

Rottingdean Neighbourhood Plan

2018-2030

Basic Conditions Statement



Rottingdean Parish Council
January 2023

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Appendix A

Strategic Environment Assessment and Habitats Regulations Assessments

1 INTRODUCTION:

1.1 This Basic Conditions Statement has been produced to explain how the proposed Rottingdean Neighbourhood Plan (RNP) has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 are considered to have been met.

1.2 The Statement addresses each of the five 'basic conditions' required by the Regulations and explains how the submitted Neighbourhood Plan (NP) meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.3 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
- the 'making' of the neighbourhood development plan contributes to the achievement of sustainable development;
- the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Supporting documents and evidence

1.4 The Rottingdean Neighbourhood Plan is supported by this Basic Conditions Statement.

Key statements

1.5 Rottingdean Parish Council (RPC) is a qualifying body and entitled to submit a NP for its own parish. The RNP expresses policies that relate to the development and use of land only within the neighbourhood area which is commensurate with the Parish boundary.

1.6 The Plan covers the area of the Rottingdean Parish.

1.7 The RNP covers the period from 2018 to 2030.

1.8  The Plan does not contain any policies which relate to excluded development as defined by section 61K of the Town and Country Planning Act 1990.

1.9 The RNP does not relate to more than one neighbourhood area. It is solely related to the area of Rottingdean Parish as designated by Brighton and Hove City Council on 7th March 2013 and by South Downs National Park on 14th March 2013.

1.10 There are no other Neighbourhood Plans in place for the Rottingdean Parish area.

2 CONFORMITY WITH NATIONAL PLANNING POLICY

2.1 It is required that the Rottingdean Neighbourhood Plan (RNP) has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF).

National Planning Policy Framework

2.3 This section demonstrates that the RNP has regard to relevant policies within the NPPF in relation to:

- Delivering a wide choice of high quality homes
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Supporting high quality communications infrastructure
- Requiring good design
- Promoting healthy communities
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

2.4 The RNP has a series of objectives under six themes. Table 2.1 provides a summary of how each policy in the RNP conforms specifically to the NPPF. Much detail and justification is given in the NP so these confirming comments are only summaries.

Table 2.1 CHAPTERS	RNP POLICIES	NPPF PARAGRAPHS (considered relevant)	COMMENTS ON CONFORMITY
1 – Strategic Development in Rottingdean	S1 Settlement Boundary	17-23, 34, 62, 78, 79, 82-3, 174	The Plan supports infill developments that will support the local economy, respond to assessed housing needs, while protecting the character of the village

Table 2.1 CHAPTERS	RNP POLICIES	NPPF PARAGRAPHS (considered relevant)	COMMENTS ON CONFORMITY
	S2 Strategic Gaps	174,176	Strategic gaps are identified that will preserve settlement separation and village identities, protect wildlife corridors and views and access to the Nature Reserve and South Downs National Park.
2 – Environment and Biodiversity	GOS1 Local Green Space designation	101-103	Designation of Local Green Spaces and Amenity Spaces providing accessible community open spaces and opportunities for sport and physical activity. Conserving wildlife and supporting biodiversity Incorporation of wild and biodiverse areas within developments encouraged.
	GOS2 Amenity open spaces	98-100	
	GOS3 Wildlife and Biodiversity	174-176	
3 – Housing and Design	H1 Balancing the Housing Mix	60-64,	Housing mix proposed based upon survey of housing needs in Rottingdean
	H2 Design	126-127	Clear design expectations set out that support development that reinforce local distinctiveness and provide quality design and building
	H3 Design Principles in the Conservation Area and their Settings	126-127, 130, 176, 190, 194	Clear design principles set out for development within Conservation Area
4 – Employment and Enterprise	TO1 Visitor Accommodation	81, 84, 85	Encourage retention of visitor accommodation.
	EE2 Accessible Retail Units	84, 86, 92, 112	Modify shops and homes to promote accessibility for all.

Table 2.1 CHAPTERS	RNP POLICIES	NPPF PARAGRAPHS (considered relevant)	COMMENTS ON CONFORMITY
5 – Community Facilities	CF1 Provision of Community Facilities	84, 92, 93, 98-99,	Criteria outlined for possible change of use of community facilities
6 – Air Quality and Traffic Management	AQ1 Reducing Traffic Volume passing through the village	104,106, 112	Promote public transport use and off-road parking.
	AR2 Improving Air Quality in Rottingdean High Street	92,104,106, 152, 186	New developments to promote public transport, bicycle use and walking for health
	AR3 Electric Vehicle Charging Points	104,106, 110,152, 186	New developments to incorporate electric car charging points and bicycle use

3 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

3.1 The NPPF states that achieving sustainable development means that the planning system has 3 overarching objectives; economic, social and environmental objectives which are interdependent and need to be pursued in mutually supportive ways. The table below illustrates how the RNP objectives support this aim.

Economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure	
NP Objective	To foster sustainable trade, tourism and economic development in Rottingdean.
NP Polices	TO1 - Visitor Accommodation EE1 - Shop Front Character & Design in the Conservation Area EE2 - Accessible Retail Units

<p>Commentary</p>	<p>The polices aim to help build a strong, responsive and competitive economy within Rottingdean, by ensuring sufficient visitor accommodation to meet demand is maintained, that small independent retail outlets are encouraged and that access to retail outlets in the High Street is improved wherever possible. The Plan encourages a diverse retail offer and supports sustainable transport.</p>
<p>Social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</p>	
<p>NP Objective</p>	<p>To ensure good quality, accessible and fit-for-purpose community facilities within the Parish which promote community cohesion and social inclusion</p>
<p>NP Polices</p>	<p>GOS1 – Local Green Space Designation</p> <p>GOS2 - Amenity open spaces</p> <p>H1 - Balancing the Housing Mix</p> <p>EE2 – Accessible Retail Units</p> <p>CF1 - Provision of Community Facilities</p>
<p>Commentary</p>	<p>The Plan supports a strong, vibrant and healthy community in Rottingdean, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being</p>
<p>Environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	

NP Objective	To conserve and enhance green and open spaces within the Parish, maintaining the strategic gaps which define the village and protect and enhance biodiversity.
NP Policies	<p>S1 - Development within and beyond the settlement boundary</p> <p>S2 – Strategic gaps</p> <p>GOS1 - Local Green Space designation</p> <p>GOS2 - Amenity open spaces</p> <p>GOS3 - Wildlife and biodiversity</p> <p>H2 – Design</p> <p>H3 – Design principles in the Conservation Area and their settings</p> <p>AQ1 - Reducing Traffic Volume passing through the village</p> <p>AQ2 - Improving Air Quality in Rottingdean High Street</p> <p>AQ3 - Electric Vehicle Charging Points</p>
Commentary	Both the housing design and environmental policies will contribute to protecting and enhancing our natural, environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

Brighton and Hove City Council

4.1 The development plan currently consists of the 2016 Brighton and Hove City Council's City Plan Part 1 (adopted in March 2016) and the City Plan Part 2 (adopted in October 2022).

4.4 A full list of BHCC Policy documents this NP is measured against are included in the Reference List at the end of the RNP p53 onwards

South Downs National Park Authority

4.5 Approximately two-thirds of Rottingdean Parish, largely the green and open downland spaces and Beacon Hill Nature Reserve, lie within the South Downs National Park, therefore, in these rural areas, the RNP is required to conform to both to the BHCC Policies and also those of the SDNPA.

4.6 The **South Downs National Park's Planning Authority** have been consulted with appropriately during the development of the RNP and it is believed the RNP is in general conformity with the 2011 South Downs National Park Planning Guidelines

Strategic Development in Rottingdean

RPNP Policy	City Plan Part 1 & 2 policies	SDNPA Local Plan	Commentary Comments on Conformity
S1	SS1, CP12	Core Policy SD1 SD6: Safeguarding Views	Policy S1 allows for appropriate development to come forward within the settlement boundary requiring incursions into the surrounding countryside. The policy offers general support for development within the settlement boundary that respects the site's contribution to the setting of the South Downs National Park and identifies principles with which new development should comply.
S2	SA4, SA5, DM18, DM19, DM20	Policy SD21	This policy aims to protect the essential countryside character of two key areas between the built-up part of Rottingdean and neighbouring settlements; to conserve natural wildlife corridors. protect and enhance the views of the South Downs National Park and prevent coalescence between the separate settlements and to protect their distinctive individual character and setting.

