

KIRKLEES UNITARY DEVELOPMENT PLAN

WRITTEN STATEMENT – REVISED WITH EFFECT FROM 28 SEPTEMBER 2007

As a result of a Direction issued by the Secretary of State for Communities and Local Government, from 28 September 2007 some of the policies in the UDP continue to have effect ('saved policies') and some do not as they were not saved. This updated version of the UDP contains explanatory text for each not saved policy. Further information about policy saving can be found on the Kirklees website at

http://www.kirklees.gov.uk/business/regeneration/udp/savedPolicies.aspx



UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

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KIRKLEES UNITARY DEVELOPMENT PLAN PART I

INTRODUCTION

1.1 Part I of the Unitary Development Plan is a statement of the strategic land use planning policies for Kirklees. These policies have been prepared in the context of national government policies, Strategic Planning Guidance for West Yorkshire and the Council's vision statement. The Strategic Guidance covers the period to 2001, but many of the plan's policies will remain relevant well into the next century.

NATIONAL CONTEXT

- 1.2 The government's objectives for land use and the planning system are:
 - to improve the quality of life in our towns and cities;
 - to ensure that the planning system works to provide for homes and jobs, and to meet our desire for mobility, at the same time as conserving our heritage and protecting our environment;
 - to integrate agricultural and environmental policy.

The Government's objectives for the prudent use of resources are also relevant. They are:

- to increase the efficiency with which we use energy, at work and in our homes, and in our cars and use of public transport;
- to reduce the amount of waste produced and increase the amount of material recycled;
- to ensure better use of resources in the Government estate and the rest of the public sector; and
- to see that we meet announced targets for reduced emissions of gases causing global warming, ozone depletion and acid rain.
- 1.3 National planning policy guidance states that the Government intends to work towards sustainability and that it will continue to develop policies consistent with the concept of sustainable development. The planning system and the preparation of development plans in particular can contribute to this. The sum total of the decisions in the planning field, as elsewhere, should not deny future generations the best of today's environment. The provisions of this plan acknowledge this principle.
- 1.4 More specific Government guidance on a wide range of planning issues is provided in Planning Policy Guidance Notes (PPG's) and Minerals Planning Guidance Notes (MPG's).¹

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¹ A full list of national policy guidance notes is provided in appendix 3

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REGIONAL CONTEXT

- 1.5 The regional context for the Unitary Development Plan was provided by Strategic Guidance for West Yorkshire, published by the Secretary of State for the Environment in September 1989. The full text of Strategic Guidance is available separately but the main points in relation to Kirklees are summarised below:
 - The principal strategic objectives for West Yorkshire are "to foster economic growth and to revitalise the urban areas while ensuring the conservation of the countryside and the urban heritage".
 - Provision must be made for at least 14,300 dwelling completions between April 1986 and March 2001 on a range of sites capable of satisfying housing demands.
 - An adequate supply of development land for business uses, with a good choice and mix of sites, should always be available to respond to market forces.
 - There is a role for retail development which widens shopping choice without undermining town centres.
 - Every opportunity should be taken to bring vacant and derelict land in urban areas back into use.
 - The green belt should only be altered if a case can be made that economic regeneration would otherwise be prejudiced.
 - Environmental protection and enhancement is essential in both town and country.
 - The need for rural diversification should be recognised.
- 1.5a It is also relevant to recognise the special status of the Peak District National Park and to ensure that the visual amenity and character of the park is not prejudiced by inappropriate development beyond its boundaries.

THE COUNCIL'S VISION STATEMENT

- 1.6 The Council's vision statement identifies three corporate goals:
 - A thriving economy
 - A flourishing community
 - A healthy environment

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A Thriving Economy

- 1.7 The key to achieving a thriving economy is regeneration. The Council has an economic regeneration strategy with four themes, which aim to:
 - strengthen and broaden the economic base;
 - provide infrastructure and secure regeneration of buildings and their surroundings;
 - improve the area's image and quality of life;
 - initiate action for employment, including training.

