

Strategic Environmental Assessment of the Fishbourne Neighbourhood Plan

SEA Screening Report

October 2014



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LANDSCAPE ECOLOGY, PLANNING AND URBAN SUSTAINABILITY

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SEA Screening Document

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Photo: Roman Palace by David Spender

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Acronyms

AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Area
EIA	Environmental Impact Assessment
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
W.I.	Women's Institute

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1 Introduction

1.1 This report

1.1.1 This screening report has been prepared to determine whether the Fishbourne Neighbourhood Plan (NP) should be subject to a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).

1.2 Strategic Environmental Assessment

1.2.1 The basis for Strategic Environmental Assessment legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).

1.2.2 Under the requirements of the European Union Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations (2004), certain types of plans that set the framework for the consent of future development projects, must be subject to an environmental assessment.

1.2.3 The 2008 Planning Act requires plan making bodies to comply with the SEA Directive by screening the plan's potential effects on the environment.

1.3 The Fishbourne Neighbourhood Plan

1.3.1 The Fishbourne Neighbourhood Planning Basic Conditions Document¹ explains that the creation of neighbourhood plans started with the Government's Localism Act 2011. The Act set out a series of measures to shift power away from central government and towards local people. One of the Localism Act's key components is the Neighbourhood Plan; a new tier in planning policy which enables local people to shape the development of the community in which they live.

1.3.2 The neighbourhood planning process started in May 2013, when Fishbourne Parish Council set up a Steering Group and five Task Groups. These consisted of volunteers who were representative of the community and willing to help prepare a NP for the area. Residents were invited to join any of the five task groups. The Neighbourhood Plan Steering Group includes representatives from: Fishbourne Parish Council,

- Fishbourne W.I.,

¹ Fishbourne Parish Council, (2014), Basic Conditions Document, [online] Available at: <http://www.fishbourne-pc.gov.uk/index.cfm?articleid=22131>, accessed on: 08/10/14

- The Roman Palace;
- Sussex Police;
- Chichester District Council;
- West Sussex County Council;
- Fishbourne Primary School Board of Governors; and
- Numerous other skilled volunteers.

1.3.3 The launch of the Steering Group resulted in 44 suggestions for a village survey, which was circulated to all households and businesses in the village in order to gather their opinions. The village survey was distributed as part of the Village Voice in September 2013. An independent data analyst was commissioned to undertake the analysis of the 232 completed surveys and produce a report. These results were used to create a set of objectives to be taken into account in the preparation of the NP.

Consultation

1.3.4 The Fishbourne Neighbourhood Plan was consulted on in order to provide an opportunity for the public and local organisations to comment on the plan.

1.3.5 After consultation, any responses were taken into account and used to prepare a 'submission draft' of the Neighbourhood Plan. This version of the plan was due to be subject to inspection by an independent examiner before the decision was made to halt the examination. If the examiner approves the NP, when examination is resumed, it will be subject to a local referendum. If 50% or more of people voting in the referendum support the plan, the NP will be adopted.

Size

1.3.6 Fishbourne is a small village located two miles west of Chichester. The estimated total population for the parish of Fishbourne is 2,260² (ONS 2012).

1.3.7 The proposed Fishbourne Neighbourhood Plan covers the administrative boundaries of Fishbourne Parish. **Figure 1.1** shows the current neighbourhood plan boundary.

1.3.8 The plan area is approximately 2 kilometres north to south and 2.6 kilometres east to west at its widest points. Census data states that the area of the Parish of Fishbourne is approximately 3.9 square kilometres.

1.3.9 Two sites are allocated in the Neighbourhood Plan for residential development. The first of these is land east of Mosse Gardens, an area of land situated between the village of Fishbourne and the A27. It is proposed that 25 dwellings are built, with 40% affordable housing being delivered. The second site allocated for residential development is land at the Roman Palace. This site is allocated to deliver up to 15 dwellings.

