



Planning Policy
Britannia House
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Bradford
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By email only to: planning.policy@bradford.gov.uk

Re: Burley-in-Wharfedale Neighbourhood Plan Regulation 16 consultation

Dear Sir/Madam,

This letter provides the response of Gladman Developments Ltd (hereafter referred to as "Gladman") to the current consultation held by Bradford City Council (BCC) on the submission version of the Burley-in-Wharfedale Neighbourhood Plan (BIWNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the BIWNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded.

Relationship to Local Plan

Adopted Development Plan

The current Development Plan relevant to the preparation of the BIWNP consists of the Replacement Unitary Development Plan (RUDP). This was adopted by BCC in 2005 and saved, in part, by the Secretary of State in 2008.

The strategic policies contained in the adopted Development Plan are considered out of date against the requirements of national policy as they pre-date the approach to plan making required by the Framework which requires relevant assessments on housing needs and land availability.

Emerging Local Plan

To conform with the requirements of the Framework, the Council has submitted its Core Strategy DPD to the Secretary of State for examination on 12th December 2014. Subject to modifications the Inspector's Report confirms that the Plan meets the tests of soundness outlined in paragraph 182 of the Framework.

The adoption of the Plan has been delayed following the Secretary of State's Holding Direction. The Government has now issued its response to the Council lifting the Holding Direction which will allow the formal adoption of the Core Strategy.

The letter did highlight that "The Secretary of State acknowledges that the Plan does not alter the existing boundaries of the Green Belt and that any future changes to Green Belt boundaries will be through the preparation of Site Allocations."

Accordingly, it is important that the BIWNP allows for flexibility and does not prevent the ability of land being released from the Green Belt where it no longer provides the functions required by national policy. Whilst this is a matter for BCC to consider, failure to ensure this flexibility could lead to conflict with the emerging Site Allocations DPD should any land be released from the Green Belt in the neighbourhood plan area, as s38(5) of the Planning and Compulsory Purchase Act states:

'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).'

Burley in Wharfedale Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the BIWNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being submitted for Independent Examination.

Vision

Whilst noting the importance of the Green Belt, it is important to note that the Plan should not set out in its vision the aim to retain the existing Green Belt boundary. It is important to note that the recent Housing White Paper recommends that Local Plans should be reviewed every 5 years which in turn may result in the redrawing of Green Belt boundaries to meet future development needs where these locations no longer fulfil the five purposes of Green Belt.

Whilst it is not the place of a neighbourhood plan to redraw Green Belt boundaries this will be a matter for BCC to consider following any decision to release further land from the Green Belt. It is important therefore that the Neighbourhood Plan does not undermine the potential future need for development in this regard as the Plan's vision could quickly become out of date should this occur.

Policy BW2 – Development outside the Settlement Boundary

Following the issues raised above, whilst noting the settlement is contained by the existing Green Belt boundary it is important that suitable flexibility/support is provided within the Policy to ensure that the Plan will be supportive of any future decision of BCC to release land from the Green Belt in a future Local Plan review or Site Allocations DPD.

Policy BW15 – Green Infrastructure

Whilst Gladman generally support the Parish Council's ambition to improve the biodiversity assets of the neighbourhood plan area. It is important that this policy should not prevent the delivery of sustainable development

opportunities being delivered where these would lead to enhanced or improvements to biodiversity assets and landscape features or improve existing assets.

The loss of some features may be required to ensure the deliverability of a development proposal overall and in these circumstances it is quite often the case that the loss of biodiversity assets will normally be compensated for through the replacement of similar features within a development proposal.

Notwithstanding the above, we would question why it is necessary to protect all green spaces when the majority of land is already protected by virtue of its current designation of Green Belt.

Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. Whilst we support many of the policies aims and objectives in principle, we feel that the Plan would benefit from additional modifications to the Plan to ensure that it allows for flexibility going forward and ensures the Plan is capable of reacting positively to changes that may occur over the plan period.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,

 Fleming

Gladman Developments Ltd.