

Brighton Marina Neighbourhood Plan

Basic Conditions Statement 2023



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Context

This Statement supplements the submitted Brighton Marina Neighbourhood Development Plan (the Plan). It has been prepared by the Brighton Marina Neighbourhood Forum (the Forum) to accompany its submission of the Brighton Marina Neighbourhood Plan (the Plan) to the local planning authority, Brighton and Hove City Council (the City Council), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”).

The Neighbourhood Plan has been prepared by the Forum, the ‘qualifying body’, for the Neighbourhood Area (“*the Area*”), which was designated by the City Council on 18 June 2015 and redesignated on 3 November 2020 for a further five-year period. The neighbourhood area is shown on Plan A.

The Forum has consulted the local community, the statutory bodies, and other stakeholders throughout the preparation of the Neighbourhood Plan, as required by the Regulations. This is detailed in the Consultation Statement, which is published separately as part of the submission documentation.

The designated neighbourhood area follows the boundaries of the Brighton Marina. The unique feature of this area within the city of Brighton & Hove is that in its entirety it is reclaimed land in what was formerly the sea. Before the 1970s none of the land existed. Today it is a vibrant marina with a selection of residential, commercial, and retail uses. It presents a very distinctive set of opportunities and challenges.

Prescribed Matters

The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. The neighbourhood area is not affected by any other neighbourhood development plan. The policies in the Plan do not relate

to ‘excluded development’, as defined by the Regulations. The plan period of the Neighbourhood Plan is from 2023 to 2030 and will form part of the development plan for the City of Brighton and Hove, alongside the adopted City Plan Part 1 and the adopted City Plan Part 2 (“*the Local Plan*”).

The Basic Conditions

This statement addresses each of the four Basic Conditions which are relevant to this Plan. It also explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

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 Plan,
- the making of the Neighbourhood 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),

- the making of the Neighbourhood Plan does not breach and is otherwise compatible with retained EU obligations.

National Planning Policy

The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. This section of the Statement assesses the Plan against general guidance in the NPPF on neighbourhood planning and against its more specific elements:

General Paragraphs

The Forum contends the Neighbourhood Plan “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (*paragraph 13*). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (*paragraph 18*). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (*paragraph 28*). The policies in the Plan have been designed to reflect its very distinctive location and characteristics.

The Forum considers that its Neighbourhood Plan has provided its community the power to develop a shared vision for the Area that will shape, direct, and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains no site allocation proposals nor any other policies that will unreasonably result in less development than set out in the strategic policies for the area (*paragraph 29*). The Plan is underpinned by relevant and up-to-date evidence. The Forum contends that the evidence is both adequate and proportionate, and is focused tightly on supporting and justifying the policies concerned (*paragraph 31*).

Specific aspects of the NPPF Policy BM1 Design

The Forum considers that this policy provides a local interpretation of Section 12 of the NPPF and specifically to paragraphs 126 to 129.

The Forum recognises the importance of high-quality design solutions to the future well-being and prosperity of the Marina.

Policy BM2 Public Realm/open spaces

The Forum considers that this policy provides a local interpretation of Section 14 of the NPPF and specifically to its paragraphs 130 to 136.

The Forum recognises the importance of high-quality design solutions to the future well-being and prosperity of the Marina.

Policy BM3 Connectivity

The Forum considers that this policy provides a local interpretation of Section 9 of the NPPF and specifically to its paragraphs 104 to 106.

The Forum recognises the importance of good connections and internal accessibility solutions to the future well-being and prosperity of the Marina. The policy has been designed to avoid a future delivery of some of the accessibility issues which have been raised as the Plan has been prepared.

Policy BM4 Residential Development

The Forum considers that this policy provides a local interpretation of Section 5 of the NPPF and specifically to its paragraphs 60 to 62.

The Forum recognises its role in delivering new housing solutions to secure the well-being and prosperity of the Marina and to deliver the contents of the City Plan Part 1 for the Strategic Development Area.

Policy BM5 Natural Environment

The Forum considers that this policy provides a local interpretation of Section 14 and 15 of the NPPF and specifically to its paragraphs 153 and 154 and 174 and 175.

The Forum recognises its role in safeguarding the special location of the Marina and responding positively to its wider environmental responsibilities.

Policy BM6 Cafes, restaurants, and retail facilities

The Forum considers that this policy provides a local interpretation of Section 6 of the NPPF and specifically to its paragraphs 81 to 83.

The Forum recognises the importance of a vibrant range of cafes and retail facilities to the future well-being and prosperity of the Marina. This consideration applies equally to residents, visitors, and the boating community.

Policy BM7 Energy Use and Waste minimisation

This policy provides a local interpretation of the national planning policy for waste and provides a local interpretation of Section 14 (on climate change). In the round the Forum considers that the submitted Plan has had regards to national planning policy. Moreover, the Plan has sought to provide distinctive solutions and policies

which will assist in delivering the Government's ambitions for the planning system.

Policy BM8 Community Facilities

The Forum considers that this policy provides a local interpretation of Section 8 of the NPPF and specifically to its paragraphs 92 and 93.

The Forum recognises the importance of a vibrant range of community facilities to the future well-being and prosperity of the Marina. It is a matter which has been raised throughout the consultation process.

Summary

In the round the Forum considers that the submitted Plan has had regards to national planning policy. Moreover, the Plan has sought to provide distinctive solutions and policies which will assist in delivering the Government's ambitions for the planning system.

The Contribution to the achievement of Sustainable Development

The screening exercise has concluded that a Strategic Environmental Assessment Report is not required for the Neighbourhood Plan. On this basis the Statement sets out how each of the policies contribute to the achievements of sustainable development. It does so by identifying the potential of each policy to lead to any environmental or social effects,

considering the proposed mitigation measures. Sustainable development has three related dimensions – economic, social, and environmental.

