

Date: 05 November 2018
Our ref: 259194
Your ref: Boscombe and Pokesdown Neighbourhood Plan - REG 16
submission CONSULTATION



Customer Services
Hornbeam House
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Dear Mark Axford

Planning consultation: Boscombe and Pokesdown Neighbourhood Plan - REG 16 submission
CONSULTATION

Thank you for consulting Natural England on the Boscombe and Pokesdown Neighbourhood Plan final submission, SEA and HRA screening report that was received by Natural England on 20th September 2018.

Natural England were consulted on a SEA screening opinion and provided our advice on 11th Jan 2018.

Neighbourhood Plan Final Submission

Natural England note that the final submission does not reflect the Dorset Heathlands Planning Framework Supplementary Planning Document 2015-2020 and the need for increase in residential dwellings to mitigate for the cumulative impacts on the Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation. Natural England advised your authority on 11th Jan 2018 that an SEA was not required subject to the inclusion of this strategic solution which appears to be absent.

In the absence of the inclusion of the Dorset Heathlands SPD as a strategic solution in the Neighbourhood Plan policies and with no alternate mitigation measures identified to enable your authority to confidently conclude no adverse impact on the integrity of the international protected sites raises consideration of an Appropriate Assessment under regulation 105 of the Habitat Regulations 2017. Natural England do not consider it appropriate to exclude a strategic solution from the development plan that enables residential development to come forward and rely exclusively on the Local Plan.

Natural England acknowledge that the final submission includes a requirement for biodiversity enhancements and a net gain principle for development and are supportive of these policies in accordance with national policy. Natural England are also supportive of the green infrastructure provision and positive planning for the resilience, health and visual enhancement of the neighbourhood area.

Habitat Regulations Assessment

A number of the allocated sites within the Neighbourhood Plan are in excess of 50 dwellings which are at the threshold of the number requiring a site of Suitable Alternate Natural Greenspace to mitigate for the recreational impacts on the international sites under the Dorset Heathlands SPD. Natural England note that the authority have not secured a strategic SANG in north Bournemouth to provide us with certainty that these developments will be adequately mitigated. Natural England require greater certainty that either the allocations themselves will provide a bespoke SANG or that the authority has secured the delivery of a strategic SANG to address these concerns and enable

your authority to conclude no adverse impact.

Natural England advise your authority that all allocations within the plan that result in an increase in residential dwellings will have a Likely Significant Effect on the European and International wildlife sites arising from the increase in residential units and hence increase in urban related pressures such as recreational access in the absence of mitigation.

In the light of the recent ECJ ruling (People Over Wind & Sweetman v Coillte Teoranta (Case C-323/17)) which concluded that the avoidance/mitigation, e.g. as set out in the Dorset Heathlands Planning Framework (2015 – 2020) SPD, cannot be taken into consideration when considering the Likely Significant Effects of proposals on European wildlife sites (and Ramsar sites as a matter of Government policy). Natural England advise to your authority to undertake an Appropriate Assessment as is required.

Natural England provide this advice on the submitted HRA in relation to the allocation of residential dwellings only within the Neighbourhood Plan as it requires further assessment and mitigation measures. Natural England do not have concerns over the remainder of the plan under the Habitat Regulations 2017. Your authority may wish to seek legal advice on the implications of this case law and consider if the Neighbourhood plan can proceed in principle considering that an appropriate assessment is required.

If you have any queries relating to the advice in this letter please contact me on [REDACTED]

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours sincerely

[REDACTED]

Jack Potter
Dorset, Hampshire and Isle of Wight