

Publicising the Aberford and District Neighbourhood Development Plan Habitats Regulations Assessment Screening Update and Updated Aberford and District Basic Conditions Statement

1. Scope of the Consultation

The Council is conducting additional Regulation 16 Publicity for the Aberford Neighbourhood Plan on two of the Aberford Neighbourhood Plan submission documents that have been updated following legislative changes. The two documents being publicised are:

- **Aberford Neighbourhood Plan Habitats Regulations Assessment Screening (January 2019)**
- **Aberford Neighbourhood Plan Basic Conditions Statement (February 2019)**

The scope of the consultation is limited to the above documents and the Council is not publicising other elements of the Aberford Neighbourhood Plan submission at this time as they were previously subject to Regulation 16 Publicity between Monday 18th June and Monday 30th July 2019. Any previous representations made during the Regulation 16 publicity period during June and July 2018 have been sent to the independent examiner for their consideration as part of the examination process. Please note that representations received will be redacted and sent to the independent examiner and will be published on Leeds City Council's website. Further details on the background to this consultation is provided in Sections 2 and 3, below.

2. Aberford Neighbourhood Plan Habitats Regulations Assessment Screening Update

In April 2018, in the case of *People Over Wind, Peter Sweetman v Coillte Teoranta*, the European Court of Justice 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 appropriate assessment (AA) and that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. The Judgement had an impact on the way that the Habitats Regulations Assessment (HRA) screening process operates for land use plans.

Following the Judgement, with the agreement of Aberford and District Parish Council and the independent examiner for the Aberford and District Neighbourhood Plan (Aberford NP), the Council re-screened the Aberford NP for the purposes of the Habitats Regulations Assessment in order to ensure that the Plan meets the requirements of the Basic Conditions and that the screening complies with the Judgement.

3. Aberford Neighbourhood Plan Basic Conditions Statement Update

On 28 December the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into effect. These regulations amended the definition of one of the Basic Conditions for examining neighbourhood plans. Independent examiners must now consider whether "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.” This sets out the requirement for an appropriate assessment of implications before a land use plan is given effect if the plan:

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) is not directly connected with or necessary to the management of the site (Regulation 105 (1))

The land use plan must only be given effect after the plan making authority has “ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site.”

The Aberford Neighbourhood Plan (and associated documents) were submitted to the Council on 8 June 2018. In order to ensure that the Aberford NP meets the requirements of the Basic Conditions, the Parish Council, with the agreement of the independent examiner, produced an updated Basic Conditions Statement, a required submission document under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The updated Basic Conditions Statement accompanies the Aberford NP as was submitted to the Council in June 2018.

If further information is required regarding the scope or purpose of this publicity, please contact the Council’s neighbourhood planning team on npsupport@leeds.gov.uk or on 0113 37 87997.