



**North Yorkshire Council**

**Bradleys Both Neighbourhood Plan**

**Planning & Compulsory Purchase Act 2004**

**The Neighbourhood Planning (General) Regulations 2012 (as amended)**

**Regulation 18 Decision Statement**

**1. Summary**

1.1 In line with Regulation 18 of the regulations set out above North Yorkshire Council have produced this 'Decision Statement' in relation to the Bradleys Both Neighbourhood Plan (the 'Plan') submitted to the former Craven District Council by Bradleys Both Parish Council in October 2022.

Note: As a result of Local Government Reorganisation, on the 1<sup>st</sup> April 2023, eight former district, borough and county councils (including Craven District Council) merged to become one unitary authority – North Yorkshire Council covering the area of North Yorkshire outside the two National Parks.

1.2 The Plan sets out a vision, objectives and a number of planning policies that relate to the designated neighbourhood area. If made, it will become part of the development plan for land use and development proposals within the area until 2032.

1.3 Following an independent examination of written representations, North Yorkshire Council now confirms that it is making the modifications to the Plan as set out in Table 1 below. The Plan will then proceed to a neighbourhood planning referendum.

1.4 In accordance with the examiner's recommendations, the Bradleys Both Neighbourhood Plan will proceed to a referendum scheduled for 27<sup>th</sup> July 2023.

1.5 This Decision Statement, the independent examiner's report, the Plan and supporting documents can be inspected:

- At North Yorkshire Council offices at Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ. Opening Hours: 9.00am to 5.00pm Monday to Thursday, 9.00am to 4.30pm Friday.
- Online via North Yorkshire Council website at the following link:

[Bradley Neighbourhood Plan](#)

- At Bradley Village Shop
- Online via Bradleys Both Parish Council website at: <https://bradleyvillage.org/>

## **2. Background**

- 2.1 On 19<sup>th</sup> August 2013 Bradleys Both Parish Council submitted an application to the former Craven District Council for the designation of the Parish as a Neighbourhood Area. Craven District Council designated the Neighbourhood Area on 9<sup>th</sup> December 2013.
- 2.2 The Parish Council subsequently prepared the Draft Bradleys Both Neighbourhood Plan. Consultation on the draft neighbourhood plan was held during April and July 2013, during November 2014, between 26<sup>th</sup> March and 7<sup>th</sup> May 2016 (Regulation 14 consultation), and during February 2020.
- 2.3 The Submission version of the Bradleys Both Neighbourhood Plan was submitted to Craven District Council on 18<sup>th</sup> October 2022. Craven District Council held a 6 week public consultation period on the submitted Plan from 12<sup>th</sup> December 2022 to 30<sup>th</sup> January 2023, in accordance with Regulation 16.
- 2.4 An Independent Examiner was appointed on 1<sup>st</sup> February 2023 to undertake the examination of the Submitted Bradleys Both Neighbourhood Plan and this was completed with the final examination report sent to both the Parish Council and District Council on 9<sup>th</sup> March 2023.
- 2.5 The Bradleys Both Neighbourhood Plan proceeded through the neighbourhood plan process, up to the receipt of the Independent Examiner's final report, under the former Craven District Council. Following Local Government Reorganisation and the creation of the North Yorkshire Council on the 1<sup>st</sup> April 2023, the new Council has responsibility for the neighbourhood plan process for the Bradleys Both Neighbourhood Plan from this date. This includes organisation of the Referendum and formally making or adopting the Bradley Neighbourhood Plan.

## **3. Decision and Reasons**

- 3.1 The Examiner has concluded that, with certain modifications, the Plan meets the Basic Conditions and other relevant legal requirements.
- 3.2 The Council must consider each of the recommended modifications made in the Examiner's report and decide what action to take in response. The Council accepts all of the recommended modifications and the reasons put forward by the Examiner for them. Table 1, attached to this statement, sets out each of the Examiner's recommended modifications and the Council's decision in respect of each of them.
- 3.3 The Council is therefore satisfied that, subject to the modifications specified in Table 1 being made, the Draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under s38A and S.38B of the Planning & Compulsory

Purchase Act 2004. The Council is therefore satisfied that the Plan can proceed to referendum.

- 3.4 To meet the requirements of the Localism Act 2011, a referendum which poses the question “*Do you want North Yorkshire Council to use the Neighbourhood Plan for Bradleys Both to help it decide planning applications in the neighbourhood area?*” will be held in the Parish of Bradleys Both on 27<sup>th</sup> July 2023.

