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**BRADFORD  
PROPOSED SUBMISSION  
CORE STRATEGY**

**REPRESENTATIONS**

**ON BEHALF OF**

**F W HEATON BUILDERS LTD**

MARCH 2014



## CONTENTS

1.0	INTRODUCTION .....	1
2.0	PLANNING POLICY CONSIDERATIONS .....	2
3.0	COMMENTARY .....	7
4.0	POLICY COMMENTS .....	10
5.0	SUMMARY AND CONCLUSIONS .....	21

## 1.0 INTRODUCTION

- 1.1 Carter Jonas LLP represents the interests of FW Heaton Builders Ltd, a company which has land and property interests in Bradford District. The principal asset includes the East Morton /Fardew Golf Course and adjoining land and buildings situated between Keighley (Riddlesden) and East Morton which are designated as a Principal Settlement and Local Service Centre respectively.
- 1.2 Land within the holding at East Morton has been submitted to the Strategic Housing Land Availability Assessment (SHLAA) during the Council's most recent Call for Sites which ended in September 2013. The extent of the site submitted is included at Appendix 1. Land adjoining Riddlesden is currently being considered for submission to the SHLAA.
- 1.3 Given the recent submission of the site at East Morton, no previous representation has been made in respect of the land holding and the potential consequences of the Core Strategy (CS) policies.
- 1.4 This response to the CS at Section 2 sets out the policy considerations that inform our commentary; Section 3 comments on the generality of the document, procedure and evidence; and Section 4 provides an assessment of the soundness of the relevant policies and proposals. We then set out a summary and conclusions in Section 5.

## 2.0 PLANNING POLICY CONSIDERATIONS

2.1 Government's approach to the planning system is through the National Planning Policy Framework (NPPF or the Framework) which was issued on 27 March 2012 with immediate effect and is, therefore a material consideration. Upon release statements were issued in respect of the implications of the Framework and how these should be accounted for by Local Planning Authorities in the preparation of their local planning documents.

2.2 From the outset the Framework states that it provides the framework where local people and their Councils can prepare local and neighbourhood plans which reflect the needs and priorities of those communities. At para 2 it confirms and reinforces the primacy of the plan-making system stating that any applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It states that the Framework must be taken into account in the preparation of local plans.

2.3 At its heart the Framework reinforces that the purpose of the planning system is to contribute to the achievement of sustainable development. It outlines the three dimensions of sustainable development:

- **an economic role** – building a strong, strong, responsive and competitive economy ensuring sufficient land is available in the right places;
- **a social role** – supporting strong vibrant and healthy communities, through provision of housing, high quality development, and access to local services; and
- **an environmental role** – contributing to protecting and enhancing the natural, built and historic environment, improving biodiversity and prudent use of resources.

2.4 Central to the planning system is the presumption in favour of sustainable development. Paragraph 14 of the Framework identifies how this presumption is to be applied in plan making. It states:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

For **plan-making** this means that:

*Local planning authorities should positively seek opportunities to meet the development needs of their area;*

*Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.*

2.5 Following the publication of the Framework planning authorities with adopted plans or plans in preparation will need to consider which, if any, parts of those plans need updating.

2.6 Guidance on plan-making and the preparation of Local Plans is set out in paras 150-185 of the NPPF. It reiterates that **Local Plans** need to be consistent with the Framework, be aspirational but realistic setting out the strategic priorities for the area. Para 156 states that Local Plans should include strategic policies to deliver:

- *“The homes and jobs needed in the area;*
- *The provision of retail leisure and other commercial development;*
- *The provision of infrastructure for transport, telecommunications, waste management, along with provision of minerals, energy and for waste*
- *The provision of health, security, community and cultural infrastructure and other local facilities and*
- *Mitigation and adaptation, conservation and enhancement of the natural and historical environment including landscape.”*

2.7 Para 157 sets out the main requirements. Namely

- Plan positively for development and infrastructure requirements;
- Be drawn over an appropriate timescale preferably a 15 year horizon taking account of longer term requirements and be kept up to date;

- Based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;
- Indicate broad locations for strategic development on a Key Diagram and land use designations on a Proposals Map
- Allocate sites for development and the flexible use of land, bringing forward new land where necessary;
- Identify areas where it may be appropriate to limit change of use;
- Identify land where development would be inappropriate due to environmental or historical significance; and
- Contain a clear strategy for enhancing the natural built and historic environment.

2.8 Emphasis is placed upon the use of a **proportionate evidence base** which contains adequate, up-to date evidence, taking full account of relevant market and economic signals. For housing it requires authorities to have a clear understanding of housing requirement within the area and across boundaries (where necessary) through the preparation of a Strategic Housing Market Assessments (SHMA) to assess full objectively assessed housing needs and demands within the area and working with neighbouring authorities where necessary. A SHLAA is also required to establish realistic assumptions about the availability, suitability and economic viability of land to meet identified need over the plan period.

