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Planning. Design. Economics.

**Representations to the Bradford Core  
Strategy Publication Draft**

on behalf of

**CEG Land Promotions Limited**

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50335/JG/SP

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## **Appendices**

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- Appendix 1 Representations to Policy HO1**
- Appendix 2 Wharfedale Local Area – Housing Market Signals Analysis**
- Appendix 3 Review of City of Bradford District Core Strategy Habitats Regulations Assessment**
- Appendix 4 Burley in Wharfedale Vision Document**



## 1.0 Introduction

1.1 This report has been prepared by Nathaniel Lichfield & Partners (NLP) on behalf of CEG Land Promotions Limited (CEG) and provides representations to the Bradford Core Strategy Publication Draft.

1.2 The representations are structured as follows:

- Section 2 considers draft policies in respect of Bradford's spatial vision, objectives and Core Policies (Strategic Core Policies);
- Section 3 considers draft policies for the sub-area of Wharfedale;
- Section 4 considers draft thematic policies associated with the delivery of housing;
- Section 5 considers draft thematic policies associated with protecting and enhancing the environment; and
- Section 6 sets out the conclusions of the key issues raised.

1.3 The representations are supported by a number of standalone documents, which are appended to this report, as follows:

- 1 **Appendix 1** – Representations to Policy HO1: The District's Housing Requirement (prepared by NLP and submitted on behalf of CEG, Barratt David Wilson Homes, Redrow Homes and Persimmon Homes);
- 2 **Appendix 2** – Wharfedale Market Signals Report (prepared by NLP and submitted on behalf of CEG, Barratt David Wilson Homes and Redrow Homes); and
- 3 **Appendix 3** – Review of City of Bradford District Core Strategy Habitats Regulations Assessments prepared by Baker Consultants and Freeth Cartwright LLP and submitted on behalf of CEG, Barratt David Wilson Homes, Redrow Homes and Persimmon Homes.

1.4 CEG is a locally based property and land investment company with a particular focus on the promotion of both brownfield and greenfield land for residential development. Specifically in respect of Bradford, CEG has strategic interests in land to the west of Burley in Wharfedale, which is considered a suitable, sustainable, and deliverable site to meet objectively assessed housing needs in this part of the district.

1.5 A masterplan and analysis demonstrating how this site could accommodate future housing needs in a sustainable manner is discussed in greater detail in a Vision Document for the site which accompanies this document at **Appendix 4**. This vision document is referred to throughout these representations.

## 2.0 **Spatial Vision, Objectives and Core Policies**

2.1 This section considers policies in respect of Bradford's spatial vision, objectives and Core Policies (the Strategic Core Policies).

### **Policy P1: Presumption in Favour of Sustainable Development**

2.2 The commitment to pro-actively supporting development in the interests of sustainable development as set out within Policy P1 is supported as a welcome introduction since the Core Strategy Further Engagement Draft (CSFED).

2.3 The National Planning Policy Framework (NPPF) makes clear that for plan-making, the presumption of favour of sustainable development requires Local Planning Authorities to meet objectively assessed development needs in full, whilst incorporating sufficient flexibility to adapt to rapid change. This is unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework, or where specific policies within the Framework indicated that development should be restricted. In light of representations made to other policies in the Plan, it is not considered that these circumstances exist.

2.4 It therefore remains an essential requirement of the Core Strategy to plan to meet Bradford's objectively assessed economic and social needs and growth aspirations in full whilst respecting environmental considerations in accordance with presumption in favour of sustainable development. This is a theme which must be adhered to throughout the Core Strategy. In particular the Core Strategy must not unnecessarily constrain development opportunities.

### **Strategic Core Policy 1 (SC1): Overall Approach and Key Spatial Priorities**

2.5 The commitment to achieving the delivery of development needs over the plan period is supported in accordance with draft Policy P1 and the presumption in favour of sustainable development.

2.6 Part 6 of Policy SC1 identifies Burley in Wharfedale as a Local Service Centre. This represents a change in approach from the Core Strategy Further Engagement Draft dated October 2011 (CSFED) which identified the settlement as a Local Growth Centre.

2.7 As set out in further detail in respect of Policy SC4 below, there has been no change to the role or function of Burley in Wharfedale since publication of the CSFED. It remains a highly sustainable location and strategically located settlement, and which demonstrates comparable, and at times superior, sustainability credentials to those settlements which continue to be identified as Local Growth Centres.



- 2.8 As set out in further detail in respect of Policy SC8 below (and the work undertaken by Baker Consultants and Freeth Cartwright LLP contained at Appendix 3), de-classification of the settlement, and any accompanying reduction in housing numbers, cannot be justified on the basis of the findings of the revised Habitats Regulation Assessment (HRA) which has been demonstrated to be significantly flawed in both legal and scientific terms.
- 2.9 Given these conclusions, there remains no sound or legally compliant basis on which to justify the de-classification of the settlement, which it is argued elsewhere in these representations has the potential to undermine the delivery of objectively assessed housing needs and sustainable patterns of growth, whilst artificially directing development to locations within the district for which the evidence suggests there can be no guarantee of delivery.
- 2.10 In order to address these concerns, and ensure the soundness of plan, it is therefore recommended that Burley in Wharfedale is re-instated as a Local Growth Centre, to be reflected within Policy SC1.
- 2.11 The reinstated status of Burley in Wharfedale as a Local Growth Centre should also be reflected on an updated Key Diagram – Location Strategy. This is considered in further detail below.

