

To: The Clerk
Southbourne Parish Council

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

Our ref:

Your ref:

15 February 2023

Dear Ms Hodgson,

Southbourne Modified Neighbourhood Plan 2014-2029 Submission Modified Plan (January 2023)

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

This letter addresses the issue of whether or not there is a need for environmental assessment of the submission version of the Southbourne Modified Neighbourhood Plan 2014-2029 Submission Modified Plan (January 2023), and as such whether it meets one of the basic conditions that a neighbourhood plan must meet in order to proceed to referendum: that it does not breach, and is otherwise compatible with, EU obligations that are translated into current UK law by the above regulations.

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

The screening determination is that **an environmental assessment of the Southbourne Modified Neighbourhood Plan 2014-2029 Submission Modified Plan (January 2023) is required** due to there being, without mitigation measures, a likely significant environmental effect on a Habitats site as a result of the proposals in the plan, acting in-combination with other plans and programmes. This view is informed by comments received from Statutory Consultees and for the reasons set out in the Criteria and responses to the screening process which are attached as part of this letter.

A strategic scheme of mitigation is in place for recreational disturbance impacts on Chichester and Langstone Harbours SPA/Ramsar site. Following a recent CJEU case ruling these mitigation schemes can only be taken into account at the Appropriate Assessment stage of the Habitats Regulations Assessment procedure (HRA). Likewise impacts of development due to increase nutrient input into Chichester and Langstone Harbours SPA/Ramsar site, will also require mitigation in accordance with the guidance on Nutrient Neutrality issued by Natural England. The need for an Appropriate Assessment in turn leads the screening determination given above in accordance with Regulation 5(3) of the Environmental Assessment of Plans and Programmes Regulations 2004.

As such it is the opinion of Chichester District Council that the Southbourne Modified Neighbourhood Plan 2014-2029 Submission Modified Plan (January 2023) will need to have

a formal Strategic Environmental Assessment for it to be in accordance with the provisions of the European Directive 2001/42/EC as incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.

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

Yours sincerely,

A handwritten signature in black ink that reads "Andrew Frost". The signature is written in a cursive style with a horizontal line under the letter "t".

Andrew Frost
Director of Planning and Environment

**Screening Report for the Southbourne Modified Neighbourhood Plan 2014-2029
Submission Modified Plan (January 2023)**

Criteria and response of screening

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
The characteristics of plans and programmes	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	<p>The Southbourne Modified Neighbourhood Plan 2014-2029 Submission Modified Plan (January 2023) would, if 'made', form part of the Statutory Development Plan and as such will establish the development management framework for Southbourne parish.</p> <p>The Modified Neighbourhood Plan (NP) is prepared for town and country planning and land use and a framework for future development in Southbourne parish. The NP includes policies on design, local heritage, green and blue infrastructure, biodiversity, sustainable transport and zero carbon buildings. It also includes a policy on development within and outside the settlement boundaries (Policy SB1).</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>The Modified Neighbourhood Plan is the lowest tier in the planning hierarchy and must be in conformity with the National Planning Policy Framework, the strategic policies of the development plan and European Directives.</p> <p>The Neighbourhood Plan is not intended to influence other plans or programmes.</p>
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	<p>The Modified Neighbourhood Plan aims to achieve sustainable development and this is reflected in its vision.</p> <p>There are policies within the Modified NP which seek to reduce the impact on the environment. These include: SB4 Design in Southbourne Parish SB12 Land for Expanding Education and Recreational Uses SB13 Green and Blue Infrastructure Network SB14 Biodiversity SB15 Trees, Woodland and Hedgerows SB16 Local Green Spaces SB17 Achieving Dark Skies</p>

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
	SB18 Special Protection Areas and Ramsar Sites SB19 Zero Carbon Buildings SB20 Water Infrastructure and Flood Risk SB21 Sustainable Travel
(d) environmental problems relevant to the plan or programme; and	<p>The Modified NP contains only one site allocation (Policy SB2 Land North of Cooks Lane). This site now has planning permission by way of the reserved matters application approved on 31 August 2022. Windfall development within the settlement boundaries will also be assessed against the policies in the Modified NP</p> <p>The implications of development permitted under the Modified NP on the following environmental issues will need further consideration and in some cases mitigation through the process of preparing the NP:</p> <ul style="list-style-type: none"> • impact on biodiversity, including protected species and habitat fragmentation; • impact on air quality with potential increase in congestion on the A27/A259; • impact on water pollution if runoff into Southbourne channel is increased; • impact on Chichester and Langstone Harbours SPA/Ramsar site from increased nutrient inputs via WWTWs; • impact on the landscape with increased urbanisation; • loss of agricultural land; • potential for other impacts on designated sites at Chichester and Langstone Harbours SPA; Solent Maritime SAC and Singleton and Cocking Tunnels SAC.
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	<p>This Modified Neighbourhood Plan has no relevance to the implementation of Community legislation.</p> <p>The Modified Neighbourhood Plan is a land-use plan and sets the framework for future development management within the Southbourne Parish Modified Neighbourhood Plan area.</p>

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
Characteristics of the effects and of the area likely to be affected,	
(a) the probability, duration, frequency and reversibility of the effects;	The impact of the proposals for development in the Southbourne Modified NP is likely to result in significant effects on: Air quality, through increasing traffic flows; Biodiversity, fauna and flora including the impact on designated sites at Chichester and Langstone Harbours SPA, Ramsar Site and Solent Maritime SAC; Population and community; Land, water and soil; Climate Change; Landscape and historic environment.
(b) the cumulative nature of the effects;	Development permitted through the Modified NP in combination with other developments within zones of influence for Chichester and Langstone Harbours SPA would without mitigation have an adverse effect on the integrity of that site. In particular through recreational disturbance and nutrient inputs.
(c) the transboundary nature of the effects;	With no additional development identified beyond that already provided with permission, transboundary effects are unlikely.
(d) the risks to human health or the environment (for example, due to accidents);	Southbourne does not currently have any AQMAs but there are three in Chichester City. Increased traffic on the A27/A259 as a result of additional development at Southbourne, has the potential for an impact on air quality.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	Southbourne is the largest settlement in the west of the Chichester Local Plan Area and is defined as a settlement hub..
(f) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	Southbourne Parish contains parts of the Chichester and Langstone Harbours SPA/Ramsar site. The site is in unfavourable condition so new development must provide mitigation to ensure that levels of nutrient input and recreational disturbance do not increase beyond baseline levels.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	There is the potential for an environmental effect on the landscape due to the impacts on the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and also on views towards and from the South Downs National Park.

**Southbourne Modified Neighbourhood Plan 2014-2029
Summary of Statutory Consultations – Strategic Environmental Assessment (SEA)**

Statutory Consultee	Summary of Comments
Historic England	
Historic England (HE) – Reply 23/01/23	<p>The supporting information supplied with the consultation indicates that within the plan area there is a range of designated historic environment assets. There is also likely to be other features of local historic, architectural or archaeological value, and consideration should also be given to the wider historic landscape. We note there are also areas for development allocated in the plan.</p> <p>Therefore there are likely significant effects (both positive and negative) upon the historic environment.</p> <p>Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets. We should like to stress that this opinion is based on the information provided by you with your correspondence below. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SA/SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan/guidance) where we consider that, despite the SA/SEA, these would have an adverse effect upon the environment.</p>
Environment Agency	
Environment Agency – reply – 06/01/23	The previous NP was screened in and we concurred with that determination. Therefore, this would seem to apply to the Modified Plan as well, albeit we are satisfied that Chichester District Council can make this determination.
Natural England	
Natural England	No response received