

**HOLME VALLEY
NEIGHBOURHOOD DEVELOPMENT PLAN
2020 - 2031**

SUBMISSION PLAN

**A Report to Kirklees Council
of the Examination into the
Holme Valley Neighbourhood Development Plan**

by Independent Examiner, Peter Biggers BSc Hons MRTPI

Argyle Planning Consultancy LTD

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(Note Appendix E1 and E2 are separate to the Main Examination Report)

Summary and Overall Recommendation

0.1 Following my examination of the Holme Valley Neighbourhood Development Plan (HVNDP), including a site visit to the Neighbourhood Area on 12 March 2021, it is my view that, subject to modifications, the HVNDP reflects the views of the community and will set out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 My report highlights a number of areas where I consider the wording of the plan as submitted is not in accordance with one or more of the Basic Conditions. The more significant of these relate to the sections in respect of Policy 1 - landscape character, Policy 2 – built character and Policy 3 - heritage assets. In these and many other areas the policies do not comply with the *National Planning Policy Framework* at Paragraph 16 where it states that policies should be “*clearly written and unambiguous so it is evident how a decision maker should react to development proposals*”. And the advice in the *Planning Practice Guidance* where it states that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”.

0.3 In many cases the policies are not clear nor are they concise and precise and in a number of cases they repeat policy advice already in the Local Plan policies of Kirklees Council and the Peak District National Park Authority. Repetition of itself whilst not necessary is not always problematic. It becomes an issue however where it contradicts or undermines established policy elsewhere of which there are some examples within the HVNDP.

0.4 I have therefore recommended a significant number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

0.5 The number and extent of the modifications will no doubt be disappointing to the Parish Council as qualifying body and its Steering Group. However, in proposing the modifications I have tried to ensure that the integrity and value of the HVNDP and its vision is retained and that the intention of neighbourhood planning, where the community’s wishes should be central to the plan, is honoured.

0.6 By its nature the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan meets the Basic Conditions and is as robust as possible and that it can better play its part in planning decisions and managing change in Holme Valley in the future in an effective way.

0.7 In addition to the recommended modifications it should also be noted that there may be a number of consequential changes for example to referencing and numbering that will inevitably be needed as a result of making a significant number of modifications. It will

also be necessary to ensure all references to the plan-making procedure and to current local planning documents are up to date. I have captured some of these but not necessarily highlighted all such minor consequential changes.

0.8 Subject to the recommended modifications in the report being completed I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.9 The HVNDP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.10 With the modifications in place the Holme Valley Neighbourhood Development Plan will meet the Basic Conditions and can proceed to a Referendum.

0.11 When that referendum takes place I also recommend that the Holme Valley Neighbourhood Area, which covers the administrative area of the Parish, is taken as the area for the Referendum.

Peter Biggers MRTPI AIHBC
Independent Examiner
15 June 2021
Argyle Planning Consultancy Ltd

1. Introduction

1.1 Background Context

1.1.1 This Report provides the findings of the examination into the Holme Valley Neighbourhood Development Plan (referred to as the HVNDP throughout this report).

1.1.2 The HVNDP was produced by Holme Valley Parish Council (HVPC) in consultation with the local planning authority for the majority of the Neighbourhood Area – Kirklees Council (KC) and with the Peak District National Park Authority (PDNPA) as local planning authority in the area within the National Park. The local communities, interested parties and local stakeholders were also consulted as set out in section 3 below.

1.1.3 The Holme Valley Neighbourhood Area equates to an area of approximately 7046 hectares covering all of the administrative area of the Parish and with a population of 27,146 living in 12,039 households at the 2011 census. The majority of the Parish is located in the Metropolitan Borough of Kirklees in West Yorkshire, but part of the Parish in the southwest lies within the Peak District National Park (PDNP).

1.1.4 The administrative centre and main town is Holmfirth. Other settlements in the parish include Brockholes, Cinderhills, Hade Edge, Hepworth, Hinchliffe Mill, Holmbridge, Holme, Honley, Jackson Bridge, Netherthong, New Mill, Scholes, Thongsbridge, Totties, Uppertong and Wooldale.

1.1.5 The centre, north east and south of the Parish is a very settled agricultural landscape strongly defined by dry stone boundary walls and woodland belts with settlements close to each other particularly along the flatter land of the valley floors whilst the west and south west part of the parish is comprised of the uplands of Dark Peak and the Dark Peak Yorkshire Fringe - a wild and isolated moorland landscape.

1.1.6 The Parish has a highly distinctive landscape and built character and a strong sense of place as a result of its rich agricultural and industrial past.

1.1.7 This Examiner's Report provides a recommendation as to whether or not the HVNDP should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of it, then the HVNDP would be '**made**' by KC and the PDNPA. In the event of a successful referendum result the HVNDP would immediately carry full weight in the determination of planning applications in the Neighbourhood Area.

1.2 Appointment of the Independent Examiner

1.2.1 I was appointed by KC, with the consent of HVPC and the PDNPA, following a competitive procurement process, to conduct the examination and provide this report as an Independent Examiner. I am independent of the Qualifying Body and the Local Planning Authority. I do not have any interest in any land that may be affected by the

HVNDP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 39 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute, an Affiliate of the Institute of Historic Building Conservation and a member of the Neighbourhood Planning Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that *:

- a)** Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- d)** The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e)** The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
- f)** The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- g)** Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

1.3.2 Pursuant to Basic Condition g) above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* effective from 28 December 2018) prescribes the following additional basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

“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”.

Regulation 106 (1) of Chapter 8 states that: *“a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required”.*

* NB Basic Conditions b) and c) relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report.

1.3.3 In examining the neighbourhood plan, I have also considered whether the legislative requirements are met namely:

- The neighbourhood plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA;
- The neighbourhood plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA;
- The neighbourhood plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area); and
- The policies relate to the development and use of land for a designated neighbourhood area in line with the requirements of the PCPA Section 38A.

1.3.4 I have examined the HVNDP against the Basic Conditions and legislative requirements above and, as Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the neighbourhood plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Holme Valley Neighbourhood Area to which the neighbourhood plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.3.6 The role of the independent examiner is not to comment on whether the neighbourhood plan is sound or how it could be improved but rather to focus on the compliance with the Basic Conditions.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing i.e. by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 I have considered the representations received at the Regulation 16 publicity stage and, whilst there were a considerable number relating to the proposed Local Green Space

in Scholes and a very comprehensive set of representations from KC, I am satisfied that there is no need for a public hearing in respect of the HVNDP and I confirm that *all* representations on the Neighbourhood Plan received at the Regulation 16 stage have been taken into account in undertaking this examination. Where appropriate I have made specific reference to the person's or organisation's comments in section 6 of this report.

2.3 I undertook an unaccompanied site visit around the Neighbourhood Area on 12 March 2021 during which I looked at its overall nature, form, character and appearance and at those areas affected by policies and proposals in the Neighbourhood Plan in particular.

2.4 Subsequent to my reading for the examination I asked a number of factual clarifying questions of HVPC as Qualifying Body and the two authorities KC and PDNPA relating to the context and intent of policies and proposals of the plan and requested additional content and justification in respect of the principles underpinning Policies 1 and 2 and the proposed local heritage assets and Appendix 2 listing these. This exchange was carried out by email and the questions and the responses received from the Councils are set out in Appendices A, B and C to this report and have been uploaded to the Neighbourhood Plan webpages on the KC website. I am grateful to the Councils and the PDNPA for responding on these matters.

2.5 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the Holme Valley Neighbourhood Development Plan:

1. National Planning Policy Framework (Feb 2019)
2. National Planning Practice Guidance 2014 (as amended)
3. Town and Country Planning Act 1990 (as amended)
4. The Planning and Compulsory Purchase Act 2004 (as amended)
5. The Localism Act 2011
6. The Neighbourhood Planning Act 2017
7. The Neighbourhood Planning (General) Regulations (2012) (as amended)
8. The Kirklees Local Plan – Strategy and Policies 2019
9. The Kirklees Local Plan - Allocations and Designations 2019
10. The Peak District National Park Local Development Framework – Core Strategy 2011
11. Development Management Policies - Part 2 of the Local Plan for the Peak District National Park May 2019
12. Holme Valley NDP Basic Conditions Statement June 2020
13. Holme Valley NDP Consultation Statement June 2020
14. Holme Valley NDP Strategic Environmental Assessment Environmental Report September 2020
15. Holme Valley NDP Habitats Regulation Assessment Screening Opinion July 2019
16. Holme Valley Heritage and Character Assessment Oct 2016
17. Holme Valley NDP Planning Policy Assessment and Review of Evidence Base July 2019
18. Holme Valley Neighbourhood Area Designation Report – February 2015
19. Representations received during the Regulation 16 publicity period post submission

08/12/2020 to 02/02/2021.

3. Public Consultation

3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 HVPC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to KC and PDNPA on 6th July 2020.

3.1.3 Public consultation on the HVNDP commenced with early consultations in 2016. The initial consultation was followed by various consultation stages, including:

- Issues and options consultation Summer 2017
- First Draft Plan Consultation June and July 2018
- The pre submission consultation under Regulation 14 from 15/07/2019 to 15/09/2019
- The formal, publicity stage, as required by Regulation 16, (the consultation period post submission of the plan) from 08/12/2020 to 02/02/2021.

The regulation 16 stage resulted in consultation responses from 75 respondents. Most of these related to the proposed Local Green Space in Scholes but both authorities (KC and PDNPA) raised detailed criticisms of the plan and the ability to meet the Basic Conditions. The representations raised are considered as necessary within my assessment of the plan in Section 6 below.

3.2 Holme Valley Neighbourhood Development Plan Consultation

3.2.1 The HVNDP Neighbourhood Planning Steering Group was set up in 2016 and has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used involved the local paper (The Holme Valley Review), the Parish Council's Neighbourhood Plan website - together with the KC website, press releases, flyers and posters, email drops and Facebook as well as a presence at community events, drop-ins and questionnaires. Copies of the First Draft Plan, Pre-Submission Draft Plan and Submission Plan were uploaded to the websites and links provided via email. The first Draft Plan and Pre-Submission Draft Plan were made available locally in hard copy at Holmfirth and Honley Libraries and at the Parish Council Offices. Due to Covid 19 restrictions hard copies of the Submission plan were posted out on request.

3.2.2 The first official consultation stage of the plan, sounding out the community on the plan and the issues and options ran from 10 May 2017 to 18 July 2017. A questionnaire was prepared which achieved 475 responses including 228 responses from the High School. In addition, 6 drop-in sessions were held attended by a total of 150 people.

3.2.3 Based on the feedback from this early stage work the steering group developed the vision and objectives and a first draft of the plan and consulted on these in advance of the formal Pre-Submission Draft stage, in summer 2018 between 11 June and 27 July. The plan was publicised as above and a summary booklet *Your Valley Your Voice* circulated to all households and businesses. The feedback questionnaire received 409 responses as well as responses from local stakeholders which were used in working up the Pre-Submission Draft of the Plan.

3.2.4 The Consultation Statement sets out the form and content of these early consultations. It is clear that full opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the plan.

3.2.5 The Pre-Submission Draft consultation on the plan, as required by Regulation 14, involved a 9 week period from 15/07/2019 to 15/09/2019 and included consultation on the Strategic Environmental Assessment. The HVNDP was made available online on the Parish, PDNPA and KC websites and links to the plan provided via email to statutory consultees, local businesses, individuals and groups. Hard copies were made available in the local area and the plan was publicised by posters and flyers and on Facebook. Four drop-in sessions were arranged to help explain the Plan with 40 people attending. 72 responses from the local community were received, 2 from community groups, 1 from a developer and 5 from statutory consultees. The residents' responses were generally supportive.

3.2.6 Following the pre-submission stage and the analysis of results, the plan was finalised for submission including an initial draft of the submission plan discussed with KC and PDNPA in April 2020.

3.2.7 The Neighbourhood Planning Regulations are part and parcel of the 1st Basic Condition and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and its appendices particularly Appendix 11 setting out the representations at the Regulation 14 stage and how these were answered I am satisfied that the consultation statement is compliant with Reg 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. The interest and participation by residents in the plan has been facilitated throughout the process at the various stages and I am satisfied from the evidence that the communication and consultation which took place provided sufficient opportunity for the community's participation.

4. Preparation of the Plan and Legislative Requirements

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are:

4.1 Qualifying Body

4.1.1 Home Valley Parish Council (HVPC), as the duly elected lower tier council, is the

qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.2 Plan Area

4.2.1 An application was made by the HVPC in September 2014 to designate the Holme Valley Neighbourhood Area. The area sought covered the administrative area of the Parish. This Neighbourhood Area was approved by Kirklees Council on 27 January 2015 and by the Peak District National Park Authority on 13 February 2015.

4.2.2 This satisfies the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations as amended.

4.3 Plan Period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The HVNDP clearly states on the title page and in paragraph 5 that it covers the period 2020 - 2031.

4.3.2 The plan period aligns with the end point of the Kirklees Local Plan which sets out the strategic policies for that part of the neighbourhood area within Kirklees Council's administrative area. The intended time period satisfies the requirements of Section 38B of the PCPA as amended.

4.4 Excluded Development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The HVNDP, as proposed to be modified in Section 6 below, relates solely to the neighbourhood area and no other neighbourhood and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

4.5 Development and Use of Land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to the modifications proposed below in section 6, the HVNDP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land.

4.6 Plan Publication Following Submission

4.6.1 Kirklees Council and PDNPA undertook a validation check of the HVNDP following submission in July 2020 and were satisfied that the Plan could proceed to be publicised under Regulation 16 and proceed to this independent examination.

5. The Basic Conditions

5.1 National Policy and Advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF). A revised version of the NPPF was published on 24 July 2018 with a further version including minor clarifications in February 2019. The HVNDP was prepared in this context and I have therefore based my consideration of the extent to which the HVNDP meets Basic Condition a) in section 6 below against NPPF 2019 along with legislation and regulations.

5.1.2 The NPPF explains that neighbourhood plans should support the delivery of strategic policies and set out non-strategic policies and plan positively to shape, direct and help to deliver sustainable development that is outside the strategic elements of the Local Plan.

5.1.3 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. They should not promote less development than that set out in the strategic policies of the development plan or undermine those strategic policies.

5.1.4 The NPPF indicates that plans should contain policies that are clearly written and unambiguous so that it is clear how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area. This is an issue which arises as a significant matter in the assessment in Section 6 below.

5.1.5 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes specific advice regarding neighbourhood plans. The PPG has also been reviewed in tandem with the NPPF and I have considered the advice of the PPG as at the time of submission at July 2020.

5.2 Sustainable Development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three overarching objectives to sustainable development - economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However, SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.

5.2.3 In this case HVPC has only included in the Basic Conditions Statement a commentary in tabular form (Table 1) on how the plan meets the 3 main sustainability objectives in the NPPF. This has not been done against a suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the HVNDP policies, which would have been the more usual procedure. However, the table includes sufficient information to confirm at a high level that the effect of the policies of the plan would be generally positive in terms of sustainability. I consider the contribution of specific policies to sustainable development in more detail below in Section 6.

5.3 General Conformity with the Development Plan

5.3.1 The HVNDP has been prepared in the context of two development plan systems. The first relates to the majority of the neighbourhood area within the Kirklees Council Area namely the *Kirklees Local Plan – comprising ‘Strategy and Policies’ and ‘Allocations and Designations’ Feb 2019 (KLP)*. The second relates to that part of the neighbourhood area falling within the Peak District National Park namely the *Peak District National Park Local Development Framework – Core Strategy 2011 (PDCS)* and the *Development Management Policies - Part 2 of the Local Plan for the Peak District National Park May 2019 (PDDMP)*.

5.3.2 I consider the extent to which the policies and proposals of the HVNDP are in general conformity with the strategic policies of the two development plans in detail in Section 6 below.

5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant. Notwithstanding the United Kingdom’s departure from the European Union these obligations continue to apply unless and until repealed or replaced in an Act of Parliament.

Strategic Environment Assessment and Habitat Regulations Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe’s most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a SEA is submitted with a Neighbourhood Plan proposal or a determination obtained from the responsible authorities (KC and PDNPA) that the plan is not likely to have 'significant effects'.

5.4.4 A screening opinion was prepared by KC in consultation with the statutory bodies in 2018. The screening concluded that full SEA was required of the plan. SEA was therefore carried out and the Environmental Report prepared and finalised in September 2020.

5.4.5 The SEA concluded that the HVNDP performs well overall against all the SEA themes with the policies offering mechanisms to control the growth proposed in the Kirklees Local Plan (KLP) in a positive and sustainable way. The plan offered potential benefits to the local community and the natural and built environment. Some minor adjustments to the plan were proposed including a specific policy requiring Biodiversity Net Gain in development (discussed further in Section 6 below) but the overall conclusion was that the plan was unlikely to have any significant adverse effects. I am satisfied that any effects from additional development beyond that allocated through the KLP (already subject to SEA) would be likely to be small scale, local and limited and offset by the positive benefits of the policies within the neighbourhood plan.

5.4.6 Regarding Habitats Regulations Assessment (HRA) the test in the additional Basic Condition under Regulation 32 now essentially mirrors that in respect of SEA and requires an Appropriate Assessment to be carried out where a plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) or a determination is obtained from the responsible authorities (KC and PDNPA) that the plan is not likely to have a 'significant effect'. A screening opinion was carried out by consultants LUC on behalf of Kirklees Council in July 2019 and a determination prepared.

5.4.7 A number of European sites occur either within the western section of the Neighbourhood Area or within a 15 kilometre radius of it namely Peak District Moors Special Protection Area (SPA) and South Pennine Moors SPA and Special Area For Conservation (SAC), Denby Grange Colliery Ponds SAC and Rochdale Canal SAC. However, the conclusion of the Council's determination was that, either alone or in combination with other plans or projects, the HVNDP was unlikely to have a significant effect on any European sites. This was because there were no allocated sites proposed in the plan area not already considered through HRA of the KLP and such local development that may take place under HVNDP Policies 6, 7 and 8 would be in settlements and guided by the HVNDP's policies to ensure sustainable outcomes. Consequently, the plan is not considered to require Appropriate Assessment under Article 6 or 7 of the Habitats Directive.

5.4.8 Both the conclusion of the SEA Environment Report and the screening conclusion for the HRA have been confirmed by Natural England, The Environment Agency and Historic England as the statutory consultees and I have no reason to reach a different view. Natural England did suggest that a protective policy for the SAC and SPA in the plan area

be included but as these areas are already explicitly protected by KLP Policy LP30 this is not necessary.

European Convention on Human Rights (ECHR)

5.4.9 The Human Rights Act 1998 encapsulates the Convention and its articles into UK Law.

5.4.10 An Equalities and Human Rights Impact Assessment has not been specifically carried out for the HVNDP. Instead, the Basic Conditions Statement briefly reviews the fundamental rights and freedoms guaranteed under the ECHR.

5.4.11 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions - although the HVNDP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.4.12 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair hearing in determination of an individual's rights and obligations - the process for preparing the HVNDP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.4.13 In respect of Article 14 of the Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground - the policies and proposals of the HVNDP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.

5.4.14 I conclude that, given the nature of the plan policies and proposals, there would be unlikely to be any detrimental impact on the 'protected characteristics' set out in the Equality Act and generally the plan would bring positive benefits. Whilst the plan does not directly address needs in respect of particular protected characteristics within the plan area, the HVNDP generally is not prejudicial to any group in its policies. No concerns or objections on the grounds of human rights or equalities have been raised during the consultation stages of the plan. I am satisfied on the basis of the above that, across the plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.4.15 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.4.16 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn

any others to my attention. Taking all of the above into account, I am satisfied that the HVNDP is compatible with EU obligations and therefore with Basic Conditions f) and g).

6. The Neighbourhood Plan – Assessment

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions f) (EU obligations) and g) (Other prescribed conditions including that under Regulation 32), this section largely focusses on Basic Conditions a) (Having regard to National Policy), d) (Contributing to the achievement of Sustainable Development) and e) (General conformity with strategic policies of the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

6.0 The General Form of the Plan

6.0.1 The structure of the HVNDP is generally logical and clear with early sections setting the context, vision and objectives and then policy sections.

6.0.2 The plan distinguishes between the policies themselves and their justification by boxing and shading the policies. Each policy is accompanied by supporting text setting out the purpose of the policy and its aims as well as the strategic policy context.

