

INDEPENDENT EXAMINATION OF THE MALVERN TOWN NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:

Christopher Collison BA(Hons) MBA MRTPI MIED MCMI IHBC

To Malvern Town Council and Malvern Hills District Council
(By email to Linda Blake, Town Council Clerk and David Clarke, District Council
Planning Officer, with copies to Andrew Ford and Clare Lawrence)

Dated 18 December 2018

Dear Linda and David

Malvern Town Neighbourhood Development Plan Independent Examination

My letter of 15 November 2018 to you included the following: *“Habitats Regulations Assessment Screening Report. The Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report in respect of the Malvern Hills Neighbourhood Development Plan is dated September 2017. 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 have noted the District Council has published on its website a “District Council review of the HRA Screening Opinion in light of the Sweetman rulings”.”*

I can advise you that The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 will come into force on 28 December 2018. These Regulations, and a helpful Explanatory Memorandum, can be found via the link: <http://www.legislation.gov.uk/uksi/2018/1307/made>.

The effect of the Regulations with respect to the making of Neighbourhood Plans (Regulation 3) is that the basic condition *“The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects”* is replaced by a basic condition *“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”* I must undertake the Independent Examination of the Neighbourhood Plan in the context of the new basic condition.

I am writing to request the District Council and Town Council consider this change of basic condition and jointly advise me, with reasons, whether or not the Neighbourhood Plan meets this replacement basic condition, and whether any further actions, including consultations, become necessary.

I would be grateful if both the District Council and the Town Council could confirm receipt of this email. I also request the District Council should post this email and your joint reply on the District Council website.

Regards
Chris Collison

Independent Examiner
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