### **Strategic Core Policy 3 (SC3): Working Together**

- 2.12 The need for plans, strategies and planning decisions to address low and, importantly, high levels of housing demand as required by Policy SC3 is supported on the basis that it is consistent with the approach advocated within paragraph 50 of the NPPF.
- 2.13 More than simply a commitment to address levels of housing demand, however, it is essential that the Core Strategy is realistic, deliverable and underpinned by a clear evidence base to ensure the adequate provision is made to meet those needs arising within the higher value areas of housing, whilst avoiding an overreliance on sites within areas of low demand and where the viability of sites will be more marginal, and certainty of delivery during the plan period is more questionable.
- 2.14 Such an approach will be key to achieving the growth strategy proposed within the Core Strategy whilst providing the optimum conditions to ensure delivery of the district's full housing requirement, and ultimately the soundness of the plan.

### **Strategic Core Policy 4 (SC4): Hierarchy of Settlements**

- 2.15 The articulation of a broad settlement hierarchy is supported in order to establish a sustainable pattern of growth and development across the district.
- 2.16 However, the approach adopted within draft Policy SC4 to the respective sub-area groupings of the district's settlements, and in particular the reclassification of Burley in Wharfedale from a Local Growth Centre to a Local Service Centre,

is not sufficiently justified or positively prepared, and is likely to undermine the effectiveness and overall deliverability of the Local Plan.

2.17 Draft Policy SC4 of the Core Strategy Further Engagement Draft (CSFED) (October 2011) identified six Local Growth Centres within Bradford's settlement hierarchy which included Burley in Wharfedale, Menston, Queensbury, Silsden, Steeton with Eastburn, and Thornton.

2.18 The rationale behind identifying these settlements as Local Growth Centres was that, whilst varying in size, they all fulfil a significant role as settlements along key public transport corridors which provide attractive and vibrant places for their surrounding areas, whilst supporting a pattern of service centres to meet the needs of rural areas and support a balanced pattern of sustainable development across the district. Indeed, paragraph 4.3.1 of the CSFED identified inclusion of these six settlements, and Burley in Wharfedale in particular, as not only appropriate Local Growth Centres, but the preferred option based on the document's evidence base and the settlement's sustainability credentials as follows:

*This is the preferred approach as supported by the evidence base including the Settlement Study, Growth Assessment, SHLAA, SHMA and the SFRA. The preferred option ensures that in accordance with the RSS, a significant level of new housing is focussed in and around the Principal Towns of Ilkley and the Local Growth Centres of Burley and Menston. The preferred option also enables the development of a number of local green belt releases in sustainable locations to Ilkley, Burley and Menston which all benefit from excellent public transport connections and where there is sufficient land to create a sustainable mix of house types and tenure supported by community facilities with potential for combined heat and power facilities (Core Strategy Further Engagement Draft, October 2011, para 4.3.1).*

*The Wharfedale towns of Burley in Wharfedale and Menston are both desirable locations and have both seen good quality housing developments supported by shops and community facilities. The two towns have witnessed improvements to the environmental quality of the railway stations and continue to benefit from high quality, fast and frequent rail and bus services to Ilkley and the major city centres of Leeds and Bradford (Core Strategy Further Engagement Draft, October 2011, para 4.3.6).*

2.19 The rationale for the selection of Local Growth Centres is unchanged within the Publication Draft, and continues to be based upon settlements which vary in size, but which fulfil a significant role as settlements along key transport corridors providing attractive and vibrant places for their surrounding areas whilst supporting the needs of rural areas and a balanced pattern of sustainable links across the district (para. 3.71).

2.20 The role and function of Burley in Wharfedale remains unchanged since publication of the CSFED. The settlement continues to offer the same level of population and service provision, whilst the 2013 SHLAA identifies that there are significant levels of land available for housing development. Indeed, as the Vision Document for land to the west of Burley in Wharfedale demonstrates,

this site could appropriately accommodate the level of development identified for Burley in the previous Further Engagement Draft.

- 2.21 The settlement remains strategically located with excellent public transport links to Leeds and Bradford, as well as other Principal Towns within Bradford and adjacent local authority areas, and adequately meets the Accessibility Criteria for a Local Growth Centre in terms of accessibility by sustainable modes of transport to local services, employment, primary health and education, and town and city centres.
- 2.22 It is therefore concluded that Burley in Wharfedale continues to fulfil a significant role as an attractive and vibrant place along a key transport corridor which in accordance with requirements of the intermediate tier of settlement.
- 2.23 Indeed, drawing upon the evidence set out within the Bradford District Settlement Study and comparing Burley in Wharfedale with those settlements which have retained their designation as Local Growth Centres within the Publication Draft (notably Queensbury, Thornton, Silsden and Steeton with Eastburn), Burley in Wharfedale remains a comparable settlement in terms of population levels and service provision. Indeed, Burley in Wharfedale has a higher population and superior provision of shops, services and community facilities than the settlements of Thornton and Steeton with Eastburn, and a significantly better transport links than either Queensbury or Thornton, neither of which are served by a railway station. All settlements comprise historic settlements with designated conservation areas and other heritage assets.
- 2.24 Drawing on existing levels of population specified elsewhere within the Core Strategy (for example Table HO3), it is noteworthy that Burley in Wharfedale has a higher population level than the majority of designated Local Service Centres, and a level more akin to those elevated to a Local Growth Centre within the settlement hierarchy. Indeed, the sustainability of the settlement in terms of its facilities, strategic location and public transport links, land availability and housing demand only serves to increase its ability to accommodate higher levels of growth in line with other intermediate settlements within the hierarchy in direct accordance with Spatial Objectives 1, 2, 3 and 5.
- 2.25 Whilst not explicitly referred to within the supporting text to Policy SC4 (albeit stated elsewhere in the plan in respect of Policy HO3), a key driving factor motivating re-classification of the settlement, and an associated reduction in housing delivery and growth to be accommodated within Wharfedale, is the findings of the revised Habitats Regulation Assessment.
- 2.26 The work which has been undertaken by Baker Consultants in association with Freeth Cartwright LLP (as contained at Appendix 3) unequivocally reject the robustness and legal compliance of this this assessment, and the weight that this document can be afforded in dictating an overhaul of the settlement, particularly when considering the conclusions reached by the interim Appropriate Assessment undertaken in respect of the Core Strategy Further Engagement Draft, which concluded that based on the findings of an interim Appropriate Assessment the higher levels of housing growth proposed as the

preferred option within that document *'were unlikely to be any significant effects upon the South Pennine Moor SPA/Special Area of Conservation (SAC) sites'* (Core Strategy Further Engagement Draft, October 2011, para 1.27).