Environment & Biodiversity			
RPNP Policy	City Plan Part 1 & 2 policies	SDNPA Local Plan	Commentary on Conformity
GOS1	CP10, CP16, DM37, DM38	Core Policy SD2	The Plan proposes Local Green Space Designation for nine areas which satisfy the NPPF criteria and maintains other valued green and open spaces for recreation, playing fields, allotments and tennis courts.
GOS2	CP10, CP16, CP17, DM37	Policy SD4	This policy aims to protect valued green and open spaces including those currently in use for recreation, playing fields, allotments and tennis courts will be retained for their appropriate community use, until approved evidence shows they are no longer needed
GOS3	SA4, SA5, CP10, DM37	Core Policy SD2	The policy supports proposals that contribute to the conservation and enhancement of the landscape and respect biodiversity and green space but not those that could cause harm to the special qualities of the National Park, including through development

			in its setting.
Housing and Design			
RPNP Policy	City Plan Part 1 & 2 policies	SDNPA Local Plan	Comments on Conformity
H1	CP1 Housing Delivery, CP19 Housing Mix	Policy SD5	The policy proposes a housing mix based on a housing needs survey.
H2	CP12, CP14, CP15, DM20, DM36, DM37	SD12 Historic Environment	The policy sets out design criteria to ensure new developments take account of the very distinctive village character.
H3	CP15 Heritage, DM26 Conservation Areas	SD15 Historic Environment Policy SD27	The policy sets out specific design principles and criteria for the Conservation Area to ensure they complement, enhance and reinforce the local distinctiveness of the village and where appropriate are designed to enhance the setting of the Conservation Area and its surroundings.

Employment and Enterprise			
RPNP Policy	City Plan Part 1 & 2 policies	SDNPA Local Plan	Comments on Conformity
TO1	CP6 Visitor Accommodation	SD23: Sustainable Tourism SD34: Sustaining the Local Economy	The policy seeks to support tourism by safeguarding local visitor accommodation, and ensure a diverse retail environment with improved accessibility
EE1	DM23 Shop Fronts, DM26 Conservation Areas	SD37: Development in Town and Village Centres	The aim of this policy is to preserve the special character of the village centre and sets out design and materials that will be supported for shop front alterations.
EE2			This policy aims to improve accessibility to retail areas
Community Facilities			

RPNP Policy	City Plan Part 1 & 2 policies	SDNPA Local Plan	Commentary
CF1	SA6 Sustainable Neighbourhoods CP5 Culture and Tourism, CP17 Sports Provision DM9 Community Facilities	SD23:	The Plan aims to support growth and maintain the vibrancy of the village and wellbeing of its community, by protecting existing facilities.
Air Quality and Traffic Management			
RPNP Policy	City Plan Part 1 & 2 policies	SDNPA Local Plan	Comments on Conformity
AQ1	CP9 Sustainable Transport, DM36 Parking and Servicing	Policy SD21:	The policy aims to ensure development proposals integrate with other roads and the existing built environment Electric Vehicle Charging Points.
AQ2	CP9, DM33, DM40	Policy SD20	Development proposals should provide particular support for local residents and employees to travel to and from the sites on foot, by bicycle or by public

			transport.
AQ3	CP9, DM36, DM40		This policy supports the adoption of cleaner and sustainable transport by requiring that all new detached or semi-detached residential properties in the neighbourhood area should be provided with an electric car vehicle charging point to industry standards at the time that the planning application is determined.

5 COMPATIBILITY WITH EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS

Convention on Human Rights

5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. The principal parts of the European Convention on Human Rights that can be relevant to neighbourhood plans are: Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).

5.2 The plan has been developed with the community with extensive and continuous consultation with residents and businesses. The interests of all sectors of the community have been considered, including the elderly and disabled, and younger people. The plan will not adversely affect the property rights of residents or business owners beyond the legitimate role of a planning system and that each policy has been fully explained and justified.

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

Strategic Environmental Assessment

5.3 A screening assessment was undertaken on the draft Rottingdean Neighbourhood Plan in October 2020 to determine the likelihood of significant environmental effects. This replaced a screening undertaken on an earlier version of the draft Neighbourhood Plan in February 2020. Following the assessment and consultation with the strategic environmental bodies, Brighton & Hove City Council concluded that the draft Rottingdean Neighbourhood Plan would not result in significant impacts and therefore does not require an SEA. The final determination is shown in Appendix A. ^[L]_{SEP}

Habitats Regulations Assessment

5.4 There is a network of protected sites across Europe, which includes Special Protected Areas (SPA), Special Areas of Conservation (SAC) and RAMSAR sites. These sites are designated for their fauna, flora or birds under the EC Birds or Habitats Directives. The majority of these sites are also Sites of Special Scientific Interest (SSSI).

5.5 All plans and projects, which may have a significant effect on the designated features of one of these sites, are required to undertake a Habitat Regulations Assessment to meet the requirements of the Conservation of Habitats and Species Regulations. The Rottingdean Neighbourhood Area covers the entire Parish. The South Downs National Park covers land outside the settlement boundary. The northern part of the Neighbourhood Area is in relatively close proximity to the Castle Hill SAC with the nearest points of the SAC and RNA boundary approximately 600m apart. In addition, the Lewes Downs SAC is located approximately 6km from the city boundary, and approximately 8km from the Neighbourhood Area boundary.

5.6 An assessment was carried out by Brighton and Hove City Council which concluded that the existing SEA assessments undertaken for City Plan Parts One and Two were considered to cover the impacts of any development arising from the Rottingdean Neighbourhood Plan and that the Neighbourhood Plan did not require its own individual Habitats Regulations screening assessment. Natural England were consulted on this assessment and were in agreement with this conclusion. Further details are provided in Appendix A, Annex 1.

6 CONCLUSION

6.1 The Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act of 1990, and Schedule 10 of the Localism Act of 2011 are considered to be met by the Rottingdean Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Rottingdean Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Town and Country Planning Act.

**Strategic Environmental Assessment Final Determination of the
Rottingdean Neighbourhood Plan, and**

**Consideration of Habitats Regulations Assessments of relevance
to the Rottingdean Neighbourhood Plan**

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Summary

Strategic Environmental Assessment

Neighbourhood Plans are the type of plan to which the Environmental Assessment of Plans and Programmes Regulations 2004 applies if the Neighbourhood Plan is likely to result in significant effects. A screening assessment is therefore required to determine whether the plan is considered likely to result in significant adverse effects. If significant effects are considered likely, a Strategic Environmental Assessment (SEA) is required to be undertaken.

A screening assessment was undertaken on the draft Rottingdean Neighbourhood Plan in October 2020 to determine the likelihood of significant effects. This replaced a screening undertaken on an earlier version of the draft Neighbourhood Plan in February 2020.

Following the assessment, Brighton & Hove City Council concluded that the draft Rottingdean Neighbourhood Plan will not result in significant effects and therefore does not require an SEA. The reasons for this are:

- The geographic extent of any effects arising from the RNP is limited and the magnitude of effects is low.
- There are no allocations for development; the scale and effects of the RNP are therefore limited.
- The policies are primarily focused on the acceptability of future proposals.
- Local sensitive and valued receptors and environmental issues are reflected and addressed through policy requirements.
- The RNP is unlikely to result in any significant cumulative or transboundary effects.
- The RNP sits within an existing adopted planning framework that has already been subject to its own SEA; it does not create a new framework.
- The RNP is in considered to be in general conformity with other Development Plans, is supportive of these plans, and is considered to support sustainable development.

The three statutory bodies (for the purposes of SEA Screening: Historic England, the Environment Agency and Natural England) were consulted in October 2020. The three statutory bodies raised no concerns with regards to the screening report conclusions and concurred with the conclusion.

Habitats Regulations Assessment

Annex 1 of this report considers HRA screenings and assessments of relevance to the Neighbourhood Plan. It concludes the existing HRA assessments are considered to cover the impacts of any development arising from the Rottingdean Neighbourhood Plan and that the Neighbourhood Plan does not require its own individual Habitats Regulations screening assessment. Natural England agreed with this conclusion.

1. Introduction

1.1 This screening report aims to determine whether the Rottingdean Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and Regulation 9 of the associated Environmental Assessment of Plans and Programmes Regulations 2004 (amended by The Environmental Assessment of Plans and Programmes (Coronavirus) (Amendment) Regulations 2020).

1.2 This report summarises the third screening assessment that has been carried out for the Rottingdean Neighbourhood Plan. This assessment is based on the draft

Rottingdean Neighbourhood Plan (September 2020). More details on this are provided in Section 3.

1.3 The legislative background set out in Section 2 outlines the regulations that require the need for this screening exercise. Section 3 provides further details on the contents and area included within the Rottingdean Neighbourhood Plan, as well as the findings of the two previous screening reports (December 2015 and February 2020). Section 4 provides a screening assessment of the likelihood of significant environmental effects of the Neighbourhood Plan and forms the conclusion as to whether an SEA is required. This assessment also takes into consideration whether the Neighbourhood Plan will result in significant effects beyond those already identified within other local DPDs, including the adopted City Plan Part 1 (2016) and South Downs National Park Local Plan (2019), both of which form “parent” DPDs to the Rottingdean Neighbourhood Plan.

