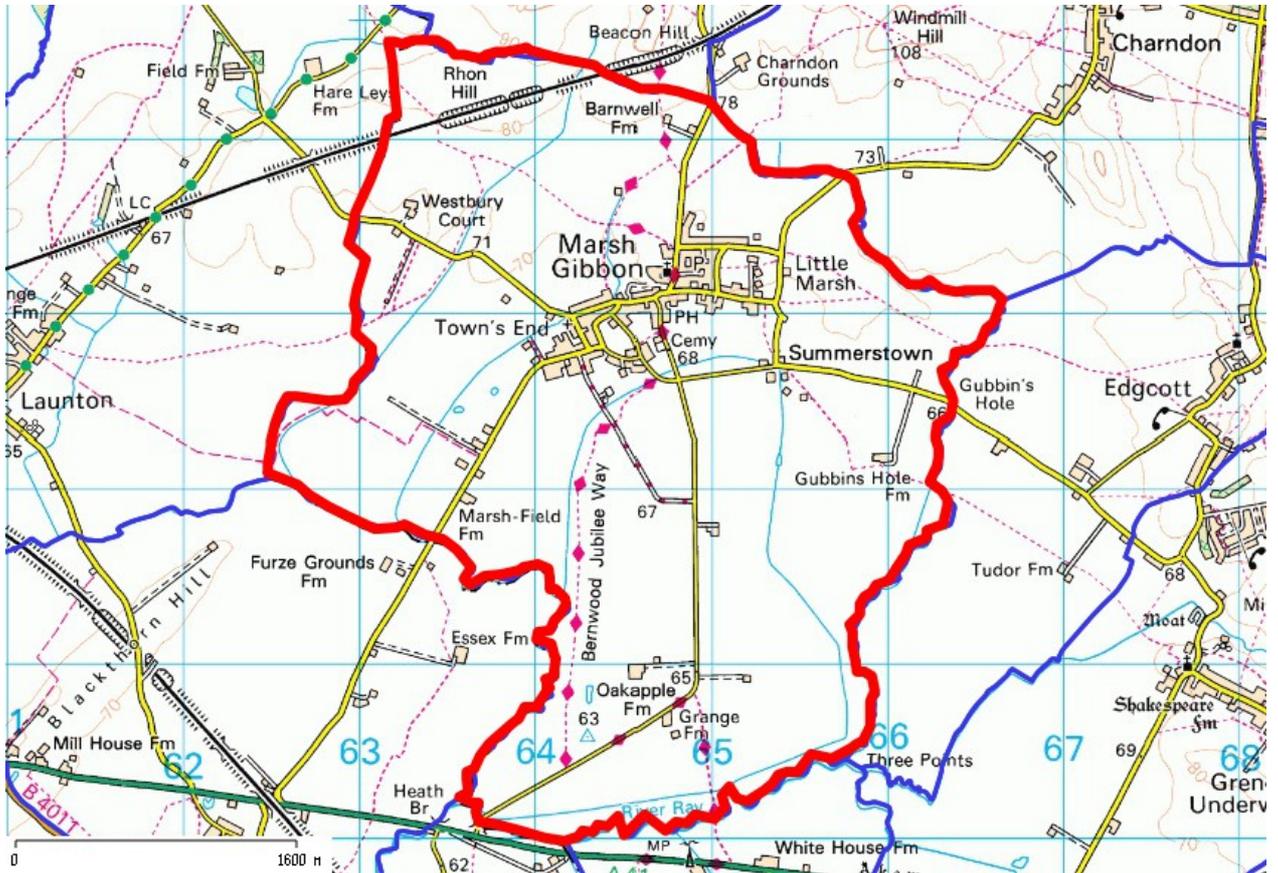


**Marsh Gibbon Neighbourhood Development Plan
Basic Conditions Statement**

Para. 8 of Schedule 4b of the Town & Country Planning Act 1990
(as amended by the Localism Act 2011)
and the Neighbourhood Planning Regulations 2012

Approved by MGPC
10/06/2014

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This is the Marsh Gibbon Neighbourhood Area approved by AVDC.

