PARK WARD NEIGHBOURHOOD PLAN

Report to Calderdale Metropolitan Borough Council of the Independent Examination

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October 2022

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1. Executive Summary

1. I was appointed by Calderdale Metropolitan Borough Council with the support of Park Ward Neighbourhood Forum to carry out the independent examination of the Park Ward Neighbourhood Plan.

2. I undertook the examination by reviewing the submitted Plan, associated documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Park Ward. It is based on an effective programme of public consultation which has identified a series of Key Issues used to inform a Vision to 2036. This is to be achieved through a set of nine objectives and 12 planning policies largely dealing with matters distinct to the locality. The Plan also includes a number of Supporting Actions through local projects and initiatives. The Plan is supported by a Consultation Statement and Basic Conditions Statement and Strategic Environmental Assessment and Habitats Regulations Assessment screening report. There is supporting evidence provided and there is evidence of community support and the involvement of the local planning authority.

4. I have considered the seven separate representations made on the submitted Plan. These are addressed in this report as appropriate.

5. Subject to the recommended modifications set out in this report I conclude that the Park Ward Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommendations.

6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Park Ward.

2. Introduction

7. This report sets out the findings of my independent examination of the Park Ward Neighbourhood Plan. The Plan was submitted to Calderdale Metropolitan Borough Council by Park Ward Neighbourhood Forum as the Qualifying Body.

8. I was appointed as the independent examiner of the Park Ward Neighbourhood Plan by Calderdale Metropolitan Borough Council with the agreement of Park Ward Neighbourhood Forum.

9. I am independent of both Park Ward Neighbourhood Forum and Calderdale Metropolitan Borough Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

12. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Park Ward Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- Strategic Environmental and Habitats Regulations Assessments screening report
- the relevant parts of the Replacement Calderdale Unitary Development Plan 2009 and the draft New Local Plan which is currently being examined
- representations made on the submitted neighbourhood plan
- relevant material held on the Park Ward Neighbourhood Forum and Calderdale Metropolitan Borough Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was largely prepared under an earlier version of the National Planning Policy Framework than that used for my examination but the consultation on the submitted Plan took place after the most recent NPPF's publication in July 2021 and this is addressed by the Basic Conditions Statement.

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that

the examination could be undertaken by written representations without the need for a hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during July. I visited the main locations addressed in the Plan, including the derelict sites, proposed Local Green Spaces, proposed local heritage assets, community facilities, access routes and the District Centres and proposed Local Centre.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in "speech marks". Existing wording is in "*italics*". Modifications are also recommended to some parts of the supporting text. These recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets]. These optional modifications are numbered from OM1.

18. Producing the Park Ward Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2014 and is informed by significant community involvement. There is evidence of collaboration with Calderdale Metropolitan Borough Council and continuing this will be important in ensuring implementation of the Plan. The commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Calderdale Metropolitan Borough Council and Park Ward Neighbourhood Forum who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

19. I am required to check compliance of the Plan with a number of matters.

Qualifying body

20. The neighbourhood plan has been prepared by a suitable Qualifying Body – Park Ward Neighbourhood Forum – which was first designated by Calderdale Metropolitan Council on 2 October 2014 and re-designated on 16 December 2019.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which comprises the area of Park Ward and was agreed by Calderdale Metropolitan Borough Council on 2 October 2014.

22. The boundary of the neighbourhood area is shown in Figure 1 at a small scale. The detail of the boundary is clear from the Neighbourhood Plan Policies Map.

Land use issues

23. I am satisfied that the Plan's policies relate to relevant land use planning issues.

Plan period

24. The period of the neighbourhood plan runs from 2021 to 2036. This looks beyond the 2033 end date of the emerging Calderdale Local Plan. The period is shown on the Plan cover.

Excluded development

25. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

4. Consultation

26. I have reviewed the Consultation Statement, its many appendices and relevant information provided on the Park Ward Neighbourhood Plan website and Facebook page. It provides a clear record of the consultation process that has been undertaken since the prospect of a neighbourhood plan was first raised in 2012.

27. I note that no public comments were received on the proposal to designate the neighbourhood forum and area in 2014 but also that meetings, a walkabout and a summit had occurred before this and the importance attached to early community consultation. This was guided by a Steering Group and supported by five Working Groups.

