

BRADFORD LOCAL PLAN CORE STRATEGY

EXAMINATION IN PUBLIC – PROPOSED MAIN MODIFICATIONS

Response to Inspector's Matters, Issues and Questions

Made on Behalf of Harworth Estates Investments Ltd (Representor ID: 109)

Matter 3: Revised Spatial Distribution of Development

Preamble

1. Harworth Estates ("our client") is one of the largest landowners and property developers in the North of England and the Midlands, based at the flagship Waverley development site in the heart of the Sheffield City Region. Our client's strategic sites are of national economic significance and are at the forefront of regeneration in the UK. In addition to transforming its former coalfield sites, our client also manages a portfolio of strategic land with the ultimate aim of delivering high quality and sustainable developments. Our client has land interests within Bradford District including within the settlement of Haworth and is therefore keen to engage with the Council and Inspector to assist in preparing a sound plan which is positively prepared, justified, effective and consistent with national planning policy.
2. This statement should be read alongside our previous written representations and Promotional Document submitted in relation to land at Sun Street, SHLAA (3) Reference HA/013 which Harworth Estates has an interest in.
3. Our response to Matter 3, which covers the Revised Spatial Distribution of Development, is contained in this statement. The key issue highlighted by the Inspector is:

"Is the proposed revised spatial distribution and location of development appropriate, effective, deliverable, locally distinctive and justified by soundly-based, 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?”

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

South Pennines Towns and Villages

i) Why has the apportionment of development to the South Pennines Towns & Villages (including the Local Service Centres [1,200-1,100] and Haworth [500-400]) been reduced from 3,500-3,400 dwellings?

5. It is understood that the Council’s justification for the sudden further proposed reduction to the housing number for Haworth is based on the specific concerns raised by English Heritage in response to the Inspectors MIQs prior to the initial hearings into the Core Strategy. This has resulted in the housing target for Haworth being reduced significantly by 20%.
6. English Heritage’s representation stated that the level of growth proposed for Haworth *‘could harm elements which contribute towards its character and landscape setting. The margin of flexibility between the total amount of housing identified in the SHLAA and figure given for Haworth in the Core Strategy does not appear to be sufficient to have confidence that the level of housing proposed can be delivered in a manner which is consistent with the conservation of the settlement’s historic environment’.*
7. It was stated by English Heritage that the Council had not demonstrated that the proposed level of growth for Haworth (500 units) was compatible with national guidance or local policies relating to the protection of the historic environment. It was also stated that the Council had not demonstrated that the quantum of development is actually deliverable due to the need to safeguard the elements which contribute to the special architectural or historic interest of the Haworth Conservation Area including its landscape setting.
8. In justifying the above comments English Heritage stated that some of the sites within the trajectory in its view **appear to be** (our emphasis) either poorly related to the form and setting of the village or lie within an area identified as being a Key Open Space within the Haworth Conservation Area Assessment. English Heritage’s

response would have benefitted from providing the SHLAA references the specific sites it refers to. However we believe that reference was being made to HA/14 (112 units) and HA/11 (38 units). Despite this it was acknowledged that the proposed housing number of 500 units was 195 units less than the total within the trajectory.

9. English Heritage stated that it assumes that all sites which **could** (our emphasis) harm the setting of the village and the character of the Conservation Area will not be allocated (which in its view includes the sites referenced above), this means there would only be a margin of flexibility of 45 dwellings if all other SHLAA (2) sites within the trajectory were allocated between the total amount of housing which could potentially come forward in the SHLAA and the 500 total for Haworth. It is noted that other settlements such as Cullingworth (99 units) and Oxenhope (37 units) have limited flexibility and yet the Council have not reduced the housing target for these areas.
10. In addition to the above, English Heritage also referred to two sites within the SHLAA (2) which are located within the Conservation Area, one of which contains a Grade II Listed Building and the other a group of trees which are identified in the Conservation Area Appraisal as being important. English Heritage said that these matters could present a further constraint upon the potential amount of housing being available.
11. Again, English Heritage's response would have benefitted from providing the SHLAA references the specific sites it refers to. However we believe that reference was being made to HA/9 and HA/10. It should be noted that HA/010, already benefits from detailed planning permission for 54 units, which demonstrates that that sites within the Conservation Area and those which contain 'important trees' can be determined as acceptable.
12. English Heritage concludes that the margin of flexibility **does not appear** (our emphasis) to be great enough for it to have confidence that the proposed 500 units can be delivered in a way which is consistent with the local plan policies for the conservation of the historic environment. Therefore it considered the proposed scale of housing to be unsound.
13. The Council has given English Heritage's comments weight and now proposes to reduce the housing target in Haworth to 400 units. In the Statement of Consultation and Summary of Representations document (March 2016), the Council states in respect of this matter that *'it has given due weight to the views of English Heritage*

as a key statutory consultee and due weight to the importance of preserving key assets such as the character and setting of Haworth and its Conservation Area.