Marsh Gibbon Neighbourhood Development Plan

Paragraph 8 of Schedule 4b 'Basic Conditions' Statement

Legal Requirements

1. This statement has been prepared by Marsh Gibbon Parish Council to accompany its submission to the local planning authority Aylesbury Vale District Council of the Marsh Gibbon Neighbourhood Development Plan ("the Neighbourhood Plan") under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").
2. The Neighbourhood Plan has been prepared by the Marsh Gibbon Parish Council, a qualifying body, for the Neighbourhood Area covering Marsh Gibbon Parish, as designated by Aylesbury Vale District Council on 4 February 2013.
3. The plan proposal relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
4. The proposed neighbourhood plan states the period for which it is to have effect, from 2014 to 2031.
5. The policies do not relate to excluded development because the neighbourhood plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure, or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
6. The neighbourhood plan proposal relates to the Marsh Gibbon neighbourhood Area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area.
7. Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) requires that Neighbourhood Development Plans must meet the following basic conditions:
 - (1) The NDP must have appropriate regard to national policies and advice contained in the National Planning Policy Framework;
 - (2) The NDP must contribute towards the achievement of sustainable development;
 - (3) the NDP must be in general conformity with the strategic policies in the development plan for the area of the local planning authority;
 - (4) the NDP must meet the relevant EU obligations.

Basic Conditions

Having Appropriate Regard to National Policy

The Marsh Gibbon Neighbourhood Development Plan has been prepared with regard to national policies set out in the National Planning Policy Framework (NPPF) of April 2012. It is also mindful of the National Planning Practice Guidance (NPPG) published in April 2014 in respect of formulating neighbourhood plans.

Paragraphs 183 – 185 of the NPPF describe how Neighbourhood Planning can be used to give communities ‘direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need’.

Paragraph 17 of the NPPF provides a set of core land-use planning principles that should underpin both plan-making and decision-making.

Paragraphs 18 to 219 provide a set of topic based national planning policies and, taken as a whole, constitute what the Government’s view of what sustainable development in England means in practice for the planning system.

Shared Vision for Marsh Gibbon Parish

The Marsh Gibbon Neighbourhood Development Plan (‘MGNDP’) embodies the land-use based priorities first articulated and supported by the community in 2011 in consultation that led to the Marsh Gibbon Parish Plan. The concerns of the parish are to enable phased growth to maintain and enhance the current facilities such as school, hall, pubs, churches and shop, while protecting the conservation areas and open spaces from intrusive development. Particular concern then and in subsequent consultation on housing needs is over the provision of low-cost homes for families and for elderly downsizers.

As stated in the MGNDP, the following sentence encapsulates the shared vision for Marsh Gibbon:

‘A beautiful, green, friendly village where people can fulfil their ambitions for home, work and leisure in a safe and treasured environment’.

NPPF Core Planning Principles

MGNDP reflects the 12 core principles of plan-making as follows:

- It is **plan-led** through the community-led parish plan process, followed by the extensive consultation in formulating the policies of the Plan. It has been checked by the LPA (AVDC) to ensure that it is practical and contains workable policies and complies with the extant Local Plan saved policies.
- It contains policies to protect and enhance the **streetscape and landscape** and provides for new homes to enable villagers to stay in the village when they start at the foot of the housing ladder, as well as when they reach the top. It creates local green spaces and has tree policies to enhance the overall environment.
- As far as is relevant and possible in a policy-led plan, it promotes the delivery of **new homes and supports businesses** in the countryside.
- It provides clear design, materials and parking **standards for the construction** of new homes.
- It supports the **rural community** by its policies on employment, re-use of redundant farm buildings and by setting guidelines for building in the contiguous curtilage.
- It encourages the **conversion of redundant farm buildings**.
- It conserves and enhances the **natural environment** by its policies on local green spaces, environmental protection and trees and hedgerows.
- It encourages businesses that are no longer appropriately located to release **brownfield land** for re-use.
- It promotes developments that provide mixed sizes and types of home suitable for **local needs**.
- It conserves the **heritage assets** by reference to the Conservation Areas in the village, the medieval site of archaeological interest and the local SSSI.
- It sets **parking standards** for the new homes, school and businesses that are appropriate to the needs of a rural community.
- Its policies take account of and support the **community needs** for recreation and local facilities such as the village hall, shop, churches and pubs.

