



Calderdale Metropolitan Borough Council

**SOWERBY NEIGHBOURHOOD PLAN:
POST- EXAMINATION DECISION STATEMENT**

**Regulation 18 of the Neighbourhood Planning
(General) Regulations 2012 (as amended)**

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations contained within the Report to Calderdale Council of the independent examination of the Sowerby Neighbourhood Plan ("the Plan") by independent Examiner Mr Robert Bryan, which was submitted to the Council on 14th June 2021.

This decision statement, the independent Examiner's Report and the submission version of Sowerby Neighbourhood Plan and supporting documents can be viewed on the Council's website: www.calderdale.gov.uk/neighbourhoodplanning in line with the current arrangements in the Council's updated Statement of Community Involvement .

- 1.1 Under the Town and Country Planning Act 1990 (as amended), Calderdale Council ("the Council") has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under neighbourhood planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's Report have been considered and accepted and that subject to making the recommended modifications (and other minor modifications) the Plan may now be submitted to referendum.
- 1.3 The Sowerby Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 26th April 2017. This area is part coterminous with the boundary of the ward of Ryburn but differs at the Neighbourhood Plan's southern boundary. The boundary is entirely within the Local Planning Authority's area.
- 1.4 The Sowerby Neighbourhood Forum undertook a pre-submission consultations on the draft Plan in accordance with Regulation 14. Consultation on the Pre-Submission Version took place between 15th December 2018 to 10th February 2019.
- 1.5 Following the submission of the Sowerby Neighbourhood Plan to the Council on 2nd October 2019, the Council publicised the draft Plan for a eight-week period and representations were invited in accordance with Regulation 16. The publicity period ran from 6th December 2019 to 31st January 2020.

- 2.1 The Council appointed Mr Robert Bryan BA (Hons), MRTPI, with the consent of Sowerby Neighbourhood Forum, to undertake the independent examination of the Sowerby Neighbourhood Plan and to prepare a report of the independent examination.
- 2.2 The Examiner examined the Plan by way of written representations supported by an unaccompanied site visit of the Neighbourhood Plan Area on 24th May 2021.
- 2.3 The Examiner's Report was formally submitted on 14th June 2021. The Report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to referendum. The Examiner also recommends that the referendum area should be the same as the designated Neighbourhood Area.
- 2.4 Following receipt of the Examiner's Report, legislation requires that the Council consider each of the modifications recommended, the reasons for them, and decide what action to take. The Council is also required to consider whether to extend the area to which the referendum is to take place.
- 3.1 Having considered each of the recommendations made in the Examiner's Report and the reasons for them, the Council, has decided to accept all of the Examiner's recommended modifications to the draft Plan. These are set out in Table 1 below.
- 3.2 The Council considers that, subject to the modifications being made to the Plan as set out in Table 1 below, the Sowerby Neighbourhood Plan meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) is compatible with the Convention rights and meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 3.3 As a consequence of the required modifications, the Council will modify the Sowerby Neighbourhood Plan accordingly, for it then to proceed to referendum.
- 3.4 The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the designated Neighbourhood Area. The Council has considered this recommendation and the reasons for it and has decided to accept it. The referendum area for the final Sowerby Neighbourhood Plan will therefore be based on the designated Sowerby Neighbourhood Area.
- 3.5 This decision will be made at a meeting of the Council's Cabinet on Monday 4th October 2021.
- 3.6 This decision statement will be dated 4th October 2021.

Other information:

The Neighbourhood Plan document will be updated to incorporate all the modifications required and re-titled Referendum Version. The date for the referendum and further details will be publicised shortly once a date is set by the Council.

