



WILSDEN PARISH COUNCIL

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Examiner's Procedural Questions

October 18, 2024

Q1. Human Rights Act

We can confirm that we are satisfied that the Plan has regard to the Human Rights Act 1998 and the fundamental rights and freedoms guaranteed under it. This is also reflected in the depth and findings from the extensive consultation and engagement undertaken as part of its development. There have been no objections, comments or other evidence to suggest that it does breach Human Rights.

Q2. Natural England consultation on the Strategic Environmental Assessment Screening and Habitat Regulations Assessment Screening

Although the Screening Assessment was prepared by Wilsden Parish Council submission to Natural England (and other bodies) was carried out by CBMDC. We have been notified by CBMDC that the final version of Screening Assessment was submitted to the regulatory bodies on, or just after February 3, 2023. Whilst we have not received a copy of the response of Natural England to the Screening Assessment we have received a response from them to our Regulation 14 submission that included all the Neighbourhood Plan documents.

Q3. Policy W/HO1

The distinctive qualities of the special and attractive landscape of the Wilsden area are described in Section 2.2 of the Wilsden Design Code and also in the Landscape Character SPD Vol 9 Wilsden published by CBMDC.

Q4. Policy W/BH3

We accept that the fourth paragraph could have been better phrased. The point that was being made was that the proposed two special character areas represent two locations in the Plan area, outside the Conservation Area, that represent a microcosm of some of the changes experienced in the Wilsden area since the start of the Industrial Revolution.

Suggested alternative text;

“Both Special Character areas are locations outside the Wilsden Conservation Area that illustrate how the area has developed since the start of the Industrial Revolution.”

Q5. Policy W/NE1

CBMDC submitted an identical objection to the designation of the Fields to the East/Norh East of St Matthews Church in response to a formal letter to all landowners about the proposed designation and repeated this at the Regulation 14 Presubmission consultation stage. The response of the Parish Council was –

The Parish Council does not accept this response for three main reasons.

- *This field has considerable historic significance within the Wilsden Conservation Area. The field is the only one abutting onto Main Street that has remained as a green space for at least 200 years. This area and the adjacent barns are clearly identified as undeveloped land in Fox's Map of Wilsden for 1818 and has remained undeveloped since. As such it is the only remaining link on Main Street to the pre-Industrial Revolution agricultural hamlets that were subsequently subsumed into the village of Wilsden. This link is identified in the Wilsden Conservation Area Assessment whose section 7 Summary of Open Spaces and Natural Elements says, 'The treatment of these spaces and natural elements, such as trees and the beck, is crucial as the interrelationship between the buildings and their surroundings is responsible for the essence of the conservation area.' The field in question is listed as one of the main feature open spaces and is important to the distinctive character of the area.*
- *The area identified for designation includes the footpath to the Wilsden Allotments and as such there is public access to part of the area. It is also noted that the transfer of the Wilsden Allotments in 2005 also granted the Parish Council vehicular access across the field in order to deliver bulk materials such as manure to the Allotments.*
- *A survey of wildflowers on the footpath in 2021 identified 27 species of native wildflower on the edges of the path and adjoining the field. We appreciate that the current stock management practices may not be conducive to wildflowers thriving within the pastureland but the history of the area combined with observations on the footpath indicate that the area has a high level of inherent biodiversity that should be conserved.*

The absence of any other objections through the plan preparation process indicates general support for its designation.

Q6. Policy W/NE1

The 2022 consultation included two sites that didn't continue forward as candidates for designation as Important Local Green Spaces in the final Plan. One of the two sites that didn't go forward is 5.45 ha of woodland in the Green Belt that is much valued by the community. This site subsequently came onto the market in 2021 and following a local campaign Wilsden Parish Council purchased the woodland on behalf of the community.

The second candidate site that was initially put forward but subsequently withdrawn was a field that has significant visual amenity but no public access. The landowner objected to designation and because the field is bounded on two sides by listed walled footpaths it was decided to accept the landowner's objection as the listed structures would give enhanced protection to much of the field.

Q7. Policy W/NE1

In our response to our 2023 Regulation 14 consultation we addressed the reasons we felt this should be designated despite being in the Green Belt as follows.

While it is appreciated that this Local Green Space is wholly within the Green Belt the presence of the long established housing to the east gives the perception that this area is within the settlement. For this reason we believe there are exceptional reasons why this site should be designated as a Local Green Space despite being wholly within the Green Belt.

Q8. Policy W/NE3

In our policy on trees the expression “productive species” refers to orchard species such as apples and pears.

Q9. Policies W/E1 and W/E2

The text in paragraph 5.1.3 is intended to define “employment use”. We could reference this within the Policies or include the definition within the policy text. If considered helpful, specific reference to specified uses within use class order could be made here, specifically Class E - Commercial, Business and Service.

Q10. Policy W/CF1 and Figure 11

There is a concentration of community facilities in the centre of the village and for Figure 11 differentiating all facilities on an A4 sheet covering virtually the whole of the parish council area was not possible. The Policies Map, which is A2, does differentiate between all community facilities. On Figure 11, The New Inn, 114 Main Street (W/CF1-8) clearly obscures the label for Wilsden Community Post Office, 112 Main Street (W/CF1-6). There are two possible options to address this, either to just reference the Policies Map or to produce a version of Figure 11 that only focuses on the centre of the village.

Q11. Policy W/CF2

The reference to “parish need” was introduced to differentiate from “local need” which could include a larger catchment area than the parish council area. While the community generally supports the provision of new and enhanced facilities the development of major community facilities could have an adverse impact on local amenity and represent unsustainable development. This is consistent with Local Plan policies, which seeks to direct major development growth to other more sustainable settlements within the agreed settlement hierarchy.

An alternative option might be to remove the reference to parish need in the policy and incorporate something along the lines “Development proposals for new or enhanced local community facilities, including medical related facilities, will be supported where they would not have an adverse impact on local amenity and are sited to encourage walking and cycling.”

Q12. Policy W/CF3 and Figure 11

The same issues described in our response to Q10, of overlapping images, arise with Wilsden Squash Club (W/CF3-3) and Wilsden Village Hall (W/CF1-5). The options to address this described in Q10 would equally applicable here.