

# Bradleys Both Neighbourhood Development Plan

A report to Craven District Council of the Independent  
Examination of the Bradleys Both Neighbourhood Development  
Plan

Copy to Bradleys Both Parish Council

Independent Examiner Christopher Collison

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## Summary of Main Findings

This is the report of the Independent Examination of the Bradleys Both Neighbourhood Development Plan. The plan has been prepared by Bradleys Both Parish Council. The plan relates to Bradleys Both Parish which was designated as a Neighbourhood Area on 9 December 2013. The plan area lies within the Craven District Council area. The plan period runs until 2032. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

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## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Bradleys Both Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Bradleys Both Parish Council (the Parish Council). Bradleys Both Parish was designated by Craven District Council (the District Council) as a Neighbourhood Area on 9 December 2013. The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Bradleys Both Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan preparation process was led by a Neighbourhood Plan Working Group (the Working Group) made up of Parish Councillors and other volunteers from the local community.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council and submitted to the District Council on 18 October 2022. The District Council arranged a period of publication between 12 December 2022 and 30 January 2023, and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 1 February 2023.

## Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

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6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the District Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have 35 years' experience at Director or Head of Service level in several local planning authorities. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, and in the full range of types of urban and rural areas.
10. As independent examiner, I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

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- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

12. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.” The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the level of detail contained within the submitted Neighbourhood Plan and supporting documents; and the responses to my request for clarification of matters have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded on the basis of examination of the submission and supporting documents; consideration of the written representations; and an unaccompanied visit to the Neighbourhood Area undertaken on 12 February 2023.

13. This report should be read as a whole, and has been produced in an accessible format.

## **Basic Conditions and other Statutory Requirements**

14. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;

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- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- 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.

15. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies'. Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

16. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act introduced by section 38A (3); and in the 2012 Regulations made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

17. The Neighbourhood Plan relates to the area that was designated by the District Council on 9 December 2013. A map of the Neighbourhood Area is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally

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significant infrastructure projects). I am able to confirm that I am satisfied that each of these requirements has been met.

19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period runs until 2032. The plan period is confirmed in the footer appearing on every page of the submitted Neighbourhood Plan.
20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
23. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

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## Documents

24. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Bradleys Both Parish Council Neighbourhood Development Plan Up to 2032 Regulation 16 Submission Version (including Appendices 1-4)
- Appendix 5 Equality Impact Analysis (March 2022)
- Appendix 6 SEA (September 2022)
- Appendix 7 HRA (September 2022)
- Appendix 8 Consultation Statement v2 (March 2022) [In this report referred to as the Consultation Statement]
- Appendix 9 Basic Conditions Statement (March 2022) [In this report referred to as the Basic Conditions Statement]
- Appendix 10 Correspondence
- Annexe 1 Bradley Site assessments
- Annexe 2 Bradley Character Assessment
- Annexe 3 Draft Low Bradley Conservation Area Appraisal
- Information available on the Bradleys Both Parish Council website
- Information available on the Craven District Council website including the Low Bradley Conservation Area Appraisal (2023) adopted 28 February 2023
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and Craven District Council and the Parish Council including: the initial letter of the Independent Examiner dated 1 February 2023; the letter of the Independent Examiner seeking clarification of various matters dated 16 February 2023; and the responses of the Parish Council reviewed and agreed by the District Council which I received on 23 February 2023
- National Planning Policy Framework (2021) [In this report referred to as the Framework]
- Craven Local Plan 2012 to 2032 (adopted November 2019)
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)

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- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

## Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

26. Consultation began in respect of a then proposed neighbourhood plan with a public meeting, to which every home and business in the parish had received an invitation, held in Bradley Village Hall on 10 April 2013. Comments captured were considered by the Working Group. A District Council Local Plan housing sites public drop-in session in July 2013 offered an opportunity for stakeholders to learn more about the proposed neighbourhood plan. An outline draft Neighbourhood Plan prepared in November 2014 was published on the Parish Council website and publicised in the Craven Herald and on posters displayed around the village. A questionnaire circulated to all premises in the parish resulted in 184 responses which were analysed by the Working Group and which informed the production of a revised draft plan.

27. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 26 March 2016 and

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7 May 2016. The District Council, statutory consultees, local businesses and community organisations were contacted directly. The draft Plan was published on the Parish Council website and hard copies were available to view in the Village Hall at two sessions attended by 106 people at which Working Group representatives were available to answer questions. Hard copies of the Plan were also available to view in four locations. A letter was distributed to all residences and businesses; posters were displayed; and a notice was published in the Craven Herald. Figure 9 in Appendix 3 of the Consultation Statement details the comments received from all parties and sets out a response and any action taken, including modification and correction of the emerging Neighbourhood Plan. A further period of consultation was held in 2020. The further consultation was undertaken to test the vision and objectives of the Neighbourhood Plan and ensure they were still fit for purpose given the significant passage of time since the earlier consultation draft of the plan. A village drop-in event on 1 February 2020 in the Village Hall was advertised in a flyer. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was submitted by the Parish Council to the District Council.

28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 12 December 2022 and 30 January 2023. Publicity was achieved through the District Council website and by making hard copies of the submission documents available at the District Council office reception, Bradley village shop, and in Bradley Village Hall. On the day of my visit to the Neighbourhood Area which was after the Regulation 16 period had closed there was a prominent display in the village shop window drawing attention to the Neighbourhood Plan preparation and opportunity to make representations. Representations were submitted during the Regulation 16 period of publication from a total of 11 different parties.

29. The District Council state “Prior to submission of the Bradley Neighbourhood Plan Craven District Council (CDC) worked closely with Bradley Parish Council, advising them on pre-submission drafts of the Neighbourhood Plan as part of our duty to support them throughout this process. Much of CDC’s comments, advice and recommendations for amendments were taken on board during the preparation of the draft Neighbourhood Plan. CDC is concerned however that during the development of policy ENV1, relating to the designation of Local Green Space (LGS) sites, Bradley Parish Council has not taken account of all of CDC’s recommendations. CDC considers that whilst many of our advice and suggestions have been taken into account in relation to the choice, assessment and proposed designation of LGS sites, some key concerns have not been fully resolved.” The District Council has set out a summary of key concerns made in relation to policy ENV1 with references included to the relevant parts of the submitted Consultation Statement and submission draft SEA document, providing

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more detail. Historic England states it considers it inappropriate for an area of land, identified as BR011 in Appendix 5 of the Neighbourhood Plan, to be excluded from the Local Green Space Policies Map. The representation of an individual states the field off College Road between Primrose Hill and the listed properties off College Road to the north of Primrose Hill, and the adjoining field behind St Mary's church are no longer identified as local green space but should be retained as such. A representation submitted by two individuals with a total of 24 signatories states that the decision not to designate the land identified as BR011 as either ENV1 or ENV3 is wrong. I refer to these representations when I consider Policy ENV1 and Policy ENV3 later in my report.

30. The representations of the Coal Authority; Pendle Borough Council; Sport England; Natural England, and the National Grid confirm they have no specific objections or comments relating to the Neighbourhood Plan. The representation of an individual objects to development of land west of Skipton Road, referred to as BR16, on grounds of drainage and sewerage, and traffic problems. A representation of two people objects to development off Skipton Road, referred to as site BB03, on highway grounds
31. I have read each of the Regulation 16 representations. In preparing this report I have taken into consideration all of the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.
32. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council did submit comments to me in respect of several of the Regulation 16 representations and those comments have been published on the District Council website. I have taken those comments into consideration in preparing my report. The Parish Council has also submitted responses to my requests for clarification of various matters. Those responses have been reviewed and agreed by the District Council. My requests and the responses have been published on the District Council website. I have taken the responses of the Parish Council as agreed by the District Council into consideration in the preparation of my report.
33. The Regulations state that where a qualifying body submits a plan proposal to the

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local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:

- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) explains how they were consulted;
- c) summarises the main issues and concerns raised by the persons consulted; and
- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

34. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding engagement in plan preparation contained within the Guidance. It is evident the Neighbourhood Plan Working Group has ensured stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

35. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Two of the plan policies are considered together and each of the other plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

**Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and 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**

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36. Paragraph 6.5 of the Basic Conditions Statement states “The Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human rights and complies with the Human Rights Act 1998. The Act sets out the human rights in a series of Articles. The ones of most relevance to the NDP are the right to family life and protection from discrimination”. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.
37. Paragraph 6.6 of the Basic Conditions Statement states “a Public Sector Equality Assessment has been prepared and demonstrated how the plan has considered and responds to the needs of individuals”. From my reading of the Equality Impact Assessment prepared by the Parish Council in March 2022 (Appendix 5 of the Neighbourhood Plan), and from my own assessment, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010.
38. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
39. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Craven District Council either an environmental report prepared in accordance with the Environmental

Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.

