

SPRINGFIELD COMMUNITY GARDEN

# LOW IMPACT DEVELOPMENT AND PERI-URBAN PRODUCTIVITY IN SE BRADFORD

A report by Chris Mackenzie Davey and Mark Fisher for the Sustainable Farmland Management Network of Bradford District – January 2000

A submission for the Rural White Paper on behalf of the Sustainable Farmland Management Network of Bradford District - Chris Mackenzie Davey, Dave Melling and Mark Fisher, February 2000

[mark.fisher@self-willed-land.org.uk](mailto:mark.fisher@self-willed-land.org.uk)  
[www.self-willed-land.org.uk](http://www.self-willed-land.org.uk)



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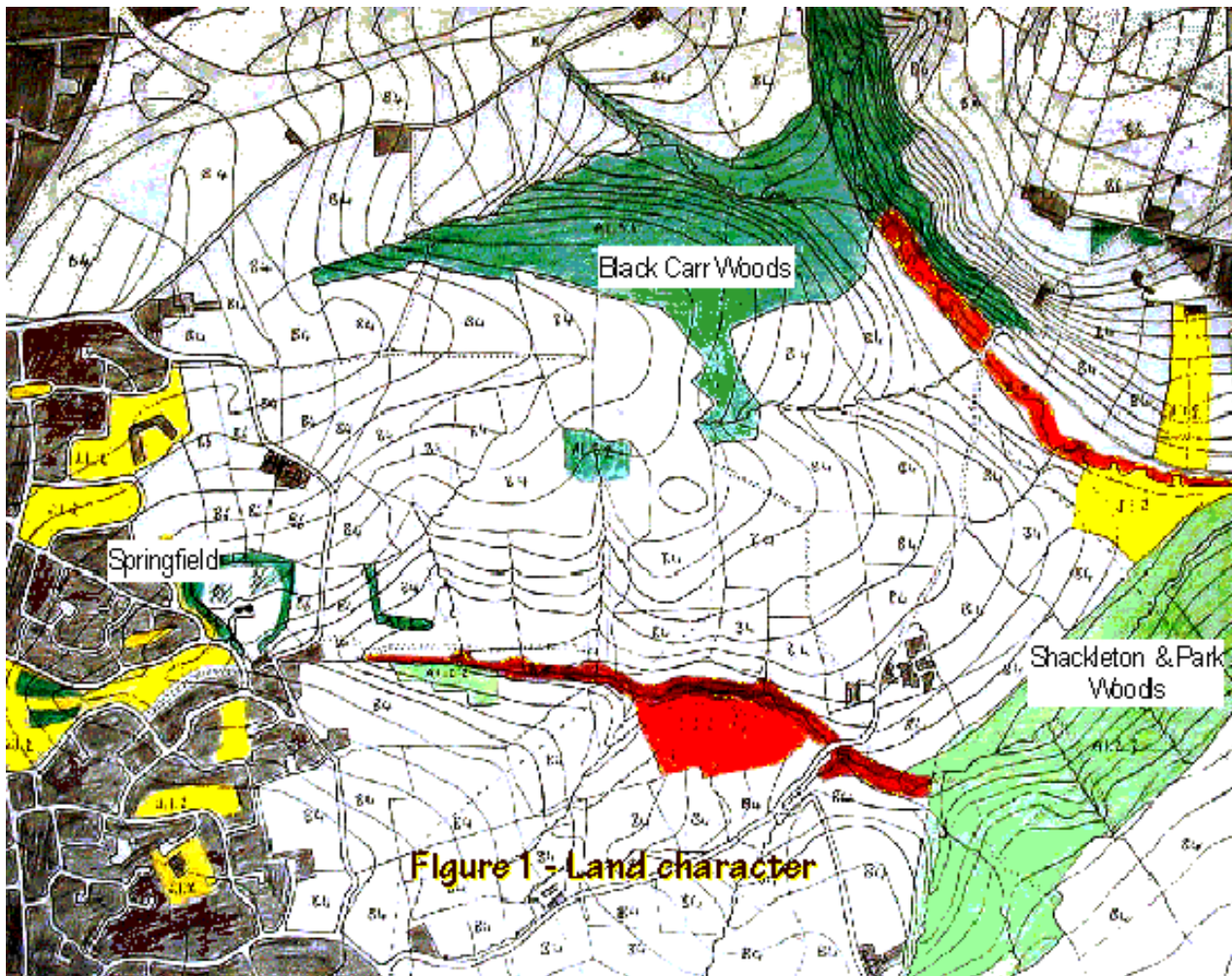
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The three-hectare field on which Springfield Community Gardens has been developed is typical of the peri-urban interface between urban habitation and open countryside in SE Bradford. The field of improved but ecologically poor pasture looks out onto the green belt of the Tong-Calverley gap that separates the conurbations of Bradford and Leeds. This undulating landscape is mostly characterised by pasture, but the view is bounded by areas of substantial woodland in Black Carr to the North, and Shackleton and Park Woods to the South. The geology is significant in that the Yorkshire/Nottinghamshire coalfield reaches into here, as shown by shale heaps and the need to cap two redundant mines on Springfield.

