

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
BRADFORD LOCAL PLAN CORE STRATEGY - EXAMINATION**

INITIAL QUESTIONS TO THE COUNCIL

1. Submission of the Bradford Local Plan Core Strategy
The Bradford Local Plan Core Strategy (BCS) was submitted to the Secretary of State on 12 December 2014, along with the submission documents and representations. Electronic copies of these documents, along with the Evidence Base documents were also submitted. The Inspector (and the Programme Officer and Council) will need paper copies of all these documents, with links on the Council's web-site¹. ***Can the Council confirm that all the documents and information required by the Local Planning Regulations² have been submitted to the Secretary of State, and that electronic and paper copies of all documents included in the evidence base will be available as soon as possible, with links on the Council's web-site?***

2. Hearing sessions
An important part of the examination will be the round-table hearing sessions arranged to discuss key matters and issues with the Council and others who wish to participate in the examination. The hearings usually take place about 11-14 weeks after submission, depending on whether a Pre-Hearing meeting is held (see below). At this early stage in the examination process, the Inspector has not yet decided whether he would wish to examine the submitted Plan in stages. However, a 3-4 week period for the hearing sessions may be needed, depending on the number of parties who wish to participate in the hearing sessions. At least 6 weeks' notice of the start of the hearing sessions is required³. The Inspector will also need details of the proposed venue for the examination hearings, along with details of accommodation for the Programme Officer and Inspector. Dates in April/May 2015 may be appropriate, but this may be affected by local/national elections. ***Does the Council have any preference for dates for the hearing sessions, and has a venue been arranged, including accommodation for the Inspector and Programme Officer?***

3. Pre-Hearing Meeting
Pre-Hearing Meetings (PHM) are not normally held nowadays for Local Plan examinations. However, where complex or contentious issues are raised and/or large numbers of unrepresented people have raised objections, a PHM can be useful, to explain the examination process and the procedural and administrative arrangements. In this instance, it may be useful to hold a PHM; this usually takes place about 6-8 weeks after the Plan has been submitted and 4 weeks' notice of the PHM is needed. A date during the week commencing 9 February 2015 may be convenient. ***Can the Council advise whether a Pre-Hearing Meeting is necessary in this instance, and advise the Programme Officer to make the necessary arrangements?***

4. Representations
The Council confirms that 522 representations were duly made on the Publication Draft of the Plan by various organisations/individuals between 17 February-31 March 2014, along with a further 20 representations which were not duly made (mainly late representations)⁴. These relate not only to the soundness of the Plan, but also whether it is legally compliant (including the Duty to Co-operate). However, only those representations that were made within the prescribed period can be taken into account by the Inspector⁵; late or inadmissible representations are not normally considered. The Council has not yet indicated who wishes to have an oral hearing and participate in the hearings; further details are needed about the topics/policies on which people wish to participate. Links to the

¹ The Programme Officer will give further guidance on this request

² Town & Country Planning (Local Planning) (England) Regulations 2012 [SI. 2012/767] (Reg.22)

³ Town & Country Planning (Local Planning) (England) Regulations 2012 [SI. 2012/767] (Reg. 24 & 35)

⁴ Submission Document: 9 – Statement of Pre-Submission Consultation – Publication Draft (2014) [Reg.22]

⁵ Examining Local Plans – Procedural Practice (Annex 1; ¶ 3) [Planning Inspectorate; December 2013]

representations should also be available on the Council's web-site. **Can the Council confirm firstly, whether they intend to formally accept the inadmissible/late representations; secondly, that links to the duly-made representations will be included on the Council's web-site; and thirdly, that details of those who wish to participate at the hearings and the topics/policies on which they wish to participate will be provided to the Inspector and the Programme Officer as soon as practicable.**

5. Council's responses to representations and proposed amendments

The Council has compiled schedules which identify the issues raised in the representations, along with their responses⁶. The Inspector understands that the Council has considered all the representations, but does not propose to make any amendments or modifications to the Publication Draft of the Plan. **Can the Council confirm that it proposes to make no further amendments or modifications to the Publication Draft of the Plan as a result of the representations received and, if not, whether any changes would require public consultation and further sustainability appraisal?**