Table 1: Examiner's Recommended Modifications

Sowerby Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	Council Consideration/ Justification
Various Paragraphs	Recommendation 2	Insert a glossary as a further Appendix to the Plan.	Agree with the modifications for the reasons set out in the Examiners Report.
		Omit all references to "Local Plan" and replace with draft Local Plan, utilising the acronym "DLP".	
		Paragraph 2.10, Third sentence- the "2012 report" requires a reference.	
		Paragraph 4.1, delete first sentence.	
		Paragraph 4.1, second sentence- Delete "As this plan has been written" and replace with "At the time of writing".	
		Paragraph 4.1, third sentence- Delete the third and fourth sentences and replace with "It is necessary to establish general conformity with local strategic policies. The UDP is technically the statutory policy document although it is likely to be replaced with the emerging DLP which is under examination and at a relatively late stage in its process. In this case, the evidence supporting the emerging Plan and impact on consequent policies must be considered. There is also the requirement to take account of national guidance."	
		In every reference to the Street Design Guide, referred to with the acronym SDG, insert "draft" preceding the reference.	
SNPP1	Recommendation 3	Delete policy SNPP1. The Forum has the option to include in the Plan the intentions of the policy as an aspiration which will be pursued with the Council, Highway Authority and other relevant bodies. This should be presented and formatted in a manner which clearly distinguishes it as an aspiration and not a planning policy to considered in planning decisions.	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP2	Recommendation 4	Alter the text of policy SNPP2 as follows: "When opportunities arise walking and cycling infrastructure shall be enhanced and extended in proportion to the scale of development. Links to community facilities should be enhanced and new ones established, where possible." In paragraph 2.1 after "NPPF", add "Paras55, 56 ...".	Agree with the modifications for the reasons set out in the Examiners Report.

Sowerby Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	Council Consideration/ Justification
		Add the following sentence to the end of paragraph 2.4 "The scope and scale of measures required will be related to opportunities available, the level of development proposed and the pressure it places on existing infrastructure. This is in accord with guidance in the NPPF."	
SNPP3	Recommendation 5	In the first sentence of Policy SNPP3 delete "utilise" insert "prioritise".	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP4	Recommendation 6	Amend the text of policy SNPP4 as follows: "Development should be in accordance with the Council's parking guidelines but for dwellings of more than 3 bedrooms, it will be necessary to provide a minimum of 2 spaces per dwelling either within the dwelling curtilage or in communal spaces, where it can be demonstrated that there are existing or potential on-street parking problems. Lower levels of parking may be acceptable in accessible locations."	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP5	Recommendation 7	Amend the text of policy SNPP5 as follows: "Residential developments shall provide a bike storage locker for every dwelling unit. An electric charging point shall be provided for every dwelling unit where there is a parking space within the curtilage of the dwelling."	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP6	Recommendation 8	Amend the text of policy SNPP6 as follows: Delete the second sentence of the policy text and insert this as the last sentence in paragraph 6.3 of the supporting text. In the third sentence of the policy text after "All new development proposals", insert "which require external lighting".	Agree with the modifications for the reasons set out in the Examiners Report.

Sowerby Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	Council Consideration/ Justification
SNPP7	Recommendation 9	<p>Change the policy text of SNPP7 to the following; "When development is considered acceptable in terms of national guidance in relation to flooding but has the potential to create surface water run off which may exacerbate flooding problems, natural flood management /sustainable drainage systems shall be implemented to reduce flooding on the site and elsewhere." Add the following sentence to the end of paragraph 7.2: "The NPPF has comprehensive guidance relating to the issues which need to be considered in assessing planning applications. This should be closely followed in addition to this Plan policy." In paragraph 7.4 delete "in the parish".</p>	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP8	Recommendation 10	Delete the policy SNPP8.	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP9	Recommendation 11	<p>In the text to policy SNPP9 at the start of the text before "Development" insert "Housing". After "Design Code", insert "Appendix C". In paragraph 9.2 after "Design Code", insert "document, prepared by AECOM, February 2019". After "...proposals for...", insert "all (new) housing". Insert a new paragraph after 9.2, as follows: "The Design Code makes specific recommendations on seven sites which are identified as having potential for development in the DLP, which at the time of the preparation of this Plan is not yet formally adopted. The Design Code is in anticipation that some or all of these sites may be allocated but does not establish any presumption in favour of development which remains to be determined in the emerging Calderdale Local Plan." In section 5 of the Design Code, replace the information relating to Land Type, Site Area, Listed Buildings, Gradient, Site Assessment Capacity for each of the sites, with the</p>	Agree with the modifications for the reasons set out in the Examiners Report.

