

From: Rachel Dexter <Rachel.Dexter@hinckley-bosworth.gov.uk>

Sent: 10 October 2018 09:31

To: 'john ward'

Cc: Nicola Smith; Kirstie Rea; Rob Foers; Chris Colbourn; Frances Belcher

Subject: People over Wind and Peter Sweetman v Coillte - Habitat Regulations Assessment (HRA) of Neighbourhood Development Plans

Dear John

Nicola has asked me to respond to a query you had at the meeting last Thursday in relation to the judgement: People over Wind and Peter Sweetman v Coillte (Case 323/1/Court of Justice of the European Union).

The Court of Justice of the European Union (CJEU) ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgement 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 plan or project on a European site at the screening stage. I have referred back to the Sheepy Screening Statement in light of this judgement and I don't feel any further action is required and the Screening Decision is still valid. The reasoning for this is because the Sheepy Parish Neighbourhood Plan is unlikely to have a substantial effect on the Natura 2000 network of protected sites; there is no physical connection between the Borough and the Ensor's Pool SAC and no part of the River Mease or its tributaries flow through the Neighbourhood Area. The Judgement refers to using mitigation measures in the screening assessment and this was not a consideration in the Sheepy Screening Determination, location was the determining factor.

Hope this answers your question.

Kind regards

Rachel

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