

WYRE LOCAL PLAN EXAMINATION

LOCAL PLAN HABITAT REGULATION ASSESSMENT (SD006)

The Council has become aware of an Inspectors question at the Burnley and Fylde Councils current Local Plan examinations where the respective Inspectors have referred to a recent judgement from the Court of Justice of the European Union. The judgement relates to the Court of Justice of the European Union (CJEU) issued a judgment (*People over Wind & Sweetman v Coillte Teoranta* Case C-323/17), dated 12 March 2018.

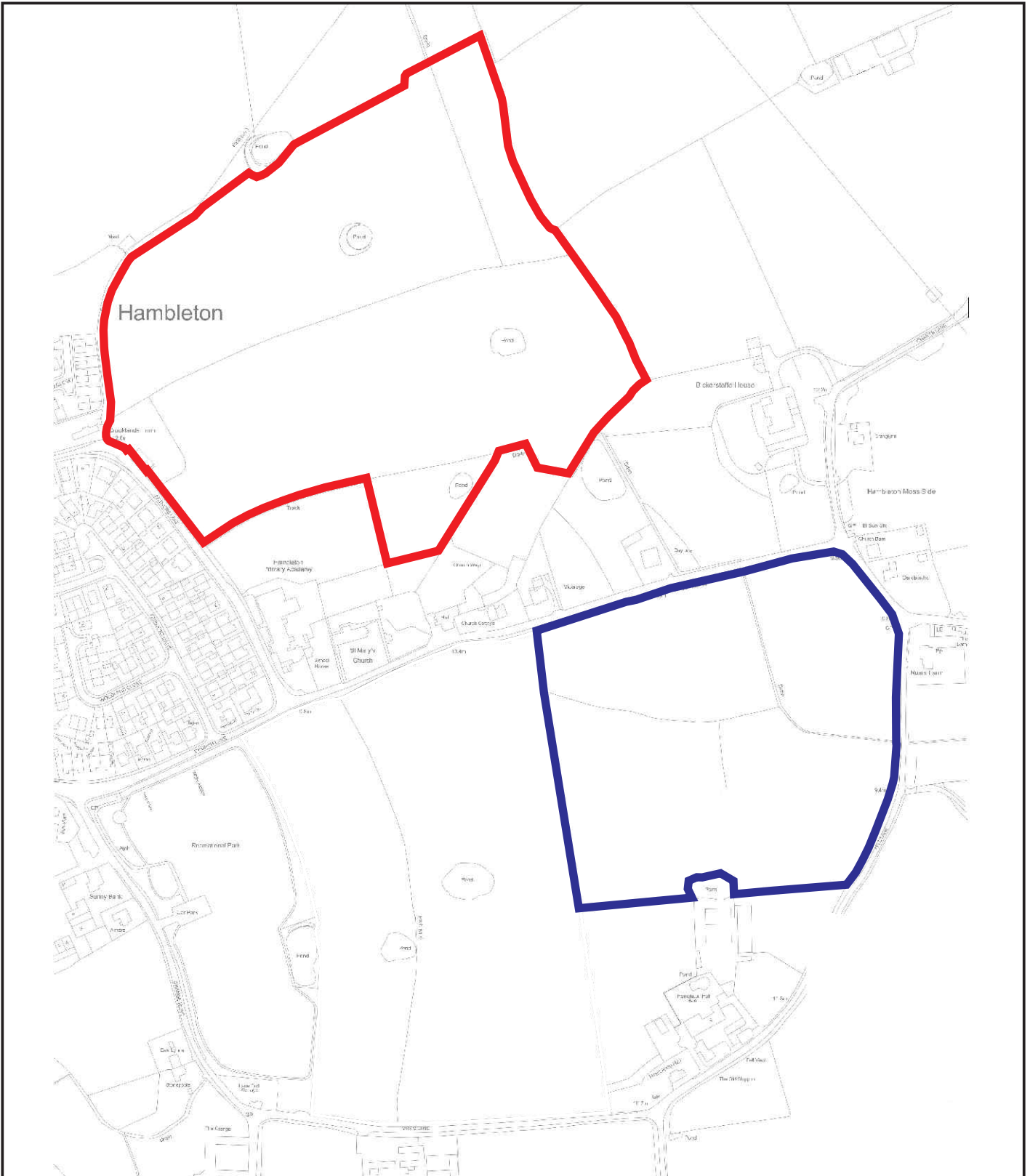
The Judgement rules that Article 6(3) of the Habitat Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an Appropriate Assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.

The Council is conscious that the Local Plan Habitat Regulation Assessment (SD006) has for some site allocations, considered mitigation measures at the screening stage and not at the appropriate assessment stage.

In light of the judgement, the Council has undertaken initial discussions with the Local Plan Habitat Regulation Assessment (HRA) consultants (Arcadis) and considers it to be appropriate to provide an addendum/update to the Local Plan HRA. It may also be appropriate to re-consult Natural England on the Local Plan HRA addendum/update.

The Council anticipates that the Local Plan addendum/update may result in further main modifications to the Local Plan. For example, Site Allocation SA1/12 – Land at Arthurs Lane, Hambleton is covered by a planning permission (16/00217/OUTMAJ). The permission includes a project-level HRA with mitigation measures agreed with Natural England to provide offset land, enhanced open space on site and resident's education/signage. For Site Allocation SA1/12, the Local Plan HRA at a strategic level has referred to the Planning Permissions Project Level HRA. In light of the judgement, it is anticipated that the site allocation may now require consideration within the Appropriate Assessment stage of the Local Plan HRA. In reality, this may require the site allocation in the Local Plan for SA1/12 to be extended to include the offset land agreed at the Planning Application stage, which is also included within the Planning Permissions Section 106 agreement. The offset land agreed at the Planning Application stage is identified in Annex A to this note.

The timescales for undertaking the additional Local Plan HRA work is expected to be completed by the end of June.



KEY:



APPLICATION SITE



FIELDS TO BE SUBJECT TO LONG-TERM MANAGEMENT TO PROVIDE OPTIMAL FORAGING RESOURCES



ecology solutions ltd

7244: LAND OFF ARTHURS LANE,
HAMBLETON

PLAN ECO1:
APPLICATION SITE LOCATION &
OFF-SITE FIELD LOCATION