*BACKGROUND* We set out six years ago with a comprehensive design, and amongst a rolling group of people, to transform the three-hectare field of Springfield into a site that has diverse natural form containing many different habitats. Thousands of trees were planted and watercourses were re-developed as we built a natural infrastructure that combines woodland walks (to improve public access) with water lagoons, shelterbelts, wildlife habitats and an increasingly edible landscape.

Right from the start, we had ambition for the productivity of the site, and we were open to the many ways with which we could achieve it. A central approach was the matching of plants and trees to the various conditions we found, allowing us to pack in considerably more diversity than previously existed on the site. Moreover, we were able to adopt a range of different techniques that used contemporary technology (low-impact buildings, wind turbine, composting toilet, passive solar gain, organic horticulture, low-cost structures for protected cropping, willow-planted water sumps and reed beds). This outlook comes from our training in Permaculture Design which seeks to find the most ecologically diverse and sustainable solutions for land use rather than imposing one general, low level use - which was the case when the field had been solely pasture. In particular, the successful use of Springfield's favourable south facing slope for intensive horticulture belies the perception that the Bradford District is incapable of growing some of its own food.

As we developed Springfield, the contrast between it and the generally low productivity of the surroundings became starker. The landscape beyond to the north and east was similar, with a variety in it that could also be identified and separately utilised. Thus based on our experience of Springfield, we considered the land beyond was capable of improved productivity if the opportunity was presented. One of us is a landscape designer (CMD) who, as part of his professional development, set out a hypothesis on how this could be achieved. Many examples exist where rural artisans have created high productivity in small-scale enterprises through specialising in high value products. Examples of these were provided by a horticulturist (MF) and include the production of heritage vegetables, herbs, protected salad cropping, uncommon breed livestock rearing, fruit production, moshiculture, and the increasing incidence of growing plants for medicinal purposes. The economic viability of these enterprises is improved by recognising the niche market advantages of using organic methods, direct marketing to the local population and by producing food for a thriving and distinctive local restaurant trade.



**Figure 1 - Land character**

*APPORTIONING LAND* We looked at an area of approximately 12 square kilometres (1200 hectares) to the NE of Springfield. The key to unlocking the potential productivity of this area was to devise a way to apportion land into smaller holdings on which the artisans would necessarily have dwellings. We believe this condition of habitation is an essential requirement in the running of these agricultural activities and will also act as an inducement for the potential artisans to commit to this entrepreneurial path. A landscape character assessment of the whole area was carried out and this acted as a base map on which speculative design could take place (see Fig. 1 above). To minimise the impact of the greater number of dwellings needed, the existing sites of habitation were used as a focus for dividing the land into smaller holdings. Thus there were three suitable locations at which the existing farm buildings could be modified to provide five or six separate dwellings (see Fig. 2 below). Each of these would have 2-3 hectares of land associated, and this land would form segments around the habitation. We have named these holdings created by subdivision as LIDS (Low Impact Developments).

