

EXAMINER'S REPORT

STEETON with EASTBURN and SILSDEN NEIGHBOURHOOD DEVELOPMENT PLAN 2019 - 2030

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ABBREVIATIONS and ACRONYMS

The following are acronyms and abbreviations used in this examination:

CBMDC – City of Bradford Metropolitan District Council.

HRA - Habitats Regulation Assessment.

LPCS -Bradford Local Plan Core Strategy, adopted July 2017.

NDP- Neighbourhood Development Plan.

NPPF - National Planning Policy Framework.

NPPG - National Planning Practice Guidance.

RUDP- Replacement Unitary Development Plan. adopted October 2005.

SEA - Strategic Environmental Assessment.

The Parishes- collective term to represent the qualifying body which has prepared this Plan. This consists of the parishes of Steeton with Eastburn and Silsden

The Plan - the Neighbourhood Development Plan under examination.

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Parish Council's of Steeton with Eastburn and Silsden in consultation with the local community. I refer to them as "the Parishes" in this document. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.
2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.
3. I have been appointed by the City of Bradford Metropolitan District Council (CBMDC) in consultation with the Parishes to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute
4. I confirm that I am independent of the Parishes and the CBMDC and have no interest in any land, which is affected by the Neighbourhood Development Plan (the Plan).
5. This report is the outcome of my examination of the submitted version of the Plan.
6. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted for the examination

Steeton with Eastburn and Silsden Neighbourhood Development Plan, 2019-2033, Submission Draft, June 2019, including Policies Map, Consultation Statement, June 2019, Basic Conditions Statement, June 2019, Strategic Environmental Assessment and Habitats Regulation Assessment Report, Screening Report, January 2019, Equalities Impact Assessment Screening, October 2017, Regulation 16 Representations, Planning Policy Assessment and Evidence Base Review, May 2019, Local Green Space Assessment, Kirkwells, January 2019.

Local and National Policies and relevant evidence

National Planning Policy Framework (NPPF), July 2018, National Planning Practice Guidance (NPPG), Bradford Local Plan Core Strategy, adopted July 2017, CBMDC Replacement Unitary Development Plan, adopted October 2005, saved policies.

Documents submitted during the examination

Response to Examiners questions of 3/7/20,8/7/20,31/7/20 and 18/9/20 as follows;

Emails from CBMDC of 2/9/20 containing responses to examiner's initial questions and 4/11/20 containing various responses from the Parishes.
Email from Mayor of Silsden, Michael O'Dwyer of 24/9/20 regarding non-designated heritage assets, sport and recreation designations.
Annotated map from Mayor of Silsden, Michael O'Dwyer showing local green space and sport and recreation areas proposed under policies SWES 16 and SWES 17 received by examiner in the post on 31/10/20.
Annotated Policies Map 1 from David Mullen showing sport and recreation areas proposed under policy SWES 17, received by examiner on 3/11/20 by email".
Email from councillor Rebecca Whitaker of 5/11/20 regarding Jacksons Fields and Sykes Lane.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

9. The examiner has to make a recommendation as to whether the Plan should be

submitted to a referendum, with or without modifications, and if the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.

11. I visited the Plan area on 27/8/20 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the Plan complies with the following procedural matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13. The Plan had been prepared and submitted by a qualifying body, Steeton with Eastburn Parish Council and Silsden Town Council and relates to the whole of the areas covered by these bodies. The plan area was designated by CBMBC in December 2014.

14. In accordance with the regulations², the Plan sets out policies in relation to the development and use of land and does not refer to “excluded” development. It specifies the period for which it has effect (2019-2030). It does not relate to more than one neighbourhood area.

CONSULTATION

15. The Consultation Statement explains in detail the manner in which the public, developers and statutory bodies were involved in the development of the Plan.

16. The Councils formed a joint working group, around early 2014 and recorded its minutes online. A “flyer” was sent to all households in the Plan area seeking to identify issues for the Plan.

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

² Neighbourhood Planning (General) Regulations 2012

17.A public engagement event, “The Silsden Showcase” was held in October 2014. Opportunities were offered to local interest groups and institutions, including schools and hospitals, to engage with the working group in identifying Plan issues. A similar offer was extended to 305 local businesses and local churches in January 2015.

18.A “Call for Residential Sites” exercise aimed at identifying potential development sites was carried out in June 2015. However, it was later determined the Plan would not allocate these sites in deferment to the emerging local plan being prepared by CBMBC.

19.From February to May 2016 the Parishes ran informal consultations on the draft Plan. A copy of the Plan were available online and a “flyer” used to publicise the opportunity to comment. Eighty responses were received.

20.The first formal stage of consultation³ was carried out between 3/2/17 and 17/3/17. The publicity included “flyers”, letters to businesses and institutions, a press release, article in church newsletter and “Aire Valley” magazine.

21.At two drop-in events people could deposit comments.

22.Sixty-two responses were received. The submitted Consultation Statement analyses the comments and explains whether they merited an amendment to the draft Plan

23.The consultation highlighted the need for some further evidence gathering. A local green space study was carried out and subject to consultation.

24.The final formal consultation⁴ was carried out from 17/9/19 to 29/10/19. I will assess these comments as part of this examination.

25.I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation, which has targeted all sections of the community and allowed technical consultees and developers to be effectively involved in the emerging Plan.

26.A representation ref: SWES002-2 was received at the final formal consultation expressing concerns the public participation effort has been lacking and people in Silsden have been effectively excluded from the process. The concerns include a failure to make the minutes of working group meetings available on a Silsden based web site and that people in Silsden were not informed that minutes could be viewed on the Steeton parish web site. This has been exacerbated by no updates on local public noticeboards and a failure to update the neighbourhood plan Facebook page. It is claimed the working group has failed in meeting the legislative requirements.

