

FYLDE BOROUGH COUNCIL

LOCAL PLAN TO 2032 EXAMINATION

Inspector: Mrs Yvonne Wright BSc(Hons) Dip TP MSc DMS MRTPI

Please direct all communications to:

Tony Blackburn, Programme Officer, 15 Ottawa Close, Blackburn, BB2 7EB.

Email: tony.blackburn@fylde.gov.uk

Tel: 01254 260286

Julie Glaister
Fylde Borough Council
(via email)

11 May 2018

Miss Glaister

Inspector's additional query concerning the Habitats Regulations Assessment

On the 12 April 2018, the Court of Justice of the European Union (CJEU) 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 (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.

On the face of it, it appears that the approach taken in the Councils' Habitats Regulations Assessment documents dated August 2016 and April 2018 conflicts in some respects with this judgement. Therefore an AA of the identified effects would appear to be necessary.

Consequently, in the light of this judgement, I would be keen to understand the Council's own legal advice on this matter and their view on the extent to which the HRA documents are legally compliant. Should the Council consider they are not compliant, what further work would be required and what would be the timescales for completion and consultation?

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If the Council has any questions relating to this matter please do not hesitate to contact me via the Programme Officer.

Yours sincerely

Y Wright

Inspector