2. Legislative Background and Neighbourhood Planning

2.1 The Government has confirmed in its ‘National Planning Practice Guidance’ that Sustainability Appraisals are only required for development plan documents and do not apply in the case of Neighbourhood Plans. However, Neighbourhood Plans must not breach and must be otherwise compatible with EU and Human Rights obligations. Neighbourhood Plans therefore need to be considered against, for example, the Habitats and Strategic Environmental Assessment Directives and associated regulations.

2.2 Strategic Environmental Assessment (SEA) is required by EU Directive 2001/42/EC, to assess the effects of certain plans and programmes on the environment. This Directive was implemented in the United Kingdom in July 2004 with the adoption of the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).

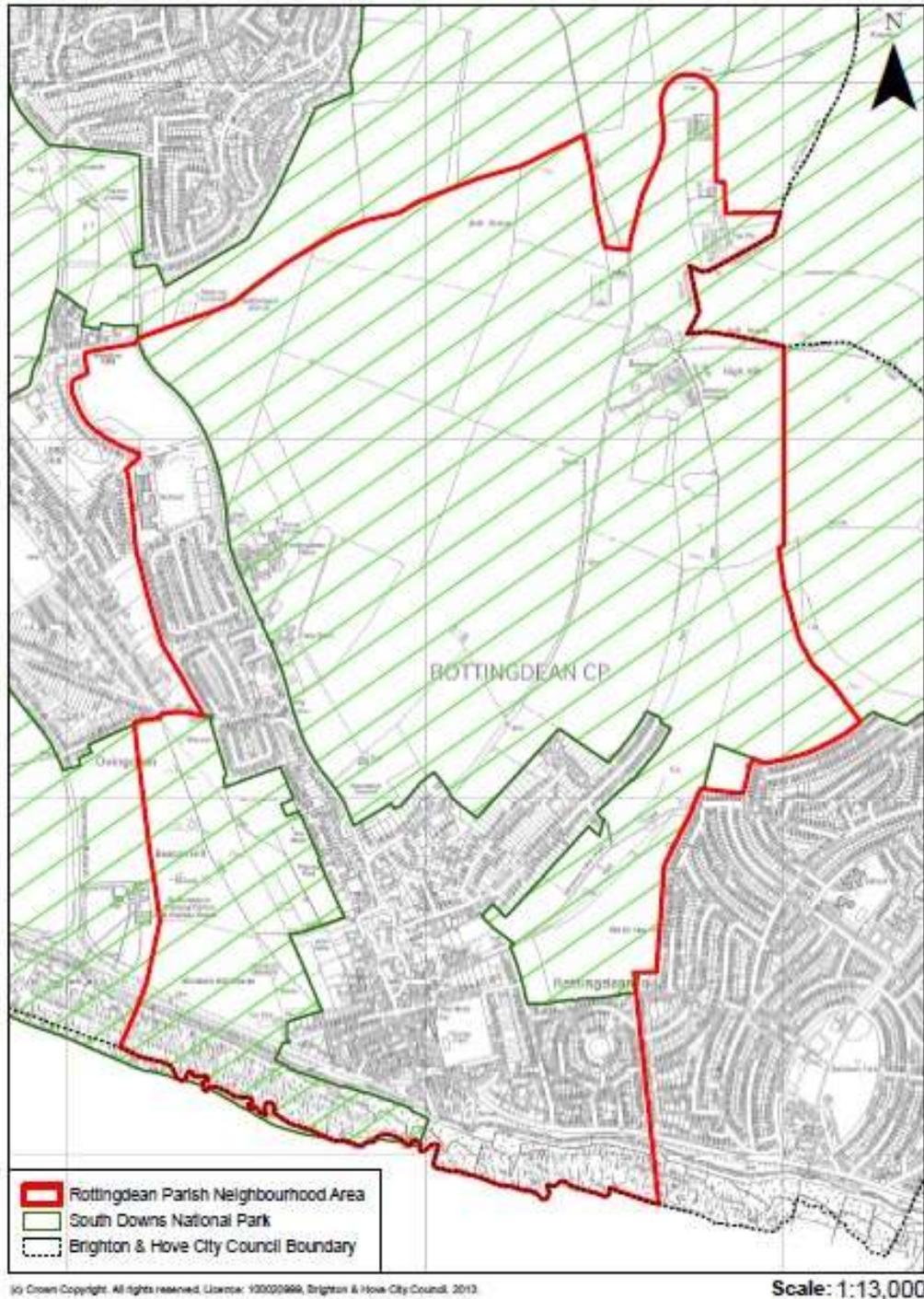
2.3 Neighbourhood Plans are not the type of plan that automatically require a Strategic Environmental Assessment. Whether or not a Neighbourhood Plan will need an environmental assessment will be subject to their scope and the issues they are seeking to address and will depend on whether the plan is determined as likely to have significant effects. Under Article 3(4) of the Directive, and Regulation 9 of the Regulations, the responsible authority (the city council) must determine which plans, other than those for which an SEA is automatically required, are likely to have significant effects.

2.4 Both the Directive (in Annex II), and the Regulations (in Schedule 1), set out specific criteria for determining the likely significance of the effects of a plan. These criteria include the consideration of the characteristics of the plan and the effects of the plan.

3. Rottingdean Neighbourhood Plan

3.1. Rottingdean Parish Council submitted its application to Brighton & Hove City Council, and to the South Downs National Park Authority, for designation of its Neighbourhood Area in November 2012. After a formal six-week consultation Brighton & Hove City Council Economic Development & Culture Committee and the South Downs National Park Authority Planning Committee in March 2013 resolved to support the Neighbourhood Area application. The area shown in the application was designated as a Neighbourhood Area.

Rottingdean Parish Neighbourhood Area



Previous screening assessment, December 2015

3.2 In 2015, the parish council presented its Vision, Strategic Objectives and Intentions document to the city council. This formed the basis of an initial screening assessment and determination, published in December 2015. The Plan at that time did not include any policies and therefore the screening was based on the supplied information only.

3.3 Due to the limited content, the screening assessment at that time found the RNP had potential for significant environmental effects and that the following issues should be considered within an SEA:

Biodiversity, Fauna and Flora:

- Sites of national designation (SSSI):
- Brighton to Newhaven Cliffs SSSI.
- Sites of local designation (Local Wildlife Sites and Local Nature Reserve)
- Beacon Hill LNR
- Whiteway Lane, High Hill Pasture and Balsdean Downland West SNCIs.

Air & Climatic Factors:

- AQMA (Rottingdean High Street)
- Transport and congestion

Cultural Heritage:

- Rottingdean Conservation Area
- Listed Buildings
- Archaeological Sensitivity

Landscape:

- South Downs National Park

Material Assets:

- Infrastructure (schools)

3.4 The screening assessment was subject to consultation with Natural England, Environment Agency and Historic England; their responses are summarised as follows:

Natural England

- Agreed with the conclusion that the Plan **could have significant effects** upon nationally and locally designated sites and to apply a precautionary principle to SEA.
- Agreed with the opinion that a full **Habitats Regulations Assessment** is **not** required.

Environment Agency

- Considered that the Plan **would not have a significant environmental effect** on the issues in their remit (which include: water resources, water quality and flood risk) Historic England

- Considered that **there is a likelihood** of the plan having significant environmental effects on the historic environment, but recommended waiting to scope the SEA until it is clear what the likely proposals for land use are, to better guide appropriate evidence gathering.

3.5 Consultation responses to the first screening assessment can be found in **Appendix 1**.

Previous screening assessment, February 2020

3.6 In February 2020, RPC produced a draft Neighbourhood Plan and requested the plan to be re-screened for the need for SEA. The draft Plan proposed to allocate 3 brownfield sites for housing, all within the existing settlement boundary; proposed to designate 9 green spaces as Local Green Spaces; and identified an existing car-park which may be suitable as a park and ride, however did not allocate it for this use.

3.7 The screening assessment considered it unlikely that the RNP would result in significant adverse effects as:

- The RNP sits within an existing adopted planning framework and does not create a new framework.
- The RNP is in considered to be in conformity with higher level plans, is supportive of these plans, and is considered to support sustainable development.
- The policies are primarily focused on the acceptability of future proposals and support delivery of policies contained within the overarching adopted policy framework.
- Local sensitive and valued receptors and environmental problems are reflected within the policy requirements; impacts on these receptors arising from development opportunities identified within the RNP are not considered to be significant in nature.
- Overall, the spatial extent and magnitude of any effects arising from the RNP is considered to be relatively small.
- The RNP is considered unlikely to give rise to any significant cumulative or transboundary effects.

