



Report to City of Wakefield Metropolitan District Council

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE CENTRAL WAKEFIELD AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT

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ABBREVIATIONS

AMR	Annual Monitoring Report
AA	Appropriate Assessment
AAP	Central Wakefield Area Action Plan
Core Strategy	Wakefield Core Strategy
[CD]	Core Document
The DPD	Central Wakefield Area Action Plan Development Plan Document
The plan	Central Wakefield Area Action Plan Development Plan Document
EA	Environment Agency
GOYH	Government Office for Yorkshire and the Humber
LDF	Local Development Framework
LDS	Local Development Scheme
LTP	West Yorkshire Local Transport Plan
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSS	Regional Spatial Strategy; The Yorkshire and Humber Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPD	Supplementary Planning Document
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SFRA	Strategic Flood Risk Assessment
UDP	Wakefield Metropolitan District Unitary Development Plan First Alteration

1.0 INTRODUCTION AND OVERALL CONCLUSION

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
- (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document,
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the Central Wakefield Area Action Plan DPD (AAP) and its accompanying Proposals Maps, including its detail Plans numbered 2 to 5, in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I am satisfied that the AAP generally meets the requirements of the Act and Regulations. I refer to an exception in paragraph 2.1 of this report. My role is to consider also the soundness of the submitted DPD against the tests of soundness set out in Planning Policy Statement 12 (PPS12). When the AAP was submitted, PPS12 (2004): *Local Development Frameworks* was in force, but in June 2008 it was replaced by PPS12 (2008): *Local Spatial Planning*, which is current national policy. Although the tests of soundness are now presented in a different and simpler way, they cover the same matters as before. The revised PPS12 requires that to be sound, a DPD should be justified, effective and consistent with national policy, along with a continuing requirement for it to satisfy the legal/procedural requirements and be in general conformity with regional planning policy. Justified means that a DPD should be founded on a robust and credible evidence base, and the most appropriate strategy when considered against the reasonable alternatives. Effective means that the submitted DPD should be deliverable, flexible and able to be monitored.
- 1.4 The Government intends that spatial planning objectives for local areas, as set out in the LDF, should be aligned not only with national and regional plans, but also with shared local priorities set out in Sustainable Community Strategies (SCS), where these are consistent with national and regional policy. National policy emphasises the importance of spatial planning, requires local planning authorities to produce a Statement of Community Involvement (SCI) and follow its approach, and to undertake a proportionate sustainability appraisal. PPS12 (2008) also confirms that the rigour of the examination process remains unchanged and Inspectors will be looking for the same quality of evidence and content as before. Consequently, the publication of the new PPS12 does not materially affect the procedure or matters to be examined in terms of this AAP.
- 1.5 In line with national policy, the starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the legal requirements and/or the tests of soundness in PPS12. My report does not address individual representations, although these have informed the identification of the main matters and issues for examination. Where particular tests are not mentioned with reference to a policy this is because that part of the AAP is sound with reference to that test.

- 1.6 Annex A to this report lists and gives the precise details and wording for all of the changes which are necessary to make the AAP sound. Those that are referred to as (CWA//) were suggested by the Council. Others that are shown as (IC//) originate from me. References to Core Documents are given in square brackets [CD//]. All of the Council's suggested changes are listed in [CD510], which has been published on the Council's website. All of the changes that go to the heart of the soundness of the plan were discussed at the hearing sessions, and/or in further written representations. I am satisfied that adequate provision has been made for public engagement in their regard and that none require additional Sustainability Appraisal (SA) and/or Appropriate Assessment (AA) to be undertaken. None of these changes would materially alter the overall substance of the AAP and its policies, or undermine the SA and participatory processes already undertaken.
- 1.7 My report firstly considers the legal requirements, and then deals with the relevant matters and issues considered during the examination in terms of testing justification, effectiveness and consistency with national policy.
- 1.8 **My overall conclusion is that the AAP is sound, provided it is changed in the ways specified in this report. The principal changes which are required are, in summary to:**

- **Clarify the main purposes of the AAP, its links with the Sustainable Community Strategy and the strategy for delivery of its Vision.**
- **List the policies of the UDP that will be replaced by the AAP.**
- **Clarify compliance with the sequential and exceptions tests of PPS25.**
- **Add a policy for housing provision in Central Wakefield.**
- **Combine policies CW1 and CW2; CW3 and CW4; and CW9 and CW10.**
- **Delete Policy CW14.**
- **Delete Policy CW22.**
- **Clarify the mechanisms for delivery and monitoring the Vision, policies and proposals of the AAP, together with contingency plans to take account of a slowing economy.**

2.0 LEGAL REQUIREMENTS

Compliance with the 2004 Regulations

- 2.1 I am satisfied that the AAP mainly complies with the specific requirements of the Town and Country Planning (Local Development) (England) Regulations 2004 (2004 Regulations), including the requirements in relation to publication of the prescribed documents, availability of them for inspection and local advertisement, and notification of DPD bodies. However, Regulation 13(5) of the 2004 Regulations also requires that where a DPD is intended to replace an old policy it must state that fact and identify the old policy it is to replace. This is partly met in paragraph 1.13 of the AAP, which informs that it will replace policies and proposals of chapter 5 in the saved UDP, but for clarity and transparency the

specific policies of the UDP that will be replaced should be listed, in accordance with the Council's suggested change (**CWA30**). With this change the AAP would be compliant with the 2004 Regulations.

Consistency with the Local Development Scheme

- 2.2 The AAP is contained within the Council's Local Development Scheme (LDS), the updated version being approved on 12th September 2007 [CD221]. There, it is shown as having a submission date of May 2008, with hearings to be held in February 2009 and an estimated adoption date in September 2009. Its intended role is to provide a framework for urban renaissance and guidance on key development opportunities within central Wakefield, and to replace policies and proposals in Volume 5 of the Wakefield Metropolitan District Unitary Development Plan First Alteration (UDP). Evidence that the targets and milestones for the AAP up to and including the examination hearings have been met, and that it will perform its intended role, is contained in the Council's Soundness Self Assessment document [CD106]. I conclude that the AAP has been prepared in accordance with the LDS and that this legal requirement is met.

Regard to the Sustainable Community Strategy

- 2.3 It is a statutory requirement for the local planning authority to comply with relevant Sustainable Community Strategies (SCS), (section 19 (2 f & g) of the 2004 Act). Further guidance on this matter is given at paragraphs 4.34 and 4.35 of PPS12. The SCS for central Wakefield is contained in, 'Wakefield District Partnership's Community Strategy – Knowledge Communities' [CD205], which sets out the overall vision, aims and targets for the District and provides the wider context for a range of supporting partnership strategies. Its priorities are to create safer, stronger and healthier communities, and to promote skills and enterprise. The overall intention is to make the District a more attractive and prosperous place in which to live.
- 2.4 The role of the SCS and its relationship with the AAP are referred to in chapter 2 of the DPD, which informs how other plans and policies have influenced it. I am satisfied that the challenges of the SCS are reflected in the Spatial Vision for the APP and also in its Objectives and Strategy. However, whilst the links between the SCS and the AAP are clearly identified in Table 1 of the Technical Paper accompanying the AAP [CD105] they are not explicitly set out in the AAP. This lack of transparency should be rectified by the addition of a new Table 2, which would link the challenges and Objectives of the AAP to the spatial challenges of the SCS, as set out in the Council's suggested change (**CWA35**).
- 2.5 To strengthen the intention of the AAP to make the City the hub of the 'knowledge community' and to reflect the long term aim of Wakefield College to develop the city centre campus into a university centre, as part of the drive to improve skills and enterprise in the District, the Council's suggested reference to the redevelopment proposals at Wakefield College campus on Margaret Street, as set out in (**CWA54**), is necessary. With these changes this legal test would be met.

Compliance with a Statement of Community Involvement and associated Regulations

- 2.6 The Council's Statement of Community Involvement (SCI) [CD216] has been found sound by the Secretary of State and was formally adopted by the Council on the 8th February 2006. It is evident from the documents submitted by the Council, including the Regulation 28 and 31 Statements [CD107 and CD111], and

its Soundness Self Assessment document [CD106], that the AAP has met the requirements as set out in the Regulations. I conclude that this legal test is met.

