

# Chichester District Council

THE CABINET

4 October 2016

## Fishbourne Neighbourhood Plan – Modification for the Purpose of Correcting an Error

### 1. Contacts

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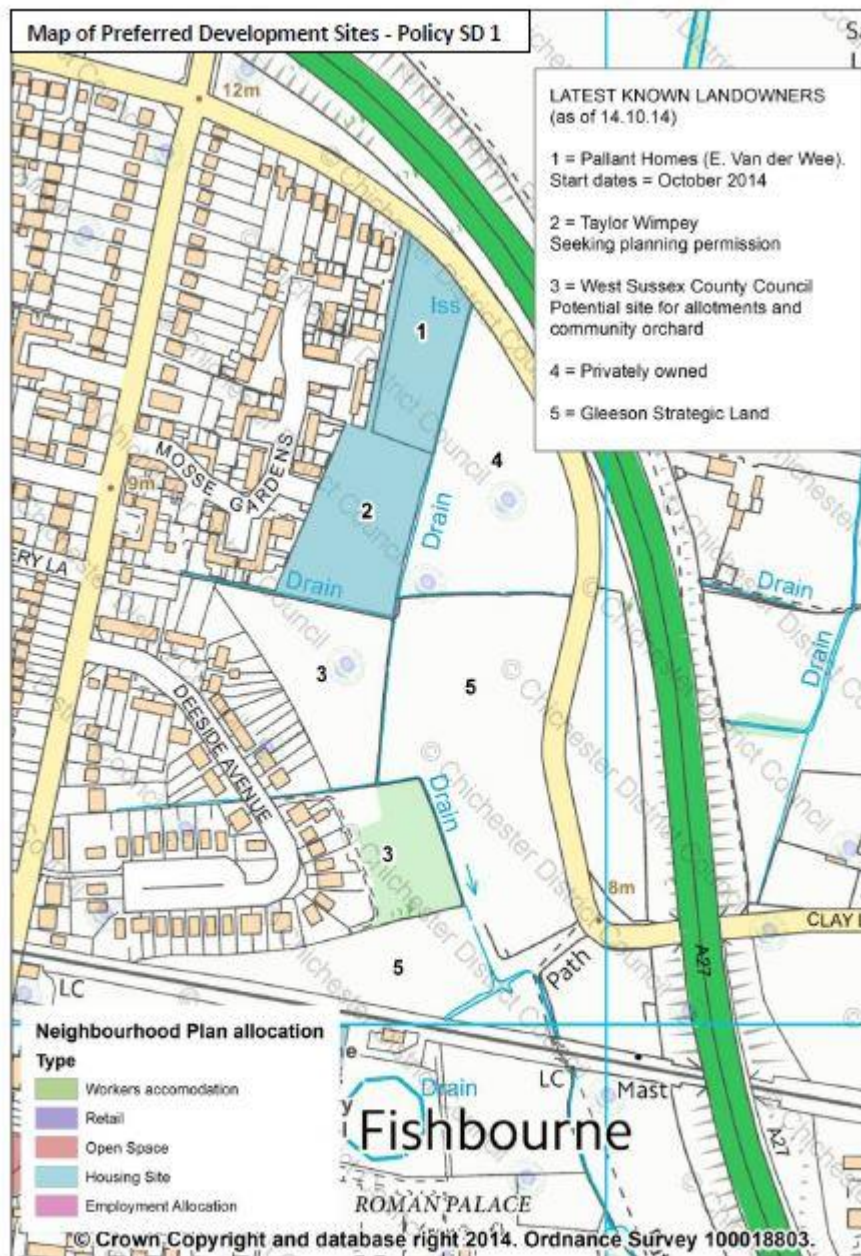
### 2. Recommendation

**2.1. That the Cabinet recommends to the Council to:**

**Modify the Fishbourne Neighbourhood Plan for the purpose of correcting an error and publish the modification document set out in Appendix 2.**

