

**RESPONSE OF HAWORTH CROSS ROADS AND STANBURY PARISH COUNCIL
(THE QUALIFYING BODY)
TO QUESTIONS RAISED IN EXAMINER'S QUESTIONS 2020-06-01**

1. Policy BHDD1 – The first paragraph on page 17 about the CAA is worded negatively which is considered to be inappropriate. I am proposing that the fourth sentence from the first paragraph on page 17 should be deleted.

While the PC considers that the statement is factually correct – and this has not been challenged by CBMDC at any stage – and would prefer that some reference to the CAA being in need of review be retained, it does not object to the proposed deletion.

2. Would it be helpful to refer to the Bradford Shop Front Design Guide and the Shopkeepers Guide to Securing Premises SPDs which provide much more detailed guidance on the design of shopfronts in historic areas than bullet points 9 and 10?

As there is no suggestion of substituting such references for bullet points 9 and 10 (i.e. they are not proposed for deletion), the PC would be happy for the plan to incorporate such references. The examiner's guidance as to where this should be, i.e. within the policy itself or in supporting text, would be appreciated.

3. Bullet points 2, 3, 10, 11 and 12 of Policy BHDD1 are set out as requirements. Would the QB and LPA consider whether a degree of flexibility should be introduced into these considerations.

The PC would firstly make the point that these bullet points (indeed all bullet points) are set within the context of the policy's opening paragraph, which states that development "should achieve the following objectives", i.e. not 'must achieve'. In other words a degree of flexibility already pertains to the bullet points in question and indeed to all bullet points. The stronger wording of the bullet points in question reflects the greater importance attached to the matters they address in the eyes of the community. The wording follows the advice of CBMDC at Regulation 14 stage. Addressing the question of considering greater flexibility, and taking each bullet point in turn:-

Bullet 2 – substitution of 'should' for 'must' would be acceptable to the PC if the examiner is not persuaded by the argument that the opening paragraph provides the necessary flexibility;

Bullet 3 – substitution of 'should' for 'must' would be acceptable to the PC if the examiner is not persuaded by the argument that the opening paragraph provides the necessary flexibility;

Bullet 10 – deletion of "being required to" and amendment of "reflect" to "reflecting" would be acceptable to the PC;

Bullet 11 – as the bullet point includes neither of the words ‘require’ or ‘must’, and is already set within the flexible context of the opening paragraph, as set out above, the PC cannot see a need for any further flexibility;

Bullet 12 – as the bullet point includes neither of the words ‘require’ or ‘must’, and is already set within the flexible context of the opening paragraph, as set out above, the PC cannot see a need for any further flexibility.

4. Would the QB explain what is meant by “reflect the interest of the area” and how it is to be interpreted by decision makers in bullet point 4 of Policy BHDD1.

The PC’s intention is that development reflects the existing architectural and/or historical interest of the area in the quality of materials chosen. The PC would be happy to see this extra wording incorporated into the bullet point. The wording used is as recommended by CBMDC. As such, the council’s explanation may also be helpful.

5. Policy BHDD2 is worded identically to Policy BHDD1. Is there any reason for the policy to be separate or could it be amalgamated with Policy BHDD1 to provide one policy to guide development in the conservation areas?

Provided that the supporting text relating to the 2 distinct conservation areas was retained, the PC would have no objection to a single policy covering development and design within the 2 conservation areas.

6. Should Policy BHDD3 include consideration be given to the “conservation” of these areas?

The PC would have no objection to such an inclusion.

7. Policies BHDD4 – 7 are identical except for an additional criterion in 6 and 7. Is there any reason for four separate policies or could they be amalgamated to provide one policy to guide development in the Local Heritage Areas?

Provided that the additional criteria in 6 and 7 were included in the amalgamated policy and that the supporting text relating to the 4 distinct Local Heritage Areas was retained, the PC would have no objection to a single policy to guide development within the 4 Local Heritage Areas.

8. Policy BHDD8 - It is difficult to identify the non-designated heritage assets and their curtilages from the Policies Map and I am concerned that the policy could not be applied consistently by decision makers.

