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Report on the Wilsden Neighbourhood Plan 2020 – 2038

An Examination undertaken for the City of Bradford Metropolitan District Council with the support of Wilsden Parish Council on the final submission version of the Plan.

Independent Examiner: Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI

Date of Report: 14 November 2024

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Main Findings - Executive Summary

From my examination of the Wilsden 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 – Wilsden Parish Council;
- the Plan has been prepared for an area properly designated – the Wilsden Neighbourhood Plan Area – Figure 1 on Page 10 of the Plan;
- the Plan specifies the period to which it is to take effect – 2020 – 2038; 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

Wilsden Neighbourhood Plan 2020 - 2038

- 1.1 Wilsden is a village and civil parish within the administrative area of the City of Bradford Metropolitan District Council. It is one of the numerous towns and villages that are located on the west side of Bradford. These include Cullingworth to the west of Wilsden, Harden to the north and Bingley to the north-northeast. The city of Bradford itself is some 8 km away to the east-southeast and is linked to Wilsden via the B6144.
- 1.2 The parish was designated as a neighbourhood area by the City of Bradford Metropolitan District Council at the end of 2014. Since that time, a working group has involved the local community and businesses in the preparation of the Plan that is now before me for examination and which has undergone two separate periods of consultation under Regulation 14. The Plan includes an overarching vision, nine objectives and 29 policies on eight separate topics.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Wilsden Neighbourhood Plan by the City of Bradford Metropolitan District Council, with the agreement of Wilsden Parish 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 Sections 38A and 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 the City of Bradford Metropolitan District Council, not including documents relating to excluded minerals and waste development, is the Bradford Core Strategy Development Plan Document (adopted July 2017) and saved policies from the Bradford Replacement Unitary Development Plan (July 2020 schedule). There is an emerging Local Plan in the form of the draft Bradford District Local Plan but this is at a relatively early stage of preparation (Preferred Options stage).³

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.

³ View progress at: [Bradford District Local Plan | Bradford Council](#)

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- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF) and is accompanied by the Planning Practice Guidance (PPG) which offers guidance on how this policy should be implemented. All references in this report are to the latest iteration of the NPPF dated December 2023 and the accompanying PPG.⁴

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 Wilsden Neighbourhood Plan 2020 - 2038, final submission version;
 - a map which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, undated;
 - the Basic Conditions Statement and Equality Impact Assessment, undated;
 - Wilsden Design Codes, December 2022;
 - the Strategic Environmental Assessment (SEA) Screening and Habitats Regulations Assessment Screening (undated) prepared by Wilsden Parish Council;
 - Supporting Evidence for Local Green Spaces, undated;
 - Supporting Evidence for Housing Needs and Characteristics, undated;
 - Supporting Evidence for Important Buildings and Important Structures, undated;
 - Supporting Evidence for Important Views and Vistas, undated;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the request for additional clarification sought in my letter dated 4 October 2024 and the responses from the City of Bradford Metropolitan District Council and Wilsden Parish Council both dated 18 October 2024.⁵

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 22 October 2024 to familiarise myself with it and visit relevant sites and areas referenced in the Plan and evidential documents.

⁴ The government has recently consulted on further changes to the NPPF (albeit these are not likely to be published in final form until late 2024/early 2025): [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system)

⁵ View the documents at: <https://www.bradford.gov.uk/planning-and-building-control/planning-policy/neighbourhood-areas/?Folder=Wilsden>

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. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Wilsden Neighbourhood Plan has been prepared and submitted for examination by Wilsden Parish Council, which is a qualifying body for an area that was designated by the City of Bradford Metropolitan District Council on 2 December 2014.
- 3.2 It is the only Neighbourhood Plan for the Wilsden Neighbourhood Plan 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 2020 to 2038.

Neighbourhood Plan Preparation and Consultation

- 3.4 Details of plan preparation and consultation are set out in the Parish Council's Consultation Statement. Application for designation of the whole of the parish as a neighbourhood area was sought on 4 June 2014 and approved by Bradford Council on 2 December 2014.
- 3.5 Since that time, and under the auspices of a working group, a variety of consultation events have taken place. These have included group meetings on six different themes; a community survey; consultation with local businesses; a drop-in consultation event; and a housing mix survey.
- 3.6 Formal consultation under Regulation 14 took place on two separate occasions, the first between 14 June 2017 and 26 July 2017, the second between 31 January 2023 and 21 March 2023. For the 2023 consultation,

those specifically notified are detailed in Appendix 8 of the Consultation Statement. Details of the main issues raised, and how they were addressed, are set out in Appendix 9.

