

Name	Summary of Representation
<p style="text-align: center;">Chichester District Council</p>	<p><u>Policy SD1</u> The map shows a significantly larger area than is required for 50 houses, which may lead to pressure for additional housing in the future. This needs to be viewed in light of the Apuldram Wastewater Treatment Works headroom capacity.</p> <p>In relation to the second part the policy is very general. The map has a label of open space closer to Mosse Gardens. It is not clear if this is indicative or general. This should be specifically clarified in the policy. Allocation of a field of that size would result in significantly more open space than would normally be required and therefore the justification/reasoning why it was required would need to be clearly laid out in the policy (or supporting text). Without more prescriptive wording in the policy officers would not be able to insist on open space close to the settlement and housing beyond. Due to the location of the 25 houses granted at Follis Gardens it may be more desirable to have housing close to the existing settlement.</p> <p><u>Policy SD2</u> The last paragraph of this policy refers to Mosse Gardens and should be under policy SD1, not SD2. If it relates to policy SD2 it needs rewriting for clarification.</p> <p><u>Policy SD3</u> Point 5 states that 50 houses have been allocated in the NP, where the NP has allocated 65 houses. It is however correct that the Local Plan allocates 50.</p> <p><u>Ecology</u> CDC has undertaken an exercise to map the ecological networks in the District in accordance with the National Planning Policy Framework. We have checked the site allocations with our mapped networks and just wanted to forward our findings so that they can be considered at the master planning/design stage of any future developments.</p> <p><u>Land East of Mosse Gardens</u> The hedgerows/treelines around the perimeter of the site and running across the site, forms part of the Chichester Bat Network. Therefore, subject to access requires, they should be retained and enhanced. The lighting scheme should be such as to minimise light disturbance to the bat network. The ditch network on-site forms part of the water vole network and therefore they should be retained and enhanced.</p> <p><u>Roman Palace Site</u> The hedgerow/treeline running along the northern boundary of the site forms part of the Chichester Bat Network and therefore</p>

	<p>should be retained and enhanced. Lighting along this part of the site should be minimised.</p>
<p>Chichester Harbour Conservancy (001)</p>	<p>In overall terms the Conservancy supports the Submission Draft as a well thought-out and logically structured piece of work, supported by a good evidence base, with a strong vision.</p> <p>About half of the Plan area is outside of the AONB, but the Conservancy is pleased to see the recognition of issues of recreational disturbance from new development within 5.6km of the AONB/SPA boundary and how this is to be mitigated, in Policy SD 1, but this also needs to be stressed in SD 2.</p> <p>Two alterations are proposed to the existing defined settlement policy boundary ('saved' BE1/Policy 2 respectively from the Development Plan for Chichester District). These are outside the AONB and have no impact to its landscape setting, but would increase the potential for recreational disturbance to the Chichester Harbour SPA. With regards to Page 6 and H/2 in Appendix 1, it needs to be recognised that the emerging Policy H5 provides for a <u>minimum</u> of 50 new dwellings to meet Fishbourne's housing need up to 2029, not a maximum.</p> <p>It would be useful if SD 1 and SD 2 could say the site area in hectares and what the intended density is, so prospective developers can be clear on the community's expectations and interpretation of Policy 33 from the emerging Local Plan for Chichester District. Neither policy talks about the acceptability of flatted development, which of course could generate higher densities and still be visually appropriate.</p> <p>It is noted that the population density of the village is relatively high and that its population structure is well balanced.</p> <p>Whilst referring to lack of medical facilities it does mention the existence of Bosham Clinic: perhaps it might be better to refer to lack of NHS surgery facilities, just to be clear. If there is evidence to show a surgery could be supported, it may be better to allocate some land for that purpose as a potential exception to Policy ENV1, in respect of the identified 'Fishbourne Playing Field' site, which, being next to the Fishbourne Centre, would be a logical place to locate such a community facility and any car parking to the playing field/centre could then serve a dual purpose.</p> <p>A recognition of community safety aspects fits well with public bodies' duties under Section 17 of the Crime and Disorder Act of 1998. It is clear the main concern regarding safety is highway safety. This could have perhaps been better evidenced using accident statistics. The second paragraph on page 10 also refers to a County Highways Survey on traffic volumes. If that report</p>

	<p>is available, it would be good to cross reference it and summarise its findings in the Plan when it is eventually published following the community referendum. For page 11, 4th bullet point under sub-heading of 'AREA 1', could 'downward asymmetric profiled' be added before the word 'lighting', to ensure that no unnecessary light spillage disturbs wildlife in the adjacent open countryside.</p> <p>It appears SD 3 is really more a statement than a Policy, which is perhaps better forming part of the written justification for SD1 and SD 2.</p> <p>For D1, the Policy would have more 'teeth' if you identified what it was about Fishbourne as a place which makes it distinctive. The approach for the Conservation Area Appraisal was to identify character areas and this may be a useful starting point to perhaps have as an Appendix and cross refer to that in D1. So, for example, you could analyse views in/out in each character area and then comment on things like density, building to plot ratios, set-backs from the street, scale, materials, negative features worthy of removal, etc., to give some parameters to the distinctiveness of each, which you were seeking to preserve, reinforce or enhance.</p> <p>The bullet point which reads "restricting houses to 2 storeys <i>where possible</i>" will have little meaning to a developer. It would perhaps be better to say something like – "development shall be of appropriate scale and massing, having regard to the surrounding context and wider views in the landscape", perhaps then referring to the character areas talked about above.</p> <p><u>Small typing errata:</u></p> <p>Page 13, 6th paragraph up from bottom of page, should "...to integrate each development as part as the village..." instead read - "...to integrate each development as part of the village..."</p> <p>Page 22 - Should 'CLT' at the end of Policy E1 instead read CLP?</p>
<p>English Heritage (002)</p>	<p><u>Our Vision</u> English Heritage welcomes and supports the reference within "OUR VISION" to "conserving and enhancing the character of its historic fabric and environment".</p> <p><u>Page 4</u> English Heritage welcomes and supports the intention that the Fishbourne Neighbourhood Plan will enable the community to</p>

“identify, better understand and conserve the historic environment, whether designated or not”.

Project 4

English Heritage welcomes and supports PROJECT 4, particularly the intentions for the project not to be limited to the Conservation Area and to include both listed and non-listed buildings of local importance.

Advice on characterisation and character appraisals can be found on the following webpages:

<http://www.placecheck.info/>

<http://building-in-context.org/toolkit.html>

<http://www.helm.org.uk/server/show/nav.19604>

<http://www.oxford.gov.uk/PageRender/decP/CharacterAppraisalToolkit.htm>

Advice on the incorporation of local heritage within plans being produced by rural communities can be found on:

<http://www.english-heritage.org.uk/publications/knowing-your-place/>

Advice on preparing a local list of significant buildings and features can be found on:

<http://www.english-heritage.org.uk/caring/listing/local/local-designations/local-list/>

Paragraph 4.3

English Heritage welcomes and supports the statement that “The Neighbourhood Plan will work to conserve and enhance Fishbourne’s heritage” and the references to the Fishbourne Conservation Area and Roman Palace. However, we would welcome a little more description of the historic environment of Fishbourne; e.g. the numbers, grades and locations of the listed buildings within the parish and a reference to its rich archaeological interest (not just the Roman Palace). A map of the Conservation Area and showing the other designated assets and non-listed buildings of local importance would be helpful.

The Plan should contain a greater description of the historic environment of Fishbourne; e.g. the numbers, grades and locations of the listed buildings within the parish and a reference to its rich archaeological interest (not just the Roman Palace). A map of the Conservation Area and showing the other designated assets and non-listed buildings of local importance should be included in the Plan.