27.I have to consider these concerns in the context of the whole consultation

³ Regulation 14 of the Neighbourhood Planning (General) Regulations 2012

⁴ Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

exercise and whether it was satisfactory in engaging with all those affected. The Consultation Statement provides evidence of a number of methods in which the Councils sought to engage with all those affected. This included “flyers” to all residents in the Plan area notifying them of particular stages and opportunities in the process, drop-in event in Silsden in September 2014, presence at the Silsden Community Showcase in October 2014, widespread notification of businesses and institutions in the Plan area, consultation draft made available on Facebook and a flyer produced. It was also advertised on a web site “silsden.net” and a drop-in event at Silsden Methodist Church was publicised by a number of posters/banners displayed in the area

28. Whilst the web site “silsden.net” does not currently have a reference to the Plan and appears to not have been a useful resource during the process the other efforts, listed above, made by the working group, has meant there has been ample opportunity for residents of Silsden to engage with the Plan and take an active part in the process. Taking this into account I do not consider the residents of Silsden have been unduly prejudiced in the public consultation exercise. I note there has only been one representation raising this issue at the final formal consultation stage.

BASIC CONDITIONS

29. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁵ This element of the examination relates to the contents of the Plan.

30. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the order.
- f) the plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

31. The Parish has submitted a “Basic Conditions Statement”, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

⁵ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

SUSTAINABLE DEVELOPMENT

32. The Councils submit in the Basic Conditions Statement that the Plan complies with NPPF core policies, which ensure the Plan promotes sustainable development. The NPPF establishes that the three components of sustainability are economic, social and environmental and that these underpin all planning policy.

33. Table 1 of the Statement demonstrates that the Plan is firmly aligned with the core principles of the NPPF and the principles of sustainability, which underpin them.

34. In the social respect, the Plan supports appropriate community-based sports and recreation facilities. The Plan further encourages healthy lifestyles by protecting local green spaces.

35. In its environmental role the Plan seeks to protect and enhance the natural and physical environment. Policies protect the landscape character, green spaces, biodiversity and the built character and heritage.

36. In economic terms the Plan has policies to protect key local employment areas, promote appropriate development in the local centres and supports further development of micro-businesses and tourism. The NDP seeks to protect key local community facilities and services, including local shops.

37. I accept that the policies in the Plan meet the claims referred to in the Statement. I am satisfied that the Plan contributes to sustainable development as defined by the NPPF.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

38. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive⁶ and the Habitats and Wild Birds Directives⁷. These require that consideration should be given to the need for a Strategic Environmental Assessment (SEA) to assess any significant environmental impacts and /or an appropriate Habitats Regulations Assessment to assess any impact on a site/habitat recognised as protected under European legislation⁸. A neighbourhood plan should also take account of the requirements to consider human rights.

⁶ Article 3(5) of Directive 2001/42/EC

⁷ European Directives 92/43/EEC and 2007/147/EC transposed into the Conservation of Habitats and Species Regulations 2010.

⁸ Often referred to as Natura 2000 sites and include Ramsar sites - wetlands of international importance, Special Areas of Protection (SAP) - providing protection to bird habitats and Special Areas of conservation (SAC) - protect a variety of plants animals and habitats.

39. The Parishes submitted a report by Kirkwells, "Strategic Environmental Assessment and Habitats Regulation Assessment Report, Screening Report", January 2019, which concluded that neither a SEA nor HRA was required. CBMDC, as the competent authority able to determine screening decisions in consultation with statutory bodies, agreed with these findings. The statutory consultation bodies Natural England, Historic England and the Environment Agency have not raised an objection to these findings.

40. The screening report states the Plan proposals are in general conformity with the strategic policies in the Replacement Unitary Development Plan (RUDP) and Core Strategy, which were the subject of a Sustainability Appraisal (SA) incorporating the SEA and HRA Assessment Regulations. The report tests the Plan policies against the criteria for determining the likely significant effects referred to in the EU Directive and Schedule 1 of the Regulations. No significant effects are identified as the Plan promotes minimal sustainable development to protect the landscape character and natural and built environment. There are no new site allocations beyond those already established in strategic policies. The Plan seeks to minimize environmental and negative social impacts.

41. I am satisfied that an SEA is not required.

42. Regarding the HRA, it is pertinent that the Core Strategy in its draft form was subject to an appropriate assessment. This concluded that most policies would not result in significant environmental effects on the nearest European designated site to the Plan area i.e. South Pennine Moors Special Area of Conservation/Special Protection Area, except in the case of housing allocations within the 5km buffer zone. None of these housing allocations fall within the Plan area.

43. The policies in the Plan propose no new site allocations than are in strategic policies which have been through the HRA process.

44. I am content that the screening opinion stating no further work is required to satisfy the HRA legislation is valid. I have not taken into account any mitigation measures proposed in the Plan in reaching this conclusion.

45. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a "fair hearing" I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. In these respects, I refer to my comments in paragraphs 27 and 28 in relation to the representation at the final formal stage of consultation. Neighbour responses have been taken into account in a satisfactory manner during the processing of the plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

46. The Parishes states in the “Basic Conditions Statement” that the Plan takes into account national planning policies and guidance in the NPPF and is in general conformity with local strategic planning policies.

47. The Statement demonstrates in detail in Table 2 how the Plan conforms with the six planning principles identified in paragraph 16 of the National Planning Policy Framework (NPPF) relating to plan making. The Plan meets these terms by promoting sustainable development in an aspirational yet deliverable manner and engages effectively with the community. In order to be clear and unambiguous and ensure the policies do not duplicate local plan policies and national guidance, I have made some recommendations below to alter certain policies.