Sustainability Appraisal and Appropriate Assessment

- 2.7 Alongside the preparation of the AAP it is evident that the Council has carried out a parallel process of sustainability appraisal (SA) [CD101, CD102 and CD103]. The SA documents identify the process carried out, the baseline information and outcomes, including the vision and strategic objectives, and assess the various options considered. It is clear that they also provided a strategic input into the preparation of the AAP and the sustainability effects of its policies, which will be monitored through the Annual Monitoring Report (AMR) process. Flood risk is highlighted in the SA as a constraint that requires mitigation. This is a matter that I consider further in section 3 of this report. Further evidence of the influence of the SA is contained in the Soundness Self Assessment document [CD106], the Statement of Pre-Submission Consultation [CD107] and the AAP Technical Paper.
- 2.8 An Appropriate Assessment (AA) screening report [CD104] for the AAP has also been carried out in accordance with Articles 6(3) and 6(4) of the Habitats Directive. The report confirms that the submitted policies and proposals will not have a significant impact on any European designated sites. An AA is not therefore necessary. I conclude that the AAP meets this legal requirement.

Conformity with the Regional Spatial Strategy

- 2.9 The AAP is in general conformity with the Regional Spatial Strategy (RSS), The Yorkshire and Humber Plan [CD301]. This has been confirmed by the Regional Planning Body, the Yorkshire and Humber Assembly, in its letter dated 10th July 2008 [CD117]. Appendix E of the AAP Technical Paper sets out the relationship between the AAP and the RSS themes and policies. The AAP meets this legal requirement.

Conformity with the Core Strategy

- 2.10 Paragraphs 2.12 – 2.16 of the AAP acknowledge that the Core Strategy is the overarching document within Wakefield's Local Development Framework (LDF). They describe how the AAP will enable the delivery of the 'Wakefield first' principle established by the Core Strategy by: establishing a stronger office focus within the city centre to support the urban renaissance of Wakefield; encouraging mixed use development and a broader mix of uses and activities especially for health, fitness and cultural uses; promoting a range and mix of houses on a number of key sites within central Wakefield; focussing major retail development within established areas of the city centre; ensuring that new development enhances the quality of the natural and built environment; and by improving accessibility by different modes of transport to jobs and services. Appendix E of the AAP Technical Paper sets out the chain of conformity of the AAP with the Core Strategy. I conclude that the AAP is in conformity with the Core Strategy, with one small exception. For consistency with the Core Strategy, as recommended to be changed by the examination Inspector, reference to 'at least' 30% affordable houses should be deleted from paragraph 4.50 of the AAP, as I detail in **(IC1)**.
- 2.11 I conclude that the legal requirements will be met provided that the following changes are made:

- **Clarify the links between the AAP and the Sustainable Community Strategy.**
- **List the policies of the UDP which will be replaced by the AAP.**
- **Refer to the target for affordable housing as being 30%.**

3.0 **JUSTIFICATION, EFFECTIVENESS AND CONSISTENCY WITH NATIONAL POLICY**

In this section of my report I consider whether the policies and proposals of the AAP are sound in terms of the tests of PPS12; that is, if they are justified and effective, and if they are consistent with national policy. I do so in terms of the following main matters discussed at the hearing sessions of the examination:

- Justification, Effectiveness and Consistency with National Policy: an overview of the Soundness of the Vision, Objectives and Strategy of the AAP.
- Whether the General Policies of the AAP are Justified, Effective and Consistent with National Policy.
- Whether the Site Specific Policies of the AAP are Justified, Effective and Consistent with National Policy.
- Whether the Delivery and Monitoring Mechanisms for the AAP are Effective.

3.1.0 **JUSTIFICATION, EFFECTIVENESS AND CONSISTENCY: AN OVERVIEW OF THE SOUNDNESS OF THE AAP**

Main Matter - Whether the AAP is justified and consistent with national policy and guidance, and its Vision, Objectives and Strategy are effective.

Justification

- 3.1.1 The consultation process for the AAP has been carried out in compliance with the SCI [CD216], which sets out how people and organisations will be involved in the planning process in Wakefield. Evidence demonstrating how this has been done is contained in the Statement of Pre-Submission Consultation [CD107], which covers all stages of the plan making process for the AAP. That document lists the individuals, bodies and organisations consulted at each stage, together with a summary of responses received. It also provides details of presentations and workshops to groups, including the 'Young at Heart' and 'Over 50's' action groups. I conclude that the consultation process has allowed for effective engagement of all interested parties.
- 3.1.2 I consider that the AAP is based on robust, comprehensive and credible evidence that is in most respects suitably up-to-date. Appropriate parts of the evidence base are referred to at the end of each of the policy sections. In addition, chapter 2 of the AAP refers to the main parts of the evidence base. A more comprehensive list of relevant background papers and baseline studies is provided in the AAP Technical Paper. The overarching evidence that is fundamental to the approach and content of the AAP is contained in Koetter Kim and Associate's strategic development framework for the central area of Wakefield, as set out in 'Getting Connected: Wakefield Renaissance Charter' [CD124] and in 'Getting Connected: Wakefield-Developing the Vision' [CD126].
- 3.1.3 In accordance with good practice, the Council's LDF evidence base is being updated as necessary. Where relevant to the AAP, and the new evidence was published sufficiently early in the examination process to allow full consideration

by interested parties, I have taken it into account. Such evidence includes the 2008 update of the District-wide Level 1 Strategic Flood Risk Assessment (SFRA) [CD218] and the Level 2 Central Wakefield SFRA 2008 [CD121], which support the main conclusions of the District-wide SFRA 2005 [CD217] that informed the production of the AAP.

- 3.1.4 Evidence on local housing needs and trends in relation to central Wakefield is informed by the District-wide preliminary Strategic Housing Market Assessment (draft SHMA) [CD213] and the Housing Technical Paper submitted with the Core Strategy [CD229]. Further AAP post-submission evidence includes the Housing Market Demand Study [CD214], and the Economic Viability [CD237] and Evidence Overview [CD242] reports, which add to and support the earlier evidence.
- 3.1.5 With regard to shopping needs and retail capacity requirements, evidence has been derived from a number of sources, including the West Yorkshire Retail Capacity Study [CD302], City Centre Health Check [CD119] and information submitted as part of the planning application for the Trinity Walk scheme [CD132], which updates the Retail Capacity Study. Further evidence on the need for additional retail development within the District will be prepared as part of a future intended Retailing and Town Centres DPD.
- 3.1.6 The evidence base justifies increasing the supply of commercial office floorspace in central Wakefield. The West Yorkshire Office Property Market Study [CD300] predicts a 67% increase in the area during the first phase of the AAP period. This will be primarily based in the city centre.
- 3.1.7 The main sources of evidence for transport matters is contained in the Second West Yorkshire Local Transport Plan (LTP) [CD307] and the Highways Masterplan 2006-2011 [CD131].
- 3.1.8 In line with the Core Strategy and the evidence base, the main assumptions of the AAP are that most new development within the District will be concentrated in the City of Wakefield and, to a lesser but significant extent, in Castleford and Pontefract. Also, based upon its buoyant economy and the expectation that most of its new development will be market-led, that Wakefield City has significant potential to fulfil its renaissance vision. However, taking into account the sudden downturn in the economy since the submission of the AAP, there is some risk to this strategy that the Council suggests could be mitigated for by contingency measures that it now proposes. I return to these later in this report.
- 3.1.9 As part of the process of preparing the AAP I am satisfied that a number of reasonable options and alternatives were considered, consulted upon, refined or rejected. This is evidenced in the Central Wakefield Area Action Plan Issues and Options Report [CD114] and the Preferred Options Report [CD113], their accompanying sustainability appraisals [CD115] and [CD122], and also in the AAP Technical Paper. Appendix D of the Technical Paper provides a clear audit trail of the options process showing how alternatives have been arrived at and the reasons why they were rejected, including the conclusions of the sustainability appraisals.
- 3.1.10 I am also content that the policies and proposals of the AAP will take forward the regional context of the RSS by building on the status of Wakefield as a sub-regional city, whilst also reflecting the spatial challenges of the SCS and the urban renaissance projects being carried out both in Wakefield City and District-wide.

3.1.11 I conclude that the preparation of the APP has allowed for effective engagement of all interested parties, its evidence is comprehensive, credible and reasonably up-to-date, the assumptions underlying the policies and proposals of the APP are reasonable, and feasible alternatives have been considered. Also, that its Strategy reflects the status of Wakefield as a sub-regional city. Consequently, I conclude that the AAP is justified and that this soundness test is met.

