this Plan policy is supported by the NPPF. In particular the policy sits well with the guidance at paragraph 35 of the NPPF, which encourages plans to protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people, through amongst other measures, give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; the creation of safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones; and considering the needs of people with disabilities by all modes of transport. In relation to the CLPKP, the policy is generally in accord with Policy 39, a criteria based policy covering matters of transport, accessibility and parking throughout the district.

6.80 In its consultation response to this policy West Sussex County Council (WSCC) has suggested a more positive wording to Policy T 1 as follows: "Development proposals will be supported where they contribute to sustainable travel behaviour in the village through enhancements to cycleways and footpaths". WSCC also suggested that specific cycleways are identified in this policy. Over the life of the Plan it is conceivable that more cycleways may be introduced within the designated Plan area, so it is probably not necessary to introduce a cycle network plan within the Neighbourhood Plan at present. However this might be of benefit to the Parish in seeking sustainable infrastructure measures that might form the basis of a schedule of local investment which the Parish may wish to deliver following the introduction of CIL.

6.81 I recommend that WSCC's suggested amendment to Policy T 1 should be incorporated as follows:

POLICY T 1: Sustainable Transport

Development proposals will be supported only if they show how they will contribute to a policy of sustainable travel in the village. ~~Developments impacting negatively on~~

~~cycleways and footpaths in the village will not be acceptable.~~ Development proposals will be supported where they contribute to sustainable travel behaviour in the village through enhancements to cycleways and footpaths”

- 6.82 As to Policy T 2, traffic and related safety matters are clearly issues of local concern as evidenced in the Parish questionnaire survey. Controlling traffic speeds is a matter for the County Council by way of traffic regulation orders. There is no policy guidance in the NPPF nor the CLPKP regarding controlling traffic speeds. The policy however is more generally related to traffic impact of development proposals and I consider it should be redrafted accordingly to comply with the NPPF and CLPKP.
- 6.83 Policy T 2 as drafted in the Submission version of the Plan as follows:
- 6.84 **POLICY T 2: Traffic Speeding and Volume**
Development proposals will be considered acceptable only if the development is situated in an area which has minimal direct impact on the traffic flow in Areas 1 and 2 (see Project 8b and map on p.12) unless this is accompanied by mitigation such as inclusion of new traffic calming measures or provision to enhance pedestrian safety.
- 6.85 The policy refers to Areas 1 and 2 within Project 8b shown on page 12 of the Submission version Plan. These areas are loosely described by text, but the schematic map should delineate these two areas for clarity. The traffic calming measures identified in Project 8b as desirable, might be implemented through s278 Agreements if appropriate, which would fall outside the CIL regime, or more generally through the use of CIL receipts flowing to the Parish in the future
- 6.86 As indicated in WSCC’s consultation reply, there may be difficulty defining ‘minimal direct impact on traffic flow’ through the development management process. I agree that to be acceptable, this policy should be re-worded to positively seek to secure traffic calming measures and enhancements to pedestrian safety in accordance with the NPPF and the CLPKP. In Fishbourne, development should seek to encourage opportunities for the use of sustainable transport modes. This could be achieved through proposals designed where practical to;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of people with disabilities by all modes of transport.
- 6.87 It is unlikely that development envisaged by the Plan would be of such significance that would give rise for the need for a Travel Assessment and / or the preparation of a Travel

Plan, but were that the case, such a requirement would be necessary to meet the CLPPK under Policy 39.

- 6.88 Accordingly, I would recommend that to meet the basic conditions and for development management purposes, Policy T 2 should be revised as follows:

POLICY T 2: Encouraging Sustainable Transport ~~Traffic Speeding and Volume~~

Development proposals which enhance the delivery of sustainable transport including traffic calming and enhancing pedestrian safety will be supported. Where proposed development is likely to cause harm to the objective of delivering sustainable transport, planning permission will normally be refused, unless proportionate mitigation measures are offered sufficient to make the proposed development acceptable. Mitigation measures may include contributions towards the improvements specified under Project 8b to the Plan within Areas 1 and 2 as defined on plan [].

- 6.89 The footnote to Policy T 2 states:

“FNPSG acknowledge that there is a view that the implementation of Transport policies depends on the actions of other agencies and that such policies do not deal with land use or development. Nevertheless, it takes the view that, on balance, the above policies are rightly placed within this section since the two policies are in line with NPPF and contain requirements of which planning applicants would need to take note.”

If the recommended amendment to Policy T 2 above is accepted, I consider that the policy would be brought within the scope of national and adopted local plan policy and would be appropriate for development management purposes. The footnote above should therefore be deleted from the Plan.

7.0 Non Planning Infrastructure

- 7.1 The section of the Plan covering non-planning infrastructure attempts to improve the quality of life for Fishbourne residents and the aspirations and ambitions of this section are rooted in Projects 9 – 11 inclusive. At paragraph 6.4 I have indicated that these are not land use planning matters and should not be included in the Fishbourne Neighbourhood Plan, although they may be aspirations which may attract CIL expenditure in the future at the discretion of the Parish to meet wider parish objectives. Therefore this section should be deleted from the Plan. The Parish may however wish to deliver these aspirations through other non-planning delivery mechanisms available to it. Project 12 does relate to land use planning matters, but would sit more comfortably within the monitoring and review section of the Plan.

