

Addendum 2 to the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report:

Linby Neighbourhood Development Plan

07.01.2019

1. Reason for Addendum

This Addendum 2 relates to the Strategic Environmental Assessment (SEA) Screening Report (February 2018)¹ and Addendum (December 2018)² on the draft Linby Neighbourhood Plan. These documents together conclude that there is no likely significant effect on sites applicable to the requirement for Habitats Regulations Assessment (HRA) taking into account recent court rulings. This Addendum 2 is prepared on behalf of Linby Parish Council as the qualifying body.

The reason for this second Addendum is that The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force on 28 December 2018. The effect of these regulations is that the basic condition for the purpose of neighbourhood planning *“The making of the neighbourhood plan is not 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”* is replaced by a basic condition *“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 addendum responds to the new basic condition for the purpose of the examination of the Linby Neighbourhood Plan.

2. Gedling Borough Council Response

Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017³ sets out at regulation 106 that it should be determined whether an assessment is required for the purpose of neighbourhood plans. The assessment of implications is set out in regulation 105(1-6) of the regulations, the responses for which are set out below.

¹ <http://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/planningpolicy/linbyneighbourhoodplan/Draft%20Linby%20SEA%20Screening%20Final.pdf>

² <http://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/planningpolicy/linbyneighbourhoodplan/Final%20Addendum%20to%20the%20Strategic%20Environmental%20Assessment.pdf>

³ <http://www.legislation.gov.uk/uksi/2017/1012/part/6/chapter/8/made>

(1) Where a land use 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, the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives.

Response – The Strategic Environmental Assessment (SEA) Screening Report (February 2018) and Addendum (December 2018) conclude that the Linby Neighbourhood Plan has no likely significant effect on sites applicable to HRA. Assessments have taken place before the plan is given effect.

(2) The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

Response – The conclusions on the Strategic Environmental Assessment (SEA) Screening Report (February 2018) and Addendum (December 2018) were made in consultation with Natural England as the appropriate body. Natural England will also be consulted on this Addendum 2 as part of the formal “Regulation 16” Consultation on the Linby Neighbourhood Plan between 11th January and 22nd February 2019. The Council will have regard to the response received and forward this to the independent examiner.

(3) The plan-making authority must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.

Response – In the interest of transparency, the Strategic Environmental Assessment (SEA) Screening Report (February 2018) and Addendum (December 2018) and this Addendum 2 will be publicly consulted as part of the formal “Regulation 16” Consultation on the Linby Neighbourhood Plan between 11th January and 22nd February 2019. This consultation is open to the general public and will be publicised as such.

(4) In the light of the conclusions of the assessment, and subject to regulation 107, the plan-making authority must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

Response – In relation to regulation 107 this does not apply as Gedling Borough Council is satisfied, in consultation with Natural England, that the Linby Neighbourhood Plan has no likely significant effect on sites applicable to HRA. The Strategic Environmental Assessment (SEA) Screening Report (February 2018) and Addendum (December 2018) and this Addendum 2 will be a consideration for the independent examiner whose role it is to recommend whether or not the neighbourhood plan has met the legal requirements and should proceed to referendum. It is the role of Gedling Borough Council to decide whether or not the plan does proceed to referendum and only following approval at referendum does a neighbourhood plan take effect. Gedling Borough Council will therefore ascertain the effect on European sites prior to the plan taking effect.

(5) A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge by the appropriate authority of its obligations under this Chapter.

Response – This Addendum 2 is prepared and will be publicly consulted as part of the formal “Regulation 16” Consultation on the Linby Neighbourhood Plan to ensure transparency and that information is available.

(6) This regulation does not apply in relation to a site which is—

(a) a European site by reason of regulation 8(1)(c), or

(b) a European offshore marine site by reason of regulation 18(c) of the Offshore Marine Conservation Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).

Response – This Addendum 2 is prepared and will be publicly consulted as part of the formal “Regulation 16” Consultation on the Linby Neighbourhood Plan to ensure transparency and that information is available.

3. Consultation

This document will form part of the formal “Regulation 16” Consultation on the Linby Neighbourhood Plan between 11th January and 22nd February 2019. Comments received will be considered by Gedling Borough Council and then forwarded to the independent examiner for his consideration.