

Full Council Meeting – 28 September 2017

Agenda Item – CC1773/17

Neighbourhood Plan

Introduction

This paper reports the progress of the Neighbourhood Plan since it was last discussed at Council and seeks the Council's endorsement of the proposed way ahead.

Discussion

At the Council meeting in December 2016 it was resolved:

- *that the Neighbourhood Plan and associated documents* be approved for submission to TRDC subject to any necessary corrections or minor amendments and that authority to approve such corrections and amendments be delegated to the Working Party and the Clerk as Proper Officer.*

[the Appendices, the "basic conditions" statement and the "consultation" statement]*

At the Annual Parish Meeting on 29 April 2017 it was reported that the Plan had been formally submitted to Three Rivers District Council, which would carry out a public consultation and submit the plan and the comments to an Independent Examiner for review. Croxley Green was the first Parish Council in the district to have submitted a Neighbourhood Plan for scrutiny.

At the Council meeting on 27 July Cllr Mitchell explained that TRDC had received over 70 comments during their consultation period and that the external Independent Examiner currently had the plan and the consultation comments to review.

At the P&D committee meeting on 5 September the Clerk informed members that, following a letter received from the Independent Examiner of the plan, Ann Skippers, Croxley Green Parish Council would have to temporarily suspend the examination process.

This is because two matters, a Habitats Regulation Assessment (HRA) and a Strategic Environmental Assessment (SEA) must be carried out to meet the basic conditions. TRDC had offered assistance in the undertaking of these assessments. It was unlikely that the examination process would recommence before January 2018.

For information the Annex attached to this paper summarises the progress of the Neighbourhood Plan and the proposed way ahead in more detail.

Recommendations

- That the Parish Council progresses the two assessments (SEA & HRA) for submission to TRDC and the Independent Examiner.
- That the authority to approve the assessments be delegated to the chair of the Working Party (Cllr Mitchell) and the Clerk as Proper Officer.

Cllr Chris Mitchell
Cllr Andrew Gallagher
20 September 2017

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Annex: Neighbourhood Plan Progress Report

Initial submission

The set of four documents (Plan, Appendices, Consultation Statement and Basic Conditions Statement) was submitted to TRDC on 24 January 2017 for Regulation 16 Consultation and Independent Examination of the Plan. After submitting the documents some minor errors were observed in the Consultation Statement and a revised version was submitted on 26 January 2017.

After the formal submission additional comments were received from:

- Hertfordshire County Council (Hertfordshire Property) dated 13 February 2017
- Education Funding Agency (Department for Education) dated 16 February 2017
- TRDC (Economic & Sustainable Development Department) dated 7 March 2017

In order to fully respond to these additional comments the Parish Council temporarily withdrew the submitted Plan and associated documents (letter dated 15 March 2017), so that the comments could be considered and the Plan and associated documents could be amended (where necessary).

Following the letter dated 15 March 2017 the Parish Council reviewed the Neighbourhood Plan and Consultation Statement and submitted revised versions of both documents (dated 31st March 2017) to TRDC on 6 April 2017. The other documents previously submitted remained unchanged.

TRDC public consultation

TRDC carried out the public consultation required under Regulation 16 of the Neighbourhood Planning Regulations between 21 April and 2 June 2017.

In response to a request from CGPC, TRDC provided a tabular listing of the comments to CGPC on 28 July 2017.

In total there were 77 separate responses, including a short statement from TRDC:

“The Council considers the Croxley Green Neighbourhood Plan to fail to meet the Basic Conditions and supports the recommendations made in the POSe Ltd ‘healthcheck’. A number of the issues raised in the POSe Ltd report were resolved in the final submission version of the plan, however there are still several outstanding issues. The Council would also like to raise concerns about overly prescriptive policies relating to allocated sites in our adopted Local Development Plan, with particular concern relating to the Croxley Danes School site.”