In addition, the RNP was considered unlikely to result in any significant impacts that are beyond those already identified and assessed through the SEA/SA of the overarching adopted policy framework.

3.8 The screening was initially circulated to the South Downs National Park Authority as part of the Rottingdean Neighbourhood Area is located within the South Downs National Park including Beacon Hill to the west of the village, and all of the downland area to the north and east of the village. As the main centre of population (Rottingdean village and built up area) is not located within the National Park, it was agreed that

Brighton & Hove City Council will be the responsibility body for undertaking the screening. The SDNPA were in agreement that an SEA was not required.

- 3.9 The screening was then sent to the Statutory Environmental Bodies for consultation. A summary of their responses can be found below. Full responses are in **Appendix 2**.
- 3.10 The **Environment Agency** considered the Neighbourhood Plan would not have a significant environmental effect and as such would not require SEA in relation to the issues in their remit.
- 3.11 With regards to the Strategic Environmental Assessment: **Natural England** considered there are unlikely to be significant environmental effects from the proposed plan on strategic environmental interests (statutory designated sites, landscapes, protected species, geology and soils).
- 3.12 With regards to Habitats Regulations Assessment: **Natural England** agreed that the RNP would not be likely to result in a significant effect on any European site, either alone or in combination and therefore did not require further assessment.
- 3.13 **Historic England** noted that the Plan included proposals for site allocations and development within the Rottingdean Conservation Area; that the allocation would ordinarily require an assessment of impact; that the screening should not consider mitigation; that it was not clear whether other sites were considered when identifying the preferred sites; and it would be appropriate for an SEA to be completed to document and test assumptions.
- 3.14 The concerns raised by Historic England were highlighted to the Parish Council. The Parish Council subsequently amended the draft Plan by removing the site allocations and adding and amending policy regarding enhancement of heritage as follows:
- 3.15 Core Strategic Objectives
- Former “Character & Design” and “Planned Housing Growth” objectives combined to form new “Housing & Design” objective.
 - Overall purpose of this objective amended to “facilitate sensitive housing growth including making provision for timely and adequate infrastructure where practicable”.
 - Former reference to identifying sites suitable for allocation deleted.
- 3.16 Chapter 1: Delivering the Vision

- Policy S1: Development within and beyond the settlement boundary; additional criteria relating to the design of all proposals within the settlement boundary.

3.17 Chapter 2: Environment and Biodiversity.

- New objective relating to securing enhancements to the character or appearance of the Rottingdean Conservation Area.
- New supporting text on Conservation Area Enhancements.
- New Policy GOS4: Conservation Area Enhancements; supporting proposals which enhance the Conservation Area including proposals that address issues identified in the Character Statement.

3.18 Chapter 3: Housing & Design

- Former supporting text and policy which identified and allocated 3 housing sites deleted.
- Policy H3: Design; further references for proposals to have regard to the Rottingdean Village Character Statement.

3.19 The revised draft Plan formed the basis of the third screening assessment.

Rottingdean Neighbourhood Plan, September 2020

3.18 The Parish Council produced a draft Neighbourhood Plan and requested the plan to be rescreened for the need for SEA.

3.19 The RNP sets out the vision for Rottingdean as:

We want Rottingdean to remain a characterful, chalk downland village by the sea, with its distinctive and vernacular architecture and varied natural features. We want a village which celebrates, respects and protects its heritage and promotes learning, culture and recreation. We want to ensure a healthier, more sustainable environment with access to quality open spaces and an improved public realm where residents and visitors can visit thriving shops, businesses and heritage assets with ease.

3.20 The RNP contains 6 strategic objectives:

- **Employment & Enterprise:** To foster trade, tourism and economic development in Rottingdean.
- **Air Quality and Traffic Reduction:** To reduce the volume of vehicle traffic passing through Rottingdean to tackle congestion and improve air quality, whilst encouraging sustainable transport.
- **Environment & Biodiversity:** To protect and enhance green and open spaces within the Parish, maintaining the strategic gaps which define the village and protect and enhance biodiversity.

- **Housing & Design:** To facilitate sensitive housing growth including making provision for timely and adequate infrastructure where practicable.
- **Access:** To improve disabled access & permeability through the village, making it more pedestrian friendly. To improve IT connectivity.

3.21 The RNP is divided into six main chapters with a total of 18 policies. The Plan proposes to designate 9 green spaces as Local Green Spaces. The Plan identifies an existing car-park which may be suitable as a park and ride, however does not allocate it for this use. The Policies are as follows:

Chapter 1 Delivering the Vision

- S1 – Development within and beyond the settlement boundary
- S2 – Local Gaps

Chapter 2 Environment & Biodiversity

- GOS1 – Local Green Space
- GOS2 – Amenity Green Space
- GOS3 – Wildlife and Biodiversity
- GOS4 - Conservation Area Enhancements

Chapter 3 Housing and Design

- H2 – Balancing the Housing Mix
- H3 - Design
- H4 - Design Principles in the Conservation Area and their setting

Chapter 4 Employment and Enterprise

- TO1 – Visitor Accommodation
- TO2 - Coach Drop-off Point
- TO3 – Park and Ride
- EE1 - Shop Front Character and Design in the Conservation Area
- EE2 - Accessible Retail Units

Chapter 5 Community Facilities

- CF1 – Provision of Community Facilities

Chapter 6 Air Quality and Traffic Management

- AR1 - Reducing Traffic Volume Passing through the Village
- AR2 – Improving air quality in Rottingdean High Street
- AR3 – Electric Vehicle Charging Points

3.22 Once adopted, the Rottingdean Neighbourhood Plan, in conjunction with other City-wide adopted planning policies, will be applicable to all applications for development consent and will guide planning decisions within the defined Rottingdean Neighbourhood Area.

4. Screening Assessment of the Rottingdean Neighbourhood Plan

4.1 Brighton & Hove City Council, as the “Responsible Body”, consider that the Rottingdean Neighbourhood Plan falls within the scope of the SEA Regulations on the basis that it a plan that:

- a) is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2);
- b) is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5, para. 4); &
- c) will apply to a wider area other than a small area at local level and is not a minor modification to an existing plan or programme (Regulation 5, para. 6).

4.2 A determination under Regulation 9 is therefore required as to whether the Neighbourhood Plan is likely to have significant effects on the environment.

4.3 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations include two sets of characteristics for determining the likely significance of effects on the environment. In making a determination, Brighton & Hove City Council took into account the criteria specified in Schedule I of the Regulations as follows:

- 1) The characteristics of the plans and programmes, having regard to:
 - 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;
 - b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
 - c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
 - d) environmental problems relevant to the plan or programme; and
 - 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).
- 2) Characteristics of the effects and of the area likely to be affected, having regard to:

- (a) the probability, duration, frequency and reversibility of the effects;
- (b) the cumulative nature of the effects;
- (c) the transboundary nature of the effects;
- (d) the risks to human health or the environment (for example, due to accidents);
- (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- (f) the value and vulnerability of the area likely to be affected due to—
 - (i) special natural characteristics or cultural heritage;
 - (ii) exceeded environmental quality standards or limit values; or
 - (iii) intensive land-use; and
- (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

4.4 Due to concerns raised during consultation on the previous screening outcome (March 2020), Brighton & Hove City Council Heritage Team were also asked to provide their opinion on the Plan (see Appendix 5).

Assessment of the Characteristics of the Neighbourhood Plan

This stage of the screening considered the various characteristics of the RNP, having regard for criteria (1a-1e) as set out in the SEA Regulations. This assessment also takes into consideration whether any significant effects are beyond those anticipated by the overarching adopted framework.

