

INSPECTORS REPORT – STATEMENT OF DECISIONS
UDP – Policy Framework Chapter 3 Principal Policies

SD Ref UDP – Case Ref IR – Page No.	Inspector’s Recommendation	CBMDC Decision and Reasons	Mod Ref
<p>SD – SD/PF/PP/1</p> <p>UDP – Policy Framework, Para 3.7</p> <p>IR – Policy Framework, Paragraph 3.1-3.3, Page 7</p>	<p>I recommend that the RDDP be modified by replacing the references to 2014 in paragraph 3.7 by references to 2016. Otherwise I recommend that no modification be made to the RDDP in response to these specific objections.</p>	<p>Decision : Rejected</p> <p>Reasons : The Council’s reasons for rejecting this recommendation are set out in full under SD/PF/PP/6.</p>	N/A
<p>SD– SD/PF/PP/2</p> <p>UDP – Policy UDP1 Promoting Sustainable Patterns of Development, Policy Framework</p> <p>IR – Policy Framework, Paragraphs 3.4-3.8, Pages 7- 8</p>	<p>I recommend that the RDDP be Modified by the deletion of Criterion (5) from Policy UDP1</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	Mod/P F/PP/1
<p>SD– SD/PF/PP/3</p> <p>UDP – Policy Framework, Para 3.7A</p> <p>IR – Policy Framework, paragraphs 3.9-3.12, Pages 8-9</p>	<p>I recommend that no modification be made to the RDDP other than those referred to in paragraph 3.10 above.</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	Mod/P F/PP/2
<p>SD– SD/PF/PP/4</p> <p>UDP –Restraining Development - Policy UDP2, Paragraphs 3.13 &</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[a] remove land from the Green Belt, following a general review of the Green Belt, to provide sufficient safeguarded land to enable development needs to be</p>	<p>Decision : Recommendations (a) and (b) are rejected Recommendation (c) is accepted</p> <p>Reasons :</p>	Mod/P F/PP/3

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<p>3.93</p> <p>IR – Policy Framework, paragraphs 3.13-3.22, Pages 9-12</p>	<p>met up to 2026.</p> <p>[b] paragraph 3.13 – delete the fifth sentence and replace with a sentence to indicate that there is a need to remove land from the Green Belt to meet the development needs of the District.</p> <p>[c] paragraph 3.13a - delete the word "washlands" in the second sentence and replace with "functional floodplains" and after the end of that sentence add, "Washlands are principally areas of functional floodplain and provide a basis for the consideration of development proposals, subject to consultation with the Environment Agency. PPG25 indicates where there are extensive areas of high-risk zones and sites in lower-risk zones are not available, particular attention should be given to design and mitigation measures."</p>	<p><u>Recommendation c</u></p> <p>For the reasons set out in the Inspector’s Report.</p> <p><u>Recommendations (a) and (b)</u></p> <p>The Council is disappointed that the Inspector does not acknowledge in paragraph 3.13 that the Council conducted the review of the green belt sought by the Inspector who considered the first UDP. In that review the Council did not find exceptional circumstances to remove land from the green belt to meet longer term development needs. It is on this point of exceptional circumstances that the Inspector comes to a different conclusion to that of the Council when it formulated the deposit Plan</p> <p>In paragraph 3.19 the Inspector sets out the exceptional circumstances which necessitates a revision of the green belt boundary. These are the failure to make adequate provision for development needs beyond the Plan period and the inclusion of safeguarded land which may not accord with the Plan’s location strategy, RPG12 or the advice in PPG3.</p> <p>It appears that the both of these circumstances address the need to remove land from the green belt and designate it for housing or for safeguarded land.</p> <p>The Council accepts that addressing the need for land for development beyond the Plan period can be an exceptional circumstance which may necessitate a revision to the green belt boundary. Furthermore it accepts that once the decision has been made to remove a site from the green belt to meet development needs for housing the timing of the release of the site (i.e. its designation as a phase 2 housing site or as land safeguarded for longer term needs) should be determined on the basis of the sequence set out in RPG policy H2. Subject to any overriding consideration of the relative sustainability of different locations which may lead to a different conclusion.</p> <p>The Council does not accept that the rUDP should provide a green belt which endures to 2026 at this time. In an ideal world this is a laudable Planning objective. However, the circumstances of the completion and adoption of the rUDP are not ideal and are rather different to the circumstances when the Inspector considered this matter at the Inquiry. The significant changes in circumstances since the Inquiry concern firstly the timetable and progress on the Regional Spatial Strategy and secondly the fundamental review of the Development Plan system.</p> <p>At the time of the Inquiry there was not a timetable for the replacement of RPG12 with the new Regional Spatial Strategy. In fact at that stage the concept of the</p>	