Consistency with National Policy

- 3.1.12 The policies and proposals of the AAP are generally consistent with national planning policy and guidance. They are also mainly spatial in nature, locally specific and do not repeat national or regional policy. Chapter 2 of the AAP explains how it will contribute towards meeting national and regional policy guidance. In addition, relevant links are referred to in the AAP policies justifications and/or in the 'Other Relevant Documents' sub-sections, where applicable throughout chapter 5, which contains the AAP policies.
- 3.1.13 However, it is not apparent from the submitted DPD that the sequential and exceptions tests of PPS25 have been properly applied, especially as the SFRA 2005, which informed the early stages of the evolution of its policies and proposals, pre-dates the current PPS25.
- 3.1.14 Flood risk, both fluvial and surface water, is a significant and complex issue in the central Wakefield area. Much existing and proposed development is located on land within high flood risk zones. Thus proper application of national policy on this matter is crucial. As I have discussed above, the SFRA 2005 has been updated by the District-wide SFRA 2008 and the level 2 SFRA 2008 for central Wakefield. Both of these latter documents post-date PPS25 and confirm the conclusions and recommendations of the earlier study.
- 3.1.15 Appendix F of the AAP Technical Paper sets out in detail the flood zones in which the development sites identified in the AAP lie, their existing and proposed uses, flood vulnerability classification, existing flood defences and protection afforded, and their flood risk characteristics. Part 2 of the Appendix describes how the sequential test of PPS25 has been applied to the AAP sites. Part 3 describes in detail how the exceptions tests, including test 3, have been applied to the relevant sites, which are: CW25(ii) Waterfront Special Policy Area - south of Wakefield Lock; CW25 Waterfront Special Policy Area - Stennard Island, Fall Ings Lock and south of Fall Ings Cut/Doncaster Road; CW26(ii) Kirkgate Special Policy Area - south and east of Kirkgate roundabout; CW27(i) Ings road Special Policy Area – south of Ings Road; and CW28 Thornes Wharf Special Policy Area.
- 3.1.16 The Environment Agency (EA) has confirmed in writing and at the hearings that they are generally satisfied that the sequential test methodology has been applied consistently with PPS25 and its practice guide, and that it has been based on appropriate flood risk information. Despite some criticism from other representations regarding the level of detail shown on the SFRA plans I have no reason to doubt the robustness of this evidence or the sequential/exceptions testing.
- 3.1.17 Flood risk is referred to in the Strategy chapter 4 of the AAP, but for clarity and transparency of application of PPS25 additional text should be added to paragraphs 4.65, 4.103 and 4.104, in accordance with the Council's suggested changes (**CWA6**, **CWA8**, **CWA9** and **CWA70**). I recommend later in this report that additional text should be added to those policies which refer to the sites listed

in paragraph 3.1.15 to clarify, in particular, the requirements for compliance with exception test 3 of PPS25.

- 3.1.18 In addition, as required by PPS12 that Proposals Maps should show areas at risk from flooding, the text at paragraphs 4.101 and 4.102, and the AAP Proposals Map should be amended in accordance with the Council's suggested changes (**CWA141** and **CWA142**), and my change (**IC2**).
- 3.1.19 On another matter, for consistency with PPS6, the key of the Proposals Map should be amended to clarify that the City Centre boundary is coterminous with the AAP area boundary, as indicted in my change (**IC3**).
- 3.1.20 I conclude that with these changes the AAP will be consistent with national policy and this soundness test will be met.

Effectiveness of the Vision, Objectives and Strategy: An Overview

- 3.1.21 The AAP is a spatial plan that has all the place shaping characteristics referred to in PPS1 and PPS12. It has taken into account and reflects a large number of internal and external plans, programmes and strategies in developing its Vision, Objectives and policies. It embraces elements wider than traditional land-use planning that focus on the specific challenges for the City. Summaries of the most relevant plans are referred to in chapter 2 of the AAP and in chapter 2 of the AAP Technical Paper. A section at the end of each policy area also draws together the main partners and organisations involved in the delivery of the policies.
- 3.1.22 Cross-boundary matters relate primarily to housing, transport and employment. Chapters 1 and 2 of the AAP recognise the contribution that the City will make within the Leeds City Region in terms of delivering future housing and economic growth, and the potential for better linkages. With regards to transportation, the AAP contains proposals for improvements to Westgate and Kirkgate Railway Stations that will enable improved regional and local cross-boundary services. In addition, the proposed North Wakefield Gyratory System and the Emerald Ring Inner Ring Road will enable less congested road access to adjoining areas.
- 3.1.23 Concerning employment, central Wakefield forms part of a strategically significant employment area stretching from the Aire Valley in south-east Leeds to Barnsley. The AAP is consistent with the Aire Valley Leeds DPD [CD303], which is forthcoming in the Leeds LDF.
- 3.1.24 I conclude that cross-boundary issues are satisfactorily addressed. Also, that the adjoining Councils have been fully engaged in the participation process. None have raised any concerns about the soundness of the AAP.
- 3.1.25 Figure 2 of the AAP is a Context Map that aims to illustrate the relationship between central Wakefield and the rest of the urban area of Wakefield, as well as the wider District. In principle, I do not object to its inclusion. However, the green line that denotes the wider urban area of Wakefield should be deleted, in accordance with (**IC8**), because as the Map is based on Ordnance Survey material it apparently provides a precise definition of the urban area including areas of Green Belt. The assumption could be drawn that such areas will be removed from the Green Belt. In advance of a forthcoming localised review of this part of the Green Belt, this is misleading. The existing built-up urban areas are shaded on the Map, and clearly indicate the context for the central Wakefield area.
- 3.1.26 Turning now to the overall clarity and coherence of the AAP, chapters 1 to 4 provide a lengthy introduction and context to the 28 policies and proposals that

follow in chapter 5. Delivery and implementation mechanisms are presented in chapter 6. The first 4 chapters, particularly chapter 1, contain a considerable amount of unnecessary text, which the Council suggests could be reduced by editing. Whilst this is not necessary for 'soundness', I endorse those suggested changes, which I have detailed in Annex B to my report, on a general basis of reducing its length and improving its readability.

- 3.1.27 The stated purpose of the AAP is to guide and co-ordinate development and regeneration activity within central Wakefield, and to provide a policy framework for delivering its renaissance to 2021. However, I consider this to be a somewhat locally indistinctive statement of purpose for what is intended, by PPS12, to be a very spatially focussed DPD. The Council's suggested changes (**CWA2** and **CWA26**) are therefore necessary to clarify the specific drivers that justify the production of the AAP.
- 3.1.28 Figure 1 aims to show the relationship of the AAP with other parts of the LDF, but it is incomplete because it does not refer to other lower order DPDs included in the LDS, such as the Development Policies DPD, nor is reference made in the associated AAP text to the Council's commitment to seek early approval from the Government Office for Yorkshire and the Humber to produce a Retailing and Town Centres DPD, which will inevitably be closely linked to the AAP. For soundness, Figure 1 should be amended and additional text referring to the intended Retailing and Town Centres DPD should be added, in accordance with the Council's suggested changes (**CWA28**, **CWA29** and **CWA31**).
- 3.1.29 The Spatial Vision of the AAP, set out in chapter 3, clearly draws from that of the Core Strategy, the aims of the SCS and also the urban renaissance programme; Wakefield was one of the first areas in the Yorkshire and Humber region to be designated as a 'renaissance town' by Yorkshire Forward in 2001. Its key themes are to: fully exploit the benefits of the City's proximity and accessibility to Leeds and the national transport network; provide a pedestrian orientated transport infrastructure; create a locally distinctive, high quality environment that offers a broad range of leisure, cultural, educational, housing and employment opportunities; strengthen the City's role as a sub-regional shopping centre; and to set a benchmark for high quality design and sustainability within the Leeds City Region.
- 3.1.30 It is an ambitious Vision with substantial aims, which include Wakefield City being a 'cultural centre of national and international distinction', and setting a benchmark for design quality and environmental distinction. But with reference to the Hepworth Art Gallery that is under construction at the Waterfront Special Policy Area and to the construction of the Emerald Ring that will transform the appearance, ambience and permeability of the inner ring road to make it much more pedestrian and cyclist orientated, I do not consider that the Vision is unachievable.
- 3.1.31 The 10 Objectives that follow, which are cross-referenced to the relevant Core Strategy objectives, clearly flow from the Spatial Vision. However, because the Vision and Objectives are not preceded by an analysis of the issues facing the City it is not immediately and transparently obvious from the preceding chapters of the AAP how they were derived or what their precise relevance to the City are. However, these challenges are clearly explained in chapters 3 of the Core Strategy and the AAP Technical Paper. They are also commented upon in conjunction with the Strategy of the AAP, in chapter 4 of the DPD. With reference to these sources,

it is clear that the Objectives of the AAP are place specific and that they relate to the achievement of its Spatial Vision.