6.0.3 The NPPF at paragraph 16 requires the plan to be *“clearly written and unambiguous so it is evident how a decision maker should react to development proposals”* and to *“serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area”*.

6.0.4 KC and similarly the PDNPA have raised concerns at the Regulation 16 stage that there are many instances where the general form of policies in the plan does not comply with these requirements and that policies are not concise and precise or adequately evidence based as required by the PPG.

6.0.5 I consider in detail these points in each relevant section of the plan below and propose modifications to resolve these matters to ensure Basic Condition a) is met. I have not in all circumstances where there is overlap with other development plan policies recommended that this be removed dependent on the effect this would have on the sense and context of the HVNDP policy. However, I have recommended removing repetition when it is expressed in a slightly different way to existing development plan policies and as a result is likely to lead to confusion or undermining of the strategic policy. Generally, as regards policies being evidence based, for the most part, the supporting text is adequate, albeit not well arranged. The exception to this is in respect of Policies 1, 2 and 3 where the relationship between evidence base in the text and policy currently means the policies would be, at best, difficult to operate.

6.0.6 Another general aspect where the format of the plan is not consistent is where the policies should not apply to the Peak District National Park part of the Plan Area. In some cases this is expressed at the start of the policy and at other times in the supporting text. Whatever is the chosen method it must be clear and consistent. It is probably clearer to insert a note in the policy immediately following the policy title and before the actual policy text. The PDNPA had indicated in its Regulation 16 representation that the manner in which this referencing was dealt with was itself unclear. In the examiner's questions (see Appendix A below) I therefore asked PDNPA to confirm how the policies should be worded in this respect. They have confirmed that the preference is for the wording to simply refer to the Peak District National Park thus '*Policy 1 does not apply to that part of the neighbourhood area that is within the Peak District National Park.*'

6.0.7 Neighbourhood Plans are not to include matters that do not relate to the development and use of land. The HVNDP, as with many neighbourhood plans, has in the course of its preparation attracted many comments and proposals from the community which they would like to see the Parish Council take action on but which are not directly to do with the development and use of land. Whilst HVPC has acknowledged that these Holme Valley Parish Actions are not matters the neighbourhood plan can address they are nevertheless presented in the body of the plan and are part of it potentially leading to confusion. They should be separated out and relocated in an Appendix to the plan with a simple reference to the Appendix from each topic section.

6.0.8 I recommend the following modifications.

Recommendation 1	
1A	<p>In all policies where it is not intended that the policy should apply within the Peak District National Park the following wording should be used in the form of a note immediately below the policy title and before the start of the policy:</p> <p><i>"Policy X does not apply to that part of the neighbourhood area that is within the Peak District National Park."</i></p> <p>In the supporting text preceding the policy where the status of the policy in respect of the National Park is also mentioned the same wording should be used.</p> <p>Where the relevant development plan policies are listed, ensure that where the policy is not to apply in the National Park that no PDNP policies are listed in the relevant policy boxes.</p>
1B	<p>Relocate all proposals in blue shaded Holme Valley Parish Action boxes to a new Appendix 1 at the end of the plan.</p> <p>In each case simply include a cross reference to the Appendix at the end of the appropriate section to read for example:</p> <p><u><i>"Holme Valley Parish Actions 1</i></u></p> <p><i>Parish Actions relating to the built environment and design are set out in Appendix 1 (1)"</i></p>

6.1 Executive Summary and Introduction and Background

6.1.1 These sections of the HVNDP set out a summary to the plan and a general introduction describes the purpose and intent of the neighbourhood plan and the process involved in the plan's preparation.

6.1.2 The Executive Summary is not a normal feature of Neighbourhood Plans and in this case means the early parts of the plan are very repetitious and there is overlap in particular with what is included in the Consultation Statement. Its removal would assist in making the plan more concise. However, inasmuch as it does not raise any specific issues in respect of the Basic Conditions, I make no formal recommendation to remove it. If it is to remain then there will be a need for updating with regard to the procedure and stage reached and the first paragraph will need to be amended where it refers to a 15 year life of the plan as this is no longer the case. In addition, the references to the Community Infrastructure Levy in the section '*What are the Benefits in having an NDP*' will have to be removed as this is no longer being progressed in the Kirklees area. (See also section 6.10 below).

6.1.3 With regard to the Introduction and Background section this is largely a factual section and there is no need for any changes to meet the Basic Conditions. Again, however, there is a need to update paragraphs 1.1, 1.4 and the timeline on P12 to reflect what will be the stage reached post examination.

Recommendation 2	
2A	Make consequential updates to the Executive Summary (if retained) and to paragraphs 1.1, 1.4 and the Timeline on P 12 of the Introduction as a result of the plan moving forward a stage - post examination.
2B	If retaining the Executive Summary - delete the words 'over the 15 years 2016-2031' in the first paragraph. Insert instead "<i>over the next 10 years to 2031</i>".
2C	If retaining the Executive Summary - in the 'Benefits of Having a NDP' section - add at the end of the first sentence: <i>"...and help shape the nature of future developments."</i> Delete the rest of the paragraph.

6.2 Planning Context for Holme Valley NDP

6.2.1 Section 2 provides background to the neighbourhood area, the planning context and introduces the issues facing it to be resolved in the plan. This is largely a factual section and there is no need for any changes to meet the Basic Conditions. The only change necessary is a factual one to delete the reference to the Community Infrastructure Levy (CIL) in Paragraph 2.18 as no CIL applies in Kirklees and proposals for one have been abandoned for the time being.

Recommendation 3	
3	In paragraph 2.18 Line 11 – Delete the words ‘including Community Infrastructure Levy (CIL) funding’.

6.3 Holme Valley NDP Vision and Objectives

6.3.1 Section 3 of the plan sets out the community’s vision and community objectives for the plan to deliver the vision and provide the basis for the policies.

6.3.2 Being able to demonstrate the thread from issues to vision and objectives and from objectives to policies is an important part of evidencing the neighbourhood plan as required in the PPG and it is clear in the HVNDP that the key issues lead into the vision for the valley and the objectives.

6.3.3 The vision looks to protect the beautiful rural landscape as a place where culture and heritage is celebrated and where the valley is home to vibrant, welcoming and sustainable communities in thriving settlements.

The plan has regard to the PPG advice in respect of neighbourhood planning that it *“provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people.”*

6.3.4 The vision and objectives also encapsulate and generally reflect the vision and objectives set out in the KLP at section 4.2 and 4.3 in particular objectives 1, 3, 4 and 6-9 for that part of the neighbourhood area within Kirklees. It also reflects the Peak District National Park Management Plan vision and the spatial portrait and its objectives set out in the PDCS for that part of the neighbourhood area falling within the National Park. Moreover, the impact of pursuing the vision and objectives would contribute to the achievement of sustainable development.

6.3.5 Holmfirth Transition Town in its Regulation 16 representation asked for sustainability and the emphasis on climate change to be built into the vision. However, as the vision was arrived at through community consultation it would not be reasonable to seek to change it at this stage and any alteration in the vision will need to wait until the plan is reviewed and there is an opportunity for the community to express their opinions on any revision. In any event the commitment to climate change and sustainability is quite clearly expressed in objective H.

6.3.6 The vision and objectives section therefore raises no issues in respect of the Basic Conditions. However again there is a need for two minor clarifying corrections. First paragraph 3.1 refers to the vision being achieved over 15- 20 years when in fact there is only 10 years left of the plan period. Secondly, in view of my findings above see Recommendation 1 regarding the Parish Community Actions, paragraph 3.4 should cross reference to the proposed new Appendix 1.

Recommendation 4 –	
4A	In paragraph 3.1 Line 4 delete the words ‘next 15-20 years ‘ and replace with the words “neighbourhood plan period”.
4B	Add the words “See Appendix 1” at the end of paragraph 3.4

6.4 Holme Valley NDP Planning Policies

This section of the plan sets out the policies contained in the plan.

6.4.1 Protecting Local Character

- i. This first section of the plan is designed to protect the exceptional local landscape and built character of the Holme Valley. The text covers both landscape character and built character. However, section 4.1 only leads into Policy 1 Protecting and Enhancing the Landscape Character of Holme Valley even though both Policies 1 and 2 are dependent on content of the Holme Valley Heritage and Character Assessment (HVHCA) and particularly the evidence in paragraph 4.1.17 to operate.
- ii. The structure of these 2 policy sections is unclear and inconsistent in the terminology used and I am not satisfied that the operational relationship between the policies and various sections of text is sufficiently clear or precise or would be easily navigated and understood by either a developer or a decision maker in order to meet the requirements of the NPPF or Planning Policy Guidance and therefore Basic Condition a).
- iii. This being the case I invited HVPC and their Planning Consultant in consultation with Kirklees Council, who have significant concerns about this matter in their Regulation 16 representation, to review the principles in section 4.1.17. This was to ensure the key characteristics and character management principles for each of the Landscape Character Areas (LCA) and for both ‘landscape character’ and ‘built character’ are clearly set out and so that these provide the evidence necessary for Policies 1 and 2 to operate.
- iv. It was made clear to the parties that procedurally nothing could be added that was not in the public domain already in respect of - the plan itself, the HVHCA and the Conservation Area Appraisals completed for the Holme Valley. All the key characteristics and character management principles considered important in respect of each LCA should be brought together in one section of the supporting text. There should be consistency in the terminology and formatting used, no ambiguity as to which principles apply as a result of some being in emboldened text and that plan users should not have to refer to a number of different sources to operate and apply the two policies.
- v. KC, HVPC and myself as examiner agreed the format for the revised section 4.1.17 to provide a consistent and clear basis for the policies and I have attached at Appendix B the revised text for paragraph 4.1.16, the introduction to paragraph 4.1.17 and 4.1.17 itself regarding key characteristics and character management principles for each of the 8 LCAs.

vi. Given the critical importance of the LCAs to the operation of these 2 policies it is vital that a plan user is clear in which LCA a development falls. To that end Map 2 defining the LCAs should be as clear as possible in digital versions of the plan and in printed versions of the plan the map should be printed as an A3 fold out.

Recommendation 5	
5A	Delete paragraphs 4.1.16 and 4.1.17. Incorporate the revised and agreed text at Appendix B below to form a new section 4.1.17 of the neighbourhood plan.
5B	Ensure Map 2 in digital versions of the plan is as clear as possible and in printed copies arrange for the Map to be available at A3 size.
5C	Make any consequential adjustments to numbering, referencing and linking text in the supporting text following the revisions at Recommendation 5A.

vii. With the modifications to paragraph 4.1.17, the supporting text will provide clear and concise evidence to ensure Policies 1 and 2 can operate and therefore Basic Condition a) will be met.

Policy 1 Protecting and Enhancing the Landscape Character of Holme Valley

viii. Policy 1 seeks to protect and enhance landscape character. With Section 15 of the NPPF encouraging plans to protect and enhance valued landscapes and recognising the intrinsic character and beauty of the countryside the Policy has regard to the NPPF and the principle of the Policy therefore meets Basic Condition a).

ix. However, in addition to the fundamental concern set out in the section above, as stated already, the NPPF requires plans to be clear and unambiguous and to be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. In a number of respects the policy fails to achieve this and the need for conciseness and precision.

- First, the beginning of the Policy in the first 4 paragraphs is confused and repetitive. The start needs to be revised to clearly relate to the character management principles that are going to be used in assessment.
- Second, the list of landscape character areas omits LCA2 part of which falls outside the National Park and therefore would be subject to Policy 1. However, the list of LCAs does not actually need to be repeated in the policy itself.
- Third, the Policy, in a number of locations, introduces built form or built environment considerations when that is not what Policy 1 is about. Policy 1 is focused on landscape character whilst Policy 2 is focused on built form albeit that they work together to ensure the valley's character is protected.
- Fourth, clause 4 introduces pedestrian linkages which are unrelated to landscape character and are already covered adequately in another policy of the plan.
- Fifth, the Policy uses ambiguous wording such as 'where appropriate' when this is not necessary and simply introduces doubt as to whether a requirement is

appropriate or not.

x. KC in its Regulation 16 representation also expresses concern in respect of two other points:

- First, the Policy in clause 1 is complex, unclear and ambiguous. I share the concern that this clause needs to be clarified with respect to what the intention is regarding respecting views of the upland areas, where the significant local landmarks would be found and the whole clause made more precise. Subsequent rewording suggested by HVPC removes the referencing to significant local landmarks in the absence of evidence.
- Second, clause 5 is considered not to be clear and unambiguous. I have already referred above to the need to remove wording such as 'where appropriate' but the final sentence of the clause in dealing with 'living' and 'green' and 'blue' roofs would more appropriately be part of built design in Policy 2.

xi. The HVNDP makes it clear that Policy 1 will not apply in the National Park in the main because it was dealing with development and the impacts on landscape character and the section of the Park that lies within Holme Valley is in the Natural Zone where other than in exceptional circumstances development will not be permitted. PDNPA in its Regulation 16 representation initially suggested that simply excluding the National Park from the Policy may not be the correct solution as there was a flow of landscape character across and beyond the National Park boundary. In the light of this, as part of the Examiner's Clarifying Questions (See Appendix A) the PDNPA was asked to clarify their position. PDNPA in response has confirmed that the policy should not apply to the Park and the comment was intended to ensure that Policy 1 properly protected landscape character immediately adjoining the National Park. The changes proposed in their entirety for Policy 1 and the supporting text do address this.

xii. HVPC in putting forward its initial response to the examiner request for revisions to paragraph 4.1.17 submitted a proposed revised wording for Policy 1. Whilst this has been helpful, most of the specific concerns set out above remain. The recommended modifications below seek to resolve these concerns. What has been useful however is the clarification that clauses 1-4 of Policy 1 are those that will apply across the Neighbourhood Area and therefore in many of the Landscape Character Areas and I have added this to the proposed modifications.

xiii. Finally, in the interests of clarity in the supporting text, a new subheading reflecting the title to Policy 1 should be added in place of the subheading on page 35 and the text at 4.1.19 – 22 and its subheading should be moved to follow paragraph 4.1.27.

Recommendation 6	
6A	After the revised note at the start of Policy 1 confirming that the policy does not apply in the National Park replace the 1st, 2nd and 3rd paragraphs of the policy with the following wording:

	<i>“All development proposals should demonstrate how they have been informed by the key characteristics of the LCA in which they are located. Proposals should be designed in accordance with the character management principles in respect of landscape set out in paragraph 4.1.17 for each of the LCAs in order to avoid detrimental impact on the LCA”.</i>
6B	Delete the 4th paragraph of Policy 1 beginning ‘Applicants also should have regard’ as the parts of these elements relevant to landscape character will be covered in the modified character management principles in paragraph 4.1.17 and therefore covered by the modified first paragraph above.
6C	In the 5th paragraph of Policy 1 beginning ‘Overall, proposals ’ Line 2 – delete the words ‘built and’ as the built environment is addressed in Policy 2. In line 3 delete the words after ‘unsympathetic’ and replace with the following: “...unsympathetic to the landscape character of the relevant LCA”. In the sentence following amend the start to read: “Throughout the neighbourhood area the design and siting of new development....”
6D	In Policy 1 clause 1 lines 1-3 reword to read: “Development should respect long distance public views of the upland areas (LCA1 Wessenden Moors, LCA2 Holme Moorland Fringe and LCA3 Hade Edge Upland Pastures) and...” In line 4-5 delete the wording: ‘...and protect public views towards the significant local landmarks as identified in the HCA report’.
6E	Delete clause 4 of Policy 1 in its entirety and renumber clauses accordingly.
6F	In Policy 1 clause 5 - line 2 delete the words ‘where appropriate’ and replace with the words “for new buildings”. In lines 4-5 delete the words ‘or other species where appropriate’.
6G	Cut and paste Policy 1 clause 5 final sentence into Policy 2.
6H	Replace the subheading on Page 35 with the following: “Protecting and Enhancing the Landscape Character of Holme Valley”. Cut and paste paragraphs 4.1.19-22 and their subheading on Page 34 to follow after paragraph 4.1.27. Renumber all paragraphs accordingly.

xiv. With these modifications the Policy will be in accordance with Basic Condition a). Policy LP2 on place shaping and Policy LP32 on landscape in the KLP seek to protect the character, views and vistas of the Kirklees landscape. Policy 1 of the HVNDP as modified would add local detail to the strategic policies and would be in general conformity with them. The Policy, in protecting local landscape character, is likely to have a strongly positive contribution to achieving sustainable development. Accordingly, the Policy also meets Basic Conditions d) & e).

6.4.2 Conservation Areas and Promoting High Quality Design in New Development

- i. Policy 2 is designed to ensure all new development is appropriate in its context and protects and enhances the distinctive local character of the area. In this respect it has regard to section 12 of the NPPF and, in particular, the requirements for planning policies set out at Paragraph 127.
- ii. Policy LP24 of the KLP sets out the strategic policy in respect of design and sustainable construction and Policy LP35 the approach to preserving and enhancing the historic environment. The criteria in Policy 2 reflect the objectives of these policies. The opportunity is taken through the Policy to add local detail and it does not merely replicate the scope of the strategic policy.
- iii. The aspirations of Policy 2 applied to new development will also contribute to design in the local area that is sustainable.
- iv. Therefore the principle of the Policy would meet Basic Conditions a), d) and e).
- v. However, as with Policy 1, success of the Policy relies on its implementation. The NPPF and PPG require policies to be clear and unambiguous and to provide clear guidance to developers. In this respect the policy as currently worded and presented fails and, as with Policy 1, Policy 2 and the supporting text needs to be modified if it is to operate as intended.
 - First, the Policy sits in a section entitled Conservation Areas and Promoting High Quality Design in New Development. Both this and the supporting text e.g. at 4.2.3 and 4.2.4 coupled with the 18 pages of text and maps on conservation areas (Pages 39-57) gives the strong impression that Policy 2 is aimed at development within Conservation Areas only, yet in the Policy itself that is clearly not the case. The Parish Council were asked in one of the Examiner's Clarifying Questions (see Appendix A) to confirm that it is intended to apply to all development. They have confirmed this is the case and therefore adjustments are needed both to the title of this section and paragraph content. Whilst I understand the fundamental importance of the conservation areas to the neighbourhood plan's objectives the section and the Policy would be clearer if paragraphs 4.2.5 to 4.2.45 inclusive were to be relocated to an Appendix in the plan. However as this is not wholly necessary to meet the basic conditions, I do not include it as a formal recommendation. If, however, the Conservation Area descriptions are moved, the appendix would need to be cross referenced for example from paragraph 4.2.2.
 - Secondly, Policy 2 incorporates elements of Policy 1 particularly at the start. As discussed above the recommendation is that the section of the plan at 4.1.17 setting out the key characteristics of each LCA would list those character management principles that are important in respect of settlement and built character and that these would be the basis against which Policy 2 would operate. Therefore, the start of Policy 2 under Local Character needs to be rewritten.
 - Thirdly, Paragraph 2 of the Policy is contrary to legislation (*Planning (Listed*

Buildings and Conservation Areas) Act 1990) and the NPPF when it states that harm or damage to a heritage asset should be minimised or mitigated. This is not part of the tests in Section 16 of the NPPF that development affecting a heritage asset must go through and as such the statement fails to have regard to national advice and undermines KLP policy LP35 and must be deleted.