A Flourishing Community

1.8 A flourishing community can only be achieved by involving the residents of Kirklees in community regeneration. Action is required to tackle poverty and deprivation, by facilitating and enabling improvements, particularly in the most deprived areas, and to meet the needs of individual communities. The promotion of equal opportunities is central to the creation of a flourishing community.

A Healthy Environment

- 1.9 The Council aims to achieve sustainable development. In practical terms this means reducing pollution and the consumption of raw materials and energy to levels which minimise damage to the local and global environment and help to ensure their long term protection. If such environmental management can be achieved future generations should be able to enjoy at least as good a quality of life as people alive today. These measures should also help to make Kirklees an increasingly attractive and healthy place to live and to sustain economic development. Much of the action required to achieve sustainable development is beyond the scope of the plan or the Council working alone; national and international action is needed. The Council can, however, make a positive contribution in areas such as transport, energy, health and environmental awareness. The plan's provisions aim to establish a framework of sustainable development.
- 1.10 The use of energy conservation measures is of particular importance if there is to be progress towards sustainable development. The plan has been prepared taking into account relationships between land use and energy conservation. The land allocations and policies controlling the location of development take account of the desirability of minimising the need to travel. The plan also seeks to ensure that energy conservation is taken into account in the siting of buildings and it provides guidelines for development associated with the generation of energy from renewable resources.

Quality and Equality

1.11 The Council is also committed to quality in service provision and achieving equality of opportunity.

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- 1.12 The Council's vision statement provides the context for an integrated process of policy and service planning, budgeting and review. Implementation of the UDP will be an integral part of the corporate activities of the Council.
- 1.12a The plan seeks to meet the needs of people with disabilities which are relevant to land use planning. Proposals for new development will be expected to provide for equality of opportunity in terms of access to and use of buildings and to provide the necessary ancillary facilities needed for outdoor activities. The plan contains specific policies in Part II which indicate where the Council will be seeking provision of facilities for people with disabilities. Whilst the level of provision is a matter for negotiation with applicants the Council will be seeking to achieve the highest reasonable standards.

REGENERATION

- 1.13 The Council's vision statement establishes regeneration as the focus for the UDP. Kirklees has a legacy of industrial activity stretching back two centuries and more. This has shaped much of the District's character but has also left many environmental problems. These have been compounded by more recent changes in the economy such that unemployment levels are persistently high in many parts of the District. Consequently many residents experience low incomes and poor housing.
- 1.14 The Council is pursuing policies to promote regeneration consistent with the vision statement, encompassing measures to revitalise the local economy, improve the physical environment and strengthen community action. Achieving regeneration involves the coordination of the programmes and plans of both public and private sectors to ensure that resources are used effectively to bring about new job opportunities and better housing and general living conditions. The current focus for regeneration is provided by City Challenge and Estate Action, complemented by the Council's expenditure programmes. The scale and pace of regeneration will be affected by the availability of resources and this is likely to depend principally on the availability of government funding programmes. The plan's provisions acknowledge these programmes of action and aim to provide the appropriate framework for land use and development decisions, which will assist the process of regeneration. In particular, the areas which exhibit the most severe problems arising from past and current land uses, which tend to be the most economically deprived parts of the District, are identified on the proposals map as Regeneration Areas.

RESOURCES

1.15 The plan is required to take into account the likely availability of resources, both financial and material, and must be realistic in this respect. The plan has been prepared with reference to the anticipated spending programmes of the Council and central government, especially on infrastructure; the expected level of grant availability from both governmental and non-governmental sources; and, where known, likely investment by other public bodies and the private sector. The provisions of the plan are therefore considered to be as realistic as possible given the inevitable uncertainty about future investment and the lack of comprehensive information.

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1.16 A further consideration is that the plan contains a number of new policies and proposals, based on national planning policy guidance, which have resource implications both for the Council and for prospective developers. The Council will need to identify resources particularly in the form of relevant expertise, to enable those policies to be effectively implemented, while developers will be expected to meet a greater range of obligations in putting their development intentions into effect.