40. Paragraph 6.2 of the Basic Conditions Statement states “A Strategic Environmental Assessment (SEA) Screening Report was undertaken by Craven District Council in November 2019. This considered the NDPs potential economic, social and environmental impacts. As the NDP has been amended following consultation and liaison with Craven District Council as Local Planning Authority the screening report was reviewed to ensure that its assessment and conclusions was not affected by the modifications. This was carried out in July 2022. The latest version of the plan and screening report were then sent to the Statutory Environmental Bodies (Environment Agency, Natural England and Historic England) for comment. The Statutory Bodies confirmed that they do not think that the policies of the NDP will result in significant environmental effects and therefore concluded it does not require SEA. A screening opinion was then produced by CDC confirming that the NDP does not require SEA.” I have examined the Strategic Environment Assessment Screening Report prepared for the Parish Council on 13 September 2022 (Appendix 6 of the Neighbourhood Plan) and find it represents a thorough analysis and is entirely satisfactory. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
41. It is reported at paragraph 6.4 of the Basic Conditions Statement that “A Habitat Regulation Assessment (HRA) Examination of Likely Effects was undertaken by Craven District Council in November 2019. This assessed the NDP’s potential impacts on the natural environment. As with the SEA process described above the Examination of Likely Effects was reviewed by CDC in July 2022 to check that the amended policies did not affect the assessment and conclusions on the impacts on the natural environment. The draft NDP and Examination of Likely Effects report were then sent to the relevant Statutory Body Natural England for comment. Natural England confirmed that they did not think that the NDP requires an HRA”. I have examined the Habitats Regulations Assessment Examination of Likely Significant Effects prepared for the Parish Council on 13 September 2022 (Appendix 7 of the Neighbourhood Plan) and find it represents a thorough analysis and is entirely satisfactory. I am satisfied that the Neighbourhood Plan meets the requirements of the Basic Condition relating to Habitats Regulations.
42. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

43. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
44. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
  - when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

**Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development**

45. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
46. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
47. The most recent National Planning Policy Framework published on 20 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently

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updated, in part, on 25 August 2022. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance. The Government consultation on possible changes to the Framework published in December 2022 has not formed part of my consideration.

48. The Table presented as Appendix 1 of the Basic Conditions Statement sets out an explanation how each of the policies of the Neighbourhood Plan has regard to identified parts of the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
49. The Neighbourhood Plan includes in section 2 a positive vision for Bradleys Both in 2032 with economic, social and environmental dimensions. Eight objectives are also set out that will help realisation of the vision.
50. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”
51. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”.
52. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need

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to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

53. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Section 5 of the Neighbourhood Plan sets out a statement how the Neighbourhood Plan meets the requirement for sustainable development. The Table at Appendix 3 of the Basic Conditions Statement demonstrates ways in which the policies of the Neighbourhood Plan support the economic, social and environmental dimensions of sustainable development. Whilst the impact of some policies is found to be neutral in respect of one, or in some cases two, of the dimensions of sustainable development every policy makes a positive or significant positive impact in respect of at least one of the dimensions. The statement does not highlight any negative impacts of the Neighbourhood Plan policies.

54. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. In particular, I consider the Neighbourhood Plan as recommended to be modified seeks to:

- designate Local Green Spaces;
- identify and protect identified Green Infrastructure links;
- ensure development conserves the landscape;
- ensure development conserves the natural environment and achieves biodiversity net gain;
- establish criteria for support of solar farms;
- establish circumstances when infill development will not be supported;
- ensure new development will conserve and enhance local character including heritage and natural environment assets;
- establish principles for the housing development of land at Skipton Road;
- establish design principles for all new development;
- ensure the type and mix of new housing development meets local needs;
- ensure new residential or commercial development can wherever possible be accessed without vehicles passing through the village centre;
- establish support for pedestrian safety improvements and establish priorities;
- establish support for improvement of community facilities, and establish criteria for support of loss or harm to such facilities;

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- establish conditional support for new or extended sporting or recreation facilities including on an identified site;
- establish criteria for loss of good quality agricultural land and for siting of agricultural buildings;
- establish criteria for development at the Airedale Business Centre and Acorn Business Park; and
- establish criteria for support of business/tourism-related development.

55. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

**Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**

56. The Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”. Plans should make explicit which policies are strategic policies. “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.

57. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has confirmed the Development Plan applying in the Bradleys Both Neighbourhood Area and relevant to the Neighbourhood Plan is the Craven Local Plan, adopted November 2019. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The District Council has advised me that the Local Planning Authority considers all of the policies within the Local Plan as strategic policies.

58. The District Council has informed me a Local Government Reorganisation within North Yorkshire means “a single new council for North Yorkshire will launch on 1 April 2023, replacing the current county council and seven district and borough councils including Craven District Council. Once the new North Yorkshire Council is created it will have a legal requirement to prepare a single Local Plan for the area of North Yorkshire excluding the Yorkshire Dales and North York Moors National Parks, within five years from the date of investiture. This has implications for the reviews of the adopted Craven, Hambleton, Harrogate, Richmondshire and Scarborough Local Plans. The NYCC Executive approved a number of recommendations relating to the approach to plan making in North Yorkshire in December 2022, including that the reviews of those adopted local plans be halted to enable resources to be focussed on the preparation of a new local plan for the new North Yorkshire plan area. These recommendations will be presented to a meeting of Full Council in May 2023”.

59. The Guidance states: “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;
- the emerging Local Plan;
- the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision

maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

60. The Guidance states “It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.” The approach of the District Council and the Parish Council has been consistent with that guidance. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and a future Local Plan for North Yorkshire when it is prepared and adopted by the new unitary North Yorkshire Council; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The future Local Plan for North Yorkshire is not part of the Development Plan and this requirement does not apply in respect of that. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”.

61. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

62. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;

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- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

63. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration the Table presented as Appendix 1 of the Basic Conditions Statement that seeks to demonstrate how each of the policies of the Neighbourhood Plan is in conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan Policies**

64. The Neighbourhood Plan includes 19 policies as follows:

- Policy ENV1: Local Green Spaces
- Policy ENV2: Green Infrastructure Links
- Policy ENV3: Conserving the Landscape
- Policy ENV4: Nature Conservation
- Policy ENV5: Wind Turbines
- Policy ENV6: Control of Solar Farms
- Policy ENV7: Infill Development
- Policy ENV8: Protecting Conservation and Heritage Sites
- Policy HOU1: Land at Skipton Road, Bradley
- Policy HOU2: New Housing development Design Policy
- Policy HOU3: Housing Type and Mix
- Policy HT1: Road Safety and Congestion
- Policy HT2: New Development Infrastructure
- Policy CFS1: Bradley’s Community Facilities
- Policy CFS2: Creation of New and the Extension of Existing Sporting and Recreation Facilities
- Policy ELB1: Retaining Productive Farmland

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Policy ELB2: Airedale Business Centre and Acorn Business Park

Policy ELB3: Proposals for Change of Use

Policy ELB4: Supporting Rural Business

65. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”. Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”
66. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”
67. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”
68. The Guidance states “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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
69. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the

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choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

70. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”
71. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need”. “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
72. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy in turn. I have considered any other inter-relationships between policies where these are relevant to my remit.

### **Policy ENV1: Local Green Spaces**

73. This policy seeks to establish a development management approach to development proposals on land designated as Local Green Space.
74. Paragraph 101 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.” It is evident from the final column of Table 2 in Appendix 3 of the Neighbourhood Plan that the intention is that the Neighbourhood Plan should designate areas of land as Local Green Space, but no policy of the Neighbourhood Plan achieves that. In response to my request for clarification the Parish Council, with the agreement of the District Council, confirmed it is intended Policy ENV1 should designate Local Green

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Spaces. I have recommended a modification in this respect so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

75. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Local Green Space Policies Map and the Village Inset Map of the Parish Wide Policies Map of the Neighbourhood Plan. In answer to my request for clarification whether proposed LGS 4 Canal towpath should only relate to the length of towpath within the Inset Map the Parish Council state “the intention was for the LGS 4 to include all of the canal towpath within the boundary of the NDP and not just the part that fits within the Village Inset Map. The LGS designation is not showing clearly on the wider policies map as it is a very narrow line but it is included. CDC officers have advised that this will be shown as a specific layer on the Council’s website.” When viewed electronically the Local Green Space Policies Map, the Parish Wide Policies Map, and the Inset Map can be expanded to better reveal the line of boundaries of the green spaces in question. The scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. For the avoidance of doubt, I have recommended a note should be added to the Key to the Local Green Space Policies Map and the Key to the Parish Wide Policies Map to clarify the LGS 4 Canal towpath designation relates to the entire length of canal towpath in the Neighbourhood Area. I have also recommended the Key to Local Green Space Policies Map and the Key to the Parish Wide Policies Map is adjusted to clarify the designation of sites reference 1 and 3 as Local Green Space as this is not at present clear. Subject to these modifications I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.

76. Part d) of Policy ENV1 refers to “the defined curtilage of a domestic building”. In response to my request for clarification whether any curtilage, or part curtilage, of a domestic building is included in any of the proposed LGSs, and the reason for any such inclusion, the Parish Council stated “previous drafts of the NDP included land that formed part of the curtilage to domestic properties but these sites have now been removed. Criteria d) in policy ENV1 was not however removed. This is an error and the criteria therefore serves no purpose in policy ENV1.” I have recommended a modification to correct this error.

