

**BRADFORD LOCAL PLAN CORE STRATEGY****EXAMINATION IN PUBLIC****Response to Inspector's Matters, Issues and Questions****Made on Behalf of Persimmon Homes (West Yorkshire)  
(Representor ID: 423)*****Matter 3: STRATEGIC CORE POLICIES*****Preamble**

1. On behalf of our client Persimmon Homes (West Yorkshire), we write to provide comments in response to the Inspector's schedule of Matters, Issues and Questions in relation to the Bradford Local Plan Core Strategy. This follows our previous comments made on the Publication Draft of the Core Strategy in March 2014.
2. Our client is one of the UK's leading house builders, committed to the highest standards of design, construction and service. They have a large number of site interests across Bradford District and therefore are very keen to engage with the Council and assist in preparing a sound plan which is positively prepared, justified, effective and consistent.

**Persimmon Homes Site Interests in Bradford**

3. This is a list of our areas where our client has site interests:

Wharfedale

- Menston
- Ilkley/Ben Rhydding

Airedale

- Keighley
- Cottingley

Regional City of Bradford including Shipley and Lower Baildon

- Nab Wood (Shipley)
- Heaton (North West Bradford)
- Daisy Hill (North West Bradford)

4. These statements should be read alongside our previous written representations in relation to the emerging Core Strategy.
5. Our response to Matter 3, which covers Strategic Core Policies, is contained in this statement. The key issue highlighted by the Inspector is:

**“Is the Overall Approach and Key Spatial Priorities, the justification for the proposed Settlement Hierarchy, the principles of location of development, the general approach to the Green Belt, for Bradford, and the approach to development proposals in the South Pennines Moors Zone of Influence soundly based, effective, appropriate, deliverable, locally distinctive and justified by robust, proportionate and credible evidence, particularly in terms of delivering the proposed amount of housing, employment and other development, and is it positively prepared and consistent with the latest national policy?”**

6. We consider below the specific questions asked by the Inspector:

***Policy SC1 – Overall approach and key spatial priorities***

**a) How does the policy identify appropriate spatial priorities, and where is the justification and evidence?**

7. The appropriate spatial priorities are identified through a number of studies and background reports submitted as part of the Core Strategy evidence base and these are set out in Appendix 1 ‘Evidence Base’ of Background Paper 1. However, within this Policy SC1 is only identified as being informed by the Strategic Flood Risk Assessment Level 1 and states that *“The sequential approach to development advocated within the NPPF, the information and results of the SRFA, and the nature and distribution of the land supply have combined to inform the housing targets for each settlement.”*
8. There would appear to be limited justification or evidence to support the proposed spatial priorities set within the policy, with the exception of the Local Service Centres identified under Policy SC4 and the District’s environmental resources. Policy SC4 is informed by a Settlement Study prepared by the Council in 2011 which “informs and confirms the appropriateness of the settlement hierarchy and the placement of each town or village within it.” An assessment of

the Settlement Study is undertaken in our response to Policy SC4 below. The District's environmental resources, and in particular the South Pennine Moors, are supported by an updated Habitat Regulation Assessment (HRA) (SD/022). Please see our response below to Policy SC8 in relation to the HRA.

**b) Does the policy properly consider infrastructure requirements, regeneration implications, and the need for a balanced distribution of development?**

9. The policy does make reference to infrastructure requirements, regeneration implications and a balanced distribution of development in parts 1, 2, 3, 4, 5 and 10. Whilst these parts of the policy set out the Council's aspirations, there again appears to be a limited amount of consideration as to how these will be delivered. We have raised concerns about this through our previous representations and how the Council will not be able to deliver these aspirations whilst the details are left to be determined by the Allocations DPD. As a result, little consideration, justification or evidence has been provided as part of the Core Strategy to support the aspirations of the policy or a balanced distribution of development.