2.9 There is also an emphasis of working with businesses, the LEP and neighbouring authorities to understand existing needs and changes in the market, alongside identification of changing needs, and to identify and address/removing barriers to business including a lack of housing, infrastructure or viability.

2.10 A key principle is that of ensuring viability and deliverability by giving careful consideration to costs. Paras 173-177 suggest that proposals should not be burdened with obligations and policy requirements which threaten viability. Indeed it suggests the scale of individual and cumulative burdens should not be excessive but enable competitive returns to a willing landowner and willing developer to enable development to be deliverable.

2.11 Reference is made to the duty to cooperate on the strategic priorities and particularly cross boundary issues with collaborative and joint working. Para 181 requires planning

authorities to demonstrate having “effectively co-operated” to plan for cross boundary issues when submitted for Examination; this implies co-operation but not necessarily agreement.

2.12 Turning to the Examination (para 182), the independent inspector is obliged to assess whether the plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements and whether it is “sound”. On the latter issue this should consider whether such a plan is

- **Positively prepared** - the plan should be based upon a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy when considered against the reasonable alternatives , based on proportionate evidence; ;
- **Effective**- the plan should be deliverable over its period and based upon effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies of the Framework.

### **Model Policy**

2.13 Subsequent to the publication of the Framework and the presumption in favour of sustainable development, PINS (the Planning Inspectorate) issued the Model Policy along with corresponding advice on its ‘Local Plans’ page on the Planning Portal, which the Council should consider.

### **National Planning Practice Guidance**

2.14 To accompany the Framework, Government published the Practice Guidance to improve accessibility. Relevant parts seek to explain the use and how to prepare proportionate and consistent evidence bases, along with what should be included in Local Plans. .

### **Other Prevailing Policy**

2.15 Government policy on economic growth was outlined in the Government (BIS) statement



*Planning for Growth* issued alongside the Budget in March 2011. At that time it highlighted (Para 1.34) that there would be radical and fundamental reforms to the planning system to speed up decision making and to include a presumption in favour of sustainable development – where the default answer is “yes ” along with an inherently pro-growth (national) policy framework to deliver development in suitable and viable locations. A further element was to set clear expectations that local planning authorities should prioritise growth and jobs.

- 2.16 A (then) concurrent Ministerial statement (23 March 2011) adds that local planning authorities should press ahead with preparing up to date development plans, using that opportunity to be “proactive in driving and supporting growth”. Subsequent Ministerial and Budget Statements have re-emphasised these messages, introducing programmes and mechanisms to fund and boost the provision of housing, support economic growth and provide infrastructure.
- 2.17 Following on in November 2011, the Government released its (Laying the Foundations) *Housing Strategy for England* which seeks to increase the quantitative and qualitative housing supply and improve access to the housing market for households. This simply describes the simple mechanism of increasing supply to improve affordability for aspiring homeowners.
- 2.18 Lack of appropriate housing is seen by the Strategy as one of the main drags on the economy and growth. As a consequence it sees boosting housing supply as one of the key components of growth and jobs.

## 3.0 COMMENTARY

### GENERAL APPROACH

- 3.1 It is noted that the Publication Draft Core Strategy DPD (PDCS) was approved by the Council for publication in late November 2013, nearly two years after the previous consultation Core Strategy document.
- 3.2 A number of changes have been instigated from the previous draft document to reflect the changes to the planning system in the intervening period principally the Framework.
- 3.3 Government guidance advocates that all local planning authorities should seek to have an up to date development plan in place. It is imperative that the Council moves promptly to bring forward a sound Core Strategy and progresses with the Site Allocations DPD quickly thereafter.

### TIME FRAME

- 3.4 It is important that the Local Plan covers an appropriate timeframe. We would assume that the timeframe ties in to the spatial vision which looks ahead to 2030. Guidance within the Framework suggests that Local Plans should look ahead to a period of around 15 years.
- 3.5 We would suggest that the Plan period should look ahead 15 years from the date of adoption of the Site Allocations, not the Core Strategy. Such a position is considered prudent: No timetable has been suggested for the preparation of the Site Allocations DPD other than it will begin upon adoption of the Core Strategy.
- 3.6 Whilst the Framework recommends that local Council's have an up to date development plan, we would expect that any Allocations DPD is unlikely to be adopted until 2017. A fifteen year period would suggest that the end date should therefore be 2032.
- 3.7 Furthermore the Council has already suggested that it will need to review the Green Belt as a consequence of the housing requirement it is proposing. One of the key characteristics of the Green Belt is its permanence with the plan preparation process the preferred mechanism for reviewing boundaries to provide additional land for development

as well as for safeguarding.