- 2.27 In the absence of any robust evidence to justify a departure from the previously identified Preferred Option, it is maintained that the de-classification of Burley in Wharfedale to a Local Service Centre has the potential to undermine the achievement of the Spatial Vision and Strategic Objectives, as well as the overall effectiveness and deliverability of the Local Plan as a whole.
- 2.28 Reducing the number of locations in which to provide a focus for higher levels of growth places additional pressure on other, potentially less sustainable, locations elsewhere in the district, and will place a far greater strain on infrastructure and service provision in these areas. Indeed, as set out in subsequent sections of this report, the downgrading of the settlement hierarchy is already placing pressure on the need to deliver housing growth within parts of the City constrained by such issues as flood risk, and where the 2013 SHLAA demonstrates that insufficient land can be identified to deliver the resulting levels of growth during the plan period.
- 2.29 In summary, the re-classification of Burley in Wharfedale from a Local Growth Centre to a Local Service Centre has not been sufficiently justified with reference to a robust, or legally compliant, evidence base, and does not comprise the most appropriate or sustainable strategy in order to meet, and deliver, objectively assessed development needs in a balanced pattern across the district.
- 2.30 In order to reflect evidence and make the Policy sound, Burley in Wharfedale should be reinstated as a Local Growth Centre within the settlement hierarchy in Policy SC4 in line with recommendations set out within the Core Strategy Further Engagement Draft.

## **Strategic Core Policy 5 (SC5): Location of Development**

- 2.31 Support is given to the policy provision for Local Green Belt releases to the built up areas of settlements in sustainable locations provided for within Policy SC5.
- 2.32 Such an approach is consistent with the findings of the land supply contained in the 2013 SHLAA, which demonstrates that in order to meet objectively assessed needs in full, there will be a requirement to accommodate a significant number of dwellings on currently identified Green Belt land.
- 2.33 Support is also given to the identification of Burley in Wharfedale as one such sustainable location where local Green Belt boundaries will be revised (as indicated on the Key Diagram – Location Strategy and in Policies WD1 and HO3). This is discussed in further detail below.



## **Strategic Core Policy 7 (SC7): Green Belt**

- 2.34 Acknowledgement of the need for the release of Green Belt land in order to facilitate long term housing and jobs growth in the district, and the policy provision for this within Policy SC7, is supported.
- 2.35 This approach is consistent with the findings of the 2013 SHLAA which demonstrate that sites are only capable of delivering only around 19,500 dwellings, leaving a requirement for circa 11,000 dwellings (based on the Council's assessment of housing need) to be accommodated on currently identified Green Belt land. Amendment of existing Green Belt boundaries is therefore through the Local Plan process in order to meet objectively assessed development needs as allowed for within NPPF.
- 2.36 As discussed in further detail in Section 4.0 (and Appendix 1), NLP's objective assessment of housing need identifies a higher housing requirement across the district than that proposed within Policy HO1. It therefore follows that on the basis of the non-Green Belt land identified in 2013 SHLAA this additional requirement (circa. 5,000 dwellings<sup>1</sup>) will need to be accommodated on existing Green Belt land.
- 2.37 NPPF 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, support is also given to the identification of Burley in Wharfedale as a location where local green belt boundaries will be revised (as indicated on the Key Diagram – Location Strategy and in Policies WD1 and HO3). As highlighted elsewhere in this report, 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.
- 2.38 NPPF is also clear that LPAs must satisfy themselves that new Green Belt boundaries will not need to be altered at the end of the plan period. It is therefore advised that consideration be given to the allocation of safeguarded land within the Site Allocations DPD to future proof the greenbelt boundaries beyond the plan period. This needs to be reflected in the wording of Policy SC7.

## **Strategic Core Policy 8 (SC8): Protecting the South Pennine Moors and their zone of influence**

- 2.39 A review of CBMDC's Habitats Regulation Assessment (HRA) accompanying the Core Strategy Publication Draft has been undertaken by Baker Consultants and Freeth Cartwright LLP on behalf of CEG, Barratt David Wilson Homes, Redrow Homes and Persimmon Homes. The review forms the basis of

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<sup>1</sup> Representations to Policy HO1 advocate an overall requirement of 47,187 dwellings during the plan period, 5,087units higher than that presently proposed (42,100).

representations in response to draft Policy SC8, and is included at **Appendix 3**.

2.40 The report identifies significant legal and scientific flaws in the methodology employed within the HRA which unequivocally rejects its findings. A summary of the main failings of the report is set out in the front of that report.

2.41 The overall recommendation of the report is that the revised Habitats Regulation Assessment is neither sound, nor legally compliant. It follows that the very restrictive mitigation measures set out in draft policy SC8, and the associated implications for both the settlement hierarchy and distribution of development is not proportionate and cannot be justified.

2.42 More than simply a lack of justification, however, is the concern that the suppression of development arising from implementation of Policy SC8 and the revised settlement hierarchy and distribution of housing growth does not provide the most appropriate strategy when considered against alternatives and on the basis of proportionate evidence. Nowhere is this clearer than the conclusions reached on the preferred options within the CSFED. Based on the findings of an interim Appropriate Assessment (which to date has not been published) it concluded that the planned approach at that point (with no restriction on the housing numbers within Wharfedale) was highly likely to undermine the achievement of the spatial vision and strategic objectives, and ultimately the delivery of objectively assessed development needs in full. These issues are discussed in further detail in respect of Policy HO3.