PLANNING APPLICATIONS

- 1.17 In the majority of cases, the provisions of the plan will only be implemented following the submission and subsequent approval of a planning application. The quality of the information provided can have a major effect on the determination of an application.
- 1.18 The Council requires all relevant details of a development proposal to be submitted with a planning application.
- 1.19 Given the history of land use in the District it is likely that some development proposals will involve land, which is contaminated or unstable as a result of previous activities. Any relevant information on instability and contamination will be taken into account when development proposals are determined, as indicated in Policy G6. However, the responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer.
- 1.20 Certain applications will not be capable of adequate consideration without the submission of an environmental statement. Schedule 1 of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 sets out a number of types of development, which will require environmental assessments. These include proposals with major environmental implications such as oil refineries, nuclear power stations, major mineral working or waste disposal schemes, major roads and railways. Schedule 2 of the regulations indicates types of proposals where the submission of an environmental statement is at the discretion of the local planning authority. The Council intends to implement the provisions of the 1988 regulations to their full extent. In addition to those proposals where an environmental statement is provided for in the regulations, policies in the plan indicate where a statement of environmental effects may be requested when applications are received. Such statements will be expected to indicate all likely environmental effects of the proposal, so that the application can be determined with the benefit of all relevant information.

PLANNING OBLIGATIONS

1.21 The Town and Country Planning Act 1990 allows legal agreements to be made between local planning authorities and applicants when considerations which cannot form part of a planning application, or cannot be controlled by conditions, are integral to planning permission being granted. Under these circumstances, the applicant may offer to carry out works, or provide funding for them, as a prerequisite to the implementation of the planning permission. Compliance with this obligation is ensured by the applicant entering into a legal agreement with the Council under Section 106 of the act. Such agreements are likely to be the most suitable way forward where development proposals are

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dependent on the provision of facilities or ancillary works which are not within the application site, a specific user or type of user implementing the permission, or a financial contribution being made to another party to enable any facilities required by the development to be provided.

STRATEGY

1.22 The UDP strategy is based on seeking to achieve a number of broad aims set out below, and is expressed in the Part I policies, which follow. The aims stem from consideration of the many interacting themes to be found in national and regional policy and in the Council's values and goals. They underpin all aspects of the plan.

1.23 **AIMS**

- i To ensure that development and land use change is consistent with the principles of sustainable development and improves the quality of the built and natural environment.
- ii To accommodate development and land use change to ensure that housing, employment, shopping, education, recreation, waste recycling and disposal and other facilities are commensurate with the needs and demands of Kirklees residents and business now and over the next decade.
- To meet development needs by recycling previously developed land wherever possible, to minimise the need to develop greenfield sites.
- iv To ensure that land with particular potential for the production of food, building materials and fuel is safeguarded for those purposes.
- v To retain sufficient open land within and around urban areas, and where possible enhance its quality, to ensure that the character and amenity of Kirklees as a place to live and work is sustained.
- vi To encourage a more energy efficient and less polluting and potentially less dangerous pattern of movement.
- vii To secure adequate environmental controls so that the potentially harmful effects of different types of development and land use do not exceed tolerable levels and, where possible, to secure environmental benefits.
- viii To encourage developers to take appropriate measures to cater for the demands generated by their developments.
- ix To take account of the needs of those who are disadvantaged in their ability to avail themselves of housing and employment opportunities and shopping, education, recreation and other facilities which contribute to the overall quality of life.

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x To ensure that there is a reasonable prospect that resources will be available for the implementation of proposals in the plan.

