

# **CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**

## **BURLEY IN WHARFEDALE NEIGHBOURHOOD DEVELOPMENT PLAN 2017 -2030**

### **PLANNING AND COMPULSORY PURCHASE ACT 2004 THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012**

#### **REGULATION 18 DECISION STATEMENT (PROCEED TO REFERENDUM)**

## **1.0 SUMMARY**

- 1.1 At its meeting of the Executive Committee on 6<sup>th</sup> February 2018, City of Bradford Metropolitan District Council (CBMDC) considered the Independent Examiner's recommendations including those which recommended modifications to the Burley in Wharfedale Neighbourhood Plan and accepted all but one of the proposed modifications in the Examiner's report. The modifications and reasons for non-acceptance and acceptance are detailed in Table 1 below.
- 1.2 In accordance with legislation (Schedule 4B to the Town and County Planning Act 1990), the Local Planning Authority must decide what action to take in response to the examiner's recommendations, what modification to make to the Plan and whether the Plan should proceed to referendum.
- 1.3 The Council Executive Committee on 6 February 2018 agreed that the Post Examination modified plan, incorporating all but one of Examiner's recommended amendments, should proceed to referendum on 3<sup>rd</sup> May 2018 as part of the Local Elections.

## **2.0 BACKGROUND**

- 2.1 The formal Neighbourhood Area application was submitted to the CBMDC on 29<sup>th</sup> November 2012. The application which covered the entire Parished area was approved by Executive on 5<sup>th</sup> November 2013. Since then the Neighbourhood Plan has been subjected to extensive community consultation as well as benefiting from input and assistance from Council Officers.
- 2.2 The Council engaged Andrew Freeman to undertake the Independent Examination of the Submission Draft of the Neighbourhood Plan as per Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.
- 2.3 The final report, issued by the Examiner at the end of November 2017 recommended that, subject to a number of modifications, the Plan should proceed to Referendum as, when modified, it would meet the basic conditions and comply with other relevant legislation. The Examiner's Report can be found on the Council's Website: <https://www.bradford.gov.uk/planning-and-building-control/planning-policy/neighbourhood-areas/?Folder=Burley-in-Wharfedale> . The recommended modifications together with the Council's actions and reasons can be found in Table 1 below.
- 2.4 Hard copies of the Decision Statement, the Examiner's Report and the Referendum Draft Plan will be made available for inspection shortly.

## **3.0 DECISION AND REASONS**

- 3.1 The Council accepts proposed modifications PM1-PM7 and PM9-PM32 and the reasons for them as set out in the Examiner's Report and Table 1.

- 3.2 The Council does not accept proposed modification PM8, relating to the threshold at which Neighbourhood Plan Policy BW5 on Housing Mix should be implemented.
- 3.3 Neighbourhood Planning Policy BW5 seeks to ensure there is sufficient housing mix in terms of variety of size type so that new supply can meet housing demand and need on large sites in the Neighbourhood Plan area.
- 3.4 PM8 proposed by the Examiner would increase the site size threshold at which the policy would apply from 10 to 11 units. During Examination the reasons given by the Examiner for the change related to a lack of evidence provided by the Parish Council and need for general conformity with the development plan and the achievement of sustainable development. However, these reasons are not valid.
- 3.5 Firstly, the CBMDC Core Strategy policy relating to Housing Mix sets the site size threshold at 10 dwellings, not 11 dwellings. This threshold was justified by the evidence collected by the Council in its preparation of Core Strategy and the Strategic Housing Market Assessment. The suggested modification PM8 raising the threshold to 11 is not needed as a threshold of 10 is already in conformity with the Core Strategy Policy HO8.
- 3.6 Moreover, the suggested change makes no sense in sustainability terms. It would reduce the number of schemes for which the requirement to secure a mix of housing would be required and would thus reduce the impact of the Policy and its underlying goals and the effectiveness of the Plan at securing sustainable development.

## **4.0 NEXT STEPS**

- 4.1 The Council is satisfied that, subject to the modifications specified in Table 1, the Burley in Wharfedale Neighbourhood Plan meets the relevant Basic Conditions as set in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended),

complies with matters prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) including Regulation 32, is compatible with the Human Rights Convention and is compliant with provisions made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended) and should proceed to Referendum.

- 4.2 Accordingly preparations are underway for the Referendum to be held on 3<sup>rd</sup> May in conjunction with the Local Council Elections.
- 4.3 In accordance with statutory requirements, the referendum question will ask “Do you want City of Bradford Metropolitan District Council to use the Neighbourhood Plan for Burley in Wharfedale to help it decide planning applications in the neighbourhood area?”

**THIS STATEMENT IS DATED 20 FEBRUARY 2018**