

Date: 22 May 2025  
Our ref: 509823



Planning Policy Team  
Chichester District Council  
1 East Pallant  
Chichester  
West Sussex  
PO19 1TY

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Sir/Madam,

**Planning consultation:** Chichester Local Plan – Main Modifications

Thank you for your consultation on the above dated 10 April 2025 which was received by Natural England on the same date.

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.

We have reviewed the submitted Main Modifications Schedule (MC01) document, as well as the Sustainability Appraisal Addendum (MC04), Habitats Regulations Assessment Addendum (MC05) and the Schedule of Additional Modifications (MC03) document. We have no comments to make on the Sustainability Appraisal Addendum, Habitats Regulations Assessment Addendum or the Schedule of Additional Modifications.

In addition, please note that we have only provided comments on modifications relating to our remit and we have no comments to make on modifications not covered in this response.

For queries relating to the specific advice in this letter only please contact [sophie.moore@naturalengland.org.uk](mailto:sophie.moore@naturalengland.org.uk).

For any new consultations, or to provide further information in relation to this consultation, please send any correspondence to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

**Sophie Moore**  
Senior Officer for Sussex – Sustainable Development  
Sussex & Kent Area Team



# Representation Form

## Local Plan 2021 – 2039 Main Modifications Consultation

**Ref:**  
**(For official use only)**

The consultation on the Local Plan 2021 – 2039: Main Modifications will run from 10 April to 27 May 2025. The document and more information on the consultation can be viewed on our website [www.chichester.gov.uk/main-modifications-consultation](http://www.chichester.gov.uk/main-modifications-consultation)

**All comments must be received by 5pm on Tuesday 27 May 2025.**

There are a number of ways to make your comments:

- Comment on the document on the internet using our online consultation website <https://www.chichester.gov.uk/localplanconsultation> **(Recommended)**
- Post a copy of this form to us at: Planning Policy Team, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY

### How to use this form

Please complete Part A in full. Please note anonymous comments cannot be accepted, a full address including postcode must be provided.

Please complete Part B overleaf, using a new form for each modification that you wish to comment on. Please identify which modification your comment relates to by completing the appropriate box.

For more information, or if you need assistance completing this form, please contact the Planning Policy Team by email at [planningpolicy@chichester.gov.uk](mailto:planningpolicy@chichester.gov.uk) or telephone 01243 785166.

## Part A

### 1. Personal Details\*

### 2. Agent's Details (if applicable)

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text" value="Miss"/>	<input type="text"/>
First Name	<input type="text" value="Sophie"/>	<input type="text"/>
Last Name	<input type="text" value="Moore"/>	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Senior Officer for Sussex"/>	<input type="text"/>
Organisation	<input type="text" value="Natural England"/>	<input type="text"/>
Address Line 1	<input type="text" value="Teville Gate House"/>	<input type="text"/>
Line 2	<input type="text" value="Teville Road"/>	<input type="text"/>
Line 3	<input type="text" value="Worthing"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>

Post Code	<input type="text" value="BN11 1TY"/>	<input type="text"/>
Telephone Number	<input type="text" value="07501484651"/>	<input type="text"/>
E-mail Address	<input type="text" value="sophie.moore@naturalengland.org.uk"/>	<input type="text"/>

## Part B

Please use a new form for each representation that you wish to make. Please note anonymous comments cannot be accepted. Any personal information provided will be processed by Chichester District Council in line with the General Data Protection Regulations 2018. More information is available at: <http://www.chichester.gov.uk/dataprotectionandfreedomofinformation>.

Anyone that comments will be notified of the next stages of the Local Plan, including the publication of the Inspectors' recommendations and the adoption of the Plan – you may opt out of future communications by contacting us using the contact details at the top of this form.

Name or Organisation: Sophie Moore – Natural England

3. To which Main Modification does this representation relate?

Main Modification reference

Please indicate if you support or object to the Main Modification:

Support

Object

Comment

4. Do you consider the Main Modification is:

4.(1) Legally compliant	Yes <input checked="checked" type="checkbox" value="X"/>	No <input type="checkbox"/>
4.(2) Sound	Yes <input checked="checked" type="checkbox" value="X"/>	No <input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Modification is not legally compliant or is unsound. Please be as clear and concise as to what you would like this part of the plan to say. If you wish to support or comment on the legal compliance or soundness of the Modification, please also use this box to set out your comments.