### **PROPORTIONATE EVIDENCE BASE**

- 3.8 Proposals to streamline the planning system are central to the Government's desire to reduce the burden of proof required and to increase the speed of plan making and decision taking. Guidance within the Framework suggests that the plan-making Evidence Base must be relevant, up to date and proportionate for the task in hand.
- 3.9 A number of key documents are identified as being appropriate to form part of the Evidence Base. Paragraph 159 of the Framework suggests two key pieces of evidence are required in respect of the identified housing requirement: the SHMA and the SHLAA.
- 3.10 In broad terms the SHMA should assess the likely full housing needs to be delivered over the plan period, including the scale and mix of housing as well as the range of housing types. It should also cater for housing demand and the scale of housing supply necessary to meet this demand.
- 3.11 The SHLAA should simply establish realistic assumptions about the availability suitability and economic viability of sites to meet the housing requirement (need and demand) over the plan period.
- 3.12 Policy within the Framework largely carries forward elements of the previous guidance (PPG2). This suggests that exceptional circumstances will have to be demonstrated to justify amendments to Green Belt boundaries particularly in accommodating longer term development needs. Preparation and review of local planning documents is considered to be the appropriate mechanism for reviewing Green Belt boundaries, and when doing so any review should have regard to longer term requirements to ensure the permanence of the Green Belt boundaries.
- 3.13 Land at Fardew Golf Course was submitted to the 2013 Call for Sites for inclusion in the SHLAA. However, the evidentiary material presented alongside the Publication Draft CS, in the form of the SHLAA, fails to account for the site as outlined at Appendix 1. A number of the Council's studies on settlement growth utilise the SHLAA as base data. With the failure to include our client's land, we consider that the Core Strategy is not

based on an up to-date evidence base and is therefore not the most appropriate strategy.

- 3.14 We consider that this matter can be dealt with through a reassessment of the Evidence Base and consequent changes to the Core Strategy.

### **DUTY TO CO-OPERATE**

- 3.15 With the removal (in part) of the regional level of governance an increased (legal) emphasis is placed upon local planning authorities to collaborate and communicate on cross boundary issues, or on proposals which may have an effect upon the plans and policies of adjoining authorities.
- 3.16 Bradford Council is under an obligation to demonstrate that it has satisfied the provisions of the Duty to Co-operate. A number of pieces of correspondence suggest that the Council has discussed matters with adjoining authorities, but not that substantive cross boundary issues have been resolved. It is acknowledged that the Duty is one of co-operation not necessarily to agree.
- 3.17 On this basis we understand that none of the adjoining authorities, particularly those with more advanced development plans, intend to accommodate any of Bradford District's objectively assessed (housing) development needs. Consequently it is imperative that the Core Strategy seeks to meet the objectively assessed needs; failure to do so simply renders the Core Strategy unsound.

### **GENERAL EDITING**

- 3.18 There appear to be numerous typographic errors throughout the document. These do not render the document unsound, and could be rectified through a general edit prior to the formal adoption process.

## 4.0 POLICY COMMENTS

- 4.1 It is recognised that the Core Strategy is not site-specific; however these representations reflect the situation that the Council's evidence base fails to take in to account the availability and suitability of our client's site. Within this section we review the relevant parts of the Plan particularly the policies and highlight where changes can be made to make the Core Strategy sound.

### VISION AND STRATEGIC POLICIES

- 4.2 Broadly the Spatial Vision is positive seeking to significantly increase the delivery of new houses, both market and affordable, along with economic and social transformation of the District.
- 4.3 Para 3.6 specifically relates to the Airedale Corridor, focussing upon the regeneration of the three interconnected towns of Keighley, Bingley and Shipley. It suggests that it will emerge as a lifestyle corridor where creative, research, service sector and higher value industries will thrive and high quality transport infrastructure will support his transformation. We would add that it is important that the type of housing provided must reflect this aspiration.

### CORE POLICIES

- 4.4 Inclusion of the Model Policy at P1: Presumption in favour of the Sustainable Development is welcomed. There is a typo which should be picked up in editing.

### SC1: Overall Approach and Key Spatial Priorities

- 4.5 Provision B sets out the overall spatial priority for distributing development across the District identifying specific drivers of growth and seeking to locate development in sustainable locations.
- 4.6 We have some concerns regarding the provisions of B5 and B6 (Page 31) which could be misconstrued when read together. Policies in the Framework seek to promote sustainable development in terms of the social, economic and environmental roles. As worded we would suggest that these two provisions do not reflect the intention of the Framework. Indeed, B6 seems to restrict growth in Local Service Centres to local needs

only. We would suggest that such an approach is not an appropriate strategy in the circumstances and is therefore unsound.

