

**Replacement
Unitary Development Plan
for the
Bradford District**

Inspector's Report

**Policy
Framework
Volume**

Replacement Unitary Development Plan for the Bradford District Inspector's Report ----- Policy Framework Volume

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Chapter 1 Introduction, Trends and Issues

PARAGRAPH 1.3:

Objectors

1722/4250	<i>House Builders Federation</i>
3828/6340	<i>Mrs M Waddington and Wilcon Homes</i>
3831/10313	<i>Cala Homes (Yorkshire) Ltd</i>
3835/6362	<i>Taywood Homes Ltd and Bryant Homes Northern Ltd</i>
4174/6422	<i>Keyland Developments Ltd</i>
4199/6456	<i>Clays Construction</i>
4202/6463	<i>Alfred McAlpine Developments</i>
4206/6473	<i>Eric Breare</i>
4220/6485	<i>Bodycote Developments Ltd</i>
4236/6501	<i>Craven District Council</i>
4319/6491	<i>Bodycote Developments Ltd & John Ogden Properties</i>

Summary of Objections

- The plan period should extend to 2016, to coincide with the RPG period.

Inspector's Reasoning and Conclusions

- 1.1 This is dealt with in Chapter 3 of this volume, where I conclude that the period covered by Part Two of the plan should be extended to 2016. This necessitates a corresponding modification to paragraph 1.3 of the RDDP, with a reference to the reason for adopting 2016.

Recommendation

- 1.2 **I recommend that the RDDP be modified by the deletion of the second sentence of paragraph 1.3 and its replacement by “These policies and proposals have been formulated to address the District’s needs in the period up to 2016, to coincide with the period covered by Regional Planning Guidance”.**

PARAGRAPH 1.9:

Objectors

3949/6661	<i>Mr S Littlewood</i>
2485/12202	<i>Professor R J Butler</i>

Summary of Objections

- There is no statement as to how the adopted UDP is being revised to take into account national policy changes. These changes affect more than housing alone.

Inspector’s Reasoning and Conclusions

- 1.3 There have been changes in national policy in a number of areas since the adopted UDP was completed. Where relevant these are referred to in the draft RDDP and it is not necessary to list them or repeat the references in the plan’s introduction. The general reference in paragraph 1.9 is sufficient. Compliance of the draft plan with national policy on housing is dealt with in Chapters 3 and 6 of this volume. Even the housing policy changes alone are too wide ranging to be encompassed in a single UDP policy.

Recommendation

- 1.4 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 1.22:

Objector

821/11298 *The Countryside Agency*

Summary of Objection

- The wider interests of rural areas should be better reflected in the plan.

Inspector’s Reasoning and Conclusions

- 1.5 The RDDP incorporates a sentence in paragraph 1.22 outlining the role of the District’s rural areas, to meet this objection to the FDDP. There is also additional material in paragraph 1.23. The objector now supports this part of the RDDP. Nevertheless the added sentence in paragraph 1.22 should itself be changed to render it into better English.

Recommendation

- 1.6 **I recommend that the RDDP be modified by the deletion of the final sentence of paragraph 1.22 and its replacement by “The country areas provide some work through agriculture and mineral extraction, with opportunities for leisure and recreation for all residents of the district and for tourists”.**

PARAGRAPHS 1.25-1.29:

Objectors

4511/10787 *Bingley Environmental Transport Association*
253/12855 *Mr E Breare*
4199/12842 *Clays Construction*
4220/12848 *Bodycote Developments Ltd*

Summary of Objections

- There is a lack of consideration of out-migration, which can lead to long distance commuting, and no mention of the effects of net migration.
- These paragraphs suggest a predict and provide approach to housing.

Inspector's Reasoning and Conclusions

- 1.7 The RDDP includes material to meet the objection that there is no reference to the effects of net migration. To my mind these paragraphs of the draft plan provide background information on trends and issues, and do not mean that a 'predict and provide' approach is relied upon. The housing requirement is set by regional guidance.
- 1.8 Out-migration, including the relationship of the District with North Yorkshire, has been taken into account in the regional guidance. It is not for me to attempt to reopen this debate.
- 1.9 I comment below on the more local aspects of the relationship of the locational strategy of the draft plan with out-migration.

Recommendation

- 1.10 **I recommend that no modification be made to the RDDP.**

Chapter 2 Vision and Objectives

PARAGRAPH 2.1:

Objectors

3766/10803 *Mr Bob Adsett*
3772/10804 *Mrs Sylvia Adsett*

Summary of Objections

- The vision embodied in the plan is unrealistic and undesirable in seeking to develop the Aire Valley as a location for local economic activity and housing, with Wharfedale forming a place to live and visit. Such distinction fails to achieve the sustainability and diversity necessary to provide a quality environment for all residents.

Inspector's Reasoning and Conclusions

- 2.1 The distinctive functions of the Aire Valley and Wharfedale are derived from the 2020 Vision for the District, which was developed with extensive local consultation and approved by the Council and the local strategic partnership. However, this document has no statutory basis and should not be relied upon in preparing the UDP strategy if it indicates land allocation priorities that differ from those of national policy.
- 2.2 Nevertheless, the physical characteristics of the Aire Valley - particularly the availability of flat land and good rail and road communications - are generally advantageous for the provision of sites for incoming and expanding employment opportunities. Similarly the physical and visual character of Wharfedale has enhanced its importance in terms of tourism and as a place to live. I consider that this is a reasonable distinction to make.
- 2.3 While the RDDP seeks to exploit these characteristics, the strategy and proposals do not neglect the visual and residential attractions of the Aire Valley or the employment needs of Wharfedale. Accordingly, the RDDP does not, in my view, create an imbalance and the attractions and needs of both areas are addressed. In terms of sustainable development, other sections of my report make general and site specific recommendations aimed at achieving higher levels of sustainability, in accordance with the objectives of the plan and national and regional policy guidance.

Recommendation

- 2.4 **I recommend that no modification be made to the RDDP.**

PARAGRAPHS 2.2, 2.3 and 2.6:

Objectors

253/12853-4 *Mr E Breare*
821/12666 *The Countryside Agency*
4199/12840-1 *Clays Construction*
4220/12846-7 *Bodycote Developments Ltd*

4511/12400 *Bingley Environmental Transport Association*
821/11292 *The Countryside Agency*
2485/12206 *Professor R J Butler*

Summary of Objections

- The plan fails to adequately address the sustainability problems arising from the continued out-migration of commuters.
- The concept of sustainability is not sufficiently explained or interpreted.
- The plan fails to set out a series of sustainability objectives/indicators for the measures outlined in paragraph 3.100.

Inspector's Reasoning and Conclusions

- 2.5 The first objection maintains that additional housing provision should be made in the plan, particularly on the edge of the urban areas and in the larger villages, in order to reduce out-migration from the District, reduce longer distance commuting and achieve greater sustainability.
- 2.6 The annual housing requirement has been established in RPG12. This regional assessment takes account of migration flows. Therefore, the allocation of housing land beyond the RPG figures, or in locations with poor sustainability, would not comply with regional policies and would be unacceptable. It is not for the plan to review or revise RPG12 or the North Yorkshire County Structure Plan.
- 2.7 In relation to the plan's explanation of the concept of sustainability, paragraph 2.3 includes the definition from PPG1, which represents national advice. While this may be brief, the Sustainability Appraisal of the Plan (Document CD25) sets out in some detail the factors taken into account, including social and economic aspects. This is derived from RPG12, which, in paragraph 3.14, provides an expanded definition of sustainability as the basis for the appraisal of development plan policies and proposals. As the plan needs to be in accord with RPG12 and national policy I do not consider that it is necessary to repeat such regional and national advice in detail. Accordingly, I am satisfied that the plan adequately expresses the concept of sustainability, and no further elaboration is necessary.
- 2.8 Paragraph 3.100 has been expanded in the RDDP, including sustainable development indicators and measures to monitor the overall success of the plan strategy in a revised table. I comment in more detail on these matters in Chapter 3 of this volume.

Recommendation

- 2.9 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 2.5:

Objectors

2790/3586 *ETSU*
4511/12398 *Bingley Environmental Transport Association*

Summary of Objections

- The plan should include an objective to promote and support the development of sources of renewable energy.
- The meaning of the objective relating to renewable energy requires a clear and operational definition.

Inspector's Reasoning and Conclusions

- 2.10 The RDDP includes a revision to paragraph 2.5 that includes reference to managing renewable energy resources efficiently and with care, and policies UDP8, NR12 and NR13 specifically relate to the promotion and approval of renewable energy. I consider that these references adequately cover the point raised by the objector.
- 2.11 Similarly, policies NR12 and NR13 provide the clear and operational definition required by the second objection. I do not consider that further clarification is necessary.

Recommendation

- 2.12 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 2.10:

Objector

821/12667 *The Countryside Agency*

Summary of Objection

- There should be an explanation of how the Sustainability Appraisal has been used to develop the content of the plan.
- The process of the Sustainability Appraisal should be more transparent.

Inspector's Reasoning and Conclusions

- 2.13 Paragraphs 2.7 - 2.11 indicate the process of the Sustainability Appraisal and refer to separately published documents (CD25 and CD37), which provide more detail. I do not consider that it is necessary to duplicate the contents of these documents in the plan, which should concentrate on aims, objectives, policies and proposals, with technical backing retained in supporting documentation.
- 2.14 I can appreciate that individual consultees will be interested in knowing who else was involved in the process of producing the Sustainability Appraisal, and what effect consultation responses had. However, the plan should, in accordance with PPG12, concentrate on policies and proposals for development. Background material should be restricted to supporting documentation.

Recommendation

- 2.15 **I recommend that no modification be made to the RDDP.**

Chapter 3 Principal Policies

PARAGRAPH 3.7:

Objectors

2458/6326	<i>Mr R R P and Mrs A L Ackroyd</i>
3831/11078	<i>Cala Homes (Yorkshire) Ltd</i>
4069/6386	<i>Mrs D Moorby</i>
4177/4212	<i>Redrow Homes (Yorkshire) Ltd</i>
4511/10515	<i>Bingley Environmental Transport Association</i>

Summary of Objections

- The plan period should extend to 2016.
- A housing technical paper is required.
- The phasing is arbitrary/a delaying tactic.
- Objection to the allocation of housing sites to phases.

Inspector's Reasoning and Conclusions

- 3.1 The plan period is considered below (paragraph 3.30), where I conclude that the plan should cover the years to 2016. A consequential change is necessary to paragraph 3.7.
- 3.2 Phasing of the release of housing land is necessary to ensure that the most sustainable sites are developed first. The details of the phasing policies and supporting plan text are dealt with in the Housing Chapter of this volume. As a result of my conclusions on phasing, there will need to be substantial changes to paragraph 3.7 (see paragraphs 6.55 *et seq*). I do not attempt to redraft paragraph 3.7 because the wording of the paragraph will have to reflect the wording the Council decides to use in the phasing section of the plan. Other housing related objections are also considered in the Housing Chapter.

Recommendation

- 3.3 **I recommend that the RDDP be modified by replacing the references to 2014 in paragraph 3.7 by references to 2016. Otherwise I recommend that no modification be made to the RDDP in response to these specific objections.**

POLICY UDP1: PROMOTING SUSTAINABLE PATTERNS OF DEVELOPMENT

Objectors

1722/10321	<i>House Builders Federation</i>
4148/3808	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4170/6428	<i>McLean Homes Ridings Ltd</i>
4177/6444	<i>Redrow Homes (Yorkshire) Ltd</i>
4221/4145	<i>Messrs TSS and GL Black</i>
4224/6497	<i>Exors of A R Illingworth Decd</i>
4225/6498	<i>Mr & Mrs K Marshall</i>
4227/6499	<i>Helez Properties Ltd</i>

Summary of Objections

- There is a lack of justification for carrying over sites from the existing UDP.
- A more equitable application of the principles of the policy is sought.
- Phasing is inflexible.
- Criterion (3) implies that development would be granted planning permission only where good transport links already exist. There is no recognition of the possibility of improving links.
- Criterion (5) does not reflect national guidance to re-evaluate existing allocations.
- Criterion (6) should be deleted as it does not relate to the location of housing development.
- The policy should more closely follow national policy.

Inspector's Reasoning and Conclusions

- 3.4 The housing objections are considered in the Housing Chapter of this volume. The principles of the policy find application through the plan's strategy and allocations, which I deal with in various parts of the report. As a general expression of the principles of locating development, contained in national and regional policy, Policy UDP1 is satisfactory.
- 3.5 In my opinion criterion (3) would allow for the favourable consideration of proposals where it could be shown that improved transport links could be provided and retained for the longer term.
- 3.6 Criterion (5) should not appear in the policy because some of the sites carried over to the RDDP from the approved UDP are not sustainable. I comment in the appropriate places on individual sites which have been brought to my attention via objections. Sustainable sites can be carried over but do not need to be referred to in the policy. They will be part of the plan anyway, this is a replacement plan and not a review, and I do not see why they should be especially mentioned in a Part 1 policy. I make further comment below with regard to material carried over from the adopted UDP and related matters.
- 3.7 The reference to phasing of housing sites in this general policy is not inappropriate, because housing is such a large scale user of land, and phasing is an important part of the plan's strategy. Housing phasing has to reflect the locational strategy.

Recommendation

- 3.8 **I recommend that the RDDP be modified by the deletion of criterion (5) from Policy UDP1.**

PARAGRAPH 3.7A:

Objectors

253/12851

Mr E Breare

4199/12838

Clays Construction

4220/12844 *Bodycote Developments Ltd*
4313/12200 *Asda Stores Limited*

Summary of Objections

- Additional housing allocations should be made in order to avoid out-migration.
- Employment allocations should not be carried over from the existing UDP without re-assessment.

Inspector’s Reasoning and Conclusions

- 3.9 Housing and employment allocation quantities are discussed in the relevant parts of my report.
- 3.10 The objection by Asda Stores Limited is specifically considered in relation to paragraph 5.11A where I accept that the assessment carried out by the Council did not look in detail at alternative uses and the marketability, suitability and commercial viability of existing employment sites. Nevertheless, some existing employment sites are re-allocated in the RDDP and others are the subjects of my recommendations in relation to site-specific objections. I have also recommended that policy E1 and its supporting text is modified in order to clarify the uses acceptable on employment sites and providing for use for other purposes where employment is no longer suitable.
- 3.11 RDDP Paragraph 3.7a contains many errors. The Council will wish to check this paragraph with particular care.

Recommendation

- 3.12 **I recommend that no modification be made to the RDDP other than those referred to in paragraph 3.10 above.**

POLICY UDP2 & PARAGRAPHS 3.13 & 3.93: RESTRAINING DEVELOPMENT

Objectors

1729/6319 & 6320 *Maurice Wright 1998 and Margaret Wright 1999 Trust*
3831/6752 *Cala Homes (Yorkshire) Ltd*
3839/12141 *Bryant Homes Northern Ltd*
4131/11811 *Sir Ernest Hall*
4177/4315 & 11407 *Redrow Homes (Yorkshire) Ltd*
4199/12395 *Clays Construction*
799/6288 *David Wilson Homes*
1722/4232 *House Builders Federation*
2464/3573 *Accommodate UK Ltd*
3835/6750 *Taywood Homes Ltd and Bryant Homes Northern Ltd*
4122/6199 *Brighthouse Estates Ltd*
4128/6197 *Mr P Todd*
4146/12377 *Skipton Properties Ltd*

Summary of Objections

- Given the deficiencies in Policy UDP5 and the housing land supply appraisal, paragraph 3.13 is incorrect in suggesting that there is not a general need to remove land from the Green Belt.
- The Council has not identified sufficient safeguarded land to ensure the long term permanence of the Green Belt in accordance with PPG2.
- The Council has been inconsistent in the approach to Green Belt changes, and there is a lack of transparency/publication of the review process.
- The Council has failed to undertake a comprehensive review of the extent of the Green Belt as recommended by the UDP Inspector, and has included land that was considered not to fulfil a Green Belt function.
- The review has led to limited adjustments to the boundaries, and the policy should be reviewed to enable a more fundamental approach to the allocation of housing sites
- The policy should make it clear that development in washland is not precluded subject to risk assessment and the provision of compensatory land.

Inspector's Reasoning and Conclusions

- 3.13 PPG2 advises that once the general extent of a Green Belt has been approved it should only be altered in exceptional circumstances, and that detailed Green Belt boundaries defined in adopted local plans should be altered only exceptionally. However, it also states that, when local planning authorities prepare new or revised structure or local plans, any proposals affecting Green Belts should be related to a time-scale which is longer than that normally adopted for other aspects of the plan. Green Belt boundaries should not need to be altered at the end of the plan period. Also, the Inspector's Report on the adopted UDP urged the Council to carry out a full scale review of the Green Belt as part of an early review of the UDP, in order to establish long-lasting boundaries which would encompass the allocation of safeguarded land. Furthermore, I have found there to be a shortage of housing land in the District. In these circumstances, I consider that it is essential that the extent of the Green Belt is thoroughly reviewed, with consideration being given both to the general extent of the Green Belt and the sustainability of all allocated sites outside the urban area and safeguarded land, taking into account Policy H2 of RPG12 and the advice in PPG3.
- 3.14 PPG2 gives no specific guidance on the life of Green Belts but it was suggested by objectors that 20 years from the adoption of the plan should be the minimum, whereas the plan currently only seeks to provide for needs up to 2020. This coincides with the time-scale for the plan strategy, and is six years beyond the time period for the proposals, although I am recommending that the plan period should be extended up to 2016, and this would mean that the Green Belt would only have a further four years of life. The Council is wary about any large scale changes to the Green Belt as it may prejudice the outcome of the sub-regional study and the review of RPG12. I see no basis for their concern, as removing land from the Green Belt does not imply that it will be developed, and any change in regional strategy would be reflected in the allocations made in future reviews of the UDP. I consider that the Green Belt boundary established in this plan should endure for ten years beyond the end date of the plan, and this is likely to be in the region of twenty years from the date of its adoption. The life of the Green Belt should therefore be extended to 2026.

- 3.15 It is clearly difficult to assess post 2016 housing need but a figure based on current assumptions of need projected forward should give a reasonable indication of likely requirements. There could also be a need for additional land for employment or other purposes during this period. However, it was agreed that it is difficult to predict future patterns of economic activity and land demand, and I do not think that it would be practical to attempt any assessment of employment needs. Other requirements such as education and community facilities would generally be related to housing provision, and would not need to be assessed separately.
- 3.16 The plan currently provides some 126 hectares of safeguarded land. However, I am recommending that some 9 hectares of this be included within the Green Belt. About 45 hectares of safeguarded land is within settlements, and I conclude in relation to Policy UR5 that only land between the urban area and the Green Belt should be designated as safeguarded land. I am recommending that some of the land within settlements be allocated for housing, and some has constraints that could prevent its development either within or beyond the plan period. Other land could come forward for development at some time in the future as a windfall, but I do not think that this would have any significant effect on the need for safeguarded land.
- 3.17 A 10 year projection of the housing requirement suggests a need for a further 13900 dwellings. Adopting the annual windfall allowance from my conclusions on housing objections suggests that windfalls would provide 4400 dwellings, leaving a residue requirement of 9500. For safeguarded land I assume a density of 34 dwellings per hectare (dph), on the basis that such sites would be unlikely to be located in centres or good quality public transport corridors (see the Housing Chapter below for a discussion of density assumptions). It was suggested that even 30 dph was optimistic in relation to sites on the edge of the urban area, and because large parts of some sites will not be developable, resulting in low net to gross densities. Some land may be required for ancillary facilities, but the plan's density policies apply to the edge of the urban area, and I do not consider that the difference between net and gross figures is likely to be significant overall. At a density of 34 dph the amount of safeguarded land allocated would need to be about 280 hectares. This is far higher than the RDDP allocation even including land within settlements.
- 3.18 There is therefore a need for a large increase in the amount of safeguarded land. I am recommending that some additional sites be designated as safeguarded land. There are a number of other objected sites which I recommend should remain within the Green Belt. However, in view of the very significant shortfall, it may be necessary to re-assess these sites when the Council reviews the Green Belt.
- 3.19 In my view the failure to make adequate provision for development needs beyond the plan period is an exceptional circumstance, which necessitates a revision of the Green Belt boundary. In addition, a number of the current areas of safeguarded land have been brought forward from the adopted UDP, and may not accord with the plan's locational strategy, RPG12 or the advice in PPG3. These should therefore be re-assessed and, if any are in less sustainable locations than land currently in the Green Belt, they should be deleted. This would also be an exceptional circumstance which would necessitate changes to the Green Belt.
- 3.20 The statement in paragraph 3.13 that there is not a general need to remove land from the Green Belt is not therefore justified. There are several factors, set out above, which

together mean that exceptional circumstances exist to justify changes to the Green Belt. The Council should carry out a full scale review of the Green Belt, and paragraph 3.13 should be amended accordingly. The exceptional circumstances also justify adjustments to the Green Belt, to remove anomalies in the original delineation of Green Belt boundaries or which have arisen since the boundaries were first defined.

- 3.21 The matter raised by the flooding objection is also considered in relation to paragraph 15.56c in Chapter 1, to which reference should be made. I indicate there that "washland" is not the same as "functional floodplain". While the areas are generally similar, in some locations they are different. The national policy advice referred to in paragraph 3.13a refers only to functional floodplains. Furthermore, PPG25 states that where there are extensive areas of high-risk zones and alternative sites in lower-risk zones are not available, authorities should pay particular attention to design and mitigation measures. I consider that paragraph 3.13a should clarify these points. Policy UDP2, however, seeks only to restrain, not prevent, development and, therefore, in my view is reasonable and acceptable.

Recommendation

- 3.22 **I recommend that the RDDP be modified as follows:**

- [a] remove land from the Green Belt, following a general review of the Green Belt, to provide sufficient safeguarded land to enable development needs to be met up to 2026.**
- [b] paragraph 3.13 – delete the fifth sentence and replace with a sentence to indicate that there is a need to remove land from the Green Belt to meet the development needs of the District.**
- [c] paragraph 3.13a - delete the word "washlands" in the second sentence and replace with "functional floodplains" and after the end of that sentence add, "Washlands are principally areas of functional floodplain and provide a basis for the consideration of development proposals, subject to consultation with the Environment Agency. PPG25 indicates where there are extensive areas of high-risk zones and sites in lower-risk zones are not available, particular attention should be given to design and mitigation measures."**

POLICY UDP3: QUALITY OF BUILT AND NATURAL ENVIRONMENT

Objectors

782/9513	<i>Mr Andrew Wood</i>
1722/4235	<i>House Builders Federation</i>
1459/12334	<i>English Heritage</i>

Summary of Objections

- The Plan should take a more positive stance on sustainable construction.
- Criteria 2 and 3 should be combined and reference to the “wider environment” should be deleted.

- Criterion 2 should be revised to say “where appropriate enhance”.

Inspector’s Reasoning and Conclusions

- 3.23 The Principal Policies provide a strategic framework for the plan and this particular policy provides a context for the plan’s consideration of the built and natural environment, together with the promotion of more sustainable forms of development. It is the policies within Part 2 of the plan that contain the detail of how the broad strategy will be applied. Policy UDP3 specifically requires development to promote sustainable design and this is amplified within paragraph 3.15a, which has been added to the RDDP to clarify the scope and intent of the 3 criteria of the policy. PPG12 indicates that Part 1 of a UDP should not include detailed development control policies. However, Policies D1 and D2 within the Design Chapter provide further detail on the achievement of the goal of promoting sustainable design. In this context I consider that UDP3 and its justification is as positive as it can be.
- 3.24 In criterion 3 the term “wider” has been removed from the RDDP in response to the House Builders Federation objection. The introduction of paragraph 3.15a in my view clarifies the meaning of criteria 2 and 3 and there would be nothing to be gained from their combination.
- 3.25 English Heritage would prefer to see the words “where appropriate” inserted in criterion 2 since there are circumstances where enhancement would not be appropriate, for example in the legislative context of proposals for listed buildings. In my view, as this policy is not one of detail, and the suggested change is to deal with a specific detailed circumstance, it is more appropriate for the Part 2 policies of the plan in the Built Heritage and Historic Environment Chapter to deal with this. I consider that in this regard the policies relating to listed buildings are clear and are supported by English Heritage. Overall, I do not consider modifications to be necessary.

Recommendation

- 3.26 **I recommend that no modification be made to the RDDP.**

PARAGRAPHS 3.19 TO 3.39 AND POLICY UDP5:

Objectors

These are listed in the appendix to this report.

Summary of Objections

- The housing requirement is set too low. A better review of housing needs is required, together with an assessment of how particular allocations meet particular needs.
- It is not possible to judge the accuracy of the Council’s figures because too little data is given. There has been no urban capacity study.
- All components of housing supply are over-estimated.
- Housing allocations should be made for the period up to 2016, and housing land needs projected to 2021.
- More housing allocations must be made overall and per phase.

- The Council will be unable to achieve targets for development of previously-developed land.
- Too much housing land is allocated. National policy, properly applied, should result in fewer allocations.
- Too high a proportion of allocations is greenfield land, especially in Phase 1.
- There is too little emphasis on conversions, the reuse of vacant property, windfalls (including employment land), and achieving higher densities.
- The assessment of housing land should be broken down into housing market areas or constituency areas.
- Housing sites should be listed in the Housing Chapter and by phase.
- The Housing Chapter is the place to explain how the housing requirement should be met.
- Policy UDP5 should ensure the development of the necessary number of dwellings.
- The assumed high housing densities to be provided will cause problems for education provision, with particular reference to the Silsden area.

Inspector's Reasoning and Conclusions

3.27 As the overwhelming majority of the objections are to housing land supply matters, I consider them in the housing chapter of this volume. Here I merely deal with objections to strategic matters such as the length of the plan period. Silsden is dealt with in the Keighley volume.

The Plan Period

3.28 The plan's strategy is intended to look forward to 2020, providing the context for, amongst other things, the housing proposals in Part Two of the draft plan. These proposals address needs (i.e. the RPG housing requirement) in the period up to 2014, 10 years from the anticipated adoption date of 2004.

3.29 PPG12 advises that Part One of a UDP should provide a strategic framework for at least 15 years from the base date, in this case 1st April 2000. Part One includes the housing requirement. In some cases it will be sensible to adopt an end date to coincide with the end of the period for which housing provision has been considered in RPG. In Bradford's case this would be 2016: I will not attempt to anticipate the end date which might be introduced by the next review of RPG. The national advice goes on to say that Part Two proposals should last for 10 years from the forecast adoption date.

3.30 It seems to me that the Council relies rather rigidly on the letter of national policy in PPG12. There is only a 2 year gap between the end of Part Two and the end of the RPG housing requirement period, although the latter period is referred to in national policy in connection with Part One. It seems to me that the adoption date for this plan could well be 2005, with a 10 year period for Part Two ending in 2015. This would be very close to the end date for the RPG housing requirement. In my view, and particularly as provision must be made for at least a 10 year potential housing supply, the Part Two end date should be set as 2016. This would increase certainty in the planning process and assist all the agencies concerned with forward planning in the district and the region. The Council does not identify disadvantages to such a period, but it is confusing to have 2 different but at the same time rather similar dates for RPG and the UDP. I therefore agree with objectors that housing allocations should be made to 2016. As for projecting housing requirements, this needs to take account of the desirable lifetime of the Green Belt (see above).

- 3.31 My conclusion regarding the Part Two end date applies wherever in the RDDP the plan period is mentioned. My recommendation is worded accordingly.
- 3.32 I deal with the Green Belt period elsewhere.
- 3.33 As for housing needs, the plan is concerned to meet the housing requirement set by regional guidance, and cannot alter that requirement. The sequential approach also guides the type of site allocated. The housing programmes of the relevant agencies, rather than the development plan, are more suited to detailed work on housing needs and how to meet the different types of need.
- 3.34 An object of the plan is to see that the RPG housing requirement is met. This is done by the development of dwellings, and the policy should be worded accordingly.

Recommendation

3.35 I recommend the modification of the RDDP as follows:

- [a] The plan period to be expressed as lasting until 2016 wherever in the RDDP the period is mentioned.**
- [b] Delete criterion (1) of Policy UDP5 and replace with the following: - MAKING PROVISION TO ENSURE THE DEVELOPMENT OF AN AVERAGE OF 1390 HOMES PER YEAR OVER THE PLAN PERIOD.**

POLICY UDP6: CONTINUING VITALITY OF CENTRES

Objector

4148/3810

Raven Retail Ltd (Ex Carter Commercial)

Summary of Objection

- The policy cannot ensure the vitality and viability of centres, it should be reworded to “seek to ensure”. There should be greater emphasis on how it will do this by adopting a more positive approach.
- Support the first part of the revised policy, but the last part should be re-worded to read “...their role and giving sequential preference to meeting retail, leisure and office development needs within centres”.

Inspector’s Reasoning and Conclusions

- 3.36 The wording in the RDDP partly meets the original objection, and the only outstanding issue is the reference to restricting developments outside the centres. The Council suggests that adopting a sequential approach will have the effect of restricting opportunities for out of centre development, but that the policy could be widened to refer to all centres, rather than just the City and town centres.

3.37 Whilst the effect of a sequential approach may restrict out of centre developments, I consider that the wording of the policy is misleading, and does not accurately reflect the more detailed policies in Chapter 7 of the RDDP. In my view the wording suggested by the objector is more appropriate in the context of PPG6, together with the deletion of the reference to the City and town centres, as suggested by the Council.

Recommendation

3.38 **I recommend that the RDDP be modified as follows:**

[a] **POLICY UDP6 – delete and replace with**

TO SUSTAIN AND ENHANCE THE VITALITY AND VIABILITY OF CENTRES, THROUGH PROMOTING THEIR ROLE AND GIVING SEQUENTIAL PREFERENCE TO MEETING RETAIL, LEISURE AND OFFICE DEVELOPMENT NEEDS WITHIN CENTRES

POLICY UDP7: REDUCING THE NEED TO TRAVEL

Objectors

3505/6143	<i>Mr & Mrs J D Cartwright</i>
3505/6103	<i>Mr & Mrs J D Cartwright</i>
3651/6730	<i>Ilkley Design Statement Group</i>
4148/3811	<i>Raven Retail Ltd (Ex Carter Commercial)</i>

Summary of Objections

- The policy makes no sense since how can “managing the growth of traffic” and “promoting improved accessibility” reduce the need to travel?
- The policy should recognise the important role of providing easily accessible facilities and services in order to reduce the need to travel.

Inspector’s Reasoning and Conclusions

3.39 The policy sets out the principles through which the Plan will contribute to reducing the impact of travel. In my view the revisions made in the RDDP now make the sense of the policy clear: the reduction of the impact of travel will be achieved by managing growth of traffic and minimising its environmental impact, and by promoting improved accessibility through enabling the use of sustainable transport modes and the reduction in car dependency. Since Policy UDP1 recognises the role of providing easily accessible facilities and services, and the location strategy for the district is outlined in paragraphs 3.60 to 3.92, I consider that any restatement of this in Policy UDP7 is unnecessary.

Recommendation

3.40 **I recommend that no modification be made to the RDDP.**

PARAGRAPHS 3.60 TO 3.90: LOCATION STRATEGY

Objectors

These are listed in the appendix to this report.

Summary of Objections

- The strategy for allocating land for development does not accord with national or regional policy, and the allocations themselves do not accord with the plan's own criteria. Urban extensions may be more sustainable than sites within smaller freestanding settlements. The relative sustainability of locations has not been considered. Sustainable housing development, integrated with other uses and services, should be the aim, and this means allocations in Bradford rather than Silsden. More previously-developed land should be allocated, and less greenfield land.
- There is insufficient technical and other data to support the housing figures and allocations.
- The final step in the sequential approach to land allocation is to accessible nodes in development corridors, not to transport corridors.
- The emphasis on releasing previously-developed land will lead to the loss of land in employment use, especially in the inner areas where employment is particularly needed.
- More land should be allocated in the Keighley area, whereas Burley is already over-developed.
- There is no need to define what is an urban extension.
- The timescale of the plan is too short.
- The reference to Sty Lane should be deleted.

Inspector's Reasoning and Conclusions

3.41 In this section of the report I deal with objections to the draft plan's strategy for allocating land. I consider the timescale of the plan above. Modifications to paragraph 3.78 will be necessary to reflect my recommendation above that the timescale should extend to 2016, with a robust Green Belt intended to last until 2026.

The Starting Point for the Replacement UDP

3.42 This is a replacement plan and therefore should not start from the existing plan. It replaces what exists, rather than merely reviewing the current document. Weight is added to this conclusion by the major changes in national and regional policy which have taken place since the existing UDP was adopted, and since the previous Inspector reported. The policy emphasis on sustainability, a sequential approach, and the development of recycled land in my opinion demand a strategy which is not constrained by current allocations made under a different policy regime.

3.43 The Council has produced a document entitled 2020 Vision which identifies the importance of the Aire and Wharfe valleys. This document should not be relied on in drawing up the strategy for the UDP if it leads to priorities in land allocation different from those of national policy.

3.44 The latest edition of Regional Planning Guidance (RPG12) was published in October 2001. Regional Policy P3 deals with the review of existing commitments, and national

policy with the possibility of reallocating employment land for housing. These are further factors which suggest that the replacement plan should not be bound by its predecessor.

- 3.45 Having set out the above factors as the background to many objections and to my conclusions below, I note that this section of the RDDP does commence with a discussion of regional guidance. However paragraphs 3.79-3.81 indicate that the location strategy starts from that of the current UDP. These paragraphs should be deleted, and paragraph will need consequent modification.

Settlement Hierarchy

- 3.46 The settlement hierarchy in the draft plan takes its definitions from the current UDP. The urban areas are Bradford/ShIPLEY/Baildon, Keighley, Ilkley, Bingley, and the smaller towns of Silsden and Queensbury. RPG12 is less detailed, but names Bradford as a main urban area, and there is no objection to the draft plan's identification of Bradford's urban area extending to include Shipley and Baildon. Given the importance of the main urban area in the sequential approach to allocating housing land, the settlement hierarchy in the draft plan should distinguish the main urban area as its first priority.
- 3.47 Regional guidance identifies Keighley as an example of one of the market/coalfield towns in the region. It is for development plans to provide a definitive categorisation of urban areas outside the main urban areas. In relation to points made by objectors, size is not a determining factor. The emphasis should be on locations which support sustainable development objectives, provide a good range of local services, and are the most accessible in the area by a range of transport modes. In the light of regional guidance, Keighley is correctly identified in the RDDP as an urban area. My recommendations would result in the allocation of further land in Keighley.
- 3.48 Although RPG12 leaves it to development plans to categorise settlements, that task should be done in accordance with the RPG's tests set out in the penultimate sentence of the preceding paragraph above. To my mind the use of the word 'and' requires settlements to meet all 3 tests, and the phrasing of the third test, on accessibility, requires comparison with the other locations in the area.
- 3.49 Again, there is no objection to the identification of Ilkley and Bingley as urban areas, nor any duly made objection specifically to the identification of Queensbury. Silsden and Queensbury appear to me to have fewer of the functions of a town than the larger urban settlements in the District. However I note that both offer some range of services and facilities. Queensbury has a 10 minute frequency 'arrive and go' bus service, and is virtually an extension of the main urban area. I do not question the identification of Queensbury as an urban area.
- 3.50 Silsden is a different matter, and in the Keighley volume of this report I give my reasons for concluding that the settlement should not be categorised as an urban area sustaining a high proportion of the District's phase 2 housing allocations. In terms of regional policy guidance Silsden is not one of the most accessible locations in the area by a range of transport modes. It is too far from Steeton and Silsden station, and does not enjoy an 'arrive and go' bus service. In comparison, several other settlements in the District have railway stations with (and I say this from personal experience) good services. Some also have 10 minute frequency bus services. Furthermore, Silsden suffers from having no secondary school, and this reduces the sustainability of the settlement.

- 3.51 I conclude that Silsden should not be categorised as an urban area for the purposes of the RDDP strategy. This has profound implications for the strategy and for the allocation of housing land in particular.
- 3.52 The second location referred to in RPG Policy P1, and in the draft plan, after urban areas, is urban extensions. To my mind there is no need to define these in the plan, but I do not see any restrictive definition in regional guidance which would require them to be of a certain size. The draft plan also gives prominence in the locational sequence to small rounding off sites but again I see no justification for this in national or regional policy. (Where they meet RPG tests they might be considered as extensions to the urban area. Such extensions need to provide integration of transport, housing and industry, whatever their size. Such integration could be provided where, for example, a housing allocation takes advantage of pre-existing transport provision and nearby services.
- 3.53 The definition of urban extensions, and the reference to small rounding off sites, should be deleted from the RDDP. The reference to Sty Lane has been deleted from the RDDP.
- 3.54 The third location for development in the draft plan is smaller settlements in good public transport corridors. This corresponds to the RPG's "nodes in good quality 'public transport corridors' radiating from within main urban areas". The draft plan gives the examples of Steeton, Burley and Menston. The second of these is the subject of objections which I deal with in the Shipley Constituency volume of this report, concluding that Burley is such a node. I note that the 3 named settlements have railway stations which are also served by bus services. The stations have daytime half hourly rail services to Leeds/Bradford.
- 3.55 Thornton is also classified by the draft plan as falling within a good public transport corridor. There is no duly made objection to this. There is no railway, but a high frequency bus service into the nearby main urban area and Bradford City Centre.
- 3.56 With regard to showing the public transport corridors on the Proposals Map, it is the settlement or node which matters to the locational strategy, not the corridor itself.
- 3.57 The question of the proportion of recycled land which is allocated is considered in the Housing Chapter. The reuse for housing of employment land which is redundant or unlikely to be used to provide employment is beneficial. Without development the land would not provide jobs for inner city residents or anyone else, but housing development would provide dwellings which might otherwise have to be built on greenfield sites.
- 3.58 I have already dealt with the timescale of the plan. My reasoning and conclusions in the Housing Chapter take forward the strategic elements of some of the objections listed above, insofar as they relate to housing.
- 3.59 Paragraphs 3.79-3.82a of the RDDP are entitled "The Location of Development" but do not contain any explanation of how the locational principles of regional Policy P1 affect Bradford District. They should do so, and the explanation should be based on this settlement hierarchy section of my report.
- 3.60 Finally, my recommendations in the Housing Chapter have repercussions on this section of the RDDP. I recommend below that the strategy for allocating housing sites should

form part of the Housing Chapter of the Replacement UDP. There is a choice for the treatment of paragraphs 3.83-3.90 of the RDDP, which deal with the location of housing provision. Either this section could be deleted, or it could be used to summarise briefly the strategy for making housing allocations which results from the application to Bradford of the regional strategy and which would be detailed in the Housing Chapter.

Recommendation

3.61 **recommend that the RDDP be modified as follows:**

- [a] paragraph 3.78 – delete and replace with a new paragraph which sets out that the end date for the Replacement UDP is 2016, with an end date of 2026 for the Green Belt.**
- [b] paragraphs 3.79-3.81 – delete.**
- [c] paragraph 3.82 – redraft the first sentence to read “The emphasis of the location strategy of the previous UDP has changed significantly because of a range of new factors, including especially revisions to national policy, and the review of Regional Planning Guidance, which has developed a stronger spatial strategy and led to reductions in the overall need for land for housing”.**
- [d] insert new paragraphs after paragraph 3.82, based on my report paragraphs above, to explain how the locational principles of regional Policy P1 affect the District.**
- [e] paragraphs 3.83-3.90 – delete, or redraft to summarise briefly, with cross references to the Housing Chapter, the strategy for making housing allocations which results from the application to Bradford of the regional strategy.**

PARAGRAPH 3.99:

Objectors

954/6302
4049/10885

*Government Office for Yorkshire and the Humber
CPRE Bradford*

Summary of Objections

- There should be a “plan, monitor and manage” policy.
- The performance framework fails to embrace regular review, and public consultation.

Inspector’s Reasoning and Conclusions

3.62 I consider the matters contained in these objections in the Housing Chapter of this volume of my report. Reference should be made to that chapter, where I conclude that there should be a specific monitoring policy in the plan.

Recommendation

3.63 My recommendations are given in the Housing Chapter.

PARAGRAPH 3.100:

Objectors

1459/12335	<i>English Heritage</i>
1811/12181	<i>English Nature</i>
2485/12205	<i>Professor R J Butler</i>
3512/6337	<i>Hallam Land Management Ltd</i>
4148/4077,4082, 4085,4087,12826, 12881&12880	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4511/12399	<i>Bingley Environmental Transport Association</i>
4993/12732	<i>West Yorkshire Ecology</i>

Summary of Objections

- The trigger mechanisms for delivering a monitoring and management approach are not clear.
- There is no reference to area based performance.
- There is a lack of performance indicators relating to nature conservation.
- Economic regeneration is dependent upon a range of activities not just employment; therefore the indicators and measures relating to UDP4 are inadequate.
- Monitoring of UDP7 has insufficient or missing transport-oriented indicators, and travel times by public transport between key points should be added.
- Measuring the growth and impact of traffic in terms of the proportion of new homes and conversions completed within areas well served by public transport is totally inappropriate as the sole performance indicator.
- The emphasis in terms of performance indicators relating to the quality of the built and natural environment should be on the redevelopment of vacant and derelict sites and making the best use of brownfield sites in meeting identified needs.
- The performance indicators for UDP7 should be more positive and should take account of the provision of facilities, such as retail development, which meet identified needs and thus reduce the need to travel.
- The performance indicators should refer to the range of indicators set out in Figure 1 of PPG6.

Inspector's Reasoning and Conclusions

Economic Regeneration

3.64 I accept that progress on economic regeneration cannot be measured purely in terms of the amount of employment land used and development that occurs. Many other factors are significant, such as the physical environment, transport infrastructure (including public transport) and the provision of housing, services and facilities that make an area attractive to employers, investors and workers. However, other objectives and policies of

the RDDP cover these aspects, and indicators and measures are set out for each of the principal policy areas.

- 3.65 Economic regeneration is described as a key aim of the RDDP and, therefore, progress towards its achievement can only be measured by taking account of a range of the principal policies. Just as the RDDP must be read as one document, so must progress towards economic regeneration be judged on the basis of a range of principal policies and their indicators. I have no reason to believe that the Council would not take account of these other indicators and measures in assessing progress towards the key aims of the RDDP. It would be unnecessary duplication to repeat these other factors in the monitoring of UDP4, and I do not recommend any modification to the RDDP on this matter.
- 3.66 Nevertheless, as I have indicated in Chapter 5 below, the assessment of future employment requirements and progress towards resolving the employment problems of the area should not be based only on the amount of land used for employment purposes. In isolation this is a crude measure, particularly in the light of changing types of job opportunities and patterns of production.
- 3.67 While the RDDP must be a land use plan this is not an end in itself: its purpose is to help manage land for the benefit of people who occupy and use it. Hence, even in its narrowest sense, economic regeneration must be measured also in terms of change in the quantity and quality of employment. However, with no baseline data collected it is not possible at this stage to determine more comprehensive indicators and measures in relation to the basic aspects of economic regeneration. I consider that the Council should seek to provide more comprehensive baseline data in relation to employment so that additional monitoring indicators can be brought into place that would measure changes in employment as well as the amount of land used.

Retail

- 3.68 In relation to the performance indicators for UDP6, the percentage of vacant shop units is only one of the indicators set out in PPG6. Whilst information on shopping rents and commercial yields may be difficult to obtain, most of the others can be assessed by a visual survey and, either individually or in combination, are likely to be just as important in measuring vitality and viability as the number of vacant units. I accept the Council's view that it would be impractical to include all the indicators, and some such as accessibility, pedestrian flows and safety would be covered under other policies. However, I consider that diversity and retailer representation, and also environmental quality are important factors which merit consideration in this context.

Other Matters

- 3.69 The housing elements of these objections are dealt with in the Housing Chapter.
- 3.70 The RDDP has revised the text of the FDDP to clarify the reporting of monitoring and take account of the final adopted version of RPG12. The performance indicator table has been substantially rewritten to reflect the indicators included in the RPG. The indicators chosen accord with those required by the Regional Planning Body. Compared with the FDDP the RDDP now includes a wider range of indicators relating to UDP7 concerning transport and development. The monitoring of transport modal split will allow the

increase or decrease of differing forms of transport to be measured. As a development plan the RDDP would only have a very indirect relationship with modal choice. It would not be appropriate to include an indicator of changing travel times, this being more suited to the Local Travel Plan. The location of retail development would be monitored against Policy UDP6.

- 3.71 The indicators for UDP3 have been considerably broadened compared with those in the FDDP. The Council offers a further indicator, involving all listed buildings at risk, as the performance framework is developed. However, as the Council is already monitoring all such buildings I do not see why the listed buildings indicator should not cover all listed buildings at risk. Those indicators relating to the use of brownfield land and reclamation of derelict land are set against Policy UDP1, which I consider to be appropriate.
- 3.72 As for nature conservation, the RDDP contains positive indicators. They are appropriately related to Policy UDP 3. I am satisfied that the first such indicator will cover woodland and wildlife areas which are managed for nature conservation.

Recommendation

3.73 **I recommend that the RDDP be modified as follows:**

- [a] add to the reasoned justification a recognition of the importance of, and need for, more comprehensive monitoring concerning employment matters, and a commitment to establish appropriate baseline data covering the range of factors for monitoring purposes.**
- [b] in the table following paragraph 3.100, delete the words “Grade 1 and 2*” from line 3.3.1.**
- [c] in the same table add 2 new lines relating to Policy UDP6**
 - 6.2.2 diversity of uses and retailer representation**
 - 6.2.3 changes in the quality of the environment**

Chapter 4 Urban Renaissance

PARAGRAPH 4.1

Objector

4511/10788 *Bingley Environmental Transport Association*

Summary of Objection

- This chapter should be incorporated into the Housing Chapter.

Inspector's Reasoning and Conclusions

4.1 This is not an objection to paragraph 4.1 but to the relationship between the Urban Renaissance and Housing chapters of the plan. This chapter relates to all forms of development, and not just to housing. It would therefore be inappropriate to combine the two.

Recommendation

4.2 **I recommend that no modification be made to the RDDP.**

POLICY UR1 & PARAGRAPH 4.4: PRIMACY OF THE DEVELOPMENT PLAN

Objectors

4148/3814 & 12822 *Raven Retail Ltd (Ex Carter Commercial)*
4177/4311 *Redrow Homes (Yorkshire) Ltd*
2480/5885 *London & Assoc Properties plc & Bisichi Mining plc*

Summary of Objections

- The policy is unnecessary and should be deleted.
- Paragraph 4.4 should be deleted.

Inspector's Reasoning and Conclusions

4.3 In response to objections to the FDDP, Policy UR1 was amended to remove the reference to all relevant policies of the plan, and replace this with "the plan considered as a whole". There will inevitably be conflicts between the various aspirations of different policies of the plan, and this wording is therefore more appropriate. However, whilst the explanatory text is helpful in setting out national policy, I see little value in including a policy that does nothing more than re-state Government guidance. The objection to paragraph 4.4 accepts that this reflects the terms of section 54A of the Town and Country Planning Act 1990, but does not consider it appropriate for this reference to be made in the plan. This is related to objections to the way in which the Council has applied the advice to justify the proposal for the Broadway/Petergate area of Bradford City Centre, which I deal with in the Bradford West Constituency Volume. In my view it is helpful to explain that there

are circumstances where development can be permitted which does not comply with the provisions of the plan, and this paragraph should remain in the plan.

Recommendation

4.4 I recommend that the RDDP be modified by the deletion of Policy UR1.

POLICY UR2 AND PARAGRAPH 4.12: PROMOTING MORE SUSTAINABLE DEVELOPMENT

Objectors

<i>4148/3815</i>	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
<i>4148/11790</i>	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
<i>4148/12823</i>	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
<i>4177/4312</i>	<i>Redrow Homes (Yorkshire) Ltd</i>
<i>4511/10506</i>	<i>Bingley Environmental Transport Association</i>
<i>3946/6164</i>	<i>Mrs Patricia Norris</i>
<i>4066/6160</i>	<i>Silsden Town Action Group (STAG)</i>
<i>4068/6159</i>	<i>Mrs Janet Burgoyne</i>

Summary of Objections

- The requirement for sustainability appraisals of significant development proposals is imprecise, unnecessary and onerous.
- There is a need for a housing policy to ensure all such development is within an easy walk of services.
- Development at Silsden would be contrary to all the plan's sustainability provisions.

Inspector's Reasoning and Conclusions

4.5 I deal with the RDDP's proposals for Silsden in the Keighley constituency volume.

4.6 I support the requirement for sustainability appraisals of major or significant proposals, because of the prominence given to sustainability in national policy. Whether or not environmental assessment is required for a proposal, it is reasonable for the Council to ask for an assessment of sustainability, in order to achieve a sustainable pattern of development.

4.7 A site size cut-off of 0.4 hectares is used in the RDDP; sites below that size are considered too small to show on the Proposals Map. It is necessary to have a cut-off point for sites which should be subject to a sustainability assessment, in order to avoid a situation where all single house developments are covered by the requirement. Such a cut-off point will necessarily be rather arbitrary but in my judgement 0.4 hectares is a reasonable figure to adopt. Because this is the size limit for the Proposals Map, schemes above this size proposed by way of the RDDP will have been subject to sustainability appraisal as part of the preparation of the RDDP. This is also another argument in favour of the principle of requiring assessments. It is possible that some smaller schemes could need such an assessment and it is appropriate for the RDDP to refer to this. It is not possible to foresee all of the circumstances in which such a need might occur, and paragraph 4.12 should not attempt to define the circumstances.

- 4.8 However, I do not see why the proponents of developments should have to use the Council's methodology in examining the sustainability of their proposals. The Council's approach is not the only one available. It has been criticised during the Inquiry, and sustainability appraisal is not an exact science. So long as the method used is capable of doing the job, applicants should be free to use any methodology.
- 4.9 Given that proposals are required to include a sustainability appraisal, there is no need for a policy to require specified distances between housing schemes and specified facilities. This would be over-prescriptive, and would not recognise the varied characteristics of schemes and the different circumstances which can affect them. Nor do I consider that housing schemes should necessarily be ruled out on policy grounds because they would need specific bus provision; again circumstances need to be taken into account.

Recommendation

- 4.10 **I recommend that the RDDP be modified by the deletion of the first sentence of paragraph 4.12 and its substitution with the following:**

For major or significant developments (sites over 0.4ha) the proponent will be expected to produce a sustainability appraisal.

POLICY UR3: THE LOCAL IMPACT OF DEVELOPMENT

Objector

4177/4313

Redrow Homes (Yorkshire) Ltd

Summary of Objection

- The policy is unduly restrictive, adds nothing to Policy UR2, and should be deleted.

Inspector's Reasoning and Conclusions

- 4.11 The Council suggests that Policy UR2 cannot address local matters as it does not apply to minor developments. There is nothing in the policy or explanatory text to indicate that it does not relate to all development, but most of the considerations listed are unlikely to apply to small scale developments. Whilst I consider that Policy UR3 is of limited value, as few developments would have no adverse effect, it is useful in drawing attention to the considerations that will be taken into account in assessing new development. I do not agree that it is unduly restrictive when read in association with paragraphs 4.5 and 4.15. There is a grammatical error in the first part of the policy, in that "AFFECT" should read "EFFECT".

Recommendation

- 4.12 **I recommend that no modification be made to the RDDP, other than to correct the grammatical error.**

PARAGRAPH 4.16:

Objector

2638/3960 *Aire Valley Conservation Society*

Summary of Objection

- Much Supplementary Planning Guidance in Bradford is out of date and should be reviewed.

Inspector's Reasoning and Conclusions

4.13 Appendix A lists all existing Supplementary Planning Guidance, and additional SPG to be prepared, and indicates which of the existing SPG is to be revised. The objector points out that one third of SPG was adopted more than 20 years ago but amendments were made to the Appendix in the RDDP to remove all of these from the list of existing guidance, and either delete them completely or add them to the list of guidance to be revised. Further titles have also been added to the list of SPG to be prepared. This would appear to go some way towards addressing the concern of AVCS, and I do not consider that it would be appropriate to give any more detail about the timescale for revising SPG in the RDDP.