PART I POLICIES

- 1.24 Part I policies are arranged in two groups. Policies G1-G6 give expression to the general concerns of the Government and the Council as outlined in paragraphs 1.2-1.14 and follow the aims set out in paragraph 1.23. The remaining policies, starting with policy D1, are derived from the same source as policies G1-G6, and are topic based. They provide the context for the Part II policies and proposals.
- G1 REGENERATION WILL BE SECURED THROUGH DEVELOPMENTS WHICH:
 - i STRENGTHEN AND BROADEN THE ECONOMIC BASE AND INCREASE EMPLOYMENT OPPORTUNITIES;
 - ii IMPROVE INFRASTRUCTURE AND SECURE THE REUSE OF LAND AND BUILDINGS AND THE IMPROVEMENT OF THEIR SURROUNDINGS;
 - iii BENEFIT THE ECONOMICALLY DEPRIVED PARTS OF THE DISTRICT; AND
 - iv IMPROVE THE DISTRICT'S IMAGE.
- G2 DEVELOPMENT PROPOSALS WILL BE CONSIDERED HAVING REGARD TO SUSTAINABILITY, INCLUDING PARTICULARLY THE CONSERVATION OF ENERGY.

Policy G2 was not saved because the issues it covers are addressed in PPS1 "Delivering sustainable development". Significant relevant paragraphs are set out below but the PPS provides considerably more information and should be examined in full to appreciate the wide range of issues to be taken into account in achieving "sustainability". ²

3. Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. A widely used definition was drawn up by the World Commission on Environment and Development in 1987: "development that meets

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the needs of the present without compromising the ability of future generations to meet their own needs."

- 4. The Government set out four aims for sustainable development in its 1999 strategy. These are:
- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources; and,
- the maintenance of high and stable levels of economic growth and employment. These aims should be pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well being, in ways that protect and enhance the physical environment and optimise resource and energy use.
- 5. Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:
- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Issues of energy conservation are initially covered as follows:

22. Development plan policies should seek to minimise the need to consume new resources over the lifetime of the development by making more efficient use or reuse of existing resources, rather than making new demands on the environment; and should seek to promote and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy). Regional planning authorities and local authorities should promote resource and energy efficient buildings; community heating schemes, the use of combined heat and power, small scale renewable and low carbon energy schemes in developments; the sustainable use of water resources; and the use of sustainable drainage systems in the management of run-off.

ONE OF THE NEED TO TRAVEL, PARTICULARLY BY PRIVATE CAR, WILL BE MINIMISED.

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Policy G3 was not saved because the issue is covered in PPG13 which specifies as one of its 3 objectives "to reduce the need to travel, especially by car". The objectives are supported by the following text: ³

- 6. In order to deliver the objectives of this guidance, when preparing development plans and considering planning applications, local authorities should:
- 1. actively manage the pattern of urban growth to make the fullest use of public transport, and focus major generators of travel demand in city, town and district centres and near to major public transport interchanges;
- 2. locate day to day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling;
- 3. accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling;
- 4. ensure that development comprising jobs, shopping, leisure and services offers a realistic choice of access by public transport, walking, and cycling, recognising that this may be less achievable in some rural areas;
- 5. in rural areas, locate most development for housing, jobs, shopping, leisure and services in local service centres which are designated in the development plan to act as focal points for housing, transport and other services, and encourage better transport provision in the countryside;
- 6. ensure that strategies in the development and local transport plan complement each other and that consideration of development plan allocations and local transport investment and priorities are closely linked;
- 7. use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys;
- 8. give priority to people over ease of traffic movement and plan to provide more road space to pedestrians, cyclists and public transport in town centres, local neighbourhoods and other areas with a mixture of land uses;
- 9. ensure that the needs of disabled people as pedestrians, public transport users and motorists are taken into account in the implementation of planning policies and traffic management schemes, and in the design of individual developments; consider how best to reduce crime and the fear of crime, and seek by the design and layout of developments and areas, to secure community safety and road safety; and 10. protect sites and routes which could be critical in developing infrastructure to widen
- transport choices for both passenger and freight movements.

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- G4 NEW DEVELOPMENT SHOULD ACHIEVE A HIGH STANDARD OF DESIGN.
- G5 DEVELOPMENT PROPOSALS SHOULD HAVE REGARD TO EQUALITY OF OPPORTUNITY IN TERMS OF ACCESS TO BUILDINGS AND OPEN SPACE FACILITIES AND OTHER RELEVANT ASPECTS OF DESIGN, INCLUDING THE PROVISION OF ANCILLARY FACILITIES.
- G6 DEVELOPMENT PROPOSALS WILL BE CONSIDERED HAVING REGARD TO AVAILABLE INFORMATION ON THE CONTAMINATION OR INSTABILITY OF THE LAND CONCERNED.