Table 1 Characteristics of the Neighbourhood Plan

Criteria	Response	Significant effect likely? Yes/No	If significant effect identified, is this beyond those anticipated by the overarching adopted policy framework? Yes/No
(1a) the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	<p>The Rottingdean Neighbourhood Plan will form part of the statutory development plan once adopted and will therefore exert a direct influence over development proposals coming forward in the Parish. The RNP will have no influence on proposals outside the Parish.</p> <p>The RNP is considered to be consistent and in conformity with strategic policies in the adopted statutory planning documents for the area, including the Brighton & Hove Local Plan, City Plan Part 1 and South Downs National Park Local Plan. The RNP is not considered to set a framework and does not allocate any sites for development.</p>	No	N/A
(1b) the degree to which the plan or programme influences other plans including those in a hierarchy;	<p>The RNP will not influence any higher level plans, and there will not be any plans that sit below it. The RNP is therefore not considered to influence other plans within a hierarchy.</p> <p>It is considered to be supportive and in conformity with higher-level plans.</p>	No	N/A

<p>(1c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	<p>The Neighbourhood Plan must be in general conformity with strategic policies in higher level plans and national planning policy, the NPPF. All plans have an obligation to deliver sustainable development. The RNP includes policies which protect and enhance various elements of the environment, support the economy, facilitate housing delivery and support local community needs. It is considered to promote sustainable development.</p>	<p>No</p>	<p>N/A</p>
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<p>(1d) environmental problems relevant to the plan;</p>	<p>Environmental features of relevance to the Neighbourhood Area (NA):</p> <ul style="list-style-type: none"> • SDNP located within the NA (outside the settlement boundary) • Brighton Marina to Newhaven Cliffs SSSI passes through the NA (cliffs/beach) • Beacon Hill LNR and 5 LWS within NA • Brighton Chalk Aquifer and GSPZ 1,2,3, present in NA • Rottingdean High Street part of the declared 2013 AQMA due to exceedance of NO2 • There are known congestion issues on both the A259 coast road, and also Rottingdean High Street • DEFRA road noise mapping indicates that the A259 is a main source of noise pollution, with stretches of this road greater than 75 decibels. • The beach area is located within Flood zone 2 and 3 (medium to high risk of flooding); remainder of NA within Flood zone 1. • There are some areas of high risk of surface water flooding. • There are two Scheduled Monuments within the NA (within SDNP). Both referred to as the Long Barrow on Beacon Hill. • There are 55 listed buildings within Rottingdean, the majority of which lie within the Rottingdean Conservation Area. Some of these are Grade II*. • The Rottingdean Conservation Area covers a large proportion of the village centre, around the High Street. • Six ANAs located within NA 	<p>No</p>	<p>N/A</p>
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	<ul style="list-style-type: none"> • There are 3 primary schools, 1 secondary school and a range of community facilities within the NA. • Average house prices in Rottingdean are higher than the BH average. <p>Most policies within the RNP are focused on acceptability of future development proposals. These policies are unlikely to have any potential for significant adverse effects on any of the above features or problems. Several policies within the Plan seek to address issues including through policies which support sensitively designed development within the settlement boundary, promote good design, protect local gaps, conserve and enhance biodiversity, enhance and protect the conservation area*, promote sustainable transport and improve air quality. The Plan does not allocate any specific sites for development and therefore the potential for impacts are limited and not significant.</p> <p>Overarching and strategic policies within the City Plan Part 1 and Local Plan, particularly those relating to biodiversity, designated ecological sites, listed buildings, conservation areas, archaeology, flood risk, and transport and travel would also be a determining factor for development coming forward in the RNP area.</p> <p><i>*See Heritage team's email in Appendix 5.</i></p>		
(1e) the relevance of the plan for the implementation of community legislation on the environment (e.g. plans linked to waste or water protection)	<p>The EU has adopted a range of legislation aimed at protecting the environment which has been transposed into UK law.</p> <p>The RNP will be in compliance and conformity with the City Plan which has already taken account of the existing European and National legislative framework for environmental protection. It should therefore have a positive effect on compliance. In addition, and in respect of the directive on clean air, the RNP includes policies which seek to address air quality issues.</p>	No	N/A

Assessment of the Effects of the Plan

This stage of the screening assesses the possible effects of the Plan against the criteria (2a-2g) as set out in the SEA Regulations. These criteria are used to determine the significance of the effects. This assessment also takes into consideration whether any significant effects are beyond that anticipated by the overarching adopted framework.

Table 2: Effects of the Neighbourhood Plan

Criteria	Response	Is this likely to result in a significant effect? Yes/No	Is there a significant effect beyond that anticipated by the overarching adopted policy framework? Yes/No
(2a) What are the probability, duration, frequency and reversibility of the effects of the plan?	<p>The majority of the policies are focused on acceptability of proposals. The probability of significant adverse impacts arising from these policies is considered to be low.</p> <p>The policies in the plan have given consideration to effects on visual receptors including townscape/landscape and heritage assets through policies relating to design including shop-front design; material assets through proposed Local Green Space designations, protection of community facilities, and amenity open spaces; biodiversity through proposals to conserve wildlife; housing mix through setting out suggested proportions of dwelling types; flood risk through design principles which include SUDS; the economy through policies which protect visitor accommodation and encourage sustainable transport; and air quality and traffic through policies which support good movement of transport, good design and layout, and support electric vehicle charging. The effects arising from the plan could be long-lasting and some may be permanent in nature.</p>	No	N/A

	<p>The use of an existing car-park as a park & ride may intensify this use and result in additional journeys to the area. However, the size of the car-park means that the amount of additional car traffic would be limited and any traffic related impacts are unlikely to be significant in nature.</p> <p>Overall, although some of the effects of the plan could be long-lasting and permanent, the policies are considered more likely to result in positive effects on the environmental features and problems outlined in 1d and the probability of the effects being significantly adverse is considered to be low.</p>		
<p>(2b) What is the cumulative nature of the effects of the plan?</p>	<p>Cumulative impacts are those that may arise from development coming forward within the plan or wider area that isn't identified or allocated within the RNP, in combination with the impacts arising from the RNP.</p> <p>It is acknowledged that the draft City Plan Part 2 (Proposed Submission, April 2020) includes some housing allocations that are within the parish. City Plan Part 2 has been subject to its own Strategic Environmental Assessment/Sustainability Appraisal and the policy framework is considered to address any risk of significant cumulative impacts. Any cumulative effects of the two plans are considered to be limited in nature and not significant due to the nature of the proposals being put forward in the RNP.</p> <p>Cumulative impacts can also arise from the various policies within the RNP. The cumulative nature of the policies in the plan are considered positive overall. Significant adverse cumulative effects are considered unlikely.</p>	<p>No</p>	<p>N/A</p>

<p>(2c) What is the transboundary nature of the effects of the plan?</p>	<p>The majority of the policies are focused on acceptability of proposals and the probability of any transboundary impacts arising from these policies is considered to be low and not significant in nature.</p> <p>The RNP will only have a direct influence on development within the area, and although some of the effects could be wider than the parish area, for example, visual effects on</p>	<p>No</p>	<p>N/A</p>
	<p>distant landscapes, these are not considered to be significant in nature due to the nature of the proposals within the Plan.</p>		
<p>(2d) Are there any risks to human health or the environment (e.g. due to accidents)?</p>	<p>An AQMA covers the Rottingdean High Street area. Poor air quality poses a significant health risk, particularly to the young, old and those with certain health issues.</p> <p>Policies are mainly focused on acceptability of proposals and are unlikely to have any significant adverse effect on air quality. Policies include those that seek to reduce traffic and improve air quality.</p>	<p>No</p>	<p>N/A</p>
<p>(2e) What is the magnitude and spatial extent of the effects (i.e. geographical area and size of population likely to be affected) of the plan?</p>	<p>The Rottingdean NA covers an area of approximately 4.4km² (440 hectares). The Rottingdean Parish population is estimated to be 3,200 (ONS 2013).</p> <p>The spatial extent of the Plan is therefore considered to be relatively small.</p> <p>The magnitude of any effects are also considered to be relatively low, due to the nature of the policies contained in the RNP which are concerned more with acceptability of proposals.</p>	<p>No</p>	<p>N/A</p>

<p>(2f) Is the value and vulnerability of the area to which the plan or programme relates likely to be affected by the plan or programmes due to:</p> <ul style="list-style-type: none"> • Special natural characteristics or cultural heritage, • Exceeded environmental 	<p>There are a number of valued/vulnerable environmental receptors/issues within the Plan area.</p> <p><u>Special characteristics:</u> The SDNP is a highly valued landscape. The Brighton to Newhaven Cliffs SSSI has high geological value and also biodiversity value. The Rottingdean Conservation Area forms the historic core of the village. It includes various listed buildings. A SAC is situated to the north of the Parish, but outside the Parish boundary.</p> <p><u>Exceeded environmental limits:</u> Part of Rottingdean High Street is a declared AQMA due to the exceedance of NO2.</p>	<p>No</p>	<p>N/A</p>
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<p>quality standards or limit values, or</p> <ul style="list-style-type: none"> • Intensive Land use? 	<p>The overall vision of the Plan, which seeks to protect the downland nature of the village, the various design requirements of the policies, including those which seek to enhance local distinctiveness and the local conservation areas, in addition to policies which specifically seek to address air quality issues, combined with the focus of the policies on acceptability of proposals should mean that the potential for significant adverse impacts on any of the above valued or vulnerable receptors is unlikely.</p> <p>In addition, the likelihood of significant effects arising from the RNP being greater than those already identified and assessed through the overarching policy framework is also considered unlikely.</p>		
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<p>(2g) Will the plan have an effect on areas or landscapes, which have a recognised national, community or international protection status?</p>	<p>As described under 2f, the Neighbourhood Area includes land that is within the South Downs National Park. The National Park designation offers a high level of protection.</p> <p>Proposals within the Neighbourhood Plan must have regard to the impact on the National Park, in particular the purposes of the National Park and the ability of the SDNPA to deliver its duty</p> <p>The various design requirements of the policies and the focus of the policies on acceptability of proposals should mean that the potential for significant adverse impacts on the SDNP is unlikely. The SDNPA have previously agreed that the significant effects on landscape are considered unlikely.</p>	<p>No</p>	<p>N/A</p>
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5. Summary of initial findings from the screening exercise

5.1 The consideration of the draft RNP and the criteria set out in the Regulations helps to determine whether the characteristics and effects of the RNP are likely to be significant.