- 3.1.32 Whilst it would have been helpful, for clarity, to have spelt out the issues facing the City in the AAP, this would have significantly increased its length. I conclude that in order to make the AAP sound in this regard, a cross-reference to those other documents at the end of paragraph 1.20, as I set out in **(IC4)**, will suffice.
- 3.1.33 Turning to the Strategy of the AAP, because it combines identification of issues with intended actions, it is muddled and does not clearly inform what actions are proposed in the plan. These only become clear by reading the policies. To draw out the Strategy and to make the AAP sound, a new Appendix C should be inserted that clarifies the relationship between the AAP Objectives, their linked policies and the associated specific projects. This is set out in the Council's suggested changes **(CWA143 and CWA144)**.
- 3.1.34 Also, parts of the Strategy lack local distinctiveness. In particular, greater recognition should be given to the importance of the Waterfront and the River Calder corridor, especially in the context of the City's evolution and historical development, and its potential as a recreational and tourist resource. Text detailed in **(CWA72)** should be added at paragraph 4.106 to provide this necessary context. Similarly, suggested changes **(CWA57 and CWA60)** are necessary to paragraphs 4.70 and 4.75 to clarify how the intended benchmark for high quality design will be achieved. I have endorsed, on a general basis, other changes contained in Annex B of this report that would further clarify the local distinctiveness of the Strategy, although they are not essential to make it sound.
- 3.1.35 I consider that the policies of the AAP are appropriately contained in this DPD. However, it does not include a policy for delivering new housing within central Wakefield, which I find a surprising omission given the importance of the area for housing provision within the District and the significance afforded to it by Objective 2, which seeks 'to encourage city living for different types of household and tenure to meet the housing needs/requirements for central Wakefield'. Furthermore, a considerable part of the Strategy refers to housing delivery. For example, Table 3 lists the sites allocated for housing on the Proposals Map, their anticipated capacity amounting to 2,162 new dwellings, together with likely timescales for delivery. The Table is based on information contained in the Housing Technical Paper [CD229] and is confirmed by the (SHLAA) [CD235], which I have no reason to dispute.
- 3.1.36 This omission should be rectified by the addition of a new housing policy and associated supporting text, in accordance with the Council's suggested change **(CWA90)**. This draws together information contained in the Strategy that should as a consequence be deleted to avoid duplication, as set out in suggested change **(CWA53)**. As required by PPS3, a housing trajectory should also be added, as detailed in the Council's suggested changes **(CWA50 and CWA51)**. A further necessary consequential change to chapter 4 is **(CWA5)**, which I have modified to exclude reference to the 'at least 4,650' figure for new dwellings that would comprise the 30% of the District's housing provision required by the Core Strategy, for consistency with the Core Strategy, which does not specify a specific number. As with the Core Strategy, the omission of a specific figure would also provide flexibility if the overall housing requirement changes during the plan period.

- 3.1.37 The suggested new housing policy would contain no new information not contained in the AAP or in associated published documents. I am, therefore, satisfied that its publication on the Council's website in [CD510], together with discussion at the hearing sessions, has provided due opportunity for public engagement. Also, that further SA or AA is unnecessary.
- 3.1.38 There is no inconsistency between the policies of the AAP, but the following inconsistency between policy justification text and the Strategy should be addressed to make the AAP effective and sound.
- 3.1.39 The intentions of the AAP for Kirkgate Station are ambiguous, because whilst paragraph 5.138 refers to the need for enhancement of the Grade II listed building and the preservation of its distinctive architectural features, paragraph 4.40 states that the Station and its surroundings will be redeveloped as part of a comprehensive masterplan. This anomaly should be corrected in accordance with **(CWA4)**, which would clarify that enhancement is the intended approach. I address inconsistencies between the policies and their targets for achievement later in this report.
- 3.1.40 Provided that all of the above listed changes are made, the AAP Strategy will be made effective and sound.
- 3.1.41 To summarise, I conclude that the AAP is justified and meets this soundness test. It is mainly consistent with national policy, and its Vision, Objectives and Strategy are generally effective. The AAP can be made sound with reference to the tests of effectiveness and consistency provided that the changes that I have specified in the preceding paragraphs, which are detailed in Annex A to this report, are made. The main changes necessary are:

- **Clarify the application of the sequential and exceptions tests of PPS25.**
- **Show the areas at risk of flooding on the Proposals Map.**
- **Insert the boundary of the City Centre on the Proposals Map.**
- **Clarify the purposes of the AAP.**
- **Clarify how the Objectives relate to the issues facing central Wakefield.**
- **Clarify the relationship between the Objectives, policies and proposals.**
- **Add a new policy on housing provision in central Wakefield.**

3.2.0 THE GENERAL POLICIES

Main Matter - Whether the General Policies of the AAP meet the soundness tests and, in particular, if they provide an effective policy framework for the delivery of the key themes of the Spatial Vision, Strategy and Objectives.

- 3.2.1 The 20 general policies of the AAP relate to the whole of central Wakefield and aim to deliver the Spatial Vision, Strategy and Objectives of the DPD. They are non-site specific and fall within three groups, which cover all the main themes of the Spatial Vision and its associated Objectives. With reference to the 'Overview' section of my report I am satisfied that these policies are justified. In other words, that their formulation has allowed for effective engagement of all interested parties, they are based on robust evidence, that reasonable alternatives have

been considered and that the SA supports them. I also conclude that they are consistent with national policy. In this section of my report I therefore focus on whether they are effective in terms of delivering the Spatial Vision, and their flexibility. I consider monitoring in a later section of my report.

- 3.2.2 As a general point, several of the policies of the AAP include detail within their justification text, rather than within the policy text. By employing the principle of whether they would stand up if not accompanied by their supporting text some of those policies risk being ineffective. In these cases the Council has suggested editing changes which are necessary to make them sound. I refer to these suggested changes below and in the subsequent section of my report.

Easing traffic congestion and making central Wakefield more pedestrian and cyclist friendly.

- 3.2.3 The first group of 6 policies addresses the theme of delivering a pedestrian orientated transport system within central Wakefield. The first suite of 4 policies concern the Emerald Ring, shown on the Proposals Map (Plan No. 1 – Proposals), which will be created to complete the existing inner ring road in a manner that will give priority to pedestrians and cyclists; transform the existing urban motorway into a continuous tree-lined urban boulevard that provides links between the City centre, the surrounding areas and the countryside beyond; and which places pedestrians and cyclist above the private car in the movement hierarchy, as set out in paragraph 4.21 of the AAP. It will also enable the creation of a largely car free, pedestrian friendly city centre. This is a key project in Yorkshire Forward's urban renaissance programme and a flagship proposal in the AAP that will be fundamental to the achievement of its Objectives 1, 6 and 9.
- 3.2.4 The intention to create the Emerald Ring is set out in Policy CW1. Policy CW2 lists the roads on which traffic will be restricted as a consequence, and Policies CW3 and CW4 provide a design code for the construction of the Emerald Ring and for development adjacent to it. The principles of Policy CW3 include the absence of continuous central reservations, provision for pedestrians and cyclists alongside the roadway, crossings at grade and, wherever possible, replacement of roundabouts by signal controlled junctions. The justification for restricting traffic on the specified routes is set out in the Koetter Kim and Associates' master planning work [CD124], [CD125] and [CD126], the Wakefield Transport Strategy [CD206] and the City Centre Health Check [CD119]. Details of the associated traffic modelling are also contained in the AAP Technical Paper.
- 3.2.5 I consider that together, these policies will be successful in easing traffic congestion through and around the city centre and also in improving access by walking and cycling. However, I have questioned the need for 4 separate policies. In response, the Council has suggested that Policies CW1 and CW2 should be combined into one policy. This suggested change, **(CWA81)**, together with associated changes to their justification texts, as set out in **(CWA83)** would simplify the policies and reduce duplication, and is necessary for effectiveness and soundness. For the same reasons, Policies CW3 and CW4 should be combined in accordance with suggested change **(CWA85)**.
- 3.2.6 Clearly, this is a very ambitious project that is estimated to cost around £15 million, of which, around £7 million has been secured from LTP2 for the construction of the North Wakefield Gyratory System/Wakefield Gateway and associated public realm works. Works have commenced on the first phase, which includes demolition of the Marsh Way car park and construction of a new Marsh

Way Road across a former gas works site, with significantly improved pedestrian connections. This phase is fully funded from public and private schemes, including the Trinity Walk retail scheme. The second phase, which relates mainly to public realm enhancement works, is predicted to be completed by 2010 and delivery will be enabled by private and public funding, including a substantial grant from English Cities. The final phase is anticipated to be completed by 2011. Full details of the programme timetable, funding, phasing and costs, together with a detailed schedule of works for the various highway and infrastructure schemes, are set out in the Highways Masterplan 2006-2011 [CD131].

