

Newark & Sherwood Amended Core Strategy DPD Examination
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POST HEARING NOTE 5 re HRA

The Council may be aware of the recent judgment of the Court of Justice of the European Union in *People over Wind, Peter Sweetman v Coillte Teoranta* (Case C-323/17).

The implication of the judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the HRA screening stage, whether a plan (or indeed a project) is likely to have an adverse effect on a European Site. The Council is the competent authority throughout the local plan process but in determining whether the Plan is sound, the examining Inspector needs to consider carefully whether the requirements of the Habitats Regulations have been met.

In the light of the judgment, I would be grateful if the Council could review the submitted HRA and confirm the extent to which it is legally compliant. The screening assessment may need to be revisited to facilitate that. If additional work is required, in the form of an appropriate assessment, for example, then this should be carried out. It may be that this process gives rise to the need for additional main modifications (MMs). If it does, then I would be grateful for an indication of when those might be expected. If the Council prefers to submit all the MMs together, I am content with that.

Paul Griffiths
INSPECTOR
11/05/18