14. It is not clear how the Council has determined that a reduced figure of 400 units is appropriate in terms of *'preserving key assets such as the character and setting of Haworth and its Conservation Area.'* There is no clear evidence or audit trail of how the Council has made a robust assessment on this basis. We expand upon this in detail below.

ii) Does the amended distribution of development properly reflect policy constraints (e.g. Green Belt), physical constraints, such as flooding, infrastructure, facilities, traffic and transport, heritage, landscape and environment (including the updated HRA), the latest land availability information, and cross-boundary implications?

15. The amended distribution of 400 units for Haworth does not properly reflect constraints and the latest land availability information and is not justified, effective, positively prepared or consistent with national planning policy.
16. Neither English Heritage nor the Council have provided sufficient evidence which sets out their assessment or reasoning to support their contention and justify a reduction in numbers on this basis. English Heritage's response makes fleeting reference to the *'Haworth Conservation Area Assessment'* and also refers to the number of Listed Buildings within the village, the mixed character and nature of the buildings within the village, their level of preservation and colour of the stone.
17. The proposed reduced distribution to 400 units is premature and pre-empts the Site Allocations process. Historic England's own guidance *'The Historic Environment and Site Allocations in Local Plans'* (October 2015) stresses that the site allocation process should be informed by an up to date and robust historic environment evidence base and there should be a robust assessment of effects on heritage assets through evidence gathering and consultation. This includes for example, characterisation work and production of detailed studies on the significance of heritage assets and assessment of their setting, as well as site specific studies such as desk based assessment and fieldwork. Clearly, this level of work has not yet been undertaken by the Council. Accordingly, the reduction in the housing target for Haworth at this stage, on the basis of the omissions of sites which are considered to

result in identified harm, has simply not been justified and as such is contrary to Historic England's own guidance on such matters.

18. The approach is too simplistic and also fails to take account of the opportunities for the historic environment that can be presented through the allocation sites for development. Again, Historic England's own guidance advises at paragraph 2.2 that:

"It is important to understand the significance of any heritage assets that would be affected by a potential site allocation. This involves more than identifying known heritage assets within a given distance, but rather a more holistic approach which seeks to understand their significance and value. Whilst a useful starting point, a focus on distance or visibility alone as a gauge of impact is not appropriate. Site allocations which include a heritage asset (for example a site within a Conservation Area or World Heritage Site) may offer opportunities for enhancement and tackling heritage at risk, while conversely, an allocation at a considerable distance away from a heritage asset may cause harm to its significance, reducing the suitability of a site allocation in sustainable development terms..."

19. It appears from English Heritage's brief comments in its representation that this advice has not been followed and the reduction in numbers now proposed by the Council fails to have regard to these considerations. It appears to result from the simple discounting of sites on the basis of their location and/or the fact that they either contain a Grade II Listed Building or trees. There is no proper assessment to justify this and takes no account of potential mitigation. This is evident by the fact that English Heritage says that there "could" be harm caused by the allocation of the 4 sites it refers to one of which "appears poorly related" rather than being in an informed position to be definitive about these matters.
20. The only evidence that is referred to is the Haworth Conservation Area Assessment. This document was approved in February 2004 with the last Appraisal having being undertaken in 2007 and therefore it is not up to date. A further Appraisal was due to be undertaken in 2012 but this does not yet appear to have taken place.
21. Clearly the Council proceeded to submit its Core Strategy on the basis that it considered that 500 dwellings was an appropriate figure for Haworth and this number should be reinstated. Full assessment of the appropriateness of individual sites in terms of their potential to cause significant harm to the historic environment should then be undertaken at the Site Allocations stage, informed by detailed evidence. To

reduce the numbers now, circumvents this process and does not allow developers of specific sites to submit site specific evidence relating to historic matters e.g. Desk Based Assessments by qualified Cultural Heritage experts. It could also result in suitable sites not being allocated or delivered for housing on the basis that the overall figure for Haworth is set too low and therefore unduly restricts the allocation of all suitable sites.

