



**Intelligent Plans**  
and examinations

# **Report on Burley-in-Wharfedale Neighbourhood Plan 2017 - 2030**

**An Examination undertaken for Bradford Council with the support of  
Burley Parish Council on the March 2017 submission version of the Plan.**

Independent Examiner: Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI

Date of Report: 30 November 2017

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

## Contents

	Page
<b>Main Findings - Executive Summary</b>	4
<b>1. Introduction and Background</b>	4
• Burley-in-Wharfedale Neighbourhood Plan 2017 – 2030	4
• The Independent Examiner	5
• The Scope of the Examination	5
• The Basic Conditions	6
<b>2. Approach to the Examination</b>	7
• Planning Policy Context	7
• Submitted Documents	7
• Site Visit	8
• Written Representations with or without Public Hearing	8
• Modifications	8
<b>3. Procedural Compliance and Human Rights</b>	8
• Qualifying Body and Neighbourhood Plan Area	8
• Plan Period	9
• Neighbourhood Plan Preparation and Consultation	9
• Development and Use of Land	10
• Excluded Development	10
• Human Rights	10
<b>4. Compliance with the Basic Conditions</b>	10
• EU Obligations	10
• Main Issues	11
• Issue 1: Strategic Planning Context	11
• Issue 2: Settlement Boundary	12
• Issue 3: Protecting Important Views	13
• Issue 4: Housing Policies	13
• Issue 5: Burley Local Centre	14
• Issue 6: Community Aspirations	15
• Issue 7: Local Green Spaces	15
• Issue 8: Allotments	16
• Issue 9: Community and Health Facilities	16
• Other Policies	16
<b>5. Conclusions</b>	17
• Summary	17
• The Referendum and its Area	18

	Page
<b>Appendix</b>	19
Schedule 1: Modifications to meet the Basic Conditions (and other legal requirements)	19
Schedule 2: Further Modifications to Correct Errors and to Improve Clarity and Accuracy	22

## **Main Findings - Executive Summary**

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

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Burley Parish Council;
- the Plan has been prepared for an area properly designated – the Burley-in-Wharfedale Neighbourhood Area as shown on Map 1 of the Neighbourhood Plan;
- the Plan (as proposed to be modified) specifies the period to which it is to take effect: 2017 - 2030; and
- the policies relate to the development and use of land for a designated neighbourhood area.

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

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

## **1. Introduction and Background**

### *Burley-in-Wharfedale Neighbourhood Plan 2017 - 2030*

- 1.1 The parish of Burley is located in the north of the Metropolitan District of Bradford some 13 km (Burley in Wharfedale Station) north of Bradford city centre. Burley-in-Wharfedale itself is the main settlement and lies between Ilkley to the west and Otley to the east, both of which adjoin but are outside the neighbourhood area. There are two hamlets within the parish, Burley Woodhead and Stead, as well as a number of more isolated houses and farms spread across the rural countryside.
- 1.2 The north-northeastern boundary of the area is formed by the River Wharfe and the A65/A660 trunk road which runs along the valley bottom. A limb of the A65 heads in a general southerly direction towards the major conurbations of Bradford and Leeds. A branch railway line, with its terminus in Ilkley, also connects the area with Bradford and Leeds.

- 1.3 The main built-up area of Burley-in-Wharfedale occupies the low-lying land between the A65 and the railway. From here, the land rises and gives way to the moorland which characterises the southern part of the area and reaches heights of some 400m. The moors in the west form part of the South Pennine Moors Site of Special Scientific Interest, Special Protection Area and Special Area of Conservation. In addition, most of the open land is designated as Green Belt.
- 1.4 As indicated below, initial work towards the preparation of the Plan started in 2012. Designation in November 2013 was followed by many meetings, drop-in sessions, exhibitions and surveys. The submitted Plan represents more than four years of detailed work by those involved. There is a vision covering the period to 2030; also, eight broad objectives. Under each of the objectives, the background is set out followed by relevant policies and justification for the policies.

