



Intelligent Plans
and examinations

Report on Oxenhope Neighbourhood Plan 2021 - 2030

**An Examination undertaken for Bradford Council with the support of
Oxenhope Village Council on the submission version of the Plan.**

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Contents

	Page
Main Findings - Executive Summary	3
1. Introduction and Background	3
• Oxenhope Neighbourhood Plan 2021-2030	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
2. Approach to the Examination	5
• Planning Policy Context	5
• Submitted Documents	6
• Site Visit	6
• Written Representations with or without Public Hearing	6
• Modifications	6
3. Procedural Compliance and Human Rights	7
• Qualifying Body and Neighbourhood Plan Area	7
• Plan Period	7
• Neighbourhood Plan Preparation and Consultation	7
• Development and Use of Land	8
• Excluded Development	8
• Human Rights	8
4. Compliance with the Basic Conditions	8
• EU Obligations	8
• Main Issues	8
• Issue 1 – General Matters	9
• Issue 2 – Housing	11
• Issue 3 – Economic Development	12
• Issue 4 – Local Green Space	12
• Issue 5 – Movement and Travel	12
• Other Matters	13
• Conclusions on the Main Issues	13
5. Conclusions	14
• Summary	14
• The Referendum and its Area	14
• Overview	14
Appendix: Modifications	15

Main Findings - Executive Summary

From my examination of the Oxenhope Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – Oxenhope Village Council;
- the Plan has been prepared for an area properly designated – the Oxenhope Neighbourhood Plan Area – Figure 1 on Page 7 of the Plan;
- the Plan specifies the period to which it is to take effect – 2021-2030; and
- the policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Oxenhope Neighbourhood Plan 2021-2030

- 1.1 Oxenhope is a civil parish in the west of the Metropolitan District of Bradford. It is about 13 km to the east-northeast of Bradford and some 7 km to the south-southwest of Keighley. The village itself is centred on the B6141 Station Road south of its junction with the A6033 Hebden Bridge Road/Keighley Road. Towards the northern end of the village is the terminus of the Keighley and Worth Valley Railway, a renowned heritage line and major tourist attraction which runs north from the village to connect with Haworth and Keighley, where there are connections with main line services to Bradford, Leeds, Skipton and stations beyond.
- 1.2 The area was designated by Bradford Council in November 2013. There followed scoping of interest and issues, promotional events, a public meeting, surveys and an exhibition. The submitted Plan represents several years of work by those involved. It contains an overarching vision and 22 policies in five broad topic areas.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Oxenhope Neighbourhood Plan by Bradford Council with the agreement of Oxenhope Village Council.
- 1.4 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
 - Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the 2012 Regulations”).

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The “Basic Conditions” are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law);¹ and
- meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.²

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for this part of Bradford Council, not including documents relating to excluded minerals and waste development, includes the Bradford Core Strategy Development Plan Document (adopted July 2017) and the saved policies from the Replacement Unitary Development Plan (update statement July 2017). In addition, Bradford Council is in the process of preparing a single Bradford District Local Plan covering the period 2020–2038. This has now reached the Preferred Options stage.

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

Submitted Documents

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the draft Oxenhope Neighbourhood Plan 2021-2030;
- a map which identifies the area to which the proposed Neighbourhood Development Plan relates - Figure 1 on Page 7 of the Plan;
- the Statement of Community Consultation (undated);
- the Basic Conditions Statement, October 2020;
- Oxenhope Design Guide (undated);
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment Screening Determination, February 2020; and
- the request for additional clarification sought in my letter of 8 November 2021 and the responses of 7 December from Oxenhope Village Council and 22 November from Bradford Council.³

Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 24 November 2021 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

³ View at: <https://www.bradford.gov.uk/planning-and-building-control/planning-policy/neighbourhood-areas/?Folder=Oxenhope>

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Oxenhope Neighbourhood Plan has been prepared and submitted for examination by Oxenhope Village Council, which is a qualifying body for an area that was designated by Bradford Council on 5 November 2013.
- 3.2 It is the only Neighbourhood Plan for the area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2021 to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in the Village Council's Statement of Community Consultation. Application for designation as a neighbourhood area was made on 14 February 2013. Following statutory publicity, the Neighbourhood Plan Area was approved by Bradford Council on 5 November 2013.
- 3.5 After designation, a survey to scope interest in preparing a neighbourhood plan was carried out at the end of 2013. This was followed, in 2016, by a promotional stall at the village fete, a public inception meeting and a further meeting to scope initial issues. Promotion of the process was achieved through a quarterly publication distributed to all households, an exhibition and articles in a local quarterly newsletter. In addition, surveys of housing and of transport and movement were carried out.
- 3.6 Formal consultation under Regulation 14 was carried out between 20 July 2019 and 31 August 2019. Details of the representations, and actions taken by way of response, are set out in Section 11.0 of the Statement of Community Consultation. Fifty-eight representations from seven bodies were received. Respondents included Bradford Council and local residents and societies.
- 3.7 At the Regulation 16 stage (16 July to 10 September 2021), and including comprehensive comments from Bradford Council, responses were received from some eight different parties representing statutory consultees and the Yorkshire Wildlife Trust.
- 3.8 I am satisfied that, at both the Regulation 14 and the Regulation 16 stages, the consultation process met the legal requirements and there has been procedural compliance. Regard has been paid to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

