

**Shipley and Canal Road Corridor Area Action Plan (AAP), City Centre Area Action Plan (AAP),
Waste Management Development Plan Document (DPD)**

Publication Draft (2015)

Guidance note to accompany the Publication Draft stage

1 Introduction

- 1.1 The above documents are published for 8 weeks from Monday 14th December 2015 until Monday 8th February 2016 in accordance with Regulation 19, 20 and 35 of the Town & Country Planning (Local Development) (England) Regulations 2012.
- 1.2 This is an opportunity for you to make comments on the Publication Draft versions of the Local Plan before it is submitted to the Secretary of State for independent examination by a Planning Inspector. Your comments will be submitted to the Planning Inspector for consideration, along with the Local Plan and supporting documents.
- 1.3 The purpose of the examination is to consider whether the Local Plan is legally compliant (i.e. if it has been prepared in accordance with the regulations), complies with the duty to cooperate and is sound. Therefore any representations received regarding the Publication Draft must address these concerns. Legal compliance, the duty to co-operate and soundness are explained more fully through this guidance note.

What stage of preparation are the plans at?

- 1.4 The Shipley and Canal Road Corridor AAP, City Centre AAP and Waste Management DPD are now at Publication stage and this is your chance to comment on them before they are examined by a Planning Inspector. The council is seeking views on the Soundness and Legal Compliance of the Plans.
- 1.5 The plans are published for consultation, in order for final comments to be made before the plans are submitted to the Government's Planning Inspectorate for independent examination. Earlier consultation happened during 2013 when the plans were at an initial Issues and Options stage. Comments from these previous stages have been considered in preparing the Publication Draft documents.

What happens at independent examination?

- 1.6 The Publication Draft documents will be examined by a Planning Inspector to see if the proposals in the plan are positively prepared, justified, effective and consistent with national policy. These are referred to collectively as issues of 'soundness'. The Inspector will also examine matters of procedure and relationship with neighbouring authorities. These are referred to as issues of 'legal compliance'.

2 Your Representation

- 2.1 It is strongly advised that you read the relevant Publication Draft (2015) documents before making your representation.

2.2 Your representation should be completed on the online Representation Form. A copy of the form can be downloaded from www.bradford.gov.uk/planningpolicy

2.3 As a general rule:

- If you are seeking to make representations on the way in which the Council has prepared the Local Plan, then this likely to relate to legal compliance.
- If you are seeking to make representations on how the Council has dealt with strategic planning and partnership working, then this is likely to relate to the duty to co-operate.
- If it is the actual content of the plan which you want to make a representation, this is likely to relate to soundness.

2.4 The following sections are set out to help your comments on the legal compliance, duty to co-operate and soundness.

3. Legal Compliance and Duty to Co-operate

3.1 When assessing whether the plan is legally compliant the inspector will look at whether the document preparation and consultation procedures meet the requirements of the relevant Acts and Regulations.

3.2 The plans must be based on the Planning and Compulsory Purchase Act 2004 and comply with the Town and County Planning (Local Planning) (England) (Amendment) Regulations 2012.

3.3 In terms of legal compliance, the main issues are in relation to:

- Has the council complied with the relevant planning Regulations?

The council must publish the documents prescribed in the regulations, and make them available at their principal offices and their website and notify the Plan bodies (as set out in the regulations) and any persons who have requested to be notified.

Statement of Consultation reports are available on the council's planning policy website.

- Has the plan been prepared in accordance with the Local Development Scheme (LDS)?

The LDS is effectively a programme of work prepared by the council, setting out the Local Development Documents (LDDs) it proposes to produce.

The LDS is available on the council's planning policy website.

- Is the plan in compliance with the Statement of Community Involvement (SCI)? Has the council carried out consultation consistent with the SCI?

The SCI sets out the council's strategy for involving the community in the preparation and revision of the Local Plan.

The SCI is available on the council's planning policy website.

- Has the plan been subject to sustainability appraisal?

The council is required to provide a Sustainability Appraisal (SA) Report when they publish a plan. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.

The SA is available on the council's planning policy website.

- Does the plan have regards to the Community Strategy and Core Strategy?

The Plan must have regard to any Community Strategy and any local development document which has been prepared by the council for the District.

The Community Strategy and Core Strategy are available on the council's website.

- Has the plan met the Duty to Co-operate with other bodies, including neighbouring authorities?

The duty to co-operate came into force on 15th November 2011. The duty requires co-operation between adjoining planning authorities and other public bodies to maximise effectiveness of policies for strategic planning matters in the Local Plan. LPAs are expected to provide evidence of how they have complied with any requirements arising from the duty.

Duty to co-operate statements are available on the council's website.

- 3.3 The Council has published a 'Legal Compliance Checklist' and 'Duty to Co-operate statement' setting out how this requirement is considered to have been met during the preparation of the Publication Draft documents.

4. Soundness

- 4.1 Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF) and in the Planning Advisory Service's soundness checklist. The Inspector has to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

- 4.2 To be considered 'sound' a Plan should be:

1. Positively prepared:

The Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

2. Justified:

The Plan should be the most appropriate strategy when considered against reasonable alternatives, based on a proportionate evidence base.

3. Effective:

The Plan should be deliverable over its period and based on effective joint cross-boundary strategic priorities.

4. Consistent with national policy:

The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

5. General advice

- 5.1 If you wish to make a representation seeking a modification to the Plan or part of the Plan you should make clear in what way the Plan or part of the Plan is not sound having regard to the legal compliance, duty to co-operate or the four soundness requirements set out above. You should try to support your representation with evidence showing why the Plan should be modified. It will be helpful if you also say precisely how you think the Plan should be

modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification

- 5.2 If you support a policy or policies you should express your support so that the Inspector has the full picture in considering the Local Plan and express why the policy or policies is sound.

Group responses

- 5.3 Where there are groups who share a common view on how they wish to see a Plan changed, it would be very helpful for that group to submit a single representation which represents the view of the group, rather than separate individual representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

6. Further Information

- 6.1 Please contact the Development Plans team should you need any further information or advice by:

- Email: planning.policy@bradford.gov.uk
- Phone: (01274) 433679

- 6.2 Further guidance and advice on the Local Plans including Publication and examination can be found at the following:

- National Planning Practice Guidance- Publication and Examination of a Local Plan

<http://planningguidance.communities.gov.uk/blog/guidance/local-plans/publication-and-examination-of-the-draft-plan/>

- Planning Inspectorate- Local Plans examination process

<https://www.gov.uk/guidance/local-plans>

- Planning Advisory Service (PAS)- Local Plans

<http://www.pas.gov.uk/localplanning;jsessionid=A705D62AA3F43FA77BF216B3472B01AC.tomcat2>