

INDEPENDENT EXAMINATION OF THE KIPPAX NEIGHBOURHOOD DEVELOPMENT PLAN

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

To Kippax Parish Council and Leeds City Council by email to Doug Morley and Abbie Miladinovic with copy to John Urwin and Ian Mackay

Dated 22 August 2018

Dear Doug and Abbie

Kippax Neighbourhood Development Plan Independent Examination

Further to my appointment to undertake the Independent Examination of the Kippax Neighbourhood Development Plan I am writing to clarify how I will conduct the examination.

1. Communications

It is essential that the examination process is open and transparent to all interested parties. I would be grateful if Leeds City Council and Kippax Parish Council could publish this email on their respective websites. I will address all future communication to Leeds City Council and send a copy to Kippax Parish Council. It would be helpful if the Parish Council could channel all communication to me through Leeds City Council, and that, when writing to me, Leeds City Council copies-in the Parish Council.

2. Examination documents

I understand Leeds City Council will post to me a hard copy of the Submission Plan documents this week. I have access to electronic versions of the Submission Plan documents. I have noted additional evidence base documents and electronic links are listed on the Kippax Parish Council website.

Leeds City Council has confirmed the Regulation 16 period for representations commenced on 20 August 2018 and will close at 5.00pm on 1 October 2018. Leeds City Council will provide me with a copy of all representations received during that period. The City Council and the Parish Council should publish all representations received on their websites. The independent examination will formally commence when I have received copies of all of the representations which I anticipate will be on 2 October 2018.

I am providing an opportunity for Kippax Parish Council to comment on the 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 in the plan preparation process. The Parish Council should submit any comments to me within 2 weeks of the date of the close of the period for representations, that is no later than 15

October 2018. The Parish Council may, at an earlier date, submit its comments to me or confirm it does not intend to submit any comments on the representations. 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.

Leeds City Council has confirmed to me what are regarded as the strategic policies of the Development Plan that apply in the Kippax Neighbourhood Area and I have access to those policies on the City Council website.

Subject to my later detailed assessment I have not identified any obvious fundamental flaws in the submission documents that would lead me to advise the examination should not proceed. If I find that there are significant issues which may prevent the Plan meeting the basic conditions I will let you know during the examination.

3. Independence

From my initial review of the Plan documents it would appear that there are no conflicts of interest that would call into question my independent status. I will keep that matter under review throughout the examination.

4. Visit to the Plan area

After I have thoroughly reviewed the Plan documents, representations, and any comments of the Parish Council, I intend to visit the plan area as this will assist me in understanding the nature of the Plan and points made in representations or comments and help me decide if there are any issues to be clarified. I will undertake this visit on an unaccompanied basis as it is important that there should be no perception that I have heard additional representations.

5. Habitats Regulations Assessment Screening Report

I have noted the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report is dated November 2016. The Screening Report was prepared prior to the EU Court of Justice ruling in *People Over Wind and Sweetman v Coillte Teoranta*. (Judgement of the Court Seventh Chamber 12 April 2018) and the Court of Justice (Second Chamber) judgement of 25 July 2018 *Grace, Sweetman, and National Planning Appeals Board Ireland* (ECLI:EU:C2018:593). I request the Screening Report in respect to Habitats Regulations Assessment is reviewed in the context of these EU Court rulings and that the City Council confirms, in consultation with Natural England, that the Screening Report is considered to be compliant with the identified EU Court rulings, or alternatively states what actions are proposed to rectify the situation.

6. Clarification procedures

I may at any time during the Independent Examination seek written clarification of any other matters that I consider necessary. I will direct any request for clarification

to Leeds City Council, copying in the Parish Council. Any request for clarification and any response should be published on the Leeds City Council and Kippax Parish Council websites.

I am proceeding on the basis that the examination can be concluded without the need for a hearing. At any time before I issue my final report I may call a hearing if I consider this is necessary to ensure adequate examination of any issue, or to allow a person a fair chance to put a case.

7. Examination timetable

The main determinants of how long the examination will take are firstly the number and complexity of the Plan Policies; the clarity of supporting evidence; and the number and nature of representations. Assuming a hearing will not be necessary I anticipate that during November 2018 I will be able to send a confidential draft of my report to Leeds City Council and Kippax Parish Council to allow an opportunity to check whether there are any factual errors. This will not be an opportunity for any further representations to be made.

8. Procedural questions

I would be pleased to address any questions relating to the examination process that Leeds City Council or Kippax Parish Council may have.

I would be grateful if both Leeds City Council and Kippax Parish Council could confirm receipt of this email.

Regards

Chris Collison
Independent Examiner
Planning and Management Ltd