In three other locations that were suitable for subdivision, there were no existing developments and thus each smaller holding of land would need a new dwelling and an upgrading or development of new track access. These subdivision locations would require greater specialisation as their landscape type indicated activities that built on their local natural character. Pig rearing would be set within a woodland backdrop (their natural habitat) with pannage rights licensed into the existing public woodland. Other woodland LIDS could specialise in tree nursery, mushroom, bodging and charcoal production. LIDS based on waterfowl production could take advantage of the

new wetland habitats built by creating dams and lagoons on existing watercourses. These lagoons may also provide opportunities for aquaculture.

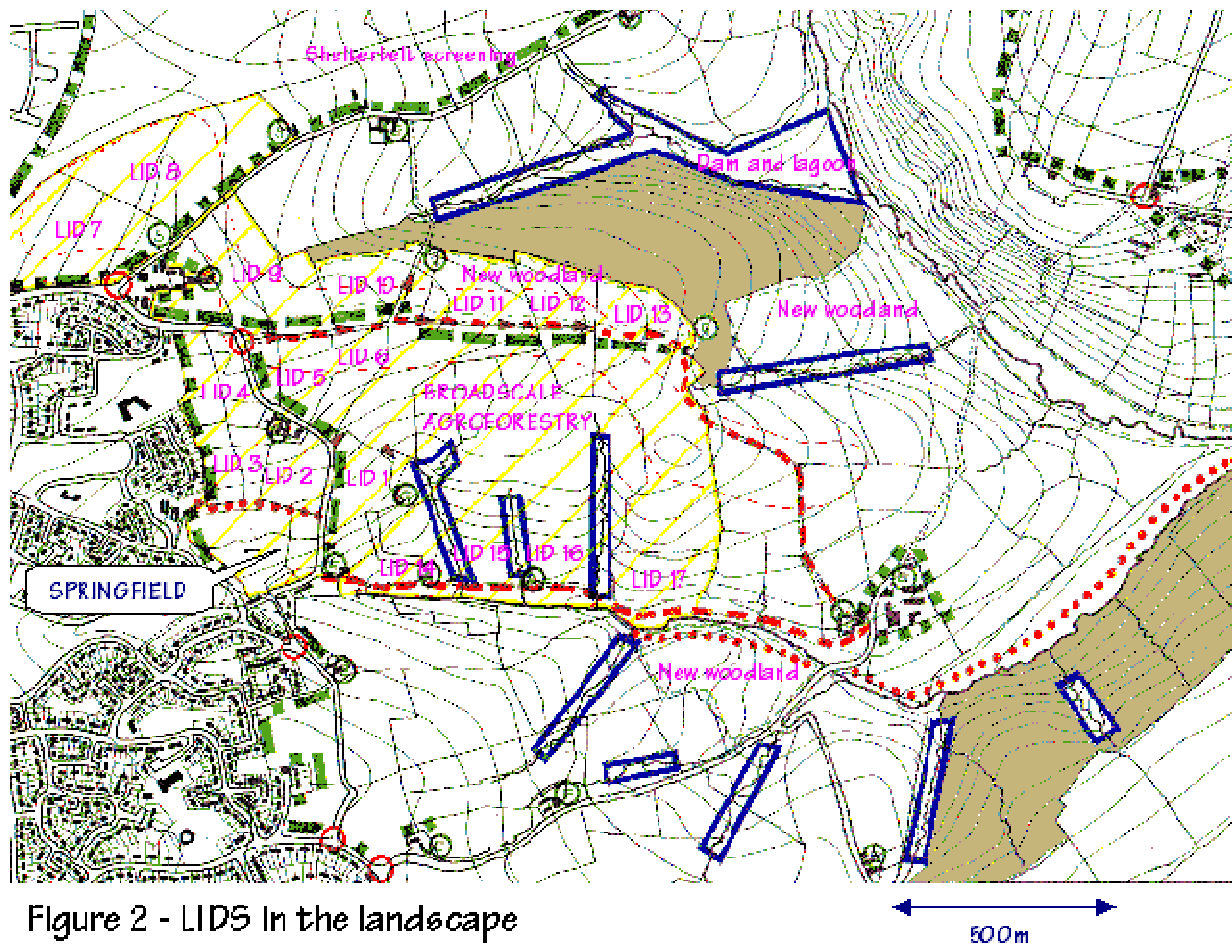


Figure 2 - LIDS in the landscape

Not all the landscape that was looked at lent itself to subdivision, and so a broader scale activity was fitted to the conditions found. An extensive south-facing slope was suited to a combination of grazing underneath productive trees planted at a low density. This was traditionally called wood pasture but we prefer the contemporary term agroforestry as it stresses the productive importance of both elements, and the ground cover could be arable crops instead of pasture. Another broader scale activity identified was the growing of biomass - probably willow - for use in local energy production. This suited the wetter soils at the base of the south-facing slope and of other slopes, and would be managed by short-rotation coppicing. The scale of production would probably only support the needs of the immediate area (i.e. the LIDS) and thus would not be transported to distant energy production stations. Three new areas of woodland were also identified and which could be designed and planted to have a productive role. Another broader scale activity would come from municipal composting. Relatively flat land at the western edge of the area (above Springfield) could be used for medium scale windrow composting of separated organic waste delivered from households in the SE part of the District. The product would have a ready market amongst gardeners in the District, but would also be a necessary soil amendment for the horticultural and silvicultural activities of the LIDS. It is probable that these broader scale activities could be carried out on a collective basis amongst the new LIDS.