**This decision statement is dated 6<sup>th</sup> June 2023**

## Bradleys Both Neighbourhood Plan

**Table 1: Schedule of Modifications Recommended in the Examiner’s Report Relating to the Bradleys Both Neighbourhood Plan**

<b>Section in Bradleys Both NP</b>	<b>Examiner’s Recommendation</b>	<b>Examiner’s Reasons</b>	<b>North Yorkshire Council’s decision</b>
3.2.1. Policy ENV1: Local Green Spaces	<p><b>Recommended modification 1:</b> Replace Policy ENV1 with “The following sites (identified on the Parish Wide Policies Map and Village Inset Map) are designated as Local Green Space:</p> <ol style="list-style-type: none"> <li>1. Sports Ground Matthew Lane/Ings Lane;</li> <li>2. Children’s Play Area/Sports Ground Matthew Lane;</li> <li>3. Picnic/canal area Ings Lane;</li> <li>4. Canal Towpath;</li> <li>5. The Green Braimes Field, Lidget Road;</li> <li>6. Rear of Ings Drive;</li> <li>7. Various green spaces within the 1960’s developed housing area of Bradley;</li> <li>8. Mill field between Ings Drive and Ings Lane;</li> <li>9. Junction of Crag Lane and Main Street and land between Meadow Close and Leeds and Liverpool Canal;</li> <li>10. Land between Crag Lane and Silsden Road;</li> </ol>	<p>The examiner states in his report that 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 his request for clarification the Parish Council, with the agreement of the District Council, confirmed it is intended Policy ENV1 should designate Local Green Spaces. The examiner recommends 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.</p> <p>The examiner states in his report that in response to his 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). He recommends a modification in this respect so that the policy has sufficient regard for national policy.</p>	Agree to modify the text and maps as indicated to comply with the examiner’s recommendation.

	<p>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;</p> <p>The determination of development proposals within a Local Green Space will be consistent with national policies for Green Belt.”</p>		
<p>Appendices 2 and 3</p>	<p>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.</p>	<p>The examiner states in his report that for designation of a site as Local Green Space to proceed all of the requirements of paragraph 102 of the Framework must be met. He concludes that part of site reference LGS 6 should not be designated as Local Green Space. He recommends 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. He states that as he has found part of site reference LGS 6 does not meet a requirement of designation he has not considered that part of the site any further.</p>	
<p>Appendices 2 and 3</p>	<p>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.</p>	<p>The examiner requested clarification about 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</p>	

		<p>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, the examiner recommends 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.</p>	
<p>Appendices 2 and 3</p>	<p>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.</p>	<p>The examiner recommends 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.</p>	
<p>Appendix 3</p>	<p>In Appendix 3 LGS Assessment</p> <ul style="list-style-type: none"> <li>• include the missing planning history of sites</li> <li>• in Tables 1 and 2 adjust the name of site reference 8 to “Mill field between Ings Drive and Ings Lane”</li> <li>• 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”</li> </ul>	<p>The examiner states in his report that 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, and he asks for a clarification of this matter. The Parish Council informed the examiner that 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 the examiner concludes planning permissions do not prevent any of the proposed designations. He recommends the table should be included in the LGS Assessment in order to correct the error of omission.</p>	

		The examiner recommends corrections to the names for LGS sites 8 and 9 for clarity.	
3.2.2. Policy ENV2: Green Infrastructure Links	<p><b>Recommended Modification 2:</b> In Policy ENV2</p> <ul style="list-style-type: none"> <li>replace “be resisted” with “not be supported”</li> <li>assign “The North Gill link” a bullet point</li> </ul>	The examiner states in his report that 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. He recommends a modification in this respect so that the policy has sufficient regard for national policy. He also recommends that a minor typographical error requires correction in order to assign the North Gill link its own bullet point.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.2.3. Policy ENV3: Conserving the Landscape	<p><b>Recommended Modification 3:</b> In Policy ENV3</p> <ul style="list-style-type: none"> <li>replace “permitted” with “supported”</li> <li>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)”</li> </ul>	<p>The examiner states in his report that 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. He recommends a modification in this respect so that the policy has sufficient regard for national policy.</p> <p>The examiner requested 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</p>	Agree to modify the text as indicated to comply with the examiner’s recommendation.

		examiner has treated this matter as a correction and recommends a modification in this respect.	
3.2.4. Policy ENV4: Nature Conservation	<b>Recommended Modification 4:</b> In Policy ENV4 replace “permitted” with “supported”	The examiner’s states in his report that 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. He recommends a modification in this respect so that the policy has sufficient regard for national policy.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.2.5. Policy ENV5: Wind Turbines	<b>Recommended Modification 5:</b> Delete Policy ENV5	The examiner’s states in his report that 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”. The examiner is not satisfied sufficient evidence has been presented to support this conclusion. The policy does not meet the Basic Conditions. He recommends Policy ENV5 is deleted.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.2.6. Policy ENV6: Control of Solar Farms	<b>Recommended Modification 6:</b> In Policy ENV6 <ul style="list-style-type: none"> <li>• in the final sentence of the third bullet point replace “Assets” with “Natural environment assets”</li> <li>• replace “minimize” with “minimise”</li> </ul>	The examiner states in his report that in response to his request for clarification the Parish Council has confirmed the final sentence of the third bullet point is a reference to natural environment assets. He recommends a modification to clarify this point. He also recommends that the word “minimize” requires correction.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.2.7. Policy ENV7: Infill Development	<b>Recommended Modification 7:</b> In Policy ENV7 delete “within the plan” and “inconsiderate”	The examiner states in his report that the term “inconsiderate” is imprecise. In response to his request for clarification the Parish Council has confirmed it is intended	Agree to modify the text as indicated to comply with the

