



Calderdale Metropolitan Borough Council

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

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

- 1.1 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 Todmorden Neighbourhood Plan ("the Plan") by independent Examiner Nigel McGurk, which was submitted to the Council on 31 January 2024.
- 1.2 This decision statement, the independent Examiner's Report and the submission version of Todmorden Neighbourhood Plan and supporting documents can be viewed on the Council's website: calderdale.gov.uk/neighbourhoodplanning in line with the current arrangements in the Council's updated Statement of Community Involvement.
- 1.3 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.
- 1.4 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 non material modifications) the Plan may now be submitted to referendum.
- 1.5 The Todmorden Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 27 April 2017. The Neighbourhood Area is coterminous with the civil parish of Todmorden. The boundary is entirely within the Local Planning Authority's area.
- 1.6 Todmorden Town Council undertook a pre-submission consultation on the draft Plan in accordance with Regulation 14. Consultation on the pre-submission version took place between 21 September and 2 November 2023.

- 1.7 Following the submission of the Neighbourhood Plan to the Council on 31 January 2024, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ran from 12 February 2024 to 25 March 2024.
- 1.8 The Council appointed Nigel McGurk BSC (Hons) MBA MCD MRTPI, with the consent of Todmorden Town Council, to undertake the independent examination of the Todmorden Neighbourhood Plan and to prepare a report of the independent examination.
- 1.9 The Examiner examined the Plan by way of written representations supported by an unaccompanied site visit of the Neighbourhood Plan Area.
- 1.10 The Examiner's Report was formally submitted on 1 October 2024. 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.
- 1.11 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.
- 1.12 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.
- 1.13 The Council considers that, subject to the modifications being made to the Plan as set out in Table 1 below, the Todmorden 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).
- 1.14 As a consequence of the required modifications, the Council will modify the Todmorden Neighbourhood Plan accordingly, for it then to proceed to referendum.
- 1.15 The Examiner recommended that the Todmorden Neighbourhood Plan should proceed to a referendum based on the designated Neighbourhood Area. The Council accepts this and the referendum area for the final Todmorden Neighbourhood Plan will therefore be based on the designated Todmorden Neighbourhood Area.

1.16 This decision will be made at a meeting of the Council's Cabinet on Monday 13 January 2025.

1.17 This decision statement will be dated Monday 13 January 2025.

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 is proposed to be 6 March 2025 and further details will be publicised shortly.

Table 1: Examiner's Recommended Modifications

Todmorden Neighbourhood Plan Policy / Paragraph / Table / Plan	Examiner's Report Reference	Recommended Modification	Council Consideration/ Justification
Page 5, last line	1	For clarity change to "...to date <i>and meets</i> requirements."	Agree with the modifications for the reasons set out in the Examiners Report.
Para 1.1.2	2	Delete text and replace with: " <i>The Neighbourhood Area was designated by Calderdale Council on 27 April 2017 (and was subsequently redesignated on 28 November 2022). The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Para 1.1.3, line 2	3	For clarity and accuracy, change to: "... <i>Council having regard to relevant statutory provisions and to policy and guidance contained in the National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) published by the Government.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Para 1.1.6	4	For clarity, change to: "... <i>Plan by providing detailed neighbourhood-level applications for them - for example...</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Para 1.1.7	5	Para 1.1.7 has been overtaken by events, for clarity, change to: " <i>Todmorden secured £17.5m...proposals.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Para 2.3.3	6	The Neighbourhood Plan does not allocate any sites for food growing. For accuracy, change to: " <i>The Town Council will look, where possible...</i> "	Agree with the modifications for the reasons set out in

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Para 2.5.4	7	It is not the role of the Neighbourhood Plan "to influence Calderdale MBC" and the imposition of conditions is the responsibility of the Local Planning Authority, change start of paragraph to: " <i>The Town Council recognises...</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Para 2.5.4	8	Delete the extra full stop at end of the paragraph.	Agree with the modifications for the reasons set out in the Examiners Report.
2.5.5	9	For accuracy, change start of the paragraph to: "The Neighbourhood Plan promotes flood..."	Agree with the modifications for the reasons set out in the Examiners Report.
Para 2.5.8, line 1	10	For accuracy, change to: " <i>The Town Council will...</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Para 2.5.9, line 1	11	For accuracy, change to: " <i>The Town Council will...</i> "	Agree with the modifications for the reasons set out in the Examiners Report.