Paragraph 4.4

English Heritage welcomes the reference to the Fishbourne Conservation Area Character Appraisal and Management Proposals.

English Heritage's "Streets for All: South East" may be of interest (<http://www.english-heritage.org.uk/publications/streets-for-all-south-east/>).

Policy SD 2

English Heritage welcomes and supports, in principle, the recognition at the top of page 20 of the potential archaeological interest of the site Land at the Roman Palace. However, we would prefer to see any archaeological investigation take place in advance of development proposals being formulated so that the findings of that investigation can inform the proposals. A copy of the findings and an explanation of how they have informed the development proposals should be submitted with any planning application. This should be included within Policy SD2 as a requirement.

English Heritage welcomes and supports the requirement in Policy SD2 that proposals for the site should "reflect and enhance the setting and character of the internationally renowned archaeological site of Fishbourne Roman Palace", although we would prefer "setting, character and significance".

Policy SD2 should include a requirement that an archaeological investigation take place prior to the formulation of development proposals and the results of that investigation should inform those proposals, with this to be explained in a statement to be submitted with any planning application.

The current second requirement in Policy SD2 should read "reflect and enhance the setting, character and significance of the internationally renowned archaeological site of Fishbourne Roman Palace.

Policy SD 3

Policy SD 3 is not actually a policy: it is a combination of policy criteria (6, 7, 8 and 9) and a list of constraints (1, 2, 3, 4, 5, 10 and 11). English Heritage notes the identification of the Fishbourne Conservation Area and the Fishbourne Roman Site Scheduled Ancient Monuments as "constraints", but we would prefer them and their settings to be identified as "considerations" as development can be used to enhance or better reveal the significance of designated heritage assets.

Either the list of constraints in Policy SD 3 should be rewritten as policy criteria or Policy SD 3 should be replaced by a list of constraints (see comment below).

Fishbourne Conservation Area and the Fishbourne Roman Site Scheduled Ancient Monuments and their settings should be identified as "considerations".

	<p><u>Policy D 1</u> English Heritage welcomes and supports Policy D 1, particularly the explanation 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”.</p> <p>The characterisation work proposed under PROJECT 4 will underpin this Policy by identifying local character and materials.</p> <p><u>Policy ENV 1</u> English Heritage welcomes and supports Policy ENV 1 for the protection it affords to Fishbourne Meadows, which we note the Conservation Area Character Appraisal recommends be included within a revised Conservation Area boundary.</p> <p><u>Policy H 1</u> English Heritage welcomes and supports Policy H 1, particularly its references to significance, the settings of heritage assets, designated and undesignated heritage assets, conserving and enhancing heritage assets and the support for the sustainable re-use, maintenance and repair of listed buildings and other heritage assets, particularly those identified as being at risk.</p> <p>However, we would suggest adding “and of the likely effect of the proposed development on that significance, and a demonstration of how these assessments have influenced the design of the proposals” at the end of the second paragraph.</p> <p>Add “and of the likely effect of the proposed development on that significance, and a demonstration of how these assessments have influenced the design of the proposals” at the end of the second paragraph.</p> <p><u>Appendix FNP 1</u> English Heritage welcomes and supports Objectives H/5, E/1 and E/2 in Appendix FNP 1 and we are particularly pleased to see the very high level of support for these Objectives from respondents.</p>
<p>Environment Agency (003)</p>	<p>The area covered by this Neighbourhood Plan is within the catchment for Apuldram Wastewater Treatment Works (WwTW). We therefore support the clarification provided by the inclusion of point 5 in Policy SD 3: Generic Development Constraints.</p> <p>We are pleased to see that the proposed allocations have been directed to the areas at the lowest probability of flooding and that they are all located within Flood Zone 1.</p>
<p>Fishbourne Parish</p>	<p>I am grateful for the opportunity to clarify and emphasise that the Fishbourne Neighbourhood Plan has been drawn up in a way</p>

<p>Council (004)</p>	<p>that supports sustainable development and meets the requirements of the NPPF. It has met the allocated target of finding sites for 50 new homes– and exceeded this by the planned provision of up to an additional 15 new homes - all of this in the first five years of the life of the plan. This is to help the District to level out its programme since its major projects will not deliver until the second and third five-year terms.</p> <p>Fishbourne has grown steadily northwards with new developments in each of the last five decades and has now reached the A27 which marks its northern and eastern boundaries. The village has increased its housing by 25% since the 2001 census, including the last three years when the total of new housing (60 new homes) placed Fishbourne third out of 58 towns and villages in the Chichester District. As a result of development not being matched by infrastructure, there are now problems associated with flood risk, travel congestion, a lack of employment opportunities, an oversubscribed school and no local services such as a village shop, post office, or medical centre.</p> <p>FNP Section 5.1 Sustainable Housing, Planning and Design states that <i>“The Neighbourhood Plan has identified two potential sites on which there could be sustainable development.”</i> In the interests of producing a positive plan, the long list of reasons for excluding the Bethwines site (although it was included in the SHLAA) were omitted. On reflection, it might have been more helpful to list the reasons for objecting to the site.</p> <p>Bethwines Farm in Blackboy Lane (the subject of a subsequent emerging application from Icenii on behalf of Fishbourne Developments Limited) was rejected as a site by the Plan’s Steering Group, an Open Meeting and a subsequent meeting of the Parish Council, since:</p> <ul style="list-style-type: none"> • it was outside the Settlement Policy Area; • it would cause irreparable damage; • it was not sustainable; <p>and as a result failed to meet many of the requirements of the NPPF.</p> <p>In brief, these shortcomings include:</p> <ol style="list-style-type: none"> 1 The proposal is the antithesis of the NPPF requirement that planning should be “genuinely plan led empowering local people to shape their surroundings”.
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	<ol style="list-style-type: none">2 Misuse of “Best and Most Variable Agricultural Land”. Where agricultural land has to be used, the NPPF requires planning authorities to use areas of poorer quality land in preference to those of a higher quality. Lower grade, non-agricultural land is used as part of the Neighbourhood Plan.3 The reduced area of the farm would be more difficult to farm cost-effectively and the uncertainty about the size and timing of subsequent “salami slices” would hinder proper long-term management. This is not in compliance with the NPPF or DEFRA’s circular in 2013 urging farmers “to produce more food, not just for economic growth but also to feed the growing world population,” estimated to be 9 billion by 2050 (an increase of 35% on the 2010 population).4 After 50 years of development without appropriate infrastructure, the roads are already blocked by excessive traffic, much of which is the result of building elsewhere along the A259 with drivers using the narrow roads and country lanes as a means of avoiding the dangerous and congested Fishbourne Roundabout. Where there is queuing, the air quality is poor and being stuck in traffic jams is “not good for the environment or for people’s health and it’s certainly not good for the health of the West Sussex economy” (Louise Goldsmith, Leader WSCC).5 Accessibility to the site for building vehicles, especially given the narrowness of Blackboy Lane and the volume of traffic that is queuing or speeding depending on the time of day would be hazardous.6 The proposal would ruin for ever a highly valued landscape with unique views and spectacular sunsets across the coastal plain enjoyed by residents, walkers and visitors – whereas the NPPF says planning should “contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.”7 Biodiversity would be threatened as the farmland, the old buildings, the ditches and the wildlife margin around the farm have great biodiversity significance.8 Chichester Harbour is an AONB and in opposing a previous application (2008) the Harbour Conservancy considered that eroding the separate identity of Fishbourne as a settlement area “could have serious consequences for the distinctive identity and rural setting of the AONB.” The NPPF states of AONBs that “great weight should be given to considering their landscape and scenic beauty”. The farmland also has a strategic value as an important gap needed to prevent
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coalescence with Bosham. If that gap goes, it would have a domino effect with several villages losing their identities as they became part of a Solent Suburbia with the inevitable reduction in the quality of life.

