

Bradford Local Plan

Core Strategy Examination Session Day One

Matter 1: LEGAL REQUIREMENTS & PROCEDURAL MATTERS

Date: 4 March 2015

Venue: Victoria Hall, Saltaire

Issue 1.1

Has the Plan had regard to and been prepared in accordance with the current Local Development Scheme, Statement of Community Involvement, Sustainable Community Strategy, Local Development Regulations and national planning policy¹, including the National Planning Policy Framework (NPPF)? Are there any outstanding issues relating to the consultation arrangements?

Response

- 1.1 The Background Paper 1 (SD015), as updated December 2014, provides an overview of the evolution and preparation of the plan from commencement to submission.
- 1.2 The Plan has been prepared in accordance with the current Local Development Scheme (LDS) (SS054) updated and adopted in July 2014 by the Councils Executive. This sets out a programme of a set of development plan documents which consist of:
 - Core Strategy
 - Allocations
 - Bradford Waste Management Plan
 - Bradford City Centre Area Action Plan
 - Shipley and Canal Road Corridor Area Action Plan
- 1.3 The LDS sets out the role and function of each of the separate DPDs and their relationship and the reason for producing several documents. It sets out the intended programme for the more detailed DPDs which will deliver the approach set out in the core strategy.
- 1.4 The Core Strategy has been subject to several rounds of consultation and engagement as part of its development in line with the adopted Statement of Community Involvement (SS055) and the relevant legal and regulatory framework in place at that point in time. The submission statement of consultation sets out the headlines from each stage. Further details are found in the respective engagement plans prepared for each stage and associated statement of consultation prepared following each stage. The Publication Draft Statement of Consultation (SD009) sets out the detailed information for the last stage of consultation prior to submission.
- 1.5 The Community Strategy (PS/B001b i) has been a key document which has shaped the spatial vision and objectives and in turn the content of the plan. Appendix 2A of the Core Strategy (SD001) sets out the policy linkages of the plan against the Community Strategy Strategic Aims.

¹ Detailed aspects of consistency with national policy, including the National Planning Policy Framework [DCLG; March 2012], will be dealt with under later topics and issues

- 1.6 The Plan has been produced in accordance with National policy and Regulations. The Council has completed the Planning Advisory Service self assessments in relation to Legal Compliance (SD007) and Soundness (SD008) which demonstrate how the preparation of the plan meets legal and regulatory requirements as well as National Policy.
- 1.7 The Council has met the Public Sector Equality Duty in the Equality Impact Assessment it has undertaken during the preparation of the plan. In particular it would stress that each policy assessment was systematically undertaken using the three aims of the Equality Duty (eliminate unlawful discrimination, advance equality of opportunity, and foster good relations) and the eight protected characteristics of the Equality Duty (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The Equality Impact Assessment of the publication Draft core Strategy (SD/011) sets out the full details of both the process and the assessment considerations.
- 1.8 There are no outstanding issues in relation to consultation arrangements.

Issue 1.2

Has the Plan been subject to Sustainability Appraisal, including a final report on the published plan, and Habitat Regulations Assessment?

- a. **Is it clear how the Sustainability Appraisal influenced the final plan and dealt with mitigation measures?**
- b. **Are there any outstanding issues arising from the evidence and approach of the HRA, including from Natural England, RSPB and other parties and, if so, how will these be resolved?**

Response

Part a)

- 2.1 The Core Strategy was supported by sustainability appraisals at key stages of its preparation.
- 2.2 The Publication Draft was supported by a full Sustainability Appraisal in line with NPPF and Guidance. The Final SA considered the reasonable alternatives (spatial options) and the assessment of the publication Draft development Strategy and Policies.
- 2.3 Appendix 2 (a) to the Core Strategy sets out the policy links between various key documents including the Sustainability Appraisal.

Part b)

- 2.4** Natural England have confirmed in their letter of 8th December 2014 that they agree with the assessment of adverse impacts on the integrity of European Sites and with the conclusions of the Habitats Regulations Assessment (HRA) Report of December 2014 (SD022). They are in agreement that the major issues to be addressed in relation to the core strategy are recreational pressure, loss of functional land and urban edge pressures. Natural England have raised no outstanding issues in relation to the assessment of in-combination impacts carried out as part of the HRA. The conclusions to the HRA indicated that the Council would produce a Supplementary Planning Document to guide implementation of the South Pennine Moors zones of influence policy. It is recognised that work on this project needs to be progressed.