#### *The Independent Examiner*

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

#### *The Scope of the Examination*

- 1.7 As the independent examiner, I am required to produce this report and recommend:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- whether the Plan meets the Basic Conditions;

- whether the Plan complies with provisions under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended)(“the 2004 Act”). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for “excluded development”;
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)(“the 2012 Regulations”).

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

### *The Basic Conditions*

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

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

- 1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for this part of Bradford Council, not including documents relating to excluded minerals and waste development, includes the Bradford Core Strategy Development Plan Document (adopted July 2017) and the saved policies from the Replacement Unitary Development Plan (update statement July 2017).
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Burley-in-Wharfedale Neighbourhood Plan Submission Version January 2017 – revised March 2017;
  - a map which identifies the area to which the proposed neighbourhood development plan relates (Map 1 within the draft neighbourhood plan);
  - a Revised Consultation Statement – February 2017;
  - a Basic Conditions Statement (undated);
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment Screening Report (HRA) Update, January 2017; and

- the Parish Council's responses to my questions set out in my letter of 25 September 2017.<sup>1</sup>

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 3 October 2017 to familiarise myself with it and to visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

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

### *Modifications*

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in Schedule 1 of the Appendix. Whilst not required to meet the Basic Conditions, modifications to correct errors<sup>2</sup>, if made, would improve the clarity<sup>3</sup> and accuracy of the document. These are listed in Schedule 2 of the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Plan has been prepared and submitted for examination by Burley Parish Council which is a qualifying body for an area that was designated by Bradford Council on 5 November 2013.
- 3.2 The Plan is the only neighbourhood plan for the plan area. It does not relate to land outside the designated neighbourhood area.

---

<sup>1</sup> View at:

<https://www.bradford.gov.uk/Documents/DesignatedNeighbourhoodAreas/Burley-in-Wharfedale/Regulation%2017/Letter%20of%20procedural%20matters%20and%20questions%20to%20Burley%20in%20Wharfedale%20QB.pdf>

<sup>2</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>3</sup> Regard should be had to advice in PPG Reference ID: 41-041-20140306.

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84



### *Plan Period*

- 3.3 Paragraph 38B(1)(c) of the Planning and Compulsory Purchase Act 2004 indicates that a neighbourhood development plan must specify the period for which it is to have effect. In this regard, paragraph 1.15 of the Plan states that the Plan covers the period up to 2030. No start date is given. The Parish Council has since confirmed<sup>4</sup> that the Plan period would be 2017 to 2030. This period would be specified in paragraph 1.15 and, in the interests of clarity, on the front cover of the Plan through proposed modification **PM1**.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 Details of Plan preparation and consultation are set out in the Parish Council's Revised Consultation Statement – February 2017. Application for designation of a neighbourhood area was made in November 2012. Following statutory publicity, the neighbourhood area was approved by Bradford Council on 5 November 2013.

Key Plan preparation and consultation activities, carried out after formal designation, include:

- Initial meeting of the Neighbourhood Plan Task and Finish Group (November 2013).
  - Two-day drop-in session and following exhibition (March 2014).
  - Further exhibition and questionnaire completion (October 2014).
  - Consideration of the results of the questionnaire survey by the Parish Council's Planning Committee (November 2014).
  - Revision of the Plan to address concerns (during 2015).
  - Informal public consultation including a further exhibition (January 2016).
  - Formal consultation under Regulation 14 (5 September 2016 – 17 October 2016).
  - Publicising of plan proposals under Regulation 16 (12 June 2017 – 24 July 2017).
- 3.5 At the Regulation 14 stage, representations were submitted by 11 different consultation bodies, organisations or individuals. Several changes to the Plan were made to address the representations, all as documented in the Consultation Statement. At the Regulation 16 stage,

---

<sup>4</sup> See Examiner's questions and the response thereto both as posted on the Parish Council's web-site (link provided at footnote 1).

representations were received from 36 different parties. I am satisfied that, at both stages, the consultation process met the legal requirements and there has been procedural compliance.

