



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 WAKEFIELD DEVELOPMENT POLICIES DEVELOPMENT PLAN DOCUMENT

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Examination hearings held on 21st, 22nd, 26th, 27th and 28th August 2008

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ABBREVIATIONS

AMR	Annual Monitoring Report
Core Strategy	Wakefield Core Strategy
[CD]	Core Document
The DPD	Wakefield Development Policies Development Plan Document
GOYH	Government Office for Yorkshire and the Humber
LDF	Local Development Framework
LDS	Local Development Scheme
LPA	Local Planning Authority
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
SUD	Sustainable Drainage System

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 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 Wakefield Development Policies Development Plan Document (DPD) 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 The DPD was submitted together with the Wakefield Core Strategy in January 2008. A joint Exploratory Meeting was held on 20th February 2008 and a joint Pre-Hearing Meeting (PHM) was held on 2nd June 2008.
- 1.4 I am satisfied that the DPD meets the requirements of the Act and Regulations, including Regulation 13 (5) of the Town and Country Planning (Local Development) (England) Regulations 2004, which 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 This requirement is met by Appendix 2 of the DPD and by references to superseded policies at the ends of relevant policy chapters.
- 1.5 My role is also to consider the soundness of the submitted DPD against each of the tests of soundness set out in Planning Policy Statement 12 (PPS12). When the DPD was submitted, PPS12: Local Development Frameworks (2004) was in force. Thus representations were made on the basis of its nine tests. The new PPS12: Local Spatial Planning was published in June 2008. However the examination PHM had already been held and my Matters and Issues papers had been circulated on the basis of the 2004 tests, upon which further representations and the Council's corresponding topic papers were produced. The hearing sessions were, therefore, conducted in the light of the soundness tests of PPS12 (2004). For clarity and transparency this is reflected in the format of this report. Nevertheless, PPS12 (2008), which more simply re-packages the nine soundness tests into three; justified, effective and consistent with national policy, is current national policy that I have taken into account.
- 1.6 Of special relevance to this Examination, paragraph 2.30 of PPS12 (2004) informed that, "Generic policies should not repeat national planning policy statements but should explain how they apply to the local area". This guidance has not been carried forward as explicitly into the much shorter PPS12 (2008).
- 1.7 Paragraph 5.2 of PPS12 (2008), which refers to Development Plan Documents other than Core Strategies, informs that they should not repeat national and regional policy, but it does not go on to refer to the need for local distinctiveness as before. However, paragraph 4.2 of PPS12 (2008) advises that the vision should be informed by an analysis of the characteristics of the area and its constituent parts and the key issues and challenges facing them. Paragraph 4.3 continues by stating that the strategic objectives form the link between the high level vision and the detailed strategy. Implicit in this is that the objectives, and hence the

policies, which are the delivery tools of the vision, should also be locally distinctive.

- 1.8 The requirement for policies to be locally distinctive is also implicit in guidance contained in the Plan Making Manual produced by the Planning Advisory Service and the Department for Communities and Local Government, and by the Planning Inspectorate in its publication; Local Development Frameworks Examining Development Plan Documents: Soundness Guidance (July 2008). Under the effectiveness test this latter document indicates that the objectives of a Development Plan Document should be specific to the place and also that the policies should clearly meet the objectives. Thus reiterating the implicit need for policies to be locally distinctive.
- 1.9 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.
- 1.10 In line with national policy, the starting point for the examination has been 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 tests of soundness in PPS12. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.11 This report on the Examination of the DPD firstly considers the procedural tests (legal requirements), and then deals with the relevant matters and issues considered during the Examination in terms of the soundness tests. It does not address individual representations, although these were used as a starting point for identification of the main matters and issues for examination. Nor does it address policies that do not raise soundness issues, although all have been examined. Similarly, where particular tests are not mentioned with reference to a policy this is because that part of the DPD is sound with reference to that test.
- 1.12 Annex A to this report lists and gives the precise details and wording of, and the reasons for all of the changes which are necessary in order to make the DPD sound. Those that are referred to as (DPA//) were suggested by the Council. Others that are shown as (IC//) originate from me. References to Core Documents are given in square brackets [CD//].
- 1.13 All recommended changes that go to the heart of the soundness of the DPD are listed in [CD187], which has been published on the Council's website, and were discussed at the hearing sessions, or in further written representations.
- 1.14 The Council wishes to make other 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. They are also listed in [CD187] and many were discussed the hearing sessions. I also endorse the correction of any minor spelling and grammatical errors.
- 1.15 My overall conclusion is that the DPD is sound, with reference to the soundness tests of PPS12, provided it is changed in the ways specified in this report. The principal changes which are required are, in summary:

- **Delete the following Policies that repeat national policy; D3, D4, D5, D8, D24, D27, D28 and D38.**
- **Delete Policies D1 and D7 that contain strategic policy that should be located in the Core Strategy.**
- **Delete Policies D20 and D31 that repeat policy detail contained elsewhere in the DPD.**
- **Clarify the local distinctiveness/effectiveness and consistency with national policy of the remaining Policies.**
- **Improve the coherence, clarity and effectiveness of the Policies and the DPD generally.**

1.16 My report sets out all the detailed changes required, including those suggested by the Council, to ensure that the DPD meets all the tests of soundness. In total I recommend that 12 policies are deleted. There would be 28 remaining.

2.0 **LEGAL COMPLIANCE AND CONSISTENCY WITH NATIONAL POLICY, AND PROCEDURAL MATTERS**

Consistency with the Local Development Scheme

2.1 The DPD is contained within the Council's Local Development Scheme (LDS), the updated version being approved on 12th September 2007 [CD46]. There, it is shown as having a submission date of January to February 2008 with hearings to be held in September 2008. Its intended role is to provide policies designed to guide the location and manage the quality of development and to conserve and enhance buildings or sites needing specific protection. The targets and milestones for the DPD up to and including the hearings have been met and it will perform its intended role.

2.2 I conclude that the DPD has been prepared in accordance with the LDS and that this former test and current legal requirement are met.

Compliance with a Statement of Community Involvement and associated Regulations.

2.3 The Council's Statement of Community Involvement (SCI) [CD5] has been found sound by the Secretary of State and was formally adopted by the Council in February 2006, before the Examination hearings took place. It is evident from the documents submitted by the Council, including the Regulation 28 and 31 Statements [CD97 and CD107], and its Self Assessment document [CD95], that the Council has met the minimum requirements, as set out in the Regulations, and that this former test and current legal requirement are met.