Issue 1.3

Has the Plan been prepared in accordance with the Duty to Co-operate, particularly in terms of whether the Council has discharged its duty to maximise the effectiveness of the plan-making process and co-operated and engaged with neighbouring local authorities and prescribed bodies on an on-going basis with regard to strategic matters, including development and infrastructure requirements and other cross-boundary issues and strategic priorities², and is the approach fully justified, including:

- i. Housing requirements, including specific discussions about sub-regional housing needs, cross-boundary housing provision, meeting any unmet housing needs of adjoining areas, and the implications of proposed urban extensions, and the outcome of these discussions;**
- ii. Economic issues and employment land requirements, including specific discussions and strategic cross-boundary employment and economic issues, employment land provision, regeneration issues, travel-to-work areas, socio-economic linkages and commuting issues, and the outcome of these discussions;**
- iii. Green Belt, including specific discussions about strategic cross-boundary issues relating to the proposals to amend Green Belt boundaries and adopting a consistent approach across the sub-region, and the outcome of these discussions;**
- iv. Highways, transport and infrastructure issues, including specific discussions about proposed strategic highways and transport infrastructure, the impact of proposed development on the strategic highway network outside Bradford, public transport connections, Leeds/Bradford**

² The Council has prepared a Duty to Co-operate Statement [Examination Document: 006]

airport and flood risk, and the outcome of these discussions ;

- v. Gypsies and travellers, including specific discussions about meeting any unmet needs of adjoining authorities, and the outcome of these discussions;**
- vi. Environment, including specific discussions about the impact of the proposed development strategy on protected international sites and heritage assets outside Bradford, and the outcome of these discussions;**
- vii. Minerals and waste management issues, including specific discussions about strategic provision of minerals and waste management facilities and cross-boundary minerals and waste management issues, including minerals provision levels for Bradford and import/export of minerals, and the relationship with waste management facilities in neighbouring areas, and the outcome of these discussions;**
- viii. Other strategic issues, including specific discussions about issues with cross-boundary implications and the outcome of these discussions;**
- ix. Neighbouring authorities: are all neighbouring authorities satisfied that Bradford MDC has fully met the DTC requirements, and is there evidence to confirm the situation? Are there any outstanding or unresolved issues relating to the DTC?**
- x. Other prescribed bodies, including:**
 - a. Environment Agency, with regard to flood risk and water management;**
 - b. Natural England, with regard to Habitat Regulations Assessment and the impact of proposed development on protected sites outside Bradford;**
 - c. Highways Agency/Highways Authority and infrastructure/service providers, with regard to the impact of proposed development on the strategic highway network (including M606 junctions) and infrastructure/service provision;**
 - d. English Heritage, including impact of development proposals on the historic environment and specific heritage assets outside Bradford;**

e. Leeds City Region Local Enterprise Partnership, including specific discussions and consistency of the BCSLP with the LEP Strategic Economic Plan;

- xi. **The current state of play on various Memoranda of Understanding/Statements of Common Ground and other agreements with neighbouring authorities and prescribed bodies.**

Response

- 3.1 In line with Planning Advisory Service good practice the Council produced a Duty to Cooperate Statement (SD006) which sets out in detail how the Council has discharged the legal requirements in relation to the Core Strategy prior to submission. In particular it sets out the arrangements within the Leeds City Region (LCR) to address strategic planning alignment and support Local Planning Authorities (LPAs) to discharge their duty to cooperate in an ongoing and positive way.
- 3.2 An overview of the strategic geography and related issues is provided in section 3 of the Duty to cooperate Statement which provides a context to the Core Strategy strategic issues and approach.
- 3.3 All neighbouring authorities satisfied that Bradford MDC has fully met the DTC requirements, and there are no outstanding or unresolved issues relating to the DTC. The Duty to cooperate table in Appendix 4 to the Duty to cooperate statement was signed off by the LCR portfolio Holders meeting held on 13 October 2014.

Housing Requirement

- 3.4 Section 4 (paragraphs 4.3 – 4.35) of the Duty to Cooperate Statement set out the approach to Housing Requirement. This sets out the work undertaken on deriving its objectively assessed housing need and related work within the City Region which look at housing need and housing markets across the City Region. Appendix 4 to the Duty to Cooperate Statement sets the strategic issues table which documents the key issues and position with respect to adjoining Local Planning Authorities and other key agencies. Issues 1A and 1C deal with housing need and location including Green belt, which is also reviewed in its own right under issue 10 which also sets out position on Holme Wood urban extension.
- 3.5 The Council is not at present being asked by any other Local Planning Authority to meet unmet housing need outside the District.
- 3.6 The Council has met with officers and members on several occasions both individually and collectively through the LCR arrangements to discuss the strategic issues in relation to the proposed Urban Extension at Holme Wood. Further work will be undertaken with

adjoining LPAs as part of more detailed work in the Allocations Development Plan Document.

