

## **HARDEN NEIGHBOURHOOD DEVELOPMENT PLAN 2021 - 2030**

### **PLANNING AND COMPULSORY PURCHASE ACT 2004**

### **THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 (AS AMENDED)**

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

#### **1.0 SUMMARY**

- 1.1 At its meeting of the Executive Committee on 4 April 2022, the City of Bradford Metropolitan District Council considered the Independent Examiner's recommended modifications to the Harden Neighbourhood Development Plan and accepted all of the proposed modifications in the Examiner's report. The modifications and reasons for 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 agreed that the Post Examination modified plan incorporating all of Examiner's recommended amendments does satisfactorily meet the required Basic Conditions and other relevant legal requirements and should proceed to referendum.

#### **2.0 BACKGROUND**

- 2.1 A formal Neighbourhood Area Application was submitted to the CBMDC on 26<sup>th</sup> June 2017. The application which covered the entire Parish area of Harden was approved on 30<sup>th</sup> August 2017.
- 2.2 Since then the Neighbourhood Plan has been subjected to extensive community consultation as well as benefiting from input and assistance from Council Officers.
- 2.3 The Council engaged Andrew Freeman of Intelligent Plans & Examinations (IPE) Ltd to undertake the Independent Examination of the Submission Draft of the Neighbourhood Plan as per Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.4 The final report, issued by the Examiner on 22 February 2023 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. The recommended modifications together with the Council's actions and reasons can be found in Table 1 below.

- 2.5 Hard copies of the Decision Statement, the Examiner's Report and the Referendum Draft Plan, Policies Map and the Harden Design Guide will be made available for inspection shortly.

### **3.0 DECISION AND REASONS**

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

### **4.0 NEXT STEPS**

- 4.1 The Council is satisfied that, subject to the modifications specified in Table 1, the Harden Neighbourhood Development 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 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 Harden to help it decide planning applications in the neighbourhood area?"***

**THIS STATEMENT IS DATED: 17 APRIL 2023**

**Table 1: Modifications to Meet Basic Conditions (and other legal requirements)**

Proposed modification number	Page no./ other reference	Modification	CBMDC's Decision
PM1	17	<p>In the first paragraph of Policy HNPD1, insert “housing” between “New” and “development”.</p> <p>Add a paragraph to the explanatory text following the policy giving examples of on-site energy generation from renewable resources.</p> <p>Amend the start of the second paragraph of the policy so as to read: “As appropriate to their scale, energy generation proposals in housing schemes...”.</p> <p>In the third paragraph of the policy, replace “and alleviate surface water” with “reduce the likelihood of flooding caused by surface water run-off”.</p> <p>In the third paragraph of the policy, after “Harden Design Code”, change the text to read: “and the Homes and Neighbourhoods Design Guide Supplementary Planning Document which should be referenced in applications. Regard should also be had to the National Design Guide and the National Model Design Code.”</p>	Agree to incorporate modification
PM2	17	In the opening of Policy HNPD2, insert “market” between “New” and “housing developments”.	Agree to incorporate modification
PM3	18	In the opening of Policy HNPD3, insert “residential” between “New” and “development”.	Agree to incorporate modification

Proposed modification number	Page no./ other reference	Modification	CBMDC's Decision
		In the second paragraph of the policy, after "Harden Design Code", change the text to read: "and the Homes and Neighbourhoods Design Guide Supplementary Planning Document and demonstrate in any planning application how their principles have been incorporated. Regard should also be had to the National Design Guide and the National Model Design Code."	
PM4	19	Change the title of Policy HNPD6 to "High Quality Communications Infrastructure".	Agree to incorporate modification
PM5	21	At the end of Policy HNPD7, replace "will be sought" with "contributions in accordance with the Community Infrastructure Levy Regulations 2010 will be sought where appropriate".	Agree to incorporate modification
PM6	32	In the final paragraph of Policy HNPD16, replace "biodiversity objectives for" with "nature and status of".	Agree to incorporate modification
PM7	34	Change the opening of the third paragraph of Policy HNPD17 so that it reads: "Where practical, any trees".	Agree to incorporate modification
PM8	36	In Policy HNPD18, end the first sentence at "local green spaces". Add a second sentence: "Development will be managed in a manner consistent with Green Belt policy".  In the policy (and elsewhere), delete the reference to Site C) Cricket ground off Harden Road and Site D) Football pitch off Harden Road.	Agree to incorporate modification
PM9	42	Replace the opening paragraph of Policy HNPD19 with the following:	Agree to incorporate modification

Proposed modification number	Page no./ other reference	Modification	CBMDC's Decision
		<p>“New developments will be expected to preserve, protect and enhance non-designated heritage assets and their settings. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”</p>	
PM10	46	<p>In the opening sentence of Policy HN21, before “should be retained”, insert “, within the boundary of the Neighbourhood Plan,”.</p> <p>On the Policies Map, amend the arrows showing views 1 (south from Harden Road) and 4 (south from Ryecroft) so that they do not extend beyond the Neighbourhood Plan boundary.</p>	Agree to incorporate modification
PM11	49	<p>At the opening of Policy HN22, replace “Support” with “Subject to all other material planning considerations being satisfied, support”.</p> <p>Replace “provide convenience” with “support the day-to-day needs of the community”.</p>	Agree to incorporate modification