- 3.7 Consultation by City of Bradford Metropolitan District Council under Regulation 16 was carried out between 5 February 2024 and 18 March 2024. This resulted in 13 representations submitted by 12 organisations including statutory consultees, agents acting for landowners and Bradford Council itself.
- 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 Subject to recommended modifications to Policies W/TA3 and W/DC1 (which I deal with in paragraphs 4.44 - 4.46 below and PMs 17 & 18), 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”.⁶

Human Rights

- 3.11 Wilsden Parish 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 Wilsden Parish Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening report, I support this conclusion.
- 4.2 The Wilsden Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA). The parish is some 3.17 km from the nearest European site (South Pennine Moors Special Area of Conservation/Special Protection Area). The screening report concluded

⁶ See section 61K of the 1990 Act.

that harm to the European site is highly unlikely. From my independent assessment of this matter, I have no reason to disagree. HRA would not be triggered. This is a conclusion supported by Natural England in its email dated 28 March 2022.⁷

Main Issues

- 4.3 Having regard for the Wilsden Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are seven main issues relating to the Basic Conditions for this examination. These concern:
- Housing and Design;
 - Built Heritage;
 - Natural Environment;
 - Community Facilities;
 - Shops and Shopping;
 - Transport and Accessibility; and
 - Developer Contributions.
- 4.4 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Wilsden Neighbourhood Plan should be seen in the context of the wider planning system. This includes the Bradford Core Strategy as well as the NPPF and PPG. It is not necessary to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.⁸ Having said that, there may be scope to give emphasis to matters particularly relevant in the context of Wilsden.
- 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 modifications that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.⁹ Others are necessary in order to

⁷ City of Bradford Metropolitan District Council's answer dated 18 October 2024 to my question no. 2.

⁸ See NPPF Paragraph 16 f).

⁹ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

have closer regard to national policies and advice. In particular, plans should be succinct and contain policies that are clearly written and unambiguous.¹⁰ A decision maker should be able to apply them consistently and with confidence when determining planning applications. In addition, the policies should be supported by appropriate evidence.¹¹

Issue 1 – Housing and Design

- 4.8 Policy W/HO1 (Development Within Wilsden Village) confirms the settlement boundary for Wilsden where development proposals will be supported subject to the criteria set out in the policy. One of the criteria concerns “the distinctive qualities of the special and attractive landscape”. However, an applicant would need to know what are the special qualities to which the policy refers.
- 4.9 The Parish Council has advised me¹² that the details are to be found in the Design Code and in City of Bradford Metropolitan District Council’s Landscape Character Supplementary Planning Document. For clarity, these documents should be referenced in a modification of the Plan.
- 4.10 Related to the matter of the settlement boundary is a review of Green Belt boundaries that is currently taking place as part of the preparation of the draft Bradford District Local Plan. Although some representors have commented on the quantum of development that could be provided in Wilsden, and identified potential housing sites, I consider that these are matters best dealt with through the mechanism of the Local Plan. In this way, the distribution of new housing development throughout the district and a proper comparative review of candidate sites can take place.
- 4.11 Nevertheless, the Neighbourhood Plan acknowledges that changes to the Green Belt boundary may be required. In this regard, the Plan identifies some relevant considerations and refers to two sites where the settlement boundary may change.
- 4.12 Whilst it is helpful for the Plan to express a view on how and where the changes could take place, this is a matter for the Local Plan process. Amendments are needed to ensure that considerations are not pre-judged or prejudiced. Appropriate changes are set out in proposed modification **PM1** which also deals with the distinctive qualities of the special and attractive landscape.
- 4.13 Under Policy W/HO2 (Development Outside Wilsden Settlement Boundary – The Green Belt), there is support for the continued designation of the open countryside, outside the village, as Green Belt. The policy continues by saying that there will be a strong presumption against development

¹⁰ NPPF, Paragraphs 15 and 16 d).

¹¹ PPG Reference ID: 41-041-20140306.

¹² Parish Council answers dated 18 October 2024 to my questions.

that would conflict with the purposes of the Green Belt or adversely affect its open character.