Policy BM1 Design

The Forum considers that this policy will contribute to the delivery of the social and the environmental dimensions of sustainable development.

The policy is ultimately a mitigation measure in seeking to ensure high quality and distinctive design.

Policy BM2 Public Realm/open spaces

The Forum considers that this policy will contribute to the delivery of the social and the environmental dimensions of sustainable development.

The policy is ultimately a mitigation measure in seeking to ensure high quality and distinctive public realm within new development. It seeks to respond positively to community feedback.

Policy BM3 Connectivity

The Forum considers that this policy will contribute to the delivery of the economic and the social dimensions of sustainable development.

The policy is ultimately a mitigation measure in seeking to ensure high quality and distinctive connectivity within new development. It seeks to respond positively to community feedback.

Policy BM4 Residential Development

The Forum considers that this policy will contribute to the delivery of the economic and social dimensions of sustainable development.

It identifies three environmental criteria which should be incorporated into new proposals.

Policy BM5 Natural Environment

The Forum considers that this policy will contribute to the delivery of the social and the environmental dimensions of sustainable development

As with Policy BM4 it identifies three environmental criteria which should be incorporated into new proposals.

Policy BM6 Cafes, restaurants, and retail facilities

The Forum considers that this policy will contribute to the delivery of the economic and the social dimensions of sustainable development.

Policy BM7 Energy Use and Waste minimisation

The Forum considers that this policy will contribute to the delivery of the environmental dimension of sustainable development.

Policy BM8

Community Facilities

The Forum considers that this policy will contribute to the delivery of the social dimension of sustainable development.

General Conformity with the strategic policies in the development plan

The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the development plan for the City taken as a whole. The City Plan Part 1 was adopted in March 2016. The City Plan Part 2 was adopted in October 2022. The Waste and Minerals Local Plan was adopted in 2013.

Each policy in the submitted neighbourhood plan is assessed the relevant policies in the development plan:

Policy BM1 Design

This policy seeks to provide further detail to the policies in both parts of the City Plan. It relates specifically to Policies DA2 and CP12 in the City Plan Part 1 and to Policy DM18 in the City Plan Part 2

The Forum considers that the policy is in general conformity with the strategic policies in the development plan.

Policy BM2

Public Realm/open spaces

This policy seeks to provide further detail to the policies in both parts of the City Plan. It relates specifically to Policies DA2 and CP13 in the City Plan Part 1.

The Forum considers that the policy is in general conformity with the strategic policies in the development plan.

Policy BM3

Connectivity

This policy seeks to provide further detail to the policies in both parts of the City Plan. It relates specifically to Policy DA2, CP9 and CP13 in the City Plan Part 1 and to Policies DM18 and DM33 in the City Plan Part 2.

The Forum considers that the policy is in general conformity with the strategic policies in the development plan.

Policy BM4

Residential Development

This policy seeks to provide further detail to the policies in both parts of the City Plan. It relates specifically to Policies DA2, CP1 and CP19 in the City Plan Part 1 and to Policies DM1 and DM18 in the City Plan Part 2.

The Forum considers that the policy is in general conformity with the strategic policies in the development plan.

Policy BM5

Natural Environment

This policy seeks to provide further detail to the policies in both parts of the City Plan. It relates specifically to Policy CP10 in the City Plan Part 1 and to Policies DM39-42 in the City Plan Part 2.

The Forum considers that the policy is in general conformity with the strategic policies in the development plan.

Policy BM6

Cafes, restaurants, and retail facilities

This policy seeks to provide further detail to the policies in both parts of the City Plan. It relates specifically to Policies CP4 and CP5 in the City Plan Part 1 and to Policy DM14 in the City Plan Part 2.

The Forum considers that the policy is in general conformity with the strategic policies in the development plan.

Policy BM7

Energy Use and Waste minimisation

This policy seeks to provide further detail to the policies in both parts of the City Plan, including Policy DM36 in the City Plan Part 2.

It relates specifically to the approach taken in the adopted Waste and Minerals Local Plan.

The Forum considers that the policy is in general conformity with the strategic policies in the development plan.

Policy BM8

Community Facilities

This policy seeks to provide further detail to the policies in both parts of the City Plan. It relates specifically to Policy CP18 in the City Plan Part 1 and to Policy DM14 in the City Plan Part 2.

The Forum considers that the policy is in general conformity with the strategic policies in the development plan.

Compatibility with UK regulations on the natural environment and retained EU obligations

The City Council provided a screening opinion that has determined that a Strategic Environmental Assessment is not required, following consultation with statutory bodies, as specified in the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended). The screening opinion is shown in Appendix A. The Forum has therefore met its obligations in relation to the EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan.

The Forum has also met its obligations in relation to the habitat provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). In this regard, the Forum provided the City Council with all the necessary information it required for the purposes of determining whether an Appropriate Assessment was required or to carry out the Appropriate Assessment if one was required. The City Council's Habitats Regulations Screening Assessment (at Appendix A) concludes that the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the 2017 Regulations) either alone or in combination with other plans or projects.

The Forum has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan. The Forum has been vigilant in responding to the specific characteristics of the Marina. In this regard it has engaged with both the residential and business communities at the Marina.

Appendix

Strategic Environmental Assessment Screening Report and Consideration of Habitats Regulations Assessments

Brighton & Hove City Council, April 2022

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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, the Neighbourhood Plan will require a Strategic Environmental Assessment (SEA).