² ONS, (2012), Mid-2010 Civil Parish SYOA estimates Chichester, [online] Available at: <http://www.ons.gov.uk/ons/search/index.html?newquery=fishbourne>

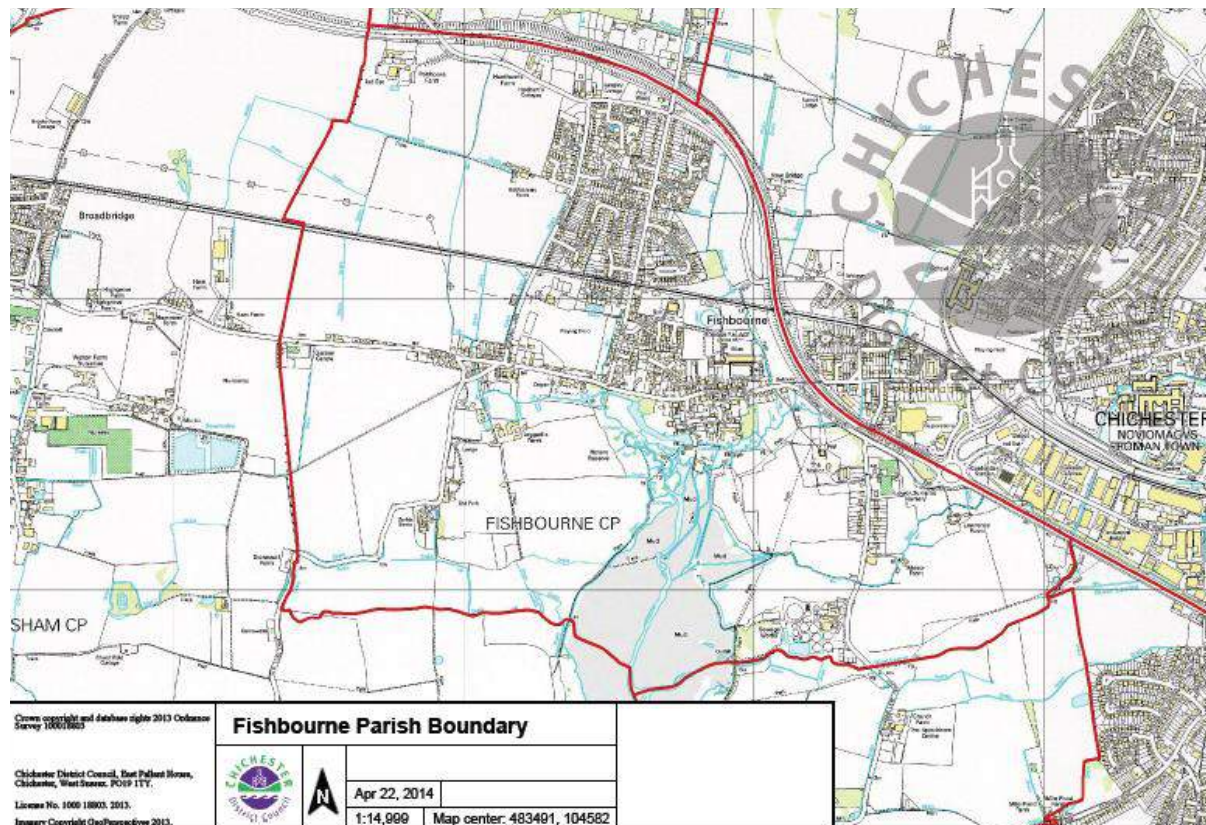


Figure 1.1: Neighbourhood Plan Boundary (Fishbourne Neighbourhood Plan 2014)

Location

- 1.3.10 Fishbourne is a village and parish in West Sussex, England. The village lies two miles west of Chichester with the A27 separating Fishbourne Parish Council from Chichester.
- 1.3.11 The Parish is in close proximity to the Fishbourne Channel resulting in the south of the village being more susceptible to flooding than the north (Flood Risk is shown on **Figure 2.1**). Both Flood Zone 2 and 3 are considered generally unsuitable for development.
- 1.3.12 Fishbourne is a small settlement with few amenities. The village lacks a post office, village shop or any medical facilities. Fishbourne benefits from two pubs, a sports and social club with a playing field and a bicycle shop. A number of B&B's are present in the village and provide places for tourists and other visitors to stay. Fishbourne Roman Palace and gardens also brings visitors to the village. The area centred around the A259 Main Road is a designated Conservation Area. Fishbourne Parish contains 25 Listed Buildings, all of which are classified as Grade II.