***Policy SC4 – Settlement Hierarchy***

**a) Is the Settlement Hierarchy for each town and settlement appropriate, effective, locally distinctive, justified and soundly based, and is it positively prepared and consistent with the latest national policy?**

10. The Core Strategy acknowledges that the Settlement Hierarchy as a tool was established based upon the now revoked RSS and Replacement Unitary Development Plan (RUDP) and that the approaches which these were based upon have been reviewed by the Core Strategy. As a result some adjustments have been made to the RSS settlement hierarchy approach, with the inclusion of Bingley as a Principal Town and a new Local Growth Centres tier. These changes have been made on the findings of the 2011 Draft Settlement Study and the land supply situation in the District.
11. In addition some locations have been de-classified without justified reasoning or evidence. With a reduced number of settlements in the hierarchy being identified to support future development, this could lead to development being directed towards potentially less sustainable or viable locations including poor market areas.

12. In summary, the settlement hierarchy has not been sufficiently justified with reference to a robust, or legally compliant evidence base, and does not comprise the most appropriate or sustainable strategy in order to meet, and deliver, objectively assessed development needs in a balanced pattern across the district.

**b) What is the basis of the proposed Settlement Hierarchy, and is it based on up-to-date and reliable evidence?**

13. The settlement hierarchy is broadly in line with the approach of the revoked RSS with some changes being made upon the findings of the Draft Settlement Study (2011) and the land supply situation in the District. The Draft Settlement Study has not been reviewed or updated as a result of previous rounds of consultation or Local Plan preparation. Given the age of the Settlement Study and the lack of justification as to how certain settlements have been overlooked or de-classified, it is our client's opinion that the evidence is neither reliable nor up-to-date in terms of identifying the most sustainable locations for future development and growth within the District. In turn this could lead to potentially less sustainable or deliverable areas being required to accommodate future growth and therefore lead to the Spatial Vision and Strategic Objectives being undermined.

**c) Is the status of various settlements (eg, Ilkley, Burley-in-Wharfedale) in the settlement hierarchy fully justified and soundly based; and are the various criteria of each level of the hierarchy appropriate and fully justified?**

14. As we have stated above in paragraph 15 our client is of the view that the Settlement Hierarchy is not fully justified or sound given that it is based upon the approach of the revoked RSS and a Draft Settlement Study (EB/040-042) that has not been reviewed or updated during the plan preparation process.
15. Again the criteria of the Settlement Hierarchy is based upon the approach of the RSS and the evidence and analysis undertaken as part of the RSS evidence base, which included a Regional Settlement Study undertaken in 2004. Although the hierarchy has been reviewed and amended using the Draft Settlement Study, the various criteria and tiers remain unchanged with the exception of the Local Growth Centres, as this is a new tier. It is our client's opinion that the criteria are not appropriate and have not been fully justified or re-tested by the Draft Settlement Study.

***Policy SC5 – Location of Development*****a) What is the justification for setting the priorities and criteria for locating new development; is it supported by evidence, appropriate and soundly based?**

16. The policy states that the Council will allocate sites *“by giving first priority to the re-use of deliverable and developable previously developed land and buildings”*. This policy as worded is unsound as it is inconsistent with national planning policy contained within the Framework. The Framework instead seeks to ‘encourage’ the use of previously developed land (paragraph 17) and our Client believes the policy should be re-worded to read *“by encouraging the re-use of deliverable and developable previous developed land and buildings”*. Furthermore, the use of the words ‘deliverable and developable’ is unjustified as there is no evidence to suggest how sites will be identified as being ‘deliverable and developable’. In addition, it would appear to suggest that the previously developed land would be subject to a sequential test whereby each site could be tested against footnotes 11 and 12 of the Framework, to establish whether the site is ‘deliverable and developable’. Yet the policy as it stands puts no mechanism in place for doing this when identifying where allocated sites will be located as a first priority.
17. The approach to previously developed land is also contained in Policy HO6. This sets a target for the development of brownfield sites of 50%. Whilst the Framework allows local planning authorities to set such targets, the Council’s own evidence (Local Plan Viability Assessment) identifies viability issues across much of Bradford and its wider District. The danger is that such a brownfield target will simply exacerbate existing viability issues and will perpetuate the current undersupply of dwellings against current and future housing requirements.
18. Our Client’s view is that the Council needs to provide evidence that delivering housing against this target is viable. Failure to do this makes this policy unsound as it cannot be fully justified. Indeed the implications are great as failure to reach this target would inevitably lead to a situation where the Council cannot demonstrate a 5 Year Housing Land Supply and therefore leaving their housing policies out of date (paragraph 49 of the Framework).
19. To ensure that the Council’s approach to previously developed land is sound it is considered that the priorities and brownfield target needs to be revisited and that the Council need to ensure the wording of policies are entirely consistent with the Framework and NPPG. In the event that the Council’s previously developed sites cannot viably deliver the number of