- Fourthly the last sentence of clause 2 ‘Sense of Place’ overlaps unnecessarily with the public realm Policy 5 and should be removed in the interests of conciseness. Also in the interests of conciseness clause 3 after the second sentence either repeats KLP policy LP 24 or overlaps with HVNDP Policy 12 and the clause 4 reference to energy efficiency is also satisfactorily covered in HVNDP Policy 12.
- Fifthly, as with other policies, ambiguous requirements signposted by the use of wording such as ‘where appropriate’ and ‘wherever possible’ is used in clauses 3, 7 and 8. This wording does not provide precise guidance and needs to be modified.
- Lastly, Clause 8 refers to ‘locally characteristic buildings’ which are not necessarily clearly defined in the HVHCA although it is referenced. What I suspect is meant is simply development in keeping with buildings in the locality and the site setting which is what should be said. Clause 9 repeats clause 8 in large part and could simply be amalgamated with it.

vi. KC in its Regulation 16 representation also expresses concern in respect of Policy 2:

- First it is also concerned about what appears to be a policy that is to apply primarily to Conservation Areas but also points out that paragraph 4.2.3 talking about the limited number of CA appraisals implies that the absence of an appraisal weakens development management in conservation areas when in fact this is not the case. Inasmuch as the responsibility to preserve or enhance the character or appearance of a conservation area is unaffected by whether a conservation area appraisal has been carried out or not, I agree the reference needs to be modified.
- Secondly, regarding clause 4, KC is concerned that the clause mixes a number of different strands, in particular the last sentence is a matter more relevant to ‘Sense of Place’ than to ‘Innovation and Responding to Local Context’. Inasmuch as moving this part of the clause would contribute to a clearer, more precise policy and would not remove content, I recommend the policy is modified.
- Thirdly, in clause 7 KC is concerned that it is not clear what this section relates to when a separate Policy 5 exists in respect of the public realm and also on the grounds that it is not clear what is meant by a ‘sequence of spaces’ in the second bullet. KC considers that the last bullet point of clause 7 overlaps with KLP Policy 63 and undermines it. I discuss below in the context of Policy 5 a clearer split between Policies 2 and 5 which I am satisfied resolves any lack of clarity. Moreover, in respect of KC’s last point, having reviewed the 2 policies, I can see nothing in clause 7 that specifically undermines KLP Policy LP63. The clause makes the perfectly valid point, not covered by LP63, that the function of the space does require some thought in respect of where best to site it. Thus, for example an older children’s play area is not always welcomed immediately adjacent to housing. I do however consider that the bullet referring to a ‘sequence of spaces’ could be more clearly expressed.

- In clause 8 KC express concern that the Policy involves elements from other clauses and as the nub of Policy 2 should perhaps be located earlier in the Policy text. However, as I propose to modify the clause and amalgamate with clause 9 it will be clearer and the matter of whether it is set 'higher' in the Policy is not a matter that is necessary to meet the Basic Conditions.
- Finally, with respect to clause 11, KC considers this is unclear and potentially undermining when it is compared with KLP Policy LP52. I agree that in this case repetition is not helpful and the clause would be more clearly expressed by reworking the first sentence and leaving Policy LP52 to provide the main policy control.

vii. HVPC in putting forward its response to the examiner request for revisions to paragraph 4.1.17 submitted a proposed revised wording for Policy 2. Whilst this has been helpful most of the specific concerns set out above remain. The recommended modifications below seek to resolve these concerns.

Recommendation 7	
7A	<p>Retitle section 4.2 as “<i>Protecting and Enhancing Built Character of the Holme Valley and Promoting High Quality Design</i>” – consistent with the Policy 2 title.</p> <p>Delete the last sentence of paragraph 4.2.3.</p> <p>Delete Paragraph 4.2.4 in its entirety.</p>
7B	<p>Reword clause 1 of Policy 2 ‘Local Character’ to read: <i>“Building designs in proposals for new development and alterations to existing buildings should respect the key characteristics and character management principles, relating to built character, of the Landscape Character Area in which they are located as set out in paragraph 4.1.17. They should protect and enhance local built character and distinctiveness and avoid any harm to heritage assets including conservation areas.”</i></p>
7C	<p>In Policy 2 clause 2 in line 1 after the word ‘place’ insert the words: <i>“... by designing the site layout to respect the existing grain of development in the surrounding area and through use of local materials and detailing”.</i> (This wording is relocated from clause 4 see recommendation 7E below) Delete the last sentence which overlaps with Policy 5.</p>
7D	<p>Delete the words ‘Wherever possible’ at the start of Policy 2 clause 3 and replace with the word ‘Any’.</p> <p>End the clause at the end of line 4 on the word ‘shelter’ and delete the rest.</p>
7E	<p>In Policy 2 clause 4 - lines 3-4 delete the words ‘or opportunities are identified for greater energy efficiency’.</p> <p>Relocate the last sentence to clause 2 (See recommendation 7C above).</p>
7F	<p>In Policy 2 clause 7 – 2nd bullet – revise the start to read: <i>“A design of public spaces that connects with...”</i></p> <p>In clause 7 - 3rd Bullet - delete the words ‘Where appropriate’ at the start of the bullet.</p>

7G	Delete Policy 2 clause 9 and reword clause 8 to read: “Designs should respect the scale, mass, height and form of existing buildings in the locality and the site setting. Development should fit in with and neither dominate nor have a detrimental impact on its surroundings and neighbouring properties. Materials must be chosen to complement... environment. Local millstone grit and stone flags should be used <i>where these are the prevailing material</i>”.
7H	Reword the first sentence of Policy 2 clause 11 to read: “Proposals should be designed to minimise harmful impacts on general amenity for present and future occupiers of land and buildings and prevent or reduce pollution as a result of noise, odour, light and other causes”.
7J	Renumber clauses to reflect the modifications.

viii. With these modifications Policy 2 will meet the requirement for a policy to be clear, unambiguous, concise and precise and therefore be in accordance with Basic Condition a). As modified the Policy will also be in general conformity with KLP Policies LP24, LP35, LP52 and LP63. The Policy, in protecting and enhancing a sense of place and local distinctiveness, is likely to make a strongly positive contribution to achieving sustainable development. Accordingly, the Policy will also meet Basic Conditions d) & e).

6.4.3 Conserving and Enhancing Heritage Assets

Policy 3 Heritage Assets

i. The neighbourhood plan at section 4.3 considers the matter of conserving and enhancing heritage assets. Given that the NPPF and local development plan policies provide effective control in respect of designated assets, the plan does not seek to replicate this but does acknowledge that there are many locally important non-designated heritage assets (NDHA) in the valley which should be afforded protection. Hitherto these have not been identified, although KC has, along with other West Yorkshire authorities, started the process of preparing a local heritage list following Historic England Advice Note 7 guidance and the plan takes the opportunity to advance the local list of assets in Holme Valley. The candidate list is set out in Appendix 2 of the Submission Plan and Policy 3 is then intended to apply to these assets.

ii. The identification of local heritage assets is advantageous and has regard to the NPPF at section 16 giving local property owners and developers (who are often oblivious to any heritage value) advance notice of the significance of the assets and assisting decision makers to understand impacts of development on the assets. However, progressing this through the vehicle of a neighbourhood plan is difficult particularly where, as in this case, the list as currently presented in Appendix 2 to the HVNDP is incomplete and has not been agreed.

iii. My initial intention as can be seen from the Examiner’s qualifying questions at

Appendix A was that the local heritage list could be completed in time for the final list of agreed local heritage assets to form part of the modified plan as and when it progressed to the local referendum stage. However, the response from the Council makes it clear that the timetable for the Kirklees-wide project, now under way, will not allow this. Agreeing selection criteria, assembling, researching and agreeing the list, even if Holme Valley was to be prioritised as a pilot, would mean that the agreed local list would not be ready prior to a referendum.

iv. This being the case it is very unclear what Policy 3, as it is currently worded, will achieve. I am not satisfied that the Policy is currently workable, in that a developer or property owner with proposals affecting a locally important building or structure and indeed the decision maker, would not be able to assess any development proposal in the light of a building's significance. This is because the listing at Appendix 2 of the HVNDP, which is cross referenced from Policy 3, does not make it clear what the significance or importance of the buildings are or why they have been selected for the local heritage list. The impact of development on them cannot therefore be adequately assessed. Moreover, it is likely that not all the locally important, NDHA are currently identified in Appendix 2 or that they are listed consistently. The Honley and Holmfirth buildings are, for example, presented in different ways and there are locally important buildings identified in the Holme Valley Heritage and Character Assessment that do not appear in Appendix 2 at all.

v. In addition to these difficulties, Kirklees Council in its Regulation 16 representation has expressed concern that there is a need to draw a distinction between local heritage assets within conservation areas (because these are within an area that is itself a designated heritage asset) and those local heritage assets outside a conservation area. It proposes in line with Historic England guidance that these are referred to as 'positive contributors to the conservation area' which would carry greater significance as a result of the designation of the conservation area. I accept that there is a de facto distinction that needs to be made between a local heritage asset within a conservation area and one outside but the implication of this means that the current Appendix 2 and Policy 3 also needs to draw that distinction.

vi. To resolve these issues, and as part of the examiner's clarifying questions and requests, the Parish Council in consultation with Kirklees Council and Peak District National Park conservation teams were asked to produce a revised local heritage list of candidate local heritage assets in the Valley. The purpose of this would be to arrive at an agreed list of candidate local heritage assets on a consistent basis and indicate for each a name or identifier, location, description, value and significance. This could be in tabular form as currently set out for Holmfirth in Appendix 2. Procedurally, as the local heritage list had progressed through the HVNDP the list should only include those buildings already set out - namely the so called 'key buildings' in Holmfirth, the 3 Honley Civic Society non-designated assets and those proposed in the HVHCA.

vii. In response HVPC has submitted revised Appendices setting out first the assets identified within conservation areas as positive contributors and second those other local heritage assets outside of conservation areas. I have reviewed these and am satisfied that

they meet the requirements of presenting the necessary information in a clear and unambiguous manner. These are set out at Appendix E1 and E2 which are attached as separate documents to this main report and should be incorporated into the plan in a revised Appendix 2A and 2B going forward to the referendum.

viii. As a consequence of the above my recommendation is that Policy 3 is modified and simplified from its current form which is an unclear mix of proposal, policy and possible future intention. HVPC and KC have provided a suggested revised wording as part of their response on this topic. However, the revised Policy suggested is still a confused mix of proposal, intent and policy. Having set out the process of identification in the revised supporting text (see below) there is no need for this to be repeated in the Policy. I recommend that Policy 3 is simplified to ensure the intent is clear, namely that the plan has identified both buildings which are positive contributors to the conservation areas and how proposals will be assessed in respect of these **and** a candidate list of NDHA and how proposals will be assessed in respect of these. I also recommend that the Policy directs owners and developers to take account of the significance of the assets identified in designing development proposals affecting the assets.

ix. In addition to the changes necessary to the Policy and the supporting Appendix 2 there are consequential changes to the supporting text which are required.

- First, the exercise to produce a local heritage list needs to be understood in the context of the protection given to heritage assets generally and the distinction between positive contributors to the character of conservation areas and other NDHA needs to be set out to clarify the hierarchy/status of protection afforded to such assets within and outside of conservation areas.
- Secondly, the text setting out the process of preparing the local heritage list needs to be updated to reflect the fact that work is starting on the joint approach within West Yorkshire and to explain how the Holme Valley work will fit with that.
- Thirdly 'signposts' to sources of information also need to be included to help the plan user such as Historic England's Advice Note 7 giving guidance on local heritage lists.

x. HVPC together with Kirklees Council have proposed revised supporting text as part of preparing the revised appendices. I have reviewed this text and it would satisfactorily respond to these issues and I will recommend it is used to replace the existing supporting text.

xi. Finally, there is a detailed section in the preamble to Policy 3 about Article 4 directions which bears no relation to the content of this section of the plan or Policy 3. I understand that HVPC do want to see Article 4 directions used and enforced but this is not a matter the HVNDP can directly influence and as there is already a proposed community action dealing with Article 4 directions this could be developed and the section of text at paragraphs 4.3.8-10 should be deleted to avoid confusion.

Recommendation 8	
8A	<p>Delete Policy 3 and replace with an amended policy to read as follows:</p> <p><i>Policy 3 Conserving and Enhancing Local Heritage Assets</i></p> <p><i>“A list of buildings and structures which are identified as positive contributors to the designated conservation areas in Holme valley is set out at Appendix 2A. All development proposals affecting these character defining components of the designated conservation areas or their settings will be assessed in terms of Kirklees Local Plan Policy LP35 Historic Environment Part 1.</i></p> <p><i>A candidate list of buildings and structures identified as non-designated heritage assets is set out at Appendix 2B. All development proposals affecting these locally important heritage assets, (once formally identified), or their settings, will be assessed in terms of Kirklees Local Plan Policy LP35 Historic Environment Parts 2 and 3a and Policy DMC5 of the Peak District National Park Authority Part 2 Local Plan (Development Management Policies)</i></p> <p><i>When designing development proposals for all local heritage assets (positive contributors and (once formally identified) non-designated heritage assets), owners and developers should have regard to conserving the significance of the asset and the components which positively contribute to its character or appreciation as a heritage asset.”</i></p>
8B	<p>Replace Appendix 2 of the HVNDP with the revised Appendices of local heritage assets shown at Appendix E1 and E2 attached as separate documents to this report numbering them Appendix 2A and 2B and incorporating them in the modified HVNDP.</p>
8C	<p>Replace the supporting text at paragraphs 4.3.1 to 4.3.7 with the revised text 4.3.1 - 4.3.8 set out in Appendix C to this report.</p>
8D	<p>Delete the text relating to Article 4 directions in paragraphs 4.3.8 to 10 inclusive.</p>

xii Although these modifications represent a significant change to Policy 3 and related elements they maintain the overall purpose and intent of the plan and nothing that has not already been in the public domain in previous versions of the plan has been added. With these modifications in place Policy 3 and Appendix 2 plus the supporting text would be clear and unambiguous and Basic Condition a) would be met. The Policy and local list when modified and implemented will help protect local heritage assets in the neighbourhood area maintaining a sense of place and contributing to the achievement of sustainability. The Policy, as modified above, would also be in general conformity with the KLP. It therefore also meets Basic Conditions d) and e).

6.4.4 Design in Town and Local Centres and Public Realm

Policy 4 Design Codes for High Quality Shopfronts and Advertisements

i. The importance of shopfront design and related advertising in the townscape of town and village centres within the valley is recognized in this section of the HVNDP and Policy 4 looks to control change to shopfronts with a detailed design policy. Although the NPPF does not include policy specifically on this aspect of design, the principle of the Policy has regard to the policy elements of section 7 (Ensuring the Vitality of Town Centres), section 8 (Promoting Healthy and Safe Communities) and section 12 (Achieving Well Designed Places).

ii. However, again there are a number of elements with this policy which are not clear and unambiguous. Moreover, the complexity of the Policy is not helped by repetition and its structure.

- First, the structure at the beginning of the policy is confusing and unclear as the first paragraph under General Principles should be part of the principles at a) to g) and not separated out.
- Second, section 1 of the Policy sets out detailed design principles which include fascias and doors and windows and yet the policy returns to these aspects at sections 4 and 5 when otherwise the policy has moved on to other elements of accessibility and security. This is confusing and unclear and needs to be modified.
- Third, section 3 on accessibility seeks to ensure the special interest of **historic buildings** is not compromised by changes to improve accessibility but many town centre buildings, not just historic buildings, may have aspects of special interest which should not be compromised.
- Fourth, section 6 on Shutters and Grilles is unclear in the way it is presented. Sub-clauses a-c are the acceptable alternatives in both Kirklees generally and the National Park. Sub clauses d and e relate only to the Kirklees section of the neighbourhood area and for clarity should be in an unnumbered paragraph following clause c)
- Fifth, in the section on shopfront advertisements, the general principles and the more detailed advice in respect of fascia signage should apply to both Kirklees area and the National Park except in respect of illuminated adverts which would not be allowed in the Park. The structuring of this section needs to be modified to clarify this and move the section on illumination to the end of section 2.

iii. The policy is in general conformity with KLP Policy LP25 on advertisements and shop fronts and, whilst there is a degree of overlap, Policy 4 adds policy advice to be applied locally and does not undermine the general more strategic nature of the KLP policy. KC in its Regulation 16 representation criticises the Policy as being too detailed, too prescriptive and complex in the way it is structured. Whilst I accept it is a long and detailed policy I am satisfied that the guidance it seeks to give is not overly prescriptive

and there is flexibility as required in national policy advice in the way in which it is worded. With the modifications recommended below the structure of the policy will be simplified and made clearer and it will be able to be operated successfully.

iv. KC make the following more detailed points:

- First, KC is concerned that the requirement that bold bright lettering should be avoided is overly prescriptive and unclear. I share the Council’s concern in this case in that the requirement is highly subjective – would ‘Royal Blue’ for example quite common on fascia lettering be classed as a bold bright colour and who decides? In any event the first part of the clause says all that needs to be said on the matter in asking for sensitive colours which reflect the local character and appearance.
- Second, although KC is concerned that the section on illuminated signage in Policy 4 undermines KLP Policy LP 52 on protecting environmental quality I am not persuaded that this is the case. I acknowledge that Policy 4 does not specifically refer to the possibility of mitigation which is covered in Policy LP52 but as a starting point those seeking to use illuminated signage should be considering the impact on residential amenity and on the wider environment and that is all that Policy 4 is seeking to ensure.

v. PDNPA also raise similar issues to KC in their Regulation 16 representations. Most are covered by the proposed modifications below but the relevant policies box on Page 75 should include Policy DMS4 of the PDNP Part 2 Local Plan which relates to shopfronts.

Recommendation 9	
9A	Cut and paste the first paragraph of Policy 4 to form design principle a) Delete current principle b) which largely repeats the new a). Renumber current principle a) as new b).
9B	Cut and paste section 4 of the Policy on Fascias (minus the subheading) to follow on from principle c) as new principle d).
9C	Renumber current principle d) as e). Insert after it as new principle f) section 5 to the Policy (minus the subheading) which deals with stallrisers, doors and windows.
9D	Renumber and reorder the principles as necessary to create a clear and unambiguous section of policy.
9E	Amend the second sentence of section 3 on accessibility to read : “<i>Accessibility should be improved where there is the opportunity to do so provided any special interest of the building is not compromised</i>”.
9F	In section 6 of Policy 4 – stop the listing of alternatives at c). Reword the remainder of the section (without reference lettering) as follows: “<i>In that part of the neighbourhood area outside the National Park the</i>

	<p>following additional alternatives will be acceptable:</p> <ul style="list-style-type: none"> - External shutters that are removed during working hours – decorative options for these themed on the shop’s trade may be applicable. - Externally mounted open mesh roller shutters provided that the box housing is concealed behind the fascia and the projection from the face of the building does not result in an increase in depth to the detriment of the appearance of the shopfront.”
9G	In the section on Advertisements – General Principles paragraph 2 delete the first part of the sentence. Start the sentence at ‘Where planning consent...’
9H	Delete the last paragraph in the general principles dealing with illuminated signage so that the principles can apply to the whole neighbourhood area including the National Park and to avoid repetition with section 2.
9J	In paragraph 1 of section 2 on fascia signs delete the last sentence regarding illumination as the general advice on fascia signs will apply within the National Park. Relocate this sentence at the end of the paragraph following clause f). Renumber clauses accordingly.
9K	In clause e) stop the clause at the word ‘area’ in line 2 and add the words “<i>particularly within conservation areas</i>”. Delete the remainder referring to ‘bold bright colours’.
9L	In the paragraph following clause f) insert in Line 1 after the word ‘proposed’ the words “<i>outside the National Park</i>”.
9M	In the relevant policies box following Policy 4 add “<i>Policy DMS4 Shopfronts</i>” before ‘DMS5 Outdoor advertising’ in the last line.

vi. With these modifications Policy 4 will be much clearer in its intent and more precise and more concise. As above it is in general conformity with the strategic policies of the KLP and as it is designed to improve quality of life for local communities and the built environment in town and village centres it does contribute to achieving sustainable development and Basic Conditions a), d) and e) would therefore be met.