- 4.7 In order to address this point we would suggest that provision B6 should be reworded to suggest that Local Service Centres should support an appropriate scale level of development to sustain the Centre and services within it, based upon the ability and capacity of the settlement to accommodate development; i.e. support development proportionate to its position in the settlement hierarchy. "Local needs" housing has a specific connotation. We would suggest that to address this point the Provision B6 should be reworded as follows.

*"6. Promote Local Service Centres, as defined in Policy SC4, as locations for new homes and to support local services."*

#### **SC4: Hierarchy of Settlements**

- 4.8 Within the text is the explanation for the evolution of the proposed settlement hierarchy and how it differs from the RUDP (paras 3.56, etc.). In broad terms the settlement hierarchy is supported.
- 4.9 However, in line with our comments above we would suggest that, under the Local Service Centres and Rural Areas heading, the phrase "*meet local needs*" should be deleted unless it is it only refers to the Rural Areas rather than the Local Service Centres. Item 5 should have the phrase "Meet local needs" replaced with "Provide". A similar change should also be made to the supporting text in para 3.75.

#### **SC5 Location of Development**

- 4.10 Policy SC5 is unsound and negatively worded. A sequential approach to site selection is supported where it delivers sustainable development and economic growth in accessible locations. However, an approach which advocates first priority to previously developed land is not consistent with the Framework which seeks to significantly boost the supply of housing (and jobs) from all sources, consistent with other policy provisions. It is the role of the development plan to identify suitable locations and sites for development (and ensure such sites are not encumbered with individual and cumulative policy burdens which threaten viability and reasonable returns, particularly on brownfield sites) and then for the market to determine where homes are built and delivered.



- 4.11 Prioritising PDL above greenfield is unsound (as it is not consistent with national policy) and should be removed. We consider that Policy SC5 could be made sound by removing the word “giving” from the pre amble and deleting the first part of each of the following provisions; namely “first”, “second”, “third” and “fourth priority”.

### **SC7 Green Belt**

- 4.12 In delivering housing growth the Council recognises the need for a review of the Green Belt. In doing so the Council should reflect upon recent discussion at recent Examinations of two adjoining authorities. At the Examination into the Leeds Core Strategy (October 2013 and correspondence), the Inspector raised concerns regarding the appropriateness and connotations of a “selective” review where the Council intends to release land from the Green Belt across the District. The Council has proposed a series of Main Modifications which will be formally issued for consultation over the Summer.
- 4.13 In Kirklees, the Inspector raised substantive concerns regarding the Council’s housing strategy (based upon an effective demand) but also the Council’s *selective* review of the Green Belt to accommodate that constrained housing requirement. His conclusion that the Council should not use the Green Belt as a constraint to development (to suppress the housing requirement) resulted in the withdrawal of the Core Strategy.
- 4.14 As a consequence we would suggest that the Council undertake a robust approach to the Green Belt review and that the word “selective” be removed from the phrasing of the Provision B. This would address our immediate concern with this policy.
- 4.15 Provision C is appropriate in suggesting that Green Belt review will take into account and accommodate development needs for a period of at least fifteen years from the adoption of the Core Strategy for the purposes of safeguarding land and securing the permanence of the Green Belt boundary.
- 4.16 On this point when undertaking the Green Belt Review, it would also be appropriate for the Council to consider the basis for considering the extent of safeguarded land to be identified. Again, the recent Examination in to the Leeds Core Strategy considered the basis upon which the Green Belt Review should take place. For instance Leeds Council suggested an approach which would deliver an effective two years worth of housing land

supply; the industry is suggesting an approach which would deliver five years' supply. .

- 4.17 We would suggest that the basis for any Green Belt Review should also consider providing a supply of land equivalent to an effective five year supply. This would be a robust approach to securing a sustainable pattern of development, without undermining the regeneration and redevelopment ambitions of the broader strategy.

### **Policy SC8 Protecting the South Pennine Moors**

- 4.18 European designations (SPA and SAC) affect the general extent of Rombalds Moor located generally to the north of East Morton. In determining the appropriate zone of influence, guidance is provided through the Framework and the various Regulations and Directives.
- 4.19 It is important to acknowledge, when assessing the potential effects within the various buffer zones (and the need for compensatory mitigation), any intervening uses between development sites and the protected area. For example, the development site indicated at Appendix A is within Zone Bii from Rombalds Moor, but is physically separated from the protected area by the extent of most of East Morton.

### **Key Diagram**

- 4.20 Notations contained on the Key Diagram with East Morton identified as an LSC and to be subject to localised Green Belt deletions is supported. Similarly identification of Keighley/ Riddlesden as an Economic Growth Area, also subject to localised Green Belt deletions is supported.