- 9 With the water table just below sea level, it is not surprising that Fishbourne has a history of **flooding**. This has increased with each new development as the new building has stretched further and further towards the village's northern boundary. This has not been accompanied by the necessary increase in infrastructure and as a result surface water flooding is now a common occurrence where once it was a rarity. The problem cannot be "engineered away" as previous developers have promised because there just isn't the capacity downstream to take any more water. The NPPF has a clear requirement on this: "Developers must make sure that, in safeguarding their own development, they do this without increasing the flood risk elsewhere."
- 10 South of the A259, **coastal change** is increasing flooding from sea water and even relatively small increases in sea level (as projected) will have an impact on Fishbourne. Higher tides coinciding with strong winds will put parts of the A259 at risk – and at even greater risk if the incoming tide is met by an increase in surface water flowing towards the sea.

POLICY SD3 Generic Development Constraints lists local information which needs to be considered for certain sites. This is not, as some have suggested, contrary to the "presumption to build" but rather provides guidance for would-be developers of problems they would need to resolve in order to put forward plans for sustainable development.

POLICY ENV 3: Flooding

Despite the incorrect data published on the Environment Agency website, which shows Fishbourne as a Very Low Risk Flood Area for surface water flooding, this is in fact a long-standing problem in Fishbourne and one which has been exacerbated by each development over the past 40 years. The Parish Council has asked WSCC to ensure that correct information is supplied to the Environment Agency. The sites chosen for sustainable development in the Fishbourne Neighbourhood Plan are at the lowest probability of flooding, whereas the western side of the village is drained by two channels between which the most serious household flooding takes place. This area lies south of the proposed 71-house development of Bethwines.

Basic Conditions Document.

We are not in a position to make a definitive statement on whether or not an SEA was required. What we can confirm is that

	<p>the Steering Group asked the LPA about the need for this early on in the process and were advised that one was not necessary. It was only when we were compiling the Basic Conditions Document that we realised the need to ask formally for the District Council’s view as part of our evidence. This could lead to the erroneous view that consideration of the need for an SEA was an afterthought which, had it been true, would not have been in line with EU regulations. We can confirm, however, that this was not the case.</p> <p>Conclusion</p> <p>The lack of a five-year housing supply is not a be-all and end-all when considering individual Neighbourhood Plans and we hope the strength of the Fishbourne Neighbourhood Plan in encouraging sustainable development, taken in the context of the village’s sustained contribution to meeting building targets, will enable you to recommend it for a referendum.</p>
<p>Iceni Projects (005)</p>	<p><u>REPRESENTIONS ON THE SUBMISSION DRAFT OF THE FISHBOURNE NEIGHBOURHOOD PLAN ON BEHALF FISHBOURNE DEVELOPMENTS LTD</u></p> <p>On behalf of our client, Fishbourne Developments Ltd, we wish to submit representations on the Submission Draft of Fishbourne Neighbourhood Plan (FNP) 2014 – 2029. Fishbourne Developments Ltd has an interest in a landholding to the west of Blackboy Lane in Fishbourne. An aerial view of our client’s landholding is attached at Appendix 1 of this representation. Our clients are currently preparing a planning application for a residential development in respect of part of this landholding.</p> <p>a. Basic Conditions as set out in The Localism Act 2011</p> <p>In determining whether a Neighbourhood Plan should proceed, the Independent Examiner must identify whether the Plan meets the basic conditions set out in The Localism Act 2011, which are that the Plan:</p> <ul style="list-style-type: none"> • must have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State; • must contribute to the achievement of sustainable development; • must be in general conformity with the strategic policies contained in the Development Plan for the area; • must not breach, and be otherwise compatible with, EU and Human Rights obligations. <p>This representation assesses each of the basis conditions, albeit in a different order than above, to determine whether the draft FNP is in accordance with the Localism Act.</p> <p>i) Must not breach, and be otherwise compatible with, EU and Human Rights obligations.</p>

Directive 2001/42/EC, known as the Strategic Environment Assessment (SEA) Directive, which deals with the assessment of the effects of certain plans and programmes on the environment is critical in consideration of whether the FNP is legally compliant with particular basic condition. It is our considered opinion that the FNP is in breach of EU obligations insofar as an SEA is required and none has been prepared.

The National Planning Policy Guidance (NPPG), 6th March 2014, advises that in deciding whether a draft neighbourhood plan might have significant environmental effects, its potential scope should be assessed at an early stage against the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004. It is the LPAs role to determine whether an SEA is required through an assessment of Schedule 1 of the EA Regulations. The NPPG states that when deciding on whether the proposals are likely to have significant environmental effects, the LPA should consult the statutory consultation bodies. Where the LPA determines that the plan is unlikely to have significant environmental effects, it should prepare a statement of its reasons. This process does not appear to have been followed by CDC in respect of the FNP.

The Basic Conditions Document which accompanies the FNP states that a Screening process was carried out by the LPA to determine whether an SEA or Habitat Regulations Assessment (HRA) would be required to support the Neighbourhood Plan. However, the correspondence from the LPA attached to the FNP Basic Conditions Statement does not support this statement.

In correspondence from CDC dated the 22nd April 2014 (copy attached at Appendix 2) in response to the Chairman of Fishbourne Parish Councils letter, dated the 26th March 2014, the Planning Policy Officer states that neither a HRA nor an SEA / Sustainability Appraisal (SA) of the Fishbourne NP will need to be carried out as this has been covered through the assessments of the Local Plan. The LPA's correspondence states that an SEA or 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.

The LPA's advice is contrary to the EA Regulations. Firstly the LPA's correspondence makes no reference to Schedule 1 of the Regulations and fails to properly assess whether an SEA is required. Most significantly, the LPA states that an SEA or SA should be undertaken where proposals diverge from the inherited development plan, which applies in this instance as the FNP allocates sites for housing development and as such, 'diverges' from the adopted Development Plan (1999). Furthermore, in view of the sensitive habitats within the Fishbourne Plan boundary (Chichester Harbour AONB, SPA, SSSI and Ramsar designations and significant archaeological potential), the plan may cause significant environmental effects that have not been

assessed in the Development Plan. Thus, it follows that an SEA is required in this instance.

The LPA correspondence further states that an SEA / SA should not be required if it would repeat the Local Plan SEA / SA, challenge it or look at options of which effects are so localised that are not significantly different in SEA / SA terms. The LPA cannot rely upon the SEA / SA prepared for the emerging Local Plan as this remains untested and may not be adopted. The FNP must comply with the EU obligations in its own right and cannot rely upon emerging Local Plan documents.

Furthermore, the NPPG advice sets out instances whereby an SEA may be required which are detailed in the table below. In the table the FNP is considered in the context of the guidance and our view is provided as to whether an SEA is required.

NPPG – An SEA may be required if:	Fishbourne NP:	In view of the NPPG, is an SEA required for the NP?
neighbourhood plan allocates sites for development	Allocates sites for development	Yes
the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan	The southern half of the FNP boundary lies within the Chichester Harbour Area of Outstanding Natural Beauty. Furthermore, part of the Chichester Harbour SPA, SSSI and Ramsar designated area lies within the Plan area. Also, there is significant unknown archaeology remains in the plan area particularly in the vicinity of the Roman Palace, which the Plan allocates for development.	Yes
the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.	The plan may have significant environmental effects as it represents a departure from the adopted Local Plan (the emerging plan is not relevant in the assessment of the NP)	Yes

The LPA's correspondence on the 22nd April 2014 postdates the NPPG. However, CDC fails to make any reference to the NPPG and the national guidance which outlines when an SEA may be required.