48. The Statement also analyses the plan policies against each of the main recommendations by subject in the NPPF. This is done in appropriate detail and illustrates close alignment with the national guidance. Again, in some case I have made detailed recommendations to ensure more precise consistency with the NPPF.

49. The need for general conformity with strategic local plan policies is demonstrated in Table 3 of the statement. Each Plan policy is assessed against the relevant local plan policy in the RUDP and Core Strategy. I note that where relevant the Plan makes appropriate reference to strategic policies, which underpin the proposed Plan policies. I am content that with some alterations as recommended the Plan is in general conformity with strategic policies.

50. I note that CBMDC in its representations at regulation 16 stage suggest the supporting text of the policies could make more explicit reference to higher level strategic policies. I do not consider the Plan fails in this respect generally but have made some references to the need for this in my recommendations.

RECOMMENDATIONS IN RELATION TO BASIC CONDITIONS

General Matters

51. I have made recommendations below, which will allow the plan to conform to “basic conditions”. Where I am suggesting modifications I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction without explanation.

52. I have taken into account all aspects of the representations received during the Plan process. In some cases these do not require specific reference or highlight of particular issues as they do not in my view effectively raise a concern that the Plan does not conform to basic conditions.

53. In some cases, I have referred to CBMDC due to the specific and detailed nature of its representation and its particular relevance to “basic conditions”.

54.A recurring issue is the need for policies to be drafted with appropriate clarity. The National Planning Practice Guidance (NPPG)⁹ requires that *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”*. I have therefore suggested some modifications in the interests of greater clarity and meeting this guidance.

55.I have explained my recommendations in accordance with the order and format of the Plan and expressed them in bold type at the end of the various sections.

56. The Plan is in draft form pending the final formal consultation stage. In the final form it will need to be updated to the present tense and all references to the draft and consultative nature of the Plan deleted. This is particularly relevant to the Introduction and Chapters 1,2 and 3.

57.I note that an objection at Reg 16 stage refers to the Plan boundary as lacking a rationale as it should include relevant land between the two communities which is within North Yorkshire. I consider this land is essentially rural in nature and under the NPPF will be under planning policies of rural constraint with limited implications for the Plan area. I note further that there have been no representations from North Yorkshire County Council in these respects. I do not therefore consider the Plan boundary is inappropriate and prohibits the delivery of policies not in accordance with basic conditions.

RECOMMENDATION 1

Update the Plan to omit references to it as a draft and a consultative document.

INTRODUCTION

58.This is largely unnecessary in the final form of the Plan. The first paragraph is effectively covered by paragraph 2.3 in Chapter 2.

RECOMMENDATION 2

Delete the Introduction.

CHAPTER 2 WHY WE ARE PREPARING THE NDP ...

59.This provides a useful background and context.

⁹ NPPG Paragraph: 041 Reference ID: 41-041-20140306

RECOMMENDATION 3

Amend 2.2 as follows;

“Neighbourhood Development Plans (NDPs) are a relatively new part of the statutory development planning system. Just as local authorities, such as City of Bradford Metropolitan District Council (CBMDC), produce development plans to promote, guide and control development of houses, businesses, open spaces and other uses of land for their areas, now, parish and town councils can also do so by preparing a NDP.”

CHAPTER 3 HOW LONG WILL IT TAKE TO PREPARE THE NDP

60.This needs to take into account Recommendation 1. The essential content could be retained and usefully describe the process the Plan has been through.

CHAPTER 4 BACKGROUND OVERALL AIM KEY ISSUES AND OBJECTIVES

61.This provides a useful background to the Plan area.

62.The regulation 16 representation SWEOS 11-1 questions the accuracy of some of the information regarding the amount of various existing facilities. Some of this descriptive information may now be updated. I recommend the text be checked for accuracy and updated where necessary.

63.A range of key issues are identified which have emanated from public consultation. A number of these are outside of planning control and technically can only form aspirational elements of the Plan. It is therefore, necessary to inform the reader of this in the interests of clarity.

64.I support the concerns of CBMDC in its regulation 16 representation, which questions, in the absence of evidence, the assumption in paragraph 4.11, about people working from home leading to a significant demand for expansion accommodation

RECOMMENDATION 2

Update the factual information in this chapter where necessary with regard to the to the type and number of facilities available.

In 4.11, first sentence delete “large”, replace with “significant”. Delete the second sentence.

In 4.30, replace the fifth sentence with the following;

“There are proposals to build a brand new school in Silsden, granted planning permission in June 2018, to accommodate the combined schools.”

In 4.38, second sentence after “concerns” begin a new sentence prior to the list as follows;

“Some of these issues do not relate directly to planning and cannot form statutory policies in this Plan although they can be aspirations for the Councils to consider alternative action.”

CHAPTER 5 STRATEGIC PLANNING POLICY

65.This provides a valuable overview of local strategic planning policy. There should be a reference to the need to conform to national guidance.

RECOMMENDATION 3

Introduce a new first paragraph:

“The Plan has to have regard to national planning policy guidance issued by the Secretary of State. This includes the National Planning Policy Framework, July 2018 (NPPF) and other guidance such as the National Planning Practice Guidance (NPPG).”

In 5.8 first sentence delete “recently”, insert, “at the time of writing “. Delete the second sentence.

POLICY SWES1 – HOUSING DEVELOPMENT WITHIN THE EXISTING URBAN AREA OF STEETON WITH EASTBURN AND SILSDEN

66.The Core Strategy in policy SC4: Hierarchy of Settlements establishes the settlements of Steeton with Eastburn and Silsden are Local Growth Centres where there is to be a focus for housing development including allocation of sites in the emerging “Site Allocations Plan”.

