

INDEPENDENT EXAMINATION OF HATFIELD PEVEREL NEIGHBOURHOOD PLAN

EXAMINER: Mary O'Rourke BA (Hons) DipTP MRTPI

Alan Massow
Braintree District Council

Sarah Gaeta
Clerk to Hatfield Peverel Parish Council

Diane Wallace
Executive Committee Member

Examination Ref: 08/MOR/HPNP

02 April 2019

Dear Mr Massow, Ms Gaeta and Ms Wallace

HATFIELD PEVEREL NEIGHBOURHOOD PLAN EXAMINATION

I refer to the latest consultation exercise on the Hatfield Peverel Neighbourhood Development Plan (HPNDP), including on the Post Submission Further Changes February 2019. This letter is in response to the questions in Braintree District Council's (BDC) email of 27 March 2019, which sought clarification on the timescale, form of the examination and the need for any further work.

Commencement of the examination

Given my current work commitments, I anticipate that I will not be able to start work on examining the Plan until towards the end of April. Nearer the time, I will write again giving information about my site visit.

Based on commencing the work towards the end of April, I would normally anticipate a timeframe of 4-6 weeks to deliver the draft report (for 'fact checking') from that juncture. However, as I already have a number of questions, and will be likely to have more as the examination progresses, I must provide you with sufficient opportunity to reply. Consequentially, it is most probable that the examination timetable will be extended. Please be assured that I will seek to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated start date and the delivery date of the draft report.

Examination documentation

I have not as yet received a complete submission of the draft Plan Post Submission Further Changes and the accompanying documentation. However, I have looked at the documents online and at the representations made.

In respect of those representations, I have noted the legal opinion provided as part of the submissions made by Gladman Developments Ltd. I set out below 3 matters arising from that on which I seek more information from BDC and the Qualifying Body. However, at this time I do not anticipate that there will a need for any additional formal consultation to take place.

1. The first is that there does not appear to have been a response from Natural England (NE) to the latest consultation round. Would BDC please confirm if that is the case? If so, would

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you please provide me with the most recent response to you from NE in respect of its view on the need or otherwise for an Appropriate Assessment of the HPNDP. I would further ask BDC to formally request NE's view on the legal opinion submitted by Gladman Developments Ltd.

2. The second is that I have not seen any assessment by BDC of the submitted HPNDP, both in respect of the Plan itself and of the submitted SEA and HRA Screening Report January 2019. I would appreciate having both for the purposes of the examination.
3. Thirdly, as part of the examination it would be helpful for me to have written responses from the Qualifying Body and BDC to the matters raised in the consultation representations, and particularly to the legal opinion attached to that from Gladman.

Written Representations

In respect of the question about the form of the examination, advice in the March 2018 publication 'Guidance to service users and examiners' is that neighbourhood plan examinations should generally be conducted by way of written representations. However, hearings may be necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put their case.¹ At this stage, and of course depending on what I receive by way of written responses to my questions, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary.²

Questions

In addition to the three matters set out above, I have a number of initial questions on which I seek further clarification, and which I have set out in the Annex to this letter. I would be grateful if you can seek to provide all written responses **3 weeks** from the date of this letter.

If there are any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and all respective responses, are placed on the local authority and Qualifying Body's websites.

Thank you in advance for your assistance.

Your sincerely

Mary O'Rourke

Examiner

¹ See Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). View the guidance at <http://www.intelligentplans.co.uk/news?aid=14282>

² It should be noted that the addition of a hearing session would have a further, direct impact on the examination timetabling, given a reasonable period of notice (typically 3-4 weeks) should be provided.

Hatfield Peverel Neighbourhood Development Plan

Annex: Initial questions

From my initial reading of the Hatfield Peverel Neighbourhood Plan and the supporting evidence, I have the following questions and requests for the Qualifying Body and BDC in relation to the Plan.

1. (to BDC) Please provide a note on the extant development plan and on progress and the current position on the emerging development plan.
2. (to BDC and the Qualifying Body) I understand that a number of applications for housing development have been made in the parish and the immediate area, of which some, if not all, have been the subject of call-in inquiries and are awaiting decision by the Secretary of State. It would assist me to have a plan showing all proposed development sites with a schedule setting out their current status and relevant details (address, application number(s), any decisions made).
3. (to BDC) Please confirm that I can rely on Appendices 2 and 3 of the HRA Screening Report December 2017 for the map showing the Natura 2000 sites and their qualifying features and conservation objectives.