**LOW IMPACT AND AREA DESIGN** It is appreciated that development in rural areas is a contentious issue, which at its simplest can be its impact on the visual character of the area. We were concerned to minimise this impact as much as



possible, firstly by making use of existing development and its access roads. Secondly, we would specify renewable materials for all the building developments (including the new building) such as reclaimed stone, wood, straw bale and cob construction, and including earth sheltering where applicable. We would also specify that the dwellings had high or complete autonomy for their energy and water requirements, to minimise the need for bringing in new services i.e. by using wind turbines, composting toilets, solar gain, reed beds, rainwater collection, use of biomass fuels, new access tracks with a self-draining porous surface and maximal use of watercourses. Visual impact would be reduced by specifying turf roofs and by landscaping-in the developments (including such new structures as polytunnels and wind turbines) with earth berms and shelterbelts. The latter would also assist in enhancing areas identified with distinct microclimates. We are aware that some wish to gain a foothold in rural areas through the pretence of land use activity, but we considered that the modest scale of the dwellings would be a deterrent as could be other unexplored restrictions.

The potential of this hypothesis was tested in an informal way with Development Control in the Planning Division of Bradford Council. The policies in the District's Unitary Development Plan (UDP) that would concern the proposed developments were identified (GP2, EN1 and EN14) as were the permitted development rights associated with existing agricultural holdings (Town and Country Planning Order 1995). The area of interest is chiefly designated as green belt and which is also identified in the UDP as a Special Landscape Area (SLA). The latter meant that in addition to the usual restriction on development in green belt (i.e. the *principle* of development) the designation as an SLA meant that greater emphasis was placed on the visual impact of proposed developments as it affected the landscape character.

Of particular concern in the proposals would be the visual intrusion of wind turbines and the polytunnels. It was recommended that we could consult with local specific interests groups about their possible objections to these structures. It was however appreciated that the proposed new landscaping, particularly with shelterbelts, could mitigate the visual impact of both the polytunnels and wind turbines, but also the proposed new dwellings. It was pointed out that some elements of the proposals made a positive contribution to the area that were consistent with other policies within the UDP such as using existing habitation or having low impact (EN2); increasing woodland (EN13b); increasing the recreational use of the area through new bridleways and footpath access; creating water habitats; and stimulating the local economy. There was also a recommendation to concentrate the direct marketing of produce to one collective facility at the edge of the area, which would have the effect of restricting the need for public vehicular access to the separate LIDS.

