

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 July 2018

Dear Keith and Abbie

Bramham cum Oglethorpe Neighbourhood Development Plan Independent Examination

Further to my email of 4 June 2018 regarding the Independent Examination of the Bramham cum Oglethorpe Neighbourhood Development Plan I am writing to provide an update on my progress and to seek clarification of certain matters.

1. Examination documents

I confirm Leeds City Council has provided me with copies of each of the 10 submissions received during the Regulation 16 period for representations which closed at 5.00pm on 9 July 2018. The independent examination will now formally commence. The City Council and the Parish Council should publish all representations received on their websites.

As stated in my email of 4 June 2018 I am providing an opportunity for Bramham cum Oglethorpe 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 particularly 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 this email, that is no later than 24 July 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.

2. Independence

My initial review of the Regulation 16 representations indicates 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.

3. Request for clarification

In my email of 4 June 2018, I stated I may seek written clarification of any matters that I consider necessary. In this respect I would be pleased to receive the response of the City Council and the Parish Council, preferably a joint response, in respect of the following 3 matters:

a). The Strategic Environmental Assessment & Habitats Regulations Assessment: Screening Report of October 2017 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). I request the Screening Report is reviewed in the context of the EU Court of Justice ruling 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 of Justice ruling, or alternatively states what actions are proposed to rectify the situation.

b). Policy H1 of the Neighbourhood Plan relates to non-designated heritage assets. I note the Planning Practice Guidance states *“Where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the Local Plan into action at a neighbourhood scale.”* The Guidance also states *“Local Planning Authorities may identify non-designated heritage assets”* and *“Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development.”* The Leeds Core Strategy at Policy P11 states that the City Council will conserve and enhance locally significant undesignated assets and their settings, particularly those which help to give Leeds its distinct identity. The Heritage Background Paper (February 2017) to the Leeds City Council Site Allocations Plan Submission Version states *“Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes that are not designated but have a degree of significance meriting consideration in planning decisions, because of their heritage interest. Non-designated heritage assets are identified by the local planning authority.”*

In that it is not appropriate for Policy H1 to imply locally identified assets will be recognised by the City Council as heritage assets I am seeking clarification whether it is intended the second sentence of Policy H1 with list of buildings should be a Community Action which states *“The following buildings and features of the built environment are nominated for assessment by Leeds City Council as potential Non-*

Designated Heritage Assets” to be added to a local list of heritage assets compiled and curated by the City Council.

c). Policy H2 seeks to define the Bramham Moor Battlefield as an important Local Heritage Area and establish five principles that development within or adjacent to the battlefield area should comply with.

The National Planning Policy Framework (March 2012) sets out that registered battlefields are designated heritage assets of the highest significance. The sites of 46 particularly important battles are included on the Register of Historic Battlefields, which was established in 1995, and is administered by Historic England. The Historic England Battlefields Registration Guide (most recent edition published 18 December 2017) sets out the principal designation criteria. These are notably historical significance and secure identification of location where troops drew up, deployed and fought while in battle formation, but also topographic integrity; archaeological potential; documentation; military innovations; biographic association; and commemoration. The Register does not include all sites of conflict. Bramham Moor Battlefield is not included on the Register of Historic Battlefields and the UK Battlefields Resource Centre website does not include information regarding the Bramham Moor Battlefield. The Historic Environment Records includes an entry relating to the site of the battle of Bramham Moor and an entry relating the Medieval Cross “*suggested to be a Percy Cross*”.

Planning Policy Guidance states “*Where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies from the Local Plan into action at a neighbourhood scale.*” The Guidance also states “*Local Planning Authorities may identify non-designated heritage assets*” and “*Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development.*” The Leeds Core Strategy at Policy P11 states that the City Council will conserve and enhance locally significant undesignated assets and their settings, particularly those which help to give Leeds its distinct identity. The Heritage Background Paper (February 2017) to the Leeds City Council Site Allocations Plan Submission Version states “*Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes that are not designated but have a degree of significance meriting consideration in planning decisions, because of their heritage interest. Non-designated heritage assets are identified by the local planning authority.*”

In that it is not appropriate for Policy H2 to imply the Bramham Moor Battlefield will be recognised by the City Council as a heritage asset I am seeking clarification whether it is intended that a Community Action is inserted in the Neighbourhood Plan proposing “the Bramham Moor Battlefield identified on Map 8 is nominated for assessment by Leeds City Council as a potential Non-Designated Heritage Asset” to be added to a local list of heritage assets compiled and curated by the City Council. Policy H2 would continue to identify the Bramham Moor Battlefield as a valued landscape area.

This request for clarification in relation to 3 matters, and any response, should be published on the Leeds City Council and Bramham cum Oglethorpe Parish Council websites. I may make other requests for clarification of matters.

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

Regards
Chris Collison
Independent Examiner
Planning and Management Ltd