- 4.14 To my mind, the policy wording misrepresents national policy. The National Planning Policy Framework does not include a *strong presumption* against development; and the main factor in determining development proposals is whether development would be “inappropriate”, not whether it would conflict with the purposes of Green Belts or their open character per se. Revised wording is needed as in proposed modification **PM2**.
- 4.15 Policy W/HO5 (Windfall Housing Sites) refers to development proposals for small scale windfall developments which are expressed as being “typically less than 5 dwellings”. This reference is confusing, unnecessary and to some extent at variance with the supporting text (“often small sites suitable for only a single dwelling but can be larger”). Whilst the supporting text could be expanded to refer to typical sizes, the reference should be removed from the policy (proposed modification **PM3**).
- 4.16 The final policy under the housing and design heading is Policy W/HO7, Affordable Housing. This contains the sentence, “Priority should be given to residents of the parish or with a strong local connection to the parish in the allocation of affordable housing.”
- 4.17 Whilst it would be possible, through the planning system, to restrict *occupation* of affordable housing to residents or those with a local connection, the policy as expressed is a housing allocation policy. Furthermore, there is no reference to matters such as the criteria that would apply or any limit on the percentage of residents or those with a local connection who could occupy the housing. Nor have these wider considerations been the subject of consultation. In the circumstances, the sentence should be deleted (proposed modification **PM4**).

Issue 2 – Built Heritage

- 4.18 Under Policy W/BH1, 39 buildings or structures in Wilsden are identified as non-designated heritage assets. In the opening paragraph of the policy, clarity is needed in order to:
- refer to the identification of the assets on the Policies Map and on Figure 5 of the Plan; and
 - delete reference to Core Strategy Policy EN3 (this does not specify any particular asset).
- 4.19 In the closing two paragraphs of the policy, amendments are needed to use consistent terminology and to have proper regard for the NPPF. The various necessary changes are set out in proposed modification **PM5**.
- 4.20 Policy W/BH2 calls on developments to “respect and enhance” the special character of the Wilsden Conservation Area. This may be contrasted with

the statutory duty of preserving or enhancing character.¹³ Bearing in mind also that there is no evidence to suggest that enhancement will always be necessary, the policy should refer to *conserve or enhance*.

- 4.21 The policy also indicates that development visible from the Conservation Area at a distance of up to "at least 50 metres" shall be considered as affecting the setting of the Conservation Area. This is a rather inflexible requirement that is at variance with the definition of "setting" in the Glossary of the NPPF. A more nuanced reference is needed.
- 4.22 Appropriate amendments that reflect the evidence and national policy are set out in proposed modification **PM6**.
- 4.23 Policy W/BH3 concerns the Hallas Bridge and Birkshead Special Character Areas where there is a reference to the need to "conserve and enhance" their character. For reasons similar to those discussed above (Policy W/BH3), the reference should be changed to *conserve or enhance*.
- 4.24 The policy continues by indicating that the open aspect of the fields to the south should be retained. To my mind, this reference could preclude other ways of respecting the setting of the Hallas Bridge Special Character Area. More flexible wording is needed.
- 4.25 With regard to the final paragraph of the policy, the grammar is lacking. The paragraph should read, "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."¹⁴
- 4.26 Alternative wording dealing with all the necessary amendments is set out in proposed modification **PM7**.

Issue 3 – Natural Environment

- 4.27 Policy W/NE1 seeks to designate seven spaces as important Local Green Spaces. Of these, the Fields to the East/Northeast of St Matthews Church (W/NE1-1) have been the subject of objection by the District Council. By way of response,¹⁵ and in addressing factors set out in Paragraph 106 of the NPPF, the Parish Council has stressed the site's historic significance and its wildlife.
- 4.28 With regard to the wildlife, I note that 27 species of native wildflower were, in 2021, recorded along the footpath and adjoining the field. For my part, I appreciate that there may be some inherent biodiversity. However, I saw little of significance at the time of my site visit. In any

¹³ Town and Country Planning (Listed Buildings and Conservations Areas) Act 1990, Section 72(1).

¹⁴ Parish Council answers dated 18 October 2024 to my questions.

¹⁵ See Parish Council answers dated 18 October 2024 to my questions.

event, I would not expect the footpath and its margins to be vulnerable to loss or destruction. Its biodiversity value would continue.

