

## Chichester District Council Local Planning Authority

### Fishbourne Neighbourhood Plan 2014-2029

#### DECISION STATEMENT

##### 1. Introduction

- 1.1 Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and Orders and to take plans through a process of examination, referendum and adoption. The Localism Act 2011 (Part 6 Chapter 3) sets out the local planning authority's responsibilities under Neighbourhood Planning.
- 1.2 This report confirms that the modifications proposed by the examiner's report have been accepted, the draft Fishbourne Neighbourhood Plan has been altered as a result of it and that this plan may now proceed to referendum.

##### 2. Background

- 2.1 The Fishbourne Neighbourhood Development Plan relates to the area that was designated by Chichester District Council as a neighbourhood area on 23 July 2013. This area is coterminous with the Fishbourne Parish Council boundary that lies within the Chichester District Council local planning authority area.
- 2.2 Following the submission of the Fishbourne Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 10 July 2014.
- 2.3 Mr Jeremy Edge was appointed by Chichester District Council, with the consent of Fishbourne Parish Council, to undertake the examination of the Fishbourne Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.4 The examiner's report concludes that, subject to making minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Plan referendum.
- 2.5 Having considered each of the recommendations made in the examiner's report, and the reasons for them, the Parish Council has decided to make the

modifications to the draft plan referred to in Section 3 below, to ensure that the draft plan meets the basic conditions as set out in the legislation.

### 3. Decision

3.1 The Neighbourhood Planning (General) Regulations 2012 require the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

3.2 Having considered each of the recommendations made by the examiner's report, and the reasons for them, Chichester District Council in consent with Fishbourne Parish Council, has decided to accept the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38 A of the Act) in response to each of the examiner's recommendations and the justification for them.

**Table 1: Recommendations by the Examiner agreed by Chichester District Council in consent with Fishbourne Parish Council**

Note: green text/regular font refers to the submission version of the Neighbourhood Plan; red text/italic font and strikethroughs provides the Examiner's amendments.

POLICY	MODIFICATION RECOMMENDED	JUSTIFICATION
All text	Minor updating and amendments to cross referencing as a result of other modifications	For clarity and completeness.
Policy SD1	<p><b>POLICY SD 1:</b> <i>Land to the south of Clay Lane east of Mosse Gardens is allocated to deliver 2 x 25 dwellings of an appropriate size, tenure and mix to be determined in accordance with the requirements of the development plan.</i></p> <p>Proposals for the site should:</p> <ul style="list-style-type: none"> <li>• <i>Provide access from Clay Lane;</i></li> <li>• <i>Provide pedestrian access via Mosse Gardens to encourage walking to the Station and to Fishbourne Pre-School and Fishbourne Primary School.</i></li> <li>• Provide sufficient parking provision in line with West Sussex County Council parking standards</li> <li>• Seek to extend the 30mph speed limit area further along Clay Lane</li> <li>• Provide appropriate street lighting and pavements</li> </ul>	To meet the Basic Conditions.

	<ul style="list-style-type: none"> <li>• Provide pedestrian access via Mosse Gardens to the Station, Fishbourne Pre-School and Fishbourne Primary School.</li> <li>• <i>Demonstrate by means of design and layout the mitigation of</i> <del>Indicate how the design/layout can mitigate the</del> <i>likely</i> “in combination” impact of development on the <i>Chichester and Langstone Harbours SPA</i> and <del>or</del> making an appropriate contribution to the <i>Interim Solent Recreation Mitigation Strategy or subsequent iteration.</i></li> </ul>	
Policy SD2	<p>Land at the Roman Palace is allocated to deliver up to 15 dwellings of the appropriate size, tenure and mix. Proposals for the site should:</p> <ul style="list-style-type: none"> <li>• Ensure the existing Emperor Way cycle/pedestrian link is enhanced and maintained to encourage connectivity between Fishbourne and Chichester City.</li> <li>• <del>Reflect and enhance the setting and character</del> <i>Reflect and enhance the setting, character and significance</i> of the internationally renowned archaeological site of Fishbourne Roman Palace</li> <li>• <i>Demonstrate by means of design and layout the mitigation of the likely “in combination” impact of development on the Chichester and Langstone Harbours SPA and make an appropriate contribution to the Interim Solent Recreation Mitigation Strategy, or subsequent iteration.</i></li> </ul> <p><del>Southern Water’s infrastructure crosses the proposed site at Mosse Gardens. Therefore, the development should be designed to: (i) avoid building over it so that it can continue to function effectively and (ii) provide access for maintenance purposes.</del></p>	To meet the Basic Conditions.
Text for Policy SD1	<p>Add as text in justification of policy SD1:  <i>Southern Water’s infrastructure crosses the proposed site at Mosse Gardens. Therefore, the development should be designed to: (i) avoid building over it so that it can continue to function effectively and (ii) provide access for maintenance purposes.</i></p>	To meet the Basic Conditions.

