

INDEPENDENT EXAMINATION OF THE BURLEY-IN-WHARFEDALE NEIGHBOURHOOD PLAN

EXAMINER: Andrew Freeman BSc (Hons) DipTP DipEM FRTPI

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Examination Ref: 01/AF/BWNP

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25 September 2017

Dear Mr Orton

BURLEY-IN-WHARFEDALE NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Burley-in-Wharfedale Neighbourhood Plan for examination, I would like to clarify several initial procedural matters. I also have a number of preliminary questions for the Qualifying Body.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft plan, I have not at this initial stage identified any very significant and obvious flaws in the plan that might lead me to advise that the examination should not proceed.

2. Site Visit

I intend to undertake a site visit to the neighbourhood plan area during the week commencing Monday 2 October 2017. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

The site visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

I have a number of initial questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response by **30 October 2017**.

5. Examination Timetable

As you will be aware, the intention is to examine the plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft plan.

As I have raised a number of questions I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will seek mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you or the qualifying body have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure a copy of this letter and any respective responses, are placed on both the parish council and local authority's website.

Thank you in advance for your assistance.

Your sincerely

Andrew Freeman

Examiner

ANNEX - BURLEY-IN-WHARFEDALE NEIGHBOURHOOD PLAN EXAMINER'S QUESTIONS

1. Paragraph 1.11: The development plan now includes the Bradford Core Strategy (CS) Development Plan Document (adopted 18 July 2017) and the saved Replacement Unitary Development Plan (RUDP) policies as set out in the Saved Policies Update Statement (July 2017). Changes are needed throughout the neighbourhood plan (NP) to reflect this latest situation.

Will the Parish Council please provide a schedule of appropriate changes (including the substitution of the adopted version of the Core Strategy Key Diagram at Figure 1; the removal of references to saved RUDP policies that have been replaced by the adopted CS; making clear the requirement for NP policies to be in general conformity with the adopted CS and the remaining saved RUDP policies; and changes to the text boxes at the end of the justification for most of the policies).

2. Paragraph 1.15: The plan period must be clearly stated. Is this 2017 – 2030?
3. Paragraph 3.13 – Greenholme Mills – key site for future employment use: Where does this part of Objective 3 find expression in the policies?
4. Policy BW1 d) – avoiding the formation of a hard edge to the village boundary: Is this compatible with Paragraph 4.19 which calls for the preservation of the sharp edges of the existing settlements?
5. Policy BW2 d): It is not clear what is meant by “the wider context of moorland”. Is some explanatory text needed?
6. Paragraph 4.25: Given the future context for housing growth in Wharfedale (Policy WD1 – 700 units to 2030), is it realistic to refer to new housing in small dispersed developments?
7. Policy BW4 – confusion of the use of “and” and “or”: Is it the intention that development would be supported if it meets criterion d) or, alternatively, all of the other criteria (a + b + c)?
8. Policy BW4 a): Is the policy unduly restrictive (may preclude other potentially sustainable development opportunities)?
9. Policy BW4 d): What is the justification (evidence) for this criterion? How are important residential gardens going to be identified?
10. Policy BW4: Should the policy reference development affecting conservation areas (the text box following Paragraph 4.19 cites RUDP Policy BH10)?
11. Policy BW5: What is the justification (evidence) for applying the policy to “10 units or more, or on sites of 0.4ha and above”?
12. Policy BW6 – provision of “up to” 15% affordable housing: Policies needs to provide certainty. Would it be appropriate to require 15% provision in all proposals (subject to viability etc)? Should not there be a requirement for 30% provision (CS Policy HO11 Clause B)?
13. Policy BW7 a) – 150 square metres: Why 150 square metres – how was this chosen? How does this requirement assist the aspiration expressed in Paragraph 4.41? How does the policy square with CS Policy EC5 and the requirement for impact statements on retail developments exceeding 200 sq m?

14. Policy BW8 – application outside the defined centre: Is it the intention that this policy should be applied to anywhere in the whole neighbourhood of Burley-in-Wharfedale outside the retail centre? Is some form of amended wording needed?
15. Policy BW8 a): How was the figure of 150 sq m gross chosen?
16. Policy BW8 – confusion of the use of “and” and “or”: Is it the intention that development would be supported if it meets criterion a) or, alternatively, all of the other criteria (b + c + d)?
17. Policy BW8 c) – within walking distance of most residential properties: Is this sufficiently precise?
18. Action for the Parish Council – Action 1: Actions such as this are not formally part of the neighbourhood plan. How would the Parish Council envisage making this clear and clearly distinguishing the proposed Actions?
19. Policy BW11 d): Given existing protection, would any additional local benefit be gained from designation?
20. Policy BW11 h): Given existing protection, would any additional local benefit be gained from designation?
21. Policy BW12 – confusion of the use of “and” and “or”: Please clarify what considerations are intended to apply.
22. Policy BW14 a): How easy will it be to predict circumstances where significant mixed traffic is expected?
23. Policy BW14: Is clause d) unduly onerous?
24. Policy BW16 e): Is it necessary or appropriate to refer to Policy BW11?
25. Policy BW17: Is the policy *really* protecting existing community facilities, for example, in circumstances where the churches or pub are no longer needed?