Policy 5 Promoting High Quality Public Realm and Improvements to Gateways and Highways

vii. The importance of the public realm in the towns and villages of the valley is understood and, inasmuch as the HVNDP is seeking to improve the public realm, the principle of Policy 5 has regard to the relevant elements in the NPPF at section 9 (Promoting Healthy and Safe Communities) and section 16 (Conserving and Enhancing the Historic Environment).

viii. However, the Policy is confusing in its intent, repeats elements of policies elsewhere in

the HVNDP, in particular Policy 2, and as a result is unclear.

ix. It would appear from the supporting text that the principal objective is to ensure that work by public sector agencies (including highway works) and by community and voluntary groups within the public realm, enhances and benefits its character and appearance. However, this main objective is muddled by inserting in the middle of the policy a section relating to public realm enhancement as part of general development schemes. For the most part this simply repeats Policy 2, in particular section 7 dealing with public spaces. It is not required in Policy 5 as well and including it is simply confusing resulting in an unclear and ambiguous policy. It therefore fails to meet Basic Condition a).

x. In the light of this concern one of the examiner questions to the parish in Appendix A below sought clarification on this point. HVPC has confirmed that the intention was for Policy 5 to embrace public realm improvements as part of general development. However, for the reasons above, in particular the fact that this aspect is already better covered in Policy 2, or, as confirmed by KC, the requirement in terms of waste is covered in KLP Policy 24 and in the Highways Design Guide and Waste Management Design Guide, I recommend that the two paragraphs following clause c) are deleted.

xi. The Policy in other respects also fails the tests of being clear and unambiguous and precise:

- First, paragraphs 1 and 2 to the Policy need to be modified to clarify how the Policy will work and KC make the point that as the Kirklees Highways Design Guide provides significant advice on the matter of design in the public realm it should be referred to as a major contributory source.
- Using phrases such as 'where possible' and 'where appropriate' are unhelpful and unnecessary. As with all policies assessment across a range of policies will be required and so the 'balance' is always present.
- The paragraph before clause d) is unclear both in itself and its impact on the Policy as a whole as it is unclear whether criteria d) to l) apply only to highway schemes or more generally to public realm improvements which may not have the objective of enabling a safe and sustainable highway. HVPC in response to a follow up Examiner's clarifying question see Appendix A has confirmed that criteria d) to l) are intended to apply not just to highway schemes.
- In clause f – the use of the word 'limited' is unhelpful and unclear. Surely if the problem is clutter it should be avoided.
- In the section on Gateways and Highways, KC has pointed out in its Regulation 16 representation that most of the Map 17 gateways are in the Green Belt or National Park meaning the opportunity for any major development is extremely restricted. In response to a clarifying question to HVPC in the Examiner's questions at Appendix A, HVPC has responded that this section is intended to apply also to gateways into settlements within the valley and as this is much more likely to be where such public realm benefits could be secured this should be stated along with the means by which this will be achieved. The examples indicate that what is

expected are likely to be off site works in the public realm and it should be made clear in the clause how these will be achieved remembering always that if secured by S106 the work must be reasonable and directly related to the development.

- Finally, although KC is concerned in respect of repetition in some clauses between Policy 5 and Policy 2, if Policy 5 is intended to apply in the main to works by the public sector and other community and voluntary agencies to improve the public realm, whereas Policy 2 is predominantly related to the design of built development in the valley then the slight repetition of themes is not unduly problematic.

xii. PDNPA also raise similar issues to KC in their Regulation 16 representations but these are covered by the proposed modifications below.

Recommendation 10	
10A	Amalgamate the second paragraph to Policy 5 with paragraph 1 to read as follows starting in the last line of paragraph 1: <i>“....settlements and villages. Such improvements will be supported where they are consistent with advice in the Kirklees Highways Design Guide SPD and where they:”</i>
10B	In clause b) delete the words ‘Where possible’ insert in their place the words – “Take opportunities to enhance or....”
10C	Delete the two paragraphs following clause c)
10D	Delete the paragraph before clause d) and revise to read: <i>“Where works are being carried out in the public realm to improve highway safety and efficiency the character of a place should be maintained and the following principles will be applied:”</i>
10E	In clause f) change the word ‘limited’ to the word ‘avoided’.
10F	In clause i) delete the words ‘where appropriate’ and revise wording to read “...should be built into design in the public realm.”
10G	Amend the section on Gateways and Highways as follows: <i>“Settlement ‘Gateways’</i> <i>Where major new residential or commercial development is close to ‘gateways’ into Holme Valley settlements, or at route convergence points or rail and bus stations, consideration should be given to public realm improvements around the ‘Gateway’ including welcome signage and interpretation and landscaping and planting.” (Or similar wording)</i>

xiii. With these modifications Policy 5 will be much clearer in its intent to those carrying out work in the public realm. It is in general conformity with the strategic policies of the KLP and as it is designed to improve quality of life for local communities and the built environment it does contribute to achieving sustainable development and Basic Conditions a) d) and e) would therefore be met.

6.4.5 Building Housing for the Future

i. This section of the plan starts with a discussion about the housing requirement, proposed housing provision and the communities' concerns about the impact of new housing. The HVNDP makes no allocations because significant provision is made through the Kirklees Local Plan. Rather the HVNDP seeks to manage additional housing, prioritising development of brownfield sites and managing the provision of smaller affordable properties.

Policy 6 Building Homes for the Future

ii. The first part of Policy 6 sets out the general principles establishing the circumstances in which additional housing development in the neighbourhood area will be acceptable over and above KLP allocations. The principle of this section of the policy has regard to the NPPF.

iii. The second part of Policy 6 seeks to secure a mix of housing within the neighbourhood area where recent housing development has been dominated by larger dwellings. The Policy draws on evidence from the Kirklees Strategic Housing Market Assessment which includes an assessment of the size of houses and which identified a need for a better range of house size and in particular provision for the elderly. The Neighbourhood Plan survey findings and consultation throughout the plan preparation also endorses the objective of Policy 6 which seeks to respond to concern that housing in the community is dominated by larger detached dwellings of 4 or more bedrooms and that a mix of units including 1, 2 and 3 bedroom units is required to support a sustainable community. The NPPF at paragraph 61 encourages planning for a mix of housing based on the assessment of housing need from different groups in the community and reflecting this in planning policies. Essentially that is what the Neighbourhood Plan has done. Moreover, as required in the NPPF, flexibility is built into the policy and it stresses that the mix should be based on the latest evidence of housing need. To that end the principle of this second part of the policy has regard to the NPPF and is not inappropriate in terms of Basic Condition a).

iv. There are though, as with a number of policies in the plan, problems in respect of how Policy 6 is structured and worded which means it is not clear and unambiguous as required by the NPPF and PPG.

- First the introduction to the first part of the Policy and the principles is unclear. The requirement for the housing to be in an existing settlement is a principle but is not part of the list. Moreover, the principles section mixes up what are requirements that would apply to all proposals and the aspiration to see the reuse of previously developed land (PDL) and the reuse of mill buildings rather than demolition. Clearly a proposal under the policy may not relate to PDL and mill buildings and therefore these clauses 1 and 3 should not be included in the requirements but separated out as policy objectives.
- Second, clause 2 merely states that housing should be suitable in terms of design, size, etc with no guidance as to how this will be assessed. In any event the matter of

building design is covered in Policy 2 and house size, type and tenure covered in the second part of Policy 6. Inclusion at clause 2) is unnecessarily repetitive and unclear.

- Third, in the second part of Policy 6 on page 92 it is clear that the intention is that all of clauses 1, 2 and 3 should apply but the policy does not make this clear. Each clause needs to be linked by the word 'and'.
- Fourth, the reference at clause 4) in the second part of the policy implies that community right to build schemes would be expected as part of all new major developments. This is not how CRTB would work. The community would identify a site and willing landowner through which a CRTB scheme would be progressed and then proceed through the process as set out in legislation and the Neighbourhood Planning Regulations. As such this clause cannot be a requirement of all major developments and should be separated out at the end as a policy objective.

v. Policy 6 in the way in which it sets out the principles for additional 'windfall' housing and the requirements in respect of housing type and size is in general conformity with KLP policies LP3, LP7 and LP11. I acknowledge the concern KC expresses in its Regulation 16 representation that the HVNDP policy adds little to elements already covered in the KLP. However, other than where the repetition is undermining, I do not consider repetition per se would justify policy deletion for two reasons. First, Policy 6 covers ground that otherwise is spread over a number of KLP policies and secondly, there are some additional local elements particular to the vision and objectives of the HVNDP which would otherwise be lost.

vi. KC however raise a number of specific matters in addition to the matters already covered above in my assessment in terms of basic condition a) which I consider below.

- First, in respect of clause 4 in the first part of the Policy KC have suggested the reference to the Local Plan should name the policy (Policy LP22 Parking) and indicate that the most up to date guidance is contained in the Highways Design Guide. The point is made that it is unclear whether the Policy expects additional visitor parking over and above standards as the first line of the clause already refers to visitors. I agree these factual changes are justified in the interests of clarity.
- KC is concerned that, in respect of clause 5, a different message is given to that in Policy 1 clause 4) but I have already recommended deletion of that clause see Recommendation 6E above.
- In respect of clause 6 KC argues that the requirement on density is prescriptive. However, inasmuch as the clause is simply seeking efficient use of land in a manner that reflects the existing settlement character, I do not agree. It has regard to the NPPF and is in general conformity with KLP Policy LP7.
- More significantly in respect of the second part of Policy 6, KC objects that the Policy undermines KLP Policy LP11 in that the HVNDP policy only requires **major** housing developments to demonstrate how they meet local housing need in terms of size, tenure, type etc. Given that major development is defined as 10 and more dwellings this threshold is too high and Policy 6 should relate to all housing development. In addition, there is a further potential undermining of KLP Policy LP11 in respect of the clauses 1 - 3 which Policy 6 states will apply to major development. For specific evidence-based

reasons KC has stated in Policy LP11 that the affordable housing requirement will apply to developments of more than 10 dwellings or on a site of more than 0.4 has. The Neighbourhood Plan needs to apply the same threshold.

- KC has also pointed out that the rural West Sub Area for the SHMA may not necessarily be a sub area in the future and therefore better that the plan refers to the Strategic Housing Market Assessment and the Supplementary Planning Document on Housing Mix and Affordable Housing currently in production. I agree to these factual changes and the SPD could be referred to in a footnote.

vii. Finally, in respect of the supporting text there is a correction that needs to be made in paragraph 4.5.5 where it states that the HVNDP can influence the inclusion or exclusion of allocated sites. This is not correct and as stated later in paragraph 4.5.7 the allocation of sites was fixed when the Local Plan was found to be ‘sound’ by the examining Inspector and was adopted. What the HVNDP can do however is to influence how these allocated sites are developed and that is the statement paragraph 4.5.5 should make. In addition, paragraph 4.5.10 would be better not to refer to small additional sites as infill development as this has a very specific meaning usually of one or two dwellings in a contained gap which will not necessarily be the format of development that would be supported under Policy 6.

viii. I recommend the following modifications.

Recommendation 11	
11A	<p>Reword paragraph 2 of Policy 6 to read: <i>“In addition to the housing sites allocated in the Kirklees Local Plan new housing development will be supported subject to the following considerations being met.”</i></p> <p>Delete paragraph 3 beginning ‘Proposals are required....</p>
11B	<p>Delete current clauses 1 and 3 of Policy 6 and include in an unnumbered paragraph following the final clause of the general principles section to read: <i>“Proposals for residential development involving the redevelopment of previously developed (brownfield) sites or the conversion of mill buildings and other suitable buildings to create low-cost housing and apartments is particularly encouraged.</i> <i>Proposals for the conversion of former mill buildings to residential accommodation should take opportunities to include provision for suitable commercial or employment uses as part of mixed-use schemes including live/work type accommodation.”</i></p>
11C	<p>Insert new clause 1 to read: “The proposed housing is located within existing settlements not overwashed by green belt or is for housing acceptable in terms of national Green Belt policy”.</p>
11D	<p>Delete clause 2 as it unnecessarily overlaps with Policy 2 and with the second part of Policy 6.</p>

11E	<p>Reword clause 4 line 2 onwards to read: <i>“...accordance with Local Plan Policy LP22 Parking and the Council’s most up to date parking guidelines in the Highway Design Guide SPD. Additional parking provision to accommodate delivery vans is encouraged to minimise additional on street parking on nearby roads.”</i></p> <p>Delete Appendix 4 or if retaining ensure these are the current standards from the SPD.</p>
11F	Renumber clauses in the first part of the policy accordingly.
11G	In the second section of Policy 6 – House Types and Sizes – Delete the word ‘major’ in line 1 and the words ‘of the Rural West Sub Area’ in line 2.
11H	<p>Amend the start of the paragraph in Policy 6 on page 92 which starts ‘In particular...’ to read: <i>“New Housing developments of more than 10 houses or on sites of more than 0.4 hectares will be supported</i>”.</p>
11J	Insert the word <i>“and”</i> after clauses 1) and 2) in the second section of Policy 6 dealing with house types and sizes.
11K	<p>Delete clause 4) in the second part of the Policy and relocate in an unnumbered paragraph following clause 3) reworded to read: <i>“New housing provided through a Community Right to Build Order (following the procedure set out in the Neighbourhood Planning Regulations) or other community led housing project, including self-build schemes, will be particularly encouraged.”</i></p>
11L	<p>Reword the last sentence of paragraph 4.5.5 to read: <i>“However, through its policies the NDP can influence how housing sites allocated in the Kirklees Local Plan are developed.”</i></p>
11M	In paragraph 4.5.10 line 4 delete the words ‘infill building’ replace with the words <i>“building within settlements”</i> .

ix. With these modifications Policy 6 would be clear and unambiguous and would meet Basic Condition a). As above it will be in general conformity with the KLP at Policies LP3, LP7 and particularly LP11 which seeks a housing mix and affordable housing. Moreover, the Policy is likely to result in a more sustainable form of development to meet community needs and therefore Basic Conditions d and e) are also met.

6.4.6 Helping the Economy Prosper

Policy 7 Supporting Economic Activity

i. Policy 7, in supporting development for new small-scale business and employment opportunities subject to criteria and provision for home working, has regard to section 6 of the NPPF seeking to build a strong competitive economy and encouraging sustainable economic growth. The Policy sets criteria to assess proposals against, as required in

NPPF paragraph 81 although, as I come back to below, these are not in all cases clear and unambiguous, concise and precise as the NPPF also requires.

ii. In three respects however the Policy conflicts with national policy and as such fails to meet Basic Condition a).

- First, the Policy restricts business development to that part of the neighbourhood area excluded from the Green Belt. This is incompatible with the NPPF as there are a number of circumstances set out in paragraphs 145 and 146 where development would not be inappropriate in the Green Belt. Although the paragraph following clause 7 suggests development in the Green Belt would be accepted in certain circumstances it is unclear why clauses 1-7 should not be applied. A modification to correct this is essential. For consistency, a similar wording should then be used in clause 1 of the section on tourism development in respect of Green Belt locations.
- Second, the NPPF does not pose a restriction that development of an existing business should be within an existing site. If new business development is acceptable on any site within the terms of the Policy it is wholly unreasonable that an expanding business has to stay within its existing site.
- Third, no part of the NPPF restricts business development to the reuse of existing buildings or previously developed land. Even in rural areas well-designed new buildings to accommodate business development are acceptable. If HVPC wish to indicate a preference for this it should be deleted at clause 3) and instead a more general statement, that reuse of existing buildings and previously developed land is particularly encouraged, inserted after clause 7).

iii. In addition, to these major issues the policy conflicts with the PPG requirement for policies to be concise and precise in a number of respects.

- First, the Policy taken at face value could include retail businesses introducing a tension and lack of clarity in Policy 7 vis a vis Policy 8. This needs to be clarified to remove the phrase in all business sectors in the first paragraph of Policy 7 and specifically exclude retail.
- In terms of clause 4 the site may not have existing access to the highway network the appropriate test is that it **can be** connected. Moreover, in the same clause almost all new development will result in additional traffic. The test in the NPPF is whether that traffic results in an unacceptable impact on highway safety or that residual cumulative impacts on the road network would be severe.
- Clause 6 repeats the provisions of HVNDP Policy 1 and in the interests of conciseness should be deleted.
- Similarly, at clause 2f of the section relating to tourism development the same provisions of Policy 1 are repeated. The clause also unnecessarily requires other policies to be considered. This all just adds to inconcise and complex policies.
- At clause 2g) the same criterion as at clause 4) regarding impact on the highway network is repeated and needs to be modified as above. Moreover, clause 2g ends with a requirement that traffic movements do not have an adverse impact on (*unspecified*) 'other users of the highway network'. This is unclear, unreasonable and unenforceable and

needs to be removed.

- Finally, in clause 2h) the wording in the last part of the clause unnecessarily repeats clauses 2d) and 2e) and can be deleted.

iv. KC in its Regulation 16 representation expresses concern that there is little content in the policy not already covered by the KLP and in fact that Policy 7 makes business development more difficult. I agree that as submitted the Policy has significant flaws however, as proposed to be modified to resolve the conflicts with national policy and advice, Policy 7 will achieve its objective of encouraging economic development of an appropriate scale in the valley in general conformity with KLP Policy LP10.

v. KC in addition to raising most of the matters already discussed above make three further points.

- First re clause 5 KC point out that there is not currently a parking standard for commercial uses and the clause is therefore unworkable. This being the case and in the interests of precision in the policy, the clause will have to be modified to refer to parking provision being appropriate to the scale of the business.
- Second, in the section regarding homeworking there is no reason why extensions to houses to accommodate home working should be small scale. I share the concern in that what is important with extensions is that they are proportionate to the house and subsidiary. This qualification is already expressed in the clause. There is no in principle reason why a large house should be restricted to having a small-scale extension to accommodate a home office for example.
- Finally, in the section on tourism development the Council is concerned that the addition of the requirement that development should add to the tourism 'offer' in the valley is prescriptive and prevents the planning balance being applied. However inasmuch as this is just one criterion in a list of requirements which a developer of tourism facilities should consider I am not persuaded that it unduly skews the planning balance for a decision maker. It would after all be normal good practice in commencing a business to consider how a proposed development could establish a niche or unique selling point in the market because it adds to the offer already available. The policy is otherwise in general conformity with KLP Policy LP10.

vi. PDNPA in its Regulation 16 representation appeared to be suggesting that if Policy 7 was structured in a different way, elements could have applied within the National Park. Because the point was not developed to any extent I sought clarification from the National Park Authority as part of the Examiner's clarifying questions (See Appendix A). In response the Authority has confirmed that Policy 7 should not apply within the National Park section of the neighbourhood area.

Recommendation 12	
12A	In the paragraph after the heading Supporting Businesses in the Holme Valley in Policy 7 delete the words 'in all business sectors' in the last line. After the word 'businesses' in line 3 add the words "(other than retail businesses covered in NDP Policy 8)"

12B	Add to the end of clause 1 in Policy 7 the following: “...or the development is acceptable in terms of national Green Belt policy”. Delete the paragraph immediately following clause 7).
12C	In clause 2) line 2 delete the words ‘within its existing site’.
12D	Delete clause 3). Replace with the following wording instead in a new unnumbered paragraph following clause 7): “Business development which involves the sensitive conversion or redevelopment of existing buildings or makes use of a previously developed site will be particularly encouraged”.
12E	Reword clause 4) to read: “The site can be connected to the existing highway network and will not result in severe adverse traffic impacts on surrounding roads.”
12F	Reword clause 5) to read: “The site is large enough to accommodate car parking, service areas and landscaped areas appropriate to the scale of the business.”
12G	Delete clause 6 as it unnecessarily repeats Policy 1.
12H	In the paragraph entitled ‘Supporting Homeworking’ of Policy 7 line 4 delete the words ‘small-scale’.
12J	In the section entitled ‘Encouraging tourist and visitor facilities’ of Policy 7 at clause 1) replace the current wording with the following: “The site is located outside the Green Belt or the development is acceptable in terms of national Green Belt policy”.
12K	Delete clauses 2a) and 2f).
12L	In clause 2g) delete the word ‘additional’ in line 1. Delete the word ‘material’ and replace it with the word ‘severe’ in line 2. Delete the words ‘neighbouring properties and other existing users of the area’ in lines 3-4.
12M	In clause 2h) delete all the words after the word ‘infrastructure’ in line 2.
12N	Renumber the clauses to reflect the modifications.

vii. With these modifications the Policy would meet Basic Condition a). As modified it is also in general conformity with KLP Policy LP10. In promoting local employment opportunities that enable people to live and work locally it is also likely to contribute to sustainable living. Basic conditions d) and e) would also therefore be met.

Policy 8 Facilitating Development in Holmfirth Town Centre and Honley District Centre and Brockholes and New Mill Local Centres.

viii. Policy 8 of the HVNDP seeks to support proposals for retail and other town centre uses in Holmfirth and Honley where they enhance the vitality and viability of the centres and supports development here and in local centres subject to criteria. The Policy also seeks to retain retail floorspace in the primary shopping areas of the main centres.

ix. Inasmuch as paragraph 85 of the NPPF encourages planning policies to support the role town centres play at the heart of their communities, the thrust of Policy 8 has regard to national policy.

x. However there are major problems with the Policy and in its current form it fails to meet Basic Condition a)

- The first major problem arises from a change to the Use Classes Order which came into force in September 2020. The order introduces a new use class E which includes all the former A class uses and former use class B1 and allows change of use within the use class without the need for planning permission. The implication of this is that a use in class Ea) (retail) can now change to Ec) financial and professional services without the need for planning permission.

For Policy 8 this means that the last 2 paragraphs of the Policy on Page 103 beginning 'Within the primary shopping areas...' and 'Proposals which would lead ...' are now inoperable. There was, in any event, an issue with the lack of evidence supporting this part of the Policy but as these paragraphs cannot be operated I recommend they are simply removed.