8.0 **Monitoring and Review**

- 8.1 The Plan explains that the Parish will through an implementation group manage the various projects in the Neighbourhood Plan and will prepare implementation plans, monitoring their progress and reporting to the Annual Parish Meeting. The Plan states that a formal review of the Plan with full public consultation will be conducted if changing circumstances require this, but such a review is not anticipated during the first five years of the Plan.

9.0 **Summary**

- 9.1 In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out below the summary of my findings below.
- 9.2 I am satisfied that Fishbourne Parish Council is the qualifying body and is entitled to submit a Neighbourhood Development Plan (NDP), within the meaning of s38A of the Localism Act 2011, for the parish. I am satisfied that this area is appropriate to be designated as a neighbourhood area and note that it was confirmed by Chichester District Council on 23rd July 2013, the designated area being the whole of Fishbourne Parish under s61(G) of the Town & Country Planning Act 1990, as amended.
- 9.3 I am also satisfied that the Fishbourne Neighbourhood Plan 2014-2029 does not relate to more than one neighbourhood area and that there is no other NDP in place within this neighbourhood area.
- 9.4 The Plan period is defined as being up to 2029, aligning with the Chichester Local Plan: Key Policies 2014-2029, now adopted. The Fishbourne Neighbourhood Plan 2014-2029, has been examined against those policies and the policies of the NPPF.
- 9.5 The Basic Conditions Statement confirms that the Fishbourne Neighbourhood Plan 2014-2029, does not make provision for any excluded development. I concur with that statement and the Plan is in accordance with s61K of the Town & Country Planning Act 1990.
- 9.6 I am satisfied that the Fishbourne Neighbourhood Plan 2014-2029 Examination version, as amended, has given adequate regard to the policies in the National Planning Policy Framework (NPPF), subject in a number of cases to modification of the draft policies. If these recommended changes are accepted, I believe that the Plan will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the parish.

- 9.7 The Basic Conditions Statement explains that a Habitats Regulations Assessment (HRA; under the Conservation of Habitats and Species Regulations 2010 (as amended)), was not required due to the scope of development proposed by the Plan being within the parameters assessed by the HRA for the Chichester Local Plan: Key Policies Pre Submission 2014- 29. I accept that conclusion as being sufficient in the light of the up to date evidence base prepared for the new Development Plan and that this information was available to inform the preparation of the draft policies for this NDP. I further note that Natural England has confirmed by way of consultation response that HRA is not necessary in its opinion.
- 9.8 The preparation of the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I agree that the Plan is compatible with EU obligations and will contribute to achieving sustainable development within the parish and further conclude that the Neighbourhood Plan would have no likely significant adverse effects on the environment or European Sites.
- 9.9 As to public consultation, the process and management of the community consultation has been considerable and extensive in relation to the planning policy changes that have taken place during the preparation and examination of the Plan and modifications and amendments to it. Taken together with the supporting evidence, outlining the terms of reference and actions of the Steering Group, the comprehensive workshops, consultation letters and feedback forms leading to the formulation of draft policies and pre-submission consultation following the drafting of the initial policies, I am confident that the Consultation Statement fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.
- 10.0 **Recommendations**
- 10.1 **Modifications to meet the basic conditions**
- 10.2 For the reasons set out above and subject to all of the modifications indicated in the preceding sections of this examination report, I consider that the Plan would meet the basic conditions in terms of:
- having appropriate regard to national planning policy;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies in the development plan for the local area;
 - being compatible with human rights requirements; and
 - being compatible with European Union obligations.
- 10.3 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are

made to the Fishbourne Neighbourhood Plan 2014-2029 and that the draft Plan as modified is submitted to a referendum.

10.4 **Referendum Area**

10.5 It is the independent examiner's role to consider the referendum area appropriate in the event that the Qualifying Body wishes to proceed to the referendum stage.

10.6 In the event that Fishbourne Parish Council wishes to proceed to the referendum stage with this Plan, I consider that the referendum area should extend to the Plan Area, being all land contained within the Parish boundary in accordance with the designated area as confirmed on 23rd July 2013.

11.0 **Conclusions**

11.1 I conclude that, subject to the recommendations in this report being accepted, the Plan meets the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

11.2 In accordance with the Town and Country Planning Act 1990, Schedule 4B 10 (2) (b), I recommend that the modifications specified in this report are made to the draft Neighbourhood Plan and if accepted, the Fishbourne Neighbourhood Plan 2014-2029 is submitted to a referendum.

Jeremy Edge BSc FRICS MRTPI
19th October 2015

Appendix 1

Recommended Policy Alterations to the Submission version

Fishbourne Neighbourhood Plan 2014-2029

POLICY SD 1

POLICY SD 1: Land to the south of Clay Lane east of Mosse Gardens is allocated to deliver 2 x 25 dwellings of an appropriate size, tenure and mix to be determined in accordance with the requirements of the development plan.

Proposals for the site should:

- Provide access from Clay Lane;
- Provide pedestrian access via Mosse Gardens to encourage walking to the Station and to Fishbourne Pre-School and Fishbourne Primary School.
- Provide sufficient parking provision in line with West Sussex County Council parking standards
- Seek to extend the 30mph speed limit area further along Clay lane
- Provide appropriate street lighting and pavements
- Provide pedestrian access via Mosse Gardens to the Station, Fishbourne Pre-School and Fishbourne Primary School.
- Demonstrate by means of design and layout the mitigation of ~~Indicate how the design/layout can mitigate the likely~~ “in combination” impact of development on the Chichester and Langstone Harbours SPA and ~~or~~ making an appropriate contribution to the Interim Solent Recreation Mitigation Strategy or subsequent iteration.