- **I am proposing to recommend that Appendix 3 be presented as a separate assessment report that should give more information on the process of identifying the properties, the selection criteria and that it should include maps and photographs of the properties. Would the QB confirm that this would be acceptable.**

The PC confirms that this would be acceptable.

- **Would the QB confirm that the property owners/occupants have been consulted on the proposed designation and how they have dealt with any objections.**

The PC confirms that the property owners/occupants were consulted on the proposed designation, firstly informally at the 'Informal Sites Consultation Stage' and then again at the Regulation 14 stage. The PC's responses to objections/comments at both stages are fully documented in the results grids relating to those consultations contained in the evidence base.

The exceptions to the above are assets 163-169 inclusive which were assessed and added to the policy list as a result of comments received at Regulation 14 stage. The PC has not consulted the property owners/occupants of these properties, although the occupants of some properties (165 – Green Head Farm and Barn; 167 – Myrtle Farm and Barns; and 169 Vales Cottages and Schoolroom) were spoken to as part of the assessment process. Myrtle Farm and Barns were put forward by the owners themselves (ref Regulation 14 Results Grid P23).

- **There are two properties included in Appendix 3 (Balcony Farm House and Pedley's Old Telephone Exchange) that appear not to be proposed for designation. Some explanation should be given of the reasons or they should be removed from the report.**

The PC is happy for them to be removed from the report.

9. Local Wildlife Sites – I note BMDC's comments on the Local Wildlife Sites that have been designated and the possible conflicts with other designations. Would the QB and LPA consider these and agree any revisions to the NP and supporting documents that should be made in the light of the designation of the four sites as LWS.

The PC would be happy to work with CBMDC in order to consider the possible conflicts and to agree any revisions, in the light of the four LWS designations, in so far as these relate to existing plan designations/policies. The PC would not be agreeable to the introduction of any new policy/policies specifically relating to Local Wildlife Sites. As explained in the PC's response to the examiner's procedural note questions, such a treatment of wildlife sites in the plan would not reflect community issues/concerns as reflected in many rounds of consultation.

10. Policy GE2: BMDC has noted that some of the sites are within the Green Belt or covered by other designations. Would the LPA confirm which sites are within the Green Belt. Is there any value in identifying the sites in the Green Belt as LGS to demonstrate that a comprehensive assessment of sites important to the local community has been undertaken?

While this appears to be a question directed at CBMDC, the PC would comment on the first part of the question as follows. The PC has checked which sites are within Green Belt following Regulation 14 consultation and has clearly indicated this in the Local Green Spaces assessments at Appendix 5. Regarding the second part of the question, it is assumed that this is a question relating to CBMDC's own treatment of LGS sites within its emerging Site Allocations Plan.

11. Policy GE2: would the LPA explain their comments in the representation on sites LGS 16 and LGS 137 which do not appear in the submission plan.

Having received clarification from CBMDC regarding the above (and regarding their comments on site LGS 133), the PC is happy to agree to the deletion of the reference to LGS 137 as highlighted – this was left in the text in error.

Secondly, regarding site LGS 133, the site was deleted from the Pre-Submission plan following re-assessment post-Regulation 14 (part of a comprehensive re-assessment of all proposed LGS sites, following Regulation 14 representations by CBMDC). The re-assessment concluded that on balance the site was not demonstrably special to the local community and was also an extensive tract of land. As such, it was deemed not to meet the LGS criteria.

12 Policy GE3: Would the QB/LPA comment on the proposed revision to the wording: “The enhancement of a designated Local Green Space to improve the quality or usability of the open space will be encouraged.” I am also proposing that it should be included at the end of Policy GE2.

While the PC has no objection to the proposed revision to the wording, it is unclear as to why the exact same wording is then also to be included at the end of Policy GE2. This would surely constitute a needless duplication?

