

ISLAND PLAN

**Fishbourne Parish Supplementary
Planning Document**
Strategic Environmental Assessment &
Sustainability Appraisal Screening
Statement

July 2014

1. Introduction

- 1.1 This statement sets out the Isle of Wight Council's (the council) determination under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 (which transposed EC Directive 2001/42/EC) on whether or not a Strategic Environmental Assessment (SEA) is required for the Fishbourne Parish Supplementary Planning Document (SPD).
- 1.2 Under separate legislation (Planning and Compulsory Purchase Act 2004 and associated Regulations), the council is also required to carry out a Sustainability Appraisal (SA) for all Development Plan Documents (DPDs). This process is designed to consider the environmental, social and economic impacts of the proposed plan/document.
- 1.3 Whilst the Planning Act 2008 and Town and Country Planning (Local Development)(England) Regulations 2012 removed the requirements for a SA to be produced for all SPDs, the council is still required to screen its SPDs to ensure that the legal requirements for sustainability appraisals are met where there are impacts that are not covered in the appraisal of a parent DPD or where an assessment is required by the SEA regulations. This statement also sets out whether or not a SA is required for the SPD.

2. Background of the Draft Fishbourne Parish SPD

- 2.1 The Supplementary Planning Document has been prepared by the Isle of Wight Council and Fishbourne Parish Council. The Parish Council has led on work to prepare a chapter dedicated to Fishbourne that will form part of the Ryde Area Action Plan (also called the Ryde Plan).
- 2.2 In advance of the Ryde Plan being published by the Isle of Wight Council, Fishbourne Parish Council has requested that the chapter they prepared be used to form the basis of a Supplementary Planning Document (SPD) to be adopted by the Isle of Wight Council.
- 2.3 This will enable applicants and decision-makers to be aware of how the community would like to see the policies of the Island Plan Core Strategy applied to the parish of Fishbourne, and formalise it within a planning document.
- 2.4 Parts of the settlement and parish of Fishbourne lie within the boundary of the Ryde Plan as defined in the Isle of Wight Core Strategy adopted in March 2012. The core strategy explains that *"The Ryde AAP boundary extends westward to incorporate the vehicle ferry terminal at Fishbourne due to the strategic role it plays in transporting goods and people to and from the Island."*

- 2.5 It is considered that the Fishbourne area can only partially contribute to the identified issues and the objectives for the Ryde Key Regeneration as set out in the core strategy. This is because the spatial strategy of the core strategy focuses most future development and allocations to within or adjacent to settlement boundaries, which in the case of the Ryde Plan is primarily the town of Ryde. There is no defined settlement in the Fishbourne Parish and no designated town centre or primary retail frontages areas.
- 2.6 The focus for the part of the Fishbourne Parish within the Ryde Plan area is therefore limited to identifying existing retail, employment, commercial and community facilities of local value, the definition of areas between settlements to prevent coalescence, the contribution of features to green infrastructure, opportunities to contribute to high quality tourism, whether further infrastructure provision will be required to support growth, and the appropriate plan led approach to capacity issues at the Fishbourne ferry terminal.
- 2.7 In addition it is important to identify the features, designations and characteristics which are valued by the community, contribute positively to the character of Fishbourne and should be protected or enhanced in any development management decisions.

Table 1: Extracts from the adopted (March 2012) Island Plan Isle of Wight Core Strategy which the Fishbourne Parish SPD seeks to implement

| Core Strategy Policy | Relevant extract |
|----------------------|--|
| SP1 Spatial Strategy | <i>Unless a specific local need is identified, development proposals outside of, or not immediately adjacent to the ... defined settlements will not be supported.</i> |
| AAP2 Ryde | <p><i>Define and ensure that the areas which separate Ryde and the surrounding settlements are appropriately protected to prevent settlement coalescence.</i></p> <p><i>Determine how the identified deficiency in Green Infrastructure can be addressed.</i></p> <p><i>Establish whether a plan-led, viable and deliverable solution can be identified to address the capacity issues at Fishbourne ferry terminal.</i></p> |

3. The Strategic Environmental Appraisal Process

- 3.1 The first stage of the process is for the council to determine whether or not the SPD is likely to have significant effects on the environment. This screening process includes assessing the SPD against a set of criteria (as set out in Schedule 1 of the regulations). The results of this have been set out in Table 3 of this statement. The aim of this statement is to provide sufficient information to demonstrate whether the SPD is likely to have significant environmental effects.
- 3.2 The council also has to consult the Environment Agency, English Heritage and Natural England on this screening statement. A final determination cannot be made until the three statutory consultation bodies have been consulted. This statement was sent to those bodies for their comments and the responses received are discussed in Section 7 of this Screening Statement.
- 3.3 Where the council determines that a SEA is not required then under Regulation 9(3) the council must prepare a statement setting out the reasons for this determination. **This statement is the Isle of Wight Council's Regulation 9(3) statement.**