NPPF Planning Policies

Most of the themes in the NPPF (Chapters 1 – 12) have been relevant in providing the national policy context to the topic areas covered in MGNDP. The Marsh Gibbon Neighbourhood Plan has regard to the following themes as described:

- **Building a strong, competitive economy**
MGNDP encourages the continuance of farming, the reuse of redundant farm buildings and the retention and creation of new jobs locally.
- **Supporting high quality communications infrastructure**
MGNDP encourages the provision of faster broadband for business and domestic use
- **Delivering a wide choice of high quality homes**
MGNDP makes specific provision for homes for young families and for elderly downsizers, as well as for affordable homes in larger developments.
- **Requiring good design**
MGNDP specifies the design criteria needed to maintain and enhance the attractive village, including its three Conservation Areas, using updated guidance from Aylesbury Vale District Council.
- **Meeting the challenge of climate change, flooding and coastal change**
MGNDP was amended to include policies on water and waste management proposed by Thames Water.
- **Conserving and enhancing the natural environment**
MGNDP has policies to protect and enhance the natural environment, including the SSSI nearby and designating two local green spaces.
- **Conserving and enhancing the historic environment**
MGNDP further protects the historic areas of the village in the three Conservation Areas, as well as the notification site of archaeological importance in a new local green space designation.

Contributes to the Achievement of Sustainable Development

Paragraph 7 of the NPPF recognises three strands to sustainable development: economic, social and environmental. Marsh Gibbon Neighbourhood Development Plan contributes to achieving them as detailed below:

Economic Role

- MGNDP seeks to retain and encourage local employment in farming and in business and to facilitate the reuse of redundant farm buildings.
- By enabling appropriate development it will help to ensure that sufficient homes will be available for the families of the economically active.
- By allowing for development on land outside but contiguous with the current village curtilage, it will facilitate new development which might not otherwise be permitted.
- By phasing the development over the Plan period it will ensure that homes are available when required.

Social role

- MGNDP supports the future of the community by ensuring that an adequate supply of suitable housing is available to meet the needs of young families
- MGNDP will support the community by ensuring that sufficient housing is available for lifetime occupation to meet the needs of the elderly
- Through its design, built and natural environmental policies MGNDP will ensure that a high quality built environment is maintained, especially in the three Conservation Areas
- By protecting and enhancing existing community facilities, such as the village hall, churches, school and by designating new open spaces MGNDP reflects the community's needs and supports its social and cultural well-being.

Environmental role

- Through its design and build policies MGNDP will ensure that a high quality built environment is protected and enhanced
- Through its natural environment policies MGNDP will ensure that the attractive rural environment is protected
- Through its policies protecting the Conservation Areas and the site of archaeological notification MGNDP will protect the historic environment.

Is in General Conformity with Strategic Local Policy

The Marsh Gibbon Neighbourhood Development Plan conforms with the relevant saved policies of the Aylesbury Vale District Local Plan of 2004. The strategic policies (starting with GP) are all those that are saved which are applicable to the whole district, including Marsh Gibbon, except GP3 as this was superseded by the NPPF. And all of the policies for Rural Areas (starting with RA) which are not location specific, are applicable. There are a large number of other strategic policies, but most of them are not relevant to the Marsh Gibbon NDP.

AVDLP Policy	Subject	MGNDP Policy	How MGNDP conforms with AVDC Policies
GP2	Affordable Housing	MG8	Extends the provision
GP4	Affordable housing on small sites	MG8	Extends the provision
GP8	Protection of Amenity of Residents	MG6	Provides for open areas
GP17	Retention in use of existing employment sites	MG11 and 12	Supports expansion and retention of employment
GP24	Car parking guidelines	MG15, 16, 17	Makes appropriate rural provision
GP32	Retention of shops, public houses and post offices	MG19	Protects and supports facilities
GP35	Design of new developments	MG2	Distinctive local character
GP38	Landscaping of new developments	MG6	Provision of landscaping
GP39	Existing trees and hedgerows	MG21	Establishes need for surveys
GP40	Retention of existing trees and hedgerows	MG21	Establishes need for surveys
GP45	'Secured by Design'	MG15	Related to car parking
GP59	Preservation of archaeological remains	MG4	Designating archaeological notification site as local green space
GP53	New Development in and adjacent to Conservation Areas	MG1	Sets design and materials expected
GP86	Provision of Outdoor Playing Space	MG20	Enhancing and protecting
GP87	Application of Open Space policies	MG20	Enhancing and protecting
GP91	Provision of Amenity Areas	MG6	Provision of open areas
GP93	Safeguarding of community buildings and facilities	MG19	Protects facilities
GP94	New community facilities	MG20	Encourages provision
RA3	Extension of Curtilages	MG5	Sets local policy
RA11	Conversion of Buildings	MG14	Farm buildings policy
RA13	Development within Rural Settlements	MG6	Infill housing
RA14	Development outside Rural Settlements	MG5	Sets local policy
RA29	New Employment Uses in the Countryside	MG14	Farm buildings policy
RA36	Protection against excessive traffic generation	Para 29, page 15	Opposition to increased traffic