Development Framework (chapter 2)

D1 DEVELOPMENT PROPOSALS WHICH WOULD LEAD TO A LOSS OF VALUABLE OPEN LAND WITHIN TOWNS OR OF OPEN COUNTRYSIDE WILL NOT NORMALLY BE PERMITTED.

Natural Environment (chapter 3)

NE1 THE NATURAL ENVIRONMENT WILL BE SAFEGUARDED WHEN DEVELOPMENT PROPOSALS ARE CONSIDERED.

For information about this not saved policy see chapter 3.

Built Environment (chapter 4)

- BE1 ALL DEVELOPMENT SHOULD BE OF GOOD QUALITY DESIGN SUCH THAT IT CONTRIBUTES TO A BUILT ENVIRONMENT WHICH:
 - i CREATES OR RETAINS A SENSE OF LOCAL IDENTITY;
 - ii IS VISUALLY ATTRACTIVE;
 - iii PROMOTES SAFETY, INCLUDING CRIME PREVENTION AND REDUCTION OF HAZARDS TO HIGHWAY USERS;
 - iv PROMOTES A HEALTHY ENVIRONMENT, INCLUDING SPACE AND LANDSCAPING ABOUT BUILDINGS AND AVOIDANCE OF EXPOSURE TO EXCESSIVE NOISE OR POLLUTION;
 - V IS ENERGY EFFICIENT IN TERMS OF BUILDING DESIGN AND ORIENTATION AND CONDUCIVE TO ENERGY EFFICIENT MODES OF TRAVEL, IN PARTICULAR WALKING, CYCLING AND USE OF PUBLIC TRANSPORT.

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Environmental protection (chapter 5)

EP1 DEVELOPMENT PROPOSALS WILL BE CONSIDERED TAKING INTO ACCOUNT CONSEQUENCES FOR:

i LAND QUALITY;

ii AIR AND WATER QUALITY;

iii NOISE LEVELS; AND

iv VISUAL INTRUSION.

For information about this not saved policy see chapter 5.

Minerals (chapter 6)

- M1 PROPOSALS FOR MINERAL EXTRACTION, WHICH SHOULD INCLUDE MEASURES FOR RESTORATION AND AFTER-USE OF THE SITE, WILL BE CONSIDERED HAVING REGARD TO:
 - i THE IMPACT ON THE ENVIRONMENT INCLUDING WATER RESOURCES AND THE BEST AND MOST VERSATILE AGRICULTURAL LAND;
 - ii THE IMPACT ON RESIDENTIAL AMENITY AND HIGHWAY SAFETY; AND
 - iii THE NEEDS OF BUSINESS AND INDUSTRY.

Waste disposal (chapter 7)

WD1 LAND WILL BE MADE AVAILABLE FOR STORAGE AND TRANSFER, TREATMENT AND RECYCLING AND FINAL DISPOSAL OF WASTE IN LOCATIONS WHICH AVOID INJURY TO AMENITY, HARM TO THE ENVIRONMENT AND UNDUE BURDEN ON THE HIGHWAY INFRASTRUCTURE.

Transport (chapter 8)

T1 PRIORITY WILL BE GIVEN TO:

i SATISFYING THE TRAVEL NEEDS OF ALL SECTIONS OF THE COMMUNITY THROUGH AN EFFECTIVELY INTEGRATED TRANSPORT SYSTEM, WITH EMPHASIS ON IMPROVING PUBLIC TRANSPORT AND ENCOURAGING A MODAL SHIFT AWAY FROM TRAVEL BY PRIVATE CAR:

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- ii PROMOTING A TRANSPORT NETWORK ON WHICH IT IS SAFE TO TRAVEL AND WHICH CAUSES MINIMAL DISTURBANCE THROUGH DANGER, NOISE AND AIR POLLUTION; AND
- iii CO-ORDINATING LAND USE CHANGE WITH TRANSPORT PROVISION SO AS TO MINIMISE THE NEED TO TRAVEL AND LOCATING NEW DEVELOPMENT WHERE IT CAN BEST BE SERVED BY PUBLIC TRANSPORT AND WHERE IT MINIMISES THE NEED FOR EXPANSION OF THE HIGHWAY NETWORK.

