

Redington Froggnal Neighbourhood Plan examination

Examiner's questions for Council and Forum, 25th November 2020

Question 1

Were Natural England and Environment Agency consulted on the conclusions of the Habitats Regulations Assessment and is a copy of their response available? Their views on the conclusions of the HRA are material to my examination.

We note the Forum has responded on the question about Habitats Regulations Assessment (HRA) in its email of 26 November 2020. Further information is set out below.

The Council screened the Neighbourhood Plan in December 2019 to establish the effect of the Plan's policies on European designated (Natura 2000) sites. This builds upon the previous HRA assessment to establish the effects of the (then emerging) Camden Local Plan's policies on these sites. This Borough wide assessment found the Local Plan's policies were unlikely to have a significant effect or adverse impact on the European sites. The Redington Froggnal Neighbourhood Plan adds further detailed plan policies for a sub-area of Camden; importantly, it does not propose development additional to that already tested at the borough wide scale. There are no site allocations in the Neighbourhood Plan.

The Council wrote to Natural England on 20 December 2019 to invite their views on our draft HRA Screening assessment for the Redington Froggnal NP. The National Planning Practice Guidance advises that a competent authority (i.e. the Council) must have regard to any representations that Natural England wish to make within a reasonable time (Paragraph 002 Reference ID: 65-002-20190722) and paragraph 102 of the Conservation of Habitats and Species Regulations 2017 (as amended) confirms Natural England's role in advising on Appropriate Assessments. Natural England responded to the Council on 20 January 2020 to confirm that they agreed with the conclusions set out in our Screening assessment and that no further work would be necessary: the letter from NE accompanies this correspondence. We received a further letter from Natural England on 28 July 2020 responding to the publication of the submission draft NP stating that the Plan does not pose "any likely risk or opportunity in relation to our statutory purpose".

The Environment Agency does not have a statutory duty to advise on Habitats Regulations Assessment. The Council and Neighbourhood Forum have however engaged with the Environment Agency throughout the preparation of the Redington Froggnal Neighbourhood Plan. Although they did not respond to the Submission draft consultation, they did comment on 11 December 2019 in relation to the Council's Strategic Environmental Assessment Screening Opinion. They said: "Based on a review of environmental constraints for which we are a statutory consultee, there are no areas of fluvial flood risk or watercourses within the neighbourhood plan area. Therefore we do not consider there to be potential significant environmental effects relating to these environmental constraints or other environmental sensitivities of interest to us". This correspondence is provided.

Question 2

Does Camden Council consider the Plan to be "in general conformity with the strategic policies of the development plan"?

The Council considers the Redington Froggnal Neighbourhood Plan is in general conformity with the strategic policies in the Camden Local Plan. The Neighbourhood Plan provides more detailed policies than the Camden Local Plan on certain matters, such as home

extensions, heritage and biodiversity, reflecting the characteristics of the locality and the community's expressed priorities. The Plan should help to support the delivery of the Local Plan and in dealing with the challenges it identifies.

Whilst we consider that the broad general conformity test is met, we consider there are instances in the Plan as submitted which would limit the ability to exercise discretion in determining individual planning applications according to their individual merits and impacts. The Council's response to the Submission Draft Plan sets out where this is considered to be the case. This includes instances where the detailed wording of policies is considered onerous and likely to prevent otherwise acceptable forms of development. We also made comments in our representation about how the Neighbourhood Plan's policies relate to established legislation and decision making for trees.

We note and welcome that the Submission Draft Plan provides for more flexibility than previous drafts but the degree of flexibility across the different policy themes is not yet sufficiently consistent. This remains the Council's main outstanding concern. If not addressed, this will introduce inconsistency in the way the decision-making process on planning applications operates across different parts of the Borough.

Questions 3 to 12

We understand that these questions are directed to the Forum and the Council has no comments to make at this time.