- 1.3.13 A number of statutory designated sites overlap the southern boundary and lie within the Parish. Solent Maritime SAC, Chichester and Langstone Harbours SPA and RAMSAR and Chichester Harbour SSSI all lie in the south of Fishbourne Parish. Additionally, the area of the Parish bordered by A259 Main Road and Mill Lane is designated as an Area of Outstanding Natural Beauty (AONB). The location of the statutory designations and AONB can be seen in **Figure 1.4**.

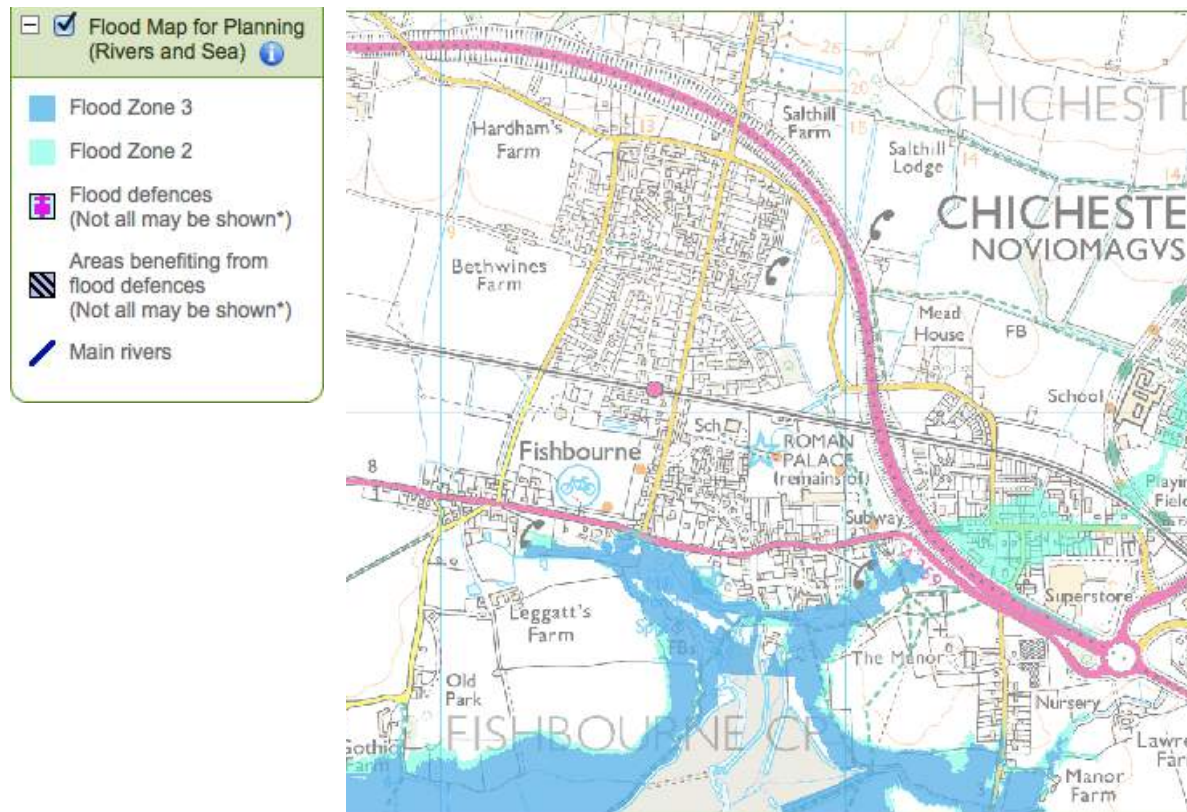


Figure 1.2: Risk of flooding from rivers and sea (Environment Agency 2014)

- 1.3.14 The land surrounding Fishbourne contains areas of agricultural land, which is classified as a combination of grade 1, 2 and 3 agricultural land (See **Figure 1.3**). Grade 1 agricultural land is the most productive, therefore it is often considered most important. The most productive agricultural land is located to the west of the Parish.

