

# INDEPENDENT EXAMINATION OF THE OTLEY NEIGHBOURHOOD DEVELOPMENT PLAN

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

To Leeds City Council by email to Heather Suggate (and copy to Ian Mackay LCC)

Also copied to:

Gill Ritchie, Principal Planner, Harrogate Borough Council

Suzanne Kidger, Executive Officer, Otley Town Council

Nick Pullen, Clerk, Mid Wharfedale Parish Council

Mike Elam, Clerk, Lower Washburn Parish Council

Dated 16 November 2018

Dear Heather

## **Otley Neighbourhood Development Plan Independent Examination**

Further to my appointment to undertake the Independent Examination of the Otley 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, Harrogate Borough Council, Otley Town Council, Mid Wharfedale Parish Council, and Lower Washburn Parish Council could publish this email on their respective websites.

Leeds City Council will be my point of contact throughout the Independent Examination. I will address all future communication to the City Council and send a copy to the Borough, Town, and Parish Councils. It would be helpful if the Borough, Town, and Parish Councils could channel all communication to me through the City Council, and that, when writing to me, the City Council sends a copy to the Borough, Town, and Parish Councils.

### 2. The Neighbourhood Area

As the Neighbourhood Area includes parts of Mid Wharfedale and Lower Washburn parishes I would be grateful if the Parish Councils for those areas could confirm that they have consented to Otley Town Council acting in relation to those areas for the purposes of neighbourhood planning in accordance with paragraph 61F (2) of the Localism Act 2011.

I would also be grateful if Harrogate Borough Council could confirm the date of designation of the areas within Harrogate Borough as a Neighbourhood Area.

### 3. Examination documents

I have received from the City Council a hard copy of the Submission Neighbourhood Plan and the main supporting documents.

The City Council has confirmed the Regulation 16 period for representations commenced on Friday 9 November 2018 and will close at 5.00pm on Friday 4 January 2019. The City Council will provide me with a copy of all representations received during that period. After close of the Regulation 16 period the City Council should publish all representations received on their website. The independent examination will formally commence when I have received copies of all of the representations, which I anticipate will be no later than 10 January 2019.

I am providing an opportunity for Otley Town Council (in liaison with, and acting on behalf of the Parish Councils) to comment on the representations of other parties. There is no obligation on the Town 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 Town Council should submit any comments to me no later than two weeks after receipt of a copy of the Regulation 16 representations. The Town 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 comments submitted to me by the Town Council should be published on the City Council website. Town Council comments must not include new evidence.

The City Council is liaising with Harrogate Borough Council with a view to advising me what currently comprises the Development Plan in the Otley Neighbourhood Area. The City Council will also confirm to me what are regarded by the Local Planning Authorities as the strategic policies of the Development Plan that apply in the Neighbourhood Area.

I have looked briefly at the Submission Plan documents. 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 received from the Town Council (also acting on behalf of the Parish Councils), 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 a Habitats Regulations Assessment Screening Report Update has been prepared in September 2018 following 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 understand Natural England is being consulted on the Screening Report Update.

#### 6. Clarification procedure

I may at any time during the Independent Examination seek written clarification of any matters that I consider necessary. I will direct any request for clarification to the City Council, copying in the other Councils. I will request any response is agreed as a joint response of all the Councils. Any request for clarification and any response should be published on the City Council website.

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. The Neighbourhood Plan contains a much larger than usual number of policies, and at this stage representations are an unknown. Assuming a hearing will not be necessary I estimate that around the beginning of March 2019 I will be able to send a confidential draft of my report to the City, Borough, Town and Parish Councils, 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 the City, Borough, Town and Parish Councils may have.

I would be grateful if the City, Borough, Town and Parish Councils could each confirm receipt of this email.

Regards  
Chris Collison

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