- 3.2.7 From the evidence, I am satisfied that sufficient funding has been secured to enable all of the necessary construction works to be completed, albeit possibly over a longer timeframe if developer monies do not come forward as quickly as anticipated. However, the Council acknowledges that the economic downturn has reduced certainty that the timetable will be met and is drawing up contingency plans to secure further public sector financial support from the Regional Allocation Fund and other funding mechanisms.
- 3.2.8 I conclude that this flagship project is deliverable. However, to make the intended funding mechanisms transparent, suggested changes **(CWA79)** and **(CWA84)** are necessary. They would respectively cross-refer to Table 6 of the AAP, which sets out the full delivery and implementation framework for all of the AAP policies and would expand upon the delivery and implementation section of Policies CW1 and CW2. In addition, for flexibility, the Council's suggested change **(CWA82)** is necessary to clarify that traffic restriction measures will be brought forward on a street-by-street basis.
- 3.2.9 Policy CW6 reinforces the priority for pedestrians and cyclists in the transport system. The Proposals Map (Plan No. 3 – Pedestrian & Cycle Routes) shows the routes in central Wakefield that will be protected, developed and enhanced, based upon studies including the Rights of Way Implementation Plan [CD240], Wakefield Strategy Plan [CD135] and the Wakefield Cycling Strategy [CD210]. Funding will be provided from a combination of private sector contributions and public sources such as Yorkshire Forward, LTP (through the Regional Allocation Fund), lottery, grant funding and from the Council. Financial contributions may be pooled and ring fenced. The priority for the provision of routes will be to integrate/implement them with the construction of developments. I am satisfied that these funding mechanisms will enable the delivery of the Policy, but for transparency they should be set out in its delivery and implementation section, in accordance with suggested change **(CWA89)**.
- 3.2.10 Policy CW5 refers to the number and location of car parks. Its intention is to direct car parking facilities towards strategic locations along the highways network to facilitate access, encourage multi-purpose trips and to improve car parking management. It aims to reduce long stay commuter car parking and increase short stay parking for shoppers and visitors. But it is unclear from the Policy and its supporting text what the numerical implications for short and long stay car parking are. The Council's suggested changes **(CWA86)** and **(CWA87)** would clarify that around 1,500 new parking spaces will be required to meet an identified shortfall of mainly long stay spaces beyond the Emerald Ring, from 2010 onwards.
- 3.2.11 The intention is that private sector operators will provide and operate the new car parks. Suggested change **(CWA88)** is necessary to clarify this. The proposed multi-storey car park in the Trinity Walk scheme will provide 900 spaces and will

be operated by the developers. However, the Council acknowledges that in the current economic climate it will need to take a more proactive role in the future provision for car parking in central Wakefield. Consequently, it has undertaken to operate the proposed multi-storey car park in the Merchant Gate scheme (1,450 spaces) to ensure its delivery. I am satisfied that the Council's contingency plans will be adequate to ensure satisfactory provision for long and short stay car parking in central Wakefield.

- 3.2.12 I conclude that provided Policies CW1-CW6 are changed as specified above they will present an effective framework for the achievement of Objectives 1, 6 and 9 of the AAP. I conclude also that they are deliverable and are sufficiently flexible to take account of changed circumstances.

Creating a high quality, distinctive built and natural environment.

- 3.2.13 The second suite of 8 of the General Policies seeks to promote a locally distinctive environment with a high standard public realm and to set a benchmark for high quality design. It seeks to address Objectives 4, 5, 6, 7 and 9 of the AAP.
- 3.2.14 Policies CW7 and CW8 respectively aim to safeguard the historic skyline, strategic views and vistas in central Wakefield. To make these policies locally distinctive, by clarifying the particular features that are important in Wakefield, the Council's suggested changes (**CWA92** and **CWA93**) are necessary. I am satisfied that the views/vistas that are specifically safeguarded by the policies and by designation on Proposals Map (Plan No. 5 –Landmarks, Vistas & Views) have been appropriately selected on the basis of robust evidence. However, suggested changes (**CWA10** and **CWA11**) would add necessary flexibility to enable the safeguarding of any other important views/vistas that may become apparent by development proposals and to avoid any perception of internal inconsistency with the Strategy section of the AAP.
- 3.2.15 For clarity, brevity and to aid implementation, Policies CW9 and CW10, which identify sites for new landmark buildings and set out principles for their design, together with their justification texts, should be combined in accordance with the Council's suggested changes (**CWA94** and **CWA95**). Change reference (**CSA94**) would also result in the deletion of the second sentence of Policy CW9 that follows the bullet points. This is necessary to remove ambiguity regarding the locations of these sites. Suggested change (**CWA95**) would clarify that landmark buildings may not necessarily be tall buildings and is required to remove any perceived inconsistency between paragraphs 5.28 and 5.30.
- 3.2.16 Policies CW11, CW12 and CW13 concern development in the public realm. Policy CW11 requires new development within central Wakefield to make a positive contribution to the public realm by virtue of its siting, design and materials. It requires also that a financial contribution will be required from such developments, in accordance with the priorities and thresholds set out in the Developer Contributions SPD [CD238], which is to be adopted by the Council imminently, and the Public Realm Implementation Plan [CD146]. Financial contributions may be pooled to fund public realm projects. The Council has also committed funding through its capital programme and has secured funding from Yorkshire Forward.
- 3.2.17 The Council suggests that the title of the policy should be changed to, 'Financial contributions towards Public Realm improvements', but I do not support that

change because it would focus on only one part of the funding aspect of the Policy.

- 3.2.18 Policy CW12 refers to design principles and objectives. I conclude that it is effective.
- 3.2.19 Policy CW13 requires public realm improvement works to take account of and reflect the 'hierarchy of quality', the locations for which are depicted on the Proposals Map (Plan No. 4 – Streetstyle Quality). However, for effective implementation, the three quality levels described in its justification text should be located within the policy text, in accordance with the Council's suggested changes (**CWA97** and **CWA98**).
- 3.2.20 The quality levels refer to; Exemplar, High and Good quality, and Table 4 provides an associated materials matrix. I am satisfied that they are based on robust evidence contained in the 'Wakefield City Centre Streetstyle Design Guide' [CD127], produced by external consultants and adopted by the Council in 2006. This is supplemented by an in-house document, 'Wakefield City Centre Palette of Street Furniture' [CD143]. Together, I conclude that these policies provide an effective framework for delivering a step-change in the quality of the public realm in central Wakefield.
- 3.2.21 The last policy included in this group is Policy CW14, which simply refers to the provision of useable and defensible private amenity space that is accessible to residents. However, this amenity is a District-wide requirement that is addressed by a policy contained in the Development Policies DPD. Its repetition in the AAP is not justified by any specific local circumstances within the central Wakefield area. The policy, its justification text and reference in the Strategy section of the AAP should, therefore, be deleted in accordance with the Council's suggested changes (**CWA52** and **CWA99**).
- 3.2.22 I conclude that, subject to the changes specified above, Policies CW7-CW13 provide an effective policy context for creating a locally distinctive environment with a high standard public realm, and for setting a benchmark for high quality design. I conclude also that these policies are deliverable and sufficiently flexible.