#### *Development and Use of Land*

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

#### *Excluded Development*

3.7 The Plan does not include provisions and policies for “excluded development”.

#### *Human Rights*

3.8 I have found no evidence to suggest that the Plan would breach Human Rights (within the meaning of the Human Rights Act 1998).

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

4.1 The Plan was screened for SEA by Kirkwells acting on behalf of the Parish Council. It is concluded that SEA will not be required. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion.

4.2 The neighbourhood plan was further screened for HRA. In this regard, Burley-in-Wharfedale parish contains part of the South Pennine Moors Special Protection Area / Special Area of Conservation Phase 2. However, the HRA for the Core Strategy concludes that there would be no adverse effect on the ecological integrity of these sites. Given that the Plan is in general conformity with the (then) emerging Core Strategy, the Burley-in-Wharfedale Screening Update Report concludes that no further work is necessary in terms of the requirements of the Habitats Regulations Assessment. In its Regulation 16 response, Natural England noted that the Core Strategy had not been adopted. However, this position has now changed. I am satisfied from my independent consideration that there is no likelihood of significant effects on any European site either alone or in combination with other plans or projects.

## Main Issues

4.3 Having considered whether the Plan complies with the various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.10 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.

Flowing from my appraisal of the Burley-in-Wharfedale Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are nine main issues relating to the Basic Conditions for this examination. These are:

- Issue 1: Whether reference to the strategic planning context is accurate;
- Issue 2: Whether there is a clear basis for determining development proposals outside the settlement boundary;
- Issue 3: Whether the policy on protecting important views is clear and unambiguous;
- Issue 4: Whether the housing policies are clear, supported by appropriate evidence and capable of being applied consistently and with confidence; also, whether they are in general conformity with the strategic policies of the development plan;
- Issue 5: Whether the policies concerning development within and outside Burley Local Centre are clear and supported by appropriate evidence;
- Issue 6: Whether wider non-land use community aspirations, included in the Plan, are clearly identifiable;
- Issue 7: Whether the policy of protecting local green spaces pays appropriate regard to national policies and advice;
- Issue 8: Whether the policy on protecting existing allotments (BW12) has been drafted with sufficient clarity; and
- Issue 9: Whether the policies on community and health facilities pay appropriate regard to national policies and advice.

### Issue 1 - Whether reference to the strategic planning context is accurate

- 4.4 Paragraphs 1.11 to 1.15 of the Plan address the strategic planning policy of the City of Bradford. This is stated to include the 2005 Replacement Unitary Development Plan (RUDP) and the emerging Core Strategy. Whilst this was the position at the time the Plan was submitted under Regulation 15 (4 April 2017), circumstances have changed. As indicated above, the Bradford Core Strategy Development Plan Document was adopted in July 2017. The development plan now includes the newly adopted core strategy and the saved policies from the RUDP (update statement July 2017). Therefore, it is the new Core Strategy policies (plus any relevant strategic saved RUDP policies) against which I must now test the Plan for general conformity.
- 4.5 Several modifications are needed to reflect the changed situation. These modifications include:
- changes to the text in paragraphs 1.11 to 1.15 and elsewhere throughout the Plan where reference is made to the *emerging* Core Strategy, planning policy or strategic planning policy;
  - changes to the text boxes at the end of most of the policy sections to refer to the Bradford Core Strategy and to delete reference to saved RUDP policies that have now been superseded; and
  - amending the note accompanying Figure 1 to recognise changes in the adopted version of the Core Strategy Key Diagram.

These changes are collectively dealt with under proposed modification **PM2**.

Issue 2: Whether there is a clear basis for determining development proposals outside the settlement boundary

- 4.6 Policy BW2 is concerned with development outside the settlement boundary and sets out the circumstances under which this would be appropriate. One of the considerations is the preservation of field patterns, tree cover and the wider context of moorland, river and woodland. This is lacking in clarity and would be better expressed as “the wider landscape of the Wharfedale Valley and the hills and moorland that surround the area”.
- 4.7 Other changes that would allow the policy to be applied with confidence are reference to the feasibility of meeting the criteria in the policy; and not having *significant* adverse effects. All the necessary changes required to ensure that the policy meets the Basic Conditions, especially attaining general conformity with Core Strategy Policy WD1, are addressed in proposed modification **PM4**.