### 3. Background

- 3.1. Fishbourne Neighbourhood Plan was 'made' on 31 March 2016. The Plan included Appendix FNP3 – Fishbourne Settlement Area (outlined in red) April 2014 and shown in Appendix 1 to this report. A drafting error has now been identified in relation to this map.
- 3.2. In the examiner's report, paragraph 6.13, the examiner made reference to an implied recommendation to adjust the settlement boundary to exclude the buffer land beyond the two allocated sites. Rather than an explicit recommendation in relation to Policy SD1 on Page 24: Land to the south of Clay Lane, the examiner states in the text of his report, paragraph 6.13: 'The settlement boundary shown in Appendix FNP3 would require a similar adjustment to exclude the buffer land.' This adjustment has not been made and therefore the land is incorrectly shown as being within the settlement boundary.
- 3.3. The Map of Preferred Development Sites - Policy SD1 (Page 15) of the Plan (shown below) clearly identifies the area to be developed and the excluded buffer land. The text at the top of Page 15 again is clear that development should not take place on this land stating 'There is no intention of seeking the development of **Site 4 and Site 5**.....' In this respect Site 4 has been included in error within the settlement boundary and this is also the aforementioned buffer land. It is considered that the omission to amend the plan is a drafting error which may be rectified by way of a modification to the Plan as shown in Appendix 2 identifying the correct line of the boundary.



- 3.4. Provision for a local planning authority to make a modification to a neighbourhood plan for the purpose of correcting an error is made by way of Section 61M(4) of the Town and Country Planning Act (1990) ( this section is applied to neighbourhood plans by Section 38C(2)(c) of the Planning and Compulsory Purchase Act 2004) that states “ A local planning authority may at any time by order modify a neighbourhood development order that they have made **for the purpose of correcting errors**” (the words “by order” are deleted for neighbourhood plans).
- 3.5. Fishbourne Parish Council, as the qualifying body, has given its consent to the modification. Accordingly, once agreed by Council, Chichester District Council will publish a formal modification document, set out in Appendix 2, as required under the *Neighbourhood Planning (General) Regulations 2012 (as amended)*.

#### 4. Outcomes to be Achieved

- 4.1. The rectification of an error in Appendix FNP 3 “Fishbourne Settlement Area (outlined in red) April 2014” of the Fishbourne Neighbourhood Plan.

#### 5. Proposal

- 5.1. That the Fishbourne Neighbourhood Plan is modified in accordance with the modification document, set out in Appendix 2, for the purpose of correcting an error, and that this is published as required under the *Neighbourhood Planning (General) Regulations 2012 (as amended)*.

#### 6. Alternatives Considered

- 6.1. The Plan could remain uncorrected. This would mean that the map set out in Appendix FNP 3 is inconsistent with the text of the made Fishbourne Neighbourhood Plan.

#### 7. Resource and Legal Implications

- 7.1 The above mentioned legislation enables the Council to amend the red line on the plan at Appendix FNP3 as this is considered to be an error. The publication requirements provided in the 2012 Regulations will subsequently be carried out.

#### 8. Consultation

- 8.1. Fishbourne Parish Council, as the qualifying body, has been consulted and has given its consent to the modification. The landowner has been notified of this error and the proposed modification.

#### 9. Community Impact and Corporate Risks

- 9.1. The conflict between the text and the map currently has the potential for misinterpretation of the Plan. There has been strong community involvement throughout the development of the Plan and it is therefore important to maintain the integrity of the Plan by correcting this error.

#### 10. Other Implications

Are there any implications for the following?		
	Yes	No
<b>Crime and Disorder</b>		X
<b>Climate Change</b>		X
<b>Human Rights and Equality Impact</b>		X
<b>Safeguarding and Early Help</b>		X
<b>Other</b> (please specify) eg biodiversity		X

#### 11. Appendices

- 11.1 Appendix 1 – The Made Fishbourne Neighbourhood Plan Appendix FNP3

11.2 Appendix 2 – Fishbourne Neighbourhood Plan 2014-2029 Modification Document

## **12. Background Papers**

12.1 None.