13. Policy CF1: It would be helpful to explain in the justification to the policy how marketing and viability assessment is to be carried out and the evidence required to support applications that involve the loss of community facilities. Does the Council have established procedures or guidance for undertaking marketing or viability testing of proposals that would result in the loss of a community facility? Would the QB and LPA agree additional wording to be included in the justification to explain the evidence required.

The PC would be happy to work with CBMDC to agree the additional wording suggested. The PC is aware that CBMDC has a policy and process in place in respect of the proposed loss, to development, of land/buildings in business use – Ref Core Strategy Policy EC4 (Clause C). This might prove to be directly applicable, or applicable with amendments, to loss of community facilities proposed via development.

14. Policy CF1 – safeguarding of public houses, inns and social clubs. Appendix 7 lists 17 such facilities. The policy may be difficult to apply to such facilities in this settlement in view of the number of them. Other neighbourhood plans for smaller communities usually seek to safeguard “the last pub”. Would the QB and LPA consider whether the policy is deliverable in this respect.

Based on both historical and recent examiner reports in respect of already locally made plans, e.g. Burley in Wharfedale in Bradford (2 pubs/clubs), Holbeck (3), Bramham (2), Thorp Arch 2) and Otley in Leeds, it is clear that other examiners and both local authorities in question have been content that such a policy can apply to more than one public house in a plan area and be deliverable. There are doubtless other such examples both locally and nationally, i.e. there are clear accepted precedents. In the very comparable Otley situation

in neighbouring Leeds, the town council and clearly the examiner there, certainly considered such a policy to be deliverable in respect of over twenty identified public houses.

The PC would also point out that in this case, the plan is actually a plan for 3 distinct and geographically separated settlements – Haworth, Cross Roads and Stanbury, each relating to its own community facilities, including its public houses. Moreover, within Cross Roads, there are also five historically separate communities, namely Bocking, Barcroft, Bingley Road, Sugden End and Lees, each (where it still has a public house) looking to pubs in its own very local area.

15. Policies H1 – H4: Other than the Sustainability Assessment, has any masterplanning or other assessment of the potential housing sites been undertaken to consider whether the sites and the specified requirements are deliverable and how they would impact on the viability of the sites as required by NPPF para 34? Would the QB and LPA consider whether some flexibility should be introduced into the policy eg by referring to the criteria as “principles” or adding “where possible/feasible”. Is it intended that all the requirements should be met, in which case the word “and” should be added at the end of the penultimate paragraph.

All four sites are CBMDC SHLAA sites. The site summaries, development constraints and assessments of suitability/availability/achievability as stated in SHLAA3 were used as a basis for the plan’s assumptions regarding overall deliverability and the deliverability of specified requirements. This was supplemented by site visits by steering group members, and desk study by the PC’s consultants, to identify other locally important constraints which policies should address. The PC has undertaken no formal master planning of the four sites.

The PC would be happy to consider the introduction of some flexibility into the policies in the ways suggested.

The PC intends that all requirements should be met and would be happy for the word ‘and’ to be added as suggested.

16. Policy H3: from Google Maps aerial photos this site appears to have considerable tree cover. Would the LPA provide a map of the TPO on this site. Have the views of the Highway Authority been sought on access to this site? I note the concerns raised in Appendix 8 on parking in Baden Street. I am concerned that the evidence in Appendix 8 does not set out robust evidence to support the introduction of local parking standards as required by NPPF para 105. Moreover, criterion 6 is considered to be imprecise. It would be more helpful to set a minimum standard related to the size of the dwelling in terms of the number of bedrooms. It should be agreed with the highways authority. Would the QB discuss with the LPA.

The PC would be happy to discuss all specified matters with CBMDC. The PC has not itself consulted the Highways Authority directly – all consultations with CBMDC departments was channelled via the Planning Department.

17. Policy H5: Would the QB / LPA comment on the following:

a) Three bullet points refer to “avoiding adverse impacts”. Should the word “unacceptable” be added as it may not be possible to avoid all adverse impacts.