1.3.15 There is existing pressure on the village's infrastructure. Roads through Fishbourne are often used as a shortcut by those commuting into Chichester, rather than using the busy A27 road and Fishbourne Roundabout.

Nature of the plan

1.3.16 The NP is a land-use plan, prepared for town and country planning purposes. It sets out a framework for future development consents within the Fishbourne NP area. The NP is the lowest tier in the planning hierarchy and must conform to plans in the upper tiers, such as the Chichester District Council Local Plan, as well as National Policy including the NPPF.

1.3.17 At this stage of the plan process the neighbourhood plan includes information about five key areas. These are listed in the NP:

- Housing and planning - Meeting the housing needs of the community yet conserving the character of the village;
- Local economy and tourism - Maintaining and creating jobs for the local economy and tourist industry in Fishbourne;
- Environment - Preserving and enhancing the village's historic, built and natural environment;
- Travel and transport - Maintain and protect the quality of life against growing traffic and promote sustainable methods of transport; and
- A sense of community - Giving Fishbourne a sense of place and community and increasing safety in the Parish.

2 The Screening Process

2.1 Strategic Environmental Assessment screening

2.1.1 The process for determining whether or not an SEA is required is called screening. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the SEA Directive and Schedule I of the SEA Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and English Heritage.

2.1.2 Within 28 days of its determination, the plan makers must publish a statement, setting out its decision. If they determine that an SEA is not required, the statement must include the reasons for this.

2.2 The screening process

2.2.1 The Localism Act requires Neighbourhood Plans to be in general conformity with the strategic policies of the Chichester Local Plan. Chichester District Council's emerging Local Plan is currently at examination.

2.2.2 The Local Plan was subject to a Sustainability Appraisal, which assessed the plan for significant effects on sustainability and fulfilled the requirements of the SEA Directive. Mitigation measures were suggested where negative or uncertain impacts were identified.

2.2.3 **Figure 2.1** presents a diagram prepared by ODPM (2005). This shows the application of the SEA process to plans and programmes. The sequential approach in the flow diagram can be used to screen the Fishbourne Parish NP.

2.2.4 **Table 2.1** uses the questions presented in **Figure 2.1** to establish whether there is a need for SEA for the Fishbourne Parish NP.