		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. The examiner recommends 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.	examiner’s recommendation.
Appendix 4	<p><b>Recommended Modification 8:</b> In the eleventh design parameter of Appendix 4 of the Neighbourhood Plan, which is referred to in Policy HOU1:</p> <ul style="list-style-type: none"> <li>• in the first sentence replace “adjacent to Skipton Road” with “along the entire Skipton Road site frontage”</li> <li>• 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).”</li> </ul>	The Parish Council asked the examiner to consider whether a two-stage approach to the footway could address the issues of pedestrian safety and viability. 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. The examiner recommends a modification in this respect so that the policy has sufficient regard for national policy.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.4.2. Policy HT2: New	<p><b>Recommended Modification 9:</b> In Policy HT2 replace “footpaths” with “footways” and “footpath” with “footway”</p>	In response to the examiner’s request for clarification the Parish Council with the agreement of the District Council confirmed the references to “footpaths” and “footpath”	Agree to modify the text as indicated to comply with the

Development Infrastructure		should be to “footways” and “footway” respectively. He recommends 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.	examiner’s recommendation.
3.5.1. Policy CFS1: Bradley’s Community Facilities	<p><b>Recommended Modification 10:</b> In Policy CFS1</p> <ul style="list-style-type: none"> <li>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”</li> <li>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</li> </ul>	The examiner states in his report that the term “or service” placed after the term “(listed above)” is imprecise. He recommends 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. He recommends 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.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.5.2. Policy CFS2: Creation of new and the extension of existing Sporting and Recreation Facilities	<p><b>Recommended Modification 11:</b> In Policy CFS2 replace “is for the benefit of” with “will benefit”</p>	The examiner states in his report that 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.” He recommends a modification in this respect so that the policy has sufficient regard for national policy.	Agree to modify the text as indicated to comply with the examiner’s recommendation.

<p>3.6.1. Policy ELB1: Retaining productive farmland</p>	<p><b>Recommended Modification 12:</b> 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.”</p>	<p>The examiner recommends a modification of Policy ELB1 in this respect so that it achieves consistency with Policy ENV6; 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.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendation.</p>
<p>3.6.2. Policy ELB2: Airedale Business Centre &amp; Acorn Business Park</p>	<p><b>Recommended Modification 13:</b> In Policy ELB2</p> <ul style="list-style-type: none"> <li>• 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:”</li> <li>• in the second bullet point after “employment” add “levels”</li> <li>• delete the third bullet point</li> <li>• delete the final bullet point</li> </ul>	<p>The examiner states in his report that 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. He recommends 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:”</p> <p>The reference to “existing employment” in the second bullet point is not sufficiently justified. The examiner recommends a modification to refer to existing employment levels.</p> <p>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</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendation.</p>

		<p>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). The examiner recommends a modification to delete the third bullet point of Policy ELB2.</p>	
3.6.2. Policy ELB3: Proposals for change of use	<p><b>Recommended Modification 14:</b> Delete Policy ELB3</p>	<p>The examiner states in his report that 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.</p> <p>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. The examiner recommends a modification to delete the policy.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendation.</p>
3.6.3. Policy ELB4: Supporting Rural Business	<p><b>Recommended Modification 15:</b> In Policy ELB4 replace the third bullet point with “do not result in additional on-street parking, and”</p>	<p>The examiner states in his report that 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.” He recommends a modification to replace the third bullet point with “do not result in additional on-street parking.” He</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendation.</p>

		also recommends 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.	
	<b>Recommended Modification 16:</b> 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.	The examiner states in the annex of his report that: <ul style="list-style-type: none"> <li>• Supporting text must be adjusted to achieve consistency with the modified policies.</li> <li>• In paragraph 2.2 the two sub-points to the fifth objective should be indented.</li> <li>• The second bullet point of Policy CFS2 should be commenced with a lower-case letter.</li> <li>• 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).</li> </ul> The examiner recommends these modifications are made.	Agree to modify the text, figures and images as indicated to comply with the examiner’s recommendation.

**The Examiner, Mr Chris Collison, has completed an independent examination of the Bradleys Both Neighbourhood Plan. The Summary section from the Examiner’s Report is set out in full below:**

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.