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		<p>Regional Spatial Strategy (RSS) was being debated as part of the preparation for the 2004 Planning and Compulsory Purchase Act 2004. The Yorkshire & Humber Regional Assembly (The Regional Planning Body) has now published a programme for the RSS. This programme as set out in the Project Plan published in December 03 envisages a submission to the Secretary of State in December 04. This submission date is now delayed to March 05 to allow for proper consideration of the 'Northern Way' initiative. Even with this delayed submission date and allowing 18 months for the completion of the statutory process, RSS would be approved in Sept 06. The approved RSS will provide a clear strategic context for the further review of the Green Belt and would set out any strategic considerations which might form exceptional circumstances for taking land out of the green belt. This point is further reinforced in paragraph 4.44 of RPG12 which states that any localised review of the green belt should take account of the further work at the sub-regional level set out in paragraphs 4.40 and 4.41. As this 'further work' is now being progressed as part of the wider work on the RSS it is reasonable to await the outcome of that work before commencing any further review of the extent of the green belt in Bradford.</p> <p>The Inspector says in paragraph 3.14 that the green belt should endure for 20 years from the date of the Plans adoption and from this concludes that the green belt should endure to 2026. Consequently the Inspector assumes that it will take a further two years (to 2006) to complete this Plan having allowed for the additional time it will take to conduct a further review of the Green belt and test this review through a Modifications inquiry. Given the coincidence in the timetable for completion of the RSS and the Inspector's timetable for the further review of the green belt the Council believes it is reasonable to await the strategic context for the review. This position is further reinforced through the issues raised in the reform of the Development Plan making system introduced in the Planning and Compensation Act 2004.</p> <p>The Government's reform of the Development Plan system fundamentally changes the way future Development Plans will be devised and implemented. Parts of the rUDP will be reviewed and rolled forward whilst other parts will be 'saved' through the transitional arrangements for a longer period of time. This creates more flexibility in how the Council decides to address particular topics through individual Development Plan Documents. The Council will set out its priorities for new Development Plan Documents in the Local Development Scheme. The scheme will give a high priority to addressing the extent of the green belt and in light of the Inspector's conclusions on exceptional circumstances a linked study of longer term provision for housing and the extent of the green belt is the likely way forward, within the strategic parameters being set by RSS.</p> <p>A further matter for consideration in assessing the implications of holding a further</p>	

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		<p>Inquiry and the consequent delay in the adoption of the Plan is the impact of the EU Directive on Strategic Environmental Assessment. The implementation of this directive includes an exemption from the provisions within it for any Plan currently underway which should be assessed provided it is completed before July 2006. Should the rUDP not be completed and adopted by that date the provisions of the Directive would apply. Meeting these provision retrospectively is not a practical proposition for a complex plan such as the rUDP. Therefore it is essential to complete the plan prior to this date. There is a significant risk that the Plan would not be complete by this date because of the scale of modification required to the Plan to address the green belt and the scale of likely challenge to the review of the green belt. Indeed the Inspector's own timetable for likely adoption demonstrates the potential of passing the critical date of July 2006.</p> <p>The Government stresses in PPG1 the importance to the Plan led system of having an up to date Development Plan. The courts support the Government on this point. In the case Drexline Holdings v Cherwell District Council ([1998] J.P.L. 361) one of five tests the courts applied to determining whether a modifications inquiry should be held is delay and the desirability of securing an up to date Development Plan. In the circumstances of the replacement UDP in Bradford the implications of delay could well be profound particularly when considering the introduction of the Strategic Environmental Assessment Directive as set out in the preceding paragraph</p> <p>In considering the implications of a delay in the review of the green belt the Council has had regard to the Inspector's concerns set out in paragraph 3.13. In particular that not reviewing the green belt prior to the adoption of the Plan could lead to development which is less sustainable than that which could be delivered through sites identified in the review of the green belt. The Council has set out in the statement of decision on the timescale of the plan that the strategic context for the green belt review will be clear later in 2006 and a Development Plan Document to address housing and green belt will quickly follow on. Consequently, the re-examination of the supply of housing sites and any more sustainable opportunities arising from urban capacity and the green belt review will be complete before the phase 2 Housing sites become available for development. In these circumstances it is very unlikely that developments in less sustainable locations, other than those which had an extant permission at the time of depositing the rUDP, will have been implemented.</p> <p>The inspector states at paragraph 3.14 that removing land from the green belt does not imply that it will be developed. The Council finds it difficult to reconcile this view with firstly the role of safeguarded land as set out in PPG2 and the need to consider all non green belt options for development before making proposals to remove land</p>	