### **SUB- AREA POLICIES**

- 4.21 Within this section the Core Strategy splits the District into four sub-areas. Parts of the evidence base for example the SHMA does not correlate to the Sub-Areas. Whilst it is assumed that there is no intention to mislead, it would be helpful if the evidence base material was presented in a format which correlated with the subsequent strategy.

### **Sub Area Policy AD1: Airedale**

- 4.22 At the heart of Government Policy is to significantly boost the supply of housing as a



fundamental element of sustainable economic growth and development. We would suggest that Policy AD1 (as well as subsequent HO policies) does not reflect this approach.

- 4.23 We would suggest that the provisions of this policy should not be prescriptive. For example, reference to housing numbers and employment land should be seen as indicative and preferably as minimum numbers, subject to our comments in relation to Draft Policy HO1. We would suggest that the reference to 8,350 dwellings should be prefixed with "at least" and the numbers set out in the subsequent table be seen as indicative (or a minimum), with specific numbers to be determined through the Allocations DPD. The figure for Keighley should also make reference to Riddlesden.
- 4.24 Under Provision B of the policy, in line with our earlier comments, reference to "local need" should be removed. Reference to localised Green Belt changes is supported where these are derived through a comprehensive review.

#### **THEMATIC POLICIES: HOUSING**

- 4.25 Bradford District faces a challenge in the period through to 2030, accommodating the rapidly growing population and significant changes in the demographic and population profile (Para 5.3.1). It is important that the Core Strategy sets out a positive approach to dealing with these issues. A number of the 10 Principles set out in Figure HO1 are quite prescriptive; we consider it is important to provide homes in places people want to live.

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

- 4.26 Paras 5.3.6/7 to 5.3.13 of the Core Strategy set out the complexities of the evidence base, economic/population projections and study techniques to indicate a range of requirements; this is then followed by the scientific exercise of picking the mid-point and taking that forward. This results in a housing requirement of 2,200 dwellings per annum. We consider this approach to be unsound.
- 4.27 Presently the most recent housing figure which has been thoroughly tested at Examination is that derived from the recently revoked Regional Strategy, a figure of 2,700 dwellings per year. It is acknowledged that that housing figure was derived from strategic approach which sought to focus development into the West Yorkshire Metropolitan area

to support the regeneration initiatives and to suppress housing provision in adjoining areas of North Yorkshire. Furthermore the RS housing figures were acknowledged to be based on out-of-date population forecasts with the RS adopted on the basis that it would be followed by an immediate Review of the Housing numbers. Papers issued suggested a need to increase the housing numbers by between 18 and 35%; i.e. an increase from 22,000 to more than 30,000 units per year. A simple extrapolation for Bradford would imply a figure of 3,700 dwellings per year should be provided through to 2026 and beyond.

- 4.28 It is noted that many of the adjoining authorities are now seeking to accommodate their own housing requirement (none have suggested that they will accommodate more) and are at varying stages of the Local Plan preparation cycle which allows them to do so. However, we do not see how this supports Bradford Council's position; particularly one which seeks to reduce the housing figure by 20%.
- 4.29 Given that the Government is seeking to significantly boost housing supply we consider that any approach which seeks to fall below that level (of the RS) is unsound. If the Council is seeking to promote an ambitious jobs growth agenda it should not seek to restrict housing supply. There is a well recognised correlation between jobs growth and housing supply. A restriction on one results in a constraint on the other.
- 4.30 Taking this (RS) figure forward would suggest that for the period to 2013 - 2030 should be a minimum 45,900 dwellings. The revised RS figures of around 3,700 per annum would suggest a requirement in the order of 63,000 units
- 4.31 At Table HO1 the Council then recognise their failure to deliver against the existing requirement between 2004 and 2013, under providing to the tune of 7,687. This would suggest that the Council's requirement should be in the region of 71,600 units; about 4,200 units per year.
- 4.32 Table HO1 also suggests at Row J, a reduction of 3,000 as a result of reducing the number of vacant homes in the District. Given that the draft CS is already seeking to suppress housing numbers, we would suggest that such an approach is unsound. It should be borne in mind that the spatial portrait for the District (para 2.44) indicates that

there are 210,000 dwellings and 200,000 households in the District. This would suggest that there are 10,000 more dwellings than households, which may for example comprise second homes and holiday homes (which at a national level comprise around 6% of dwelling units). Without exploring the dynamics of distribution and suitability of the vacant units this would suggest that only 5% of the dwelling stock is vacant, this could be explained through the usual churn of the housing market.

- 4.33 There is no guarantee that vacant houses will be brought back into use, but where this happens, it should be seen as a bonus to the housing supply.