28. The public consultation process has been adequately open and transparent and participation levels have been adequate. A number of different engagement methods have been used, including a website, public meetings, walkabouts, roadshow events, face to face surveys, door knocking and providing a presence at community events and Fun Days. A film promoting the role of the neighbourhood plan was produced and a leaflet distributed to every household.

29. The consultation included meetings with local stakeholders, landowners and businesses. It also addressed key themes, such as retail, dereliction and green space. Face to face retail (29 shops) and housing (98 responses) surveys were undertaken. Youth, women's, faith and other groups were specifically involved and three primary schools were engaged and made a presentation to the Mayor. Calderdale Metropolitan Borough Council has been involved in the emerging Plan before formal consultation on the draft.

30. The Plan was subject to Regulation 14 consultation between 26 March and 7 May 2019. The consultation included a drop-in exhibition and posters distributed across the neighbourhood area. Printed copies of the draft Plan were placed in three community venues. There is evidence of the consultation including the required statutory and other consultees. A Health Check was undertaken of the Plan at this stage. 14 responses were

received, including from local residents, business, ngos, statutory bodies and the local authority. This is a low level of response but I consider an adequate process has been followed.

31. Details of the response to each of the representations are provided in the Consultation Statement and there is evidence of changes being made to the Plan. The subsequent delay in moving towards submission of the Plan is explained by the impact of the pandemic.

32. Seven separate representations have been made on the submitted Plan from statutory bodies and the Canal and River Trust. All the representations have been considered as part of the examination and are addressed as appropriate in this report.

33. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan since before designation of the neighbourhood area and forum. The Plan has been subject to appropriate public consultation at different stages in its development. Participation rates have been modest but appropriate opportunities to shape the Plan as it has developed have been provided. Local businesses, landowners and the local planning authority have been engaged through the process.

5. General comments on the Plan's presentation

Vision and Objectives

34. The Plan includes a Vision for Park Ward. This reflects the feedback on Key Issues received through consultation and is consistent with the objectives and policies in the Plan. The overall approach focuses on establishing the distinct contribution of Park Ward to Halifax, the nature of its community and the opportunities it provides. The Vision is consistent with sustainable development and this is re-enforced by the Plan's objectives which expand on the opportunities to accommodate new development and achieve positive social and environmental outcomes.

Other issues

35. The Plan is very well presented and has a clear and consistent format. It includes a Policies Map which effectively portrays relevant spatial policies. While it is helpful to have this available as a separate document which can be enlarged I recommend that a copy is also included within the body of the Plan itself so its status is clear and to provide necessary information to users of the Plan. This should include a link to the Policies Map as an accompanying document.

- OM1 – [Include the Neighbourhood Plan Policies Map in the body of the Plan as well as providing it as an accompanying document]

36. The Policies are generally well supported by evidence. The Plan references the evidence base as being available at the Park Ward Neighbourhood Forum website (paragraph 4.1) but the relevant link was not working at the time of my examination.

- OM2 – [Provide a working link to the Plan's evidence base]

37 The Contents is missing the policy section on *"Getting Around"* and there are inconsistencies in the titling of Appendices 2 and 3.

- M1 – Include *"Getting Around"* in the Plan policies listed in the Contents

- OM3 – [Use consistent titles for Appendices 2 and 3 in the Contents and on pages 44, 47 and 51]

38. The Local Plan context has continued to change during the Plan's preparation and if the Plan is successful at referendum then the made Plan should reference the most up to date position.

- OM4 – [Provide references to the Local Plan which reflect the most recent position and update the supporting text where necessary]

6. Compliance with the Basic Conditions

National planning policy

39. The Plan is required to "*have regard*" to national planning policies and advice. This is addressed in the Basic Conditions Statement which relates each of the Plan's policies and objectives to the National Planning Policy Framework (NPPF) (July 2021). The Plan-making process has addressed the different iterations of the NPPF since it began.

40. The Basic Conditions Statement explains how the Plan addresses each of the NPPF principles for plan making and includes a table that compares each of the Plan's policies with relevant sections of the NPPF. This assessment is supported by a brief commentary and no instances of conflict are identified. It concludes that *"this neighbourhood plan supports both these NPPF objectives and in all other respects has regard to national policies and advice"* (paragraph 3.7). Overall the analysis serves to demonstrate that regard has been given to national planning policy.