Recommendation

4.14 **I recommend that no modification be made to the RDDP.**

POLICY UR4: THE SEQUENTIAL APPROACH TO ACCOMMODATING DEVELOPMENT

Objectors

954/12312	<i>Government Office for Yorkshire and the Humber</i>
2554/6129	<i>RPS</i>
2554/12355	<i>RPS</i>
2638/3958	<i>Aire Valley Conservation Society</i>
3831/6660	<i>Cala Homes (Yorkshire) Ltd</i>
3831/12371	<i>Cala Homes (Yorkshire) Ltd</i>
4146/6135	<i>Skipton Properties Ltd</i>
4146/9526	<i>Skipton Properties Ltd</i>
4146/12375	<i>Skipton Properties Ltd</i>
4148/3817	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4174/9545	<i>Keyland Developments Ltd</i>
4174/12083	<i>Keyland Developments Ltd</i>
4177/4314	<i>Redrow Homes (Yorkshire) Ltd</i>
4323/6181	<i>British Telecommunications Plc</i>

Summary of Objections

- There should be a presumption in favour of development on unallocated recycled land.
- Residential development should not be precluded on greenfield sites of the right type.

- The policy and certain definitions within it are vague.
- It is wrong to require all previously-developed land to be developed before any greenfield sites can come forward.
- The policy is too restrictive especially towards urban greenfield land and previously-developed land in “less well located settlements”.
- The preference for housing on unallocated sites and within mixed use areas is unjustified.
- There should be a presumption against infill development.

Inspector’s Reasoning and Conclusions

- 4.15 As amended at the RDDP stage, the policy follows regional policy in general terms. Priority in the development of unallocated sites is given to the more sustainable locations of regional policy and to previously-developed land within these locations. It would be wrong to give equal priority to greenfield land, in the light of the RPG advice and of the need to concentrate attention on urban previously-developed land, but more clarity could be achieved. Permission for greenfield land requires there to be an over-riding reason: in my view the reasoned justification for the policy should make it clear that the greater sustainability of a greenfield land site, or a lack of housing land, could be over-riding reasons.
- 4.16 Similarly the reference to local need (in relation to previously-developed sites in less sustainable locations) accords with regional guidelines concerned with rural areas. Policy UR4 allows the development of greenfield land in the latter areas only in strictly defined circumstances. These admit of the possibility that a greenfield land site might be more sustainable than previously-developed land. The inclusion of the word “suitable” in relation to previously-developed land also in my view encompasses the need to look at the geographical area in which a local need arises and could be met. The previous use of a building would be taken into account as an other material consideration.
- 4.17 A preference for housing development is no more than a preference and does not rule out other uses. I support the preference in principle because of the need for housing. In mixed use areas the preference is also dependent on the parameters (i.e. guidance) set for the particular area within which the site falls. A proposed change would relax the preference further, relative to employment uses, and is reasonable.
- 4.18 The policy covers infill sites such as gardens, as it applies to small sites as well as larger ones. A presumption against infill development would conflict with national policy.
- 4.19 The policy would be improved if the “other well located settlements” were specified in the policy. Together with the reasoned justification, this would make sufficiently clear the fact that settlements which are not defined urban areas, or specified as I suggest, are covered by the latter part of the policy, as being in the “rest of the District”.

Recommendation

- 4.20 **I recommend that the RDDP be modified as follows:**

- [a] POLICY UR4 – delete and replace with the policy as drafted on page 4 of the published proposed changes dated January 2003, but with the phrase “OTHER WELL LOCATED SETTLEMENTS” replaced with the words “OR IN MENSTON, BURLEY, STEETON OR THORNTON”.**

- [b] **Paragraph 4.18 – add a new sixth sentence, to read “Other over-riding reasons for permitting development on greenfield land would be where the site is relatively more sustainable than alternative previously-developed land, or where there is a shortfall of housing land in the District”.**

POLICY UR5, PARAGRAPHS 4.19 & 4.20: SAFEGUARDED LAND

Objectors

3835/6747 & 6749	<i>Taywood Homes Ltd and Bryant Homes Northern Ltd</i>
3839/12142	<i>Bryant Homes Northern Ltd</i>
2464/3575	<i>Accommodate UK Ltd</i>
3831/6659 & 12372	<i>Cala Homes (Yorkshire) Ltd</i>

Summary of Objections

- The plan does not define a long term Green Belt boundary and provide sufficient safeguarded land for longer term development.
- The policy is unduly negative and could prevent the Council from being able to provide housing to meet the needs of a particular area.
- Many of the safeguarded land sites are in poor locations and at odds with the location strategy.
- The definition of safeguarded land does not accord with that in PPG2.

Inspector’s Reasoning and Conclusions

- 4.21 I consider the extent of the Green Belt earlier in this report, and conclude that it should endure until 2026. This will necessitate the provision of additional safeguarded land, the location of which should accord with the location strategy of the plan. I also consider a number of site specific objections requesting that land be designated as safeguarded land in the constituency volumes of the report. However, neither the requirement to carry out a comprehensive review of the Green Belt nor recommendations in respect of specific sites would require any amendment to Policy UR5, or the explanatory text.
- 4.22 In relation to the definition of safeguarded land, PPG2 refers to safeguarding land between the urban area and the Green Belt, and I consider that the Council’s broadening of the definition to include “other sites all of which are not appropriate for development in the Plan period but would be reconsidered for development at Plan review” is inappropriate and confusing. The safeguarded land designation should therefore be removed from these sites, and paragraph 4.20 should be amended to refer to land between the built up area and the Green Belt only. I consider a number of objections relating to land within settlements which is designated as safeguarded land. I am recommending that some of these sites be allocated for housing, and that some be included in the Green Belt. Others have constraints that could prevent them from coming forward either within or beyond the plan period. Any proposals on the remaining land would be considered under the provisions of Policy UR4.

Recommendation

4.23 I recommend that the RDDP be modified as follows:

Paragraph 4.20 - delete “other sites all of which are not appropriate for development in the Plan period but would be reconsidered for development at Plan review”.

POLICY UR6 & PARAGRAPH 4.24: PLANNING OBLIGATIONS AND CONDITIONS

Objectors

799/6291	<i>David Wilson Homes</i>
1722/4237	<i>House Builders Federation</i>
3831/6658	<i>Cala Homes (Yorkshire) Ltd</i>
3952/4132	<i>Burley Community Council</i>
4146/6136 & 12376	<i>Skipton Properties Ltd</i>
4148/3821	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4170/6432	<i>McLean Homes Ridings Ltd</i>
4177/10274	<i>Redrow Homes (Yorkshire) Ltd</i>
4191/4300	<i>Countryside Strategic Projects plc</i>
954/4106	<i>Government Office for Yorkshire and the Humber</i>

Summary of Objections

- The “shopping list” approach is contrary to Circular 1/97, and there is no clear justification for some of the categories listed.
- The policy and the text supporting should clarify that developers should not be expected to pay for facilities which are needed solely to resolve existing deficiencies.
- The policy should have regard to the economic viability of proposals.
- The policy should contain the phrase “where they are necessary to the development”.
- The need for paragraph 4.24 is questionable.

Inspector’s Reasoning and Conclusions

4.24 This policy was substantially amended following the receipt of objections to the FDDP, and no longer includes a “shopping list” of items that might be the subject of planning obligations. The policy has been simplified and now refers in broad terms to physical infrastructure, the mitigation of adverse environmental impacts and/or enhancement of the environment, and social infrastructure. The explanatory text then explains in more detail a range of items that might be included in an obligation. The text also sets out the five key tests in Circular 1/97, including that the content of the obligation is necessary.

4.25 In my view the policy is now clearer, and generally in accordance with Government advice. However, a number of the items listed in paragraph 4.23a are not referred to in Circular 1/97 and, whilst I accept that any of these could be the subject of planning obligations, the deletion of the section of the policy containing the words “AS MAY BE APPROPRIATE”, and the use of the word “would” in the explanatory text, suggests that the Council would be seeking to include such matters for all developments. I am sure this is not the intention, and the replacement of “would” by “could” in paragraph 4.23a would clarify this.

- 4.26 In relation to paragraph 4.24, I agree with the GOYH that it is unnecessary. It is a statement of development control practice which is not appropriate to a UDP, and should be deleted.

Recommendation

- 4.27 **I recommend that the RDDP be modified as follows:**

- [a] Paragraph 4.23a - delete “would” in the three places where it occurs, and replace with “could”;**
- [b] Paragraph 4.24 - delete.**

POLICIES UR7 & UR8: MIXED USE AREAS & NEW MIXED USE AREAS OR ACTION AREAS

Objectors

2554/6130	<i>RPS Chapman Warren</i>
3831/6657	<i>Cala Homes (Yorkshire) Ltd</i>
4186/10216 & 12392	<i>Hallmark Cards (Holdings) Ltd</i>
4511/10512	<i>Bingley Environmental Transport Association</i>
4148/3819	<i>Raven Retail Ltd (Ex Carter Commercial)</i>

Summary of Objections

- Criterion (2) is superfluous and should be deleted.
- The reference to “mini-briefs” should be deleted as it is unclear.
- Delete the Policy UR7. It is unnecessary and overly restrictive.
- A willingness to designate areas for mixed use development, including housing, needs much greater demonstration.
- Policy UR8 should reflect the requirement for new opportunities to be identified to cater for changing needs, not just for mixed use areas, but to provide a range of suitable sites to accommodate all necessary forms of development.

Inspector’s Reasoning and Conclusions

- 4.28 I consider that a policy for mixed use areas is required to form a basis for the detailed proposals set out in the constituency volumes of the report. However, I see no need for two separate policies relating to areas designated in the RDDP, and those that may come later. Also, I consider that the criteria included in Policy UR7 are unnecessary. Criterion (3), which referred to “mini-briefs”, has been deleted from the RDDP, and I agree that Criterion (2) is superfluous, as all relevant policies should be taken into account in relation to all development proposals. With regard to Criterion (1), whilst I agree that these are considerations for deciding which areas should be designated as mixed use areas, I consider that it is unrealistic to expect individual proposals, which accord with the detailed guidance in the constituency volumes of the report, to demonstrate that they will “create vitality and diversity and contribute to the economic, social and environmental regeneration of the area”.

- 4.29 The objection by Bingley Environmental Transport Association is related to an objection to the housing policies of the RDDP. It is not seeking any change to the wording of Policy UR7, and hence there is no action that I can recommend.
- 4.30 The objection to Policy UR8 is not an objection to this policy but a general comment on the need to cater for changing needs. I do not consider that it would be appropriate to refer to this in a policy specifically relating to new mixed use areas.

Recommendation

- 4.31 **I recommend that the RDDP be modified as follows:**

POLICIES UR7 and UR8 - delete and replace with a single policy

POLICY UR_x

WITHIN THE AREAS DESIGNATED ON THE PROPOSALS MAP AS MIXED USE AREAS, DEVELOPMENT PROPOSALS WILL BE PERMITTED IN ACCORDANCE WITH THE PROVISIONS SET OUT IN THE CONSTITUENCY VOLUMES OF THE PLAN. NEW MIXED USE AREAS MAY BE IDENTIFIED DURING THE LIFE OF THE PLAN, WHERE THESE ARE CONSIDERED TO CONTRIBUTE TO THE ECONOMIC, SOCIAL OR ENVIRONMENTAL REGENERATION OF THE DISTRICT.

POLICIES UR9, UR10, UR11 & PARAGRAPH 4.45a:

Objectors

954/5960-2,
12311 & 13020
4137/5989
4138/4385

Government Office for Yorkshire and the Humber

Yorkshire Co-operatives Properties Ltd

Wm Morrison Supermarkets Plc

Summary of Objections

- Policies should only be concerned with land use proposals, and development control decisions should not be based on planning frameworks, design statements and other planning guidance not included in the plan.
- The revisions partly overcome the concerns but, where land use proposals are put forward in a Proposals Report, there should be a policy to cover the proposals, and the areas should be identified on the Proposals Map. If there are no land use proposals, the areas on the Proposals Map need to be referenced to the Policy Framework and Proposals Report.
- “Will accord” would be more appropriately expressed as “should have regard to”, and “maps” should read “map”.
- Policy UR11 should make it clear that detailed planning guidance will not override other important policy objectives of the RDDP and national policy.

Inspector's Reasoning and Conclusions

- 4.32 All of these policies have been deleted in the RDDP, but the explanatory text remains and has been expanded to include most of the text of the deleted policies. The only objection to the RDDP is from GOYH, and although this is listed as being to the new paragraph 4.45a, it is a more general comment relating to the section as a whole.
- 4.33 PPG12 advises that Part I of a UDP consists of a written statement of the local authority's strategic policies for the development and use of land in their area, which forms a framework for the detailed proposals in Part II of the UDP. Thus, if there are no land use proposals associated with the various regeneration programmes referred to in this section of the plan, they should not be the subject of specific policies or be shown on the Proposals Map. However, the planning frameworks and design statements are material planning considerations, and it is helpful to refer to these in the explanatory text. A proposed change would amend the wording of paragraph 4.45a to clarify the role and status of supplementary planning guidance, and to replace "will accord" with "should accord", although the Council has now accepted that this should be replaced by "should have regard to". This would go some way towards meeting all of the objections, but GOYH have indicated that this would not fully overcome their objections, and suggested that non-land use elements of policy could be shown on supplementary information maps, which would not form part of the Proposals Map. In my view this is unnecessary, since I have no doubt that maps already exist to show the areas to which these proposals relate.
- 4.34 The exception to this is action areas, since Annex A to PPG12 advises that these may be designated in Part II of a UDP. The plan includes action areas at Bradford City Centre (Broadway), Bingley Town Centre and Odsal Stadium, although the Council proposes a change to delete the latter, and hence there should be a policy to form the basis for these proposals. I therefore consider that Policy UR11 should be re-instated but should be amended to refer to the detailed proposals in the relevant constituency volume of the plan, and the need to have regard to the detailed planning guidance.

Recommendation

- 4.35 **I recommend that the RDDP be modified as follows:**

[a] Proposals Map - delete the Area Based Regeneration Strategies designation.

[b] Paragraph 4.45a – delete and replace with

Within the above SRB areas, Estate Action Areas and the New Deal (Trident) area, and where village design statements exist, which have been prepared in the proper manner and are consistent with the plan, proposals for new development should have regard to these approved planning frameworks.

[c] Paragraph 4.48 - delete the last sentence.

[d] Add a policy for action areas

POLICY URx

WITHIN AREAS DESIGNATED AS ACTION AREAS NEW DEVELOPMENT PROPOSALS WILL BE PERMITTED PROVIDED THAT THEY ARE IN ACCORDANCE WITH THE GENERAL PRINCIPLES AND DISPOSITION OF USES SET OUT IN THE RELEVANT CONSTITUENCY VOLUME OF THE PLAN, AND HAVING REGARD TO THE DETAILED PLANNING GUIDANCE.

POLICY OMISSION 1: EMPTY HOMES

Objector

2638/3959 *Aire Valley Conservation Society*

Summary of Objection

- There should be a policy on empty homes and their use as part of a sequential approach.

Inspector's Reasoning and Conclusions

4.36 I deal with this objection at paragraph 6.2. No policy is justified.

Recommendation

4.37 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 57: HOUSING IMPROVEMENT

Objector

4511/10499 *Bingley Environmental Transport Association*

Summary of Objection

- A policy for the designation of housing improvement areas is needed.

Inspector's Reasoning and Conclusions

4.38 Housing Improvement Areas are not designated by way of the UDP. They are the concern of the Housing Acts, not of the planning system. It would be wrong for the plan to attempt to designate them.

Recommendation

4.39 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 65: TELECOMMUNICATIONS & TRANSPORT

Objector

4366/11057

Vodafone Ltd

Summary of Objection

- A policy objective should be to recognise the connectivity between telecommunications and transport and to promote the maximisation of access and the maintenance of a variety of choice in telecommunications and transport. A policy should recognise the need to accelerate the extension of new communications modes.

Inspector's Reasoning and Conclusions

4.40 Policy D16 within the Design Chapter sets out the considerations to be taken into account in the determination of applications for telecommunications development. I consider that, together with my recommendations for amendments, this policy accords with advice in PPG8, which seeks to facilitate the development of telecommunications whilst safeguarding the environment. Policies within the Transport and Movement Chapter promote accessibility and access to alternative modes of transport. It is unclear to me what land use objectives would be achieved through the objector's suggestion. I do not see anything to be gained by the insertion of a policy regarding a linkage between telecommunications and transport when this is not tied to any locational principles.

Recommendation

4.41 **I recommend that no modification be made to the RDDP.**

Chapter 5 The Economy, Employment and Tourism

Introduction

The Employment Land Round Table Session (RTS) included discussion of the method of determining the employment land requirement for the RDDP as many of the objections to the employment policies and land allocations stemmed from this matter. I note that using the rate at which land has been developed in the past has a degree of acceptance, and that there is no definitive methodology that can produce a precise forecast of land need. Nevertheless, I consider that the base figures used by the Council are not robust. For example, there was no regular monitoring timeframe to produce information over set periods, and there were significant variations in the take-up of land for which no explanatory analysis was available.

It is essential that more consistent, regular and comprehensive monitoring be undertaken in future in order to assess the changes that occur and provide a more reliable basis for the estimation of future requirements.

In addition, while the RDDP is a land use plan and, therefore, must allocate land for different uses, the primary purpose of allocating land for employment use is to create jobs. It would be helpful, therefore, to have some analysis and commentary on the existing and anticipated employment structure and needs of the area, taking account of changing patterns and types of employment. Such information would be helpful in providing a more considered assessment of land requirements.

Another factor to be considered is the potential impact of the greater emphasis on sustainable locations and the use of modes of transport other than the private car, including the operation of transport plans especially for major developments. During the Inquiry I became aware of a number of extant planning permissions for employment uses that include very substantial areas of car parking. Such provision takes up significant areas of land allocated for employment, and may well be reflected in historic take-up rates. Hence a stricter control on car parking provision will affect the amount of land used in future and make historic rates even less reliable for forecasting.

PARAGRAPHS 5.11, 5.13, 5.16 AND 5.17:

Objector

954/5862-4 & 12774 *Government Office for Yorkshire and the Humber*

Summary of Objections

- The extent to which employment sites have been re-assessed in terms of need and suitability for housing in accordance with PPG3 is not clear.

Inspector's Reasoning and Conclusions

5.1 This matter was discussed at the Strategy RTS, Housing Requirements RTS and Employment Land RTS, together with objections to individual policies. The Council has not undertaken an urban capacity study (UCS) in the form indicated in PPG3 and

Tapping the Potential, although Document CD26 (Urban Capacity in the Bradford District) outlines the work that has been undertaken.

- 5.2 Re-assessment of all employment sites is stated to have been carried out in order to determine their acceptability and suitability for employment or alternative uses. However, this assessment is not presented in detail other than the tabular documentation in CD6 (Employment Land), which indicates that only 7 sites were re-allocated from employment to housing, a total of 8.86 ha. Other sites were re-allocated as mixed-use areas, where some housing development may take place.
- 5.3 The determination of the overall need for employment land is considered in more detail later in this chapter of my report. Suffice to say at this stage that the basis of the assessment is rudimentary. I consider that, at best, it provides a rough indication of land requirements and should be subject to stringent, detailed and regular monitoring in order to provide a more accurate basis for the allocation of land.
- 5.4 In my examination of individual site objections I have identified a number of instances where I consider the employment allocation is inappropriate and I have recommended that housing be substituted. This has implications for the land requirements for both employment and housing. I refer in my covering letter to the Council's Chief Executive to the need to complete a full UCS at the earliest opportunity. In the light of such study it is likely that modifications to the plan will need to be pursued.

Recommendation

- 5.5 **I recommend that no modification be made to the RDDP, other than as indicated in relation to the individual sites examined elsewhere in my report.**

PARAGRAPH 5.11A:

Objector

4313/12201 *Asda Stores Limited*

Summary of Objection

- The assessment of existing employment sites did not include the viability, compatibility or suitability for alternative employment generating uses. A re-appraisal of each site should be undertaken, with re-allocation to other uses where necessary.

Inspector's Reasoning and Conclusions

- 5.6 I have already indicated that the re-assessment is not detailed in the evidence presented by the Council, but it is clear that alternative uses, including those that would generate employment, did not feature prominently in the work undertaken. In particular, it is evident that matters of marketability, suitability and the commercial viability of employment sites were not considered in depth in the assessment.
- 5.7 A number of sites remain undeveloped despite having been allocated for employment use for significant periods of time. No detailed evidence has been presented to account for

this, although location, physical and financial constraints undoubtedly played a part. The objector suggests that the supporting text should be amended to state that other uses that generate employment would be accepted, where it is shown that a site is unlikely to be developed for B1, B2 or B8 uses, or such uses would be incompatible with neighbouring activities.

5.8 While the re-assessment evidence is not conclusive, neither is the evidence that allocated employment sites will not be developed. The fact that a site has not been developed could be due to many reasons, including poor marketing and unwillingness of owners to accept forms of development that might not be as profitable as others. In addition there appears to have been confusion about what uses are acceptable on land allocated for employment use. The Employment Land RTS clarified this matter, as detailed with reference to policy E1 below.

5.9 In these circumstances it would not be helpful to make generalisations. More detailed evidence is available in relation to the individual sites that are the subject of objections considered elsewhere in my report. In some of these instances I recommend that the employment land allocations are inappropriate.

Recommendation

5.10 **I recommend that no modification be made to the RDDP, other than as indicated in relation to policy E1 and the individual site objections considered elsewhere in my report.**

POLICY E1: PROTECTING ALLOCATED EMPLOYMENT SITES

Objectors

889/4253	<i>The Perseverance Mill Partnership</i>
954/5983	<i>Government Office for Yorkshire and the Humber</i>
4133/6113	<i>Lyne Baxter Estates Ltd</i>
4136/6115	<i>B & Q PLC</i>
4146/6114	<i>Skipton Properties Ltd</i>
4148/3823	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4323/6190	<i>British Telecommunications Plc</i>

Summary of Objections

- The policy is too restrictive in relation to the advice given in PPG3.
- The policy is inflexible, and criteria (2) and (4) should be amended to cover a wider geographical area and allow other uses where employment use is no longer appropriate because of adverse effects on surrounding uses.
- The policy should allow ancillary and other uses that would encourage, support and increase the attractiveness of the sites for employment use.
- The policy should allow other uses where it can be shown that there would be no detrimental impact on the overall supply of employment land, in terms of both quantity and quality.
- If a thorough review of all existing employment sites has been undertaken the policy should be deleted. If such a review has not been undertaken, the policy should be worded

positively and accept that some of the sites will not be viable or suitable for employment use.

- The policy conflicts with Policy BS/E11 and the proposals for that site.
- The policy fails to cover the situation regarding the re-use of existing land and buildings included within employment sites but not in employment use.

Inspector's Reasoning and Conclusions

- 5.11 I have already referred to concerns relating to the need for a UCS and detailed assessment of the need for and suitability of employment sites for other uses, in accordance with the advice in PPG3. However, policy E1 correctly seeks to retain land for employment use and it would be unacceptable to include a general qualification to this intent. I deal with individual sites elsewhere in my report.
- 5.12 In relation to criterion (2) I consider that it is appropriate to ensure that sites of a reasonable size continue to be available in the main urban area for employment use. Conversely, in my view criterion (4) is unnecessarily restrictive in requiring both a material change in circumstances and that the site is no longer appropriate for employment use. I consider that "and" should be replaced by "or".
- 5.13 At the Employment Land RTS it was clarified that ancillary and supporting uses would be acceptable on employment land other than those sites where restriction to "core employment uses" is individually specified. Accordingly, while it is not necessary for the policy to be modified I consider that the supporting text in paragraphs 5.3 and 5.4 should clarify this matter. I suggest wording in my recommendation.
- 5.14 Too much uncertainty would be created if a statement permitting uses that would not be detrimental to the quantitative or qualitative supply of employment land was included in the policy. In my view this matter is adequately covered by the acceptance of ancillary and supporting uses and my suggested amendment to the supporting text paragraphs 5.3 and 5.4.
- 5.15 As I have already indicated I am not convinced that a thorough review of all employment land has been undertaken. However, I consider that policies seeking to protect a use or feature are appropriately worded in the negative.
- 5.16 Concerning potential conflict with BS/E11, in the light of my above mentioned suggested amendments I do not consider that any fundamental conflict would occur. BS/E11 seeks to provide specific guidance on what is acceptable in the particular circumstances of that site - but see the specific consideration of Policy BS/E11 in the Bradford South volume of my report.
- 5.17 In relation to existing premises within employment land allocations but not used for employment purposes, Policy E1 does not and cannot seek to remove established existing use rights. Accordingly I do not consider that any amendment is necessary to cover this matter.

Recommendation

- 5.18 **I recommend that the RDDP be modified as follows:**

[a] Paragraphs 5.3 and 5.4 - delete and replace with

5.3 Various land uses generate employment opportunities, including retail, cultural and service sectors. Provision for these activities is made elsewhere in the plan. Accordingly, employment in the context of the plan refers to:

- (a) core employment uses, comprising activities included within the 1987 Use Classes Order B1 [Light Industry, certain Office uses and Research and Development], B2 [General Industry] and B8 [Warehouse and Distribution Centres] where supportive of the business and industry sectors of the District, and**
- (b) other employment activities, such as car sales, vehicle repair and maintenance, health care facilities and tourism related developments such as hotels, that do not have specific allocations in the plan or do not fall into any particular Use Class.**

5.4 The Policy Framework policies relate to both (a) and (b) while the Proposals Reports indicate those sites on which only (a), core employment activities and/or other specified uses, will be permitted. Such sites are those considered to be in prime employment locations, usually in Airedale or Bradford South, or have physical characteristics well-suited for the needs of the fast-growing modern business sectors. Employment sites not so specified will be available for activities included in both (a) and (b).

[b] POLICY E1 - delete and replace with

PROPOSALS FOR EMPLOYMENT DEVELOPMENT ON SITES SHOWN ON THE PROPOSALS MAP AS EMPLOYMENT SITES WILL BE PERMITTED SUBJECT TO POLICY E7 AND ANY SPECIFIC REQUIREMENTS INDICATED IN THE PROPOSALS REPORTS. PROPOSALS FOR OTHER USES WILL NOT BE PERMITTED UNLESS:

- (1) THE SITE IS LESS THAN 1.0 HECTARE IN SIZE, AND**
- (2) IT IS WITHIN THE URBAN AREAS OF BRADFORD / SHIPLEY / BAILDON / KEIGHLEY, AND**
- (3) IT IS NOT WITHIN AN EMPLOYMENT ZONE, OR**
- (4) THERE HAS BEEN A MATERIAL CHANGE IN CIRCUMSTANCES SINCE THE ADOPTION OF THE PLAN OR DURING THE LIFE OF THE PLAN, OR**
- (5) THE SITE IS NO LONGER APPROPRIATE FOR EMPLOYMENT USE BECAUSE OF POSSIBLE ADVERSE EFFECTS ON ADJACENT LAND USES.**

POLICY E2: PROTECTING LARGE EMPLOYMENT SITES

Objectors

2792/6131	<i>Commercial Development Projects Ltd</i>
3860/6126	<i>Mrs R Skinner</i>
4133/6112	<i>Lyne Baxter Estates Ltd</i>
4191/4273	<i>Countryside Strategic Projects PLC</i>

Summary of Objections

- There is inadequate justification for the policy and it does not recognise market demands that will result in many of the sites remaining undeveloped.
- The policy is too restrictive, unrealistic and unreasonable. The constraints imposed would make development of the sites unviable.
- The policy and supporting text should be amended to refer to a part of larger sites being held for single users, dependent upon demand.

Inspector's Reasoning and Conclusions

- 5.19 These matters were discussed at length at the Employment Land RTS. I accept that it is important to ensure that individual sites of a reasonable size are available in order to accommodate fairly extensive single-user developments. Therefore it is appropriate that there should be a policy to ensure that larger sites are not split up in such a way as to preclude accommodating such developments. However, the justification for both the size of the single-user sites to be identified and of the land to which the policy should apply is poorly supported by the evidence available to the Inquiry.
- 5.20 The basis for the threshold of 3 hectares apparently relates to an analysis of development enquiries, but no specific evidence has been produced on this point. The identification of sites to which Policy E2 should apply fails to take account of the impact of the restriction on the development of individual sites, and appears to be essentially based on the fact that the great majority of allocated sites are less than 3 hectares in extent. However, some of the E2 designated sites are little more than 3 hectares in total area. Hence the policy could preclude development of the remainder of such sites pending identification of a definite single-user for 3 hectares or more. Important employment creating opportunities could thus be lost in the same way that a lack of larger sites would result in the loss of other developments.
- 5.21 As I have indicated, no analysis of previous development enquiries by size of site has been presented for either the District or Region as a whole. Therefore, there is no analytical basis for the threshold of 3 hectares. However, there is no evidence to support any other figure. In these circumstances I consider that it is possible only to indicate that the larger selected sites should be laid out and developed in such a way as to enable a significant proportion of the site to be available for a single-user. Again there is no authenticated basis upon which to determine the proportion, and this will also be conditioned by the physical characteristics of each of the sites. Hence I consider that Policy E2 should simply state that large single-user sites will be made available on sites specified in the Proposals Reports. The supporting text should provide guidance on the general proportion of a site to be made available, with the site-specific policies in the Proposals Reports providing more detailed advice.

5.22 I suggest appropriate wording for Policy E2 and its supporting text in my recommendation, and I consider any necessary amendments to individual site policies when dealing with the site-specific objections.

Recommendation

5.23 I recommend that the RDDP be modified as follows:

[a] **POLICY E2 - delete and replace with**

POLICY E2

FOR THOSE LARGER EMPLOYMENT SITES IDENTIFIED IN THE PROPOSALS REPORTS TO BE DEVELOPED IN ACCORDANCE WITH POLICY E2, THE LAYOUT AND DEVELOPMENT SHALL ENSURE THAT A SIGNIFICANT PART OF THE LAND SHALL BE MADE AVAILABLE FOR SINGLE-USER BUSINESS OR INDUSTRIAL PURPOSES.

[b] **Paragraphs 5.21a, 5.22 and 5.23 - delete and replace with**

5.22 **Of the larger sites allocated for employment use in the plan that are 3 hectares or more in size, some are subject to Policy E2, as set out in the Proposals Reports. These are either well-located or have physical characteristics suitable to accommodate inward investment opportunities or the relocation of fast-growing local companies. The layout and development of these sites should ensure that about 50% of the developable area, or some 3 hectares, [whichever is the less] is available for a single-user development.**

5.23 **In the case of West Bowling Golf Course Policy BS/E11 will apply, requiring that the layout and development will ensure that not less than 2 sites of at least 5 hectares each will be available for single-user developments.**

POLICY E3 AND PARAGRAPHS 5.21-5.23: PROTECTING EXISTING EMPLOYMENT LAND AND BUILDINGS IN URBAN AREAS

Objectors

954/4277	<i>Government Office for Yorkshire and the Humber</i>
2554/6122	<i>RPS</i>
4117/6117	<i>Alfred McAlpine Special Projects</i>
4119/6259	<i>Lattice Property Holdings Ltd</i>
4132/6121	<i>Stylo Barratt Properties Ltd</i>
4133/6111	<i>Lyne Baxter Estates Ltd</i>
4135/6116	<i>Dixon Motors Plc</i>
4148/3803	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4167/4383	<i>Tarmac Northern Ltd</i>
4174/6119	<i>Keyland Developments Ltd</i>
4177/4269	<i>Redrow Homes (Yorkshire) Ltd</i>

4202/6471	<i>Alfred McAlpine Developments</i>
4204/5816 & 10281	<i>Prospect Estates Ltd</i>
4220/6490	<i>Bodycote Developments Ltd</i>
4313/6124	<i>Asda Stores Limited</i>
4319/6496	<i>Bodycote Developments Ltd & John Ogden Properties</i>
4323/6191	<i>British Telecommunications Plc</i>

Summary of Objections

- The policy is unnecessary in addition to E1 and E6 and conflicts with the advice in PPG1 and PPG4; it should be deleted.
- The policy is unduly restrictive and it is not clear how and to what extent employment land and buildings have been assessed in terms of likely future employment use and suitability for housing, in the light of PPG3.
- The policy is too inflexible and does not take account of circumstances where the supply and variety of employment land exceeds requirements, no employment use is likely, other uses would bring substantial planning benefits and/or an equivalent number of jobs, or other land is not available for the use proposed.
- The policy should allow other uses in sustainable locations where that existing is not making efficient use of the land.
- The policy is not consistent with the site-specific policies, which allow for other uses on individual sites.
- The threshold levels identified in the policy are not justified.
- Criterion (1) should also refer to Action Areas in order to be consistent with Policy UR11.
- The policy should be worded positively.

Inspector's Reasoning and Conclusions

- 5.24 The supporting text (para. 5.24) makes it clear that this policy relates to land and buildings with an established employment use but not located within a site allocated for employment on the Proposals Map, and thus not covered by Policy E1. Similarly, Policy E6 relates to premises in employment zones rather than land allocated for employment on the Proposals Map. While there is some potential duplication in these 3 policies I consider that it is reasonable and helpful to provide specific guidance for the 3 types of situation.
- 5.25 The policy specifies a significant number of circumstances in which uses other than employment will be permitted. I have already referred to the limited appraisal that has been undertaken in relation to alternative uses, but this policy provides opportunities for the consideration of other uses. I consider that the policy provides sufficient basis for the determination of proposals for non-employment uses.
- 5.26 Similarly, while the basis for the determination of the amount of land required for employment uses is not rigorous, the factors raised in the objection can and should be taken into consideration when specific proposals are forthcoming. Such matters can be other material considerations in the determination of applications for planning permission. The development plan does not need to spell these out.

- 5.27 In the same way, the efficient use of land and the sustainability of development proposals are matters of general consideration and do not need to be specifically referred to in individual policies.
- 5.28 I have already referred to the relationship between the framework policies and those relating to specific sites. In the determination of development proposals all relevant policies have to be considered. I am satisfied that, in general terms, the site-specific policies provide additional guidance for the particular circumstances applicable to the individual sites rather than conflict with the framework policies.
- 5.29 While the threshold levels of 1 ha. and 0.4 ha. are not substantiated by specific evidence I consider that it is appropriate to seek to protect employment sites from other forms of development. In the absence of evidence to substantiate any other levels, I consider that the thresholds are reasonable.
- 5.30 Policy UR11 has been deleted from the RDDP. Hence this objection has been overtaken by events.
- 5.31 In relation to the wording of policies, I consider that where a policy is seeking to protect a use or feature it is appropriate that it be expressed in the negative.

Recommendation

- 5.32 **I recommend that no modification be made to the RDDP.**

POLICY E3A: OFFICE DEVELOPMENT

Objectors

2554/12172	<i>RPS</i>
4174/12093	<i>Keyland Developments Ltd</i>
4323/12207	<i>British Telecommunications Plc</i>
954/13021	<i>Government Office for Yorkshire and the Humber</i>

Summary of Objections

- The policy should be deleted as it seeks to impose a sequential test and is contrary to the intentions and purposes of the 1987 Use Classes Order.
- Office development should be permitted in the employment, mixed use and action areas designated in the plan.
- The policy should only apply to new large-scale office developments in the urban areas and permit the expansion and/or redevelopment of brownfield sites.
- Proposals in locations other than identified in RPG12 should be justified on the basis of local need.

Inspector's Reasoning and Conclusions

- 5.33 At the Employment Land RTS the Council circulated a proposed change to Policy E3A as part of the Pre Inquiry Changes. This deleted the sequential test criterion. I am in agreement with this part of the proposed change.

- 5.34 The proposed change also amends the policy by qualifying the intention to restrict office development to the city, town and district centres by the insertion of the words "wherever possible". Combined with the earlier clarification of the plan definition of "employment" I consider that the policy, as amended by the proposed change, is not unduly restrictive in terms of location, while still generally respecting national and regional policy guidance. As the policy relates to all land outside the city, town and district centres, there is no need to refer specifically to employment, mixed use or action areas. In any event, by the deletion of Policy UR11 in the RDDP the latter designation is not included on the Proposals Map.
- 5.35 The form of the policy in the proposed change would, in my view, allow positive consideration to be given to office developments in locations other than the city, town and district centres irrespective of size. I have no evidence before me upon which to define large-scale, and I am not convinced that such a distinction would be helpful. In relation to the expansion of existing offices and the re-use of brownfield sites, I do not consider that the policy seeks to prevent such proposals, provided that they meet the specified criteria.
- 5.36 Some responses to the proposed change suggested the need to refer to green transport plans, and that small-scale office proposals should be permitted outside the defined centres. In relation to the latter I consider that the policy would not prevent such proposals, provided that the revised criteria are met. On the first point, the policy does require convenient access to a range of transport facilities, and I consider that this is sufficient in terms of the overall policy. In determining specific proposals the Council may consider the need for the preparation of transport plans.
- 5.37 In relation to the GOYH response to the proposed change, national and regional policy is that office developments should be located in existing centres. I am aware that planning permissions exist within the District for office development in other locations. Nevertheless, to be in line with current national and regional policy, I consider that Policy E3A should include a criterion requiring that the need for office development in an out of centre location must be demonstrated.

Recommendation

- 5.38 **I recommend that policy E3A and its related supporting text in the RDDP be modified in accordance with the Council's proposed Pre Inquiry Change and that the following criterion be added:**

(5) THE NEED FOR THE DEVELOPMENT IN THE PROPOSED LOCATION MUST BE DEMONSTRATED.

POLICY E4: PROTECTING EXISTING EMPLOYMENT LAND AND BUILDINGS IN RURAL AREAS

Objectors

4177/4271
4323/6189

Redrow Homes (Yorkshire) Ltd
British Telecommunications Plc

Summary of Objections

- Additional criteria should be added to the policy to allow for other uses that would improve the amenities of the area and also to make use of buildings not in employment use.

Inspector's Reasoning and Conclusions

- 5.39 I consider that a criterion to improve the amenities of the area would be too vague and imprecise. In addition it might encourage an owner to neglect land or buildings in order to claim that an alternative use would improve the amenities of the area and thus would reduce employment opportunities.
- 5.40 In relation to the use of buildings not in employment use, the objection specifically relates to premises that are *sui generis*. I have already indicated that a policy cannot remove the established existing use of premises and thus the development of any land or building that does not come within a particular Use Class could not be restricted to employment use.
- 5.41 At the Employment Land RTS the Council accepted that there is an error in Policy E4 in that criteria (3) and (4) should be separated by the word "OR".

Recommendation

- 5.42 I recommend that the RDDP be modified as follows:

**POLICY E4 - delete the full-stop at the end of criterion (3) and replace with
; OR**

POLICY E5A: ADAPTATION OF AGRICULTURAL AND RURAL BUILDINGS

Objectors

1459/12336	<i>English Heritage</i>
4174/12092	<i>Keyland Developments Ltd</i>
4323/12208	<i>British Telecommunications Plc</i>
4365/12396	<i>Yorkshire Water Services Ltd</i>

Summary of Objections

- The policy should be amended to properly reflect RPG12 and PPG7.
- The requirement to demonstrate the "unviability" of business use should be replaced by a requirement for the Council to identify areas where there is a local need for business use.
- The policy should accept residential conversions for letting as a business use.
- The temporary use of land and buildings for regular events should be accepted.
- The policy should refer to structures as well as buildings.

Inspector's Reasoning and Conclusions

- 5.43 Different objectors argue that national and regional guidance either includes a strong presumption against the residential conversion of rural buildings or that such conversions are acceptable, and the policy should be amended accordingly. National advice in PPG7 is that conversions of buildings to business use has a more beneficial economic impact on the local area than residential conversions, although conversions for holiday lettings may be an exception to this general view. Residential conversions may also have a part to play in meeting identified needs for new market or affordable housing.
- 5.44 Local planning authorities are required to consider the needs of their areas for business, and residential, conversions. Especially in areas where the creation of local employment is a priority it is acceptable to include policies in development plans that do not allow residential re-use, unless it is demonstrated that every reasonable attempt has been made to secure suitable business re-use, or that residential conversion is a subordinate part of a scheme for business re-use.
- 5.45 The housing strategy in RPG12 includes making the best use of existing land and buildings in sustainable locations, with an emphasis on the urban areas. Policy H2 of RPG12 sets out a sequential approach to be followed. Housing in rural areas, including the re-use of previously-developed land and buildings, features in H2b) - the last in the sequence of housing provision.
- 5.46 No substantiated evidence of local need for housing in rural areas has been presented to me in the context of Policy E5A. However, the Council's strategy does include the need to ensure the retention and expansion of job opportunities in the rural areas in the light of continuing decline in agricultural land related employment. In these circumstances I consider that the preference for business use expressed by Policy E5A is appropriate. However, the requirement to demonstrate that business use is "unviable" goes beyond national policy advice and is unacceptable. In this context the wording of the policy needs to be amended to accord with national advice. I suggest appropriate wording in my recommendation.
- 5.47 National advice in PPG7 also states that buildings suitable for re-use should be of permanent and substantial construction and capable of conversion without major or complete reconstruction. While it is not necessary to repeat national policy advice in full in development plans, the above criteria are of importance and it would be helpful to make this clear. I suggest an addition to paragraph 5.39 of the supporting text in my recommendation.
- 5.48 I have already indicated that the requirement to demonstrate the unviability of business use is too onerous, but also that the Council has stated in the plan that the provision of employment in rural areas is necessary. Hence I consider that no further changes are necessary on this point.
- 5.49 In relation to regarding as business use the conversion of buildings for residential lettings, PPG7 accepts that conversion to holiday lettings may be acceptable, particularly in relation to schemes of farm diversification. However, conversion to permanently occupied dwellings is generally recognised as being different in character, imposing greater additional requirements on local services and raising important questions of sustainability of location. While rental income obtained from permanent residential

lettings could certainly provide additional resources to a farmer, this would not necessarily outweigh possible disadvantages in terms of sustainable development. Therefore, I do not consider that this possibility should be referred to specifically, although in some locations it may be acceptable. This is a matter that is more appropriately considered in relation to specific development proposals and should not be the subject of overall policy.

5.50 Similarly, in my view the specific indication of the acceptability of the temporary use of land or buildings for regular events is inappropriate as much depends upon the individual proposal and the impact on landscape, traffic considerations, etc.

5.51 Lastly, I am not convinced of the need or usefulness of specifying that the policy applies to structures in addition to buildings. I am aware of legal pronouncements on this subject but consider that, in the context of the policy, "buildings" is a sufficiently generic term to cover the matter.

Recommendation

5.52 **I recommend that the RDDP be modified as follows:**

[a] POLICY E5A - delete "the unviability of business use" and replace with

.... THAT ALL REASONABLE EFFORTS HAVE BEEN MADE TO SECURE BUSINESS USE.

[b] Paragraph 5.39 - after the final sentence add

Buildings for conversion should be of permanent and substantial construction and capable of conversion without major or complete reconstruction.

PARAGRAPH 5.42a: NEW EMPLOYMENT USES IN RURAL AREAS

Objector

4993/12439

West Yorkshire Ecology

Summary of Objection

- "Important species" in paragraph 5.42a should be defined.

Inspector's Reasoning and Conclusions

5.53 The supporting text to NE10 and NE11 provides additional information for identifying particular species and protection requirements.

5.54 As all relevant policies must be taken into account in relation to development proposals I do not consider that it is necessary or appropriate to duplicate information. In my view the cross-reference to NE10 and NE11 in paragraph 5.42a and the clarification given in paragraphs 14.60 - 14.63 is sufficient to satisfy these matters.

Recommendation

5.55 I recommend that no modification be made to the RDDP.

POLICY E6: EMPLOYMENT ZONES

Objectors

954/10612	<i>Government Office for Yorkshire and the Humber</i>
4117/6221	<i>Alfred McAlpine Special Projects</i>
4119/6118	<i>Lattice Property Holdings Ltd</i>
4133/6110	<i>Lyne Baxter Estates Ltd</i>
4135/6147	<i>Dixon Motors Plc</i>
4174/6120	<i>Keyland Developments Ltd</i>
4189/4276	<i>Parkside Securities Ltd</i>
4204/5817 & 10282	<i>Prospect Estates Ltd</i>
4313/6123	<i>Asda Stores Limited</i>
4323/6188	<i>British Telecommunications Plc</i>

Summary of Objections

- The policy, and the associated supporting text, should be deleted as it is too restrictive and is contrary to RPG12.
- The policy should allow uses that would benefit and enhance the status of the area and its attractiveness to other investors, including leisure uses and hotels.
- Criterion (1) should be amended to indicate that other uses would be acceptable provided that they did not interfere with the efficient operation of the predominantly industrial and commercial area.
- Other uses should be permitted where the overall supply of land for employment would not be affected, where land had not been used for employment for a significant period of time, or where premises were not in employment use.
- Reference should be made to those sites that are also covered by policies in the Proposals Reports.
- The Proposals Map should include the Employment Zone Policy reference numbers.

Inspector's Reasoning and Conclusions

5.56 The discussion at the Employment Land RTS clarified that, except for those employment sites specifically restricted to "core employment uses", other uses that provide employment would be acceptable on land allocated for employment. It may be argued, therefore, that Policy E6 and its supporting text are unnecessary.

5.57 Paragraphs 5.3 and 5.4 of the supporting text (as amended in accordance with my recommendation relating to policy E1 above) clarify the distinction between employment and core employment uses. However, the plan includes various categories of employment land allocation and I consider that it is useful to state any specific requirements and/or limitations for each. Therefore, I conclude that the policy and supporting text are helpful and do not conflict with the advice in PPG1 and PPG12, subject to my recommendations in relation to other objections raised and noted hereunder.

- 5.58 The clarification of definitions achieved at the Employment Land RTS established that, except on those sites specifically restricted to core employment, development that provides uses that support the industrial and business activities are acceptable. I consider that this clarification permits uses that support and enhance the status and attractiveness of the land for employment development. Therefore, no additional alteration or amendment is necessary to satisfy this point.
- 5.59 I agree that the text of the policy does not conform to the stated intention of the supporting text in paragraph 5.45 (previously 5.38) in that it requires other uses to support the predominantly industrial and commercial function of the zone rather than not interfere with its efficient operation. However, the overall tenor of the Employment section of the plan in relation to other uses is that, to be acceptable on employment land, they should support employment uses and development. Therefore, I consider that the text of paragraph 5.45 should be amended to accord with this overall tenor and the intent of Policy E6. I suggest appropriate wording in my recommendation.
- 5.60 Concerning the effect on the overall supply of land for employment and the non-development of such land over a significant period of time, I have already concluded that the basis for the assessment of the employment land requirement is somewhat limited, but currently no compelling alternative is available. Detailed on-going monitoring of land take-up and requirements must be undertaken to provide a more robust basis for the assessment of future need. Similarly, there are many reasons why some land has not been developed for employment, not all of which may relate to the suitability of the land for such purposes. Therefore, I do not consider that it is appropriate to include a criterion in the policy that would permit development for other uses on the basis of these points. In any event, the clarification of the definition of acceptable uses already referred to provides flexibility for the development of other uses.
- 5.61 I have also already referred to the fact that the existing established use of premises cannot be negated by the allocation of land in the plan. In addition, as clarified, the policy does not preclude other uses that support the industrial and commercial character of the area. Hence I consider that the circumstances referred to are already covered and it is not necessary to amend the policy.
- 5.62 As I have previously stated, proposals for development must be considered in relation to all relevant policies, and other material considerations. It should not be necessary, therefore, to cross-reference all policies. However, I consider that there is some merit in making reference in the supporting text to the fact that some employment sites are covered by specific policies contained in the Proposals Reports. I suggest appropriate wording in my recommendation.
- 5.63 Similarly, I consider that it would be helpful to indicate on the Proposals Map the policy reference number of the individual employment zones so that interested parties can be directed to the relevant parts of the plan.
- 5.64 On another matter, I note that the policy includes the word "normally". This is unnecessary and should be deleted.

Recommendation

5.65 I recommend that the RDDP be modified as follows:

[a] Paragraph 5.45 - delete the first sentence and replace with

Within the Employment Zones it is important to maintain and encourage new industrial and commercial investment. Any other development that is permitted must support the predominantly industrial and commercial function of the Zone.

[b] Paragraph 5.43 - add at the end of the paragraph

The Proposals Reports include specific policies applicable to individual employment areas.

[c] Proposals Map - insert the policy reference numbers in the individual Employment Zones.

[d] POLICY E6 - delete the word "NORMALLY".

POLICY E7: STORAGE AND DISTRIBUTION WAREHOUSE DEVELOPMENT

Objectors

2792/6132	<i>Commercial Development Projects Ltd</i>
3860/6127	<i>Mrs R Skinner</i>
4323/6194	<i>British Telecommunications Plc</i>

Summary of Objections

- The limit for acceptable proposals should be increased from 2500 sq. m. to 5000 sq. m.
- Manufacturing employment densities should not be required, nor that proposals are essential and ancillary to local manufacturing and distribution processes.
- Criteria should relate to sustainable locations, the consolidation and/or extension of existing operations, satisfactory relationship to the transport network and inclusion within a mixed-use scheme.

Inspector's Reasoning and Conclusions

5.66 Changes in manufacturing, warehousing and distribution processes, methods and patterns of operation in recent years make past performance a poor basis for future provision. The growth of "just-in-time" patterns and processes, use of computerised systems of manufacture, stock control and supply, and the variety of products that can be assembled from variations of the same basic components, have brought about significant changes in the operation of, and relationships between, manufacturing and distribution activities.

5.67 The basis for the restriction to 2500 sq. m. is stated to be that the great majority of proposals in Bradford have been less than that size. Conversely it is argued that the market threshold between speculative and purpose-designed schemes is some 5000 sq. m. and that this is a more accurate and reasonable limit. These matters were discussed at the

- Employment Land RTS and, while undoubtedly based upon factual information, no compelling evidence was produced to support either as a basis for future provision.
- 5.68 Policy E7 does not specify the size of acceptable B8 proposals - this is set out in the supporting text paragraph 5.48. This is as it should be. The supporting text makes provision for larger proposals, especially if required by an existing major employer. In my view a B8 proposal of 5000 sq. m. is large and I consider that the threshold of 2500 sq. m. is more reasonable for the immediate future. On-going monitoring of enquiries, proposals and actual developments would enable the text to be revised without the need to amend the policy. Accordingly I recommend no change at this time.
- 5.69 Experience in Bradford indicates that very large B8 operations occupy considerable areas of land but provide few jobs compared to manufacturing activities. I have no doubt that many of the large distribution operations in the District fall into this category. This type of activity is also subject to change as a wider variety of goods is offered and delivery direct from manufacturer to customer becomes more widespread. However, in the circumstances of Bradford, where new development sites are restricted by the topography and the Green Belt, there is a need to ensure that land is used as productively as possible in catering for future needs - including job creation in the light of the local high unemployment rate.
- 5.70 Nevertheless, these overall changes are resulting in the job density differential being eroded - many manufacturing activities now produce low job densities while some distribution operations have a comparatively high job count. In addition, the particular criterion is not quantified either in the policy or supporting text. While this may provide for flexibility it gives no guidance for prospective developers and is essentially meaningless. In these circumstances I consider that the requirement to achieve manufacturing employment density is unhelpful and should be deleted.
- 5.71 As the plan seeks to ensure that existing industrial and commercial operations are supported, it is appropriate that the policy should seek to cater for local needs. However, demonstrating that a proposal is "essential" to local manufacturing and distribution processes is too onerous a requirement. The test should be that the proposal is directly related and ancillary to local processes.
- 5.72 Suggested additional criteria include consolidating existing B8 uses and areas. While certain areas may be characterised by B8 uses I do not consider that it would be appropriate to allow other B8 proposals on that basis alone, and the policy would not necessarily preclude such development in any event. The requirement for sustainable locations is inherent in national, regional and local policies and, therefore, does not need to be specified. Relationship to the local transport network with the capacity to cope with the increased traffic is a basic requirement for development proposals and, therefore, not sufficient in itself to allow the type of development to which Policy E7 refers.
- 5.73 Linking such transport network requirements as an addition to the consolidation of B8 uses and/or mixed-use proposals would be more appropriate. However, I consider that the requirement for a positive link to the existing industrial and commercial activities is important. The suggested criteria should not rank alongside that requirement, and the policy does not preclude proposals that satisfy the suggested criteria in addition to this.