77. Decision makers must rely on paragraph 103 of the Framework that states “Policies for managing development within a Local Green Space should be

consistent with those for Green Belts” and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 147 to 151. That part of the Framework sets out a development management approach to development proposals including statements regarding the types of development that are not inappropriate in Green Belt areas. Policy ENV1 seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812). Policy ENV1 includes much text that merely repeats national and strategic policy. Paragraph 16 f) states plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in the Framework, where relevant). In response to my request for clarification the Parish Council has confirmed it is intended Policy ENV1 should establish that management of development within Local Green Spaces will be consistent with those for Green Belts (in accordance with paragraph 103 of the Framework). I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

78. Paragraph 102 of the Framework states the Local Green Space designation should only be used where the green space is in reasonably close proximity to the community it serves. Whilst the canal towpath is a linear area of land that extends to the boundaries of the Neighbourhood Area it passes immediately adjacent to the built area of Low Bradley and is accessible from the village at the swing bridge. The towpath also passes close to other residential and commercial properties in the Neighbourhood Area. I regard the canal towpath as being in reasonably close proximity to the community it serves. The other proposed Local Green Spaces are all within, or immediately adjacent to the built framework of Low Bradley. I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves.

79. Paragraph 102 of the Framework states the Local Green Space designation should only be used where the green space is 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. The submission Neighbourhood Plan includes in Appendix 3 information which seeks to confirm why each of the proposed Local Green Space designations is demonstrably special to a local community and holds a particular local significance. Relevant reasons for designation are indicated as applying in respect of each of the sites proposed for designation including matters referred to in the Framework. I have visited each of the areas of land concerned.

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80. With respect to proposed Local Green Space site 4 Canal towpath I have considered the part of the Guidance which states there is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation (Paragraph: 018 Reference ID: 37-018-20140306 Revision date: 06 03 2014). I do not regard the designation of Local Green Space site 4 Canal towpath as solely to protect the linear right of way but has a range of reasons for designation including historic significance as part of the history of the development of Low Bradley and access to the Polish Airmen memorial, the richness of wildlife, and as a recreation resource not limited to passage along a right of way.

81. With respect to proposed Local Green Space site 6 Rear of Ings Drive I have noted Table 2 of Appendix 3 of the Neighbourhood Plan sets out several factors in support of a conclusion that the site is demonstrably special to a local community and holds a particular significance as follows:

- Under the heading richness of wildlife, it is stated “some wildlife potential with dry stone wall boundaries and native hedgerows.” The term “some wildlife potential”, which is both indefinite and lacking in any detail, is insufficient to confirm the site is demonstrably special to a local community and holds a particular local significance because of its richness of wildlife.
- Under the heading beauty, it is stated “the site maintains medium range views to the canal from Bradley village”. In response to my request for clarification as to the meaning of this statement the Parish Council state “This refers to the location and aspect of the proposed LGS 6 site which allows views from within the village and particularly from parts of the village shown within the ‘Village Inset’ towards the canal area. There are glimpses through the gaps between houses within the village towards the canal across the land.” I am not satisfied this response provides sufficient justification for the designation. Planning policy must operate in the public interest. For views to be relevant they must be seen from locations to which the general public have free and unrestricted access. When walking along the highways in the village closest to LGS 6 I was not able to see glimpsed views towards the canal area. Even if I had been able to see such views, those publicly accessible views would be an attribute of the highway looking across the proposed LGS 6 site, not an attribute of the proposed LGS 6 site itself. Where paragraph 102 of the Framework refers to the example of beauty of a site it is specifically referring to “its beauty”. Site reference LGS 6 has not been shown to be beautiful in its own right, and not shown to hold particular local significance. It is made up of agricultural fields not dissimilar in appearance to many others within the Neighbourhood Area. The reference to “holds a particular local significance” in paragraph 102 of the Framework is to the green space itself. It is not

appropriate to designate the whole of several agricultural fields as Local Green Space on the basis of views across part of that land, not seen from the site itself, but seen from adjoining locations. The basis for designation of Local Green Space must relate to attributes of the site itself and not to the fact it provides airspace for part of a view between other locations. The implications of acceptance of an alternative interpretation are significant. I find the justification relating to beauty is insufficient to confirm the site is demonstrably special to a local community and holds a particular local significance.

- Under the heading historic significance, it is stated “part of the LGS comprises a medieval long field. See Bradley Village Character Assessment.” In response to my request for clarification the Parish Council confirmed the reference to the Bradley Village Character Assessment is a reference to paragraph 4.2.2 Medieval Arable Fields which states “The extensive medieval arable fields from the Ings to High Bradley are partly covered by a 20th century housing estate. However, some hedges and 17th century walls and earthworks can still be seen. The boundaries have retained the S-shaped boundary from ox drawn ploughing. Today, the fields are used for haymaking and animal pasture.” This paragraph which relates to an extensive area of land does not provide sufficient justification to confirm the proposed LGS site 6 is demonstrably special to a local community and holds a particular local significance because of its historic significance. The District Council has, during the Independent Examination, drawn my attention to finalisation of the Low Bradley Conservation Area Appraisal (CAA) adopted in February 2023, and the Parish and District Councils have advised me this forms part of the evidence base for the Local Plan and the Neighbourhood Plan. The District Council have also advised that references to the CAA throughout the NDP will need to be updated to refer to the final draft adopted CAA (2023). I refer to this latter matter in the Annex to my report. Section 3.3 of the Conservation Area Appraisal (2023) states “There is a good survival of early enclosed (with drystone walls) former medieval strip fields to the north of Ings Lane and the Canal. This field pattern can be seen from the Canal and Ings Lane to the southwest.” The archaeological analysis layer of the interactive map forming part of the Conservation Area Appraisal identifies field boundaries of the two long fields in LGS site 6 situated to the west of 1-23 Aire Valley Drive and Wood Close and Woodfield Drive. On this basis I am satisfied those two long fields have historic significance and that they are demonstrably special to a local community and hold a particular local significance. Their designation as Local Green Space is appropriate in respect of this criterion.

82. With respect to the part of proposed LGS site 6 comprising fields situated north of 23 and 27-47 inclusive Aire Valley Drive, the Conservation Area Appraisal (2023) states “Immediately north of the estate (Aire Valley Drive), the fields here have

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limited visibility from significant locations. However, further up the slope, the fields are visible from Matthew Lane and Crag Lane.” The interactive map indicates there is some contribution, but not a strong contribution, to the character and appearance of the Conservation Area. I have noted the major part of the fields is not visible from significant locations within the Conservation Area due to the topography and the intervening properties fronting Aire Valley Drive. Apart from at the gap between 23 and 27 Aire Valley Drive, due to topography, I was not able to see the fields from that highway. In all of the evidence base I have not found any basis to conclude the fields north of 23 and 27-47 Aire Valley Drive are demonstrably special to a local community and hold a particular local significance. For designation of a site as Local Green Space to proceed all of the requirements of paragraph 102 of the Framework must be met. I conclude that part of site reference LGS 6 should not be designated as Local Green Space. I have recommended the boundaries of site reference LGS 6 should be modified on the Parish Wide Policies Village Inset Map in Appendix 2 of the Neighbourhood Plan, and on the Local Green Space Policies Map in Appendix 3 of the Neighbourhood Plan. As I have found part of site reference LGS 6 does not meet a requirement of designation I have not considered that part of the site any further.

83. Appendix 3 of the Neighbourhood Plan provides sufficient evidence for me to conclude that each of the other proposed Local Green Space sites, reference numbers 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14, is demonstrably special to a local community and holds a particular local significance.

84. Paragraph 102 of the Framework states the Local Green Space designation should only be used where the green space is not an extensive tract of land. The regulation 16 representation of the District Council provides much valuable background information including the fact that in responding to the 2021 pre submission Neighbourhood Plan the District Council had set out its concerns that four sites (proposed LGS's 6, 9, 10 and 12) represent extensive tracts of land. The Parish Council has commented on this matter as follows: “The NDP group acknowledge the comments from CDC regarding the application of the methodology for assessing sites as possible LGS designation. CDC have maintained a consistent stance on this point and in the absence of a clear definition of what constitutes an ‘extensive tract of land’ in national planning policy and guidance it will be a matter for the examiner to determine whether the sites put forward for LGS designation in the draft NDP meet the tests set out in national planning policy.”

85. The Guidance (at Paragraph: 015 Reference ID: 37-015-20140306 Revision date: 06 03 2014) states “There are no hard and fast rules about how big a Local

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Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be *appropriate. In particular, designation should not be proposed as a ‘back door’* way to try to achieve what would amount to a new area of Green Belt by another name.” I have recommended a modification that has the effect that only part of proposed LGS site 6 is designated and I do not regard that part to be an extensive tract of land. I regard the canal towpath and the small areas of green space within the 1960’s developed part of Low Bradley to not be extensive tracts of land. The remaining sites are all located within the Conservation Area and all represent distinct areas of land with identifiable boundaries, which apart from those bordering the canal, are spatially separate from one another being divided at least by a right of way. As a matter of professional planning judgement, I find that in respect of each of the intended Local Green Spaces (LGS site 6 as recommended to be modified) the designation relates to green space that is not an extensive tract of land.