Natural England is pleased to see that clarification has been provided in relation to the use of the term Area of Outstanding Natural Beauty (AONB), as opposed to National Landscape, as this remains Chichester Harbour's legally designated status.

Name or Organisation: Sophie Moore – Natural England

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We are pleased to see that our comments made at Regulation 19 (our ref. 420345, 17 March 2023) have been taken into consideration and reference has been made to 'water scarcity' within the Local Plan Vision.

Name or Organisation: Sophie Moore – Natural England

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We are pleased to see that our comments made at Regulation 19 stage (our ref. 420345, 17 March 2023) have been taken into consideration and the following additions have been made to the Plan objectives:

- The addition of 'and/or water neutral' to Objective 2 to provide context for the inclusion of policies NE16 and NE17.
- The inclusion of the phrase 'incorporating the special qualities of designated landscapes where required' in Objective 6 to recognise the importance of Chichester District's protected landscapes.
- Reference under Objective 7 to the use of nature-based solutions where appropriate given the multifunctional benefits they can provide.

In addition, we support the inclusion of additional text prioritising active travel options within highways design (i.e. walking, cycling, public transport) but suggest that reference could be made here to green infrastructure provision as a method of encouraging their use as the 'obvious option', for example:

'Highway improvements will be designed in line with the hierarchy for the road user with priority for people walking, cycling and using public transport, so that people choose active travel or active travel combined with public transport as the obvious way to access what they need.

**Highway improvement design should incorporate good quality green infrastructure where appropriate, to encourage pedestrian use.'**

Name or Organisation: Sophie Moore – Natural England

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We strongly support the addition of wording to Policy NE1 requiring renewable energy schemes to demonstrate that there will be no significant impact upon views to and from the South Downs National Park and Chichester Harbour AONB, as well as meet Biodiversity Net Gain requirements.

Name or Organisation: Sophie Moore – Natural England

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We are pleased to see that additional wording has been incorporated into Policy NE2 providing clarity around what is expected to be addressed within a Landscape and Visual Impact Assessment (LVIA) (i.e. direct and indirect changes to the landscapes sensitivity, character and condition as well as visual amenity and visual receptors).

We do however feel that limited progress has been made on conveying thresholds which trigger the requirement for an LVIA. It is currently stated that an LVIA *may be* required for large-scale proposals as well as small-scale development within the setting of Chichester Harbour AONB or South Downs National Park, but no tangible thresholds given. It would be helpful if more direct guidance was given which considers the scale of development proposal and sensitivity of the landscape (e.g. all large-scale development within the protected landscape will require an LVIA).

In addition, we are concerned that the amendments made to policy requirement 5 may not comply with the enhanced landscape duty introduced by Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act (2023). In our opinion, the removal of the wording 'must comply with' and 'which are material planning considerations' weakens the policy and we therefore ask that this sentence is amended to:

'Development proposals should **take account of** the Chichester Harbour AONB Management Plan, the Chichester Harbour AONB Joint SPD and South Downs Partnership Management Plan and South Downs Local Plan **which are material planning considerations.**'

Once this amendment is made, we would be able to remove our objection to MM9 and would consider it sound/legally compliant. We have included some advice below on the enhanced duty, which your authority may find useful.

From December 2023 relevant authorities must now to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in preparing development plans, making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers in undertaking their functions.

The duty to 'seek to further' is an active duty, not a passive one. Any relevant authority should take appropriate, reasonable, and proportionate steps to explore how the statutory purposes of the Protected Landscape (National Park, the Broads, or a National Landscape (AONB) can be furthered.

The new duty underlines the protection given to Protected Landscapes in national planning policy. The relevant authority should consider how the design of plans or proposals could include measures to further the purposes of the designated area. Where reasonably practical and operationally feasible such measures could be embedded in the design or take the form of secondary mitigation.

Proposed measures to further the statutory purposes of a Protected Landscape should be appropriate, reasonable, and proportionate to the type and scale of the development, the implications for the area and should be effectively secured. A relevant authority should be able to demonstrate what measures can be taken to further the statutory purposes and should be able to provide evidence to support any decision.

If a relevant authority decides that it is not possible to further the purpose of the Protected Landscape, it should be able to justify the decision supported by evidence about why the purpose of the Protected Landscape cannot be furthered.

Natural England advice is that the proposed measures should align with and help to deliver the aims and objectives of the Protected Landscape's management plan. The relevant Protected Landscape Authority, Conservation Board or Partnership can provide further advice on opportunities for this.