Issue 3: Whether the policy on protecting important views is clear and unambiguous

- 4.8 The protection of important views is dealt with under Policy BW3. As drafted, development should not adversely affect important views. However, I consider that a very minor effect, albeit adverse, could be acceptable. What matters is whether the effect would be material (see proposed modification **PM5**).
- 4.9 A further requirement is that development proposals *should take into account* any adverse impacts as identified in Map 4 or through landscape appraisals and impact studies. This is lacking in precision. A developer could show that account had been taken without that leading to a satisfactory outcome. Any adverse effects need to be addressed satisfactorily as set out in proposed modification **PM5**.

Issue 4: Whether the housing policies are clear, supported by appropriate evidence and capable of being applied consistently and with confidence; also, whether they are in general conformity with the strategic policies of the development plan

- 4.10 There are a number of housing policies under the heading of Objective 2 – To meet housing needs. These are BW4 – Housing on Sites Within Burley Settlement Boundary; BW5 – Mix and Type of Housing; and BW6 – Provision of Affordable Housing.
- 4.11 The background to the section, in paragraph 4.25, effectively expresses a wish for smaller settlements. This is reflective of the outcome of the 2015 consultation exercises carried out by the Parish Council.<sup>5</sup> However, it is not in general conformity with the Bradford Core Strategy requirement for 700 housing units over the period to 2030 (Policy WD1). To achieve general conformity with Core Strategy Policy WD1 and thus meet the Basic Conditions, the paragraph should be deleted (proposed modification **PM6**).

Other points of concern are:

- confusion over the use of “and / or” in Policy BW4;
- incorrect reference to the size of site or development where a range of housing types and/or sizes would be expected; and
- reference, in Policy BW6, to provision of up to 15% affordable housing where the Core Strategy requirement (Policy HO11) is 30%.

---

<sup>5</sup> See Examiner’s questions and the response thereto both as posted on the Parish Council’s web-site (link provided at footnote 1).

These various points would be addressed through main modifications **PM7 to PM9**, which are required for general conformity with the development plan and the achievement of sustainable development.

Issue 5: Whether the policies concerning development within and outside Burley Local Centre are clear and supported by appropriate evidence

- 4.12 The policies concerning development within and outside Burley Local Centre are dealt with, in the Plan, under Objective 3: To provide the right environment for flourishing employment, retail, business and tourist environment. On a preliminary point, I note that earlier discussion in the Plan (paragraph 3.13) refers to Greenholme Mills as a key site for future employment use. Greenholme Mills was included as a policy in previous drafts of the Plan<sup>6</sup> but not in the submission version. The reference should be deleted as in proposed modification **PM3**.
- 4.13 As to development within Burley Local Centre, a range of uses will be considered appropriate including A1 retail uses, excluding units of 150 sq m or more (Policy BW7 a)). However, the size limit is not supported by appropriate evidence.<sup>7</sup> In addition, there is potential conflict with the objectives behind the policy as expressed in paragraph 4.41. I recommend deletion of the size limit (proposed modification **PM10**).
- 4.14 In Policy BW8 (Development outside the Defined Local Centre), there are a number of matters concerning clarity and the availability of appropriate evidence:
- As drafted, the policy would apply to anywhere in the designated area outside the defined local centre. However, the clear intention<sup>8</sup> is for the policy to be applied to those parts of the *built settlement* that are outside the defined local centre.
  - There is unsupported reference to a size limit of 150 sq m gross floorspace.
  - There is confusion over the use of “and” and “or” such that the provisions of the policy are unclear.
  - There is imprecise reference to being “within walking distance of most residential properties”.

---

<sup>6</sup> See Examiner’s questions and the response thereto both as posted on the Parish Council’s web-site (link provided at footnote 1).

<sup>7</sup> Regard should be had to advice in PPG Reference ID: 41-041-20140306.