- Second, the Policy is not clear and unambiguous in how it would operate, with clauses 1 to 5 not always clear whether they are relating to just town centres or all centres. This is accentuated by a second set of clauses 6-9 just relating to local centres on Page 104 resulting in a confused disjointed policy. Phraseology used is also ambiguous for example in clause 2 what is meant by 'adequate provision', 'sufficient parking', 'walking distance' and 'useful signage' for example. In addition, no plan of the primary shopping areas is provided in the neighbourhood plan to clarify where the Policy applies to.

- Third, repetition in the Policy of subject matter already more than adequately covered in other HVNDP policies leads to an inconcise policy. Examples of this are at clause 5 and the paragraph following, along with clause 6 which needlessly states that proposals must satisfy policies elsewhere and clauses 7 and 9 which repeat themselves.

- Fourth, the Policy is not supported by adequate justification and evidence which is a requirement of the PPG. In particular, the supporting text makes almost no mention of the local centres and certainly does not set out a justification for the policy content that follows. As stated above, the removal of the section of Policy relating to retaining retail floorspace in primary shopping areas at least means the absence of justification for the percentages of floorspace does not need to be resolved.

xi. I recommend modifications to resolve these matters below.

xii. The Policy is in general conformity with Policy LP13 of the KLP but KC in its Regulation 16 representation argues that the Policy adds little if anything to the KLP policies. I accept that there is some overlap but in respect of clause 2 for example content in the Local Plan is spread across a number of policies where in the HVNDP policy it is within one clause. KC is also concerned about repetition in clause 4 regarding use of upper floors and considers the clause undermines the Local Plan in not making it clear that uses on upper

floors must be compatible with ground floor commercial use. I accept that a modification to clarify this is necessary.

In respect of KC's point about repetition in the section on Local Centres with KLP Policy LP16 this is only partially true. The section in Policy 8 refers to retail in local centres and not just food and drink uses. With regard to clause 5 the reference to Policy 4 only relates to the architectural features of shop fronts and Policy 2 should also be included.

xiii. In essence, whilst there is repetition of local plan policy, if this places policy all together in one NDP policy and provided it does not undermine the Local Plan some overlap is acceptable. I am satisfied that the modifications I propose below resolve the issues in respect of the Basic Conditions and the policy can be retained.

Recommendation 13	
13A	Delete the last 2 paragraphs of Policy 8 on page 103 beginning 'Within the primary shopping areas...' and 'Proposals which would lead...' which are no longer operable. Delete the related footnote 16.
13B	Reword clause 2 to read: <i>"Proposals should be designed to secure easy pedestrian access and cycle and car parking to standard (including electric vehicle charging points). The development should be within easy walking distance of public transport facilities, use clear signage and provide facilities for the disposal of litter."</i>
13C	Reword clause 3 to read : <i>"Retail development should be located in the primary shopping areas of Holmfirth and Honley as defined in map/plan x. If retail development is to take place outside the primary shopping areas proposals will be subject to the sequential test¹⁵".</i>
13D	Reword clause 4 to read: <i>"The reuse of upper floors for residential use will be supported subject to the use being compatible with ground floor commercial uses"</i>
13E	In clause 5 change the policy reference in line 2 to read <i>"HVNDP Policies 2 and 4"</i>
13F	Delete the third from last paragraph in Policy 8 on page 103 beginning 'Businesses premises should...' and clause 6 on page 104 which are unnecessarily repetitive.
13G	In clause 8 after the word 'the' insert the words <i>"other units within the local centre"</i>
13H	Delete text in clause 7 and add it at the end of clause 9 after a linking word 'or'
13J	Renumber clauses in Policy 8 accordingly.
13K	Insert after the section in the supporting text on the night time economy a subsection entitled <i>"Brockholes and New Mill Local Centres"</i> with text which describes these centres and their role and provides justification for how Policy 8 seeks to control development in these centres and what is the objective and intent.

The following text has been agreed between the two Councils and is acceptable:

“Within Brockholes and New Mill, there are small shops and services concentrated together which perform an important function serving each of the local areas. These have both been defined as Local Centres in the Kirklees Local Plan. They include a convenience store for top-up shopping along with a mix of other services such as health and beauty salons, hot food takeaways and pubs.

The role of Local Centres is to provide for top-up shopping and local services particularly food and drink as set out in Kirklees Local Plan Policy LP13. Development within them should be appropriate in scale to complement and support existing businesses in the centre and the visitor experience.

Residential areas are immediately adjacent to these local centres and there are some residential properties intermixed with the shops and services. It is therefore important that any development protects or mitigates against any impacts on residential amenity.”

xiv. With these modifications Basic Conditions a) and e) would be met. With regard to Basic Condition d) the intent of Policy 8 in seeking to encourage local retail and service provision close to homes in vital and viable town, district and local centres will contribute to more sustainable development and the Basic Condition is met.

6.4.7 Community, Education, Health and Well-being

i. Policy 9 of the HVNDP seeks to protect and enhance local community facilities in the Holme Valley and support future additional provision. In that respect the principle of the Policy has regard to paragraph 92 of the NPPF which requires plans and planning decisions to similarly protect and support community facilities.

ii. Whilst the Policy, in terms of intent, is in general conformity with KLP Policy LP48, the first section of the Policy in setting out how proposals involving the loss of community facilities will be assessed almost entirely duplicates the local plan policy. At best this is unnecessary as both the NPPF and PPG are clear that policies at different levels in the planning policy hierarchy do not need to repeat elements adequately covered elsewhere. At worst there is the danger of policies requiring slightly different things, which is the case here with respect to the fourth bullet point in the first clause 2 and the text in the first clause 3.

iii. In respect of the fourth bullet in clause 2 the requirement is unclear. If the HVNDP definition of a community facility is one that is of value to the local community the

implication is that it should be protected in that use whether or not the replacement use is another community facility. Under the Policy for example a valued local pub could be allowed to change to a shop or doctors. It is not clear what the community is seeking to achieve. With respect to clause 3 this is hinting at the rights communities have to bid to acquire community facilities if they are listed as an Asset of Community Value (ACV) on a Community Assets Register (CAR) but neither the Policy nor the plan refers specifically to this and it is unclear from the clause how it could be operated in accordance with legislation. Modified to refer to ACV and CAR however the clause could remain.

iv. In respect of the first section of the Policy a modification to remove the repetition and simply depend on KLP Policy LP48 would achieve the plan’s objective.

v. In respect of the second section of the Policy encouraging provision of education, health and community greenspace learning, the policy essentially simply supports this type of provision.

vi. KC in its Regulation 16 representation expresses two concerns with this section. The first relates to clause 1 where it is not at all clear what the second part of the clause is trying to achieve. Accordingly, I have asked the Parish to confirm the intention as part of my clarifying questions (See Appendix A). The parish has replied confirming that the encouragement is to apply particularly where the proposals would aid the retention of small community-based schools. The second concern is that the last clause is ambiguous in saying that support will be given subject to proposals being in accordance with other policies without saying what these other policies are. Either the sentence should be stopped after the word ‘supported’ or relevant policies listed. It appears to me that NDP Policy 12 supporting sustainability is relevant along with policies LP31 (Strategic Green Infrastructure) and Policy LP63 (New Open Space) of the KLP.

vii. Finally, in respect of Policy 9, the Theatre Trust in its Regulation 16 representation expresses concern that the list of community facilities does not refer to the venues like the Picturedrome in Holmfirth and Southgate Theatre in Honley. I acknowledge that the list of facilities at paragraph 4.7.10 is not intended to be a full listing of every facility but rather categories of facility. However, none of the current categories would cover the facilities the Trust is concerned to protect and therefore the addition of cultural and performance venues to the list would be justified in view of their importance to the valley.

Recommendation 14	
14A	<p>Replace the first parts of Policy 9 and clauses 1 and 2 with the following paragraph:</p> <p><i>“Community facilities of value to the local community as listed in paragraph 4.7.10 will be protected and retained for community use. Development or change of use proposals involving their loss will be managed in accordance with Kirklees Local Plan Policy LP48”.</i></p>

14B	<p>Replace Clause 3 of Policy 9 with the following paragraph:</p> <p><i>“Where the proposal involves a community facility listed as an Asset of Community Value on a Community Assets Register the community must first be given the opportunity to acquire the asset to continue its operation before planning permission for an alternative use or development can be granted.”</i></p>
14C	<p>Second section of Policy 9 clause 1 delete wording after the word ‘supported’ in line 1 add:</p> <p><i>“...particularly where the proposal will assist the retention of small community-based schools”.</i></p>
14D	<p>Second section of Policy 9 clause 3 last line delete the words ‘other policies’ and replace with <i>“HVNDP Policy 12 and Policies LP31, and LP63 of the Kirklees Local Plan”.</i></p>
14E	<p>Add <i>“Cultural and performance venues”</i> to the list of facilities at paragraph 4.7.10 of the plan.</p>

viii. With these modifications in place Policy 9 would better reflect the national policy and guidance seeking clear and unambiguous policy advice and would meet Basic Condition a). The Policy will contribute to achieving sustainable development by ensuring the communities retain and add community facilities improving quality of life within the parish. It is also in general conformity with Policy LP48 of the KLP seeking to sustain community facilities. It therefore also meets Basic Conditions d) and e).

Policy 10 Local Green Spaces

ix. The HVNDP at Policy 10 takes up the opportunity offered in the NPPF to identify and designate Local Green Space (LGS) in accordance with NPPF paragraphs 99-101. Such spaces can only be designated at the time the neighbourhood plan is being prepared and development within them will be treated in the same way as development within the Green Belt i.e. only permitted where very special circumstances apply.

x. The 4 sites considered and proposed to be designated as LGS are mapped in Maps 19-22 and described in Appendix 3 to the HVNDP together with the results of the assessment in terms of the tests set out in Paragraph 100 of the NPPF. The NPPF tests are:

- Is the green space in reasonably close proximity to the community it serves?
- Is the green space demonstrably special to the local community and of local significance?
- Is the green space local in character and not an extensive tract of land?

xi. There is general support for the designation of the Well Garden, Marsh Road Scholes and for the ‘Triangle’ at the north end of Hade Edge and having assessed these on site I am satisfied that both spaces meet the requirements of Local Green Space.

xii. However Kirklees Council in its Regulation 16 representations has objected to the designation of both Sandygate Fields in Scholes and the Chapel Field in Wooldale. The landowner of the Chapel Field has also indicated that they do not support the designation.

Sandygate Fields

xiii. Sandygate Fields is made up of 5 field parcels towards the north end of Scholes divided by and surrounded with dry stone walling. The site is open agricultural grazing land with wide open distant views to the north and it provides an open green setting to the listed buildings at Sandygate Farm and The Olde House Ryecroft Farm.

xiv I acknowledge that there is no public access to the land, for example public rights of way and to that extent it does not provide **public** open space. However, the tests in the NPPF do not require LGS to have public access in order to be demonstrably special to a community. That explicitly is not part of the tests.

xv In respect of the tests, the site is local to the Scholes community being surrounded on two sides by continuous development including to the south by an allocated housing site. On the other two sides it is fronted by intermittent development. The site although open is not an extensive tract of land being bounded by development and the road network. From my observations on site the site is of high amenity value and part of the landscape setting of Scholes and is peaceful and tranquil countryside at the edge of the village. It is also reportedly an asset as wildlife habitat although not protected as such. The site has been assessed in detail, including on appeal, as to its historic significance both in the setting to the listed buildings at Sandygate Farm and Ryecroft Farm and in its own right as fields and field boundaries which relate to the farm and which have not changed in form and nature in over 100 years. Thus, whilst I understand the Council's concern that as private grazing land it should not be designated, it is my view that the area is demonstrably special to the community as green, tranquil open space which very much establishes the character of Scholes at this point and which forms a focus and context in local walking routes around Scholes.

xvi The NPPF makes clear that designation should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. There is no evidence before me to suggest that designation would be incompatible with this objective.

xvii In conclusion, it is justified that the site be protected as LGS.

Chapel Field

xviii. In many respects there are similarities between Chapel Field and Sandygate Fields as to the reasons why Kirklees Council is concerned regarding the proposed designation.

xix. The field is located at the north end of Wooldale between the Methodist Chapel and the main road west to Holmfirth. Again, as with the Sandygate Fields site it is walled around by stone walling and is not accessible to the general public.

xx. Nevertheless, it is clearly local to its community and is not an extensive tract of land. It plays a key role and is demonstrably special in amenity and townscape terms being a key gap in development along the Holmfirth Road and forms a tranquil green break in development. Moreover, it has historic significance as the setting to the listed Methodist Free Chapel. It also sits within the Wooldale Conservation Area and is important in the setting of the Conservation Area from the North. I am satisfied for these reasons that it is demonstrably special to the community.

xxi. As with the Sandygate site there is no evidence before me to suggest that designation would be incompatible with the objective set out in the NPPF that designation should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

xxii. Policy 10 itself, in simply setting out which sites are designated, is however slightly at odds with the supporting text in paragraphs 4.7.29 which implies the purpose of the designation is protection. In order that the policy is clear and unambiguous as required by the NPPF and PPG there is a need for a minor modification so that the purpose of protection is made clear.

Recommendation 15	
15	Insert after the word ‘designated’ in line 1 of Policy 10 the words “<i>and protected</i>”.

xxiii. With this modification Policy 10 and the proposed designations will be in accordance with Basic Condition a). Equally, the policy is also in general conformity with KLP Policy LP62 seeking to protect local green space. None of the spaces are within the National Park and therefore the Park policies are not relevant. The Policy is likely to make a strongly positive contribution to achieving sustainability. Accordingly, the designations and policy would also meet Basic Conditions d) & e).

6.4.8 Improving Transport, Accessibility and Local Infrastructure.

i. Section 4.8 of the plan seeks to respond to the issues arising through the transportation of people and goods to, through and around Holme Valley. Policy 11 focusses on those elements that the plan can influence through development namely traffic management and highways design as part of development, accessibility focusing on sustainable transport and parking provision for development. However, many matters have been raised through the plan preparation process that are not directly related to the use and development of land and HVPC has rightly channelled these into an extensive list of community actions.

ii. The principle of what Policy 11 seeks to achieve has regard to section 9 of the NPPF and is complementary to its policy objectives. However again, as with other policies, the NPPF and PPG require policies to be clear and unambiguous. Policy 11 does not wholly meet this requirement in a number of respects.

- First, the source of Kirklees highway design guidance should be provided in clause 1 or at least in a footnote so that a developer knows which specific documents provide the detailed current guidance.
- Second, the Policy uses ambiguous phrases such as ‘wherever possible’ or ‘where appropriate’. This is unclear and would make it too easy for a developer to seek to argue that it was impossible thus undermining the objective of the policy and alternative phrasing should be used.
- Third, as with a number of the HVNDP policies, reference is made to the Green Belt in clause 9. This is unnecessary where it is located in the Policy in the context of parking provision and its inclusion simply contributes to a policy that is inconcise and confusing. In any event, the statement does not have to be said. The approach in the Green Belt is clearly set out in the NPPF and does not have to be restated in a part of the Policy that is focusing on parking provision.
- Fourth, in clauses 2, 3 and 6 some of the phrasing used is unclear in its intent and needs to be more clearly stated. In clause 2 ‘minimal interventions’ needs to be clarified. In clause 3 it is not clear what ‘new schemes’ relates to and in clause 6 references to ‘nodal points, frequent changes of direction and enclosure’ is potentially ambiguous.
- Fifth, in clause 3 there is a reference back to the HVHCA and the Parish Council in its submission, regarding new text for paragraph 4.1.17, proposes that the text in Policy 11 should refer to revised paragraph 4.1.17. However, I am not persuaded that this should be done in respect of clause 3 as neither the HVHCA nor revised paragraph 4.1.17 include detail about what the key characteristics are of the transport corridors which contribute to local distinctiveness. In any event clause 3 itself goes on to give examples of what these characteristics are.
- Sixth, in clause 11 some park and ride schemes if provided on a temporary basis will not require permission. The clause therefore needs to clarify that it will apply where planning permission is required. Also, in that clause, there is no need to state that proposals must comply with other policies of the plan as this is taken as read.
- Finally, in clause 12 HVPC again proposes, in its revised text to paragraph 4.1.17, that clause 12 is cross referenced to the new paragraph 4.1.17 for clarification of suitable materials. However, 4.1.17 does not specifically evidence materials for parking areas and, in any event, this is unnecessary in the context of the policy. Enough has been said generally in the HVNDP regarding what materials would be suitable to the local area for a decision maker to have a clear idea what is meant by “suitable materials...sympathetic to the character of the local area”.

iii. Policy LP20 of the KLP sets out a strategic policy seeking sustainable transport solutions whilst Policy LP21 manages highways and access issues. Policy 11, for the most part is in general conformity with these strategic policies of the adopted plan. However, KC in its Regulation 16 representation argues the Policy at clause 8 undermines Policy LP20

by only requiring developers to consider car sharing in respect of major developments when policy LP20 requires development generally to avoid single occupancy journeys by private vehicles. As with a number of policies KC consider Policy 11 is unnecessarily repetitious and overlaps with the KLP policies at a number of points.

- In respect of clause 2 I agree there is repetition and the hierarchy itself could just be cross referenced.
- KC is critical that the first sentence of clause 4 merely repeats Policy LP21 but actually this clause does go further and contains local detail although the requirement of safe access is adequately covered already in Policy LP21.
- KC is similarly concerned that clause 5 merely replicates Policy LP31 on Strategic Green Infrastructure. However, provided it is clarified that clause 5 is referring to local green infrastructure, the clause is justified.
- Similarly with clause 7, whilst KC criticise this for merely repeating Policy LP21, I am not persuaded that this is the case. Policy LP21 is largely about highway access arrangements whereas clause 7 is much more about linkage to sustainable transport routes. The clause is therefore complementary not repetitive.
- Regarding clause 8, I accept this does merely repeat the intention of Policy LP 20 and could be deleted.
- In clause 12 the point at the end of the clause regarding electric vehicle charging points is covered in LP24 and could be deleted.

iv. PDNPA also raises a similar issue to KC in its Regulation 16 representations regarding the clarity of the policy but this is covered by the proposed modifications below.

Recommendation 16	
16A	Insert a footnote reference after the word ‘design’ in line 3 of clause 1 to Policy 11 and after the word ‘design’ in line 4 of clause 12. Footnote to read : “<i>Current guidance is in the Kirklees Highways Design Supplementary Planning Document November 2019</i>”
16B	Reword Clause 2 to read: “Traffic management interventions should be <i>designed</i> on the basis of two principles: <ul style="list-style-type: none"> • <i>The user hierarchy set out in the Kirklees Local Plan Policy LP20 and</i> • <i>Interventions that are the minimum necessary to achieve the traffic management objective and which do not adversely impact....”</i>
16C	Amend the start of clause 3 to read: “<i>Any highway works associated with new development should aim to protect the key characteristics of the Landscape Character Areas of the Holme Valley. These include for example grass verges.....</i>”
16D	Amend the start of clause 4 to read; “<i>All development proposals should take opportunities to provide safe access to local streets, footpaths....</i>”,
16E	Insert the word “<i>local</i>” after the word ‘Existing’ in line 1 of clause 5.

16F	In clause 6 reword the clause to read: <i>“Highway layouts should be imaginative in approach and include traffic calmed streets using a sense of enclosure to reflect.... Valley.”</i>
16F	Reword the start of clause 7 to read: <i>“Designs should take account of and link to public transport, pedestrian and cycle routes especially where these.....”</i>
16G	Delete Clauses 8 and 9 of Policy 11
16H	In clause 11 line 3 after the word ‘facilities’ insert <i>“where planning permission is required (e.g to access Holmfirth Town Centre)”</i> Delete the words ‘or festivals / events in the valley’ as these are more likely to be temporary arrangements not requiring planning permission. Delete the words ‘comply with other relevant policies and’ in Line 4
16J	In clause 12 at the end of 1 st sentence add sentence to read: <i>“In the Peak District National Park parking provision should accord with Peak District Local Plan Part 2 Policies DMT6-8 and associated parking standards.”</i> After that insertion stop clause 12 and start new clause 13 for the rest of the text but deleting the reference to the HVHCA and deleting the last sentence starting with the words ‘Development schemes’.
16K	Renumber clauses accordingly.

v. With these modifications Policy 11 will be clear and unambiguous and will meet Basic Condition a). The revisions will also clarify the relationship to development plan policies and inasmuch as the Policy will lead to more sustainable transport solutions it will contribute to sustainability. Basic conditions d) and e) are therefore also met.