22. English Heritage claims that the Council has not demonstrated that the growth proposals for Haworth can be accommodated. Yet equally there has been no evidenced demonstrate that 500 houses cannot be accommodated due to harm to the historic environment. As such the proposed Main Modification clearly fails to be sound on the basis it is not justified and is not positively prepared and could be open to legal challenge.

Council's Response to Comments to the Proposed Main Modifications

Sustainability Matters

23. The Council's response to comments received to the proposed Main Modifications (Appendix 6) states that:

"Given Haworth sits within the bottom tier of the settlement hierarchy and therefore in broad terms is relatively less sustainable as a location for growth, there is no overriding strategic justification to opt for higher housing targets than are necessary or to opt for targets which raise concerns over impacts on key environmental assets."

24. This response suggests that the Council may have decided to reduce the proposed housing number for Haworth as a result of sustainability factors as well as English Heritage's comments. This conflicts with all of its earlier statements that the reduction is simply a result of English Heritage's specific concerns raised. Clearly, the Council considered that 500 figure was appropriate for Haworth when it submitted its Publication Version from a sustainability point of view.
25. Haworth is a sustainable settlement and allowing for sufficient growth will only serve to increase its sustainability. It has a greater population than all Local Service Centres (apart from Baildon) and even several of the Local Growth Centres. A simple comparison with the Local Growth Centre of Silsden for example, shows that they both have a convenience store, local centre, primary schools and no secondary,

health centre, post office and community centre, a shortfall of green infrastructure, average sports and recreation facilities, a bus service and utilities and telecoms capacity. Neither settlement has a railway station or high frequency bus service. Haworth only lacks a library in comparison to Silsden and yet the proposed housing number for Silsden is 1,200 dwellings compared to 400 dwellings at Haworth i.e. three times the amount.

26. Indeed the Council's own evidence base demonstrates that Haworth is a sustainable settlement. The Broadway Malyan Growth Assessment assesses the relative sustainability of the different settlements as locations for growth (as recognised by the Council in its Housing Background Paper) and identifies Haworth as having a moderate level of community facilities and services. It also identifies the need for the village centre to expand and shift towards meeting community needs rather than a tourism focus; *"New housing would support this expansion and also address identified gaps in open space and recreation provision and improve bus services."*
27. To suggest therefore that to revert back to 500 dwellings at Haworth would be unsustainable is evidently not true.
28. The Council's response also indicates that our client is seeking a higher housing target than is necessary. Clearly, this is not the case given that the Council considered that a target of 500 was necessary and appropriate at the submission stage. Our client is simply seeking a revert back to the appropriate figure (on the basis that a reduction on heritage grounds is not sound) not a higher target than was proposed at the submission stage.

SHLAA and Site Allocations

29. Our previous representations contended that the correct approach to the consideration of the potential impact on the historic environment and in particular the specific issues English Heritage raises with regard to several of the SHLAA (2) sites, is via full consideration at the Site Allocations stage in line with our comments above. In its response the Council states that it disagrees:

"If there is reasonable and justified doubts that the proposed housing quantum might cause damage it would not be appropriate to pursue such a target."

30. Yet there has been no evidence prepared to suggest that a reduction in 100 units is reasonable and such an approach has not been robustly justified. No evidence has been submitted which concludes that the proposed housing figure of 500 units would cause 'damage.' Nor is there any evidence available now to demonstrate that the 500 units is not achievable. Indeed the Council acknowledges in its response that sites identified as red sites in SHLAA 3 could be reclassified in the next SHLAA as a result of new information or new circumstances, indicating that there may be a further increase in the number of sites that are suitable for allocation.
31. The Council also states in its response that "*English Heritage has made its comments having regard to the currently known land supply within the SHLAA and by reference to documents such as the Haworth Conservation Area Assessment*". To the best of our knowledge, this is not the case i.e. the representation that was made by English Heritage was in relation to SHLAA 2 and they do not appear to have regard to SHLAA 3 which the Council rely upon as the latest known land supply.
32. The Council also suggest that the "small change" in numbers is justified for Haworth. Yet this is not a small change and at 100 units (20% reduction) is significant.