Regenerating the local day and night time economy

- 3.2.23 In tandem with the design orientated policies discussed above, and in line with the Spatial Vision and its Objectives 3, 8, 9 and 10, the final 6 of the General Policies aim to enable and promote the provision of commercial, cultural and leisure facilities in central Wakefield, and to strengthen its role as a sub-regional shopping centre by raising its national rank of retail centres from 100th place in 2005 to within the top 50 by 2021.
- 3.2.24 Policy CW15 identifies that the focus for substantial new office development will be within the Special Policy Areas and along the Emerald Ring. However, to provide necessary clarity that would build on and add to the Core Strategy, an additional sentence should be added to the policy text to indicate that three of the major regeneration schemes; Trinity Walk, Merchant Gate and Waterfront will provide at least 49,000 square metres of office floor space, as detailed in suggested change (**CWA100**). For consistency, suggested change reference (**CWA133**) is necessary also, to amend details in the monitoring framework given in chapter 6 of the AAP. Evidence for the target floorspace, which I have no reason to challenge, is given in the West Yorkshire Office Property Market Study [CD300].

- 3.2.25 The Council's suggested change (**CWA101**), which would inform that the Retail Policy Area will accommodate at least 53,000 square metres of new retail floorspace up to 2016 is also necessary to give similar clarity to Policy CW16: Retail Policy Area. This figure is justified by details supporting planning applications relating to Trinity Walk and the Ridings Shopping Centre.
- 3.2.26 Policies CW16 and CW17 inform that the Retail Policy Area, which corresponds to the Primary Shopping Area defined in Annex A of PPS6, and Primary Shopping Frontages are defined on the Proposals Map (Plan No. 1 – Proposals). The Primary Shopping Frontages are also listed in Policy CW17, and both policies state the scale and types of development that will be permitted within and adjacent to the defined areas, which accord with national guidance. But for clarity, a cross-reference should be made in paragraph 5.48 to the sequential test of PPS6, as detailed in (**IC5**). To clarify the purpose of Secondary Shopping Frontages the Council's suggested change (**CWA104**) is also necessary to make Policy CW17 effective.
- 3.2.27 The Retail Policy Area designation, which accommodates the Trinity Walk scheme, has been carried forward from the UDP. From the evidence contained in the West Yorkshire Retail Capacity Study [CD302] and the supporting information for the revised planning application for the Trinity Walk scheme [CD132], I am satisfied that taking into account the approved retail schemes at Trinity Walk and the Ridings Shopping Centre there is no justification for further extending or reconfiguring its boundary before 2016. The Council acknowledges that further work should be carried out to take account of post 2016 retail needs and capacity requirements as part of the evidence base for a proposed Retail and Town Centres DPD (not included in the current LDS). If circumstances are found to have changed this may trigger a review of the retail policies of the AAP.
- 3.2.28 Policy CW18 and the Proposals Map (Plan No. 1 – Proposals) define a Specialist Retail Area and the policy sets out two criteria that seek to maintain and enhance its specific character. However, these are not sufficiently detailed or specific to make it effective in this regard. To strengthen the policy the Council suggests the addition of two further criteria that would require the retention of active frontages and would ensure that no more than a third of the shopping frontage at ground floor level includes non retail uses, as set out in (**CWA106**). I am satisfied that these additional criteria are justified by the existing distribution of uses and, since the policy would relate to a relatively small area, they would not be unduly restrictive.
- 3.2.29 The Council also suggests that the supporting text at paragraph 5.59 should be corrected to refer to Primary Shopping Frontages rather than the Retail Policy Area, (**CWA107**). In addition, that paragraph 5.60 should be expanded in accordance with suggested changes (**CWA108** and **CWA109**) to clarify how the Policy would be implemented. I conclude that all of these changes are necessary to make Policy CW18 effective and sound.
- 3.2.30 Westgate Yards is a small sub-area of the Retail Specialist Area that Policy CW19 promotes as a specialist cultural and business quarter. The Area is identified on the Proposals Map (Plan No. 1 – Proposals) and the policy lists the permitted uses within it. However, to frame the policy positively and to clarify how it will be implemented, it should be amended in accordance with the Council's suggested change (**CWA110**).

- 3.2.31 The Council also wishes to add a sentence to the end of paragraph 5.63 of its justification text that would presume against proposals that would lead to an increase in litter, anti-social behaviour and traffic penetration. However, I do not support this change because these considerations could be largely addressed by conditions of planning permissions and other legislation. I conclude that the first part of the paragraph which states that 'a balanced mix of uses is sought' is sufficient to prevent a concentration of particular uses that could detract from the distinctive character of this Area.
- 3.2.32 The last of the General Policies, CW20, aims to establish and maintain a safe and secure environment associated with the evening economy, and with proposals for nightclubs, public houses, music venues and other similar uses. I conclude that the policy meets the soundness tests, but for consistency, its target should be amended to require that all such proposals should be accompanied by statements detailing how safety will be secured, rather than the arbitrary 90% specified in the Monitoring Framework in Appendix A of the AAP. This necessary change is included in **(CWA139)**.
- 3.2.33 I conclude that provided that the changes specified above are made, Policies CW15-CW20 will provide an effective framework for regenerating the local day and night time economy of central Wakefield.
- 3.2.34 To summarise, I conclude that the General Policies of the AAP are justified and consistent with national policy. I further conclude that provided that they are changed in the ways specified above and as detailed in Annex A to this report they will provide an appropriate policy framework for delivering the Spatial Vision and for achieving the Objectives of the AAP. They will be deliverable and sufficiently flexible to address changed circumstances; consequently that they can be made effective and sound. The main changes required are to:

- **Combine policies CW1 and CW2.**
- **Combine Policies CW3 and CW4.**
- **Clarify the funding mechanisms for the delivery of the Emerald Ring.**
- **Quantify the number of new car parking spaces required by Policy CW5.**
- **Combine Policies CW9 and CW10.**
- **Include details of the Public Realm quality levels in the text of Policy CW12.**
- **Delete Policy CW14.**
- **Include floorspace targets in the texts of Policies CW15 and CW16.**
- **Add criteria to strengthen implementation of Policy CW18.**
- **Add criteria to strengthen implementation of Policy CW19.**
- **Change the target for CW20 to 100%.**

3.3.0 THE SITE SPECIFIC POLICIES

Main Matter - Whether the Site Specific policies of the AAP meet the soundness tests and in particular, if they provide an effective policy framework for the delivery of the key themes of the Spatial Vision, Strategy and Objectives having special regard to delivery, flexibility and flood risk.

The Development Sites

- 3.3.1 Policy CW21: Development Sites lists sites that are allocated for development on the Proposals Map (Plan No. 1 – Proposals). The justification text provides further detail on the existing uses of these sites, their intended uses, required residential density and supporting information required to be submitted with planning applications for their redevelopment. All of the sites are allocated primarily for housing, although associated ancillary uses would also be allowed, to help create mixed and socially inclusive communities and to provide flexibility.
- 3.3.2 They are identified in the SHLAA as being potential housing sites that could be developed during the AAP period and they are listed in Table 3 of the DPD, which provides additional details of their site area, nominal residential density and capacity, and estimated construction phase. Further information on the likely delivery agency, delivery mechanisms and funding is given in Table 6 of the AAP.
- 3.3.3 Their cumulative notional capacity is for 457 dwellings, around 21% of the housing requirement for central Wakefield. They would, therefore, make a substantial contribution towards achieving both the Wakefield urban area and the District-wide housing requirements. All of the sites are in highly sustainable locations and all lie within flood zone 1.
- 3.3.4 The allocations have been discussed with the relevant land owners and other interested parties. Except for site A - Jacobs Well Lane/Stanley Road they are owned by public sector organisations, which have indicated a willingness to vacate and redevelop their sites. In the case of site A there are land assembly and/or remediation issues, which the Council acknowledges may require its intervention to address. Alternative uses for the sites have been considered and rejected through the options and SA processes, as summarised in the AAP Technical Paper. I conclude that their allocation for residential redevelopment is appropriate and would be consistent with all current higher order planning policy.
- 3.3.5 In terms of their deliverability, redevelopment would be mainly funded by the private sector, although in the case of site A, it is anticipated that there will be financial support from registered social landlords. In addition, the Council is working with partners to prepare a Geographic Investment Programme (2008-2013) to draw down funding from Yorkshire Forward for infrastructure costs. Although the demand to develop these sites is linked to the wider economy they are phased for commencement post 2012, when the prospect is that economic/market conditions will be more favourable. I conclude that the sites are deliverable.
- 3.3.6 However, Policy CW21 does no more than list the allocated development sites. In this form, it would add little value to the AAP and is ineffective. It should, therefore, be amended in general accordance with the Council's suggested change (**CWA112**), which would bring land use allocations into the policy text. However, for further flexibility, the density ranges for the sites should be prefaced by 'around' rather than 'between', and the alternative retention of institutional uses at the Clayton Hospital site should be referred to in the policy text. I have amended (**CWA112**) accordingly.
- 3.3.7 This suggested change would also elevate from the supporting text to the policy text a requirement to produce masterplans for sites A-C. I consider that this is necessary to highlight that a high quality, sustainable design will be required of development proposals, which need not be unduly onerous. A consequential

change, **(IC6)**, is necessary to delete the corresponding requirement in the justification text. In addition, suggested change **(CWA113)** is necessary to clarify delivery and implementation mechanisms. Also, the second sentence of paragraph 5.77 should be amended to clarify that any redevelopment scheme for the Clayton Hospital site must include an evaluation of the buildings to be altered/removed, as set out in suggested change **(CWA13)**. This requirement is less onerous than the requirement of the AAP to retain the locally listed hospital buildings on the site.