Recommendation

5.74 I recommend that the RDDP be modified as follows:

POLICY E7 - delete and replace with

POLICY E7

LARGE STORAGE AND DISTRIBUTION WAREHOUSE DEVELOPMENT (USE CLASS ORDER B8) WILL NOT BE PERMITTED UNLESS IT IS DIRECTLY RELATED AND/OR ANCILLARY TO LOCAL MANUFACTURING AND DISTRIBUTION PROCESSES.

POLICY E9: MAJOR HOTELS AND CONFERENCE FACILITIES

Objector

4174/10724 *Keyland Developments Ltd*

Summary of Objection

- The policy should state that hotels might be appropriately located within employment zones.

Inspector's Reasoning and Conclusions

5.75 This matter has already been referred to in relation to the clarification obtained at the Employment Land RTS and in the consideration of objections to policy E6. It has been established that Policy E6 does not preclude hotel development within employment zones and I consider that it is not necessary to make specific reference to this matter under Policy E9.

Recommendation

5.76 I recommend that no modification be made to the RDDP.

POLICY OMISSION 49: FARM DIVERSIFICATION

Objector

4361/7347 *Friends of the Earth Yorkshire & Humber*

Summary of Objection

- The plan should include a policy specifically encouraging farm diversification, including the establishment of farm shops.

Inspector's Reasoning and Conclusions

5.77 The RDDP includes specific reference to the importance of farm and rural diversification to maintain the viability of existing farm businesses. Policies E5A and E5 provide for the conversion of rural buildings, with a preference for business use. This could include the establishment of farm shops and other commercial enterprises. In the light of the variety of ways in which diversification of the farm and rural economy can be assisted it would be inappropriate to refer to a particular activity that might not be appropriate in all cases.

Recommendation

5.78 **I recommend that no modification be made to the RDDP.**

Chapter 6 Housing

Introduction

I deal here with objections to parts of Chapter 3 of the RDDP Policy Framework because these parts of Chapter 3 contain detailed discussion of the way housing supply has been built up.

PARAGRAPHS 3.19 TO 3.39:

Objectors

These are listed in the appendix to this report.

Summary of Objections Considered in this Section of my Report

- The housing requirement is set too low. A better review of housing needs is required, together with an assessment of how particular allocations meet particular needs.
- It is not possible to judge the accuracy of the Council's figures because too little data is given and the draft plan is confused. There has been no urban capacity study. The plan should explain the criteria against which allocations and windfalls are assessed.
- All components of housing supply are over-estimated.
- More housing allocations must be made overall and per phase.
- The Council will be unable to achieve targets for development of previously-developed land.
- Too much housing land is allocated. National policy, properly applied, should result in fewer allocations.
- Too high a proportion of allocations is greenfield land, especially in Phase 1.
- There is too little emphasis on conversions, the reuse of vacant property, windfalls (including employment land), and achieving higher densities. Windfalls are not properly accounted for.
- The assessment of housing land should be broken down into housing market areas or constituency areas. This should lead to more allocations.
- The RPG requirement should not be exceeded.
- Housing sites should be listed in the Housing Chapter and by phase.
- The Housing Chapter is the place to explain how the housing requirement should be met.
- The assumed high housing densities to be provided will cause problems for education provision, with particular reference to the Silsden area.
- Detailed objections are made to specific paragraphs of the RDDP.

Inspector's Reasoning and Conclusions

6.1 Housing density policies are considered below, but the density assumptions used in calculating housing supply are discussed in this section. Silsden is dealt with in the Keighley volume.

Absence of an Urban Capacity Study

6.2 The Council acknowledges that it has not undertaken an urban capacity study. It has carried out work to identify vacant land. In my view, given the efforts to find all vacant

land, it is unlikely that a significant amount of previously unknown vacant land will be discovered, to add to the recycling potential. Conversion and redevelopment of housing have also been taken into account. The former was the subject of a study by consultants; the potential for conversion of buildings to housing use is investigated below. The regional guidance housing requirement is concerned with additions to the housing stock, and takes account of clearance, redevelopment and empty homes. The contribution of known housing clearance sites is taken into account in the draft plan. There are few such sites. Future clearance proposals are not in the hands of the Council, but are not expected to be large in scale. The fact that the housing requirement is for additions to the stock also means that the reoccupation of empty dwellings is not going to contribute to meeting the requirement, however laudable reoccupation is in itself and for other reasons. It was nevertheless generally agreed at the relevant Round Table Session that a cross reference in the plan to the Empty Homes Strategy would be useful.

- 6.3 The Council has reviewed employment areas and has identified some for housing use. I recommend elsewhere that other employment allocations are inappropriate, and that some of these sites should be used for housing.
- 6.4 A further element of any urban capacity study, according to government guidance in “Tapping the Potential”, is an assessment of existing housing allocations. The Council has assessed its allocations from the existing adopted UDP and some have not been allocated in the RDDP. Objectors consider that many existing allocated sites are not marketable. I return to these matters below, but national policy is to recycle land rather than develop greenfield sites. Pre-existing allocations should be retained, *if* they meet policy tests, unless there is clear and convincing evidence that they are unlikely to be developed despite the new policy climate. To abandon sustainable sites without very strong reasons would lead to the allocation of greenfield land, and the more of this type of land which is allocated the less likely it is that recycled land will be developed.
- 6.5 However it is clear that the draft plan has not been drawn up with the benefit of more than a partial knowledge of urban capacity. “Tapping the Potential” advises Councils to investigate, for example, the intensification of use of existing developed areas, the development of car parks, and area based studies. There is no evidence that the Council has carried out such work, at least on a sufficient scale to enable a comprehensive idea of capacity to be gained. Furthermore the Council has designated in the draft plan a significant number of mixed use areas. These are to be the subject of work to gain more detailed information on where uses like housing could be provided, and to estimate the likely number of dwellings which might result. Additional recycled land and conversions will be identified in my view. Because of the number and size of the areas, I consider that the capacity of these areas is likely to be greater than that assumed by the Council in arriving at its windfall total (see below).
- 6.6 Overall it seems to me that the Council has under-estimated the contribution of the urban area to meeting the housing requirement. The Council should undertake a full urban capacity study so that the capacity of the urban area can be better calculated. The uncertainties arising from the absence of an urban capacity study and from the flaws in the Council’s data systems (see below) emphasise the importance of monitoring the take up of housing sites of different types.

Meeting the Housing Requirement

- 6.7 This section of the report considers each of the elements of housing supply itemised in the draft plan at paragraphs 3.24-3.31 and partly tabulated in paragraphs 3.24/5. The housing requirement period commences in 1998, and the base date for housing supply, used in the draft plan, is 1 April 2000.
- 6.8 Objectors query the amount and quality of the information supplied by the Council. More information came forward during the course of the Inquiry but there remain problems. The technical difficulties explained in the Council's written evidence indicate that the housing database cannot supply any further information. The Council has not supplied site specific historical data and does not appear to have a system of sharing information and discussing matters with the development industry. The data which has been obtained from the database is nevertheless the only statistical information available.
- 6.9 There is no duly made objection to the first 2 elements of supply. These are new homes built since 1 April 1998 (2200) and sites under construction (1300). I see no reason not to accept these figures. The fact that the build rate 1998-2000 was lower than the RPG annual requirement makes no difference; the requirement remains the same, and the 'shortfall' has to be made up in subsequent years.

Infill

- 6.10 The draft plan adopts a lower figure (90 per annum) for additional infill dwellings than the existing UDP. The supply of larger gardens is finite and decreasing, and requirements for higher densities will increase the number of dwellings on individual sites, such that many sites will pass into the plan's windfall category of land.
- 6.11 The annual average production of new dwellings from this source has been only 65 per annum between 1988 and 2000. The trend is a declining one. The Council points out that it is likely to have undercounted the product of sites, but on the other hand some of the infill sites in the past will have been greenfield sites, upon which the Council does not rely for future production.
- 6.12 Better information has been available since 1997, since when the annual average product of infill sites has been 48. In my opinion undercounting is likely, on the Council's evidence, to have affected the period before 1997. In view of the declining trend, it seems to me that the allowance for future infill should be 40 per annum.

Conversions

- 6.13 The net annual average contribution from conversions has been increased to 200 in the draft plan compared with the existing UDP. A study by consultants has identified a potential for the District to increase its production from conversions, provided the market for such dwellings can be increased. The Council's Joint Housing Strategy includes a commitment requiring a significant increase in the number of homes created by conversion. Various agencies are involved in promoting conversion. Success is being achieved in the Little Germany quarter on the edge of the city centre, on other Bradford central area sites, and with 'living over the shop' in Keighley.

- 6.14 Policy E5A will reduce the number of agricultural building conversions to residential use, but other policies will have the effect of encouraging conversions. There is a need for large dwellings in parts of the District, but in view of the national imperative to maximise the production of dwellings from recycling, I do not conclude that the plan should attempt to prevent the conversion of larger dwellings.
- 6.15 The annual average product of conversion schemes 1988-2001 was 158, with an increasing trend. However, the Council's very limited evidence on the type of site involved suggests that about 28% of conversions 1999-2001 involved greenfield sites (such as those including agricultural buildings). Nevertheless a number of major objectors agree with the Council that it is reasonable to expect 200 conversions per annum in future. I see no reason to disagree, given the factors mentioned in the preceding paragraphs. The potential for the conversion of buildings in mixed use areas, and of old mills generally, will in my view more than counter-balance the loss of greenfield conversions.

Windfalls

- 6.16 The RDDP assumes an increased contribution from windfall sites, compared with the adopted UDP, from 150 dwellings per annum to 175. The Council's data on windfall sites suggests that the annual production for the period for which figures are available, 1993-2000, was well over 400, with no clear trend. However this figure includes greenfield sites, for which planning permission should not in future be granted. There is no useful information on the scale of past greenfield windfall site development, but it can be expected to have been substantial.
- 6.17 Some objectors refer only to small windfall sites, but I note that national policy does not adopt a size limit for windfall sites.
- 6.18 I explain above why I consider that the Council has under-estimated the likely future contribution of the urban areas to residential development. The general policy concentration on urban development, the opportunities presented by mixed use areas, and the conclusion of an urban capacity study should more than make up for the loss of greenfield windfall land. I therefore conclude that a windfall site contribution of 200 dwellings per annum would be a reasonable allowance. Some windfalls will arise from the designated mixed use areas. I have also recommended the allocation of a small number of specific sites in such areas, where these sites have come to my attention as a result of objections. In my view they have been specifically identified as available through the development plan process, and do not amount to double counting.
- 6.19 In the face of uncertainty, several objectors advise caution. I agree, but I consider that it is the release of additional greenfield land which should be approached with caution. Given the amount of committed land, unobjected sites, and identified urban recycled land in the District, there is sufficient land available to warrant a lengthy first phase of housing land release i.e. to 2009. Within this timescale monitoring should enable the Council to establish whether windfall expectations are being met. If they are falling short, Phase 2 sites could be released early.

“Flexibility Allowances”

- 6.20 Before turning to the site specific parts of the supply, I comment on the requests for the application of flexibility allowances or discounts to the supply factors, made by many objectors. In my opinion the application of such allowances is inappropriate in the context of national policy which so strongly supports the use of recycled land. Flexibility would effectively increase the amount of greenfield allocation needed to meet the housing requirement.
- 6.21 In arriving at its allocations, the Council has not carried forward all previous allocations and expired planning permissions. Some sites have been omitted as being in use, more suitable for uses other than housing, or unlikely to come forward for development. The allocations which have been made are often the subject of objections and are dealt with in the constituency volumes of the report. The overall results of the analysis and my recommendations are set out in Tables 1 and 2 below. The Inspectors have visited and considered sites which are not the subject of objection, to investigate the claims made by some objectors that there are substantial areas of land allocated for housing which are unlikely to be developed because they suffer from serious availability constraints. We have not found significant grounds to justify the objectors' case.
- 6.22 However, I note from the Council's housing figures that many unobjected phase 1 allocations are greenfield sites. Some of these appear to be relatively unsustainable when compared with, for example, phase 1 sites I recommend for allocation. Notwithstanding that some of the sites concerned have planning permission, the unobjected allocations should be reviewed in accordance with RPG Policy P3. In addition, some extant permissions on other greenfield sites are liable to expire if development does not take place on them. A proportion of these too will involve relatively unsustainable land where permissions will not be renewed. I estimate that there is about 50 hectares of unobjected greenfield land in phase 1. It is very difficult to assess the dwelling capacity of sites which should be deleted in a review, but I am making an allowance of about 400 dwellings, to be deleted from the capacity of unobjected phase 1 sites. I do not make a similar allowance for phase 2, because there is a shortage of housing land, and fewer unobjected sites.
- 6.23 Some objectors maintain that the housing market in parts of Bradford is weak, and therefore some allocated sites and potential windfalls will not come forward. I have touched on this above in relation to allocations carried forward from the current UDP, and regarding conversions. The written representations of 2 major developer objectors, following the Round Table Sessions, did not continue to pursue the line that the conversion market is weak. I have evidence from the Council, reinforced by what I have seen on my site visits, that conversions in, for example, various parts of the City Centre, will go forward. I have seen from my site visits that work has commenced at Manningham Mills. In my opinion the considerable change in national policy will lead to a reconfiguration of the housing market. There are few duly made objections on market grounds to the allocation of individual sites, and hence a paucity of site specific evidence from the Council on this topic. I consider that market factors should not be used to discount housing figures.

Density Assumptions

- 6.24 The Council has applied assumed densities to allocated sites (other than those with planning permissions which specify the number of dwellings permitted). The assumed densities have been applied globally, not on a site by site basis. The Council says that an

adjustment has been made globally to allow for sites where the net developable area is less than the gross site area. Where sites have been objected to, it has in some cases been possible to check whether the gross and net site areas are substantially different. On the basis of the definition of gross/net given in PPG3, it appears to me that there is no need to discount the assumed densities. On most sites subject to Inquiry evidence and site visits, there has been no need to omit buffer zones or other substantial areas which will not accommodate residential development.

- 6.25 The assumed densities start from the RPG assumption of an average density of about 38 dwellings per hectare. The draft plan assumes that within centres and good quality public transport corridors $\frac{1}{4}$ of sites would be developed at higher densities, but that outside these areas $\frac{1}{2}$ of sites would be built at lower densities. It is right to aim for higher densities within walking distance of services and good public transport. My support for the density policies of this draft plan is recorded below, where I also deal with most of the objections raised by objectors to the plan's housing supply density assumptions. I note that there is no duly made objection to the definition of good quality public transport corridors.
- 6.26 I would not apply an overall density of less than 38 dwellings per hectare, as this is the density assumed in work which has contributed to the regional strategy. The wider policies to which the UDP should have regard call for significantly increased densities compared to the past. The dwelling figures which result from the Council's density assumptions, and from its definition of corridors where higher densities are assumed, are not sensitive to a changed assumption that all residential land will be developed at 38 dpha. For example, the capacity of all Phase 1 allocations to which the Council's density assumptions have been applied (195.4 hectares) is 7440 (source – Appendix 8B of Core Document 3). The equivalent figure using an overall density of 38 dpha is 7425.
- 6.27 In the light of the draft plan's policies, and bearing in mind the strategic level of the exercise, I conclude here that the draft plan's density assumptions, for calculating the likely capacity of housing allocations, are reasonable. The circumstances of Bradford are different from those of Leeds, but in Leeds District average densities of about 35 dpha have already been achieved outside the City Centre, with higher figures since 1998. City Centre densities are higher still. In Bradford there has been an increase in densities achieved on housing sites permitted after the publication of the latest edition of PPG3 (i.e. in the period 1/3/00-31/3/02), compared with those achieved in earlier permissions. The increase has been from the District's historical average of 25 dpha (see RDDP paragraph 3.27) to 31.38. This suggests to me that progress is being made towards meeting the aims of national and regional policies, and I do not see any substantial justification for assuming densities lower than those assumed by the Council.

Sites With Extant Planning Permission

- 6.28 Sites with permission could be developed without hindrance. The existence of the permissions suggests interest on the part of owners/developers. Many permitted sites are the subject of objections, but objectors have not provided convincing evidence that the permissions will not be taken up and the sites developed. It may be that individual sites of this kind will turn out to be constrained and that some planning permissions will expire. If the site is unsustainable, then the Council might refuse planning permission for the unsustainable site, a possibility I allow for above.

- 6.29 Between the publication of the RDDP, and the Inquiry, more planning permissions were granted in the District and these I have taken account of in calculating land supply. One such site (Warren Lane) is so large that I have assumed that half the site will not be developed until Phase 2.

Approach to Allocating Housing Land

- 6.29 I set out here the approach I have used to reach conclusions and make recommendations on sites which are the subject of duly made objections. Every part of this report which considers objections to individual housing sites should be read in the context of the succeeding paragraphs.
- 6.30 My approach follows the sequential approach of RPG Policy H2 and the locational strategy I recommend in Chapter 3 above. Thus, although the results are set out by constituency in order to reflect the layout of the draft plan, the starting point for my selection of sites is previously-developed land and conversions of existing buildings within urban areas, subject to providing decent accommodation in an acceptable setting.
- 6.31 The second priority for release of housing sites is other infill within urban areas, subject to achieving appropriate standards of urban greenspace and conserving (and where possible, enhancing) the character of the area. This category of land must include urban greenfield sites, as all previously-developed land should be considered under the first category.
- 6.32 The third priority for housing allocations is extensions to the main urban area, where the land is accessible or capable of being made accessible to services and jobs by good public transport and other non-car modes. Within this category priority is to be given to the use of previously-developed sites and conversions before greenfield land.
- 6.33 Next come extensions to market and coalfield towns, subject to the same qualifications as the preceding category. In Bradford District the equivalent to the market and coalfield towns are the urban areas I have defined above, namely Keighley, Ilkley, Bingley and Queensbury.
- 6.34 Finally (but see below for rural areas) comes other development that supports the regional spatial strategy and which provides, or has the potential to provide, good public transport and non-car mode links to a wide range of employment and services. I take this to include those locations described in RPG Policy P1 as being around nodes in good quality 'public transport corridors' radiating from within main urban areas. To my mind sites within these locations would support the regional spatial strategy and provide the required links.
- 6.35 Each allocation is subject to any overriding consideration of the relative sustainability of different locations. I note that such consideration has to be strong enough to override the sequence. The regional guidance is based on the principles of sustainable development. Hence policies such as H2 and P1 contain a sequential approach precisely in order to deliver sustainable sites. I see the sequence as the delivery tool, and the sites which accord with the sequence can in general be expected to satisfy sustainability requirements. Site specific sustainability checks therefore in my opinion should not be given undue prominence.

- 6.36 In coming to judgements as to whether there might be sustainability factors overriding the position in the sequence of an individual site I of course take account of the sustainability evidence of the Council and objectors. The Council's sustainability appraisal has been criticised by objectors for being subjective. I do not see how an assessment of sustainability could be otherwise: even scoring systems, as used by some objectors, incorporate subjectivity in decisions on the scores and weight to be given to particular elements. In the context of what I see as the general role of relative sustainability in Policy H2 ("any overriding consideration") I intend to avoid spurious levels of detail and sophistication in applying the factor. Where there is evidence on the realism of developing an individual site for housing, this is taken into account. Finally, on sustainability, it is possible for one particular individual factor to be of such importance as to determine whether a site is allocated or not.
- 6.37 Allocations are also subject to the advice in PPG3 (particularly paragraphs 31 and 70). Paragraph 70 is concerned with villages. Paragraph 31 deals with some of the factors already covered by the RPG policy, but also refers to infrastructure capacity, the ability to build communities, and to physical and environmental constraints. Insofar as environmental constraints do not include such matters as the visual and character impact of development, I consider that these impacts form part of the assessment of site sustainability.
- 6.38 RPG Policy H2 is completed by a section on rural areas. The District contains substantial rural areas within which are located several hamlets and villages, together with the small town of Silsden. This section of Policy H2 begins with a reference to meeting local needs and/or supporting local services.
- 6.39 The Council has detailed a sequential approach in paragraphs 3.83-3.89 of the RDDP. This does not entirely accord with that of RPG Policy H2, because it does not distinguish the main urban area from the other urban areas. I conclude elsewhere that Silsden is not a town in the sense meant by regional guidance and is therefore not an urban area for the purposes of RPG Policy H2. Rounding off sites are not a category derived from regional policy. In my view they should be treated as urban extensions if they are outside the urban area. The RDDP explanation of the sequential approach should be replaced by one based on the approach outlined in this report. However, it is not necessary to have a policy to explain this: it is a matter of reasoned justification of the strategy of the plan, not a policy for the control of development. The RDDP includes Policy UR4 which controls the development of unallocated land.
- 6.40 Some objectors argue that housing allocations should be made on the basis of housing market areas, political constituencies, or other sub-divisions of the District. There are no grounds for this in national or regional policy. In my opinion to adopt an approach on the basis of these objections would cut across the over-riding priorities set by national and regional policies. Purely meeting market demand, rather than developing sustainably, would lead to the release of greenfield land in relatively unsustainable settlements at the expense of the urban areas. It would encourage out-migration from the urban areas. The need to stem the flow of out-migration from the District has been taken into account in regional guidance. Where 'upper market' localities such as Wharfedale and Airedale contain relatively sustainable sites, these have been recommended for allocation, and so there is by no means a complete absence of such sites. There is certainly no justification for over-allocating land in an attempt to slow out-migration. As I have said, regional guidance has set the requirement, and the requirement should not be exceeded. For one

thing, over-allocation would lead to the development of more greenfield land in relatively unsustainable locations, and would be harmful as a result.

The Overall Results of my Recommendations

- 6.41 As I explain in the phasing section of this chapter, I see no reason to alter the 2 phase approach adopted by the Council or the end date of the first phase.
- 6.42 The Tables below show how land supply is built up on the basis of unobjected material and my recommendations on objected sites. Matrix 1 and Matrix 2 show how specific sites help to make up the supply. It can be seen from Table 1 that the majority of the objected unpermitted sites I recommend for inclusion in phase 1 are previously-developed land. The overall proportion of recycled land will reflect this, and also the quantity of windfalls and the nature of commitments/unobjected sites, from which I have subtracted 400 (greenfield land) dwellings (see paragraph 6.22) .

TABLE 1: PHASE 1 LAND SUPPLY

Requirement 1998-2009 i.e. 11x1390	15290
a) Homes built 1998-2000 b) Sites under construction at 1/4/00 c) Permitted sites, specific yield TOTAL	2200 1300 600 4100
Annual product of PPG3 windfalls a) Infill 40 b) Conversions 200 c) Windfall sites 200 TOTAL 440	
Phase 1 supply from all types of windfall categories i.e. 9x440	3960
Unobjected sites in centres/corridors	2790
Unobjected sites outside centres/corridors	1307
Phase 1 contribution of objected sites granted permission since the base date	1158
Objected sites which are urban previously-developed land (with Sykes Lane, Silsden)	1296
Objected sites which are urban greenfield land	659
TOTAL	15270

NOTE: The sources for the above table are regional guidance, the RDDP (especially paragraph 3.24), and Appendix 8A of Core Document 3. The final 3 categories in the Table are made up of

sites which are reported on specifically in the constituency volumes of this report and which I recommend for inclusion in Phase 1.

Phase 2

- 6.43 Phase 2 would last from 2009 to 2016, as recommended. To meet the additional 7 years housing requirement, I have found, on the basis of the sites which are before me for consideration of objections, that it is necessary to utilise some sites from each of the categories of RPG12 Policy H2. Not all permitted land and urban previously-developed land is likely to be developed before 2009 and some is therefore carried over into phase 2. Because my recommendations give priority to allocating previously-developed land over greenfield land, previously-developed land allocations are concentrated in phase 1 and little previously-developed land is left over for phase 2. The requirement therefore has to be made up by recommending the allocation of urban extensions and sites near nodes in good quality public transport corridors. Even then, my recommendations would result in an under supply of land (see Table 2 below).
- 6.44 However my recommendations are of course circumscribed by the absence of a full urban capacity study and by the objections to the draft plan. This is important for various reasons. A full urban capacity study could lead to a revision of the windfall assumptions and to the identification of additional housing allocations. The objected sites are unlikely to represent the totality of all possible sites: for example, the Council has not carried out sustainability assessments of all land around the urban edge. In these circumstances I conclude that it is possible that additional land could be found to meet the housing requirement in full, and potentially even to replace, with more sustainable sites, some of the sites recommended by me for housing allocation.
- 6.45 Arising from the above, I again draw attention to the importance of the Council carrying out a full urban capacity study. There is further a need for the Council to widen the search for potential housing sites. The plan should show that at least a 10 year supply of housing land is available, bearing in mind the national over-riding policy objective to deliver agreed housing numbers. I also have to say that my site specific recommendations on housing allocations must be seen in the light of these conclusions.

TABLE 2: PHASE 2 SUPPLY

Requirement 2009-2016 i.e. 7x1390	9730
Product of PPG3 windfalls i.e. 7x440	3080
Unobjected sites in centres/corridors	346
Unobjected sites outside centres/corridors	369
Phase 2 contribution of objected sites granted permission since the base date	231
Objected sites which are urban previously developed land	688
Objected sites which are urban greenfield land	1088

Objected sites which are extensions to the main urban area	498
Objected sites which are extensions to other urban areas	857
Objected sites at nodes in good quality public transport corridors	845
Objected sites to meet local needs in rural areas	115
TOTAL	8137

The Layout of the RDDP

- 6.46 I agree with objectors who say that the layout of the draft plan is confusing. Much of the detailed housing content is given in Part 1 of the RDDP. This material would be more easily understood if it were included in the Housing Chapter, the natural place for users of the plan to look for housing figures. This chapter should include a step by step explanation of the Council's location strategy for housing allocations as well as the statistics to back up the plan's proposals. The scale of modifications involved is too great for me to do other than indicate a logical layout for the material, but the text could be based on the reasoning and conclusions I have set out in this section of my report.
- 6.47 With regard to a related matter, I also consider that a list of allocated sites should be included in an appendix to the Policy Framework volume of the plan. The list should be divided into phase 1 and phase 2. It should contain information on the status of each site in relation to the plan's sequential approach, including whether or not the site is previously-developed land. This would concentrate all of the main housing material in one volume in a readily-useable fashion. The way in which the housing requirement is being met could be better appreciated. The Housing Chapter should contain a cross reference to the appendix.

Detailed Objections to Specific Paragraphs

- 6.48 In this short section I discuss detailed objections not already considered above.
- 6.49 In RDDP paragraph 3.26a it is stated that sites with planning permission for housing that are in mixed use areas are not included as phase 1 allocations but would come forward as windfall sites. It seems to me that these are sites which are specifically identified as being available for housing use. In accordance with PPG3 advice they should be included as allocations. I deal above with the question of the contribution of permitted sites to phase 1. Mixed use areas will contribute to the windfall total through conversions and new sites, and I also deal above with the windfall assumptions which should be made in the plan.
- 6.50 In relation to paragraph 3.35e, I conclude elsewhere on the quantity of safeguarded land, the type of land involved, the period for which housing allocations should be made, and the need for a Green Belt review. Most safeguarded land, if developed eventually, would be likely to be developed for housing. It is useful to have a summary of the statistical

position on safeguarded land availability towards the end of the housing statistics in this part of the plan, and I conclude that this material should not be deleted.

Recommendation

6.51 I recommend that the RDDP be modified as follows:

- [a] delete paragraphs 3.23-3.36.**
- [b] add at the beginning of the Housing Chapter a step by step explanation of the Council's location strategy for housing allocations, along the following lines:**

- set out the RPG housing requirement**
- note the timescale of the plan**
- explain the urban capacity study, including a section on the contribution of mixed use areas**
- set out the contributions from construction so far, sites under construction, and sites with planning permission**
- set out the contribution of windfalls per annum, with explanation, including a reference to the Council's Empty Homes Strategy**
- state the phase 1 period and requirement, and the contribution from allocated sites not included in the categories already listed**
- explain the locational strategy and the sequential approach for housing allocations, based on my report 6.30-6.38 above**
- state the phase 2 period and requirement, and the contribution from allocated sites**
- identify the proportion of each phase and of overall supply which is previously-developed land**
- identify the amount of safeguarded land and indicate how long this might last**

- [c] attach, as an appendix to the Policy Framework volume of the RDDP, a list of sites in phase 1 and of sites in phase 2, with information as to the site's status in relation to the sequential approach of the plan. Include in the Housing Chapter a cross-reference to this appendix**
- [d] delete the references to mixed use areas in paragraph 3.26 or its successor**

6.52 I further recommend that the Council undertakes a full urban capacity study, reviews commitments, and searches for additional housing land, using the sequential approach.

PARAGRAPHS 6.1 TO 6.4:

Objector

4511/10786

Bingley Environmental Transport Association

Summary of Objection

- The housing policies are vaguely and inadequately developed. They should be integrated with urban renaissance policies.

Inspector's Reasoning and Conclusions

6.53 Urban renaissance policies are much wider in their scope than housing policies and cover more than one land use. My conclusions on the housing policies, and the housing elements of the RDDP generally, are set out in detail above and below. Otherwise, the list of background and policy documents set down by the objector seems to me to have been used by the Council in the preparation of the RDDP.

Recommendation

6.54 **I recommend that no modification be made to the RDDP besides the modifications I make elsewhere in this chapter of my report.**

POLICIES H1 AND H2 AND PARAGRAPHS 6.5-6.12: PHASING THE HOUSING LAND SUPPLY

Objectors

These are listed in the appendix to this report.

Summary of Objections

- The choice of phase 1 sites has been arbitrary, and does not follow national policy. The sites are insufficient in number.
- The phase 1 sites are unsustainable and unrealistic, and/or they include too much greenfield land. They are not drawn from a pool of the most appropriate potential sites.
- Phasing policies are rigid and inflexible, or, alternatively, need tightening.
- The trigger mechanism for the release of phase 2 is unclear, very prescriptive, and unreasonable. It should allow for development timescales.
- Each site should be judged on its merits, against a likely need to increase housing provision.
- The housing policies do not allow for regular review, or for changes to phasing by way of supplementary planning guidance. Monitoring is necessary to establish when amendments are appropriate.
- The phasing policies should relate to housing market areas.
- A list of all sites and their phasing should be included in the Housing Chapter.

Inspector's Reasoning and Conclusions

Introduction

6.55 The release of housing sites should be managed in order to promote more sustainable patterns of development. "Planning to Deliver", the government's guide to managing release, recommends phasing as one of the management methods, and notes its advantages. There has been no change in national policy that would make phasing in Bradford redundant. The RDDP divides its plan period into 2 phases, 1998-2009 being

phase 1 and 2009-2014 phase 2. I have recommended the extension of the plan period to 2016.

- 6.56 I have used regional policy as the basis for choosing which sites should be allocated for housing. This policy includes a sequential approach to making the choice. I do not go beyond national and regional policy in seeking factors, such as the proportion of affordable housing proposed, to prioritise allocations. My conclusions regarding the phasing of individual sites flow from the application of the sequential approach to the sites which are before me, bearing in mind the character of the sites and the cumulative housing requirement for each phase.
- 6.57 Many objectors to the phasing elements of the RDDP are concerned about the amount of housing land allocated in phase 1, or with the types of site allocated. Whether or not there will be an increase in the housing requirement is a matter for regional guidance. I agree with some objectors that the Council's choice of phase 1 sites does not follow national policy. The problem with the Council's allocations overall arises partly from the over-reliance of the RDDP on the existing UDP. The Council in fact over-allocates sites, in relation to the housing requirement. My recommendations on the RDDP strategy and housing proposals generally, together with my site specific recommendations, are intended to overcome phasing objections caused by choice of site and quantity of housing land allocated.
- 6.58 There is also some objection to phasing policies on the basis that phasing should be based on housing market areas or other geographical sub-divisions of the District. I deal with the question of allocation by areas, in paragraph 6.40. Similar arguments against an area based approach apply to phasing. The approach should derive from national and regional policy, which emphasises sustainability and does not recommend the sub-division of districts other than as set out in RPG Policy H2.
- 6.59 It is true to say that the phase 1 sites are not drawn from a pool of the most appropriate potential sites. The Council should undertake further work, as I recommend above. Where appropriate I have recommended further allocations of sustainable sites.

The Form of the Phasing Arrangements

- 6.60 Although there is uncertainty regarding the amount of previously-developed land which will come forward, the capacity of permitted, unobjected, and windfall sites is sufficient to make up the majority of the phase 1 requirement (see Table 1 above). The shortfall can mostly be made up with sites which, although objected to, consist of sustainable urban previously-developed land. In these circumstances I see no point in shortening the first phase of land release or of dividing it up into 2 phases, especially bearing in mind that the plan will take some more time to adopt. Phase 1 would be a 4-5 year phase in any case, measured from the likely adoption time of the plan.
- 6.61 Phase 1 would exhaust the presently known supply of readily developable previously-developed land. Some urban greenfield sites are recommended by me for inclusion in phase 1 to make up the requirement, but the premature release of further greenfield sites would be prevented by the phasing policy. The period of the first phase remaining after the adoption date would allow the Council to complete its urban capacity work and, if necessary, further modify the RDDP or review the phasing provisions in the light of the capacity of the urban areas, which would by then be known.

6.62 It has been suggested that a 3 phase system be used, in view of uncertainty surrounding the housing market and site constraints. In my opinion the imperfect knowledge regarding urban capacity works against dividing, at the present moment, the period 2009-2016 into more than one phase. This is because the additional knowledge likely to be gained from an urban capacity study would probably render obsolete any more detailed sub-division of what is in any event not a long period. On the other hand, a full allocation of sites to phase 2 (following the urban capacity study and reviews of further potential housing land) would give all parties the comfort of knowing that housing land can be found to meet the requirement set in regional guidance.

Monitoring Arrangements

6.63 The importance of monitoring is generally appreciated by the Inquiry parties, and the need for annual monitoring is also generally accepted. It is the Council's intention, expressed in the RDDP, to undertake monitoring on an annual basis. To my mind, monitoring is central to the 'plan, monitor and manage' approach to planning and achieving sustainable housing provision. The RDDP should be modified to include a policy to monitor housing provision. In the light of its links to phasing, the monitoring policy should be located with the housing phasing policies.

6.64 Policy wording was suggested at the Phasing Round Table Session. I consider that the policy should refer specifically to the annual nature of the process and to the production of an annual report on the results of the monitoring exercise.

6.65 The reasoned justification to the policy should list the factors to be monitored, and this can draw on the several 'lists' of factors to be found in national advice, regional guidance, the table following paragraph 3.100 of the RDDP, and Inquiry Core Document 125. The reasoned justification should also include a commitment to working with the development industry, through the medium of meetings, as part of the monitoring process. I reach this conclusion because of the apparent absence of effective contact between the Council and the industry in the period of preparation of the RDDP. The industry can contribute to monitoring as it has particular knowledge of the sites and areas concerned, which knowledge might not otherwise be available to the Council. All of this would be part of a proactive role for the Council in chasing progress in the preparation and implementation of housing allocations. Without this, there is a danger that housing requirements would not be met and that less sustainable sites would have to be brought forward.

The Trigger Mechanism for Release of Housing Land

6.66 Policy H1 is the policy controlling the release of phase 1 housing sites. As it permits proposals for residential development on any phase 1 allocated site, I do not agree with objectors who say that the RDDP is not clear on the release of phase 1 sites.

6.67 A principal area of objections to the phasing elements of the RDDP was to Policy H2, concerning the release of phase 2 sites, and to the policy's supporting text. This policy is rather inflexible in that it contains tests aimed at preventing the development of phase 2 land before phase 2, or later if phase 1 sites are not coming forward as expected, but not provisions to deal with situations in which phase 2 sites might be needed earlier. The recognition that the latter scenario might have to be addressed is relegated to the reasoned

justification. Also, the wording of the second test in the policy, about development of phase 1 in accordance with expectations, is obscure: it is not clear how the test would be met. Nor is it apparent that any lead-in time has been allowed for, to enable completions on phase 2 sites to follow on smoothly from the end of development of phase 1. Finally, the Council has made it plain that it would not use supplementary planning guidance (SPG) to amend the phasing provisions or to reassign sites between phases, despite the guidance in “Planning to Deliver”.

- 6.68 I deal with the last criticism of the Council’s approach first. It was the subject of written legal submissions during the Inquiry. The Council’s resistance to amending phasing provisions by the use of SPG is based entirely on its view that this would be unlawful: at the Inquiry no case was made by the Council to the effect that the use of SPG has material disadvantages.
- 6.69 It seems to me that, in the circumstances of the RDDP, SPG would be lawful if the plan set out the circumstances in which permission might be given for phase 2 sites, with SPG providing the mechanism for release; or if SPG fell within the ambit of, and was consistent with, the policies of the development plan. SPG would not be used to decide the principle of whether planning permission would be given during the plan period for particular sites, as the plan would already have done that. SPG would be used only to change the timing of release. Nor would SPG avoid the public scrutiny required by PPG12. Within this framework, SPG could be used with advantage to re-assign sites between phases. This is envisaged in “Planning to Deliver”, and it is to be expected that this national guidance has been prepared in the light of case law and national policy. The use of SPG offers the advantages of speed and flexibility. It avoids the potential hiatus in the release of land which could result from the use of more formal procedures.
- 6.70 My conclusion is that SPG should be used as part of the phasing provisions of the plan, and could be lawfully used in this way. This does not, of course, mean that plan review, leading to alteration or replacement, is not also a means of dealing with changed circumstances. Allowing for the role of SPG enables the Council to react positively and quickly to events which are not sufficiently fundamental to warrant alteration or replacement. It is also the case that individual planning applications can be permitted if changing circumstances amount to other material considerations weighty enough to justify permission.
- 6.71 It is important to prevent the premature release of phase 2 sites, for reasons of sustainability. A negative form of policy is appropriate in this instance where an essentially protective policy is concerned. At the same time, the policy should list the circumstances which could lead to the re-assignment of sites between phases, or to the early or late commencement of the second phase as a whole. I accept the Council’s argument that it is impossible to forecast all the possibilities, but in a matter as important as this, my view is that guidance should be given by citing the principal factors which can be foreseen. However, in view of the multiplicity of possible circumstances, I do not see how the policy could realistically specify in detail the precise levels of shortfall which would trigger a review of how the phasing policy was operating. Objectors themselves are divided on the scale of shortfall which would lead to the early release of phase 2. Some of the objectors’ suggestions in my opinion would quickly lead to the release of phase 2 sites during phase 1.

- 6.72 Several policy variations have been put forward by objectors. I favour those which specify the percentage of the phase 1 dwelling total which has been commenced, as the trigger for the release of phase 2. This would be a measurable and clear trigger. Waiting for the development of all phase 1 sites before any release of phase 2 would lead to a hiatus in the production of houses. The lead time necessary for phase 2 sites to produce completions should be taken into account. In my opinion too great a lead time should not be assumed for the generality of sites, otherwise phase 2 land would be released too early and might divert resources from the remaining phase 1 sites, amongst other disadvantages. The lead time should be taken to be approximately one year, overall. One year's production is 1390 dwellings, and this is about 9% of the phase 1 total requirement of 15290. A figure of 90% in the policy should be satisfactory, and should of course allow for the number of dwellings completed as well as for dwellings which have been commenced.
- 6.73 The figure of 90% is considerably higher than figures suggested by objectors. Some of the latter figures were based on longer lead times. I have given my reasons for choosing 90%. The corollary of this choice is that safeguards should be in place in case phase 1 sites do not come forward. The first action of the Council, working with the development industry, in the event of a slower than expected flow of development in phase 1, should be a concerted effort to overcome any constraints affecting sites, both allocated sites and potential windfalls. If this fails then the first safeguard contained in Policy H2 would be activated. The safeguard is also intended to ensure that a 5 year supply of housing land continues to be available. Should a group of sites need to be re-assigned from phase 2 to phase 1, the sites chosen would be the most sustainable sites in phase 2 which could be developed early. The first safeguard has a counterpart which is intended to delay the release of phase 2 if phase 1 sites are producing more dwellings than RPG 12 calls for.
- 6.74 Some objectors, and "Planning to Deliver", mention the possibility of a demonstrable lack of affordable housing leading to the early grant of planning permission for sites which could meet such a need. In my opinion this possibility should be allowed for in the policy, but the contribution should be weighed against the harm which the development of any particular site might cause in sustainability terms. The aim is not to allow the development of patently poor sites just because they could contribute affordable housing.
- 6.75 It may be that a very few major sites will need site specific arrangements so that allowance can be made for unusually long lead times and complexities such as infrastructure provision. The Council will be in a position to make firmer arrangements for this type of site when the urban capacity study has been completed. In the meantime the policy should mention the possibility of special arrangements, which could include granting planning permission before the generality of phase 2 sites are released. The reasoned justification should explain the reasons why this might be done, and the availability of planning conditions and obligations to prevent the unsustainably premature completion of dwellings.
- 6.76 Finally, I make a number of short specific points. The Council relies on Policy UR1 to remind people that other material considerations could lead to planning permission for individual sites, but it would be better to say so here as the point is important in relation to phasing. I deal at paragraph 6.47 with the listing of housing sites, and note that the constituency volumes contain lists of allocated sites. The policy content in my recommendations below is drawn from "Planning to Deliver" and from the Inquiry evidence. The Council refers to the possibility of reviewing phasing if density

assumptions prove over optimistic. This is encompassed in the wording of exception (1) to my recommended Policy H3.

- 6.77 I am recommending substantial modifications to this part of the RDDP. The Council will have to consider their repercussions on other parts of the plan where phasing is mentioned, such as paragraph 3.7.

Recommendation

- 6.78 **I recommend that the RDDP be modified as follows:**

- [a] **Insert a new monitoring policy, worded as set out below, between present Policies H1 and H2, with consequent policy renumbering:**

POLICY H2

THE COUNCIL WILL REGULARLY MONITOR THE ANNUAL ADDITIONS OF DWELLINGS WITHIN THE DISTRICT. MONITORING WILL BE UNDERTAKEN ON AN ANNUAL BASIS, LEADING TO THE PUBLICATION OF AN ANNUAL REPORT ON THE RESULTS OF THE MONITORING EXERCISE. THESE RESULTS WILL BE A MATERIAL CONSIDERATION IN DETERMINING WHETHER TO MAKE AN EXCEPTION TO THE PHASING PROVISIONS, AS SET OUT IN POLICY H3.

- [b] **Insert a new paragraph of lower case text immediately following the new Policy H2. This paragraph is to justify the monitoring Policy H2, and should, inter alia, explain the purpose of monitoring, list the factors to be monitored, and outline the monitoring process, with a commitment to working with the development industry, including through the medium of meetings.**

- [c] **POLICY H2 – delete and replace with**

POLICY H3

PROPOSALS FOR RESIDENTIAL DEVELOPMENT ON ANY SITE ALLOCATED ON THE PROPOSALS MAP AS A PHASE 2 HOUSING SITE WILL NOT BE PERMITTED UNTIL THE TOTAL OF DWELLINGS COMPLETED OR COMMENCED DURING PHASE 1 IS 90% OF THE CUMULATIVE PHASE 1 DWELLING REQUIREMENT. THE EARLY RELEASE OF PHASE 2 SITES WILL BE CONSIDERED IN THE FOLLOWING CIRCUMSTANCES:

- (1) **ALLOCATED PHASE 1 SITES, AND WINDFALLS, PROVIDE CONSISTENTLY AND SIGNIFICANTLY FEWER DWELLINGS THAN CALLED FOR BY THE HOUSING REQUIREMENT, OR WOULD FAIL TO PRODUCE A 5 YEAR SUPPLY OF DWELLINGS. THIS COULD LEAD TO THE RELEASE OF INDIVIDUAL SITES OR GROUPS OF SITES, OR PHASE 2 AS A WHOLE COULD BE BROUGHT FORWARD.**

- (2) WHERE A SITE COULD MAKE A SUBSTANTIAL CONTRIBUTION TO MEETING A LOCAL NEED FOR AFFORDABLE HOUSING IN CIRCUMSTANCES WHERE THERE IS A DEMONSTRABLE LACK OF AFFORDABLE HOUSING.
- (3) WHERE A SITE REQUIRES AN UNUSUALLY LONG LEAD TIME FOR INVESTMENT.

POSTPONEMENT OF THE RELEASE OF PHASE 2 AS A WHOLE WILL BE CONSIDERED IF THE ANNUAL CONTRIBUTION OF DWELLINGS FROM PHASE 1 SOURCES IS SIGNIFICANTLY GREATER THAN THE REQUIREMENT.

WHERE THE COUNCIL CONSIDERS IT DESIRABLE TO RE-ASSIGN SITES BETWEEN PHASES OR TO CHANGE THE TIMING OF THE RELEASE OF PHASE 2, THIS WILL NORMALLY BE DONE BY MEANS OF SUPPLEMENTARY PLANNING GUIDANCE.

- [d] Paragraphs 6.8-6.11 – delete and replace with new reasoned justification, which should at least cover the following points:
 - [1] The results of monitoring will be used to assist with the implementation of Policy H3. Changing circumstances can amount to other material considerations sufficient to justify granting planning permission for individual planning applications.
 - [2] Before considering taking action under the first exception to Policy H3 the Council will make every effort to secure the speedy development of windfall and allocated sites, delays to which threaten to depress the annual total of dwellings built. Should phase 2 sites be re-assigned to phase 1, these sites will be the more sustainable phase 2 sites.
 - [3] In considering any site under the second exception to Policy H3 the Council will have regard to any harm to sustainability objectives which might result from the development of the site.
 - [4] In considering any site under the third exception to Policy H3, planning conditions or obligations will be used to ensure that dwelling completions are not premature.
 - [5] The way in which SPG would be used to amend phasing provisions, including the fact that SPG is subject to public consultation.
 - [6] That formal review of the plan, leading to alteration or replacement, would be used where fundamentally changed circumstances affect the strategy.

POLICY H3: PROTECTING ALLOCATED HOUSING SITES

Objector

4511/10514

Bingley Environmental Transport Association

Summary of Objection

- The policy should be amended if Policy H4 is deleted.

Inspector’s Reasoning and Conclusions

6.79 I recommend below the deletion of Policy H4. As a consequence the reference in Policy H3 to H4 should be removed.

Recommendation

6.80 **I recommend that the RDDP be modified as follows:**

POLICY H3 – delete the final section, after “SEVERELY PREJUDICED,”.

POLICY H4: TEMPORARY USES ON PHASE 2 HOUSING SITES

Objector

4511/10513

Bingley Environmental Transport Association

4255/6508

Ilkley Parish Council

Summary of Objections

- This policy should be deleted because no temporary activities should be allowed on greenfield Phase 2 housing sites other than their present uses.
- The word “appropriate” should be added before “uses”.

Inspector’s Reasoning and Conclusions

6.81 Phase 2 housing sites are not only worthy of protection against developments which might prevent them from eventually providing for the District’s housing requirement. As they are nearly all greenfield sites, collectively and individually they contribute to the character and appearance of the District. Their greenfield character should also be protected against harm until such time as they are required for housing. If sufficient urban recycled land were to become available they would not be required for a long time. This emphasises the importance of retaining their character.

6.82 From the Council’s evidence it appears that the Council has included the policy in the draft plan with the idea of allowing some forms of development on this greenfield land. In my view this could lead to the deterioration in the character and appearance of sites. Alternatively, if the Council does not intend to allow development because, for example, the character of the sites is to be protected, as it should be, pending development, there would be no need for the policy.

6.83 As the latter course of action is the correct one, the policy should not form part of the plan. As a result, paragraph 6.14 needs to be removed as well.

Recommendation

6.84 **I recommend the modification of the RDDP by the deletion of Policy H4 and of paragraph 6.14.**

POLICY H5: RESIDENTIAL DEVELOPMENT OF LAND AND BUILDINGS NOT PROTECTED FOR OTHER PURPOSES

Objectors

4170/6436	<i>McLean Homes Ridings Ltd</i>
4174/6426	<i>Keyland Developments Ltd</i>
4255/6510	<i>Ilkley Parish Council</i>
4511/10509	<i>Bingley Environmental Transport Association</i>

Summary of Objections

- Some possible redevelopment sites are already in productive non-housing uses.
- Redevelopment of the existing housing stock is inadequately covered in the plan. The policy should be amplified to secure a more heterogeneous and higher quality stock, integrated with other uses.
- The policy should refer to the conversion of rural buildings.

Inspector's Reasoning and Conclusions

6.85 This policy encourages residential development of land which is already in use, reflecting the emphasis on the reuse of recycled land. As reuse is an important element of national policy, the Replacement UDP should contain a policy of this nature.

6.86 Where non-residential uses, such as employment or allotments, are of significance, the plan protects them by way of specific policies.

6.87 The coverage of housing redevelopment in the draft plan is a consequence of the low level of planned redevelopment. The Council's stock has been transferred to another landlord, who no doubt will be responsible for deciding on the future of this part of the total housing stock. Where clearance and redevelopment proposals are in the public arena, they are featured in the draft plan. As far as private housing is concerned, the Joint Housing Strategy focuses on improvement. Overall the fate of the existing stock is primarily a matter for bodies other than the Local Planning Authority.

6.88 Housing mix is dealt with elsewhere in this report (see paragraph 6.136).

6.89 The integration of housing with other land uses and with transport facilities is one of the aims of regional guidance and its policies seek to ensure that it is achieved. The strategy I recommend for the Replacement UDP is also intended to have the same results. The mixed use areas allocated in the draft plan are intended to increase the integration of housing with other land uses.

6.90 The objection of Keyland Developments is to the FDDP. It led to a change in the RDDP incorporating reference in paragraph 6.18 to agricultural buildings. The objection has been withdrawn on condition that the change is made, but the change was in fact made before the conditional withdrawal, and in my view satisfies the objection.

Recommendation

6.91 **I recommend that no modification be made to the RDDP.**

POLICY H6: NON-RESIDENTIAL DEVELOPMENT OF EXISTING RESIDENTIAL USES

Objectors

4148/6414 *Raven Retail Ltd (Ex Carter Commercial)*
4511/10510 *Bingley Environmental Transport Association*

Summary of Objections

- The policy could be over-restrictive. It should be worded positively.
- The policy wording would be affected as a consequence of the desired changes to Policy H5.

Inspector's Reasoning and Conclusions

6.92 No change arises out of my consideration of Policy H5.

6.93 The draft plan encourages housing use of windfall sites through Policy UR4.

6.94 It is desirable to avoid the possible need to replace dwellings lost as a result of redevelopment or change of use to non-residential uses. Replacement would be likely to lead to building on greenfield land. As the policy is protective of existing residential land and buildings, a negative formulation is appropriate.

6.95 The policy contains 2 sensible exceptions. With regard to other possible exceptions, the Replacement UDP has policies designed to meet the need for non-residential land uses. A harmful shortage in the supply of housing would be difficult to define in a particular case, and a criterion using that test would enable many individually small, but cumulatively significant, losses of housing to take place. Finally, other material considerations would be taken into account in the assessment of specific proposals.

Recommendation

6.96 **I recommend that no modification be made to the RDDP.**

PARAGRAPHS 6.17 TO 6.18:

Objector

4148/6415 *Raven Retail Ltd (Ex Carter Commercial)*

Summary of Objections

- The text does not reflect the aspirations of Policies H5 and H6, or of national policy.

Inspector's Reasoning and Conclusions

- 6.97 Paragraph 6.17, included in the FDDP, has been deleted from the RDDP. Paragraph 6.18 helps to explain the objective and criteria of Policies H5 and H6.
- 6.98 Policies H5 and H6 make reference to other relevant policies of the plan. The relationship of residential with retail and other town centre uses is the subject of other parts of the draft plan. However it is not clear from this justification of the housing policies that in some cases existing non-residential uses are protected and change of use to housing will not be allowed.