5.2 The assessment considered the RNP unlikely to result in significant effects as:

- The geographic extent of any effects arising from the RNP is limited and the magnitude of effects is low.
- There are no allocations for development; the scale and effects of the RNP are therefore limited.
- The policies are primarily focused on the acceptability of future proposals.
- Local sensitive and valued receptors and environmental issues are reflected and addressed through policy requirements.
- The RNP is unlikely to result in any significant cumulative or transboundary effects.
- The RNP sits within an existing adopted planning framework that has already been subject to its own SEA; it does not create a new framework.
- The RNP is in considered to be in general conformity with local Development Plans, is supportive of these plans, and is considered to support sustainable development.

6. Consultation and final determination

6.1 The results of the revised initial screening (October 2020) were made available to the three statutory bodies, Historic England, Natural England, and the Environment Agency as required by the Regulation 9(2)(b) of the SEA Regulations.

6.2 Responses were received from all three statutory bodies. All concurred with the conclusions that the SPD **was unlikely to give rise to significant environmental effects and therefore that SEA was not required**. Consultation responses can be found in Appendix 3.

6.3 As outlined in this report, part of the Rottingdean Neighbourhood Area is located within the SDNP. As the main centre of population (Rottingdean village and built up area) is not located within the National Park, it has been agreed that Brighton & Hove City Council will be the responsibility body for undertaking the screening, in liaison with the SDNPA.

6.4 The SDNPA was consulted on the screening conclusion in February 2020 and was in agreement that **an SEA was not required** (see Appendix 4). The SDNPA were again informed of this re-screening in October 2020 but had no further comments to make.

6.5 It is therefore concluded that an SEA is not required to be undertaken for the Rottingdean Neighbourhood Plan.

Annex 1 Consideration of HRA screenings of relevance to the RNP

Updated, October 2020

1. Introduction

This assessment has been undertaken to identify whether any European sites exist within or in proximity to the neighbourhood area which could potentially be affected by any future proposals or policies within the Neighbourhood Plan.

This assessment draws on the conclusions of other relevant HRA screening and detailed assessment reports. Its purpose is to summarise these reports and consider whether the existing HRAs are sufficient to assess the effects of the Rottingdean Neighbourhood Plan, or whether the Rottingdean Neighbourhood Plan should carry out its own HRA screening and assessment.

2. European sites

There is a network of protected sites across Europe, which includes Special Protected Areas (SPA), Special Areas of Conservation (SAC) and RAMSAR sites. These sites are designated for their fauna, flora or birds under the EC Birds or Habitats Directives. The majority of these sites are also Sites of Special Scientific Interest (SSSI).

All plans and projects, which may have a significant effect on the designated features of one of these sites, are required to undertake a Habitat Regulations Assessment to meet the requirements of the Conservation of Habitats and Species Regulations. There are various stages to a HRA including the screening stage, which assesses the likelihood of impacts. A full Habitat Regulations Assessment (also known as an Appropriate Assessment) is then only required to take place if the screening stage indicates that significant impacts on the designated features are likely.

3. Local European Sites

The Rottingdean Neighbourhood Area covers the entire parish. The South Downs National Park covers land outside the settlement boundary. The northern part of the Neighbourhood Area is in relatively close proximity to the Castle Hill SAC with the nearest points of the SAC and RNA boundary approximately 600m apart. In addition, the Lewes Downs SAC is located approximately 6km from the city boundary, and approximately 8km from the Neighbourhood Area boundary.

Within the wider area, the Arun Valley SAC/SPA, Ashdown Forest SAC/SPA and Pevensey Levels SAC/RAMSAR site are all located more than 20km from the Neighbourhood Area boundary.

4. Brighton & Hove City Plan Part 1 – HRA screening

An [HRA screening](#)¹ was undertaken on the City Plan Part 1 at various stages of its development, with the most recent at Proposed Modification stage 2014, relating to the adopted City Plan Part 1

(2016). This assessed the potential for impacts of all City Plan Part 1 policies on the Castle Hill SAC and on European sites outside the city including Lewes Downs SAC, Ashdown Forest SAC & SPA and Arun Valley SPA.

The adopted City Plan set out a minimum housing target of 13,200 dwellings to be delivered over the plan period, as well as other quantum of development. This includes the urban fringe as a broad source of potential for housing, capable of delivering 1,200 dwellings in total.

¹ Brighton & Hove Submission City Plan Part 1 – Proposed Modifications July 2014 Updated Appropriate Assessment Report

The HRA screening assessed the likely impacts of the proposed amounts of development set out in the City Plan and concluded that the possible impacts amount to water abstraction, air pollution and recreational pressure. Of these:

- *Water abstraction would not have a significant effect on any European site because there are no such sites which are vulnerable to water abstraction within the water catchment area of Brighton and Hove.*
- *Despite policies which promote travel choice and minimise air pollution, it is still possible that air pollution may worsen as a result of the City Plan Part 1. However localised air pollution of this nature would not have a significant effect on any European site, according to Natural England advice.*
- *Recreational pressure on downland in the vicinity of Brighton and Hove may increase as a consequence of the City Plan Part 1. However only one of the European sites assessed is vulnerable to recreational pressure (Ashdown Forest) and studies elsewhere have shown that this site is far enough away from Brighton and Hove to safely conclude that there would be no significant recreational impact on it as a result of the City Plan Part 1.*

Therefore, the HRA screening on the City Plan Part 1 discounted all possible significant impacts that would affect the designations of the SACs or SPA and therefore did not progress to a full Habitats Regulations Assessment (Appropriate Assessment).

5. Brighton & Hove City Plan Part 2 – HRA screening and assessment

During the preparation of City Plan Part 2, an updated [Habitats Regulations screening](#)² was undertaken to reconsider the effects of the growth associated with the entire City Plan Part 1, in combination with growth anticipated from other areas, as well as effects arising from draft City Plan Part 2. This screening assessment discounted the likelihood of significant effects on Castle Hill, Lewes Downs, Arun Valley and Pevensey Levels European sites.

However the screening could not discount the likelihood of significant adverse effects of the Plan on the Ashdown Forest SAC/SPA, therefore a [detailed assessment](#)³ of air quality impacts (Appropriate Assessment) on Ashdown Forest was undertaken. This involved modelling the

potential impact of traffic flows and vehicle exhaust emissions associated with planned development in Brighton & Hove in combination with neighbouring local authorities on the Ashdown Forest SAC. The model covered the period to 2033 and therefore allowed for a higher amount of housing than the City Plan target⁴. The analysis concluded that the expected growth in Brighton and Hove to 2033 (as identified in the adopted City Plan Part 1 and emerging City Plan

² Brighton & Hove City Plan Part 2 HRA: Test of Likely Significant Effects (June 2018)

³ Brighton & Hove City Plan Part 2 Ashdown Forest Air Quality Impact Assessment (2018)

⁴ The City Plan housing target set out in Policy CP1 is to deliver at least 13,200 new homes over the period 2010-2030. The model assessed traffic growth to 2033 from a base date of 2017, assuming delivery of 11,845 dwellings and 111,500 sqm employment floorspace in Brighton & Hove over the period 2017-2033. In addition, 3,000 net dwellings were already built in Brighton & Hove between 2010-2017 which will already be included within the traffic data for the baseline year (2017).

Part 2) makes virtually no contribution to changes in ammonia concentrations, NOx concentrations or nitrogen deposition within Ashdown Forest SAC.

The detailed assessment confirmed that growth resulting from City Plan Part 1 and City Plan Part 2, with an increased trajectory to 2033, would not result in adverse effects that would affect the integrity of the Ashdown Forest SAC/SPA, either alone or in combination with growth from other areas.

5. Rottingdean Neighbourhood Area

As outlined under section 3, the boundary of the Rottingdean Neighbourhood Area is within close proximity to the boundary of the Castle Hill SAC. The area that is in closest proximity to the SAC is within the South Downs National Park.