Sustainability Appraisal and Appropriate Assessment

2.4 Alongside the preparation of the DPD, the Council has carried out a parallel process of Sustainability Appraisal (SA) [CD6]. The SA confirms that the policies and proposals of the DPD are sustainable and where significant impacts were identified, mitigation measures have been incorporated into the DPD. Further evidence of the influence of the Sustainability Appraisal is contained in the Soundness Self-Assessment document [CD95], the Statement of Pre-Submission Consultation and the Assessment of Options document [CD96].

2.5 In addition, an Appropriate Assessment screening report for the DPD has been carried out in accordance with Articles 6 (3) and 6 (4) of the Habitats Directive and was submitted alongside the DPD [CD94]. The report confirms that the policies will not have a significant impact on any European Sites.

2.6 I conclude that the DPD meets this former test and current legal requirement.

3.0 **CONFORMITY AND CONSISTENCY MATTERS**

Main Matter – Whether the policies and proposals of the DPD are in general conformity with the RSS and the Core Strategy, and are consistent with national policy.

Conformity with the RSS and the Core Strategy

3.1 The Wakefield Core Strategy, which was submitted at the same time as the Development Policies DPD has been found sound at examination. It has been concluded that the Core Strategy is a spatial plan that satisfies the requirements of PPS1 and PPS12 in this regard. Figure 1 of the Development Policies DPD clearly and helpfully shows how the Development Policies DPD relates to the strategies and other plans that influence its content, and its relationship to other parts of the Local Development Framework (LDF). The policy themes of the DPD reflect the objectives of the Core Strategy which link to the spatial community strategy, the core approach of the Regional Spatial Strategy; The Yorkshire and Humber Plan Regional Spatial Strategy to 2026, published in May 2008 (RSS) and the government's guiding principles for sustainable development. The relationship of the DPD with other plans and documents is also detailed in its lengthy text in chapter 2 and Appendix 4. The Council agrees that, whilst useful for consultation purposes, these are unnecessary in the adopted DPD, and suggests that they should be deleted. I endorse those changes; DPA14, DPA9, which are detailed in Annex B of this report.

3.2 I am satisfied from evidence contained in [CD97, CD107 and CD187] that utilities companies and other agencies have been consulted at each stage of the preparation of the DPD and that policies and justification text have been amended to address their concerns, for example, those of the Environment Agency and Yorkshire Water.

3.3 The Yorkshire and Humber Assembly has confirmed in its letter dated 27th February 2008 that in its view the DPD is in general conformity with the RSS [CD103]. For accuracy, I endorse changes suggested by the Council that would remove references to the 'draft' or 'new' RSS, as set out in (DPA75) in Annex B of this report.

3.4 I am also satisfied that the DPD is consistent with most aspects of national policy, but there are some exceptions that need to be addressed in order for it to meet this soundness test. These include Policy D4, which refers to windfall housing and which, in the absence of local justification, is inconsistent with PPS3. I return to this in section 4 of this report. Other elements of minor inconsistency with other parts of national policy, including PPG2 and PPS25, are also addressed in section 4.

3.5 However, it is appropriate here to consider the DPD in the light of paragraphs 4.30 and 5.2 of PPS12 (2008), which inform that policies should not repeat national or regional policy statements. The DPD contains 40 policies, but as highlighted by the Government Office for Yorkshire and Humber (GOYH), many simply repeat national

policy without adding a locally distinctive dimension. The DPD would remain internally consistent with the removal of such policies. In some cases the supporting text can be retained, with reference to the relevant national or regional policy replacing the policy itself. Supplementary Planning Documents (SPD) could also be produced to expand upon the detailed implementation of some of those policies. I conclude that the policies contained in the schedule below fall within this category and should be deleted from the DPD to make it sound. Consequential changes to their supporting texts are also necessary, as set out in the following suggested changes, full details of which are given in Annex A of this report; **(DPA25, DPA231, DPA26, DPA27, DPA28, DPA29, DPA30, DPA122, DPA248, DPA125, DPA133, DPA134, DPA135, DPA139, DPA140, DPA141, DPA142, DPA144, DPA145 and DPA146)**. For consistency, Appendix 2 of the DPD should also be amended to reflect these policy deletions, as set out in **(DPA225)**.

Policy Number	Policy Name	National Policy that is repeated	Annex A Reference
D3	Dwellings for Agricultural and Forestry Workers	PPS2, PPS7	DPA23
D8	Affordable Housing on Rural Exception Sites	PPS3	DPA46
D24	Location, Scale and Design of Telecommunication Equipment	PPG8 and its Annexe	DPA121
D27	Development Affecting Listed Buildings	PPG15	DPA138
D28	Development in Conservation Areas	PPG15	DPA143
D38	Renewable Energy	PPS1 Climate Change Supplement, PPS22	DPA192

- 3.6 In addition, some of the remaining policies are unduly restrictive and/or are negatively worded, which runs counter to the current system of development management and the need for policies to be flexible. I have recommended changes to rectify this in the appropriate part of section 4 below.
- 3.7 Furthermore, several other policies, although not repeating national or regional policy, lack local distinctiveness. I make recommendations for their amendment to rectify this in section 4 of this report.
- 3.8 Provided that all of these changes are made, the DPD will be made sound with regards to its effectiveness and consistency with national policy.

Regard to the Sustainable Community Strategy

- 3.9 It is a statutory requirement for the local planning authority to comply with relevant sustainable community strategies (section 19 (2 f & g) of the 2004 Act). Further guidance on this matter is given at paragraphs 4.34 and 5.2 of PPS12. I am satisfied that the DPD has taken full account of the sustainable community strategy contained in, 'Wakefield District Partnership's Community Strategy – Knowledge Communities [CD1], which sets out the overall vision, aims and targets for the District and provides the wider context for a range of supporting partnership strategies; the overall intention being to make the District a more attractive and prosperous place to live.

3.10 The sustainable community strategy has informed the spatial vision and objectives of the Core Strategy, leading to the identification of the Core Strategy policies. Appendix 4 of the Core Strategy [CD90] sets out the link between the sustainable community strategy challenges and how these have been translated into the plan's objectives. I am satisfied that the themes and policies in the Development Policies DPD clearly reflect the spatial vision and objectives of the Core Strategy and hence also, the sustainable community strategy. Consequently, I conclude that the DPD satisfies this former test and current legal requirement.