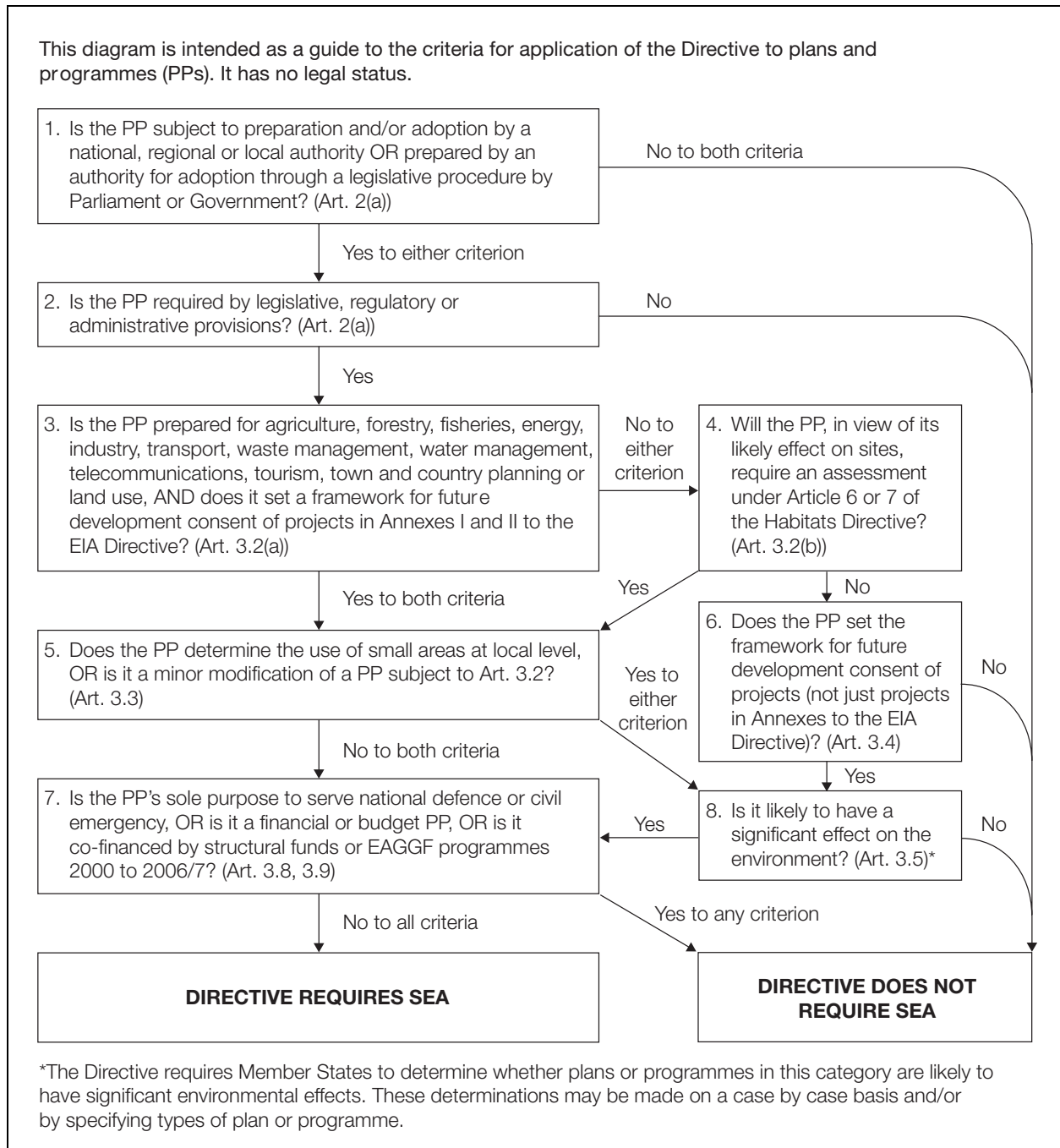


Figure 2.1: Application of the SEA Directive to plans and programmes (ODPM, 2005)

Table 2.1: Establishing whether there is a need for SEA

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The plan constitutes a NP, which will be adopted by Chichester District Council if it receives 50% or more affirmative votes at referendum.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	Communities and neighbourhoods have a right to produce a NP, however it is not required by legislative, regulatory or administrative bodies. If the NP is adopted it would become part of the statutory development plan, meaning it should continue to be screened under the SEA Directive.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Y	The NP is a land-use plan and sets the framework for future development consents within the Fishbourne NP area. Due to the neighbourhood quality of the plan area, development projects contained in Annex I are unlikely to take place in Fishbourne. It is possible the NP could contain infrastructure projects, which are listed in Annex II of Directive 97/11/EC. These include urban development projects, which may be subject to EIA if they are considered to have potential significant effects on the environment.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	HRA will not be necessary providing the proposed development can mitigate the “in combination” effect of development or make a contribution to the Solent SPA Interim Planning Framework, as proposed in the NP document.
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The NP identifies sites for specific uses, such as housing.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Y	The NP sets policies which planning applications within the Fishbourne NP area must adhere to.
7. Is the PP’s sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	N	
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	Y	See Section 2.3.

2.3 Determination of significant effects

2.3.1 The criteria from Annex II of the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations (2004) can be used to determine the likely significance of effects. Question 8 within the ODPM guidance (see **Figure 2.1**) refers to whether the NP would have a significant effect on the environment. **Table 2.2** discusses the likely environmental effects of the NP.