86. Paragraph 101 of the Framework states “Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” Clearly the proposed designations of Local Green Space are being made when a neighbourhood plan is being prepared. In Table 1 of Appendix 3 it is stated in respect of both proposed LGS 6 Rear of Ings Drive, and proposed LGS 10 Land between Crag Lane and Silsden Road, under the heading of Planning History “see planning history table below”. As a planning permission for development would raise very real uncertainty that the designated land may be capable of enduring beyond the end of the plan period I asked for a clarification of this matter. The Parish Council informed me the LGS Assessment should include a table that sets out the planning history of each of the sites that are proposed as LGS but it has been omitted from the publication draft in error. Having been provided with the table in question I conclude planning permissions do not prevent any of the proposed designations. I have recommended the table should be included in the LGS Assessment in order to correct the error of omission.

87. The Regulation 16 representation of the District Council states “The SEA concludes (page 29) that over the neighbourhood plan period, there are positive impacts on both socio-economic and environmental elements. However, it suggests that it may be beneficial to investigate how the number and location of

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the proposed LGS will influence what potential development sites can come forward beyond this time period as the potential for continual development aligned to the existing built form of the village would seem to be quite limited due to the combination of LGS designations to the west and south, the CFS2 designation to the south, and some topography issues to the north. The report states that it is expected that the allocated site in the plan will come forward, however if this does not happen, due to unforeseen circumstances, there may be potential difficulties in locating alternative site(s) during the lifetime of the plan. The report states that there are no mitigation measures required during the lifetime of the neighbourhood plan, however, the number and location of LGS sites may inhibit development opportunities beyond the timespan of this neighbourhood plan. The report suggests that this potential restriction could be analysed during the neighbourhood plan's examination and/or at the 5-year review of the neighbourhood plan, however it is advisable that further consideration is given in this regard."

88. The Regulation 16 representation of the District Council also states that in 2018 the District Council had raised concerns about the extent of LGS designations, as those at the time included all of the SHLAA sites which ringed the village, which could prevent future residential sites coming forward and fail to achieve sustainable development. The District Council Regulation 16 representation also states that in responding to the 2021 pre submission Neighbourhood Plan concerns had been raised that the LGS designations would significantly affect the ability of Bradley to grow and develop in a sustainable way in the future. The District Council report the Parish Council response was that the extent and coverage of proposed LGS designations had been substantially reduced from those previously proposed and large areas of land were retained outside of the proposed LGS designations and would allow for future expansion of the village outward from its core.

89. The Parish Council has commented in respect of this matter as follows "The comments in regard to the potential LGS designations limiting the long-term sustainable growth of the village and effects on the future SEA process have been answered during the earlier discussions between the NDP group and the LPA (see consultation statement). Significant areas of land to the west and north of the village and outside the Conservation Area are not proposed as LGS sites and could help to meet the future long-term growth needs of the village."

90. As recommended to be modified Policy ENV1 would constrain potential future development within the Conservation Area but it would have limited impact on the consideration of proposals in much of the Neighbourhood Area outside the Conservation Area. The Local Plan has provided for housing development to 2032 and the Neighbourhood Plan does not allocate land for further housing

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development in that period. The Guidance states “The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.” There is no obligation that the Neighbourhood Plan should make any such provision. I am however satisfied that as recommended to be modified Policy ENV1 will not prevent local housing needs being met and has sufficient regard for paragraph 29 of the Framework which states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” On the basis that the LGS designations are to be expected to endure beyond the plan period I am satisfied that the LGS designations as proposed to be modified will not prevent the development of sufficient homes to meet local needs in the longer term.

91. In respect of each of the areas proposed for designation as Local Green Space, with LGS site 6 as recommended to be modified, I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. I also conclude the intended Local Green Space designations, as recommended to be modified, have regard to the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services whilst contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

92. During the Regulation 16 representation period Historic England initially confirmed no further comments on the Neighbourhood Plan, but later stated “Following our letter of 16th January 2023 it has been drawn to our attention that an area of Local Green Space identified in the Bradleys Both Parish Council Neighbourhood Development Plan 2016-2031 has been omitted from the Submission Draft Bradleys Both Parish Council Neighbourhood Development Plan Up to 2032. The area identified in Bradleys Both Parish Council Neighbourhood Development Plan 2016- 2031 Appendix 5 (attached) is BR011; the draft Low Bradley Conservation Area Appraisal August 2016 (which was co-funded by Historic England and Craven District Council) identifies this area as part of the landscape surrounding Low Bradley as making a strong contribution to



the character and appearance of the Conservation Area. Given that the appraisal is due for adoption by Craven District Council in late February or early March 2023 (according to the Craven District Council Conservation Areas webpage), Historic England considers it inappropriate for this area to be excluded from the Local Green Space Policies Map. Given that both Craven District Council and (insofar as it can exercise Planning function) Bradleys Both Parish Council have a statutory responsibility to pay “special attention to the desirability of preserving or enhancing the character or appearance of its Conservation Areas” this is particularly important.”

93. A Regulation 16 representation signed by 24 people states that land east of College Road (identified as SHLAA No BR011) that had been designated as proposed LGS in the 2016 draft Neighbourhood Plan is, in the Submission Draft Neighbourhood Plan, not designated as LGS nor under Policy ENV3 conserving the landscape. The representation objects to the decision not to designate the land under Policy ENV1, or under Policy ENV3, for several reasons which I summarise as including:
1. The 2016 draft Plan designated the land as LGS and the landscape was described as being open land critical to maintain and retain the green balance of this section of the Conservation Area.
  2. The Conservation Area Appraisal identifies the land as open space which makes a strong contribution to the character and appearance of the Conservation Area. The Conservation Area exists to manage and protect the special architectural and historic interest of a place and we believe allowing development on this site would be directly contrary to the conservation areas objectives.
  3. The District Council Site Allocations Methodology identified the land as making a strong contribution to Bradley Conservation Area and stated development of the land would affect the setting of College House (Listed Building Grade II).
  4. A planning application for three houses on the land was rejected on appeal in 1991.
  5. The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas and special regard must be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The land must be designated Green Land to fulfil these obligations.
  6. In terms of Neighbourhood Plan objectives the land is situated within the oldest part of the village with a number of listed buildings including College House and College Cottage that abut the land, and is the only open space along the entire length of College Road. There is inconsistency with the approach to listed buildings between the land and that land allocated for development at Skipton Road.

7. The land permits publicly accessible highly significant views of the village graveyard.
  8. The removal of the land from proposed LGS designation in the 2016 draft Plan, where it was described as critical to retain the green balance of this section of the Conservation Area, is not explained in the LGS Assessment.
  9. The land is Grade 3 agricultural value.
  10. This is the most historic part of Low Bradley.
  11. The risk of planning applications on the land is strong.
- The representation concludes by requesting the land is designated as LGS.

94. The Regulation 16 representation of an individual states “On page 46 Village Inset Map, the field off College Road between Primrose Hill and the listed properties off College Road to the north of Primrose Hill, and the adjoining field behind St Mary’s church are no longer identified as local green space. In previous plans they have been identified as local green space. I urge you to check this has not been an oversight. If it is intentional, I would ask you to reconsider. These fields maintain the character of the area in that part of the village and the setting of listed properties, and should be maintained. In addition, these fields are within the conservation area and should be retained adding to the conservation area benefits. Identifying these fields as local green space within the plan recognises the history of the village and the importance of crofts and the farming heritage.”

95. The Parish Council has corrected a factual error in its initial response to the representations described above relating to an absence of LGS designation of land at College Road by stating: “the NDP group wish to point out that the NDP has been prepared over a considerable length of time (commencing in 2013) and with the best endeavours of the Parish Council and support from local volunteers. There have been changes to the composition of the Parish Council NDP group, and those currently working on the NDP have no recollection for the reasons of the alteration to the earlier proposed LGS site at College Road and so it has unfortunately not been possible to provide definitive answers to some points made by this representation. The NDP group have tried to provide as full an explanation as possible in regard to the changes made from the 2016 consultation draft of the NDP and the current publication version. Changes to the proposed LGS designation - Following the 2016 pre-publication consultation (Regulation 14 stage) the draft NDP underwent a review to take into account the various responses. Discussions were also held with planning policy officers from Craven District Council (CDC) to ensure that the NDP was in general conformity with the then emerging Local Plan as well as national planning policy. One of the issues identified by CDC related to the amount of land proposed as LGS (NDP policy ENV1) and the methodology used to assess the suitability of sites for LGS designation. CDC also considered that the proposed coverage of LGS land would

compromise the future sustainable growth of the village and that a number of the sites would constitute 'extensive tracts of land', failing to meet the relevant criteria set out in the NPPF. The NDP group then applied the CDC LGS methodology and it appears that at this time a number of proposed LGS sites were removed, one of these was the land adjacent to College Road. The NDP group have unfortunately been unable to locate specific records to show why these sites were removed as possible LGS designations and so are not able to conclusively determine if this was a deliberate decision to exclude the land as an LGS or whether it was a drafting/mapping error" and "the Bradley Village Conservation Area boundary remains unaltered in the current draft NDP and includes the land to the immediate east of College Road. Concerns about the potential future development on the land to the east of College Road - The designation of land as LGS in Local or Neighbourhood Plans provides a strong level of protection against most forms of development. The concerns expressed by residents about the removal of the proposed LGS designation are acknowledged, particularly as the land was included in the earlier 2016 consultation version. The representation from residents (and Historic England) rightly points out the findings of the draft Conservation Area Appraisal which concludes that all of the land around the village makes a strong contribution to the Conservation Area as it enables views into the historic core. Equally the comments of residents regarding the value they attach to the land as a green space close to the historic core of the village and associated heritage assets is understood. The NDP group therefore welcomes the examiner's independent assessment of this and will fully accept the conclusions of the examination. Notwithstanding this the Conservation Area designation and the proximity to the Grade II Listed building at College House and College Cottage means that any proposals to develop the site would need to preserve or enhance the setting of these heritage assets and, if harmful, would-be grounds for refusal. The provisions of Policy SP4 (I) of the adopted Local Plan require that development of non-allocated housing sites will only be allowed where it can be demonstrated that the planned growth will not be delivered in the plan period. The allocated housing site at land off Skipton Road (BB03) together with extant planning permissions within the village provide for sufficient deliverable land to meet the housing needs of the village within the local plan period (up to 2032)." The Parish Council also commented on references in the representations to Policy ENV3. I consider that matter later in my report.

