

## Habitat Regulations Assessment (HRA) of Neighbourhood Development Plans

Statement in relation to CASE 323/1/COURT OF JUSTICE OF THE EUROPEAN UNION

People over Wind and Peter Sweetman v Coillte

Herefordshire Council is aware of the recent judgement referred to above. The Court of Justice of the European Union (CJEU) ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgement as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) 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 therefore undertaking a review of the Habitat Regulation Assessments (HRA) in relation to a number of Neighbourhood Plans.

These include:

- Almeley (Reg16)
- Aymestry (Reg16)
- Ballingham, Bolstone and Hentland (examination)
- Bishopstone (examination)
- Bodenham (referendum)
- Border Group (referendum)
- Burghill (post Reg16)
- Hope under Dinmore (referendum)
- How Caple, Sollars Hope and Yatton (examination)
- Lea (examination)
- Leominster (examination)
- Much Marcle (referendum)
- Ocle Pychard (examination)
- Pembridge (pre-Reg16)
- Peterstow (examination)
- Wyeside (referendum)
- Yarkhill (referendum)

Once these HRAs have been reviewed and reassessed in light of the above judgement, additional consultations will be undertaken on the revised Habitat Regulation Assessments or Appropriate Assessments (if/where required) for a 5 week period before each of the plans above progresses to their next stage.