41. I address some issues with regard to national planning policy in my consideration of individual policies and recommend some modifications. These include areas where the drafting of the Plan's policies needs to be amended in order to meet the NPPF's principles regarding the clarity of policies and the need to avoid duplication. I also address the requirement expressed in national planning policy and Planning Practice Guidance 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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared*." (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan's policies do not always meet these requirements and a number of recommended modifications are made as a result.

42. Generally, I conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These include the

need for some policies to be more clearly expressed and/or evidenced or for duplication with other planning policies or the NPPF to be avoided.

43. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

Sustainable development

44. The Plan must *"contribute to the achievement of sustainable development"*. This is addressed in the Basic Conditions Statement by an assessment of each policy against the economic, social and environmental dimensions of sustainable development. A scoring system has been used which gives 0 for a neutral contribution, 1 for a positive contribution and 2 for a very positive contribution. The assessment concludes that *"all the policies in the Neighbourhood Plan are considered to make a* ***positive or very positive*** *contribution to the achievement of Sustainable* Development" (paragraph 4.4).

45. The assessment is broad brush and high level. A significant weakness in the approach is that no negative score is available for those instances where a policy has a negative impact on an aspect of sustainable development. Nevertheless, even in the absence of this scoring option the assessment accords broadly with my own conclusion that the overall contribution of the Plan to sustainable development is positive. I am satisfied that the Plan meets this Basic Condition.

Development plan

46. The Plan must be *"in general conformity with the strategic policies of the development plan".* The Basic Conditions Statement addresses this by relating the relevant policies in both the existing Replacement Unitary Development Plan and the emerging Local Plan to each of the neighbourhood plan policies and providing a brief commentary.

47. The assessment identifies a number of instances where a Plan policy goes beyond the strategic policies in the Local Plan in the detail of identifying specific locations or applying thresholds or additional considerations deemed appropriate to the particular circumstances of Park Ward. The Basic Conditions Statement concludes that the

assessment shows *"the Neighbourhood Plan is in general conformity with the strategic policies in the approved development plan for the area* [and] *also shows general conformity of the Neighbourhood Plan with the policies of the CLP* [Calderdale Local Plan]." Calderdale Metropolitan Borough Council made no representations on this aspect of the Plan and agreed that Plan is in general conformity with the strategic policies of the development plan when invited to comment.

48. I am satisfied the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

Strategic Environmental Assessment

49. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. Calderdale Metropolitan Borough Council conducted a screening assessment of the Plan's policies which concluded that a Strategic Environmental Assessment *"is not required"* and this is agreed by Historic England, Natural England and Environment Agency.

50. The Basic Conditions Statement provides only a summary of the conclusions of the screening assessment and the views expressed by Natural England and the full documents are not provided, as indicated, in Appendix 1. This summary also references the Sowerby Neighbourhood Plan and not Park Ward. I sought clarification from Calderdale Metropolitan Borough Council that the summary relates to the Park Ward Neighbourhood Plan and this was provided. On request I was sent the full screening assessment documents. The conclusions are supported by all three statutory conservation agencies, although I note an erroneous reference to the Church Fenton Neighbourhood Plan in Historic England's views. Obtaining a copy of the Environment Agency's views on the Strategic Environment Assessment delayed the examination by three weeks. The full set of documents should be uploaded to the online evidence base. I concur with the approach.

51. I conclude that the Plan meets this Basic Condition.

Habitats Regulations Assessment

52. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. Calderdale Metropolitan Borough Council conducted a screening assessment of the Plan's policies which concluded that an Appropriate Assessment *"is not required"* and this is agreed by Natural England.

53. The Basic Conditions Statement provides only a summary of the conclusions of the screening assessment and the views expressed by Natural England and the full documents are not provided, as indicated, in Appendix 1. This summary also references the Sowerby Neighbourhood Plan and not Park Ward. I sought clarification from Calderdale Metropolitan Borough Council that the summary relates to the Park Ward Neighbourhood Plan and this was provided. On request I was sent the full screening assessment documents and I am content with the approach taken. The conclusions are supported by Natural England. The full set of documents should be uploaded to the online evidence base. I concur with the approach.

54. I conclude that the Plan meets this Basic Condition.

- M2 -- Provide full copies of the screening assessment (and summary) and representations from Historic England, Natural England and Environment Agency in the evidence base.

Other European obligations

55. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement states that the Plan *"is compatible"*. No contrary evidence has been presented and there is evidence of changes being made to the Plan during its preparation. I conclude that there has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate manner with changes made to the Plan.