3.11 To summarise, I conclude that the DPD meets all the former procedural and conformity tests; therefore it is legally compliant. However, for consistency with national policy the following changes are necessary:

- **Delete Policies D3, D8, D24, D27, D28 and D38, and make consequential changes to their justification texts and Appendix 2.**

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

In this section of my report I consider if the policies and proposals of the DPD are justified, effective and consistent with national policy. I do so in terms of the following main matters discussed at the hearing sessions of the Examination:

- Coherence and Consistency
- Meeting local needs in sustainable locations
- Creating mixed and balanced communities
- Supporting a dynamic and efficient local economy
- Promoting high quality, distinctive and safe environments
- Climate change
- Delivery and Monitoring

4.1.0 **COHERENCE AND CONSISTENCY**

4.1.1 The policy sections of the DPD reflect those of the Core Strategy, and its policies clearly relate to the objectives of the Core Strategy. The relevant associated policies of the Core Strategy are set out at the beginning of each policy chapter of the Development Policies DPD. With reference to Figure 1 of the DPD and to the LDS [CD46], it is clear how the DPD relates to other plans in the Wakefield LDF. No cross-boundary issues have been identified during the examination process. With reference to the Soundness Self-Assessment document [CD95] and the Regulation 31 Statement [CD107], I am satisfied that neighbouring authorities have been consulted at each stage in the preparation of the DPD and that no representations have been received from any of them that raise significant concerns regarding the soundness of the DPD. I do not consider that there are any inconsistent overlaps with other plans or policy gaps within the DPD.

4.1.2 However, as discussed at the Exploratory Meeting, Policy D1: Housing Density and Policy D7: Affordable Housing contain policy details that are more appropriately contained in the Core Strategy, because they have strategic implications for housing provision within the District. These Policies, together with suggested

amendments to them, were discussed at the relevant hearing sessions of both the Core Strategy and Development Policies DPD Examinations. Recommendations are made in the report into the Examination of the Core Strategy that they should be incorporated in it. Thus, for consistency and to avoid duplication, I recommend that Policies D1 and D7 are deleted from the Development Policies DPD in accordance with changes **(DPA16)** and **(DPA45)** respectively. Consequential changes necessary to the supporting text for Policy D1 are set out in changes; **(DPA235, DPA17, DPA18, DPA21, DPA237 and DPA238)**. Similar necessary consequential changes following the deletion of Policy D7 and associated Policy D8: Affordable Housing on Rural Exception Sites are given in; **(DPA44, DPA47, DPA48, DPA240, DPA50, DPA51, DPA52, DPA53 and DPA55)**. Table 1 of the DPD should also be amended to reflect the reduced number of policies contained within it, as set out in **(DPA8)**.

- 4.1.3 With regards to internal consistency and coherence of the DPD, it follows a clear and logical order, but it is lengthy, amounting to over 100 pages; although this does not in itself amount to unsoundness. Furthermore, with the deletion of the 12 policies specified in this report that is necessary to make the DPD sound, its length will be reduced considerably. The Council has also suggested the additional deletion of superfluous text in the first two chapters that refer to the following matters; Introduction, Explanation and Conformity, and of Appendices 1, 3 and 6, which I endorse because these editing changes will make the DPD considerably shorter and more user-friendly. Full details of these editing changes are given in Annex B of this report.
- 4.1.4 However, there are more significant coherence issues that go to the heart of the soundness of the DPD within its chapter 3 onwards, which contain the policies. In places, additional policy text is 'slipped into' the supporting text and in parts supporting text is not located immediately before or after the relevant policy. This produces muddle and confusion. Specifically, Policy D11: Ecological Protection of Watercourses and Water Bodies should be moved to its supporting text at paragraph 6.9 and additional text concerning its implementation should be added, as shown in **(IC2 and DPA72)**. Policy D17: Waterfront Design should be moved to follow paragraph 6.49 and additional text concerning its implementation should be added, as detailed in changes; **(IC3, DPA94 and DPA95)**. Paragraph 6.60 should follow policy D19: Protected Areas of Open Land, **(IC4)**. Paragraph 6.67 incorrectly refers to, "The following policy" and makes a cross-reference to, 'Places Streets and Movement', which has been superseded; it should be amended in accordance with **(DPA247)**. Paragraphs 6.114-6.125 should be moved to follow Policy D30, **(IC5)**.
- 4.1.5 The Heading and sub-heading to paragraph 6.140 refer to, 'Green Belt, Policy Justification', but there is no preceding policy and the subsequent paragraphs 6.140-6.145 are muddled. To make this part of the DPD coherent the sub-heading should be changed and paragraphs 6.144 and 6.147 should be deleted, as set out in changes; **(DPA167, DPA168 and DPA169)**. Paragraph 6.152 should be re-worded to apply to Policy D34: Existing Uses in the Green Belt, not 'application', as detailed in change reference **(DPA173)**. Paragraphs 7.4 and 7.5 should be moved to follow paragraph 7.7, as indicated in change **(DPA177)**. Policy D36: Flood Risk and paragraphs 7.10-7.15 should logically precede Policy D35: Surface Water Drainage, as set out in **(DPA230)**. Also, all paragraphs, policies, pages and appendices should be re-numbered after all other changes recommended and endorsed in this report have been made, as recommended in **(IC1)**.

4.1.6 To summarise, I conclude that the DPD is a spatial plan that has regard to other relevant plans, policies and strategies. It is consistent with the Core Strategy. Its policies are mutually consistent and there are no gaps in its coverage. However, in parts it is muddled and Policies D1 and D7 contain strategic detail that are most appropriately located in the Core Strategy. To make the DPD coherent and, therefore, effective it should be amended in accordance with all of the changes referred to above, which are set out in full in Annex A of this report. In summary these necessary changes are to:

- **Delete Policies D1 and D7 and move them into the Core Strategy, and to make consequential changes to their justification texts.**
- **Revise Table 1 to reflect the deletion of Policies.**
- **Re-order the location of the following Policies and associated justification texts; D11, D17, D19, D30, D34, D35 and D36.**

4.2.0 **MEETING LOCAL NEEDS IN SUSTAINABLE LOCATIONS**

Main Matter – Whether the policies of the DPD are the most appropriate for meeting local needs in sustainable locations having regard to the spatial vision, the settlement hierarchy and reasonable alternatives. Also, whether they are locally distinctive, based on a robust and up-to-date evidence base and are flexible.