Excluded Development

- 3.10 The Plan does not include provisions and policies for “excluded development”.

Human Rights

- 3.11 Oxenhope Village Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by consultants acting for Oxenhope Village Council which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Determination, I support this conclusion.
- 4.2 The Oxenhope Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. In an email dated 11 June 2019 (in Appendix 2 of the Screening Determination), Natural England expressed the view that the Plan would not have significant effects on sensitive sites that the body has a statutory duty to protect. The Plan area is not in close proximity to a European designated nature site. From my independent assessment of this matter, I have no reason to disagree.

Main Issues

- 4.3 Having regard for the Oxenhope Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are five main issues relating to the Basic Conditions for this examination. These concern:
- General Matters;
 - Housing;
 - Economic Development;
 - Local Green Space; and
 - Movement and Travel.
- 4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Oxenhope Neighbourhood

Plan should be seen in the context of the wider planning system. This includes the Bradford Core Strategy Development Plan Document and the saved policies from the Replacement Unitary Development Plan as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.⁴

4.5 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies is largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.

4.6 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.

4.7 The following section of my report sets out modification that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.⁵ Others are necessary in order to have closer regard to national policies and advice. In particular, plans should contain policies that are clearly written and unambiguous.⁶ In addition, the policies should be supported by appropriate evidence.⁷

Issue 1 – General Matters

4.8 Policy GP1 relates to high quality design. Amongst other things, an application should respond to its context. To assist in this process, reference is made to the Oxenhope Design Guide. However, the evidence indicates⁸ that the Homes and Neighbourhoods Design Guide Supplementary Planning Document is also of relevance and should be referred to in the policy. In addition, to accord with national guidance, it should be mentioned that regard should also be had to the National Design Guide and the National Model Design Code. Proposed modification **PM1** refers.

4.9 A similar situation arises in relation to Policy GP4 (Sustainable Drainage). Best practice and examples of Sustainable Drainage Systems and rainwater harvesting are to be found in the Homes and Neighbourhoods Design Guide Supplementary Planning Document and this should be

⁴ See NPPF, Paragraph 16 f).

⁵ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

⁶ NPPF, Paragraphs 15 and 16.

⁷ PPG Reference: 41-041-20140306.

⁸ See Regulation 16 representations, City of Bradford Metropolitan District Council.

referenced in the policy, along with the national publications (proposed modification **PM2**).

- 4.10 With regard to Policy GP5, this indicates where Community Infrastructure Levy money will be used. However, the “policy” is essentially a statement of intent. It would not have a bearing on applications considered against the Neighbourhood Plan and should be deleted (proposed modification **PM3**).
- 4.11 Policy GP6 (Broadband) states that all new developments should be designed to connect to high quality “communications infrastructure”. For the avoidance of doubt, “electronic” should be added before “communications infrastructure”. This change would be effected through proposed modification **PM4**.
- 4.12 Under Policy GP7 (Renewable Energy), qualified support will be given to proposals featuring small scale renewable energy technologies and infrastructure. However, the wording of the policy suggests that it is the technologies and infrastructure themselves that will gain support rather than related projects. The wording would be corrected under proposed modification **PM5**.
- 4.13 The policy also calls for proposals to be supported by a visual impact assessment. As worded, this requirement would apply to all projects. However, this is not the intention.⁹ Smaller projects could rely on some other way of demonstrating the absence of visual harm or of detracting from the visual amenity of the location. The necessary changes would also be addressed through proposed modification **PM5**.
- 4.14 The main objective of Policy GP8 is conserving *and* enhancing the character *and* appearance of the conservation areas in Oxenhope. In this regard, there is no evidence to suggest that both conservation and enhancement are necessary. Proposals that preserve the special characteristics of the area would also be acceptable if enhancement were not possible. To preserve or enhance would accord with the statutory test contained in primary legislation.¹⁰
- 4.15 In terms of character and appearance, both qualities are relevant considerations within a conservation area. As such, reference should be made to character *or* appearance, not character *and* appearance.
- 4.16 The policy also refers to using materials “that reflect the interest of the area”. This is intended to mean visual, architectural or historic interest.¹¹ However, this is not clear from a reading of the policy. Clarity would be achieved through the proposed amendment.

