

Date: 11 January 2019
Our ref: 265666
Your ref: Titchfield Neighbourhood Plan - REG 16 SUBMISSION DRAFT
CONSULTATION REQUEST



Planning Strategy & Regeneration
Fareham Borough Council

Hornbeam House
Crewe Business Park
Electra Way
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CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Sir/Madam,

Titchfield Neighbourhood Plan - REG 16 SUBMISSION DRAFT CONSULTATION REQUEST

Thank you for your consultation on the above dated 26 November 2018. Natural England commented on a pre-submission consultation on 9th September 2018. Please see below for advice *in addition* to the advice given in September.

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.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

A recent judgment from the Court of Justice of the European Union (Case C-323/17 People Over Wind v Coillte Teoranta) has provided authoritative interpretation relating to the use of mitigation measures at the screening stage of a Habitats Regulations Assessment ('HRA') when deciding whether an appropriate assessment of a plan or project is required. The court concluded that measures intended to avoid or reduce the harmful effects of a plan or project on a European Site can only be considered as part of the appropriate assessment stage of HRA, and not at the preceding screening stage. This means that it is no longer appropriate to rely on these measures when deciding whether a plan or project is likely to have a significant effect on a European site(s).

Amendments to the Habitats Regulations have been laid out to take into account People Over Wind and come into force on the **28th December 2018**. These allow neighbourhood plans to progress to Appropriate Assessment if necessary. You can view the legislation [here](#).

We would remind your authority that the Neighbourhood Plan should be in accordance with the strategic policies contained within the Local Plan and meet EU obligations. Where this is the case Natural England has no objection to the Neighbourhood Plan.

Other advice

Bird Aware Solent

Provided that all new housing developments come forward with the appropriate Solent Recreation Mitigation Partnership Strategy (also known as Bird Aware) contribution, as confirmed in the Habitats Regulations Assessment, Natural England have no additional comments to make on this aspect of the neighbourhood plan.

Solent Waders and Brent Goose Strategy

The neighbourhood plan area includes sites that are identified in the Solent Waders and Brent Goose Strategy. We advise that the ecological value and sensitivity of these areas is recognised in Chapter 12 of the neighbourhood plan.

Biodiversity gain

Natural England welcomes the proposed Biodiversity Mitigation Enhancement Plan in Chapter 12.3. We advised additional measures that could be included in the BMEP in our response dated 9th September.

Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

Air Quality

Natural England welcomes Traffic Objective T.3. Provided that the neighbourhood plan conforms to the local plan's air quality objectives, Natural England have no further comments on this aspect of the neighbourhood plan.

Rights of Way, Access land, Coastal access and National Trails

Paragraph 98 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

For clarification of any points in this letter, please contact Rebecca Berry on 02080261478. For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Rebecca Berry
Sustainable Development Adviser