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Our Ref: PINS/B5480/429/9

Date: 26 June 2018

Dear Mr Thomas

**EXAMINATION INTO THE SOUNDNESS OF LONDON BOROUGH OF
HAVERING LOCAL PLAN**

**CONSIDERATION OF AVOIDANCE AND REDUCTION MEASURES IN
HABITATS REGULATIONS ASSESSMENT (HRA):**

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

The Council may be aware of the recent judgement of the Court of Justice of the European Union, which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures 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.

With this in mind, the Council should review the submitted HRA and confirm the extent to which it considers the report to be legally compliant. In order to confirm this, the Council should re-visit the screening assessment. If this concludes that an AA is required this should be carried out together with the necessary consultation. If an AA is required, the Council should consider whether any main modifications will be required to the Plan following the AA.

I would be grateful if the Council could advise me of the timescales for undertaking this additional work.

Yours sincerely

Susan Heywood

Susan Heywood
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INSPECTOR