Broadway Malyan Growth Assessment

33. The Broadway Malyan Growth Assessment takes into account internationally or nationally important heritage assets, conservation areas and listed buildings. It also tests the SHLAA (2) sites and strategic parcels against historic environment and heritage criteria and gives them a score of 0 to 4. A score of 0 being applied to '*development that is likely to result in the loss of a heritage asset.*' Whilst the Growth Assessment assess each site within the SHLAA (2), the historic environment and heritage criteria are incorporated into the overall 'environmental' score for each site. It is therefore unclear how each individual site has been tested against the above criteria.
34. The Growth Assessment identifies that only 0.8% of land within 500m of Haworth is constrained by Conservation Areas. It also scores Haworth 'medium' on Archaeology and Heritage. This is comparable to many other settlements. Heritage **is not** (our emphasis) identified as a constraint which is likely to limit the extent of development at Haworth. Whereas in comparison the settlement of Oxenhope is scored 'high' and heritage is identified as being likely to significantly impact development surrounding Oxenhope.

35. Therefore the Council's own evidence base suggests that heritage matters **are not** a valid reason for limiting the future growth of Harworth and/or reducing its housing number.

HRA Considerations

36. The Council's Housing Background Paper provides an indication of the most critical factors determining the housing target for each settlement. This includes the HRA and associated survey work. Paragraph 5.14 identifies that *"Of more significance for the distribution of housing development and settlement targets was a proposed 2.5KM zone where the consultants suggested a precautionary approach and that development should be scaled back in order to avoid impact on key habitats which support the species for which the SPA and SAC are designated."*
37. Whilst Haworth is not identified as a settlement most affected by the SPA 2.5km buffer zone and with a consequent adjustment to its housing target, the Broadway Malyan Growth Assessment suggests that it had may have given a lower target (which at the time was 500) due to the HRA. In the assessment of Haworth it was concluded *"landscape, topography and the SPA 400m to 2.5km buffer zone are likely to limit the extent of development at Haworth"*. The recent work no longer advises the precautionary approach to development within the 2.5km buffer zone and acknowledges that development can mitigate against the impacts on the SPA/SCA. As such the Council have increased the distribution of housing in certain settlements which had previously been restricted by the HRA yet has not at Haworth.

Conclusions

38. It is clear that the evidence base currently available does not form a sufficiently detailed or reliable evaluation to rule out the potential residential development capacity of the 4 SHLAA sites referred to by English Heritage. Indeed the evidence base suggests that heritage considerations are not a factor which should limit growth for Haworth and this is the basis upon which the Council proposed 500 houses at the publication stage. As such it is clear that the particular site specific heritage issues raised by English Heritage are a matter for further detailed examination at the Site Allocations stage. Furthermore since the English Heritage comments were made, a significant number of additional sites have been identified in SHLAA 3 and within the trajectory (see comments below). All of these factors provide further evidence that a

restriction/reduction in numbers would result in an unsound policy that is not the most appropriate option when considering all alternatives. This change has not been justified and the policy is not positively prepared. It is therefore an unsound basis upon which to proceed and could be open to legal challenge. Accordingly, the housing target should revert back to 500 dwellings which would be a positive and sound basis on which to proceed.

39. We reserve our right to make further comment upon these matters at the hearing sessions.

iii) Is the amended distribution of development likely to be deliverable over the plan period, and does it reflect an appropriate balance between brownfield and greenfield land?

40. It is our client's view that Haworth is able to deliver more than the current proposed distribution over the plan period and as such the distribution should be higher as detailed above.

SHLAA 3

41. English Heritage's representations regarding the SHLAA (2) trajectory were based upon the published details at the time, however the SHLAA (3) has subsequently been published (July 2015) and the number of dwellings within the trajectory has increased substantially from 695 units to circa 925 units. Similarly, the total yield from all sites considered within the SHLAA (3) totals 1,353, and whilst it is accepted that not all of these sites will potentially be suitable, it is clear that there is a greater degree of flexibility in land supply to ensure that the previously proposed housing number of 500 could be met with due regard to heritage considerations.
42. The SHLAA (3) clearly demonstrates that there is sufficient land supply within Haworth to accommodate a significantly higher level of growth than the Council is now proposing and therefore the housing target is should revert back to that originally proposed (500 units) as a minimum to reflect this increased level of potential supply in addition to the heritage considerations set out above.
43. We reserve our right to make further comment upon this matter at the hearing sessions.