POLICY SD 2: Land at the Roman Palace

Land at the Roman Palace is allocated to deliver up to 15 dwellings of the appropriate size, tenure and mix. Proposals for the site should:

- Ensure the existing Emperor Way cycle/pedestrian link is enhanced and maintained to encourage connectivity between Fishbourne and Chichester City.
- ~~Reflect and enhance the setting and character~~ Reflect and enhance the setting, character and significance of the internationally renowned archaeological site of Fishbourne Roman Palace
- Demonstrate by means of design and layout the mitigation of the likely “in combination” impact of development on the Chichester and Langstone Harbours SPA and make an appropriate contribution to the Interim Solent Recreation Mitigation Strategy, or subsequent iteration.

~~Southern Water's infrastructure crosses the proposed site at Mosse Gardens. Therefore, the development should be designed to: (i) avoid building over it so that it can continue to function effectively and (ii) provide access for maintenance purposes.~~

POLICY SD 3: DEVELOPMENT CONSTRAINTS

POLICY SD 3: GENERIC DEVELOPMENT CONSTRAINTS for new building in Fishbourne are as follows:

Development proposals within the parish should have regard to the following constraints:

- 1) Impact of Development and Recreational Disturbance (particularly at the head of the Fishbourne Channel), Chichester and Langstone Harbours SPA and Ramsar Site immediately to the north - west of the village.
- 2) Fishbourne Meadows, a SNCI, adjoins the village to the south - east.
- 3) Areas of flood risk **which** extend from Chichester Harbour and follow the River Lavant to the south of the village (Flood zones 2 and 3).
- 4) The southern part of the village, south of the A259 **which** is within the Chichester Harbour AONB.
- 5) **The Conservation Area which covers the southern part of the village.**
- 6) **Fishbourne Roman Site Scheduled Ancient Monument and associated Historic Park and Garden extends to the south and east.**
- 7) **The limited capacity available at the Apuldrum Waste Water Treatment Site. There will be a limited amount of headroom at the Apuldrum Waste Water Treatment Site, from April 2014, as the result of the installation of UV treatment on the storm overflow to mitigate the impact of discharges on the Harbour. (The 50 homes allocated in the Neighbourhood Plan have been identified by the District Council in their Wastewater Position Statement as development expected to connect to Apuldrum WwTW once the UV treatment is in place.)**

~~All developments are required to provide a connection to the sewer system at the nearest point of adequate capacity in the local sewerage system, as advised by Southern Water and in accordance with NPPF (para 157).~~

~~Development proposals will need to show that they include sustainable drainage systems.~~

~~No surface water from new development shall be discharged to the public foul or combined sewer systems.~~

- 8) ~~To comply with NPPF (para 177) which states that it is important “to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion”,~~ New and improved utility physical and social infrastructure will be encouraged and permitted in order to meet the identified needs of the community.

~~A Conservation Area covers the southern part of the village.~~

~~Fishbourne Roman Site Scheduled Ancient Monument and associated Historic Park and Garden extends to the south and east.~~

POLICY E 1:

Proposals that support the development of small scale businesses that meet the needs of the community will be permitted provided that they would:

- Not involve the loss of dwellings
- Not increase noise levels to an extent that they would unacceptably disturb occupants of nearby residential property
- Not generate unacceptable levels of traffic movement or pollution
- Contribute to the character and vitality of the local area
- Be well integrated into and complement existing businesses, such as the small industrial estate at Polthooks Farm or sites which already have some commercial activity but where there is potential for small development (such as Bosham Clinic, Hillier's Garden Centre and Fishbourne Roman Palace). ~~This is compliant with CLT 16.6.~~

POLICY E 2 - no alterations proposed.

POLICY ENV 1: Protection of Green Spaces

Within the Fishbourne Neighbourhood Plan, the following Green Spaces have been identified and are shown on the Green Spaces map:

We define “Green Spaces”

- Fishbourne Playing Field and the Fishbourne Centre
- Fishbourne Meadows
- The entrance to Creek End

- Landscaped entrance to Roman Way

Development that results in the loss of Green Spaces or significant harm to their character, appearance or general quality, or amenity value, will not be permitted unless compensatory provision of equivalent benefit from the provision of suitable replacement Green Space shall be provided. For the purpose of this policy, “Green Spaces” are defined as “undeveloped spaces which are capable of delivering aesthetic, environmental and quality-of-life benefits for the local community”. ~~This would not include agricultural land which would be protected under separate policies.~~

~~Development that results in the loss of Green Spaces or in significant harm to their character, appearance or general quality or amenity value will be permitted ONLY if the Community gain equivalent benefit from the provision of suitable replacement green space.~~

~~Existing open spaces, sports and recreational facilities should not be built on unless the resultant loss would be replaced by equivalent or better provision in terms of quantity and quality. This policy allocates specific open spaces in the village as “local green spaces” in line with the NPPF which are to be protected from development. These are shown on the Local Green Spaces map.~~

~~“Local Green Spaces” to be protected from development are:~~

- ~~• Fishbourne Playing Field and the Fishbourne Centre~~
- ~~• Fishbourne Meadows~~
- ~~• The entrance to Creek End~~
- ~~• Landscaped entrance to Roman Way~~

POLICY ENV 2: Trees and Hedgerows – no change proposed.