The Brighton Marina draft policies for the pre-submission Plan (February 2022) was used as a basis for this screening assessment. Following the assessment, it is concluded that the Brighton Marina Neighbourhood Plan **will not result in significant adverse effects** and therefore does not require SEA. The reasons for this are:

- The Marina NP sits within an existing adopted planning framework that has already been subject to its own SEA during preparation of City Plan Part 1; this included a specific SEA assessment of the Brighton Marina Development Area (DA2). It does not create a new framework.
- The Marina NP is in considered to be in general conformity with other Development Plans: this includes City Plan Part 1 and City Plan Part 2 which is currently in the examination stage; is supportive of these plans and does not influence other plans within the planning hierarchy.

- The Marina NP is considered to support sustainable development.
- There are no allocations for development; the scale and effects of the Marina NP are therefore limited.
- Although the Marina NP supports residential development associated with the Inner Harbour Strategic Allocation allocated in City Plan Part 1, the impacts of this allocation have already been tested through the SA/SEA of City Plan Part 1.
- Local sensitive and valued receptors and environmental issues are reflected and addressed through policy requirements.
- The geographic extent of any effects arising from the Marina NP is limited and the magnitude of effects is low.
- The policies are primarily focused on the acceptability of future proposals.
- The Marina NP is unlikely to result in any significant cumulative or transboundary effects.

Habitats Regulations Screening Assessment

Annex 1 of this report considers HRA screenings and assessments of relevance to the Neighbourhood Plan. It concludes the existing HRA assessments undertaken for City Plan Parts 1 and 2 are considered to cover the impacts of any development arising from the Brighton Marina Neighbourhood Plan and that the Neighbourhood Plan does not require its own individual Habitats Regulations Assessment.

1. Introduction

- 1.1** This screening report aims to determine whether the draft Brighton Marina Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004 (as amended).
- 1.2** This is the first screening assessment that has been carried out for the Brighton Marina Neighbourhood Plan. This assessment is based on the Brighton Marina draft policies for the pre-submission Plan (February 2022) that will form the Brighton Marina Neighbourhood Plan. 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 Brighton Marina Neighbourhood Plan. 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 Development Plan Documents (DPDs), including the adopted City Plan Part 1 (2016) which forms a “parent” DPD to the Brighton Marina 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 and other relevant regulations. 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.

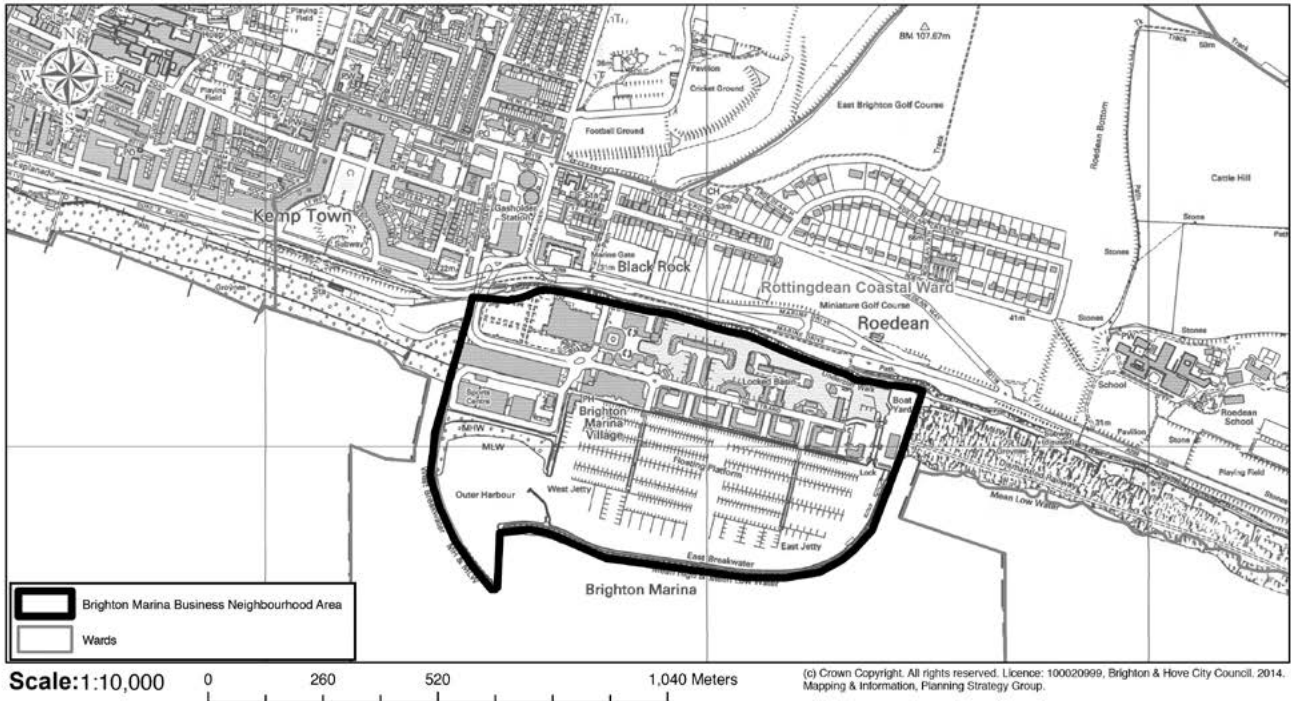
- 2.4** Both the Directive (in Annex II), and the Regulations (in Schedule 1), set out specific criteria for determining the likely significance of the effects of a plan. These criteria include the consideration of the characteristics of the plan and the effects of the plan.