- 4.2.1 The DPD contains six policies in its chapter 3 that flow directly from Core Strategy Theme 1 and Policies CS1 and CS3. DPD Policy D1: Housing Density sets out the required residential densities in various urban locations within the District. However, with reference to paragraph 4.1.6 above, since residential density has a direct impact on requirements for housing land supply and its provision, its policy detail should be contained in the Core Strategy and I recommend its deletion from the Development Policies DPD (DPA16).
- 4.2.2 Policy D2: Housing in Rural Areas provides criteria against which proposals for housing in the rural areas, including the Green Belt can be assessed. In line with the spatial vision, it seeks to limit development to that required to meet identified local needs. I consider that it is generally clearly worded and is effective, also that it is implementable. The meanings of terms such as; 'small gap' and 'otherwise built up frontages' are both self explanatory in this context and are sufficiently flexible to allow appropriate infill development between buildings within the identified confines of the particular settlement.
- 4.2.3 However, there is no convincing justification for the Policy to preclude replacement dwellings in the Green Belt, in excess of the restriction on development imposed by PPG2. To rectify this inconsistency with national policy, reference to 'replacement' of an existing dwelling should be added to criterion 2b and part 3 of Policy D2, as indicated in **(DPA22)**. From the evidence, I am satisfied that small settlements are appropriately identified in the lists contained in paragraphs 3.9 and 3.10 of the Policy justification text. I do not consider that it is necessary to include those lists within the Policy text itself. The Council has suggested other minor changes to the supporting text that are detailed in Annex B of this report, which I endorse in the interests of clarity.
- 4.2.4 I have recommended the deletion of Policy D3: Dwellings for Agricultural and Forestry Workers (DPA23) in paragraph 3.5 of this report, because it does not add

to national policy contained in PPS7 and PPG2. Policy D4: Windfall Housing is also unsound because it contains a sequential approach which fails to properly reflect the spatial community strategy that refers to the delivery of regeneration benefits. Furthermore, following necessary changes to the Core Strategy, which omit reliance on windfalls for housing provision, there is no local justification for the inconsistency of Policy D4 with national policy. Therefore, to make the DPD sound it should be deleted, as recommended in **(DPA31)**. Consequential changes should also be made to its justification text, as set out in **(DPA32-DPA34)**.

- 4.2.5 Policy D5: Access to Undeveloped Land, which contains a single sentence that informs that, "New developments which adjoin undeveloped land will not be developed in a way that prevents opportunity for the adjacent land to be subsequently developed", lacks local distinctiveness and adds little to the delivery of the spatial vision. As a stand-alone policy I consider that it is ineffective. However, in the interests of clarity and completeness, it should be added as a criterion to Policy D15: Design of New Development, as detailed in **(DPA35)**. The justification text of Policy D5 should also be deleted for consistency, as recommended in **(DPA36)**.
- 4.2.6 The final Policy in chapter 3, D6: Safeguarded Land, flows from the approach of the Core Strategy at its paragraphs 9.57-9.60 for the release of such land, and is consistent with PPG2 on this matter. However, to clarify how the Policy will be implemented and to emphasise local circumstances, the Policy text and its justification should be changed in accordance with **(DPA37-DPA42)**. With these changes the Policy would be effective and would meet the soundness test.
- 4.2.7 I conclude that the policies of the DPD, which aim to meet local needs in sustainable locations, are generally the most appropriate having regard to the spatial vision, the settlement hierarchy and reasonable alternatives, also that they are based on a robust and up-to-date evidence base and are flexible. However, to make the DPD sound the following changes, as detailed in Annex A to this report, are necessary:

- **Amend Policy D2 by adding reference to, 'replacement' of an existing dwelling in its criterion 2b and part 3.**
- **Delete Policy D4 and its associated justification text.**
- **Delete Policy D5 and add its policy text as a criterion of Policy D15.**

4.3.0 **CREATING MIXED AND BALANCED COMMUNITIES**

Main Matter – Whether the policies of the DPD are justified and effective for creating mixed and balanced communities.

- 4.3.1 Flowing from Core Strategy Theme 2 and its Policies CS5, CS6 and CS7, chapter 4 of the DPD contains two policies, D7: Affordable Housing and D8: Affordable Housing on Rural Exception Sites, together with explanatory text on housing types and accommodation for gypsies, travellers and travelling showpeople.
- 4.3.2 PPS3 does not specifically state that policies for affordable housing should be in a Core Strategy, but there is a general assumption that it should be, given the importance of the issue. The details of Policy D7 have been discussed at hearing sessions of both the Core Strategy and this DPD, together with suggestions for changes to it. These are discussed and recommendations for its amendment are

contained in the report of the Examination of the Core Strategy. Subsequent to these, for consistency and coherence, I have concluded at paragraph 4.1.6 of this report that the text of Policy D7 should be relocated in the Core Strategy and the Policy should be deleted from this DPD.

- 4.3.3 In addition, I have concluded at paragraph 3.5 of this report that Policy D8 repeats national policy contained in PPS3 and together with its justification text should be deleted. I am satisfied that Core Strategy Policies CS5: Community Facilities and Services, CS6: Housing Mix, Affordability and Quality, and CS7: Accommodation for Gypsies, Travellers and Travelling Showpeople provide sufficient policy context for achieving mixed and balanced communities in the Wakefield District and there is no need for further such policies in this DPD.
- 4.3.4 There would remain within chapter 4 of the DPD remnants of explanatory text concerning the deleted Policies D7 and D8, but their retention would be consistent with the approach in the chapter for providing a policy context for housing types and accommodation for gypsies, travellers and travelling showpeople.
- 4.3.5 I conclude that Policies D7 and D8 are not appropriate for inclusion in the DPD. Therefore, in order to make the DPD sound with reference to its chapter 4, they should be deleted and the remaining explanatory text should be amended for internal consistency, as recommended in paragraphs 4.1.6 and 3.11 respectively of this report.

4.4.0 **SUPPORTING A DYNAMIC AND EFFICIENT LOCAL ECONOMY**

Main Matter – Whether Policy D9: Protecting Employment Land, is effective for supporting a dynamic and efficient local economy.

- 4.4.1 Following from Core Strategy Theme 3 and its Policy CS8, Policy D9 of the DPD seeks to protect the District's most sustainable and valued employment areas, which are to be designated as Employment Zones on the forthcoming Site Specific DPD Proposals Maps. The Employment Zones will be located in the urban areas and local service centres, in locations that are also potentially suitable for redevelopment as non-employment uses such as housing. In principle I am satisfied that, subject to their suitability for designation being assessed as part the Examination of the Site Specific DPD, such areas should remain in employment use to provide a range of jobs which are accessible to residents in urban areas. Sites within Employment Zones should only be redeveloped for non-employment use as a last resort, when the exceptions criteria of Policy D9 are met.
- 4.4.2 However, the Policy lacks clarity and is negatively worded. Furthermore, its criteria muddle together the different aspects of employment provision; supply, relocation and cessation of use. In addition, criteria c and f of the Policy are apparently mutually inconsistent and would seem to make it impossible to meet all of the criteria in order to exceptionally permit a non-employment use. Thus the Policy would be difficult to implement and it would lack flexibility. These matters were discussed at a hearing session and following an exchange of further representations the Council has suggested change (**DPA241**). This suggested change would restructure the Policy to clarify how the criteria should be met to make qualifying exceptions permissible and is necessary to make the DPD sound. In addition, reference should also be added to paragraph 5.8 to inform that the re-use of rural employment sites for residential use should be balanced against the

need to sustain settlements by providing local jobs. This necessary change is set out in **(DPA57)**.