6.4.9 Sustainability and Biodiversity

Policy 12 Promoting Sustainability

- i. The Holme Valley community sets great store by the need to tackle climate change and through the plan and Policy 12 is seeking to achieve carbon neutrality in developments by 2030.
- ii. Policy 12 sets out a range of requirements around renewable energy use, energy efficiency and sustainable living to start this process.
- iii. In promoting a more sustainable approach to building and construction through the Policy the plan responds to section 14 of the NPPF and in particular paragraphs 150 and 151. The principle of the Policy therefore has regard to national policy and is likely to contribute significantly to sustainable development.
- iv. However as with many policies in the plan it is not compliant with the requirement to be clear and unambiguous, concise and precise in a number of areas.

- First, the Policy presents a muddled picture as to whether it applies to all development or simply major developments. This is triggered by the first paragraph of the Policy and then confused further by the wording following. It is clear from the supporting text that the intent is that the Policy should apply to all development and modifications are necessary to make this clear.
- Second, the Policy throughout uses ambiguous phrases such as ‘where possible’ or ‘wherever possible’. This is unclear and would make it too easy for a developer to seek to argue that it was not possible, thus undermining the objective of the Policy.
- Third, as with a number of the HVNDP policies, reference is made to the Green Belt in clause 1. This is only peripherally related to the subject matter of the Policy and its inclusion simply contributes to a policy that is inconcise and confusing. In any event, the statement does not have to be said. The approach in the Green Belt is clearly set out in the NPPF and does not have to be restated in a policy that is focusing on sustainable design and construction.
- Fourth, it is not clear from the section ‘Encouraging Sustainable Living’ whether what is expected is that development proposals should be encouraged to incorporate community gardens and allotments. Given the preamble to the Policy it is assumed this is the case. It should be clarified.

v. Holmfirth Transition Town in its Regulation 16 representation and an independent respondent do not consider the plan goes far enough towards achieving carbon neutral homes. However, given the legislative context and current Building Regulations which do not require carbon neutrality it would be difficult for the plan to go further. There is a balance to be struck and in my view the plan at Policy 12 achieves a realistic balance.

vi. KC in its Regulation 16 representation on this Policy makes the point that many of the clauses especially clauses 2, 4, and 8 merely repeat the KLP strategic policies in particular KLP Policies LP24 and LP26. However, for the following reasons I am not persuaded that this is wholly the case. Clause 2 sets out what technologies should be supported and whilst air source should be added, as KC suggests, the clause does not simply repeat KLP policy. Similarly in respect of clause 4 it does not merely repeat LP24 it is principally the reference to reclaimed materials that is the repetitive element. This could be deleted as in any event it is not directly related to energy efficiency which this section of the policy deals with. In terms of clause 8 there is no evidence that this merely repeats Policy LP24. There is an issue however that alterations will frequently be permitted development and therefore the clause can only apply where planning permission is required. For clarity this should be added.

vii. KC is also concerned regarding clause 3 that the KLP recognises that onsite heat networks can operate at different scales and therefore should not be restricted only to major developments as in Policy 12. There is though an issue in terms of viability which needs to be reflected. It is important that the restriction to major development is removed but the reference to viability has already been included in the final version of the

submission draft of the plan.

viii. KC is similarly concerned that viability may be an issue in respect of clauses 6 and 7, in particular with the latter calling for 50% of energy to be from renewables which goes well beyond KLP requirements. I agree that stipulating such a figure may simply be setting up the Policy to fail and it would be better to be expressed in more general terms. The point regarding viability should be covered but as one statement at the end of the Policy rather than repeated in the individual clauses.

ix. PDNPA also raises a similar issue to KC in its Regulation 16 representations regarding the clarity of the Policy but this is covered by the proposed modifications below.

Recommendation 17	
17A	Reword the introductory paragraph to Policy 12 to read: <i>“All development is expected to be designed to contribute to the following elements of sustainability and all major development (as defined in the NPPF) must prepare a sustainability statement which outlines how the development will contribute.”</i>
17B	Delete clause 1 to Policy 12 relating to Green Belt policy and renumber the following clauses.
17C	Add the word ‘, air’ after the word ‘digestion’ in line 4 of clause 2 to Policy 12.
17D	Reword the start of clause 3 to read: <i>“New developments should develop opportunities to deliver on site heat networks using renewable energy sources.”</i> Relocate the rest of the clause dealing with viability to the end of the policy so that it applies to all requirements. (See Recommendation 17K).
17E	Stop clause 4 after first sentence and delete remainder. Delete also the related footnote 21.
17F	Reword the start of clause 5 to read: <i>“All new non-residential buildings should be designed to achieve....”</i>
17G	Delete Clause 6d) as it is repeated at clause 7 and revise clause 7 to read: <i>“All new buildings should incorporate technologies which generate or source energy from renewable, low carbon sources.”</i>
17H	Add the words “where planning permission is required” after the word ‘properties’ in line 3 of clause 8 to Policy 12.
17J	Amend the start of clause 9 to read: <i>“The inclusion in development proposals of community gardens and.....</i>
17K	Add at the end of the Policy the following new paragraph: <i>“The requirements of this policy will be expected to be met unless it can be demonstrated that this would render the development unviable. In this case, developers must demonstrate that they have worked with 3rd parties, (commercial and community), to assess the viability of opportunities”.</i>

x. With these modifications the Policy would be clear and unambiguous, would be in general conformity with the strategic policies and would contribute to sustainability. Basic

Conditions a), d) and e) would therefore be met.

Policy 13 Protecting Wildlife and Securing Biodiversity Net Gain

xi. Policy 13 sets out what is expected of development schemes to protect and enhance biodiversity.

xii. The NPPF at section 15, particularly paragraphs 170 and 174 encourages plans to promote the conservation, restoration and enhancement of priority habitats and pursue measurable net gains for biodiversity which Policy 13 has had regard to.

xiii. Policy LP30 of the KLP and to a less detailed extent Policy L2 of the PDCS set out the principles to ensure biodiversity is protected and for strengthening ecological networks. The policies are specific in their requirements and there is substantial overlap between them and the Neighbourhood Plan. KC in its Regulation 16 representations argues that because of this and work going on both nationally and locally to produce a Biodiversity Net Gain Technical Advice Note it would be better to depend on existing policy and guidance and that the Policy could be deleted. However, given that the Policy was proposed to be included as a result of the SEA and its inclusion is supported by the Yorkshire Wildlife Trust in its Regulation 16 representation, I do not consider it is necessary to delete Policy 13 simply because it is repetitious, provided the Policy does not undermine the strategic policies.

xiv. KC do correctly point out that the requirement to protect and enhance biodiversity is not restricted to major developments and it is therefore undermining to Policy LP30 that Policy 13 is limited only to major developments when it should apply to all developments where opportunities exist.

xv. The YWT suggests in its representation that the Policy should indicate a net gain of 10% as this is likely to be the requirement emerging from legislation. However, KC by contrast suggests a more flexibly worded addition requiring net gain in line with national and local policy. Inasmuch as 10% may end up not being the agreed quantum it would make sense for the policy to be more flexibly worded.

xvi. Finally, KC propose that the section at the end of Policy 13 setting out how the net gain can be achieved should be deleted. I agree that this could be expressed in a clearer and less ambiguous way but inasmuch as it adds policy guidance not included in the strategic policy it would be sensible to retain it.

Recommendation 18	
18A	Delete the word ‘major’ from line 1 in paragraphs 1 and 2 of Policy 13.
18B	Insert the words “<i>in accordance with the latest national and local guidance on Biodiversity Net Gain</i>” at the end of the first sentence in Paragraph 2 of Policy 13.

	Note - If the Biodiversity Net Gain Technical Advice Note has been finalised and adopted by the time the plan is prepared for referendum it would be appropriate to refer to it in a footnote flagged from the end of this first sentence.
18C	<p>Cut and paste the last paragraph of the Policy from its current position to form a new paragraph immediately following the first sentence of paragraph 2 and revised to read:</p> <p>“A biodiversity net gain <i>will be expected to be achieved through development by:</i></p> <ol style="list-style-type: none"> 1. Managing habitats retained....improve quality <i>and /or</i> 2. Securing local off-site...overall benefit. <p>Direct and indirect impacts upon biodiversity.....should be provided.”</p>

xvii. With these modifications Policy 13 will meet Basic Conditions a) and e). The protection and enhancement of biodiversity will also have a strongly positive contribution to sustainability and therefore Basic Condition d) would also be met.

6.4.10 Developer Contributions

- i. Section 4.10 sets out the intentions of the plan in terms of how the Parish Council would prioritise the use of Community Infrastructure Levy (CIL) funds available to it from development in the Parish once the neighbourhood plan is made.
- ii. This section was based on the situation as it was at the time the plan was being prepared. However, KC has now decided to withdraw all CIL proposals and will not revisit the matter until the Government’s current review of CIL and proposals for a nationally set infrastructure levy are complete. As a result, the whole section at 4.10 is out of date and no longer relevant. Specifically, Policy 14 is inoperable in its current form. KC in its Regulation 16 representation had requested clearer justification for the prioritising of CIL funds but as CIL, or any sort of infrastructure levy, is unlikely to be in place at least in the early days of the plan’s implementation, the priority listing cannot be applied. The Policy therefore in the circumstances would be unclear and imprecise. It therefore fails to meet the requirements of the NPPF and PPG and would not therefore meet Basic Condition a). It should therefore be deleted.
- iii. Although KC in its response to the Examiner’s clarifying questions indicated that Policy 14 could remain in an adapted form with reference to S106 contributions added I am not persuaded that this is appropriate. Whereas there was a very clear reason why the Parish Council might want to set out its priorities in respect of allocating the 25% of CIL funding which it would be able to access after the HVNDP is made; the same does not apply to S106. S106 obligations as KC points out in its response have to meet clear tests and as a result it is unlikely that they could be used for many of the parish priorities identified.
- iv. It is understood that the Parish Council may wish to retain a general section in the plan regarding how it will be implemented and this is frequently a feature in

Neighbourhood Plans. This could for example refer to implementation through the development management process where HVNDP policies (once the plan is 'made') will be applied in determining development applications together with the use of conditions and planning obligations under S106 of the Town and Country Planning Act 1990 where the tests for these are met. The section could also point to the Parish Community Actions set out in the Appendix to the plan and how they will assist in achieving the Neighbourhood Plan's vision and objectives. It could finish with an indication of how the implementation of the plan will be monitored. If the Government's replacement for CIL is further advanced when modifications are being made to the HVNDP then some reference to these new arrangements and funding flowing from it could also be made.

Recommendation 19	
19A	Delete the whole of Section 4.10 along with Policy 14.
19B	<p>Replace with a general section of text under a subheading “<i>Implementing and Monitoring the Neighbourhood Plan</i>” explaining how the HVNDP will be implemented broadly covering the points set out in paragraph iv above.</p> <p>New text agreed between the two Councils has been provided, is acceptable and should be used to replace the existing as follows:</p> <p><i>Implementation and Monitoring</i></p> <p><i>Implementation</i></p> <p><i>The policies in this Neighbourhood Development Plan, once made, will become part of the development plan for the area alongside the Kirklees Local Plan and the Peak District National Park Local Development Framework.</i></p> <p><i>The policies will be applied by Kirklees Council and the Peak District National Park Authority through the development management process in the determination of planning applications, together with the use of conditions and planning obligations under S106 of the Town and Country Planning Act 1990 where the tests for these are met.</i></p> <p><i>The Parish Council, applicants, developers and the community will be able to use the content and policies of the Neighbourhood Development Plan to inform representations to the relevant Local Planning Authority regarding planning applications within the Holme Valley.</i></p> <p><i>The Parish Council actions set out in appendix X to address the non-planning issues will be progressed by the Parish Council to support the achievement of the vision and objectives for the Holme Valley.</i></p> <p><i>Monitoring</i></p> <p><i>The Parish Council will put procedures in place to monitor the effectiveness</i></p>

of the Neighbourhood Development Plan through planning application decisions, the use of conditions and appeals.

The Neighbourhood Development Plan may be reviewed by the Parish Council in line with changes to the Local Plan with this likely to take place at least once every 5 years from the date made and the Plan updated where necessary. The procedure for reviewing neighbourhood plans in place at that time in Neighbourhood Planning Legislation and the National Planning Practice Guidance will be followed.

7. Other Matters

7.1 Regulation 16 Representations Regarding Local Plan Allocated Housing Sites

7.1.1 A number of representations at the Regulation 16 stage objected to the development of housing sites allocated in the KLP within the neighbourhood area in particular site HS183 and HS184 stating these should be designated as Local Green Space and not developed. Other representations object more generally to allocating housing sites for development on greenfield land within the plan area and one objects to the safeguarding of land around Cliff for future development.

7.1.2 As these development proposals and the safeguarded land are part of the adopted KLP and have been through due process, the Neighbourhood Plan cannot propose that these sites are not now developed or that safeguarded land can be redesignated Green Belt. However, the policies of the HVNDP, once the plan is 'made', will apply to these allocated sites and safeguarded land as and when they are brought forward for development and in that way the Neighbourhood Plan will help to ensure the sites are developed in a sustainable way appropriate to the area.

7.2 Regulation 16 Representations from Sport England

7.2.1 Sport England at the Regulation 16 stage raised a number of generic comments about what a neighbourhood plan should cover in respect of open space and recreation and particularly control over the loss of open space and the need for open space assessments. An Open Space Study (2016) was carried out as part of the preparation of the KLP and the HVNDP draws on it. Similarly, protection is provided through KLP Policy LP61 and to a degree through Policy 9 of the HVNDP and therefore the necessary control is already in place. There is no need for further specific coverage in the HVNDP.

7.3 Regulation 16 Representations from Forestry Commission

7.3.1 The Forestry Commission also raises a number of generic comments regarding

matters which should be addressed in Neighbourhood Plans. For the most part across the policies of the HVNDP, as a whole, the Forestry Commission’s concerns are addressed and there is no need for any specific additional policy coverage.

7.4 Appendices

7.4.1 The Neighbourhood Plan includes a number of appendices some of which provide important evidence but some which add little and could be deleted.

7.4.2 In respect of Appendix 6 which defines affordable housing, I consider that this should be deleted. It is referenced from Policy 6 in a footnote but as the policy text already refers to the NPPF (a widely available document) there is no need for the Neighbourhood Plan to include the affordable housing definition in full. Moreover, there is a danger in quoting the definition from national policy that, should it change, the incorporation of the definition in the Neighbourhood Plan would simply lead to confusion. In any event, advice in the PPG confirms that planning decisions are made considering a hierarchy of policy documents from national policy in the NPPF to local policy in Local and Neighbourhood Plans. It is not necessary to replicate statements in different levels of the hierarchy if they are already satisfactorily covered.

7.4.3 Recommendations are made in section 6 above to the inclusion of the Parish Actions in an appendix, the development of Appendix 2 detailing the Local Heritage Assets, and to the possibility of the descriptions of conservation areas being moved to an appendix. These will extend the appendices significantly and it may be that, as a result, those appendices of less value to the interpretation of the plan along with Appendix 7 setting out extracts from the HVHCA (now summarised into section 4.1.17) could be removed in the interests of conciseness. However, as any such deletions (other than Appendix 6) are not strictly necessary to meet the Basic Conditions I make no formal recommendation regarding deletion.

Recommendation 20	
20A	Delete Appendix 6 in its entirety, remove the reference to it in footnote 11 to Policy 6 of the plan.
20B	Renumber the appendices after making all changes and ensure referencing through the plan to them is correct.

7.5 Typographical and Formatting Corrections

7.5.1 There are a number of typographical / grammatical errors in the plan which ought to be corrected. In addition to proposing modifications to ensure the plan meets the Basic Conditions the only other area of amendment that is open to me as the examiner is to correct such errors. I have identified these in Appendix D and in modifying the plan as set out above and finalising it for the referendum these typographical amendments should be

made.

Recommendation 21	
21	Make typographical and grammatical corrections as set out in Appendix D at the end of this report.

8. Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Holme Valley Neighbourhood Development Plan should proceed to a Referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Holme Valley Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area covers the administrative area of Holme Valley Parish. Given the scale and nature of the plan proposals it would not affect residents in adjoining parishes to any significant degree and I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no representations have been submitted seeking any alternative approach.

Recommendation 22	
22	I recommend to Kirklees Council that the Holme Valley Neighbourhood Development Plan, modified as specified above, should proceed to a referendum based on the Holme Valley Neighbourhood Area as approved by the Kirklees Council on 27 January 2015 and the Peak District National Park Authority on 13 February 2015.

Peter D Biggers MRTPI AIHBC - Independent Examiner – 15 June 2021

Appendix A – Examiners Clarifying Questions and Information Requests put to Holme Valley Parish Council, Kirklees Council and Peak District National Park Authority.

Questions and Information Requests to Parish Council

1. Policies 1 and 2 depend heavily on content of the Holme Valley Heritage and Character Assessment (HVHCA) to operate with the policies referring to both the text at paragraph 4.1.17 and the text at Appendix 7 of the NDP. At present I am not satisfied that the operational relationship between policy and various sections of text is sufficiently clear or would be easily navigated and understood by either a developer or a decision maker to meet the requirements of the NPPF or Planning Policy Guidance and therefore Basic Condition A. I am therefore inviting The Parish Council and their Planning Consultant in consultation with Kirklees Council, who have significant concerns about this matter, to review the principles in section 4.1.17 to ensure the key principles for each of the LCAs and for both 'landscape and views' and 'settlement and built form' are clearly set out and so that these clearly relate to the two policies.

I have considered possibly leaving this rewording open to be done through a general modification but essentially to ensure the two policies would meet the requirements in terms of the Basic Conditions I consider that I need to see this reworked section to satisfy myself that the two policies can work.

In principle the bullet point approach can be retained but what will be required is that 4.1.17 contains all the key principles for 'landscape and views' and 'settlement and built form' without the plan user having to refer to Appendix 7 of the plan or the full HVHCA. Thus the layout for LCA4 as an example would be as follows:

LCA4 – River Holme Settled Valley Floor.

Key principles – Landscape and views

-
-
-

Key principles – Settlement and built form

-
-
-

In preparing this you should not add any principles that are not already in the public domain in the NDP within 4.1.17 itself or Appendix 7 extracts. What I am looking for is a more exact setting out of the principles against which Policy 1 (Landscape Character) and Policy 2 (Built Character) will be operated so that a developer or decision maker knows immediately which principles will be applied in the assessment of their proposals.

HVPC Response - Following a meeting with Kirklees on 26/3/21, it was agreed that the response below would be provided as the way in which HVPC had interpreted the changes requested by the Examiner. It should be noted that it includes all Local Character Areas including those in the PDNP. Kirklees proposed more detailed clarifications and rearrangement of information which will also be shared with the Examiner by Kirklees. Prior to undertaking additional work on this, we agreed that both the HVPC and Kirklees suggestions be presented to the Examiner so he can provide a steer on which level of change is required. This is to avoid abortive work and the Examiner's prompt response to which approach to adopt is appreciated.

2. Is it not the case that Policy 2 is intended to apply to all development and not just development in Conservation Areas even though the text in the supporting text implies that the policy may be restricted to development in Conservation Areas? Please clarify.

HVPC Response -The intention is that Policy 2 should be applied across the whole valley. The Parish Council recognises that the numerous conservation areas and other heritage assets are already given protection in national and Kirklees' planning policies, but Holme Valley as a whole has a distinctive and unique character comprised of many individual settlements, hamlets and buildings, which in turn all have their own character and identity. The local vernacular and materials provide a direct visual link between the buildings and landscape. The area's pre-industrial and industrial heritage is woven into the very fabric of the farms, villages and transport routes that crisscross the area.

The aim is that new development is designed positively to respond to this context, so that change can be successfully integrated into a landscape and townscape which has a very strong and unique sense of place and which is highly valued by residents and visitors.

3. Policy 3 implies that for undesignated heritage assets they will be assessed against Kirklees and Park Authority heritage policies. A developer therefore needs to understand the significance of the locally important undesignated heritage assets and how the proposed development will impact on that significance.