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

- 4.34 Table HO2 recognises that the principal sources of supply for housing land include sites recorded within the AMR and the SHLAA. From the AMR we would assume that there are in the order of 10,000 units from schemes currently with planning permission and around 5,000 on unimplemented RUDP Allocations. We would suggest some caution should be attached to a number of unimplemented RUDP sites which remain to come forward. Added to this the SHLAA identifies potential for around 54,000 dwellings of which around 34% are brownfield sites.
- 4.35 It is clear from the SHLAA data, of existing supply, the area based initiatives and the growth areas that there will be a need to review the Green Belt to meet housing needs. It must not be forgotten that Green Belt land may also be required to provide community, social and employment facilities associated with areas of growth. Para 5.3.30 suggests that the capacity of sites which are only policy constrained, by a Green Belt designation, amount to around 19,000 dwellings. We consider this may be an underestimate given that the evidence does not use the most up to date SHLAA material.
- 4.36 Provision HO2 B3 is generally supported, although we would suggest that the policy be more supportive towards the Green Belt releases where these perform a more sustainable solution than non-Green Belt sites.

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

- 4.37 It is appropriate that the settlement hierarchy underpins the distribution of housing (and other) development, although it should be recognised that settlements even of similar

sizes can serve very different function and offer different levels of services and facilities. As such any distribution of development should not be focussed simply upon current population levels.

- 4.38 Paragraphs 5.3.42-45 set out a number of general principles which underpin the housing distribution. All four principles have merit but conspicuous by its absence is any consideration of viability and scheme economics as outlined in para 173 of the Framework. Housebuilders will not build homes which they cannot sell, and landowners will be reluctant to release land if there is not a reasonable return. A failure to consider such matters would suggest that the Core Strategy is neither positively prepared nor consistent with national policy.
- 4.39 A number of filters/sensitivity tests are then applied to the distribution including the land supply, the outcomes of the growth study and environmental showstoppers. We have concerns about the appropriateness of the Evidence Base and the consequences upon the Growth Study material which underpins the proposed distribution strategy. A review of the Growth Study for East Morton indicates that the land at Fardew Golf Course was not included in the assessment. We would suggest that the Growth study should be updated to assess the most up to date SHLAA following the 2013 Call for Sites.
- 4.40 In the lead up to the Policy HO3 there is a substantial amount of analysis set out in Tables HO4 – HO7, which suggest the distribution of housing development based upon percentage share and then general numbers. Given our concerns set out above regarding the housing requirement (Policy HO1), we would suggest that the use of actual numbers may be too prescriptive and some flexibility would be appropriate in the wording of Policy HO3. For example it would be appropriate for Policy HO3 to indicate the apportionment of the distribution as a percentage for each level of the hierarchy, and the requirement from each settlement similarly to be a percentage.
- 4.41 Using prescriptive numbers without any flexibility effectively predetermines the allocation process; an approach which is not consistent with the Framework which suggests that development plans should provide flexibility and have the ability to adapt (rapidly) to changes. Should the allocations process suggest that a settlement cannot accommodate the level of development proposed (or could accommodate more) would technically

render the Core Strategy unsound.

- 4.42 We would suggest that the policy be amended to reflect percentages for each level and settlement, and if actual figures are to be used then these should be indicated in the supporting text as minimum levels.

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

- 4.43 There are no provisions within the Framework to support the phasing of housing sites. It is the role of the development plan to identify appropriate locations for economic growth and for the market to deliver it. In this regard the policy is not justified or consistent with national policy. Consequently, it is unsound and should be deleted.
- 4.44 It is acknowledged that there are times where phasing may result, for example through the provision of critical infrastructure and services. In such circumstances it is for the development plan to identify such constraints and the mechanisms (including potential sources of funding) for how these will be delivered for example through the as the Infrastructure Delivery Plan. Such detail can be progressed as part of the detail within the Site Allocation DPD and the various AAP's as proposed.

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

- 4.45 Efficient use of land is one of the core principles of sustainable development alongside creating well designed high quality places. However, the Framework does not prescribe housing densities targets. As a consequence any approach which does so is not consistent with the Framework and should be deleted. It may be appropriate to utilise 30 dwellings per hectare as a measure to gauge the efficient use of land but it should not be an explicit policy objective. We would suggest that provisions B and C of HO5 should be deleted.

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

- 4.46 Re-use of previously developed land is one aspect of sustainable development; however Government policy recognises that in certain circumstances brownfield land may not be suitable (due to their environmental value), or green field sites could be more sustainable (in terms of location).



- 4.47 There is no reference to policy targets for previously developed land in the Framework. Consequently we consider that the draft policy is not consistent with Government guidance and should be deleted.

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

- 4.48 In order to inform the preparation of the Allocations DPD and other AAP's, the Council sets out some 20 provisions within this policy which will enable sites to be identified, assess, compared and allocated. The justification states that the list is not exhaustive (so other criteria may be added) and they are in no order of priority.
- 4.49 A number of the provisions repeat other elements of the Core Strategy, are not consistent with Government or do not provide certainty. We would suggest that the Policy is not justified and therefore unsound and should be deleted.