Is Compatible with EU Obligations

- The Neighbourhood Area is not in close proximity to any European designated nature sites¹ and so does not require an Appropriate Assessment under the EU Habitats Regulations.
- The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- Aylesbury Vale District Council has reviewed the Marsh Gibbon Neighbourhood Development Plan and concluded that it is not likely to have significant environmental effects and therefore does not trigger a need for a Strategic Environmental Assessment. This opinion was supported by English Heritage (letter of 16th April 2014), by the Environment Agency (letter of 9th May 2014) and by Natural England (letter of 7th April 2014).
[See Appendices for AVDC Screening Report and letters from 3 consultees.]

¹ Refer to the Aylesbury Vale District Council's Habitats Regulations Assessment/Appropriate Assessment Stage 1 Screening Report undertaken for the Vale of Aylesbury Plan Strategy Pre-Submission Plan October 2012

- Appendix 1



Aylesbury Vale District Council

**Strategic Environmental Assessment
Screening Report**

**For the Marsh Gibbon Neighbourhood
Development Plan**

February 2014

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Introduction

- 1.1 This screening statement considers whether the contents of the Marsh Gibbon Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The screening process is based upon consideration of standard criteria to determine whether the plan is likely to have “significant environmental effects”. The result of AVDC’s screening process is detailed in this Screening Statement.
- 1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the policies in the Marsh Gibbon Neighbourhood Development Plan and the need for a full Strategic Environmental Assessment.

2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication ‘A Practical Guide to the Strategic Environmental Assessment Directive’².
- 2.2 The Planning and Compulsory Purchase Act 2004 required Sustainability Appraisals (SA) to be produced for all Local Development Documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.
- 2.3 Although a Sustainability Appraisal is not a requirement for a Neighbourhood Development Plan, part of meeting the ‘Basic Conditions’ which the plan is examined on, is to show how the plan achieves sustainable development. The Sustainability Appraisal process is an established method and a well-recognised ‘best practice’ method for doing this. It is therefore advised, where an SEA is identified as a requirement, an SA should be incorporated with SEA, at

²‘A Practical Guide to the Strategic Environmental Assessment Directive’
<https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>
(ODPM 2005)

a level of detail that is appropriate to the content of the Neighbourhood Development Plan.

3. Criteria for Assessing the Effects of Neighbourhood Development Plans

3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below³:

1. The characteristics of plans and programmes, having regard, in particular, to:

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

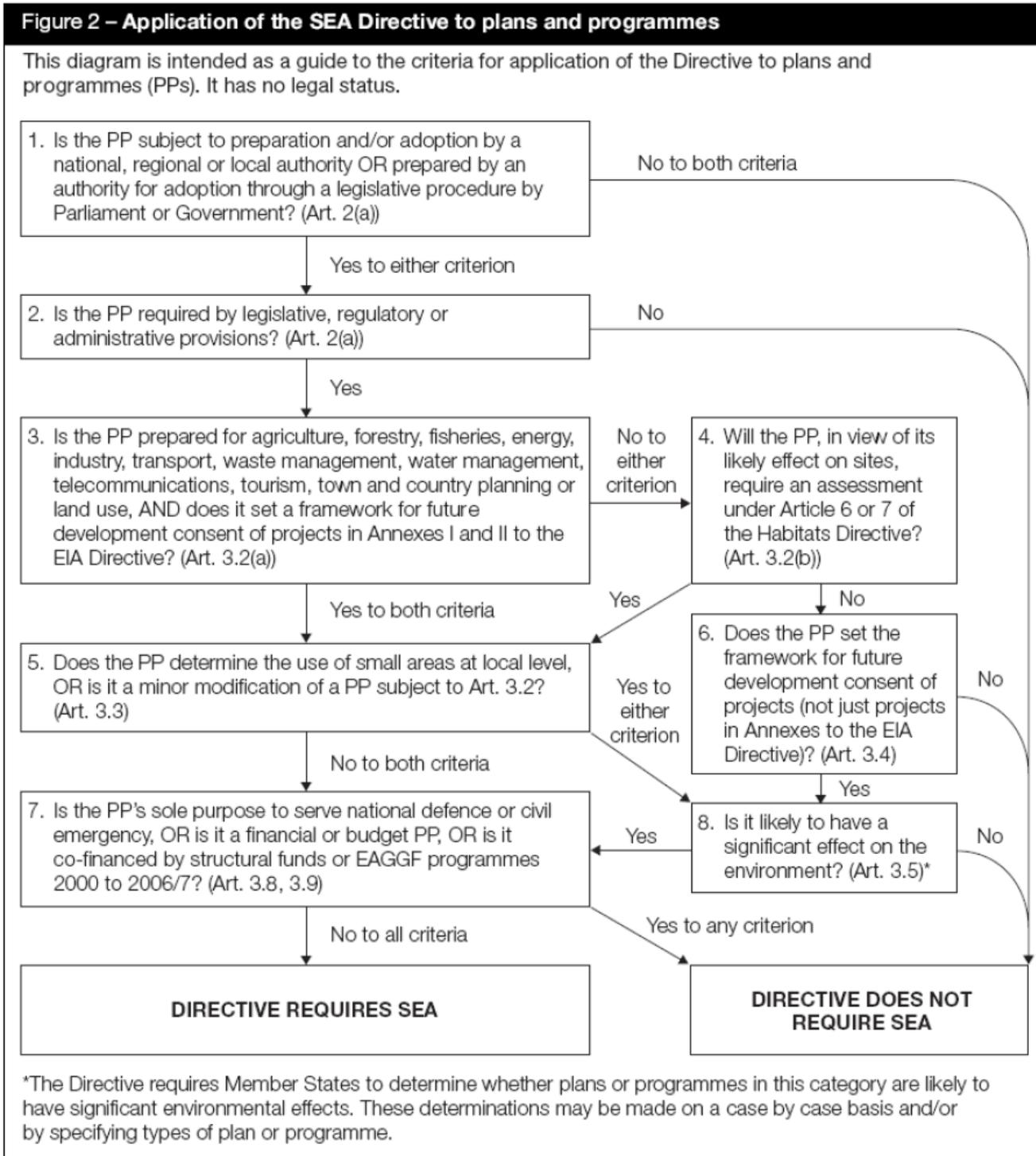
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
- the effects on areas or landscapes which have a recognised national, Community or international protection status.

³ Source: Annex II of SEA Directive 2001/42/EC

4. Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



4.2 The table below shows the assessment of whether the Marsh Gibbon Neighbourhood Development Plan will require a full SEA. The questions below are drawn from the diagram above which sets out how the SEA Directive should be applied.

Stage	Y/ N	Reason
1. Is the plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The Neighbourhood Development Plan will be adopted by a Local Planning Authority, Aylesbury Vale District Council.
2. Is the plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	The Neighbourhood Development Plan is an optional plan produced by Marsh Gibbon Parish Council.
3. Is the plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	N	The Neighbourhood Development Plan is prepared for town and country planning purposes, but it does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Art 3.2(a)).
4. Will the plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	A district wide HRA Screening for Aylesbury Vale was prepared to assess the former Vale of Aylesbury Plan which planned for 13,500 houses (approximately 50 at Marsh Gibbon). As the levels of development supported by the Marsh Gibbon Neighbourhood Development Plan are broadly similar, it is unlikely a further HRA Screening Assessment is needed.
5. Does the plan determine the use of small areas at local level, OR is it a minor modification of a plan subject to Art. 3.2? (Art. 3.3)	N	The Neighbourhood Development Plan does not make allocations to determine the use of land. A local green space designation is identified, however this does not change the current use of the land.
6. Does the plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	N	The Neighbourhood Development Plan does not set a framework for future development consent of projects as it does not make allocations.
7. Is the plans sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-	N	The purpose of the Neighbourhood Development Plan is not for any of the projects listed in Art 3.8, 3.9.

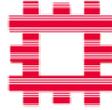
financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)		
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	N	The Neighbourhood Development Plan is not likely to have a significant effect on the environment as the policies guide future development of the area, but this does not determine the future use of specific sites.