96. I have earlier in my consideration of Policy ENV1 explained the criteria for designation of LGS and those do not include suitability or unsuitability for development. I have noted the area of land referred to in representations is one of several areas that had previously been proposed for designation as LGS but which had not been pursued in that respect following the Regulation 14 consultation stage of plan preparation. I have visited the land in question and

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walked along the highways and public rights of way in the vicinity. I have noted a high stone wall across the frontage to College Road makes an important contribution to the character of the Conservation Area but that wall obscures views into the land such that the parts of the land closest to College Road south and south-east of College House cannot be viewed by a pedestrian walking along either side of the highway. I appreciate the importance of an area of land to the character of a Conservation Area is not limited to visual considerations. I have noted the adopted Conservation Area Appraisal (2023) does not identify the part of the land in question closest to College Road and south and south-east of College House as making, either some contribution, or a strong contribution to the character and appearance of the Conservation Area.

97. The statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, including that under section 66(1), and the provisions of the Framework, including section 12 and paragraph 134 within, and section 16 including paragraphs 189, 197, 200, 202, and 206 within, cannot be extended to be interpreted as an obligation to designate land as LGS. Whilst the contribution a site makes to the character and appearance of a conservation area may be a factor in the selection of a site to be proposed for designation as LGS, there is no obligation or requirement on the Parish Council to propose sites for designation as LGS on the basis that they make a contribution to the character or appearance of a conservation area. As stated in the previous paragraph of my report I have in any case noted the adopted Conservation Area Appraisal (2023) does not identify the part of the land in question closest to College Road and south and south-east of College House as making, either some contribution, or a strong contribution to the character and appearance of the Conservation Area.

98. I have earlier in my report explained the role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements. Where representations suggest alternative policy approaches, for example because they are preferred or considered to be more sustainable than the policy approaches adopted in the submitted Neighbourhood Plan, that is not a matter for my consideration unless they are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements I have identified. Alternative policy approaches were relevant considerations in earlier stages of the Neighbourhood Plan preparation process. These matters are only

relevant to my role if they are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. A modification of the Neighbourhood Plan to designate land in the vicinity of College Road as a Local Green Space, as requested in representations, is not necessary to meet the Basic Conditions. I realise this may be a disappointment to some parties submitting Regulation 16 representations but I am only able to operate within the statutory framework.

99. I am satisfied there is sufficient evidence, including that in Appendix 3 of the Neighbourhood Plan, for me to conclude that each of the areas proposed for designation as Local Green Space (LGS site 6 as recommended to be modified) is demonstrably special to a local community and holds a particular local significance.

100. In its Regulation 16 representation the District Council state there is no evidence that the Parish Council took up its recommendation to consult with the Environment Agency, Natural England, Historic England and Yorkshire Wildlife Trust to gain advice on evidence to support the proposed LGS designations. The Parish Council has commented as follows: “specific advice from the Statutory Bodies regarding the heritage or ecological value of sites proposed for LGS designation was not obtained but the findings of the Conservation Area Appraisal and presence of physical habitat features such as trees and hedgerows have been considered for the sites that are proposed as LGS.” Whilst I regard the advice given by the District Council as valuable it is not a requirement of LGS designation that the specified consultation should be undertaken. I have earlier in my report concluded I am satisfied the Parish Council has met the requirements regarding consultation in plan preparation.

101. The Regulation 16 representation of the District Council also states no response has been received from the Parish Council with respect to the District Council advice that landowners of sites proposed to be designated as LGS should be consulted. The Parish Council has commented in respect of this matter as follows: “The NDP group have not been able to find definitive evidence to show that landowners of the proposed LGS sites were directly approached as part of the preparation of the NDP. However, there was extensive local consultation and publicity during the 2016 consultation stage and this included a letter to all properties within the Parish which it was expected would enable landowners to be aware of the draft plan and therefore have the opportunity to comment.” The Guidance states “A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of

their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.” (Paragraph: 019 Reference ID: 37-019-20140306 Revision date: 06 03 2014). Whilst no record of specific consultation with landowners of sites proposed for LGS designation has been provided I have earlier in my report considered consultation in plan preparation and concluded I am satisfied each of the requirements set out in the Regulations have been met, and that it is evident the Neighbourhood Plan Working Group have ensured stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan. None of the Regulation 16 representations object to a LGS designation.

102. With the exception of LGS sites 4, 6, and 7 the sites proposed for designation as LGS are located within the Conservation Area. If land proposed for LGS designation is already protected by designations such as a conservation area the Guidance states “different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space” (Paragraph: 011 Reference ID: 37-011-20140306 Revision date: 06 03 2014). The regime set out in paragraphs 197, 206, and 208 of the Framework, relevant to the conservation and enhancement of a Conservation Area (including assessment of the desirability of new development ; making a positive contribution to local character and distinctiveness; looking for opportunities for new development to enhance or better reveal the significance of the conservation area; and assessment of the benefits of enabling development) together provide a very different approach to that arising from designation as Local Green Space which is seeking to rule out new development other than in very special circumstances.

103. I find that the areas proposed as Local Green Space at the identified sites, 1 to 14 inclusive (LGS site 6 as recommended to be modified), are suitable for designation and have regard for paragraphs 101 to 103 of the Framework concerned with the identification and designation of Local Green Space.

104. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy ENV10. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

105. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

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**Recommended modification 1:**

**Replace Policy ENV1 with “The following sites (identified on the Parish Wide Policies Map and Village Inset Map) are designated as Local Green Space:**

- 1. Sports Ground Matthew Lane/Ings Lane;**
- 2. Children’s Play Area/Sports Ground Matthew Lane;**
- 3. Picnic/canal area Ings Lane;**
- 4. Canal Towpath;**
- 5. The Green Braimes Field, Lidget Road;**
- 6. Rear of Ings Drive;**
- 7. Various green spaces within the 1960’s developed housing area of Bradley;**
- 8. Mill field between Ings Drive and Ings Lane;**
- 9. Junction of Crag Lane and Main Street and land between Meadow Close and Leeds and Liverpool Canal;**
- 10. Land between Crag Lane and Silsden Road;**
- 11. Land to the rear of the Methodist Church Skipton Road;**
- 12. Land to the north of College Road, College Court and College Crescent;**
- 13. Junction of Skipton Road and Mill Lane;**
- 14. Land to the south east of Mill Lane;**

**The determination of development proposals within a Local Green Space will be consistent with national policies for Green Belt.”**

**On the Parish Wide Policies Village Inset Map in Appendix 2, and on the Local Green Space Policies Map in Appendix 3 delete the fields north of 23 and 27-47 Aire Valley Drive from LGS Site 6 Rear of Ings Drive.**

**Include a note in the Key to the Local Green Space Policies Map and the Key to the Parish Wide Policies Map to clarify the LGS 4 Canal Towpath designation relates to the entire length of canal towpath in the Neighbourhood Area.**

**Adjust the Key to Local Green Space Policies Map and the Key to the Parish Wide Policies Map to clarify the designation of sites reference 1 and 3 as Local Green Space.**

**In Appendix 3 LGS Assessment**

- include the missing planning history of sites**
- in Tables 1 and 2 adjust the name of site reference 8 to “Mill field between Ings Drive and Ings Lane”**
- in Table 2 adjust the name of site reference 9 to “Junction of Crag Lane and Main Street and land between Meadow Close and Leeds and Liverpool Canal”**

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## **Policy ENV2: Green Infrastructure Links**

106. This policy seeks to establish that development that would sever, block or prejudice the operation of green infrastructure links defined on the Policies Map as multifunctional wildlife, amenity and recreational resources should be resisted.
107. Paragraph 174 of the Framework states planning policies should recognise the intrinsic character and beauty of the countryside, and contribute to and enhance the natural and local environment including establishing coherent ecological networks.
108. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “resisted” is inappropriate. I have recommended a modification in this respect so that the policy has sufficient regard for national policy. A minor typographical error requires correction in order to assign the North Gill link its own bullet point.
109. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies ENV1 and ENV5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
110. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 2: In Policy ENV2**

- **replace “be resisted” with “not be supported”**
- **assign “The North Gill link” a bullet point**

## **Policy ENV3: Conserving the Landscape**

111. This policy seeks to establish that within an area identified on the Policies Map development should not adversely affect the visual character of the countryside and specifies ways in which this can be achieved.