dwellings then consideration should be given to delivering these dwellings elsewhere, given the need for the Council to provide dwellings in the shorter term, address previously accumulated backlog and achieve and maintain a 5 year supply of housing land.

**b) Does the policy make the appropriate balance between prioritisation of brownfield land, use of brownfield land and windfalls, and Greenfield land, and safeguarded land?**

20. Support is given to the policy provision for Local Green Belt releases to the built up areas of settlements in sustainable locations provided for within Policy SC5, subject to our representations regarding Policy SC4 and the settlement hierarchy.
21. Such an approach is consistent with the findings of the land supply contained in the SHLAA, which demonstrates that in order to meet objectively assessed needs in full, there will be a requirement to accommodate a significant number of dwellings on currently identified Green Belt land. Nevertheless, the Core Strategy does not make provision for the inclusion of safeguarded land, which in the long term could render the plan unsound should additional land be required for development beyond the current proposed Green Belt releases (please see our response to Policy SC7 below).
22. However, the approach does not refer to the viability and deliverability of sites to ensure that the housing requirement is met. In this regard undue emphasis is placed upon brownfield land within inner urban areas. The Council's Viability Assessment Update (EB/046) identifies the serious challenges facing the Council in that much of Bradford and Keighley, which are anticipated to take the majority of growth, remain unviable under current market conditions even with no policy contributions.

**c) How will sites be assessed and are the accessibility standards inflexible?**

23. The policy suggests that the Council will use an accessibility orientated approach when identifying and comparing sites for development. The policy suggests that sites could be discounted for development should they not meet these standards, however there are likely to be sites that could come forward for development which whilst they would not meet the standards now, could meet them through the implementation of the proposed development i.e. contributions towards the provision of a new bus route or improvements to the footpath or cycle network etc.

24. The standards are also not justified as there is only a limited amount of background evidence available against which to assess the sites and it would appear premature to adopt a set of accessibility standards which are not based upon a robust evidence base. In their current form the accessibility standards are inflexible.

***Policy SC7 – Green Belt***

**a) Is the proposed approach to the Green Belt appropriate, effective, positively prepared, justified, soundly based and consistent with the latest national policy (NPPF para.84), particularly in terms of:**

- i. identifying the exceptional circumstances necessary for using Green Belt land;**

25. The Council has clearly illustrated through its 2013 SHLAA (EB/049) that it cannot accommodate all of the housing required without incursion into the Green Belt. Once the requirements for employment land are also considered the incursion into the Green Belt is the only realistic alternative. As such exceptional circumstances have been identified by the requirement to meet the areas objectively assessed housing and employment needs.

26. It is noted that footnote 9 to the Framework paragraph 14 indicates that Green Belt boundaries may be a restriction to other policies contained within the Framework. However, footnote 9 does not indicate that Green Belt boundaries should not be changed, rather that change should be controlled or limited. Paragraph 83 of the Framework further notes that Green Belt boundaries can be altered through the plan making process and therefore recognises that Green Belts are not preserved in perpetuity.

- ii. demonstrating the need to promote sustainable patterns of development, including the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards town and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary (NPPF para.84)**

27. The Framework is clear that when reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. Support is given to the 'Potential Localised Green Belt deletions' as identified on the Key Diagram and how this contributes towards delivering sustainable patterns of development.

