

# Brigstock Neighbourhood Development Plan

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## Further comments of Independent Examiner relating to HRA issues

**Prepared by**

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**John Slater Planning Ltd**

1. As you will know, I am carrying out this examination of this neighbourhood plan
2. A recent judgment from the Court of Justice of the European Union ‘People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)’ ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage.
3. The precise wording of the ruling is as follows:

“Article 6(3) .....must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.”
4. I am therefore inviting the Council to consider whether the HRA Screening Statement dated October 2017 needs to be updated in the light of the Sweetman judgement. I have noted in relation to one policy, Policy B3 that the screening assessment relies, in that instance, on assumptions related to sustainable drainage systems being provided.
5. Once the screening has been reassessed in the light of this judgement, please could you inform me whether you feel there is a need to update the screening and provide me with the updated document.
6. I am copying this to the Parish Council and would ask that this note and your response is put on to the relevant website.

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16<sup>th</sup> August 2018