67.The proposed policy SWES1 reaffirms that all new housing development whether on allocated sites or not will be supported subject to certain criteria. I am concerned that some of these criteria are vague and as a result will result in confusion as to how they are applied which is contrary to national guidance¹⁰. This applies to the terms “where possible”, “high environmental value” and ‘demonstrable adverse impact on existing and planned infrastructure”.

68.The policy relates to a selection of criteria which are not comprehensive in covering housing proposals. The criteria referred to are covered in other policies in the Plan.

¹⁰ ¹⁰ NPPG Paragraph: 041 Reference ID: 41-041-20140306

69. There is a need to make a policy statement that development within the settlements is acceptable in principle but in the interests of clarity this should be done with a broader reference to other statutory policies which may be relevant to individual proposals.

70. The supporting text nevertheless can highlight particular policies which may be relevant in this Plan area.

71. The policy refers to a preference where possible to steer development to previously developed land. This is a criterion which will govern the choice of sites in the emerging Site Allocations Plan and is in conformity with the Core Strategy. However, the policy as expressed has no criteria to establish how this “preference” will operate and is, again, confusing. I recommend that this aspect of the policy can be deleted and the Plan still be in broad conformity with the strategic policies in the Core Strategy.

72. The supporting text makes reference to a settlement boundary on the Policies Map which is not marked on the Map. CBMDC confirmed during the examination that this boundary should correspond to the green belt boundary and I advise that it be added to the Policies Map.

RECOMMENDATION 4

Amend the text of policy SWES1 as follows;

“New housing development will be supported on sites within the settlement boundary (see Policies Map) allocated in the Local Plan and other sites subject to conformity with other statutory policies including those in this Plan.”

Add settlement boundary to Policies map

POLICY SWES2 – DESIGN OF NEW HOUSING DEVELOPMENT WITHIN THE STEETON WITH EASTBURN AND SILSDEN NEIGHBOURHOOD PLAN AREA

73. This policy is a complement to design policies in the NPPF, local policies in the Core Strategy and various adopted CBMDC supplementary planning documents. The supporting text omits reference to the adopted CBMDC supplementary planning documents, which could create confusion.

74. There are certain minor points of detail in the criteria which need correction.

RECOMMENDATION 5

**In criterion f) remove the quotation marks.
In criterion j) delete “suitable” after “should be”.**

In 6.8 second sentence after “achieve” delete hyphen, insert “well-” before “designed”.

Add a final sentence in 6.9 as follows;

“CBMDC has further adopted supplementary planning documents which provide design guidelines. “Homes and Neighbourhoods: A Guide to Designing in Bradford” is particularly relevant.

POLICY SWES3 – HOUSING DENSITY

75.This policy provides a useful local focus for design guidance in the NPPF and Core Strategy policy HO5: Density of Housing Schemes.

76.I agree with CBMDC that clarification is required that the density requirement is expressed as a “net” figure.

RECOMMENDATION 6

In the policy text after “30 dwellings per hectare” insert a footnote as follows: “For the purposes of clarity, the targets set out within the policy relate to net densities.Net density is usually determined by measuring the number of dwellings against the net developable area of the site. The net developable area would include only those site areas, which will be developed for housing and directly associated uses, including local access roads within the site, private garden space, car parking areas, incidental open space and children’s play areas, where these are provided.”

POLICY SWES4 - PROTECTING LOCAL NON-DESIGNATED HERITAGE ASSETS

77.During the examination I asked the Parishes to provide evidence relating to the merits of the specified non-designated heritage assets in order to understand the justification for their inclusion in the policy.

78.The Parishes provided satisfactory evidence in accordance with the advice issued by Historic England in relation to good practice in compiling local lists of non-designated heritage assets. This should be added to the Plan as an appendix and a reference point when considering proposals affecting these assets.

79.There were some extra assets added to the list by the Parishes in the response to my questions. It is not possible to add these to the Plan at this stage as there has been no public consultation on them.

80.There is an outstanding minor extra reference required to Silsden New Methodist Church. I observed on my site visit it has merit both historically and in architectural terms and this requires a brief explanation in the list.

81. Policies map 7 represents a section of Sykes Lane for protection as a non-designated heritage asset under this policy. I also note that on the Policies Map 1 a greater length of Sykes Lane is shown and offered protection under the auspices of policy SWES8 Access to the Countryside, Countryside Sport and Recreation. I understand that the two policies recognise different merits of Sykes Lane but question why only a part of it is listed as a non-designated heritage asset.

82. In order to avoid confusion regarding designation of different parts of Sykes Lane by different policies I consider the "greater" length of the lane should also be designated as a non-designated heritage asset. I observed on my site visit that this greater length has justification as a non-designated heritage asset.

RECOMMENDATION 7

Add to Appendix 1 the list describing and justifying the non-designated heritage assets submitted by the Parishes as an attachment to the CBMDC email of the 18/9/2020.

Delete the following items from this list:

Silsden

58 - 61 St John's Street,

Old Cinema,

The School on Elliott Street,

Hothfield Street School,

Wesley Place - the original Methodist Chapel.

Add to the description of the SWES4/18 Former Library Building/Board school the following extract from Michael O'Dwyer's response of 23/9/20 to my questions:

"

"The Library building was the original chapel and is in the Conservation area and has now been converted into housing."

Add SWES4/17 1,3,5,18a and 18c North Street:

"The buildings are significant historical buildings in the Conservation area on Sykes Lane"

Add a reference to the age and qualities of Silsden New Methodist Church.

In Appendix 1, policies Map 7 amend the boundary of SWS4/15 Sykes Lane such that it is the same as shown on Policies Map 1.