Currently I have concerns that Appendix 2 is not an agreed list (appearing to be provisional), and presents information in respect of Honley and Holmfirth in different and inconsistent ways and does not necessarily include all suggested Undesignated Assets in the Holme Valley Heritage and Character Assessment Report (HVHCA) In particular, it does not clearly set out the significance of all assets. If Policy 3 and the idea of a local list of undesignated heritage assets is to be able to be retained, Appendix 2 needs to be an **agreed** list of undesignated assets on a consistent basis and indicate for each a name or identifier, location, description and significance. This could be in tabular form as currently set out for Holmfirth. For the avoidance of doubt and to avoid procedural issues, the list should only include those already set out - namely the so called 'key buildings' in Holmfirth, the 3 Honley Civic Society undesignated assets and those proposed in the HVHCA. No others should be added at this stage as they have not been in the public domain as part of the submitted plan. If any cannot be agreed as locally significant they should be deleted at this stage. It is suggested that the Parish Council, its Planning Consultant and Kirklees Conservation Team / Park Authority Conservation Team agree the content of the list and revised Appendix 2 prior to the revised Appendix wording being returned to me.

HVPC Response - Following a meeting Kirklees on 26/3/21, it was agreed that the Steering group would submit a table collating all the assets identified in the AECOM report and appendices. However, all those assets which are within a Conservation Area would be identified separately as 'positive contributors to the Conservation Area' rather than as non-designated heritage assets. This was due to concerns of Kirklees officers that identifying non-designated heritage assets within a Conservation Area weakened their protection as conservation areas (and therefore all buildings and structures within them) are identified as designated heritage assets in the NPPF. As positive contributors, they would have a higher level of protection. The policy wording and supporting text will be amended in conjunction with Kirklees to provide this clarification and also explain how Kirklees is seeking to compile an agreed set of assessment criteria and then an adopted local list of non-designated heritage assets across the district. In the meantime, the table being collated by the NDP Steering Group will list all the sites with justification and clarification of

whether they are identified as candidate non-designated heritage assets or positive contributors. This table will then be shared with Kirklees for further discussion and consideration.

4. In Policy 4 should it not be the intention that the second paragraph in the General Principles for advertisements should apply in both the Kirklees and Park areas of the Neighbourhood Area? The distinction between the areas should only apply in relation to illuminated advertisements because illuminated adverts are not be permitted in the park other than in respect of Petrol Filling Station signs?

HVPC Response - The Parish Council would like the second paragraph to apply to both local planning authority areas.

It is accepted that the distinction between the areas should only apply in relation to illuminated advertisements because illuminated adverts are not be permitted in the park other than in respect of Petrol Filling Station signs.

The part of the sentence 'In that part of the neighbourhood area where Kirklees Council is the local planning authority' could be deleted from the second paragraph.

5. A - In Policy 5 re Public Realm - Is the principal intention that this policy will be used to guide public realm improvements by the public sector eg Kirklees Council even though the middle section of the policy refers to developments involving public realm works?

HVPC Response - The intention is that the Policy should refer to all public spaces. Improvements to the public realm in Holme Valley are carried out by the public and voluntary sectors such as local charities and community groups. In addition there are private companies with land which is or could be open to public access, including around the many reservoirs in the area which are managed by Yorkshire Water and stretches of land along the River Holme for example between Holmfirth and Thongsbridge. There are also opportunities for new developments to enhance the public realm as well as provide new open spaces as part of new housing developments.

B – Is the section on ‘Gateways’ intended to apply to ‘gateways’ into settlements as well as the 17 key gateways?

HVPC Response - Yes - this should be applied to all gateways into settlements not just the ones shown on Map 17. The wording in the Policy is 'including as identified on Map 17'.

6. Are the criteria and requirements of Policy 6 intended to apply to both allocated housing sites in the Local Plan and windfall development?

HVPC Response - Yes - this Policy should be applied to allocated and windfall sites.

7. Policies 2, 6 and 7 state at the start that they do not relate to the National Park area and yet in the list of local plan policies following these NDP policies, Peak District Policy References are included – which is correct?

HVPC response - The PDNP policies should be deleted from the supporting text in these sections.

The part of the NDP area which lies within the Peak District National Park area is in the Natural Zone and PDNP LDF Core Strategy Policy L1: Landscape character and valued

characteristics B sets out that 'other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted.

8. In Policy 7 is the intention really to restrict the policy to development of existing buildings and previously developed land as section 3 suggests?

HVPC Response - Yes - the Parish Council's preference is for brownfield development (using previously developed land and buildings) wherever possible.

9. Is policy 11 (3) intended to mean Highway schemes and works by the Highway Authority when it refers to 'new schemes'?

HVPC Response - Yes - this should refer to works by the Highways Authority

Supplementary Questions asked subsequently :

- A. In policy 5 – public realm – is it the intention that clauses d) to l) should also apply to general public realm improvements which may not involve any work to secure a safe and sustainable highway?

HVPC Response: Yes, the principles listed would apply to all development schemes taking place in the valley as there is concern that highways and the interests of vehicle users could unduly dominate any schemes (whether done for public realm or highways purposes). The points a) - c) were general principles which apply to any public realm changes but the list d) - l) was a way of capturing other elements which would be particularly relevant where highways schemes were proposed as many 'developments' include both public realm and highways improvements and we do not want the priorities of the latter to override the impact on the public realm. This was something particularly pertinent to a proposed road improvement scheme planned in Holmfirth where there was a fear that time savings for vehicles were being valued above the pedestrian experience of the town centre.

- B. In policy 9 - second section - clause 1 talking about support for proposals in schools - is the intention in the second part of that section that support would be particularly important if it helped retain small community based schools or is the intention something else?

HVPC Response: Yes, the intention is to help retain small community based schools as there is value in having schools within the local communities over the potential efficiency of combining multiple schools across the valley into a central site.

Questions to Peak District National Park Authority

10. The PDNPA appears to be suggesting in respect of at least Policy 1 (if not 2) that as landscape character flows over the park boundary that the policy should apply to the Park. Please confirm the intention and if it is the authority's view that the policy/policies should cover that section of the plan area in the PDNP it would be helpful for a Planning Officer from the PDNPA to participate in the work required under question 1 above.

PDNPA Response - Policy 1 should not apply to the neighbourhood area that is within the Peak District National Park. This is because aspects of neighbourhood policy 1 are not in

general conformity with strategic policy, in particular Core Strategy L1. PDNPA comments regarding the flow of landscape across the park boundary are made in respect of the possible operation of neighbourhood policy 1 *outside but adjacent to* the boundary of the national park.

Policy 2 should not apply to the neighbourhood area that is within the Peak District National Park. This is because neighbourhood policy 'avoid any adverse impacts' is weaker than CS L3 'development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset.' Neighbourhood policy could undermine strategic policy therefore is not in general conformity.

11. It was not clear from the PDNPA comments what form of words the Authority considers should be used to clarify when a Neighbourhood Plan policy only refers to the Kirklees section of the Plan Area. Please indicate a preferred form of words if there is concern over the current wording in the submitted NDP.

PDNPA Response - It is preferable to refer to the national park itself rather than the planning authority. So for example: 'Policy 1 does not apply to that part of the neighbourhood area that is within the peak district National Park.'

12. Re Policy 7 the PDNPA position is not entirely clear as to whether it is proposing that policy 7 should be applied to the Park. Please clarify.

PDNPA Response - Policy 7 should not apply to the neighbourhood area that is within the Peak District National Park.

Questions to Kirklees Council

13. Are there any Article 4 Directions pertaining to the Holme Valley currently in place / or planned?

KC Response - The council confirms that there are no Article 4 directions relating to the Holme Valley in place or planned.

14. Re Policy 12 – Is Kirklees Council in a position to support a requirement for a formal sustainability assessment for major developments for example by requiring it as part of its local validation checklist or ensuring that DM Officers request such assessments where they are not submitted with the application ?

KC Response - The Council is working towards an updated Validation List that will include a requirement for all minor and major applications to be accompanied by a Climate Change Statement to demonstrate how the development contributes towards the transition to a low carbon economy. However, this will be subject to Kirklees Council Cabinet endorsement and has no weight at this time.

In the interim, the council do request that major applications demonstrate how the proposal responds to the Council's Climate Change Emergency. Whilst the Local Plan predates the declaration of a climate emergency and the net zero carbon target, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Proposed Modification

The Examiner may wish to modify Policy 12 to refer to Climate Change Statement rather than sustainability assessment to ensure consistency with referencing.

15. Please confirm Kirklees position regarding the CIL because as things stand the referencing in section 4.10 of the plan is unclear where there is no CIL or no prospect of a CIL.

KC Response - Kirklees Council at Cabinet 19th January 2021 endorsed a decision “That the council shall not proceed to adopt the Community Infrastructure Levy Charging Schedule at this stage and that the implementation of the CIL be reconsidered at a later stage dependent upon national government policy intentions and economic circumstances”.

The council’s decision was based on the following:

- The ‘Planning for the Future’ White Paper – this set out the government’s intention to abolish CIL and replace it with a nationally set infrastructure levy;
- Community Infrastructure Levy (Amendment) (England) (No 2) Regulations 2019 removed restrictions allowing contributions from developers to be pooled together and used to help fund infrastructure proposals to reduce the impact of developments.

The council may seek to re-visit CIL in the future, should the government stance change. Were that to be the case, the council would again consult the community and update its evidence to determine the most appropriate approach to support the economic recovery of the district. There is, therefore, the potential for CIL to be reconsidered in the future.

Proposed Modifications

Opportunities for funding also exist through potential Section 106 or other funding mechanisms and this is already referenced in the Holme Valley Neighbourhood Development Plan Section 4.10 Developer Contributions. To ensure that the Holme Valley Neighbourhood Development Plan includes the opportunity to link to potential funding through the development application process, it is considered that the policy should be retained but with some minor modifications to the policy wording and policy justification.

The Examiner may wish to consider amending Policy 14 Focusing Developer Contributions on Local Priorities (new text in bold and underlined) to read as follows: *The Parish Council will prioritise funds, **where appropriate, received through the Community Infrastructure Levy, Section 106 or other funding opportunities** to support and enable projects which seek to address the following aims (not in order of priority):*

- Improvement of public rights of way including access along the River Holme
- The provision of better facilities for either young people and / or old people
- Local highway improvements
- *Environmental or heritage projects seeking to improve the built and natural environment*
- Improvements to car parking provision
- *The ongoing retention and support of community facilities including public toilets.*

The Parish Council actions listed in this Neighbourhood Development plan also identify specific locations where potential projects have been identified for further consideration.

Further Proposed Modifications for consideration by the Examiner to reflect the proposed amended policy wording would be to:

- update the council’s position with regard to CIL at paragraph 4.10.1 of the Holme Valley Neighbourhood Plan;
 - Delete reference to draft CIL rates outlined at paragraph 4.10.6-4.10.7;
 - Amend last sentence of 4.10.8 to read: “Using the feedback received, we have given the following priorities in a policy as outlined below **which where appropriate, can be used to prioritise local infrastructure funding:**
 - Insert new paragraph 4.10.4 to refer to the three tests for section 106 and viability.
- Planning obligations may only be a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms:**
- **Necessary to make the development acceptable in planning terms;**
 - **Directly related to the development; and**
 - **Fairly and reasonably relate in scale and kind to the development.**

The impact on the viability of the scheme is also an important consideration.

16. Regulation 16 Representation – 5793223_0_1 appears not to be comments on the NDP but on the Holmfirth Town Access Plan. Please confirm that this should be removed from the list of representations, including on the HVNDP web pages, and referred elsewhere.

KC Response - The council agrees that representation – 5793223_0_1 does not relate to the Neighbourhood Development Plan. The representator has been contacted to confirm that the representation will be removed from the council’s on-line portal.

1.13 At the time of receipt of the representation, it was forwarded to the Project Officer dealing with the Holmfirth Town Centre Access Plan (HTCAP). The representation will be retained along with the previous consultation engagement material for the HTCAP scheme.

Supplementary Questions asked subsequently:

- A.** What stage is the Housing Mix and Affordable Housing SPD currently at? Would it be at a point where it would be sensible to refer to it in the context of Policy 6?

KC Response - With regard to your questions on the Housing Mix and Affordable Housing SPD, it is anticipated that it will go out for consultation in summer/autumn of this year. We don’t think it is necessary for the SPD to be referred to in the neighbourhood plan.

Appendix B – Recommendation 5 - Modified Text for Holme Valley Neighbourhood Development Plan paragraphs 4.1.16 and 4.1.17

4.16 The Holme Valley Heritage and Character Assessment describes the key characteristics and character management principles for the landscape and built character of each of the 8 identified Landscape Character Areas. The key characteristics and character management principles for each of the Landscape Character Areas in respect of landscape and built character are set out below and are the character management principles to be applied in Policies 1 and 2 dealing with protecting and enhancing landscape character and protecting and enhancing built character respectively. The evidence as to why these principles are important to the future of the valley is set out in the HVHCA.

4.17 However it is important to note that many of the landscape characteristics of the Holme Valley have a strong association with the built character. The area's pre-industrial and industrial heritage, with links to textile production and manufacture, mining and quarrying, is woven into the very fabric of the stone walls, farmsteads, hamlets, villages and towns and the transport routes that link them.

The aim is that new development is designed positively to respond to this context, so that change can be successfully integrated into a landscape and townscape which has a very strong and unique sense of place and which is highly valued by residents and visitors.

LCA1: Wessenden Moors

1. Protecting and Enhancing Landscape Character

The whole of LCA1 lies within the Peak District National Park and stretches from Wessenden Head Moor in the north to the fringes of Black Hill in the west and across to Bleakmires Moss in the south. The area forms part of the wider moorland expanses of the Peak District National Park.

1.1 Key Characteristics

- Open moorland and exposed farmland grazed by sheep.
- Views to the west are characterised by long distance open panoramas across the moorland contrasting with views to the east of the densely settled River Holme valley and distant conurbations beyond.
- Field boundaries are generally rare but where these do exist, they include stone walls.
- Except for Holme Moss Transmitting Station the full extent of the LCA is defined as open access land. A section of the Pennine Way long distance footpath crosses the area.

1.2 Character Management Principles

- Maintain open, undeveloped areas of moorland.
- Respect long distance views.
- Retain and restore existing stone field boundaries.
- Preserve the open access land and route of the Pennine Way to maximise recreational opportunities.

2. Protecting and Enhancing Built Character and Promoting High Quality Design

In this remote upland area, built form is limited to that associated with the Holme Moss transmitting station and other structures associated with sheep grazing and moorland management.

2.1 Key Characteristics

- Remote landscape devoid of settlement with built form limited to functional structures.

2.2 Character Management Principles

- Development should maintain the sense of remoteness.

LCA2: Holme Moorland Fringe

1. Protecting and Enhancing Landscape Character

The western and southern parts of the area are located within the Peak District National Park and rough grazing and semi-improved pasture on the steep slopes to the east forms an immediate fringe to the national park. The area includes Bilberry, Digley, Brownhill, Ramsden, Riding Wood and Yateholme reservoirs and watercourses flow from the upland plateaus through steep cloughs with wooded sides. The remains of former quarrying are evident in the landscape.

1.1 Key Characteristics

- There are many elevated vantage points with panoramic and long-distance views across the settled valley floor of the River Holme.
- There are key vistas towards the open moorland and into the Holme Valley from Holme Conservation Area and views into the Conservation Area from Fieldhead Lane and Woodhead Road West (A6024).
- Agricultural fields are enclosed by stone walls and deciduous tree cover.
- Open access land to the south of Holme, upland reservoirs, Kirklees Way long distance walking route and the Holme Valley Circular Walk all provide recreational opportunities.
- Historic cart tracks such as Nether Lane with distinctive grooved pavements.

1.2 Character Management Principles

- Maintain the open, undeveloped areas of moorland.
- Respect long distance views across the Holme Valley and towards the open moorland, including those from and towards Holme Conservation Area.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of Public Rights of Way to promote access and consider opportunities to create new links to existing routes.
- Conserve the remaining distinctive surfacing of historic cart tracks.
- Provide historical interpretation of disused quarries to reflect industrial heritage.

2. Protecting and Enhancing Built Character and Promoting High Quality Design

The main settlement is the compact hilltop village of Holme historically associated with agriculture and the textile industry. It is also a Conservation Area. Settlement is otherwise limited to the clusters of houses and farmsteads at Lane within the Peak District National Park, at Flush House and Hogley Green and above Holmbridge on the northern valley side and other occasional scattered dwellings and farmsteads.

2.1 Key Characteristics

- A distinctive vernacular architecture formed from former laithe¹ and weaver's cottages, along with farmhouses, barns and public buildings.
- Building materials include millstone grit in properties and boundary walls and details often respond to the harsh climatic conditions, with small windows located predominantly on less exposed elevations.

¹ A dwelling with other farm buildings as a single structure with separate entrances for humans and livestock.

2.2 Character Management Principles

- Reinforce local distinctiveness by ensuring future developments in Holme are sympathetic to the character and setting of Holme Conservation Area.
- Use building materials and design details which refer to the local vernacular and reflect the typically smaller window pattern.
- Consider the use of stone setts and cobbles as a replacement for asphalt and concrete within the public realm.

LCA3: Hade Edge Upland Pastures

1. Protecting and Enhancing Landscape Character

Land use is predominantly marginal upland agriculture merging with moorland on the higher ground to the south and west. Pasture is divided into a regular patchwork of small fields enclosed by millstone grit walling with sparse woodland cover. The rising landform is bisected by tributaries of the River Ribble and Dean Dike above which sit Holme Styes and Boshaw Whams reservoirs.

1.1 Key Characteristics

- The open landscape has long distance views of the settled corridor of the River Holme and Kirklees district beyond as well as local views of open water bodies such as Boshaw Whams and Holme Styes.
- Stone boundary walls are common features creating a strong sense of visual unity.
- A network of Public Rights of Way (PRoW) follows local lanes or field boundaries. Minor roads and PRoW, including sections of the Kirklees Way and the Barnsley Boundary Walk long distance footpaths, connect farmsteads located on the valley sides. National Cycle Route no. 68 also passes through this area.

1.2 Character Management Principles

- Respect long distance and local views.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRoW to promote access and consider opportunities to create new links to existing routes.

2. Protecting and Enhancing Built Character and Promoting High Quality Design

While the area is essentially rural there are individual farmsteads, former woollen mills and several settlements including Hade Edge, Choppards, Ward Place, Arrunden, Longley, Washpit and Cartworth Fold set within the wider moorland and agricultural landscape.

2.1 Key Characteristics

- Dispersed settlements characterised by their former domestic textile manufacturing, mill buildings and agricultural heritage along with isolated farmsteads set within an upland agricultural landscape.
- Hade Edge is the largest of the settlements containing some services and modern and older development and lies on a plateau at Dunford Road / Penistone Road.
- Former textile/woollen mills set within the valley of the River Ribble.
- Vernacular building materials include millstone grit in properties and boundary walls.

2.2 Character Management Principles

- Built design should respect, retain, and enhance the character of existing settlements.
- Ensure the sensitive conversion of rural buildings which complement the rural, agricultural landscape.

LCA 4: River Holme Settled Valley Floor

1. Protecting and Enhancing Landscape Character

The River Holme flows in its valley from Holmbridge through Hinchliffe Mill and Holmfirth to Thongsbridge. Mixed semi-natural woodlands are found in places along the river with further woodland pockets on the valley sides. Above the settled valley floor, the upper slopes are characterised by pastoral fields divided by stone walling.

1.1 Key Characteristics

- Framed views from the settled valley floor to the upper valley sides and views across to opposing valley slopes and beyond towards the Peak District National Park.
- Boundary treatments comprised largely of millstone grit walling. The stone walling which runs parallel with Upperthong Lane is representative of local vernacular detailing.
- A network of Public Rights of Way (PRoW) including the Holme Valley Riverside Way which follows the River Holme from Holmbridge through Holmfirth and downstream. National Cycle Route no. 68 follows minor roads through Upperthong towards the centre of Holmfirth before climbing the opposing valley slopes.
- Mill ponds reflect industrial heritage and offer recreation facilities.

1.2 Character Management Principles

- Ensure new development respects framed views from the settled floor to the upper valley sides and views across to opposing valley slopes and views towards the Peak District National Park.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRoW to promote access and consider opportunities to create new links to existing routes particularly physical and visual links to the River Holme.
- Consider opportunities through major developments to provide interpretation of the historic industrial role of the river and mill ponds within the local landscape.

