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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	██████████	
Last Name	SMITH	
Job Title <small>(where relevant)</small>		
Organisation <small>(where relevant)</small>		
Address Line 1	████████████████████	
Line 2	TONG	
Line 3	BRADFORD	
Line 4	WEST YORKSHIRE	
Post Code	BD4 ████████	
Telephone Number	████████████████████	
Email Address	████████████████████	
Signature:	████████████████████	Date: 24 March 2014

#### 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 Appendix 1 Glossary of LDF Terms Appendix 6	Paragraph	5.2.34	Policy	
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**4. Do you consider the Plan is:**

4 (1). Legally compliant	Yes		No	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.**

## 1. Grounds of representation

This representation is one of 7 I have made on the grounds of Legal, Duty to Co-operate and Soundness .

They all relate to the Core Strategy Development Plan Document Publication Draft in particular those parts which refer to the Urban Extension at HolmeWood.

There will therefore be some duplication and equally, to minimise repetition, there are factors and details in the other representations which support this one.

- 1.1. I contend that the references to the Tong and Holme Wood Neighbourhood Development Plan (the "NDP") in the Publication Draft are misleading as it is not a neighbourhood development plan within Schedule 9 of the Localism Act 2011 or s.38A of the Planning and Compulsory Purchase Act 2004.
- 1.2. I also contend that, in preparing the Plan, Bradford MDC (the "Council" or "Bradford") have first adopted the provisions of the NDP relating to urban extension at Holme Wood as Council policy and then allowed the policy of the NDP to drive the Core Strategy, rather than first establish a Core Strategy within which the NDP is framed.

## 2. Particulars of Representation and supporting evidence

- 2.1. At paragraph 5.2.34 of the Publication Draft the Council states:

*"Holme Wood is a case in point. Here comprehensive proposals involving both the more efficient use of existing land by remodelling existing areas of underused land, and linking built and open spaces more successfully have been combined with proposals for an urban extension. The combination of these proposals will secure significant funding for the improvement of the existing urban area. These proposals have been progressed via the production of a local neighbourhood plan led by the Council in partnership with local members and stakeholders."*

- 2.2. The reference to "a local neighbourhood plan" is misleading, as was the use of the term "Neighbourhood Development Plan" in the context of the NDP.
- 2.3. Appendix 1 Part 2 to the Publication Draft does not appear to have been updated since an earlier draft and states:-

*"Neighbourhood Development Plan (NDP) - The Localism Act (2011) will allow Neighbourhood Forums and Parish Councils to use new neighbourhood planning powers to establish general planning policies for the development and use of land in their area. This will be known legally as a Neighbourhood Development Plan and will need to conform with the key policies of the Local Councils".*
- 2.4. It would appear therefore that the NDP is not a neighbourhood development plan as defined in Appendix 1, nor does it conform to the provision of Schedule 9 Part 2 of the Localism Act 2011, which amended the Planning and Compulsory Purchase Act 2004 by introducing a new s 38A making provisions for the adoption of neighbourhood development plans for designated "neighbourhood areas".
- 2.5. There is no Neighbourhood Forum or Parish Council in the Tong area of the District, and therefore the NDP has not been subjected to a local referendum. The Council has not designated any part of the Tong Ward as a "neighbourhood area" and the NDP itself is vague as to what area it applies to – for

example it is not clear to what extent the NDP has any application to Tong Village, the Mossdale, Denbrook, Montserrat or Holme Beck Park estates (most of which sit between Holmewood and the majority of the Green Belt designated for the Urban Extension) or Westgate Hill.

- 2.6. Furthermore the NDP was produced by the Council in consultation with the Holme Wood and Tong Partnership Board (the "Partnership Board"). Voting membership of the Partnership Board included councillors and council officers, so was not independent of the Council in any sense. Nor was it representative of any specific neighbourhood area. It did not therefore conform to the concept of a neighbourhood development plan within the Localism Act and should not therefore have been relied upon to the degree that it has been in the process of producing the Plan.
- 2.7. I believe that the Council thought when it started the NDP consultation process that the NDP would fall within the provisions of the Localism Act, as officers indicated to enquirers at the neighbourhood forums/ consultation events that the NDP would be subject to inspection, which they now indicate is not the case.
- 2.8. There has been no attempt to conform the NDP to the Localism Act, but the use of the term "neighbourhood development plan" has continued in the Publication Draft and in documents comprised in the Evidence Base, such as page 11 of the "Bradford Growth Assessment – The Regional City of Bradford November 2013" authored by Broadway Malyan, where the alleged "support" of the wider public for the NDP is used to justify significant incursions into the Green Belt which in all other respects do not comply with the assessment by the authors of that report of the value of the Green Belt in that area.
- 2.9. There is a great deal of detail in the NDP regarding the issues currently affecting the Holmewood Estate, how they can be rectified and where the funding will come from ie from contributions obtained from the new houses planned for the area, the vast majority of which are destined for what is currently Green Belt. Conversely there is a total absence of information regarding any aspect of the 2100 new houses (now increased to 2227 with space for a further 1400 already allocated but outside of the Core Strategy). There is nothing to indicate what the infrastructure requirements will be and whether the new homes/S106 contributions will be sufficient to accommodate those requirements before any surplus can be allocated to the existing HolmeWood Estate. The NDP indicates that the HolmeWood improvements are dependent on the Urban Extension being approved. This exemplifies that the Council have been disingenuous in the way that the NDP has been produced and the re-generation of the existing Holme Wood Estate is the true driver of the request for Green Belt release not the requirement for new houses. The 2100 (and growing) new houses on the Green Belt remain as a requirement despite the overall number of new house requirements for the whole Bradford area being reduced by some 8000 units during the course of this process

## **Conclusion**

The Plan is misleading in describing the NDP in terms of being a Neighbourhood Development Plan within the Localism Act, and that the use of the NDP as a driver of the Core Strategy in relation to urban extension policy, rather than the converse also does not conform with the "Legal" requirements of the Plan.

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.***

I am not aware of how this major flaw can be rectified.

***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**

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:**

*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:**

24<sup>th</sup> March 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.**

1. Do you live within or have an interest in the Bradford District?

I do not wish to participate in this monitoring exercise

X