2.43 As recommended within the report, in order to make policy SC8, and indeed the Core Strategy as a whole, both sound and legally compliant, the Habitats Regulation Assessment must be reviewed from first principles, including screening in order to address all those deficiencies set out within the report, and summarised above. Part of this review must reassess the proposed avoidance/mitigation measures set out within Policy SC8. Any mitigation measures set out within a revised Policy SC8 based on a correctly undertaken Habitats Regulation Assessment must be demonstrated to be necessary, proportionate and effective to address the likely evidenced impacts, with the Core Strategy adopting the most appropriate strategy when considered against the reasonable alternatives to enable the plan to deliver sustainable development in accordance with national planning policy.

## **Key Diagram – Location Strategy**

2.44 The reinstatement of Burley in Wharfedale as a Local Growth Centre should be reflected on an updated Key Diagram which identifies Burley in Wharfedale as a Local Growth Centre in the Location Strategy and Settlement Hierarchy. This amendment is required in order to reflect the comments made on Policies SC1 and SC4, and to ensure the overall soundness of the Core Strategy for those reasons discussed elsewhere in this report.

2.45 Also for those reasons discussed elsewhere in this report, the identification of Burley in Wharfedale as a 'Potential Localised Green Belt Deletion' as currently

shown on the Key Diagram is supported. It should therefore be retained in recognition of the need for Green Belt releases across the district in order to meet objectively assessed development needs, and the suitability of Burley in Wharfedale as forming one such sustainable location where such a release would be appropriate.

3.0

## Sub Area Policies: Wharfedale

3.1

This section considers policies draft policies for the sub-area of Wharfedale.

### Sub Area Policy WD1: Wharfedale

3.2

As set out in detail within Appendix 1, and discussed at Section 4.0 in the context of Policy HO3, NLP's objective assessment of housing need identifies a higher housing requirement across the district than that proposed within Policy HO1. It follows that a corresponding increase in the housing numbers will need to be accommodated within Wharfedale, and reflected within Policy WD1, in order to ensure the soundness of this policy in accommodating objectively assessed development needs in full.

3.3

As set out in detail in Sections 2.0 and 4.0 in respect of Policies SC4 and HO3, there is no sound justification with which to support the proposed reduction of housing numbers in Burley in Wharfedale, or the settlement's re-classification from a Local Growth Centre to a Local Service Centre. Such an approach has the potential to undermine the delivery of objectively assessed needs and sustainable patterns of growth whilst artificially directing development to less sustainable locations and, based upon the findings of the 2013 SHLAA, locations where the delivery of the scale of development cannot be guaranteed to be met by the quantum of land available. The main reasons for this are summarised below:

- 1 A review of the Habitats Regulation Assessment which supports the Core Strategy Publication Draft (see Appendix 3) unequivocally rejects the scientific and legal basis of this document, and the Council's interpretation that this necessitates housing growth within Wharfedale to be suppressed. This is particularly the case in light of those conclusions raised by the Appropriate Assessment undertaken in respect of the Core Strategy Further Engagement Draft which concluded that the higher levels of housing growth proposed as the preferred option within this document *'were unlikely to be any significant effects upon the South Pennine Moor SPA/Special Area of Conservation (SAC) sites'* (Core Strategy Further Engagement Draft, October 2011, para 1.27).
- 2 As concluded within the CSFED, and reflected within both the Settlement Study Update and the Growth Strategy, Burley in Wharfedale comprises a highly sustainable and strategically located settlement which demonstrates comparable, or superior levels of population, service provision and public transport provision than those settlements which have retained their designation as Local Growth Centres within the Publication Draft.
- 3 An assessment of the housing requirement based on population alone (see Table HO3) generates a housing requirement of 518 homes, a figure which increases to 580 dwellings based upon NLP's objective assessment of housing need (see representation to HO3). An



assessment of this distribution against the Council's own 'reality checks' adjustment criteria does not justify any deviation from this figure. Indeed, assuming compliance with the Habitats Directive requirements, it is maintained that Burley in Wharfedale's sustainability attributes justify its elevation within the settlement hierarchy as a more appropriate, and sustainable, alternative in keeping with those conclusions reached within the CSFED.

- 4 Such an approach will provide for a more balanced distribution of growth across the district and reduce the pressure on other, potentially less sustainable, locations elsewhere, and in particular those areas constrained by issues such as flood risk, which will be otherwise forced to accommodate development which could be more appropriately and sustainably located within Burley in Wharfedale.
- 5 Such an approach would help to alleviate many of the issues raised in the Wharfedale Housing Market signals analysis (Appendix 2), which demonstrates a need to develop a greater number of new houses in the area, to address the overriding issues of affordability and supply in the local housing market.

- 3.4 In the absence of any justifiable basis on which to divert from the preferred approach set out within the previous draft of the Core Strategy, and for those reasons highlighted above, and set out in further detail elsewhere in this report, the re-classification of Burley in Wharfedale from a Local Growth Centre to a Local Service Centre has not been sufficiently justified with reference to the evidence base, and does not comprise the most appropriate or sustainable strategy in order to meet, and deliver, objectively assessed development needs in a balanced pattern across the district.
- 3.5 In order to address these factors, and in order to ensure that the Core Strategy is both legally compliant and sound, Burley in Wharfedale should be identified as a Local Growth Centre within Policy WD1 to deliver a minimum of 580 new homes over the plan period.
- 3.6 The requirement for localised Green Belt changes within Burley in Wharfedale set out within Policy WD1 is supported as a sound approach to the delivery of sustainable housing growth in accordance with the findings of the 2013 SHLAA and the overarching requirement of the NPPF.
- 3.7 It is not the intention of these representations to undermine the protection of the South Pennine Moors SPA/SAC, which would continue to be afforded appropriate protection as reflected in Parts D1 and D2 of Policy WD1 whilst accommodating appropriate levels of growth in the interests of achieving a balanced, sustainable and deliverable pattern of development across the district. Similarly, identification of the River Wharfe as a key green infrastructure to be protected and enhanced over the plan period is supported in accordance with Part D4 of the policy.
- 3.8 Burley in Wharfedale should be identified as a Local Growth Centre on an updated Figure WD1 Spatial Vision Diagram – Wharfedale by 2030.