POLICY ENV 3: Flood Risk Mitigation

Policy ENV 3: Development proposals should include an appropriate assessment of flood risk to ensure that development occurs in areas of lower flood risk where possible. Where necessary, development proposals should include appropriate flood risk mitigation measures to demonstrate that the impact of the proposals will not result in increased flood risk.

POLICY ENV 4: Biodiversity – no change proposed.

POLICY H1: Heritage Protection – no change proposed.

POLICY T 1: Sustainable Transport

Development proposals will be supported only if they show how they will contribute to a policy of sustainable travel in the village. ~~Developments impacting negatively on cycleways and footpaths in the village will not be acceptable.~~ Development proposals will be supported where they contribute to sustainable travel behaviour in the village through enhancements to cycleways and footpaths”

POLICY T 2: Encouraging Sustainable Transport ~~Traffic Speeding and Volume~~

Development proposals which enhance the delivery of sustainable transport including traffic calming and enhancing pedestrian safety will be supported. Where proposed development is likely to cause harm to the objective of delivering sustainable transport, planning permission will normally be refused, unless proportionate mitigation measures are offered sufficient to make the proposed development acceptable. Mitigation measures may include contributions towards the improvements specified under Project 8b to the Plan within Areas 1 and 2 as defined on plan [].

Appendix 2

Recommended Revisions to the Projects text

4. PROJECTS – Delivering the Plan

To deliver the Plan, the Parish Council on behalf of the community will develop sustainable projects which will contribute to realising our vision and thereby make a real difference to Fishbourne.

The purpose of Neighbourhood Plans is to contribute to sustainable development. In order to achieve this, planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. The Fishbourne Neighbourhood Plan, therefore, also includes related infrastructure issues raised by the community. In the main, these arise from unmet needs associated with a 25% increase in population since 2001. There is a lack of services in the village with no village shop, bank, post office or doctor's surgery, resulting in an increased need to travel. Much of the traffic flow problem on the A259, however, is caused not by Fishbourne traffic but by through traffic from the increasing populations to the west of the village. This in-combination impact is exacerbated by Fishbourne Roundabout which many drivers now avoid by taking a rat-run through Fishbourne. We shall be working with County Highways on producing a project aimed at calming roads throughout the village.

Flooding is a long-standing problem in parts of the village and the provision of sustainable drainage will be a requisite of any ~~agreement for building planning permission~~ for development. Like many issues, these are not resolvable by individual parish councils and so we will be working with the County Council's Operation Watershed (and, through them, Southern Water, The Environment Agency and Network Rail).

We are also anxious to reduce and mitigate potential impacts of recreational disturbance on Chichester harbour and we shall be liaising with the Harbour Conservancy on the implementation of their management plan for any development in their area. The conservation of the landscape and scenic beauty of the AONB will be given great weight in determining applications for development.

The Village Survey established the community's priorities and the results have been analysed by the Steering Committee who have also taken into account the likely availability of funding.

Projects which have a land-use planning component and fall into one of each of our Key Areas and these are set out below. Policies which do not directly contribute to our Vision have usually been omitted because at this stage we need to concentrate our resources on policies which most clearly help us to deliver the outcomes that are likely to make a real impact on the quality of life in Fishbourne.

4.1 HOUSING & PLANNING

Background

The Parish Council notes that *“The rapid growth in homes recently built has put a strain on the parish in the areas of transport, healthcare, education and community facilities. Significant growth in the village has not been balanced by appropriate infrastructure improvements to serve the increased population.”*

At 19%, the percentage increase in Fishbourne’s population between the Census of 2001 and the Census of 2011 is one of the largest in the Chichester District. The population increase between 2004 and 2009 in Fishbourne, was 6.9%, noticeably higher than the average for the District (3.8%), the County (3.8%) and nationally (3.4%).

The population density (people per hectare) is also significantly higher: Fishbourne (6.2); Chichester (1.4); West Sussex (4.0); South-East (4.3) and England (3.9)

Policy 5 of the ~~Emerging~~ Adopted Chichester Local Plan sets an indicative housing figure of 50 homes for Fishbourne between 2014 and 2029. This is an indicative figure to allow for the flexibility the Framework seeks in responding to changing conditions. *“However, it is acknowledged that achieving this figure will depend on achieving solutions to the recreational disturbance issues.”* (CDC Settlement Capacity Profiles, 2013).

To reflect the thrust of national policy and to help achieve sustainable development, the Neighbourhood Plan will support proposals for housing development on previously developed sites.

The Plan has used the data available in the Strategic Housing Market Assessment (SHMA) and the local housing register information. This data can be found in Appendix FNP.

PROJECT 1: Identify possible sites for development and generic and site-specific development constraints.

The Neighbourhood Plan has identified two potential sites on which there could be sustainable development. Details of these sites and of the generic site-specific development constraints appear in the **Policies Section 5.1 SUSTAINABLE HOUSING, PLANNING & DESIGN, Policies SD 1 – SD 3.**

PROJECT 2: promote the development of affordable, sustainable homes for local people

The CDC Ward Profile for Fishbourne shows the proportion of detached properties In Fishbourne is twice the national average. The project will explore with Chichester District Council and an Approved Registered Provider the possibility of finding a suitable site for affordable housing which will not only meet local need but also help to rebalance the housing mix in the community. Should this not prove viable, we will stipulate the current Local Plan “affordable housing proportion”.