#### **Policy HO9: Housing Quality**

- 4.50 An approach which seeks to secure high quality and good design is supported. However, we have substantial concerns with the provision B which seeks to impose onerous building standards. We would suggest that this provision should be deleted where it repeats Building Regulations standards or where it seeks to exceed them.

### **IMPLEMENTATION AND DELIVERY**

- 4.51 It is important that in bringing forward a sound Core Strategy that this includes an appropriate mechanism to assess and appraise the success of the document and whether there are any areas of under delivery where a change of approach may be necessary.

#### **Policy ID1: Development Plan Documents and Annual Monitoring Report**

- 4.52 Government guidance suggests that planning authorities should have an adopted development plan in place, but suggest that such documents should be "light touch" and kept to a minimum.
- 4.53 Policy ID 1 suggests that the Council will prepare a further four DPD's along with Neighbourhood Plans (where these are proposed by local community/interests). The uses of SPD's should be minimal (Provision B) and it is welcomed that these will not be

used to add further financial burdens.

- 4.54 Provision C is somewhat confusing as it suggests an Annual Monitoring Report will be produced “regularly”. One would assume it is annually. It would be more appropriate if the Monitoring Report were kept up to date more frequently than that so that the Council can take early remedial action where policy initiatives are seen to be failing.

#### **Policy ID2: Viability**

- 4.55 Clearly viability is the fundamental to successful development. In principle we are supportive of this policy approach but consider that the viability assessment and / or information provided should be proportionate to the scale of the development/variation. Paragraph 6.15 suggests that any Viability Assessment will be assessed by an independent valuer, the cost of which will be met by the developer. On this basis it is important that the developer has the opportunity to select and vet any “independent” valuer and the cost of their advice.

#### **Policy ID3: Developer Contributions**

- 4.56 There is guidance in regulation and other sources to explain what constitutes appropriate and reasonable developer contributions. There is no need to repeat it here. It is not clear how (A4) the “public sector’s equality duty” is a material planning consideration. This policy is unnecessary in should be deleted.
- 4.57 It may be appropriate for the policy to suggest that the Council will require developer contributions through Section 106/278 agreement and will be pursuing a CIL regime.

#### **Policy ID6: Simplification of planning guidance to encourage sustainable development**

- 4.58 It seems counterintuitive to introduce a policy to suggest that the Council will simplify guidance, particularly when it goes on to list various planning documents which may be used. This policy is unnecessary and should be deleted.

## 5.0 SUMMARY AND CONCLUSIONS

5.1 Carter Jonas LLP welcomes the opportunity to submit representations to the draft Publication CS on behalf of the FW Heaton Builders Ltd.

5.2 Land owned by the Company was submitted to the Council's SHLAA during the 2013 Call for Sites. The extent of land submitted is indicated at Appendix A. It is concerning however, that the Evidence Base prepared in support of the Publication Draft document does not appear to account the availability of the land in question. In this regard we consider that the Core Strategy and the proposals are not based upon the most up-to-date evidence and therefore do not represent the most appropriate strategy. We consider that this issue can be resolved by the Council and its advisors updating the Core Strategy and Evidence Base to take into account the most recent evidence.

5.3 It is recognised that the Core Strategy is not site-specific, but further technical work will be submitted to indicate the suitability of the site to deliver sustainable development.

5.4 Policies within the Framework advocate that local planning authorities should have an up-to-date development plan which is positively prepared and seeks to deliver sustainable development; in particular to boost the supply of housing and support economic growth and jobs. Such documents are expected to be light touch, based on up-to-date evidence and sufficiently flexible to be able to change should circumstances require. We consider that the Core Strategy fails on a number of these elements and is **unsound**.

5.5 A number of specific issues are raised:

- The time frame is not consistent with the Framework and should extend for fifteen years from the date of adoption of the Allocations DPD.
- A settlement hierarchy is identified broadly carried forward from the RUDP. East Morton is identified as a Local Service Centre (LSC) capable of accommodating some growth. References to LSC's (SC1, 4 and 5) only accommodating "local needs" housing should be deleted.
- Following discussions at the recent Leeds Core Strategy EIP (October 2013) and the withdrawal of the Kirklees Core Strategy references to a Green Belt Review