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		<p>from the green belt and secondly the Inspector’s own calculations on the life of the green belt at paragraph 3.17 of his report which assumes all safeguarded land will be developed. Furthermore once the land has been removed from the green belt should a future decision maker wish to re-instate the green belt designation the tests set out by the Courts in the Copas case set out below would apply. The implication of this is that it is very unlikely that such a site could be re-instated as green belt.</p> <p>In paragraph 3.17 the inspector sets out how he has calculated the land requirements to secure a green belt which endures to 2026. The Council accepts his approach to the assumptions which underlie these calculations such as those relating to windfall and density. Applying these assumptions to the Councils proposed modifications to the plan leads to a green belt which will endure to 2021. The Council does not accept that the Plan windfall allowances should be the basis for calculating a longer term green belt. The Council’s view is that a full urban capacity study should inform this calculation. This is contrary to the Inspectors advice in paragraph 6.61 of his report regarding the timing of urban capacity work as the Inspector suggests this work should follow on from the adoption of the Plan. The Inspector’s approach does not provide evidence to show all other options have been exhausted and the removal of land from the green belt is the only option remaining.</p> <p>The Inspector makes a number of recommendations that result in adding land to the green belt on specific sites. Exceptional circumstances are required to add land to green belt and the Courts in a case Copas v The Royal Borough of Windsor and Maidenhead ([2001] J.P.L. 1169) has led to a very specific test to be applied when adding land the green belt. This test requires that ‘some fundamental assumption which caused the land initially to be excluded from the Green Belt is there after clearly and permanently falsified by a later event’. In the Inspectors general consideration of the green belt (paragraphs 3.13 to 3.20 of the report) there is not any specific reference to adding land to the green belt and the ‘Copas’ case, despite him referring to the case in other parts of his report. Therefore the Council only course of action is to consider each site specific case where the inspector is recommending adding land to the green belt on the merits of the inspectors analysis and reasons for that individual site.</p> <p>As a consequence of the foregoing analysis the Council does not accept the Inspectors recommendations on the extent of the green belt. However paragraph 3.13 will be amended to indicate that the extent of the green belt will be reconsidered in a Development Plan Document. The scope and timing of this document will be addressed in the Local Development Scheme.</p>	

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<p>SD– SD/PF/PP/5</p> <p>UDP –Policy UDP3, Quality of the Built & Natural Environment,</p> <p>IR – Policy Framework, paragraphs 3.23-3.26, Pages 12-13</p>	<p>I recommend that no modification be made to the RDDP.</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	N/A
<p>SD – SD/PF/PP/6</p> <p>UDP – Policy Framework, Paragraphs 3.19 to 3.39 Plan Period</p> <p>IR – Policy Framework, Paragraphs 3.27-3.35, Pages 13-15</p>	<p>I recommend the modification of the RDDP as follows:</p> <p>[a] The plan period to be expressed as lasting until 2016 wherever in the RDDP the period is mentioned.</p>	<p>Decision : Rejected</p> <p>Reasons : The inspector accepts that the Councils approach in the RDDP accords with the guidance in PPG12, though he believes the Council’s approach is too rigid. Other recommendations he makes lead him to conclude that the Councils timetable for adoption of late 2004 (now expected to be by March 2005) is unrealistic. He sees value in a timescale which coincides with that of RPG12 referring to the increased certainty this will give to users of the Plan and the likelihood of adoption of the Plan being quite close to 2006. This coupled with the Government’s advice to make provision for 10 years of housing supply in part 2 leads him to conclude that the end date should be 2016.</p> <p>Since the closure of the inquiry the programme for reviewing RPG12 and replacing it with a Regional Spatial Strategy in accordance with the Planning and Compensation Act 2004 has become very firm. This programme as set out in the Project Plan published in December 03 envisages a submission to the Secretary of State in December 04. This submission date is now delayed to March 05 to allow for proper consideration of the ‘Northern Way’ initiative. Even with this delayed submission date and allowing 18 months for the completion of the statutory process RSS (which would have a timescale to 2021) would be approved in Sept 06. This would lead to the 2016 end date of what could be a recently adopted rUDP which would be not in accordance with the recently approved RSS. Alternatively the rUDP may not be adopted at that point and this will depend on how the Council chooses to approach other recommendations in the Inspector’s report. In these circumstances the Council believes that seeking to align the timescale of the rUDP with that of the current RPG is a rather sterile exercise because the end date of Part 2 of the Plan and of RPG12 is unlikely to coincide for very long during the life of the adopted replacement UDP if at all.</p>	N/A