POLICY SWES5 - PROTECTING LOCAL NON-DESIGNATED BIODIVERSITY AND GEODIVERSITY ASSETS

83. Core Strategy policy EN2 D Biodiversity and Geodiversity offers general protection to non-designated assets of this nature. It contains a number of criteria to be considered when assessing the impact of proposals which may affect important sites which are not formally designated. The proposed policy does not add

meaningfully to the Core Strategy policy and it does not cross-refer to the criteria in that policy.

84. Whilst the policy makes reference to certain generic “assets” it does not identify any specific sites.

85. I consider therefore the policy to be unnecessary and potentially confusing. It should be deleted. However, there is value in setting the overall context and signposting policies to conserve and enhance the natural environment to retain the supporting text subject to modifications.

86. The list of designated sites in paragraph 6.20 should be amended to allow for the re-designations as advised by CBMDC.

RECOMMENDATION 7

Delete the text of policy SWES5.

Retain the supporting text subject to the following alterations;

Amend the list of designated sites listed in 6.20 as follows:

“Special Protection Area/Special Area of Conservations/Site of

Special Scientific Interest

South Pennine Moors

Local Geological Sites (LGS)

Addingham Edge Millstone Quarry

Doubler Stones

Throstle Nest, Silsden

Local Wildlife Sites

Silsden Town Area

- Brackenhill Ghyll***
- Brown Bank Marsh****
- Elam Wood***
- Gillgrange Wood**
- Great Gill***
- Jacobs Beck/Holden Wood***
- Leeds & Liverpool Canal**
- Low Wood***
- Silsden Reservoir Woodland***
- Spring Crag & Alder Wood***
- Swartha Wood***

Steeton with Eastburn Parish Area

- Currer Wood***
- Hawkcliffe Wood***
- Steeton Reservoir****

Put the following as a footnote:

*** Site previously identified in RUDP as a Bradford Wildlife Area**

**** Site previously identified in RUDP as a Site of Ecological & Geological Importance.**

**In 6.21 delete the first two sentences and replace with;
“The Local Plan Core Strategy policy EN2 Biodiversity and Geodiversity offers protection to the above designated sites and also to important valued non-designated sites subject to various criteria.”**

POLICY SWES6 – AIREDALE’S VALUED LANDSCAPE

87.This is a good local dimension and supplement to Core Strategy policy EN4: Landscape.

POLICY SWES7 – GREEN AND BLUE INFRASTRUCTURE

88.This policy adds to and complements the Core Strategy policy EN2 Biodiversity and Geodiversity.

89.During the examination I requested that the green and blue networks referred to in criterion a) of the policy which seeks to improve connectivity to be identified on a map in order to justify the policy and allow its effective implementation by removing any confusion in its interpretation. This information was not forthcoming and the Mayor of Silsden indicated verbally it was unlikely to be produced.

90.The remainder of the criteria in the policy seeking to encourage walking and cycling links are vague.

91.I consider this policy does not meaningfully add to existing national and local policies including Core Strategy policies Policy EN2: Biodiversity and Geodiversity, DS2: Working with the Landscape and DS4 Streets and Movement.

92.I consider, therefore the policy should be deleted.

RECOMMENDATION 8

Delete policy SWES7 and supportive text.

POLICY SWES8 – ACCESS TO THE COUNTRYSIDE, COUNTRYSIDE SPORT AND COUNTRYSIDE RECREATION

93. This policy is a complement to NPPF and Core Strategy policy SC7: Green Belt. The text of the policy requires some alteration to ensure that development is of a scale appropriate to the countryside in accordance with national and local policies to ensure infrastructure is capable of supporting development.

94. The criteria relating to the acceptability of open land uses in criterion b) should also apply to criterion a) in the interests of consistency.

RECOMMENDATION 8

Delete the introductory sentence in the policy text and replace with the following;

“To support access to the countryside, countryside sport and countryside recreation the following development of appropriate scale will be supported provided there are no detrimental impacts due to noise, visual impact, landscape impact or traffic generation.”

In the policy text, amend criterion b) by deletion of “that would not have a detrimental impact due to noise, visual impact, landscape impact or excessive traffic generation.”

POLICY SWES9 – INFRASTRUCTURE FOR NEW DEVELOPMENT

95. This policy helps give some local definition to the infrastructure needs in the Plan area. However, it needs to cross-reference to CBMDC’s policies in the Core Strategy on investment in Airedale, approach to planning obligations and supplementary planning document on “Planning Obligations”. These policies set out in detail how developer contributions will be assessed and applied and require reference in the supporting text to provide clarity on the comprehensive policy approach.

96. CBMDC make a valid point that the reference in the policy, criterion e) is too prescriptive in its reference to expanding specific schools. This is a matter which has to be considered at planning application stage and all options assessed at that time. It may be that the approach recommended in criterion e) is not necessary or there are alternative solutions. The reference to specific schools should be deleted.

RECOMMENDATION 9

Add a new paragraph as follows after 6.32:

“CBMDC has policies and guidance which relates to investment in infrastructure and planning obligations. These will be applied to the assessment of development proposals and the need for and extent of

developer contributions to provision of infrastructure. These policies are based on central government guidance in the NPPF and are as follows: Core Strategy policies: AD2 Investment Priorities for Airedale:ID2 Viability and ID3 Developer Contributions. The adopted supplementary planning document “Planning Obligations”.

Amend the policy text as follows;

In criterion e) delete sentences 2 and 3.

POLICY SWES10 - COMMUNITY INFRASTRUCTURE LEVY (CIL)

97.This policy lists priorities for the Council’s spending of monies from the Community Infrastructure Levy (CIL). This is not suitable as a planning policy in the Plan but is rather an aspiration that the Council’s wish to apply. It relates to investment decisions not all of which require planning permission. It is correct that this priority list is included in the Plan but it should be presented in a different format to the planning policies.