3. Brighton Marina Neighbourhood Plan

- 3.1** Brighton Marina Business Neighbourhood Forum originally submitted its application to Brighton & Hove City Council for designation of its Neighbourhood Area and Neighbourhood Forum in October 2014. After a formal six-week consultation Brighton & Hove City Council Economic Development & Culture Committee resolved to support the Neighbourhood Area and Forum application on 18 June 2015. The area shown in the application was designated as a Neighbourhood Area. The Forum applied to renew this designation in August 2020, which was approved on 3 November 2020.
- 3.2** In February 2022, the Neighbourhood Forum presented its draft policies for the pre-submission Plan to the council and requested this be used for the basis of an SEA screening.
- 3.3** The Neighbourhood Plan contains 8 policies; these are summarised below. The Plan itself does not contain any site allocations.

see plan overleaf

Brighton Marina Business Neighbourhood Area



BM1: Design

- Supports high-quality and sensitively designed development which integrates with and reflects the Marina environment and addresses the following matters: scale and massing; access; and pedestrian permeability at the waterside.
- Supports landmark buildings, provision of secure, accessible and inclusive public space, and comprehensive public realm.

BM2: Public realm/open space

- Supports incorporation of public realm and open space, which is well connected, safe and attractive.

BM3: Connectivity

- Supports development that improves the pedestrian connectivity across the Marina and surrounding area.

BM4: Residential development

- Supports residential development that delivers the Brighton Marina Inner Harbour Strategic Allocation as identified and allocated in City Plan Part 1; and that improves legibility, permeability and connectivity for pedestrians, are of high-quality design using durable materials, and provide a mix of dwelling type, tenure and size.

BM5: Natural Environment/ Marine Wildlife

- Supports development that respects the natural environment, and which mitigates and reduces flood risk; ensures integrity of the cliffs, in particular not adversely impacting on the visibility or stability of the cliffs; and addresses water quality through surface water management.

BM6: Cafes, restaurant, retail and other commercial facilities

- Supports the availability of retail and commercial facilities and proposals for boating, leisure and recreation.

BM7: Energy use, waste minimisation and recycling

- Supports proposals which achieve high energy standards, waste minimisation and recycling.
- Supports proposals which reduce carbon emissions.

BM8: Community facilities

- Identifies and protects key community facilities and supports delivery of new community facilities.

Once adopted, the Brighton Marina 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 Brighton Marina Neighbourhood Area. Of particular relevance to the area is Policy DA2 Brighton Marina Development Area, in City Plan Part 1 (2016).

4. Screening Assessment of the Brighton Marina Neighbourhood Plan

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

- a) is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2(1)(a)); and
- 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(2)(a)&(b))

- 4.2** Regulation 5(6)(a) and NPPG Paragraph 027 confirm that an assessment should be carried out for a plan which determines the use of a small area at local level where it has been determined that significant environmental effects are likely.

- 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; the characteristics of the plan and the characteristics of the effects. In making a determination, Brighton & Hove City Council will take into account these criteria as follows:

1. The characteristics of the plans and programmes, having regard in particular 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, in particular, 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.

Assessment of the Characteristics of the Neighbourhood Plan

This stage of the screening considers the various characteristics of the Plan, 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 Brighton Marina 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 Neighbourhood Area. The Marina NP will have no influence on proposals outside the Area.</p> <p>The Marina NP is considered to be consistent and in conformity with strategic policies in the adopted statutory DPD for the City, including the Brighton & Hove saved Local Plan and City Plan Part 1, and Submission City Plan Part 2. The Marina NP is not considered to set a framework. The Plan itself does not allocate any sites for development and is therefore unlikely to generate physical changes which would lead to significant effects.</p>	No	No

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
(1b) the degree to which the plan or programme influences other plans including those in a hierarchy;	<p>The Marina NP will not influence any higher-level plans and there will not be any plans that sit below it. The Marina NP is therefore not considered to influence other plans within a hierarchy.</p> <p>It is considered to be supportive of and in conformity with other adopted plans. It has a strong relationship with Policy DA2 Brighton Marina Development Area in City Plan Part 1, with the Neighbourhood Area falling completely within the boundary of the Development Area and is supportive of development associated with the Inner Harbour Strategic Allocation, allocated in City Plan Part 1.</p>	No	No

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
(1c) the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Neighbourhood Plan must be in general conformity with strategic policies in locally adopted plans and national planning policy, the NPPF. All plans have an obligation to deliver sustainable development. The Marina NP includes policies which support good design, promote well-connected, safe and attractive public realm and open space, supports residential development that forms part of the City Plan Part 1 Strategic Allocation, supports retail and commercial facilities, protects and supports community facilities, responds to local environmental issues and constraints, and supports reductions in carbon emissions and waste. It is considered to promote sustainable development.	No	No

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
<p>(1d) environmental problems relevant to the plan;</p>	<p>Environmental features of relevance to the Neighbourhood Area (NA):</p> <p>Biodiversity/geodiversity</p> <ul style="list-style-type: none"> • Brighton Marina to Newhaven Cliffs SSSI immediately adjacent to NA boundary • Black Rock Local Geological Site immediately adjacent to NA boundary • BH33 Brighton Marina Local Wildlife Site within NA boundary; BH31 Black Rock Beach LWS adjacent to NA boundary <p>Flood Risk</p> <ul style="list-style-type: none"> • The Marina is within Flood zones 1, 2, 3a and 3b in relation to coastal flooding. The Marina is defended with concrete walls with steel toe piling and mass concrete breakwaters; there is a residual risk of overtopping (SFRA, 2018). NB: note that the suitability and principle of development within the Marina has been established through City Plan Part 1. • Some areas of low, medium or high risk of surface water flooding. <p style="text-align: right;">(1d) continued overleaf</p>	<p>No</p>	<p>No</p>

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
<p>(1d) environmental problems relevant to the plan;</p>	<p>Environmental features of relevance to the Neighbourhood Area (NA):</p> <p>Built Heritage and Landscape</p> <ul style="list-style-type: none"> • No designations within the site • Kemp Town Conservation Area in relatively close proximity to the NA boundary (c. 250m), comprising of listed buildings including those at Sussex Square • Kemp Town Enclosures Registered Park and Garden, comprising of Sussex Square and parts of Duke’s Mound, in relatively close proximity to the NA boundary (c. 250m) • SDNP located in relatively close proximity to the NA boundary (c.400m) <p>Most policies within the Marina NP are focused on acceptability of future development proposals or seek to maintain uses that will support a sustainable community. These policies are unlikely to have any potential for significant adverse effects on any of the above features or issues.</p> <p style="text-align: right;">(1d) continued overleaf</p>	<p>No</p>	<p>No</p>