⁹ See the Village Council’s response of 7 December 2021 to my questions.

¹⁰ Planning (Listed Buildings and Conservation Areas) Act 1990, Section 69(1)(a).

¹¹ See the Village Council’s response of 7 December 2021 to my questions.

- 4.17 A final point relating to Policy GP8 is the proposed retention of key open spaces and key views. These are not identified in the policy or the accompanying text. For clarity, a link should be provided to the Conservation Area Appraisals where details can be found.
- 4.18 Necessary changes to Policy GP8 are set out in proposed modification **PM6**.

Issue 2 – Housing

- 4.19 Amongst other things, Policy H1 (Lifetime Homes and Building for a Healthy Life) states that new housing developments are encouraged to meet Lifetime Homes standards. This standard is no longer referred to in national planning guidance. Part M4(2) of the Building Regulations on accessible and adaptable dwellings has greater relevance and should be referenced through a modified policy. The title of the policy also warrants change in the interests of clarity.
- 4.20 The policy continues by referring to the document Building for a Healthy Life and the related scoring system. The latest iteration of the document has moved away from the scoring system. Reference in the policy to meeting the threshold of “9 greens out of 12” should be deleted.
- 4.21 The policy would be amended under proposed modification **PM7**. The title of the policy would also be changed so as to avoid reference to “Lifetime Homes”.
- 4.22 Turning to Policy H4, Green Infrastructure, a number of modifications are needed:
- The opening of the policy indicates that new housing development “should seek to achieve Biodiversity net gain, where possible”. In the light of the provisions of the Environment Act 2021 and policy in the NPPF,¹² a more positive approach is needed.
 - The policy continues by referring to the Bradford Wildlife Habitat Network. For clarity, there should be cross-reference to the figure on Page 57.
 - The second paragraph of the policy refers to design and management. For the avoidance of doubt, it should be stated that this requirement relates to green infrastructure provision.
 - The final paragraph of the policy references the National Pollution Strategy and Biodiversity Net Gain Good Practice Principles for Development. To provide clarity for applicants and decision makers, links should be provided to these documents.

¹² See NPPF, Paragraph 179.

- 4.23 Changes to provide clarity and accord with the NPPF are set out in proposed modification **PM8**.

Issue 3 – Economic Development

- 4.24 Under Policy ED1 (Retention of Building for Economic Use), support would be given to retain Parson’s Mill for “non-residential” uses. This term would cover a wide range of activities. To achieve the aim of retaining the building for economic use, greater specificity is needed. In addition, there should be reference to the circumstances where change of use or loss would be acceptable. Clarity would be added through proposed modification **PM9**.

Issue 4 – Local Green Space

- 4.25 Policy GS1 designates Local Green Space within Oxenhope. Protection is afforded “unless in very special circumstances”. In this regard, the NPPF states, at Paragraph 103, that policies for managing development within a Local Green Space should be consistent with those for Green Belts. This means that, although the very special circumstance rule applies, allowance should also be made for development that is “not inappropriate”. An adjustment of the policy (proposed modification **PM10**) is necessary in order to have regard to national policy.
- 4.26 On the question of ownership, there is one space (Leeming Field) where the ownership is not known and where direct contact with owners has not been made. Guidance on this matter is to be found in the PPG.¹³ Qualifying bodies are expected to contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.
- 4.27 Protection consistent with that in respect of Green Belts is a significant constraint. In my opinion, and in the light of government guidance, it is not sufficient to rely on general publicity as a form of communication in this matter. As such, the Leeming Field site should be deleted (see PM10).

Issue 5 – Movement and Travel

- 4.28 Policy MT1 on Residential Parking refers to the parking standards of Bradford Council. However, the evidence indicates¹⁴ that the cross-reference is incomplete. Mention of Core Strategy Policy DS4 is also necessary. The policy continues by requiring, in appropriate circumstances, “designated on-street visitor parking bays”. However, there is no evidence to indicate that the bays necessarily have to be on-

¹³ See PPG Reference ID: 37-019-20140306.

¹⁴ See Regulation 16 representations of Bradford Council.

street. Necessary changes to meet the Basic Conditions are set out in proposed modification **PM11**.

