

Portland Neighbourhood Plan Habitats Regulations Assessment: Addendum

July 2019

This document provides an update to the Habitats Regulations Assessment (HRA) following the statutory consultation with Natural England, the 'appropriate nature conservation body' in this instance.

Natural England were consulted on the HRA of the Portland Neighbourhood Plan on 3rd June 2019 in accordance with Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England's comments are presented in Appendix A of this report.

Natural England were generally satisfied with the recommendations of the HRA but suggested an amendment to the recommendation for the overarching wildlife policy in the Portland Neighbourhood Plan, which would largely reflect ENV2 of the adopted West Dorset, Weymouth & Portland Local Plan (2015). The suggested amendment ensures that the integrity of European Sites is not compromised by the Northern Arc proposal in the Portland Neighbourhood Plan.

The recommendations in full, following Natural England's comments, are now:

- Add a new policy to reflect policy ENV2 of the adopted West Dorset, Weymouth & Portland, which includes the following wording:

“Proposals that will adversely affect the integrity of European sites will not be supported. Any development brought forward regarding the Northern Arc or enhancement of the piers must ensure that it can be implemented without any adverse effect upon the integrity of the European sites”

- Policies EN5 (Historic Piers), EN8 (The Verne) and BE6 (Northern Arc) amended to ensure that no adverse effects on the integrity of European sites occurs as a result of water pollution stemming from site runoff or dust emissions during construction or the operational stage of each of the development
- Policy ST1 (Sustainable Tourism Development) expanded slightly to include the specific qualification that support will not be given to any tourism development that will adversely affect European sites.

As explained in the HRA, it is necessary for these recommended changes to be made to the Portland Neighbourhood Plan in order to achieve compliance with the European Union's Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (also known as the 'Habitats Directive'), which is transposed into U.K law through the Conservation of Habitats and Species Regulations 2017 (as amended).

APPENDIX A: NATURAL ENGLAND'S CONSULTATION RESPONSE

Oliver Rendle

From: Stobart, John [REDACTED]
Sent: 09 July 2019 10:36
To: Oliver Rendle
Cc: Trevor Warrick
Subject: RE: Portland Neighbourhood Plan: HRA (inc. Appropriate Assessment)

Oliver

Yes that would cover the issue. Many thanks we have no further concerns.

John

John Stobart
Planning and Conservation Senior Advisor
Natural England
[REDACTED]

Please note that my working days are now Monday to Thursday

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From: Oliver Rendle [REDACTED]
Sent: 21 June 2019 10:04
To: Stobart, John [REDACTED]
Cc: Trevor Warrick [REDACTED]
Subject: RE: Portland Neighbourhood Plan: HRA (inc. Appropriate Assessment)

Hello John,

Thanks for your comments.

The recommendations in the HRA reflect the findings of AECOM report which we agreed, but I do appreciate your point about the risk of land take relating from policy BE6 (Northern Arc) not being mentioned specifically here.

I have amended the overarching policy slightly to read:

“Proposals that will adversely affect the integrity of European sites will not be supported. Any development brought forward regarding the Northern Arc or enhancement of the piers must ensure that it can be implemented without any adverse effect upon the integrity of the European sites.”

Would this address the issue?

Thanks,
Oliver

From: Stobart, John [REDACTED]
Sent: 20 June 2019 18:39
To: Oliver Rendle [REDACTED]

Cc: Trevor Warrick [REDACTED]
Subject: RE: Portland Neighbourhood Plan: HRA (inc. Appropriate Assessment)

Oliver

Many thanks for the opportunity to review the HRA and AA for the Portland Neighbourhood Plan.

I am generally satisfied with the conclusions of the HRA and support the recommended changes, however, I would like to clarify how the risk of direct land take issues relating to Policy BE6 (The Northern Arc) are being addressed.

The recommended new safeguarding NP policy specifically refers to use of the piers ie:

“Any development brought forward regarding **enhancement of the piers** for social or economic use must ensure that it can be implemented without any adverse effect upon the integrity of the European sites. Proposals that will adversely affect the integrity of European sites will not be supported.”

As written this therefore could be interpreted as excluding Policy BE6 (Northern Arc) – which deals with development other than that involving the piers. I would suggest therefore that this new NP safeguarding policy is expanded to specifically include any development proposals that would be supported by policy BE6.

I hope this makes sense – if you would like to discuss please do feel free to call, but please not I am away from my desk now until 2nd July.

Regards

John Stobart
Planning and Conservation Senior Advisor
Natural England
[REDACTED]

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From: Oliver Rendle [REDACTED]
Sent: 03 June 2019 16:58
To: SM-NE-Consultations (NE) [REDACTED]
Cc: [REDACTED]; Trevor Warrick [REDACTED] Stobart, John
[REDACTED]
Subject: Portland Neighbourhood Plan: HRA (inc. Appropriate Assessment)

Dear Sir/Madam,

I am writing to consult with Natural England on the attached HRA (including Appropriate Assessment) for the Portland Neighbourhood Plan in accordance with Regulation 63(3) of the Conservation of Habitats and Species Regulations (2017). Please don't hesitate to get in touch if you have any questions about the attached report.

I look forward to receiving your comments,

Regards,

Oliver Rendle
Environmental Assessment Officer
Planning and Community Services

Dorset Council

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