<sup>8</sup> See Examiner’s questions and the response thereto both as posted on the Parish Council’s web-site (link provided at footnote 1).

These matters would be dealt with collectively under proposed modification **PM11**, so that the policy meets the Basic Conditions, notably supporting sustainable development.

Issue 6: Whether wider non-land use community aspirations, included in the Plan, are clearly identifiable

- 4.15 The discussion on vacant retail space (Page 45, paragraph 4.46) concludes with an "Action for the Parish Council". This is the first of a number of such actions that are to be found in the Plan. However, they relate to non-land use matters and are outside the statutory purpose of the Plan.
- 4.16 Whilst it is appropriate to set out wider community aspirations of a non-land use nature<sup>9</sup>, they need to be clearly distinguished and identifiable. As included in the Plan, they could be confused with the statutory provisions. All such Actions should be separately identifiable as set out in proposed modification **PM12**.

Issue 7: Whether the policy of protecting local green spaces pays appropriate regard to national policies and advice

- 4.17 Policy BW11 identifies nine areas that would be designated as local green spaces. Following my site visit, and having regard to the considerations set out in the NPPF, I am satisfied that designation would be appropriate.
- 4.18 Other sites have been put forward as candidates for designation by representors which, from my assessment, do not satisfactorily meet the NPPF criteria. In particular, land located at Main Street/A65 (land at Burley Lodge) has been the subject of representations at Regulations 14 and 16. As required by paragraph 77 of the NPPF, this land is reasonably close to the community it serves. It is also local in character and not an extensive tract of land. The central question is whether the land is demonstrably special to the 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.
- 4.19 I appreciate that designation as local green space would effectively protect the site from future development and also assist in safeguarding the setting and character of the Conservation Area and listed buildings. However, there is no material evidence to show that the land is demonstrably special to the local community and holds a particular local significance. Designation would not be appropriate.

---

<sup>9</sup> See PPG Reference ID: 41-004-20170728.

Issue 8: Whether the policy on protecting existing allotments (BW12) has been drafted with sufficient clarity

- 4.20 In common with certain other policies, there is confusion in Policy BW12 – Protecting Existing Allotments over the use of “and” and “or” such that the provisions of the policy are unclear. In this regard, all provisos are intended to apply.<sup>10</sup> Clarity would be effected through proposed modification **PM13**.

Issue 9: Whether the policies on community and health facilities pay appropriate regard to national policies and advice

- 4.21 Policy BW16 has the title “Supporting the Development of New or Extended Community and Health Facilities”. However, proviso e) mistakenly refers to meeting the requirements of Policy BW11 (Local Greenspace). This is an error and would be corrected under proposed modification **PM14**.
- 4.22 Also in regard to community facilities, protection is afforded under Policy BW17. One of the exceptions is where there is no longer a demonstrable need for the facility. However, this is weak provision that does not take into account matters such as viability. The policy could not be applied with confidence. The policy should be amended as set out in proposed modification **PM15**.

Other Policies

- 4.23 In respect of all other policies, no modifications are necessary. Specifically, the policies discussed below are in my assessment compliant with the Basic Conditions.
- 4.24 Character of Burley – Of the remaining policies, Policy BW1 is directed at conserving and enhancing the distinctive character of Burley by setting out the considerations that will apply to the design of new development proposals. The importance of design is stressed in many parts of the NPPF. For example, seeking to secure high quality design and a good standard of amenity is one of the core planning principles set out in paragraph 17 of the document.
- 4.25 Housing Need – Policy BW5 addresses the mix and type of housing that is needed in Burley. These provisions are consistent with the NPPF section on delivering a wide choice of high quality homes (Section 6) and

---

<sup>10</sup> See Examiner’s questions and the response thereto both as posted on the Parish Council’s web-site (link provided at footnote 1).



reference to planning for a mix of housing and identifying the size of housing that is required (paragraph 50).

