



Intelligent Plans
and examinations

Report on Addingham Neighbourhood Plan 2018 - 2030

An Examination undertaken for Bradford Council with the support of the Addingham Parish Council on the October 2018 submission version of the Plan.

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Date of Report: 1 July 2019.

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Main Findings - Executive Summary

From my examination of the Addingham Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Addingham Parish Council;
- the Plan has been prepared for an area properly designated – the Addingham Neighbourhood Area – Figure 1 in the Plan;
- the Plan specifies the period to which it is to take effect – 2018 - 2030; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Addingham Neighbourhood Plan 2018 - 2030

- 1.1 The parish of Addingham is located on the northern fringe of the Metropolitan District of Bradford some 20 km to the north-northwest of Bradford and 5 km to the west-northwest of Ilkley in the Wharfedale Corridor.
- 1.2 Addingham is an attractive village of historic character set in a landscape typical of much of the Yorkshire Dales and comprising large-scale uplands beyond enclosed pasture closer to the settlement. The A65 trunk road passes to the south of the village before looping to the north beyond the settlement's western fringe. The River Wharfe forms much of the northeastern boundary of the designated Neighbourhood Plan Area.
- 1.3 As indicated below, work on preparation of the Plan commenced following designation of the area in June 2015. There followed various stages of engagement including the development and refinement of a vision, objectives and policies. The submitted Plan represents some four years of detailed work by those involved. In addition to the vision, there are 14 policies addressing the various Plan objectives.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Addingham Neighbourhood Plan by Bradford Council, with the agreement of Addingham Parish Council.
- 1.5 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- whether the Plan meets the Basic Conditions;
 - whether the Plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for "excluded development";
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and

- such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations; and
- meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that 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 2017.¹

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for this part of Bradford Council, not including documents relating to excluded minerals and waste development, includes the Bradford Core Strategy Development Plan Document (adopted July 2017) and the saved policies from the Replacement Unitary Development Plan (update statement July 2017).

2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was

¹ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

published in July 2018, replacing the previous 2012 NPPF, and a further revised NPPF was published in February 2019.

- 2.3 The transitional arrangements for local plans and neighbourhood plans are set out in Paragraph 214 of the 2018 NPPF (and the subsequent 2019 version) which provides, "The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019". A footnote clarifies that, for neighbourhood plans, "submission" in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations.
- 2.4 The Addingham Neighbourhood Plan was submitted to Bradford Council in October 2018. Thus, it is the policies in the previous NPPF that are applied to this examination. All references in this report are to the March 2012 NPPF and its accompanying PPG.

Submitted Documents

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Addingham Neighbourhood Plan 2018 - 2030, October 2018;
 - a map of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates – Figure 1 in the draft Neighbourhood Plan;
 - the Consultation Statement, October 2018;
 - the Basic Conditions Statement, October 2018;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - a Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report, dated October 2018, prepared by Messrs Kirkwells; and
 - the request for additional clarification sought in my letter of 23 May 2019 and the subsequent responses, which are available on the Bradford Council website.²

² View at: <https://www.bradford.gov.uk/planning-and-building-control/planning-policy/neighbourhood-areas/?Folder=Addingham>

Site Visit

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 29 May 2019 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.7 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Addingham Neighbourhood Plan has been prepared and submitted for examination by Addingham Parish Council which is a qualifying body for an area that was designated by Bradford Council on 23 June 2015.
- 3.2 The Addingham Neighbourhood Plan is the only neighbourhood plan for the Plan area. It does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2018 to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.4 Details of Plan preparation and consultation are set out in the Parish Council's Consultation Statement dated October 2018. Further information on the consultation process is contained in the Parish Council's response to my questions.³ Application for designation as a neighbourhood area was made in January 2015. Following statutory publicity, the Neighbourhood Plan Area was approved by Bradford Council on 23 June 2015.

³ Response to Examiner Procedural Letter and Questions of 23 May 2019.