In December 2024, Defra released ['Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes'](#) which your authority may find helpful.

Name or Organisation: Sophie Moore – Natural England

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We are pleased to see that reference has been added to the Draft Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol (2018) within the supporting text (para. 4.17), following our comments at Regulation 19 (our ref. 420345, 17 March 2023). We ask that your authority makes a slight amendment here to strengthen the requirement to **take account of** the protocol rather than 'regard should be had'.

We also strongly support the additional paragraphs added following paragraph 4.18 which clearly communicate what is expected from applicants to ensure that any proposed development will not have an adverse impact on an identified Strategic Wildlife Corridor.

It is our opinion that the amendments made to the Policy wording of NE4, in conjunction with the new paragraphs included in the supporting text, has resulted in less ambiguity around what is and is not acceptable either within or in close proximity to a Strategic Wildlife Corridor. We do however reiterate our comments made at Regulation 19 (our ref. 420345) that reference should be made to the emerging Local Nature Recovery Strategy in the final sentence.

Name or Organisation: Sophie Moore – Natural England

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Natural England welcomes the inclusion of Protected Species under criterion 'e' of Policy NE5, as well as the addition of explicit reference to the emerging Local Nature Recovery Strategy under criterion '1e' as this is integral to the delivery of Biodiversity Net Gain.

We note that, despite our recommendations at Regulation 19 (our ref. 420345, 17 March 2023) that a Supplementary Planning Document (SPD) be produced to address how BNG will be effectively delivered, no reference has been made to the production of a BNG specific SPD. We therefore encourage your authority to reference relevant biodiversity strategies and guidance documents which will assist applicants in identifying:

- What biodiversity is at risk locally and how BNG can restore this.
- Existing important biodiversity assets and their connectivity within the district (this may be provided by the LNRS, however is there an interim document?).
- Most and least favourable areas for off-site BNG to be delivered.
- How BNG could link up to strategic networks such as nature recovery networks and wildlife corridors.

Name or Organisation: Sophie Moore – Natural England

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Regarding the supporting text, we are pleased to see that reference has been added to the Solent Maritime Special Area of Conservation (SAC) though we highlight that reference still needs to be made to the Arun Valley Ramsar site in paragraph 4.27. We strongly support the inclusion of a third pressure (loss of intertidal habitat due to inappropriate coastal management) both within paragraph 4.28 and within the policy wording, where a requirement for avoidance or mitigation measures is clearly stated.

We acknowledge that Policy NE6 has been renamed to reflect the content of the policy, however we advise there is no need to include both **internationally** and **European** in the title as they effectively have the same meaning.

Name or Organisation: Sophie Moore – Natural England

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Natural England has been working with your authority with regard to air quality impacts (specifically ammonia (NH<sub>3</sub>)) upon The Mens Special Area of Conservation (SAC) since the issue was identified at Regulation 19. In an email dated 04 February 2025, we confirmed with your authority that we were satisfied that the proposed policy wording provided sufficient certainty that an adverse effect on integrity can be ruled out and note that this wording has not changed significantly since then. We are therefore supportive of this policy addition and will continue to work with your authority with regard to additional options for mitigation.

Name or Organisation: Sophie Moore – Natural England

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We are pleased to see that our comments made at Regulation 19 (our ref. 420345, 17 March 2023) have been taken into consideration and reference to the LNR Management Plan has been removed from the policy wording, given that it is not focused on mitigating recreational pressure. In addition, we support the removal of the reference to avoidance/mitigation measures and ruling out likely significant effect within the Pagham Harbour section as mitigation measures should not be considered at Stage 1: Screening.

We appreciate the addition of wording in paragraph 4.39 which makes clear that all development has the potential to impact land identified as functionally linked to the SPAs, as well as changes made to the supporting text to distinguish between recreational disturbance and loss/degradation of functionally linked land. We have no further comments to make on this policy.

Name or Organisation: Sophie Moore – Natural England

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We are pleased to see that the final sentence in paragraph 4.47 of Policy NE9 (Canals) has been removed, following our comments made at Regulation 19 (our ref. 420345, 17 March 2023).

