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22<sup>nd</sup> October 2019

**Re: Haworth, Cross Roads and Stanbury Neighbourhood Development Plan Submission (Reg 16) Consultation**

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft version of the Haworth, Cross Roads and Stanbury Neighbourhood Plan (HCRSNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

**HCRS002/1**

#### **Legal Requirements**

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in §8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the HCRSNP 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.
- (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

#### **Revised National Planning Policy Framework**

On the 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the revised National Planning Policy Framework. The first revision since 2012, it implements 85 reforms announced previously through the Housing White Paper. On 19<sup>th</sup> February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

§214 of the revised Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24<sup>th</sup> January 2019. Clearly, submission of the HCRSNP will occur after this date and the comments below reflect the relationship between Neighbourhood Plans and the National Planning Policy Framework adopted in 2018 and corrected in February 2019.

### **National Planning Policy Framework and Planning Practice Guidance**

On 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. On 19<sup>th</sup> February 2019, MHCLG published a further revision to the NPPF (2019) and implements further changes to national policy.

The Revised 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 of the preparation of neighbourhood plans within which locally-prepared plans for housing and other development can be produced. Crucially, the changes to national policy reaffirm the Government's commitment to ensuring up to date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 13 states that:

**"The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."**

Paragraph 14 further states that:

**"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:**

- a. The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b. The neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c. The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year supply requirement, including the appropriate buffer as set out in paragraph 73); and**
- d. The local planning authority's housing delivery was at least 45% of that required over the previous three years."**

The Revised Framework also sets out how neighbourhood planning provides local communities with the power to develop a shared vision for their area in order to shape, direct and help deliver sustainable development needed to meet identified housing needs. Neighbourhood plans should not promote less development than set out in Local Plans and should not seek to undermine those strategic policies. Where the strategic policy making authority identifies a housing requirement for a neighbourhood area, the neighbourhood plan should seek to meet this figure in full as a minimum. Where it is not possible for a housing requirement figure to be provided i.e. where a neighbourhood plan has progressed following the adoption of a Local Plan, then the neighbourhood planning body should request an indicative figure to plan taking into account the latest evidence of housing need, population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

In order to proceed to referendum, the neighbourhood plan will need to be tested through independent examination in order to demonstrate that they are compliant with the basic conditions and other legal requirements before they can come into force. If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted, the plan may not be able to proceed to referendum.

### **Planning Practice Guidance**

Following the publication of the NPPF2018, the Government published updates to its Planning Practice Guidance (PPG) on 13<sup>th</sup> September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and give consideration to the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan<sup>1</sup>. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in

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<sup>1</sup> PPG Reference ID: 41-009-20160211

the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Indeed, the PPG emphasises that;

**“A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlements will need to be supported by robust evidence of their appropriateness”<sup>2</sup>**

### **Relationship to Local Plan**

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The current adopted plan that covers the Haworth, Cross Roads and Stanbury Neighbourhood Development Plan area and, the development plan against which the HCRSNP will be tested, is the Bradford Core Strategy DPD (BCS) adopted in July 2017. The document sets out the visions, objectives, spatial strategy and overarching policies to guide development in the authority up to 2030.

It is important to note that the City of Bradford Metropolitan District Council (BMDC) consulted on its Land Allocations DPD ‘Further Issues and Options’ in late 2017 and into early 2018 to accompany the Core Strategy. However, its preparation is on hold whilst BMDC progress the Core Strategy - Partial Review which will guide development until 2037. The review was considered necessary following recent updates to national planning policy and a revised Local Housing Needs assessment using the Standard Method. The preferred options underwent consultation in Autumn 2019 to which Gladman has submitted detailed representations. The Land allocations DPD will allocate sites for development to ensure that the overall development requirements set out in the adopted Partial Review are delivered in full.

It is therefore important that policies contained in the HCRSNP allow for flexibility so that they are able to respond positively to the forthcoming changes that will inevitably arise following adoption of the Partial Review. This degree of flexibility is required to ensure that the HCRSNP is capable of being effective over the duration of both the adopted and forthcoming plan period, so it is not ultimately superseded by the emerging Partial Review, as s38(5) of the Planning and Compulsory Purchase Act 2004 states that:

**“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, approached, or published (as the case may be).”**

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<sup>2</sup> Paragraph: 009 Reference ID: 67-009-20190722



## **Haworth, Cross Roads and Stanbury Neighbourhood Development Plan**

This section highlights the key issue that Gladman would like to raise with regards to the content of the HCRSNP as currently proposed. It is considered the requirements of national policy and guidance are not always reflected in the plan. Gladman have sought to recommend some modifications to ensure compliance with basic conditions.

**HCRS002/2**

### **Policies BHDD1/2 – Haworth/Stanbury Conservation Area – Development and Design**

Policies BHDD1 and BHDD2 set out a list of design principles that all proposals for development are expected to adhere to. Whilst Gladman recognise the importance of high-quality design planning policies and the documents sitting behind them, they should not be overly prescriptive and do need flexibility in order for schemes to respond to site specifics and the character of the local area. There will not be a 'one size fits all' solution in relation to design and sites should be considered on a site-by-site basis with consideration given to various design principles.

Gladman therefore suggest that more flexibility is provided in the wording of these policies to ensure that a high quality and inclusive design is not compromised by aesthetic requirements alone. We consider that to do so could act to impact on the viability of proposed residential developments. We suggest that regard should be had to paragraph 126 of the Framework which states that:

**"To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified."**

**HCRS002/3**

### **Policies BHDD1 / 2: Haworth / Stanbury Conservation Area – Development and Design**

#### **Policies BHDD3/4/5/6/7: Local Heritage Areas / Haworth Brow / Haworth Coldshaw / Cross Roads Centre / Murgatroyd**

Policies BHDD1 and BHDD2 also identify 54 and 26 short and long range views respectively which, the plan makers consider are important for the setting and character of Haworth and Stanbury Conservation Areas. Policies BHDD3 to 7 do not identify specific views, however, all seven of the above policies seek to maintain and respect the significant views and vistas into, out of and through the areas.

Identified views must be supported by evidence and ensure that they demonstrate a physical attribute elevating a view's importance beyond simply being a nice view of open countryside or urban form. Beyond providing a description, the evidence base to support the policies does little to indicate why these views are important and why they should be protected, other than providing a view of the streetscapes, surrounding fields and woodland. It therefore lacks the proportionate and robust evidence required by the PPG.

Gladman consider that to be an important view that should be protected, it must have some form of additional quality that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. Gladman therefore suggests this element of the policies is deleted as it does not provide clarity and support for a decision maker to apply the policy predictably and with confidence. It is therefore contrary to paragraph 16(d) of the Framework.

**Conclusions** **HCRS002/4**

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the HCRSNP as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic condition (a) in its conformity with national policy and guidance and is contrary to (d) the making of the order contributes to the achievement of sustainable development and the strategic policies contained in the development plan, for the reasons set out above.

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,



Gladman Developments Ltd.