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- 3.5 The Consultation Statement records that, since designation, the Parish Council has been working on the preparation of the document and has engaged stakeholders and local residents in the neighbourhood development planning process throughout. A Neighbourhood Plan Steering Group was first established in November 2015 comprising councillors and volunteers from the local community. This was replaced by a Neighbourhood Plan Forum, similarly constituted, in September 2016.
- 3.6 Throughout the preparation stage, a number of events and other activities have been organised by or on behalf of the Parish Council. The stated aim was to involve as many as possible of the various groups, businesses, individuals and landowners in the area in order to build up a vision and evidence base for development of the Plan. Table 1 in the Consultation Statement records some 26 key stages in the preparation of the Neighbourhood Plan.
- 3.7 Representors have objected on the grounds that the consultation process at both the Regulation 14 and 16 stages was inadequate. Amongst other things, it was felt that there was a lack of publicity and that what publicity material was available was misleading.
- 3.8 In this regard, the statutory consultation requirements (Regulation 14) are quoted in Paragraph 24 of the Consultation Statement. The following paragraphs of the Statement (Paragraphs 25 to 32) set out how compliance with the regulations has been achieved. The statutory requirements are echoed by advice in the PPG.⁴ Planning Practice Guidance also comments on the role of the wider community in neighbourhood planning⁵ and, elsewhere, the expectation that the Consultation Statement should reveal the quality and effectiveness of the consultation.⁶
- 3.9 The Consultation Statement is one of the documents required to be submitted at the Regulation 15 stage. The content is prescribed in the 2012 Regulations (Regulation 15(2)).
- 3.10 I have reviewed all the information before me including the website of the Parish Council; also, that of Bradford Council, the competent authority for the Regulation 16 consultation. I appreciate that some parties felt that the publicity material could be confusing. I also appreciate the feeling of representors that they were not fully involved in the on-going changes to the Plan or in influencing the decision-making. It is apparent from comments made that the quality and effectiveness of the consultation can be criticised.

⁴ PPG Reference ID: 41-050-20140306.

⁵ PPG Reference ID: 41-047-20140306.

⁶ PPG Reference ID: 41-007-20140306.

- 3.11 Nevertheless, I have concluded that, as set out in the Consultation Statement, all the steps necessary to meet the legal requirements on consultation have been taken. In addition, the Statement deals with the prescribed matters. On balance, there has also been regard to the advice in the PPG on plan preparation and, notwithstanding the concerns of some respondents, including the quality of the publicity material and the decision-making process, I consider that the Plan is also procedurally compliant in accordance with the legal requirements.
- 3.12 In reaching the above judgement, it appears to me that no party has been materially prejudiced. In particular, there has been a full opportunity to submit comments at both the Regulation 14 and 16 stages. Those comments are before me and have been taken into account by me in making my recommendations. They include the representations summarised in Table 3 of the Consultation Statement as well as 27 recorded responses from 23 parties following the Regulation 16 consultation.

Development and Use of Land

- 3.13 The Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

Excluded Development

- 3.14 The Plan does not include provisions and policies for "excluded development".

Human Rights

- 3.15 Addingham Parish Council (through the Basic Conditions Statement prepared by Messrs Kirkwells) is satisfied that the Plan is fully compatible with the European Convention on Human Rights. From my independent assessment, I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Messrs Kirkwells acting on behalf of the Parish Council. It is concluded that the Plan does not need to be subject to SEA. Having read the Strategic Environmental Assessment Screening Report, I support this conclusion.
- 4.2 The Addingham Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA). In this regard, Addingham parish contains part of the South Pennine Moors Special Protection Area / Special Area of Conservation Phase 2. However, the HRA for the Core Strategy

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concludes that there would be no adverse effect on the ecological integrity of these sites.

- 4.3 Given that the Neighbourhood Plan is in general conformity with the Core Strategy and no longer seeks to allocate sites for housing development, the Screening Report concludes that an Appropriate Assessment is not required. In correspondence dated 15 May 2018, Natural England broadly agrees with the conclusions (although it has comments on the inclusion of reference to Core Strategy CS8 on Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence). From my independent assessment of this matter, I agree that no further assessment is required.

Main Issues

- 4.4 Having regard for the Addingham Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are five main issues relating to the Basic Conditions for this examination. These concern:

- New Housing Development;
- Addingham Conservation Area;
- Sustainable Design;
- Landscape Character; and
- Local Green Space.

Introduction

- 4.5 Before I deal with the main issues, I have a few observations to make with regard to many of the representations. First, the Addingham Neighbourhood Plan should be seen in the context of the wider planning system. This includes the Bradford Core Strategy (an important part of the Development Plan) as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.
- 4.6 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. For example, a neighbourhood plan can be used to allocate sites; but it does not have to do so. In this regard, the content of the Neighbourhood Plan is largely at the discretion of the qualifying body albeit informed by the consultation process and the requirements set by the Basic Conditions.
- 4.7 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the objections to the Plan do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.

