

## INDEPENDENT EXAMINATION OF HATFIELD PEVEREL NEIGHBOURHOOD PLAN

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

Lisa Miller  
Hatfield Peverel Parish Council

Examination Ref: 01/MOR/HPNP

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5 September 2017

Dear Ms Miller

### **Request for further information – Hatfield Peverel Neighbourhood Development Plan (HPNDP)**

I am in the initial stages of preparation of the HPNDP and must draw the attention of the Hatfield Peverel Parish Council and Braintree District Council to two important matters about which I have serious concerns in respect of the progress of the examination and the HPNDP meeting the statutory 'Basic Conditions'.

The 'Basic Conditions' are set out in paragraph 8(2) of Schedule 4B of the 1990 Town and Country Planning Act (as amended). They include that the Neighbourhood Development Plan must contribute to the achievement of sustainable development and be compatible with and not breach European Union obligations. A further Basic Condition prescribed at Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires that the Neighbourhood Development Plan should not have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012), either alone or in combination with other plans or projects.

In respect of Strategic Environmental Assessment (SEA), a Screening Report was prepared in June 2016 for the draft HPNDP which concluded that 'the content of the HPNDP can be screened out for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.' This conclusion was because 'it is considered that the Plan would not have a significant effect on the environment in so far as it does not allocate land for development.' The submitted HPNDP proposes the allocation of the former Arla site for redevelopment (policy HO6). I note that the Basic Conditions Statement concludes that the revisions to the HPNDP do not alter the conclusions of the screening report. It is unclear as to the basis for reaching that conclusion in the absence of a new screening report to determine whether a full SEA is necessary to assess the suitability of the site against all reasonable alternatives. On page 63 of the HPNDP, there is reference to the Hatfield Peverel Site Assessment (2017), which I have been unable to find on either the Parish Council or District Council websites, and the map on page 55 shows alternative housing sites but the HPNDP gives no other information as to their unsuitability. I consider that if the Basic Conditions are to be met, it is first necessary to revisit the SEA to deal with the issue of alternative sites, their sustainability and why the HO6 allocation has been made, and the effects of that allocation on the environment.

In respect of the latter point, I have no doubt that you will be aware of Natural England's comments on the HO6 allocation and its advice that there needs to be a Habitats Regulations Assessment (HRA) screening of the HPNDP to present evidence to determine whether there was the likelihood of significant effects alone or in combination with other plans and projects, and to propose mitigation if effects are likely. Given that the Appropriate Assessment of the Part 2 Braintree Local Plan has already concluded that potential in-combination effects on the Blackwater Estuary and Colne Estuaries Special Protection Areas from increased recreational pressure cannot be ruled out, in the absence of any specific mitigation in the HPNDP or any mechanism for delivery, I cannot see how a conclusion of no likely significant effect could be reached for the HPNDP.

Thus, as it stands, it appears to me that I would have to conclude that the HPNDP fails to meet the Basic Conditions on both HRA and SEA grounds.

In order to progress the examination, I suggest that the Parish Council should, in conjunction with the District Council, revisit the SEA including the assessment of alternatives, to justify the Plan's allocations, and discuss with Natural England a HRA screening of the HPNDP and if significant effects, either alone or in combination, are likely, to consider what mitigation would be needed and how it would be brought forward through the HPNDP. This may be best consolidated through a fully justified Sustainability Appraisal (SA), albeit I recognise production of a SA is not a legal requirement. You may find it helpful to revisit the advice in the Planning Practice Guidance, paragraph reference ID: 11-026-20140306 onwards.

There will be a need to carry out full consultation on this new evidence. I would be grateful for early receipt, ideally within the next 3 weeks, of a proposed timetable for undertaking this work, detailing the necessary steps.

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