112. Paragraph 174 of the Framework refers to protection of valued landscapes. To be valued, a landscape needs to be more than popular with local residents but must demonstrate physical attributes beyond “ordinary” (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)). This would require a formal landscape evaluation. The Policies Map shows Policy ENV3 is intended to apply as far as the north, east and south boundaries of the Neighbourhood Area. Policy ENV3 is not seeking to identify valued landscapes but is seeking to ensure development proposals are sensitive to significant aspects of the environmental, historic and aesthetic character of the area. Policy ENV3 is not seeking to prevent all development within the identified area to which the policy applies. Such an approach would be more restrictive than Green Belt designation and would not have sufficient regard for national policy. I am satisfied sustainable development, through careful consideration to siting and design, or other mitigation measures, may be shown to not result in an adverse effect on the visual character of the landscape, including views and vistas.
113. In response to my request for clarification regarding an explanation of the term “views and vistas” the Parish Council state “This should have referred to the ‘Dynamic and Fixed Views’ as identified in section 3.0 of the Bradley Conservation Area Appraisal (2016 Draft). However, in preparing this response CDC have advised that a revised Conservation Area Appraisal (CAA) is due to be reported to the Council’s Policy Committee on the 28th February 2023 and following a resolution by that committee would form part of the evidence base for the Local Plan and the NDP. The revised CAA is publicly available at <https://www.cravendc.gov.uk/planning/conservation-and-heritage-assets/conservation-areas/>. Policy ENV3 should therefore refer to the Dynamic and Fixed views as identified in section 4.0 and as shown on the interactive map of the Low Bradley Conservation Area Appraisal (2023 draft).” I have treated this matter as a correction and have recommended a modification in this respect.
114. When considering Policy ENV1 earlier in my report I have referred to a Regulation 16 representation signed by 24 people which states that land east of College Road (SHLAA No BR011) that had been designated as proposed LGS in the 2016 draft Neighbourhood Plan is in the Submission Draft Neighbourhood Plan not designated as LGS nor included under Policy ENV3 conserving the landscape. The Parish Council stated in respect of this matter “Other designations no longer proposed for the land east of College Road -The land was the subject of other designations in the 2016 version of the NDP. This included the ‘Special Landscape Value’ area which was a designation in the former CDC Local Plan. This has subsequently been removed in the now adopted Local Plan and was accordingly deleted from the draft NDP. Additionally, the land was

included as part of the 'Conserving the Landscape' designation (NDP policy ENV3) in the 2016 consultation draft but this designation is shown reduced in size in the current publication draft and now excludes the part of the land immediately adjoining College Road. The rationale for the 'Conserving the Landscape' designation is expressed in the 'issues' paragraph of the Landscape Character section of the NDP (page 18) and refers to the value of land outside the built-up parts of the village (farmed countryside, moor and woodlands with far reaching views and vistas, wildlife habitats and numerous opportunities for outdoor recreation) and so covers the land further to the east of College Road as it rises up the hill. The provisions of this policy do not seek to prevent development but place greater emphasis on the landscape character impacts.”

115. I have noted the Village Inset Map of the Parish Wide Policies Map does include parts of the SHLAA site reference BR011 in the area to which Policy ENV3 applies but not the part of site BR011 that fronts College Road south and south-east of College House. I have explained when considering Policy ENV1 that it is not within my role to recommend a modification of the Neighbourhood Plan to include additional LGS designations. Similarly, for the reasons previously stated in my report it is not within my role to recommend Policy ENV3 should apply to additional land. My role is limited to deciding whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. There is no requirement to modify the area to which Policy ENV3 applies in order to meet the Basic Conditions.
116. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “not be permitted” is inappropriate. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.
117. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy ENV1. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
118. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 3:**

#### **In Policy ENV3**

- **replace “permitted” with “supported”**
- **replace “views and vistas” with “the Dynamic and Fixed Views as identified in section 4.0 and as shown on the interactive map of the Low Bradley Conservation Area Appraisal (adopted 2023)”**

### **Policy ENV4: Nature Conservation**

119. This policy seeks to establish criteria for support of development proposals that would result in either loss of, or damage to, wildlife species or an existing area of natural habitat.

120. Paragraph 174 of the Framework states planning policies should minimise impacts on, and provide net gains, for biodiversity. Paragraph 179 of the Framework states plans should protect and enhance biodiversity. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “not be permitted” is inappropriate. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

121. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan in particular Local Plan Policy ENV4. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

122. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 4:**

#### **In Policy ENV4 replace “permitted” with “supported”**

## Policy ENV5: Wind Turbines

123. This policy seeks to establish criteria for support of proposals for new wind turbines.
124. The first criterion for support of proposals (not damage or compromise the open views across the countryside) is imprecise and does not provide a basis for the determination of development proposals. In this respect the first criterion does not meet the requirement of paragraph 16d) of the Framework that policies should be “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”. The second criterion for support of proposals relates to diversion or stopping up of a public right of way. There are statutory procedures relating to the diversion or closure of a public right of way included in the Definitive Map and Statement. It is inappropriate for a planning policy to seek to override those provisions. I would be mindful to recommend a modification to delete both criteria set out in the policy however there is a more fundamental difficulty with the policy which I now consider.
125. Paragraphs 155 to 158 of the Framework set out national policy relevant to renewable energy. Footnote 54 of the Framework states with respect to new wind turbines “a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has its backing.”
126. The Guidance includes advice how Local Planning Authorities can identify suitable areas for renewable and low carbon energy as follows “There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to. When identifying suitable areas, it is also important to set out the factors that will be taken into account when considering individual proposals in these areas. These factors may be dependent on the investigatory work underpinning the identified area. There is a methodology available from the Department of Energy and Climate Change’s website on assessing the capacity for renewable energy development which can be used and there may be existing local assessments. However, the impact of some types of technologies may have changed since assessments were drawn up (eg the size of wind turbines has been increasing).

In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location. Landscape Character Assessment is a process used to explain the type and characteristics of landscape in an area. Natural England has used Landscape Character Assessment to identify 159 National Character Areas in England which provide a national level database. Landscape Character Assessment carried out at a county or district level may provide a more appropriate scale for assessing the likely landscape and visual impacts of individual proposals. Some renewable energy schemes may have visual impacts on the marine and coastal environment and it may be appropriate to also to assess potential impacts on seascape character. Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable. In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan. There is information in the rest of the guidance on technical considerations, criteria-based policies, buffer zones and decentralised energy.” (Paragraph: 004 Reference ID: 5-004-20140306 Revision date: 06 03 2014).

127. The Guidance also states “Suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines or similar will not be sufficient.” (Paragraph: 032 Reference ID: 5-032-150618 Revision date: 1806 2015).

128. Local Plan Policy ENV9 sets out criteria for the support of renewable and low carbon energy and includes the following: “Commercial Scale Wind Turbines/Farms -The Council has not identified suitable areas for commercial scale wind turbines or farms for the purpose of providing power into the National Grid within Craven. The development of commercial scale wind turbines or wind farms for the purposes of inputting power into the National Grid will therefore only be permitted where criteria a) to k) listed above are met and;

- i) the site is located within an area defined as being suitable for such use within an adopted Neighbourhood Plan; and
- ii) following consultation, it can be demonstrated that the planning impacts identified by affected communities have been fully addressed and therefore the proposal has their backing.

Small Scale Wind Turbines - In the case of small-scale turbines, defined as turbines under 50m in height to the tip, proposals will be supported where they meet the criteria a) to k) listed above and;

- iii) they are directly related to, and generate power principally for the operation of a farmstead or other rural business or a local settlement; or
- iv) the site is identified as being suitable for the development of wind turbines within an adopted Neighbourhood Plan.”

129. In respect of commercial scale wind turbines/farms Policy ENV9 includes a requirement that the site is located within an area defined as being suitable for such use within an adopted neighbourhood plan. With respect to small scale wind turbines Policy ENV9 includes a requirement that the site is identified as being suitable for the development of wind turbines within an adopted neighbourhood plan.

130. Policy ENV5 is capable of being interpreted as identifying the entire Neighbourhood Area as being suitable for both commercial scale wind turbines/farms and small-scale wind turbines subject to the criteria included in the policy. The Guidance states “Proportionate, robust evidence should support the choices made and the approach taken.” I am not satisfied sufficient evidence has been presented to support this conclusion. The policy does not meet the Basic Conditions. I have recommended Policy ENV5 is deleted.