56. I conclude that the Plan meets this Basic Condition.

7. Detailed comments on the Plan policies

57. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that they meet the Basic Conditions. I make comments on all policies in order to provide clarity on whether each meets the Basic Conditions. Some of the supporting text and headings will need to be amended to take account of the recommended modifications.

Tackling Dereliction

58. **Policy PW1** – This identifies eight *"key derelict sites"* and provides a supportive approach to their development.

59. The issue of dereliction and its wider impact on the image of the neighbourhood area is a key issue that has come through public consultation on the Plan. The proposed policy response is positive and appropriate.

60. The Plan identifies eight sites and these are included on the Policies Map. On visiting the sites I found Sites PW1.1 and PW1.7 were no longer derelict and in a purposeful use following the grant of planning permissions in 2020 and 2013 respectively. Redevelopment of the remaining sites would be consistent with existing and emerging policies in the Unitary Development Plan and Local Plan and sites PW1.4 and PW1.8 are designated in the emerging Local Plan for employment and residential uses respectively.

61. On request I was informed that the landowners for each site had been informed of the proposals by letter and that no responses had been received.

62. In common with a number of the Plan's policies Policy PW1 provides support to development proposals which *"comply with all other relevant policies in the Neighbourhood Plan and Calderdale Local Plan".* This is unnecessary as planning applications are considered against all relevant development plan policies as a matter of course. It also pre-empts the outcome of the Examination of the Local Plan given the Replacement Unitary Development Plan is still the current development plan.

63. I note the representation from Calderdale Metropolitan Council's Housing Strategy Manager that the Policy could go further in setting out proposals for the sites identified. This is the case but it is a decision for the neighbourhood forum how far it wishes to specify desired outcomes for each site through the neighbourhood plan.

64. Policy PW1 does not meet the Basic Conditions.

- **M3 – Amend Policy PW1 to:**
    - **Delete consideration f) and relocate the *"and"* at the end of consideration e) to the end of consideration d)**
    - **Delete sites PW1.1 and PW1.7 and renumber the sites and amend the Policies Map appropriately**

<u>New and Improved Housing</u>

65. **Policy PW2** – This introduces a minimum density for residential development of 45 dwellings per hectare while supporting lower densities consistent with Policy HS2 of the draft Local Plan.

66. The Plan's support for a higher minimum density than elsewhere in Calderdale is identified as a way of making the most efficient use of land and meeting local housing needs most effectively given the local circumstances of Park Ward.

67. Both the Unitary Development Plan and emerging Local Plan support a minimum net density of 30 dwellings per hectare across Calderdale (Policies H10 and HS2 respectively). Policy HS2 supports higher densities in close proximity to town centres and given its location adjacent to Halifax Town Centre the neighbourhood area generally meets this criterion.

68. The Policy is supported by a Housing Technical Note prepared by Calderdale Metropolitan Borough Council. This was not available with the submitted documents and should be included in the evidence base. The note reviews the density of housing developments in the neighbourhood area over the last 20 years. This shows the average

density to be 70 dwellings per hectare once outlier developments are excluded. It also supports higher densities in Park Ward consistent with Policy HS2 in the emerging Local Plan.

69. The Housing Technical Note supports a minimum density of 45 dwellings per hectare through application of the density multiplier in the Site Allocation Assessment Methodology used for preparing the Local Plan. This is on the basis that few, if any, sites over 2ha will come forward in the neighbourhood area.

70. I am content with the approach which responds to the particular circumstances of Park Ward within Calderdale as a whole. I have received no representations supporting an alternative view.

71. The Policy makes appropriate provision for supporting lower density development consistent with the emerging Local Plan. Given this is not yet adopted it is not appropriate to refer to specific Local Plan policies although these could be referenced in the supporting text.

72. Policy PW2 does not meet the Basic Conditions

- **M4 – Amend Policy PW2 to replace *"line with part 2 of policy HS2 of the draft Calderdale Local Plan"* with "accordance with other relevant development plan policies"**

<u>Design of New Development</u>

73. **Policy PW3** – This introduces relevant policy considerations to support well designed housing development.

74. The Policy addresses issues raised in public consultation and reflects the importance of protecting the character of the area and improving the quality of design where appropriate. It is enabling and positive.