There will be consultation with the community throughout the project and care will be taken to ensure the development blends in with the character of the village. ~~The emerging Chichester District Plan Policy 40 is looking to stipulate Code for Sustainable Homes level 4 from 2013 to 2016 and level 5 from 2016. Fishbourne Parish Council supports this and has decided there is no need for it to have a separate policy.~~

Examiner’s Comment:

The removal of the text above is necessary to conform to national planning guidance which was altered on 25th March 2015 by a speech in the House of Commons delivered by the Rt Hon Eric Pickles on the matter of “Energy efficiency in buildings and Planning system.” The instruction given in respect of Plan Making was that from the date that the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans, should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. The Bill received Royal Assent on 26th March 2015. This included any policy requiring any level of the Code for Sustainable Homes to be achieved by new development. The statement advised that the government has now withdrawn the Code, aside from the management of legacy cases.

The statement further advised that local planning authorities and qualifying bodies preparing neighbourhood plans should consider their existing plan policies on technical housing standards or requirements and update them as appropriate, for example through a partial Local Plan review, or a full neighbourhood plan replacement in due course.

The statement also advised that optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. In particular the statement advised that neighbourhood plans should not be used to apply the new national technical standards.

PROJECT 3: Prepare and Evaluate Guidance on Good Design

Drawing upon the existing Village Plan, this clear guidance will ensure that new building in Fishbourne will contribute to the Local Plan's objective to achieve excellence in design and energy efficiency and the NPPF's assertion that "Good design is a key aspect of sustainable development" (56). For our Design Policy, please see [Section 5.2 Policies](#).

PROJECT 4: Conserve and enhance the historic, architectural and archaeological character of the village.

In March 2007 (revised March 2012 to reflect legislative changes), CDC produced a Character Appraisal and Management Proposals for the Fishbourne Conservation Area. The project will consider with CDC how it can contribute to the next Appraisal which is planned for financial year 2014/15.

The project will not limit itself to the Conservation Area but will include "Character Areas" listed and "positive buildings" so that any implications will be taken into account when considering applications for extensions or other changes to buildings. This is a high priority for the community, coming second in the Village Survey.

4.2 LOCAL ECONOMY AND TOURISM

Background

"We wish to help ensure the long term viability of Fishbourne as a thriving mixed community" (Fishbourne Village Plan 2010 – 2014).

"Encourage appropriate new businesses to locate in the village" (Objective in Fishbourne Village Plan 2010 – 2014).

2001 Census data showed that just over half the working population of Fishbourne (53.8%) had higher or lower managerial posts and 17.8% were small employers/own account workers.

Percentage of people "employment deprived" rose from 4.16% in 2004 to 4.29% in 2010.

On the indices of multiple deprivation, Fishbourne ranks 6,433 out of 7,932 nationally and 25 out of 29 in the Chichester District (where "1" is the most deprived).

22.4% of the population were aged 0-19 and 24.8% were 65+ in an Office of National Statistics snapshot.

The Plan supports economic growth by taking a positive approach to sustainable new development and will support this despite the fact that Chichester is only one and a half miles away and there is a large Tesco on the Fishbourne/Chichester border. In terms of separate

industrial employment, there is little opportunity because of the established Terminus Road Industrial Estate off Fishbourne Roundabout. Because of the close proximity of the county town, Fishbourne has no village shop, no post office and no medical services.

Much of the local employment is part-time and casual (pubs, B & B accommodation and nursing homes). ~~Discussions are being held with the major employers (Bosham Clinic—dental, cosmetics, physiotherapy); Hilliers Garden Centre; the Polthooks Industrial Estate (on the border with Funtington) and Fishbourne Roman Palace to see what development plans they have in mind and how these will fit into our Neighbourhood Plan. While they are positive in principle, given the country's slow climb out of recession, none of the above is willing to make any specific or timed commitment.~~

Examiner's comment:

I recommend removal of the struck through text above. It will appear dated very quickly and does not add to the aspirations and policy direction of the Plan.

PROJECT 5: Employed and Self-employed in Fishbourne

This project will include:

- an analysis of businesses in Fishbourne and of potential business space.
- discussions with employers about how their plans could be supported through the Neighbourhood Plan.
- the result of consultation with the self-employed about the support they would welcome, such as technical support or working lunches at the Fishbourne Centre.

~~PROJECT 6: Consideration of a joint marketing strategy for Fishbourne targeted at Chichester tourists.~~

This project will include:

- ~~prospects for mutual advertising; (only 46% support in Village Survey).~~
- ~~working with the Roman Palace as it seeks to develop the site's facilities to increase visitor numbers as long as this does not conflict with other objectives (86% support).~~

Examiner's Comment

Project 6 is not relevant to land use planning decision making therefore it is recommended that Project 6 be deleted from the Plan. The Parish can undertake these activities independently from the Planning System.

4.3 ENVIRONMENT

Background

As a low-lying area, Fishbourne is naturally prone to flooding when water levels rise. The heaviest rainfall in over a century brought about the dramatic floods of June 2012 and Operation Watershed was set up the County Council to make communities more resilient to this kind of weather. The Parish Council set up two “flood surgeries” when residents suffering from floods could put their case on the map and discuss it with the County’s Drainage Strategy Team Leader.