Policy  
SD3

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

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

- 1) Impact of Development and Recreational Disturbance (particularly at the head of the Fishbourne Channel), Chichester and Langstone Harbours SPA and Ramsar Site immediately to the north - west of the village.
- 2) Fishbourne Meadows, a SNCI, adjoins the village to the south - east.
- 3) Areas of flood risk *which* extend from Chichester Harbour and follow the River Lavant to the south of the village (Flood zones 2 and 3).
- 4) The southern part of the village, south of the A259 *which* is within the Chichester Harbour AONB.
- 5) *The Conservation Area which covers the southern part of the village.*
- 6) *Fishbourne Roman Site Scheduled Ancient Monument and associated Historic Park and Garden extends to the south and east.*
- 7) *The limited capacity available at the Apuldram Waste Water Treatment Site. There will be a limited amount of headroom at the Apuldram Waste Water Treatment Site, from April 2014, as the result of the installation of UV treatment on the storm overflow to mitigate the impact of discharges on the Harbour. (The 50 homes allocated in the Neighbourhood Plan have been identified by the District Council in their Wastewater Position Statement as development expected to connect to Apuldram WwTW once the UV treatment is in place.)*  
~~All developments are required to provide a connection to the sewer system at the nearest point of adequate capacity in the local sewerage system, as advised by Southern Water and in accordance with NPPF (para 157).~~  
~~Development proposals will need to show that they include sustainable drainage systems.~~  
~~No surface water from new development shall be discharged to the public foul or combined sewer systems.~~
- 8) ~~To comply with NPPF (para 177) which~~

To meet the Basic  
Conditions.

	<p><del>states that it is important “to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion”;</del>  New and improved utility physical and social infrastructure will be encouraged and permitted in order to meet the identified needs of the community.</p> <p><del>A Conservation Area covers the southern part of the village.</del>  Fishbourne Roman Site Scheduled Ancient Monument and associated Historic Park and Garden extends to the south and east.</p>	
Text to Policy SD3	<p>Add text to justification of Policy SD3 for clarification:</p> <p><i>In the light of limited residual capacity of the Apuldram Wastewater Treatment Works, developers are advised to discuss capacity for development proposals with Southern Water and the District Council prior to making planning applications which would involve use of the Apuldram WwTW.</i></p>	For clarification
Policy E1	<p><b>Proposals that support the development of small scale businesses that meet the needs of the community will be permitted provided that they would:</b></p> <ul style="list-style-type: none"> <li>• Not involve the loss of dwellings</li> <li>• Not increase noise levels to an extent that they would unacceptably disturb occupants of nearby residential property</li> <li>• Not generate unacceptable levels of traffic movement or pollution</li> <li>• Contribute to the character and vitality of the local area</li> <li>• Be well integrated into and complement existing businesses, such as the small industrial estate at Polthooks Farm or sites which already have some commercial activity but where there is potential for small development (such as Bosham Clinic, Hillier’s Garden Centre and Fishbourne Roman Palace). <del>This is compliant with CLT 16.6.</del></li> </ul>	To meet the Basic Conditions.
Policy ENV1	<p><b>POLICY ENV 1: Protection of Green Spaces</b></p> <p><i>Within the Fishbourne Neighbourhood Plan, the following Green Spaces have been identified and are shown on the Green Spaces map:</i></p> <p><b>We define “Green Spaces”</b></p>	To meet the Basic Conditions.