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
<p>(1d) environmental problems relevant to the plan;</p>	<p>Environmental features of relevance to the Neighbourhood Area (NA):</p> <p>Some policies within the Plan will support addressing issues identified above, including through policies which require flood risk assessments, management of surface water run-off and protection of the integrity of the cliffs. Policies which require high quality and sensitively designed development will help to address landscape and townscape issues. Some policies within the Plan will support addressing issues identified above, including through policies which require flood risk assessments, management of surface water run-off and protection of the integrity of the cliffs. Policies which require high quality and sensitively designed development will help to address landscape and townscape issues.</p> <p>The NP itself does not allocate any specific sites for development and is therefore unlikely to generate physical changes which would lead to significant effects.</p> <p>(1d) continued overleaf</p>	<p>No</p>	<p>No</p>

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
(1d) environmental problems relevant to the plan;	<p>Environmental features of relevance to the Neighbourhood Area (NA):</p> <p>Whilst the Neighbourhood Plan supports residential development where it delivers the Strategic Allocation allocated in City Plan Part 1, the principle of development within the Strategic Allocation, has already been established in City Plan Part 1. This has been subject to its own Strategic Environmental Assessment and has been subject to the Sequential and Exception Tests. The suitability of the Strategic Allocation for development is therefore not a consideration for this SEA screening.</p> <p>Overarching and strategic policies within the City Plan Part 1 and Local Plan, and City Plan Part 2 particularly those relating to biodiversity, geodiversity, flood risk, transport and travel, design, and landscape, townscape and heritage would also be a determining factor for development coming forward in the NP area.</p>	No	No

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
(1e) the relevance of the plan for the implementation of community legislation on the environment	<p>The EU has adopted a range of legislation aimed at protecting the environment which has been transposed into UK law.</p> <p>The Marina NP 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 either a neutral or positive effect on compliance.</p>	No	No

Assessment of the Effects of the Neighbourhood 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 Neighbourhood Plan is likely to have a modest but enduring positive environmental effect, particularly through policies on design, open space, the natural environment and energy use.</p> <p>The likelihood of significant adverse effects arising from the Plan is therefore considered to be low.</p>	No	No
(2b) What is the cumulative nature of the effects of the plan?	<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 Brighton Marina NP, in combination with the impacts arising from the Brighton Marina NP.</p> <p>City Plan Part 1 allocates sites for development in relatively close proximity to the Marina NA boundary ...</p> <p>(2b) continued overleaf</p>		

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
(2b) What is the cumulative nature of the effects of the plan?	<p>... including the Black Rock Strategic Allocation (in City Plan Part 1). City Plan Parts 1 and 2 have been subject to their 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 plans are considered to be limited in nature and not significant due to the nature of the policies being put forward in the NP, particularly the fact that the Marina does not allocate any additional sites for development.</p> <p>Cumulative impacts can also arise from the in-combination effects from the various policies within the Marina NP. The cumulative nature of the policies in the plan are considered positive overall. Significant adverse cumulative effects are considered unlikely.</p>	No	No

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
(2c) What is the transboundary nature of the effects of the plan?	<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 Marina NP will only have a direct influence on development within the area, and although some of the effects could be wider than the Neighbourhood Area, for example, visual effects, these are not considered to be significant in nature due to the nature of the policies within the Plan.</p>	No	No
(2d) Are there any risks to human health or the environment (e.g. due to accidents)?	<p>There are not considered to be any risks to human health arising from the policies put forward in Marina Neighbourhood Plan.</p>		

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
<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 Marina NA covers an area of approximately 51hectares. The population is estimated to be 1,600 (Local Insight Brighton Marina Profile, 2022).</p> <p>The spatial extent of the Plan is therefore considered to be relatively small. The magnitude of any effects is considered to be relatively low, due to the nature of the policies contained in the Marina NP which are concerned more with acceptability of proposals.</p>	<p>No</p>	<p>No</p>

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
<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 quality standards or limit values, or • Intensive Land use? 	<p>Some valued/vulnerable environmental receptors/issues are situated within the Plan area or located in relatively close proximity.</p> <p>Special characteristic and cultural heritage:</p> <ul style="list-style-type: none"> • The Brighton to Newhaven Cliffs SSSI and Black Rock LGS has high geological and biodiversity value and is immediately adjacent to the NA. • The NA is situated in relatively close proximity Kemp Town Conservation Area, Kemp Town Enclosures Registered Park & Garden, and the SDNP. <p>Exceeded environmental limits:</p> <p>There are no known exceeded environmental limits, however parts of the Marina are at medium and high risk of coastal and surface water flooding.</p> <p>Intensive land-use</p> <p>The Marina itself already comprises some high-density developments that have been brought forward as part of the City Plan Part 1 DA2 Strategic Allocation.</p> <p style="text-align: right;">(2b) continued overleaf</p>	<p>No</p>	<p>No</p>

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
<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 quality standards or limit values, or • Intensive Land use? 	<p style="text-align: right;">(2b) continued overleaf</p> <p>Intensive land-use <i>continued</i></p> <p>These vulnerable or valued assets and issues are unlikely to be significantly affected by the policies in the Plan, due to the matters they are seeking to address and the nature and content of the policies.</p>	<p>No</p>	<p>No</p>

