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# Habitats Regulations Assessment of the Borough of Oadby and Wigston Local Plan: Response to Inspector's note

Prepared by LUC  
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**Project Title:** Habitats Regulations Assessment of the Borough of Oadby and Wigston Local Plan

**Client:** Oadby and Wigston Borough Council

Version	Date	Version Details	Prepared by	Checked by	Approved by
1.0	8/8/2018	Final for submission to Inspector	Sarah Smith	Helen Kent	Helen Kent

# 1 Response to Inspector's note

- 1.1 This note relates to the Habitat Regulation Assessment Report that was prepared for the Borough of Oadby and Wigston Local Plan, dated November 2017 (the HRA), which was submitted alongside the Local Plan –Submission Consultation Document that was submitted for Examination to the Planning Inspectorate in January 2018. At the time of preparing the HRA, the assessment was undertaken in line with best practice, including with regards to the 'Dilly Lane' case (*R on the application of Hart DC) v Secretary of State for Communities and Local Government* [2008]), which concluded that mitigation measures that were part of the plan or project could be taken into account at the screening stage of HRA. However, the recent People over Wind judgement opposes this in stating that mitigation should not be taken into account at the screening stage of HRA.
- 1.2 The HRA identified recreation pressure at Rutland Water SPA and Ramsar site as a potential issue. However, this was discounted at the screening stage due to the following reasons:
  - The Local Plan includes provision of new green space and recreational activities and policies protecting biodiversity.
  - The distance between Oadby and Wigston means that residents are unlikely to visit regularly.
  - There are existing access management arrangements at Rutland Water.
- 1.3 The HRA therefore concluded that the Borough of Oadby and Wigston Local Plan is unlikely to lead to significant effects on any European sites, including Rutland Water SPA and Ramsar site.
- 1.4 LUC consider that the HRA that had been prepared is not compliant with the recent People over Wind judgement, because it takes mitigation measures into account at the screening stage. Such mitigation measures include plan policies promoting provision of recreational and green space and existing access management arrangements at the site.
- 1.5 However, LUC consider that this will be straightforward to remedy, as the conclusions of the HRA are not expected to change. The current HRA Report includes two stages of screening. The 'Screening assumptions' presented in Chapter 3 (paragraph 3.12 onwards) encompass what should now be considered the entirety of the screening stage in line with the People over Wind case. The further detail discussed in Chapter 4 (HRA Screening Assessment of the Oadby and Wigston Pre-Submission Local Plan) discusses the information that should be considered in the Appropriate Assessment in line with the People over Wind case.
- 1.6 Taking account of the above, LUC will be revising the HRA. Due to the remedy being straightforward it is expected that the revised HRA will be finalised prior to the end of August 2018.

LUC

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