The PC would firstly make the point that these bullet points (indeed all bullet points) are set within the context of the policy’s opening paragraph, which states that development “should seek to achieve the following”, i.e. not ‘must achieve’ or even ‘should achieve’. In other words a reasonable degree of flexibility already pertains to the bullet points in question and indeed to all bullet points. The use of ‘should seek’ is already accepting of the fact that it may not be possible to avoid all adverse impacts.

b) Should “and their settings” be added to criterion 2?

The PC would be happy with this addition.

c) Has the highways authority agreed to criterion 4? Is this appropriate and deliverable? Would the QB and LPA comment on the following proposed wording “The programme of highway improvements shall be agreed with the highway authority before development commences on the site”.

The PC has not itself consulted the Highways Authority directly – all consultation with CBMDC departments was channelled via the Planning Department. CBMDC raised no objection to this criterion at Regulation 14 stage.

The point made at a) above regarding the context provided by the policy’s opening paragraph applies equally here, i.e. the use of ‘should seek’ is already accepting of the fact that it may not be possible for all essential highways improvements to be delivered as desired. Could the proposed wording be added to the existing clause, such that it follows on thus:- subject to such highway improvements being agreed.....?

d) How is it intended that the term “quick and easy access” is to be applied in criteria 5 and 8?

On reflection, the PC considers that the intention here could perhaps be better expressed in relation to CBMDC’s already adopted ‘Accessibility Standards for Housing’ as set out in Core Strategy Appendix 3.

e) Legislation enables the diversion of rights of way, if necessary, for development, so criterion 6 needs some flexibility. Would the QB and LPA comment on the proposed revised wording: “Public rights of way and cyclepaths should be retained on their existing route. Where this is not feasible, the diverted route should not be substantially less convenient for the public to use than the existing route.”

The PC is happy to accept this revised wording.

f) Criterion 9 is considered to be vague and imprecise. Would the QB and LPA comment on the proposed revised wording: “Adequate in-curtilage off street parking shall be provided in accordance with, or in excess of, the Council’s parking standards.”

The PC is happy to accept this revised wording.

g) Criterion 10 on trees also requires a degree of flexibility as the safeguarding and retention of all trees on a site may not always be possible or desirable. Would the QB and LPA comment on the proposed revised wording: “As far as possible, trees that are subject to a Tree Preservation Order shall be safeguarded and protected during development and other mature trees shall be retained.”

The point made at a) above regarding the context provided by the policy’s opening paragraph applies equally here, i.e. the use of ‘should seek’ is already accepting of the fact that it may not be possible to safeguard/retain all trees on a site. As such, a degree of flexibility already pertains. That said, while the PC considers the existing wording to be fit for purpose and therefore preferable, it would be prepared to accept the revised wording put forward, should the examiner not accept the PC’s argument.

18. Policies H1 – H5: If Policy H5 is to be applied to all allocated housing sites, is there a need for Policies H1 – H4?

The PC feels strongly that while there may be some inevitable overlap between the general key guiding principles set out in Policy H5 and some of the clauses set out in Policies H1-H4, H1-H4 clearly give detailed utterance to how those principles and other matters are particularly applicable to the specific sites in question. This is clearly evidenced in each of Policies H1-H4 by the many references to site-specific features, road names, designations etc. As such, the PC would urge that all four policies be retained.

19. Policy H6: I am concerned that this policy does not put any constraints on the suitability of development locations other than precluding sites safeguarded by the plan’s environmental policies. In particular how would this policy be used to consider proposals in the countryside? There is no reference to sites being well related to existing development or only being acceptable in the countryside if it accords with national planning policy.

The PC’s intention, as stated in the supporting text, is that this policy should be considered together with adopted Core Strategy policies P1, SC1 and SC4 in determining the suitability of development locations. Indeed, it is understood by the PC that this and all NDP policies, once made, form part of the Development Plan and that any development should consider all Development Plan policies (not just the 3 Core Strategy policies here cited) ‘in the round’ as a matter of course. By logical extension, national policy should also be considered as a matter of course. There should surely be no need for a Neighbourhood Plan to repeat other applicable policies, either local or national, i.e. to say things in policy terms which are already clearly stated and adopted elsewhere?