- 4.4.3 I conclude that provided that Policy D9 and its supporting text are changed as detailed in Annex A of this report, they will be effective and the DPD will be made sound in its regard. In summary these necessary changes are:

- **Restructure Policy D9 to clarify how its exceptions that would permit non-employment uses in Employment Zones may be met.**
- **Highlight the need to balance the provision of new housing against the need to retain sustainable job opportunities in the small rural settlements.**

4.5.0 **PROMOTING HIGH QUALITY, DISTINCTIVE AND SAFE ENVIRONMENTS**

Main Matter – Whether the policies of the DPD are the most appropriate for promoting high quality, distinctive and safe environments.

- 4.5.1 Twenty-five, more than half of the policies of the DPD, namely Policies D10-D34, flow from Theme 4 of the Core Strategy and its Policies CS4: Sustainable Transport, CS10: Design, Safety and Environmental Quality, CS11: Leisure, Recreation and Open Space, and CS12: Green Belt, which collectively seek to promote high quality, distinctive and safe environments. However, of these raft of DPD policies I recommend that five should be deleted in order to make the document sound.
- 4.5.2 In paragraph 3.5 of this report I have concluded that Policies D24, D27 and D28 repeat national policy and have recommended that they should be deleted. In addition, as suggested by the Council, Policy D20: Open Space in Residential Developments should be deleted in accordance with **(DPA106)** and merged with Policy D15: Design of New Development. Similarly, also suggested by the Council, Policy D31: Light Pollution should be deleted in accordance with **(DPA155)** and partly merged with Policy D30: Pollution Control. Both of Policies D20 and D31 lack local distinctiveness and sufficient precision to enable their implementation. They are, therefore, unsound.
- 4.5.3 Furthermore, as highlighted by the GOYH in its representations, most of the remaining policies within this suite also suffer from absence of local distinctiveness and/or imprecision and/or are negatively worded. Therefore, they would not be effective. I now discuss how and why they should each be amended in order to make them sound.
- The Natural Environment*
- 4.5.4 Within this group, Policies D10 – D14 aim to protect and improve the natural environment and to prevent development that could have detrimental effects on environmental quality. In addition, Policies D18 and D19 respectively seek to protect the landscape and areas of open space through design principles and Policy D34 clarifies the application of PPG2 to existing uses in the Green Belt.
- 4.5.5 However, Policy D10: Sites Designated for Biological or Geological Conservation is negatively worded and lacks local distinctiveness. It also exceeds the protection afforded by PPS9, to sites of less than international conservation status, by inappropriately seeking to apply the 'exceptional reasons' test to all designated sites within the District, including those of only local importance. Suggested

change (**DPA242**), which would remove this overly onerous test is necessary to make the Policy consistent with national policy and to make it locally distinctive, and to thereby make it sound. For consistency and to update factual matters, consequential changes are also necessary to the justification text of the Policy. All of these necessary amendments are set out in Annex A, as changes (**DPA61, DPA62, DPA63, DPA64** and **DPA65**).

- 4.5.6 Policy D12: Wildlife Habitat Network is similarly over zealous in the protection it seeks to afford to the local wildlife habitat network across the District. To make the Policy consistent with PPS7 and sound, it should be amended by deleting its reference to the 'exceptional circumstances' test and by instead requiring, 'demonstration of reasons of public interest for the development to clearly outweigh any significant harm', in accordance with suggested change (**DPA243**).
- 4.5.7 Policy D11: Ecological Protection of Watercourses and Water Bodies is not locally distinctive and, as noted by the Environment Agency, its justification text is confusing. It should refer to the removal of weirs or the installation of fish passes on the Rivers Aire and Calder, and to 'riverbank buffer zones' rather than to 'strips'. In order to aid its effective implementation to make the Policy sound in these regards, and for textural accuracy it should be amended as set out in; (**DPA66, DPA67, DPA68, DPA69, DPA70** and **DPA72**) of Annex A.
- 4.5.8 Policy D13: Protection of Trees and Woodland sets out the exceptional circumstances in which development that would detrimentally affect or result in the loss of Ancient Woodland may be permitted. The first of these requires that development cannot reasonably be located on an alternative site. In acknowledgement that the destruction of irreplaceable trees and ecosystems, which have taken hundreds of years to develop, should be the last option, I consider that this criterion is justified and that the caveat provided by the inclusion of the word 'reasonably' provides sufficient flexibility. However, the Council's suggested change (**DPA78**) is necessary to add local distinctiveness to the Policy and to change its emphasis to being positively worded.
- 4.5.9 Policy D14, which refers to Landscape Character, informs that development within the countryside and within areas of open urban green space shall contribute towards the protection and enhancement of the character of the landscape. Whilst I support this aim, it is not expressed in a manner that is distinctive to Wakefield and it omits important references to development on the edge of settlements; also to the maintenance of the character of the landscape and to the use of the Landscape Character Assessment of Wakefield District [CD9] as the basis for determining the appropriateness of development proposals which might have an impact upon the landscape character of the District. Thus the Policy is not effective. To make the Policy and its justification text sound, they should be changed as detailed in (**DPA82, DPA83** and **DPA84**) of Annex A.
- 4.5.10 Similarly, Policy D18: Landscape Design lacks local distinctiveness and fails to make reference to the Landscape Character Assessment of Wakefield District. However, it can be made sound if amended in accordance with (**DPA102** and **DPA229**), which would respectively add to the Policy sentences clarifying the distinctive landscape elements within the District and reference in the justification text to the Landscape Assessment.
- 4.5.11 The DPD indicates at paragraphs 6.144 and 6.145 that development proposals for land within the Green Belt will be determined in accordance with PPG2, except for certain types of development in the Wakefield Green Belt that require more

detailed interpretation of PPG2, having regard to the particular issues that affect the District. This local interpretation of national policy is given in Policy D34: Existing Uses in the Green Belt, which expands upon the types of development listed at paragraph 3.4 of PPG2 that are not inappropriate in the Green Belt, by also permitting limited, small scale extensions to existing industrial, educational and community uses located within the Wakefield Green Belt, in order to allow for their continued operation, subject to criteria that such extensions are not disproportionate in size, their scale, materials and design are in keeping with the character of the building and its surroundings and they do not lead to a major increase in the developed proportion of the site.

