

AMBER VALLEY BOROUGH LOCAL PLAN
EXAMINATION HEARINGS
HEARING POSITION STATEMENT
ON BEHALF OF AMBER VALLEY BOROUGH COUNCIL

Matter 1 – Legal Compliance, including the Duty to Co-operate

e. Habitats Regulations Assessment [ED03]

i) *Is the Plan legally compliant with respect to the Habitat Regulations and any requirement for appropriate assessment?*

1. It is considered that the Plan is legally compliant in respect to the Habitat Regulations. A Habitat Regulations Screening Assessment [ED03] has been undertaken by the Council. This was subject to appropriate consultation with Natural England and other appropriate stakeholders and interested parties during the Plan preparation process. This Screening Assessment reviewed the likely effects of the Plan, alone and in combination with other Plans on 'European Sites' and concluded that the Local Plan would be unlikely to have any significant effects on protected sites given the scale, nature and location of development proposed. On this basis the need for an appropriate assessment of the Local Plan has been ruled out. Natural England have confirmed that the report published by the Authority 'demonstrates that a comprehensive screening exercise has been carried out using appropriate methodology. The European sites which could be affected by the plan have been identified and the conservation objectives of each feature of the sites have been reviewed. The potential changes that the policies in the local plan may cause have been appraised both alone and in combination with other plans and projects. Natural England therefore agrees with the conclusion of the screening report that local plan policies will not lead to likely significant effects and no further assessment would be required'.

2. The effects of the Plan in respect of European sites will continue to be assessed prior to adoption and the need to undertake further assessment work kept under review.