Recommendation

- 6.99 **I recommend that the RDDP be modified as follows:**

Paragraph 6.18 – add to the first sentence

.... , except where the existing use is protected by another policy of this plan.

POLICIES H7 AND H8, PARAGRAPH 6.22: HOUSING DENSITY

Objectors

1459/3991	<i>English Heritage</i>
1722/6313	<i>House Builders Federation</i>
2707/10719	<i>Mr Paul Cooper and Mrs Edna Abbey</i>
3382/6647-8	<i>Menston Community Association</i>
3505/6142,11300	<i>Mr & Mrs J D Cartwright</i>
3512/6338	<i>Hallam Land Management Ltd</i>
3533/6339	<i>Mr David Morgan Rees</i>
3651/10301,10304,12742	<i>Ilkley Design Statement Group</i>
3831/10318	<i>Cala Homes (Yorkshire) Ltd</i>
3835/6368-9	<i>Taywood Homes Ltd and Bryant Homes Northern Ltd</i>
4049/6385	<i>CPRE Bradford</i>
4122/6391	<i>Brighouse Estates Ltd</i>
4124/6394	<i>Grimston Leisure and Investment Ltd</i>
4146/6412-3	<i>Skipton Properties Ltd</i>
4170/6437-8	<i>McLean Homes Ridings Ltd</i>
4177/6449,6451,12741	<i>Redrow Homes (Yorkshire) Ltd</i>
4255/6512-3,6515	<i>Ilkley Parish Council</i>
4279/6523	<i>North Yorkshire LEA</i>
4511/10511,12740	<i>Bingley Environmental Transport Association</i>

Summary of Objections

- Site specific characteristics and constraints, and the character of the surrounding area, will prevent the achievement of the required densities on some sites.

- The policy is onerous in refusing all proposals which fail to meet the stated densities. National advice is less strict and looks for high quality design.
- These policies are inappropriate for settlements in Wharfedale.
- A heavy burden would be placed on school provision for Silsden by these densities.
- The majority of accessible previously-developed land should be developed at densities over 50 dph.
- Minimum densities should be increased, and densities outside inner areas should be higher than densities within inner areas.
- Policy H8 is ambiguous, and is unnecessary in the light of Policy H7.
- Paragraph 6.22 should have the force of policy, and the FDDP wording should be retained.

Inspector’s Reasoning and Conclusions

- 6.100 Good design, and efficiency in the use of land, are both major themes of national policy. Good design and layout of new development can help to achieve the Government’s objectives of making the best use of previously-developed land and improving the quality and attractiveness of residential areas. Design should aim both to achieve the efficient use of land and a high quality environment. The 2 elements of national policy are not to be balanced against each other but are to be considered together. The policy is not applicable only to the South-East of England, but affects high density areas in the North, and the settlements of Wharfedale too. In those settlements as in others the designer should strive to meet the objectives set out above. The particular matters of traffic and parking congestion in Ilkley are under consideration by the Council. Silsden is dealt with elsewhere in this report. Parking standards are set out in Appendix 3 of the RDDP, and the availability of school places has been considered in the preparation of the plan.
- 6.101 Site characteristics and the wider context must be taken into account in the achievement of national objectives. These are clearly material considerations and mentioning them in the policies would not be of particular help. If there are circumstances which might necessitate lower densities than the policy expects, these would be assessed as part of the normal development control procedure, having regard to Section 54A. As it is, the reasoned justification to Policies H7 and H8 refers to the design section of the draft plan, and in particular to Policy D1. On a point of detail, the Baildon Bank Design Brief is not inconsistent with the policies of the draft plan.
- 6.102 PPG3 is clear in advising local planning authorities to avoid developments of less than 30 dwellings per hectare (dph) net, to encourage those of 30-50 dph, and to seek greater intensity of development in certain types of location. There is no relaxation because of alleged socio-economic factors. Policy H7 follows this advice. Use of the words “avoid”, “encourage”, and “seek” from national policy would not be suitable for a development control policy because they do not tell developers under what circumstances planning permission would be granted or refused. There is some recognition on the part of objectors of the weakness of such words in this context. Nor is housing density a planning standard in the way in which inflexible privacy distances or private amenity space standards are.
- 6.103 National policy does not refer to exceptions. There are a great many variables which could affect the density of housing schemes in general. Listing them, particularly in a policy, would make this part of the plan unwieldy. Inclusion of the phrase “exceptional circumstances” in this non-Green Belt policy would be unsuitable. Exceptions can be

made to any policy if other material considerations, such as the need for flexibility in a particular case, are sufficiently strong. As for site size, small sites are sometimes well suited to high density development.

- 6.104 Policy H7 requires a minimum density of 50 dph in good quality public transport corridors. There is no need to explain this further in the policy: it is explained in paragraph 6.21, to which there is no duly made objection. Good quality public transport corridors qualify as places with good public transport accessibility in my view.
- 6.105 Policy H8 contains a separate test from those in Policy H7. Where the requirements of the latter policy are met, but a higher density than that required by Policy H7 is possible on the site, Policy H8 seeks to ensure that the higher density is achieved. This accords with national policy favouring more efficiency in the use of land, and prevents situations occurring where only the minimum allowable under Policy H7 would otherwise be provided.
- 6.106 The CPRE objection regarding a higher proportion of sites at densities greater than 50 dph appears in fact to be aimed at paragraph 3.28 of the RDDP. Policies H7 and H8 are designed to result in such densities in the sorts of locations envisaged in national policy, and in other locations the policy wording does not adopt 30 or 38 dph as minima.
- 6.107 There is no precedent in national policy for requiring higher densities in suburban areas than in inner areas: the areas where higher densities are looked for are at places with good public transport accessibility. Regional guidance, like Policy H7, uses the term “good quality public transport corridors” rather than “development corridors”. The former offer the opportunity to use public transport rather than private transport. The locational strategy contains a sequential approach for determining where housing should be located. Policies H7 and H8 then come into play to control the density of housing development. Paragraph 6.22 acknowledges the role of the type and size of housing needed, in assessing housing proposals against the policies. This shows that the Council is aware of the importance of making provision for the different types of need.
- 6.108 Paragraph 6.22 is not intended to list mitigating factors which would tend to decrease the density allowable on a particular site. This is the burden of one of the sentences in the paragraph. However the mere presence of the list would in my opinion be likely to result in confusion in the minds of users of the plan, many of whom would be looking for mitigating factors. The way in which objectors see the list, the objections that the list is incomplete, and the objections to the removal of certain elements from the list in the RDDP, reinforce my view that the list would cause problems for users and be misinterpreted. The list could potentially be very long, and there is overlap between factors which influence both design and density. In order to avoid confusion, and claims that important factors have been omitted, the list and its introduction should be deleted.

Recommendation

- 6.109 **I recommend that the RDDP be modified as follows:**

Paragraph 6.22 – delete all but the first sentence.

PARAGRAPH 6.27:

Objectors

<i>1722/6315</i>	<i>House Builders Federation</i>
<i>3505/5896</i>	<i>Mr & Mrs J D Cartwright</i>
<i>3651/10322</i>	<i>Ilkley Design Statement Group</i>
<i>4191/6454</i>	<i>Countryside Strategic Projects PLC</i>
<i>4255/6516</i>	<i>Ilkley Parish Council</i>

Summary of Objections

- The paragraph could be applied to the phasing and release of sites in respect of its identification of market areas within the city boundary.
- The 40% figure for Wharfedale is arbitrary, unrealistic, and not practical. It will lead to commuting to work elsewhere.
- The logic of the 40% figure for Wharfedale is not explained.
- It is not clear what percentage of affordable housing would be applied to schemes in Silsden.

Inspector's Reasoning and Conclusions

6.110 The House Builders Federation now accepts the housing market approach to the provision of affordable housing but has not formally withdrawn its objection made at FDDP stage. I have dealt with the question of phasing above. The district's topography and range of settlement sizes have helped to create sharp distinctions between local housing markets. It is the view of the Council and of the Bradford Housing Partnership, a view also contained in the Joint Housing Strategy for Bradford, that it is important to meet the needs of low income households for affordable housing within their current neighbourhoods. This will enable such households to stay near their place of work and maintain networks of friends, family and institutional support.

6.111 The RDDP does not detail how the various quotas of affordable housing applicable to private residential developments have been arrived at. However, the Council's Inquiry evidence indicates that within the Wharfedale housing market area, which, of the 7 areas identified within the district, has the highest average house price, the shortage of low cost housing as a proportion of the total stock is some 23%. The shortage of low cost housing compared to the total capacity of eligible housing sites is in the ratio of 16:1. The Council accepts that there is no precise formula for converting these relationships to graduated targets but has used a broad-brush approach of setting a target for Wharfedale at what is considered to be the highest practicable level of 40%. Although this is perhaps to some extent an arbitrary figure, I have no reason to suppose that it is an unrealistic one.

6.112 The amount of overall housing provision made by the RDDP within Wharfedale, compared with other parts of the district, is low. Capacity will increase as a result of my recommendations. Policy H9 makes clear that arrangements will be necessary to ensure that affordable housing remains affordable in perpetuity and that provision will be based on the extent and type of need. Circular 6/98 indicates that conditions or planning obligations can be used to establish occupancy criteria. These may include restriction to local residents, people employed locally, or people with local connections. Their use

could serve to minimise the likelihood of such provision resulting in unsustainable commuting to employment sources. Furthermore, I accept that the Council’s approach is to seek to prevent existing households being forced to either leave Wharfedale or to live in unsuitable accommodation as a result of being priced out of the market. The intent of the policy is to provide a different range of housing provision rather than simply more.

6.113 Requirements for affordable housing provision within Silsden are not specified but as the town is within Airedale the 30% figure for this area presumably would be applicable as a starting point for negotiating provision on individual sites. This question appears to have been raised in connection with the 3 major housing allocations to the eastern side of Silsden which, if my recommendations are accepted, would be deleted from the finally adopted plan. On the basis of the above I do not consider there to be any need to modify this particular paragraph.

Recommendation

6.114 **I recommend that no modification be made to the RDDP.**

POLICY H9: AFFORDABLE HOUSING

Objectors

954/6304	<i>Government Office for Yorkshire and the Humber</i>
1722/6314	<i>House Builders Federation</i>
1771/10954	<i>Heron Land Developments Ltd</i>
3831/10319	<i>Cala Homes (Yorkshire) Ltd</i>
3835/6370	<i>Taywood Homes Ltd and Bryant Homes Northern Ltd</i>
3952/4134	<i>Burley Community Council</i>
4170/6439	<i>McLean Homes Ridings Ltd</i>
4177/6452	<i>Redrow Homes (Yorkshire) Ltd</i>
4191/6453	<i>Countryside Strategic Projects PLC</i>
4324/6526	<i>Landmark Development Projects Ltd</i>
4511/10508	<i>Bingley Environmental Transport Association</i>

Summary of Objections

- There is apparent conflict in the justification to the policy between quotas and negotiation of a proportion of affordable housing.
- It needs to be considered whether the provisions in the last part of the policy are implementable and affordable and the statement may be more appropriate in the justification.
- There should be an indication of how many affordable homes are needed in the whole plan area.
- The test of affordability could be a city-wide test so that housing needs identified in an area could be met elsewhere within the city boundaries. The supply of additional affordable housing may make some of the existing stock not viable.
- The policy nowhere indicates that there will be an element of negotiation on the percentage of affordable housing to be provided depending on the viability of each individual site.
- The policy needs amending to refer to an up-to-date housing needs survey and the demonstration of need on particular sites.

- The policy does not provide assistance as to the threshold for “substantial” residential development or the mechanisms for securing affordable housing on suitable sites.
- The 40% figure for Wharfedale needs to be clarified to ensure it is reserved for local needs.
- It is unclear what percentage of affordable housing would be sought on housing allocations in Silsden.
- The requirement that affordable housing remains affordable in perpetuity is contrary to Government policy regarding the ‘right to buy’.
- The policy does not reflect accurately the guidance within Circular 6/98.
- The policy should apply to all housing developments of more than 4 dwellings.
- Higher percentages of affordable housing within developments are needed.
- Affordable housing within developments should be built first.

Inspector’s Reasoning and Conclusions

- 6.115 The GOYH has queried whether the Policy H9 requirement for developers to conclude arrangements to ensure that affordable housing remains affordable in perpetuity is implementable and enforceable. I do not consider the wording of the policy is strictly correct in requiring a developer to conclude such arrangements. Circular 6/98 makes it clear that both conditions and planning obligations may be used legitimately to achieve the development and use of land in a way which ensures that some of the housing built is occupied, either initially or in perpetuity, only by people falling within particular categories of need for affordable housing. It would be feasible for the Council to secure affordability in perpetuity through the medium of a planning condition attached to a permission rather than a developer necessarily being bound by a planning obligation. I therefore consider it would be more appropriate for the last sentence of the policy to be removed. Reference to conditions and/or obligations to secure affordability in perpetuity should be made within the justification to the policy, perhaps in paragraph 6.35 where these are mentioned within the context of ensuring that affordable housing is built.
- 6.116 Concern is expressed that there is an apparent conflict between the housing market quotas referred to within paragraphs 6.27 and 6.39 and the wording of Policy H9. The latter seeks the negotiation of a proportion of affordable housing based on the extent and type of need and the suitability of the site or building. In my view the policy itself is clear in setting out the basis on which negotiation will take place in relation to individual sites. This is amplified in paragraph 6.36, which indicates that the overall situation within the housing market areas will be one of the relevant considerations in the assessment of affordable housing need. I do not consider there to be a conflict between the policy and its various justifying paragraphs.
- 6.117 The RDDP does not identify the number of affordable homes needed or set an absolute target for provision over the life of the plan. The Joint Housing Strategy recognises that the need for affordable housing will change over time. Furthermore, specific sites where a proportion of affordable housing should be provided are not identified. Instead Policy H9 would be applied to all applications on allocations, windfall sites and conversions above the specified threshold. This would enable the most up-to-date information to be used relating to need within the district. Paragraph 6.39 of the RDDP comments on the level of affordable housing that could be delivered, based on certain assumptions. These figures have been updated within the Council’s Inquiry evidence and the RDDP should be modified to incorporate these. I consider that in the light of the above there would be

little to be gained from the plan making specific reference to the number of affordable homes needed throughout the district

- 6.118 The House Builders Federation has now accepted that a market area approach to affordable housing provision is appropriate. The percentage targets for affordable housing referred to within paragraph 6.27 recognise that within the Bradford and Keighley inner areas there is a surplus of low-cost housing. No percentage target is suggested for these areas since any increase could undermine the strategy for reducing the oversupply there. Similarly, no general needs affordable private sector housing is suggested for the Bradford and Keighley suburbs because of the potential for undermining the fragile market in parts of them. The 15% target for these latter areas is aimed specifically at the needs of the Asian community and elderly. This being the case, I do not consider that in itself the application of Policy H9 would be likely to materially affect the viability of existing vulnerable housing stock
- 6.119 Heron Land Developments object to the policy on the basis of its applicability to a specific site within Shipley. They indicate that the likelihood of a requirement for a 30% quota of affordable housing does not recognise the circumstances that might affect the viability of development. A similar point regarding viability is made by Mclean Homes Ridings Ltd. Circular 6/98 indicates that in assessing the suitability of sites where affordable housing provision may be made matters to be taken into account include site size, suitability and the economics of provision. In my view the economics of provision would include matters like abnormal costs of development resulting from such things as remedial contamination work and ground stabilisation. These are matters that would affect a scheme's viability. The Circular points out that councils should take account of the needs of developers who must ensure that schemes are financially viable. Policy H9 makes no reference to the economics of provision and for it to more closely accord with Circular 6/98 advice I consider the policy should be modified to include this.
- 6.120 Objection is made to the lack of reference to affordable housing need being demonstrated by an up-to-date Housing Needs Survey. Paragraph 6.23 refers to the various documents in which the affordable housing situation within the district is described. It is apparent that the affordable housing policies which follow have been informed by, and result from, the work described in these various documents although it is nowhere explicitly stated that up-to-date surveys have been, or will need to be, carried out. For the avoidance of doubt, it would be helpful for the justification to Policy H9 to more clearly indicate the situation.
- 6.121 The definition of "substantial" residential development is not provided within Policy H9 itself but within paragraph 6.34. The justifying paragraphs, particularly if modified in line with my recommendation, indicate how affordable housing will be secured. I have considered the 40% Wharfedale quota and that which would apply to Silsden in relation to paragraph 6.27 above.
- 6.122 Circular 6/98 indicates that conditions or planning obligations to restrict occupancy in perpetuity may legitimately be used. The various suggested modifications to the policy and its justifying paragraphs discussed above would in my view make it more accurately reflect advice within the Circular. One objector has suggested that Policy H9 should apply to residential schemes of more than 4 dwellings but has provided no justification for this. Nevertheless, this does point to the fact that the RDDP does not explain why the one hectare or 25 dwellings or more threshold has been chosen. Whilst paragraph 6.34

indicates that developers are encouraged to provide affordable housing on sites which fall below this threshold, the Circular indicates that in settlements in rural areas with a population of 3,000 or fewer planning authorities should adopt appropriate thresholds. These should be based on assessments, which include local needs and the available supply of land for housing, and should be adopted only through the local plan process. RPG Policy H4c) indicates that in preparing development plans authorities should consider whether there is evidence which would justify the application of lower thresholds as set out in Circular 6/98 and, if so, include a justified policy accordingly. Policy H10 of the RDDP deals with rural exceptions, but this relates to sites that would not normally be released for housing. I therefore consider the Council should either consider providing additional explanation why the threshold it has chosen is universally applicable, or modify Policy H9 to make reference to alternative thresholds applicable within the smaller rural settlements.

- 6.123 I have no reason to query the suggested quotas for the differing market areas within the district, which the Council includes within the RDDP following from its Joint Housing Strategy. It has been suggested that where affordable housing is to be provided this should be put on the market first as it is believed that it is often left to the end of development, making implementation of the policy ineffective. I have seen no substantive evidence to suggest that this is the case. Furthermore, Circular 6/98 indicates the appropriateness of an obligation or planning condition, in situations where no Social Landlord is involved, to require that a specified proportion of general market housing on a site cannot be occupied until after the affordable housing element has been built and allocated. Policy 6.35 of the RDDP already refers to conditions and obligations to ensure that affordable housing is built and I do not consider either Policy H9 or its justifying paragraphs require further modification in this regard.

Recommendation

- 6.124 **I recommend that the RDDP be modified as follows:**

- [a] **POLICY H9 – delete the first sentence and, subject to any further modification as a result of recommendation [e], replace with
ON PLANNING APPLICATIONS FOR SUBSTANTIAL RESIDENTIAL DEVELOPMENT THE COUNCIL WILL NEGOTIATE FOR A PROPORTION OF AFFORDABLE HOUSING BASED ON THE EXTENT AND TYPE OF NEED, THE SUITABILITY OF THE SITE OR BUILDING IN THE CASE OF CONVERSIONS, AND THE ECONOMICS OF PROVISION.**
- [b] **POLICY H9 - Delete the last sentence and add, within a paragraph justifying the policy, reference to planning conditions and/or planning obligations securing the affordability of housing in perpetuity.**
- [c] **Paragraph 6.39 - Change to refer to updated figures for the possible total numbers of affordable dwellings that could be built over the life of the plan.**
- [d] **Insert within the justification to the policy clearer reference to what surveys have been, or will need to be, carried out to establish housing need.**

- [e] **Additional explanation should be provided within the justifying paragraphs as to why the one hectare or 25 or more dwelling threshold has been universally adopted, or Policy H9 should be modified to make reference to an alternative threshold applicable to smaller rural settlements.**

PARAGRAPH 6.33:

Objector

4255/6518

Ilkley Parish Council

Summary of Objection

- It is unreasonable to ask developers to provide 40% affordable housing within a planning application.

Inspector's Reasoning and Conclusions

6.125 Paragraph 6.33 merely quotes paragraph 17 of PPG3 relating to the presumption of provision of affordable housing where a local planning authority has decided that an element should be provided. Paragraph 6.36 indicates that whilst the Joint Housing Strategy points to a 40% quota for Wharfedale the overall situation in the housing market area would be only one of the relevant considerations. The basis for assessing need for, and quantity of, affordable housing will be done on a site-specific basis. A developer would not therefore automatically be asked to provide 40% affordable housing within a development. I do not consider any modification to this paragraph is therefore necessary.

Recommendation

6.126 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 6.36:

Objector

4255/6519

Ilkley Parish Council

Summary of Objection

- The words “and similar shared equity schemes” should be inserted after “social rented housing”.

Inspector's Reasoning and Conclusions

6.127 Circular 6/98 uses the terms “affordable housing” and “affordable homes” to encompass low-cost market and subsidised housing irrespective of tenure or ownership – whether exclusive or shared. For the sake of completeness I consider the need for shared equity schemes should be added to the list of considerations to be taken into account in assessing the need for affordable housing.

Recommendation

6.128 **I recommend that the RDDP be modified as follows:**

Paragraph 6.36 – insert the words “and similar shared equity schemes” after “social rented housing”.

POLICY H10: AFFORDABLE HOUSING – RURAL EXCEPTIONS

Objectors

954/6305 *Government Office for Yorkshire and the Humber*
4191/6455 *Countryside Strategic Projects PLC*

Summary of Objections

- The policy and justification should set out what is the area within which needs will be considered “local” in terms of, for example, groups of villages or parishes.
- The requirement that affordable housing remains affordable in perpetuity is contrary to Government policy regarding the “right to buy” and the third clause of the policy should be removed.

Inspector’s Reasoning and Conclusions

6.129 Annex B of PPG3 relates to the provision of rural “exception” housing. It advises that policies should clearly set out the circumstances where sites may be released and the criteria against which proposals will be considered. These include the definition of the area within which needs will be considered “local”, whether in terms of groups of villages or parishes or even a single parish. Policy H10 does not define either “local” or what is a “proven local need”. In its Inquiry evidence the Council states that it jointly funds with the Countryside Agency a Rural Housing Enabler post. The post holder has the remit to identify all relevant factors through surveys and discussions concerning the extent of both local need and provision. Whilst this might be the case this does not assist the user of the plan to know how “local” and “proven local need” are to be defined. I therefore consider that additional explanation should be provided within the justification to the policy of the meaning of the term “proven local need”.

6.130 As mentioned in relation to Policy H9, Circular 6/98 indicates that conditions or planning obligations to restrict occupancy in perpetuity may legitimately be used. I therefore see no reason why the third criterion of the policy should be changed.

Recommendation

6.131 **I recommend that the RDDP be modified by the provision within the justification to the policy of clarification of what constitutes “proven local need”.**

PARAGRAPHS 6.42 TO 6.44:

Objector

954/12769

Government Office for Yorkshire and the Humber

Summary of Objection

- If the Council does not consider it necessary to make specific proposals for sites for gypsies, a criteria-based policy should be included.
- Revisions to the FDDP do not fully overcome the objection that there should be a criteria-based policy.

Inspector's Reasoning and Conclusions

6.132 The FDDP listed the 2 permanent local authority gypsy sites in the district and indicated that applications for additional sites would be tested against policies in the Urban Renaissance Chapter of the plan. The RDDP was amended in light of the objection to the absence of a criteria-based policy so as to refer specifically to Policies UR2, UR3 and UR4 as being relevant in the consideration of additional sites. These 3 policies require the promotion of sustainable development, a requirement that there be no adverse impact on surrounding development and occupants of adjoining land, and a sequential approach to accommodating development on sites. Paragraph 6.44 also details the need for a satisfactory amount of land for work and playspace, necessary grazing land, and screening or landscaping. I consider that by particular reference to the above 3 policies, coupled with the further explanation in paragraph 6.44 of other necessary considerations, the RDDP sufficiently clarifies the factors to be taken into account in the assessment of further gypsy sites. In light of this a specific criteria-based policy would be largely repetitious and unnecessary. It would not materially add anything to the plan.

Recommendation

6.133 **I recommend that no modification be made to the RDDP.**

PARAGRAPHS 6.45 TO 6.47:

Objector

954/6308

Government Office for Yorkshire and the Humber

954/12768

Government Office for Yorkshire and the Humber

Summary of Objections

- If it is not considered necessary to make specific proposals for sites for travelling showpeople a criteria-based policy should be introduced against which proposals can be considered.
- There should be a reference to the likely characteristics of sites for travelling showpeople, including the uses and facilities that may be needed.

Inspector's Reasoning and Conclusions

6.134 In response to the objection to the absence of a criteria-based policy in the FDDP, the Council has specified within the RDDP 3 policies of the Urban Renaissance Chapter that

will be particularly relevant in the consideration of applications for further sites for travelling showpeople. These policies require the promotion of sustainable development, that there be no adverse impact on surrounding development and occupants of adjoining land, and a sequential approach to accommodating development on sites. I consider that this specific reference clarifies matters that would need to be taken into account in the assessment of any application. To repeat these within a criteria-based policy relating to travelling showpeople would be repetitious and would lead to the lengthening of the plan without materially adding anything to it.

Recommendation

6.135 I recommend that no modification be made to the RDDP.

POLICY OMISSION 17: HOUSING MIX

Objectors

954/5871

Government Office for Yorkshire and the Humber

4511/10520

Bingley Environmental Transport Association

Summary of Objections

- To reflect PPG3 advice more fully the Council should consider including a policy on housing mix together with a statement in the supporting justifying text.
- There should be a policy to specify that developments over 10 dwellings should include a wide variety of types and costs of housing to prevent monotonous housing with the propensity for exclusive occupation by one age group, household size or income group. Sheltered housing should be given priority.

Inspector's Reasoning and Conclusions

6.136 PPG3 advises that local authorities should provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available. They should seek to create mixed and balanced communities. The guidance goes on to say that plans should be formulated which seek to secure an appropriate mix of dwelling size, type and affordability in both new developments and conversions to meet the changing composition of households and in the light of likely assessed need. The RDDP does not contain a specific policy on housing mix, the Council taking the view that its work in assessing local housing needs did not provide the evidence to justify and apply such a wide and all-embracing housing mix policy. The Council is also of the view that, in the absence of more specific and clearer guidance, a policy on housing mix would itself be unclear, imprecise, unnecessary, and perhaps unenforceable. In its objection the GOYH has not suggested any form of wording for such a policy.

6.137 PPG3 does not state that development plans should have specific policies on housing mix but that plans should be formulated that achieve the goal of securing an appropriate mix of dwelling size, type and affordability. In assessing its local housing needs the Council's work has identified the main needs in the context of housing mix as, in particular, the under-supply and over-supply of affordable housing, and improved Asian access to social rented housing. The RDDP contains Policies H9 and H10, which are

aimed at securing affordable housing provision where this is shown to be needed. These policies link with the provisions of the Joint Housing Strategy.

- 6.138 Looking at RPG Policy H4 it appears clear to me that the development of affordable housing is perhaps seen as the most important element in achieving housing mix. Furthermore, I consider that there are policies within the RDDP, such as those relating to housing density and design considerations which, in conjunction with those on affordable housing, would ensure that consideration is given to the provision of an appropriate housing mix. These should help to ensure far less homogeneity in form and type of housing provision.
- 6.139 There is no national guidance to justify a threshold of 10 dwellings above which a variety of types and costs of housing should be provided. The Council indicates that it has no data to support such a threshold. However, my comments and recommendations in relation to Policy H9 above are relevant in this regard. The RDDP would allow the provision of sheltered accommodation within residential development. The Joint Housing Strategy would be able to identify needs and priorities for this form of housing and the RDDP's existing policies would provide no bar to its delivery.
- 6.140 Overall, it is my view that existing policies within the RDDP are sufficient to meet the thrust of PPG3 and RPG12 advice on housing mix and no additional policy is necessary.

Recommendation

- 6.141 **I recommend that no modification be made to the RDDP.**

POLICY OMISSIONS 23 AND 70: ASSESSMENT OF HOUSING ALLOCATIONS IN MEETING RPG AND APPLICATION OF THE SEQUENTIAL APPROACH

Objector

954/630 & 12836 *Government Office for Yorkshire and the Humber*

Summary of Objections

- Include a sequential approach policy against which allocations and windfalls would be assessed in meeting the housing requirement, list sites against the policy criteria, and indicate the total amount of previously-developed land in the supply.

Inspector's Reasoning and Conclusions

- 6.142 I have dealt with these objections above in the first part of this chapter and in relation to Policy UR4. I do not consider that the sequential approach policy should be applied to housing allocations as these will have already been made.

Recommendation

- 6.143 **I recommend that no modification be made to the RDDP, additional to modifications already made above.**

Chapter 7 Town Centres, Retail and Leisure Developments

PARAGRAPHS 7.1, 7.16, 7.61, 7.65 to 7.67, 7.70, 7.74, 7.75 & 7.77:

Objectors

954/12547	<i>Government Office for Yorkshire and the Humber</i>
4117/12569	<i>Alfred McAlpine Special Projects</i>
4119/12573	<i>Lattice Property Holdings Ltd</i>
4137/12578	<i>Yorkshire Co-operatives Properties Ltd</i>
4138/12688	<i>Wm Morrison Supermarkets Plc</i>
4148/4046, 4051, 4053, 4056 & 12615	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4200/5810	<i>British Land</i>
4283/5936, 5937	<i>Tesco Stores Ltd</i>
5021/12540	<i>Miller Developments (Northern) Ltd</i>

Summary of Objections

- There is no justification for distinguishing between the four town centres and the district centres, as they all function as town centres in PPG6 terms.
- Greengates should be allocated as a district centre.
- Paragraph 7.61 should be revised to recognise the true benefits of retailing to employment.
- Insufficient information is provided on the Colliers Erdman Lewis (CEL) study, and the Council's updated forecasts, for the retail strategy in the UDP to be considered robust. The plan should contain details of capacity forecasts and their implications for the Bradford District.
- There is too much reliance on the CEL Study.
- The plan should provide a proper assessment of need, and identify appropriate district centre or edge of centre sites to meet the identified needs.
- The approach does not accord with PPG6. The plan's retail strategy should aim to sustain and enhance the vitality and viability of existing centres.
- Neither West Bowling nor Odsal should be an exception to the normal application of retail planning policy including sequential approach.
- The term "community" in the penultimate sentence of paragraph 7.77 should be replaced with "catchment".

Inspector's Reasoning and Conclusions

Paragraph 7.1

- 7.1 The Council recorded an objection by Tesco Stores Ltd as being to this paragraph, but it was a general comment that the UDP does not provide clear and concise guidance on retail policy and that the approach to retailing is confusing and unstructured. The objection then made specific reference to the reliance on the CEL Study, which I consider below, and the different rules for comparison and convenience goods retailing, which I consider with other objections to Policies CR1 to CR4, CR8 and CR9.

Paragraph 7.16: The Centre Hierarchy

- 7.2 Annex A to PPG6 describes district shopping centres as groups of shops, separate from the town centre, usually containing at least one food supermarket or superstore, and non retail services such as banks, building societies and restaurants. The term town centres is generally used to cover city, town and traditional suburban centres, which provide a broad range of facilities and services and which fulfil a function as a focus for both the community and for public transport. Whilst some of the district centres are quite large in terms of floorspace, they do not offer the range of services which are provided in the town centres, nor do I consider that they fulfil the function of a town centre, as described in PPG6.
- 7.3 I am therefore satisfied that the proposed hierarchy is appropriate, and the differentiation between town centres and district centres should be retained.
- 7.4 I consider the objection relating to Greengates in the Bradford North Constituency Volume, and conclude that it should be designated as a district centre.

Paragraph 7.61

- 7.5 The Council points out that employment levels in retailing have fluctuated over the last 10 years, and do not relate to the growth in retail floorspace. This would appear to support the statement that the ability of retailing to create additional jobs is limited, although the retail sector is clearly a major employer. However, I see little point in including the statement in the Plan. Retail policies are distinct and separate from those relating to the economy and employment, and there is no need to justify this by reference to job creation.

Paragraphs 7.65 to 7.67: The Colliers, Erdman and Lewis Study

- 7.6 The RDDP explains that the provision for growth and improvement in the City and town centres has been guided by the CEL Retail Capacity Study, and indicates the broad conclusion of the study that there was little quantitative justification for additional retailing, although there was scope for additional developments to bring about qualitative improvements. However, the CEL Study also identified that a substantial amount of retail expenditure leaves the district, and suggested that “claw back” could be used to promote sustainable development, and seek to minimise travelling distances.
- 7.7 In addition to the CEL Study, the Council carried out a Retail Floorspace Study in 1997, and Retail Floorspace Capacity Updates in 2000 and 2001. These provided information on the retail composition of centres and updated the capacity assessment in the CEL Study, enabling deficiencies to be identified in specific centres.
- 7.8 In my view these studies provide a reasonable basis for the specific retail proposals in the plan, but there is no information in these introductory paragraphs to explain why the Council appears to have disregarded the stated findings of the CEL Study, particularly with regard to the major redevelopment proposals for the City Centre, and the definition of Expansion Areas for the City and town centres. Whilst more detailed information is included in relation to specific centres, I consider that this section of the explanatory text

should be expanded to refer to the various studies that the Council has relied upon in formulating the retail policies and proposals of the plan.

Paragraph 7.70

7.9 Whilst an objection was stated as being to this paragraph, it related to the assessment of need, and the identification of sites within, or on the edge of, centres. The CEL Study, together with the Council's Retail Floorspace Capacity Updates, suggest that there is an oversupply of both convenience and comparison retail floorspace. However, the CEL Study was based on an assumption that people's existing shopping patterns would continue, whilst the Council's own studies identified deficiencies in some centres, and have led to some specific proposals for the City and town centres, and to the definition of expansion areas.

7.10 The objector refers to some centres having tightly drawn boundaries, which will not provide for future expansion to sustain and enhance vitality and viability and to meet sustainability and social exclusion objectives, and refer specifically to Great Horton. The Council acknowledges that Great Horton and Tong Street lack large modern foodstores, and proposes a change to paragraph 7.93 to indicate that, although these district centres do not have such facilities, no sites could be identified to designate as expansion areas. The remaining four district centres all have a large modern foodstore, and most have a range of other shops and services, which appear to cater adequately for the day to day needs of the catchment. Annex B to PPG6 advises that local plans should identify a range of suitable sites on which the demands for developments might best be met, and it would have been preferable for the plan to identify sites for additional retail development at those centres where an identified deficiency exists, in line with this advice. However, since the Council has been unable to identify sites at these two district centres, I accept that drawing attention to the deficiency at least provides some guidance for the consideration of specific proposals, and goes some way towards meeting the objection.

Paragraph 7.74

7.11 The first of the Government's objectives, as set out in paragraph 1.1 of PPG6, is "to sustain and enhance the vitality and viability of town centres". Whilst I accept that the word "safeguard" is used in a similar context later in the PPG, paragraph 7.74 refers to the Government's aim, and I consider that it is more appropriate that it should use the wording in the first paragraph of PPG6, which sets out the Government's objectives.

Paragraph 7.75

7.12 I consider the proposals for West Bowling Golf Course in the Bradford South Constituency Volume, and recommend that the reference to A1 non food retail development be deleted. The Council proposes a change to the plan to delete the Odsal Stadium Action Area, and I am recommending that the RDDP be modified in accordance with that change.

Paragraph 7.77

7.13 I agree with the objector that the word "community" can be subjective, and does not necessarily reflect the draw of a centre, and "catchment" can be more easily defined. I therefore consider that this is a more appropriate term, and should be substituted. There

are a number of other references to “community” in the retail policies and paragraphs of the plan and, in order to ensure consistency, these should also be replaced by “catchment”.

Recommendation

7.14 I recommend that no modification be made to the RDDP in relation to paragraphs 7.16 & 7.70 but that the RDDP be modified as follows:

- [a] Paragraph 7.61 - delete the second and third sentences;**
- [b] Include further information on the findings of the CEL Study, and the other studies, that the Council has relied upon in formulating the retail policies and proposals of the plan;**
- [c] Paragraph 7.74 - delete the word “safeguard” and replace with “sustain”;**
- [d] Paragraph 7.75 - delete the final sentence;**
- [e] Paragraph 7.77 - delete the word “community” and replace with “catchment”.**

POLICIES CR1-4, CR8, CR9, PARAGRAPHS 7.53, 7.56, 7.57, 7.91 to 7.94 & 7.97: RETAIL DEVELOPMENT IN CENTRES

Objectors

2209/4127, 5876/7 6006 & 6007	<i>Sainsbury's Supermarkets Ltd</i>
2554/12557	<i>RPS</i>
3809/4143	<i>J J Gallagher Ltd</i>
4117/12567	<i>Alfred McAlpine Special Projects</i>
4119/12572	<i>Lattice Property Holdings Ltd</i>
4136/5894	<i>B & Q PLC</i>
4137/4101A/B & 4104	<i>Yorkshire Co-operatives Properties Ltd</i>
4138/4098	<i>Wm Morrison Supermarkets Plc</i>
4148/3824, 3827/8, 3830, 3829, 4043, 4050, 4055, 12620-2, 12624 & 12625	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4200/5811, 5887-9	<i>British Land</i>
4283/6207 & 11836	<i>Tesco Stores Ltd</i>

Summary of Objections

- Policies CR1, CR2, CR3, CR8 and CR9 are unnecessarily repetitive and overly complicated. They should be replaced by one policy which supports appropriate retail development in centres.
- The different rules for comparison and convenience retailing, and for specific types of centres, cannot be justified by national and regional policy.
- Object to the inclusion of “after having taken flexibility and scale into account” in Policies CR1, CR2, CR8 and CR9.

- District centres should not only meet day to day needs, but the needs of their catchment population in order to minimise the need to travel.
- Paragraphs 7.91 to 7.94 should be deleted, or revised to more closely reflect PPG6 guidance.
- Policy CR4 should be revised to more closely reflect paragraphs 3.2 and 3.3 of PPG6, and paragraph 7.97 should be deleted.
- The text should indicate that comparison shopping proposals will be assessed using the sequential approach as set out in PPG6 with the hierarchy of preference being town centre, edge of centre and local centre and only then out of centre.
- Expansion Areas should not have equal status to sites within the Defined City Centre, but the policy should make it plain that proposals on these sites will not have to demonstrate need.
- The boundaries of district centres on the Proposals Maps should be amended to include areas of car parking which serve the district centre.
- Policy CR1 should be amended to include a reference to the Valley Road Retail Area.
- Greengates should be allocated as a district centre.

Inspector's Reasoning and Conclusions

- 7.15 Policies CR1, CR2, CR3, CR4, CR8 and CR9 all relate to retail development in centres. PPG6 advises that town and district centres should be the preferred locations for developments that attract many trips, and that policies should enable town, district and local centres to meet the needs of residents in their area. This relates to shopping, community and employment opportunities, but new retail development should be subject to a sequential approach. This means that first preference should be for town centre sites, followed by edge of centre sites, district and local centres and only then out of centre sites. This hierarchy is reflected in the policies of the RDDP, but I consider that the inclusion of separate policies for each type of centre, and for convenience and comparison retail, makes the Plan unnecessarily lengthy and complicated. Whilst there needs to be some differentiation between the City and town centres, and district and local centres, to incorporate the various definitions of boundaries, I see no reason why all types of centre cannot be included within a single policy.
- 7.16 I also see no basis to include separate policies for convenience and comparison retail. The policies for the City Centre and town centres allow for both forms of development, and the wording of Policies CR1 and CR8, and CR2 and CR9, are virtually identical. In relation to district and local centres PPG6 advises that these should contain a range of facilities, consistent with the scale and function of the centre, to meet people's day to day needs. It does not differentiate between convenience and comparison shopping.
- 7.17 The Council points out that the City Centre has not experienced comparable growth with other major centres in West Yorkshire, and suggests that this is partly as a result of large comparison goods retail development having taken place outside the centre. I appreciate its concern, and agree with the general strategy to direct comparison goods retail development to the City Centre or town centres. However, this should not preclude comparison goods development in district or local centres, where it is directly related to the needs of the local catchment, and the application of the sequential approach would ensure that development which is not appropriate to the role of a district or local centre would be directed to town centre or edge of centre sites.

- 7.18 In relation to the objection to the additional text included in the RDDP in relation to flexibility and scale, PPG6 requires developers and retailers to be flexible about the format, design and scale of development. I therefore consider that a reference to flexibility is appropriate but the meaning of the phrase “HAVING TAKEN FLEXIBILITY AND SCALE INTO ACCOUNT” is unclear. I consider that the intention of PPG6 would be better expressed by the phrase “A FLEXIBLE APPROACH HAVING BEEN TAKEN”.
- 7.19 A number of the objectors also object to the explanatory text, particularly in relation to district and local centres. Paragraphs 7.53 to 7.59 describe the purpose of the district and local centres in terms of their role within the hierarchy, whilst paragraphs 7.91 to 7.97 relate specifically to convenience goods retailing. There is some repetition between these sections of text, but the context is different, and therefore I consider it appropriate that both sections of text are retained, although I am recommending amendments to the later paragraphs.
- 7.20 I do not agree with the objectors that there is a need to amend paragraphs 7.53 to 7.57, as these would allow for comparison retail development, as long as it was not “significant”, and I consider this equates with the advice in PPG6 that district centres should meet people’s day to day needs. Many of the district centres already perform a role in providing for both convenience and comparison shopping, possibly beyond that envisaged in PPG6, and I see no reason why this should not continue. However, the scope for expansion will be limited by the tight definition of the centre boundaries, and the need for development to be appropriate in scale to the role of the centre and the size of the community it serves.
- 7.21 Since I am recommending a single policy for all retail development within centres, the section of text from paragraph 7.86 to 7.96, and 7.114 to 7.117 can be condensed to remove repetition, and to clarify the difference in approach between the City Centre and town centres, and the district and local centres. Also I consider that paragraph 7.87 is more appropriate to the specific proposals for the City Centre included in the Bradford West Constituency Volume, and I see no need to repeat it in this section. A proposed change would expand paragraph 7.93, and I think it helpful to draw attention to the fact that two of the district centres lack a large modern food store, but consider that the suggested wording is unduly complex.
- 7.22 The objection in relation to Expansion Areas was recorded as being an objection to Policy CR8, although it would apply equally to all of the policies relating to the City Centre and town centres. The Council points out that, in relation to the City Centre, some of the Expansion Areas are closer than parts of the City Centre outside the Central Shopping Area and, since a need has been established, they should have equal status. In these circumstances, I consider it reasonable that they should be treated similarly in terms of the sequential approach to the location of retail development.
- 7.23 With regard to the definition of boundaries, I consider a number of specific objections elsewhere, and conclude that, where a car park is an integral part of a centre, and required for the efficient operation of the centre, it should be included in the boundary. Whilst I accept that this may provide some flexibility for redevelopment within the centres, the continued need for car parking and servicing would limit the amount of additional retail floorspace that could be provided, and any proposals would be assessed against the relevant retail policy, which would prevent development of a scale inappropriate to the

role of the centre. The other concern of the Council is that the boundary of a district or local centre would be used to assess whether a proposal was edge-of-centre or out-of-centre, and the inclusion of peripheral car parks within the boundary could distort this. In my view this concern is unjustified as such an assessment would be based on a number of factors, of which the distance from the boundary of the centre would be one, but of greater significance would be the relationship of a proposal site to the retail uses within the centre, and the attractiveness of the route between the two.

- 7.24 I consider objections relating to the Valley Road Retail Area in relation to Policy CR11, and the associated text, and conclude that this is an edge-of-centre, rather than an out-of-centre, location. However, these policies relate to development within centres, and it would therefore be inappropriate to include a reference to the Valley Road Retail Area.
- 7.25 I consider the objection relating to Greengates in the Bradford North Constituency Volume, and conclude that it should be designated as a district centre.

Recommendation

- 7.26 **I recommend that the RDDP be modified as follows:**

POLICIES CR1, CR2, CR3, CR4, CR8 and CR9 – delete and replace with a single policy, together with amendments to the explanatory text

City Centre and Town Centres

The Plan’s strategy aims to concentrate the largest development proposals in, or failing that, on the edge of the City Centre in order to serve the greatest number of people, whatever their mode of travel. There is no limit in principle to the acceptable scale of development as long as the proposal accords with the Government’s Regional Planning Guidance.

After the City Centre, the town centres of Keighley, Ilkley, Bingley and Shipley serve the greatest catchment populations and are well located for access by public or private transport. The Plan’s retail strategy aims to concentrate development proposals in, or failing that, on the edge of these town centres as long as the scale and format of development does not adversely affect the vitality and viability of the City Centre or of any other town centres and lead to changes in the hierarchy of centres.

District and Local Centres

The Plan designates six district centres and 41 local centres. Their location and role is described in paragraphs 7.53 to 7.59.

The Council recognises that people should be able to buy convenience goods, particularly food, without having to travel far from home. The Plan’s retail strategy therefore aims to concentrate development proposals for convenience goods in the district and local centres so long as the scale and format of development does not adversely affect the vitality and viability of any equivalent or higher order centre. The scale of development should also be appropriate to the role of the centre and size of population that it is intended to serve (as stated in PPG6 and re-iterated by

Planning Minister, Beverley Hughes in her address to delegates at the Third Annual Food Retailing Conference, July 2000, and by Tony McNulty MP in a Ministerial Statement on 10 April 2003). Development proposals for comparison goods will only be acceptable where they are to serve the day to day needs of the catchment population of the centre. It is not desirable or acceptable that a district or local centre should become so large as to attract custom from outside its catchment area. This would lead to unnecessary travel and undermine the vitality and viability of other centres.

POLICY CRx: RETAIL DEVELOPMENT IN CENTRES

RETAIL DEVELOPMENT WILL BE PERMITTED IN THE FOLLOWING LOCATIONS:

(1) WITHIN THE CENTRAL SHOPPING AREAS OF THE CITY CENTRE AND TOWN CENTRES OR, WHERE SITES CANNOT BE FOUND WITHIN THE CENTRAL SHOPPING AREAS, A FLEXIBLE APPROACH HAVING BEEN TAKEN, WITHIN THE DEFINED BOUNDARY OF THE CITY OR TOWN CENTRES OR IN THE EXPANSION AREAS WHERE IT ACCORDS WITH THE PROPOSALS REPORTS;

(2) WITHIN THE RETAIL AREAS OF DISTRICT CENTRES, AND WITHIN LOCAL CENTRES, AS DEFINED ON THE PROPOSALS MAP;

PROVIDED IT IS OF A SCALE WHICH IS COMPATIBLE WITH THE ROLE OF THE CENTRE OR THE CATCHMENT IT SERVES, AND, TOGETHER WITH RECENT AND POTENTIAL DEVELOPMENT ARISING FROM UNIMPLEMENTED CURRENT PLANNING PERMISSIONS, WOULD BE UNLIKELY TO HAVE AN ADVERSE EFFECT ON THE VITALITY AND VIABILITY OF ANY EQUIVALENT OR HIGHER ORDER CENTRE.

In order to allow for expansion of the City Centre and town centres to meet future needs for retail floorspace the Plan has identified various “Expansion Areas” as defined on the Proposals Map. Their designation allows for retail developments to take place when they cannot be accommodated within the Central Shopping Areas. This ensures a sequential approach to development is adopted in accordance with PPG6. Expansion Areas have not been identified at district centres since only Tong Street and Great Horton lack a large modern foodstore, and no sites could be identified at these centres that were appropriate to designate as Expansion Areas.

POLICY CR5 & PARAGRAPH 7.102: AREAS OF DEFICIENCY POLICIES CR6, CR10 & PARAGRAPH 7.118: SMALL SHOPS

Objectors

<i>4287/6209</i>	<i>Somerfield Stores Ltd</i>
<i>4361/7355 & 7416</i>	<i>Friends of the Earth Yorkshire & Humber</i>
<i>4148/4044, 11099</i>	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
<i>& 12616</i>	

Summary of Objections

- The policy should be deleted as it conflicts with PPG6 by encouraging the development of convenience stores, with no maximum floorspace threshold, in residential areas.
- The policy should be more proactive about encouraging small scale convenience goods shops in residential areas.
- Object to the deletion of the word “normally”.
- Proposals for comparison goods development should be judged on their merits, having regard to the criteria in a revised Policy CR7.
- The floorspace figure of 150 square metres is unjustified and should be deleted from paragraph 7.118.

Inspector’s Reasoning and Conclusions

- 7.27 Policies CR5 and CR6 deal with the provision of convenience shops to serve local communities, whilst Policy CR10 deals with comparison shops, but is otherwise similar to Policy CR6. As I have indicated elsewhere in this report, I do not consider that there is any need for separate policies for convenience and comparison retail development, particularly when they are virtually identical.
- 7.28 Friends of the Earth have made similar comments in respect of the first two policies, although there is an implied concern that Policy CR5 could allow for development that was not small scale. Whilst no size limit is specified, I consider that the requirements of the policy would ensure that any development was appropriate to the local need. I also consider that Policies CR5 and CR6 read together are sufficiently supportive of local provision, consistent with the overall retail strategy of the UDP to sustain and enhance the role of centres.
- 7.29 Somerfield Stores Ltd suggest that all proposals for convenience goods retail development should be considered under Policy CR6. However, Policy CR5 is a direct response to the views of the Government, set out in paragraphs 7.95 and 7.98. I therefore consider that it is appropriate to include a separate policy for areas of deficiency. The limitation on the scale and format of development to that which is appropriate to the size of the community it is intended to serve, and the need to avoid any adverse impact on the vitality and viability of existing centres, will ensure that there is no conflict with the advice in PPG6 or the retail strategy of the RDDP.
- 7.30 PPG1 advises that, under the provisions of Section 54 of the 1990 Act, applications shall be determined in accordance with an adopted development plan, unless material considerations indicate otherwise. The inclusion of the word “normally” is therefore unnecessary, and was deleted in response to an objection by the Government Office for Yorkshire and the Humber, who said that it made the policy less clear.
- 7.31 Policy CR10 provides for a less restrictive approach to small shops than that in Policy CR11, not Policy CR7 as quoted by the objector, and it is therefore necessary to include a size limit. Without this, proposals for local shops would have to provide information on need and sequential approach, which would be unduly onerous.

Recommendation

- 7.32 **I recommend that no modification be made in respect of Policy CR5 but that the RDDP be modified as follows:**

POLICIES CR6 and CR10 – delete and replace with a single policy using the wording of Policy CR6, omitting the words “CONVENIENCE GOODS”, and make any necessary amendments to the explanatory text.

POLICIES CR7 & CR11, PARAGRAPHS 7.108, 7.109, 7.113, 7.122, 7.123, 7.124, 7.125 & 7.126: OTHER RETAIL DEVELOPMENT

Objectors

4137/12579 & 12580	<i>Yorkshire Co-operatives Properties Ltd</i>
4148/3832/3, 4045, 4056, 12613, 12617, 12618, 12619, 12623 & 12626	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4287/6208, 12595/6	<i>Somerfield Stores Ltd</i>
2209/6010	<i>Sainsbury's Supermarkets Ltd</i>
3809/4129 & 12561	<i>J J Gallagher Ltd</i>
4117/12568	<i>Alfred McAlpine Special Projects</i>
4119/12571	<i>Lattice Property Holdings Ltd</i>
4189/4303 & 12588	<i>Parkside Securities Ltd</i>
4200/6133	<i>British Land</i>
2554/12556	<i>RPS</i>
4136/12576	<i>B & Q PLC</i>
4283/5940 & 5938	<i>Tesco Stores Ltd</i>

Summary of Objections

(Objections are applicable to both policies, unless specifically stated.)