- 3.7 Two further LCR reports have been approved (in Draft) post submission, which support the approach taken in the Core Strategy to its housing requirement and housing market. These are:

- Phase 3 Report - Leeds City Region Housing Requirements (February 2015)
- Leeds City Region Partnership - Understanding the cross boundary impacts of housing markets and jointly planning housing provision in these areas (February 2015)

Economic Issues and employment land

- 3.8 Section 4 (paragraphs 4.49 – 4.53) of the Duty to Cooperate statement sets out the approach to Economy and employment land. Appendix 4 to the Statement sets the strategic issues table. Issue 2 deals with employment and economic development.

Green Belt

- 3.9 Section 4 (paragraphs 4.43 – 4.48) of the Duty to Cooperate Statement sets out the approach to Green Belt. Appendix 4 to the Statement sets out the strategic issues table. Issue 8 deals with green belt.

Highways, transport and infrastructure

- 3.10 Section 4 (paragraphs 4.54 – 4.77) of the Duty to Cooperate statement sets out the approach to transport. Appendix 4 to the Statement sets the strategic issues table. Issues 1B and 5 deal with Transport.

Gypsies and travellers

- 3.11 Section 4 (paragraphs 4.36 – 4.42) of the Duty to Cooperate statement sets out the approach to gypsies and travellers.

Environment,

- 3.12 Section 4 (paragraphs 4.92 – 4.93) of the Duty to Cooperate statement sets out the approach to Flood Risk and Habitats Regulation Assessment. Appendix 4 to the Statement sets the strategic issues table. Issues 3 and 4 deal with these issues.

- 3.13 The Council has undertaken a Heritage Impact Assessment of the Adwalton Moor Historic battlefield in consultation with English Heritage in support of the Core Strategy.

- 3.14 Following submission a draft sequential testing paper has been produced and agreement reached with the Environment Agency in relation to minor updating of the SFRA Level 1 and a minor modification to the text relating to the Airedale Trunk Sewer.'

Minerals and waste management

- 3.13 Section 4 (paragraphs 4.94 – 4.102) of the Duty to Cooperate Statement sets out the approach to minerals and waste. Appendix 4 to the Statement sets the strategic issues table. Issues 7 deals with minerals while and issue 9 deals with waste.

Neighbouring authorities

- 3.14 All neighbouring authorities satisfied that Bradford MDC has fully met the Duty to Cooperate (DTC) requirements, and there are no outstanding or unresolved issues relating to the DTC. The Duty to cooperate table in Appendix 4 to the Duty to cooperate statement was signed off by the LCR portfolio Holders meeting held on 13 October 2014.

Other Prescribed bodies:

- a. **Environment Agency,**
- b. **Natural England,**
- c. **Highways Agency/Highways Authority**
- d. **English Heritage**
- e. **Leeds City Region Local Enterprise Partnership,**

- 3.15 The Council has worked with all the prescribed bodies positively and constructively in the preparation of the Core Strategy. Further information is contained in the Duty to Cooperate Statement.

- xii. **The current state of play on various Memoranda of Understanding/Statements of Common Ground and other agreements with neighbouring authorities and prescribed bodies.**

Response

- 4.1 The Duty to Cooperate Statement includes at Appendix 2 the Leeds City Region Statement of Cooperation as well as in Appendix 4 the approved template setting out the position on the strategic issues as agreed by Leeds City Region Portfolio Holders.
- 4.2 There are no other Memoranda of Understanding / statements of common ground with neighbouring authorities and prescribe bodies.

Issue 1.4

Has the Council reviewed the Plan and its preparation against the latest guidance in the PPG³ (March 2014 as updated), and are there any outstanding issues?

Response

5.1 The Core Strategy has been prepared in line with the latest guidance. There are several areas where the plan is not in alignment with NPPG which are set out in more detail in the statement relating to relevant matter/issue.

Issue 1.5

What is the latest position on any Proposed Changes that the Council wishes to make to the submitted Plan?

Response

6.1 The Council will be proposing a small number of minor modifications in light of representations and also in light of the matters and issues. In particular these address some of the minor issues raised by English Heritage and other prescribed bodies..

6.2 Where minor modifications area being proposed they are highlighted within the relevant matter/issue statement.

³ Planning Practice Guidance [DCLG; March 2014 as updated]