The need for an SEA appears to be an afterthought of the Steering Committee producing the FNP, given that the Steering Committee only wrote to the LPA in relation to the requirement for an SEA in March 2014, more than 4 months after the draft FNP was published. The NPPG requires the need for an SEA to be determined at the outset. It appears that the Steering Committee and the LPA had already taken the view that an SEA was not required without adhering to the EU obligations and assessing the Plan against the EA Regulations.

The EA Regulations state that the only likely scenarios where an SEA will not be required is if the plan is only determining the use of a small area at local level or is a minor modification to an existing plan of such small order that it is unlikely to have significant environmental effects. This is not the case for the FNP as it is allocating sites for housing which gives rise to significant environmental implications.

In conclusion on this basic condition, the LPA has not adhered to the EA regulations and the Plan fails to comply with the EU obligations for the following reasons:

- The FNP allocates sites for residential development, which are not allocated in the Local Plan;
- The FNP area contains sensitive natural and heritage assets, which may be affected by the proposals;
- The FNP may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the adopted Local Plan;
- The LPA must consult the statutory consultation bodies when deciding on whether the proposals are likely to have significant environmental effects and require an SEA;
- The reasons why an SEA is not required are not clearly stated in the letter from CDC, the Regulations require a Statement of Reasons to be provided;
- Fishbourne PC did not seek a screening opinion for an SEA on the NP from CDC until the 26th March, after the initial publication of the Plan and just prior to the completion of Submission Draft to CDC.

The need for an SEA was raised in the Slaugham Parish Neighbourhood Plan, where the Neighbourhood Plan failed to pass the examination as the SEA was deemed insufficient. In this instance, Mid – Sussex District Council issued a screening opinion that an SEA would be required for all neighbourhood plans that allocate land for housing or employment. The Examiner agreed with this approach.

In addition, the Examiner on the Dawlish Parish Neighbourhood Plan advised that the allocation of housing within the Plan would have triggered the need for an SEA.

The legal requirements of the SEA Directive and Regulations have not been met and therefore this Plan cannot proceed to a referendum as it is in breach of EU obligations.

ii) National Policy & Advice

The National Planning Policy Framework (NPPF) and the NPPG provide the most up – to – date policy and guidance in order to assess Neighbourhood Plans. The NPPF and NPPG are both clear that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development and shape and direct development that is outside the strategic elements of the Local Plan.

The Submission Draft of the FNP fails to adhere to the NPPF and the NPPG in respect of the presumption in favour of sustainable development primarily due to the policies in the FNP in relation to agricultural land and housing.

Policy E2 of the FNP states that Fishbourne has a good growing climate and both agricultural and horticultural industries are important. The FNP protects the best and most versatile agricultural land and will minimise its loss to development because domestic food production is of strategic national importance. The FNP does not have any evidence base to justify this policy and it is not in accordance with the saved policies contained in the Local Plan (1999). It is also inconsistent with the NPPF which states that “*where significant development of agricultural land is demonstrated to be necessary*”, LPAs should direct development to areas of poorer quality land. However, in order for Chichester District Council to meet their housing needs, once they are confirmed in the Local Plan, it is most likely that some development will need to be accommodated on best and most versatile agricultural land (Grades 1 – 3a) as this is prevalent in the district. In this regard, policy E2 is inconsistent with the NPPF as Fishbourne will be unable to meet its housing needs if this policy is enforced. Such a policy would also be entirely inconsistent with the many recent decisions by The Planning Inspectorate (PINS) on housing schemes in the district. Given that CDC does not have a Five Year Housing Land Supply, there have been a host of planning approvals issued by PINS for housing developments on best and most versatile agricultural land (Grades 1 – 3a) in recent times. In context of NPPF, in particular paragraphs 49 and 14, Planning Inspectors have determined that while the loss of agricultural land is a material consideration, on its own it is not a significant issue that would outweigh the benefits of delivering housing, particularly where there is a significant housing shortfall in the district.

The FNP does not include policies or objectives to support housing growth in the settlement as the FNP is predicated on the 50 residential unit allocation in the emerging Local Plan. The FNP will only worsen the districts existing Five Year Housing Land Supply shortfall. This is an incorrect approach. In the absence of a current adopted Development Plan policy setting out housing

supply for all of Chichester District, the FNP should not seek to determine the overall quantum of residential development. This point was clarified in the examination of the Dawlish Parish Neighbourhood Plan, which was rejected by the Independent Examiner. The Examiners interpretation of the legislation is that only LPA's can determine the baseline need for housing growth, against which Neighbourhood Plans can be assessed. The NPPG has not altered this position but it has clarified that Neighbourhood Plans can precede Local Plans. This does not infer that Neighbourhood Plans can dictate housing number, as the FNP is attempting to do.

While the emerging Development Plan identifies a target of 50 dwellings for Fishbourne, this is somewhat irrelevant given that the Local Plan has not yet been examined. It is our considered opinion, having regard to recent Inspectors' assessments of Local Plans, that where a Local Plan fails to meet its objectively assessed housing needs as required in the NPPF, the Local Plan will need to be revised accordingly. It is our view that this is likely to be the case with the Chichester Local Plan since the Planning Authority have stated that they do not intend to meet their objectively assessed housing needs as required by the NPPF. The issue of housing supply requires rigorous examination and this has not yet been undertaken. Given the uncertainty regarding the housing requirements and also the absence of a Five Year Housing Land Supply in the District, the housing policies of the FNP should be flexible to ensure that it can accommodate the housing needs that will be identified in the Local Plan.

The FNP fails to support the presumption in favour of sustainable development and plan for housing development and thus, has not had appropriate regard to national policy.

iii) Achieve Sustainable Development

The FNP proposes to extend the Settlement Policy Boundary to incorporate two site allocations. This approach will inhibit Fishbourne from meeting the objectively assessed housing needs, once these are confirmed in the Local Plan. The principle of settlement policy areas are not referenced in the NPPF and the spatial approach of confining development within settlement areas is similarly not supported in national policy.

The FNP states that it identifies "two potential sites on which there could be sustainable development". It is not clear from this statement whether these are the only two sustainable sites in the settlement that the Steering Group consider could accommodate development, however this appears to be inferred throughout the FNP.