- The plan should have a single policy relating to out of centre retailing.
- Delete “only” from first sentence.
- Object to the part of the wording which precludes convenience retail development within residential areas from being assessed against the criteria of Policy CR7.
- The original wording of criterion (1) should be retained.
- Criterion (1) of Policy CR11 should refer to “comparison” retail floorspace, not “convenience”.
- Policy CR11 should be amended to be consistent with PPG6 in terms of the sequential test. In particular, District Centres (CR3) and Local Centres (CR4) should be identified in recognition of their locational suitability for retail development.
- The policies are not consistent with PPG6, specifically criterion (5) [now (2)] and paragraph 7.122.
- The amended wording in the first line of criterion (2) adds nothing, and “after having been flexible with regards to format, scale, design and car parking” should be deleted.
- Object to the term “appropriate centres”
- Criterion (3) of Policy CR7 (criterion (4) of Policy CR11) could lead to proposals outside a centre not being constrained by the requirement to be compatible with the scale of a centre.
- This criterion should refer to “centres” and “communities” in the plural.
- This criterion is unnecessary and should be deleted.
- Criterion (6) [now (3)] of Policy CR11 should be deleted as the Valley Road Retail Area may be less sustainable than other out-of-centre locations.

- The Valley Road Retail Area should be classified as edge-of-centre (paragraph 7.125). Paragraph 7.126 should be deleted.
- Criteria (2) and (3) of Policy CR11 should be redrafted as one criterion: alternative wording suggested.
- Criterion (7) of Policy CR11 (criterion (6) of Policy CR7) should refer to “not lead to an unacceptable or harmful increase in...”

Inspector’s Reasoning and Conclusions

- 7.33 These two policies are being considered together as the wording of the criteria is similar, and thus objections to the wording are applicable to both policies. Also, some objections suggest that they should be replaced by a single policy for both convenience and comparison retail development. I will consider this aspect first, and then objections to the detailed wording of the policies and explanatory text. The criteria numbers are those in the RDDP, although some of the objections relate to the FDDP, and where the numbers differ between the two policies, the numbers in brackets refer to Policy CR11.
- 7.34 I have concluded earlier in this report that there is no need for separate policies for convenience and comparison retail development in centres, and the inclusion of so many similarly worded policies is confusing and unhelpful. Policies CR7 and CR11 are virtually identical, apart from one additional criterion in Policy CR11, and I see no reason why they should not be combined into a single policy.
- 7.35 In relation to the wording of the policies, it is suggested that the inclusion of the word “only” in the first sentence makes them more restrictive. However, the requirement to satisfy all the criteria applies whether this word is included or not. PPG6 indicates that out-of-centre sites should only be developed where there are no suitable sites within or on the edge of centres, and I therefore consider that the inclusion of the word “only” reflects the intention of PPG6.
- 7.36 As observed by one objector, the reference to Policy CR5 in the introduction to Policy CR7 would mean that proposals for retail development within areas of deficiency could only be considered under Policy CR5 and not CR7. The Council has not commented on this point but, whilst Policy CR5 allows for convenience retail development without having to satisfy the requirements of Policy CR7, I see no reason why proposals in such areas should not be considered under Policy CR7 if they do not meet the requirements of Policy CR5. This reference should therefore be deleted.

Criterion 1

- 7.37 The FDDP included the words “quantitative or qualitative” before need, and the deletion has given rise to objection. The issue of need is a complex one, and recent clarification by the Government advises that greater weight should be placed on quantitative need, although there remain a number of other considerations that may have to be taken into account. In these circumstances, it would be inappropriate to refer to quantitative and qualitative as alternatives, and the use of the word “need” without qualification allows for the consideration of all relevant factors that can contribute to need. The Council acknowledges that there is a typing error in Policy CR11 and that “convenience” should read “comparison”.

Criterion 2

- 7.38 This criterion sets out the sequential approach to sites for retail development. However, as indicated above, I consider that there should be one policy for out-of-centre development, and PPG6 is clear that sites within district and local centres should be considered before out-of-centre sites. In my view the policy should accurately reflect this advice, and the explanatory text should not differentiate between convenience and comparison goods development.
- 7.39 Objectors suggest that the words “the developer is able to demonstrate that” are superfluous. Whilst I accept that the onus is on the developer to demonstrate that alternative sites have been considered, they would also need to show compliance with all other criteria of the policy. I see no need to repeat these words in respect of all criteria, and no special reason to include them in this criterion. I therefore consider that these words should be deleted.
- 7.40 Other objections relate to the term “appropriate centres”. The Council explains that this is intended to be synonymous with the term “relevant” as used in the February 1999 Caborn statement, and the more recent 2003 McNulty statement, and this is explained in paragraphs 7.108 and 7.123 of the Plan. Whilst I accept that these two words have similar meanings, I can see no logic in using one word and having to explain that it means the same as another. In my view the word “relevant” would be more easily understood, and relate the policy more closely to Government guidance.
- 7.41 Further objections relate to the inclusion of the phrase “after having been flexible with regard to format, scale, design and car parking”. PPG6 advises that developers and retailers will need to be more flexible about the format, design and scale of development, and the amount of car parking, and this was referred to by Tony McNulty MP in his recent statement. In my view the wording included in these policies is in line with this advice but I consider that the simplified wording, which I have recommended for inclusion in the policy for retail development in centres, together with the more detailed guidance currently set out in paragraphs 7.113 and 7.130, would be more appropriate. Whilst not specifically mentioned by objectors, I consider that the phrase “practical to develop” is unclear and, rather than defining it in the explanatory text as meaning “suitable, viable for the proposed use and likely to become available in a reasonable period of time”, it would be preferable to use these words in the policy. PPG6 also advises local planning authorities to be sensitive to the needs of retailers in identifying suitable sites, but I see no reason to include a reference to this in a policy relating to unallocated sites.
- 7.42 In addition to the points made by objectors, I note that this criterion implies that sites adjacent to any of the defined shopping areas would be the preferred locations for new retail development, after sites within centres, whereas PPG6 refers to sites on the edge of town centres taking precedence over district and local centres in the sequential approach, and there is no suggestion that sites on the edge of district and local centres should be preferred over out-of-centre sites. In my view the policy should only allow for development of sites on the edge of the City and town centres, and not those on the edge of the district and local centres, and this should be a separate criterion from that relating to development within centres.

Criterion (3)

- 7.43 The Valley Road Retail Area is an established shopping area, and adjoins the Forster Square Retail Park, which is included within the City Centre boundary. The Council contends that this is an “out-of-centre” location, and is less well located than the proposed Expansion Areas to accommodate retail development, in accordance with the retail strategy of the plan, and the sequential approach as set out in PPG6. However, it is only some 250 metres from the Primary Shopping Area at its nearest point, which is closer than the proposed Expansion Areas at Nelson Street and Hammstrasse/Canal Road/Valley Road, although the route taken by pedestrians could be longer than this. In my view this is an edge-of-centre site, and hence would be the preferred location for new retail development after sites within centres, as indicated above. Proposals in such locations would have to demonstrate a need for the development, that there are no sequentially preferable sites, and that there would be no adverse effect on the vitality and viability of any centre. I do not consider that there should be any relaxation of these requirements in respect of this area, since this would conflict with Government advice. I believe that the suggested amendment would provide sufficient guidance without a specific reference to the Valley Road Retail Area. However, I note that the Council wishes to encourage new retail development here, in preference to other edge-of-centre or out-of-centre sites, and this should be explained in the supporting text.
- 7.44 The plan makes provision for comparison goods retail development only, but I consider that the differentiation is unnecessary. The policies require that sites within centres would take preference over edge-of-centre sites and, if a proposal is for convenience goods development to serve a residential catchment, the relevant centre is likely to be a district or local centre. Paragraph 7.126 would therefore no longer apply, and paragraph 7.125 needs to be amended to reflect the fact that the Valley Road Retail Area is edge-of-centre, not out-of-centre.

Criterion 3 (4)

- 7.45 This was added at Revised Deposit stage, not in response to any objection but because the Council considered that it more accurately reflected the advice in PPG6. Some objectors suggest that this criterion is unnecessary, whilst another is concerned that development outside a centre would not be constrained by the requirement to be compatible with the scale of a centre. This latter comment appears to misinterpret the policy, as the criterion would appear to suggest that development should be of an appropriate scale whether it was within or outside a centre.
- 7.46 The Council refers to paragraphs 1.13 and 3.18 of PPG6 in support of their view, but these refer to development within centres, as does the statement by Tony McNulty MP. An out-of-centre development could serve a number of different communities or catchments, and I therefore consider that it is confusing to relate it to the role of a particular centre. In my view criteria 1, 2 and 4 (5) provide sufficient guidance to assess the appropriate scale of development, and to ensure that it would not have an adverse effect on any existing centres, and criterion (3) should be deleted.

Criterion 6 (7)

- 7.47 The objection requests a qualification by the inclusion of the words “unacceptable or harmful” before “increase”. Government advice and the strategy of the plan seek to

reduce the need to travel. This was reflected in the wording of the FDDP but the Council considered that this was unrealistic, and the RDDP requires only that there should be no increase in the need to travel. In my view any relaxation of this approach would conflict with the objectives of sustainability, and the inclusion of the words suggested by the objector would make the policy imprecise and difficult to implement.

Explanatory text

- 7.48 Paragraphs 7.107/7.122 set out the plan’s strategy and, although one of the objections suggests that paragraph 7.122 is not consistent with PPG6, this is related to objections to criterion (2), and I see no need to amend these paragraphs other than by combining them, and replacing “safeguard” with “sustain”, as recommended in response to objections to paragraph 7.74.
- 7.49 As indicated above, I consider that “appropriate centres” should be replaced by “relevant centres” in criterion (2), and hence the related reference in paragraphs 7.108/7.123 should be deleted. Also, to accord with PPG6 the text should make it clear that sites on the edge of the City and town centres, then district and local centres should be considered before out-of-centre sites. Thus, the first choice for a very large development, which could not be accommodated within the City Centre, would be on the edge of the centre, but other centres should be the next choice in the sequential approach, and this should be set out in the explanatory text.
- 7.50 7.109/7.124, 7.125 and 7.126 also include references to “appropriate centres” and these should be replaced by “relevant centres”. Paragraphs 7.109 and 7.124 require developers to consider the availability of sites as close as possible to the Primary Shopping Area, which appears to relate to the PPG6 definition of “edge-of-centre”, although this is not specifically mentioned in this context. I have indicated above that the explanatory text should include reference to edge-of-centre sites and I consider that all that is needed here is an explanation of how to assess whether a site falls within this description. I also consider that the contents of paragraph 7.125 should be incorporated into the earlier paragraph relating to the sequential approach, and paragraph 7.126 would no longer apply.
- 7.51 Whilst paragraphs 7.110/7.127 would not be affected by the modifications to the policy that I am recommending in response to objections, I see little point in stating that certain proposals will be tested against the policies of the plan and PPG6, as this applies to all proposals.
- 7.52 I consider that paragraphs 7.111/7.128 and 7.112/7.129 could be combined and simplified to remove unnecessary repetition.
- 7.53 Since I am recommending that the phrase “sites which are practical to develop” be changed in the policy, there is no need to explain its meaning as in paragraphs 7.113/7.130, but the remainder of the text in these paragraphs would be unaffected.

Recommendation

- 7.54 **I recommend that the RDDP be modified as follows:**

POLICIES CR7 and CR11 - delete and replace with a single policy, together with amendments to the explanatory text

Other Development

The Plan's retail strategy is to sustain and enhance centres. Policy CRx allows for development consistent with the strategy and the Small Shops policy CR6 allows development elsewhere. But larger scale development may also be permitted where it accords with the criteria in Policy CRxxx below and to other policies in the Plan.

POLICY CRxxx

RETAIL DEVELOPMENT WILL ONLY BE PERMITTED OUTSIDE ANY OF THE SHOPPING AREAS DEFINED IN POLICY CRx IF ALL OF THE FOLLOWING CRITERIA ARE SATISFIED:

THE DEVELOPER IS ABLE TO DEMONSTRATE A NEED FOR THE ADDITIONAL RETAIL FLOORSPACE;

THERE ARE NO ALTERNATIVE SITES WHICH ARE SUITABLE, VIABLE FOR THE PROPOSED USE, AND LIKELY TO BECOME AVAILABLE WITHIN A REASONABLE PERIOD OF TIME, IN THE DEFINED SHOPPING AREAS OF RELEVANT CENTRES, A FLEXIBLE APPROACH HAVING BEEN TAKEN;

WHERE THE RELEVANT SHOPPING AREA IS THE CITY CENTRE, OR A TOWN CENTRE, THERE ARE NO ALTERNATIVE SITES ON THE EDGE OF THAT CENTRE;

THE DEVELOPMENT, TOGETHER WITH RECENT AND POTENTIAL DEVELOPMENT ARISING FROM OTHER UNIMPLEMENTED CURRENT PLANNING PERMISSIONS, WOULD BE UNLIKELY TO HAVE AN ADVERSE EFFECT ON THE VITALITY AND VIABILITY OF THE CITY CENTRE OR ANY NAMED TOWN, DISTRICT OR LOCAL CENTRE;

(5), (6) & (7) as criteria (5), (6) & (7) of Policy CR7.

In applying the sequential approach, sites on the edge of the City and town centres will be preferred to out-of-centre locations, and the relevant centres in which to search for alternative sites and buildings will depend on the nature and scale of the proposed development and the catchment that the development seeks to serve. So, for example, the relevant centre for a very large development with a District wide catchment area would be the City Centre, even though there may be other local, district or town centres between the proposed site and the City Centre. However, developers would also have to consider the availability of sites in town, district and local centres, if there were no suitable sites within or adjacent to the City Centre. Where the relevant centre is the City Centre, developers will be expected to consider the availability of sites within the Valley Road Retail Area before the local planning authority is likely to consider other edge-of-centre or out-of-centre locations. This is because the area abuts the centre and is predominantly in retail use, providing opportunities for linked trips.

In assessing whether a site is “edge of centre”, measurements will be taken from the defined Primary Shopping Area of the City or Town Centre.

In criterion (2), “defined shopping areas” refers to all areas where retail development is permitted in accordance with Policy CRx, including Expansion Areas. Where development is unable to be accommodated within a centre or edge-of-centre location, then those sites which are nearest to the relevant centre and which have the highest accessibility by public transport will be favoured over those which are more remote, in accordance with Government guidance.

“Suitable” is not to be interpreted as meaning suitable for the size and format which retailers wish to develop. To do so would mean that developers would seek to develop sizes and forms of store that could be accommodated only on out-of-centre sites. In its response to the Second Report of the Environment, Transport and Regional Affairs Committee, May 2000, the Government makes clear that developers should be flexible about format and scale of development and that decisions should not be made on the basis of whether a developer has a preferred format that might not fit into a centre, but on whether there is any reason why such goods cannot be sold from alternative sites in the centre. Planning Minister, Beverley Hughes, in July 2000, emphasised this point by stating that the “one-size-fits-all” approach advocated by some retailers is inappropriate and that greater flexibility by developers is required, and Tony McNulty MP, in April 2003, re-stated that a retailing format that can only be provided at an out of town location is not regarded as meeting the requirements of the Government’s policy.

POLICY CR12 & PARAGRAPH 7.132: SPECIALIST RETAILING POLICY OMISSION 50: FARMERS’ MARKETS

Objectors

2476/3973	NFU
4136/5895	B & Q PLC
4136/12577	B & Q PLC
4361/7348	Friends of the Earth Yorkshire & Humber

Summary of Objections

- Add “farm produce”.
- Suggest alternative wording for paragraph 7.123. Object to the inclusion of “the majority of”.
- The plan should contain a policy encouraging the development of farmers’ markets in the area.

Inspector’s Reasoning and Conclusions

7.55 The objections by B & Q are not to the policy but to the part of the supporting text which suggests that the majority of goods sold by national DIY chains are not heavy raw materials or gardening supplies. In my view it is perfectly clear that this policy does not relate to DIY stores and, whilst the alternative suggested by the objector would be less

specific to a particular type of operator, and thus more appropriate to a UDP, I consider that it is unnecessary and confusing to introduce a reference to a form of retailing that would not be subject to this policy. I therefore consider that the whole of this paragraph should be deleted.

7.56 Farm shops and farmers' markets are convenience outlets, and not specialist retailing in the form envisaged by this policy. PPG6 advises that farm shops can serve a vital function in rural areas and, where these are strictly ancillary to the farm, they are unlikely to require planning permission. However, if the scale and nature of the business is such that planning permission is required, the impact on the vitality and viability of identified centres needs to be assessed, together with the effect on travel patterns. I therefore consider that they should be assessed against the other retail policies of the plan, and do not represent a form of retailing for which exceptions should apply.

7.57 Farmers' markets generally take place within existing centres and, under the General Permitted Development Order, can operate for up to 14 days a year in a location without planning permission. I agree with the Council's view that these should be supported, but I do not consider that they should be exempt from the considerations relating to other forms of convenience retailing, and hence there is no need for a specific policy for farmers' markets.

Recommendation

7.58 **I recommend that the RDDP be modified as follows:**

Paragraph 7.132 – delete, but that no modifications be made in respect of the other objections.

POLICY OMISSION 46: OUT OF CENTRE RETAIL, LEISURE & OFFICE PARKS

Objector

4511/7343

Bingley Environmental Transport Association

Summary of Objection

- All out of centre retail or leisure or office parks should not be permitted as they promote car based trips and create social exclusion between car owners and non-car owners.

Inspector's Reasoning and Conclusions

7.59 Proposals for retail development on out-of-centre sites would be dealt with under Policy CR7 or CR11, and those for leisure developments under Policy CL3. All of these policies require that there should be a need for the development, that there are no sequentially preferable sites, that the scale of the development is appropriate, and that it would not lead to an increase in the need to travel, or reliance on the private car.

7.60 This is in accordance with Government advice, as set out in PPG6, and I consider that it would be inappropriate to impose a complete embargo on out-of-centre developments.

Recommendation

7.61 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 67: PROTECTION FOR RURAL SHOPS

Objector

821/11291 *The Countryside Agency*

Summary of Objection

- There should be a policy to resist the loss of important community facilities.

Inspector's Reasoning and Conclusions

7.62 PPG7 advises that people who live in rural areas should have reasonable access to a range of services, and PPG6 states that village shops, whether standing alone or ancillary to other uses, play a crucial role in maintaining villages as viable communities. One third of Bradford District's population live in rural areas. The Council points out that most villages in Bradford District are quite large, and able to support basic services such as a post office and public house. I do not have detailed information on the size and services available in all of the rural settlements in the District, but there appear to be some smaller settlements with limited services, and shops and other services in the larger villages could be subject to pressure for change, to the detriment of the quality of rural life and the sustainability objectives of the RDDP.

7.63 In these circumstances, I consider that a policy to protect rural shops and services should be included in the RDDP. The objector provided details of such a policy in the Easington District Local Plan, and the Planning Guidance Note produced by the Rural Development Commission includes other examples, any of which would provide the guidance required for Bradford District.

Recommendation

7.64 **I recommend that the RDDP be modified as follows:**

Include a policy for the protection of rural shops and services.

Chapter 8 Transport and Movement

PARAGRAPH 8.6:

Objector

821/11294 *The Countryside Agency*

Summary of Objection

- Mention should be made of public transport in a rural context, given the importance of accessibility for rural communities, with an indication of the content of the West Yorkshire Local Transport Plan (hereafter referred to as the Local Transport Plan) on this subject being welcome.

Inspector's Reasoning and Conclusions

8.1 The Countryside Agency's objection was made in respect of the FDDP. Paragraphs 8.23a and 8.23b have now been included within the RDDP and outline rural transport matters, with mention also being made of the Local Transport Plan and its relationship with rural transport issues. I consider that these paragraphs provide sufficient acknowledgement of these issues and do not necessitate any modification to paragraph 8.6.

Recommendation

8.2 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 8.6A:

Objector

2485/12204 *Professor R J Butler*

Summary of Objection

- There is an inaccurate statement in the final bullet point of the paragraph.

Inspector's Reasoning and Conclusions

8.3 Reference is made in the RDDP to a quarter of UK carbon dioxide emissions coming from road transport, yet the figure of 28% is also quoted. The Council's proposed changes amend the wording to refer to 'more than a quarter'. I consider this acceptably satisfies this objection.

Recommendation

8.4 **I recommend that the RDDP be modified as follows:**

Paragraph 8.6a - delete and replace with the paragraph as drafted on page 8 of the proposed changes, dated January 2003.

PARAGRAPH 8.17:

Objector

4511/12397 *Bingley Environmental Transport Association*

Summary of Objection

- There is a lack of definition in terminology and hence policy.

Inspector's Reasoning and Conclusions

8.5 Paragraph 8.17 summarises the objectives of PPG13 and is included in the RDDP to establish the national planning background and context for the policies on transport, which follow. However, further explanation of national planning policy within the PPG, that was included within the FDDP, has been removed by the Council to reduce wordiness. I consider that by removing the previous paragraph 8.18, in particular, the understanding of the PPG13 aim of promoting more sustainable transport choices and reducing the need to travel, especially by car, is lessened. The provision of sustainable patterns of development is a key element of the plan, with transport and its integration with land uses underpinning this. I therefore consider that a better understanding of the background to the policies of the plan would be aided by the provision of an exposition of the promotion of more sustainable transport choices. The reintroduction of paragraph 8.18 would help to achieve this without, in my view, unnecessarily lengthening the plan.

Recommendation

8.6 **I recommend that the RDDP be modified as follows:**

An explanation of the promotion of sustainable transport choices and the reduction in the need to travel, especially by car, should be provided, based on the reintroduction of paragraph 8.18 from the FDDP.

PARAGRAPH 8.25:

Objector

4511/12401 *Bingley Environmental Transport Association*

Summary of Objection

- Deletion of item (4) is not valid.
- Amend Transport Objective (2) to refer to reliance on and use of the private car.
- Define unambiguously what is a reasonable level of parking for shopping and leisure visits.

Inspector's Reasoning and Conclusions

- 8.7 Paragraph 8.25 sets out the transport objectives of the plan. Objective (4), included in the FDDP but deleted from the RDDP, was “to provide real choice of transport for the district’s residents, workforce and visitors. In particular to improve the quality of accessibility by public transport, walking and cycling”. The Council has indicated that the objectives listed in this paragraph were drawn up for consultation purposes and that it considered the providing of a real choice of transport for the district’s residents is a transport objective more suited to the Local Transport Plan than to the UDP. However, improving the quality of accessibility by public transport, walking and cycling is in my view as much a land use issue as one to be addressed through a local transport plan. The location of development and its linkage to transport infrastructure and other land uses is a matter of direct concern for this plan. I do not see why this should not remain within the plan as a stated objective, especially as the Council has indicated that it has not abandoned this objective.
- 8.8 Having regard to Objective (2) I consider that the proposed wording in the RDDP is quite clear in seeking to reduce reliance on the private car and restraining its use. In my view no further modification is necessary.
- 8.9 Objective (6) is to improve access to town centres by means other than the car whilst continuing to provide a reasonable level of parking for shopping and leisure visits. The objectives of paragraph 8.25 provide the basis for the detailed policies on transport and movement that follow. I do not consider it necessary to provide a detailed explanation of what constitutes a ‘reasonable’ level of parking within what is a general objective, particularly when this matter is considered in detailed within Policy TM11.

Recommendation

- 8.10 **I recommend that the RDDP be modified as follows:**

Paragraph 8.25 - re-instate Objective (4) from the FDDP, which is shown as being deleted within the RDDP.

POLICY TM1 AND PARAGRAPHS 8.32 AND 8.32A: TRANSPORT IMPACT ASSESSMENT

Objectors

4148/4369	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4361/7377	<i>Friends of the Earth Yorkshire & Humber</i>
4511/6809	<i>Bingley Environmental Transport Association</i>
4148/12824	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4511/12403	<i>Bingley Environmental Transport Association</i>
4978/12281	<i>Highways Agency</i>
4191/4215	<i>Countryside Strategic Projects PLC</i>
954/13023	<i>Government Office for Yorkshire and the Humber</i>

Summary of Objections

- The policy is too vague and lacks operational clarity. The policy regarding smaller development lacks definition, clarity and consistency with transport objectives.
- Real rather than token measures to promote sustainable travel are required which can be measured objectively.
- The Institution of Highways and Transportation Guidelines should be amended for TIAs to include all types of development, promotion of traffic reduction, the use of public transport and walking.
- Policies TM1, TM2 and TM3 are repetitive and unnecessarily prescriptive.
- The wording of the policy is unacceptable.
- An additional paragraph should be added to the policy relating to no new direct access to the M606.
- There is need to clarify that an independent Traffic Assessment could be provided as part of an Environmental Impact Assessment.
- There is inconsistency in the approach to be adopted in assessing the need for Traffic Assessments.

Inspector's Reasoning and Conclusions

- 8.11 PPG13 has introduced the use of Traffic Assessments (TAs) to consider the highway impact of major developments. These will provide site-specific information to enable a proper review of the transport aspects of a development proposal. For large developments a detailed assessment of the transport implications is required whilst for smaller schemes the TA should simply outline the transport aspects of the proposal. The Council has suggested alterations to the policy and justifying paragraphs in its proposed changes of January 2003 and has made further suggested amendments to justifying paragraphs in its Inquiry response to objections.
- 8.12 I do not agree with Bingley Environmental Transport Association that the policy as now proposed to be worded lacks consistency with the transport objectives of the plan. It is simply setting out the requirement for those developments likely to have significant impacts on the existing transport network to be accompanied by a TA, as required by PPG13. Such assessments should cover all modes of transport including proposed measures to promote sustainable travel. Nor do I consider that this policy is merely a token measure at promoting sustainable transport since the scope of this particular policy is limited to requiring the provision of TAs. However, I do agree that, with the suggested wording, there is some lack of clarity in respect of the paragraph 8.32 justification to the policy. In my view it is not clear what is meant by it being "prudent for local sustainable transport users to be consulted when assessing the transport impact of development". Further explanation of the scope of this would aid fuller understanding of what might be expected.
- 8.13 In the suggested changes to paragraph 8.32a no reference is now made to the Institution of Highways and Transportation Guidelines for Traffic Impact Assessments (TIAs). In any event, it would not be within the Council's ambit to make amendments to these. PPG13 indicates that TAs replace TIAs. The only reference to guidelines within the paragraphs following Policy TM1 is to the Government's preparation of good practice advice on the contents of TAs. It is my understanding that this is likely to be published prior to the adoption of the UDP and therefore consideration should be given to modifying paragraph 8.32 to take account of this.

- 8.14 Raven Retail are of the view that to avoid repetition and undue prescription Policies TM2 and TM3 should be deleted and incorporated into a revised Policy TM1. I deal with the objections to TM2 and TM3 below. In my view, it is correct for Policy TM1 to be a stand-alone policy since this is simply setting out the requirement for TAs to accompany certain developments that would have transport impacts. The same objector considers that the policy as contained in the RDDP is unacceptable since the last sentence should be qualified by adding the words “as necessary arising from the travel generation requirements of the development”. The Council’s proposed changes of January 2003 incorporate these words and I consider these acceptably clarify the application of the policy.
- 8.15 The Highways Agency, whilst supporting the policy, wishes to see a new paragraph added to the justification to make it clear that no new direct access to the M606 should be permitted. In its January 2003 proposed changes the Council is suggesting the addition of a paragraph along these lines. I consider that this would be an acceptable modification except that it would be more accurate to refer to Department for Transport policy since it is the Highways Agency that merely implements this.
- 8.16 Additional wording is sought within paragraph 8.32 by Countryside Strategic Projects to indicate that a TA could be provided as part of another document such as an Environmental Impact Assessment (EIA). It relates to specific types of development where there are likely to be significant environmental effects. In my view there is little to be gained from the suggested addition since those schemes that would require EIA are ones where early dialogue is likely to be established between the Council and developer and where such issues could be raised. Furthermore, I do not consider it would be prudent to make this addition in advance of the good practice advice on TAs, which the Government is producing.
- 8.17 The Government Office for Yorkshire and the Humber considers there to be some inconsistency in the approach to be adopted in assessing the need for a TA between those proposals that could be significant generators of travel and smaller schemes. In its evidence the Council has acknowledged that definition based on floorspace thresholds alone should not be the determining factor as to whether or not a TA is required. It could be that some proposals below a certain threshold could have significant transport implications and would require a TA. The converse may also be true. In its Inquiry evidence the Council has suggested further changes to paragraphs 8.32 and 8.32a (although this is mistakenly referred to as paragraph 8.32aa) to overcome this objection. I agree that these would be acceptable modifications to satisfy the concerns expressed.

Recommendation

8.18 **I recommend that that the RDDP be modified as follows:**

[a] POLICY TM1 - delete and replace with the policy as drafted on page 9 of the proposed changes, dated January 2003.

[b] Paragraphs 8.32 and 8.32a – delete and replace with:

8.32: Applications for developments likely to have a significant transport impact on the existing transport network should be accompanied by a formal traffic assessment (TA). Whilst PPG13 does not set thresholds

for development size for transport assessments, the Council considers that gross floor space will play a major, but not determinative, factor in the decision-making process. The TA is a written statement setting out details of transport conditions both with and without a proposed development. The TA should cover all modes of transport including public transport, cycling and walking. If a planning application is not accompanied by a full environmental statement, then the effect of any additional traffic on air pollution and noise should also be included. *The Government is currently preparing good practice advice on the contents of transport assessments to be submitted alongside planning applications and this section will be revised and updated when this guidance becomes available. It would also be prudent to consult local sustainable transport users when assessing the transport impact of a development.*

Note: The section of the above paragraph in italics should be revised if good practice advice is produced before the UDP is to be published. It should also incorporate a fuller explanation of what consultation would be prudent.

8.32a: PPG13 advises that the coverage and detail of the TA should reflect the scale of development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application. For major applications the assessment should illustrate accessibility to the site by all modes and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts.

[c] Paragraph 8.32aa – this should be added to the RDDP as drafted on page 10 of the proposed changes, dated January 2003, but modified to refer to Department for Transport policy and not Highways Agency policy.

POLICY TM2: IMPACT OF TRAFFIC AND ITS MITIGATION

Objectors

1347/4285	<i>Bradford Cycling Action Group/Cyclists Touring Club</i>
2546/4062	<i>Pedestrians Association</i>
4148/4354	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4361/7376	<i>Friends of the Earth Yorkshire & Humber</i>
4511/6817	<i>Bingley Environmental Transport Association</i>
4511/12407	<i>Bingley Environmental Transport Association</i>

Summary of Objections

- The policy is not specific enough to prevent unacceptable traffic impact.
- There is no definition of what is an unacceptable road safety problem from the perspective of a walker.
- Policies TM2 and TM3 are unnecessarily prescriptive. These should be deleted and the provisions of the policies incorporated in Policy TM1.

- There is insufficient clarity and coverage of impacts and no definition of what is “unacceptable”.
- The policy needs to be more positive and aligned with the provisions of PPG13 and, as revised, it is too ill-defined.
- The term “adversely affect” needs defining.
- Contributions from development should also go towards walking, cycling, traffic calming, safe routes to schools and public education.
- Parking restrictions around schools are too weak.

Inspector’s Reasoning and Conclusions

- 8.19 Policy TM2 is aimed at ensuring proper consideration of the impact of development proposals on the transport network. Considerable revisions have been made to the policy in the RDDP compared with the version in the FDDP. Further amendments by way of the introduction of a new explanatory paragraph are contained within the Council’s proposed changes of January 2003. The Bradford Cycling Action Group is concerned that the policy is not specific enough and embodies no procedures for ensuring that the safety of cyclists and pedestrians is safeguarded. It also considers that all development should be assessed for trip generation, sustainability, safety and modal shift to walking and cycling. The Council is suggesting the addition of paragraph 8.32ab to explain the factors that should be taken into account in the application of the policy. These include highway safety, pedestrian and cycle movement, and facilities near development sites. I consider that this modification, together with the introduction of Policy TM19A within the RDDP, which considers the potential impact of traffic management and road safety, would help to ensure proper consideration of road safety. Detailed traffic assessments of all development would not be an acceptable requirement since this would go beyond the advice of PPG13, which is embodied within Policy TM1 and its justification.
- 8.20 “Unacceptable road safety problems” were referred to in criterion (5) of the policy within the FDDP. Removal of this criterion in the RDDP makes this element of the Pedestrian Association’s objection no longer relevant. The Association also considers that there should be an emphasis on the need to give greater priority to walkers. A hierarchy of users is included in the Local Transport Plan and is reproduced at paragraph 8.29a. This puts pedestrians, emergency services and people with disabilities at the top of the hierarchy and indicates that development proposals will be expected to take this hierarchy into account in the design process. I do not consider there is any requirement to repeat this within the revised policy.
- 8.21 The Council has accepted that, taken together, Policies TM2 and TM3 of the FDDP were too prescriptive. It has deleted the latter policy in the RDDP, although I would point out that the use of square brackets to denote this on page 126 is unclear. I consider that as now worded within the RDDP Policy TM2 is not unduly prescriptive and there is no reason for it to be modified. I have already indicated above that it is reasonable for Policy TM1 to be a stand-alone policy.
- 8.22 The word “unacceptable” is no longer included in the policy and I consider that, together with its justifying paragraphs, the policy provides sufficient clarity and coverage of matters that would need to be considered in development proposals.
- 8.23 The Bingley Environmental Transport Association, in requesting that the policy is more aligned with the provisions of PPG13, does not specify how this should be done but does

request changes to various of the policy's criteria contained within the FDDP. All the criteria have been removed in the RDDP version of the policy. In my view, as now worded, and with its justifying paragraphs as contained within the RDDP and the proposed changes, the policy would adequately reflect the thrust of PPG13 advice. The introduction of additional paragraph 8.32ab, as suggested in the proposed changes, would help to qualify what would be taken into account in assessing the possible adverse effects of a proposal and would provide greater definition to the policy.

- 8.24 The proposed changes introduce additional text to paragraph 8.34, making reference to mitigation measures including contributions to public transport, walking and cycling improvements where appropriate. I consider the text would help to emphasise the importance of more sustainable forms of transport. However, in my view this could be further emphasised by adding the words “especially to the private car” after “alternative methods of transport”.

Recommendation

- 8.25 **I recommend that the RDDP be amended as follows:**

[a] Paragraph 8.32ab – This should be added to the plan as drafted on page 11 of the proposed changes, dated January 2003.

[b] Paragraph 8.34 - delete and replace with the paragraph as drafted on page 11 of the proposed changes, dated January 2003, subject to the addition of the words “ESPECIALLY TO THE PRIVATE CAR” after the words “ALTERNATIVE METHODS OF TRAVEL”.

PARAGRAPH 8.32B:

Objectors

4511/12406 *Bingley Environmental Transport Association*
4978/12283 *Highways Agency*

Summary of Objections

- Contributions should not just be to public transport improvements.
- There is no mention of seeking contributions from developers to highway improvements where appropriate.

Inspector's Reasoning and Conclusions

- 8.26 This paragraph indicates that contributions will be sought from developers through planning obligations where it is considered that problems created by development proposals could be overcome by implementing appropriate schemes. These would not be confined to public transport schemes but could include those relating to walking and cycling. In acknowledgement of the objection by the Highways Agency the Council has suggested in its proposed changes of January 2003 the addition of highway network improvements to the list of matters for which contributions could be sought. I consider that the suggested wording would be appropriate.

Recommendation

8.27 **I recommend that the RDDP be modified as follows:**

Paragraph 8.32b - delete and replace with the paragraph as drafted on page 11 of the proposed changes, dated January 2003.

POLICY TM3: MEASURES TO MAKE TRANSPORT IMPACT ACCEPTABLE

Objectors

2546/4061 *Pedestrians Association*
4361/7375 *Friends of the Earth Yorkshire & Humber*

Summary of Objections

- Mitigation measures are not sufficiently defined and prioritised.
- The wording of the policy should be modified.
- The policy should be deleted if Policy TM1 is correctly defined and applied.

Inspector's Reasoning and Conclusions

8.28 Within the RDDP this policy has been deleted and the objections are therefore no longer relevant.

Recommendation

8.29 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 8.34:

Objector

4511/12405 *Bingley Environmental Transport Association*

Summary of Objection

- Contributions should be made not only to public transport but also to matters such as walking and cycling, traffic calming and safe routes to school.

Inspector's Reasoning and Conclusions

8.30 Within the proposed changes of January 2003 the Council is suggesting an amendment to this paragraph, adding walking and cycling improvements to the matters in respect of which contributions may be sought in order to reduce the traffic impact of development. Paragraph 37a of the RDDP indicates that developments close to schools will be required to have regard to School Travel Plans and contribute towards the implementation of these objectives. I consider that together these 2 paragraphs would satisfactorily broaden the

scope of measures for which contributions, which are reasonably related to the impact of development proposals, may be sought.

Recommendation

8.31 I recommend that the RDDP be modified as follows:

Paragraph 8.34 - delete and replace with the paragraph as drafted on page 11 of the proposed changes, dated January 2003.

PARAGRAPH 8.37A:

Objector

4511/12404 *Bingley Environmental Transport Association*

Summary of Objection.

- Contributions should be made to safe routes to schools and public education to promote alternatives to the private car.
- Parking should be banned within 200 metres of school entrances.

Inspector's Reasoning and Conclusions

8.32 I have considered the first point in relation to an objection to RDDP paragraph 8.34 above. I agree with the Council that the introduction of parking bans within 200 metres of schools, as suggested by the objector, is a matter more appropriately addressed within the Local Transport Plan rather than a land use plan such as the UDP. It would be a matter for implementation by the Council, as highway authority, and not planning authority. The provision of School Travel Plans, in accordance with PPG13 and RPG12, to accompany applications for school facilities should, however, help to promote safe walking and cycle routes, and restrict car access and parking at and around schools.

Recommendation

8.33 I recommend that no modification be made to the RDDP.

POLICY TM4: NEW RAIL STATIONS

Objector

4361/7373 *Friends of the Earth Yorkshire & Humber*

Summary of Objection

- Reference to 'wherever practical' within the policy should be deleted.

Inspector's Reasoning and Conclusions

8.34 The objection was made in respect of the FDDP. The words “wherever practical” have been deleted in the RDDP and I consider this amendment satisfies the objection. The policy has been referred to within the Council’s proposed changes but only because the proposed changes within the RDDP had not been highlighted. The Council has not suggested any further modifications to the policy. In relation to Policy Omission 42 below, regarding the integration of bus and rail services in Shipley, I have recommended that an additional sentence be added to paragraph 8.42 relating to this policy.

Recommendation

8.35 **I recommend that no modification be made to the RDDP other than that recommended in relation to Policy Omission 42 below.**

POLICY TM5: RAILWAY LINES AND FORMER RAILWAY NETWORK

Objectors

2546/4060

Pedestrians Association

4361/7372

Friends of the Earth Yorkshire & Humber

Summary of Objections

- A connection between Forster Square Station and Bradford Interchange should be included.
- There should be a preference for the re-introduction of rail services along disused lines with other uses only encouraged if there is no prospect of rail use within a given period.

Inspector’s Reasoning and Conclusions

8.36 A proposal to link Forster Square Station and the Bradford Interchange at opposite sides of the city centre is a long-term aspiration (2011 – 2020) in Metro’s Rail Plan 5. The aspiration is for a rail-compatible link, which could be bus, rapid transit or heavy rail, and would require a detailed assessment to determine an appropriate scheme. The Pedestrians Association has suggested no detailed route for such a link. I consider that, as such a link is a longer-term hope that would be unlikely to be realised until at least the latter part of the plan period or beyond, there is little to be gained from mentioning this specifically within this policy.

8.37 There is generally little remaining of the disused rail network in the district and the Council indicates that there is little or no prospect of attracting investment for the provision of what would be expensive new rail lines over the next 10 years. Nevertheless, paragraph 8.43 of the RDDP indicates that all disused rail lines will be investigated to determine appropriate use, which could include the re-introduction of rail lines. By comparison, the creation of other uses such as footpaths or cycle routes would be relatively inexpensive and the shorter-term provision of these would not necessarily preclude the eventual re-establishment or extension of rail links if these were to be considered feasible in the future.

Recommendation

8.38 I recommend that no modification be made to the RDDP.

POLICY TM6: BUS PRIORITY

Objectors

4186/6138	<i>Hallmark Cards (Holdings) Ltd</i>
4189/4307	<i>Parkside Securities Ltd</i>
4361/7371	<i>Friends of the Earth Yorkshire & Humber</i>
4511/6820	<i>Bingley Environmental Transport Association</i>
4186/12393	<i>Hallmark Cards (Holdings) Ltd</i>
4189/12394	<i>Parkside Securities Ltd</i>

Summary of Objections

- Reference should be made to the need to consider the impact of new developments in discussion with applicants and their appointed consultants.
- The reference to “seek to” promote effective public transport services should be deleted.
- Enforcement of bus lanes should be improved and hours of their operation extended.

Inspector’s Reasoning and Conclusions

8.39 The policy aims to encourage greater use of public transport by improving the Bus Priority Network, with contributions to this from development that would have an impact upon it. I do not consider it necessary for either the policy itself or its justifying paragraphs to refer to discussion between the Council and applicants and their agents as this would be a normal part of the development control process. Enforcement of bus lanes would assist their operation and efficiency, as might their extension of hours. However, these are matters for the Council, as highway authority, and for the police. The Local Transport Plan also addresses their operational side. The words “seek to” have been replaced with the word “encourage” in the RDDP, which I consider makes the policy more positive.

Recommendation

8.40 I recommend that no modification be made to the RDDP.

POLICY TM7: PARK AND RIDE

Objector

4511/6821	<i>Bingley Environmental Transport Association</i>
4511/12598	<i>Bingley Environmental Transport Association</i>

Summary of Objections

- Park and Ride provision is seen solely in terms of rail Park and Ride. There is a need to amend the policy to include bus and cycle Park and Ride.

- Park and Ride provision needs careful application since it could generate additional car journeys and a modal switch away from public transport.
- Sites in Airedale, Menston and the M606 should be included alongside those proposed elsewhere in Bradford.
- All Park and Ride proposals need to include provision for Cycle and Ride.

Inspector's Reasoning and Conclusions

8.41 The policy itself does not distinguish between differing forms of Park and Ride facilities. However, the justifying paragraphs make it clear that both rail and bus Park and Ride are envisaged. No specific mention is made of Cycle and Ride facilities although the Council maintains that these would be considered as a matter of course in the design process. As cycling coupled with the use of public transport represents a very sustainable form of travel I consider the policy could be strengthened by making specific reference to the provision of cycle facilities as an integral part of any Park and Ride provision.

8.42 No land is allocated for Park and Ride other than at the proposed new stations at Apperley Bridge and Low Moor, and bus Park and Ride at Odsal. Even here there are no detailed allocations showing precise boundaries for these uses. As the Council indicates that there is no certainty of proposals for bus Park and Ride schemes coming forward for implementation elsewhere I accept that it would not be correct to allocate additional sites at this stage. An additional paragraph has been inserted in the RDDP to emphasise the PPG13 advice that Park and Ride provision should seek to reduce car journeys and not lead to additional car travel.

Recommendation

8.43 **I recommend that the RDDP be modified by the addition to the reasoned justification of specific reference to Cycle and Ride facilities.**

POLICY TM8: NEW PEDESTRIAN AND CYCLE LINKS

Objectors

2546/4059 *Pedestrians Association*
4237/10277 *Bradford Chamber of Commerce*

Summary of Objections

- There are a number of designated employment sites with cycleways or pedestrian thoroughfares going directly through them and these could act as a barrier and deterrent to potential employers or developers because of security issues.
- The use of the term “where appropriate” could be a let-out clause that could be abused by parties wishing to resist or to close rights of way for walkers.
- Walking time should be minimised.

Inspector's Reasoning and Conclusions

8.44 Several cycleway improvements are shown on the Proposals Map as passing through or alongside employment sites. Alignment and design of such routes would be a matter for detailed design consideration and this would undoubtedly need to take into account

security issues. I have seen no compelling evidence to suggest that the presence of existing or upgraded routes through employment sites act, or could act, as barriers or deterrents to potential employers or developers. In the absence of such, I consider the benefits of promoting sustainable travel that this policy seeks to achieve outweigh any such concerns.

8.45 The inclusion of the words “where appropriate” is in my view an acceptable qualification to the policy. It will not be necessary to provide specific pedestrian or cycle links in every development since their nature and relationship with existing routes may not require it. The justification indicates that the policy should be read in conjunction with Policies D6 and D7, which look to meeting the needs of pedestrians and cyclists through design. Taken together, I consider that this raft of policies, as worded, is sufficient to ensure that the Council would be in a strong position to ensure that development proposals adequately take account of the needs of both pedestrians and cyclists and the establishment or reinforcement of the linkage of convenient routes.

Recommendation

8.46 **I recommend that no modification be made to the RDDP.**

POLICY TM9: PROTECTION OF ROUTES

Objectors

2546/4058	<i>Pedestrians Association</i>
4361/7369	<i>Friends of the Earth Yorkshire & Humber</i>
2485/12203	<i>Professor R J Butler</i>

Summary of Objections

- It needs to be recognised that a small diversion may add considerably to a pedestrian’s time and an alternative may involve crossing roads.
- The policy seems inherently contradictory.
- It is important that footpaths should not be severed.

Inspector’s Reasoning and Conclusions

8.47 The policy aims to ensure that public rights of way are safeguarded and taken into account in development proposals. It reflects advice in PPG13 and Policy T2 of RPG12. The RDDP replaces the word “sever” with “will adversely affect”. I consider this term covers a range of circumstances where development might affect a right of way, including the possibility of severance.

8.48 The additional wording added to paragraph 8.55 in the RDDP acknowledges the Pedestrians Association’s concern that even a small diversion could add considerably to a pedestrian’s time and alternatives may have unsafe features. I consider that as now worded in the RDDP the policy is clear and unambiguous, and does not contain any inherent contradictions that would require it to be modified.

8.49 Note: The Council may wish to consider that, for completeness, the date 1990 should be added after “Town and Country Planning Act” in paragraph 8.5.

Recommendation

8.50 **I recommend that no modification be made to the RDDP.**

POLICY TM10: THE NATIONAL AND LOCAL CYCLE NETWORK

Objectors

3850/6180 *Bradford Environmental Action Trust*
4191/4288 *Countryside Strategic Projects PLC*

Summary of Objections

- The National and Local Cycle Network should be shown on the Proposals Map.
- Unqualified terms such as “major” should be left out or be subject to specific definition.

Inspector’s Reasoning and Conclusions

8.51 The purpose of the policy is to ensure developers take into account the National and Local Cycle Network in their proposals and, where appropriate, assist in its implementation. The policy specifically states that the National and Local Cycle Network and associated links are shown on the Proposals Map. This is not strictly the case since all that is shown are cycleway improvements under Policy TM20 where these rely on land outside the highway. Although the National Cycle Network and other strategic cycle routes are shown in the Local Transport Plan this is only at a very small scale. Whilst it is claimed that including the whole of the Network on the Proposals Map would not be practicable, no explanation for this is provided by the Council. I acknowledge that cycle routes, which are on public highways, are probably not shown on the Proposals Map as they do not involve a change in use of land. Nevertheless, I consider that to relate to the wording of the policy, for greater clarity and to assist users of the UDP, the routes of the National and Local Cycle Network and associated links should be included on the Proposals Map.

8.52 I do not consider there to be a need to define words such as “major” since to set precise definitions or thresholds would be over-prescriptive. Discretion should be left so that the policy can be applied flexibly in the light of particular circumstances.

Recommendation

8.53 **I recommend that the RDDP be modified as follows:**

The National and Local Cycle Network and its associated links should be shown on the Proposals Map.

PARAGRAPH 8.59:

Objector

4511/12409

Bingley Environmental Transport Association

Summary of Objection

- The Council needs to do more than accept a requirement for maximum parking standards; it should implement them.

Inspector's Reasoning and Conclusions

8.54 The plan indicates the Council's acceptance of maximum parking standards as advised in both national and regional guidance. Implementation of these standards would be ensured through the application of Policy TM11 within the normal development control process.

Recommendation

8.55 **I recommend that no modification be made to the RDDP.**

POLICY TM11 AND PARAGRAPH 8.60A: PARKING STANDARDS FOR NON-RESIDENTIAL DEVELOPMENTS

Objectors

4136/6151	<i>B & Q PLC</i>
4148/4359	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4361/7367	<i>Friends of the Earth Yorkshire & Humber</i>
4511/6823	<i>Bingley Environmental Transport Association</i>
4136/12163	<i>B & Q PLC</i>
4148/12825	<i>Raven Retail Ltd (Ex Carter Commercial)</i>
4511/12410	<i>Bingley Environmental Transport Association</i>

Summary of Objections

- The policy is not in accordance with paragraph 54 of PPG13 and has no built-in flexibility to allow maximum parking standards to be breached where there would otherwise be operational problems or an adverse impact on the local highway network.
- The policy and supporting text should allow for exceptions to standards in appropriate circumstances.
- There should be no minimum car parking requirement, in accordance with PPG13.
- New parking should be at the operational minimum, development-specific and certainly not for general use since this would encourage greater car use.
- "City centre", "town centre" and "transport corridor" car parking provisions need to be reduced, and the duration of their permitted uses curtailed to below that of the working day, so as to decrease their use by commuters but promote their use by shoppers and visitors. The level of off-street non-residential parking provision needs to be curtailed to reduce car commuting and car-based trips from workplaces.
- Additional parking provision above adopted standards should not be made available for general short-stay public parking.
- Requirements in criteria (1) to (3) are too vague and meaningless and paragraph 8.60a renders other policies and statements meaningless.

- Where it is intended to propose a policy in a plan which departs from guidance provided in a PPG the authority should ensure that it has adequate reason for doing so. The Council in this case has provided no justification for the more stringent approach adopted.
- Reduce the percentages applied to individual parking categories in the City Centre, town centres and transport corridors. Impose a maximum time of 3 hours for use by any single car to deter long-term parking and levy a charge on all off-street non-residential car parking.

Inspector's Reasoning and Conclusions

8.56 Policy TM11 establishes how applications will be judged for non-residential development in terms of parking requirements, standards being set out in Appendix C of the RDDP. These are based on advice in PPG13 and RPG12 and establish maximum standards. RPG12 indicates that parking is likely to be a key element in managing demand for car use. The setting of maximum levels of car parking for broad classes of development should encourage sustainable transport choices and promote development in locations that are well served by public transport. Reference is not made to minimum standards since this would not accord with PPG13 advice. Reduced standards will be expected in the city and town centres where there is good public transport accessibility. A single set of standards is to be applied district-wide in order not to create a situation that encourages developers to seek out-of-centre locations where parking could be provided to the full standard. It would be through the normal development control process that implementation of the maximum parking standards would be applied.

8.57 The policy has been amended in the RDDP to accord with advice in PPG13, paragraph 54. This allows some flexibility in that maximum standards can be breached where the developer can demonstrate that a higher level of parking is needed. Although the RDDP also requires that any such higher level of parking should be made available for general short stay public parking, the Council's proposed changes of January 2003 remove reference to this. I consider this change is appropriate since there would seem to be an inherent conflict in allowing a higher level of parking to serve a particular proven need and for the provision to be then used for general short-stay public parking.

8.58 The policy and its justification relate to the application of parking standards to new development. The standards to be applied, which are set out in Appendix C of the plan, are in accordance with those within PPG13 and RPG12. The imposition of a short maximum duration for on-street parking and the levying of charges for all such parking go beyond the scope of the policy. Policies on parking controls and charging are, in my view, more appropriately set out in the Local Transport Plan. I consider that the tenor of the policy within the RDDP, as amended by the Council's proposed changes, accords with advice in both national and regional guidance. The proposed changes result in the policy being clear, with the addition of paragraph 8.60ba helping to clarify its application.

Recommendation

8.59 **I recommend that the RDDP be modified as follows:**

- [a] POLICY TM11 - delete and replace with the policy as drafted on pages 12 and 13 of the proposed changes, dated January 2003.**

- [b] Add additional paragraph 8.60ba as drafted on page 13 of the proposed changes, dated January 2003.**

PARAGRAPH 8.60b:

Objector

4136/12374 *B & Q PLC*

Summary of Objection

- There is a clear disparity between the supporting text and criterion 3 of the policy. Paragraph 8.60b seeks to unjustifiably restrict additional flexibility to sites located within the town centre or to the edge of the town centre. The paragraph adds nothing and should be deleted.

