

Winchester City Council

Winchester District Gypsy and Traveller and Travelling Showpeople DPD

Inspector's Initial Questions

Introduction

This note flags up some initial questions I have that would benefit from early clarification. Dealing with these matters now should save time later. In answering these questions can the Council consider whether it might be necessary to advance any potential main modifications to the DPD.

Legal Compliance

1. Has the DPD been prepared in accordance with the Local Development Scheme?
2. Has the DPD been prepared in general accordance with the Statement of Community Involvement and public consultation requirements?
3. Have any significant concerns been expressed by interested parties about the Sustainability Appraisal?
4. The Court of Justice of the European Union recently issued a judgment¹ which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the DPD or project on a European site at the screening stage. Has the Council identified likely significant effects on European sites and their designated features? If so, does it conclude that they can be mitigated through avoidance or reduction measures, but not go on to the AA stage?

¹People over Wind, Peter Sweetman v Coillte Teoranta

5. In light of this and the judgement can you please confirm the extent to which you consider your HRA report is legally compliant.
6. Have any significant concerns been expressed by interested parties about the Habitat Regulations Assessment?
7. Have any concerns been expressed about the Equality assessment?

Conclusion

8. An early response to the above queries would be appreciated. I am keen that the above matters are resolved, in so far as they can be, promptly in order to ensure that the examination is not unduly delayed. I therefore request a response by close of play on Friday 29 June 2018.
9. If you have any queries regarding the above then I can be contacted via the Programme Office. A copy of this note and the Council's response should be placed on the examination website.

Louise Crosby

Planning Inspector

14 June 2018