Name or Organisation: Sophie Moore – Natural England

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We appreciate the addition of wording to criterion 3 of Policy NE10 requiring development in the countryside to avoid adverse impact upon Nature Recovery Networks. We do however feel that criterion 1 could be further strengthened to make reference to green infrastructure, for example:

1)The sustainability of the site is enhanced by improving or creating any opportunities to access the site by walking, cycling and public transport, **and integrating these with good quality green infrastructure.**

Name or Organisation: Sophie Moore – Natural England

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We are pleased to see that our comments made at Regulation 19 (our ref. 420345, 17 March 2023) have been taken into consideration and additional wording has been added to paragraph 4.65 to acknowledge why so much saltmarsh has been lost at Chichester Harbour as well as a decline in over-wintering and breeding bird species.

With regard to Policy NE11 itself, we support the inclusion of text highlighting that undeveloped areas of low-lying land around the harbour are being prioritised for coastal habitat and natural process restoration which we originally requested be included in Policy NE12 (our ref. 420345). In addition, we are pleased to see that reference has been made to the 30 by 30 targets set out in the Environmental Improvement Plan 2023 within bullet point 1 of the Policy.

We note that no changes have been made to paragraph 4.66 and we therefore maintain our advice that reference should be made to the Chichester Harbour Conservancy as one of the partners we are working with and that, although some actions are outside of the scope of planning, many are related to development pressure and therefore the Plan can have significant influence.

In relation to paragraph 4.64, it is our opinion that the full, complete name of each designated site should be used (e.g. Chichester **and Langstone Harbour SPA/Ramsar site, Solent Maritime SAC and Chichester Harbour SSSI**) or alternatively, reference made to the actual name of the publication (Condition review of Chichester Harbour sites: intertidal, subtidal and bird features).

Name or Organisation: Sophie Moore – Natural England

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In our Regulation 19 comments (our ref. 420345, 17 March 2023) we asked for several amendments to be made to Policy NE12 and are pleased to see that these have been considered. We support the inclusion of a reference to the National Coastal Erosion Risk Management (NCERM) work in paragraph 4.76 and the following amendments made to the policy wording:

- The addition of Policy Requirement 2 to prevent further coastal squeeze of any coastal designated European site.
- Additional wording provided in Policy Requirement 7 to ensure small scale loss of intertidal habitat within the designated sites is compensated for.
- The addition of Policy Requirement 9 which requires new development to demonstrate consideration of future climate scenarios and their impacts.
- The addition of Policy Requirement 10 which ensures new development will not hinder coastal processes with regard to designated sites.
- Specification of loss of intertidal habitats under criterion b.

We appreciate the amendments made to policy paragraph 3 making it clear that new and replacement buildings should be setback in line with NCERM prediction, though we still maintain that it should be expanded further to prevent replacement dwellings where there is evidence of damage from the effect of wind/waves and where the replacement dwelling cannot be set back.

Finally, we reiterate our previous comments requesting an additional policy requirement be included stating:

**Wherever possible development should secure opportunities for the enhancement, creation and/or restoration of coastal and wetland habitats (guided by the Local Nature Recovery Strategy) and contribute to Biodiversity Net Gain.**

Name or Organisation: Sophie Moore – Natural England

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It is unclear to us why the reference to the Chichester Harbour AONB Management Plan has been removed from criterion 2 of Policy NE13, particularly as reference continues to be made to this document throughout the remainder of the policy. In our opinion, the reference should be reinstated to direct applicants to where they can find the special qualities of the National Landscape, to ensure they are robustly considered.

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We are pleased to see that additional wording has been added to Policy Requirement 4 of Policy NE14 to highlight the potential for new development to contribute to nature recovery networks. We have no further comments to make on this modification.

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Natural England supports the amendments made to Policy NE16 but wish to highlight a small error in paragraph 1 under the heading 'Water Efficiency' which refers to the Sussex North Water Resource Zone as 'Water Resource Zone Sussex North'. We recommend this is corrected to prevent confusion.

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We are pleased to see that Policy Requirement 6 (previously 4) has been updated to reflect our comments made at Regulation 19 (our ref. 420345, 17 March 2023) and support the addition of Policy Requirement 2 which clearly outlines what is expected from a water neutrality statement.

While we are supportive of the main modifications made, we suggest the following additional amendments to the supporting text:

- Several references are made to the 'Offsetting Implementation Scheme (OIS)' within the supporting text which your authority may want to update to refer to the Sussex North Offsetting Water Strategy (SNOWS), given that this solution is so close to being operational. If appropriate, it would be helpful to include a link to the SNOWS website to further assist applicants.
- Additional text has been added to paragraph 4.113 outlining what is expected of applicants proposing to use a private supply borehole or other water source to service their development. While we are supportive of the wording, we recommend that it is specified that applicants may need to seek a permit from the Environment Agency to implement this strategy.