In principle, the concept of an overall design for the area was welcomed since individual applications for each LID would make less of a persuasive case. The overall design would also lend itself to public consultation which could build political and public interest, leading to support particularly for the enhancement of the landscape and its social and economic contributions. The district's Community Plan (part of the Local Agenda 21 process) provides a context for the consultation since there is a commitment within that plan to promote food growing within the District, and to develop initiatives promoting sustainable food production, processing and distribution (Nature Conservation, Biodiversity, Food and Water in Priority Four of the Bradford Districts Community Plan 1997-2000).

*PLANNING ENFORCEMENT* This hypothesis on raising peri-urban productivity has had the luxury to flourish without consideration of land ownership. It

has been recommended that original ownership has the ability to restrict potential abuse of the planning consents obtained through the overall design. An existing safeguard, prior to consent, is the agricultural occupancy condition of PPG 7, and a post consent safeguard that could be put in place would be the ability of the local authority to ask for permission from the DETR to remove permitted development rights. The latter may not exist for the LIDS anyway (the area of land for each holding may be too small to qualify) and we are not sure that each LID would necessarily pass the test for conventional viability in the first place. These are considerations to explore when more detailed models of individual LIDS are developed. As is also the ability of landowners to include covenants or restrictions in tenancy agreements or in land conveyance. We will be meeting with local authority legal officers experienced in development control and conveyancing.

Our report coincides with the publication of Rural Economies (December 1999) a discussion report from the Performance and Innovation Unit of the Cabinet Office. It was issued as part of a process of modernising Government through looking at its capacity to address strategic, cross-cutting issues and promoting innovation in the development of policy and in the delivery of the Governments objectives. We believe our report is a contribution to this discussion on rural planning and on the objectives for rural economies.

# MEASURES TO ENFORCE THE NATURE OF LOW IMPACT DEVELOPMENT IN THE PERI-URBAN AREA OF SE BRADFORD

A continuing report by Mark Fisher and Chris Mackenzie Davey for the Sustainable Farmland Management Network of Bradford District – February 2000

A key area of feedback from the last Network meeting (13<sup>th</sup> January) was the difficulty of ensuring a continued agricultural activity on a LID once planning consent had been given, and in the eventuality that ownership or use of the land changed hands. To explore this further, we sought advice from two legal officers of the council, one experienced in property law, conveyancing and management of council landholdings, and the other in conservation and planning law.

There were two specific points raised on planning law about the mix of activities on a LID, and in the general scheme described. For example, in a woodland LID, careful thought had to be given to the balance between the agricultural/forestry activity and any processing or craft activity. If there were a greater presence of the latter then the LID would be regarded as mixed use, which would not qualify for consent in a green belt (the example was given of a vineyard with associated winemaking and bottling facilities). The centralising of the direct marketing of produce at the edge of the overall development would probably create a B1/B2 class business activity, which would also not qualify. This, however, does not detract from the benefits that this centralisation would bring in reducing the need for increased vehicular access.

*POLICIES AND OWNERSHIP* The agricultural dwelling occupancy concession described in planning policy guidance note 7 was tightened up in 1997 to require more stringent tests of viability. However, the ability to have the occupancy conditions released remained lax. Often, insufficient effort is made to pass on the agricultural occupancy, with claims that there are no local demands for agricultural dwellings and that the viability of the agricultural activity has gone. These arguments are used to have the condition released and the property is then sold on the open market at an inaccessible price for most. Clearly this lack of enforcement and continuity makes this route of restriction unworkable.

A number of other options were considered. Ownership rights provide a strong route to enforce development control, with leases or tenancy agreements specifying details of conditions and obligations, and can ultimately be enforced by termination. However, there is a high likelihood of multiple ownership in the area of interest described in the proposals, and it may be difficult to obtain common agreement amongst owners. Moreover, the conditions would not necessarily be in the public domain and so they would not be open to influence for the public good. It is possible that one single owner such as a charitable trust would make this route through ownership work. In addition, a single owner that wishes to sell can use covenants by way of retained land, which can require both positive and negative obligations on the land that is sold off. Enforcement, however, particularly on negative obligations becomes difficult with successions in title to the land.