RECOMMENDATION 10

Amend the policy text such that it is a different format to that of the other planning policies. Alter the title to “Priorities for spending of Community Infrastructure Levy (CIL) monies”

In 6.34 amend the sixth sentence as follows; delete “Policy SWES10” and insert “The list below...sets out etc.”

POLICY SWES11 – SILSDEN LOCAL CENTRE

98.This policy seeks to protect the vitality and viability of Silsden Local Centre but it does not add to existing NPPF, saved RUDP and Core Strategy policies. These existing policies seek to protect the retail function of local centres such as Silsden and encourage main town centre uses to locate within them. Saved RUDP policy CR1A and Core Strategy policy EC5 D and H: City, Town, District and Local Centres promote the vitality and viability of the Silsden local centre and allow main town centre uses¹¹ of an appropriate scale and subject to other criteria. Policies EC5 J and H also allows office residential, community, cultural, healthcare and educational uses at ground and upper floor levels subject to their scale and impact on the Primary Shopping Areas

99.The NPPF, saved RUDP policy CT5 (Non-Retail Uses in Primary Shopping Areas) and the CBMDC supplementary planning document “Hot Food Takeaways” provide a detailed policy context for consideration of hot food takeaways in local centres which is not added to by the proposed Plan policy.

¹¹ As defined by the NPPF glossary

100. Similarly, the policy does not add to the policy context provided by Core Strategy policy DS1 achieving Good Design and the supplementary planning document “Shop Front Design”.

101. The policy is therefore unnecessary and potentially confusing as it fails to include some of the nuances and criteria in the existing policies relating to local centres. I recommend it be deleted. The Councils may wish to consider including supportive text to summarize the existing policy context.

102. The last paragraph of the policy text contains aspirations which the Plan supports. These are not matters which can form planning policies and should be presented in a manner which is distinct from the planning policies.

RECOMMENDATION 11

Delete policy SWES11 and the supporting text.

The final paragraph of the policy can be retained as aspirations which the Plan wishes to support. This should be presented in a format distinct from that of the planning policies and it made clear that these are aspirations not planning policies.

POLICY SWES12 – STEETON WITH EASTBURN LOCAL CENTRE AND LOCAL SHOPS

103. This policy raises similar issues to SWES 11. It does not effectively add to the existing policies.

104. The policy seeks to clarify how proposals involving loss of retail uses will be considered. This is on the basis of criteria which assess whether there is a detrimental impact on the vitality and viability of the centre. Some of these criteria are vague and confusing and not capable of effective implementation. These are “interruption of a non-residential frontage”, which is open to interpretation and “key non-residential buildings” which are not identified

It is therefore recommended that the policy and supporting text be deleted.

RECOMMENDATION 12

Delete policy SWES12 and the supporting text.

POLICY SWES13 - PROTECTING LOCAL EMPLOYMENT SITES

105. This policy identifies strategic existing employment sites which should be protected for employment use. The policy cross-refers to the criteria in Core Strategy policy EC4: Sustainable Economic Growth which establishes this protection is

dependent on the continuing suitability of the site for employment purposes in terms of location, accessibility, adjacent land uses, environmental impacts and market significance.

106. Whilst no evidence is submitted to explain the significance of these sites for employment purposes it was readily apparent from my site visit that the sites are currently viable for employment purposes and functioning as employment sites.

107. CMBDC has pointed out the need for certain boundary changes to be made to the sites as shown on the policies map. These include site SWES13/4: Howden Road (Waterloo Mills), Silsden where part of the site has been redeveloped for residential purposes and SWES13/12: Old Goods Yard, Old Station Road, Steeton to take account of the identification of the site as amenity green space in the Bradford Open Space Assessment (2006). These amendments to the Policies Map should be made. I note the correct boundary for this latter site is as shown on the RUDP proposals map (site KE 1.3) in relation to saved policy E1 which protects employment sites.

RECOMMENDATION 13

Amend the site boundaries of the following sites on the Policies Map as follows:

SWES13/4: Howden Road (Waterloo Mills), Silsden to omit that part of the site which has been redeveloped for residential purposes,

SWES13/12: Old Goods Yard, Old Station Road, Steeton to take account of the identification of the site as amenity green space as shown on the RUDP proposals map in relation to saved policy E1.

POLICY SWES14 – MICRO-BUSINESSES

108. The policy seeks to encourage micro-business development in the urban parts of the Plan area.

109. The policy specifies a micro-business as “less than 10 employees” which is arbitrary and not based on any evidence.

110. The policy does not refer to existing Core Strategy policies EC4 Sustainable Economic Growth which promotes business development supporting tourism culture and leisure-based activities and rural industries in appropriate circumstances. Nor does it mention EC5 Town District and Local Centres which encourages business development in the local centres. This lack of context is confusing.

111. The policy only succeeds in clarifying that in urban areas micro-businesses will be allowed subject to the routine site-specific analyses carried out in the development management process relating to residential amenity, car-parking and

traffic impacts. However, it does not list all the factors which could be taken into account in decisions. For example, accessibility to services, design and impact on trees are not referred to.

112. Given these concerns, I consider this policy is confusing and should be omitted. Existing policies, including national guidance, promote small business development in the urban area subject to site specific development management considerations.

113. There is value in setting out in supporting text to Policy SWES 13 the overall existing policy context for promoting business development in the Plan area.

RECOMMENDATION 14

Delete paragraph 6.45 and the text to Policy SWES 14.