The draft RNP does not allocate any sites for housing. Policy S1 supports well-designed development within the settlement boundary and only supports development outside the settlement boundary where a countryside location is appropriate. Any development outside the settlement boundary would also need to meet any requirements of the SDNPA Local Plan.

6. Conclusion

The updated HRA screening and detailed assessments, undertaken on the City Plan Part 2, considered the impacts of a greater amount of housing than set in the City Plan Part 1 on local European sites. It is therefore concluded that the existing HRA assessments are considered to cover the impacts of any development arising from the Rottingdean Neighbourhood Plan and that the Neighbourhood Plan does not require its own individual Habitats Regulations screening assessment.

Appendix 1 Consultation responses on SEA screening, 2015

Consultee	Consultee Comments	BHCC response
<p>Environment Agency, 7th December 2015</p>	<p>Thank you for consulting us for a SEA screening opinion on the Rottingdean Neighbourhood Plan.</p> <p>We are pleased to see that water resource and quality and flood risk have been considered in the draft SEA screening report.</p> <p>We understand that it is highly unlikely that the Neighbourhood Plan would consider allocating development in the beach area (Flood Zones 2 and 3).</p> <p>Based on the above and based on the scale of development proposed through the Neighbourhood Plan, we consider the plan would not have a significant environmental effect and as such would not require an SEA in relation to the issues in our remit.</p>	<p>Comments noted</p>
<p>Natural England, 2nd December 2015</p>	<p>Thank you for giving Natural England the opportunity to comment on the SEA screening for the Rottingdean Neighbourhood Plan. My brief comments are as follows:</p> <p>We agree with the conclusion that the plan is unlikely to impact upon a European designated site and therefore a full HRA is not required.</p> <p>We also agree with the conclusion that the Plan could have significant effects upon nationally and locally designated sites and that, using the precautionary principle, a SEA should be undertaken.</p>	<p>Comments noted</p>

<p>Historic England, 10th December 2015</p>	<p>Thank you for consulting Historic England on the Screening Opinion for Strategic Environmental Assessment of the Rottingdean Neighbourhood Plan. In coming to our opinion on whether Strategic Environmental Assessment is required for the neighbourhood plan due to the likelihood of significant effects on the historic environment and heritage assets we have taken the following factors into account:</p> <ul style="list-style-type: none"> • The Plan objectives include giving a high priority to the conservation of the character of the village, including consideration of specific details such as separation from neighbouring settlements and access to the seaside. • The plan will guide the location of new development, including prioritising the use of previously developed land and restricting development of other land. • The plan area includes a number of designated heritage assets, whilst there may be potential for previously unidentified heritage assets, including archaeological remains of historic interest. • Impacts to heritage assets may be direct – including their inclusion within allocation sites, or indirect including development that affects their setting, that results in indirect impact such as increases in traffic or that affects their viability. 	<p>Comments noted</p>
<p>Historic England, 10th December 2015</p>	<ul style="list-style-type: none"> • Impacts of development are likely to be long-term or permanent. • ‘Significant effects’ may be both positive as well as negative. • It is not clear from the evidence presented whether the plan will be allocating sites for development, what form such development will take and whether these have been assessed previously through SEA of a higher-level planning document. <p>Based on these factors it is considered that there is a likelihood of the plan having significant environmental effects on the historic environment that should be subjected to appropriate assessment, although there is some uncertainty about what those effects might be at present. It should be considered, for example that constraining new development within the existing settlement area may place greater pressure on heritage assets, such as the conservation area or the curtilage of listed buildings by promoting the subdivision of gardens for infill development. As such we agree with the conclusion of the draft screening report that Strategic Environmental Assessment is required for the plan, although we recommend waiting to scope the SEA until it is clearer what the likely proposals for land use are to better guide appropriate evidence gathering (if this is not already known).</p>	<p>Comments noted</p>

<p>Historic England, 10th December 2015</p>	<p>Our opinion is based only on the information presented in the draft screening report issued and there is potential that provision of further information could result in a different opinion being reached. If, for example, at a time when the plan has been sufficiently developed to provide certainty, the Parish Council demonstrated that none of their proposals would have an impact on heritage assets or the character of the historic environment, it would be legitimate to request a review of the screening opinion's conclusions on these grounds. Nevertheless we encourage the use of SEA as a helpful tool to ensure plan documents are prepared in a robust and transparent manner, documenting the alternatives considered in the development of the plan, with evidence that appropriate consideration has been given to relevant environmental issues including the conservation and enjoyment of the historic environment. SEA can be useful in demonstrating that the plan does meet the requirement of the basic conditions to promote sustainable development (i.e. that it complies with the requirements of the NPPF) and to be in general conformity with the strategic policies of the Local Plan. In doing so it is also helpful in ensuring there are no conflicts within the plan between its different objectives and policies.</p>	<p>Comments noted</p>
<p>Historic England, 10th December 2015</p>	<p>As a minor point, we would suggest amending the text of the report at 1(a) and 1(b) in Table 2. The SEA Regulations require only that Neighbourhood Plans are in general conformity with the strategic policies in the local plans, rather than having to conform with the local plan as a whole as suggested in the table. As such the plan could present a rather different agenda for development in the plan area than the local plan and so affect the implementation of a higher level document. The National Planning Practice Guidance recommends that Councils support their neighbourhood planning fora by identifying which policies of the local plan are considered 'strategic' at an early point in the plan-making process. Section 156 of the NPPF sets out what matters planning authorities should set out in the strategic priorities for the area in the local plan, including delivering the conservation and enhancement of the natural and historic environment. This should be helpful in identifying which policies are 'strategic'. Neighbourhood Plans also have an equivalent, rather than hierarchically lower, status to the Local Plan in forming an element of the statutory development plan and, in determining planning applications will in actuality take precedence over the National Planning Policy Framework (which is not a document with a status in statute).</p>	<p>Comments noted</p>

Appendix 2 Consultation responses on screening, February 2020

Consultee	Consultee Comments	BHCC response
<p>Natural England, 5th March 2020</p>	<p>Strategic Environmental Assessment screening</p> <p>It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.</p> <p>We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.</p> <p>We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.</p> <p>Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.</p> <p>Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.</p>	<p>Comments noted</p> <p>Any potential for effects on protected species, BAP habitats and species, and landscape character is addressed through the overarching strategic policies contained within the City Plan Part 1 and South Downs National Park Local Plan which have already undergone SEA/SA as part of their preparation.</p>

Consultee	Consultee Comments	BHCC response
Natural England, 5 th March 2020	Habitats Regulations Assessment (HRA) Screening Natural England agrees with the report's conclusions that the Rottingdean Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.	Comments noted
Environment Agency, 20 th March 2020	Thank you for consulting the Environment Agency on the SEA screening opinion for the Rottingdean Neighbourhood Plan. Based on environmental constraints and the scale of development proposed (as outlined in the draft screening report), we consider that the Neighbourhood Plan would not have a significant environmental effect and as such would not require an SEA in relation to the issues in our remit. However, please note that we do not advise on whether the plan falls under the requirements of the SEA Directive.	Comments noted
Historic England, 3 rd April 2020	Thank you for consulting Historic England on the draft screening opinion of the Rottingdean Neighbourhood Plan. We have restricted our review to those areas that we feel fall within our areas of interest. The plan includes proposals for development within a designated heritage asset (the Rottingdean Conservation Area) and with potential impacts on a listed building. Whether development of these sites could result in significant effects is a matter of professional judgement, but we note that 'likely' effects need only be possible and 'significant' means only that within the regulatory framework their allocation should ordinarily require an assessment of impact.	Comments noted. EC guidance on the meaning of the word "likely" within the SEA Directive suggests that the word "likely" is synonymous with the word "expected" rather than "possible". Paragraph 3.50 " <i>The use of the word 'likely' suggests that the environmental effects to be considered are those which can be expected with a reasonable degree of probability</i> ". https://ec.europa.eu/environment/archives/eia/pdf/030923_sea_guidance.pdf
Historic England, 3 rd April 2020	We note that you have effectively already performed both of these tests and having determined that there is potential for effects and considered the suitability of mitigation set out in the plan.	Comments noted. Screening has taken into consideration overarching adopted policy framework. (City Plan Part 1 & Local Plan retained policies).