**Recommended modification 5:  
Delete Policy ENV5**

**Policy ENV6: Control of Solar Farms**

131. This policy seeks to establish criteria for support of proposals for ground-mounted solar photovoltaic farms.

132. Paragraphs 155 to 158 of the Framework set out national policy relevant to renewable energy. The Guidance includes advice on how Local Planning Authorities can identify suitable areas for renewable and low carbon energy as follows “There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to. When identifying suitable areas, it is also important to set out the factors that will be taken into account when considering individual proposals in these areas. These factors may be dependent on the investigatory

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work underpinning the identified area. There is a methodology available from the Department of Energy and Climate Change's website on assessing the capacity for renewable energy development which can be used and there may be existing local assessments. However, the impact of some types of technologies may have changed since assessments were drawn up (e.g., the size of wind turbines has been increasing). In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location. Landscape Character Assessment is a process used to explain the type and characteristics of landscape in an area. Natural England has used Landscape Character Assessment to identify 159 National Character Areas in England which provide a national level database. Landscape Character Assessment carried out at a county or district level may provide a more appropriate scale for assessing the likely landscape and visual impacts of individual proposals. Some renewable energy schemes may have visual impacts on the marine and coastal environment and it may be appropriate to also assess potential impacts on seascape character. Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable. There is information in the rest of the guidance on technical considerations, criteria-based policies, buffer zones and decentralised energy." (Paragraph: 004 Reference ID: 5-004-20140306 Revision date: 06 03 2014). Policy ENV6 shows sufficient regard for national policy and guidance.

133. Local Plan Policy ENV9 sets out criteria for the support of renewable and low carbon energy. The criteria included in Policy ENV6 are in general conformity with the strategic policy.

134. The NPPF defines best and most versatile agricultural land as land in grades 1, 2, and 3a of the Agricultural Land Classification (ALC). In response to my request for clarification of the reference to best and most versatile land in the first bullet point of Policy ENV6 the Parish Council state "The NDP area does not contain any agricultural land in grades 1 or 2 of the Agricultural Land Classification and so the first criteria of policy NDP ENV6 refers only to grade 3. The national ALC mapping does not show the subdivision of land in grades 3a or 3b and there is no localised survey to assess this within the Craven area. The CDC Local Plan para. 5.63 and accompanying policy ENV7 part (a) states that the plan area's best and most versatile land is grade 3 (it doesn't specify 3a). This policy was tested and found to be sound at the local plan examination, and

so for the purposes of the Craven plan area (including Bradley) the best and most versatile land is considered to be grade 3. A plan showing the location of the grade 3 land relative to the NDP area is provided under separate cover.” I am satisfied with this explanation.

135. In response to my request for clarification the Parish Council has confirmed the final sentence of the third bullet point is a reference to natural environment assets. I have recommended a modification to clarify this point. The word “minimize” requires correction.

136. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

137. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance as recommended to be modified the policy is appropriate to be included in a ‘made’ neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

#### **Recommended modification 6:**

##### **In Policy ENV6**

- **in the final sentence of the third bullet point replace “Assets” with “Natural environment assets”**
- **replace “minimize” with “minimise”**

#### **Policy ENV7: Infill Development**

138. This policy seeks to establish that proposals for new dwellings on private residential gardens or within the curtilage of existing buildings will not be supported under three stated circumstances.

139. Paragraph 124 of the Framework states planning policies should support development that makes efficient use of land taking into account “the desirability of maintaining an area’s prevailing character and setting (including residential gardens)”. Paragraph 71 of the Framework states “plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”. Paragraph 111 of the Framework states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on



highway safety, or the residual cumulative impacts on the road network would be severe". I am satisfied Policy ENV7 has sufficient regard for this policy context.

140. The term "inconsiderate" is imprecise. In response to my request for clarification the Parish Council has confirmed it is intended that proposals would not be supported where they would result in additional on-street parking. The term "within the plan" is an error. It would in any case be confusing and unnecessary for a policy to state within the plan area as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. I have recommended a modification in these respects so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

141. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan in particular policies SP3, SP4 and ENV3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

142. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 7:**

**In Policy ENV7 delete "within the plan" and "inconsiderate"**

**Policy ENV8: Protecting Conservation and Heritage Sites**

143. This policy seeks to establish principles for new development so that it protects conservation and heritage sites.

144. Paragraph 174 of the Framework states planning policies should "contribute to and enhance the natural and local environment" by stated means. Paragraph 189 of the Framework states heritage assets "should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

145. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local

Plan Policy ENV2. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

146. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy HOU1: Land at Skipton Road, Bradley**

147. This policy seeks to establish that the land at Skipton Road identified as Reference BB03 on the Policies Map, which is allocated in the Local Plan for residential development, should provide for a minimum of 24 homes and conform to the requirements of the Site Brief at Appendix 4 of the Neighbourhood Plan.

148. Paragraph 34 of the Framework states "Plans should set out the contributions expected from development" and that "such policies should not undermine the deliverability of the plan". As a matter for clarification, I expressed concern that the requirement, in the Site Brief at Appendix 4, to provide a footway along Skipton Road to a point opposite the entrance sign to Bradley Village is an obligation that does not meet the tests set out in paragraph 57 of the Framework. I invited comment on a possible modification to replace the second sentence of the eleventh design parameter of Appendix 4 Site Brief with "Subject to viability assessment the footway should be continued along Skipton Road from the site boundary to a point opposite the entrance sign to Bradley Village." The Parish Council with the agreement of the District Council responded "The examiner's concerns are noted and specifically the need to ensure that viability considerations can be taken into account in determining whether the footway can be secured as part of the future development of the site at Skipton Road. The reference to the tests in para 57 of the NPPF are also noted as the current proposed requirement for the footway would extend some way beyond the site's north west boundary. However, the Qualifying Body consider that it will be critical to ensure that as a minimum a footway is provided along the front boundary of the site to ensure that there is a safe pedestrian route along the site frontage where pedestrians will interact with vehicles entering and exiting the development site. This section of footway would be limited to land exclusively within the site boundary. The Qualifying Body do not consider that this would be a significant abnormal development cost and so would meet all three tests of para 57 of the NPPF as it is necessary to ensure safety of pedestrians, directly related to the site and reasonable in terms of the scale and kind. The Qualifying Body do however accept that the remaining section of footway extending beyond the site boundary could be a more significant abnormal development cost and that it will

be fair and reasonable to ensure that the impact of this on scheme viability is taken into account. The Qualifying Body would therefore ask the examiner to consider whether a two-stage approach to the footway could address this issue. Firstly, that the requirement for the future development to provide a footway across the frontage of the site is maintained. Secondly that subject to viability assessment the footway should also be continued along Skipton Road from the site's north western boundary to a point opposite the entrance sign to Bradley Village." I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

149. I have taken into account the representation of an individual, and another representation by two people, which raise issues regarding unsuitability of potential housing developments off Skipton Road. The Parish Council has commented in respect of these representations as follows: "the site is already allocated for housing development in the adopted CDC Local Plan. The NDP contains additional policy provisions to ensure that the future development responds to the local issues and that safe access/egress arrangements are included. It also seeks to secure localised pedestrian improvements" and "The site is allocated for housing as part of the CDC local plan (previously referenced as BR016 in the then emerging Local Plan and now referenced as BB03 in the NDP). The site brief contained at Appendix 4 of the NDP makes reference to the surface run off issues (Flood Risk section) and requires future planning applications to include a site-specific flood risk assessment and appropriate mitigation measures including SUDS to ensure that surface run off rates are not increased during periods of peak rainfall." The Neighbourhood Plan does not seek to allocate any land for housing development. The principal of residential development of the site to which Policy HOU1 relates is already established as the site is allocated for development in the Local Plan. Policy HOU1 is seeking to influence aspects of the form and nature of any development that may occur on land that is already allocated. There is no requirement for Policy HOU1 to address any particular aspects of future development. No modification of Policy HOU1 is necessary in respect of matters raised in these representations in order to meet the Basic Conditions.

150. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy SP11. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

151. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a

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'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:**

**In the eleventh design parameter of Appendix 4 of the Neighbourhood Plan, which is referred to in Policy HOU1:**

- **in the first sentence replace “adjacent to Skipton Road” with “along the entire Skipton Road site frontage”**
- **replace the second sentence with “Subject to viability assessment the footway should be continued along Skipton Road from the site’s north western boundary to a point opposite the entrance sign to Bradley Village (as identified on the Village Inset Map of the Parish Wide Policies Map).”**

**Policy HOU2: New Housing Development Design Policy**

152. This policy seeks to establish design parameters for new housing development in Bradley village.

153. Paragraph 127 of the Framework states Plans should “set out clear design vision and expectations so that applicants have as much certainty as possible about what is likely to be acceptable”, and “neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. Policy HOU2 will ensure development is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging robustly justified innovation or change.

154. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies ENV3 and ENV6. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

155. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy HOU3: Housing Type and Mix**

156. This policy seeks to establish requirements for new development proposals relating to housing type and mix.
157. Within the context of paragraph 61 of the Framework, Paragraph 62 of the Framework states “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”.
158. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies H1, H2, and SP3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
159. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

### **Policy HT1: Road Safety and Congestion**

160. This policy seeks to establish that new residential or commercial development proposals must, wherever possible, demonstrate vehicular access to and from the A629 and A6131 without the need for traffic to pass through the village centre.
161. Paragraph 111 of the Framework states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. On the day of my visit to the plan area the presence of temporary traffic lights on the A629 was resulting in a very large number of vehicles diverting through the village. The flow of traffic was wholly inappropriate for the highway network in the village centre. Whilst I recognise this was not a normal situation it did highlight to me the rationale of the policy. I am satisfied Policy HT1 is sufficiently flexible to recognise that it may not always be possible to satisfy the aim of the policy.
162. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy INF7. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

163. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

## **Policy HT2: New Development Infrastructure**

164. This policy seeks to establish support for development that improves pedestrian safety and identifies priorities for improvements. The policy also seeks to establish that any future funding opportunities should be targeted to addressing those issues.

