

Examiner's email dated 6th November

In relation to the 'significant changes', I will prepare a Note on this which you can place on the website detailing the changes. However, before we reach this stage we have to resolve the issue with SEA and HRA. I discuss this below.

My usual experience of the sequence of events is that when a Screening Report is produced for SEA and HRA (either internally by the LPA itself or outsourced to consultants such as Place Services as in this case) it is then sent to the three statutory consultees for consultation to see if they agree with the conclusions of the Screening Report. This is Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 which is still valid at the present time.

The three statutory consultees are the Environment Agency, Natural England and Historic England.

Then once the statutory consultees have replied (or the consultation period has ended without any response being received), the LPA makes a determination as to whether the NP is likely to have significant effects or not, taking into account the Screening Report and of course any consultation responses. The LPA makes this determination as the responsible authority. This is the statement of reasons PPG refers to as one of the documents which should be available when the NP is submitted and it should form part of that suite of documents. This is Regulation 9.

You may wish to look at some of the determinations made by other LPAs; in particular I might suggest Babergh and Mid Suffolk as an example of, I feel, good practice. That LPA also outsources the initial Screening Reports to consultants and then organises the consultation with the statutory consultees and then produces a determination.

The consultation with the statutory consultees is usually done as a separate exercise and is organised by the LPA as responsible authority.

If the consultation is done as part of the pre-submission stage of public consultation i.e. concurrently with the public consultation on the draft NP, it must be clear to the statutory consultees that this is also the consultation that asks for their views on the Screening Report.

It would not be usual to do this at Regulation 16 stage because at that stage, the determination made by the LPA should be available as part of the submitted documents. This is then to allow the public or any interested party to also comment on the determination if they so wish.

In Ardleigh's case, it would seem that no specific consultation has been carried out on the Screening Report with the statutory consultees. There is also therefore no determination.

In order to remedy this procedural point, I think the following stages need to be carried out:

TDC consults the three statutory consultees on the Screening Report prepared by Place Services. It should be made clear that this consultation is on the Screening Report. I suggest a minimum of two - three weeks and up to five weeks is given for this, but TDC can decide the timescale as responsible authority. am happy to take advice from TDC and discuss and agree with you how long this period of public consultation should be for (bearing in mind that had the determination been submitted the public would have had a full six weeks to make any comments).

Once the statutory consultees have replied (or if no replies received within the specified period) then TDC should make a determination.

This determination, alongside an appropriate note of explanation, should then be publicly consulted upon. It should be noted that as we are also going to be consulting on the significant changes to the NP for a minimum period of two weeks (which is the usual for significant changes), I suggest it would make sense for the consultation on the determination and the consultation on the significant changes to be run at the same time for the same period. It does not matter if the significant changes have longer than the usual two weeks in this instance.

We may also run into the Christmas period re timings so this should be taken into account.

I recognise that this delay will disappoint the Parish Council in particular. However, I consider it necessary to 'go backwards' to ensure that every stage is procedurally robust. I hope a few further weeks delay now can be seen a way of ensuring that, as the NP moves forward, we can all be reassured that the NP is robust for the next 10 years or so.

Please do not hesitate to get in touch if you have any queries.

I think it would be wise to formal suspend the examination whilst this work and the further consultations are carried out. Once I have heard back from you as to whether the LPA and the QB agrees with the suggested course of action set out above, this is something we can put in motion.