*OBLIGATIONS AND AGREEMENTS* The likelihood is that the land holding of most of the proposed LIDS would be sold for individual ownership. Attaching planning conditions to a grant of planning permission to that land would be

constrained and limited by law. Local authorities are permitted to impose conditions as they see fit, but in practice this is not the case as considerations of reasonableness, precision, enforceability and relevance to planning make them contestable. Thus it is more than likely that local planning authorities would err on the side of caution and refuse permission. A promising option would be to use a planning obligation made under a section 106 agreement to maintain development control after permission was granted. This agreement is in addition to the grant of planning permission and is entered into voluntarily (or unilaterally by the applicant). These agreements are executed as a deed and the obligations are passed on successively with title to the land. The agreement can be used to apply both positive and negative obligations that are enforceable through injunction or order for contempt.

The main advantage of a section 106 agreement is that it allows a comprehensive design brief to be stated alongside the planning permission. The agreement can specify the use of the land, its development and the activities to be carried out there. It can also detail specifications of a dwelling (limiting its size) materials to be used in construction, boundary marking (types of fencing) and the location and proportion of ancillary buildings (workshops, packing sheds etc. which could be required to built on to the dwelling). The design brief for the LID would also be supported through reference to an overall design brief for the area. There is a provision for modification or discharge of the agreement by appeal to the planning inspectorate, but this may be no bad thing as it allows review of the obligations in the light of contemporary issues.

*RECOMMENDATIONS* The planning obligation in a section 106 agreement would seem to be the best option to retain the purposeful character of the LIDS and of the overall character of the area. Both development control and legal services in the local authority have recommended that a next way forward is the development of a detailed design brief for two or three of the different LIDS, and a context for these in an overall plan for the area.

The legal officers also had comments in general about the issues raised by the LIDs proposal. Straightforwardly, the planning controls around LIDs could be relaxed as they show a positive intent to continue the agricultural nature of the landscape. Given this relaxation, the planning authority should be given greater powers of enforcement to prevent reversion of the agricultural use to residential. A new definition of appropriate development in the countryside would encompass persons and families involved in the management of agricultural activities in the landscape. Above all, the legal officers called for greater guidance from government so that there was a clearer process for decision making. This would be seen as also giving planning authorities greater support since they would be less at the mercy of differing interpretations.

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Chris Mackenzie Davey ([chris@yarrhwines.com.au](mailto:chris@yarrhwines.com.au)) and Mark Fisher ([mark.fisher@self-willed-land.org.uk](mailto:mark.fisher@self-willed-land.org.uk))



# LOW IMPACT DEVELOPMENT AND RURAL PRODUCTIVITY

A submission for the Rural White Paper on behalf of the Sustainable Farmland Management Network of Bradford District

Chris Mackenzie Davey, Dave Melling and Mark Fisher, February 2000

*SUMMARY* Proposals were developed on how to increase the agricultural productivity of peri-urban rural land in southeast Bradford. The feasibility of the proposals was tested with development control and legal services in the local authority. A section 106 agreement was recognised as the best option currently available to maintain the agricultural or forestry activity of new developments, and to continue to enforce development control. The conclusion is that low impact development for defined agricultural or forestry use is a contribution to increased sustainable productivity and viability in peri-urban and other rural areas. Recommendations are made that this be recognised in the Rural White Paper, and in planning guidance provided to planning authorities.

*BACKGROUND* In many societies throughout the world, the land at the edge of towns and cities is used intensively for food production, thus serving the needs of the immediate communities. In our lifetime, we have seen this diminish and mostly disappear from our country, leaving us with a stark contrast between urban habitation and the broadscale agriculture surrounding it. Thus we have a peri-urban landscape of low productivity and uniform character, which is often inaccessible.