**Add new paragraphs of supporting text to policy SWES13 as follows;
“Current national guidance in the NPPF seeks to create conditions to foster sustainable business development in urban and rural areas. Core Strategy policy EC4 Sustainable Economic Growth promotes business development by supporting tourism culture and leisure-based activities. Furthermore, it promotes rural industries by reuse of existing buildings, farm diversification and support for live – work opportunities. Core Strategy policy EC5 Town District and Local Centres encourages business development in the local centres.**

Other proposals to develop in the urban parts of the Plan area are considered on their merits particularly in relation to impact on residential amenities, parking and traffic impacts.”

POLICY SWES15 - PROTECTION OF LOCAL COMMUNITY SITES AND BUILDINGS

114. This policy builds on advice in the NPPF¹² that planning policies should “plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”

115. The list of community sites and buildings is largely appropriate for protection subject to the expressed criteria that they should be viable and acceptable in planning terms.

116. The policy would benefit from greater clarity in how to demonstrate that a community use is no longer viable. Reference to a period of marketing of 12 months by chartered surveyors would be reasonable and establish clarity.

¹² NPPF paragraph 92(a)

117. The text of the policy would benefit further from reference to the need to comply with other planning policies.

RECOMMENDATION 15

In criterion a of the policy text delete the second sentence beginning with “Such sites”. Replace with “Such sites should be acceptable in terms of other planning policies and in particular be accessible by public transport, walking and cycling and provide adequate car parking; or”

**In criterion b insert a further sentence as follows;
“To demonstrate this, applicants should submit evidence that the for a period of 12 months there has been a level of acceptable active marketing by a Chartered Surveyor of the building as a community facility and there has been no demand for the facility.”**

POLICY SWES16 – LOCAL GREEN SPACES

118. This policy designates local green spaces in accordance with the advice in the NPPF¹³. These designations are properly evidenced with respect to the main criteria advised in the NPPF in the Local Green Space assessment document produced by Kirkwells in January 2019.

119. There is some inconsistency with the inclusion of the Bolton Road allotments as green space when other allotments are classed as “recreation provision” and fall under policy SWES17 Protecting and Enhancing Sport and Recreation Provision. The two policy regimes offer similar protection but are different in that the green belt type of protection relating to green space offers more control over visual amenities and retaining the openness of these areas. Given that allotments essentially provide a recreation function, which can require some development to aid their proper function and consistent with the other allotments designations, I consider it more appropriate that the Bolton Road allotments are protected via policy SWES17.

120. Similar issues apply to the Eastburn Playing Fields which I noted at the time of my visit contained goal posts and children’s play facilities. Whilst the playing fields also function as a more passive recreational facility I consider the space offers primarily a recreation function. These facilities are more appropriately protected under sport and recreation provision.

121. During the examination I noted that a number of the proposed sites are not shown on the Policies Map 1 and that there are a number of sites on the map which have no reference. This was corrected in the annotated version of the proposals map forwarded to me by the Mayor of Silsden on the 31/10/2020.

¹³ NPPF paragraph 100

RECOMMENDATION 16

In the policy text delete “SWES16/2 Bolton Road Allotments” and “Eastburn Playing Fields” and list them under Policy SWES17.

Amend the Policies Map 1 to annotate the location of SWES16/1 Memorial Gardens.

POLICY SWES17 – PROTECTING AND ENHANCING SPORT AND RECREATION PROVISION

122.This policy offers protection to sport and recreation facilities in accordance with the NPPF guidance¹⁴. These facilities provide essential facilities for sport and recreation. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

123.In accordance with NPPF advice the text of the policy should be amended to allow for re-development to alternative uses in the event that it can be demonstrated the site is unsuitable or there is no demand for its use as a sport and recreation facility.

124.The policy is also in general conformity with Core Strategy policy EN1: Protection and improvements in provision of Open Space and Recreation Facilities that seeks to ensure *“Land identified as recreation open space, or which is currently or was formerly used for recreation open space will be protected from development..”*

125.I noted that in the same manner as above in policy SWES16, there are a number of sites on the map which have no reference. This was corrected in the annotated versions of the Policies Map1 forwarded to me by the Mayor of Silsden on the 31/10/2020 and the Chair of Eastburn and Steeton Parish Council on the 3/11/20.

126.The Carter Royd allotments should be added as SWES 17/17 to the list of sites in the policy text.

127.I noted on my site visit that Jacksons Field ref:SWES17/5 in Silsden did not appear to be in active use at the time as a sports facility. Subsequently , on behalf of the Parishes it was confirmed by Councillor Rebecca Whitaker that it has been mainly in use for temporary markets, circuses and galas and not sport or recreation. It should therefore be deleted from the list of sites under this policy.

SWES 17/7 Airedale Hospital Sports Ground

128.An objection to the designation of this site was received from the Airedale Trust.

¹⁴ NPPF paragraph 97

129. The Trust objects to the designation of site 17/7 the Hospital Sports Ground on the basis that it has not been used as a sports pitch since 1993 and access is only achievable for pedestrians. Furthermore, it points out there is no reference to the site in the “Bradford Open Space Sport and Recreation Study”, 2006 and this therefore excludes the site as one “identified” for protection via Core Strategy policy EN1 Protection and Improvements in Provision of Open Space and Recreation Facilities. It submits further that whilst the RUDP allocated the site for these purposes, it has not been used as such and that it was wrongly identified at that stage as “bookable” by the public, rather than a private facility. For these reasons, the Trust submits it should not have been identified for open space or recreation purposes.

130. I do not consider that as its use as a private facility precludes its identification for these purposes in this Plan. Private facilities of this nature help fulfil a public need.

131. I noted on my site visit that the site was overgrown and buildings on it have been demolished. I sought the views of CBMDC and the Parishes on the objection from the Trust and the status of the sports ground.