2. Protecting and Enhancing Built Character and Promoting High Quality Design

Linear settlement pattern largely follows the river valley with Holmbridge, Hinchliffe Mill, Holmfirth and Thongsbridge along the valley bottom. Development extends up the hillside to the west of Holmfirth to the historic core of Upperthong with Underbank rising above Holmfirth to the south. Where settlement climbs the hillsides, development characteristically follows the gradient of the slope resulting in a distinct building style, with houses built into the slope. Hinchliffe Mill, Upperthong and Underbank are Conservation Areas. Holmfirth is the main town and commercial centre and is a popular focus for tourism. Holmfirth centre is a Conservation Area and there is industry, both old and new, in the valley bottom.

2.1 Key Characteristics

These key characteristics apply throughout the area.

- Mill buildings, chimneys and ponds, including Ribbleden Mill with its chimney, associated mill worker houses and ashlar fronted villas link the area to its industrial and commercial heritage and are a legacy of the area's former textile industry.
- Terraced cottages and distinctive over and under dwellings feature on the steep hillsides with steep ginnels, often with stone setts and narrow roads.
- Narrow winding streets with stepped passageways, stone troughs and setts characterise the sloping hillsides above Holmfirth town centre.
- Small tight knit settlements on the upper slopes are characterised by their former agricultural and domestic textile heritage.
- There are mixed areas of historic and more recent residential and commercial developments.

The following Key Characteristics also apply to Holmfirth

- The town centre is defined by its prominent Georgian church and mid-Victorian buildings.

- The Picturedrome, Civic Hall, Masonic Lodge and the former Holmfirth Technical college reflect local history and provide focal points in the streetscene.
- Mid-19th century terraces constructed largely of millstone grit with slate roofs form the predominant residential building style and often feature ornamental iron railings.
- Built form is generally aligned to the back of the pavement giving a strongly defined building line and distinctive layout.

2.2 Character Management Principles

- Regard should be had to the key characteristics that give these areas their distinctive character and should respect, retain, and enhance the character of existing settlements, including vernacular building styles, settlement patterns, alignment of the building line and the streetscene.
- Strengthen local sense of place through design which reflects connections to past industrial heritage related to each settlement including through retaining or restoring mill buildings and chimneys.
- Consider replacing asphalt and concrete with traditional surfacing such as stone setts and cobbles.

LCA5: Netherthong Rural Fringe

1. Protecting and Enhancing Landscape Character

Netherthong and Oldfield are settlements set within a rural fringe landscape with agricultural land enclosed by high drystone boundary walls. Field sizes largely relate to the historic farming scale as evident by the field patterns to the south of Oldfield Road. The elevated agricultural character of this LCA forms a setting to the settlements of Holmfirth, Thongsbridge and Upperthong along the valley floor.

1.1 Key Characteristics

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

1.2 Character Management Principles

- Respect long distance views towards Castle Hill, Huddersfield and the surrounding landscape, and framed and glimpsed views from the valley sides and within and from Netherthong and Oldfield towards the settlements in the valley below.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRoW to promote access and consider opportunities to create new links to existing routes.

2. Protecting and Enhancing Built Character and Promoting High Quality Design

Netherthong and Oldfield are historic farming and weaving settlements and have been designated as Conservation Areas. Netherthong also has areas of 20th and 21st century residential development. Deanhouse has a predominantly linear pattern along Dean Brook developed from its former textile heritage. There are scattered farmsteads and residential buildings set along the roadsides.

2.1 Key Characteristics

- In Netherthong and Oldfield buildings are grouped around courtyards to provide protection from the elements whilst Deanhouse has a predominantly linear plan.
- Vernacular buildings largely comprise farmhouses, barns and two and three storey weaver's cottages of millstone grit with stone mullioned windows.

2.2 Character Management Principles

- New development should be sympathetic to the character and setting of the Conservation Areas.
- Layouts and designs should respond positively to the historic settlement pattern and respect, retain, and enhance the character of existing settlements.
- Consider the use of traditional materials of millstone grit and slate for repairs and localised alteration with stone mullions retained. -
- Consider replacing asphalt and concrete with traditional surfacing such as stone setts and cobbles.

LCA6: Honley Village Centre

Including Honley and Honley Wood Bottom/Mag Brook

1. Protecting and Enhancing Landscape Character

The area mainly comprises Honley but also includes the southern wooded slopes of Hall Dike which becomes Mag Brook where it flows through its wooded valley at Magdale. There is valuable open space at Magdale Fields and Magdale Dam.

There is considerable tree and woodland cover including ancient woodland at Honley Wood, Honley Old Wood, Clitheroe Wood and Spring Wood. Honley Wood contains archaeological features, disused stone quarries and coal pits.

1.1 Key Characteristics

- Wooded valleys associated with Mag Brook and Magdale.
- Glimpsed views of a wider rural backdrop are often framed by built form. The sloping topography creates a strong connection between the centre of Honley and the wider agricultural setting with strong visual links up to Oldfield. The area affords long distance views to Castle Hill.
- Stone wall field boundary treatments
- A network of Public Rights of Way (PRoW) follows the routes of local lanes or field boundaries with some giving access to Mag Brook and Honley Wood Bottom.

1.2 Character Management Principles

- Protect and conserve the wildlife corridor of Mag Brook and improve ecological networks of woodlands².
- Respect long distance and framed and glimpsed views.
- Retain and restore existing stone field boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRoW to promote access and consider opportunities to create new links to existing routes.

2. Protecting and Enhancing Built Character and Promoting High Quality Design

Honley is a large, predominantly residential settlement with a small commercial centre. Its historic

² This woodland is believed to constitute the last remaining self-sustaining medieval dwarf oak woodlands in Europe.

core is a designated Conservation Area and is compact and characterised by narrow streets reflecting the steep sided valley topography. There is modern residential development in Honley particularly in the west and south. There is settlement at Magdale mainly on the northern valley side of Mag Brook.

2.1 Key Characteristics

- Honley's historic core is dominated by 18th and 19th century stone dwellings with distinctive yards or folds.
- The south-west of Honley has more eclectic architecture with largely 20th century residential properties in cul-de-sacs. These are generally in-keeping with the historic townscape due to scale and use of traditional materials.
- Weaver's cottages with rows of mullioned windows are found throughout area.
- Former mill buildings associated with Mag Brook have been redeveloped for commercial or residential use and form local heritage features.

2.2 Character Management Principles

- Built design should respect, retain, and enhance the character of existing settlements.
- Ensure the repair, restoration or conversion of traditional buildings is carried out with due regard to the character and local vernacular.

LCA 7: River Holme Wooded Valley

1. Protecting and Enhancing Landscape Character

New Mill Dike flows northward through its steep wooded valley to its confluence with the River Holme at Mytholm Bridge. The River Holme meanders across the wider, flatter valley floor west of Brockholes enclosed by more distant wooded slopes. Agricultural land dominates between areas of woodland and there is evidence in the landscape of past industrial and mining activity.

1.1 Key Characteristics

- Glimpsed views towards the wider landscape through gaps between built form.
- Views across the wooded valley floor from elevated vantage points such as from Christ Church New Mill and Holy Trinity Church Hepworth.
- Stone boundary walls are common features.
- A network of Public Rights of Way (PRoW) crosses the landscape including a section of the Barnsley Boundary Walk, the Kirklees Way and the Holme Valley Circular Walk.

1.2 Character Management Principles

- Ensure new development respects glimpsed views between built form.
- Ensure views are maintained across the wooded valley landscape from elevated vantage points.
- Retain and restore existing stone boundaries and use stone walling in new boundary treatments.
- Maintain and enhance the network of PRoW to promote access and consider opportunities to create new links to existing routes.

2. Protecting and Enhancing Built Character and Promoting High Quality Design

Brockholes, New Mill and Jackson Bridge are located on the valley floors whilst Butterley and Hepworth follow the contours on the valley sides resulting in a close association between built form and landscape. Millstone grit buildings with slate roofs predominate in the older parts of the settlements and examples of historic weaver's cottages and former textile mills can be found across the area. In many cases these sit alongside modern development particularly at Brockholes, New Mill and Hepworth. There is evidence of past textile and mining industry.

2.1 Key Characteristics

- Settlements characterised by a close association between built form and landscape.
- Industrial heritage features such as weirs and mill buildings.
- Mounds and hollows, which are the remains of shallow tunnels created for coal mining, as well as piles of shale material and the remains of plateways (flat stones laid across fields to assist with vehicle movement), are also found across the moorland and fields.

2.2 Character Management Principles

- Ensure that new development respects the distinct character and built form of the LCA such as weaver's cottages and folds and the sensitive conversion of former farm buildings.
- Strengthen local sense of place through improving the connection to past industrial heritage including through retaining or restoring mill buildings.
- Consider the use of traditional materials of millstone grit and slate for repairs and localised alteration with stone mullions retained. -

LCA8: Settled Slopes of the Holme Valley

Upper slopes of the River Holme and New Mill Dike

1. Protecting and Enhancing Landscape Character

Farmland on the slopes above the valley floor separates the discrete village footprints creating an open character around Totties, Scholes and Fulstone. Vegetation associated with Dean Dike forms a linear belt of tree cover to the south of Scholes. Evidence of former mines and quarries can be found in the form of mounds, hollows and stone plateways.

1.1 Key Characteristics

- Strong rural setting and agricultural character with pastoral farmland on the rising valley slopes.
- There is a strong connection to the surrounding rural landscape from long distance and panoramic views over the wooded valley floor to the opposing valley sides as well as glimpsed views of the rural backdrop through gaps between the built form, especially within Totties and Scholes.
- Stone walls and hedgerows form field boundaries and line single lane roads.
- Short sections of the Kirklees Way, the Barnsley Boundary Walk and the Holme Valley Circular Walk cross the area. A short section of National Cycle Route no. 627 also crosses the north-east of the area.

1.2 Character Management Principles

- Respect long distance and inward and outward views from locally elevated settlements.
- Retain and restore existing stone field boundaries and hedgerows and use stone walling or hedges in new boundary treatments.
- Maintain and enhance the network of Public Rights of Way to promote access and consider opportunities to create new links to existing routes.

2. Protecting and Enhancing Built Character and Promoting High Quality Design

Settlement is generally sparse with four notable settlements at Scholes, Totties, Wooldale and Fulstone. Totties, Wooldale and Fulstone are former agricultural and weaving villages and have Conservation Areas. Isolated dwellings and farm properties are located on the wider valley sides. The hilltop hamlet of Fulstone is also a former coal mining settlement with largely traditional style dwellings in a nucleated layout and most dwellings are constructed of local millstone grit with grey slate roofs. There is modern residential development at Scholes and Wooldale.

2.1 Key Characteristics

- Older settlements are characterised by their agricultural and industrial past and there are isolated farmsteads on the valley slopes.
- Scholes and Wooldale are the largest of the settlements and contain some services and older and more modern development.
- Vernacular building materials include millstone grit walls with grey slate roofs.

2.2 Character Management Principles

- Built design should respect, retain and enhance the character of existing settlements.

Appendix C - Recommendation 8 – Revised Text for Section 4.3 Conserving and Enhancing Heritage Assets

Introduction and Background

- 4.3.1 Heritage asset is a generic term, defined in the NPPF as applying to ‘a building, monument, site, place, or landscape which has been formally identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest’. Heritage assets have varying degrees of significance and therefore value as components of the historic environment. Consequently, heritage assets are defined on a spectrum of significance and are afforded different levels of planning consideration, in legislative and planning policy terms, in proportion to the significance of the heritage asset affected by development.
- 4.3.2 In the Holme Valley the spectrum of *designated* heritage assets includes Scheduled Monuments, Listed Buildings and Conservation Areas designated under the relevant legislation (NPPF 2019 Glossary). The Holme Valley Heritage and Character Assessment Report, which informs the NDP, includes in Appendix A buildings in the NDP area which are included on the list published by Historic England as the ‘National Heritage List for England’ (NHLE). This is the official and up to date record of all nationally protected historic buildings or sites in England. These ‘listed buildings’ have adequate protection with primary legislation (Acts of Parliament), the NPPF and policies within the Kirklees Local Plan.

Positive Contributors to the character of Conservation Areas

- 4.3.3 Conservation Areas are statutorily designated heritage assets of special architectural or historic interest. Their designated status imposes additional planning controls on the buildings, sites or monuments within them. However, as noted in the NPPF (paragraph 201) not all elements of a conservation area will necessarily contribute to its significance and it is therefore necessary to identify the most important components which define their character. Such ‘positive contributors’ benefit from the legislative presumption in favour of preservation afforded by their designated status.

As part of the HVNDP, work has been undertaken to identify those buildings which are considered to make a positive contribution to the character and appearance of conservation areas. This work focuses mainly on Holmfirth Conservation Area but there are other buildings identified in other conservation areas and more will be added when the neighbourhood plan is reviewed. These buildings are listed in Appendix 2A and are referred to as ‘positive contributors’ to the designated conservation area. When considering the potential impact of proposed development, the properties/sites will be subject to relevant consideration under relevant parts of NPPF (Feb 2019) and Kirklees Local Policy LP 35 (1) and (3) Historic Environment.

The positive contributors included in Appendix 2A of the HVNDP have been identified using the criteria listed below. Additional properties may be formally identified in due course using the same selection criteria:

- **Architectural Interest.** The identified positive contributors to the designated conservation areas may include properties/sites considered to be of local architectural interest in terms of their distinctive vernacular form, design, decoration or craftsmanship. Properties/sites may represent significant examples of building types or techniques relevant to the HVNDP area including buildings which display technological innovation or interest. The list may include locally characteristic engineering and industrial buildings as well as examples of craftsmanship or artistic distinction.
- **Historic Interest.** The identified positive contributors to the designated conservation areas may include properties/sites which are considered to be of local historic interest and illustrate important aspects of the history of the HVNDP area and/or have substantiated close historical associations with locally important individuals, groups or events.

- **Group value.** The identified positive contributors to the designated conservation areas may include properties/sites which are considered to be components of a group with locally significant value, exhibiting examples of architectural or historic unity or an example of planning (e.g. squares, and terraces) or where there is a historical functional relationship between the buildings.

Non-designated heritage assets

- 4.3.4 Outside of the conservation areas there may be other buildings and sites that contribute to local character and sense of place because of their intrinsic heritage value. Such heritage assets may be offered a proportionate level of consideration by the local planning authority if they have been identified and publicised as being included on a formally adopted 'local heritage list of non-designated assets'³. (NDHAs). To date, Kirklees Council do not have a list of such buildings or adopted selection criteria. However, Kirklees has now (April 2021) commenced work on a year-long West Yorkshire initiative to establish a formal process to identify and evaluate candidate NDHAs against relevant selection criteria. The initiative will enable the development of a Kirklees adopted 'local heritage list of non-designated heritage assets' which will extend proportionate planning control for those buildings included on it. The published local list will be developed over time (as per the National Heritage List) but must be based on sound and consistent selection criteria and recommendations from local people.
- 4.3.5 The fact that a building or site is identified means that the effect of a proposal on the significance of the asset should be taken into account when determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Consequently, appropriately identified NDHAs would then become more defensible material considerations in decision-making, as well as helping to recognise and celebrate protect/preserve local heritage.
- 4.3.6 Formally identifying NDHAs based on adopted selection criteria will provide a sound, consistent and accountable means of identifying local heritage assets. This will benefit development planning across the neighbourhood area and Kirklees, as well as providing clarity and transparency of decision making to the benefit of owners and developers wishing to fully understand local development opportunities and constraints. Historic England's latest guidance (HEAN 7) will provide the best practice basis for the production of a local heritage list of NDHAs in Holme Valley and across Kirklees. It should be noted that potential NDHAs are not just buildings but could cover locations such as wells or milestone markers. **Appendix 2B** lists 'candidate sites' which are representatives of building types which could be formally identified as NDHAs. Through inclusion in this Appendix, these candidate sites will be reviewed and evaluated by Kirklees (and the PDNPA if relevant) for inclusion on the initial 'local heritage list' as it is developed over the next few years. The local heritage list of NDHAs will be a live document which will be expanded over the plan period as recommendations are brought forward, evaluated and adopted.
- 4.3.7 Where the particular significance of a site is currently unknown or difficult to define in spatial terms, but may have some archaeological importance, the NPPF provides a safeguard (paragraph 194b note 63). This is intended to ensure that these potential non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets, in order to reveal and fully understand their significance and sensitivity to development prior to any decision making. Such sites are often below-ground archaeology or locations of ancient activity with only scattered extant remnants.
- 4.3.8 Policy 3 relates to proposals which impact on non-designated heritage assets in the Holme Valley and the Parish Actions are designed to support the implementation of Policy 3.

³ Historic England: 'Historic Environment Advice Note 7' published January 2021 (HEAN 7)

Appendix D - Recommendation 21 –Table of Typographical and Formatting Corrections

Page	Location	Correction
16 /19	Subtitle at end of page	Avoid 'orphaned' subtitles in text and policy at the foot of pages – Insert page break. Reason - to ease understanding of the document.
19	Paragraph 2.20 Line 11	Correct Local Plan Policy Ref to read "LP11".
24	Section 4 First paragraph Line 1	Insert at end of line after the word 'policies' the words " <i>which will be</i> ". Reason - To make grammatical sense.
34	Paragraph 4.1.18 Line 4	Delete policy references 3, 4 and 5 Reason - these do not directly refer to LCA Key characteristics.
34	Paragraph 4.1.21 line 4	Delete the word 'and' after the word 'tributaries' Reason - To make grammatical sense.
35	Paragraph 4.1.24 Line 1	Delete the word 'the' after the words 'related to'. Reason - To make grammatical sense
37	Policy 1 Clause 2 Line 2	Correct Local Plan Policy Ref to read "LP54".
37	Policy 1 Clause 5 Line 8	Insert comma after the word 'species'. Reason - To make grammatical sense.
38	Policy reference box	Correct Local Plan Policy Ref to read "LP32."
39	Paragraph 4.2.5 Line 2	Correct para ref to read "4.1.17" Reason – Incorrect ref given. Note – the incorrect reference 4.1.15 is used in each of the Conservation Area summaries and needs to be corrected.
40	Paragraph 1 Line 3	Delete the words 'use of' after the word 'following'. Reason –To remove repetition.
50	Paragraph on 'Boundary Walls' Line 3	Change the words 'agricultural field' to the plural. Reason - To make grammatical sense.
68	Paragraph 4.4.1 Line 1	Insert after the word 'frontages' the words ' <i>in town and local centres</i> ' Reason – to make contextual sense.
68	Paragraph 4.4.3 Line 3	Correct section ref to read "4.2". Reason – Incorrect ref given.
68	Paragraph 4.4.4 Line 4	Delete the word 'and' after the word 'including'. Reason - To make grammatical sense.
69	Paragraph 4.4.7 Line 3	Correct Local Plan Policy Ref to read "LP25".

71	Paragraph 4.4.14 Lines 1 and 2	In Line 1 delete the words 'As outlined in section 4.3.8' In line 2 delete the words 'its use' and replace with the words " <i>such directions</i> ". Reason – Section 4.3.8 is already recommended for deletion.
74	Policy 4 Line 7 of P74	Delete the word 'the' after the word 'by'. Reason - To make grammatical sense.
75	Policy reference box	Correct Local Plan Policy Ref to read " <i>LP25</i> ".
89	Paragraph 4.5.20 Line 1	Delete the plural 's' on the word 'appropriates'. Reason - To make grammatical sense.
97	Policy 7 2 nd Paragraph Line 4	Delete the word 'fewer' after the word 'ten'. Reason – To remove repetition.
98	Policy 7 line 4 of that page	Change the word 'are' to the words ' <i>will be</i> '. Reason – to correct the tense for consistency with other policies.
103	Policy 8 Part 3 Line 3	Change the word 'are' to the words ' <i>will be</i> '. Reason – to correct the tense for consistency with other policies.
107	Paragraph 4.7.8 Line 11	Change '17%' to state " <i>just over 20%</i> ". Reason - Graph at Figure 27 shows just over 20% of population was 65+ in 2011.
130	Paragraph 4.8.32 Line 3	Change abbreviation from 'NPD' to 'NDP'.
132	Policy 11 Clause 10 line 2	Change the word 'are' to the words ' <i>will be</i> '. Reason – to correct the tense for consistency with other policies.
139	Last sentence of page	Change policy reference to read NDP Policy 12. Reason – Incorrect policy quoted.
140	Policy 12 Clause 2 Line 5	Correct the spelling of the word 'polices' to read 'policies'.
140	Policy 12 Clause 6 Line 1	Change the word 'sustainability' to " <i>sustainable</i> ". Reason - To make grammatical sense.