Table 2.2: Criteria and response of screening

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Response
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>As demonstrated in Section 1.2 the Fishbourne NP will establish the development control framework for the village of Fishbourne.</p> <p>The NP is prepared for town and country planning and land use planning purposes and sets out a framework for future development in Fishbourne. The nature of the NP includes housing, open space, infrastructure and employment development, which may fall under 10(a & b) of Annex II of the EIA directive.</p> <p>Locally and internationally designated wildlife sites lie within the NP area (see Figure 1.4). The NP seeks to protect open and green spaces and internationally designated sites and avoid or mitigate any cumulative impacts.</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy	<p>The NP is the lowest tier in the planning hierarchy and must conform to plans in the upper tiers, rather than influence them. The Fishbourne NP must conform to the Chichester District Council Local Plan, the National Planning Policy and European Directives.</p>
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	<p>There are opportunities for integrating environmental considerations within Fishbourne (See section 2.4.1). The Fishbourne Neighbourhood Plan contains policies which allocate open spaces in the village as “local green spaces”, which are protected from development. Additionally, any development which results in the loss of biodiversity will not be permitted unless appropriate mitigation is provided.</p>
(d) environmental problems relevant to the plan or programme	<p>Key issues taken from the Scoping Report of the Chichester Local Plan and derived from the Fishbourne NP include:</p> <ol style="list-style-type: none"> 1. A rapidly increasing population in the village is putting a pressure on the infrastructure and resources in the Parish; 2. A distinct shortage of affordable

	<p>homes;</p> <p>3. Increase in traffic through the village in order to avoid Fishbourne Roundabout; and</p> <p>4. Creating a sense of community and involving all residents.</p>
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	<p>The NP is a land-use plan and sets the framework for future development consents within the Fishbourne NP area.</p> <p>The NP sets policies, including environmental policies, which planning applications within the Fishbourne NP area must adhere to.</p>
Characteristics of the effects and of the area likely to be affected	
(a) the probability, duration, frequency and reversibility of the effects	<p>1. Effects on biodiversity are likely to be long term, irreversible and frequent due to the rural extent of the Parish. Local effects such as the removal of certain habitats may impact directly on protected species or indirectly by reducing the integrity of a designated site. Policy ENV4 of the NP works to avoid developments which will result in a loss of biodiversity and does not demonstrate appropriate mitigation.</p> <p>2. The historic environment represents a key receptor within Fishbourne and the Chichester District. Adverse effects on important cultural heritage assets such as the Roman Palace are likely to be irreversible meaning historic assets will require protection through sensitive and appropriate design and location of new development, as well as sympathetic changes to the urban realm of which these features are a part.</p> <p>3. The impact of the construction of 50 dwellings in the Fishbourne Parish is not anticipated to produce any significant effects on Air Quality, Landscape, Material Assets, Population, Health, Soils, Climate Change and Water in the Fishbourne Parish.</p>
(b) the cumulative nature of the effects	<p>The plan has the potential to contribute to cumulative impacts in combination with the Chichester Local Plan due to Fishbourne's strong geographic relationship with Chichester. The impacts on development on certain receptors, such as water and air quality, within the Parish may produce cumulative effects with developments in Chichester. These can be only be explored as the plan progresses.</p>
(c) the transboundary nature of the effects	<p>The majority of effects within the Parish will be localised. Due to the nationally important natural and historic assets,</p>