Inspector's Reasoning and Conclusions

8.60 Within the RDDP criterion (3) of Policy TM11 allows universal parking above the maximum standard if it can be demonstrated that a higher level of parking is needed and that provision will be made available for general short-stay public parking. The Council's proposed changes of January 2003 seek the deletion of that part of the policy referring to parking being made available for general short-stay parking and which would appear to be at odds with paragraph 8.60b. I consider that paragraph 8.60b directly reflects advice in PPG13 paragraph 56. With the Council's proposed change, which I have recommended above should be made, there would be no disparity or contradiction between the policy and this justifying paragraph.

Recommendation

8.61 **I recommend that no modification be made to the RDDP.**

POLICY TM12 AND PARAGRAPH 8.66A: PARKING STANDARDS FOR RESIDENTIAL DEVELOPMENTS

Objectors

1722/5847 *House Builders Federation*
4361/7366 *Friends of the Earth Yorkshire & Humber*
4511/6824 *Bingley Environmental Transport Association*
4511/12411-12412 *Bingley Environmental Transport Association*

Summary of Objections

- There are no standards for residential parking requirements in the draft RPG or in the Secretary of State's proposed changes. Standards for parking in residential developments should be deleted.
- The policy and its application are too weak and uncoordinated.

- The level of provision for parking should be set at lower levels to discourage multiple car ownership and to encourage car sharing, and should be coupled with on-street regulation.
- Car-free housing should be “encouraged” rather than “permitted”.

Inspector’s Reasoning and Conclusions

8.62 Parking standards for residential development have been amended in the RDDP to reflect national guidance. These are based on advice within PPG3 that car parking standards that result, on average, in development with more than 1.5 off-street car parking spaces per dwelling are unlikely to reflect the emphasis on securing sustainable residential environments. Neither PPG13 nor RPG12 include recommendations on residential car parking provision. The House Builders’ Federation has suggested that the wording of the policy be changed to make reference to the relative accessibility of locations, appropriate levels of parking for different locations, and the provision of only that level of parking that developers consider necessary to enable their development to be viable. As standards are based on a maximum provision I consider there would be sufficient flexibility to enable each development to be assessed on its merits, with accessibility and locational aspects taken into account in the determination of parking provision for new development.

8.63 BETA considers the norm of provision should be 1 space per dwelling, with the 1.5 maximum set out in PPG3 being the exceptional maximum. It sees this as being combined with on-street restrictions so that even in residential areas parking would be limited to a 3-hour maximum with specific provision for visitors where house and garden layouts permit. However, establishment of a norm of 1 space per dwelling has no foundation in national guidance nor has the suggestion of limiting parking within residential areas to short-term only. I have seen no substantive evidence to support the general application of these measures. Nevertheless, the justification to the policy does indicate that parking provision will be lessened in areas with very good levels of public transport accessibility. Furthermore, Appendix C indicates that the average per development in the city and town centres should not exceed 1 space per unit. Policy TM13 also indicates the Council’s commitment to introducing on-street parking controls to reduce traffic congestion and improve road safety and the local environment.

8.64 The wording of the policy has been amended in the RDDP to indicate that car-free housing will be encouraged in areas of very good public transport accessibility rather than simply being permitted. I do not consider any modifications to the policy to be necessary.

Recommendation

8.65 **I recommend that no modification be made to the RDDP.**

POLICY TM13: ON-STREET PARKING CONTROLS

Objectors

2546/4057
4511/12599

Pedestrians Association
Bingley Environmental Transport Association

Summary of Objections

- The policy does not mention the need to control on-street parking.
- On-street parking controls are required to stop residents parking partly on pavements and to enable pedestrian pavements to be widened.

Inspector’s Reasoning and Conclusions

8.66 The purpose of the policy is to ensure that the UDP’s restraint-based car parking policies do not lead to displacement of parking on residential roads. Pavement parking may well be a problem in places but this is a matter for enforcement by the police and the Council as highway authority. It is an issue more appropriately dealt with by the Local Transport Plan. The widening of pavements is not a land use issue to be addressed within the UDP.

Recommendation

8.67 **I recommend that no modification be made to the RDDP.**

POLICY TM15: PARKING PROVISION WITHIN THE BRADFORD CENTRAL SHOPPING AREA

Objector

4137/5991 *Yorkshire Co-operatives Properties Ltd*

Summary of Objection

- The Proposals Map does not define the “Core of the Central Area” of Bradford to which the policy applies.

Inspector’s Reasoning and Conclusions

8.68 The Council amended the policy and its justifying paragraph within the RDDP to make it clear that the policy applies to the Primary Shopping Area as defined on the Proposals Map.

Recommendation

8.69 **I recommend that no modification be made to the RDDP.**

POLICY TM18: PARKING FOR PEOPLE WITH DISABILITIES

Objector

4148/4368 *Raven Retail Ltd (Ex Carter Commercial)*

Summary of Objection

- The policy is unnecessary and should be deleted. The contents of the policy should be included in Policy TM11.

Inspector's Reasoning and Conclusions

8.70 The Policy addresses the parking needs of those with disabilities and special needs. The Council's proposed changes detail amendments to the policy that should have been included within the RDDP but were inadvertently missed. The policy reflects guidance within paragraphs 31 and 51 of PPG13 that the special needs of the disabled be specifically recognised and catered for. I consider it is quite correct for the RDDP to contain a particular policy to address these needs in order to give them prominence and ensure that applicants/developers are fully aware of them. The policy applies to all forms of development whereas Policy TM11 applies only to private non-residential development.

Recommendation

8.71 **I recommend that the RDDP be modified as follows:**

POLICY TM18 - delete and replace with the policy as drafted on page 13 of the proposed changes, dated January 2003.

PARAGRAPH 8.80:

Objector

4191/4217 *Countryside Strategic Projects PLC*

Summary of Objection

- Disagree with the proportion of spaces required to be reserved for people with disabilities.

Inspector's Reasoning and Conclusions

8.72 The objector suggested that the 10% figure of spaces to be planned and reserved for people with disabilities quoted in the FDDP should be replaced by 6% in line with the Institute of Highways and Transportation guidance. The Council accepted this and made amendments within the RDDP to Appendix C. Through an oversight this was not reflected in paragraph 8.80. This has been corrected in the Council's proposed changes.

Recommendation

8.73 **I recommend that the RDDP be modified as follows:**

Paragraph 8.80 - delete and replace by the paragraph as drafted on page 14 of the proposed changes, dated January 2003.

POLICY TM19: CYCLE PARKING

Objector

4361/7362

Friends of the Earth Yorkshire & Humber

Summary of Objection

- Why should there need to be a demand for cycle spaces for them to be provided, and how will this demand be shown? Providing cycle spaces could encourage more use of bikes.

Inspector's Reasoning and Conclusions

8.74 Following the FDDP several changes were made to the policy and its supporting justification. These included reference to “where there is demand” in respect of cycle space provision. Paragraph 8.81 acknowledges that the provision of secure cycle parking is essential to encourage more use of this sustainable form of transport. I consider the changes made within the RDDP, which have included expansion of the justifying paragraph 8.82, have strengthened the policy and meet the concerns expressed.

Recommendation

8.75 **I recommend that no modification be made to the RDDP.**

POLICY TM21: RAIL AND WATER FREIGHT FACILITIES

Objector

4361/7374

Friends of the Earth Yorkshire & Humber

Summary of Objection

- The Council should be playing its part in encouraging rail freight rather than being passive. “Permitted” at the end of the first paragraph should be changed to “strongly encouraged”.

Inspector's Reasoning and Conclusions

8.76 The wording of the policy was changed in the RDDP to indicate that the encouragement of the movement of freight from road to rail and water, and transhipment will be supported rather than merely permitted. The wording of the rest of the policy has also been changed so as to emphasise the support and encouragement for such movement. As a result I consider the policy has been strengthened along the lines that the objector wished.

Recommendation

8.77 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 12: GENERAL AVIATION

Objector

Summary of Objection

- Consideration should be given to the inclusion of a policy relating to general aviation issues.

Inspector's Reasoning and Conclusions

8.78 Annex B, paragraph 5 of PPG13 states that in formulating their plan policies and proposals local authorities should take account of the economic, environmental and social impacts of general aviation (GA) on local and regional economies. The objector, GAAC, considers the inclusion of a policy on GA would provide clear guidelines to any potential operator who may wish to establish a landing strip or heli-pad within the district. The Council indicates that there are no airfields except 1 or 2 private airstrips within the district, with the Leeds/Bradford International Airport, itself outside the district, catering for most aviation needs. The RDDP safeguards 2 helicopter-landing points for emergency use in conjunction with Bradford Royal Infirmary and Airedale Hospital. There are no facilities for recreational flying. Any proposals for such, or other GA-related needs, could be assessed against the existing policies within the RDDP, including those relating to urban renaissance, Green Belt and the countryside. I am not therefore convinced that a specific separate policy concerning GA is necessary.

Recommendation

8.79 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 36: TRAFFIC CALMING & 20 MPH ZONES

Objector

4511/7341 *Bingley Environmental Transport Association*
4511/10503 *Bingley Environmental Transport Association*

Summary of Objections

- Traffic calming measures should be made much more pervasive in existing residential areas. Areas that will be assessed need to be identified in the plan.
- New housing developments should be designed for, and required to have, 20mph speed limits so as to create safe environments and reduce the severity of accidents.

Inspector's Reasoning and Conclusions

8.80 A specific policy on traffic management and road safety, TM19A, was introduced into the RDDP. This policy and its justification addresses the need to take into account the impact of new developments on traffic management and road safety, including traffic calming and the use of 'Home Zones'. This follows advice in PPG13 that traffic management measures should be promoted to improve the quality of local

neighbourhoods through enhancing the street environment and improving road safety. The policy would be applicable to existing residential areas if these are affected by land use proposals such as regeneration/redevelopment. Elsewhere, existing problems in residential areas, since they do not relate to land use proposals to be addressed in a development plan, are considered in the Local Transport Plan. I consider that the introduction of Policy TM19A satisfactorily addresses traffic management issues in relation to land use within the context of residential areas.

Recommendation

8.81 I recommend that no modification be made to the RDDP.

POLICY OMISSION 38: PROMOTION OF WALKING

Objector

4511/7334

Bingley Environmental Transport Association

Summary of Objection

- There should be a policy to promote walking in all developments with the pedestrian being given priority.

Inspector's Reasoning and Conclusions

8.82 Walking has several beneficial roles not least in its contribution to sustainable community development. This is recognised in PPG13. Whilst a specific policy relating to this would be laudable in principle I do not consider it is necessary within the context of the RDDP, given the existence of several policies that are already clearly geared to protecting the needs of pedestrians and promoting walking as a sustainable means of travel. These include, within the Transport and Movement chapter, Policies TM1, TM2, TM8 and TM9, and Policy D6 within the Design chapter. They reflect PPG13 advice that particular attention should be paid to the design, location and access arrangements of new development to help promote walking as a prime means of access. Development proposals would be judged against these policies to ensure the needs of pedestrians are adequately catered for.

8.83 Furthermore, at paragraph 8.29a a hierarchy of consideration from the Local Transport Plan is reproduced, with development proposals being expected to take this into account in the design process. This puts pedestrians at the top of the hierarchy. The Local Transport Plan has itself developed a walking strategy to ensure a comprehensive approach to the promotion of walking as a sustainable mode of travel. I therefore consider that the promotion of walking and the safeguarding of pedestrian needs are already well recognised. A separate policy within the RDDP would merely duplicate the message that is being put forward with no additional benefit.

Recommendation

8.84 I recommend that no modification be made to the RDDP.

POLICY OMISSION 40: SAFE ROUTES TO SCHOOL

Objector

4511/7336

Bingley Environmental Transport Association

Summary of Objection

- There should be a policy to ban car parking within 200 metres of school entrances.
- The policy of developing safer routes to school needs rapid and extensive implementation with land reserved for pedestrian paths and cycle routes.
- Policies are needed to provide secure and covered cycle parking and land provision at schools for bus dropping-off and picking-up points.

Inspector's Reasoning and Conclusions

8.85 These matters have already been largely covered above in my conclusions on paragraph 8.37a related to Policy TM2. Safer routes to schools initiatives for existing schools are being developed and promoted by the Council, as highway authority, as part of the Local Transport Plan. Planning applications for new or expanded school facilities need to be accompanied by a School Travel Plan. These should promote safe walking and cycling routes and use of public transport, whilst restricting parking and car access near schools. These should also have regard to on-site changing and cycle storage facilities. Design policies of the RDDP, such as D6 and D7, require development proposals to provide safe walking and cycling routes. Overall, in light of the above, I do not consider an additional policy on safe routes to school to be necessary.

Recommendation

8.86 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 41: BICYCLE & CAR HIRE FACILITIES

Objector

4511/7337

Bingley Environmental Transport Association

Summary of Objection

- A policy is needed to encourage use of part of the land at transport interchanges for the provision of bicycle and electric car hire facilities.

Inspector's Reasoning and Conclusions

8.87 BETA sees such a policy as applying particularly to the main inner city interchanges so that car drivers are encouraged to leave their cars at home, to provide better integration of the feeder connections into interchanges, and to widen the hinterland of such

interchanges. I agree with the Council's assessment that encouraging car drivers to leave their vehicles at home by providing appropriate alternative facilities is a laudable aim. Nevertheless, how public transport interchanges are used is a matter for their operators. I do not consider there would be significant land use issues associated with the objector's proposal.

Recommendation

8.88 I recommend that no modification be made to the RDDP.

POLICY OMISSION 42: INTEGRATION OF BUS & TRAIN SERVICES IN SHIPLEY

Objector

4511/7338

Bingley Environmental Transport Association

Summary of Objection

- A policy is needed to integrate the bus and train services at Shipley bus and train stations which are currently too far apart and badly connected. A Shipley Interchange should be the aim.

Inspector's Reasoning and Conclusions

8.89 PPG13 advises that the potential for improved interchange between different transport services should be identified. Policy TM4 of the RDDP supports the upgrading of existing stations, which should include the development and enhancement of physical interchanges, including integration between rail services, bus services and other modes. The principal bus stopping point in Shipley is in the central shopping/service area of the Market Place and this is a 4/5-minute, slightly uphill walk from the rail station across the wide and busy Otley Road. The rail station is constrained by the surrounding road layout and buildings and there are no obvious sites that would enable an integrated transport interchange to be developed. It would therefore be unrealistic to see the movement of the principal stopping point for buses any closer to the rail station. Nevertheless, the rail station has been defined as a location where the existing Park and Ride car park will be safeguarded and extended where possible under Policy S/TM7.3. The Council also states that, together with Metro, it is considering the regeneration of the area behind platform 4 at the station. This could result in new highway links and the opportunity to create a bus point and transport interchange, although no further information on this has been provided.

8.90 Furthermore, the Council acknowledges that improvements to the pedestrian underpass to the station, signage, and availability of information of bus and rail timetables would encourage use and increase perception of a more integrated service in Shipley. Pedestrian and lighting improvements between the town centre and the rail station are contained within the Local Transport Plan Programme. I consider that greater integration between bus and rail facilities in Shipley is a very desirable objective to improve sustainable travel. In light of the physical restrictions that are likely to make a full interchange unrealistic I do not consider that the introduction of a specific policy to deal with this is called for. However, in acknowledgement of the measures that are being investigated and taken to improve integration, I consider these could be mentioned in paragraph 8.42 related to Policy TM4.

Recommendation

8.91 **I recommend that the RDDP be modified as follows:**

Paragraph 8.42 – The following additional sentence should be added

Within Shipley town centre, improvements are being pursued to integrate bus and rail travel more closely.

POLICY OMISSION 43: PROMOTION OF PUBLIC TRANSPORT INFORMATION PROVISION

Objector

4511/7339 *Bingley Environmental Transport Association*

Summary of Objection

- The UDP should promote public transport information provision and through-ticketing by the provision of information kiosks in shopping centres and at all public facilities, and through street-side prepaid ticket machines.

Inspector’s Reasoning and Conclusions

8.92 PPG 12 advises that only policies where there are land use implications should be included in a development plan. Proposals for kiosks and prepaid ticket machines would be too small to show on the Proposals Map and some may well be ‘permitted development’. Public transport information and through-ticketing are matters for the West Yorkshire Passenger Transport Authority and are being pursued through the Local Transport Plan. It would not be appropriate to include an additional policy on these matters within the UDP.

Recommendation

8.93 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 44: PROMOTION OF LOCAL FEEDER BUS NETWORKS

Objector

4511/7340 *Bingley Environmental Transport Association*

Summary of Objection

- It is not just primary bus routes that need promoting but also peripheral and local feeder bus networks into smaller interchanges.

Inspector’s Reasoning and Conclusions

8.94 In line with PPG13 advice the key routes for bus improvements and priority measures, and action to be taken in conjunction with these, have been identified on the Proposals Map. Policy TM6 relates to these. This network is being promoted through a partnership between the Council, Metro and bus operators, providing a degree of certainty that there will be implementation. It is the bus operators who are responsible for the provision of services and on peripheral and feeder routes there can be no certainty that these will be provided. Nor is there a direct land use implication. Whilst such routes are important in helping to provide a sustainable transport network their promotion is more appropriately achieved through the Local Transport Plan.

Recommendation

8.95 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 45: TRAFFIC DEMAND MANAGEMENT

Objector

4511/7342 *Bingley Environmental Transport Association*

Summary of Objection

- Traffic demand management measures need to be promoted at all times as an overall policy.

Inspector's Reasoning and Conclusions

8.96 Both PPG13 and RPG12, setting out national and regional planning guidance, seek to reduce the need to travel, reduce reliance on the private car and integrate land use and transport planning. Traffic demand management is an important aspect of this overall approach. Existing policies within the RDDP, including TM1, TM7, TM11 and TM16, should all contribute to managing the demand for travel, in particular by means of the car. These are complementary to the strategy of the Local Transport Plan, which also has as a theme the management of the demand for travel. In my view, a separate freestanding policy on travel/traffic management would not add anything to the UDP as a land use plan. It would serve to merely duplicate what has already been covered by the existing policies dealing with individual aspects that together will have an impact on such management.

Recommendation

8.97 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 47: INTEGRATION OF DEVELOPMENT TO REDUCE TRAVEL

Objector

4511/7344 *Bingley Environmental Transport Association*

Summary of Objection

- A policy is required to integrate residential development, retail development, employment sites and leisure sites, and transport.

Inspector's Reasoning and Conclusions

8.98 A general thrust of the UDP is the promotion of a pattern of sustainable development, with the concentration of development in the urban areas where there are the best opportunities for locating differing land uses close to each other. The plan includes a policy to designate mixed use areas, and policies within the Town Centres, Retail and Leisure chapter promote the co-location of uses, including housing. If modified along the lines of my recommendations, the plan should also ensure that, where possible, development that cannot be located in urban centres will be sited in areas well served by public transport. No form of wording for the additional suggested policy has been put forward. Overall, I consider that an additional policy along the lines of that suggested would merely serve to duplicate what is already in the plan without adding greatly to it.

Recommendation

8.99 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 48: SUSTAINABILITY & TRANSPORT

Objector

4511/7345 *Bingley Environmental Transport Association*

Summary of Objection

- Overall transport policies need to reflect sustainability issues much more transparently and adequately. There is very little in the current policies that addresses air and noise emissions, severance, effects on wildlife, or the landscape.

Inspector's Reasoning and Conclusions

8.100 The transport policies of the UDP reflect national guidance on reducing the need to travel and reliance on the private car, and the integration of land use and transport planning. I am satisfied that existing policies within the RDDP do already cover the need to address the local environmental impact of traffic and its effects on wildlife, noise and air pollution, Policies TM2, TM19a, P1 and P7 being relevant. The Local Transport Plan has the question of sustainability at its core, also addresses air quality, and provides a strategy and vision for encouraging walking. The UDP and the LTP are complementary documents and between them I consider they do adequately address the sustainability issues which the objector wants to see drawn together in an additional policy. Consequently, I do not consider there to be a need for a further policy within the UDP along these lines.

Recommendation

8.101 I recommend that no modification be made to the RDDP.

POLICY OMISSION 60: MAXIMUM CAR PARKING STANDARDS FOR DWELLINGS

Objector

4511/10502 *Bingley Environmental Transport Association*

Summary of Objection

- A maximum off-street and on-street car parking provision per dwelling needs to be adopted as policy, at a level of no more than 1 space per household.

Inspector's Reasoning and Conclusions

8.102 The objector's reasons for suggesting a policy along these lines are to provide a disincentive to multiple car ownership per household and to equate parking provision more closely with that required by single person households and affordable housing. Policy TM12 deals with parking standards in residential developments and establishes maximum provision as set out within Appendix C. I have considered objections to this policy above and concluded that no modification is required. I consider the conclusions I have reached in respect of that policy address this particular objection and a policy along the lines suggested is not warranted.

Recommendation

8.103 I recommend that no modification be made to the RDDP.

POLICY OMISSION 68: INTEGRATION OF BUS & RAIL SERVICES AT BINGLEY

Objector

4510/10955 *Mr A J Plumbe*

Summary of Objection

- Bingley station should be developed as a true interchange, with Wellington Street pedestrianised where possible and local traffic channelled along a 'relieved' Main Street.

Inspector's Reasoning and Conclusions

8.104 I have considered this objection in relation to Policy S/TM20.3 relating to the provision of a Wellington Street Link.

Recommendation

8.105 See the recommendation in relation to Policy S/TM20.3 within the Shipley volume.

Chapter 9 Design

POLICY D1: GENERAL DESIGN CONSIDERATIONS

Objector

4511/10505

Bingley Environmental Transport Association

Summary of Objection

- No housing development should be acceptable unless it is 100% accessible to disabled persons.
- There should be an explicit policy that terraced houses, semi-detached houses and low-level flats are perfectly acceptable forms of housing development.

Inspector's Reasoning and Conclusions

- 9.1 Policy D1 is a generally applicable policy relating to all development and not just residential proposals, whilst Policy D3 specifically considers access to public buildings for people with physical disabilities. PPG1 indicates that proposals for the development of land provide the opportunity to secure a more accessible environment for everyone, including wheelchair users, other people with disabilities, elderly people and those with young children. It also advises that in development plans local authorities should take into account access issues and these will include access to and into buildings, and the need for accessible housing. Developers and local planning authorities should consider the needs of people with disabilities at an early stage in the design process and should be flexible and imaginative in seeking solutions. The internal layout of buildings is not, however, normally material to the consideration of a planning application
- 9.2 I consider that the policy as worded, together with paragraph 9.18, with reference to the concept of 'lifetime homes' that can respond to changing needs, does provide a degree of acknowledgement of the needs of users, although there is no direct reference to the needs of those with disabilities. The objector claims that without a policy to provide 100% accessibility by the disabled there would be a failure to meet the requirements of the Disability Discrimination Act 1995. From my reading of this Act I do not consider this to be the case and a policy specifying such a requirement would be unreasonable. It is my view, however, that in order to emphasise the need to take account of the requirements of the physically disabled the wording of the policy should be amended by making reference to these in criterion (7). This would also better tie in with paragraph 9.32 where the needs of the disabled are mentioned.
- 9.3 Having regard to the second strand of the objection I do not agree that there should be a specific requirement to refer to the acceptability of particular forms of accommodation. The objector has expressed concern about the Council's previous track record in respect of the type of residential development it has allowed, with a propensity towards homogeneity of form and occupation. However, I consider that the requirements of the various criteria of Policy D1, and policies within the Housing Chapter, in particular those relating to density and affordable housing provision, would ensure that the particular forms of accommodation the objector considers acceptable are the ones that are likely to materialise. These policies are also likely to promote greater variety in form and type in

any one development. In the light of this, I am not convinced that a general policy merely expressing support for the forms of housing the objector considers acceptable would make any significant contribution to the planning of the district.

Recommendation

9.4 **I recommend that the RDDP be modified as follows:**

POLICY D1

Add to the end of criterion (7) AND PROVIDE FOR ACCESS FOR THOSE WITH PHYSICAL DISABILITIES.

PARAGRAPH 9.32:

Objector

1722/4251 *House Builders Federation*

Summary of Objection

- The paragraph should be deleted since it refers to a matter covered by the Building Regulations.

Inspector's Reasoning and Conclusions

9.5 The purpose of the paragraph is to cross-refer to policy D1 where adaptability through flexible design is encouraged and justification for this is provided in paragraph 9.18. The provision of 'lifetime homes' is one means of providing such flexibility and the concept is referred to as an example. Their provision is not a requirement of the policy and the objector has raised no objections to either Policy D1 or paragraph 9.18. Paragraph 9.32 does not provide guidance on, or require, 'lifetime homes' to be provided. I see no reason why the paragraph should be deleted.

Recommendation

9.6 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 9.38:

Objector

3952/5211 *Burley Community Council*

Summary of Objection

- The paragraph should recognise the importance, especially in rural locations, of safe pedestrian links in new development.

Inspector's Reasoning and Conclusions

- 9.7 Policy D4, for which paragraph 9.38 in part provides justification, is broadly carried forward from the existing UDP and seeks to ensure that all development proposals are designed so as to reduce the opportunities for crime. The objector considers that this has had in practice the effect of preventing the provision of pedestrian links in new development within Burley. Additional wording to emphasise the importance of footpath links within rural and village communities is sought to achieve a correct balance between crime prevention and ensuring pedestrian needs are met to promote sustainable development.
- 9.8 It is Policy D6 that promotes the latter and I accept that there could be a degree of tension between this policy and Policy D4, as is recognised in paragraph 9.12 of the RDDP. In such cases a balancing exercise would have to take place although this would need to be done against the overall aim of the plan, which is to promote a more sustainable district. This in turn is informed by Government advice, particularly in PPG13, which is very much to encourage alternatives to motorised journeys as an important element of creating sustainable development patterns. The promotion of pedestrian linkages within settlements is an important element of this, as made clear in Policy D6, and this should apply equally within urban and more rural environments. This emphasis should, in my view, help ensure that pedestrian linkages are given proper stress whilst having full regard for the achievement of designs and layouts that create a safe environment. As such, I do not consider there is a need to add to paragraph 9.38 to recognise a distinction between the more rural and urban areas in terms of walking routes or linkages.

Recommendation

- 9.9 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 9.44A:

Objector

4993/12435

West Yorkshire Ecology

Summary of Objection

- The statement in the paragraph is supported in general but it should include species-rich grassland as an ecological feature of interest that may be integrated within development.

Inspector's Reasoning and Conclusions

- 9.10 Species-rich grassland was not listed within this paragraph in the RDDP. However, in response to this objection the Council is now suggesting its inclusion in its proposed changes. West Yorkshire Ecology has indicated its support for this and I consider the change acceptably satisfies the objection.

Recommendation

- 9.11 **I recommend that the RDDP be modified by the deletion of paragraph 9.44a and its replacement with the paragraph as drafted on page 15 of the proposed changes, dated January 2003.**

PARAGRAPH 9.52E:

Objector

954/12310 *Government Office for Yorkshire and the Humber*

Summary of Objection

- There should be consideration as to whether priority should be given to the location of bus stops and whether car parking should be located so as not to cause inconvenience or obstacles to buses and their users.

Inspector's Reasoning and Conclusions

- 9.12 To clarify the intention and meaning of the text of this paragraph to give priority to bus infrastructure the Council has suggested amended wording in its proposed changes. I consider that the proposed change satisfies this objection.

Recommendation

- 9.13 **I recommend that the RDDP be modified by the deletion of paragraph 9.52e and its replacement with the paragraph as drafted on page 15 of the proposed changes, dated January 2003, subject to the substitution of the word "routes" for "outes" within the first bullet point.**

POLICY D8: PUBLIC ART

Objector

3850/5829 *Bradford Environmental Action Trust*

Summary of Objection

- The policy should exclude the word 'major' so that all development should include some public art or creative art feature.

Inspector's Reasoning and Conclusions

- 9.14 Public arts projects are largely driven by funding and are normally a part of major development schemes. I consider that it would be unreasonable for all development to be required to include some element of public art since this would then apply to even the humblest of schemes which might have no, or minimal, interface with the public realm.

Recommendation

9.15 I recommend that no modification be made to the RDDP.

POLICY D10: ENVIRONMENTAL IMPROVEMENT OF TRANSPORT CORRIDORS

Objectors

2546/4054 *Pedestrians Association*
4510/7351 *Mr A J Plumbe*

Summary of Objections

- The policy should refer to the need to keep footpath surfaces in good condition and free from obstruction.
- The policy should be extended to main railway gateways to Bradford, including Shipley to Forster Square, and from Leeds/Bradford Airport to central Bradford.

Inspector's Reasoning and Conclusions

9.16 Justification to the policy within paragraph 9.76 indicates that positive action will be taken where possible to improve and design-out problems experienced on transport corridors. Improved maintenance regimes and removal of unsightly illegal advertisements are also envisaged. I consider that this justification, coupled with the Council's duties and responsibilities under the Highways Act 1980, cover the concerns of the Pedestrians Association without the need to add further detail to the plan.

9.17 The RDDP defines the key rail routes into central Bradford as transport corridors and, following Mr Plumbe's objection at the FDDP stage, now also includes the main road corridor from Leeds/Bradford Airport to central Bradford.

Recommendation

9.18 I recommend that no modification be made to the RDDP.

POLICY D11: GATEWAYS

Objectors

954/4324 *Government Office for Yorkshire and the Humber*
4189/4305 *Parkside Securities Ltd*
4510/7352 *Mr A J Plumbe*

Summary of Objections

- The policy should not refer to design guidance. Decisions should not be based on material not in the plan. Reference to design guidance may be included within the justification to the policy.

- The policy should be extended to include all main railway gateways to Bradford and the route from Leeds/Bradford Airport to central Bradford.
- The policy refers to matters of detail that should be discussed at the time of planning application submission. The policy should make this clear and acknowledge that all material considerations will be part of a balanced assessment.

Inspector's Reasoning and Conclusions

- 9.19 In its proposed changes the Council has removed reference to gateway design guidance within the policy and has inserted this within the reasoned justification in paragraph 9.81. The Government Office for Yorkshire and the Humber considers this satisfies its objection and I have no reason to disagree that this is an acceptable modification.
- 9.20 The policy is restricted to gateway roads and does not deal with rail routes. In my view it is important to ensure high standards of development adjacent to sustainable transport links such as the rail network to assist in providing attractive alternatives to the car. However, Policy D10 deals with proposals along defined transport corridors, which include the key rail routes into Bradford, and this seeks to encourage positive contributions to these corridors. I accept that land immediately surrounding the rail corridors perhaps does not offer sufficient scope to carry out the levels of detailed design that are envisaged by Policy D11. Furthermore, the principal roads into the district carry the bulk of business and visitor traffic and provide more obvious signs to travellers that they are entering the district compared with rail routes. As such, I do not consider this particular policy relating to gateways should embrace rail routes also.
- 9.21 The justification to the policy has been modified within the RDDP to make it clear what types of detailed matters will be taken into account in the consideration of planning applications. I do not see it as necessary for the policy to specifically state that all material considerations will be carefully weighed as part of a balanced assessment of any proposal. It is axiomatic that in considering any proposal material considerations should be weighed in any decision. To make this statement in this particular policy would imply that it would similarly need restating in others within the plan, so reducing the plan's overall conciseness.

Recommendation

- 9.22 **I recommend that the RDDP be modified by the deletion of Policy D11 and paragraph 9.81, and by their replacement with the policy and paragraph as drafted on page 16 of the proposed changes, dated January 2003.**

POLICY D12: TALL BUILDINGS

Objector

1459/12339

English Heritage

Summary of Objection

- The policy should be clarified by amending the wording of criterion (1).

Inspector's Reasoning and Conclusions

9.23 The policy was amended in the RDDP to take account of objections from English Heritage. Its only outstanding objection relates to the suggestion that “from” should be inserted after “detract” within criterion (2) of the policy (not criterion (1) as stated in its objection). The Council has suggested this amendment within its proposed changes and in my view this would satisfy the objection.

9.24 To correct the English, “affect” should be replaced with “effect” in criterion (9) of the policy.

Recommendation

9.25 **I recommend that the RDDP be modified by the deletion of Policy D12 and its replacement with the policy as drafted on pages 16 and 17 of the proposed changes, dated January 2003, subject to “affect” being replaced by “effect” in the last line of criterion (9).**

PARAGRAPH 9.92B:

Objector

1459/12340 *English Heritage*

Summary of Objection

- To avoid confusion the words “as assessed” should be deleted from the paragraph.

Inspector's Reasoning and Conclusions

9.26 This paragraph was inserted within the RDDP as clarification to amendments to Policy D12 resulting from English Heritage's objection to the FDDP. The words “as assessed” after “conservation areas” does not add anything to the comprehension of this paragraph and the Council is suggesting their deletion within its proposed changes. I agree that this would help to clarify paragraph.

Recommendation

9.27 **I recommend that the RDDP be modified by the deletion of paragraph 9.92b and its replacement with the paragraph as drafted on page 17 of the proposed changes, dated January 2003.**

POLICY D14: EXTERNAL LIGHTING

Objector

4510/7350 *Mr A J Plumb*

Summary of Objection

- The policy should be extended to street lighting and its impact on buildings since light pollution also comes from this source.

Inspector's Reasoning and Conclusions

9.28 The policy seeks to control the design of any external lighting proposals to minimise light pollution and promote good quality lighting. The Council, as highway authority, has the duty and power to ensure that the highway is adequately lit. Paragraph 9.100 indicates that the Council is responsible for lighting on roads other than trunk roads and motorways and that it will aim to avoid light pollution when installing schemes. Larger developments requiring highway provision are likely to require lighting designed by the Council and provided by the developer. I do not consider that the policy requires modification to further broaden its scope.

Recommendation

9.29 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 9.101:

Objector

4049/5878 *CPRE Bradford*

Summary of Objection

- The plan contains an incomplete listing of sources of information relating to lighting.

Inspector's Reasoning and Conclusions

9.30 Paragraph 9.101 of the RDDP refers to a principal good practice guide on lighting and states that this lists other sources of specialist advice and good practice. This being the case, I do not consider it necessary to provide a comprehensive list of other publications, since this would only serve to lengthen the plan.

Recommendation

9.31 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 9.109:

Objector

3952/5213 *Burley Community Council*

Summary of Objection

- The plan should contain a firm statement that mobile roadside ‘A’ hoardings on wheels that purport to be temporary will be resisted.

Inspector’s Reasoning and Conclusions

9.32 I agree with the Council that to seek to resist all such advertisement would be unreasonable since there are no doubt certain locations where they may be acceptable. PPG19 indicates that outdoor advertisement is essential to commercial activity in a free and diverse economy. Nevertheless, I consider that this paragraph, which is part of the justification to Policy D15, could be strengthened specifically in its applicability to mobile ‘A’ hoarding advertising, as I have no doubt they can be harmful to amenity and public safety in certain circumstances. This could be done by adding the words “and mobile ‘A’ hoardings” after “poster advertisements/hoardings” in the first line of the paragraph. This would emphasise that this form of advertising is not normally acceptable in or adjacent to predominantly residential areas, at the entrance point into residential areas, or in the open countryside. It would provide more guidance and certainty in respect of this advertising.

Recommendation

9.33 I recommend that the RDDP be modified by the inclusion in paragraph 9.109 of the words “and mobile ‘A’ hoardings” after the words “poster advertisements/hoardings” in the first line.

PARAGRAPH 9.113:

Objectors

954/12773 *Government Office for Yorkshire and the Humber*
4991/12423 *Hutchinson 3G UK Ltd*

Summary of Objections

- The paragraph should be amended to reflect revised PPG8, published in August 2001.

Inspector’s Reasoning and Conclusions

9.34 The Council has suggested amendments to this paragraph in its proposed changes. This now refers to the revised PPG8 of August 2001. However, the paragraph also states that this PPG is supplemented by Circular 04/99 ‘Planning for Telecommunications’. This is incorrect since this circular has been replaced by the latest PPG8. Subject to deleting reference to the circular I consider this to be an acceptable amendment.

Recommendation

9.35 I recommend that the RDDP be modified by the deletion of paragraph 9.113 and its replacement with the paragraph as drafted on page 17 of the proposed changes,

dated January 2003, subject to the deletion of the words “supplemented by Circular 04/99 ‘Planning for Telecommunication””.

POLICY D16 and PARAGRAPH 9.116: TELECOMMUNICATIONS

Objectors

2638/10235	<i>Aire Valley Conservation Society</i>
4366/7723	<i>Vodafone Ltd</i>
4991/12423	<i>Hutchinson 3G UK Ltd</i>
954/12309	<i>Government Office for Yorkshire and the Humber</i>

Summary of Objections

- The Council has a duty of care to protect the public from the harmful effects of planning and it fails in this.
- The policy is insufficient to address the concerns of the public over health considerations and should be extended on the basis of the precautionary principle and adverse health effects.
- The use of the word “cost” within the policy is confusing and it would be better to replace it with “benefits”.
- If a proposal is compliant with ICNIRP guidelines the requirement for additional technical data to be provided with applications is unnecessary.
- The benchmark for the balance between technical and environmental needs has been set too high by the policy.
- The policy does not cover all the issues when assessing sites, particularly for sharing with other operators.

Inspector’s Reasoning and Conclusions

9.36 PPG8 provides the up-to-date national guidance on planning and telecommunications. This indicates that health considerations and public concern in principle can be material considerations in determining applications for planning permission and prior approval of telecommunications proposals. Policy D16 contains criterion (2), which allows for the effect on amenity of adjoining residential areas to be taken into account in the assessment of proposals. In my view, such considerations could include concerns expressed regarding the health and safety implications of installations. It is for the decision-maker to determine what weight to attach to such considerations in any particular case. However, PPG8 points out that it is the Government’s firm view that the planning system is not the place for determining health safeguards.

9.37 Following the report of the Independent Expert Group on Mobile Phones (the Stewart Report), recommendations within this have been incorporated into PPG8. The report recommended a precautionary approach, comprising a series of specific measures, to the use of mobile phone technologies until more detailed and scientifically robust information on any health effects is known. The Government has accepted the precautionary approach but this is limited to the specific recommendations in the Group’s report and the Government’s response to them, some of which are detailed in paragraph 9.120 of the RDDP (paragraph 9.119 of the proposed changes). The report does not provide any basis for precautionary actions beyond those proposed.

- 9.38 PPG8 advises that local authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development, or insisting on minimum distances between new installations and existing development. I do not therefore agree with the Aire Valley Conservation Society's suggestion that the existing policy be modified or replaced so that the onus is placed on the telecommunications operators to prove that their equipment would pose no additional health risk. However, I consider that paragraph 9.119, as proposed to be changed, should be modified to show how the Stewart Report recommendations have been incorporated within PPG8 advice, and that the precautionary measures mentioned in the paragraph form part of this national advice. Furthermore, I understand that the Council is preparing Supplementary Planning Guidance regarding telecommunications and mention within this or a new paragraph would tie this to Policy D16. I am also aware that the Council is compiling a register of telecommunications sites. This is encouraged by PPG8 and in my view reference to this would also be helpful.
- 9.39 Within the RDDP the word "costs" has been removed from the policy and replaced by "benefits and impacts" in relation to alternative sites, in response to the objection by Vodafone Ltd. However, I am inclined to the view that a suggested rewording of this part of the policy by Hutchison 3G (UK) would be more appropriate. This would require developers to demonstrate that the availability and suitability of alternative sites and developments, including mast sharing, have been investigated. It would encompass all aspects of assessment of alternative sites, including technical constraints upon network development, which local authorities should also bear in mind, in accordance with PPG8. This would also tie in with the Council's proposed change to paragraph 9.117 (9.118 of the RDDP).
- 9.40 I do not agree that the benchmark for acceptability of proposals has been set too high or that this should be corrected by reference to 'significant' effects on appearance and character, or on residential amenity. The policy as worded requires a weighing of impact when set against the technical and operational requirements of telecommunications development. These criteria of the policy are carried forward from Policy EN33B of the existing UDP and were then clearly considered as striking the right balance when this matter was considered previously. The main thrust of Government advice on telecommunications development has not changed in the interim.
- 9.41 The requirement for technical data in addition to satisfying the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines has been queried by Vodafone Ltd. However, PPG8 paragraph 99 clearly indicates that, besides the need for certification that installations will meet these guidelines, applicants should provide statements about location and height of antennas, frequency and modulation characteristics, and details of power outputs. Paragraph 9.119 of the proposed changes is therefore correct to refer to these.
- 9.42 Paragraph 9.116 of the RDDP shows text in capitals. The Council's proposed changes clarify that this is not a freestanding paragraph but is part of Policy D16 and should not have been given a paragraph number. Consequential changes to the paragraph numbers which follow are proposed.
- 9.43 As a footnote I would point out that Policy D16 deals solely with proposals that require planning permission. Many proposals for telecommunications installations that come before local planning authorities fall to be considered within the prior approval procedure

under the provisions of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). PPG8 states that plans should include general policies on the circumstances in which authorities may decide prior approval is required for the siting and appearance of certain telecommunications development; and when they might intervene to seek the relocation of an antenna installed under permitted development rights, in order to minimise its effect on the external appearance of a building. The Council may wish to consider the inclusion of a policy or policies to deal with these matters.

Recommendation

9.44 **I recommend that the RDDP be modified by the deletion of Policy D16 and its subsequent justifying paragraphs, and their replacement by Policy D16 and its subsequent justifying paragraphs as drafted on pages 18 and 19 of the proposed changes, dated January 2003, subject to the following:**

[a] **The paragraph following criterion (2) of Policy D16 should be amended to read:**

DEVELOPERS WILL HAVE TO DEMONSTRATE THAT THE AVAILABILITY AND SUITABILITY OF ALTERNATIVE SITES AND DEVELOPMENTS, INCLUDING MAST SHARING, HAVE BEEN INVESTIGATED.

[b] **Paragraph 9.119 should be amended to reflect the fact that the current advice in PPG8 incorporates the recommendations of the Stewart Report on the precautionary principle. Reference should also be made to the Council's preparation of Supplementary Planning Guidance on telecommunications and its register of telecommunications sites.**

POLICY OMISSION 37: THE USE OF DOWN-LIGHTING ON ALL ROADS

Objector

3480/6688 CPRE

Summary of Objection

- The plan should include a policy requiring the use of 'downthrow' lighting on all roads.

Inspector's Reasoning and Conclusions

9.45 The RDDP already contains Policy D14 regarding the requirement for external lighting to minimise light pollution. This contains criteria about lighting design, including the downward angling of lighting. I therefore do not consider there to be a need for an additional policy relating to this matter.

Recommendation

9.46 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 59: DESIGNING OUT CRIME IN HOUSING DEVELOPMENT

Objector

4511/10501 *Bingley Environmental Transport Association*

Summary of Objection

- The plan should contain an explicit policy that all residential development should be so designed as to reduce crime.

Inspector's Reasoning and Conclusions

9.47 Policy D4 of the RDDP requires development to be designed to ensure a safe and secure environment and reduce the opportunities for crime. In my view this embraces all forms of development, including residential. This is contained within the Design Chapter of the plan, which is clearly very relevant in the consideration of any proposed residential development. In the interests of ensuring the conciseness of the plan I do not consider there to be a need to include a separate policy on this matter relating to housing.

Recommendation

9.48 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 62: WALKING & CYCLING IN HOUSING DEVELOPMENT

Objector

4511/10504 *Bingley Environmental Transport Association*

Summary of Objection

- The plan should include an explicit policy statement that all residential development should promote walking and cycling.

Inspector's Reasoning and Conclusions

9.49 Policies D6 and D7 of the RDDP require developments to be designed so as to promote walking and cycling. These policies apply to all forms of development, including residential. They are included in the Design Chapter of the plan, which is clearly very relevant in the consideration of any proposed residential development. In my view they comprehensively promote the consideration of the needs of pedestrians and cyclists. In the interests of ensuring the conciseness of the plan I do not consider there to be a need to include a separate policy relating to housing development catering for these needs.

Recommendation

9.50 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 64: GREEN RIBBONS IN RESIDENTIAL DEVELOPMENT

Objector

896/10610

Mrs Dorothy Isaac

Summary of Objection

- The plan should contain a policy requiring the inclusion of a green ribbon/corridor along the roadside in new residential development.

Inspector's Reasoning and Conclusions

9.51 The objector considers the inclusion of a policy requiring green ribbons would greatly improve the appearance of new development. The RDDP already contains a number of policies relating to general layout, design, landscaping and open spaces. Of particular relevance in the consideration of residential proposals are Policies D1, D5, OS5 and NE4. The provision of green corridors of the type envisaged by the objector may not always be appropriate, depending on the context and location of the development. The existing policies would, however, ensure proper consideration is given to general setting, landscaping and open space associated with residential developments. In the interest of maintaining the conciseness of the plan I do not consider that it is either necessary or appropriate to include an additional policy along the lines suggested.

Recommendation

9.52 **I recommend that no modification be made to the RDDP.**

Chapter 10 Built Heritage and the Historic Environment

POLICY BH2: DEMOLITION OF LISTED BUILDINGS

Objector

4148/4374 *Raven Retail Ltd (Ex Carter Commercial)*

Summary of Objection

- It is inappropriate for all 3 criteria of the policy to be met in every case before consent is granted for the demolition of a listed building.

Inspector's Reasoning and Conclusions

- 10.1 This policy indicates that the demolition of a listed building will only be allowed in exceptional circumstances and sets out criteria that will need to be met in order for demolition to be supported. The objector has suggested that in exceptional circumstances the loss of a listed building will be required to facilitate wider redevelopment. In such cases it is claimed that it is not relevant to satisfy the first 2 criteria of the policy, which relate to every effort being made to repair or restore the building, and to continue present or past use, or find a suitable alternative use.
- 10.2 I consider that the policy closely reflects national advice in PPG15, which sets out the value attached to the protection of the historic environment. This states that once lost listed buildings cannot be replaced and that they represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of a listed building, except where a convincing case can be made out for demolition. The 3 criteria are consistent with national guidance, providing a broad re-iteration of the tests that are set out in paragraph 3.17 of PPG15. I consider that the satisfaction of all the 3 criteria is commensurate with the importance attached to the need to protect nationally-recognised buildings of heritage value.

Recommendation

- 10.3 **I recommend that no modification be made to the RDDP.**

POLICY BH9: DEMOLITION WITHIN A CONSERVATION AREA

Objectors

4148/4378 *Raven Retail Ltd (Ex Carter Commercial)*
954/6154 *Government Office for Yorkshire and the Humber*

Summary of Objections

- The policy should be amended to recognise that there are occasions when the loss of features within conservation areas is necessary to bring about redevelopment that will contribute to the overall enhancement and appearance of the area.

- ‘Walls’ and ‘features’ should be deleted from the policy and explanation of what the policy covers should be included in the justification. ‘Benefit’ should read ‘preserve or enhance’.

Inspector’s Reasoning and Conclusions

10.4 The policy has been amended from the FDDP to take into account the balance between benefits to the community and demolition. This is amplified in the justification to the policy. In my view the amendment now meets the thrust of the objection of Raven Retail Ltd. The wording of the policy has been amended within the RDDP to take account of the comments of the GOYH made at the FDDP stage. Wording in the justifying paragraph 10.44 was also amended as a result of the comments of GOYH, but the introduction of a typographical error is dealt with in relation to this paragraph below.

Recommendation

10.5 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 10.44:

Objectors

4137/4097 *Yorkshire Co-operative Properties Ltd*
954/12308 *Government Office for Yorkshire and the Humber*

Summary of Objections

- There should be a change of wording to “preserve or enhance”.
- PPG15 does not require benefit to accrue to the character of a conservation area if there are other benefits to the community which outweigh the loss of a building.

Inspector’s Reasoning and Conclusions

10.6 The Council has suggested a correction to a typographical error in its response to the objection from the GOYH. This is to substitute “or” for “and” in the fourth line of paragraph 10.44 so as to read “preserve or enhance”. I agree that it is necessary to make this amendment to accurately reflect wording used in Section 72 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990.

10.7 Yorkshire Co-operative Properties Ltd have referred to paragraph 3.18 of PPG15 and state that this notes that the merits of alternative proposals should be taken into account in considering the demolition of buildings within conservation areas. However, Circular 14/97 deletes paragraph 3.18 within PPG15. Paragraph 4.27 of this PPG indicates that it is expected that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. One of these criteria is whether redevelopment would produce substantial benefits for the community that would decisively outweigh the loss resulting from demolition. Nevertheless, paragraph 4.26 of the PPG indicates that the prime consideration in exercising conservation area controls is the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question. This being the case, I do not consider

that paragraph 10.44 of the RDDP, in its reference to the impact on conservation areas, requires amending to refer to wider benefits. This is especially so when Policy BH9 itself refers to demolition possibly being justified by resultant community benefits.

Recommendation

10.8 **I recommend that the RDDP be amended as follows:**

Paragraph 10.44 – replace the words “preserve and enhance” in the fourth line with “preserve or enhance”.

POLICY BH10: OPEN SPACE WITHIN OR ADJACENT TO CONSERVATION AREAS

Objectors

4148/4376 *Raven Retail Ltd (Ex Carter Commercial)*
3952/12728 *Burley Community Council*

Summary of Objections

- The policy should be positively worded and amended to more accurately reflect advice in PPG15.
- Insertion of the word “important” within the policy changes the flavour of the clause from being of general application to being for exceptional use only.

Inspector’s Reasoning and Conclusions

10.9 The objective of the policy is to protect significant open land or gardens that contribute to the character of a conservation area. The word “important” has been added to the policy in the RDDP at the suggestion of the GOYH, making it more flexible. I consider the policy as now worded provides the correct balance between being over restrictive and too general in its application. I do not agree that the policy would be changed from being of general application to being for exceptional use only. Assessment of the degree of importance of the open areas, land or gardens would be a matter of judgement in each case but the qualifying criteria of the policy help establish the factors that would contribute to this. In my view, as development in conservation areas should preserve or enhance their character or appearance, it is reasonable for a policy to be negatively worded. I do not consider that the Council’s choice in this particular case is wrong or in conflict with advice in PPG15.

Recommendation

10.10 **I recommend that no modification be made to the RDDP.**

POLICY BH11: SPACE ABOUT BUILDINGS IN CONSERVATION AREAS

Objector

3952/6256 *Burley Community Council*

Summary of Objection

- The policy needs amplifying and is not sufficiently restrictive.

Inspector's Reasoning and Conclusions

10.11 The Council recognises that the application of modern highway, safety or access standards can result in detailing that is at odds with the maintenance or enhancement of the character of conservation areas. Policy BH11 encourages flexibility in applying such standards to help ensure that townscape features of merit can be retained. The policy is effectively positive in intent through its encouragement of considered design and appropriate relaxation of standards to assist within the context of space around buildings. I do not agree that the policy is insufficiently restrictive, particularly when read together with the reasoned justification in paragraph 10.48. Nor do I agree with the objector's suggestion that the policy itself needs expanding to amplify what is meant by the standards that are referred to. Examples of these are given in the reasoned justification that should be read in conjunction with the policy. It would be repetitious to include them in the policy itself that, as a result, might become overlong and unwieldy.

Recommendation

10.12 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 10.48:

Objector

3952/5949 *Burley Community Council*

Summary of Objection

- The grammar of the paragraph needs altering for it to make full sense.

Inspector's Reasoning and Conclusions

10.13 The objector supports the principle of the policy and the reasoned justification. The punctuation of the paragraph has been altered within the RDDP, and again in proposed changes, to improve the way it reads. I agree with the objector that this could be yet further improved by replacing "is" by "to be" in the fifth line.

Recommendation

10.14 **I recommend that the RDDP be modified as follows:**

Paragraph 10.48 – delete and replace with the paragraph as drafted on page 20 of the Council's proposed changes, dated January 2003, but amended by replacing "is" by "to be" in the fifth line.

POLICY BH12

Objector

954/12307

Government Office for Yorkshire and the Humber

Summary of Objection

- The policy should be reworded to refer to “preserve or enhance”.

Inspector’s Reasoning and Conclusions

10.15 Reference is made in criterion (3) of the policy to public art having to demonstrate that it would enhance the character or appearance of a conservation area. To more accurately reflect section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance in PPG15 this should be changed to “preserve or enhance”, as the Council now acknowledges.