The FNP refers to paragraphs 6 and 7 of the NPPF which set out the dimensions to sustainable development which give rise to the need for the planning system to perform a number of roles –economic, social and environmental. The

	<p>Plan allocates two sites on which it states there could be sustainable development. The Plan does not provide an evidence base to justify why it considers that these sites are sustainable in the context of the three dimensions of sustainable development nor does the plan explain why sites in the settlement, such as our client's landholding, are discounted.</p> <p>The NPPG states that a NP can allocate sites for development and should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. The FNP has not followed this approach. Our client's landholding represents an optimum location to accommodate new dwellings in the district given its central location within Fishbourne, adjacent to existing amenities including the Fishbourne Centre. Furthermore, the site does not comprise of a high quality landscape as confirmed in The Future Growth of Chichester: Landscape and Visual Amenity Considerations 2005¹ and the site is not at risk of flooding.</p> <p>Notwithstanding the above, the FNP allocates land at Roman Palace for the development for approximately 15 dwellings. However, this may not be deliverable according to the CDC Strategic Housing Land Availability Assessment (May 2014) which questions whether housing on this site is achievable and notes that while it has potential, delivery is unknown as it will require further assessment due to potential archaeological remains. As detailed above, the allocation of this site further compounds the need for an SEA to accompany the FNP.</p> <p>Most fundamentally, the Neighbourhood Plan is required to plan positively. Given that Chichester currently has an acute five year land supply shortfall and the housing allocation for the settlement remains unknown pending the examination of the EiP, the FNP needs to provide a policy in support of residential development to meet the Districts objectively assessed housing needs, once confirmed. This may be the objective of Policy SD3: Generic Development Constraint for new buildings, however, this is not clear in the Plan since the policy is described as development constraints and it does not support development. On the contrary, the policy seeks to limit it.</p> <p>iv) must be in general conformity with the strategic policies contained in the Development Plan for the area;</p> <p>Given the policy vacuum that currently exists in CDC, it is not clear what Strategic Development Plan policies the FNP is based on. The NPPG requires the LPA to set out clearly its strategic policies in accordance with paragraph 184 of the NPPF and provide details of these to a qualifying body and to the independent examiner.</p>
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¹ The Future Growth of Chichester: Landscape & Visual Amenity Considerations 2005 identifies the 'West Fishbourne Arable Farmland', which comprises of our clients landholding, as one of the least sensitive land parcels in terms of landscape sensitivity and priority views in the district.

The Basic Condition Statement does not explain what the strategic policies are or how the Plan conforms with the strategic policies contained in the Development Plan, it simply states that the Development Plan for Chichester consists currently of the saved policies from the Chichester District Local Plan First Review (April, 1999).

In the absence of any strategic policies, the FNP should conform with the NPPF. As outlined above, the FNP is contrary to the objectives of the Framework.

b. Other Matters

Vision

One element of the vision is that Fishbourne will meet “its indicative target for new housing”. This indicative target is based on the emerging Local Plan. The Framework and Guidance is clear that a Neighbourhood Plan cannot be based on an untested emerging Local Plan. Thus, the FNP is flawed from the outset given that the vision is reliant on the emerging plan. Given that the Local Plan EiP is not scheduled until September 2014, it will not be known for some time whether there will be indicative housing targets for the settlements and moreover, in the event that there are targets, it is not known what they will be.

The emerging Local Plan will set the agenda for housing numbers and growth. The FNP should be worded to ensure that it plans positively to meet the identified local housing required, which will be confirmed in the Local Plan, and needs to respond to the supply of these new homes.

Consultation Statement

On page 3 of the FNP Consultation Statement, it states that on the 8th March 2014 the first meeting of a campaign group to preserve the strategic gap at Bethwines (Iceni proposal which is contrary to FNP) was held. It is difficult to see how the formation of a campaign group against development should form part of the consultation of the Neighbourhood Plan, which is a statutory process.

The consultation statement details that there was a great deal of community involvement and engagement during the preparation of the FNP. However, the Statement does not explain how this engagement fed into the policies and objectives which form the Neighbourhood Plan. There is little explanation provided of the outcome of many of the consultations and how this impacted upon the plan. The Examiner raised a similar issue in considering the Slaugham Parish Neighbourhood Plan and expressed concern that the Statement failed to meet the requirements of the Regulations.

c. Requirement for an Examination

While it is noted that the examination of a Neighbourhood Plan will generally take the form of written representations, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of the issue or to give a person a fair chance to put a case. In this instance, it is considered necessary to hold a hearing session particularly to address the policies in relation to housing and the how the plan to meet the basic conditions.

Our client would welcome the opportunity to provide oral representations at the hearing session.

d. Request for Information Given the Potential for a Legal Challenge

In view of the significant legal deficiencies identified in the Submission Draft FNP, in particular in respect of the SEA process and the failure to meet the EU obligations, it is respectfully requested that the LPA and the Steering Committee provide us with all relevant background information relating to the SEA Screening process and the engagement with the statutory consultees. It is requested that this information is provided at the LPA's and Steering Committees earliest convenience in order to avoid unnecessary expense to Fishbourne Developments, which may be recouped at a later stage, associated with any legal proceedings and also to avoid likely delays to the Neighbourhood Plan.

Should the LPA for any reason be unable to provide this information, they requested to confirm this in writing to Icen Projects by return.

e. Conclusion

In this instance, it is considered that the Examiner has no option but to advise the LPA that the FNP should not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

It is considered that the approach taken to the screening of the SEA is a fundamental matter and if the correct procedures have not been adhered to, which appears to be the case in this instance, it puts the Plan at risk of a Judicial Review. It is suggested that the LPA resolves this matter prior to the examination of the FNP.

The housing supply policies need to be significantly altered to ensure that the plan supports housing growth, assists in addressing the current Five Year Housing shortfall in the District, and is flexible so that it can accommodate the objectively

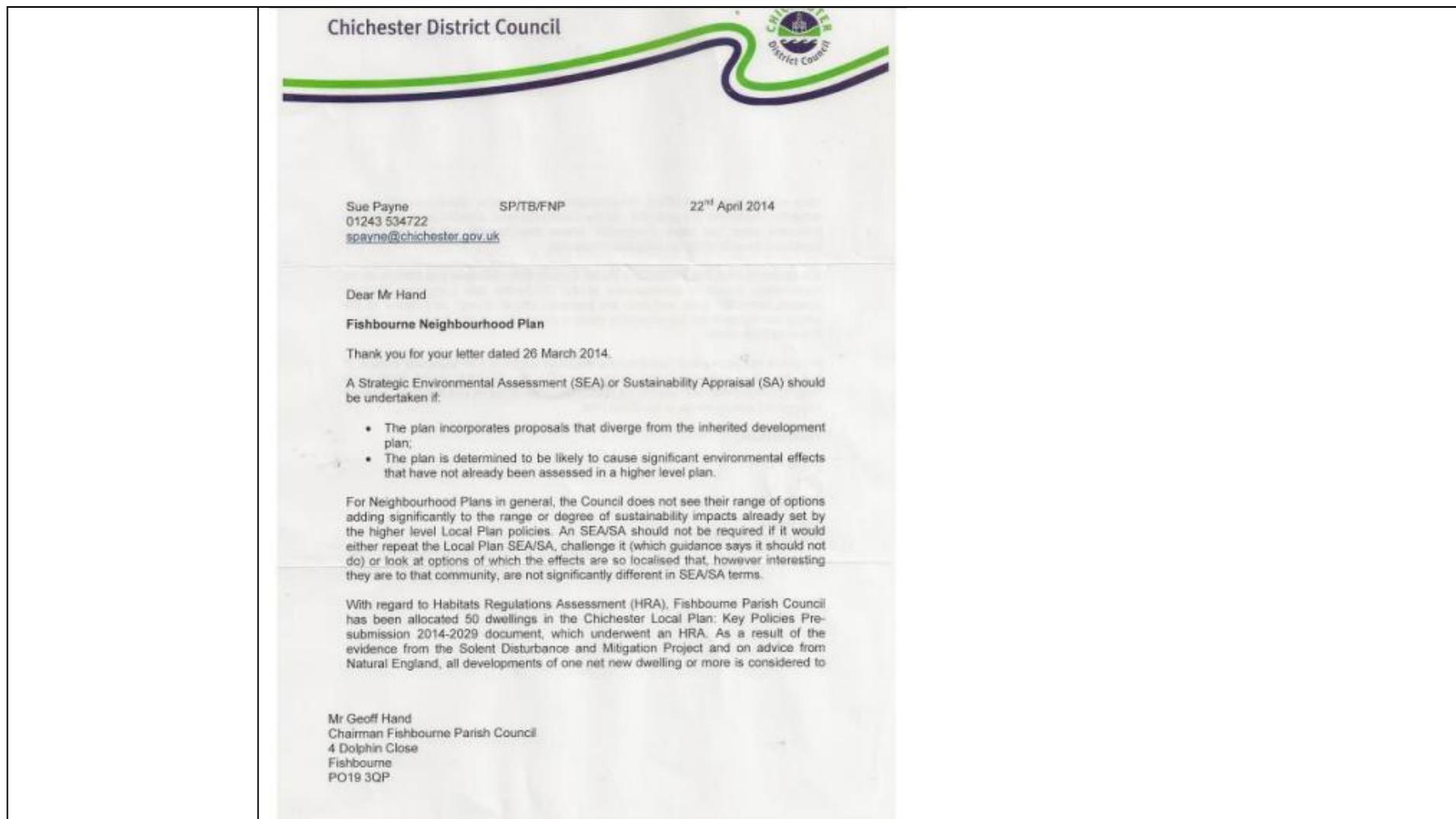
assessed housing needs, which will be confirmed through the examination of the Local Plan.