This led in May/June 2013 to works costing £40,000 to improve the drainage system. Blocked culverts have been cleared, structural damage repaired, a silt sump installed and the capacity of existing gulleys has been increased.

A further programme is under way to restore all water way assets to original or improved capacity. The Flood Prevention Action Group will develop plans for preventative maintenance through a volunteer workforce and approved costed programmes. Appropriate training and equipment will be required. A complete Community Asset Register is to be drawn up, detailing all water courses, condition and location (surface and sub-surface).

The Fishbourne Conservation Area (designated in January, 1981) was the subject of an independent appraisal conducted on behalf of the District Council by The Conservation Studio in Cirencester which was published in 2007 and updated in 2012 to reflect legislative changes. It also contains a set of management proposals.

Chichester Harbour was designated an AONB in 1964 because of its unique blend of landscape and seascape. It was also designated as an SPA/SAC (Special Protection Area for Wild Birds/Special Area for Conservation) and a Ramsar site (i.e. a wetland of international importance under the 1971 Ramsar Convention).

The Neighbourhood Plan will work to conserve and enhance Fishbourne’s heritage. Fishbourne played a unique role during the Roman conquest of Britain having already served as a special pre-conquest trade base with the Empire. In fact, some suggest it was here that the first Roman troops landed to prepare the invasion in AD 43. After serving as a supply base during the Roman conquest, the army buildings made way for a splendid residence unparalleled in Northern Europe. It was possibly the seat of the local king who ruled Southern Britain on behalf of the Emperor in the late 1st century AD. Fishbourne Roman Palace continued to be occupied until it burnt to the ground at the start of the 3rd century.

Little is yet known about the village’s fate in Anglo-Saxon England, but it is mentioned in the Domesday Book as having two mills. There is one 17th century timber-framed cottage but most of the buildings in the conservation area date back to the 18th and 19th centuries when a settlement developed along the old turnpike road between Chichester and Portsmouth.

PROJECT 7: Environmental Conservation (Overall: 97%)

- 7.1 Draw up, in consultation with all stakeholders, a Flood Risk policy for Fishbourne as part of the County's new overall strategy for flood prevention (Top priority, scoring 98%).
- 7.2 As part of the Flood Risk policy, to work with Operation Watershed and Parklands & Fishbourne Flood Prevention Action Group to identify and remedy existing flood risks and to build up a preventative programme including regular appraisal (96%).
- 7.3 ~~Consider imaginative approaches to Keeping Fishbourne Tidy possibly involving Mini-Wardens.~~

Examiner's Comment

No town planning and development locus.

- 7.4 Consider and advise on the role of Bio-diversity and Climate Change in sustainable development.

4.4 TRAVEL & TRANSPORT

Background

Cars, lorries and tractors are part of our lives, for better or worse. Maintaining and protecting the quality of life against a background of growing traffic volumes is one of the greatest challenges facing most rural communities.

A village survey of 2009 on travel & transport provided a number of priorities which formed the basis of the Travel & Transport section of the Village Plan 2010-2014. The Plan contained a "Possible traffic calming measures chart" on which some progress has been made. The red surfacing and improved sight angles at the Salthill Road/Clay Lane junction are an improvement but further developments are being investigated. The police conduct speed awareness days on Salthill Road and the A259 and we have a Volunteer Speedwatch Team trained in the use of the SID (Speed Indicator Device). At the request of the Parish Council, County Highways have conducted a survey to see if the volume of traffic would justify vehicle activated signs at the three main entrances to the village.

The Fishbourne Conservation Area Character Appraisal and Management Proposals (2007 updated 2012 to reflect legislative changes) highlights traffic as a Negative Feature. It refers to noise from the A27 and the A259 which is very busy throughout the day; "traffic regularly flouts the 30mph speed limit" despite the traffic calming scheme which was implemented in 1996 and it concludes that "pedestrian safety is a major issue". The report also draws attention to the state of some of the pavements in the village.

The Neighbourhood Plan strongly supports the statement in NPPF (para 29) that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.

A recent campaign managed to secure an improved bus service for the village despite cuts in other parts of the area and the Neighbourhood Plan will respond to village requests that the bus and train services are at least maintained at their current level.

Walking and cycling is being encouraged by plans to provide a pavement in Clay Lane (a bendy country lane with no pavements but used as a rat-run by traffic wishing to avoid Fishbourne Roundabout) and by a successful campaign to keep open Emperor Way (currently the only safe route for pedestrians and cyclists between Fishbourne and Chichester).

A “walking bus” enables children to journey to and from school in safety as well as engaging in useful physical activity.

As noted above, pedestrian safety is a major issue in the village which is why much of this section of the plan is to do with preventing speeding through the village and with clearer indication to motorists that they are entering a 30 mile limit.

Our sustainable traffic scheme is set out on the chart on p.12.

PROJECT 8: Travel Safety

8 (a) Pedestrian and Cyclist Safety

Given the increase in population and the impact of traffic from other expanding villages on A259 and roads used as an escape route from the ever- more dangerous Fishbourne Roundabout, together with a renewed recognition of the importance of exercise for future healthy living, there is large support in the community for improved provision for cyclists and pedestrians. Developments will include:

- > Working with the Roman Palace on a development plan which will include maintaining Emperor Way as the only safe route between Fishbourne and Chichester for both pedestrians and cyclists (96%).
- > Installation of low level lights along Emperor Way to enhance safety (77%).