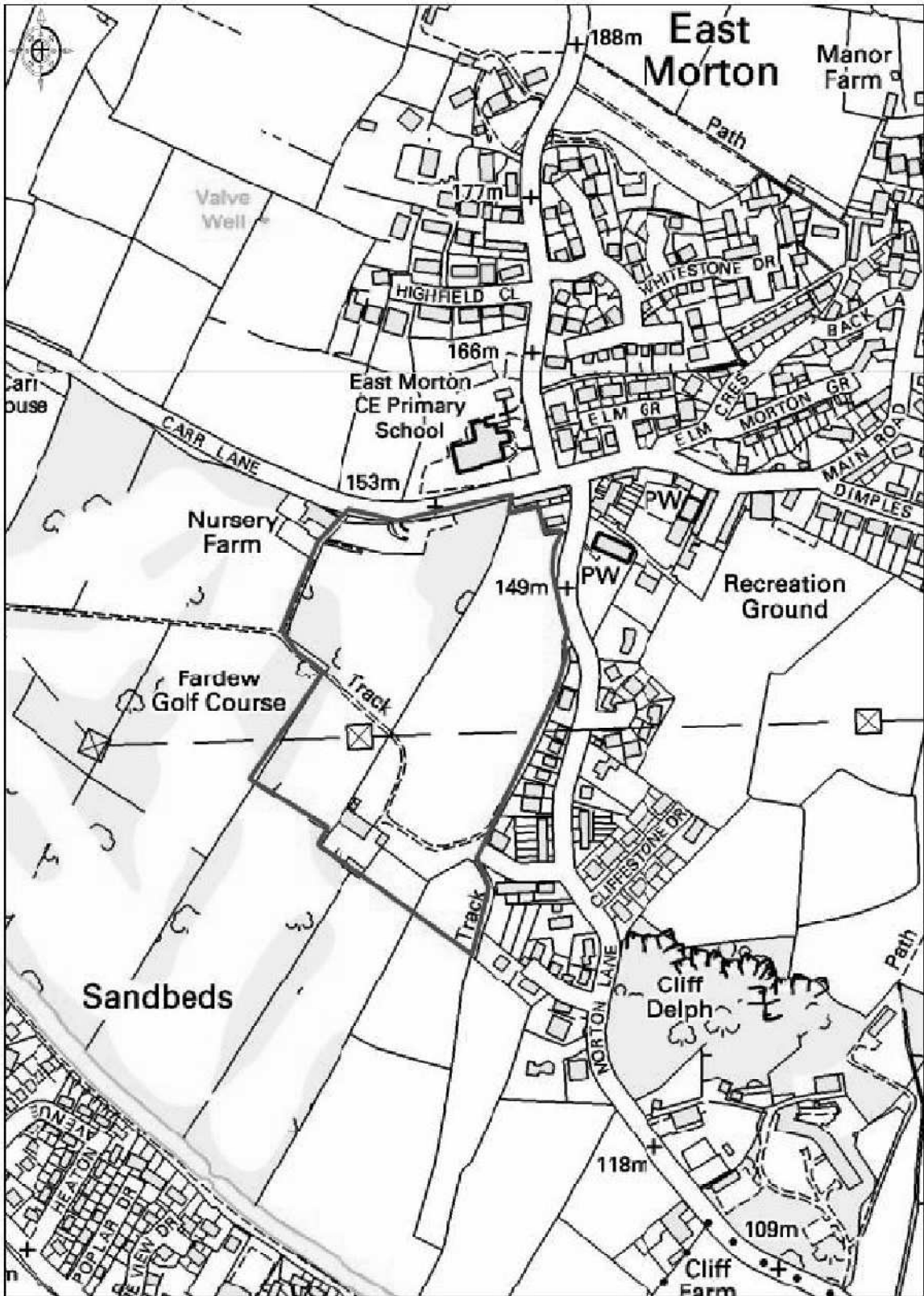


(SC7) being “selective” should be deleted. It is appropriate for such a Review to consider release of land for housing in the plan period but also to consider development needs for the period 15 years beyond the plan.

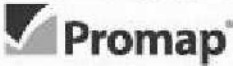
- For Policy HO1, a housing requirement is identified which is not robust or objectively assessed. It would seem to be a “finger in the air” exercise, representing 23% fall from the currently “adopted” requirement of 2,700 dwellings per year. Given the considerations surrounding the (revoked) RS which may have resulted
- Taking into account the Plan period, the housing shortfall and the revised requirement we would suggest that the plan should provide for some 71000 units or around 4,200 dwellings per year.
- For Policy HO2, we do not consider that the analysis uses the most up to date SHLAA.
- Policy HO3 should be simplified to simply demonstrate the distribution of housing across the hierarchy and settlements, represented as percentage points rather than as numbers to allow some flexibility.
- Policies HO5, 6 and 7 should be deleted. Policy HO9 should not seek to duplicate or exceed accepted national requirements settlement to Cooperate” has been satisfied.
- Comments on Policies ID1 and ID2 seek to simplify the wording. Policies ID3 and ID6 are unnecessary and should be deleted.

APPENDIX A

LAND AT EAST MORTON



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Land at Fardew Golf Course, East Morton



