



# Bradford Local Plan Core Strategy Examination - Hearing Statement

## Representations on behalf of CEG Land Promotions Ltd (CEG)

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Representor Reference: 495  
Date: February 2015

### **Matter 3.2: Strategic Core Policy SC4**

#### ***Question 3.2: 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?***

1.1 CEG consider that the settlement hierarchy is not appropriate, effective and has not been justified, or positively prepared. This is discussed in detail below.

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

1.2 The new Settlement Hierarchy as defined in the CSPD is not based upon sound, or reliable evidence. It has been wrongly dictated by the purported conclusions of the draft Appropriate Assessment of the Core Strategy in artificially recommending that the level of housing development is constrained in the 2.5km buffer around the SPA/SAC. The fact that this has happened is clear from the demotion of Burley-in-Wharfedale and Menston from Local Growth Centre to Local Service Centres and the acknowledgement at paragraphs 9.8 and 9.9 of Background Paper 1: Overview (Update) (SD/015) that the approach to the SPA was the “main driver” in such a revised approach. As CEG’s statement in respect of Matter 1 has demonstrated, the approach advocated by the Appropriate Assessment is based upon a legally flawed and unsound methodology and it cannot be considered sound. It provides no legitimate rationale for downgrading the status proposed for Burley-in-Wharfedale in the CSFED.

1.3 The up to date and reliable evidence to support the case for promoting Burley-in-Wharfedale back to a Local Growth centre is considered in response to Question 3.2c below.

***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?***

- 1.4 There is no proper justification for the status of the settlements in the settlement hierarchy. Certainly, there is no set criterion that defines this. Burley in Wharfedale should undoubtedly be a Local Growth Centre.
- 1.5 Appendix 1 of Background Paper 1 – Overview (SD 015) suggests that the Draft Settlement Study (EB40-EB42) is the claimed evidence base said to support the proposed settlement hierarchy set out in the CSPD.
- 1.6 The settlement hierarchy promoted in the CSPD does not set the criteria for the definition Local Growth Centres, nor does it set out how conclusions were reached on which settlements should be identified as Local Growth Centres. It is therefore not clear how conclusions were reached on which settlements should be defined as Local Growth Centres.
- 1.7 Nonetheless, the Draft Settlement Study was published alongside, and formed the evidence base of, the earlier CS FED in which the Local Growth Centre tier in the hierarchy was first introduced. Paragraph 3.109 of the CS FED states *“..it has added an additional tier of ‘Local Growth Centres’ between the Principal Towns and much smaller Local Service Centres. This reflects both land supply constraints in the upper two tiers and the fact that there are significant differences in the characteristics of the settlements below the Principal towns level.”*
- 1.8 Burley was rightly identified as a Growth Centre in that document and therefore acknowledged by the Council at that point. This was based upon the conclusions of the Draft Settlement Study and the conclusion that it appropriately fitted the category at that time. Accordingly whilst not explicitly setting the criteria for defining Local Growth Centres, it nonetheless led the Council to the conclusion that Burley-in-Wharfedale met the characteristics of such a settlement.
- 1.9 The Council has more recently published the Bradford Growth Assessment document (EB/037). However this document does not seek to reclassify the Settlement Hierarchy; and in any event, its conclusions in respect of the future directions for growth in the district need to be given very limited weight, given that its conclusions are influenced by the flawed approach to the use of a 2.5km buffer zone from the South Pennine Moors SPA and the identification of this as a constraint on growth despite the lack of evidence and justification for this approach. This is discussed in greater detail within CEG’s response to Matter 4C.
- 1.10 As identified in response to question 3.2b above, the “main driver” for downgrading Burley-in-Wharfedale is the purported effect of residential development at Burley on the SPA. As shown under Matter 1 this approach is demonstrably wrong and contrary to the legal requirements in respect of the SPA. What is stated in at paragraph 9.14 of Background Paper 1 as being a “precautionary” approach is not in fact a precautionary approach required as a matter of law and it is contrary to the evidence.

- 1.11 Furthermore the Background Paper: 2 Housing (Part1) (SD 016) states at paragraph 4.11 that growth areas have not been tied to, or defined by, an area accepting a specific quantum of development; it is said that they have been defined in a “softer way” to represent areas which will be expected to see significant growth over and above what a neutral distribution of development, for example based purely on the size of the settlement, would imply. Such a statement appears to be at fundamental odds with the way the CS is in fact expressed. This therefore exposes the unsoundness of the CS in not reflection the stated intention. In addition, by making such a statement, the Council are revealing the unanswered questions about the justification for the hierarchy as presented in the CSPD. The decision-making process is not evidenced. It is not credible and it is arbitrary. For example, the decision to remove Burley from the Growth Centre category makes no sense when viewed objectively against its sustainability credentials. The report itself does not categorically or explicitly justify the reclassification of Burley-in-Wharfedale, let alone purport to explain the reduction in distributed growth attributed to it in a way which makes any practical sense.
- 1.12 The approach put forward by the Council in relation to the settlement hierarchy as presented in the publication draft is not supported by the suite of evidence documents that support the Plan. On any proper analysis, these documents continue to support Burley-in-Wharfedale as a Local Growth Centre, as it was originally classified. Burley-in-Wharfedale has not been downgraded as the result of any objective assessment or based upon any evidence which supports a change in approach. Instead, by taking what is wrongly described as a “precautionary approach” to an AA document produced very late in the day, the Council has acted on the basis of a legally and substantively flawed methodology. This is an intrinsically unsound basis on which to prepare a CS.
- 1.13 The downgraded status of Burley-in-Wharfedale in the settlement hierarchy is contrary to the evidence. It is neither justified nor soundly based. Whilst not set criterion, Burley-in-Wharfedale clearly accords with the description of Local Growth Centres as defined in parts A and B of that section of Policy SC4, insofar as it is located along a ‘key public transport corridor’ and is an ‘accessible , attractive and vibrant place to live, work and invest’. Therefore Policy SC4 should be modified to reinstate Burley as a Growth Centre
- 1.14 By way of update, CEG has commissioned its own assessment of the sustainability credentials of Burley-in-Wharfedale. This document contained at Appendix 1 to this statement considers the settlement, its opportunities to accommodate growth and provides a comparative analysis of how it compares to other the other settlements that remain identified as Growth Centres in the CSPD. It identifies that Burley is a sustainable location with excellent transport links and a wide of facilities, services and community. It has the capacity for growth in the most viable area for housing development in the plan area. It therefore has the capability of delivering not only market housing during the

early stages of the plan period, but also address the pressing affordable housing backlog in the District and the other policy requirements of the plan.

1.15

Given the sustainability and growth credentials of Burley-in-Wharfedale, as highlighted both within the Council's Draft Settlement Study (which the Council state remains their most up-to-date evidence) and within CEG's own analysis, coupled with the absence of any other legitimate justification to restrict appropriate growth in Wharfedale, Burley-in-Wharfedale should be reinstated to a Local Growth Centre in the Settlement Hierarchy, as contained in Policy SC4.