- 4.26 Flourishing Employment, Retail, Business and Tourist Environment – Policy BW9 is concerned with the retention of existing employment land and buildings. In this regard, the Parish Council notes the losses that can result as a result of changes of use through the exercise of permitted development rights. The policy would allow for alternative uses in appropriate circumstances and, in common with NPPF policy on land allocated for employment use, would avoid long term protection without justification (paragraph 22).
- 4.27 Suitable Levels of Car Parking – The design of new car parking in residential development is dealt with in Policy BW10. The policy seeks to meet the needs set out in the Core Strategy. Wherever possible, parking should be accommodated within the curtilage of the dwelling, designed to minimise visual impact and complement the development served. In this regard, I find no conflict with the Basic Conditions.
- 4.28 Increasing Access by Foot and Cycle – There are two remaining policies under this objective. Policy BW13 concerns walking and cycling routes and bridlepaths whilst Policy BW14 addresses the design of new foot, cycle and bridlepaths. The policies are in harmony with NPPF policies on promoting sustainable transport (Section 4) and giving priority to pedestrian and cycle movements (paragraph 35).
- 4.29 Improving Quality of Life – Finally, I turn to Policy BW15 which seeks to protect and enhance existing green infrastructure. This is a topic where the provisions of Policy BW15 have regard to national policies and advice (NPPF paragraphs 99 and 114) and thus meet the Basic Conditions.

## **5. Conclusions**

### *Summary*

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

*The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.
- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate all those who have been involved. The Plan should prove to be a useful tool for future planning and change in Burley-in-Wharfedale over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Modifications

### Schedule 1: Modifications to meet the Basic Conditions (and other legal requirements)

Proposed modification number (PM)	Page no/ other reference	Modification
<b>PM1</b>	Front Cover Page 8	Add plan period "2017 – 2030".  Amend first sentence of paragraph 1.15 to read "The Burley Neighbourhood Plan covers the period 2017 to 2030."
<b>PM2</b>	Various	<p>Paragraph 1.11, second and third sentences: Replace with "The Burley-in-Wharfedale Neighbourhood Plan was prepared taking into account the policies of the <b>2005 Replacement Unitary Development Plan (RUDP)</b> and the then emerging policies of the now adopted <b>Bradford Local Plan Core Strategy (BCSLP)</b>. The plan was, therefore, examined to assess its general conformity with the BCSLP and any parts of the RUDP that remain part of the development plan."</p> <p>Delete paragraphs 1.12, 1.13 and 1.14.</p> <p>Delete "emerging" in paragraphs 1.8, 4.1, 4.13, 4.15, 4.33, 4.42, 4.49, 4.70 and 4.85; and "and emerging" in paragraph 4.10.</p> <p>In paragraph 3.17, replace "Service" with "Growth".</p> <p>In the first sentence of paragraph 4.26, delete "The Proposed Main Modification to".</p> <p>In the final sentence of paragraph 4.26, delete ", as modified,".</p> <p>In the final sentence of Para 4.42, delete "emerging" before "Core Strategy".</p> <p>Delete "Emerging" in all policy boxes where there is reference to the Bradford Core Strategy.</p>

		<p>In the policy boxes after paragraphs 4.21, 4.22, 4.29, 4.33, 4.37, 4.59, 4.72 and 4.102, delete "Bradford RUDP 'Saved' Policies" and all the related listed policies.</p> <p>In the policy boxes after paragraphs 4.13, 4.78, 4.80 and 4.87, delete the reference to all policies except TM8.</p> <p>In the policy box after paragraph 4.45, delete the reference to all policies except CR1A.</p> <p>In the policy box after paragraph 4.69, add reference to D1 but delete reference to all other policies.</p> <p>Replace Figure 1 with the amended map from the adopted Core Strategy. Delete the note that follows Figure 1.</p> <p>In paragraph 4.49, delete "'saved' Policy E4 of the Replacement Bradford UDP, and by".</p>
<b>PM3</b>	Page 21	Delete Para 3.13.
<b>PM4</b>	Page 30	<p>In Policy BW2, replace criterion d) with the following: "preserve field patterns, tree cover and the wider landscape of the Wharfedale Valley and the hills and moorland that surround the area; and".</p> <p>At the end of the first paragraph, add "feasible and" before "appropriate".</p> <p>In BW2 e), add "significant" before "adverse".</p>
<b>PM5</b>	Page 33	<p>In Policy BW3, amend the opening sentence to read "Development should not have a material adverse effect on...".</p> <p>Amend the second sentence to read "development proposals should address satisfactorily any adverse impacts...".</p>
<b>PM6</b>	Page 37	Delete paragraph 4.25.
<b>PM7</b>	Page 38	<p>In Policy BW4, add "and" at the end of criterion a).</p> <p>At the end of criterion c), substitute "and"</p>

