

Bradleys Both Neighbourhood Plan

Response by the Qualifying Body to the examiners letter seeking clarification of matters dated 16th February 2023

The table 1 below sets out the responses from the Neighbourhood Planning Group (NDP Group) of Bradleys Both Parish Council (the Qualifying Body) to the examiner's clarification questions. The proposed responses have been reviewed and agreed with the Local Planning Authority from Craven District Council.

Table 1: Examiners Clarification Questions 16th February 2023 - Qualifying Body Response

NDP Policy	Clarification Question	Qualifying Body Response
ENV1	Please confirm it is intended Policy ENV1 should designate Local Green Spaces.	Yes
	Please confirm it is intended Policy ENV1 should establish that management of development within those Local Green Spaces will be consistent with those for Green Belts (in accordance with paragraph 103 of the NPPF).	Yes
	Part d) of Policy ENV1 refers to “the defined curtilage of a domestic building”. Please identify any curtilage, or part curtilage, of a domestic building included in any of the proposed LGSs and advise me of the reason for such inclusion	Previous drafts of the NDP included land that formed part of the curtilage to domestic properties but these sites have now been removed. Criteria d) in policy ENV1 was not however removed. This is an error and the criteria therefore serves no purpose in policy ENV1.
	Proposed LGS 4 Canal Towpath is identified on the Village Inset Map but not on the Parish Wide Policy Map. Is it intended the designation should only relate to the length of towpath within the inset map?	Yes the intention was for the LGS 4 to include all of the canal towpath within the boundary of the NDP and not just the part that fits within the Village Inset Map. The LGS designation is not showing clearly on the wider policies map as it is a very narrow line but it is included. CDC officers have advised that this will be shown as a specific layer on the Council's website.
	In Table 1 of Appendix 3 it is stated in respect of both proposed LGS 6 Rear of Ings Drive, and proposed LGS 10 Land between Crag Lane and Silsden Road, under the heading of Planning History “see planning history table below”. Please explain those statements.	This section of the LGS Assessment should include a table that sets out the planning history of each of the sites that are proposed as LGS but it has been omitted from the publication draft in error. It is attached under separate cover.
	In Table 2 of Appendix 3 in respect of historic significance of the proposed LGS 6 Rear of Ings Drive is the statement “see Bradley Village Character Assessment” a reference to paragraph 4.2.2 Medieval Arable Fields?	Yes
	In Table 2 of Appendix 3 it is stated in respect of proposed LGS 6 Rear of Ings Drive “The site maintains medium range	This refers to the location and aspect of the proposed LGS6 site which allows views from within the village and particularly from parts of the village shown within the ‘Village Inset’ towards the canal area. There are glimpses through the gaps between houses within the village towards the

	views to the canal from Bradley village". Please explain this statement.	canal across this land.
ENV3	Please direct me to the explanation of the term "views and vistas"	This should have referred to the 'Dynamic and Fixed Views' as identified in section 3.0 of the Bradley Conservation Area Appraisal (2016 Draft). However in preparing this response CDC have advised that a revised Conservation Area Appraisal (CAA) is due to be reported to the Council's Policy Committee on the 28 th February 2023 and following a resolution by that committee would form part of the evidence base for the Local Plan and the NDP. The revised CAA is publicly available at https://www.cravendc.gov.uk/planning/conservation-and-heritage-assets/conservation-areas/ . Policy ENV3 should therefore refer to the Dynamic and Fixed views as identified in section 4.0 and as shown on the interactive map of the Low Bradley Conservation Area Appraisal (2023 draft). CDC have also advised that other references to the CAA throughout the NDP will need to be updated to refer to the final draft CAA.
ENV6	The NPPF defines best and most versatile agricultural land as land in grades 1, 2, and 3a of the Agricultural Land Classification. Please explain the first bullet point in this context.	The NDP area does not contain any agricultural land in grades 1 or 2 of the Agricultural Land Classification and so the first criteria of policy NDP ENV6 refers only to grade 3. The national ALC mapping does not show the subdivision of land in grades 3a or 3b and there is no localised survey to assess this within the Craven area. The CDC Local Plan para. 5.63 and accompanying policy ENV7 part (a) states that the plan area's best and most versatile land is grade 3 (it doesn't specify 3a). This policy was tested and found to be sound at the local plan examination, and so for the purposes of the Craven plan area (including Bradley) the best and most versatile land is considered to be grade 3. A plan showing the location of the grade 3 land relative to the NDP area is provided under separate cover.
	Is the final sentence of the third bullet point a reference to natural environment assets?	Yes.
ENV7	The term "inconsiderate" is imprecise. Is it intended that proposals would not be supported where they would result in additional on-street parking?	Yes
HOU1	Paragraph 34 of the NPPF states Plans should set out the contributions expected from development and that such policies should not undermine the deliverability of the plan. I am concerned the requirement in Appendix 4 Site Brief to provide a footway along Skipton Road to a point opposite the entrance sign to Bradley Village is an obligation that does not meet the tests set out in paragraph 57 of the NPPF. I welcome comment on a possible modification to	The examiner's concerns are noted and specifically the need to ensure that viability considerations can be taken into account in determining whether the footway can be secured as part of the future development of the site at Skipton Road. The reference to the tests in para 57 of the NPPF are also noted as the current proposed requirement for the footway would extend some way beyond the site's north west boundary. However the Qualifying Body consider that it will be critical to ensure that as a minimum a footway is provided along the front boundary of the site to ensure that there is a safe pedestrian route along the site frontage where pedestrians will interact with vehicles entering and exiting the development site. This section of footway would be limited to land exclusively within the site boundary. The Qualifying Body do not consider that this would be a significant abnormal development cost and so would meet all three tests of para 57 of the NPPF as it is necessary to ensure safety of pedestrians, directly related to the site and reasonable