- 4.5.12 The justification text to Policy D34 explains that a number of industrial, educational and community uses are located in the Green Belt within Wakefield District, and in many cases have occupied the same site since before the Green Belt was first brought into effect. The Council concludes that many of these uses are providing local employment opportunities or important community facilities and that it is not the intention of Green Belt policy to unnecessarily force their relocation out of the Green Belt. It is the intention of Policy D34 that such small business and important local educational and community facilities will be allowed limited expansion. Subsequent supporting text informs that development proposals for designated major developed sites will be determined in accordance with Annex C of PPG2.
- 4.5.13 The need to retain and, where possible enhance, the range of local services and facilities available in the rural areas is identified in the Core Strategy as an issue facing the District. This is developed in its spatial objective 3c. In this particular context I concur with the Council and conclude that this addition to national Green Belt policy is justified by the local circumstances in Wakefield District.
- 4.5.14 However, for clarity, precision and internal consistency minor amendments are required to make the Policy sound, which are set out in **(DPA250)**. These would preface the policy with, 'Within Wakefield District a...' re-phrase the Policy positively and would substitute 'extensions' with 'development' after small scale. Similar consequential changes, as detailed in **(DPA251)** should be made to paragraph 6.150 for consistency.

Design

- 4.5.15 National guidance that stresses the importance of and sets out general principles for good design is contained particularly in PPS1 and in other diverse supplementary advice on this matter. However, there is considerable concern about the quality of design throughout the District from citizens and councillors, who perceive that the area has suffered from industrial decline and insensitive development, which justifies the inclusion in the DPD of Policy D15: Design of New Development and which brings together the specific design elements necessary to maintain and enhance the local diversity of the settlements within Wakefield District. However, whilst I agree with these sentiments, the diversity of the settlements which have distinctive local characteristics is not made particularly clear in the Policy or its justification text. This should be rectified by adding a clarifying sentence at the beginning of the Policy, as set out in **(DPA244)**. Similarly, for soundness, this clarification should be added to the beginning of Policy D16: Extensions and Alterations to Dwellings, **(DPA92)**.
- 4.5.16 In addition, as also detailed in **(DPA244)**, criterion b. of Policy D15 should be clarified and made more flexible by re-wording it to state, 'provide a quality

setting within the development'. Criterion j., which requires development to be designed flexibly to adapt to alternative uses should be amended to clarify that this requirement does not apply to residential uses. For completeness, two other criteria should also be added to the Policy, which refer to providing opportunity for access to adjoining undeveloped land and commensurate provision of open space and recreational facilities in all new housing developments. These two elements would be imported from Policies D5 and D20, which I have recommended should be deleted. For internal consistency, the supporting text to Policy D20 should be re-located after paragraph 6.44 of the DPD, **(DPA88)**. New paragraphs should be added that explain how the Policy will be implemented and which UDP policies it replaces, in accordance with suggested changes **(DPA90 and DPA91)**. With these changes Policy D15 will be made effective and sound.

- 4.5.17 Policy D17 refers to design requirements of development adjacent to the Rivers Aire and Calder and the District's canals and other bodies of water in a very general way. To enable the Policy to be properly implemented and to clarify the importance, to these parts of the District, of enhancing architectural quality and visual amenity, and to thereby make the Policy sound in these regards, specific waterfront design criteria against which development proposals can be assessed, should be added to the Policy. In response to these criticisms of the Policy raised in representations and in my Matters and Issues paper, the Council has suggested criteria, as detailed in **(DPA245)**. These have been advertised on the Council's website and have been discussed at a hearing session, together with changes to the associated justification text set out in **(DPA98)**. I conclude that these changes are necessary to make the Policy sound in terms of its implementation and effectiveness.
- 4.5.18 I have several concerns regarding the soundness of Policy D19: Protected Areas of Open Space. It is a very short policy that simply states that, 'within the areas of open space identified under this policy, development will not be permitted except in very special circumstances for purposes other than those which would not substantially affect the openness and character of the land or detract from its amenity value'. Its supporting text throws little light on which areas are 'identified' by the Policy. Nor was the DPD accompanied by a Proposals Map. Reference is made to Wrenthorpe, but there is no indication whether it is intended that this is to be the only protected area of open space. Therefore, the Policy is unsound because it is imprecise in terms of its scope and implementation. It is also negatively worded.
- 4.5.19 In response to these issues, that were raised in my Matters and Issues paper, the Council has suggested amendments that would clarify in the Policy and its justification text that areas in addition to Wrenthorpe Meadows, which has been reviewed as part of the forthcoming Site Specific Proposals DPD, may be identified in a forthcoming Leisure and Recreation DPD, yet to be included in the LDS, and on Proposals Maps. It is also clarified that such areas may consist of parks and public recreational space or open areas of green space of amenity value. In addition, the thrust of the Policy would be positively re-phrased. With these changes, contained in **(DPA105 and DPA246)**, the Policy would be made sound. Whilst it is uncertain if and when more areas will be designated, in my opinion it would be inappropriate to identify potential new areas in this DPD. I remain to be convinced that this Policy, even in its suggested amended form, is absolutely essential for the delivery of the Core Strategy spatial vision but, on balance, I conclude that this remaining query does not render Policy D19 unsound.

- 4.5.20 From my site visits, I am aware that road traffic congestion and the adverse impact of vehicles on environmental quality and amenity are significant within the District. Policy D21: Access and Highway Safety, which flows from Core Strategy Policy CS4, seeks to address this matter by setting out criteria against which development proposals will be assessed. I consider that those criteria are the most appropriate, but local distinctiveness should be added by including a sentence to the beginning of the Policy that clarifies the reasons for its justification, as set out in suggested change **(DPA111)**.
- 4.5.21 I conclude that Policy D22: Safety and Security Through Design meets the soundness tests, although the Council suggest minor amendments for additional clarity, which I endorse. Policy D23: Advertisements and Shopfront Design does not obviously flow from the policies of the Core Strategy, but the Council explained at the hearing session that shopfronts, signs and advertisements make a significant contribution to the character and local identity of the District's town centres, especially Wakefield and Pontefract, which contain extensive conservation areas. With this clarification of its justification, as set out in **(DPA118)**, which should preface the Policy text, the Policy would be made sound.
- The Historic Built Environment*
- 4.5.22 Paragraphs 14-16 of PPS16 require inclusion of an appropriate framework for the protection of sites of archaeological importance within development plans. However, the wording of Policy D25: Development Affecting Archaeological Sites does not sufficiently differentiate between the approach that should be taken towards nationally important sites compared to those of lesser importance. It is, therefore, inconsistent with national policy. In response the Council has suggested that the Policy and its justification text should be amended as detailed in suggested changes **(DPA126, DPA127 and DPA128)**. These changes, which would reflect representations made by English Heritage, are necessary to make the Policy sound.
- 4.5.23 In paragraph 3.5 of this report I have recommended the deletion of Policy D28: Development in Conservation Areas because it repeats national policy given in PPG15. However, for completeness, it is now necessary to add reference to conservation areas to the types of locations referred to in Policy D26: Development Affecting Historic Locations, as detailed in suggested change **(DPA131)**, which would also positively re-phrase the Policy. To clarify its implementation mechanisms, suggested changes **(DPA132, DPA136 and DPA137)** are also necessary. With these changes Policy D26 will be made effective and sound.
- 4.5.24 I have also recommended the deletion of Policy D27: Development Affecting Listed Buildings in paragraph 3.5 of this report. The final Policy in this suite, which seeks to protect the historic built environment of Wakefield, is Policy D29: Development Affecting Buildings of Local Interest. However, I conclude that this Policy is unsound because it is not locally distinctive and because it does not clearly indicate what is necessary in order for development proposals to be compliant with it. To be effective and made sound, greater clarity is required of its relevance to Wakefield and on how it will help the delivery of the spatial vision. This necessary change to the Policy text is set out in **(DPA147)**, and in **(DPA234)** to its justification text.