- 4.29 In the circumstances described in Policy MT3 (Non-Residential Parking), a statement is required demonstrating that developments will not contribute to additional on-street parking and will not cause undue adverse effects on the highway network. Since both these considerations apply, they should be linked by “or”, not “and”. Proposed modification **PM12** refers.

Other Matters

- 4.30 There are some policies that have not been the subject of commentary in the above report. These are:
- GP2 Impact on Heritage
 - GP3 Protecting Existing Community Facilities
 - H2 Building Performance
 - H3 Homeworking
 - ED2 Retention of Building for Retail Use
 - ED3 Sustainable Tourism
 - ED4 Keighley and Worth Valley Railway
 - ED5 Business Space
 - ED6 Agricultural Expansion or Diversification
 - MT2 Pedestrian and Cycle Networks

To a greater or lesser extent, these topics are covered in NPPF Section 16 (Conserving and enhancing the historic environment), Section 9 (Promoting sustainable transport), Section 14 (Meeting the challenge of climate change, flooding and coastal change) and Section 6 (Building a strong, competitive economy). I find that there has been regard for national policy and that the Basic Conditions have been met.

Conclusions on the Main Issues

- 4.31 Several modifications are needed in order to pay appropriate regard to national policies and advice (including on clarity, avoiding ambiguity and appropriate evidence), factual matters and to ensure general conformity with the strategic Local Plan. With the proposed modifications in place, the Basic Conditions would be met. Other non-material amendments, including consequential amendments and suggestions and corrections set out in the representations and correspondence, can be incorporated into the final version of the Plan.¹⁵ Similarly any factual updates to reference the 2021 NPPF can be made.

¹⁵ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The Oxenhope Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Oxenhope Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Oxenhope over the coming years.

Andrew S Freeman

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 42	At the end of Policy GP1, add "and the Homes and Neighbourhoods Design Guide Supplementary Planning Document. Regard should also be had to the National Design Guide and the National Model Design Code".
PM2	Page 49	<p>In Policy GP4, after "Oxenhope Design Guide", insert "and the Homes and Neighbourhoods Design Guide Supplementary Planning Document".</p> <p>Add a final sentence: "Regard should also be had to the National Design Guide and the National Model Design Code".</p>
PM3	Page 50	Delete Policy GP5. Incorporate this statement of intent within the supporting text.
PM4	Page 50	In Policy GP6, insert "electronic" before "communications infrastructure".
PM5	Page 51	<p>In the opening of Policy GP7, replace "for small-scale" with "incorporating small-scale".</p> <p>At the end of the policy, add "...or such other assessment/demonstration that is commensurate with the size of the project."</p>
PM6	Page 52	<p>Change the opening of Policy GP8 to read: "In order to conserve or enhance the character or appearance of the conservation areas in Oxenhope...".</p> <p>In the third bullet point, after "interest of the area", insert "(visual, architectural or historic)".</p> <p>In reference to "key open spaces and views", provide a link to the documents</p>

		where these spaces and views are identified.
PM7	Page 55	<p>In the title of Policy H1, insert “Accessible” in place of “Lifetime”.</p> <p>In the opening of the policy, replace “Lifetime Homes standards” with “the accessible and adaptable dwelling standards in Part M4(2) of the Building Regulations so as”.</p> <p>Delete the final sentence of the policy.</p>
PM8	Page 56	<p>End the first sentence of Policy H4 at “green buffers”. Replace the rest of that sentence with the following: “Proposals shall demonstrate how measurable net gains for biodiversity of at least 10% will be secured.”.</p> <p>After “Bradford Wildlife Habitat Network”, insert “(see figure on Page 57)”.</p> <p>After “design and management” insert “of green infrastructure provision”.</p> <p>Provide links to the documents National Pollution Strategy and Biodiversity Net Gain Good Practice Principles for Development.</p>
PM9	Page 59	<p>Re-word Policy ED1 as follows: “Support will be given to retaining Parson’s Mill for uses within Use Classes B2, B8 and E(g). Planning permission for uses outside these classes will be judged against the criteria in Policy EC4 of the Local Plan Core Strategy.”</p>
PM10	Page 64	<p>In Policy GS1, replace “unless in very special circumstances” with “unless the proposals are consistent with Green Belt policy”.</p> <p>Delete Site A – Leeming Field.</p>
PM11	Page 67	<p>In Policy MT1, replace “Core Strategy TR2” with “Core Strategy Policies TR2 and DS4”.</p>

		Replace "designated on-street visitor parking bays" with "dedicated visitor parking bays".
PM12	Page 68	In Policy TM3, change "and cause no undue adverse effects" to "or cause any undue adverse effects".