Recommendation

10.16 **I recommend that the RDDP be modified as follows:**

POLICY BH12 – delete the first sentence of criterion (3) and replace with

PROPOSALS FOR THE INTRODUCTION OF PUBLIC ART WILL PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA.

Inspector’s Note: objections to Policy BS/BH15 are dealt with in the Bradford South volume of this report, under reference BS/E1.11.

POLICY BH17: LOCAL HISTORIC PARKS AND GARDENS

Objectors

954/6157

Government Office for Yorkshire and the Humber

1459/3975

English Heritage

Summary of Objections

- Local parks and gardens of interest should be identified on the Proposals Map.

Inspector’s Reasoning and Conclusions

10.17 The objective of the policy is to ensure that those parks and gardens designated by the Council as being of significant local interest are afforded some protection when development is proposed that might affect their character or appearance. These have not been identified on the Proposals Map but instead have been listed within the policy. Within the Council’s proposed changes a map reference has been added to aid their location. In the justification to the policy it is indicated that available resources preclude

the definition of boundaries of these sites at present, but that supplementary guidance will be produced as required when sites are researched and identified.

10.18 I accept that supplementary guidance may be more readily updated than the Proposals Map. Nevertheless, those parks and gardens on English Heritage's Register of Parks and Gardens of Special Historic Interest in England, and which are listed under Policy BH16, are shown on the Proposals Map. The list itself could be subject to change within the life of the plan. There is a possibility that the Proposals Map will go out of date as the Council's research takes place. However, for the sake of completeness, consistency and clarity I consider it would be advantageous for those known parks and gardens deemed of local interest and listed under Policy BH17 to be also shown on the Proposals Map. The Proposals Map should be used in conjunction with the Policy Framework, where there is a cautionary note with Policy BH17 to indicate the possible removal or addition of sites within the life of the plan, and reference to possible supplementary guidance within the justification.

10.19 In the Council's proposed changes of January 2003 to Policy BH17 there is no bracketed wording to say that sites may be added or removed from the list over the life of the plan, as required. There is no indication from the Council that this has been deliberately left out. In my view for completeness, and to aid understanding, this should continue to be included with the policy.

Recommendation

10.20 **I recommend that the RDDP should be modified as follows:**

POLICY BH17 – delete and replace with Policy BH17 as drafted on page 21 of the Council's proposed changes, dated January 2003, together with the added wording

(sites may be added or removed from the list over the life of the plan, as required).

POLICIES BH18 AND BH19 AND PARAGRAPHS 10.70 AND 10.71: DEVELOPMENT AFFECTING CLASS I, II AND III ARCHAEOLOGICAL AREAS

Objectors

*954/5964-5, 12304-6 Government Office for Yorkshire and the Humber
1459/3972, 4279,12325 English Heritage*

Summary of Objections

- The policies and reasoned justification do not clearly set out the distinctions between the various categories of archaeological area.
- The sites are not properly identified on the Proposals Map.

Inspector's Reasoning and Conclusions

10.21 The Council proposes to change these parts of the RDDP. Withdrawals of objections by English Heritage and GOYH are based on the proposed changes, and I am treating such withdrawals as being conditional on the changes being carried through in the modifications.

- 10.22 The section on archaeology should be clarified. First the heading to the section on Policy BH18 should be changed to Archaeological Areas Class I (these are Scheduled Ancient Monuments), to reflect the intention to deal only with nationally important areas in this policy and in paragraph 10.70. The latter paragraph as drafted in the RDDP is now concerned only with Class I. The proposed change to place the paragraph before the policy is logical and prepares the reader for the policy.
- 10.23 The policy can then be changed to omit reference to Class II and III areas, leaving it to protect Class I areas and other nationally important remains and their settings.
- 10.24 In the RDDP paragraph 10.71 defines Class II areas, but includes national importance, the province of the preceding paragraph and policy, as well as regional importance. The proposed change to the paragraph improves matters by omitting national importance, and completes the definitions by defining Class III areas.
- 10.25 With the above changes, there would be no need to modify Policy BH19. However, I note that paragraph 10.72 also includes definitions of Class II and Class III areas, but that these definitions now differ from those in paragraph 10.71 as proposed to be changed. I have no evidence from objectors or the Council about paragraph 10.72 and its definitions, and can do no more than suggest that the Council considers whether there is a need for this paragraph to contain definitions and, if definitions are advisable, what the wording of these should be.
- 10.26 As for delineating the Archaeological Areas on the Proposals Map, many of them are no more than a few square metres in radius, and would be very difficult to show. The Council's evidence also is that the Archaeological Areas experience a high rate of change, with deletions as well as new additions and boundary alterations. I assume that the above circumstances affect Scheduled Ancient Monuments as well as unscheduled sites. I conclude in this instance that it is not worthwhile to show the areas on the Proposals Map, and it may well be misleading. It would nevertheless be helpful to users of the plan to direct them to the County Sites and Monuments Record, which would show the location and extent of the areas.

Recommendation

- 10.27 **I recommend that the RDDP be modified as follows:**

**[a]SECTION ENTITLED "ARCHAEOLOGICAL AREAS CLASS 1 11 AND 111"
– delete and replace with**

Archaeological Areas Class I

10.70 Class I areas are sites and landscapes of national importance which are protected as Scheduled Ancient Monuments under the terms of the Ancient Monuments and Archaeological Areas Act 1979.

Policy BH18

**DEVELOPMENT WHICH ADVERSELY AFFECTS CLASS I
ARCHAEOLOGICAL AREAS OR OTHER NATIONALLY IMPORTANT
REMAINS AND THEIR SETTING WILL NOT BE PERMITTED**

[b] Paragraph 10.71 – delete and replace with

10.71 Class II areas are sites and landscapes which are regionally important but unscheduled, and which merit preservation in situ. Class III areas are sites registered in the County Sites and Monuments Record as containing or likely to contain remains of archaeological importance. The locations and extent of all Archaeological Areas are shown on the County Sites and Monuments Record. Where a Class II or III archaeological site is adversely affected by a development proposal, it is important that an archaeological evaluation is undertaken to assist in determining the importance of the archaeological remains and the appropriate course of action. Therefore:

POLICY BH20: LEEDS LIVERPOOL CANAL

Objector

1459/12326 *English Heritage*

Summary of Objection

- Object to the typographical error in criterion (4) of the policy.

Inspector’s Reasoning and Conclusions

10.28 At the FDDP English Heritage suggested the introduction of a fourth criterion to the policy to ensure that development proposals close to the Leeds-Liverpool Canal take full account of their context. Such a criterion was added at the RDDP but a typographical error meant “content” was inserted rather than “context”. The Council has acknowledged this error and I agree that this should be changed.

Recommendation

10.29 I recommend that the RDDP be modified as follows:

POLICY BH20 - substitute “content” with “context” in criterion (4).

POLICY OMISSION 4: SETTING OF LISTED BUILDINGS

Objector

1459/4173 *English Heritage*

Summary of Objection

- The setting of listed buildings is not afforded sufficient protection without the addition of a specific policy to refer to this.

Inspector's Reasoning and Conclusions

- 10.30 English Heritage state that there is nothing in the raft of policies on listed buildings that deals with development that might affect their setting. It has suggested the addition of a policy stating that special regard should be paid to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest they possess. The Council, on the other hand, considers this to be unnecessary and points to various existing RDDP references to the setting of buildings and heritage areas within the Principal Policies, Built Heritage and Design chapters.
- 10.31 I agree with English Heritage that the plan would benefit from a policy that related to the need to protect the setting of listed buildings. Whilst there may be diverse and peripheral references to such a need already within the RDDP there is no firm, specific policy contained within the section of the plan dealing with listed buildings. Plans should be concise and succinct, as advised by PPG12. However, in view of the importance attached to the protection of listed buildings, as clearly set out in PPG15, I consider greater clarity and certainty would be given to the RDDP by the addition of a specific policy. This would not lead to duplication or any undue lengthening of the plan.
- 10.32 However, I am not in agreement with English Heritage's suggested wording for such a policy. This would amount to no more than a re-iteration of the starting point for listed building control which is the statutory duty on local authorities imposed by section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and which is repeated in PPG15. The Council has already referred to this in paragraph 10.10 of the RDDP. Instead, I suggest a simply worded policy that makes it clear that proposals for development will not be permitted if they would harm the setting of a listed building. The reasoned justification would need to explain, or refer to guidance about, how harm might be caused.

Recommendation

- 10.33 **I recommend that the RDDP be modified as follows:**

Insert a new policy stating that proposals for development will not be permitted if they would harm the setting of a listed building. This should be accompanied by an appropriate justifying paragraph.

POLICY S/BH14

- 10.34 As a footnote to my recommendations on this chapter I note that although Saltaire has now been inscribed as a World Heritage Site reference is still made within Policy S/BH14 to the "proposed" World Heritage Site. As there have been no objections to this policy I can merely suggest that the Council may wish to consider removing these references for the sake of accuracy.

Chapter 11 Community Facilities

POLICY CF1: NEW SCHOOL SITES

Objector

4255/10637 *Ilkley Parish Council*

Summary of Objection

- There is a lack of provision for car use.

Inspector's Reasoning and Conclusions

11.1 The policy states that the location and design of new school sites should take account of the need to minimise the reliance on the private car. This accords with Government advice and the sustainability objectives of the plan. No car parking standard is specified for schools, although the Council advises that off street parking is provided for staff in some cases, but not “drop off” and collection points for parents with children. I accept the Council's view that the provision of car parking would be an inefficient use of both financial and land resources, and would be likely to encourage increased use of private cars, rather than more sustainable alternatives.

Recommendation

11.2 **I recommend that no modification be made to the RDDP.**

POLICY CF2: EDUCATION CONTRIBUTIONS IN NEW RESIDENTIAL DEVELOPMENT

Objectors

1771/10914 *Heron Land Developments Ltd*
4146/6134 *Skipton Properties Ltd*
4279/9517 *North Yorkshire LEA*

Summary of Objections

- The policy or supporting text should clarify the circumstances in which a contribution would have to be made towards education facilities.
- The policy is too imprecise and the contribution mechanism is not specified. “Major” is not defined.
- The text should make specific reference to North Yorkshire LEA as being the current provider of secondary school places for some areas of Bradford.

Inspector's Reasoning and Conclusions

11.3 Annex B to Circular 1/97 advises that, where a local planning authority is likely to seek planning obligations in respect of a particular type of development, they should make this

clear by setting it out in policies in Part II of their UDP, but that such policies should not be unduly prescriptive. I consider that Policy CF2 adequately explains the circumstances in which a contribution would be sought, and that this would be by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990. However, I agree that the term “major” is imprecise, and I doubt the need for its inclusion. In my view the policy should apply to all residential developments, and the need for education facilities should be determined on the details of each proposal, although it is unlikely that most smaller developments would generate a demand that could not be met by existing schools.

11.4 I also consider that it is contrary to Government advice to “require” a developer to enter into a planning obligation, and it would be more appropriate to state that a planning obligation will be sought.

11.5 An additional paragraph has been inserted into the RDDP in response to the objection by North Yorkshire LEA and, in my view, this meets the objection. They are concerned that insufficient guidance is provided on the procedures for payment but I consider that this is a level of detail inappropriate to a UDP.

Recommendation

11.6 **I recommend that the RDDP be modified as follows:**

POLICY CF2 – delete and replace with

WHERE NEW HOUSING PROPOSALS WOULD RESULT IN AN INCREASED DEMAND FOR EDUCATIONAL FACILITIES WHICH CANNOT BE MET BY EXISTING SCHOOLS AND COLLEGES, THE COUNCIL WILL SEEK TO ENTER INTO A PLANNING OBLIGATION WITH THE DEVELOPER UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, IN ORDER TO SECURE THE PROVISION OF, OR A CONTRIBUTION TOWARDS, NEW OR EXTENDED FACILITIES.

PARAGRAPH 11.11:

Objector

4255/10640

Ilkley Parish Council

Summary of Objection

- Non-operational hospital land should not be used for other purposes.

Inspector’s Reasoning and Conclusions

11.7 This paragraph has been carried forward from the adopted UDP, which contains Policy CF3 relating to non-operational hospital land. However, the policy has not been carried forward, and the areas allocated under Policy CF4 are sites currently in hospital use. Paragraph 11.11 is therefore unrelated to the policies of the RDDP and should be deleted.

Recommendation

11.8 I recommend that the RDDP be modified by the deletion of Paragraph 11.11.

POLICY CF6: DEVELOPMENT OF UNALLOCATED LAND IN COMMUNITY PRIORITY AREAS

Objector

4323/6183

British Telecommunications Plc

Summary of Objection

- “Unallocated private or public open spaces” should be substituted for “unallocated land”.

Inspector’s Reasoning and Conclusions

11.9 The objector considers it unacceptable to require unallocated sites, which comprise existing land and buildings, to be re-used for the purposes specified where other proposals have merit in their own right.

11.10 I can appreciate the Council’s wish to ensure that there is adequate open space provision in these areas but I agree with the objector’s view that it is unreasonable to restrict development to this extent. If the existing or last use of a site is open space, then it is appropriate to ensure that such use is retained, or an alternative use of value to the community is provided. However, where the land has never had an open space or community use, I consider it unduly onerous to require it to be made available for such uses. I note that this policy would replace Policy R2 of the current UDP, and the Council’s response suggests that it is only intended to relate to existing open space. However, this objection draws attention to a lack of clarity in the policy.

11.11 The policies relating to Open Land in Settlements would address the retention of existing open space, and this policy should only relate to other land in community use, or alternative uses for open space.

Recommendation

11.12 I recommend that the RDDP be modified as follows:

POLICY CF6 – delete the first section and replace with

IN THE COMMUNITY PRIORITY AREAS, DEFINED ON THE PROPOSALS MAP, PLANNING PERMISSION FOR THE DEVELOPMENT OF OPEN SPACE OR OTHER LAND IN COMMUNITY USE WILL BE GRANTED PROVIDED THERE IS ADEQUATE PROVISION OF SUCH LAND

AND

PRIORITY IS GIVEN TO THE FOLLOWING USES

POLICY CF7: CHANGE OF USE OF BUILDINGS IN COMMUNITY PRIORITY AREAS

Objector

4323/6182

British Telecommunications Plc

Summary of Objection

- Request an addition to the policy to read “...will be granted provided that the proposal does not place extra burdens on the community infrastructure that cannot be overcome by planning conditions or obligations, or provided that priority is given to the following uses (in order)...”

Inspector’s Reasoning and Conclusions

11.13 As with Policy CF6, I agree with the objector that it is unreasonable to require existing buildings to be used for community facilities, or other specified uses, when they have not previously been used as such. The suggested amendment would allow for alternative uses to be considered, but would ensure that any additional pressure on community facilities can be addressed through planning conditions or obligations, hence avoiding any worsening of the existing situation.

11.14 I note that this policy would replace Policy R3 of the current UDP, but this policy was not subject to objection at that time, and the RDDP provides an opportunity to re-assess existing policies.

Recommendation

11.15 **I recommend that the RDDP be modified as follows:**

POLICY CF7 – delete the first section and replace with

IN THE COMMUNITY PRIORITY AREAS DEFINED ON THE PROPOSALS MAP PLANNING PERMISSION FOR THE CHANGE OF USE OF BUILDINGS WILL BE GRANTED PROVIDED THAT THE PROPOSAL DOES NOT PLACE EXTRA BURDENS ON THE COMMUNITY INFRASTRUCTURE THAT CANNOT BE OVERCOME BY PLANNING CONDITIONS OR OBLIGATIONS, OR PROVIDED THAT PRIORITY IS GIVEN TO THE FOLLOWING USES (IN ORDER)...

POLICY OMISSION 52: NEW PRISON PROVISION

Objector

4691/7722

H M Prison Service

Summary of Objection

- There should be a policy relating to the possible provision of a site for a new prison.

Inspector's Reasoning and Conclusions

11.16 Circular 3/98: Planning for Future Prison Development advises that proposals for new prisons should appear in a local or unitary development plan when it is clear that the development will take place during the plan's lifetime. In other circumstances the circular recognises that applications may need to be treated as departures from the current plan in the usual way, but expects local planning authorities to ensure that appropriate weight is given to the public interest in providing an adequate number of prison places to meet the requirements of the criminal justice system. There are no current proposals for a new prison in Bradford District, and no specifically identified need for provision in this area. The Council also points out that there are very few sites available that would be of sufficient size to accommodate a prison.

11.17 In these circumstances, it would not be possible to include a policy in the RDDP identifying a site for a prison, and I see little value in a more general policy when there is no certainty that a prison will be required in Bradford District within the lifetime of the UDP.

Recommendation

11.18 **I recommend that no modification be made to the RDDP.**

Chapter 12 Open Land in Settlements

PARAGRAPH 12.2:

Objector

954/12814,13026 *Government Office for Yorkshire and the Humber*

Summary of Objections

- Consider redrafting the chapter to reflect the July 2002 version of PPG17.

Inspector's Reasoning and Conclusions

- 12.1 These objections affect many parts of the chapter on open land in settlements. I comment below on those which affect elements of the chapter which are the subject of other objections, and on some parts of the objections which affect specific paragraphs of the RDDP. Here I conclude and recommend with regard to general matters raised by the objections.
- 12.2 During the Inquiry the Council published proposed changes to the RDDP to recognise the new version of PPG17. Specific reference has been made to the revised national policy. Nevertheless much more would be needed to bring the RDDP fully into line with the PPG, for example because of the reliance of the RDDP on NPFA standards, the requirement to draw up local standards, and the wide ranging objectives and principles expounded in the PPG. The Council has made a start on setting local standards and auditing facilities, in the shape of recent work on playing pitches, but this is only one aspect of provision. The RDDP as proposed to be changed indicates that robust assessments leading to locally derived standards are required.
- 12.3 The proposed changes can be supported, but a full redrafting of the relevant part of the RDDP will depend on many local circumstances and other matters upon which I do not have evidence. It is a matter for the Local Planning Authority, working with other agencies as necessary. I am not in a position to make comprehensive recommendations in this area. Given the scale of the task which remains, and the inter-relationships between different elements of provision, it would not be sensible to make 'interim' recommendations which might prove inappropriate in the light of further work.
- 12.4 The proposed changes promise an early review of the plan. The objector seeks a stronger commitment to expeditious work, on a wider front than merely playing pitches. This raises the question of resources, a matter, again, for the Council. In view of the importance of keeping the development plan up to date with national policy, the relevant sections of the plan should be reviewed as soon as possible, within whatever resource constraints affect the Council.

Recommendation

- 12.5 **I recommend that the RDDP be modified as follows:**

PARAGRAPHS 12.2, 12.14, 12.15, and 12.15a – delete and replace with the corresponding paragraphs as drafted on pages 23 and 24 of the published proposed changes dated January 2003.

PARAGRAPH 12.3:

Objector

4049/10808 *CPRE Bradford*

Summary of Objection

- Open space deficiencies have long been recognised, and more effort should be devoted to removing them. Open space standards should be adopted as targets, with intermediary standards to be met during the plan period.

Inspector’s Reasoning and Conclusions

12.6 Steps are being taken to remedy deficiencies. A large part of the City of Bradford has been designated a Sports Action Zone, and the Playing Pitch Strategy identifies needs and deficiencies, together with recommendations for action. Policy OS5 requires open space to be provided in new residential development and Policy OS4 allocates sites for new open spaces.

12.7 However the amount of new open space that can be provided is dependent upon resources. The availability of resources is not within the control of the Local Planning Authority, but will be important in determining what standards can be met during the plan period. The RDDP should not allocate land or make proposals unless there is a realistic prospect of development for open space purposes.

Recommendation

12.8 **I recommend that no modification be made to the RDDP.**

POLICY OS1: URBAN GREENSPACE

Objectors

4122/6106 *Brighouse Estates Ltd*
4124/6109 *Grimston Leisure and Investment Ltd*
4174/12383 *Keyland Developments Ltd*

Summary of Objections

- This policy is restrictive and requires new development to make a positive contribution to the character and amenity of areas.
- The word “normally” should be reinstated.

Inspector's Reasoning and Conclusions

- 12.9 In general terms urban greenspace plays an important role in Bradford's urban areas. The RDDP draws attention to their size, prominence, urban regeneration function, ecological value and historic background. I have seen that in some cases they play a part in defining urban form. It is right to protect these characteristics, where they are found, and a restrictive form of policy is appropriate.
- 12.10 However, in the context of a search for sustainable land for development, which is such a major factor in replacing the UDP, the review of land which might be suitable for housing allocation should encompass urban greenspaces as well as the Green Belt. I say this despite having found few areas in urban greenspaces which I recommend for allocation. There are likely to be a small number of sites within urban greenspaces which do not make a significant contribution to the character of the urban area in which they are located. A few sites are merely left over space which has not been developed for reasons of ownership, or are unkempt and underused areas of no material visual, recreational or amenity significance. Where there are relevant objections to such sites I have made the necessary recommendations to allocate, but there may be other sites to which objections have not been made. The Council should consider whether it has drawn the boundaries of urban greenspaces properly to exclude land which does not make a significant positive contribution and which could contribute to fulfilling the District's housing requirement.
- 12.11 The value of land forming part of correctly delineated urban greenspaces will derive from openness and "green" character, and Policy OS1 is not unduly restrictive in identifying these as qualities to be retained.
- 12.12 Paragraph 12.6a, added in the RDDP, makes it clear that the positive contribution which development must make is to be achieved through design and landscaping. Good design can improve the quality of the existing environment, and should be encouraged everywhere. However my view is that a reference to design should feature on the face of the policy. This is because, as drafted, criterion (2) of the policy is rather bald, and open to a wide interpretation unless paragraph 12.6a is also read. The criterion could give the impression that some form of betterment is being sought.
- 12.13 The addition of the word "normally" would not improve the policy. It is not necessary to spell out the fact that exceptions can be made.
- 12.14 Although the GOYH objection has been withdrawn, the Council will need to consider whether it is appropriate to include, in a UDP policy, wording which merely encourages the preparation of management plans.

Recommendation

- 12.15 **I recommend that the RDDP be modified as follows:**

POLICY OS1 – add the words "THROUGH DESIGN," at the beginning of criterion (2).

PARAGRAPH 12.6:

Objectors

1751/10833 *Mr & Mrs J A Romani*
4174/12382 *Keyland Developments Ltd*

Summary of Objections

- Limited development in urban greenspaces can enable improvements in the greenspace to be achieved and investment in the improvements to be safeguarded.

Inspector's Reasoning and Conclusions

12.16 I explain above the reasons for protecting urban greenspace. Limited development even of single dwellings, for example to house people who could supervise areas of urban greenspace, would in general terms be unlikely to protect the important characteristics of the areas. Whether or not particular small scale development which incorporated improvements to the urban greenspace would offer benefits which outweighed harm is a matter to be determined in the context of individual planning applications. The wording of the lower case text should not be modified. However, although objectors do not refer to the errors in paragraph 12.6, the Council will wish to proof read this paragraph with care.

Recommendation

12.17 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 12.7:

Objectors

4190/5812 *Mr A Warren*
4192/5941 *Mr P G Cookson*
4194/5945 *Mr M Slinger*
4195/5946 *Mr J Wood*

Summary of Objections

- The reasoned justification lacks detail.

Inspector's Reasoning and Conclusions

12.18 Paragraph 12.7 is concerned only with encouraging developers and landowners to manage the areas of urban greenspace. There is no threat of compulsion or of refusal of planning permission. In the interests of succinct plan making I conclude that no additional explanation is needed.

Recommendation

12.19 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 12.12:

Objector

3850/5830 *Bradford Environmental Action Trust*

Summary of Objection

- Sites less than 0.4ha can provide useful open space. They should not be excluded.

Inspector's Reasoning and Conclusions

12.20 Urban greenspaces are large areas of land and sites as small as 0.4ha in area would not be appropriate for definition as urban greenspaces. Such small sites would mostly fall within the purview of Policy OS2, the reasoned justification of which mentions them specifically.

Recommendation

12.21 **I recommend that no modification be made to the RDDP.**

POLICY OS2: PROTECTION OF RECREATION OPEN SPACE

Objectors

4049/9523 *CPRE Bradford*
954/12814 *Government Office for Yorkshire and the Humber*

Summary of Objections

- While there remain deficiencies in open space provision, no recreational space should be lost under any circumstances.
- The policy should accord with PPG17.

Inspector's Reasoning and Conclusions

12.22 Policy OS2 protects recreation open space against harmful development. The deletion of the policy would remove the protection from a valuable community resource, and is unlikely to achieve the objectives of the objector. On the other hand, a presumption against the loss of any recreation open space would be too onerous. The policy's strict criteria offer a sufficient degree of protection, requiring, for example, the provision of replacement open space in relevant cases.

12.23 During the Inquiry the Council proposed a change to the policy and to paragraph 12.18 to make it clear that the policy applies to all recreation open space. This is sensible and would reflect PPG17. The protective element of the policy, and the exceptions where development might be allowed, are sufficiently clear.

12.24 The Council also supports a GOYH suggestion to amend criterion (1) of the policy. This suggested change is intended to ensure that open space is not found to be surplus to

requirements unless all open space functions have been examined. In my opinion the suggested rewording is not properly integrated into the criterion as written, and needs to be differently expressed.

Recommendation

12.25 I recommend that the RDDP be modified as follows:

[a] POLICY OS2 – delete the first part of the policy and replace with

DEVELOPMENT WILL NOT BE PERMITTED ON LAND SHOWN ON THE PROPOSALS MAP AS RECREATION OPEN SPACE OR ON SITES OTHERWISE USED AS RECREATION OPEN SPACE UNLESS:

(1) THE LOSS OF RECREATION OPEN SPACE DOES NOT LEAD TO OR EXACERBATE A LOCAL DEFICIENCY IN THE AVAILABILITY OF OPEN SPACE, AND THE SITE COULD NOT BE USED TO HELP MEET ANY DEFICIENCY IN ANOTHER TYPE OF OPEN SPACE.

[b] Paragraph 12.18 – delete and replace with the paragraph as drafted on page 25 of the proposed changes dated January 2003.

POLICY OS3: PROTECTION OF PLAYING FIELDS

Objectors

4049/6065
954/12671

CPRE Bradford
Government Office for Yorkshire and the Humber

Summary of Objections

- Various policy criteria should be deleted or redrafted.

Inspector's Reasoning and Conclusions

12.26 The deletion of the only 2 criteria included in this policy in the FDDP would result in a policy which did not allow any development of playing fields whatsoever. As there are circumstances where development could lead to improvements in provision, or where there is a surplus of playing fields and other open space, I do not agree with the CPRE that the criteria should be omitted. Criterion (2) seems to me to envisage in its first part the possibility of replacement on or near a development, and in its second part relocation further afield in the same neighbourhood.

12.27 The Council accepts all of the drafting points made by GOYH. In my view criterion (1) should be expanded in the same way as in Policy OS2, to reflect all of the functions of open space. The Council's proposed changes to the RDDP would add 2 new criteria, drawing on PPG17 advice to allow development where the land is incapable of forming a playing pitch (or part of one), and where a beneficial sports facility would be developed. I agree that these criteria would improve the policy and accord with national policy. The

proposed changes to paragraph 12.22 are useful in justifying the policy in the light of the revised PPG17. Public consultation would be a part of an early review of the UDP.

Recommendation

12.28 I recommend that the RDDP be modified as follows:

[a] POLICY OS3 – delete and replace with the policy as drafted on page 26 of the proposed changes dated January 2003, but with the following criterion (1):

(1) THERE IS A DEMONSTRABLE EXCESS OF PLAYING FIELD PROVISION IN THE AREA, AND THE SITE COULD NOT BE USED TO HELP MEET ANY DEFICIENCY IN ANOTHER TYPE OF OPEN SPACE; OR

[b] Paragraph 12.22 – delete and replace with the paragraph as drafted on page 25 of the proposed changes dated January 2003.

POLICY OS5: PROVISION OF RECREATION OPEN SPACE AND PLAYING FIELDS IN NEW DEVELOPMENT

Objectors

1771/10913
2546/4052

Heron Land Developments Ltd
Pedestrians Association

Summary of Objections

- References to commuted payments should be clarified.
- Open space should be provided within walking distance of users.

Inspector's Reasoning and Conclusions

12.29 The policy already indicates that the requirement is for either (physical) provision or a commuted payment for open space, and the objection of Heron Land Developments Ltd. is conditionally withdrawn. Additionally the RDDP includes a statement to the effect that provision should be within walking distance of intended users. This meets the objection of the Pedestrians Association to the FDDP.

Recommendation

12.30 I recommend that no modification be made to the RDDP.

PARAGRAPH 12.36a

Objector

954/12814,13026

Government Office for Yorkshire and the Humber

Summary of Objections

- This paragraph needs expanding to reflect the advice in PPG17 paragraphs 21-23.

Inspector's Reasoning and Conclusions

- 12.31 Built facilities for community sport and recreation are the subject of a substantial section of the RDDP chapter on community facilities. Policy CF7A deals with the circumstances where major development would result in an unsatisfied demand for built recreational facilities. The policy refers to the use of Section 106 obligations.
- 12.32 Although Chapter 7 of the RDDP applies national policy for town centres to leisure uses, there is no such RDDP policy for built sports facilities. I accept the Council's argument that paragraph 12.36a should avoid duplication, and therefore should not repeat the elements of the community facilities chapter referred to above. However it is necessary to make it plain that indoor sports facilities which would attract many trips should be subject to policies which locate the facilities in centres or, where relevant, in other places readily accessible by public transport. The relevant part of the Community Facilities Chapter should contain a reference to sports facilities which attract many trips and the need for them to be located as above. Another option would be to have this dealt with in the chapter on town centres, retail and leisure developments. Whichever course of action is chosen, paragraph 12.36a should contain an appropriate cross reference.

Recommendation

- 12.33 **I recommend that the RDDP be modified by the inclusion of a policy, or by the expansion of an existing policy, to guide built facilities for sport and recreation which attract many trips to central locations or, where relevant, to other places readily accessible by public transport. Paragraph 12.36a should then contain a suitable cross reference.**

POLICY OS7: VILLAGE GREENSPACE

Objector

3952/6254 *Burley Community Council*

Summary of Objections

- Village greenspace should be described as village amenity space. Its recreational function should be properly protected.

Inspector's Reasoning and Conclusions

- 12.34 The Council's evidence is that the sites allocated as village greenspace often have some level of informal recreational use, such as dog walking and children's adventure play, although the main use of the land may well be for agriculture. From my site visits it appears to me that most village greenspace is not used much for recreation, but footpaths often cross such land. The Council's intention through Policy OS7 is to protect open space which contributes to the character, visual amenity and identity of settlements, as the policy says. The Community Council's objection arises from its experience with specific sites in Burley, and my view is that the use of village greenspace for informal

recreation, where it is significant in a limited number of cases, can be recognised on a site specific basis by designation under Policy OS2. I do not agree with the Council that a site has to be formally laid out, or subject to public access rights, before it can be designated under recreational policy, although these matters may be material considerations. National policy does not support the Council, and what matters in my view is the public value of the use.

12.35 Paragraph 12.41 of the RDDP acknowledges that village greenspace can have recreational value, and goes on to indicate that where this is the case the land is protected by either Policy OS2 or Policy OS3. An approach which is based on using different policies and designations to protect different types of public value for open space requires accurate identification of sites with significant value under each policy. The fact that few areas of village greenspace are allocated under Policies OS2/3 reflects the reality that most village greenspace is not in substantial recreational use. I comment in the relevant constituency volumes on the position with regard to specific sites which are subject to objection. Otherwise I have seen that the Council's identification of village greenspace with substantial recreational use is generally accurate.

12.36 In the light of the above conclusions, and in the absence of any objections which question the Council's general approach to open land, I do not consider it expedient to recommend fundamental changes to the open land policies generally. Nor do I see a need to change the title of this section of the RDDP dealing with village greenspace, given the recognition in the lower case text of both the amenity and possible recreational functions of village greenspace.

Recommendation

12.37 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 12.43:

Objectors

2221/5951 *Mr Derek Allen*
2222/5950 *Oxenhope Parish Council*

Summary of Objections

- Land at Denholme Road, Oxenhope, should be included as valuable village open space.
- There should be a specific link with supplementary planning guidance.

Inspector's Reasoning and Conclusions

12.38 The Council has taken this objection to be concerned with the size threshold for showing sites on the Proposals Map, as well as a site specific objection. I deal with the site specific element in the Keighley constituency volume.

12.39 For all types of site the RDDP adopts a size threshold of 0.4 hectares, below which sites are not shown on the Proposals Map. This consistent approach is worthy of support, in view of the number of small sites, the scale of the Proposals Map, and the amount of

work needed to identify all small sites. In the case of small open spaces in villages, identification is also complicated by the consideration that the character of potential candidate spaces is variable, as I have seen. I also agree with the Council that it is difficult to assess their value in the context of potential development proposals.

12.40 The Council proposes a change in the RDDP to recognise that in some villages work has been carried out to identify small areas of value. The proposed change refers to the weight which could be given to the relevant Village Design Statements. The change would add to the usefulness of the plan.

12.41 My opinion is that no further modification is necessary. The small areas of open space are protected by Policy OS8 where they have value.

Recommendation

12.42 **I recommend that the RDDP be modified as follows:**

NEW PARAGRAPH 12.43A – add paragraph 12.43a as drafted in the proposed changes dated January 2003.

Chapter 13 Controlling Development in the Green Belt

POLICY GB1: NEW BUILDINGS IN THE GREEN BELT

Objector

3480/6073 CPRE

Summary of Objection

- Delete “except in very special circumstances”.

Inspector’s Reasoning and Conclusions

13.1 PPG2 advises that inappropriate development should not be approved in the Green Belt, except in very special circumstances. The wording of the policy reflects this advice.

Recommendation

13.2 **I recommend that no modification be made to the RDDP.**

POLICY GB2: SITING OF NEW BUILDING IN THE GREEN BELT

Objector

3651/6701 *Ilkley Design Statement Group*

Summary of Objection

- Insert “and are in suitable materials and colours” after “existing buildings”.
- Trees should be of appropriate species.

Inspector’s Reasoning and Conclusions

13.3 Policy D1(1) requires that all development proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials, and Policy D5 advises on landscaping. In particular, paragraph 9.41a of the RDDP indicates that landscaping of developments should seek to reflect and enhance the distinctive landscape features of the locality including the planting of species appropriate to the local area. The plan has to be read as a whole and, in my view, the design policies adequately address the concerns of this objector, and it would be inappropriate to include additional detail in this policy.

Recommendation

13.4 **I recommend that no modification be made to the RDDP.**

POLICY GB4: CONVERSION AND CHANGE OF USE IN THE GREEN BELT

Objectors

2476/3969 *NFU*
3480/6071 *CPRE*

Summary of Objections

- Delete “character of the building and its” and replace with “buildings”.
- Delete “materially” from criterion (1).

Inspector’s Reasoning and Conclusions

13.5 Criterion (1) of the policy repeats the advice in PPG2, and I consider that it would be inappropriate to deviate from this wording by the deletion of the word “materially”

13.6 The effect on the character of the building in criterion (2) is not a direct reference to the wording in PPG2. It reflects the advice in paragraph 3.8 and Annex D which indicate that the form, bulk and general design of the buildings should be in keeping with their surroundings, and that residential conversions can have detrimental effects on the fabric and character of historic farm buildings. In my view, the deletion of the reference to the character of the building would unacceptably weaken the policy.

Recommendation

13.7 **I recommend that no modification be made to the RDDP.**

POLICY GB5: EXTENSION AND ALTERATION OF BUILDINGS IN THE GREEN BELT

Objector

3480/6070 *CPRE*

Summary of Objection

- Insert “it” at the start of criterion (3).

Inspector’s Reasoning and Conclusions

13.8 This minor omission has been corrected in the RDDP.

Recommendation

13.9 **I recommend that no modification be made to the RDDP.**

POLICY GB6: REPLACEMENT DWELLINGS IN THE GREEN BELT

Objector

3480/6068 CPRE

Summary of Objection

- Correct spelling of “curtilage”.

Inspector’s Reasoning and Conclusions

13.10 The first reference to the word “curtilage” has been corrected but later in criterion (1) it still appears as “curtailage”, and this also requires amendment.

Recommendation

13.11 **I recommend that the RDDP be modified as follows:**

POLICY GB6 CRITERION (1) - delete “CURTAILAGE” and replace with “CURTILAGE”.

POLICY OMISSION 55, POLICY GB6A & PARAGRAPH 13.27B: MAJOR DEVELOPED SITES IN THE GREEN BELT

Objectors

4174/9543, 12380 *Keyland Developments Ltd*
& 12381
4365/12832 & 12833 *Yorkshire Water Services Ltd*
5035/12834 & 12835 *Wool Direct Ltd*
3952/12727 *Burley Community Council*

Summary of Objections

- There should be a policy to cover infilling and redevelopment at major developed sites (MDS) in the Green Belt.
- There should be reference to the Scalebor Park Hospital site.
- The full extent of the Yorkshire Water sites should be identified; not only sites in excess of 5ha should be defined; the words “for the preferred use” should be deleted.
- The whole of the operational site areas should be included, and additional sites added.
- Low Mills, Addingham should be included as a major developed site.

Inspector’s Reasoning and Conclusions

13.12 In response to the objection by Keyland Developments Ltd to the FDDP, Policy GB6A was included in the RDDP, and the remaining objections relate to the detail of this policy. The Council proposes changes to clarify the explanatory text and to remove the reference to the preferred use in the context of redevelopment.

- 13.13 Annex C to PPG2 gives advice on the future of MDSs in the Green Belt, and the examples given include factories, water and sewage treatment works and hospitals. It is therefore appropriate that the RDDP should contain a policy, and that water/sewage treatment works should be considered for inclusion in the list of sites.
- 13.14 In relation to the wording of the policy, I consider that the term “preferred use” is confusing. PPG2 refers to limited infilling at sites in continuing use, and the section on redevelopment does not suggest any restriction on use. The proposed change would bring the policy more in line with PPG2 in respect of redevelopment, but I consider that it would be more appropriate to use the term “current use” in the first part of the policy.
- 13.15 I consider objections relating to specific sites in the constituency volumes of the report, and conclude that no additional sites should be included as MDSs. In reaching these conclusions, I have considered whether the Council’s guideline of 5 hectares is the correct basis for deciding what constitutes a major site. Evidence was provided by Wool Direct Ltd to support a lower threshold, either in terms of site coverage or footprint. In my view the assessment should be based on a combination of these but, in order for a site to be considered as an MDS, it should be both large in size and contain substantial building or structures. Having looked at sites above and below 5 hectares, it seems to me that this is a reasonable guideline to adopt, although it may be appropriate to identify smaller sites where there is substantial built development.
- 13.16 The sites currently in use as sewage or water treatment works are generally different from other types of potential MDSs as they tend to include large areas of open land or low structures. Also, much of the development within these sites, excluding the erection of buildings, would be permitted development. The Council has defined the areas of these sites for the purpose of assessing whether they should be MDSs in terms of the developed area. In my view this is the correct approach, as the policy relates to infilling within the present extent of development, or redevelopment that has no greater impact on the openness of the Green Belt, and it would therefore be inappropriate to include open land within the defined area.

Recommendation

13.17 **I recommend that the RDDP be modified as follows:**

- [a] paragraphs 13.27b and 13.27d and POLICY GB6A - delete and replace with the corresponding text as drafted on pages 28 to 30 of the published proposed changes dated January 2003.**
- [b] POLICY GB6A - delete “preferred use” on the two occasions where it appears in the first part of the policy, and replace with by “current use”.**

Chapter 14 Natural Environment and the Countryside

POLICY NE1: PUBLIC RIGHTS OF WAY

POLICY OMISSION 22: EXTENDING THE RIGHTS OF WAY NETWORK

Objectors

2546/4049	<i>Pedestrians Association</i>
4191/4319	<i>Countryside Strategic Projects PLC</i>
4049/5879	<i>CPRE Bradford</i>

Summary of Objections

- The policy does not define adequately “an alternative right of way”. It needs to be more aware of the needs of walkers as regards the duration of a trip and their comfort.
- The policy should be omitted. It is similar to Policy TM9 and it is impractical to expect the character of a path to be maintained when it crosses a site which has been allocated for development.
- There should be a policy relating to extension of the Rights of Way network.

Inspector’s Reasoning and Conclusions

- 14.1 In response to these objections, and a further objection from the GOYH which has now been withdrawn, the policy has been amended in the RDDP. However, I see little value in including a policy on the effect of development on public rights of way in the chapter on Natural Environment and the Countryside. Policy TM9 states that developments that will adversely affect existing footpaths, bridleways, rights of way or cycle routes will not be permitted, unless an acceptable alternative route is made available. This would cover all rights of way, and is most appropriately included in the Transport and Movement chapter of the Plan. In relation to the detailed objections, the explanatory text to Policy TM9 gives guidance as to what would be required of an alternative route, and I agree that it is unrealistic to expect existing character to be maintained or retained.
- 14.2 I therefore consider that Policy NE1, together with paragraphs 14.18, 14.18a and 14.18b should be deleted from the Plan.
- 14.3 In relation to the request for an additional policy relating to extending the rights of way network, paragraph 14.14 indicates that the Council is committed to improving and managing the rights of way network. However, the means for achieving this is through the provisions of the Countryside and Rights of Way Act 2000, which places a duty on the Highway Authority to draw up Rights of Way Improvement Plans, which will include developing and extending the network so that it caters for a whole range of potential users. Since this matter is dealt with under other legislation, it would be inappropriate to include a policy in the RDDP.
- 14.4 The Council has suggested some additional explanatory text which I understand would satisfy the objection. However, I see little point in including substantial portions of text which, although of general interest, are unrelated to the policies of the Plan. This applies to the complete section of text from paragraph 14.10 to 14.17, and I consider that this should be deleted.

Recommendation

14.5 I recommend that the RDDP be modified by deletion of Policy NE1, together with paragraphs 14.10 to 14.18, 14.18a & 14.18b.

PARAGRAPHS 14.21, 14.21b & 14.26:

Objectors

2476/4224	<i>NFU</i>
3031/4244	<i>Sport England</i>
4255/10646	<i>Ilkley Parish Council</i>
1811/12182	<i>English Nature</i>
4365/12703	<i>Yorkshire Water Services Ltd</i>

Summary of Objections

- It should be made clear that paragraph 14.26 applies only to outdoor sport and recreation, and should be restricted to large scale development or development in sensitive locations.
- The text could refer to other countryside activities such as motor and water sports.
- The original wording of paragraph 14.26 should be retained, with minor additions.
- The policy should specify that uses will not be detrimental to water quality.

Inspector's Reasoning and Conclusions

14.6 The Council introduced additional paragraphs 14.21a and 14.21b into the RDDP referring to motor sports and the recreational use of water, and a proposed change would insert a reference to water quality, in response to the objection by Yorkshire Water Services Ltd.

14.7 The other objections relate to paragraph 14.26, and the amendments introduced in response to the objection by the NFU have given rise to the objection by English Nature. In my view the wording in the FDDP was unclear and unduly onerous if it were to apply to all developments. The wording now proposed would provide a basis for requesting further details where necessary in order to allow for a full assessment of proposals likely to affect the countryside.

Recommendation

14.8 I recommend that the RDDP be modified by the deletion of paragraph 14.21b and its replacement by the paragraph 14.21b as set out on page 31 of the published proposed changes dated January 2003, but that no other modification be made in response to these objections.

POLICY NE3 & PARAGRAPH 14.32: LANDSCAPE CHARACTER AREAS

Objectors

2638/4069	<i>Aire Valley Conservation Society (AVCS)</i>
3715/6165	<i>Mr G P Sloan</i>

3952/6646
3382/6655

Burley Community Council
Menston Community Association

Summary of Objections

- All previous SLAs should be included as LCAs.
- Silsden should be included in the landscape appraisal.
- Replace “Rombalds Ridge” with “Rombalds Moor”.
- Paragraph 14.32 needs amending to recognise that the setting of Menston is open countryside

Inspector’s Reasoning and Conclusions

- 14.9 None of the objections relate to the policy wording, but seek clarification of the areas to which it relates. PPG7 points out that the Government’s policy is that the countryside should be safeguarded for its own sake, and that the priority now is to find new ways of enriching the quality of the whole countryside whilst accommodating appropriate development. In order to achieve this, it recommends the character approach to ensure that development respects or enhances the distinctive character of the land and the built environment.
- 14.10 A Landscape Character Assessment was produced in 2000, and this breaks up the District into ten specific, distinct and unique landscape character areas, each with a number of landscape types within it. These character areas cover the whole of the open countryside in the District, but not the built up areas. Additional text was introduced in the RDDP in response to the objections in relation to Menston and Silsden, and I consider that this adequately addresses these concerns.
- 14.11 Further amendments have been suggested in order to make it clear that the appraisal covered the whole of the open countryside, and to refer to the adoption of the Landscape Assessment as Supplementary Planning Guidance. This is a helpful addition, and meets the concerns of the AVCS.
- 14.12 The remaining objection relates to the term “Rombalds Ridge”, and the Council explain that this refers to the primary landform, which is an upland ridge forming a barrier between the Aire and Wharfe Valleys. The character area includes Rombalds Moor, and other moorland areas, together with pastures and wooded valleys. In my view it would be inappropriate to refer to the wider area as Rombalds Moor, although I accept that there could be some confusion between the two similar names.

Recommendation

- 14.13 **I recommend that the RDDP be modified as follows:**

[a] Paragraph 14.32 - add after 2nd sentence:

In line with national advice on undertaking such assessments, the appraisal is comprehensive, covering the whole of the open countryside in the Bradford District.

[b] Paragraph 14.33 – add before last sentence:

The Landscape Character Assessment will be adopted as Supplementary Planning Guidance in support of Policy NE3 and NE3A.

POLICY NE4 & PARAGRAPH 14.39: TREES AND WOODLANDS

Objectors

3372/6128	<i>The Woodland Trust</i>
3382/6652	<i>Menston Community Association</i>
4191/4320	<i>Countryside Strategic Projects PLC</i>
3651/6736	<i>Ilkley Design Statement Group</i>

Summary of Objections

- Request specific reference to ancient woodland.
- There is no sense of urgency in relation to TPOs.
- Request an exception to the policy where “development would result in benefit to the community that would justify the loss of the trees”.
- Delete “where appropriate” from paragraph 14.39

Inspector’s Reasoning and Conclusions

- 14.14 The RDDP includes a reference to “semi-natural ancient woodlands”, and a proposed change would delete “semi-natural”. This addresses this particular objection, and I agree that the intention is clearer with the deletion now proposed.
- 14.15 The Menston Community Association refer to the Menston Village Design Statement which indicates that the registration of all trees meriting a TPO both in the village and the immediate countryside should be brought up to date. The wording of section (2) of the policy has been amended in the RDDP to refer to the making of Tree Preservation Orders “especially within and adjacent to development” and to advise that “the Council will rigorously enforce such orders”. The Council suggests that this partially addresses the objector’s concerns, but it does not introduce any sense of urgency. However, development plans should only contain policies for the development and use of land and the making of TPOs, other than in the context of development proposals, is not an appropriate matter for inclusion. Also, the Council advises that a commitment to prioritising TPOs on sites earmarked for development in the RDDP has been written into the draft Woodland Strategy (2002), which will be adopted as supplementary planning guidance.
- 14.16 Section 54A of the Town and Country Planning Act 1990 requires that an application for planning permission shall be determined in accordance with an adopted development plan, unless material considerations indicate otherwise. Also, the plan should be read as a whole, and there will sometimes be situations where a development is acceptable under one policy but in conflict with another. In these circumstances, it is necessary to weigh the benefits of the proposal against the possible harm. Community benefits would be a material consideration, whether or not the proposed development accorded with a specific policy, and I do not consider that there is any need to include an exception in this policy.

14.17 In relation to paragraph 14.39, I agree with the objector that encouragement should be the norm, and inclusion of the words “where appropriate” is unnecessary.

Recommendation

14.18 **I recommend that the RDDP be modified by the deletion from Policy NE3 of “SEMI-NATURAL”, as set out on page 31 of the published proposed changes dated January 2003, and by the deletion of “where appropriate” from paragraph 14.39, but that no other modification be made in response to these objections.**

POLICY NE5: RETENTION OF TREES ON DEVELOPMENT SITES

Objector

3382/6651 *Menston Community Association*

Summary of Objection

- All trees with Tree Preservation Orders should be rigorously enforced, not just those on development sites.

Inspector’s Reasoning and Conclusions

14.19 Trees which are subject to Tree Preservation Orders have legal protection wherever they are located, and this policy provides additional control over trees that would not otherwise be protected, and to ensure that all trees on development sites are protected during construction works. I understand that, following clarification from the Council, the objector has agreed to withdraw the objection, although no written confirmation has been received.

Recommendation

14.20 **I recommend that no modification be made to the RDDP.**

PARAGRAPH 14.50:

Objector

2803/11782 *Bradford Urban Wildlife Group*
2803/12357 *Bradford Urban Wildlife Group*

Summary of Objections

- Sites of local nature conservation value should be shown on the Proposals Map. Shipley Station butterfly meadow and other named sites should be shown.

Inspector’s Reasoning and Conclusions

14.21 Although this objector has agreed with the Council that it would be difficult to show all of these sites clearly on the Proposals Map, I conclude in the context of another objection

that the Bradford Wildlife Areas (BWA) should in fact be delineated on the map. This would give an opportunity to correct errors in the published set of maps of BWAs. The sites of concern would therefore be shown , if they are BWAs, and subject to what I say below. The butterfly meadow is only 0.08 hectares in area and thus falls below the minimum size cut off point for sites of whatever type to be shown on the Proposals Map. This is a sensible cut off point to use because of the difficulties of defining small sites clearly on maps of the Proposals Map's scale. As a site of local importance the meadow does not in my view carry the very substantial weight which I consider would be needed to show it on the Shipley Town Centre inset as an exception to the size cut off rule.

14.22 The reference in the FDDP to showing sites on the Proposals Map was altered in the RDDP but should be reinstated, whilst at the same time mentioning the relevant site size.

Recommendation

14.23 **I recommend that the RDDP be modified as follows:**

Paragraph 14.50

[a] delete the third sentence.

[b] add to the end of the paragraph

All designated sites within the Nature Conservation Strategy which are over 0.4 hectares in area are shown on the UDP Proposals Map.

There is another relevant recommendation in the Shipley Constituency Volume.

POLICY NE7: SITES OF INTERNATIONAL AND NATIONAL INTEREST

Objector

1811/12183 *English Nature*

Summary of Objection

- Sites of International Importance and Ramsar Sites should be covered. Wording alterations are suggested.

Inspector's Reasoning and Conclusions

14.24 The Site Designations Table in PPG9 refers to Ramsar Sites, Special Protection Areas and Special Areas of Conservation as sites of international importance. This wording is now put forward in the Council's proposed changes to Policy NE7 and associated text. As this wording accords with that used in national guidance, it is more apposite than the RDDP wording, and the objection is conditionally withdrawn. The other smaller scale wording change to the policy is also correct.

Recommendation

14.25 I recommend that the RDDP be modified as follows:

POLICY NE7, the associated heading, paragraphs 14.52/3 – delete and replace with the corresponding wording as drafted on pages 32 and 33 of the published proposed changes dated January 2003.

POLICY NE10: PROTECTION OF FEATURES AND SPECIES

Objectors

954/4355	<i>Government Office for Yorkshire and the Humber</i>
2476/3993	<i>NFU</i>
2609/4030	<i>RSPB</i>
3946/6146	<i>Mrs Patricia Norris</i>
4032/6075	<i>Mr Keith Norris</i>
4177/4322	<i>Redrow Homes (Yorkshire) Ltd</i>
1811/12184	<i>English Nature</i>

Summary of Objections

- The policy is restrictive and badgers should not be protected by it.
- The policy text is difficult and should not refer to action plans which do not form part of the plan.
- Action plans should be referred to in the policy.
- Local wildlife groups should be consulted on all proposals which could harm biodiversity.
- Surveys for protected species, and mitigation measures, should accompany planning applications.

