

From: Robert Bryan
Sent: 02 April 2019 10:28
To: Hubery, Teresa
Subject: Bawtry NDP

Teresa,

I note that a Habitats Regulation Assessment (HRA) Screening opinion has not been submitted. In the absence of an HRA it is necessary a screening assessment is carried out presumably by DMBC which carried out the SEA screening opinion. I note further that in the introduction to the SEA there is some reference to the potential unlikely need for an HRA . However, it is necessary that a conclusive HRA is submitted and the relevant statutory body, Natural England is consulted.

I would bring to your attention the recent decision by the Court of Justice of the European Union (People Over Wind and Sweetman v Coillte Teoranta (C-323/17)) which means that mitigation (avoidance and reduction) measures may no longer be taken into account by competent authorities at the HRA “screening stage” i.e. when judging whether a proposed plan or project is likely to have a significant effect on a European site. This has now been added to the basic conditions with which the Plan has to comply. The new basic condition is

"The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017".

I can continue with the examination whilst this is being done but I cannot recommend the Plan proceeds to a referendum without the completion of a full HRA. I look forward to confirmation of the Town Councils intentions.

I would ask that this exchange of correspondence is brought to the attention of the Town Council and placed on their and your respective web sites.

regards

Robert Bryan

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