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We are pleased to see that our comments provided at Regulation 19 (our ref. 420345, 17 March 2023) have been taken into consideration and reference has been made to Policy NE16 (Water Management and Water Quality), highlighting that other types of development can have an impact on water quality unrelated to nutrients from wastewater. In addition, we appreciate that explicit reference has been made to our Wetland Mitigation Framework given that this is integral to the design of effective treatment wetlands.

However, it is our opinion that additional wording could be added to supporting paragraph 4.121 to clearly outline what is expected from applicants when their proposal falls within the nutrient neutrality catchment (i.e. provision of a nutrient budget using the latest calculator and a nutrient mitigation strategy in line with relevant guidance) similar to what has been given under Policy NE17 (Policy Requirement 2) for water scarcity.

In addition, we continue to recommend that reference is also made to other key guidance documents including:

- [Combining environmental payments](#)
- [Constructed wetlands for the treatment of pollution](#)

Name or Organisation: Sophie Moore – Natural England

3. To which Main Modification does this representation relate?

Main Modification reference

Please indicate if you support or object to the Main Modification:

Support

Object

Comment

4. Do you consider the Main Modification is:

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

Please tick as appropriate

5. Please give details of why you consider the Modification is not legally compliant or is unsound. Please be as clear and concise as to what you would like this part of the plan to say. If you wish to support or comment on the legal compliance or soundness of the Modification, please also use this box to set out your comments.

We are pleased to see that the suggested wording proposed in our Regulation 19 (our ref. 420345, 17 March 2023) has been incorporated into Policy H11, making it clear that gypsy, traveller and travelling showpeople development is still required to comply with policies NE6 and NE7.

Name or Organisation: Sophie Moore – Natural England

3. To which Main Modification does this representation relate?

Main Modification reference

Please indicate if you support or object to the Main Modification:

Support

Object

Comment

4. Do you consider the Main Modification is:

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Modification is not legally compliant or is unsound. Please be as clear and concise as to what you would like this part of the plan to say. If you wish to support or comment on the legal compliance or soundness of the Modification, please also use this box to set out your comments.

We strongly support the main modifications made to Policy P14, in particular the references to blue as well as green infrastructure and the addition of wording linking GBI delivery to the Local Nature Recovery Strategy.

Name or Organisation: Sophie Moore – Natural England

3. To which Main Modification does this representation relate?

Main Modification reference

Please indicate if you support or object to the Main Modification:

Support   
Object   
Comment

4. Do you consider the Main Modification is:

4.(1) Legally compliant	Yes	<input checked="checked" type="checkbox" value="X"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="checked" type="checkbox" value="X"/>	No	<input type="checkbox"/>

Please tick as appropriate

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In our Regulation 19 comments (our ref. 420345, 17 March 2023) we highlighted an overlap between the Runcton Horticultural Development Area (HDA) and one of the strategic wildlife corridors set out in Policy NE4. We therefore strongly support the modification to the proposed HDA extension shown in Map E3a (MO2) which no longer crosses into the strategic wildlife corridor. We have no further comment to make on this modification.

Name or Organisation: Sophie Moore – Natural England

3. To which Main Modification does this representation relate?

Main Modification reference

Please indicate if you support or object to the Main Modification:

Support   
Object   
Comment

4. Do you consider the Main Modification is:

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

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Natural England supports the inclusion of additional text within Policy E4 ensuring that the scale of development will not have a significant effect upon the South Downs National Park (SDNP) and its setting (requirement 7) and requiring development to enhance and protect Strategic Wildlife Corridors (requirement 11). We do however feel the policy could be strengthened by requiring large-scale proposals to assess their impact on the national park via a Landscape and Visual Impact Assessment (LVIA), or by making reference to Policy NE2.

Name or Organisation: Sophie Moore – Natural England

3. To which Main Modification does this representation relate?

Main Modification reference

Please indicate if you support or object to the Main Modification:

Support

Object

Comment

4. Do you consider the Main Modification is:

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

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We are pleased to see that our comments made at Regulation 19 (our ref. 420345, 17 March 2023) stage have been taken into consideration and policy requirement 9 has been brought in line with Policy E8, requiring all new caravan and camping sites to be located where they will not compromise essential features of internationally and nationally designated landscape and nature conservation sites. We have no further comments to make on this modification.