



Bradford Local Plan Core Strategy Examination - Hearing Statement

Representations on behalf of CEG Land Promotions Ltd (CEG)

Representor Reference: 495
Date: February 2015

Matter 3.4: Strategic Core Policy SC7

Question 3.4: 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; ¶ 84), particularly in terms of:

i) identifying the exceptional circumstances necessary for using Green Belt land;

- 1.1 The exceptional circumstances required for revising Green Belt boundaries (NPPF, para.83) in order to meet the full objectively assessed need (OAN) for housing are clearly evidenced by Table HO2 and paragraph 5.30 of the CSPD. This identifies that on the basis the land availability identified in the 2013 SHLAA, 11,000 dwellings will need to be accommodated on land presently identified as Green Belt.
- 1.2 Such a calculation is in fact a significant underestimate of the amount of Green Belt land that will be required to ensure that the OAN can be delivered for the following reasons. The Council's calculation of 11,000 dwellings being required to be delivered on land presently identified as Green Belt assumes that all the non-Green Belt SHLAA sites presently identified as being suitable, deliverable and available will in fact be delivered during the plan period. In the absence of any more detailed assessment of these sites as part of the progression of the Site Allocations DPD, there can be no guarantee that such sites will deliver the yield anticipated. Any shortfall will therefore need to be compensated for by further Green Belt release to ensure the full housing requirements are still met.

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 towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary (NPPF; ¶ 84);

- 1.3 The Framework (para.84) is clear that when reviewing Green Belt boundaries, local planning authorities should take account of the need to promote sustainable patterns of development. To this end, clear support is given to the identification of Burley-in-Wharfedale as a location where local green belt boundaries should be revised (as indicated on the Key Diagram – Location Strategy and in Policies WD1 and HO3). This will assist in delivering the overall housing requirement in both a sustainable and viable manner. Burley-in-Wharfedale comprises a sustainable and strategically located settlement within an area of high market demand, the development of which will contribute to the development of sustainable communities, and help to support a balanced pattern of growth across the district as a direct contribution to the Spatial Vision and strategic objectives 1, 2, 4 and 5 of the plan.

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 neighbouring authorities?

- 1.4 Given the scale of Green Belt land required to accommodate the OAN for housing, there is a need for a full Green Belt review to be undertaken of the Green Belt. This is necessary to ensure that the most suitable, sustainable and deliverable sites are assessed as part of this process. This is consistent with the position recently taken by the Inspector in examining the Leeds Local Plan Core Strategy, which shares a boundary with Bradford. In this case and in response to the ‘selective’ review idea advocated by Leeds City Council in the submission draft of their plan, the Inspector concluded:

“The Council acknowledge that the growth planned in the Core Strategy cannot be accommodated without a review of Green Belt boundaries but, as submitted, the Core Strategy only commits the Council to a selective review. This may lead to pressure to release land in the review area when, having regard to the advice in paragraph 85 of the NPPF, there is more suitable land elsewhere. A comprehensive review is also more likely to ensure consistency with the spatial strategy and increase the likelihood that boundaries will not need to be reviewed again at the end of the plan period.” Paragraph 29 - Leeds City Council Core Strategy, Inspector’s Report - September 2014

- 1.5 Accordingly, the adopted Leeds Core Strategy now commits to a full review of its Green Belt boundaries. The same logic necessarily applies to Bradford’s area. Bradford should be undertaking the same exercise.

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

- 1.6 The evidence presently available to the Council consists of the SHLAA and the Growth Assessment. The SHLAA demonstrates that Green Belt release will be required across all parts of the District, including in Wharfedale and settlements such as Burley where the supply of non-Green Belt sites is limited.

1.7 Whilst the Growth Assessment provides the Council with evidence on the strategic directions for incursion into the Green Belt, its findings should be given limited weight. This is because its conclusions are skewed by the constraints imposed by the Habitats Regulation Assessment and its identification of the 2.5km buffer zone from the SPA/SAC as factor to constrain growth.

d) Should the Green Belt review also include Safeguarded Land?

1.8 The Framework (¶85) is clear that when reviewing Green Belt boundaries, local planning authorities should satisfy themselves they will not need to be altered at the end of the development plan period and that, where necessary, they should identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet the longer term development needs stretching beyond the plan period.

1.9 As drafted, the Bradford Core Strategy is unsound as it fails to do this. The Council assert (Appendix 7c of the Core Strategy – Statement of Pre-Submission Consultation (SD/009)) that given the level of Green Belt release proposed, further allocation of Safeguarded Land “*would not be appropriate at this stage in terms of scale of change in advance of wider strategic review of Green Belt across the Leeds City Region*”. This approach is misplaced for a number of reasons. First, such a City Region commitment to a wider strategic review does not exist; and there can be no guarantees that any future commitment to a city-region wide review of Green Belt boundaries extending beyond the current plan period will take place. Secondly, by way of example the very recently adopted Leeds Local Plan Core Strategy makes no reference to such a strategic review; it instead sets a requirement to identify safeguarded land, both to provide flexibility should the supply of housing and employment allocations prove to be insufficient in the latter stages of the plan, and to help to maintain the permanence of the Green Belt boundary.

1.10 Thirdly, the matter of Safeguarded Land is also being considered by York City Council in the preparation of their Local Plan. York City Council sought legal advice from Leading Counsel. In reporting that advice to the Council’s Local Plan Working Group, the report to Members states:

“The opinion from Counsel is very clear on the need for the Green Belt to endure beyond the Plan period and that land not needed for development during the Plan period should be protected as safeguarded land. Any other course of actions places the Plan at risk of being found unsound at examination. Paragraph 16 of the advice states that:

“In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the areas could be met, and in particular a failure to indicate how those longer term needs of the area could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries”

In respect of the period of time beyond the Plan period for which the Green Belt should be expected to endure, Counsel advises that this is a matter for planning judgement. He goes on to say that a ten year period beyond the life of the Plan, as used in the Publication Draft Local Plan, would be appropriate.”
(Paragraphs 11-12: Report to City of York Local Plan Working Group – 29th January 2014.

- 1.11 A copy of this report and its appendices, including Leading Counsel’s opinion, is included at Appendix 2 to this statement.
- 1.12 The same legal approach and logic necessarily applies in the Bradford area. Policy SC7 and its supporting text should be amended to make explicit reference of the need to include for a full review of Green Belt boundaries. This is required not only to meet objectively assessed needs during the plan period, but also to allow for the inclusion of Safeguarded Land. In accordance with the guidance contained in the NPPF, this will allow for flexibility during the latter stages of the plan and to protect the permanence of the Green Belt beyond the plan period. In doing so, the policy should set a clear target for the quantum of safeguarded land to be delivered through the later Site Allocations DPD. In accordance with the view expressed by Leading Counsel advising York City Council, it would be appropriate to allow for a period of approximately 10 years beyond the plan period.