Pollution Control

- 4.5.25 Policies D30-D33 address pollution control. With reference firstly to Policies D30: Pollution Control and Policy D31: Light Pollution, their Policy texts overlap and their justification texts are muddled. They are therefore incoherent and ineffective, and in common with many other of the DPD policies they lack local distinctiveness. In response to these concerns, the Council has suggested a number of changes that I conclude are necessary to make the DPD sound.
- 4.5.26 Through (DPA155), referred to in paragraph 4.5.2 of this report, Policy D31 would be deleted and partly merged with Policy D30. Suggested change **(DPA249)** sets out the expanded wording for Policy D30, which would add clarity to the beginning of the Policy with regards to the particular aspects of pollution control that are most significant for Wakefield and it would add a part 3 that would import text from Policy D31. In addition, suggested changes; **(DPA151 and DPA152)** are necessary for clarification and factual updating of the justification text.
- 4.5.27 Policy D32: Protection from Hazardous Operations adds to existing health and safety legislation by seeking to control the kinds of development that may be permitted in the vicinity of such installations. I conclude that this Policy is necessary given that there are a number of sites and pipelines within the District which are designated as dangerous substances establishments and major accident hazard pipelines by virtue of the quantities of hazardous substances present. This justification is clearly set out in the supporting text and I see no reason to elevate it to the Policy text. However, to aid implementation, the Policy should be positively re-phrased, as detailed in **(DPA156)**.
- 4.5.28 The last of the policies in this suite is D33: Contaminated Land. Again the necessity for this Policy is satisfactorily explained in its justification text, but to make it sound its clarity and effectiveness should be improved by positively re-phrasing the Policy and by adding that where an investigation clearly identifies contamination, an assessment should also be made as to the risks to human health and controlled waters, and also that remediation measures should be proposed where necessary. This necessary change is set out in **(DPA161)**.
- 4.5.29 To summarise, I conclude that the policies of the DPD, which aim to promote high quality, distinctive and safe environments are generally the most appropriate having regard to the spatial vision and objectives, also that they are based on a robust and up-to-date evidence base and are flexible. However, to make Policies D10 - D34 effective and the DPD sound the following main changes are necessary:

- **Delete Policy D20 and merge with Policy D15**
- **Delete Policy D31 and merge with Policy D30**
- **Amend Policies D10, D11 and D25 for consistency with national policy.**
- **Amend the following Policies to make them locally distinctive; D10, D13, D14, D15, D16, D18, D21, D29 and D30.**
- **Amend the following policies and their justification text for accuracy, clarity and to aid their implementation; D11, D15, D17, D19, D23, D26, D29, D30, D32, D33 and D34.**

4.6.0 **CLIMATE CHANGE**

Main Matter – Whether the policies of the DPD are effective for addressing climate change and resource management.

- 4.6.1 This matter is covered by a suite of six policies; D35-D40 that builds upon the framework set out under Theme 5 of the Core Strategy and its policies CS13-CS16.
- 4.6.2 My concerns with Policy D35: Surface Water Drainage is that it is not clearly informed by PPS25, it lacks local distinctiveness and a substantial part of its policy justification refers to foul water drainage, an issue that is not included in the Policy text. In response to these shortcomings the Council has suggested change **(DPA176)** that would revise its title simply to, 'Drainage', and which would reword its text to make reference to recent flooding events in Wakefield caused by surface water and sewer flooding, the steps required to address these and by informing that development will only be permitted in tandem with the availability or provision of necessary infrastructure. At the request of the Environment Agency the revised Policy would also include a target that new developments on brownfield sites will be expected to reduce run-off rates by at least 30% and must not increase rates on greenfield sites. Suggested change **(DPA178)** to the justification text would clarify the link of this target to PPS25, which predicts an increase in rainfall intensity by 30%. Suggested change **(DP179)** would add further supporting text to clarify how this aspect of the Policy would be implemented.
- 4.6.3 The 30% target was discussed at a hearing session of the Examination, at which I was informed that a group comprising representatives of several of the West Yorkshire LPAs, Yorkshire Water and the Environment Agency already operate this target on an informal basis and that through measures including SUDs, oversized pipes, green roofs, water butts etc, it can be easily achieved. From evidence contained in the Calder Valley SFRA 2008 [CD251] and the Level 2 SFRA that has been carried out for the Wakefield Central Area [CD252], I am satisfied that the inclusion of the 30% target in the Policy is justified, appropriate, implementable, and by insertion of the word 'expected', is flexible.
- 4.6.4 Suggested change **(DPA177)** would re-order the justification text to follow the sequence of the Policy and suggested change **(DPA180)** would inform that developers will be required to enter into legal agreements securing long-term maintenance of sustainable drainage infrastructure where it is not possible for these to be adopted.
- 4.6.5 I conclude that all of these changes are necessary to make Policy D35 justified, effective and sound.
- 4.6.6 Policy D36: Flood Risk is outdated and fails to accurately reflect the sequential tests of PPS25. In response the Council has suggested that it should be re-worded as set out in **(DPA182)**. The revised Policy would add a local dimension to the policy guidance of PPS25 by giving clarity on how the sequential tests will be applied. I conclude that this change is necessary to make the Policy sound, together with consequential changes to its justification text, as given in suggested changes **(DPA183 and DPA184)**. In addition, paragraph 8.1 of PPS12 requires the adopted proposals map to show areas at risk from flooding. Paragraph 7.11 of the DPD should be amended to reflect this requirement in accordance with my change **(IC6)**.