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		<p>A further consideration that has become increasingly important since the closure of the Inquiry is the Governments reform of the Development Plan system. Since the close of the inquiry the Planning and Compensation Act 2004 has received Royal Assent and become law. This fundamentally changes the way future Development Plans will be devised and implemented. Matters such as housing which need to be closely monitored and revised at frequent intervals can be dealt with in freestanding Development Plan Documents. Consequently parts of the rUDP will be reviewed and rolled forward whilst other parts will be 'saved' through the transitional arrangements for a longer period of time. The Council will set out its priorities for new Development Plan Documents in the Local Development Scheme. The scheme will give a high priority to addressing any changes required to the provision of housing in light of the findings of monitoring, the strategy in RSS and any changes in national policy.</p> <p>This change in the structure of Plan making disaggregates what would have been the end date for Part 2 of the Plan and further reduces the value of modifying the end date of the rUDP from 2014 to 2016.</p> <p>In recommending an extended Plan period to 2016 the Inspector has been unable to find sufficient housing land to cover that period. It follows that to accept that recommendation would involve the Council in significant additional work and a probable Modification Inquiry. An additional consideration in assessing the implications of holding a further Inquiry and the consequent delay in the adoption of the Plan is the impact of the EU Directive on Strategic Environmental Assessment. The implementation of this directive exempts from the provisions of the directive any Plan currently underway which should be assessed provided it is completed before July 2006. Should the rUDP not be the completed and adopted by that date the provisions of the Directive would apply. Meeting these provision retrospectively is not a practical proposition for a complex plan such as the rUDP. Therefore it is essential to complete the plan prior to this date.</p> <p>In paragraph 3.30 the Inspector finds that the Council does not identify any disadvantage to the 2016 end date. Whilst this may have been correct at the time of the inquiry it is not the case now. The Inspector's recommendations do not, on his admission, lead to housing supply which meets the requirement set in RPG12 there is clear disadvantage in the 2016 end date. This is because it will quite probably require a further Inquiry to agree the selection of housing sites to meet the requirement. This will delay the adoption of an up to date Development Plan and risks a conflict with the Strategic Environmental Assessment Directive both of which are clear disadvantages arising from the consequences of a 2016 end date.</p>	

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		The Council considers that the disadvantages in adopting this recommendation substantially outweigh the disadvantages of adhering to 2014 as the end date of the Plan.	
SD – SD/PF/PP/7 UDP - Policy UDP5 IR – Policy Framework paragraphs 3.27-3.35, pages 13 to 15	I recommend the modification of the RDDP as follows: [b] Delete criterion (1) of Policy UDP5 and replace with the following: - MAKING PROVISION TO ENSURE THE DEVELOPMENT OF AN AVERAGE OF 1390 HOMES PER YEAR OVER THE PLAN PERIOD.	Decision : Accepted Reasons : For the reasons set out in the Inspector’s Report.	Mod/P F/PP/5
SD – SD/PF/PP/8 UDP – Paragraphs 3.19 to 3.39 IR – Policy Framework pages 55 to 66 paragraph 6.51	I recommend that the RDDP be modified as follows: [a] delete paragraphs 3.23-3.36.	Decision : Accepted Reasons : For the reasons set out in the Inspector’s Report.	Mod/P F/PP/4
SD – SD/PF/PP/9 UDP – Paragraphs 3.19 to 3.39 IR – Policy Framework pages 55 to 66 paragraph 6.51	I recommend that the RDDP be modified as follows: [b] add at the beginning of the Housing Chapter..... set out the RPG housing requirement.....	Decision : Accepted Reasons : For the reasons set out in the Inspector’s Report.	MOD/PF/ H/3

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<p>SD – SD/PF/PP/10</p> <p>UDP – Paragraphs 3.19 to 3.39</p> <p>IR – Policy Framework pages 55 to 66 paragraph 6.51</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[b] add at the beginning of the Housing Chapter.....</p> <p> note the timescale of the plan.....</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report.</p>	<p>MOD/PF/ H/4</p>
<p>SD – SD/PF/PP/11</p> <p>UDP – Paragraphs 3.19 to 3.39</p> <p>IR – Policy Framework pages 55 to 66 paragraph 6.51</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[b] add at the beginning of the Housing Chapter.....</p> <p> explain the urban capacity study, including a section on the contribution of mixed use areas.....</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report.</p>	<p>MOD/PF/ H/6</p> <p>MOD/PF/ H/8</p>
<p>SD – SD/PF/PP/12</p> <p>UDP – Paragraphs 3.19 to 3.39</p> <p>IR – Policy Framework pages 55 to 66 paragraph 6.51</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[b] add at the beginning of the Housing Chapter.....</p> <p> set out the contributions from construction so far, sites under construction, and sites with planning permission.....</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report.</p> <p>The level of commitments are noted, rounded to the nearest hundred, in paragraph 3.24 of the Revised Deposit Policy Framework and are used, un-rounded, in calculating the Phase 1 supply in paragraph 3.35a. The Inspectors has referred to the un-rounded figures in paragraph 6.9 of his report, and has used the un-rounded figures in Table 1 of his paragraph 6.42. The Council considers it more appropriate, and accurate, to continue to use un-rounded figures in the calculation of the Phase 1 supply.</p>	<p>MOD/PF/ H/10</p>