- 4.29 As to the site's historic significance, the Parish Council has made reference to the field as the only one abutting onto Main Street that has remained as a green space for at least 200 years. I saw that there is a field abutting Main Street, between St Matthew's Church and the Curry House, but this field is not included within the boundary of the proposed Local Green Space.
- 4.30 With regard to the land generally to the east of St Matthew's Church, this is a large pocket of open space that contrasts with the built-up nature of the village and provides a link with an agricultural function which has all but ceased. Nevertheless, from what I have seen and read, I would not regard the area as demonstrably special to the local community as a result of its historic significance. The proposed designation should be deleted.
- 4.31 Turning to site W/NE1-2, Cricket Pitch and adjacent field (formerly football field), I am aware that this is a location within the Green Belt. As such, I have considered what additional local benefit would be gained by designation as Local Green Space.¹⁶ I note that, given the established housing to the east, the site could be perceived as being within the settlement and a candidate for development. Bearing in mind also its value to the community, I am satisfied that designation as Local Green Space would be justified.
- 4.32 The final paragraph of the policy indicates that development will only be supported in very special circumstances; but this provision ignores the fact that, under the terms of the NPPF, the development may be "not inappropriate". Although there is reference in the policy to "exceptional circumstances", these apply to changes in Green Belt boundaries, not to development proposals. Proposed modification **PM8** recommends alternative wording together with the deletion of site W/NE1-1. I am content the remaining sites all meet the criteria set out in NPPF paragraph 106, are capable of enduring beyond the end of the Plan period (NPPF paragraph 105), and are therefore suitable for designation.
- 4.33 Policy W/NE2 addresses ecology and biodiversity and identifies several particular areas where the Parish Council is committed to conserving and enhancing biodiversity. The policy indicates that the delivery of biodiversity net gain should be directed towards these sites in circumstances where net gain cannot be delivered on site.
- 4.34 The PPG sets out the steps to be taken in identifying the most appropriate locations for the provision of biodiversity net gain.¹⁷ The wording of the

¹⁶ PPG Reference ID: 37-010-20140306.

¹⁷ <https://www.gov.uk/guidance/biodiversity-net-gain>

policy should be amended to reflect this guidance (proposed modification **PM9**).

- 4.35 Policy W/NE3 (Trees) uses the term “productive species” when talking of types of planting to be preferred. This term is lacking in clarity. I am advised that the expression refers to orchard species such as apples and pears.¹⁸ Amended wording would be of assistance to prospective applicants.
- 4.36 The policy continues by referring to the habitat network. This includes areas of grassland, heathland and wetland which should be preserved *and* enhanced. However, there is no evidence to suggest that, if preserved, enhancement would be necessary as well. Amended wording would address both necessary amendments to the policy (proposed modification **PM10**).
- 4.37 Policy W/NE4 (Landscape) refers to the Wilsden Design Code but does not require regard for the Code. Clear wording is set out in proposed modification **PM11**.
- 4.38 Important Open Views and Vistas are dealt with in Policy W/NE5 and illustrated on Figure 10 as well as on the Policies Map. However, on the Policies Map, a “star” symbol is used. In this regard, the symbol to be used should be the same as that used in Figure 10 whereby the relevant arc of view is identified. Proposed modification **PM12** refers.

Issue 4 – Community Facilities

- 4.39 Policy W/CF1 addresses community facilities as illustrated on Figure 11 (and the Policies Map). Community sports facilities are dealt with under Policy W/CF3 (with similar mapping). However, there are a number of clarity issues:
- Figure 11 has no key. The distinction between community facilities and community sports facilities is not clear.
 - The numbering system used in Figure 11 and on the Policies Map is slightly different from that used in the policies. For example, WCF1 (not WCF1-1) and WCFS1 (not WCF3-1).
 - On Figure 11 (notwithstanding an overlapping of symbols), facilities WCF1-6 and WCF3-3 are not labelled.
 - On the Policies Map, the facilities are all lumped together as “Community Facilities” with the same symbol being used for both community facilities and community sports facilities.
 - On the Policies Map, some of the names are obscured by other detail. For example, the Parish Boundary obscures the label for WCF1-12.

¹⁸ Parish Council answers dated 18 October 2024 to my questions.

- 4.40 The necessary clarity would be added through proposed modification **PM13**.
- 4.41 Policy W/CF2 indicates that proposals for new or enhanced community facilities will be supported where they meet a "parish need". This is a rather vague term that is meant to avoid the provision of facilities serving a wider catchment.¹⁹ Clarification to the policy should be added through proposed modification **PM14**.