- 4.6.7 Policy D37 seeks to protect agricultural land, but in its submitted form the Policy is not locally distinctive and it is unclear how it will contribute to the delivery of the spatial vision for the District. However, the Council's suggested changes (**DPA187-DPA189**) would clarify that agricultural land within the area is under pressure from proposals to work minerals, to plant crops for biomass and for urban expansion. Thus, these changes would add to guidance contained in PPS7 regarding the protection of the best quality agricultural land and would thereby make the Policy sound.
- 4.6.8 Policies D38 and D39 respectively refer to renewable energy and renewable energy generation technology. However, I have recommended in paragraph 3.5 of this report that Policy D38 should be deleted because it repeats national policy contained in PPS1 – Climate Change Supplement and in PPS22. Policy D39 is more locally distinctive and sets thresholds and targets for renewable energy generation, but it lacks necessary flexibility to reflect adverse viability considerations. Nor does it take account of national and regional guidance that indicate that decentralised renewable or low carbon energy sources should be taken into account. For these reasons it fails to meet the effectiveness and consistency soundness tests.
- 4.6.9 However, the Policy would be made sound provided that it is changed in accordance with (**DPA252**), which would add these considerations to the Policy text, but for flexibility the word 'expected', in the second line of the Policy text should not be amended to 'required', as indicated in (DPA252). Suggested changes (**DPA253** and **DPA194**) to the justification text would provide necessary clarity by adding reference to the RSS targets for renewable energy production and information that in the Wakefield area, photovoltaic panels have the greatest potential for on-site renewable energy production. The justification text would also be set out in a more logical order.
- 4.6.10 The thresholds of the Policy apply to new developments of 0.5 hectare or more in site area, or 10 or more dwellings, or 1,000 square metres or more floor area for employment, commercial, leisure and community development. The targets for such developments are; reduction of predicted carbon emissions by at least 10% until the end of 2010, from 2011 until the end of 2015 at least 15%, rising to at least 20% thereafter. I am satisfied from the evidence contained in the Sub-Regional Renewable Energy Assessments & Targets Study [CD71] and supplemented orally at the hearing session that these thresholds and targets are based on robust evidence, are feasible and are the most appropriate.
- 4.6.11 The final Policy of the DPD; D40 refers to Sustainable Construction and Efficient Use of Resources. It has been criticised as being unnecessary, taking into account the recently established Code for Sustainable Homes and changes to the Building Regulations. However, I accept the Council's explanation that the Code covers housing development only and is voluntary, whilst Policy D40 will be applied to all types of new development and it will complement the Building Regulations by requiring all developments to use appropriate sustainable construction techniques such as; green roofs, water recycling, design and layout for solar gain and to reduce wind-chill, in addition to relying on more traditional measures such as energy conservation through better insulation and energy efficient boilers. For this reason I do not consider that the DPD is made unsound by the inclusion of the Policy. However, for flexibility, the first sentence of the Policy should be amended to inform that the Council will require new development to be energy and water efficient, as set out in (**DPA200**), and for clarity and consistency with the parent

Core Strategy Policy CS13, the word 'should', should be added after the word 'dwellings' in the third sentence of paragraph 7.33, as indicated in change reference **(DPA199)**.

- 4.6.12 I conclude that provided that the Policies which seek to address the causes and impact of climate change are amended in accordance with the changes referred to above, which are detailed in Annex A of this report, the DPD will be made sound having regards to the soundness tests. In summary, the main changes required are:

- **Amend Policies D36 and D37 for consistency with national policy.**
- **Amend Policies D35, D36 and D37 to make them locally distinctive.**
- **Amend the following Policies and their justification texts for accuracy, clarity and to aid their implementation; D35, D36, D37, D39 and D40.**

4.7.0 DELIVERY AND MONITORING

Main Matter - Whether the policies and proposals of the DPD have clear mechanisms for delivery, implementation and monitoring.

- 4.7.1 PPS12 stresses at paragraph 4.4 that the delivery strategy is central to DPDs, rather than plans simply being aspirational public relations documents or a means of regulating and controlling development, which was key to the former development control system. From the evidence and discussion at the hearing sessions, I am satisfied that the Development Policies DPD are generally capable of being implemented and monitored and will clearly assist the delivery of the spatial vision set out in the Core Strategy.
- 4.7.2 Some guidance on implementation and delivery is provided at the ends of the relevant policy chapters, but significantly more information is given in chapter 8 of the DPD, which addresses Delivery and Monitoring. It acknowledges that monitoring and reviewing policies is crucial to the successful delivery of the spatial vision and objectives set out in the Core Strategy. It also clarifies that the Annual Monitoring Report (AMR), which includes an updated housing trajectory is the main mechanism for assessing the LDF's performance and effect. The majority of the chapter is taken up by a very comprehensive and helpful set of tables (Tables 3 - 7) relating to the five main policy themes of the DPD. In each table the relevant LDF and SA Objectives are set out, together with the Indicators, Targets, Delivery Agency and Implementation Mechanism for each of the DPD Policies within that theme. The indicators have been developed in accordance with the national guidance on monitoring [CD127]. Where possible, they are based on national core indicators or link with monitoring work being undertaken for other plans, programmes and strategies. However, the implementation and delivery tables do not include timescales for implementation because the policies contained in the DPD do not relate to specific proposals.
- 4.7.3 I consider that these tables clearly show the mechanisms for implementing and delivering the spatial vision. However, to reflect the current development management approach towards planning application decision making, the Council has suggested that throughout the DPD references to, 'determination of planning applications' should be changed to, 'proactively managing development through planning applications and related planning processes', **(DPA233)**, which I agree is

necessary. In addition, changes (**DPA203-DPA218, DPA220, DPA221, DPA223, and DPA254-DPA256**) are necessary to some of the Indicators and Targets to update details and reflect issues highlighted by the Examination, including the deletion of some policies. With these changes the DPD will be effective and made sound.

4.7.4 I conclude that subject to the changes referred to above being made the Policies of the DPD will have clear mechanisms for delivery, implementation and monitoring. In order to make the DPD sound in these regards the following changes are necessary:

- **Emphasise that development will be proactively managed to aid the delivery of the spatial vision.**
- **Update the Indicators and Targets to reflect recommended changes to Policies: D1, D2, D3, D4, D5, D7, D8, D10, D11, D13, D20, D24, D26, D27, D28, D30, D31, D35, D36, D38, D39 and D40.**

5.0 OTHER MATTERS

5.1 Some representations raise issues which go outside the context and purpose of the DPD 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 DPD. In these cases I have not recommended or endorsed changes in response, even though such changes may be supported by the Council and are listed in [CD187].

6.0 OVERALL CONCLUSIONS

6.1 **I conclude that, with the amendments I recommend, the Wakefield Development Policies 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 (2004) and (2008).**

Shelagh Bussey
INSPECTOR