4. Sustainability Appraisal

- 4.1 Whilst there is no statutory reason to undertake a SA of SPDs, the council has considered whether a SA of this SPD is required. The council has determined that the SPD is unlikely to have significant environmental, social or economic effects beyond those of the policies it supplements (Island Plan Core Strategy policies SP1 Spatial Strategy and AAP2 Ryde).
- 4.2 In coming to this conclusion the council is mindful that this SPD does not create new policies and serves only to expand on existing policy within its ‘parent DPD’, the Island Plan Core Strategy (which has already been subject to SA incorporating SEA). There are no impacts beyond those assessed in the SA of the ‘parent’ development plan document.
- 4.3 This judgement is based upon the fact that the SPD seeks to apply parts of Core Strategy policies SP1 Spatial Strategy and AAP2 Ryde, to enable applicants and decision-makers to be aware of how the community would like to see these policies implemented at the local level of the parish of Fishbourne. Table 2 below highlights key parts of the Core Strategy SA, notably that the preferred policy approach in terms of likelihood of delivering the most sustainability benefits (when assessed against the Core Strategy SA Objectives), are clearly related to the policies of the draft SPD. Therefore the SPD can be considered to be in conformity with the ‘parent’ plan and accompanying SA, through implementation.

Table 2: Mitigation identified in the SA of the Core Strategy that the SPD is seeking to implement

| Core Strategy Policy | Core Strategy SA Summary Extract | Draft SPD Aim |
|----------------------|---|---|
| SP1 Spatial Strategy | <i>The overall spatial strategy adopted for development on the Island will have positive and neutral effects on a number of objectives. Concentrating new development in and around key regeneration areas and smaller regeneration areas as well as rural service centres is considered positive as these areas are likely to help protect the countryside and avoid direct effects upon designated areas. This strategy also helps to improve accessibility and ensure an efficient use of land and protection of soil.</i> | FP1 Seeks to locate any new housing proposals on brownfield sites and within the existing settlement of Fishbourne. |

| | | |
|------------------|--|---|
| <p>AAP2 Ryde</p> | <p><i>The key sustainability issues facing the Ryde area include the need to protect environmental and heritage assets, addressing transport congestion and accessibility around the main port, the need to provide a range of sustainable transport options ...</i></p> <p><i>The AAP is expected to ... establish any required infrastructure for the delivery of growth, and improve the environment surrounding Ryde and its accessibility. Deficiencies in green infrastructure are expected to be addressed...</i></p> <p><i>These developments and measures which the AAP could potentially explore and achieve are likely to address the key sustainability issues of the area and have positive effects upon a number of objectives ...</i></p> | <p>The SPD is likely to make a positive contribution to the key sustainability issues detailed.</p> <p>This includes requiring new development to ensure there is adequate sewer provision (FP1), location of development associated with the Fishbourne ferry terminal operation (FP3), supporting measures that would lead to environmental (FP5 local green space designation) and transport/accessibility improvements (FP4 green cycle route) and preventing settlement coalescence through the protection of open spaces (FP9 preserving the openness of the Quarr Estate).</p> |
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5. Habitats Regulations Assessment

- 5.1 In addition to SEA and SA, the council is also required to consider Habitats Regulations Assessment (HRA). HRA is the process used to determine whether a plan or project would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, known as European sites or European offshore marine sites. The need for a HRA is set out within the Conservation of Habitats and Species Regulations 2010 (which transposed EC Habitats Directive 92/43/EEC).
- 5.2 The Regulations state the council must assess the potential effects of its land use plans, in this case the SPD, against the conservation objectives of any sites designated for their nature conservation importance. A HRA has been carried out on the 'parent DPD', the Island Plan Core Strategy.

Table 3: Extracts from the Habitats Regulations Assessment for the Isle of Wight Core Strategy Appropriate Assessment Report (April 2011) on the assessment of Core Strategy policies SP1 Spatial Strategy & AAP2 Ryde

| Core Strategy Policy | Relevant HRA extract |
|----------------------|--|
| SP1 Spatial Strategy | <p><i>Policy Summary</i></p> <p><i>The policy directs development within or immediately adjacent defined settlement boundaries in three Key Regeneration Areas, two Smaller Regeneration Areas and eleven Rural Service Centres. Development outside but not immediately adjacent these defined settlements will not be supported unless there is a specific local need.</i></p> |
| | <p><i>Potential Policy Effects</i></p> <p><i>As the policy directly establishes the broad areas where development may take place there is the potential (either alone or in-combination) for significant effects on European and Ramsar sites.</i></p> |
| AAP2 Ryde | <p><i>Policy Summary</i></p> <p><i>The policy establishes the remit of the AAP document, sets out a number of criteria that will be considered within an AAP for Ryde. One of the criteria is to 'Demonstrate that the allocated sites, either individually or in combination, will not have adverse effects on the integrity of European sites'. The policy also states that the AAP will have 'regard to the HRA and the policies of the Core Strategy'.</i></p> |