75. The inclusion of consideration f) relating to People's Park Conservation Area is unnecessary given that any development proposals will be subject to section 72, Planning (Listed Buildings and Conservation Areas) Act 1990 that *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".* Nevertheless, the local significance of the Conservation Area makes it relevant for inclusion in the Plan for the purpose of public understanding. In order to be consistent with this legal requirement the Policy should make reference to the "appearance" as well as the "character" of the Area.

76. Policy PW3 does not meet the Basic Conditions.

- **M5 – Amend Policy PW3 to insert "or appearance" after *"character"* in consideration f)**

77. **Policy PW4** – This introduces particular considerations for determining development proposals for dormers or other house extensions.

78. The impact of dormers and extensions is identified as being particularly important for Park Ward given the small size of a significant part of its housing stock. The Policy is enabling and positive.

79. The Policy seeks development which can *"provide accommodation which meets current appropriate living space standards".* No further information on the source of these standards is provided in the supporting text. Planning Practice Guidance states that *"Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard"* (NPPG Paragraph: 018 Reference ID: 56-018-20150327) and footnote 49 of the National Planning Policy Framework supports the inclusion of policies which make use of this standard *"where the need for an internal space standard can be justified"*. No justification or evidence has been provided and this aspect of the Policy does not pay sufficient regard to national policies and advice to meet the Basic Conditions.

80. As with Policy PW3 there should be consideration of the "appearance" as well as the "character" of the Conservation Area in consideration c). Consideration g) is unnecessary given all planning applications will be considered against all relevant development plan policies.

81. Policy PW4 does not meet the Basic Conditions.

- **M6 – Amend Policy PW4 to:**
    - **Insert "or appearance" after *"character"* in consideration c)**
    - **Delete considerations d) and g) and relocate the *"and"* at the end of consideration f)**

82. **Policy PW5** - This introduces relevant policy considerations to support well designed industrial development.

83. The Policy is positive and enabling and is informed by issues raised through public consultation. It would be helpful if the formatting issues with the presentation of the Policy were addressed.

84. Policy PW5 meets the Basic Conditions.

<u>Protecting and Improving Open Space</u>

85. **Policy PW6** – This designates six Local Green Spaces.

86. The importance of green and open spaces to the neighbourhood area is clearly demonstrated in the results of public consultation. The Policy is supported by an assessment in Appendix 3 of the case for designating each of the six Local Green Spaces in a manner consistent with national planning policy requirements (paragraph 102, NPPF). Appendix 3 includes detailed maps of the boundaries of each of the proposed Local Green Spaces and they are also included on the Policies Map. It would be helpful to provide a scale for each of the maps in Appendix 3.

87. Five of the Local Green Spaces are owned by Calderdale Metropolitan Borough Council and PW6.2 St Augustine's Centre Garden is privately owned. There is evidence of effective engagement with these landowners.

88. I visited each of the Local Green Spaces. I concur with the assessment provided in Appendix 3 and support the proposed designations.

89. To be afforded a level of protection consistent with them being Green Belt, Local Green Spaces need only by designated by the Plan. This follows a Court of Appeal case with relating to a Local Green Space policy in a neighbourhood plan (Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council, [2020] EWCA Civ 1259) which means it is inappropriate to include any wording that sets out how development proposals should be managed.

90. Policy PW6 does not meet the Basic Conditions.

- **M7 – Delete the second sentence of Policy PW6**

91. **Policy PW7 –** This supports development proposals which enhance Queens Road Neighbourhood Centre subject to relevant planning considerations.

92. This Policy seeks to address the contribution made by Queens Road Neighbourhood Centre with a particular emphasis on the open space it provides. It has been developed in consultation with the landowner and links to a Supporting Action.

93. The Policy addresses the significance of the Grade II listed former Victorian school building to any proposals. The drafting does not pay sufficient regard to national planning policy which addresses the "significance" of heritage assets as well as their character and setting and seeks to "sustain" them.

94. Policy PW7 does not meet the Basic Conditions.

- **M8 – Amend Policy PW7 to replace consideration d) with "the proposals sustain and enhance the significance of the listed building and make a positive contribution to its character and setting"**

Revitalising Retail Centres

95. **Policy PW8** – This designates Queens Road South as a Local Centre within the retail framework to be provided by the Local Plan.