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
(2g) Will the plan have an effect on areas or landscapes, which have a recognised national, community or international protection status?	<p>As described under 2f, the Neighbourhood Area is in relatively close proximity to the South Downs National Park. The Marina is likely to be visible in views from various points within the SDNP. The National Park designation offers a high level of protection.</p> <p>Any proposals coming forward in the Neighbourhood Plan area 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; this is required through Policy SA5 South Downs National Park in City Plan Part 1.</p> <p>The various design requirements of the policies and the focus of the policies on acceptability of proposals means the potential for significant adverse impacts on the SDNP is unlikely.</p>	No	No

5. Summary of initial findings from the screening exercise

- 5.1** The consideration of the draft Brighton Marina NP and the criteria set out in the Regulations helps to determine whether the characteristics and effects of the Marina NP are likely to be significant.
- 5.2** The assessment considers it unlikely that the Marina NP will result in significant adverse effects as:
- The Marina NP sits within an existing adopted planning framework that has already been subject to its own SEA during preparation of City Plan Part 1; this included a specific SEA assessment of the Brighton Marina Development Area. It does not create a new framework.
 - The Marina NP is in considered to be in general conformity with other Development Plans, is supportive of these plans, it does not influence other plans within the planning hierarchy.
 - The Marina NP is considered to support sustainable development.
 - There are no allocations for development; the scale and effects of the Marina NP are therefore limited.
 - Although the Marina NP supports residential development associated with the Inner Harbour Strategic Allocation allocated in City Plan Part 1, the principle and impacts of this allocation have already been tested through the SA/SEA of City Plan Part 1.

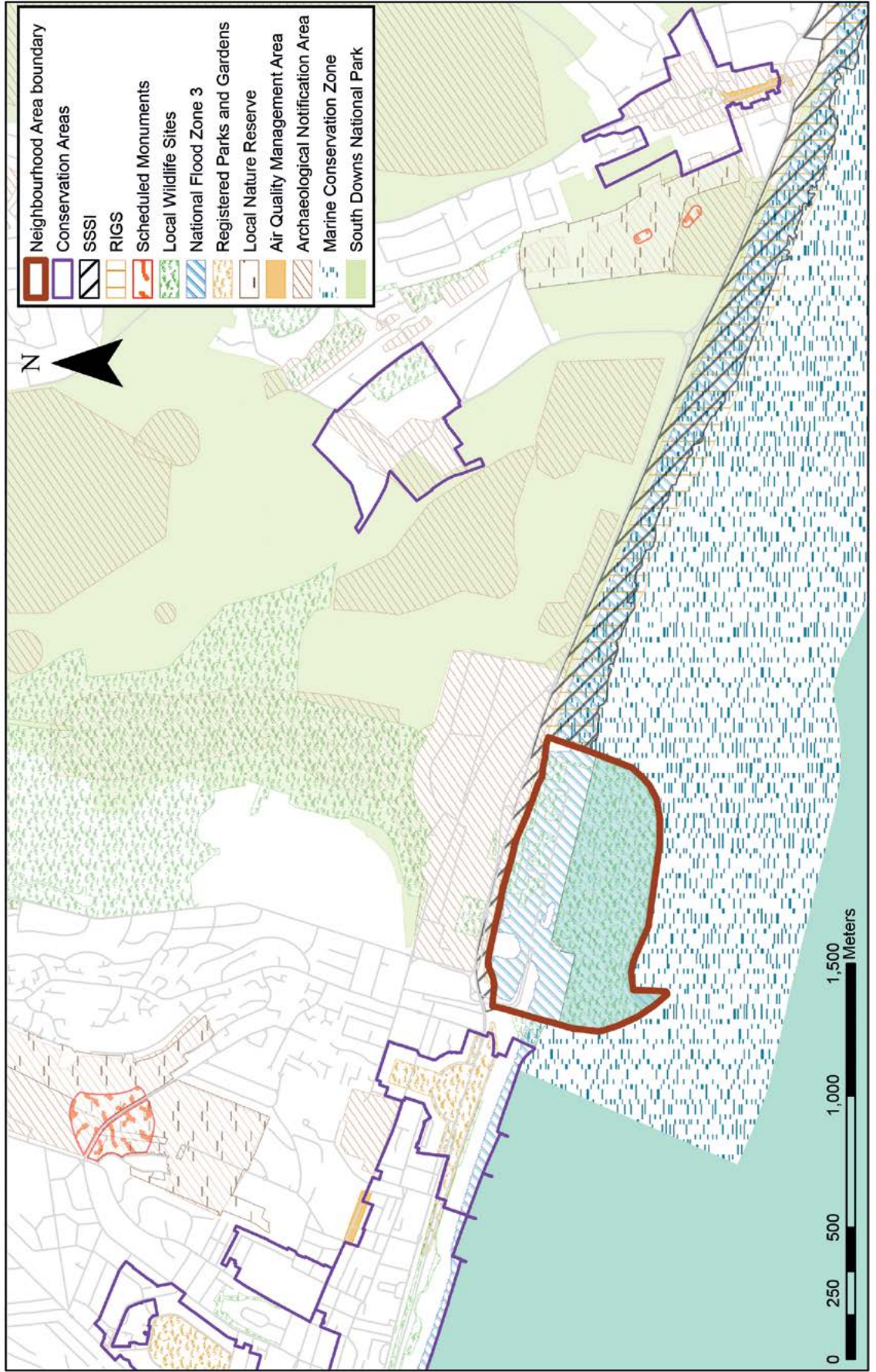
- Local sensitive and valued receptors and environmental issues are reflected and addressed through policy requirements.
- The geographic extent of any effects arising from the Marina NP is limited and the magnitude of effects is low.
- The policies are primarily focused on the acceptability of future proposals.
- The Marina NP is unlikely to result in any significant cumulative or transboundary effects.

