

## **VALE OF AYLESBURY LOCAL PLAN EXAMINATION**

**Inspector: Paul Clark BA MA MRTPI**

### **Inspector's Questions to the Council:**

#### **Q108**

Q108 Following the recent judgement in the Court of Justice of the European Union (*People over wind, Peter Sweetman v Coillte Teoranta*) (Case C-323/17) I have revisited my examination of the Council's Habitats Regulations Appraisal Report (the HRA) by Land [Use.co.uk](http://Use.co.uk) and the subsequent HRA of potential changes to VALP.

I note that paragraph 5.22 of the former document notes that policies NE1, NE2 and I1 specifically outline the amount of and distance to sufficient green space and thus have the potential to offset recreational impacts to the two SACs which are of concern to the HRA and that policy I1 is particularly prescriptive for the provision of natural green spaces. Paragraph 5.23 goes on to conclude that "In the light of the small scale of proposed development within 5km of the Ashridge Estate, together with the predictive policies and proposals for green infrastructure and open space provided within the plan, no likely significant effect on Chilterns Beechwoods SAC is predicted."

I note that the particular prescription of policy I1 which was included in the version of the plan the subject of the HRA report is not carried through to the submitted plan but, in any event, it appears that reliance on the mitigation effects of policies NE1 and NE2 falls foul of the EU Court of Justice decision. I must therefore ask the Council to revisit the HRA report and its screening assessment and to consider the extent to which it complies with the judgment. If the revised screening assessment concludes that an Appropriate Assessment (AA) is required, this should be carried out.

The Council will also need to consider whether any main modifications would be necessary consequent on any AA, in particular whether the particular prescriptions of the previous version of policy I1 should be reintroduced.

The Council is reminded that further consultation may be required on any revised screening assessment of AA.

21.5.18