**b) Whether there should be a full or selective review of the Green Belt, and would such a review be co-ordinated and agreed with neighbourhood authorities:**

28. The Core Strategy sets out to undertake a selective review of the Green Belt only with boundaries to be set within the Allocations DPD. The Core Strategy demonstrates that there are exceptional circumstances to alter the Green Belt boundary but it does not provide any real guidance upon the location or a methodology for undertaking the revisions. Our Client is concerned that this important matter is being delegated to the Allocations DPD without a set timescale. As it has been demonstrated that in order to meet the Objectively Assessed Need that the Green Belt needs to be amended, with the general areas for release being clearly indicated within the Core Strategy as opposed to the indicative locations shown at present. It is our Client's view that failure to provide adequate guidance within the Core Strategy will serve to perpetuate the continued under-delivery of the housing targets, uncertainty for the development industry and an increase in planning appeals.

**c) What evidence is available to justify decisions to release particular areas of Green Belt for development?**

29. Whilst exceptional circumstances have been demonstrated, the evidence to support the decision to release areas of Green Belt is contained within the Growth Assessment (EB/037). Whilst the Growth Assessment pertains to be sufficiently comprehensive to identify small and medium scale changes to the Green Belt, it is not a strategic review of the Green Belt and has not been agreed with neighbouring authorities. Based upon the 'Potential Localised Green Belt deletions' identified on the Key Diagram the Growth Assessment is not sufficiently detailed enough to identify broad areas or explicit locations where Green Belt will be released. Therefore the evidence available to justify the decisions to release particular areas of the Green Belt for development is not considered to be robust or justified.

**d) Should the Green Belt review also include safeguarded land?**

30. The Framework at paragraph 83 is clear that the Council must satisfy themselves that new Green Belt boundaries will not need to be altered at the end of the plan period. The Core Strategy does not intend to include safeguarded land, meaning that a review of the Green Belt will be required at the end of the plan period, if not sooner should the Council not be able to demonstrate a five year land supply of housing due to factors raised in our response to Policies SC4 and SC5. This is not considered to be planning positively and indicates that



the current evidence base is not robust and that a strategic review of the Green Belt, through cooperation with neighbouring authorities, should be undertaken as part of the Core Strategy.

31. The Council will need to consider identifying further Green Belt land to meet its objectively assessed housing needs and should include safeguarded land in order to meet longer-term development needs, stretching well beyond the plan period (NPPF paragraph 85). The lack of inclusion of such land will not only lead to uncertainty over Green Belt boundaries in the medium term but also reduce flexibility within the plan. It is therefore recommended that consideration be given to the allocation of safeguarded land within the Core Strategy and Allocations DPD to future proof the Green Belt boundaries.

***Policy SC8 – South Pennine Moors***

**a) Is the approach towards new development within the South Pennine Moors and their Zone of Influence appropriate, effective, positively prepared, justified, soundly based and consistent with the latest national policy?**

32. In assessing constraints the Bradford Growth Assessment (EB/037) examines the impact of Special Protection Areas ('SPA') and Special Areas of Conservation ('SAC') in relation to settlements in the District. The approach taken and outlined in the HRA is to utilise a 2.5km buffer zone around the SAC/SPA boundary and for this to feed into and inform Policy HO3 and is also outlined in Policy SC8. This has then led to a reduction in housing to key settlements such as Ilkley and Menston and constraining development in areas such as north Keighley.
33. Whilst our Client agrees that there is a requirement to ensure key areas of wildlife are given the necessary protection, we believe methodology which relates to the 2.5km buffer zone is fundamentally flawed in its approach.

**b) Is the HRA evidence soundly based and are there any outstanding issues from Natural England?**

34. Work undertaken by Baker Consultants and Freeth's LLP and raised in our previous representations has demonstrated the HRA is significantly flawed in both legal and scientific terms. Whilst we understand the HRA has been reviewed since its original publication (HRA 3 December 2014), it is our client's opinion that the document remains flawed and does not provide a sound basis for assessing development in the South Pennine Moors.

35. It follows that the very restrictive mitigation measures set out in draft policy SC8, and the associated implications for both the settlement hierarchy and distribution of development is not proportionate and cannot be justified. We reserve the right to discuss this matter further at the Examination.