132. CBMDC confirmed it is currently in the process of preparing an updated Open Space Audit to support the emerging Core Strategy Partial Review and Allocations DPD. This has involved undertaking assessments of all existing identified areas of open space. This audit does not include the site. Similarly, the most recent iteration of the Council’s Playing Pitch Strategy Assessment Report & Strategy, did not identify the site as a playing pitch.

133. I consider on the basis of this evidence there is no basis on which to include this as a protected site for sport and recreation. This designation would be contrary to National Planning Practice Guidance (NPPG) that “Proportionate, robust evidence should support the choices made”¹⁵.

Airedale Mews Garden

134. The Trust maintains that this site has never been used for sport or recreation and indeed was the location for landscaping as part of a 2003 planning permission for hospital accommodation. It is maintained the land does not function as a garden but simply as a landscaped buffer as intended in the planning permission with no public access.

135. It is noted the site is allocated as Village Green Space by saved RUDP policy OS7.

136. CBMDC responded to my questions that the “Bradford Open Space, Sport and Recreation Study”, undertaken by KKP on behalf of CBMDC, published in 2006 does not directly refer to individual sites. However, in order to inform its findings a mapping exercise was undertaken to identify and classify the various areas of open

¹⁵ Paragraph: 040 Reference ID: 41-040-20160211

space, sporting and recreational facilities within the district. This mapping exercise was not published with the study report. This work identified the area known as Airedale Mews Gardens as being an area of “amenity greenspace” (under PGG17 typologies). These areas provide opportunities for informal activities close to home or work, or enhancement of the appearance of residential or other areas.

137.I note that the site forms part of the landscape buffer between B6265 Skipton Road and hospital campus. It is also identified in the under saved RUDP policy OS7 as a village green space.

138.CBMDC are currently in the process of preparing an updated Open Space Audit to support the emerging Core Strategy Partial Review and Allocations DPD. This has involved undertaking assessments of all existing identified areas of open space. Results from this audit suggest that part of the site should be classified under the amenity greenspace typology.

139.On the basis of this evidence and observations on my site visit I consider this site is more appropriate for designation as local green space in accordance with national guidance. This would reflect its role as a landscape buffer with passive recreation value. I am satisfied that the site meets the local green space requirements in paragraph 100 of the NPPF, namely that the site is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

RECOMMENDATION 16

Add “Bolton Road Allotments” and “Eastburn Playing Fields” to the list of facilities.

Add “ SWES17/16 Keighley Road Allotments” to the list of sites in the policy text.

Delete “SWEES 17/5 Jackson’s Field, SWES 17/7 Airedale Hospital Sports Ground and SES17/8 Airedale Mews Garden” from the policy.

Add “SEWS 17/8 Airedale Mews Garden” to the list of sites policy SWES 16.

The Carter Royd allotments should be added as SWES 17/17 to the list of sites in the policy text.

Amend the Policies Map 1 to reflect all the above amendments and add all site references to the Policies Map 1 as indicated on the annotated policies maps

forwarded during the examination by the Parishes.

Add the following to the end of the text to the policy;

“or

an assessment has been undertaken which has clearly shown the recreational use of the buildings or land to be surplus to requirements or unsuitable for such use.”

POLICY SWES18 – TOURISM DEVELOPMENT

140. The policy seeks to cover a wide range of policy scenarios but does not cross-refer to other relevant planning policies and development management criteria which may be applicable. There is a complex interplay of policies which affect consideration of tourism development. It is potentially confusing to include this policy without reference to these other relevant policies. The confusion is exacerbated as tourism development covers a wide range and scale of activities which is not defined in the policy.

141. The policy does not add significantly to the range of existing policies and development management criteria which may be applicable. There is reference to encouraging tourism in the canal area of Silsden but this is only a general statement with no specific proposals or allocations. Improvements to footpaths is an aspiration rather than the subject of a planning policy.

142. The desire to signal in the Plan the support of tourism development is understood. In the absence of effective new tourism policies and to avoid confusion I recommend the policy be deleted but that an aspiration to support tourism in the context of existing policies could be included in the Plan.

RECOMMENDATION 17

Alter paragraph 6.57 as follows:

“This section of the plan contains aspirations to support tourism. This is not a policy but a significant objective of the Parish Councils.”

In 6.58 second sentence delete “NDP” insert “Parish Councils”. At the end of this sentence add “and conform to the range of national planning guidance local policies and site-specific development management considerations. There is scope for tourism of the appropriate scale in the urban areas, particularly within the Local Centres and in green belt and other rural locations.”

Delete the text of the policy.

Add the following as a new paragraph after 6.58;

“In particular, the Parish Councils wish to encourage

- Further hotel (Use Class C1) development**
- Bed and breakfast accommodation and tourist related diversification of existing rural enterprises**
- Development of the canal area in Silsden to encourage and support growth in tourism**
- Promotion of walking and cycling by improvements to footpaths and rights of way**
- Creation of new links to tourism assets in the wider area**

SECTION 7 HOW to COMMENT ON THIS DOCUMENT

RECOMMENDATION 18

143.Delete this section.

SECTION 8 MONITORING and REVIEW

144.This section usefully summarises the need to monitor and review.

SUMMARY

145.I have completed an independent examination of the Neighbourhood Development Plan.

146.The Parishes have carried out an appropriate level of consultation and shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning Regulations 2012.

147.I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the NPPF and local development plan policies.

148.Subject to these modifications, I am satisfied that the plan meets the Basic Conditions, as follows:

149. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

150. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area, and if it is to be extended, the nature of that extension.

151.There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently

defined.

152.I am therefore pleased to recommend that this Neighbourhood Development Plan, as modified by my recommendations should proceed to a referendum.