## **Sub Area Policy WD2: Investment Priorities for Wharfedale**

- 3.9 The support for localised Green Belt changes within Burley in Wharfedale as a suitable and sustainable location as set out within Part E of draft Policy WD2 is supported as a sound approach to the delivery of sustainable housing growth in recognition of the need for Green Belt releases across the district in order to meet objectively assessed development needs, and the suitability of Burley in Wharfedale as forming one such sustainable location where such a release would be appropriate.
- 3.10 The Vision Document included at Appendix 4 demonstrates that there are locations within Burley where sustainable releases can be achieved, which would in no way harm the strategic function of the Green Belt in this part of the district.

## 4.0 **Thematic Policies: Planning for People – Housing**

4.1 This section considers thematic policies associated with the delivery of housing across the Bradford District.

### **Policy HO1: The District’s Housing Requirement**

4.2 A separate, standalone representation has been prepared by NLP in response to draft Policy HO1 on behalf of CEG, Barratt David Wilson Homes, Redrow Homes and Persimmon Homes. This is included at **Appendix 1**.

4.3 In summary, the report highlights a number of limitations with the modelling undertaken as part of the Council’s Housing Requirement Study and subsequent Addendum, and how the findings of this study have been interpreted by CBMDC, which ultimately renders the Council’s housing requirement for the plan period target unsound.

4.4 NLP has undertaken its own modelling exercise using the PopGroup demographic model across a number of different scenarios to arrive at a more realistic housing requirement of 2,500 dwellings per year, translating to a total of 47,187 dwellings across the plan period, once existing unmet need from previous years is accounted for.

4.5 In order to address the conflicts identified above and to ensure that the housing need policy criteria set out within Policy HO1 is sound, the City of Bradford MDC must update its SHMA evidence base to ensure that it utilises the most up-to-date demographic information currently available, and subsequently amend Policy HO1 B as follows:

*“After allowing for net completions over the period 2004-13 and an allowance for the projected reduction in the number of vacant homes, the Local Plan will allocate land to meet the remaining requirement for at least 42,000 **47,187** homes over the period 2013 to 2030”*

4.6 Table HO1, and other references to the housing requirement for the district should be revised for consistency.

### **Policy HO2: Strategic Sources of Housing Supply**

4.7 It is agreed that strategic sources of housing land supply required to meet the dwelling targets set out in Policy HO1 should focus on housing completions and existing commitments, alongside unimplemented but deliverable or developable allocated or safeguarded sites within existing RUDP in accordance with the approach advocated by the NPPF. In this regard it is important that a thorough and realistic review of unimplemented allocated sites within the RUDP is carried out to ensure that any that are carried forward are genuinely available and deliverable during the plan period.

- 4.8 However, it is clear from an analysis of the 2013 SHLAA that a significant number of new sites will need to be identified in order to meet objectively assessed housing needs over the plan period, and consequently that Green Belt boundaries will need to be reviewed through the Local Plan process as set out with NPPF.
- 4.9 The policy support afforded to review of Green Belt boundaries as set out within Policy HO2 is supported, and considered necessary to ensure that the Core Strategy is both effective and positively prepared. Indeed, it is likely that more housing than that identified within the supporting text to policy HO2 will need to be delivered on previously Green Belt sites in light of NLP's identification of a higher overall housing figure. As drafted, the policy provides sufficient flexibility to facilitate this.
- 4.10 The supporting text refers to the need for Policy HO2 to be read alongside the geographical apportionment of housing numbers set out within Policy HO3, as well as targets for the development of previously developed land set out within Policy HO6.
- 4.11 The policy identifies a number of area based initiatives and growth areas where the Core Strategy promotes housing growth in excess of that which might be expected on the basis of the existing population. Unsurprisingly, these growth areas align with the settlement hierarchy (as detailed in Policy SC4) and focus on achieving higher levels of growth with the Shipley and Canal Road Corridor; Bradford City Centre; SE Bradford, and the Local Growth Centres of Queensbury, Thornton, Silsden, and Steeton with Eastburn.
- 4.12 As the representations to Policies SC4, WD1 and HO3 have set out, it is strongly maintained that Burley in Wharfedale should be re-instated as a Local Growth Centre in accordance with the preferred approach identified within the Core Strategy Further Engagement Draft (CSFED) on the basis of the settlement's continued sustainability and ability to accommodate significant housing growth.
- 4.13 Importantly, there can be no guarantee that the level of distribution elsewhere in the district can be delivered when considering the land supply identified in the 2013 SHLAA. Indeed, the Summary of Land Supply provided at paragraph 5.3.37 identifies a supply of 3,500 homes as coming from Bradford City Centre, and a supply of 6,000 from SE Bradford which are translated into the housing distribution set out in Policy HO3. A review of the 2013 SHLAA identifies a significant shortfall between this claimed supply, and the actual number of deliverable sites as identified within the latest SHLAA.
- 4.14 Particular examples of this include the Bradford South East area, where the 2013 SHLAA identifies that there is only land available to accommodate 5,318 dwellings in the plan period (as opposed to 6,000 being planned for) and the City Centre, where land supply amounts to a maximum 2,752 dwellings as opposed to an allocation of 3,500. Indeed even if land was available for 3,500 dwellings in the City Centre, it is highly questionable whether there is market demand for such provision in this location during the plan period.