		for "or".
<b>PM8</b>	Page 39	In the opening sentence of Policy BW5, substitute "11 units" for "10 units".
<b>PM9</b>	Page 40	In the first paragraph of Policy BW6, delete "15%" and insert "30%".
<b>PM10</b>	Page 42	In Policy BW7 a), delete "excluding units of 150 square metres gross or more;".
<b>PM11</b>	Page 44	In Policy BW8, amend the opening sentence so that it reads "Outside the defined local centre and within the built settlement..."  Remove criterion a) (This modification would also address the "and/or" confusion).  In criterion c), remove "are within walking distance of most residential properties and".
<b>PM12</b>	Page 45	Action for the Parish Council – Action 1: After the word "Action", add a footnote saying "This is the first of a number of non-land use actions proposed by the Parish Council. They are not formally part of the Neighbourhood Plan but are included here for convenience."  For all such Actions boxes, highlight the background in a different colour.
<b>PM13</b>	Page 57	In Policy BW12, and at the end of criteria a), b), c) and d), remove respectively "or", "or", "and" and "and".
<b>PM14</b>	Page 72	Delete proviso e).
<b>PM15</b>	Pages 72 and 73	In the first sentence of Policy BW17, add "where appropriate" after "protected".  In Policy BW17 2., insert "viable use or" before "demonstrable".

## Schedule 2: Further Modifications to Correct Errors and to Improve Clarity and Accuracy

<b>Proposed modification number (PM)</b>	<b>Page no/ other reference</b>	<b>Modification</b>
--	---------------------------------	---------------------

<b>PM16</b>	Page 3	Contents: Correct page numbering (Next Steps; Appendix 1; Appendix 2; Map 8; Map 9).
<b>PM17</b>	Page 7	In paragraph 1.7 b), close inverted commas after "general conformity".
<b>PM18</b>	Page 11	Update the dates in Figure 2.
<b>PM19</b>	Page 12	In paragraph 1.21, insert a hyphen before "Development at Greenholme Mills...".
<b>PM20</b>	Page 15	Paragraph 2.3: Amend the text to reflect the fact that Figure 4 just shows distances travelled and does not illustrate that most of the working population commutes to Leeds and Bradford to work.
<b>PM21</b>	Page 29	Re paragraph 4.11, give the reference to the NPPF where it first occurs (Para 1.8).
<b>PM22</b>	Page 29	In the text box following paragraph 4.13, add Policy DS2 to the list under Bradford Core Strategy.
<b>PM23</b>	Page 32	In paragraph 4.16, delete the superfluous "in" (fourth word).
<b>PM24</b>	Page 32	In the text box following paragraph 4.21, add Policy EN3 to the list under Bradford Core Strategy.
<b>PM25</b>	Page 39	Amend Policy BW5 to read "a range of house types".
<b>PM26</b>	Page 46	In the second sentence of paragraph 4.48, correct the grammar, as appropriate.
<b>PM27</b>	Page 57	In Policy BW12 b), delete "where".
<b>PM28</b>	Page 61	To the title to Map 7, add "- See Policy BW12".
<b>PM29</b>	Page 68	Add a caption to the photograph.
<b>PM30</b>	Page 72	Move Action 6 to a position before Policy BW17 and its heading.
<b>PM31</b>	Page 83	Under age group, delete the second row

		of results.
<b>PM32</b>	Page 83	Under the travel to work distance, add a note to indicate that this is the average distance travelled in miles.