Issue 1: New Housing Development

- 4.8 The effect of Policy ANDP1 (New Housing Development within Addingham Village), as drafted, would be to restrict new development for housing to previously developed land. This is in circumstances where Addingham is recognised in the Core Strategy as a Local Service Centre that will see the development of 200 homes from 2011 to 2030.
- 4.9 The City of Bradford Metropolitan District Council is undertaking a selective review of the Core Strategy that will set a new framework for any future site allocations or Green Belt review in Addingham. In the circumstances, there is no necessity or obligation to allocate housing sites through the Neighbourhood Plan. However, although encouraging the use of previously developed land is a laudable objective, the policy runs contrary to the presumption in favour of sustainable development (NPPF Paragraph 14) where housing on other types of site might be perfectly acceptable.
- 4.10 To have appropriate regard for national policy, and comply with the Basic Conditions, a change to Policy ANDP1 is required. This is set out in proposed modification **PM1**.
- 4.11 A second concern regarding Policy ANDP1 is the reference to protected open space. This is lacking in clarity and does not accord with Government advice (PPG) on how policies in a neighbourhood plan should be drafted.⁷ The evidence indicates⁸ that the land to be protected is that defined in the saved policies of Bradford's Replacement Unitary Development Plan as "Open Land in Settlements". Compliance with the Basic Conditions would be secured through proposed modifications **PM2 and PM3**. A similar modification is required in Policy ANDP2 f) (**PM9**).
- 4.12 On a third matter, Policy ANDP1 c) refers to "valued views". Again, the meaning is unclear. Government advice and the Basic Conditions would be met if the policy were amended in accordance with proposed modification **PM4**. A related change to Policy ANDP2 j) is also necessary (**PM10**).
- 4.13 With regard to Policy ANDP1 e), the wording suggests that listed buildings and/or the Conservation Area are the (only) designated heritage assets to which the provision refers. This is not the intention.⁹ Clarity would be added through proposed modification **PM5**. In addition, the clear extent of the Conservation Area would be shown through proposed modification **PM6**. Although the majority of the boundary is shown on Figure 4, the extent of the boundary at its eastern end is not complete. With these two modifications, the Basic Conditions would be met.

⁷ PPG Reference ID: 41-041-20140306.

⁸ Response to Examiner Procedural Letter and Questions of 23 May 2019.

⁹ Response to Examiner Procedural Letter and Questions of 23 May 2019.

Issue 2: Addingham Conservation Area

- 4.14 The first paragraph of Policy ANDP2 indicates that the special characteristics of the Addingham Conservation area are to be conserved and enhanced. In this regard, there is no evidence to suggest that, to meet the objectives of the policy, both conservation and enhancement are necessary. Proposals that preserve the special characteristics of the area would also be acceptable if enhancement were not possible. To preserve or enhance would accord with the statutory test contained in primary legislation.¹⁰ In the light of the evidence, and to meet the Basic Conditions, proposed modification **PM7** is appropriate. Policy ANDP3 should be similarly modified (**PM11**).
- 4.15 Criterion c) of the policy rightly seeks to minimise the adverse impact of highway works. However, in accordance with Section 4 of the NPPF, this requirement should not be at the expense of highway safety. The Basic Conditions would be met though proposed modification **PM8**.

Issue 3: Sustainable Design

- 4.16 Policy ANDP4 h) refers to Secure (sic) by Design features. For consistency and confidence in decision taking,¹¹ the source of the details of such features needs to be given for use by applicants. The Basic Conditions would be met under proposed modification **PM12**.

Issue 4: Landscape Character

- 4.17 Under Policy ANDP5 f), there is reference to the area's "historic water management systems". However, this reference is not clear and unambiguous. To ensure clarity, and meet the Basic Conditions, proposed modification **PM13** is recommended.

Issue 5: Local Green Space

- 4.18 Following a survey by the Parish Council, 12 areas in Addingham are proposed for designation as Local Green Spaces under Policy ANDP11. Of these, three are within the Green Belt. These are Memorial Hall Recreation Area and Gala Field (ANDP11/2), The Church Field, St Peter's Church (ANDP11/3) and Daniel Palmer Nature Reserve and Allotment Garden (ANDP11/9). The first two of these are also within the Conservation Area.
- 4.19 Government guidance advises¹² that, in such circumstances, consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. Having visited the area and having read the Green Space Assessment and the Parish Council's answers to my

¹⁰ Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69(1)(a).

¹¹ PPG Reference ID: 41-041-20140306.