Sowerby Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	Council Consideration/ Justification
		information in "Appendix 1 – Site Allocations Supporting Information", August 2018 of the draft DLP. Note, retain the tables relating to the Plan Design Codes.	
SNPP10	Recommendation 12	Delete policy SNPP10 and supporting text.	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP 11	Recommendation 13	Delete policy SNPP11 and the supporting text.	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP12	Recommendation 14	Amend Policy SNPP12 such that it is clear from its text and format in the document that it is not a planning policy but a community aspiration.	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP13	Recommendation 15	Amend the text of policy SNPP13 as follows: "Development shall be located, orientated and designed to take account of opportunities on site to achieve energy efficiency". Delete the text in paragraph 13.3 and replace with the following; "The design, location and orientation of development can have a significant impact on energy efficiency. The precise siting and design of a building can optimise passive solar gain and combat over-heating. Constructional methods connected with the fabric of the building are covered by the Building Regulations." Delete the text in paragraph 13.5 and replace with the following:	Agree with the modifications for the reasons set out in the Examiners Report.

Sowerby Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	Council Consideration/ Justification
		"There are policies in the Replacement Calderdale Unitary Development Plan and the DLP which promote the use of renewable technologies."	
SNPP14	Recommendation 16	<p>Amend the text of policy SNPP14, as follows;</p> <p>"Residential development of 10 or more dwellings shall provide a mix of housing in terms of size, type, tenure and affordability which shall be informed by the latest housing needs assessment."</p> <p>Add the following paragraph after 14.4;</p> <p>"There may be further housing needs assessments carried out by the Neighbourhood Forum or the Council during the Plan period. The policy will be implemented in accordance with the latest assessment."</p>	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP15	Recommendation 17	<p>Replace the text in policy SNPP15 with the following:</p> <p>"Housing Development of 15 or more dwelling units shall provide a minimum of 25% of the dwelling units as affordable housing.</p> <p>The Council will expect details of the affordable housing mix to be provided in a statement of Affordable Housing Contribution to be informed by the most recent or relevant Housing Needs Assessment, related to the Plan area, together with Council's published guidance on affordable housing provision.</p> <p>In some instances, the proportion may be less than that referred to above, where robust viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal. For any deviation from the stated requirements, the Council will take account of the most recent Housing Market Needs Assessment as it relates to the Plan area, such as the SHMA and any subsequent updates or other relevant and recent information.</p> <p>The affordable homes should be incorporated within the development but where justified, a financial contribution of at least equal value may be accepted to provide affordable homes elsewhere or to re-use or improve the existing housing stock.</p>	Agree with the modifications for the reasons set out in the Examiners Report.

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		<p>Planning applications which include proposals for affordable housing must ensure that there are secure and practical arrangements to retain the benefits of affordability for initial and subsequent owners and occupiers, such as the involvement of a registered provider and where appropriate by the use of conditions or planning obligations."</p> <p>Delete the last sentence from paragraph 15.4.</p> <p>Delete the text in paragraph 15.5 and replace with the following:</p> <p>"The AECOM 2018 Housing Needs Assessment, prepared as an evidence base for the Plan. draws the following main conclusions in terms of guiding housing to meet needs; Tenures should be 53.8% (55 to 60%) Social rented 21.6% Intermediate and 24.6% Market Housing (mainly private rented) In terms of size of dwellings, the trends identified point towards a mix of smaller dwellings and family sized homes, of 2-5 habitable rooms. A range of accommodation is identified to meet the needs of an increasing number of elderly people."</p>	
SNPP16	Recommendation 18	<p>Delete the text of policy SNPP16 and replace with the following;</p> <p>"In weighing applications that directly or indirectly affect 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"</p> <p>Make the following alterations to appendix B</p> <ul style="list-style-type: none"> - Delete "No. 12 White Windows Woods". - Embellish the reason for inclusion in the list on No.9 Rawson Wood and No.13 White Windows Wood with a summary of the reasons as expressed in the response to the examiner's questions of the 12/5/21. - Delete No.28 Green Lane Thunderton Lane <p>Replace the map in appendix B with that submitted in response to the examiner's questions of the 5/4/21. Reference the green lanes specified in the list with a key on the map.</p>	Agree with the modifications for the reasons set out in the Examiners Report.
SNPP17	Recommendation 19	Delete policy SNPP17 including its supporting text.	Agree with the modifications for the reasons set out

Sowerby Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	Council Consideration/ Justification
			in the Examiners Report.
SNPP18	Recommendation 20	Delete the policy SNPP18 and the supporting text.	Agree with the modifications for the reasons set out in the Examiners Report.