

Supplement to B & W HRA Screening Report – Sept 2018

Review in light of judgement People over Wind

1. Background

- 1.1 The Habitats Regulations Assessment Screening (HRA) for Barrowden & Wakerley Neighbourhood Plan (BWNP) was published September 2018. The conclusion of the screening was, the assessment found no likely significant effects would occur as a result of the BWNP.
- 1.2 The assessment found many of the policies were in conformity with the local plan policies, which had already undergone a full HRA, and identified no likely significant effects would occur as a result of the implementation of policies. It also identified that no likely in combination significant effects would occur as a result of the implementation of the BWNP.
- 1.3 From the findings of the screening assessment no further assessment was necessary. This view was confirmed by the statutory consultees.

2. People over Wind, Peter Sweetman v Coillte Teoranta judgement

- 2.1 In April 2018 a notable legal judgement, in an unrelated case, centred around the role of mitigation measures, when carrying out screening was issued in People Over Wind, Peter Sweetman v Coillte Teoranta (April 2018) concerns a judgement by the Court of Justice of the European Union.
- 2.2 The Court held that Article 6(3) of the Habitats Directive requires that measures which are intended to avoid or reduce the harmful effects of a plan or project on a European Protected Site should not be taken into consideration at the screening stage.
- 2.3 As such, the SEA/HRA screening determination findings for the Barrowden & Wakerley Neighbourhood Plan have been reviewed in the light of this judgment.

3. Review

- 3.1 A review of SEA/HRA screening findings EA has been undertaken to explore whether the judgement would have any implications for the Barrowden & Wakerley Neighbourhood Plan.

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3.2 The review findings are:

- The Screening Report does not identify any policies with the potential for cumulative effects or additional mitigation requirements;
- Government guidance remains that generally Neighbourhood Plans are unlikely to result in significant effects;
- No objections or concerns were raised about the Barrowden & Wakerely Neighbourhood Plan by the Statutory Consultees.

4. Conclusion

4.1 The Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report dated September 2018 remains appropriate and no changes are considered necessary in light of the *People Over Wind* judgement.

4.2 The review concludes that the previous SEA/HRA screening determination published September 2018 was properly reached, remains valid and there is no need to progress to Appropriate Assessment.

June 2019

Rutland County Council