

## Councils Response to Inspectors Initial Questions Friday 24<sup>th</sup> May 2019

### 6. Question 6

#### Have any significant concerns been expressed by interested parties about the Habitat Regulations Assessment?

- 6.1. A summary of comments made in respect of the HRA Screening Update from Natural England can be found in [CD 013 St Albans Local Plan - HRA Screening Update March 2019 \(PDF - 829 kb\)](#) at paragraph 4.1 and is set out below. A comment was also made by Leverstock Green Village Association which is set out in [CD 012 St Albans Local Plan - SA Report Addendum March 2019 \(PDF - 1 mb\)](#) at Appendix A, also set out below.

#### Response from Natural England

- 6.2. The information, findings and conclusions that were contained in the HRA Screening Update (September 2018) were subject to consultation with Natural England and other stakeholders as part of the Regulation 19 stage for the St Albans Local Plan.

- 6.3. The Regulation 19 response from Natural England in relation to the Local Plan and accompanying Sustainability Appraisal/HRA stated that:

*Natural England does not consider that this St Albans District Council Local Plan Publication 2018 poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.*

- 6.4. Further clarification in relation to the HRA was sought from Natural England in March 2019 and in the resulting correspondence Natural England confirmed that they:

*...agree with the conclusion of the Habitats Regulations Assessment (HRA) that there will be no likely significant effects on any European Site.*

#### Response from Leverstock Green Village Association

| Leverstock Green Village Association  | TRL Response  |
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| <p>5. Habitats Regulations Assessment</p> <p>5.1 Annex 1 of the SA (2018) of the St Albans Local Plan includes a copy of the HRA Screening update (originally prepared in 2008). This considers the impact of the recent EU Court Judgment of the 'People Over Wind' case and determines that the findings of the 2008 HRA Screening remain valid and that the current version of the Plan will not have likely significant effects on the Chilterns Beechwoods SAC.</p> <p>5.2 The Screening is reliant on assessment of earlier work including, for example, potential growth sites included in the 2006 Issues and Options Paper: Growth at Hemel Hempstead. Although it is acknowledged that this did consider a wide range of growth options the document is dated and must be considered in combination with growth that has taken place since then and potential impacts on the SAC.</p> <p>5.3 The Screening also suggests that because the remainder of the 2008 HRA Screening (i.e. that beyond issues associated with out-commuting for employment) concluded that there was no need for mitigation measures</p> | <p>The SA Screening Update reviewed the findings of the previous HRA and considered new evidence relating to the Chiltern Beechwoods SAC as well as other factors, including recreational disturbance and air quality effects, in order to confirm whether the findings still stood.</p> <p>Natural England agree with the conclusion of the Habitats Regulations Assessment (HRA) that there will be no likely significant effects on any European Site.</p> |

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| <p>to conclude 'no likely significant effects', the 'People Over Wind' ruling does not have any implications for this update and, as such, an Appropriate Assessment is not required.</p> <p>5.4 Natural England is being consulted on the HRA Screening alongside consultation on the Local Plan and so, as yet, their response is unknown. We suggest that it is inappropriate to rely on evidence and material prepared more than a decade ago and that all up-to-date and current evidence must be considered before a conclusion can be satisfactorily made.</p> |  |
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6.5. None of the issues raised are considered to be 'significant concerns' by SADC.