

Committee: LDF Working Group

Agenda Item

Date: 14th June 2013

6

Title: Habitats Regulation Assessment

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Summary

1. An Appropriate Assessment is carried out to make sure that sites which are important for biodiversity at a European level are protected and will not be damaged by proposals contained in a Local Plan.

Recommendations

2. To note the Habitats Regulation Assessment 2013 for the Draft Local Plan.

Financial Implications

3. None.

Background Papers

4. There are no background papers.

Impact

- 5.

Communication/Consultation	N/A
Community Safety	N/A
Equalities	N/A
Health and Safety	N/A
Human Rights/Legal Implications	N/A
Sustainability	N/A
Ward-specific impacts	All
Workforce/Workplace	N/A

Situation

6. An Appropriate Assessment is carried out to make sure that sites which are important for biodiversity at a European level are protected and will not be damaged by proposals contained in a Local Plan.
7. The requirement for Appropriate Assessments of plans or projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ('Habitats Directive'). The Conservation of Habitats and Species Regulations 2012 transpose the requirements of the European Birds and Habitats Directives into UK legislation.
8. The Council last completed an Appropriate Assessment in 2007 for the Core Strategy Preferred Options document. Since then the Council's strategy and Local Plan has changed, therefore a review of the Appropriate Assessment is needed.
9. An Appropriate Assessment has been carried out for Uttlesford's Draft Local Plan to assess if the plan will have a negative effect on any of the identified European sites. It is a statutory requirement to consult Natural England and have regard to any comments they make. Natural England were asked to comment on Uttlesford Habitats Regulation Assessment and they confirmed that the assessment has been carried out in line with appropriate legislation and agree with the report's conclusions that the Local Plan would not be likely to have a significant effect on a European Site either alone or in combination with other plans or projects, and no further assessment work is required.
10. Once the group notes and supports the updated Appropriate Assessment it will be made available on the Council's website and will become part of the evidence base. There is no legal requirement to go out on further consultation.
11. The Habitats Regulation Assessment is attached in full along with Natural England's consultation response.

12. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
If the Council does not have an up-to-date AA the Local Plan will be found 'un sound' at examination.	Low	The Council does not have an updated AA and therefore does not meet the current regulations.	Note and support the updated AA.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.