Issue 5 – Shops and Shopping

- 4.42 Turning to the matter of shops and shopping, Policy W/SH1 (Wilsden Local Centre), amongst other things, deals with the use of the upper floors of properties. Residential use will be supported subject to parking, amenity and *other considerations*. In my opinion, this term is too vague. There is no certainty over the matters to be addressed; and the decision taker could not apply the policy with consistency and with confidence. Alternative wording should be used as in proposed modification **PM15**.

Issue 6 – Transport and Accessibility

- 4.43 The next main issue concerns transport and accessibility where Policy W/TA2 deals with footpaths, cycleways and bridleways. The first part of the policy talks of working with the District Council to secure improvements to the present network. This is followed by the identification of priorities for improvement. Both of these parts are descriptive and do not set out policy to be complied with when determining planning applications. They should be moved to the supporting text as in proposed modification **PM16**.
- 4.44 The opening sentence of Policy W/TA3, Traffic along Main Street, Wilsden, indicates that certain traffic management measures along Main Street will be encouraged. However, such traffic management measures are the responsibility of the Highway Authority and are not planning matters. The sentence should be removed (proposed modification **PM17**).

Issue 7 – Developer Contributions

- 4.45 The final policy in the Neighbourhood Plan, Policy W/DC1 (Developer Contributions), states what will be done with final contributions that are obtained through the Community Infrastructure Levy or through planning obligations. In addition, there are details of the objectives concerning investment and encouragement for developers to engage with the Parish Council on such matters.
- 4.46 However, policy to be complied with in determining planning application is not set out. Rather, the text sets out the intentions and wishes of the Parish Council. The content is something that could be set out in the body

¹⁹ See Parish Council answers dated 18 October 2024 to my questions.

of the Neighbourhood Plan but not as a specific policy. Proposed modification **PM18** refers.

Other Policies

- 4.47 There remain a number of policies that have not been the subject of commentary in the above report. These are Policy W/HO3 Development of Redundant Mill Buildings in Wilsden; Policy W/HO4 Wilsden Design Code; Policy W/HO6 Housing Mix; Policy W/BH4 Dry-Stone Walls; Policy W/E1 Existing Employment Sites; Policy W/E2 New Business Development Proposals; Policy W/SH2 Shops outside Wilsden Local Centre; Policy W/SH3 Shopfront Design in Wilsden Local Centre; Policy W/SH4 Car Parking in Wilsden Local Centre; and Policy W/TA1 Transport.
- 4.48 To a greater or lesser extent, these topics are covered in NPPF Sections 5 (Delivering a sufficient supply of homes); 6 (Building a strong, competitive economy); 7 (Ensuring the vitality of town centres); 9 (Promoting sustainable transport); and 16 (Conserving and enhancing the historic environment). I find that there has been regard for national policy and that the Basic Conditions have been met.

Other Matters

- 4.49 All policy areas have been considered in the foregoing discussion. With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor changes (that do not affect the Basic Conditions), including those suggested by the City of Bradford Metropolitan District Council as well as consequential amendments, corrections and up-dates²⁰, could be made prior to the referendum at the Councils' discretion.

5. Conclusions

Summary

- 5.1 The Wilsden 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.

²⁰ See PPG Reference ID:41-106-20190509.

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 Wilsden 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 Wilsden over the coming years.

Andrew S Freeman

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no/ other reference	Modification
PM1	Pages 15 and 17	<p>In relation to Policy W/HO1 c), add a paragraph to the reasoned justification stating where details of the distinctive qualities and attractive landscape in Wilsden are to be found.</p> <p>Substitute the following for the final sentence of Paragraph 1.4.9:</p> <p>“Based upon available data, it is acknowledged that changes to the Green Belt boundary may be required. Two possible sites, as identified in the Preferred Options version of the emerging Local Plan (WI2/H and WI3/H), are illustrated on Figure 3. However, the final settlement boundary will depend on the outcome of the Local Plan process.”</p> <p>Change the title of Figure 3 so that it reads:</p> <p>“Wilsden Village Settlement Boundary showing sites WI2/H and WI3/H”.</p>
PM2	Page 18	<p>Replace the second sentence of Policy W/HO2 with the following text:</p> <p>“The purposes of the Green Belt and its openness are matters of particular importance in Wilsden. Proposals affecting the Green Belt will be managed in accordance with national and local planning policy.”</p>
PM3	Page 23	<p>In Policy W/HO5, remove the following text:</p> <p>“(typically less than 5 dwellings)”.</p>
PM4	Page 25	<p>Delete the second sentence of Policy W/HO7.</p>
PM5	Pages 28 and 29	<p>Change the opening paragraph of Policy W/BH1 so that it reads:</p>