Historic England, 3 rd April 2020	Allocating a site within a conservation area or affecting the setting of a listed building would, within the requirements of the NPPF and the Planning (Listed Buildings and Conservation Area) Act 1990, require an assessment appropriate to the significance of the assets and the level of harm	Comments noted. Advice from BHCC Heritage Officer sought; Heritage Officer stated that there was no legal barrier to including the sites provided
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Consultee	Consultee Comments	BHCC response
	likely, giving great weight to the conservation of these designated heritage assets and sufficient to demonstrate the Council have fulfilled the duties within paragraphs 66 and 72 of the Act.	that they showed from a heritage perspective, the allocations had been based on available evidence about the historic environment. Heritage Officer stated that he was satisfied that they have but this could be made more explicit, e.g. through reference to the CA character statement and mention of nearby listed buildings.
Historic England, 3 rd April 2020	We note that the screening assessment makes much of the mitigation offered by other policies in the plan and within the site allocation policies. However, we consider that the assessment of mitigation should not be considered at the screening stage - and indeed that this draft screening opinion acts rather as a full environmental report in considering the baseline, likely effects and suitability of the mitigation with regard to the historic environment impacts of the plan.	Comments noted and recognised. The screening is based on the entire content of the draft Plan, it therefore takes into consideration all policies in the plan and whether the plan addresses the potential for any impacts. However, it is recognised that the additional information within the screening may have presented as a full report; this was not the intention and was purely to inform the assessment of the likelihood of significant effects. This will be amended for future screenings.
Historic England, 3 rd April 2020	It is not clear from the screening opinion what other sites were considered in identifying these as the preferred sites and whether they have been rejected on the basis of any greater or lesser impact on the historic environment.	Comments noted. RPC to be notified that the site allocations must be accompanied by a topic paper outlining the site selection process.

<p>Historic England, 3rd April 2020</p>	<p>As such we would at present suggest that there has been consideration of the potential for likely significant environmental effects of the plan in its development and that it would be appropriate for SEA to be completed documenting and testing the assumptions made in order to ensure that the plan is robust and not open to attack on the basis of failure to document the undertaking undertake such work.</p>	<p>Comments noted, including comment regarding whether SEA is merited for size of allocations.</p> <p>Options suggested to RPC to address concerns: <u>Option 1 – continue with site allocations:</u></p>
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Consultee	Consultee Comments	BHCC response
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	<p>Given their size and number of units to be delivered it is also questionable whether there is merit in allocating them, rather than encouraging them to come forward as windfall sites within the development guidelines set by the Neighbourhood Plan and Local Plan - whilst ensuring the plan is clear that their presence as 'developable sites' demonstrates there is capacity within the area to provide a five year housing land supply through windfall development - if this is indeed the case.</p> <p>Given the small size of the allocations considered we would be happy to discuss further whether SEA is merited and whether the development of these sites at the density proposed would result in likely significant effects - in the first instance it may help to remove consideration of mitigation from the screening opinion and then review the argument presented.</p>	<p>Address concerns by:</p> <ul style="list-style-type: none"> • Commission Heritage Impact Assessment (HIA) – based on an indicative proposal for the site (housing numbers and scale) • HIA must be able to demonstrate that there would be no significant heritage impacts from development • Conclusions of HIA shared with BHCC Heritage team • Confirmation that BHCC Heritage team supported/concurred with HIA findings • Allocate sites • RNP to produce site allocation paper to support site allocations <p><u>Option 2 – do not allocate sites:</u> No further assessments required.</p> <ul style="list-style-type: none"> • Rely on general windfall housing policy • Strengthen Conservation Area Enhancements policy <p><i>Nb: RPC proceeded with Option 2</i></p>
<p>Historic England, 3rd April 2020</p>	<p>Notwithstanding this conclusion, it may be appropriate for the conservation officer to provide an opinion on whether the sites proposed for allocation would trigger a requirement for a heritage assessment when considering proposals for their development on the basis of potential impacts to the heritage assets identified.</p>	<p>Comments noted. Advice from Heritage Officer sought; Heritage Officer confirmed that a Heritage Impact Assessment would be required for these sites at application stage, which should inform the development proposal.</p>

Appendix 3 Consultation responses on screening, October 2020

Consultee	Consultee Comments	BHCC response
Historic England, 2 nd November 2020	<p>Thank you for consulting Historic England on the reviewed screening opinion for SEA of the Rottingdean Neighbourhood Plan. Our assessment of the potential need for SEA is limited to any likely significant environmental effects within areas of interest to Historic England, which is confined to the plan's potential effects for the historic environment, including the conservation of heritage assets.</p> <p>I am happy to confirm that, with the removal of the intention to allocate sites for development, we agree that the plan is unlikely to have potential for likely significant environmental effects and, as such, SEA is not merited.</p> <p>We reserve the right to request a review of this opinion should the plan change in scope at a later stage of its production.</p>	Comments noted.
Environment Agency, 23 rd October 2020	Thank you for consulting the Environment Agency on the third SEA screening opinion for the Rottingdean Neighbourhood Plan. Based on environmental constraints and the fact that the plan is not allocating sites for development (as outlined in the draft screening report), we consider that the Neighbourhood Plan would not have a significant environmental effect and as such would not require an SEA in relation to the issues in our remit. However, please note that we do not advise on whether the plan falls under the requirements of the SEA Directive.	Comments noted
Natural England, 13 th November 2020	<p>Screening Request: Strategic Environmental Assessment</p> <p>It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.</p> <p>We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.</p> <p>We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.</p>	Comments noted

	<p>Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.</p>	
	<p>Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.</p>	

Appendix 4 Consultation response from SDNPA, February 2020

From: [Hannah Collier](#)
To: [Helen Pennington](#)
Subject: Rottingdean Neighbourhood Plan - SEA
Date: 24 February 2020 16:14:48
Attachments: [image001.png](#)

Hi Helen,

In regards to the Rottingdean Neighbourhood Plan SEA/HRA screening opinion, we believe that there is no significant impact on the National Park in terms of SEA. We note that there are 3 allocated sites in the draft neighbourhood plan, and all of these sites are small, brownfield sites outside of the South Downs National Park.

If you have any queries, please don't hesitate to contact me.

Kind Regards,

Hannah

Hannah Collier

Senior Planning Policy Officer, South Downs National Park Authority
South Downs Centre, North Street, Midhurst, West Sussex GU29 9DH

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Appendix 5 Heritage Team Response

From: [Tim Jefferies](#)
To: [Helen Pennington](#)
Subject: RE: Rottingdean Neighbourhood Plan
Date: 05 October 2020 12:15:17

Hi Helen,

I have read through the Plan and more specifically looked at policies S1, GSO4, H3 and H4. I consider that, taken together, these policies would provide sufficient protection for the historic environment.

Kind regards,

Tim

Tim Jefferies IHBC | Planning Team Leader – Heritage & Projects | Policy,
Projects & Heritage Team
City Development and Regeneration

1st Floor, Hove Town Hall, Norton Road, Hove, BN3 3BQ

E-mail: tim.jefferies@brighton-hove.gov.uk



www.brighton-hove.gov.uk/content/planning/heritage

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Please note that this is an informal officer opinion only and does not prejudice the decision of the Local Planning Authority on any planning application. This opinion relates to heritage matters only.

From: Helen Pennington <Helen.Pennington@brighton-hove.gov.uk>

Sent: 01 October 2020 10:02

To: Tim Jefferies <Tim.Jefferies@brighton-hove.gov.uk>

Subject: Rottingdean Neighbourhood Plan

Hi Tim

You may remember earlier in the year, our discussions about Rottingdean Neighbourhood Plan and the response from Historic England to the SEA screening. They were concerned about the allocation of 3 sites, 2 of which were in the Conservation Area.

RPC have now sent us their amended draft NP. They have removed the 3 site allocations and have amended some policies as follows:

Core Strategic Objectives

Former “Character & Design” and “Planned Housing Growth” objectives combined to form new “Housing & Design” objective. Overall purpose of this objective amended to “facilitate sensitive housing growth including making provision for timely and adequate infrastructure where practicable”. Former reference to identifying sites suitable for allocation removed.

Chapter 1: Delivering the Vision

Policy S1: Development within and beyond the settlement boundary; additional criteria relating to the design of all proposals within the settlement boundary.

Chapter 2: Environment and Biodiversity.

New objective relating to securing enhancements to the character or appearance of the Rottingdean Conservation Area.

New supporting text on Conservation Area Enhancements.

New Policy GOS4: Conservation Area Enhancements; supporting proposals which enhance the Conservation Area including proposals that address issues identified in the Character Statement.

Chapter 3: Housing & Design

Former supporting text and policy which identified and allocated 3 housing sites deleted.

Policy H3: Design; further references for proposals to have regard to the Rottingdean Village Character Statement.

Would you be able to have a look at the following policies: S1, GSO4 and H3 and let me know your opinion on whether you feel these provide adequate protection for the historic built environment. I will then add your email response into the updated SEA screening report before re-consulting with the statutory bodies again.

Many thanks

Helen

Helen Pennington
Sustainability Appraisal Officer

Due to the current exceptional circumstances and changed working arrangements we are currently unable to deal with incoming phone calls.

City Development & Regeneration | Brighton & Hove City Council

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