A number commented on the proposed Policy PRO2. In particular:

1. Danes Educational Trust (comment numbered 4)
2. Education Funding Agency (comment numbered 47)
3. Hertfordshire County Council Property (comment numbered 50)
4. Fifty eight residents, mostly declaring themselves as parents of prospective pupils, apparently inspired by the Danes Educational Trust (comments numbered 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 48, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 67, 69, 71, 72, 75 & 76)

In addition there were substantive (and in some cases extensive) comments from:

5. Herts & Middlesex Wildlife Trust (comment numbered 1)
6. Three Rivers Museum (comment numbered 2)
7. Highways England (comment numbered 3)
8. Transport for London Planning (comment numbered 15)
9. Hertfordshire County Council Public Health (comment numbered 42)
10. Historic England (comment numbered 45)
11. Hertfordshire County Council Libraries & Heritage (comment numbered 49)
12. Hertfordshire County Council Highways Operations & Strategy (comment numbered 54)
13. Frankland Road Allotments Association (comment numbered 62)
14. Canal & River Trust (comment numbered 66)
15. Hertfordshire County Council Minerals & Waste (comment numbered 68)
16. Gladman Developments Limited (comment numbered 70)
17. Bidwells (on behalf of a client) (comment numbered 73)
18. Transport for London Properties (comment numbered 74)

Some of these were supportive, others raised issues for further consideration or objections to specific points.

Independent Examination

TRDC submitted the Neighbourhood Plan for Independent Examination by Ann Skippers Planning on 3 July 2017. TRDC also provided a table of the responses to the public consultation (as above) including the comment at 77 (as above).

At the request of the Independent Examiner TRDC provided a more detailed statement of their concerns (as above) in an e-mail dated 26 July 2017.

On 30 July the Independent Examiner reported that she was making good progress with the examination. However, a number of queries of a factual nature or matters which required further clarification or information had arisen during her review. She asked both Councils [TRDC and CGPC] as appropriate to respond to her queries which were detailed in an attachment. In addition an issue had arisen with both SEA and HRA that, she considered, would require further work to be undertaken.

On inspection CGPC identified that the concerns expressed by TRDC related to the original version of the CGNP submitted 24 January 2017 and not to the revised version submitted 6 April 2017 (dated 31 March 2017) which had addressed the concerns expressed in the second report from POSe Ltd / S Tapper (described in section 5 of the revised Consultation Statement). CGPC advised TRDC which issued a revised detailed statement of the concerns in an e-mail dated 14 August 2017.

On 15 August the CGPC replied to the Internal Examiner about the questions raised by the Independent Examiner, including the SEA and the HRA.

On 29 August the CGPC replied to the Internal Examiner about the revised comments from TRDC and the concerns raised by consultees about the proposed policies for the Croxley Danes School site.

On 30 August TRDC wrote to the Independent Examiner concluding:

"....we are not satisfied the SEA Screening requirements have been carried out in accordance with Regulation 9 and Regulation 11 of the Environmental Assessment of Plans and Programmes Regulations 2004. With regards to the Habitats Regulation Assessment (HRA) screening, we have offered to undertake this piece of work and should you determine that further work is required on the SEA, we will endeavour to assist the Parish Council as best we can."

On 4 September the Internal Examiner wrote at length to TRDC setting out her specific concerns that the requirements for an SEA and an HRA had not been met and suggesting that her examination of the Plan be suspended until these two deficiencies were remedied.

On 6 September CGPC wrote to the Internal Examiner including:

"We are very grateful for your helpful comments and it is therefore the wish of this Council to suspend the examination whilst the requisite SEA and HRA work is undertaken. In this context I will be discussing with Claire how best to take this forward.

You asked for some idea of timing and an indicative time line is below:

- *September 2017 – determine the path ahead;*
- *October 2017 – draft documentation;*
- *November 2017 – consultation with the statutory consultees;*
- *December 2017 – responses/review responses.*

You will see therefore that continuance of the NP examination from your point of view would not be before at least January 2018."

Since 6 September we have been trying to arrange a meeting to discuss with TRDC how they might assist the CGPC complete the SEA and HRA, so far without success.

In parallel we have been gathering the information required for an SEA determination and an HRA initial screening and assembling the information into an Environmental Report.

Next steps

The intention is to:

1. complete the information gathering and report preparation, as far as possible,
2. secure a meeting with TRDC to obtain their assistance as soon as possible,
3. submit a draft SEA determination and HRA initial screening to the Independent Examiner to ensure that it will satisfy her expectations,
4. submit the SEA determination to the statutory consultees (Natural England, Historic England and the Environment Agency) and secure their agreement that the requirements have been met,
5. submit the SEA and HRA results to TRDC for transmission to the Internal Examiner and
6. resume the independent examination of the Plan as soon as possible.

As part of that process we would intend to make draft documents available to all Councillors for their information and comments but without seeking further discussion at a full Council Meeting.

Cllr Chris Mitchell (Chair of Neighbourhood Plan Working Party)
Cllr Andrew Gallagher
20 September 2017.