		<p>"The Plan identifies the following buildings and structures (also shown on Figure 5 and on the Policies Map) as Wilsden Non-Designated Heritage Assets."</p> <p>Change the penultimate paragraph so that it reads:</p> <p>"Development proposals that harm the significance or setting of the Non-Designated Heritage Assets identified in this policy will not be supported."</p> <p>Change the final paragraph so that it reads:</p> <p>"Development proposals will be required to take into account the character, context and setting of these Non-Designated Heritage Assets including important views towards and from them. Development will be required to be designed appropriately taking account of local styles, materials and detail."</p>
PM6	Page 30	<p>In Policy W/BH2 change "respect and enhance" so that it reads "conserve or enhance".</p> <p>Replace the final sentence of the policy with the following:</p> <p>"Development that could be viewed from within the Conservation Area and that would be within a distance of 50 metres from the Conservation Area boundary will be appraised for its effect on the setting of the Conservation Area."</p>
PM7	Page 33	<p>In Policy W/BH3 change "conserve and enhance" so that it reads "conserve or enhance".</p> <p>Replace the second sentence of the third paragraph with the following:</p> <p>"Special attention will need to be given to the setting of the Hallas Bridge Special Character Area which at present is</p>

		<p>characterised by the open aspect of the fields to the south.”</p> <p>Replace the final paragraph with the following:</p> <p>“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.”</p>
PM8	Page 37	<p>In Policy W/NE1 (and elsewhere within the Plan) remove reference to site W/NE1-1 Fields to the East/Northeast of St Matthew’s Church.</p> <p>Replace the final paragraph of the policy with the following:</p> <p>“Development shall be consistent with national and local policy for Green Belts.”</p>
PM9	Page 38	<p>Substitute the following for the final sentence of Policy W/NE2:</p> <p>“All development proposals should deliver biodiversity net gain in line with national planning policy and guidance. Where biodiversity net gain cannot be delivered on site, the Parish Council would be supportive of provision within the areas identified in this policy.”</p>
PM10	Page 40	<p>In Policy W/NE3, substitute “orchard species” for “productive species”.</p> <p>Replace “preserved and enhanced” with “preserved or enhanced”.</p>
PM11	Page 41	<p>Substitute the following for the second sentence of Policy W/NE4:</p> <p>“Development proposals shall demonstrate how they have had regard to the details of key landscape characteristics as incorporated within the Wilsden Design Code and covered in Policy W/HO4.”</p>

PM12	Policies Map	Change the symbol used to depict views so that it matches those used in Figure 10. Use the description "Important Open Views and Vistas" in place of "Views" (and in the title of Figure 10).
PM13	Figure 11	<p>To Figure 11, use a symbol that distinguishes between community facilities and community sporting facilities.</p> <p>Use labels that coincide with the numbering used in Policies W/CF1 and W/CF3.</p> <p>Add labels for sites W/CF1-6 (Wilsden Community Post Office, Main Street) and W/CF3-3 (Wilsden Squash Club).</p> <p>On the Policies Map, including in the key, use symbols that distinguish between Community Facilities and Community Sports Facilities.</p> <p>Ensure that the labels for the Community Facilities and Community Sports Facilities are not obscured by other detail.</p>
PM14	Page 48	<p>In Policy W/CF2, replace "parish need" with the following:</p> <p>"...a need that will clearly benefit residents of the Parish rather than those from a wider catchment area".</p>
PM15	Page 52	<p>Change the penultimate paragraph of Policy W/SH1 so that it reads:</p> <p>"The residential use of the upper floors of properties will be supported subject to other development plan policies including parking and amenity considerations."</p>
PM16	Page 56	For all but the final sentence of Policy W/TA2, incorporate the text into the reasoned justification to the policy.
PM17	Page 57	Delete the first sentence of Policy W/TA3.

PM18	Page 57	Delete Policy W/DC1. Incorporate the text of the policy into the text under the heading of "Developer Contributions".
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