

Winchester City Council

Winchester District Gypsy and Traveller and Travelling Showpeople DPD

WCC response to Inspector's Initial Questions

WCC response is set out in italics after each question:

Legal Compliance

1. Has the DPD been prepared in accordance with the Local Development Scheme?

Yes – the [latest LDS](#) (December 2017) refers to submission of the DPD in May 2018, the DPD was submitted for examination on 9 May 2018.

2. Has the DPD been prepared in general accordance with the Statement of Community Involvement and public consultation requirements?

Yes – whilst the SCI was adopted sometime ago (2007), the Council has utilised a number of mechanisms to engage and consult with those who may have an interest in the DPD. In particular the Council has used social media to highlight preparation of the DPD to traveller organisations and the travelling community. In addition the Council has specifically contacted occupiers of traveller sites to advise them of the DPD. A consultation statement was published at [Reg 18](#) and updated and published at [Reg 19](#) stage.

3. Have any significant concerns been expressed by interested parties about the Sustainability Appraisal?

No – matters of detail have been raised and these have been reported to the [Council's Cabinet \(Local Plan\) Committee](#) (OD1) in consideration of the responses at both Reg 18 and Reg 19 stages. Where necessary, amendments have been made to the DPD, to reflect the results of the SA, but these are of a minor nature to clarify the intent of the policies.

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?

The HRA of the DPD, did not identify any likely significant effects on European sites and their designated features. Only one small, established traveller site was identified (site W011 for 1 pitch, to be safeguarded under Policy TR1) within close proximity to a European site (River Itchen SAC) and it was not considered likely to result in any of the identified threats to the SAC. Such a conclusion was supported by Natural England through the statutory Regulation 19 consultation (15 January – 26 February 2018).

5. In light of this and the judgement can you please confirm the extent to which you consider your HRA report is legally compliant.

The Council is of the opinion that as no LSEs were identified through the HRA, then there was not a requirement for screening or AA and therefore the HRA is legally compliant.

6. Have any significant concerns been expressed by interested parties about the Habitat Regulations Assessment?

No concerns on the HRA have been received from the statutory consultees or other interested parties.

¹People over Wind, Peter Sweetman v Coillte Teoranta

7. Have any concerns been expressed about the Equality assessment?

No specific comments have been received on the Equalities Impact Assessment published.