The Special Policy Areas

- 3.3.8 In addition to the Emerald Ring, other flagship projects that are fundamental catalysts for major regeneration in central Wakefield are; Trinity Walk, Merchant Gate and the Waterfront. The main partners are committed to the delivery of these projects, and from the evidence I am satisfied that they are fairly well insulated from the current downturn in economic confidence. The public realm works are mainly integral to the schemes and will be delivered in tandem.
- 3.3.9 It is anticipated that the redevelopment of these flagship sites will lead to pressure for significant change also at Kirkgate, Ings Road and Thornes Wharf. All of these 6 sites are defined as Special Policy Areas in Policy CW22 and on the Proposals Map (Plan No. 1 – Proposals). Each of the sites is the subject of a site specific policy; Policies CW23-CW28.
- 3.3.10 However, similar to my concerns about Policy CW21, Policy CW22 does little more than list the Special Policy Areas. It is ineffective, unsound and should be deleted in accordance with suggested change **(CWA114)**. Necessary consequential changes to its justification text are contained in suggested changes **(CWA115, CWA117, CWA118, CWA119, CWA122, CWA124, CWA125, CWA126 and CWA128)** to delete superfluous text, to relocate references to 'Other Documents' within the justification texts of the site specific policies that follow, and to provide a new introduction to this part of the AAP.

Delivery and flexibility

- 3.3.11 The Trinity Walk scheme is substantially advanced with private sector funding fully secured and committed. The developer has already invested significant sums in land acquisition, site clearance, and construction of a new market hall and a section of the new ring road to the periphery of the site. It is unlikely that the scheme will be delayed, despite the economic slowdown. The main element of this primarily retail scheme is still on schedule to open in May 2010.
- 3.3.12 The Merchant Gate scheme is a three phases, 10-year development programme, predominantly funded by the English Cities Fund. The total cost of the scheme is estimated to be around £136 million and is due to be completed by 2018. Funding has been secured to deliver its phase 1 to the sum of £40 million. £12 million of this has come from public sector capital grants such as EDRF, Regional Transport Fund, Network Rail and Yorkshire Forward. Phase 1 is based on a partnership of English Cities Fund, English Partnerships, Yorkshire Forward and the Council. Work includes the main infrastructure for the entire scheme and the construction of three new office buildings, residential apartments and a new multi-storey car park. Substantial public realm works to create a new public square and enhancement of the local existing environment are also included. Additionally, the existing local highway network will be significantly improved as part of the proposals for the Emerald Ring. Construction work commenced in late October 2008 and is programmed for completion in September 2010.

- 3.3.13 Phase 2 of the scheme is due to start in late 2010 and will focus on further office and residential developments [CD128]. The Council is working with Metro and Network Rail to deliver a new railway station during this phase. Funding for the new station is being sought from the Department of Transport, the rail industry and regional transport bodies. Phase 3 of the scheme has not yet been programmed, but is likely to run into phase 2 of the AAP period.
- 3.3.14 I am satisfied that this ambitious scheme is feasible, but to clarify its delivery agents and funding mechanisms Table 6 and paragraph 5.106 should be amended in accordance with suggested changes (**CWA121, CWA133 and CWA116**).
- 3.3.15 Part of the Waterfront area has been fully flood protected [CD121] to enable the site to be developed, with the works being funded through public and private sources. Phase 1 containing office buildings and residential apartments was completed in 2008 at an estimated cost of £100 million that was developer funded. Phase 2 comprising the Hepworth Wakefield Gallery and associated public realm works, including a new footbridge across the river, is under construction and is due for completion in 2010. It is fully funded from public sector sources to the sum of £26 million. Phase 3 is for the restoration of Rutland Mills owned by the Council, but its funding has yet to be arranged.
- 3.3.16 I am satisfied that this flagship scheme is deliverable, but to clarify its delivery agents and funding mechanisms Table 6 should be amended in accordance with suggested change (**CWA133**).
- 3.3.17 With regards to the feasibility of the Kirkgate site being redeveloped in accordance with Policy CW26, as one of the major landowners in the area, the Council is committed to bringing forward its proposals. Wakefield District Housing also has significant landholdings in the area. A working party has been established under the direction of Metro to consider the long term redevelopment of the station and its surroundings. Metro and its partners are seeking external funding from the Department of Transport towards station improvements. The working group is also seeking to secure a grant from the Railway Heritage Trust to conserve the existing listed station subject to match funding. Redevelopment of the Kirkgate/Chantry House roundabout will be funded through the redevelopment of adjacent sites [CD131]. On the basis of this commitment I am satisfied that the scheme is deliverable.
- 3.3.18 With regards to the mix of uses identified for each of the Special Policy Area sites and any alternative aspirations for their development by their owners, I am not aware of any significant issues regarding land assembly, owners' aspirations, infrastructure constraints or other related matters that could hinder delivery of the Trinity Walk site (Policy CW23), the Merchant Gate (Policy CW24) or the Kirkgate site (Policy CW26).
- 3.3.19 At the Waterfront (Policy CW25), realisation of the redevelopment of part of the site is dependant upon a suitable alternative site being found for the bus depot. The Council and the owners of the site are in active discussion, but no resolution has been found to date. Whilst this consideration could delay implementation of redevelopment proposals for part of the site, I have no reason to think that a solution will not be found within the AAP period.
- 3.3.20 Representations have been made that the proposed residential element at the Ings Road area (Policy CW27), nominally amounting to 417 dwellings, around 19% of the total residential allocation, is not supported by the landowners of the

site given the current market value of the substantial retail park occupying it. Although one major retailer intends to relocate from the site to the Retail Policy Area this apparent lack of engagement of other landowners could have serious implications for the delivery of the housing element of the AAP and the Council's aspiration for this site to be transformed into a high density mixed-use area. But in my opinion it would not be fatal to the delivery of the wider Spatial Vision. Furthermore, landowners' aspirations may change over time, especially when the full benefits of the flagship schemes are realised, in particular, the city centre Trinity Walk retail development. Moreover, other allocated residential sites may deliver higher numbers of units than anticipated, and based on evidence contained in the Housing Technical Paper [CD229] and the AMR [CD215], windfall housing sites are likely to continue to come forward within the central area.

- 3.3.21 Representations made in respect of the Thornes Wharf site (Policy CW28) urge that housing should be added as an acceptable use for that site, which could contribute to making up any shortfall at Ings Road. However, there are very serious and specific flood risk issues that make residential development at Thornes Wharf unacceptable, even after application of the exceptions test of PPS25. I conclude that the land uses identified in Policy CW28 are appropriate.
- 3.3.22 The site specific policies advocate a mix of uses at each of the sites. Apart from the nominal housing figures given in Table 3 no specific numbers, floorspace areas or percentage mix are specified in the policies, or in their justification texts, thus providing satisfactory flexibility for developers.
- 3.3.23 The policies require the production of masterplans because many of the Special Policy Areas require land assembly, site clearance, infrastructure improvements and relocation of existing uses. However, the Council intends to take the lead on their preparation, in partnership with consultants and local stakeholders, as part of a comprehensive approach to redevelopment to ensure consistency. Detailed masterplans have already been prepared on behalf of the developers/landowners to guide the regeneration of the three flagship regeneration schemes [CD128, CD129 and CD130]. The Council has also commenced the master planning of the Kirkgate Special Policy Area. With regards to the Thornes Wharf Special Policy Area, paragraph 5.172 should be amended in accordance with the Council's suggested change (**CWA127**) to clarify that the masterplan should enhance visual and functional links to the Hepworth Gallery and other waterfront developments, as well as the city centre.
- 3.3.24 I conclude that the mix of uses identified for each of the Special Policy Areas is the most appropriate and is justified, based upon the requirements for delivering the Spatial Vision, consideration of alternative options, and the SFRA and SA processes, as balanced against the landowners' aspirations.