It is requested that the LPA keep us informed on any progress in relation to the FNP.

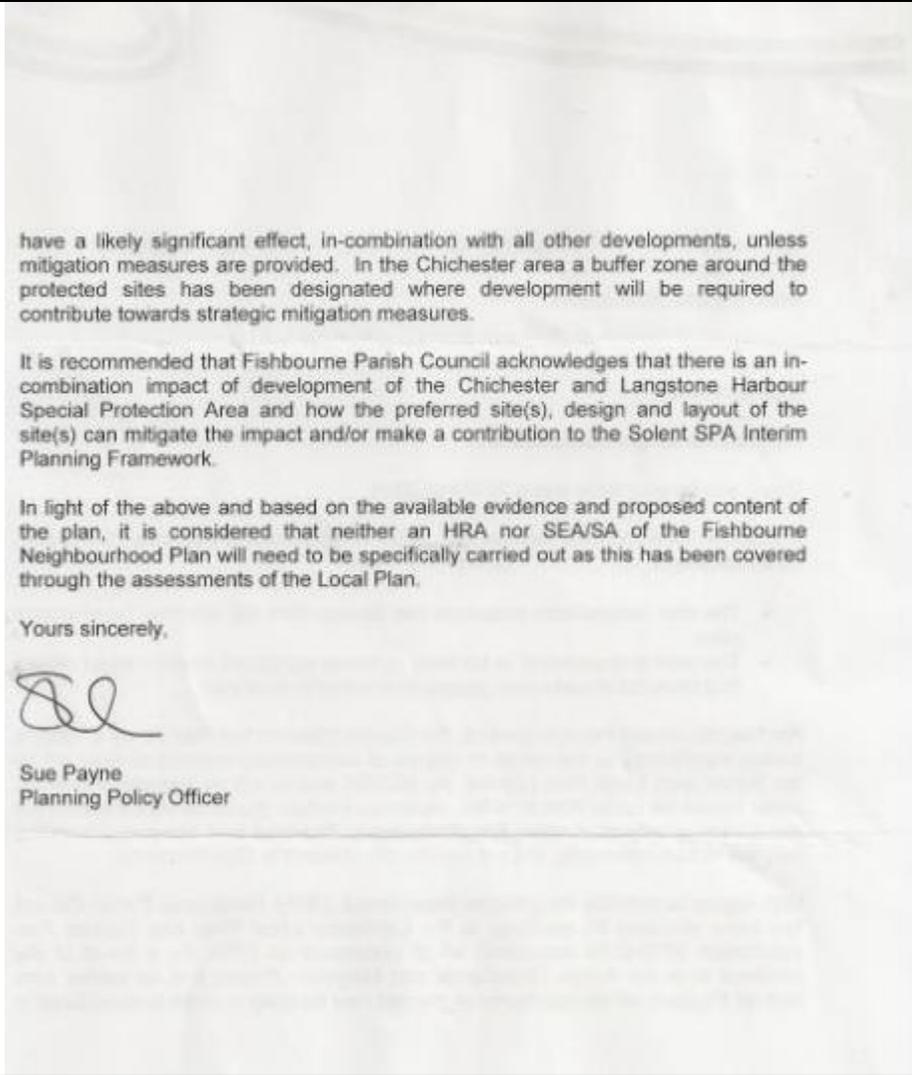
Appendix 1



	<p>Appendix 2</p>
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Fishbourne Neighbourhood Plan - Summary of Representations (Regulation 16)

	 <p>have a likely significant effect, in-combination with all other developments, unless mitigation measures are provided. In the Chichester area a buffer zone around the protected sites has been designated where development will be required to contribute towards strategic mitigation measures.</p> <p>It is recommended that Fishbourne Parish Council acknowledges that there is an in-combination impact of development of the Chichester and Langstone Harbour Special Protection Area and how the preferred site(s), design and layout of the site(s) can mitigate the impact and/or make a contribution to the Solent SPA Interim Planning Framework.</p> <p>In light of the above and based on the available evidence and proposed content of the plan, it is considered that neither an HRA nor SEA/SA of the Fishbourne Neighbourhood Plan will need to be specifically carried out as this has been covered through the assessments of the Local Plan.</p> <p>Yours sincerely,</p>  <p>Sue Payne Planning Policy Officer</p>
<p>Natural England (006)</p>	<p>Much of the plan is welcomed, notably the recognition of the importance of the AONB and the various habitat designations relating to the Harbours.</p>

Fishbourne Neighbourhood Plan - Summary of Representations (Regulation 16)

	<p>There seems to be very limited reference to the policy emerging from work on the Chichester Local Plan and no reference to the “Chichester District Council - Interim Policy Statement on Development and Disturbance of Birds in Special Protection Areas and identified Compensatory Habitats - Effective April 2014”.</p> <p>The housing proposed in the plan is likely to have a significant effect on local N2K sites and this should be addressed in the plan. The interim policy provides some guidance on mitigation in the period up to adoption of a new Local Plan.</p> <p>Some assessment should have been undertaken to establish which (if any) protected species may be using the allocated sites. Given the proximity of the European sites, this should include species for which Chichester and Langstone Harbour was designated, and (if so) whether the allocations are (in effect) functionally linked land. This assessment should be done before the land allocations are confirmed, to ensure that any constraints on development are recognised, that the viability and scale of development are confirmed and that the plan is sound in respect of meeting housing needs. There may to sufficient data in biological records to increase confidence on these matters.</p>
<p>Portsmouth Water (007)</p>	<p>Unfortunately there is a problem with the preferred housing site at the Roman Palace. We have an existing large diameter main which passes through the site in an easement. We have been asked to move the main that passes through the Roman Palace and the new main is currently also show within the housing site. The area is very sensitive to any impact on the archaeology and we may need to consider alternative routes for the new main. These routes could include the northern boundary of the proposed housing site to the south of the railway.</p> <p>We also have to consider the supply to the 1600 house site to the west of Chichester. One of the mains to this site may need to cross the proposed housing site in a new easement.</p> <p>My additional points are: 1) The land east of Mosse Gardens is large enough to take the whole Fishbourne allocation of 50 houses. 2) The Inspectors Report into the East Hants Local Plan confirms that the Government is considering placing standards for sustainable construction under the Building Regulations. Policies on sustainable construction in Local Plans and Neighbourhood Plans may be superseded and this needs to be acknowledged in the documents.</p>
<p>Sport England (008)</p>	<p>Planning Policy in the National Planning Policy Framework identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process and providing enough sports facilities of the right quality and type and in the right places is vital to achieving this aim. This means positive</p>