In the early 90's, the Bradford District began to embrace the new agenda of sustainability, with the local authority championing innovative approaches for community activity. One of these was Springfield Community Garden (see the case study in Greening the City – A guide to good practice, DoE, November 1996). Springfield is a three-hectare sustainable horticultural centre, developed at the edge of a major Estate Action Project (City Challenge). The development of Springfield provided a rare opportunity to re-establish the principle of local food production, with the produce finding a ready market on the Council estate.

From the vantagepoint of Springfield, it is possible to view the surrounding rural land as potentially capable of the same productivity. Proposals were developed that were based on the apportioning of land into smaller holdings that had a defined agricultural or forestry activity of high value; had new dwellings of low impact and high autonomy; and were contained within an overall design brief for the area. These new holdings were named as Low Impact Developments (LIDS). The proposals were presented to the Sustainable Farmland Management Network of Bradford District, a grouping of key partners drawn together and co-ordinated by the Local Agenda 21 Unit of Bradford Council.

*OUTCOMES* The report to the network on the proposals is attached to this submission. Implicit in development of the proposals was that they had to be able to coexist within current planning procedures, and thus not require new legislation or necessarily special treatment. To an extent, this test of immediate feasibility has been a success, with section 106 agreements providing the necessary continuity of agricultural or forestry activity and development control. It does, however, raise the

issue of whether there should be a specific identification of LIDS in planning procedures.

The network recognised the potential of the proposals for varied landholdings in the District. The Council owns a number of large farms that are difficult to let and which may find new productive use in subdivision and low impact development. The estates of Yorkshire Water may also benefit. In discussing the best legal framework for this, particularly where ownership needed to be retained in some way, it was recognised that the land could be vested with a (charitable) trust. The trust would be able to enter into section 106 agreements with the planning authority.

The network supported further exploration of the variety and specific design of individual LIDS and on the overall feasibility of the proposals. It has commended that the proposals and lessons learnt be sent as its contribution to consultation on the Rural White Paper.

*RECOMMENDATIONS* The following points arise from the network and from the officers of the local authority:

- The concept of LIDS could be evaluated and recognised as an acceptable and sustainable development of land use in rural areas
- Planning controls around LIDS could be relaxed as they show a positive intent to continue the agricultural nature of the landscape and make a positive contribution to the area
- With this relaxation, the planning authority could be given greater powers of enforcement to prevent reversion of the agricultural or forestry use to residential
- Section 106 agreements could be developed as the means to regulate the activity and development of LIDS
- Fulfilling the viability criteria of the agricultural dwelling occupancy concession described in planning policy guidance note seven could be integrated into the detailed design brief for a LID, as part of the section 106 agreement
- A new planning law could give a definition of dwelling occupancy for appropriate and sustainable development in the countryside that would encompass persons and families involved in the management of agricultural activities in the landscape
- Above all, the legal officers in the planning authority called for greater guidance from government so that there was a clearer process for decision making. This would be seen as government giving planning authorities greater support since they would be less at the mercy of differing interpretations

*MEMBERSHIP OF THE NETWORK* The following members of the Sustainable Farmland Management Network were present at the meetings on LIDS, or were consulted:

Chris Mackenzie-Davey (Landscape designer), Jo Kennedy (Environment Agency), Melvin Jagger (Property Services CBMDC), Danny Jackson (Countryside Service CBMDC), Andrew Marshall (UDP Planning CBMDC), Steve Mennell (Development Control in Planning CBMDC), Dave Melling (LA21 CBMDC), Len Evans (NFU Livestock), Carolyn Coleman (Business Link), Mark Fisher (Horticulturist), Eric Gore-Brown (Yorkshire Water), Nick Hamer (LA21 CBMDC), Tim Ayres and Phil Dwyer (Legal Services CBMDC), Jayne Benson (Rights of Way CBMDC), Cath Long (Forest of Bradford)

Other members of the network are:

Stuart Pasley (Countryside Agency) and Neil West (Walking for Health in Keighley)