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<p>SD – SD/PF/PP/13</p> <p>UDP – Paragraphs 3.19 to 3.39</p> <p>IR – Policy Framework pages 55 to 66 paragraph 6.51</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[b] add at the beginning of the Housing Chapter.....</p> <p> set out the contribution of windfalls per annum, with explanation, including a reference to the Council's Empty Homes Strategy.....</p>	<p>Decision : Accepted in Part.</p> <p>Reasons : The Council accepts the need to set out this contribution, but has chosen not solely to refer to ‘windfalls’. The Council prefers to consistently refer to ‘infill, conversions and windfalls’.</p>	<p>MOD/PF/ H/5</p> <p>MOD/PF/ H.11</p>
<p>SD – SD/PF/PP/14</p> <p>UDP – Paragraphs 3.19 to 3.39</p> <p>IR – Policy Framework pages 55 to 66 paragraph 6.51</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[b] add at the beginning of the Housing Chapter.....</p> <p> state the phase 1 period and requirement, and the contribution from allocated sites not included in the categories already listed.....</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector's Report.</p>	<p>MOD/PF/ H/13</p> <p>MOD/PF/ H/16</p> <p>MOD/PF/ H/19</p> <p>MOD/PF/ H/22</p>
<p>SD – SD/PF/PP/15</p> <p>UDP – Paragraphs 3.19 to 3.39</p> <p>IR – Policy Framework pages 55 to 66 paragraph 6.51</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[b] add at the beginning of the Housing Chapter a step by step explanation of the Council’s location strategy for housing allocations, along the following lines:</p> <p> explain the locational strategy and the sequential approach for housing allocations, based on my report 6.30-6.38 above.....</p>	<p>Decision : Accepted in part</p> <p>Reasons : The location strategy and the sequential approach for housing allocations is explained in the Principal Policies chapter following SD/PF/PP/24. The Council consider that this is the most appropriate chapter to document this explanation, given that the location strategy applies to all development, not solely housing. The Housing chapter contains a reference to this documentation, but does, unnecessarily, repeat the sequential approach.</p>	<p>MOD/PF/ H/7</p>

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SD – SD/PF/PP/16 UDP – Paragraphs 3.19 to 3.39 IR – Policy Framework pages 55 to 66 paragraph 6.51	I recommend that the RDDP be modified as follows: [b] add at the beginning of the Housing Chapter..... state the phase 2 period and requirement, and the contribution from allocated sites.....	Decision : Accepted Reasons : For the reasons set out in the Inspector’s Report.	MOD/PF/ H/14 MOD/PF/ H/17 MOD.PF/ H/20 MOD/PF/ H/23
SD – SD/PF/PP/17 UDP – Paragraphs 3.19 to 3.39 IR – Policy Framework pages 55 to 66 paragraph 6.51	I recommend that the RDDP be modified as follows: [b] add at the beginning of the Housing Chapter..... identify the proportion of each phase and of overall supply which is previously-developed land.....	Decision : Accepted Reasons : For the reasons set out in the Inspector’s Report.	MOD/PF/ H/25 MOD/PF/ H/26 MOD/PF/ H/27
SD – SD/PF/PP/18 UDP – Paragraphs 3.19 to 3.39 IR – Policy Framework pages 55 to 66 paragraph 6.51	I recommend that the RDDP be modified as follows: [b] add at the beginning of the Housing Chapter..... identify the amount of safeguarded land and indicate how long this might last	Decision : Accepted Reasons : For the reasons set out in the Inspector’s Report.	MOD/PF/ H/28
SD – SD/PF/PP/19 UDP – Paragraphs 3.19 to 3.39	I recommend that the RDDP be modified as follows: [c] attach, as an appendix to the Policy Framework volume of the RDDP, a list of sites in phase 1 and of sites in phase 2, with information as to the site’s status	Decision : Accepted in Part. Reasons : The recommended information on the Phase 1 and Phase 2 housing sites has been included for the reasons set out in the Inspector’s Report.	MOD/PF/ H/24 Mod/P F/AP/3