	<ul style="list-style-type: none"> <li>• <i>Fishbourne Playing Field and the Fishbourne Centre</i></li> <li>• <i>Fishbourne Meadows</i></li> <li>• <i>The entrance to Creek End</i></li> <li>• <i>Landscaped entrance to Roman Way</i></li> </ul> <p><i>Development that results in the loss of Green Spaces or significant harm to their character, appearance or general quality, or amenity value, will not be permitted unless compensatory provision of equivalent benefit from the provision of suitable replacement Green Space shall be provided. For the purpose of this policy, "Green Spaces" are defined as "undeveloped spaces which are capable of delivering aesthetic, environmental and quality-of-life benefits for the local community". This would not include agricultural land which would be protected under separate policies.</i></p> <p><del>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.</del></p> <p><del>Existing open spaces, sports and recreational facilities should not be built on unless the resultant loss would be replaced by equivalent or better provision in terms of quantity and quality. This policy allocates specific open spaces in the village as "local green spaces" in line with the NPPF which are to be protected from development. These are shown on the Local Green Spaces map.</del></p> <p><del>"Local Green Spaces" to be protected from development are:</del></p> <ul style="list-style-type: none"> <li><del>• Fishbourne Playing Field and the Fishbourne Centre</del></li> <li><del>• Fishbourne Meadows</del></li> <li><del>• The entrance to Creek End</del></li> <li><del>• Landscaped entrance to Roman Way</del></li> </ul>	
Policy ENV3	<p><b>POLICY ENV 3: Flood Risk Mitigation</b></p> <p><i>Policy ENV 3: Development proposals should include an appropriate assessment of flood risk to ensure that development occurs in areas of lower flood risk where possible. Where necessary, development proposals should include appropriate flood risk mitigation measures to demonstrate that the impact of the proposals will not result in increased flood risk.</i></p>	To meet the Basic Conditions.
Policy T1	<p><b>POLICY T 1: Sustainable Transport</b></p> <p><i>Development proposals will be supported only if</i></p>	To meet the Basic Conditions.

	<p>they show how they will contribute to a policy of sustainable travel in the village. <del>Developments impacting negatively on cycleways and footpaths in the village will not be acceptable.</del> <i>Development proposals will be supported where they contribute to sustainable travel behaviour in the village through enhancements to cycleways and footpaths”</i></p>	
Policy T2	<p><b>POLICY T 2: <i>Encouraging Sustainable Transport Traffic Speeding and Volume</i></b>  <i>Development proposals which enhance the delivery of sustainable transport including traffic calming and enhancing pedestrian safety will be supported. Where proposed development is likely to cause harm to the objective of delivering sustainable transport, planning permission will normally be refused, unless proportionate mitigation measures are offered sufficient to make the proposed development acceptable. Mitigation measures may include contributions towards the improvements specified under Project 8b to the Plan within Areas 1 and 2 as defined on plan. [currently schematic plan on Page 12 to be revised].</i></p>	To meet the Basic Conditions.
Note following Policy T2	<p><del>‘FNPSG acknowledge that there is a view that the implementation of Transport policies depends on the actions of other agencies and that such policies do not deal with land use or development. Nevertheless, it takes the view that, on balance, the above policies are rightly placed within this section since the two policies are in line with NPPF and contain requirements of which planning applicants would need to take note.’</del></p>	Note not required in light of changes to Policy T2.
<b>Appendix 2: Examiner’s Recommended Revisions to the Projects text</b>		
Section 4. Projects	<p>The Examiner also recommended changes to Section 4 of the Fishbourne Neighbourhood Plan relating to the projects along with a justification for these recommended amendments. Although these do not directly relate to the policies, the Parish Council has agreed the suggested changes would strengthen the Plan and the Parish is content to make these amendments.</p> <p>The recommended amendments are set out in Appendix 2 of the Examiner’s report and the report states the justification for these at paragraph 6.6:</p> <p>6.6 Whilst I accept the Plan’s statement in the third</p>	These ensure the thrust of the Plan complies with national and local planning land use policies.



	<p>paragraph of this section which states; <i>“These projects do not have planning weight but are included in the plan as a part of a holistic approach and as a focus for community action”</i>, I remain concerned that there is a need for changes in the text of Section 4 in order that the thrust of the Plan complies with national and local planning land use policies. I have therefore attached recommended alterations to, <i>“Section 4 Projects –Delivering the Plan”</i> in Appendix 2. I have provided a commentary and justification for those recommended changes in blue text. If these alterations are accepted there would need to be a re-numbering of the projects within the Plan.</p>	
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#### **4. Conclusion**

- 4.1 The Authority (Chichester District Council) confirms that the Fishbourne Parish Neighbourhood Development Plan 2014-2029, as revised, meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act and complies with the provisions made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. The Fishbourne Parish Neighbourhood Plan can now proceed to referendum.
- 4.2 It is recommended that the Fishbourne Parish Neighbourhood Development Plan 2014-2029 should proceed to referendum based on the neighbourhood area defined by Chichester District Council on 23 July 2013.
- 4.3 This decision has been made according to the advice contained in the above report in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to the Neighbourhood Development Plan.