Potential Policy Effects

...setting out criteria for consideration in an AAP will not lead to development in itself and will not therefore have any direct effect on any European or Ramsar sites. The Ryde AAP will be subject to HRA.

- 5.3 While the policies above, from the 'parent DPD' were initially considered to have potential for significant effects on the integrity of European sites, after further assessment through a full Appropriate Assessment, it was possible to conclude the following;

General Conclusion

As a result of the assessment and recommendations, it is considered that all negative effects of the Core Strategy in relation to the conservation objectives of European sites can be effectively removed and do not require further assessment at this level in combination with the effects of other plans and projects, provided the avoidance and mitigation measures set out are adopted and implemented successfully

The HRA has concluded there are no likely significant effects as a result of the strategic-level Core Strategy policies. It also demonstrates, through the higher level Appropriate Assessment that in relation to European and Ramsar sites, the identified level of development can be accommodated within the broad locations set out in the Core Strategy.

Habitats Regulations Assessment for the Isle of Wight Core Strategy Appropriate Assessment Report April 2011

- 5.4 The Habitats Regulations Assessment recommendations made for the Ryde AAP are;
- Consider some of the potential development sites for GI provision through the GI Strategy.
 - The Ryde AAP will identify more precisely the nature, scale and location of development, and thus its potential effects, and will be able to exclude potential development sites if an adverse effect on site integrity cannot be ruled out.
- 5.6 As the purpose of this SPD is to provide further detail on Core Strategy policies SP1 Spatial Strategy and AAP2 Ryde, through an approach already identified as preferable in the Core Strategy SA/SEA (i.e. as set out in Table 2), the council has determined that a HRA is not required. Adopting a local plan that does not make any allocations and seeks to protect and potentially improve the existing environment will not lead to any significant

adverse impacts on European and Ramsar sites. Furthermore, there is a likelihood that the majority of the policies of the SPD, if adopted and implemented, may contribute positively such as through the formalising of green space, protection of open areas and supporting the provision of a green cycle route.

6. SEA Screening Procedure

- 6.1 It is the responsibility of the Responsible Authority (the Isle of Wight Council) to determine whether the plan or programme under assessment is likely to have a significant adverse environmental effect. This assessment must be made taking account of the criteria set out in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 and in consultation with the Environment Agency, English Heritage and Natural England.
- 6.2 Where the Responsible Authority determines that a plan or programme is unlikely to have significant effect, and therefore, does not need to be subject to a full Strategic Environmental Assessment, the Responsible Authority must prepare a statement showing the reason for this determination. This is set out in Table 4 below.

Table 4: SEA Screening for the Fishbourne Parish SPD

| Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004) | Isle of Wight Council Response |
|--|---|
| Characteristics of the plan or programme | |
| <i>(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.</i> | Provides a parish level interpretation of adopted strategic plan policies, enabling applicants and decision-makers to be aware of how the community would like to see the policies of the Island Plan Core Strategy applied to the parish of Fishbourne. It will not in itself determine projects/developments, or their, size, nature or location. |
| <i>(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</i> | The guidance provided by the SPD is in conformity with the strategic objectives, spatial vision and policies of the Isle of Wight Island Plan Core Strategy – which has been subject to full SA and SEA. |
| <i>(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.</i> | The plan aims to deliver the preferred option as identified through the ‘parent’ plan SA/SEA and is therefore likely to deliver certain sustainability benefits (primarily against the ‘4. Landscape, archaeology and heritage’ and ‘10. Cultural and local distinctiveness’ SA Objectives of the Core Strategy). |