Further, it is felt by the PC that the policy also clearly constrains/precludes sites on both infrastructure and accessibility grounds as stated in clauses 2 and 3.

20. Policy H6: The second bullet point sets out a number of considerations relating to the capacity of infrastructure. Unless deficiencies have been identified eg in an up to date Local Infrastructure Plan it would be very difficult for decision makers to apply this policy as worded. Would the LPA confirm how they deal with small scale development proposals in areas where there are deficiencies in infrastructure. Do they have policies or guidance on contribution towards improvements to the infrastructure?

This question seems to be directed to CBMDC rather than the PC.

21. Policy H6: Accessible housing – Core Strategy Policy HO8 sets a threshold of 10 dwellings. Has the QB prepared any robust evidence to justify the reduced threshold?

The PC has not prepared any robust evidence to justify the reduced threshold. The PC would be happy to accept a revised threshold of 10 dwellings within the policy in line with Core Strategy Policy HO8.

22. Policy H8: The Housing Needs Assessment provides a fine grain assessment of the need for various types of housing in the parish. It concludes that there is a need for 49 social and affordable homes; however this is not reflected in the first bullet point on page 49 of the Plan. I have concerns that the policy is not clearly worded and would be difficult to apply consistently. Would the QB/LPA comment on the following proposed revisions to the policy

Amalgamate first four paragraphs to read: “Subject to the findings of the latest housing needs assessment, development of larger housing sites (of 0.4ha or above or 10 or more dwellings) will be expected to provide a mix of market and affordable housing of: (include two bullet points from Policy H8).

“The development of Build to Rent housing will also be encouraged.

“The development of sites consisting primarily of large dwellings (4 or more bedrooms) will not be supported.

Final paragraph not changed.

Revise the first bullet point on page 49 of the justification and include reference to need on Build for Rent.

The PC would be happy to accept the proposed revisions to the policy.

23. Policy E1: The policy makes no reference to design or consideration of impact on the conservation areas, I am proposing to recommend that the following criterion is added to the policy: “Where applicable, the development shall be laid out and designed taking into account the principles of Policy BHDD1.” Would the QB confirm that this is acceptable.

The PC confirms that the proposed addition of the criteria as set out is acceptable.

24. Policy E2: I have a number of concerns about the clarity of the wording of this policy.

a) Planning policy cannot “retain” uses unless there is a justification for safeguarding them.

b) It is not clear what “locally based” visitor accommodation refers to. In any case planning policy cannot control the ownership or management of such accommodation.

c) The wording refers to a mixture of landscape and heritage features although not the conservation areas.

d) The second paragraph of the policy includes the wording from CS Policy EC4F “having regard to accessibility and sustainable transport, local character and design” without adding any local interpretation.

e) Would the QB and LPA comment on the following suggested revised wording for this policy:

“The development of visitor accommodation will be supported where it respects the character of the local landscape of the South Pennines and conserves and enhances the heritage of Haworth and the conservation areas.

“New accommodation should be well designed to reflect the built character of the area and have regard to the principles set out in Policy BHDD1.”

The PC is happy with the suggested revised wording in so far as it addresses the development of new visitor accommodation. It would however prefer policy wording which also addressed the safeguarding of existing accommodation, perhaps in the manner of Policy CF1 and its safeguarding of community facilities. The very real threat to such accommodation is being currently highlighted by an application to demolish the Bronte Hotel in Cross Roads and replace it with new housing.

25. Policy HT1: Would the QB clarify the intentions of the second paragraph of this policy. Presumably all developments will be expected to meet their own parking requirements. Is it intended to encourage development that provides additional public car parking as well?

The PC can confirm that the assumed intention set out in the last sentence of the question is correct.

26. Policy HT2: I have checked the locations of all the car parks on Google Maps aerial photographs. Would the QB confirm that car park 7 Damside Mill is plotted accurately as there appears to be a building on the site. Would the QB confirm that all the owners of these sites have been consulted on this policy.