- 4.15 Both of these areas are acknowledged as accommodating additional development as a direct consequence of the re-adjustment required following the revised Habitats Regulation Assessment since publication of the Core Strategy Further Engagement Draft:  
*“The HRA relating to the S Pennine Moors SPA / SAC has also necessitated a re-adjustment away from certain settlements and consequent increase in the Regional City’ (Core Strategy Publication Draft 5.3.59).*
- 4.16 Despite reference within the Growth Study to the Bradford South East area as a particular focus for growth, the case remains that insufficient land currently exists within these areas to provide the requisite certainty that the objectively assessed housing requirement can be delivered over the plan period.
- 4.17 In light of those findings set out within the review of the Habitats Regulation Assessment (Appendix 3) which unequivocally rejects both the legal and scientific basis for such a readjustment, such an approach cannot be justified as the most appropriate strategy when considered against other, reasonable alternatives, and it remains the case that reinstatement of Burley in Wharfedale as a Local Growth Centre, and associated focus of housing supply, will provide a more appropriate, sustainable and deliverable distribution of housing supply in line with the preferred option identified within the CSFED.
- 4.18 In order to ensure the soundness of the policy, Burley in Wharfedale should therefore be referred to as an identified growth area comprising a further strategic source of housing supply.

### **Policy HO3: Distribution of Housing Development**

- 4.19 As drafted, Policy HO3, and the distribution of the district’s housing requirement contained therein, is insufficiently justified, and will fail to positively plan to meet the development needs in full, or be effective in providing the requisite certainty that these needs will be delivered.
- 4.20 As set out in detail within our representations to Policy HO1 (contained at Appendix 1), NLP’s objective assessment of housing needs within the district highlights a number of limitations with the modelling undertaken as part of the Council’s Housing Requirement Study and subsequent Addendum, and our work ultimately identifies a revised housing requirement of 2,500 dwellings per year, translating to a total of 47,187 dwellings across the plan period. This is an increase of over 5,000 dwellings beyond the 42,100 currently planned for within the Core Strategy Publication Draft.
- 4.21 Table HO3 acknowledges that if the district wide housing requirement as presently contained in Policy HO1 was distributed across the settlements proportional to population base line, then the overall housing requirement for Burley in Wharfedale would be 518 dwellings over the plan period<sup>2</sup>. It therefore follows that if this same proportional distribution was carried out on the basis of

<sup>2</sup> This equates to 1.23% of the district-wide requirement as follows:  
518 dwellings / 42,100 requirement \* 100 = 1.23%



the higher overall housing requirement advocated by our representations to Policy HO1, then before any 'reality checking' is undertaken, Burley in Wharfedale should accommodate 580 dwellings<sup>3</sup>.

- 4.22 It is acknowledged that a distribution based solely on existing population levels should only form the starting point for the apportionment of the overall housing requirement, and that there is a need for a series of 'reality checks' based on sound planning principles that will ultimately ensure that the overall housing requirement can be delivered in full and in a sustainable way. In this instance, however, it is considered that there is no sound justification based upon the 'reality checking' set out in paragraphs 5.3.50 – 5.3.58 for suppressing the overall distribution of housing within Wharfedale and specifically Burley-in-Wharfedale in the manner proposed by Policy HO3. This is discussed in further detail below.

## **Reality Checks**

### **Habitats Regulation Assessment**

- 4.23 As confirmed within Paragraph 5.3.53 of the Core Strategy Publication Draft, a key factor driving the distribution of housing growth proposed within Policy HO3, and the departure from the approach adopted within the Core Strategy Further Engagement Draft, is the outcome of the revised Habitats Regulation Assessment and associated Appropriate Assessment and the assumed need to restrict housing development within the 2.5km buffer zone around the South Pennine Moors SAC/SPA.
- 4.24 As set out in detail in Section 4.0 and in Appendix 3 of these representations, however, a review of the Habitats Regulation Assessment has highlighted significant and fundamental issues with this assessment, and ultimately concludes that the revised Habitats Regulation Assessment is neither sound, nor legally compliant.
- 4.25 It follows, therefore, that the very restrictive mitigation measures applied to the settlement hierarchy, and distribution of development proposed in Policy HO3, is neither justified nor proportionate, and that there is no sound basis on which to discount the apportionment of housing requirement to be accommodated within Burley in Wharfedale.

### **Land Supply**

- 4.26 Dealing firstly with Burley-in-Wharfedale, the 2013 SHLAA demonstrates that there is land available to accommodate over 1,000 new dwellings over the plan period.
- 4.27 Whilst it is acknowledged that parts of this land supply are located outside of the existing settlement boundary and on designated Green Belt land, the need to undertake a review of Green Belt boundaries has been accepted as required

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<sup>3</sup> 47,187 / 1.23% = 580 dwellings

to accommodate the district's housing requirement, and indeed Burley in Wharfedale is identified as comprising a sustainable settlement in which to undertake a localised Green Belt review in Policy WD1. There is therefore no basis for discounting the distribution of housing growth within Burley in Wharfedale on the basis of housing land supply.

4.28 Whilst some Green Belt sites identified within the SHLAA may be deemed unsuitable for development on the basis of their strategic Green Belt function, particularly at the southern and eastern edges of the village where there is a risk of coalescence with Menston and Burley Woodhead, land to the west of Burley in Wharfedale is capable of delivering at least 500 units without undermining the Green Belt's strategic function. This is considered in further detail within the Green Belt review included in the Vision Document at Appendix 4.

4.29 Finally, and as referred to elsewhere within these representations, comparing the proposed distribution of against land identified within the 2013 SHLAA indicates that there are parts of the City (notably within the City Centre and Bradford SE) where the intended allocation outstrips available supply. Put simply, the overall housing requirement for the district is not deliverable based on the distribution as currently proposed within Policy HO3. On the basis of Bradford's 'reality check' process, and indeed the requirements of NPPF, the distribution of housing must be revisited to redirect housing from undeliverable locations to such areas as Burley in Wharfedale where land supply does not pose a constraint.

