

Plymouth & South West Devon Joint Local Plan Examination

Inspectors' letter to the Councils regarding the Habitats Regulations Assessment

On the 12 April 2018, the Court of Justice of the European Union issued a judgment (*People over Wind & Sweetman v Coillte Teoranta* Case C-323/17) which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) 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.

Consequently, in the light of this judgement, we would be grateful if the Councils would confirm the extent to which they consider that the Habitat Regulations Assessment (SUB10 as amended through EXD22 and EXD22A) is legally compliant.

An early response on this matter would be appreciated.

Yours sincerely

W Burden and Y Wright

Inspectors

11 May 2018