

Elford Neighbourhood Plan
Habitat Regulations Assessment (HRA)
Review in light of judgement People Over Wind¹



Background

The Habitat Regulations Assessment (HRA) for the Elford Neighbourhood Plan (ENP) was completed in January 2018. The screening report concluded that in relation to the requirement for the ENP “*there are no significant effects upon European Sites and no further work as part of the compliance with the Habitat Regulations will be required*”. This was a view confirmed by the statutory consultees including Natural England.

Therefore no further assessment was necessary.

In April 2018 a notable legal judgement, in an unrelated case², centred on the role of mitigation measures when carrying out screening was issued (People Over Wind). The ENP HRA has therefore been reviewed in the light of the ‘People Over Wind’ judgement.

Review of ENP HRA

The ENP ‘*Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment (HRA) Screening Report (January 2018)*’ has been reviewed in light of the above, the review concluded:

- Whilst the HRA conclusions acknowledges the presence of additional mitigations, avoidance and cancellation measures within the Local Plan Strategy they are not required as mitigation measures of the Elford Neighbourhood Plan;
- Appendix 2 of the SEA & HRA Screening Report (dated January 2018) provides a review on a policy by policy basis. This assessment does not identify any policies with the potential for significant effects;
- The HRA was carried out on the precautionary principle basis;
- Government guidance remains that generally neighbourhood plans are unlikely to result in significant effects; and
- Natural England raise no objections or concerns about the Elford Neighbourhood Plan either through formal consultations or their consideration of the Screening Report (dated January 2018).

Conclusion

The Habitat Regulations Assessment dated January 2018 remains appropriate and no changes are considered necessary in light of the ‘People Over Wind’ judgement.

¹ Case C 323/17 Court of Justice of the European Union.

² Generalised view. Does not constitute legal opinion.