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<p>IR – Policy Framework pages 55 to 66 paragraph 6.51</p>	<p>in relation to the sequential approach of the plan. Include in the Housing Chapter a cross-reference to this appendix</p>	<p>The Council has not included all sites in one appendix. To avoid producing one, unnecessarily long list of sites in both phases, and to aid clarity of presentation, the Council has included two appendices, Appendix F for Phase 1 sites and Appendix G for Phase 2 sites.</p> <p>The Proposals Reports of the Revised Deposit Plan refer, in some instances, to sites that are a ‘combination’ of both previously developed land and greenfield land, where the constituent proportions are approximately equal. Because the Inspector has not categorised sites as combination sites, but merely as either previously developed or Greenfield, the Council thinks it best to use only those two categorisations. Therefore, for the purposes of these Appendices, these combination sites have been included as either previously developed land, or greenfield, on the basis of the largest constituent part.</p>	<p>Mod/P F/AP/4</p>
<p>SD – SD/PF/PP/20</p> <p>UDP – Paragraphs 3.19 to 3.39</p> <p>IR – Policy Framework pages 55 to 66 paragraph 6.51</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[d] delete the references to mixed use areas in paragraph 3.26 or its successor</p>	<p>Decision : Accepted.</p> <p>Reasons : the Council accepts the deletion of paragraph 3.26 for the reasons set out in the Inspector’s Report.</p> <p>However, in accordance with other recommendations made by the Inspector, Mixed Use areas still form part of the Plan and references will continue to be made to them, particularly SD/PF/UR/9 and SD/PF/PP/11.</p>	
<p>SD – SD/PF/PP/21</p> <p>UDP - Paragraphs 3.19 to 3.39</p> <p>IR – Policy Framework pages 55 to 66 paragraph 6.52</p>	<p>I further recommend that the Council undertakes a full urban capacity study, reviews commitments, and searches for additional housing land, using the sequential approach.</p>	<p>Decision : Accepted in part.</p> <p>Reasons : The Council accepts the recommendation that the Council undertake a full urban capacity study. However, it is unclear when the Inspector envisaged the Urban capacity study taking place. He considers the issue explicitly at paragraphs 6.2 to 6.6. The Inspector concludes at paragraph 6.6 that “ the Council has underestimated the contribution of the urban area to meet the housing requirement”, even though at paragraph 6.2 the Inspector considers that “given the efforts to find all vacant land, it is unlikely that a significant amount of previously unknown vacant land will be discovered, to add to the recycling potential.” The Inspector goes on to states that “the council should undertake a full urban capacity study so that the capacity of the urban areas can better be calculated”. However, there is no clear indication of</p>	<p>N/A</p>

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		<p>when this should be undertaken. Paragraphs 6.16 –6.19 consider the issue of windfalls. It concludes at 6.19 that there is sufficient land available to warrant a lengthy first phase of housing land release ie to 2009.” Inspector also considers it in the context of the Phase 2 housing supply at paragraphs 6.44 and 6.45, where the Inspector notes that an urban capacity study could lead to revision of windfall assumptions and to the identification of additional housing sites. In the context of the phase 2 supply the Inspector concludes at paragraph 6.44 “that it is possible that additional land could be found to meet the housing requirement in full, and potentially even replace, with some more sustainable sites, some of the sites recommended for housing allocations. Paragraph 6.45 again reiterates the importance of undertaking an urban capacity study but again it is unclear when this should take place. Phasing arrangements are considered at paragraphs 6.61, 6.62 and 6.75 of the report. At paragraph 6.61 the Inspector concludes that “the period of the first phase remaining after the adoption date would allow the Council to complete its urban capacity work and, if necessary modify the RDDP or review the phasing provisions in light of the capacity of the urban areas, which would then be known”. This suggests that the work should be undertaken following adoption and fed into the monitoring and review of phase 2 housing supply. This is supported by paragraph 6.75 which suggests an interim position in the Plan in the context of the phasing policy until the urban capacity study has been completed. While not haven undertaken a full Urban Capacity Study the Inspector recognises at paragraphs 6.2-6.4 that the Council has undertaken some key elements of an Urban Capacity Study. It is unclear from the Inspector’s deliberations in the above paragraphs what the merits of undertaking an Urban Capacity Study before adopting the Plan would be.</p> <p>The Council does not accept that an Urban Capacity study needs to be undertaken before adoption of the rUDP. The circumstances of the completion and adoption of the rUDP are rather different to the circumstances when the Inspector considered this matter at the Inquiry. The significant changes in circumstances since the Inquiry concern firstly the timetable and progress on the Regional Spatial Strategy and secondly the fundamental review of the Development Plan system.</p> <p>At the time of the Inquiry there was not a timetable for the replacement of RPG12 with the new Regional Spatial Strategy. In fact at that stage the concept of the Regional Spatial Strategy (RSS) was being debated as part of the preparation for the 2004 Planning and Compulsory Purchase Act 2004. The Yorkshire & Humber Regional Assembly (The Regional Planning Body) has now published a programme for the RSS. This programme as set out in the Project Plan published in December 2003 envisages a submission to the Secretary of State in December 2004. This submission date is now delayed to March 2005 to allow for proper consideration of the ‘Northern Way’ initiative. Even with this delayed submission date and allowing 18</p>	

