



28 June 2018

Dear Jenny Nuttycombe,

RE: The implications of People over Wind, Peter Sweetman v Coillte Teoranta on the HRA Screening undertaken for the Neighbourhood Plan for the former Land Settlement Association Estate (LSA) at Great Abington

Place Services undertook the SEA & HRA Screening Report of the Neighbourhood Plan for the former Land Settlement Association Estate (LSA) at Great Abington in May 2017.

People over Wind, Peter Sweetman v Coillte Teoranta (April 2018) concerns a judgement by the Court of Justice of the European Union (CJEU). The Court held that 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. As such, it is considered that the Conservation of Habitats and Species Regulations 2017 should be construed and applied accordingly.

In consideration of the above judgement a review of the findings in regard to the SEA and HRA screening determination of May 2017 has been undertaken to explore whether the judgement would have any implications for the Neighbourhood Plan. This review focuses on two areas: whether the Neighbourhood Plan can be made in regard to those basic conditions included within Schedule 2 of The Neighbourhood Planning (General) Regulations 2012; and whether any further work would be needed in response to Article 6(3) and (4) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2017 in the form of an Appropriate Assessment.

The findings of the initial HRA screening determination of May 2017 indicated that the Gt Abington LSA Neighbourhood Plan was not predicted to have Likely Significant Effects on any European site, either alone or in combination with other plans and projects. The requirement for the Plan to undertake any further work in response to the requirements of Article 6(3) and (4) of the EU Habitats Directive was therefore screened out.

The Neighbourhood Plan in isolation was determined to have no Likely Significant Effects on any Natura 2000 sites. This determination was made without any consideration of mitigation measures within the Neighbourhood Plan and was also not made based on any proviso that recommendations regarding mitigation should be embedded within the Plan.¹

The screening determination explored a range of potential impacts that a Neighbourhood Plan *could* have. These were land take by development, impact on protected species, increased disturbance (through for example recreational use from new housing), changes in water availability

¹ Section 4.4.1 of the SEA & HRA Screening Report (May, 2017) states that, 'There are no specific recommendations to deliver for the policies in this draft Neighbourhood Plan as they have all been assigned to Category A. There is therefore no need to amend the policy text as they are not predicted to have a Likely Significant Effect on any Natura 2000 site.'



and changes in atmospheric pollution. Each of these impacts has a zone of influence within which likely significant effects could occur. Table 7 and Appendix 2 of the initial SEA & HRA Screening Report of May 2017 identifies that the Neighbourhood Plan area is not included within any of these zones of influence.

The SEA & HRA Screening Report of May 2017 identified two potential plans or projects within the scope of the required in-combination assessment: the South Cambridgeshire DC Habitat Regulations Assessment: Chapter 20 of South Cambs Local Plan SA Scoping Report (June 2012) and including the Draft Final Sustainability Report (2014) and Sustainability Appraisal Addendum (2015); and the Cambridge Southern Fringe Area Action Plan HRA of 2007. These two documents both determined that there would be no Likely Significant Effects on a Natura 2000 site or Ramsar site. The SEA & HRA Screening Report of May 2017 determined that there would be no in-combination effects from the Plans that these HRAs relate to with the Neighbourhood Plan for the former LSA at Great Abington.

The review of the SEA and HRA screening determination of May 2017 at this stage has additionally considered the implications of the additional HRA and SA work undertaken for the 'main modifications' to the South Cambs Local Plan which was consulted on in January – February 2018 and has found no in-combination effects as a result. Further consideration has been given to a South Cambridgeshire and Cambridgeshire Local Plans HRA Review (June, 2018) which was undertaken in response to the legal ruling of People over Wind, Peter Sweetman v Coillte Teoranta. That review found that the conclusions of the previous HRA work were properly reached without regard to measures intended to avoid or reduce harmful effects on any European Protected site and that there is no need to progress to Appropriate Assessment.

This letter confirms that as a result of all the aforementioned review work the conclusions of the previous HRA Screening determination of May 2017 were properly reached without regard to measures intended to avoid or reduce harmful effects on any European Protected site alone or in-combination. Therefore, the previous SEA & HRA Screening Report of May 2017 remains valid and there also remains no need to progress to Appropriate Assessment.

Regards,

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