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All policies	12	Delete the "Relevant Calderdale Local Plan policies" reference in the supporting text following each Policy	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.1	13	Delete " <i>where the proposal complies with other relevant development policies.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Para 3.1.4	14	Change to: " <i>...or loan. 13.8% of homes are socially rented. 18.3% of...</i> " (Calderdale Council has pointed out that it is not a stock-holding authority and consequently, homes are not rented from the local authority.)	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.2	15	Change wording to: " <i>New housing development of ten or more dwellings must have regard to up-to-date local housing needs assessments and comprise a mix of dwelling types, to include smaller 2 bedroomed homes.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Para 4.2.2	16	Delete the second and last sentences and replace with: " <i>Policy H.2 requires new development to respond to locally identified needs and in particular, it supports the provision of two bedroomed homes.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.3, from line 3	17	Change to " <i>...respectful of Todmorden's distinctive local character and is sensitive to the wider landscape.</i> "	Agree with the modifications for the reasons set out in

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Policy H.3, second para	18	Change to: "... <i>treatments must respect the surrounding context.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.3, third para	19	Delete third para and replace with: " <i>Development proposals within the Conservation Areas must conserve heritage assets in a manner appropriate to their significance.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.3, last para	20	Delete last para and replace with: " <i>Development proposals should have regard to the Todmorden Design Guide.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.4	21	Last line: delete " <i>and are encouraged</i> ".	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.5, line 3	22	Delete " <i>encouraged and will be</i> "	Agree with the modifications for the reasons set out in the Examiners Report.

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Policy H.5	23	Delete second sentence and replace with: <i>"Development should provide for parking and in the case of the residential reuse or conversion of large buildings, including mills, this should be in the form of basement parking wherever feasible."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.6	24	delete wording and replace with: <i>"The use of sustainable construction methods, including the use of on-site renewable energy provision such as PV panels and air source heat pumps and achieving high energy and water efficiency standards will be supported."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.7	25	Delete wording and replace with: <i>"The development of housing in places close to facilities and public transport and which meets enhanced accessibility and adaptability standards and/or the needs of people with dementia and other invisible disabilities will be supported."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.8, first para	26	Change the first paragraph to: <i>"All major development in the Neighbourhood Area and development in areas at risk of flooding should include sustainable...runoff. Proposals should demonstrate...environment. The retrofitting of SuDS to existing development will be supported where this has regard to local character and the amenity of neighbours."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.8, second para	27	Change the last sentence to: <i>"Development proposals should take account of best practice and examples provided in the Todmorden Design Guide."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H.9	28	Delete Policy H.9 and supporting text	Agree with the modifications for the reasons set out in the Examiners Report.
Policy ED.1	29	Change to: <i>"The reuse of redundant buildings for workspaces, studios and places for economic activity will be supported where development has regard to local character,</i>	Agree with the modifications for the reasons set out in

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		<i>residential amenity and highway safety."</i>	the Examiners Report.
Policy ED.2	30	Delete text and replace with: " <i>Development providing high tech, creative and climate-related technology business uses; and/or managed workspaces, locally-based co-operative businesses and day care facilities, will be supported where these have regard to local character, residential amenity and highway safety.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Policy ED.3	31	Delete Policy ED.3 and supporting text	Agree with the modifications for the reasons set out in the Examiners Report.
Policy ED.5	32	Delete "a) They incorporate...policies; or" (note that the subsequent two paras will consequently change from b) and c) to "a)" and "b)").	Agree with the modifications for the reasons set out in the Examiners Report.
Policy ED.6	33	Delete Policy ED.6 and supporting text	Agree with the modifications for the reasons set out in the Examiners Report.
Policy ED.7	34	Change second sentence to: " <i>The development of additional or improved connectivity infrastructure for the town will be supported.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Policy NE.1	35	First sentence, delete: " <i>and are encouraged</i> "	Agree with the modifications for the reasons set out in the Examiners Report.

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Policy NE.1, second para	36	Delete second paragraph (" <i>Development proposals...mitigation measures.</i> ")	Agree with the modifications for the reasons set out in the Examiners Report.
Policy NE.2, first para	37	Delete opening paragraph (" <i>The following...wildlife.</i> ") and replace with: " <i>The following sites, identified on the plans below, are designated as Local Green Space and will be protected from development in a manner consistent with the protection of land within the Green Belt.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Policy NE.2, last para	38	Delete last paragraph (" <i>The enhancement...encouraged.</i> ")	Agree with the modifications for the reasons set out in the Examiners Report.
Paras 6.2.2 and 6.2.3	39	Delete Paras 6.2.2 and 6.2.3	Agree with the modifications for the reasons set out in the Examiners Report.
Para 6.2.4	40	Change first sentence to: " <i>The Local Green Space designation should only be used.</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Para 6.2.5	41	Change first line to: " <i>These areas of Local Green Space have been...</i> "	Agree with the modifications for the reasons set out in the Examiners Report.
Plan LGS11	42	Replace the plan for LGS11 with the correct plan from the appendices (page 117)	Agree with the modifications for the reasons set out in