	<p>planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.</p> <p>It is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above document with particular reference to Pars 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to be aware of Sport England’s role in protecting playing fields and the presumption against the loss of playing fields (see link below), as set out in our national guide, ‘A Sporting Future for the Playing Fields of England – Planning Policy Statement’. http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/</p> <p>Sport England provides guidance on developing policy for sport and further information can be found following the link below: http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/</p> <p>Sport England works with Local Authorities to ensure Local Plan policy is underpinned by robust and up to date assessments and strategies for indoor and outdoor sports delivery. If local authorities have prepared a Playing Pitch Strategy or other indoor/outdoor sports strategy it will be important that the Neighbourhood Plan reflects the recommendations set out in that document and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support the delivery of those recommendations. http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/</p> <p>If new sports facilities are being proposed Sport England recommend you ensure such facilities are fit for purpose and designed in accordance with our design guidance notes. http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/</p>
<p>Southern Water (009)</p>	<p><u>Policy SD1 - Oppose</u></p> <p>Policy SD1 allocates the above site for 25 dwellings. In line with paragraph 162 of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance, we undertook an assessment of the existing capacity of our infrastructure and its ability to meet the forecast demand for this development. That assessment reveals that additional local sewerage infrastructure would be required to accommodate the development. This would involve the development making a connection to the local sewerage network at the nearest point of adequate capacity.</p> <p>Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is insufficient. Furthermore, Southern Water is not fully funded to provide local sewerage infrastructure, as Ofwat, the water industry’s economic regulator, expects the company to recover new development and growth costs from developers. Planning policies</p>

and planning conditions, therefore, play an important role in securing the necessary local sewerage infrastructure in parallel with the development.

Whilst we welcome the generic reference to providing this infrastructure in POLICY SD3, we consider that specific provision should be made in POLICY SD1, in line with the following government guidance:

- paragraph 17 of the NPPF that requires plans to provide a practical framework for the determination of planning applications,
- paragraph 183 of the NPPF requires neighbourhood plans to set planning policies to determine decisions on planning applications,
- paragraph 184 of the NPPF states that ‘...local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them’,
- the National Planning Practice Guidance advises in paragraph 41 that ‘A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared’,
- Paragraph 45 of the National Planning Practice Guidance also directs that ‘Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way. The following may be important considerations for a qualifying body to consider when addressing infrastructure in a neighbourhood plan: * what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way...’.

Importantly, our proposed policy provision would give early warning to developers, ensure that drainage is considered during the determination of any planning application and ultimately ensure delivery of the requisite local infrastructure by way of a planning condition.

If development is permitted to proceed where there is inadequate capacity in the sewerage network, then the system would become overloaded, leading to pollution of the environment. This situation would be contrary to paragraph 109 of the NPPF, which requires the planning system to prevent both new and existing development from contributing to pollution.

There is a risk that the necessary local sewerage infrastructure will not be delivered in time to service the proposed development, unless delivery is supported by planning policies and subsequently in planning conditions.

The 'Basic Conditions Statement' submitted in support of the Fishbourne Neighbourhood Plan does not identify paragraphs 17, 109 or 162 of the NPPF. Our suggested amendment would rectify these omissions and ensure two of the basic conditions necessary for a Neighbourhood Plan to be met, namely: to have regard to national policies and advice contained in guidance issued by the Secretary of State and contribute to the achievement of sustainable development.

To ensure consistency with the NPPF and the National Planning Practice Guidance as well as being supported by the examiner for the Worth Neighbourhood Development Plan, we reiterate that the following criteria should be included in POLICY SD1:

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 a connection to the nearest point of adequate capacity in the sewerage network, as advised by Southern Water.

We welcome the recognition of our existing infrastructure in the paragraph at the end of POLICY SD2. However, for the seek of clarity we suggest that this paragraph is moved to the end of POLICY SD1. Also we take this opportunity to point out, that as stated in our previous representations, there is also a wastewater pumping station close to the site boundary. A 15 metre gap between this pumping station and any sensitive development, such as housing, will be required to allow adequate odour dispersion and provide sufficient distance to prevent any significant impact from vibration.

Policy SD2 – Oppose

Policy SD2 allocates that above site for upto 15 dwellings. In line with paragraph 162 of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance, we undertook an assessment of the existing capacity of our infrastructure and its ability to meet the forecast demand for this development. That assessment reveals that additional local sewerage infrastructure would be required to accommodate the development. This would involve the development making a connection to the local sewerage network at the nearest point of adequate capacity.

Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is insufficient. Furthermore, Southern Water is not fully funded to provide local sewerage infrastructure, as Ofwat, the water industry's economic regulator, expects the company to recover new development and growth costs from developers. Planning policies and planning conditions, therefore, play an important role in securing the necessary local sewerage infrastructure in parallel with the development.

Whilst we welcome the generic reference to providing this infrastructure in POLICY SD3, we consider that specific provision should be made in POLICY SD2, in line with the following government guidance:

- paragraph 17 of the NPPF that requires plans to provide a practical framework for the determination of planning applications,
- paragraph 183 of the NPPF requires neighbourhood plans to set planning policies to determine decisions on planning applications,
- paragraph 184 of the NPPF states that ‘.....local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them’,
- the National Planning Practice Guidance advises in paragraph 41 that ‘A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply in consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared’.
- Paragraph 45 of the National Planning Practice Guidance also directs that ‘Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way. The following may be important considerations for a qualifying body to consider when addressing infrastructure in a neighbourhood plan: * what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way...’.

Importantly, our proposed policy provision would give early warning to developers, ensure that drainage is considered during the determination of any planning application and ultimately ensure delivery of the requisite local infrastructure by way of a planning condition.

If development is permitted to proceed where there is inadequate capacity in the sewerage network, then the system would become overloaded, leading to pollution of the environment. This situation would be contrary to paragraph 109 of the NPPF, which requires the planning system to prevent both new and existing development from contributing to pollution. There is a risk that the necessary local sewerage infrastructure will not be delivered in time to service the proposed development, unless delivery is supported by planning policies and subsequently in planning conditions.

The ‘Basic Conditions Statement’ submitted in support of the Fishbourne Neighbourhood Plan does not identify paragraphs 17, 109 or 162 of the NPPF. Our suggested amendment would rectify these omissions and ensure two of the basic conditions

necessary for a Neighbourhood Plan to be met, namely: to have regard to national policies and advice contained in guidance issued by the Secretary of State and contribute to the achievement of sustainable development.

To ensure consistency with the NPPF and the National Planning Practice Guidance as well as being supported by the examiner for the Worth Neighbourhood Development Plan, we reiterate that the following criteria should be included in POLICY SD2:

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.*
- *Provide a connection to the nearest point of adequate capacity in the sewerage network, as advised by Southern Water.*

Policy SD3 – Support with modifications

We welcome the support for utility infrastructure, which addresses our previous representations.

We note that there is a generic requirement to require ‘All developments’ to provide a connection to the sewerage network at the nearest point of adequate capacity. As outlined above in our representations to policies SD1 and SD2, paragraph 162 of the National Planning Policy Framework (NPPF) and National Planning Practice Guidance advise that assessments should be made of the ability of infrastructure to meet forecast demands. We undertook assessments in respect of the proposed redevelopments at ‘Land East of Mosse Gardens’ and ‘Land at the Roman Palace’ and for both sites it was identified that there was limited capacity in the sewerage network. Accordingly, we continue to seek policy provision in the site allocation policies to secure the delivery of local infrastructure to address this limited capacity. However, it may be that there is not limited capacity in respect of all new development. To be able to assess the capacity, we would need to know the precise location and quantum of development.