### **Growth Study**

4.30 We note that the entirety of Burley in Wharfedale is identified within the Growth Study as falling within the 2.5km 'buffer zone' around the South Pennine Moors SAC/SPA within which development is intended to be restricted on the basis of Policy SP8. On this basis, land is identified as being 'constrained'.

4.31 In light of the critique of the Habitats Regulation Assessment provided in Appendix 3 it is considered that the Growth Study, as drafted, should be given limited weight in determination of the overall housing distribution across the district.

### **Flood Risk**

4.32 It is a requirement of NPPF to avoid development within the areas of highest flood risk, and adopt a sequential approach to direct development to areas of lowest flood risk.

4.33 However, as clearly set out within paragraph 5.3.55 of the CSPD, the housing numbers currently proposed within Policy HO3 will necessitate the development of land in flood zone 2 and 3a in Bradford City Centre and the Shipley Canal Road Corridor.

4.34 The main justification provided for this is the outcome of revised Habitats Regulation Assessment, with paragraph 5.3.56 stating that *“With significant areas of the district effectively ruled out for accommodating significant additional development due to the impacts on the internationally important S Pennine Moors SAC / SPA, the only remaining alternative would be to allocate additional development to other parts of the regional city”*, and in this case to areas of high flood risk.

4.35 On the basis of our findings that the revised Habitats and Regulation Assessment cannot be relied upon in legal or scientific terms, such an approach is inconsistent with the requirements of national planning policy and therefore inherently unsound.

4.36 There is no justification in flood risk terms to discount the apportionment of housing growth to Burley in Wharfedale. Indeed, as indicated within the Vision Document included at Appendix 4, sufficient land exists to the west of Burley in Wharfedale in which to accommodate more than 500 entirely within Flood Zone 1, preventing the need for sites of high flood risk to be relied upon elsewhere.

### **Market Signals**

4.37 Market signals and other indicators of demand are a critically important reality check, and indeed required consideration according to NPPF, and the accompanying National Planning Practice Guidance (NPPG), and yet the housing distribution proposed within Policy HO3 has been formulated in the absence of any such considerations.

4.38 Paragraph 17 of the NPPF states that:

*Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. **Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.***

4.39 In the absence of such an assessment undertaken by CBMDC, CEG as part of a consortium of developers have commissioned such a review and this is contained at Appendix 2 to these representations. The ‘Wharfedale Local Area – Housing Market Signals Analysis’ report concludes that the approach recommended within draft Policy HO3 (and subsequently Policy WD1) will fail to meet local housing needs within Wharfedale on the basis of a number of key market signals including, inter alia, high house prices and affordability ratios; low levels of historic delivery; and high levels of under occupancy. These issues can only be addressed through the provision of additional housing within this part of the district, thereby allowing local housing needs within Wharfedale to be adequately met.



- 4.40 In order to be declared sound, and to ensure that the distribution of development proposed within the Core Strategy responds to indicators of demand in accordance with NPPF, a consideration of market signals should be applied as an additional 'reality check' to guide the distribution of housing development across the district. The evidence contained within Appendix 2 demonstrates that such an approach would undoubtedly increase the proportion of development to be attributed to Burley in Wharfedale than that currently proposed.

### **Other Factors**

- 4.41 The Market Signals Report included at Appendix 2 identifies Wharfedale as comprising the most viable area for housing development within Bradford. Increasing the proportion of housing development within Burley in Wharfedale therefore provides the opportunity to deliver a greater proportion of the SHMA target of 587 net new affordable houses per annum. This is an important consideration which should be included as part of the 'reality checking' undertaken to inform the distribution of housing growth.
- 4.42 As expressed elsewhere within these representations in relation to the settlement hierarchy proposed within Policy SC4, Burley in Wharfedale comprises a strategically located settlement with excellent public transport links and local service provision. The settlement is capable of supporting additional levels of housing growth in line with those recommendations set out within the Preferred Option of the Core Strategy Further Engagement Draft, the development of which will contribute to the creation of sustainable communities and ultimately contribute to making Core Strategy, its spatial vision, and strategic objectives, more deliverable.

### **Summary**

- 4.43 In summary, the apportionment of housing directed to Burley in Wharfedale is significantly below that which should be apportioned to the settlement on the basis of its existing population, particularly taking into account the higher housing requirement as identified within NLP's objective assessment (Appendix 1).
- 4.44 The 'reality checks' through which the proposed housing figures have been reviewed provide no sound justification for the suppression of housing numbers in what is a sustainable location, and crucially one where there is strong evidence of the need to direct additional development in order to alleviate issues of affordability and supply in the local housing market. It is clear that such an approach will fail to adequately meet development requirements in full, and where they are most needed.
- 4.45 In order to make the policy sound, policy HO3 should be amended to identify Burley in Wharfedale as a Local Growth Centre (to reflect those comments made in respect of Policy SP4 and WD1) and its housing allocation increased to at least 580 dwellings over the plan period.

## **Policy HO4: Phasing the Release of Housing Sites**

- 4.46 It is considered that any policy approach to phasing the release of housing sites should avoid the application of prescriptive standards and timescales where these have the potential to prevent the delivery of identified housing needs within areas of high demand, and undermine the delivery of a five year supply of deliverable housing sites as required by NPPF.
- 4.47 In order to ensure its soundness, Policy HO4 should therefore remove reference to the two distinct phases, and instead apply a flexible approach to promote sustainable patterns of development whilst retaining a five year supply of housing land in those areas of demand to ensure that objectively assessed housing needs can be delivered when and where they are needed.
- 4.48 Reference made within the supporting text to Policy HO4 which places a focus on the early release of deliverable and sustainable sites which are not dependent on the provision of significant new infrastructure is supported. As demonstrated within the Vision Document included at Appendix 4, land to the west of Burley in Wharfedale is capable of being immediately brought forward for development without the need for land assembly or significant enabling works, providing the opportunity for the early delivery of housing growth within a sustainable location and in response to identified housing requirements and acute levels of demand.