5.0 Screening Outcome for Neighbourhood Development Plans with Allocations

- 5.1 Having reviewed the criteria Aylesbury Vale District Council concludes that the Marsh Gibbon Neighbourhood Development Plan is not likely to have significant environmental effects beyond those expected by 'strategic' district-wide policies of the Local Plan, and therefore this does not trigger a need for a Strategic Environmental Assessment.

Appendix 2

Letters follow from Environment Agency (9 May 2014), Natural England (7 April 2014) and English Heritage (16 April 2014), confirming that MGNDP does not require a Strategic Environmental Assessment.



ENGLISH HERITAGE

SOUTH EAST

Ms Louise Stevens
Planning Policy Officer
Forward Plans
Aylesbury Vale District Council
The Gateway, Gatehouse Road
Aylesbury, Bucks, HP19 8FF

Our ref: HD/P5132/01/PC4
Your ref:

Telephone 01483 252040
Fax

16th April 2014

Dear Ms Stevens,

Marsh Gibbon Neighbourhood Plan SEA Screening Report

Thank you for your e-mail of 27th March seeking the views of English Heritage on the Council's Marsh Gibbon Neighbourhood Plan Strategic Environmental Assessment Screening Report.

Having reviewed the Report, English Heritage agrees with the Council's conclusions that the Marsh Gibbon Neighbourhood Development Plan is not likely to have significant environmental effects beyond those expected by the 'strategic' district-wide policies of the Local Plan, and that therefore a Strategic Environmental Assessment is **not** needed.

However, whilst in our opinion a formal SEA is not required, some form of assessment of the implications of the Plan's policies and proposals against an agreed set of objectives may be a useful method of ensuring a robust Plan and identifying any unexpected and undesirable outcomes.

Thank you again for seeking the views of English Heritage on this Screening Report.

Yours sincerely,

Martin Small
Historic Environment Planning Adviser
(Bucks, Oxon, Berks, Hampshire, IoW, South Downs National Park and Chichester)

E-mail: martin.small@english-heritage.org.uk

Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Buckinghamshire
HP19 8FF

Our ref: WA/2006/000227/OR-
11/IS1-L01

Your ref:

Date: 09 May 2014

Dear Ms Stevens

Marsh Gibbon Neighbourhood Plan Screening Opinion

Thank you for consulting us on the Screening Report.

We consider that the Marsh Gibbon Neighbourhood Development Plan is unlikely to have significant environmental impacts with regard to our remit and therefore does not require a Strategic Environmental Assessment.

Yours sincerely

Mrs Cathy Harrison
Planning Advisor

Direct dial 01491 828515

Direct e-mail planning-wallingford@environment-agency.gov.uk



Date: 07 April 2014

Our ref: 117223

Your ref:

Ms L Stevens

Planning Policy Officer

Forward Plans

Aylesbury Vale District Council

BY EMAIL ONLY

LStevens2@aylesburyvaledc.gov.uk

Dear Ms Stevens

Marsh Gibbon SEA Screening Opinion

Thank you for notifying Natural England of your Neighbourhood Development Plan Screening Report dated 27 March 2014.

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.

Natural England is a statutory consultee in neighbourhood planning. We must be consulted on draft Neighbourhood Development Plans where the Town/Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals. We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.

The following is offered as general advice which may be of use in the preparation of your plan/ order.

Natural England, together with the Environment Agency, English Heritage and Forestry Commission has published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans and development proposals. This is available at: <http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: <http://www.nbn-nfbr.org.uk/nfbr.php>

Protected landscapes

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), we advise that you take account of the relevant National Park/AONB Management Plan for the area. For Areas of Outstanding Natural Beauty, you should seek the views of the AONB Partnership.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment.

<http://www.naturalengland.org.uk/publications/nca/default.aspx>

Protected species

You should consider whether your plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.

[Natural England Standing Advice](#)

Local Wildlife Sites

You should consider whether your plan or proposal has any impacts on local wildlife sites, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) or whether opportunities exist for enhancing such sites. If it appears there could be negative impacts then you should ensure you have sufficient information to fully understand the nature of the impacts of the proposal on the local wildlife site.

Best Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. Paragraph 112 of the National Planning Policy Framework states that:

‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality’.

General mapped information on soil types is available as ‘Soilscapes’ on the www.magic.gov.uk and also from the LandIS website; <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.

Opportunities for enhancing the natural environment

Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again at consultations@naturalengland.org.uk

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely
Mrs Anita Moore
Sustainable Development Consultations Team