Car Park 7 (Damside Mill) has been plotted incorrectly in error. The actual car park is bounded by Damside Mill, Jacob’s Lane and Shuttle Fold, as can be seen on Google Maps aerial photographs.

The PC can confirm that all owners were consulted directly at Regulation 14 consultation stage and prior to this, at Informal Sites Consultation stage. No objections were received.

27. Policy HT2: A number of these car parks are associated with other uses such as churches, community halls and clubs. In the circumstances where the main building and the car park were to be redeveloped together, it would appear that criterion (ii) would require replacement parking in the area. Is that the intention of the policy?

It is only intended that this be the case where loss of parking would have an adverse impact on existing parking issues in the nearby area (ref criterion (i)). This would be the case where a church etc. car park was also used by the wider community, not in connection with the 'parent' building, e.g. at school drop-off/pick-up times. Perhaps this needs to be made explicit in criterion ii. In this regard, the car parks at Masonic Lodge, Lees Methodist Church and The Telephone Exchange are known to perform this wider role – the Masonic Lodge for local residents/businesses and the latter two at school drop-off/pick-up times, thereby playing an important role in taking school traffic problems (documented elsewhere in the plan) off narrow and congested roads at key times.

28. Policy HT4 - please refer to my comments on Policy H3(6) above. I am concerned that the policy is vague and imprecise and is not supported by robust evidence.

The PC's response on Policy H3(6) applies - the PC would be happy to discuss all specified matters with CBMDC. The PC has not itself consulted the Highways Authority directly – all consultations with CBMDC departments was channelled via the Planning Department.

29. Policy HT5 – This policy is in effect seeking planning obligations to improve bus services. It is not clear what types of development the policy will be applied to. It is not therefore possible to demonstrate that the requirements satisfy the tests for planning obligations set out in NPPF para 56. I am therefore proposing that the policy should be deleted. It is noted that the support for new routes to the hospital and Halifax is included as a Community Action.

The PC's intention is that the policy be applied to significant new trip-generating uses such as housing and employment. Could the policy be made acceptable if this was made clear in the policy wording, with perhaps additional detail specifying development/site size? The PC would be happy to discuss/agree this with CBMDC.

Alternatively, would the policy be acceptable if it simply encouraged contributions rather than stating that developments should contribute?

The PC, finally, would observe that the recently made Otley NDP in neighbouring Leeds includes an almost identical policy which states that developments 'must' contribute. Clearly, the examiner in this case concluded that the policy met the basic conditions. Given such an apparently clear precedent, it is confusing and frustrating for Qualifying Bodies, seeking to follow seemingly acceptable good practice, to then be advised that the self-same policy does not meet basic conditions, only a matter of months later.

30. Policy HT6: I have similar concerns about Policy HT6. It is noted that the Community Actions set out the priorities for improvement to the network. I am proposing to recommend that the policy be deleted and replaced with the following:

“Where feasible, developments should include a link to the nearby public rights of way, bridleway or cycle network.”

Would the policy be acceptable if the first two clauses simply encouraged action rather than expecting it? This would bring it in line with the third clause. If this is not considered to be an acceptable revision, then the PC would be prepared to accept the replacement wording suggested above.

The PC, finally, would observe that both the recently made Otley and Horsforth NDPs in neighbouring Leeds include almost identical policies which state that developments ‘must’ contribute. Clearly, the two separate examiners in these cases both concluded that the policies met the basic conditions. Given such apparently clear precedents, it is confusing and frustrating for Qualifying Bodies, seeking to follow seemingly acceptable good practice, to then be advised that the self-same policy does not meet basic conditions, only a matter of months later.

31. Policy HT7: I am proposing that the wording of the policy should be clarified to refer to the route being “safeguarded” and the development of the route as a cycle way being supported. Would the QB/LPA comment on the proposed revision. “...Neighbourhood Area, shown on the Neighbourhood Plan Policies Map is safeguarded. The development of the safeguarded route as a cycle way will be encouraged. Development should not prevent or harm the development of a cycle route along the identified route.”

The proposed revised wording is acceptable to the PC.