Inspector's Reasoning and Conclusions

14.26 The third paragraph of the policy as drafted in the FDDP has been deleted in the RDDP, as requested by the NFU. However it has been replaced by a statement which is clearer but at the same time gives greater protection to species. In my opinion it is appropriate to use a negative formulation of policy where species protected by law are concerned. The balancing of need or other considerations telling in favour of a proposal can still take place when a particular development proposal is put forward. The consideration that measures could be included in development schemes to avoid harm to species does not remove the need to avoid harm. National policy in PPG9 makes it clear that the presence of a protected species is a material consideration. Badgers are specifically mentioned. The list in paragraph 14.60 merely sets out the protected species relevant to Bradford District. In my view the objections of those who seek to weaken the policy do not justify modifications to the policy.

14.27 The clarity of the policy has been further improved by a proposed change which would refer to habitats accommodating protected species rather than habitats affecting protected species. This change should be promoted formally as a modification to the RDDP.

- 14.28 The reference to biodiversity action plans has been omitted from the policy in the RDDP. I support this because the policy has been made more concise and easier to use. The need to refer to the plans in order fully to understand the policy is obviated. The status of the plans as other material considerations is made plain in the reasoned justification. Other material considerations can have substantial weight, even if they do not have the status derived from Section 54A. I also note that the policy also seeks to protect important ecological features, which could be taken to include species and habitats identified in biodiversity action plans.
- 14.29 The manner in which consultations are conducted on planning applications is a matter for the Council and not for me. However I note that the RDDP refers in paragraph 14.60 to consultations with English Nature.
- 14.30 Policy NE11 requires ecological appraisals in appropriate circumstances. A requirement for surveys to be carried out and mitigation measures to be incorporated in schemes before applications are made could not be enforced. In some cases the applicant does not know the nature conservation value of a site before an application is put in. My recommendation below regarding paragraph 14.60 is relevant to this objection.

Recommendation

- 14.31 **I recommend that the RDDP be modified as follows:**

POLICY NE10 – delete the word “AFFECTING” in the fifth line and replace with the word “ACCOMMODATING”.

PARAGRAPH 14.59A:

Objector

1811/12185 *English Nature*

Summary of Objection

- Regulation 37 of the Conservation (Natural Habitats etc.) Regulations 1994 should be addressed by a policy in its own right. The list of protected features should include heathlands and hedgerows.

Inspector’s Reasoning and Conclusions

- 14.32 Errors were made in the drafting of paragraph 14.59a in the RDDP. The English Nature objection is concerned with 2 of the 3 errors. The Council’s proposed changes correct the errors, but I do not recommend on the third error as it is not the subject of objection.

Recommendation

- 14.33 **I recommend that the RDDP be modified as follows:**

Paragraph 14.59a – add heathlands and hedgerows to the list of features identified in the paragraph.

PARAGRAPH 14.60:

Objector

4993/12733

West Yorkshire Ecology

Summary of Objection

- The paragraph does not say it is necessary to obtain an ecological survey before planning permission could be granted.

Inspector's Reasoning and Conclusions

14.34 The Council agrees with the objection and proposes to change the RDDP to accommodate it. My opinion is that ecological surveys are important where proposed development might have an impact on a protected species, and that such surveys should be undertaken before planning permission could be granted. The proposed change would add to the effectiveness of the plan.

Recommendation

14.35 **I recommend that the RDDP be modified as follows:**

Paragraph 14.60 – delete and replace with the corresponding paragraph as drafted on page 35 of the published proposed changes dated January 2003.

PARAGRAPH 14.66:

Objectors

954/4123

Government Office for Yorkshire and the Humber

1811/12186

English Nature

Summary of Objections

- The Regulations referred to should be specified more accurately.
- Obligations to monitor post development impacts should not be watered down.

Inspector's Reasoning and Conclusions

14.36 The FDDP draws inaccurately on the Environmental Assessment Regulations. The RDDP in attempting to put this right introduced a further error into the paragraph. A proposed change corrects all the errors in the paragraph, and consequently should be progressed to a formal modification.

Recommendation

14.37 **I recommend that the RDDP be modified as follows:**

Paragraph 14.66 – delete and replace with the corresponding paragraph as drafted on page 36 of the published proposed changes dated January 2002.

POLICY NE11: ECOLOGICAL APPRAISALS

Objector

2476/3994 *NFU*

Summary of Objection

- Effectively the policy could require an ecological appraisal for all development on farmland.

Inspector’s Reasoning and Conclusions

14.38 The RDDP has added a new paragraph, numbered 14.68a, which was not in the FDDP. This indicates that particular attention will be given to development proposals which may affect habitats and species of conservation concern.

14.39 Most agricultural operations do not require planning permission. Where development on farmland could affect features of nature conservation concern, as indicated in the policy and reasoned justification, it is right that an ecological appraisal should be prepared. Otherwise harm could be caused to an important habitat or rare species.

14.40 The policy does not prevent development which might have beneficial effects on the rural economy or in other ways. It is part of the necessary information gathering exercise to enable the correct decision to be made in the light of full knowledge of the effects of a proposal.

14.41 Limiting the policy’s coverage to habitats alone risks damage to the status of species which might be in decline.

Recommendation

14.42 **I recommend that no modification be made to the RDDP.**

POLICY NE13: WILDLIFE CORRIDOR NETWORK

Objectors

2476/3997 *NFU*
2638/10236 *Aire Valley Conservation Society [AVCS]*

Summary of Objections

- Changes to the policy are necessary to prevent the frustration of development which would assist the regeneration of the rural economy.
- Local Enclosure Awards should be used to protect wildlife corridors.
- Watercourses should be more clearly indicated.

Inspector's Reasoning and Conclusions

- 14.43 The original purpose of the Enclosure Acts and Awards was an economic one, to improve agriculture, and not a town planning one. Development plans should contain policies for the development and use of land. It would not be right to use the development plan to achieve objectives of the enclosure legislation which are not town planning matters.
- 14.44 The RDDP contains policies with the aim of protecting nature conservation interests, and Policy NE13 furthers this aim by protecting the wildlife corridor network and the movement of species. The policy is worded so as to be capable of preventing the loss of parts of the network which are important to the integrity of the whole. Other policies protect important ecological (and landscape) features. There is thus a full complement of protective policies in the draft plan already. I do not see a need in principle to add more policy material to what is there now.
- 14.45 The Enclosure Acts and Awards are sometimes used now by individuals and interest groups to protect boundaries which have nature conservation importance. If an Enclosure Act or Award, by chance, has the side effect of protecting a feature of nature conservation value, this would in many cases duplicate the effects of the policies which the draft plan contains. If the feature is of nature conservation or landscape value it would fall to be considered under the terms of these policies. This applies to features, including some hedgerows, not covered by the Hedgerow Regulations. Mitigation of nature conservation effects, and the balancing of effects against need and benefits, would be material considerations which it might be proper to take into account in particular cases. The possible difficulty of finding and interpreting nature conservation evidence potentially affects any relevant planning application, whether or not an Enclosure Act and Award is involved, and is not a reason for adding policy material to the plan.
- 14.46 Local planning authorities are enjoined to produce plans which are succinct, and brevity is recommended. I consider that this is another reason against including the additional material put forward by the AVCS. For the reasons given above I conclude that the addition would not significantly improve the ability of the plan to achieve the objectives of nature conservation. Also in the interests of brevity, the fact that the Council would be able to use the Enclosure Acts and Awards as a source of information on the value of certain features does not warrant the expansion of the policy. There are many matters of this kind the inclusion of which would add significantly to the length of the plan.
- 14.47 Finally, the inclusion of a policy regarding Enclosure Acts and Awards in the draft Selby District Local Plan is not conclusive. There is no information as to whether the policy was the subject of objection or as to whether it survived the later stages of the plan preparation process.
- 14.48 For all of the above reasons, I conclude that the principal objection made by AVCS is not justified.
- 14.49 As for the NFU objection, wildlife corridors are referred to in PPG9 and Regulation 37 of the Conservation (Natural Habitats & c.) Regulations 1994 is concerned with plan policies encouraging the management of features of the landscape important for wild flora and fauna. Wildlife corridors can be important for the migration, dispersal and

genetic diversity of wildlife. Policy should have the objective of avoiding adverse effects on the corridors, and this element of the policy wording is acceptable. The social and economic aspects of development proposals can be taken into account in development control, but the policy is about nature conservation.

14.50 It would be difficult, time consuming and expensive in terms of staff resources to mark all watercourses on the Proposals Map, and to define boundaries for all watercourses. Marking some and omitting others would suggest that those unmarked were not subject to the relevant part of the policy. I conclude that there should be no modification of the RDDP in response to this objection.

Recommendation

14.51 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 20: RESTORATION & CREATION OF PONDS

Objector

4049/5881 CPRE Bradford

Summary of Objections

- There should be a policy relating to the restoration and creation of ponds.

Inspector's Reasoning and Conclusions

14.52 Annex D to PPG9 advises that, in exercising their functions relating to land under any enactment, local authorities are required "to have regard to the desirability of conserving the natural beauty and amenity of the countryside", and measures which local authorities should consider include pond restoration and creation. The Council refers to Policies NE10, NE12, D5 and NR17A which could help to achieve this objective. None of these policies specifically mentions ponds, but it is clear from the explanatory text that ponds are one of the landscape features that should be protected and, where appropriate, enhanced in any development proposal.

14.53 In my view this provides sufficient protection, and there is no need for a separate policy in respect of ponds.

Recommendation

14.54 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 21: FENCING OFF HIGH MOORLAND AREAS

Objector

4049/5880 CPRE Bradford

Summary of Objection

- The plan should include a policy to prevent the fencing off of moorland for stock control.

Inspector's Reasoning and Conclusions

14.55 The Council is able to control fencing only in certain strictly defined circumstances. Stock control fencing, and indeed other types of fencing likely to be used on moors, is normally too low to be subject to the Local Planning Authority's control, or is located away from highways, thus, again, being permitted development. To introduce control by way of an Article 4 Direction would require the approval of the First Secretary of State. In fact the Council has not had a single planning application for moorland fencing development in recent years. This suggests that there is no need for the kind of policy which is being put forward. The landscape policies of the RDDP contain criteria against which any applications for fencing which needed permission would be judged. A policy to prevent fencing would be onerous, as stock control can assist land management, biodiversity and landscape maintenance in certain circumstances.

14.56 Other matters referred to by the objector, such as the control of fencing on Common Land, and the identification of moorland as Conservation Areas or World Heritage Sites, are not matters for the development plan.

Recommendation

14.57 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 33: SPECIAL LANDSCAPE AREAS

Objectors

These are listed in the appendix to the report.

Summary of Objections

- Special Landscape Areas should be retained.

Inspector's Reasoning and Conclusions

14.58 The adopted UDP defined Special Landscape Areas, within which development was subject to Policy EN14, which advised that development would not be permitted if it adversely affected the visual character of the area, and the scale, siting, design and materials of development should be sympathetic to such character. This policy was formulated prior to the publication of the latest version of PPG7 in 1997, and current advice is that local planning authorities should only maintain or extend local countryside designations such as this where there is good reason to believe that normal planning policies cannot provide the necessary protection. Instead a landscape character approach

is advocated, which is descriptive and aims to ensure that development respects or enhances the distinctive character of the land and the built environment.

14.59 A Landscape Character Assessment of the Bradford District was produced in 2000, and identified ten specific, distinct and unique landscape character areas covering the whole of the open countryside within Bradford District. Policies NE3 and NE3A list these areas, advise that development will only be permitted if it does not adversely affect the particular character of the landscape, and set out criteria for assessment of proposals. This approach will ensure protection for the areas of high landscape value but will also provide a basis for enhancing less high quality landscapes, and hence allows for a more comprehensive approach to the countryside.

Recommendation

14.60 **I recommend that no modification be made to the RDDP.**

Chapter 15 Natural Resources

PARAGRAPH 15.11:

Objector

3850/5818 *Bradford Environmental Action Trust*

Summary of Objections

- Perhaps the different types of aggregate provision should be looked at together.

Inspector's Reasoning and Conclusions

15.1 The draft plan is right to give priority to the recycling of aggregates, and then to the extension of existing quarries, in principle, before new mineral workings. New workings are more likely to give rise to new issues of harm to interests of acknowledged importance.

Recommendation

15.2 **I recommend that no modification be made to the RDDP.**

POLICY NR2: MINERAL EXTRACTION – PROPOSALS FOR NEW MINERAL WORKINGS

Objector

954/4037 *Government Office for Yorkshire and the Humber*

Summary of Objections

- The Council should continue to maintain its share of aggregates supply.

Inspector's Reasoning and Conclusions

15.3 At various points the reasoned justification refers to meeting demand, maintaining Bradford's contribution to the sub-regional apportionment figure, and similar matters. There is no need to add to this, and the objection has been conditionally withdrawn.

Recommendation

15.4 **I recommend that no modification be made to the RDDP.**

POLICY NR3 AND PARAGRAPH 15.17A: MINERAL EXTRACTION

Objectors

954/4040,12302 *Government Office for Yorkshire and the Humber*

4049/6058	<i>CPRE Bradford</i>
4122/6108	<i>Brighouse Estates Ltd</i>
4255/10657	<i>Ilkley Parish Council</i>

Summary of Objections

- Statutory nuisance is controlled by other legislation.
- There should be a tiered policy approach to designated sites affected by proposals, and no loss of best and most versatile agricultural land.
- The winning of minerals from railway embankments should not be accepted.
- Existing sites should be identified and subject to a policy for their continuing use.
- Disruption to transport systems should be minimised.

Inspector's Reasoning and Conclusions

- 15.5 The Government Office objections have been conditionally withdrawn in part, but the reference in the policy to nuisance risks confusion with statutory nuisance. I include a replacement form of wording for criterion (2) which makes it clear that there may be other factors which need to be considered besides those specifically mentioned in the criterion.
- 15.6 Paragraph 15.17a of the RDDP includes best and most versatile agricultural land as an important feature. This paragraph and criterion (4) of the policy show what sorts of important features are intended to be protected. These interests are protected by specific policies elsewhere in the plan, and these policies apply different degrees of protection depending on the scale of importance of the interest concerned. In order to avoid unnecessary complexity, I consider that Policy NR3 should not attempt to restate the levels of protection, for all the interests involved.
- 15.7 The CPRE objection has been met by the deletion in the RDDP of the clause which referred to railway embankments. In any case the policy applies generally to proposals for the working of minerals. Criterion (3) deals satisfactorily with transport requirements.
- 15.8 Existing quarries are named in the Proposals Reports. They are not identified on the Proposals Maps, whereas areas of search for minerals are.
- 15.9 It is the Council's intention to safeguard existing working quarry sites, but Policy NR3 is not intended to protect existing sites or mineral resources. This is the objective of Policy NR1, although without site identification it is not clear which sites are subject to the policy. Identification would give greater certainty to users of the UDP.
- 15.10 National policy in Minerals Policy Guidance 1 suggests that sites should be shown on the Proposal Map. I recommend accordingly. The accompanying legend on the Proposals Map should refer to Policy NR1.

Recommendation

15.11 **I recommend that the RDDP be modified as follows:**

- [a] Criterion (2) of Policy NR3 – delete and replace with**

- (2) **THE PROPOSAL WOULD NOT GIVE RISE TO UNACCEPTABLE ADVERSE IMPACTS ON PEOPLE AND THE ENVIRONMENT, PARTICULARLY IN TERMS OF VISUAL AMENITY, NOISE, DUST, OR AIR, GROUND OR WATER POLLUTION;**

- [b] **Identify existing mineral extraction sites on the Proposals Map, with a reference to Policy NR1 in the Legend to the maps.**

PARAGRAPH 15.21B:

Objector

954/12301 *Government Office for Yorkshire and the Humber*

Summary of Objections

- The final phrase could be redrafted.

Inspector's Reasoning and Conclusions

15.12 The Council suggests a change to the final part of the paragraph and this would overcome the objection. It can nevertheless be improved upon for the sake of greater clarity.

Recommendation

15.13 **I recommend that the RDDP be modified as follows:**

Paragraph 15.21b – delete the final sentence and replace with

It does indicate that within these areas there is a reasonable confidence that economic minerals exist, and the areas of search have a function of protecting those resources from sterilisation.

PARAGRAPHS 15.22 AND 15.22A:

Objectors

954/4210,12729 *Government Office for Yorkshire and the Humber*
1811/4136 *English Nature*

Summary of Objections

- National guidance should be followed more closely.
- Two areas of search include sites of local nature conservation importance.

Inspector's Reasoning and Conclusions

15.14 Through the processes of final deposit, proposed changes and suggested changes, the Council has put forward alterations which, in their final form, satisfy the GOYH. I commend the changes to the Council.

15.15 As to the English Nature objection, minerals areas of search are broad brush tools. Nevertheless, key constraints such as Special Protection Areas are excluded. The relevant policy of the RDDP, Policy NR5, allows mineral extraction within areas of search, but only provided that any such proposals accord with other policies of the plan. Thus nature conservation interests would be given full weight in assessing extraction proposals. In the light of the policy qualification, I consider that the areas of search should not be altered to omit areas of local nature conservation value, bearing in mind that local interests are of lesser weight than national and international nature conservation interests.

Recommendation

15.16 **I recommend that the RDDP be modified as follows:**

Paragraph 15.22

- [a] in the first sentence, delete 1996 and replace with 1994.**
- [b] delete final sentence.**

POLICY NR6: AGGREGATE LANDBANKS

Objector

4360/10297 *Friends of the Earth Yorkshire & Humber*

Summary of Objection

- Policy on new aggregates development should ensure the protection of important interests.

Inspector's Reasoning and Conclusions

15.17 The policy is based on extant national policy, and the plan is right to include a policy to maintain a landbank for aggregates. Policy NR3, and other plan policies, are designed to protect important interests from harm.

Recommendation

15.18 **I recommend that no modification be made to the RDDP.**

POLICY NR8: AGGREGATE PRODUCED FROM RECYCLED MATERIAL

Objector

3850/5836 *Bradford Environmental Action Trust*

Summary of Objection

- Criterion (6) should refer to the nearest comparable site.

Inspector's Reasoning and Conclusions

15.19 Criterion (6) applies the development control measures of Policy NR4 to recycling proposals, in order to prevent harm from the operation of the recycling scheme. These measures are adequate to meet the objective of preventing harm, without comparison with other sites. If the proposal is capable of meeting the criteria, planning permission would be granted. As with any proposal, comparison with possible alternative sites would become relevant only if harm could not be prevented.

15.20 The inclusion of a reference to other sites is unnecessary.

Recommendation

15.21 **I recommend that no modification be made to the RDDP.**

POLICY NR11: COAL EXTRACTION

Objectors

954/4036 *Government Office for Yorkshire and the Humber*
954/4035 *Government Office for Yorkshire and the Humber*
4360/7414 *Friends of the Earth Yorkshire & Humber*

Summary of Objections

- The policy does not comply with MPG3 guidance, especially the sequential test.
- There should be a clear presumption against opencast coal extraction.
- Proposals should not result in the loss of best and most versatile agricultural land.

Inspector's Reasoning and Conclusions

15.22 The policy has been deleted from the RDDP in the light of these objections to the FDDP. The Government Office objections have been conditionally withdrawn.

15.23 The FDDP proposals have no formal status and, as the policy has been omitted from the RDDP, I do not conclude upon it.

Recommendation

15.24 **I recommend that no modification be made to the RDDP.**

POLICY NR11B: COAL EXTRACTION

Objectors

954/12300	<i>Government Office for Yorkshire and the Humber</i>
1811/12187	<i>English Nature</i>
4993/12452	<i>West Yorkshire Ecology</i>

Summary of Objections

- Replace the vague phrase “natural interest” with “ecological or nature conservation interest”.
- There should be tests applying to SSSIs or NNRs.

Inspector’s Reasoning and Conclusions

15.25 Natural interest is not the same as ecological interest, and it is the latter interest which should be protected. Some ecological interest is man-made. The Council proposes to change the plan to recognise these points. The Council’s evidence goes further than the proposed change, by including reference to geological interest. This is a fuller and better expression of the range of interests which should be protected. West Yorkshire Ecology supports the change.

15.26 Policy NR11B as proposed to be changed therefore protects ecological interests. In addition, policies elsewhere in the draft plan apply specifically to SSSIs and NNRs. The Government Office objection has been conditionally withdrawn.

15.27 There is a typing error in criterion (5) of the policy: “with” has been typed instead of “within”.

Recommendation

15.28 **I recommend that the RDDP be modified as follows:**

[a] Criterion (1) of Policy NR11B – delete and replace with:

THE EFFECTS ON LOCAL AMENITY; LANDSCAPE; FEATURES OF ARCHAEOLOGICAL, ARCHITECTURAL, HISTORIC, ECOLOGICAL, NATURE CONSERVATION OR GEOLOGICAL INTEREST;

[b] Criterion (5) of Policy NR11B – delete and replace with:

THE NEED TO ENSURE THAT WHERE THE PROPOSAL LIES WITHIN THE GREEN BELT, IT CAN BE DEVELOPED, OPERATED AND RESTORED TO THE HIGHEST STANDARDS;

POLICY NR13 AND PARAGRAPH 15.44: WIND FARMS AND TURBINES

Objectors

2638/4068 *Aire Valley Conservation Society*
4255/10667 *Ilkley Parish Council*
3651/6695 *Ilkley Design Statement Group*

Summary of Objections

- The plan should recognise the importance and encourage the provision of small-scale, individual household wind turbines by the inclusion of a specific policy and/or guidance.
- The plan should state that wind turbines will not be permitted in areas of outstanding attractiveness, and that environmentally sensitive areas, such as Rombalds Ridge and Ilkley Moor, must be protected.

Inspector's Reasoning and Conclusions

15.29 Policy NR13 complies with current national policy guidance in PPG22, and with policy R6 of RPG12. It has been supported by the ETSU on behalf of the DTI. It specifically refers to individual wind turbines as well as wind farms, and the wording added to paragraph 15.44 in the RDDP makes it clear that single turbines have a role in making the most use of wind resources.

15.30 In the light of the Government's Clear Skies Initiative, whereby grants can be made available to individual homeowners for renewable energy projects, I consider that it would be useful to mention individual household turbines in the supporting text. I suggest appropriate additional wording to paragraph 15.44. Whether such turbines should be classified as "permitted development" is not a matter that can be determined by the development plan.

15.31 In relation to the criteria in NR13, I consider that it is important to guard against unsightly clutter and harm to the environment that could result from the proliferation of turbines and the retention of redundant and potentially decaying structures. I have no reason to believe that the Council would not act upon these criteria sensibly and give adequate opportunity for rectification of any problems. Hence I consider that the RDDP requirements are not unreasonable.

15.32 Similarly, paragraph 15.46 states that the level of landscape impact assessment will depend upon the nature of the proposal. The examples quoted in the supporting text clearly indicate that the Council accepts that different scales of development merit different levels of required detail.

15.33 However, I consider that some of the criteria in NR13 fail to take adequate account of the prospect of individual household turbines - in particular criterion (3) would prevent the erection of such a turbine on the dwelling that it would serve. This is clearly an anomaly. I suggest appropriate amendments in my recommendation, including the removal of the word "normally".

15.34 Concerning the banning of wind turbines in sensitive areas, national policy does not prohibit such development in National Parks or Areas of Outstanding Natural Beauty -

the highest designations of landscape quality. Hence it would be contrary to national policy for the RDDP to seek to prevent the development of wind turbines in areas of lower landscape quality designation. Policy NR13 seeks to ensure that such development does not adversely affect the character of the landscape and upland and moorland areas. This is acceptable and as far as the plan should go.

15.35 It was also suggested that the Council's Supplementary Planning Guidance on Wind Turbine Developments (Document CD118), adopted in January 1995, should be included in Annex A of the plan as a document to be reviewed. I have no reason to doubt that the Council will seek to keep this guidance up to date in line with emerging national policy, as it should with all of its SPG. Accordingly, I do not consider that there needs to be a specific reference to review in the plan.

15.36 In relation to the ecological matters referred to, a requirement that developers should abide by the advice in PPG22, these are material considerations in the determination of applications for planning permission for the development of wind turbines. Accordingly, there is no need for the plan to repeat these matters.

Recommendation

15.37 **I recommend that the RDDP be modified as follows:**

[a] Amend the second sentence of paragraph 15.44 of the supporting text to read

Wind turbines can be deployed as large groups, known as wind farms, or in small clusters or singly, including individual household turbines.

[b] Amend the introduction and criteria (2) and (3) of Policy NR13 to read

PROPOSALS FOR THE DEVELOPMENT OF WIND FARMS AND INDIVIDUAL WIND TURBINES WILL BE PERMITTED PROVIDED THAT:

.....

(2) SPECIAL ATTENTION IS PAID TO THE RELATIONSHIP OF PROPOSALS TO OTHER WIND FARMS / TURBINES IN THE AREA;

(3) THE DEVELOPMENT IS LOCATED TO ENSURE THAT THERE ARE NO UNACCEPTABLE NOISE PROBLEMS FOR LOCAL RESIDENTS;

.....

PARAGRAPH 15.55:

Objector

3549/12363

The Environment Agency-Development Planning

Summary of Objection

- The title of PPG25 in the supporting text is incorrect and should be amended.

Inspector's Reasoning and Conclusions

15.38 The title of PPG25 has been amended in the Pre Inquiry Changes, and the objection has been withdrawn conditional upon the acceptance of such change. I consider that it is customary to begin each significant word of PPG titles with a capital letter and not lower case as in the Pre Inquiry Changes. With this further amendment I accept the change.

Recommendation

15.39 **I recommend that the RDDP be modified as follows:**

Amend the title of PPG25 in the third sentence of paragraph 15.55 of the supporting text to read

'Development and Flood Risk'

PARAGRAPH 15.56C:

Objectors

3549/12364
954/13027

*The Environment Agency-Development Planning
Government Office for Yorkshire and The Humber*

Summary of Objections

- The supporting text should clarify the areas of washlands shown on the Proposals Map in relation to the functional floodplain.
- It is not clear how the Pre Inquiry Change complies with paragraph 23 of PPG25.

Inspector's Reasoning and Conclusions

15.40 The Pre Inquiry Changes include the amendments suggested and the first objection has been withdrawn conditional upon the acceptance of such changes. I agree that the amendments are necessary in order to clarify the relationship between the washlands shown on the Proposals Map and the functional floodplain. However, I consider that it is also necessary, for the sake of accuracy, to make it clear that the national policy advice quoted relates to functional floodplains. These points are also raised in relation to paragraph 3.13a and Policy UDP2, to which reference should be made.

15.41 Paragraph 23 of PPG25 emphasises the importance of the protection from development of functional floodplains, and by showing only washland areas the RDDP does not illustrate the exact extent of such floodplains. However, as discussed in relation to objections to policy NR15 below, the indicative floodplain maps are subject to periodic review and are unacceptable as maps included within the UDP. Applications for planning permission must be considered against the indicative floodplain maps, and consultation with the Environment Agency undertaken as appropriate.

15.42 Therefore, I consider that the proposed amended wording of paragraph 15.56c, taken with the RDDP policies NR15A, NR15B and paragraphs 15.56d - 15.56f of the RDDP, and the additional amendment referred to above, provide sufficient clarification of this point.

Recommendation

15.43 **I recommend that the RDDP be modified by deleting paragraph 15.56c and replacing it with the corresponding paragraph as drafted on page 38 of the published proposed changes dated January 2003, and that the word “washlands” in the third sentence be deleted and replaced with “functional floodplains”.**

POLICY NR15: FLOOD RISK

Objectors

2638/10237 *Aire Valley Conservation Society*
4174/9547 *Keyland Developments Ltd*

Summary of Objections

- The latest indicative floodplain maps should be referred to throughout the life of the plan.
- The indicative floodplain maps should not be included within the Proposals Map of the plan but as technical support or supplementary planning guidance, in accordance with PPG25.

Inspector’s Reasoning and Conclusions

15.44 The RDDP revises policy NR15 to form NR15A and NR15B, together with the deletion of paragraphs 15.57 and 15.58 and their replacement by, amongst other things, paragraphs 15.56d to 15.56f.

15.45 These amendments make it clear that the indicative floodplain maps do not form part of the plan as they are subject to periodic update and the areas included can change. Accordingly, development proposals will be assessed in relation to the most up-to-date maps and consultation with the Environment Agency.

15.46 I consider that these amendments adequately resolve the objections and comply with national policy and the advice contained in PPG25.

15.47 Concern was expressed at the Inquiry that the indicative floodplain maps are not made widely available to the public. However, this is not a matter that comes within my role of considering objections to the plan.

Recommendation

15.48 **I recommend that no modification be made to the RDDP.**

POLICY NR17A: WATER COURSES AND WATER BODIES

Objectors

3549/12365 *The Environment Agency-Development Planning*
4365/12704 *Yorkshire Water Services Ltd*

Summary of Objections

- All watercourses should be protected from harmful development. Hence the qualification introduced by the word "significant" should be deleted.
- Adverse effect on water quality should be included in the policy.

Inspector's Reasoning and Conclusions

15.49 Both of these matters are covered in the Pre Inquiry Changes. I consider that such changes are necessary and reasonable in providing guidance for the consideration of development proposals adjoining or near to watercourses.

Recommendation

15.50 **I recommend that the RDDP be modified by deleting policy NR17A and replacing it with the corresponding policy as drafted on page 38 of the published proposed changes dated January 2003.**

PARAGRAPH 15.70B:

Objector

3549/12361 *The Environment Agency-Development Planning*

Summary of Objection

- The paragraph should be deleted as it refers to "significant" watercourses.

Inspector's Reasoning and Conclusions

15.51 While it is not comprehensive, I consider that paragraph 15.70b is useful in that it provides examples of the types of watercourses covered by the policy. In this paragraph the word "significant" refers only to such water bodies as millponds, indicating that the policy does not relate to all water bodies irrespective of size.

Recommendation

15.52 **I recommend that no modification be made to the RDDP.**

Chapter 16 Pollution, Hazards and Waste

POLICY P4: CONTAMINATED LAND

Objectors

1588/9519 *Mr P M Coote*
4146/6137 *Skipton Properties Ltd*

Summary of Objections

- The policy should be deleted, to accord with Annex 10 of PPG23.
- Contamination surveys should be submitted and agreed prior to commencement of development but not before outline planning permission is granted, otherwise the sale and development of land is delayed.

Inspector's Reasoning and Conclusions

- 16.1 Annex 10 of PPG23 is clear in identifying the possible effects of land contamination on development as a matter which should be taken into account in development plans. I see no reason to delete the policy.
- 16.2 A site might be so contaminated that a proposed use of the land could potentially harm the health of people using or visiting the development. If such a level of contamination is likely then the ability of the proposal to operate without harming safety or the environment should be demonstrated before the principle of development is settled by a grant of planning permission. A site investigation, together if necessary with a programme of remedial measures, would be required before a grant of permission. Delays might properly be incurred, in order to avoid possible harm.
- 16.3 Annex 10 of PPG23 requires investigation and remedy, before determination of the application, where "it is known or strongly suspected that the site is contaminated---". More flexibility, through the agency of planning conditions, is allowed where there is only a suspicion of contamination or where contamination is only slight. Policy P4 should be reworded to reflect the state of knowledge regarding the degree of contamination. This is in order to avoid placing unnecessary barriers in the way of the speedy recycling of land.
- 16.4 The recommended rewording also takes account of the Council's proposed change, reflecting the protective function of the policy. Furthermore, it is not clear to me, from the way the policy is phrased, when remedial works would be required. My recommendation allows for circumstances where some works could be phased to take place during, rather than before, development, for example of a large site.

Recommendation

- 16.5 **I recommend that the RDDP be modified as follows:**

POLICY P4 – delete and replace with

PLANNING PERMISSION FOR DEVELOPMENT ON LAND WHERE CONTAMINATION IS SUSPECTED WILL BE GRANTED SUBJECT TO CONDITIONS REQUIRING

- (1) A SITE INVESTIGATION BEFORE DEVELOPMENT IS COMMENCED, AND**
- (2) A PROGRAMME OF IMPLEMENTATION OF ANY REMEDIAL MEASURES SHOWN BY THE SITE INVESTIGATION TO BE NECESSARY.**

WHERE THERE IS A STRONG SUSPICION OF SUBSTANTIAL CONTAMINATION, PLANNING PERMISSION WILL BE GRANTED ONLY FOLLOWING A SITE INVESTIGATION AND RISK ASSESSMENT, AND THE SUBMISSION TO THE COUNCIL OF ANY PROGRAMME OF MEASURES WHICH THE SITE INVESTIGATION AND RISK ASSESSMENT SHOW TO BE NECESSARY TO PREVENT HARM FROM CONTAMINATION.

PARAGRAPH 16.36:

Objector

3850/5900

Bradford Environmental Action Trust

Summary of Objection

- References to bio-degradable waste need to be rationalised, stressing the principle of seeking the lowest impact solution and encouraging small scale community schemes.

Inspector's Reasoning and Conclusions

- 16.6 Paragraph 16.36 contains a section on bio-degradable waste, and Policy P14 controls proposals for landfilling using this type of waste. The policy permits landfilling only if specific tests are met. Paragraph 16.36 makes it clear that proposals would have to prove they represented the Best Practicable Environmental Option (BPEO), and refers to a minimum impact on the environment.
- 16.7 The evidence from the Council is that large scale alternatives to this form of landfill will take some time to organise. A large landfill proposal, intended to last for the lifetime of the plan as envisaged by the Council, has been granted planning permission.
- 16.8 A policy to encourage small scale community schemes would not in itself be effective in bringing about such schemes, and would not fulfil a development control purpose. It is for the Council to decide whether to take any other action to encourage schemes, for example through any Council programme or strategy. I am not aware of any proposals which would suitably form the basis of a proposal of the UDP. Otherwise, the policies in the plan apply to community based schemes as to other schemes.

Recommendation

16.9 **I recommend that no modification be made to the RDDP.**

POLICY P10: GREEN WASTE COMPOSTING

Objectors

3850/6174 *Bradford Environmental Action Trust*
4361/7360 *Friends of the Earth Yorkshire & Humber*

Summary of Objections

- As above for paragraph 16.36.
- Encourage aerobic composting on unused farmland.

Inspector's Reasoning and Conclusions

16.10 My conclusions are given in part in paragraphs 16.6-16.8 above. Green waste composting is a form of bio-degradable waste management which is allowed for in the plan, by way of a positively worded policy.

16.11 Aerobic composting on unused farmland is, in effect, envisaged by Policy P10. Proposals should be subject to tests to ensure that they avoid harming amenity and other interests of importance.

Recommendation

16.12 **I recommend that no modification be made to the RDDP.**

POLICY P11 AND PARAGRAPHS 16.50-52: WASTE INCINERATION

Objectors

2937/6258 *Mr P J Bartle*
3850/5833-4 *Bradford Environmental Action Trust*
4295/4125,5204,5206,5208 *Ms Annie Barker*
4361/7361 *Friends of the Earth Yorkshire & Humber*

Summary of Objections

- Incineration is not a sustainable waste management system. It squanders resources, harms people and the environment, and competes with more sustainable options at higher levels in the waste hierarchy.
- This section of the plan should be rewritten, or at least more scepticism should be shown towards incineration.

Inspector's Reasoning and Conclusions

- 16.13 National policy advises that Waste Planning Authorities should not seek to prohibit the development of particular types of waste facility unless they are confident that adequate alternative facilities will be available in their area. The regional waste management dimension has not yet been resolved; the Regional Technical Advisory Body has so far only consulted on 3 options as a basis for the regional strategy. The District's own waste strategy is mainly concerned with municipal waste whereas planning applications might be received for many other waste streams. It is not therefore possible to be confident that adequate alternative facilities will be available in the Bradford area, and a negative form of wording for Policy P11 would not be appropriate. Nor can the reasoned justification be re-written within the framework of a sustainable waste strategy, in the absence for the time being of a comprehensive strategy.
- 16.14 Waste incineration with energy recovery is acknowledged in the national waste strategy as being capable of playing a full and integrated part in local and regional solutions developed over the next few years. This is said in the context of achieving a sustainable waste management system. National policy has not changed in the light of more recent debates about, for example, whether the energy generated is renewable energy. Waste Strategy 2000 supports incineration as a method of generating energy. It seems to me that, if incineration is shown by BPEO to be the most effective environmental solution in a particular case, recovery of energy from it would be an advantage.
- 16.15 Policy P8 is available to enable proposals for new and emerging waste management methods to be assessed. However incineration is a proven waste management approach, whereas the Council's expert evidence is that other thermal process technologies are not yet proven. Hence I do not conclude that the policy should be widened to refer to other technologies.
- 16.16 There is a hierarchy of waste management options. There are higher level methods of waste management than incineration. Paragraph 16.36 refers to the recycling and treatment of waste. Much of the paragraph is concerned with landfilling, the lowest level in the hierarchy. Incineration and other forms of energy from waste options are not mentioned. The plan would be given greater clarity if the waste hierarchy was explained. This would also make it clear to developers, operators and other users of the plan that reduction and then reuse are the most effective environmental solutions.
- 16.17 Policy P11 requires that incineration proposals show BPEO. This will enable other waste management options to be assessed in relation to any proposal, to see if reuse or recycling, for example, are possible. However incineration is capable of being the BPEO for a particular type of waste. BPEO will take account of many of the concerns raised by objectors, such as the size of the proposal in relation to the scale of relevant waste streams and any threat to feedstocks for potential higher level management options. The quality of BPEO analysis, and the strictness of monitoring and enforcement, are not matters for me. I merely note that there are systems in place to enable necessary functions to be carried out.
- 16.18 Again, BPEO is referred to in paragraph 16.36 of the RDDP, but is not explained. BPEO is applicable not only to incineration but also to the other waste management options subject to RDDP policies. Its importance in ensuring that the waste hierarchy is effective

is such that there should be an explanation of the factors that would be taken into account in deciding BPEO.

16.19 In relation to the detailed wording of the reasoned justification, incineration reduces the bulk of waste by about 70%. Health issues raised by objectors to particular schemes in the past have often not been borne out by the work of agencies charged with assessing them. Plants have improved since many had to close as a result of the imposition of more stringent controls in 1989. Given the moves to reduce the amount of waste disposed of in landfills, it is likely that incineration will play an increased role in Bradford District in the future. However the Council was unable to show at the Inquiry that incineration has the potential to reduce the amount of pollution from waste during final disposal, and that reference should be removed from paragraph 16.50.

Recommendation

16.20 **I recommend that the RDDP be modified as follows:**

- [a] **expand the reasoned justification under the heading “land use waste strategy” to explain the waste hierarchy and the factors to be taken into account in deciding bpeo.**
- [b] **delete from the first sentence of paragraph 16.50 the words “and pollution from” and substitute the word “of”.**

POLICY P12: WASTE MANAGEMENT – OPERATIONAL MATTERS

Objector

4361/7358

Friends of the Earth Yorkshire & Humber

Summary of Objection

- Proposals for waste management facilities should show that the waste handling process represents the BPEO for that waste stream.

Inspector’s Reasoning and Conclusions

16.21 Other policies of the plan deal with the various different ways in which waste might be treated, including recycling, incineration, or landfill. These policies contain criteria concerned with BPEO. Policy P12 is a different type of policy, and controls the operation of waste management facilities of any kind. As the other policies deal with BPEO, there is no need for Policy P12 to duplicate that provision.

Recommendation

16.22 **I recommend that no modification be made to the RDDP.**

POLICY P13: INERT WASTE - LANDFILL

Objectors

3850/5832
4361/7357

Bradford Environmental Action Trust
Friends of the Earth Yorkshire & Humber

Summary of Objections

- Landfilling should not be permitted unless no other disposal method is possible. Proposals should be supported by proof that landfilling is the BPEO.

Inspector's Reasoning and Conclusions

16.23 National policy in PPG10 says that WPAs should not seek to prohibit the development of particular types of waste facility unless they are confident that adequate alternative facilities will be available in their area. No evidence has been presented to show that alternative facilities will be adequate.

16.24 Policy P13 requires evidence that a proposal would be the BPEO for the identified waste stream. The policy will lead to an investigation of the market for the waste involved and the possibilities for reuse and recycling, and also to research into other options for handling the waste.

16.25 The policy lists criteria which would be applied to proposals to landfill inert waste. The draft plan does not present landfilling as a first choice for dealing with this type of waste. However there appears to me to be a typing error in criterion (8), where the cross reference should presumably be to Policy P15, the policy concerned with detailed operational matters, in contrast with the broader criteria of Policy P13.

16.26 My conclusions regarding Policy P15 (see 0) lead to a recommendation to modify Policy P13 and the Proposals Map.

Recommendation

16.27 **I recommend that the RDDP be modified as follows:**

[a] POLICY P13

INSERT AT THE END OF THE POLICY "THE FOLLOWING SITES ARE ALLOCATED FOR THE DISPOSAL OF INERT WASTE AND ARE SHOWN ON THE PROPOSALS MAP: [LIST SITES]

IN CRITERION (8) REPLACE THE REFERENCE TO POLICY P14 WITH A REFERENCE TO POLICY P15.

[b] PROPOSALS MAP

SHOW THE SITES LISTED IN POLICY P13 AS A RESULT OF [a] ABOVE.

PARAGRAPH 16.60:

Objector

2790/3583 *ETSU*

Summary of Objection

- The plan lacks support for the recovery of energy from landfill gas generation.

Inspector's Reasoning and Conclusions

16.28 Policy P15 is a development control policy for the operation of proposed landfill sites. Criterion (8) requires landfill gas to be controlled, and provides for energy generation where appropriate. I conclude that the draft plan does not lack support for the recovery of energy from landfill gas, and there is no need for the reasoned justification of the plan to be modified.

Recommendation

16.29 **I recommend that no modification be made to the RDDP.**

POLICY P14: BIODEGRADABLE WASTE - LANDFILL

Objectors

3491/4120 *Mrs Hazel Gundry*
3850/6173 *Bradford Environmental Action Trust*

Summary of Objections

- As above for RDDP paragraph 16.36.
- There is insufficient protection for people living near landfill sites.

Inspector's Reasoning and Conclusions

16.30 My conclusions are given in part in paragraphs 16.6-16.8 above.

16.31 As for the protection of the amenities of people living near proposed landfill sites, criterion (4) of the policy requires impacts on both people and the environment to be taken into account, and Policy P15 would also have the effect of controlling the impact of any landfill proposal on its surroundings.

16.32 There is no set distance which must be maintained between landfills and houses, established by statute or advised in national policy. In my opinion none should be required by Policy P15. Circumstances will differ from case to case, dependent on such factors as landform, screening and the activities proposed. However there is a regime for assessing effects on people living nearby, and for taking them into account in deciding whether planning permission should be granted.

16.33 My conclusions regarding Policy P15 lead to a recommendation to modify Policy P14.
Recommendation

16.34 **I recommend that the RDDP be modified as follows:**

POLICY P14

INSERT AT THE END OF THE POLICY THE WORDS “BUCK PARK QUARRY, DENHOLME, IS ALLOCATED FOR THE DISPOSAL OF BIO-DEGRADABLE WASTE AND IS SHOWN ON THE PROPOSALS MAP.”

POLICY P15: LANDFILL OPERATIONAL MATTERS

Objectors

3850/5831 *Bradford Environmental Action Trust*
4122/6107 *Brighouse Estates Ltd*

Summary of Objections

- Developers should show they have adopted the best technical solutions to specified problems.
- The policy should identify all existing and potential landfill sites.

Inspector’s Reasoning and Conclusions

16.35 The policy lists a total of 14 matters which all landfill proposals must address adequately. Inter alia, these encompass gas generation, and potential pollution. Restoration, after care and management of sites after the cessation of tipping are also covered. The inclusion of these matters in the policy will allow the best solutions for restoration and subsequent treatment to be adopted for particular sites. It is not therefore necessary for capping and monitoring as well to be mentioned in the policy: this would in effect duplicate what is already there. A requirement for independent assessment of the achievement of an inactive site goes beyond what is needed, in view of the assessment regime already available.

16.36 Policies P13 and P14 are the relevant locational policies for landfill proposals. As I have mentioned at 16.7 above, a site for bio-degradable landfilling (Buck Park Quarry, Denholme) is identified in the RDDP, to provide a facility lasting over the long term. The Proposals Map shows the quarry site and the legend, correctly, refers to Policy P14. However that policy does not itself mention the site specific proposal, and it should do so, for the sake of clarity and consistency. The High Court appeal challenging the planning permission for filling the quarry has failed.

16.37 National policy favours the identification of specific sites for development but is not limited to proposed sites catering for bio-degradable waste. The draft UDP does not, for example, show sites for disposal of inert waste. At my request, the Council has provided further information concerning landfill sites. Apparently there are no other sites for bio-degradable waste besides Buck Park Quarry, but there are several sites for inert fill which have unexpired planning permission and capacity for more waste. In accordance with

national policy these should be shown on the Proposals Map and listed in Policy P13. There will need to be consequential amendments to the reasoned justification.

16.38 There is no information as to whether the waste disposal sites are likely to be adequate to cater for needs over the plan period. It appears that this information will not become available until the relevant waste strategies are produced. Although it is Government policy to reduce landfilling, there is a continuing need for this method of waste management. Consequently one does not know whether the UDP needs to identify further sites for future development. In these circumstances I can do no more than refer to national policy which allows for criteria based policies. Policies P13 and P14 are criteria based. National policy is to the effect that, where such policies are used instead of site identification, there should be a justification for the approach adopted. The draft plan includes justification in its paragraph 16.35.

16.39 Because of the functions of Policies P13-14 already described (see 0), my recommendations resulting from the objections of Brighthouse Estates Ltd are located under Policies P13 and P14.

16.40 Finally, the inaccurate cross reference in Policy P15 in the FDDP is corrected in the RDDP.

Recommendation

16.41 **I recommend that the RDDP be modified as follows:**

PARAGRAPH 16.35 – delete and replace with

16.35 When drafting policies for waste development it is necessary for the planning authority to plan for current and future waste management requirements. The UDP must deal with municipal and non-municipal waste, in other words ALL waste that is generated in the district. Until the Council’s Municipal Waste Strategy and the Regional Waste Management Strategy are available the planning authority is not in a position to provide new site specific allocations for large scale waste treatment facilities. Buck Park Quarry, Denholme, has been identified as a landfill site capable of taking household waste and is considered to provide sufficient capacity for the plan period. Further, existing sites for the disposal of inert waste, containing additional capacity, are listed in Policy P13 and identified on the Proposals Map.

POLICY OMISSION 39: POLLUTER PAYS

Objector

4511/7335 *Bingley Environmental Transport Association*

Summary of Objections

- There should be a policy to levy a fee for planning permission, in proportion to the additional pollution the development would cause.

Inspector's Reasoning and Conclusions

16.42 Planning permission should not be dependent upon the payment of money. The draft plan contains a number of policies aimed at dealing with the consequences of development. Policy UR6 is concerned with conditions and planning obligations which might require, amongst other things, public transport improvements.

Recommendation

16.43 **I recommend that no modification be made to the RDDP.**

POLICY OMISSION 51: DEVELOPMENT CLOSE TO WASTE WATER TREATMENT WORKS

Objector

4365/7724

Yorkshire Water Services Ltd

Summary of Objections

- Development near treatment works should be allowed only if no unacceptable loss of amenity, because of odour or insects, results.

Inspector's Reasoning and Conclusions

16.43 PPG23 lends support to the principle of policies to separate potentially polluting and other land uses, but the treatment works in the District are mostly located within the Green Belt. Only one is sited in an urban area, at Ilkley. It follows that there will be few significant development proposals, near works, which would not fall foul of policies presuming against inappropriate development. This objector does not object to the one housing allocation which is located near the Ilkley Waste Water Treatment Works, nor to the nearby employment allocation.

16.44 In my view there is little need for a policy to control development near works. In the light of advice in PPG12 that plans should be brief and succinct I conclude that no such policy should be included in the plan. Any proposals near treatment works can be considered on their merits, taking account of the possible effects of the works in the particular circumstances of the case.

Recommendation

16.45 **I recommend that no modification be made to the RDDP.**

Chapter 17 Appendices

APPENDIX B:

Objector

1459/4846 *English Heritage*
4993/12734 *West Yorkshire Ecology*

Summary of Objections

- The description of what is a listed building should be amended.
- A glossary entry should be made for West Yorkshire Ecology.

Inspector's Reasoning and Conclusions

17.1 The Council has accepted that the current description of a listed building within the RDDP is incorrect and that there has been an omission of West Yorkshire Ecology from the glossary at Appendix B. I consider that these matters should be rectified in line with the objectors' requests and as detailed in the Council's response to the objections.

Recommendation

17.2 I recommend that the RDDP be modified by:

- [a] The substitution within the glossary at Appendix B of the description of a listed building as:

A building of special architectural or historic interest which appears on a list compiled by the Secretary of State for Culture, Media and Sport under the Planning (Listed Buildings and Conservation Areas) Act 1990.

- [b] The inclusion within the glossary at Appendix B of the following:

West Yorkshire Ecology – a body which advises the five West Yorkshire Metropolitan District Councils on matters relating to ecology and is responsible for reviewing the sites of ecological/geological importance and maintaining an ecological records centre.

APPENDIX C:

Objectors

1722/5848 *House Builders Federation*
4148/5193 *Raven Retail Ltd (Ex Carter Commercial)*
4136/12373 *B & Q PLC*

Summary of Objections

- The standards for residential parking requirements should be deleted.

- Appendix C guidelines do not fully accord with those in PPG13, being more stringent with no justification for the Council's approach.
- The standard for non-food retail development in excess of 1,000 square metres is contrary to the maximum set out in PPG13 and should be amended to reflect this.

Inspector's Reasoning and Conclusions

- 17.3 Appendix C is allied to Policy TM11 and I have commented and made recommendations on this within the Transport and Movement chapter in the Policy Framework volume of my report, to which reference should be made.
- 17.4 Having regard to objection issues not covered by my consideration of Policy TM11, the maximum parking standard for non-food retailing over 1,000 square metres in PPG13 is 1 space per 20 square metres, whilst that in Appendix C is 1 space per 25 square metres. However, RPG12 also includes maximum parking standards, which range from 1 space per 20 – 60 square metres. The Council's choice of maximum is therefore consistent with RPG guidance. Furthermore, Policy TM11 does indicate that provision above the standard may be allowed provided that it can be demonstrated that a higher level of parking is needed. For all major schemes above the specified thresholds in Appendix C a detailed transport assessment will be required and it would be within such an assessment that a case for a higher standard would need to be made. The Council's proposed changes of January 2003 include various drafting alterations, which I consider clarify the understanding of the application of the standards. Other than these alterations I do not consider there to be any necessity to amend the standards detailed in Appendix C.

Recommendation

- 17.5 I recommend the RDDP be modified by the deletion of Appendix C and its replacement with Appendix C as drafted on pages 40 – 44 of the proposed changes of January 2003.**

ANNEX: MATRIX 1 AND MATRIX 2

KEY

UNOBJCC	UNOBJECTED SITES IN CENTRES/CORRIDORS
UNOBJNC	UNOBJECTED SITES NOT IN CENTRES/CORRIDORS
OBJ PP	OBJECTED SITES WITH PLANNING PERMISSION
OBJ PDL	OBJECTED SITES ON URBAN PREVIOUSLY DEVELOPED LAND
OBJ GF	OBJECTED SITES ON URBAN GREENFIELD LAND
OBJ MUE	OBJECTED EXTENSIONS TO MAIN URBAN AREA
OBJ UE	OBJECTED EXTENSIONS TO OTHER URBAN AREAS
NODES	OBJECTED SITES IN NODES
RURAL	OBJECTED SITES – RURAL LOCAL NEEDS

NOTE: THE UNOBJECTED SITES ARE MEASURED IN HECTARES, THE REMAINDER BY DWELLING CAPACITY, WHEREVER POSSIBLE BASED ON SITE SPECIFIC DATA