6. Consultation & Final Determination

- 6.1** On the basis of this screening assessment, significant effects arising from the Brighton Marina Neighbourhood Plan are considered unlikely and as such, a SEA is not required.
- 6.2** The results of the screening assessment were made available to the three statutory bodies, Historic England, Natural England, and the Environment Agency for a period of 28 days from the 24th February to 7th April 2022, as required by the Regulations.
- 6.3** Responses were received from all the statutory bodies who concurred with the conclusion that the Neighbourhood Plan was unlikely to give rise to significant adverse effects and that a SEA is not required.
- 6.4 Full consultation responses can be found in the Appendix.**

Appendix A

Brighton Marina Neighbourhood Area: SEA Screening Map



Annex 1

Consideration of HRA screenings of relevance to the Brighton Marina NP

February 2022

1. Introduction

All planning documents are required to consider whether they will have a significant adverse effect on the integrity of internationally designated sites of nature conservation importance including “European sites” which are designated within the local and wider area. This consideration is undertaken through a process known as Habitats Regulations Assessment (HRA) which is a requirement of the Conservation of Habitats and Species Regulations (2010) (the Habitats Regulations).

European sites provide important habitats for rare, endangered or vulnerable natural habitats and species of exceptional importance. These sites consist of Special Areas of Conservation (SACs, designated under the EU Directive 92/43/EEC on the conservation of natural habitats and of fauna and flora (Habitats Directive)) and Special Protection Areas (SPAs, designated under EU Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)).

Government policy, National Planning Policy Framework (NPPF, 2021) and Circular 06/05 (ODPM, 2005) requires that Ramsar sites (designated under the International Wetlands Convention, UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.

There are two stages of HRA; the screening which determines the likelihood of significant effects; and a full HRA which is only undertaken if the screening indicates that significant effects are likely or cannot be discounted at screening stage. Where a full HRA is carried out, a plan may only be adopted after having ascertained that it will not have significant adverse effects on the integrity of the site concerned.

2. Purpose of this report

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 policies within the Neighbourhood Plan.

This assessment draws on the conclusions of relevant HRA screening and detailed assessment reports that have already been undertaken for the Brighton & Hove City Plan area, which includes the Brighton Marina area. Its purpose is therefore to summarise these reports and consider whether the existing HRAs are sufficient to assess the effects of the Brighton Marina Neighbourhood Plan, or whether the Brighton Marina Neighbourhood Plan should carry out its own HRA screening and assessment.

3. Local European Sites

The Castle Hill SAC lies partly within the city's boundary and partly within Lewes District Council's boundary, although is located entirely within the South Downs National Park Authority Area. There are no Special Protection Areas or Ramsar sites within the city's boundary. There are also some European sites within 20km of the city including Lewes Downs SAC, Ashdown Forest SAC/SPA and Arun Valley SPA.

The Castle Hill SAC designation relates to the presence of chalk grassland and some rare and scarce species; the Lewes Down designation also relates to the presence of chalk grassland and some rare and scarce species; the Ashdown Forest designation is due to the largest single continuous blocks of lowland heath in the southeast; and the Arun Valley designation is due to the wintering population of tundra swans.

There are no SACs or SPAs located within the Brighton Marina Neighbourhood Plan area. The Castle Hill SAC is in closest proximity to the Neighbourhood Area, located approximately 5,000m from the boundary.

4. Brighton Marina Neighbourhood Plan

The Brighton Marina NP does not allocate any sites for housing or any other uses. The policies are focused on design, open space/public realm, the natural environment, energy use, is supportive of retail, commercial, leisure and community facilities and housing where it delivers the Strategic Allocation allocated in City Plan Part 1.

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

An HRA screening¹ 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 screening included an initial assessment of the potential for environmental impacts resulting from each policy that needed to be considered by the HRA screening. The assessment concluded that DA2 could result in increased resource use, which could have implications for water and hydrocarbons, and could result in moderate increase in traffic volume and air pollutants, and increased recreational pressure.

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. 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:

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

continued overleaf

- 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.

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 screening² 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 Pevensy 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 assessment³ 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 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.

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).