Derelict and Neglected Land (chapter 9)

DL1 DERELICT AND NEGLECTED LAND WILL BE BROUGHT INTO BENEFICIAL USE TO ASSIST IN THE REGENERATION OF THE DISTRICT

Business and Industry (chapter 10)

- B1 THE EMPLOYMENT NEEDS OF THE DISTRICT WILL BE MET BY:
 - i PROVIDING LAND TO ACCOMMODATE THE REQUIREMENTS OF EXISTING KIRKLEES BUSINESSES AND THE ESTABLISHMENT OF NEW BUSINESSES;
 - ii MAINTAINING THE STOCK OF ESTABLISHED BUSINESS AND INDUSTRIAL PREMISES AND SITES, EXCEPT WHERE THIS WOULD LEAD TO ENVIRONMENTAL PROBLEMS, OR WHERE THEY ARE UNSUITABLE FOR BUSINESS AND INDUSTRIAL USE OR THERE IS NO REALISTIC PROSPECT OF RE-USE OR REDEVELOPMENT FOR SUCH PURPOSES;
 - iii ACCOMMODATING THE EXTENSION OF BUSINESS PREMISES EXCEPT WHERE THERE WOULD BE ADVERSE ENVIRONMENTAL IMPACT;
 - iv PROVIDING FOR OFFICE USES TO BE ESTABLISHED PARTICULARLY IN TOWN CENTRES AND OLDER INDUSTRIAL AREAS;
 - v ACCOMMODATING WORKING FROM HOME;
 - vi PROMOTING TOURISM; AND
 - vii ACCOMMODATING AGRICULTURAL DEVELOPMENT AND DIVERSIFICATION OF THE RURAL ECONOMY.

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Housing (chapter 11)

H1 THE HOUSING NEEDS OF THE DISTRICT WILL BE MET BY:

- i IMPROVING EXISTING HOUSING PARTICULARLY THROUGH THE DESIGNATION OF RENEWAL AREAS AND AREAS FOR HOUSING IMPROVEMENT;
- ii PROVIDING LAND TO MEET THE REQUIREMENT FOR A RANGE OF HOUSE TYPES BY ALLOCATING SITES OF VARIOUS SIZES AND IN DIFFERENT TYPES OF LOCATIONS HAVING REGARD TO LOCAL PATTERNS OF DEMAND;
- iii THE PROVISION OF HOUSES AFFORDABLE TO THOSE LEAST ABLE TO COMPETE IN THE HOUSING MARKET; AND
- iv APPLYING APPROPRIATE PLANNING STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION AND RESIDENTIAL HOMES FOR THE ELDERLY.

Community Facilities (chapter 12)

C1 COMMUNITY FACILITIES SHOULD BE PROVIDED IN ACCESSIBLE LOCATIONS. THIS WILL NORMALLY BE TOWN AND LOCAL CENTRES.

Shopping and Service Uses (chapter 13)

S1 TOWN CENTRES AND LOCAL CENTRES WILL REMAIN THE FOCUS OF SHOPPING, COMMERCIAL CULTURAL AND SOCIAL ACTIVITY AND PRIORITY LOCATIONS FOR ENVIRONMENTAL IMPROVEMENT.

Recreation (chapter 14)

- R1 PROPOSALS FOR THE DEVELOPMENT OF NEW RECREATIONAL FACILITIES SHOULD TAKE ACCOUNT OF:
 - i THE NEED TO BE ACCESSIBLE TO ALL SECTORS OF THE COMMUNITY; AND
 - ii THE EFFECT ON THE LOCAL ENVIRONMENT.