

INDEPENDENT EXAMINATION OF THE BRAMHAM CUM OGLETHORPE
NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:
Christopher Collison BA(Hons) MBA MRTPI MIED MCMi IHBC

To Bramham cum Oglethorpe Parish Council and Leeds City Council by email
Dated 10 September 2018

Dear Keith and Abbie

**Bramham cum Oglethorpe Neighbourhood Development Plan
Independent Examination**

Following my request for clarification of specified matters on 10 July 2018, and the joint response of the Parish Council and the City Council on 24 July 2018, the only outstanding matter related to the screening of the Neighbourhood Plan with respect to Habitats Regulation Assessment (HRA) in respect of a European Court judgement. This latter matter was dependent on the timing of response from Natural England. On 16 August 2018 I drew the attention of the City and Parish Councils to a second European Court ruling relating to HRA.

On 7 September 2018 I received from the City Council an HRA Screening update report dated July 2018 that has been prepared with knowledge of the European Union Court of Justice Judgement in 'People over Wind' dated 12 April 2018, and the Court of Justice (Second Chamber) ruling on 25 July 2018 in the case of Grace, Sweetman and the National Planning Appeals Board Ireland (ECLI:EU:C2018:593).

The revised Screening Report is an update of the Screening Report that formed part of the Basic Conditions Statement submitted to the City Council by the Parish Council. The update report is subject to the same requirement for consultation as the other submission documents. I therefore request the HRA Screening Report update is published on the City Council website for a period of 6 weeks with a statement that any interested party may make representations in respect of this document and that any representations will be made available to me so that I may consider them when concluding whether or not the Neighbourhood Plan meets the Basic Conditions. I am happy to receive any comments at the time they are submitted to the City Council and would suggest they are shared with the Parish Council at that time. Any representations received should be published on both the City Council and Parish Council websites.

I am again providing an opportunity for Bramham cum Oglethorpe Parish Council to comment on any representations of other parties. There is no obligation on the Parish Council to offer any comments but this opportunity can prove helpful where

representations of other parties include matters that have not been raised earlier. The Parish Council should submit any comments to me within 2 weeks of their receipt of a copy of any representation from the City Council. The Parish Council may, at an earlier date, submit its comments to me or confirm it does not intend to submit any comments on any representation. Any Parish Council comments should be published on both the Parish Council and Leeds City Council websites. Parish Council comments must not include new evidence.

In requesting this course of action, I have considered the inconclusive consultation response of Natural England; the stage of preparation of the Leeds Site Allocation Plan which is referred to with respect to in-combination effects; and the fact there is significant change in the Neighbourhood Plan HRA Screening Report not least an adjustment of the stated distance between the Kirk Deighton SAC and the Neighbourhood Plan area, from approximately 20 Km to approximately 5.5 Km.

I understand the contents of this email will be disappointing to those involved in preparation of the Neighbourhood Plan but consider the longer-term benefits of a more robust process outweigh any short-term inconvenience arising from delay.

I request both the Parish Council and the City Council publish this email on their respective websites.

Best regards
Chris

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