There will also be a review of village warden role to include monitoring of pathways and taking appropriate action to clear overhanging branches and working with Police and Highways to reduce the amount of pavement and grass parking especially on the A259 (96%).

8 (b): Road Safety

There is very strong support (93%) for actions to be taken to reduce the speeding in the village. Projects, some of which are already in preparation, will include:

- A Speed Awareness programme with use of SID by our team of Speedwatch Volunteers.
- A comprehensive programme of speed restriction throughout the village, drawn up in consultation with County Highways and the Police. This will concentrate on 2 areas

AREA 1:

- Salthill Road, Clay Lane, Halfrey Road and Blackboy Lane: this will aim to include a Vehicle Activated Sign at the entrance to the village; (89%);
- new traffic calming measures at the Salthill Road/ Clay Lane junction (82%);
- new pavement and extended 30mph limit along Clay Lane (74%);
- lighting in Blackboy Lane from A259 to the level crossing because of increased use at night by users of the Fishbourne Centre (71%);
- upgrading of level crossing barriers at Fishbourne Station to 4 closing barriers (60%);
- liaison with Funtington Parish Council on possible extension northwards of 30 mph limit from the Fishbourne/Funtington village boundaries or the establishment of a 40 mph limit (60%).

AREA 2:

Fishbourne Road West and Main Road where the key issues will be:

- Vehicle Activated Signs at each entrance to the village on the A259 (89%);
- An additional pedestrian crossing towards the Eastern end of the village (technical advice to be taken on the precise location) (60%)

4.5 A SENSE OF COMMUNITY

In order to realise our vision and to improve the quality of life of Fishbourne residents, now and in the future, a Sense of Community underpins the other sections of our Neighbourhood Plan.

Background drawing on existing data and community consultation

The Fishbourne Book, a big community project itself in 2004-2007, illustrates the community spirit in Fishbourne over the years and particularly that of the Seventies which led to the creation of the Fishbourne Playing Field Association and the purchase of the 17 acre field in Blackboy Lane. The desire for a Fishbourne voice in local government led to the creation of Fishbourne as an independent unit of local government in 1987 when the Parish Council held its first elections.

Since then the population has steadily increased as a succession of new developments have extended to the village's Northern boundary. In the last decade alone, the population has increased by 20%. Important in any community, "a sense of community" is a particular issue for Fishbourne because of the extent and the nature of the development that has taken place in the last half century. Fishbourne originally stretched along the A259 but now spreads northwards in a series of developments large enough to become mini-communities. These include:

Roman Way (1967-1974) 45 properties
 Newport Drive/Barker Close (44 properties – planning permission 1973)
 Mosse Gardens (over 100 properties built in the 1980s and 1990s)
 Caspian Close (nearly 100 properties, completed in 2004)
 Frampton Close (10 properties – 2010)
 Cuckoo Fields (50 properties, completed 2012).

There is wide feeling in the village that action needs to be taken to integrate each development as part as the village, especially as the existence of Fishbourne as a separate community is vital if our Vision for 2029 is to be realised.

"We wish to see every resident of Fishbourne – new or established – feel a valued part of our community." (Fishbourne Village Plan 2010-2014)

Much of the present quality of life depends on Fishbourne having a separate identity as a village. ~~Charts produced by Sussex Police (2006-2010), for example, show the Anti-Social behaviour rate per 1,000 for Fishbourne is half that of Chichester. Rates per 1,000 for Crime categories show a similar overall percentage.~~

~~PROJECT 9: Strategies to develop awareness of a sense of community and the involvement of a higher proportion of the community in the decision-making process.~~

~~In developing a sense of community, this project will pay particular attention to the elderly and the vulnerable including the continuation of, and support for, existing strategies:~~

- ~~• The Fishbourne Resident Support Team (FiRST) has been meeting the social needs of Fishbourne elderly residents for a decade. It runs monthly coffee meetings at which there is always a speaker or entertainer and arranges outings travelling by Contact 88 minibuses. The team, led by its founder Joy Taylor, keep in touch with members who cannot attend through illness or because they are going through a bad time. Membership has grown from 18 in the early days to a steady 35 (85% support in Village Survey).~~
- ~~• The Rector's pastoral visits to the elderly play an important part in the lives of the elderly—and hers.~~

- Our two W.I.s welcome new recruits and new members of all ages and there is informal support should misfortunes strike at any time.
- A sense of empowerment is particularly important for the self-respect of elderly and vulnerable people and a Who to Contact for Help chart is designed to give people the confidence and the capacity to cope with problems by themselves.
- This project will involve residents in the decision-making process and monitor this throughout the life of the Plan. (Village Survey, 96% support)

Senior Citizens play a major part in village activities. Two-thirds of the Steering Group of the Community Centre project fell into this category. Chairman and Secretary posts of most clubs and societies in the village are filled by senior citizens—who also provide the largest age group of members.

Greater involvement of the whole community in the decision-making process will be achieved by:

- Allowing a consultation period in all major projects
- Developing the range of means by which communication takes place
- Encouraging feedback during or at the end of projects
- Ensuring that the community see some action as a result of their involvement or an explanation of why this has not been possible
- Using and developing existing networks
- Building up a view of volunteering as a natural contribution to our community

Greater integration of village service providers will be achieved by the Parish Council, the Fishbourne Playing Field Association and the Fishbourne Centre, the Parish Church and the Roman Palace all planning a collaborative approach to village use of their facilities.

