

Report to Plaistow and Ifold Parish Council Meeting 07 July 2021

Update on the Neighbourhood Plan

Examination.

The additional HRA on our neighbourhood plan, triggered by Natural England's concern over the accumulative impact on fresh water supplies in the North Sussex area from extraction at Hardham Pulborough and the potential adverse impact on the sensitive Arun Valley SPA, SAC and Ramsar, has been completed by CDC in June 2021. The HRA concludes that there is likely to be a cumulative adverse impact and it recommends measures to control water consumption on new housing, as proposed by Natural England, to 90 l per person per day and rainwater harvesting and grey water recycling to mitigate the adverse impact, ie water neutral development.

Janet Cheesley, the appointed Examiner, has now seen the HRA and re-opened her examination. In an 'open letter' (08-07-21) she states that Neighbourhood Plans are prohibited (by a Ministerial decision) from making local technical requirements on new housing. Therefore our NP can not meet the requirements of the HRA and so can not meet the Basic Conditions test and so she can not recommend the Plan goes forward to Referendum.

The Examiner has offered either that we withdraw the Plan or carry on and she completes her report to conclude the Plan can not go forward to Referendum.

The Steering Group has sought advice from Locality (C.Govt body supporting Neighbourhood Planning) for professional advice on this matter. Locality have advised that the Parish Council obtains further Grant assistance for professional advice from AECOM. AECOM have stated that they would provide *'support to explore and identify any policy wording mechanism that could be included in the Neighbourhood Development Plan so as to enable a conclusion of no adverse effect on integrity to be drawn for the plan, while also ensuring European sites are protected. This could, for example, involve the addition of policy text that made support for any allocated sites contingent on water neutrality matters being resolved by the applicant prior to any planning application being consented. Such an approach would enable the Neighbourhood Plan to be adopted without making it dependent on CDC first adopting their Local Plan, while also ensuring that planning applications (whether allocated sites or not) are not consented until water neutrality issues are resolved and the European site is thus protected. There is a precedent for such an approach regarding nutrient neutrality, where it is not uncommon for protective policies to include in the Neighbourhood Plan before mitigation solutions have been identified for allocated sites.'*

Locality also advise that, in conjunction with CDC, the Parish Council advises the Examiner that we want to suspend the Examination to allow time to determine whether there is an alternative course of action open to the Parish Council.

In addition CDC have informed the Parish Council that they are seeking their own legal advise for the wider implications of the Examiners letter and are willing to share this with the Parish Council.

Accordingly the Steering Group recommend that :

- 1) The Parish Council in conjunction with CDC request a suspension of the Examination to allow time for the PC to obtain further professional planning advise on the HRA findings and to allow CDC to obtain further legal advise.
- 2) To apply for grant aid and instruct AECOM to review the HRA findings and to hopefully identify policy wording we can include in our Neighbourhood plan to meet the need for water neutrality in new development and thereby meet the Basic condition test.
- 3) To advise CDC that the Parish Council would welcome the opportunity to see the legal advice CDC are obtaining on the Examiners letter.

Steering Group Meeting

The Steering Group met on 13 July to discuss the above and to formulate the above recommendation.

VDS

CDC have advised that due to work load they will not be able to move to adopt the VDS until later this year or next year. This situation has been re confirmed again in the last month by CDC. CDC should inform the Examiner and references to the VDS in the NP will need to remain as given 'emerging VDS'.

Sara Burrell

Chair Neighbourhood Plan Steering Group