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		<p>months for the completion of the statutory process, RSS would be approved in Sept 2006. The approved RSS will provide a clear strategic context for an early review of the core strategy, housing supply and Green Belt as part of work on the new LDF (see below) and would set out any strategic considerations.</p> <p>The Government's reform of the Development Plan system fundamentally changes the way future Development Plans will be devised and implemented. Parts of the rUDP will be reviewed and rolled forward whilst other parts will be 'saved' through the transitional arrangements for a longer period of time. This creates more flexibility in how the Council decides to address particular topics through individual Development Plan Documents. The Council will set out its priorities for new Development Plan Documents in the Local Development Scheme. The scheme will give a high priority to reviewing the Core Strategy and the Housing supply, within the strategic parameters being set by RSS. This work would be underpinned by a full urban capacity study.</p> <p>A further matter for consideration in assessing the implications of holding a further Inquiry and the consequent delay in the adoption of the Plan is the impact of the EU Directive on Strategic Environmental Assessment. The implementation of this directive includes an exemption from the provisions within it for any Plan currently underway which should be assessed provided it is completed before July 2006. Should the rUDP not be completed and adopted by that date the provisions of the Directive would apply. Meeting this provision retrospectively is not a practical proposition for a complex plan such as the rUDP. Therefore it is essential to complete the plan prior to this date. There is a significant risk that the Plan would not be complete by this date because of the scale of work undertaking an Urban capacity study and any modification required to the Plan to address new sites. Indeed the Inspector's own timetable for likely adoption demonstrates the potential of passing the critical date of July 2006.</p> <p>The Government stresses in PPG1 the importance to the Plan led system of having an up to date Development Plan. The courts support the Government on this point. In the case <i>Drexline Holdings v Cherwell District Council</i> ([1998] J.P.L. 361) one of five tests the court has said that a local planning authority is entitled to apply in determining whether a modifications inquiry should be held is delay and the desirability of securing an up to date Development Plan. In the circumstances of the replacement UDP in Bradford the implications of delay could well be profound particularly when considering the introduction of the Strategic Environmental Assessment Directive as set out in the preceding paragraph</p> <p>In considering the implications of a delay in the undertaking of an Urban capacity</p>	

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		<p>study by the Council has had regard to the Inspector’s concerns set out in paragraph 6.44. In particular that not undertaking an urban capacity study prior to the adoption of the Plan could lead to development which is less sustainable than that which could be delivered through sites identified through an urban capacity study. The Council has set out in the statement of decision on the timescale of the plan that the strategic context for the green belt review will be clear later in 2006 and a Development Plan Document to address housing and green belt will quickly follow on. Consequently, the re-examination of the supply of housing sites and any more sustainable opportunities arising from urban capacity and the green belt review will be complete before the phase 2 Housing sites become available for development. In these circumstances it is very unlikely that developments in less sustainable locations, other than those which had an extant permission at the time of depositing the rUDP, will have been implemented. This approach is supported by the Inspector’s consideration of Phasing arrangements at paragraph 6.61 and 6.62. This states “ the period of the first phase remaining after the adoption date would allow the Council to complete its urban capacity work and, if necessary, further modify the RDDP or review phasing provisions in the light of the capacity of the urban areas, which would then be known”.</p>	
<p>SD– SD/PF/PP/22</p> <p>UDP –Policy UDP6 Continuing Vitality of Centres,</p> <p>IR – Policy Framework, paragraphs 3.36-3.38, Pages 15-16</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[a] POLICY UDP6 – delete and replace with</p> <p>TO SUSTAIN AND ENHANCE THE VITALITY AND VIABILITY OF CENTRES, THROUGH PROMOTING THEIR ROLE AND GIVING SEQUENTIAL PREFERENCE TO MEETING RETAIL, LEISURE AND OFFICE DEVELOPMENT NEEDS WITHIN CENTRES</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	<p>Mod/P F/PP/6</p>
<p>SD– SD/PF/PP/23</p> <p>UDP –Policy UDP7</p>	<p>I recommend that no Modification Be made to the RDDP.</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	<p>N/A</p>