To ensure consistency with the NPPF and National Planning Practice Guidance, we propose the following amendments to POLICY SD 3:

Where an assessment reveals that there is limited capacity in the local sewerage network to service a particular development, it will be ~~All developments are~~ required to provide a connection to the sewerage 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).

Policy ENV1 - Oppose

Southern Water understands Fishbourne Parish Council's desire to protect areas of Green Space. However, we can not support the current wording of this policy as it could create a barrier to statutory utility providers, such as Southern Water, from delivering its essential infrastructure required to serve existing and planned development.

Paragraph 76 of the National Planning Policy Framework (NPPF) sets out that neighbourhood plans can identify green areas of particular importance with the intention of ruling out '*new development other than in very special circumstances*'. Paragraph 88 of the NPPF explains that special circumstances exist if the potential harm of a development proposal is clearly outweighed by other considerations.

Southern Water considers that should the need arise, special circumstances exist in relation to the provision of essential wastewater or sewerage infrastructure (e.g. a new pumping station) required to serve new and existing customers. This is because there are limited options available with regard to location, as the infrastructure would need to connect into existing networks. The National Planning Practice Guidance recognises this scenario and states that '*it will be important to recognise that water and wastewater infrastructure sometimes has locational needs (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered*'.

We made similar representations in respect of the Arundel Neighbourhood Development Plan and the examiner agreed that utility infrastructure can represent very special circumstances.

Although the Parish Council is not the planning authority in relation to wastewater or sewerage development proposals, support for essential infrastructure is required at all levels of the planning system.

The Basic Conditions Statement (accompanying the submission version of the Fishbourne Neighbourhood Plan) does not recognise paragraphs 76 (i.e.local communities will be able to rule out new development other than in very special circumstances) or 88 of the NPPF as outlined above. Our proposed policy provision, recognising the provision of utility infrastructure on Green Spaces in special circumstances, would address these omissions. This would enable two of the basic conditions necessary for a Neighbourhood Plan to be met, namely: to have regard to national policies and advice contained in guidance issued by the Secretary of State and contribute to the achievement of sustainable development.

	<p>To ensure consistency with the NPPF and National Planning Policy Guidance, we propose the following wording:</p> <p><i>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 or for essential utility infrastructure, where the benefit outweighs any harm, or it can be demonstrated there are no reasonable alternative sites available.</i></p>
<p>West Sussex County Council (010)</p>	<p>General</p> <p>In general, the County Council looks for Neighbourhood Plans to be in conformity with the District and Borough Councils' latest draft or adopted development plans. The County Council supports the District and Borough Councils in preparing the evidence base for these plans and aligns its own infrastructure plans with them. The County Council encourages Parish Councils to make use of this information which includes transport studies examining the impacts of proposed development allocations. Where available this information will be published on its website or that of the relevant Local Planning Authority. In relation to its own statutory functions, the County Council expects all Neighbourhood Plans to take due account of its policy documents and their supporting Sustainability Appraisals. These documents include the West Sussex Waste Local Plan, Minerals Local Plan and West Sussex Transport Plan. It is also recommended that published County Council service plans, for example Planning School Places, are also taken into account.</p> <p>Specific considerations</p> <p>Page 5: Where it is stated that the 'relevant policies appear in a separate section (Section 6)', it appears that this should be referring to section 5 – please clarify.</p> <p>Project 8: These aspirations have been noted. The County Council is in ongoing discussions with the community regarding the South Chichester Local Infrastructure Plan, which is used to guide local investment in highway improvement schemes identified as community priorities. Further discussion will be undertaken and the plan will be updated at appropriate intervals to ensure that it continues to reflect issues of current interest within communities.</p> <p>For the potential upgrade of the level crossing barriers, a study would need to be undertaken to ensure that any potential additional queues in traffic would not impact on the A259.</p> <p>Policy T1: Whilst the principle of this policy is supported, it is suggested that it is re-phrased more positively i.e. 'Development proposals will be supported where they contribute to sustainable travel behaviour in the village through enhancements to cycleways and footpaths'. It is also suggested that specific cycleways are identified in this policy.</p>

Policy T2: There may be difficulty defining 'minimal direct impact on traffic flow' through the development management process. It is suggested that this policy is re-worded as a policy that positively seeks to secure traffic calming measures and enhancements to pedestrian safety.

Small scale housing sites

Given that the Submission Neighbourhood Plan for Fishbourne includes the proposed allocation of small scale housing sites, it should be noted that site specific principles in the Neighbourhood Plan will need to be tested and refined through the Development Management process (through the provision of pre-application advice or at the planning application stage) or as part of a consultation for a Community Right to Build Order. Whilst the County Council supports the proactive approach undertaken to allocate sites in the Neighbourhood Plan, we are unable to comment on site specific principles at this stage. In considering site specific principles, please refer to the attached Development Management guidance.

The County Council currently operates a scheme of charging for highways and transport pre-application advice to enable this service to be provided to a consistent and high standard. Please find further information on our charging procedure through the following link:

http://www.westsussex.gov.uk/leisure/getting_around_west_sussex/roads_and_pathways/plans_and_projects/development_control_for_roads/pre-application_charging_guide.aspx

Development Management Guidance

There are two sets of guidance that govern road design: Manual for Streets (MFS) for lightly trafficked residential streets and Design Manual for Roads and Bridges (DMRB) for all other roads, including rural roads. These can be accessed through the following links:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3891/pdfmanforstreets.pdf

<http://www.dft.gov.uk/ha/standards/dmr/vol6/section1/td993.pdf>

The County Council supports the approach set out in MFS, which has been adopted guidance for residential street design since its introduction in 2007. Within this document there are some very useful references to visibility splays, turning circles and car parking layouts. The document does not however provide specific measurements for visibility splays, so:

	<p>"X "Distances from the (kerb back) are typically:</p> <ul style="list-style-type: none">2.0 metres -domestic single accesses2.4 metres- for shared or busy crossovers4.5 metres- for busy junctions9.0 metres-major junctions <p>"Y "Distances are based on vehicle speed, and for lightly trafficked residential streets MFS would be applied:</p> <ul style="list-style-type: none">20 mph- 25 metres25 mph- 33 metres30 mph- 43 metres <p>For a road where the 85th percentile speed is in excess of 37 mph and for roads where MFS does not apply, TD/93 distances from DMRB would be applied:</p> <ul style="list-style-type: none">40 mph-120 metres50 mph-160 metres60 mph-215 metres <p>Please access the Local Design Guide through the following link. This provides further advice on how MFS is to be interpreted and applied within West Sussex:</p> <p>http://www.westsussex.gov.uk/leisure/getting_around_west_sussex/roads_and_pathways/plans_and_projects/development_control_for_roads/local_design_guide.aspx</p> <p>The WSCC parking standards were adopted in 2003 as Supplementary Planning Guidance (SPG). The SPG sets out parking standards for development in West Sussex. However, in September 2010 a new approach to parking in residential developments was adopted and changes to the original SPG that are affected by the September 2010 changes have been highlighted in the 'Guidance on Car Parking in Residential Development' document provided in the link below. This also contains recommended levels of cycle provision:</p>
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	http://www.westsussex.gov.uk/leisure/getting_around_west_sussex/parking/parking_standards.aspx
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