## **Policy HO5: Density of Housing Schemes**

- 4.49 Policy HO5 as presently drafted requiring developers to make the best and most efficient use of land is supported by CEG, as is the recognition that density targets must related to individual sites and their surroundings in order to achieve a workable and sustainable layout, as well as local circumstances including the type and size of housing required to meet local needs and market demand. This approach is largely in accordance with paragraph 47 of NPPF.
- 4.50 The flexibility which policy HO5 appears to suggest is also welcomed, and should be strengthened in order to confirm that minimum densities comprise targets, rather than standards, and formalise the ability to deviate from target densities to allow for, and accommodate, local circumstances, housing need, and site constraints.

## **Policy HO6: Maximising the Use of Previously Developed Land**

- 4.51 Maximising the use of previously developed land is a key element of sustainable development as defined by NPPF, and efforts to make the best use of deliverable, brownfield land for the provision of new homes is supported as a key ambition of Bradford's Local Plan.

- 4.52 However, in order to ensure the soundness of the plan, the development of brownfield land cannot be prioritised at the expense of ensuring a five year supply of deliverable housing sites, as a clear requirement of NPPF.
- 4.53 A detailed review of the 2013 SHLAA is very likely to demonstrate that a number of those sites being relied upon to meet the targets set out within Policy HO6 will not be deliverable or viable. The district wide target of 50% of all development being delivered on brownfield sites is therefore not considered to provide a realistic or deliverable baseline which will guarantee the delivery of objectively assessed housing needs.
- 4.54 This situation is compounded by the additional housing requirement identified by NLP's objective assessment (see Appendix 1) which is likely to necessitate the additional development of greenfield and Green Belt land in sustainable locations across the district.
- 4.55 It follows that the proportion of brownfield land which is capable of being delivered across the district as a whole will reduce in light of the more limited opportunity to facilitate the redevelopment of brownfield land outside the Regional City following amendment of the housing distribution levels in Policy HO3, and the higher development requirement overall.
- 4.56 Finally, and as explicitly referred to within NPPF, the development rate and the achievement of meeting objectively assessed housing needs should not be stifled or prejudiced on the basis of target rates for the development of previously developed land. Development must respond to land availability and greenfield land release should not be prejudiced on this basis if objectively assessed housing needs are to be met
- 4.57 It is therefore recommended that reference is made within this policy to the need for brownfield development targets to be regularly reviewed to ensure timely delivery of housing needs in the places where they are needed.

## **Policy HO7: Housing Site Allocation Principles**

- 4.58 Part E of the Policy HO7 makes reference to minimising the use of Green Belt within the plan area. It is considered that this should be expanded to acknowledge that there may be occasions where the allocation of Green Belt land represents the most sustainable and deliverable approach to meeting future housing needs.

5.0 **Thematic Policies: Planning for Places – Environment**

5.1 This section considers thematic policies associated with protection and enhancement of environmental assets and the use of resources.

**Policy EN2: Biodiversity and Geodiversity**

5.2 The work undertaken by Baker Consultants, and contained within Appendix 3, demonstrates that Policy EN2 as drafted is not legally compliant as it fails to reflect the provisions of Article 6(4) Habitats Directive as implemented by regulations 103 and 105 of the 2010 Regulations. Further detail is provided within Appendix 3.

## 6.0 Conclusions

6.1 In conclusion, the Bradford Core Strategy Publication Draft is not considered to comprise a sound or legally compliant basis on which to plan development across Bradford over the next 15 years, and amendments are required throughout the document to reflect the following:

- 1 A greater overall housing requirement of at least 47,187 new dwellings to be delivered over the plan period in accordance with NLP's objective assessment of housing needs.
- 2 The findings of the latest Habitats Regulation Assessment do not form a sound or legally compliant basis on which to justify the restriction of development, which is inconsistent with those conclusions raised in respect of the Core Strategy Further Engagement Draft (October 2011). As such, the approach adopted within the Publication Draft is unlikely to provide the most appropriate strategy when considered against reasonable alternatives in which to deliver sustainable development in accordance with the overall spatial vision.
- 3 Application of the other 'reality checks' adopted by the Council provide no sound justification for the suppression of housing numbers within Burley in Wharfedale, and will result in a missed opportunity to address issues of affordability and supply within the local housing market in this area as required by NPPF. Such an approach will fail to apportion sufficient levels of development to a highly sustainable and strategically located settlement, and will place undue pressure on less sustainable, and deliverable, locations elsewhere within the district.
- 4 In order to make the policy sound, Burley in Wharfedale should be reinstated as a Local Growth Centre within the settlement hierarchy and its housing allocation increased to at least 580 dwellings over the plan period.
- 5 It is demonstrated within these representations that land to the west of Burley in Wharfedale is capable of accommodating this level of development without undermining the Green Belt's strategic function.

6.2 As indicated on the representation forms submitted alongside this report, we reserve the right to present the arguments raised in this report at the later Submission stage and associated Examination in Public.



## **Appendix 1 Representations to Policy HO1**

## **Appendix 2 Wharfedale Local Area – Housing Market Signals Analysis**



## **Appendix 3 Review of City of Bradford District Core Strategy Habitats Regulations Assessment**







## **Appendix 4 Burley in Wharfedale Vision Document**



Nathaniel Lichfield  
& Partners

Planning. Design. Economics.

-  Applications & Appeals
-  Climate Change & Sustainability
-  Community Engagement
-  Daylight & Sunlight
-  Economics & Regeneration
-  Environmental Assessment
-  Expert Evidence
-  GIS & Graphics
-  Heritage
-  Property Economics
-  Site Finding & Land Assembly
-  Strategy & Appraisal
-  Urban Design