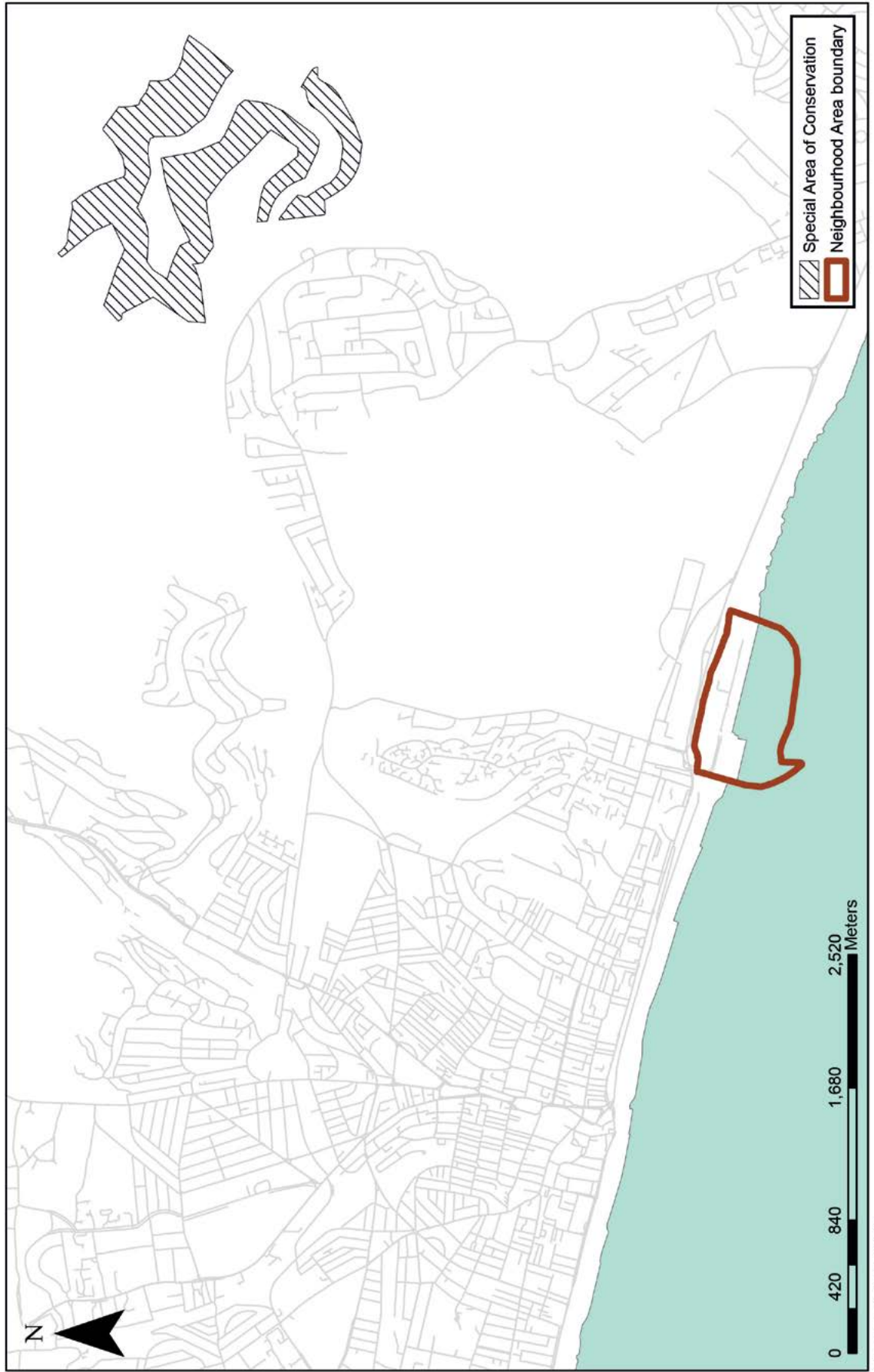
6. Conclusion

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. As the Neighbourhood Plan does not allocate any sites and is supportive of residential development within the Strategic Allocation allocated within City Plan Part 1, it is therefore concluded that the existing HRA assessments are considered to cover the impacts of the Neighbourhood Plan and that the Neighbourhood Plan does not require its own individual Habitats Regulations screening assessment or further detailed assessment.

This HRA statement was circulated to Natural England for information.

Appendix B

Brighton Marina Neighbourhood Area: HRA Screening Map



Scale: 1:30,000

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Appendix C

Consultation responses



Historic England

Planning Policy, Projects and Heritage
City Development & Regeneration
Brighton & Hove City Council
Hove Town Hall, Norton Road
Hove BN3 3BQ

Our ref: PL00767704

Your ref:

Telephone 020 7973 3700

Email e-seast@historicengland.org.uk

[By email only to PlanningPolicy@brighton-hove.gov.uk](mailto:PlanningPolicy@brighton-hove.gov.uk)

Date 23 March 2022

Dear Sir or Madam

Brighton Marina Neighbourhood Plan Strategic Environmental Appraisal Screening Opinion

Thank you for your email dated 24 March 2022 consulting Historic England on your intention of carrying out a SEA for the above plan.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reason set out in paragraph 6.1 of the Screening Statement.

Yours sincerely

[Redacted signature]

Historic Environment Planning Adviser



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA
Telephone 020 7973 3700 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



Date: 06 April 2022
Our ref: 385186
Your ref: Brighton Marina Neighbourhood Plan



Mr T Emery
Brighton & Hove City Council

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY
Tim.Emery@brighton-hove.gov.uk

T 0300 060 3900

Dear Mr Emery

Brighton Marina Neighbourhood Plan – Review draft SEA & HRA Screening

Thank you for your consultation on the above dated and received by Natural England on 24 February 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment

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.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans, in light of the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), is contained within the [National Planning Practice Guidance](#). The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

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.

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.

Natural England letter continued overleaf

Date: 06 April 2022
Our ref: 385186
Your ref: Brighton Marina Neighbourhood Plan



Mr T Emery
Brighton & Hove City Council

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Tim.Emery@brighton-hove.gov.uk

T 0300 060 3900

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.

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.

Habitats Regulations Assessment (HRA) Screening

Natural England agrees with the report's conclusions that the Brighton Marina 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.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely


Consultations Team

Tim Emery

From: [REDACTED]
Sent: 04 April 2022 11:41
To: Tim Emery
Cc: Helen Pennington
Subject: FW: SEA Screening - Brighton Marina Neighbourhood Plan
Attachments: Marina NP SEA draft screening Feb 22.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Tim

Thank you for consulting the Environment Agency on your initial conclusion of the screening exercise for Brighton Marina Neighbourhood Plan.

Based on the fact that the plan is not itself allocating sites for development (as outlined on Page 2 (and elsewhere) of the SEA Screening Report attached), 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.

Kind regards

[REDACTED]

[REDACTED] | Technical Specialist | Sustainable Places | Solent and South Downs Area
Environment Planning and Engagement | Environment Agency | Guildbourne House | Chatsworth Road | Worthing | West Sussex | BN11 1LD

Tel external: 02030257171 | Tel internal: 57171 | Mobile: - [REDACTED]
Email :- (or PlanningSSD@environment-agency.gov.uk)
www.gov.uk/environment-agency

My pronouns are She/Her
([why is this here?](#))

Brighton Marina Neighbourhood Forum

c/o Brighton Marina Administration Office,
Brighton Marina, Brighton, BN2 5UF

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Website: www.bmnf.org.uk

