

## INDEPENDENT EXAMINATION OF HATFIELD PEVEREL NEIGHBOURHOOD PLAN

EXAMINER: MARY O'ROURKE BA (Hons) DipTP MRTPI

Lisa Miller  
Hatfield Peverel Parish Council

Alan Massow  
Braintree District Council

Examination Ref: 03/MOR/HPNP

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26 March 2017

Dear Mr Massow and Ms Miller

### **Examination of the Hatfield Peverel Neighbourhood Development Plan 2015 -2033**

I refer to my letters to you of 4 and 20 September 2017, subsequent emails requesting updates on action and the most recent email dated 20 March 2018 from Alan Massow of Braintree District Council (DC). The latter provided me with electronic versions of the Habitats Regulations Assessment (HRA) Screening Report December 2017, the Strategic Environmental Assessment (SEA) Screening Report February 2018 and the SEA Scoping and Environmental Report March 2018, as well as correspondence from Natural England (NE) dated 25 January and 7 February 2018.

I agree with the conclusion of the SEA Report, that it requires consultation with the three statutory consultees. In doing so, I advise that Braintree DC should also engage in a wider consultation similar in length and scope to the Regulation 16 consultation, and to specifically include those who made representations on that statutory consultation.

Both the HRA Screening Report and the NE correspondence conclude on the need for amendments to be made to the HRA Report and to the draft Neighbourhood Plan if there is to be a conclusion of no likely significant effect either alone or in combination with other plans or projects.

In respect of air quality, I note that policy FI1 (Transport and Infrastructure) as set out in the SEA has been redrafted to include a new paragraph requiring that proposals for all new development prevent unacceptable risks from emissions and all forms of pollution and that applications are supported by relevant assessments and where necessary include preventative measures. In respect of habitat protection and mitigation measures, policy HO1 (Design of New Developments) has been redrafted in line with NE's recommendation, so as to require any residential development proposals to be subject to project level HRA.

I would appreciate confirmation from the qualifying body as to whether it is proposing to make these amendments to the Neighbourhood Plan. If so, Braintree DC should arrange for the amended Neighbourhood Plan to be consulted on in the same way as set out above and the consultation should explicitly refer to the amendments that are being proposed to the Neighbourhood Plan

policies F11 and HO1, so as to avoid there being a likely significant effect on a protected Natura 2000 site.

There is one final matter on which I seek further clarification. In its letter of 25 January 2018, NE had also recommended an amendment to policy HO6 (Allocation of the former Arla site) to include the mitigation measures required for the planning application. I would be grateful if the qualifying body would advise me as to whether it is also proposing to make this amendment to policy HO6, and if so, any impact on the conclusions of the SEA. And if not, clarification is required as to whether the NE's conclusion of no likely significant effects would still stand.

Once in receipt of any consultation responses, and clarification from NE and the qualifying body's intentions in respect of policy HO6, I anticipate being in a position to proceed with my examination of the Neighbourhood Plan. Prior to this, I would appreciate confirmation of the commencement of the consultations referred to above.

In the interests of transparency, may I ask that the local authority and qualifying body ensure a copy of this letter and any respective responses are placed on the relevant council websites.

Thank you in advance for your assistance.

Your sincerely

*Mary O'Rourke*

Examiner