

HABITATS REGULATIONS ASSESSMENT

Implications from People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)

On 12 April 2018 the Court of Justice of the European Union issued the above judgement, which ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures 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.

In light of this judgement, can I ask the Council to re-visit the Habitats Regulations Assessment of the Kirklees Local Plan, and confirm the extent to which you consider it is legally compliant.

It would be appreciated if you could let me have your view on this matter as soon as possible.

Katie Child

INSPECTOR