	replace the second sentence of the eleventh design parameter of Appendix 4 Site Brief with “Subject to viability assessment the footway should be continued along Skipton Road from the site boundary to a point opposite the entrance sign to Bradley Village.”	<p>in terms of the scale and kind.</p> <p>The Qualifying Body do however accept that the remaining section of footway extending beyond the site boundary could be a more significant abnormal development cost and that it will be fair and reasonable to ensure that the impact of this on scheme viability is taken into account. The Qualifying Body would therefore ask the examiner to consider whether a two stage approach to the footway could address this issue. Firstly that the requirement for the future development to provide a footway across the frontage of the site is maintained. Secondly that subject to viability assessment the footway should also be continued along Skipton Road from the site’s north western boundary to a point opposite the entrance sign to Bradley Village.</p>
HT2	Should the references to “footpaths” and “footpath” be to “footways” and “footway”?	Yes
CFS1	My reading of the policy is that it would accommodate support for development proposals that include satisfactory alternative provision of the value of a community facility or service on a site that is equally accessible for users. Please confirm this understanding.	<p>The provisions of this policy only seek to firstly prevent development that would result in loss or harm to the value of one of the listed community facilities with the exception of where it is evidenced that it is no longer needed. It was not intended to include provisions within the policy to allow for alternative provision in the event that a facility or service would be lost or reduced.</p> <p>The second criteria of the policy seeks to support developments that would enhance the value or viability of a community facility/service such as proposals for new or improved buildings at the community facilities listed in the ‘issues’ section of the policy.</p>
CFS2	I invite comment on a modification to replace the first bullet point with “the facility will benefit the residents of Bradley Parish” as I cannot see justification for the requirement that a facility should be for the benefit of residents of Bradley Parish exclusively.	Agree with the proposed modification
ELB1	Please identify “the areas of variable pasture quality” referred to.	The term has been used in the draft NDP to describe the pasture land surrounding the built up parts of the village. However this may cause some confusion and so the phrase could be removed and just refer to the grade 3 land.
	The NPPF defines the best and most versatile agricultural land as that in grades 1, 2 and 3a of the Agricultural Land Classification. Please explain the first sentence in this context.	See the response to the clarification point for policy ENV6 above and accompanying ALC plan for the NDP area.
	Should the reference be to the “benefits of the development outweigh”?	Yes
ELB2	The reference to Airedale Business Centre and Acorn Business Park in the final bullet	Agree with the proposed modification

	<p>point only, has the potential to cause confusion. The reference to “surrounding environment” in the opening text and the restriction “to within the site boundary” in the final bullet point has the potential to cause confusion also. The term “upgrade” is imprecise. I invite comment on a modification to delete the final bullet point and replace the opening text with “Development proposals relating to the existing buildings and sites within the boundaries of the Airedale Business Centre and Acorn Business Park (shown hatched pink on the Policies Map at Appendix 2) will be supported provided that:”</p>	
	<p>The reference to “existing employment” is not sufficiently justified and should refer to “existing employment levels”.</p>	Agreed
	<p>The third bullet point relating to additional floorspace does not have sufficient regard for the sequential test referred to in paragraph 87 of the NPPF, which does envisage circumstances when out of centre sites may be an acceptable location for main town centre uses. The third bullet point is not in general conformity with Craven Local Plan Policy EC5 which includes “Proposals for main town centre uses in locations outside of defined town centres as identified on the policies map, will be required to demonstrate that there are no sequentially preferable locations that are available and suitable for the proposed development, and that the proposal will not result in a significant adverse impact on vitality and viability.” Paragraph 16 f) of the NPPF states policies should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework), where relevant). I invite</p>	Agree with the proposed modification

	comment on a modification to delete the third bullet point of Policy ELB2.	
ELB3	The spatial area of application of Policy ELB3 is unstated and therefore must be taken to apply to the entire Neighbourhood Area. The policy does not have sufficient regard for the sequential test referred to in paragraph 87 of the NPPF nor is it in general conformity with Strategic Policy EC5. I invite comment on a modification to delete Policy ELB3.	Agree with the proposed modification.
ELB4	The third bullet point is imprecise, and does not have sufficient regard for paragraph 111 of the NPPF which states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” I invite comment on a modification to replace the third bullet point with “do not result in additional on-street parking”.	Agree with the proposed modification