

Date: 12 June 2019
Our ref: 281264
Your ref: Travellers Sites Development Plan (DPD) - Main Modifications



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BY EMAIL ONLY

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Dear Sir or Madam

Travellers Sites Development Plan Document (DPD) – Main Modifications

Thank you for your consultation on the above dated and received on the 01 May 2019.

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.

Having read the documents provided, there are no specific main modifications that we wish to comment on. In our response to the additional sites consultation we highlighted the potential impacts the new sites may have on the River Wye and provided some general advice. Natural England notes that the site near Bosbury has been taken forward as main modification 16 and the site at Madley will not be taken forward.

Habitats Regulations Assessment

Having reviewed the Habitats Regulations Assessment (HRA) second addendum report we agree with the conclusion that the Draft Travellers Sites DPD is unlikely to have significant effects on the River Wye SAC. This conclusion is reached on the basis that the DPD is in line with the Herefordshire Local Plan – Core Strategy and the DPD can rely on the policies within the local plan to ensure no likely significant effects.

Notwithstanding the above, your authority should be aware of two recent Rulings made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive; the case of Coöperatie Mobilisation (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in 'unfavourable' conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

Competent authorities undertaking HRA should be mindful of this case and should seek their own legal advice on the implications of these recent ruling for their decisions.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.

For any queries relating to the specific advice in this letter only please contact Rob Sargent on 02080 260872. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Rob Sargent
West Midlands Area Team