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Reducing the Need to Travel IR – Policy Framework, paragraphs 3.39-3.40, Pages 16			
SD– SD/PF/PP/24 UDP – Policy Framework, Paragraphs 3.60 to 3.90 Location Strategy IR – Policy Framework, Paragraphs 3.41-3.61, Pages 17-20	I recommend that the RDDP be modified as follows: [a] paragraph 3.78 – delete and replace with a new paragraph which sets out that the end date for the Replacement UDP is 2016, with an end date of 2026 for the Green Belt. [b] paragraphs 3.79-3.81 – delete. [c] paragraph 3.82 – redraft the first sentence to read “The emphasis of the location strategy of the previous UDP has changed significantly because of a range of new factors, including especially revisions to national policy, and the review of Regional Planning Guidance, which has developed a stronger spatial strategy and led to reductions in the overall need for land for housing”. [d] insert new paragraphs after paragraph 3.82, based on my report paragraphs above, to explain how the locational principles of regional Policy P1 affect the District. [e] paragraphs 3.83-3.90 – delete, or redraft to summarise briefly, with cross references to the Housing Chapter, the strategy for making housing allocations which results from the application to Bradford of the regional strategy.	Decision : Recommendation (a) is rejected, recommendations (b) to (e) are accepted. Reasons : <u>Recommendation (a)</u> The Inspector begins at paragraph 3.41 by pointing out the relationship between his recommendations on the Plan Strategy and his recommendations on both the timescale of the Plan and the life of the Green Belt. The Council has set out elsewhere in this report (see SD/PF/PP/6 and SD/PF/PP/4) its reasons for not accepting either of these latter two recommendations. Consequently the Council does not accept the revisions the Inspector proposes to paragraph 3.78. However a minor change to paragraph 3.78 is required to reflect the Council’s analysis in SD/PF/PP/4 that the Plan provides a Green Belt, which will endure until 2021. <u>Recommendations (b) to (e)</u> The Council accepts the Inspector’s view at paragraph 3.42 that the replacement plan replaces what exists rather than merely reviewing the current document. Except for matters relating to the adopted Plan green belt where exceptional circumstances need to be demonstrated before the new Plan can change the extent of the green belt. It follows from this that the Council accepts the need to delete paragraphs 3. 79 – 3.81 The Council understands the Inspector’s concern at paragraph 3.43 regarding the possibility of the 2020 Vision document pointing to different priorities for land allocation to those found in national policy. However it must be borne in mind that PPG12 at paragraph 3.3 states that a Planning Authority must have regard to national policies and goes on to say any departure from national policy must be supported with adequate reasons. In these circumstances the Council believes that provided it sets out adequate reasons it is not obliged to slavishly follow national policy.	Mod/P F/PP/7

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		<p>Having broadly accepted the Inspectors conclusions regarding the starting point of the Plan, it follows that the role of the main urban area as set out in 3.46 is also accepted. This will lead to a modification of the Council’s own motion to recognise the role of the main urban area on the face of the Plan. The Council also accepts the tests to be applied when defining other urban areas set out in paragraph 3.47 of the Inspector’s report which are drawn from paragraph 4.8 of RPG12 and the approach the Inspector takes in using comparative accessibility for the third test in paragraph 3.48 of his report</p> <p>Finally in considering the role of towns in the settlement hierarchy the Council agrees with the Inspector’s view on the role of Queensbury and that Silsden should not be categorised as an urban area. However because of the status and function of Silsden it does not sit readily elsewhere in the hierarchy described in policy P1 of RPG12. The Council accepts the Inspector’s conclusion that it does not score well in terms of current accessibility by public transport yet it has a good range of services (except for the absence of a secondary school) and has a much more substantial employment base than any other smaller settlement in the District. At present, until the RSS re-examines the role and function of settlements, Silsden should be regarded as a less well located smaller settlement though when compared to the other settlements in this category it offers a much broader range of services and is better served by public transport.</p> <p>Turning now to the matter of urban extensions, the Council accepts the Inspector’s analysis in paragraph 3.52 and his conclusion at 3.53 that the definition should be deleted from the Plan.</p> <p>The Inspector considers at paragraphs 3.54 and 3.55 the definition of the smaller settlements in good public transport corridors. He accepts that Steeton, Burley, Menston and Thornton all correspond to the RPG “nodes in good quality ‘public transport corridors’ radiating from within main urban areas”. The Council agrees with him on this point and on his view at 3.56 that it is the settlement or node which matters to the location strategy, not the corridor itself.</p> <p>The Council accepts the need to redraft paragraphs 3.79-3.82a to explain how the location principles of policy P1 in RPG12 affect the Bradford District and to include a summary of the treatment of the location of housing provision to replace paragraphs 3.83-3.90.</p>	

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<p>SD– SD/PF/PP/25</p> <p>UDP – Policy Framework, Paragraphs 3.99</p> <p>IR – Policy Framework, Paragraphs 3.62-3.63, Pages 20-21</p>	<p>My recommendations are given in the Housing Chapter</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report. See Statement of decisions relating to Chapter 6 Housing.</p>	
<p>SD– SD/PF/PP/26</p> <p>UDP – Policy Framework, Paragraphs 3.100</p> <p>IR – Policy Framework, Paragraphs 3.64-3.73, Pages 21-23</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>[a] add to the reasoned justification a recognition of the importance of, and need for, more comprehensive monitoring concerning employment matters, and a commitment to establish appropriate baseline data covering the range of factors for monitoring purposes.</p> <p>[b] in the table following paragraph 3.100, delete the words “Grade 1 and 2*” from line 3.3.1.</p> <p>[c] in the same table add 2 new lines relating to Policy UDP6 6.2.2 diversity of uses and retailer representation 6.2.3 changes in the quality of the environment</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report.</p>	<p>Mod/P F/PP/8</p>