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Core Strategy Development Plan Document

Regulation 20 of the Town & Country (Local Development) (England) Regulations 2012.

Publication Draft - Representation Form

PART A: PERSONAL DETAILS

** If an agent is appointed, please complete only the Title, Name and Organisation in box 1 below but complete the full contact details of the agent in box 2.*

	1. YOUR DETAILS*	2. AGENT DETAILS (if applicable)
Title	Mr	
First Name	[REDACTED]	
Last Name	Vernon	
Job Title (where relevant)		
Organisation (where relevant)	[REDACTED]	
Address Line 1	[REDACTED]	
Line 2	[REDACTED]	
Line 3	Skipton	
Line 4		
Post Code	BD23 [REDACTED]	
Telephone Number	[REDACTED]	
Email Address	[REDACTED]	
Signature:	[REDACTED]	Date: 28/03/14

Personal Details & Data Protection Act 1998

Regulation 22 of the Town & Country Planning (Local Development) (England) Regulations 2012 requires all representations received to be submitted to the Secretary of State. By completing this form you are giving your consent to the processing of personal data by the City of Bradford Metropolitan District Council and that any information received by the Council, including personal data may be put into the public domain, including on the Council's website. From the details above for you and your agent (if applicable) the Council will only publish your title, last name, organisation (if relevant) and town name or post code district.

Please note that the Council cannot accept any anonymous comments.

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PART B – YOUR REPRESENTATION - Please use a separate sheet for each representation.

3. To which part of the Plan does this representation relate?

Section	5.3	Paragraph		Policy	HO1
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4. Do you consider the Plan is:

4 (1). Legally compliant	Yes		No	✓
4 (2). Sound	Yes		No	✓
4 (3). Complies with the Duty to co-operate	Yes		No	✓

5. Please give details of why you consider the Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please refer to the guidance note and be as precise as possible.

If you wish to support the legal compliance, soundness of the Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Legal Context
 Section 20(5)(b) of the Planning and Compulsory Purchase Act 2004 requires an inspector (at an independent examination) to determine whether a DPD is "sound".

3. National Planning Policy
 Soundness 3.1 Paragraph 182 of the National Planning Policy Framework ("NPPF") deals with examining Local Plans and states:
 "The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" - namely that it is:

- 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;
- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework. "

3
 We note that the existing guidance published by the Planning Inspectorate entitled 'Examining Development Plan Documents: Soundness Guidance August 2009' remains the approved guidance to Inspectors and still refers to the guidance contained within PPS12, which although withdrawn is still to be relevant to the Inspectors. In particular we note that with regard to the test of "justified", PPS12 requires Plans to be: founded on robust and credible evidence; and the most appropriate strategy when considered against reasonable alternatives.

3.4 The concept of justification is expanded at paragraphs 4.37 and 4.38 of PPS12. Paragraph 4.37 deals with evidence base and states:
 "... It is therefore essential that core strategies are based on thorough evidence. The evidence base should contain two elements: Participation: evidence of the views of the local community and others who have a stake in the future of the area.
 Research/fact finding: evidence that the choices made by the plan are backed up by the background facts. Evidence gathered should be proportionate to the job being undertaken by the plan, relevant to the place in question and as up-to date as practical having regard to what may have changed since the

evidence was collected. "

Paragraph 4.38 of PPS 12 deals with the issue of 'alternatives' and states:

"The ability to demonstrate that the plan is the most appropriate when considered against reasonable alternatives delivers confidence in the strategy. It requires the local planning authority to seek out and evaluate reasonable alternatives promoted by themselves and others to ensure that they bring forward those alternatives which they consider the LPA should evaluate as part of the plan-making process.

There is no point in inventing alternatives if they are not realistic.

Being able to demonstrate that the plan is the most appropriate having gone through an objective process of assessing alternatives will pay dividends in terms of an easier passage for the plan through the examination process. It will assist in the process of evaluating the claims of those who wish to oppose the strategy. " PPS12 also provides guidance on the test of "effective". The concept of effectiveness is expanded in paragraphs 4.45 to 4.47. Paragraph 4.45 deals with deliverability and advises:

"Core strategies should show how the vision, objectives and strategy for the area will be delivered and by whom, and when. This includes making it clear how infrastructure which is needed to support the strategy will be provided and ensuring that what is in the plan is consistent with other relevant plans and strategies relating to adjoining areas. This evidence must be strong enough to stand up to independent scrutiny ... "

General Policies

The NPPF contains a presumption in favour of sustainable development.

Paragraph 14 provides:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

specific policies in this Framework indicate development should be restricted ... "

One of the Core Planning Principles contained in the NPPF (at paragraph 17)

is to:

"proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities" (our emphasis)

Having regard to the above policies and statutory context we do not consider that the Local Plan Publication Version is sound or legally compliant for the following reasons.

Our comments mainly relate to Section 5.3 and Policy HO1

The Council's proposed housing requirement is understated, and sufficient attention hasn't been given to the Council's Duty to Cooperate, which when considering that Leeds, Skipton, & Kirklees all have 5 year supply problems increases Bradford's obligation to bring forward sufficient land to meet the Housing needs of not just its own authority but that of the region.

Sites like NW/033 will therefore be needed to make an earlier contribution to the housing supply in order to deliver and maintain a 5 year supply.

6. Please set out what modification(s) you consider necessary to make the Plan legally compliant or sound, having regard to the test you have identified at question 5 above where this relates to the soundness. (N.B Please note that any non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this modification will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Sites like NW/033 will be needed to make an earlier contribution to the housing supply in order to deliver and maintain a 5 year supply.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. Please be as precise as possible.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a modification to the Plan, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

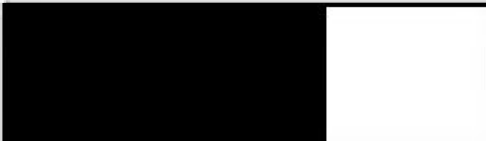
Yes, I wish to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

In order to participate and give further more detailed evidence to the Inspector.

Please note the Inspector will determine the most appropriate procedure to adopt when considering to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature:



Date:

28/03/2014

Core Strategy Development Plan Document (DPD) : Publication Draft

PART C: EQUALITY AND DIVERSITY MONITORING FORM

Bradford Council would like to find out the views of groups in the local community. Please help us to do this by filling in the form below. It will be separated from your representation above and will not be used for any purpose other than monitoring.

Please place an 'X' in the appropriate boxes.