	effects on these features may occur beyond the area of the Parish.
(d) the risks to human health or the environment (for example, due to accidents)	Fishbourne does not currently have any AQMAs but there are three in the bordering town of Chichester. The NP may increase traffic levels but not to an extent that is anticipated to cause significant effects on human health.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	Fishbourne is the largest settlement in the Parish and neighbours the historic town of Chichester. Due to the lack of employment opportunities within Fishbourne Parish, residents generally out-commute for work. Indirect effects of the plan, such as out-commuting, may extend beyond the immediate area of the plan but are not anticipated to cause significant effects.
(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 (iii) intensive land-use	(i) The important historic quality of the Parish and general area is fundamental to the cultural character of Chichester District. Damage to the historic character of the area would be expected to have a significant impact. (ii) Recent infrastructure reinforcement projects over recent years has resulting in improved connectivity between their sources and water quality and waste water treatment is not though to exceed environmental quality standards or limit values. (iii) The Fishbourne Parish has areas of high productivity agricultural land, with areas of grade 1, 2, and 3a land all situated within the Parish (Figure 1.3). The location of housing in Fishbourne Parish is concentrated within the village itself. Development outside of existing residential areas could lead to a reduction in best and most versatile agricultural land.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status	Fishbourne is home to the Roman Palace and Gardens, a Scheduled Monument and Registered Garden. Inappropriate development in the area could detract from its overall character. There are locally and internationally designated wildlife sites within the NP area (see Figure 1.4). The NP seeks to protect open and green spaces and internationally designated sites and avoid or mitigate any cumulative impacts. The Fishbourne NP is not anticipated to significantly affect the nearby Chichester Harbour AONB and South Downs National Park. Proposed development is integrated in areas of land within Fishbourne village and lies outside of both the AONB and National Park and is unlikely to adversely affect the character.

2.4 Screening outcome and reasons for determination

- 2.4.1 The Fishbourne Neighbourhood Plan will conform to the strategic influence of the Chichester District Local Plan. The Neighbourhood Plan will influence where housing should be located, as well as influence design across the plan area. The Fishbourne Neighbourhood plan defines 'good design' in Policy D1. Responding to local character and history as well as using good quality materials are both aspects of good design in Fishbourne. Both of these factors can be significant determinants of environmental effects.
- 2.4.2 This screening report has explored the potential effects of the proposed Fishbourne NP with a view to determining the likely requirement for an environmental assessment under the SEA Directive. Significant environmental impacts are likely to occur if aspects of the plan are not implemented in a way that either seeks to avoid any potential effects or mitigate the effects such that there are no residual adverse effects.
- 2.4.3 In accordance with topics cited in Annex 1(f) of the SEA directive, likely significant effects on the environment are expected to include biodiversity and cultural heritage and the interrelationship between these.
- 2.4.4 Identified effects include:
- Biodiversity - the presence of three internationally designated sites and a nationally designated site;
 - Cultural Heritage - Fishbourne is home to the Roman Palace and Gardens and a conservation area with numerous Listed Buildings;
- 2.4.5 The SAC, SPA, RAMSAR and SSSI in the Parish are important for the biodiversity in the area. Any developments should be planned so as to not cause a significant effect on the integrity of the Sites or the species which rely on them for survival. Policy RE7, RE8 and BE14 paragraph 49 in the Chichester District Local Plan strive to protect statutory sites in the District. The Fishbourne Neighbourhood Plan Policy ENV4 states that any development proposals which would result in a loss of biodiversity will not normally be permitted unless appropriate mitigation can be provided. Additionally, Policy SD1 states that the "in combination" impact of development on the SPA will make a contribution to the Solent SPA Interim Planning Framework. Any development resulting in a loss of biodiversity in Fishbourne Parish will not be permitted or unless it can be mitigated appropriately.

- 2.4.6 The Roman Palace is the key cultural heritage receptor in Fishbourne Parish. The land surrounding the Roman Palace may have undiscovered associated archaeological features or remains and this should be explored further prior to development. The design and layout of specific developments in the Parish should be dealt with through the development control process. English Heritage have requested that any groundworks are taken prior to the commencements of any works. Policy BE3 paragraph 61 in the Chichester Local Plan and Chapter 12 paragraph 132 in the NPPF uphold the protection of Scheduled Monuments. The NPPF notes that any such proposed development site should be dug prior to construction. These policies are in place in order to protect cultural heritage in an area. Due to the aforementioned policies in place to protect cultural heritage, any development likely to effect cultural heritage assets would not be permitted and mitigation must take place in order to ensure that there are no significant effects.
- 2.4.7 On this basis, it is recommended that the Fishbourne Neighbourhood Plan should be screened out of the SEA process.

References

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