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Policy NE.3	43	Change first sentence to: <i>"The provision of green infrastructure, including that which connects with the existing Wildlife Habitat Network and/or Local Wildlife Sites will be supported."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy NE.3	44	Delete remaining text and replace with: <i>"Development should achieve biodiversity net gain and should not sever existing...Networks. The development of green infrastructure should enable the free movement of wildlife including, for example, hedgehog gaps and boxes for bats birds and insects. The development of green infrastructure should also respect local character and distinctiveness, having regard to habitats and local landscapes. New planting should take account of the potential for benefits to pollinators and wildlife."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy TC.1	45	Change wording of Policy to: <i>"New shop frontages should complement the design of existing building façades and relate well to adjacent properties, having regard to the Todmorden Design Handbook."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy TC.2	46	Change first sentence to: <i>"Pedestrianisation within the town centre, where this would provide a more pedestrian-friendly environment, will be supported."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy TC.2	47	Change second sentence to: <i>"New and/or improved public rights of way between the town centre and wider countryside will be supported."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy TC.3	48	Change to: <i>"The development of public realm improvements around key...will be supported."</i>	Agree with the modifications for the reasons set out in

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Policy TC.4	49	Delete Policy TC.4 and supporting text	Agree with the modifications for the reasons set out in the Examiners Report.
Policy CR.1	50	Change to: <i>"Improvements to public rights of way and to the public realm around Todmorden's canal and riverside areas will be supported."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy TM.1	51	Change wording to: <i>"The enhancement of the Neighbourhood Area's walking and cycling routes will be supported."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy TM.2	52	Delete Policy TM.2 and supporting text	Agree with the modifications for the reasons set out in the Examiners Report.
Policy TM.3	53	Change to: <i>"New housing should provide EV charging points. The development of new EV charging points that have regard to the character of their surroundings, residential amenity and highway safety will be supported."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Para 9.3.1	54	Delete <i>"The preferred location of these is outside of the property."</i> This is a confusing reference as it appears to mix up the meanings of property and dwelling – there is no information to indicate how an EV charger might be provided on say	Agree with the modifications for the reasons set out in the Examiners Report.

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		third party property (and it would also be unusual for an EV charger to be located inside a dwelling).	
Policy HG.1	55	<p>Delete the text before the designations ("The following...modern standards.") and replace with:</p> <p><i>"Todmorden's non-designated heritage assets, as listed below*, will be conserved in a manner appropriate to their significance.</i></p> <p><i>(*The list of non-designated heritage assets is not exhaustive. Further non-designated heritage assets may be identified following further historical research)."</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy HG.2	56	Delete the opening two paragraphs and replace with: <i>"Development must take account of and respect the visual quality of the key views listed below and identified on the following plan and photographs."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy CC.1	57	Change the opening sentence to: <i>"The development of new community, social...rural area, including new development and the redevelopment...buildings will be supported. This..."</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Para 11.1.2, line 6	58	<p>change to: <i>"...enjoy. The Policy supports the provision of new and/or improved facilities for youth to enjoy. Todmorden..."</i></p> <p>(Supporting text is worded as a Policy)</p>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy CCR.2	59	Change wording to: "The development of community allotments, orchards and/or sites for communal food growing in publicly accessible locations will be supported."	Agree with the modifications for the reasons set out in the Examiners Report.

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Policy CCR.3	60	change wording to: "...all abilities will be supported. This includes but is not limited...cycle tracks. Proposals must respect wildlife, biodiversity, local character and not result in harm to highway safety."	Agree with the modifications for the reasons set out in the Examiners Report.
Policy CCR.4	61	Change wording to: "Proposals for community renewable energy generation, storage and distribution schemes will be supported, subject to development respecting local character, biodiversity and residential amenity."	Agree with the modifications for the reasons set out in the Examiners Report.
-	62	Update the Contents, Page, Policy and Paragraph numbering	Agree with the modifications for the reasons set out in the Examiners Report.
-	63	Reference OS copyright as appropriate, per Calderdale Council's reference provided in its representation: "Crown copyright and database right 2024. Ordnance Survey licence number 10023069."	Agree with the modifications for the reasons set out in the Examiners Report.
-	64	Add page numbers and list of appendices to Contents pages	Agree with the modifications for the reasons set out in the Examiners Report.
Page 53	65	Update plan on page 53	Agree with the modifications for the reasons set out in the Examiners Report.
-	66	Move Chapter 6.0 (currently page 119) to follow on from Chapter 11. Re-number as Chapter "12.0" and re-number the appendices that follow, as appropriate.	Agree with the modifications for the reasons set out in

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-	67	<p>Delete wording of new Chapter 12.0 and replace with: "<i>The Town Council will monitor the Neighbourhood Plan to assess its effects and the effectiveness of its policies. It is anticipated that comprehensive monitoring will take place every five years.</i></p> <p><i>The Town Council will seek to liaise with Calderdale Council in respect of the monitoring of the Neighbourhood Plan. The Town Council will seek to monitor which policies have been used when determining planning applications, along with the weight afforded to them and any issues around their implementation.</i>"</p>	Agree with the modifications for the reasons set out in the Examiners Report.