



West Winch Housing Access Road

Habitats Regulations Assessment: Appendix 2 – CJEU Rulings

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Contents

1	CJEU Rulings.....	3
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1 CJEU Rulings

Domestic Judgments and Judgments from the Court of Justice of the European Union (CJEU) A number of CJEU rulings are relevant to the HRA screening and AA exercises and these are noted below.

Kokott Ruling

In the Opinion of Advocate General Kokott in Case C-6/04 Commission v UK [2005] ECR I-9017 at paragraph 49 she noted that an assessment of plans cannot by definition take into account all effects because

“Many details are regularly not settled until the time of the final permission” and “[i]t would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure”.