¹² PPG Reference ID: 37-010-20140306.

questions,¹³ I recognise that, in this particular case, the areas have a particular importance to the local community and an intrinsic value unrelated to the purposes of the Green Belt or conservation area designation. As such, I accept that these and the other sites satisfy the criteria for designation.

- 4.20 In response to a representation, I have considered whether the boundary of the Old First School site (ANDP11/11) should be extended to include the area and curtilage of the demolished buildings. I have concluded that it should not. Although the extended site would satisfy many of the necessary considerations, the possibility has not been put to the landowners at the Regulation 16 consultation stage.¹⁴ I am also aware that the proposed extension is allocated for housing purposes under the Replacement Unitary Development Plan.
- 4.21 With regard to the evidence supporting the designation of Local Green Spaces, Appendix 2 of the Neighbourhood Plan is a summary of the Green Space proposals. However, in the interests of a succinct Plan (NPPF Paragraph 17), it would be better to delete this Appendix and rely on a reference to the Green Space Assessment. This would also avoid having to up-date the table to include missing information. Omission of the Appendix would also avoid any confusion relating to the boundaries of the sites. For example, the boundary of the Old First School in the Appendix is different from that shown on Policies Map 1.
- 4.22 The definitive boundaries of the proposed Local Green Space will be as shown on Policies Map 1. However, the Parish Council will need to check both the accuracy of the boundaries and the numbering of the sites. Site ANDP11/3, for example, is incorrectly numbered as ANDP11/2. Amendments necessary to meet the Basic Conditions are set out in proposed modifications **PM14** and **PM15**.

Other Policies

- 4.23 There remain a number of policies that have not been the subject of scrutiny in the above report. These concern Infrastructure (Policy ANDP6); Community Facilities and Public Houses (Policy ANDP7); Local Centre and Local Shops (Policy ANDP8); Local Employment (ANDP9); Transport (ANDP10); Recreation Facilities (ANDP12); Green Infrastructure (Policy ANDP13) and Climate Change (Policy ANDP14).
- 4.24 To a greater or lesser extent, these topics are covered in NPPF Sections 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 8 (Promoting healthy communities) and 10 (Meeting the challenge of climate change, flooding and coastal change). I find that there has been regard for national policy

¹³ Response to Examiner Procedural Letter and Questions of 23 May 2019.

¹⁴ PPG Reference ID: 37-019-20140306.

and that the Basic Conditions have been met in respect of the policies in paragraph 4.23 above.

5. Conclusions

Summary

- 5.1 The Addingham Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Addingham Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Addingham over the coming years.

Andrew S Freeman

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 33	In Policy ANDP1 a), delete the words "that maximise the re-use of previously developed land" and insert "(particularly those that maximise the re-use of previously developed land)".
PM2	Page 33	In Policy ANDP1 b), after "open", insert "land within the settlement".
PM3	Page 33	In Paragraph 7.4, substitute the following for the words "open space": "open land within the settlement (see Figure 4 above)".
PM4	Page 33	In Policy ANDP1 c), substitute the following for the words "valued views into or out of the village": "the views and vistas shown on Policies Map 1".
PM5	Page 33	In Policy ANDP1 e), insert the words "for example," in front of "listed".
PM6	Page 68	Show the full Conservation Area boundary on Policies Map 1.
PM7	Page 35	In the first paragraph of Policy ANDP2, replace "conserved and" with "preserved or".
PM8	Page 35	At the end of Policy ANDP2 c), insert the words "yet safeguard highway safety".
PM9	Page 35	In Policy ANDP2 f), replace "areas of open space" with "open space within the settlement".
PM10	Page 36	In Policy ANDP2 j), replace "valued views into and out of the village" with "the views and vistas shown on Policies Map 1".
PM11	Page 36	In the second paragraph of Policy ANDP3, replace "conserve and" with "preserve or".

PM12	Page 38	In Policy ANDP4 h), replace "Secure" with "Secured". Add a reference to show where guidance on Secured by Design features is to be found.
PM13	Page 40	In Policy ANDP5 f), after "historic water management systems", add the words "(rivers, becks and streams)".
PM14	Page 58 and Appendix 2	For the final sentence of Paragraph 7.56, substitute the following: "The analysis is set out in the document "Green Space Assessment", Addingham Parish Council, March 2018." Delete Appendix 2.
PM15	Page 68 (Policies Map 1)	Correct, as necessary, the boundaries and numbering of the areas designated as Local Green Space.