| Criteria (Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004) | Isle of Wight Council Response |
|--|---|
| (d) <i>environmental problems relevant to the plan or programme.</i> | The SPD will not introduce or increase any environmental problems |
| (e) <i>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).</i> | The plan has no direct relevance to the implementation of community legislation. |
| Characteristics of the effects and of the area likely to be affected | |
| (a) <i>the probability, duration, frequency and reversibility of the effects.</i> | There are no effects. |
| (b) <i>the cumulative nature of the effects.</i> | There are no effects. |
| (c) <i>the trans-boundary nature of the effects.</i> | There are no effects. |
| (d) <i>the risks to human health or the environment (for example, due to accidents).</i> | There are no effects. |
| (e) <i>the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).</i> | The plan will apply to the area of Fishbourne Parish, but will extend no further and is not anticipated to have effects beyond the parish boundary. |
| (f) <i>the value and vulnerability of the area likely to be affected due to</i> <i>(i) special natural characteristics or cultural heritage</i> <i>(ii) exceeded environmental quality standards or limit values; or</i> <i>(iii) intensive land-use.</i> | There are potential positive effects. |
| (g) <i>the effects on areas or landscapes which have a recognised national, community or international protection status.</i> | There are potential positive effects. |

7. Screening and consultation outcome

- 7.1 Based on the above screening it is clear that the Fishbourne Parish SPD is unlikely to have a significant effect on the environment. Drafts of both the SPD and this screening statement were consulted on over the period 23 March 2014 to 7 July 2014.
- 7.2 There were 6 responses to the consultation. A number of minor changes have been made to the proposed SPD following discussions between the council and the parish council, to reflect the content of the representations and to cover editorial changes (such as typo's and factual updates). It should be noted that only one change has been made to the policies. This was an amendment to policy FP8 Coastline, to take account of the request by Natural England to include a reference (in terms of conformity) to the Shoreline Management Plan. The changes are set out in Appendix 2 of the Consultation Statement of the SPD.
- 7.3 Table 4 below sets out the comments received from the Environment Agency, English Heritage and Natural England regarding the draft screening report for the Fishbourne Parish SPD and the likely effects on the environment.

Table 5: Comments received from the Statutory Consultees on the Draft Screening Report

| Statutory Consultee | Statutory Consultee Response* |
|---------------------|--|
| Environment Agency | <ul style="list-style-type: none"> Having reviewed the Screening consultation documents we would agree with the Isle of Wight Council in that the Fishbourne Parish SPD is unlikely to have a significant effect on the environment. |
| English Heritage | <ul style="list-style-type: none"> SPDs should not seek to introduce new policies, so we presume that the policies in the draft SPD do relate to parent policies in the Island Plan, although it is not clear to us which policies these are other than SP1 and AAP2. Welcome and support paragraph 2.9 for its reference to features, designations and characteristics that contribute positively to the character of Fishbourne. Support requirement 1 of Policy FP 1, Policy FP 7 and Policy FP 9 (and its supporting text). FP 4 and FP 5 are statements rather than policies and would not, in our view, be appropriate within the Ryde AAP. English Heritage accepts the principle that the SPD would need to be in conformity with the Core Strategy, which has already been subject to Sustainability |

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|------------------------|--|
| | <p>Appraisal (incorporating Strategic Environmental Assessment).</p> <ul style="list-style-type: none"> • The policies in the Fishbourne Parish SPD would not result in any significant environmental effects • Agree with the Council’s opinion that the Fishbourne Parish SPD does not need to be subject to full Sustainability Appraisal or Strategic Environmental Assessment. |
| <p>Natural England</p> | <ul style="list-style-type: none"> • only concern is as follows. <ul style="list-style-type: none"> ○ We note that policy FP 8 states: <i>The Parish Council will support local and incremental coastal defence and flood protection measures.</i> ○ We advise that any coastal defence and flood protection measures will need to be in line with the shoreline management plan for the area. It thus may be appropriate to put a suitable caveat on this policy. |

*This is a summary of each Statutory Consultee response. All responses can be viewed in the table in Appendix 1 of the Consultation Statement, that also sets out the council’s response to them and any changes proposed.

8. Conclusion

8.1 As discussed above, the Fishbourne Parish SPD has not been subject to a full Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA) for the following reasons:

- Adopting a local (parish level) plan that does not make any allocations and seeks to protect and potentially improve the existing environment will not lead to any significant impacts.
- There is a likelihood that the majority of the policies of the draft SPD, if adopted and implemented, may contribute positively such as through the formalising of green space, protection of open areas and supporting the provision of a green cycle route.
- The plan aims to deliver the preferred option as identified through the 'parent' plan SA/SEA and is therefore likely to deliver certain sustainability benefits (primarily against the Landscape, archaeology and heritage and Cultural and local distinctiveness SA Objectives of the Core Strategy)
- The SA/SEA of the 'parent DPD' determined no likely significant effects; and
- The HRA of the 'parent DPD' determined no likely significant effects.
- Following consultation on the draft SPD only minor amendments were made (including the one amendment to policy wording).
- All the Statutory Consultees agreed that the SPD would not result in any significant environmental impacts and therefore does not need to be subject to full SA or SEA.