165. Paragraph 112 of the Framework states, that in the context of paragraph 111 of the Framework, applications for development should "minimise the scope for conflicts between pedestrians, cyclists and vehicles". Paragraph 104 of the Framework states plans should identify and pursue "opportunities to promote walking." In response to my request for clarification the Parish Council with the agreement of the District Council has confirmed the references to "footpaths" and "footpath" should be to "footways" and "footway" respectively. I have recommended modification of the policy in these respects so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

166. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy INF7. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

167. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 9:**

**In Policy HT2 replace "footpaths" with "footways" and "footpath" with "footway"**

## **Policy CFS1: Bradley's Community Facilities**

168. This policy seeks to establish criteria for support of development that would result in loss or significant harm to the value of identified community facilities or services. The policy also seeks to establish support for development that would enhance the community value or viability of a facility or service.
169. Paragraph 93 of the Framework states planning policies should “plan positively” for the provision of community facilities including meeting places. Paragraph 93 of the Framework also states planning policies should “guard against the unnecessary loss of valued facilities and services”. Further to my request for clarification the Parish Council has confirmed it is not intended that Policy CFS1 should address circumstances where proposals include loss or reduction of a facility or service and alternative provision.
170. The term “or service” placed after the term “(listed above)” is imprecise. I have recommended the facilities and services to which the policy relates should be listed in the policy itself. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “will be resisted” is inappropriate. I have recommended these modifications so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
171. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies INF2 and INF3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
172. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 10: In Policy CFS1**

- **replace “a specified community facility (listed above) or service will be resisted” with “any of the community facilities and services listed below will not be supported”**
- **replace the full stop at the end of the first bullet point with a colon and the list of facilities set out in section 3.5.1 i. of the Neighbourhood Plan**

## **Policy CFS2: Creation of New and the Extension of Existing Sporting and Recreation Facilities**

173. This policy seeks to establish conditional support for development proposals linked to the creation of new/extension of existing recreation facilities including on identified land.

174. The requirement in the first bullet point of the policy that a new or extended sporting and recreation facility should be for the benefit of residents of Bradley Parish exclusively has not been sufficiently justified. The Guidance states “Proportionate, robust evidence should support the choices made and the approach taken.” I have recommended a modification in this respect so that the policy has sufficient regard for national policy. In response to my request for clarification on this matter the Parish council has confirmed agreement with the recommended modification.

175. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy INF3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

176. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 11:**

**In Policy CFS2 replace “is for the benefit of” with “will benefit”**



## Policy ELB1: Retaining Productive Farmland

177. This policy seeks to establish that good quality agricultural land should be protected from loss to development except in stated circumstances. The policy also seeks to establish new or replacement agricultural buildings should be suitably located.
178. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by “recognising the economic and other benefits of the best and most versatile agricultural land”. The Parish Council has agreed the policy should refer to the benefits of development. My recommended modification will require the weighing of benefits in the determination of development proposals. In response to my request for clarification which are the “the areas of variable pasture quality” referred to, the Parish Council stated “the term has been used in the draft NDP to describe the pasture land surrounding the built-up parts of the village. However, this may cause some confusion and so the phrase could be removed and just refer to the grade 3 land.” I have earlier in my report when considering Policy ENV6 referred to the issue of agricultural land quality and accepted the explanation of the Parish Council. I have recommended a modification of Policy ELB1 in these respects that achieves consistency between the two policies; avoids use of the imprecise terms “e.g.”, and “areas of variable pasture quality”; has sufficient regard for national policy; and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
179. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy EC3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
180. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 12:**

**In Policy ELB1 replace the first sentence with “Non-agricultural development of the best and most versatile agricultural land (grade 3) will only be supported where it is demonstrated the benefits of the development outweigh the economic and other benefits of the agricultural land that will be lost.”**

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## **Policy ELB2: Airedale Business Centre and Acorn Business Park**

181. This policy seeks to establish conditional support for proposals to upgrade or redevelop buildings and their surroundings within the Airedale Business Centre and Acorn Business Park.
182. Paragraph 81 of the Framework states “planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt”. That paragraph states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
183. The reference to Airedale Business Centre and Acorn Business Park in the final bullet point only, has the potential to cause confusion. The reference to “surrounding environment” in the opening text and the restriction “to within the site boundary” in the final bullet point has the potential to cause confusion also. The term “upgrade” is imprecise. I have recommended a modification to delete the final bullet point and replace the opening text with “Development proposals relating to the existing buildings and sites within the boundaries of the Airedale Business Centre and Acorn Business Park (shown hatched pink on the Policies Map at Appendix 2) will be supported provided that:”
184. The reference to “existing employment” in the second bullet point is not sufficiently justified. I have recommended a modification to refer to existing employment levels.
185. The third bullet point relating to additional floorspace does not have sufficient regard for the sequential test referred to in paragraph 87 of the Framework, which does envisage circumstances when out of centre sites may be an acceptable location for main town centre uses. The third bullet point is not in general conformity with Craven Local Plan Policy EC5 which includes “Proposals for main town centre uses in locations outside of defined town centres as identified on the policies map, will be required to demonstrate that there are no sequentially preferable locations that are available and suitable for the proposed development, and that the proposal will not result in a significant adverse impact on vitality and viability.” Paragraph 16 f) of the NPPF states policies should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework), where relevant). I have recommended a modification to delete the third bullet point of Policy ELB2.
186. I have recommended modifications in respect of each of the above matters so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development

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proposals” as required by paragraph 16d) of the Framework. In response to my request for clarification the Parish Council in consultation with the District Council have confirmed agreement with the modifications I have recommended.

187. The policy as recommended to be modified is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies EC2, SP2, and INF4. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

188. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 13:**

##### **In Policy ELB2**

- **replace the opening text with “Development proposals relating to the existing buildings and sites within the boundaries of the Airedale Business Centre and Acorn Business Park (shown hatched pink on the Policies Map at Appendix 2) will be supported provided that:”**
- **in the second bullet point after “employment” add “levels”**
- **delete the third bullet point**
- **delete the final bullet point**

#### **Policy ELB3: Proposals for Change of Use**

189. This policy seeks to establish that proposals for change of use of business premises to those involving retail of goods or sale of food and drink will be resisted unless specified circumstances exist.

190. Paragraph 87 of the framework establishes a sequential test that should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

191. The spatial area of application of Policy ELB3 is unstated and therefore must be taken to apply to the entire Neighbourhood Area. The policy does not have sufficient regard for the sequential test referred to in paragraph 87 of the Framework nor is it in general conformity with Strategic Policy EC5. In response to my request for comment on a proposed modification to delete the policy the

Parish Council has confirmed agreement. This policy does not meet the Basic Conditions.

**Recommended modification 14:  
Delete Policy ELB3**

**Policy ELB4: Supporting Rural Business**

192. This policy seeks to establish criteria for support of small-scale business/tourism related developments.
193. Paragraph 84 of the Framework states planning policies should enable “sustainable rural tourism and leisure developments which respect the character of the countryside”. Paragraph 84 of the Framework also states planning policies should enable “the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings”. The inclusion of the term “where possible” means the second bullet point of Policy ELB4 has sufficient regard for national policy.
194. The third bullet point is imprecise, and does not have sufficient regard for paragraph 111 of the NPPF which states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” I have recommended a modification to replace the third bullet point with “do not result in additional on-street parking.” I have recommended insertion of the word “and” at the end of that bullet point to confirm all of the bullet points must be satisfied for a proposal to be supported. I have recommended these modifications so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. The Parish Council has confirmed agreement to this modification.
195. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies EC3 and SP2. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
196. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a

'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 15:**

**In Policy ELB4 replace the third bullet point with “do not result in additional on-street parking, and”**

## **Conclusion and Referendum**

I have recommended 16 modifications to the Submission Version Plan including a modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- 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 recommend to Craven District Council that the Bradleys Both Neighbourhood Development Plan for the plan period up to 2032 should, subject to the modifications I have put forward, be submitted to referendum.**

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude

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the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Craven District Council as a Neighbourhood Area on 9 December 2013.**

## **Annex: Minor Corrections to the Neighbourhood Plan**

I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.

If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.

Supporting text must be adjusted to achieve consistency with the modified policies.

In paragraph 2.2 the two sub-points to the fifth objective should be indented.

The second bullet point of Policy CFS2 should be commenced with a lower-case letter.

The District Council have advised that references to the Conservation Area Appraisal throughout the Neighbourhood Plan should be updated to refer to the Low Bradley Conservation Area Appraisal (adopted 2023).

I recommend these modifications are made.

### **Recommended modification 16:**

**Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.**

Chris Collison  
Planning and Management Ltd  
[collisonchris@aol.com](mailto:collisonchris@aol.com)  
9 March 2023  
REPORT END