

## Warfield NP Examination

### Habitat Regulations Assessment (HRA)

#### Proposed WNP Submission Plan Modification 1

WPC propose that Paragraphs 1.9 – 1.12 of the Submission Plan are updated as follows to bring them up to date with the conclusions of the HRA Feb 2021.

- 1.9 WPC requested a screening opinion from BFC in respect of the need to prepare a Strategic Environment Assessment (SEA). The SEA Screening Report (October 2016) concluded that the contents of the Plan were likely to lead to significant environmental effects and hence a SEA would be required. ~~1.12.~~ The Sustainability Appraisal (SA) / SEA Scoping Report has been consulted upon and a draft SA/SEA report was published alongside the Pre-Submission Plan for consultation. A final SA/SEA is published alongside this Submission Plan for examination in order to assess how the plan “contributes to the achievement of sustainable development”, one of the ‘basic conditions’ of the 1990 Act and therefore a requirement of the WNP.
- 1.10. The Habitat Regulations Assessment Screening Report originally prepared by BFC in October 2016 concluded that significant effects are unlikely to occur to the integrity of the European designated sites within and around Bracknell Forest area due to the implementation of the WNP. ~~As such there is no requirement for an Appropriate Assessment of the WNP.~~
- 1.11. The screening decision was reliant on then common practice ~~in terms of mitigating the plans effects on European Designated sites the Thames Basin Heath Special Protection Area any net gain in residential development that takes place within the Neighbourhood Area will be required to~~ by complying with the retained Policy NRM6 of the South-East Plan and policy CS14 of the Core Strategy and related guidance. ~~The wording in the relevant policies of the WNP reflects these higher tier policies. However, in April 2018 the ‘People Over Wind’ European Court of Justice (ECJ) ruling determined that ‘mitigation’ (i.e. measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on European sites) should not be taken into account when forming a view on ‘Likely Significant Effects’. Mitigation should instead only be considered at the Appropriate Assessment stage.~~

1.12 As a result, the Parish Council was required to demonstrate how it meets its obligations under the Conservation of Habitats and Species Regulations 2017 (as amended). The scope of work was agreed with BFC and a technical report was prepared by consultants AECOM on behalf of the Parish Council and submitted to the examination in Feb 2021. The Report confirmed there are no adverse effects of the Neighbourhood Plan policies in relation to the Thames Basin Heath SPA, the Thursley, Ash, Pirbright and Chobham SAC and the Windsor Forest and Great Park SAC. BFC will use the relevant information from the Report so that it may carry out its Appropriate Assessment obligations as the 'competent authority' as required by paragraph 106(1) of the Regulations.