96. The Policy expands on the emerging development plan framework for retail centres which identifies two District Centres within the neighbourhood area – Kings Cross and Queens Road – in emerging Local Plan Policy RT1. The consultation process has also identified the contribution made by an identifiable group of retail and service uses which serve local needs south of the Queens Road centre.

97. There is relatively limited evidence supporting the boundary of the proposed new Local Centre which is shown on the Policies Map. Nevertheless, I visited the location and concur with the boundary which has been identified.

98. The Policies Map refers to the proposal incorrectly as a District Centre and not a Local Centre in terms of the retail hierarchy established by draft Local Plan Policy RT1.

99. The Local Plan has not yet been adopted and so cannot be referenced directly in the Policy. Its role can be addressed in the supporting text.

100. Policy PW8 does not meet the Basic Conditions.

- **M9 – Amend Policy PW8 to replace *"Calderdale Local Plan"* with "development plan"**

- M10 – Amend the Policies Map Key to show Queens Road South as a Local Centre

101. **Policy PW9** – This supports development in the retail centres subject to relevant planning considerations.

102. The Policy addresses a range of specific considerations raised during public consultation that impact on the quality of design in the retail centres. The approach is positive and enabling.

103. The Policy includes a *"presumption in favour"* of particular types of security shutter. Given the national presumption in favour of sustainable development (paragraph 11, NPPF) it is not appropriate to include an additional presumption in planning policy.

104. The Local Plan has not yet been adopted and so cannot be referenced directly in the Policy. Its role can be addressed in the supporting text.

105. Policy PW9 does not meet the Basic Conditions.

- **M11 – Amend Policy PW9 to:**
    - **Replace *"presumption in favour of"* with "preference for" in consideration c)**
    - **End consideration e) at *"centre"* and delete the remaining part**

106. **Policy PW10** – This supports residential uses above the ground floor in the retail centres subject to relevant planning considerations.

107. The Policy is enabling and positive and intended to support business viability and local vitality and amenity. This purpose is included in the Policy and is better provided in the supporting justification. The approach is appropriate and meets the Basic Conditions.

- OM5 – [In Policy PW10 delete *"in order to enhance the viability of the business and the vitality and amenity of the centre"* and include this within the supporting text.]

Protecting the Area's Heritage

108. **Policy PW11** – This identifies six local heritage assets whose value should be recognised when considering development proposals.

109. The identification of locally important non-designated heritage assets is an important role which can be provided by a neighbourhood plan. It needs to be supported by a good evidence base. Appendix 2 includes the results of an assessment undertaken of each of the six proposed local heritage assets based on guidance provided by Historic England on local heritage listing. I am satisfied by the evidence supporting the identification of the six local heritage assets and have visited each of the proposals.

110. The proposed local heritage assets are identified on the Policies Map. Hill Top Houses (PW11.6) was omitted in error from the submitted Policies Map and should be included in a revised version.

111. The Policy duplicates national planning policy by referencing it as providing the considerations for assessing development proposals impacting on the local heritage assets.

112. Policy PW11 does not meet the Basic Conditions.

- **M12 – Delete the second sentence of Policy PW11**

- M13 – Include PW11.6 Hill Top Houses on an updated Policies Map

Getting Around

113. **Policy PW12** – This identifies *"access routes"* to Halifax Town Centre where particular considerations apply to improve the local environment, particularly for pedestrians.

114. The Policy addresses issues that have arisen through public consultation concerning the quality of pedestrian access to the nearby centre of Halifax.

115. The *"access routes"* are identified on the Policies Map. There is relatively limited evidence supporting their identification. Nevertheless, the street pattern establishes the main routes and the frequency of use of these routes is readily apparent when visiting the area. It is appropriate for the routes to be defined by observation and local knowledge.

116. The intention is to improve key "pedestrian access routes" and this should be consistently used in the title and body of the Policy and Policies Map in order to provide necessary clarity. Consideration h) is unnecessary as all relevant development plan policies will be considered when determining a planning application.

117. Policy PW12 does not meet the Basic Conditions.

- **M14 – Amend Policy PW12 to:**
    - **Insert "Access" after *"Pedestrian"* in the title**
    - **Insert "pedestrian" before "*access*" in the first line**
    - **Delete consideration h) and move *"and"* from the end of consideration g) to the end of consideration f)**

- M15 – Amend the Policies Map Key to refer to "Pedestrian Access Routes to Halifax Town Centre"

8. Recommendation and Referendum Area

118. I am satisfied the Park Ward Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.