Flood Risk

- 3.3.25 With further reference to flood risk considerations at the Special Policy Areas, as I discuss in paragraphs 3.1.15-3.1.17, parts of these sites fall within high flood risk areas. Nevertheless, I am satisfied that the sequential and exceptions tests of PPS25 have been robustly applied, the uses allocated are appropriate and that provided that specific reference is made in the relevant policies for the need to submit a flood risk assessment with planning applications for development proposals that addresses: the retention of existing flow paths for all sources of flooding; retention of space for water storage; floor levels; provision of a place of safety for site users; and the implications for emergency procedures, they will be

made consistent with national policy and sound in this regard. The necessary changes, as suggested by the Council and supported by the EA are: to Policy CW26: Kirkgate (**CWA17**); to Policy CW27: Ings Road (**CWA18**); and to Policy CW28: Thornes Wharf (**CWA19**). For clarity, the sub-divisions of Kirkgate and Ings Road Special Policy Areas should also be marked on the Proposals Map, as shown by the Council's suggested change (**CWA21**).

- 3.3.26 Flood risk considerations are especially complicated at the Waterfront site, for clarity all the sub-areas of which should be shown on the Proposals Map and should be referred to in the text of Policy CW25, in accordance with the Council's suggested changes (**CWA20**, **CWA15** and **CWA16**).
- 3.3.27 Part i of Policy CW25 informs that, 'the 'core waterfront area' will be suitable for offices, cultural, residential and leisure uses.' But this is misleading because it could very reasonably be interpreted that planning permissions would be granted for residential development over and above that already committed by extant outline and full planning permissions, granted in the context of former PPG25. Paragraph 4.35 of the PPS25 Development and Flood Risk Practise Guide indicates that where planning permissions have already been granted as part of an ongoing regeneration strategy they should not be halted or compromised when partially complete. However, as indicated by the SFRA [CD121] and in the context of PPS25, the flood risk at this site is too severe to permit an increase to the flood risk. Alternative wording to clarify this situation has been suggested by the Council, the EA and in representations. The message to be conveyed is agreed by the parties but they suggest variations in the precise wording.
- 3.3.28 I conclude that this part of the policy wording should remain unchanged, but the justification text should be amended at paragraph 5.116 to read: 'Residential uses will be supported in the Core Waterfront area if they are brought forward within the parameters relating to the amount of development established by outline planning permission 04/99/67595'. This is to ensure that the amount of new residential development, a 'more vulnerable' use with respect to flood risk, is not intensified beyond that already approved. This necessary change is set out as (**IC7**) in Annex A to my report.
- 3.3.29 With these changes I conclude that the policies relating to the Special Policy Areas properly address the implications of flood risk and are consistent with national policy contained in PPS25.
- 3.3.30 To summarise, I conclude that the Site Specific Policies of the AAP are justified. I further conclude that provided that they are changed in the ways specified above and as detailed in Annex A to this report they will provide an appropriate policy framework for delivering the Spatial Vision and for achieving the Objectives of the AAP; they will be deliverable, flexible and consistent with national policy; consequently they can be made sound. The main changes required are to:

- **Amend Policy CW21 to include the proposed land uses for the development sites in the policy texts and to provide greater flexibility to the residential density ranges.**
- **Delete Policy CW22.**
- **Clarify the delivery agents and funding mechanisms for Policy CW24.**
- **Clarify the delivery agents and funding mechanisms for Policy CW25.**
- **Clarify flood risk implications in Policies CW25, CW26, CW27 and CW28.**

3.4.0 DELIVERY AND MONITORING

Main Matter - Whether the Delivery and Monitoring Mechanisms for the AAP are Effective.

- 3.4.1 PPS12 stresses at paragraph 4.4 that the delivery strategy is central to DPDs, rather than plans simply being aspirational public relations documents. From the written evidence and discussion at the hearing sessions, I am satisfied that the policies and proposals of the AAP are capable of being implemented and monitored and will clearly assist the delivery of its Spatial Vision and Strategy.
- 3.4.2 Information on implementation and delivery mechanisms, together with key agents and partners is provided at the end of the supporting text for each of the policy sections. This is drawn together and supplemented with a phasing timetable – Table 6 in chapter 6 of the AAP. The phasing covers three periods; Phase 1 (2007-2012), Phase 2 (2012-2016), and Phase 3 (2016-2021). It is acknowledged by the Council that monitoring and reviewing policies are crucial to the successful delivery of the Spatial Vision. The AAP also clarifies that the AMR is the main mechanism for assessing its performance and effect.
- 3.4.3 Appendix A sets out the monitoring framework against the 10 Objectives of the AAP in a suite of tables. In each table, the relevant AAP Objective is set out, together with the Indicators, Targets, Delivery Agency and Implementation Mechanism for each of the AAP policies and proposals relating to that Objective. The Indicators have been developed in accordance with the national guidance on monitoring contained in 'Local Development Framework Monitoring: A Good Practice Guide' [CD410]. Where possible, they are based on national core indicators or link with monitoring work being undertaken for other plans, programmes and strategies.
- 3.4.4 In principle, the approach to implementation, delivery and monitoring is effective, but since submission of the DPD, the buoyancy of the housing market and the economy general has declined. Consequently, as the implementation strategy is to be developer led, it has become more important that the Council's contingency plans for delivery are made explicit in the AAP, in the event that planned projects and proposals are delayed or fail to commence. Furthermore, both the phasing of Table 6 and the monitoring tables in Appendix A omit details about delivery agencies, implementation mechanisms and funding that are in the public domain and which, for clarity, should be included in the AAP. In addition, changes are necessary to some of the Indicators and Targets to update details and reflect issues highlighted by the examination and discussed in the hearings, including the addition of a new housing policy and the merger/deletion of others.
- 3.4.5 All of these changes that are necessary to make delivery and monitoring of the AAP effective and sound are set out in the following changes suggested by the Council, which are detailed in Annex A of this report; chapter 6 (**CWA132**), Table 6 (**CWA133**), Appendix A (**CWA134**, **CWA135**, **CWA136**, **CWA137** and **CWA138**). Also, to reflect the current development management approach towards planning application decision making, the Council has suggested that throughout the AAP references to, 'determination of planning applications' should be changed to, 'proactively managing development through planning applications and related planning processes', (**CWA24**), which I agree is necessary.
- 3.4.6 I conclude that provided these changes are made, the policies and proposals of the AAP will have clear mechanisms for delivery, implementation and monitoring,

and will have appropriate contingency plans for a slowing economy. In order to make the AAP sound in these regards the following main changes are necessary:

- **Amend the text and Table 6 in chapter 6 as detailed in Annex A to clarify the implementation and delivery mechanisms, and timescales for the policies and proposals of the AAP, together with contingency plans if there is a delay in bringing forward and/or completing projects.**
- **Update and factually correct the policy numbers, Indicators, Targets, Delivery Agency and Implementation mechanisms for the Policies in Appendix A.**
- **Emphasise that development will be proactively managed to aid the delivery of the Spatial Vision.**

4.0 **MINOR CHANGES**

- 4.1 The Council wishes to make several minor changes to the submitted DPD in order to clarify, correct and update various parts of the text. Although these changes do not address key aspects of soundness, I endorse them on a general basis in the interests of clarity and accuracy. These changes are shown in Annex B to my report. I similarly endorse the correction of any minor typographical, spelling, grammatical and formatting errors provided that they do not alter the substance or general meaning of the text.
- 4.2 Some representations raise issues which go outside the context and purpose of the AAP because they relate either to detailed elements of policies or to matters beyond its scope. Other points raised in the representations are not directly related to the tests of soundness or are not central to my conclusions on the overall soundness of the AAP. In these cases I have not recommended or endorsed changes in response.

5.0 **OVERALL CONCLUSIONS**

- 5.1 **I conclude that, with the amendments I recommend, the Central Wakefield Area Action Plan DPD satisfies the requirements of s20(5) of the 2004 Act and the associated Regulations, is made sound in terms of s20(5) (b) of the 2004 Act, and meets the tests of soundness in PPS12.**

Shelagh Bussey

INSPECTOR