PROJECT 10. Enhancement of communication structures within the village.

Effective strategies for communication play a vital part developing a sense of community. This is particularly important where a community has increased substantially from its original village lay-out. Actions to be taken will include:

- Work with local residents' groups to involve them in the development of village networks (91% support)
- Continuation of Village Voice as a quarterly publication delivered to all households
- Discussion with Heads of Pre-School and Primary School on ways of networking information using their existing channels. (90% support)
- A communal website/facebook page to help everyone find out what is happening and giving them a sense of involvement. (76% support)

PROJECT 11: Safety in the Home

There are three levels of action that are required:

- (1) **Reassuring** residents who have an exaggerated fear of crime levels in Fishbourne to the extent that the social aspects of their lives are restricted;
- (2) **Developing** existing systems so that they operate more effectively;
- (3) **Empowering** people to deal effectively themselves with problems as they arise.

This project will:

- Provide statistics to show Fishbourne's data in context of Sussex average for each classification of crime.
- Discuss with neighbourhood watch co-ordinators how NHW could be supported. (Does it cover the whole village? Is there evidence to show reduced crime where NHW exists? Could we "advertise" its success as a way of reassuring those whose fear of crime is exaggerated?)
- Give greater publicity to the local Police panel — especially when discussion at the panel leads to successful action. ("This is what you said ... this is what we did").

The project will also monitor the implementation of the Making Fishbourne Safe action plan which was drawn up as part of the Village Plan 2010-2014 and incorporate the remainder into the Neighbourhood Plan 2014-2029.

Examiner's Comment

Like Project 6, Projects 9, 10 and 11 are not relevant to land use planning decision making therefore it is recommended that these projects be deleted from the Plan. As with Project 6, the Parish can undertake these activities independently from the Planning System outside the remit of Neighbourhood Plan. I note that none of these projects are cross referenced to the Plan policies.

PROJECT 12: Further development of community facilities

Recent and planned expansion means a review of village facilities needs to be undertaken, including:

- What facilities, previously rejected, might now be reconsidered?
- What existing facilities need to be considered?
- What new facilities might now be justified?

Topics for consideration include:

- Volunteer Bank matching skills to needs (81%).

- The viability of having a village shop (commercial; community shop; mobile shop?) (75% support).
- Seating for parents on a properly grassed mound by the Children's Play Area (75%).
- A medical centre for Fishbourne even if only a nurse-led clinic (74%)
- Developments to the Fishbourne Centre (and completion of the St Peter Project) to enable greater community usage. (Village Survey question related solely to Fishbourne Centre – 56%).
- The availability and likely take-up of village allotments (20%): only potential plot (Deeside) has problems of access and no water supply.

Examiner's Comment

Project 12 should be moved to the Monitoring and Review section of the Plan. This would enable the Plan to delete reference to “Non – Planning Infrastructure”, which neighbourhood plans should not include. During the fact checking phase of the examination, The Parish Council requested that the following text should be included in relation to non-planning infrastructure:

“The Village Survey indicated a number of areas where a review of community services and facilities needs to be undertaken. These projects were included in earlier versions of the Plan but have been excluded since their objectives are not directly planning-related. For further details of these proposals please see the Parish Council website: www.fishbourne-pc.gov.uk”

I would support the inclusion of this explanatory text, if the Plan is to proceed to referendum.

5. PLANNING POLICIES FOR SUSTAINABLE DEVELOPMENT

Policy SD 3

Examiner's Comment - Suggested explanatory text in relation to waste-water treatment capacity in connection to Policy SD 3.

Within the justification of Policy SD 3, the text in the Plan would benefit from the following clarification, by way of explanatory text, after the revised policy text as follows:

In July 2014 the “Position Statement on Wastewater and Delivering Development in the Local Plan (Apuldrum Wastewater Treatment Works)”², the allocation of Parish numbers from the CLP had been included in assessing the headroom for Apuldrum. Paragraph 8 of the updated position statement advised that at that time there was an estimated headroom for 159 dwellings to connect to Apuldrum WwTW, over and above the allocation in the CLP. The report indicated that with an

² Position Statement on Wastewater and Delivering Development in the Local Plan (Apuldrum Wastewater Treatment Works), Chichester District Council, July 2014. <http://www.chichester.gov.uk/CHttpHandler.ashx?id=22423&p=0>

average windfall delivery rate of approximately 100 dwellings per year in Chichester City, allowing development on green-field sites, this would erode the remaining headroom and prevent development from occurring on brownfield sites within existing settlements. The report recommended refusal of planning permission on green-field sites, in favour of retaining the existing headroom for brownfield development, if proposals intended to utilise the treatment facilities at Apuldram. The housing development assessed in the Parish of Fishbourne in the updated report was 58 dwellings. This excluded the Neighbourhood Plan allocation of a further 15 dwellings adjacent to the Roman Palace. The advice to the District Council from the Environment Agency, dated 16th September 2013 was that liaison with Southern Water should take place over monitoring permissions granted in excess of the headroom figure of 159 dwellings. The consequence of exceeding the headroom amount, would be a significant increase in the nitrogen loads and weed growth in the Harbour. Accordingly, in the light of limited residual capacity of the Apuldram Wastewater Treatment Works, developers are advised to discuss capacity for development proposals with Southern Water and the District Council prior to making planning applications which would involve use of the Apuldram WwTW.