6. Key issues

The Council has highlighted the main issues raised in the representations, relating to the Strategic Core Policies, Sub-Area Policies and Thematic Policies, including Economy, Transport, Housing, Environment, Minerals, Waste Management, Design, Implementation & Delivery. The examination hearings are likely to focus on these issues, along with issues relating to legal compliance, including the Duty to Co-operate. **It would be helpful if the Council could indicate whether there are any "showstoppers" raised in the representations which could lead to an early potential finding of fundamental unsoundness.**

7. Meetings with representors

The Inspector would like to know whether the Council's officers are having any meetings with relevant bodies and key representors with a view to resolving the issues in dispute before the hearings commence. Statements of Common Ground can be useful in narrowing the issues in dispute, and should be submitted well before the hearings commence. **Can the Council indicate whether any meetings are being held/to be held with relevant parties before the hearings commence?**

8. Main Modifications

The 2004 Act (as amended) distinguishes between "Main Modifications" and "Additional Modifications". "Main Modifications" are changes needed to ensure the plan is sound and can be adopted, and are limited to rectifying issues of legal compliance and/or soundness⁷. "Additional Modifications" are minor changes which do not materially affect the policies in the plan, when taken together with the "Main Modifications". The Council can make "Additional Modifications" at any time before adoption; these are not formally considered at the examination or recommended by the Inspector. However, the Inspector cannot consider or recommend "Main Modifications" unless specifically requested to do so by the local planning authority⁸. Without this request, his report will be confined to identifying any soundness or legal compliance failures and possibly recommending non-adoption of the plan. **The Council will therefore need to consider whether they wish the Inspector to consider and recommend modifications under Section 20(7C) of the 2004 Act.**

9. Legal and procedural requirements

The Inspector notes that the Council has prepared Soundness and Legal Compliance Self-Assessments, as recommended by the Planning Advisory Service. The Council has also added copies of the latest Local Development Scheme and Statement of Community Involvement to the list of documents, and

⁶ Submission Document: 9 – Statement of Pre-Submission Consultation – Publication Draft (2014) [Reg.22]

⁷ Revised s20(7B) of the Planning & Compulsory Purchase Act 2004

⁸ Revised s70(7C) of the Planning & Compulsory Purchase Act 2004

has submitted a Statement on the Duty to Co-operate⁹. The Sustainable Community Strategy is another document which the Plan has to have regard to. **Can the Council provide a copy of the latest Sustainable Community Strategy and add it to the list of documents? Can the Council also confirm that, in its view, the submitted plan is both legally compliant and sound, and that there are no failings in the legal/procedural requirements or shortcomings in terms of soundness? It would also be helpful for the Council to confirm whether, in its view, it has fully met the legal requirements in terms of the Duty to Co-operate, including maximising the effectiveness of the plan-making process and co-operating and engaging with the relevant bodies on an on-going basis with regard to strategic matters, including cross-boundary issues? Are there any outstanding issues arising from the Duty to Co-operate process, including those related to adjoining local authorities?**

10. Sustainability Appraisal

The Inspector notes the various documents on sustainability appraisal included with the submission documents¹⁰. **Can the Council confirm that the Sustainability Appraisal reports fully appraise all the various alternative options considered and clearly indicate why the preferred option was chosen, including any necessary mitigation measures and the reasons for rejecting other reasonable alternatives, and whether there are any outstanding issues related to the sustainability appraisal work?**

11. Appropriate Assessment under the Habitats Regulations

The Inspector notes the various documents submitted under the Habitats Regulations, including Habitats Regulations Assessment of the Plan¹¹. He also notes the concerns of Natural England in their representations on the Publication Draft of the Plan. **Can the Council confirm whether there are any outstanding issues relating to the Appropriate Assessment under the Habitats Regulations and other reports, and whether Natural England and other relevant bodies are satisfied with the approach, including the impact of development proposals in the Local Plan on internationally protected sites (eg. Ramsar/SPA/SACs).**

12. Strategic Flood Risk Assessment

The Inspector notes that a Strategic Flood Risk Assessment has been undertaken¹², and notes the concerns of the Environment Agency in their representations on the Publication Draft of the Plan. **Can the Council confirm whether there are any outstanding issues relating to the Strategic Flood Risk Assessment and water management, and that the approach has been agreed with the Environment Agency?**

13. Transportation

The Inspector notes that, apart from the updated Local Infrastructure Plan, little background evidence is submitted on highways and transportation. He also notes the comments of the Highways Agency in their representations on the Publication Draft of the Plan. **Can the Council confirm whether there are any outstanding issues related to highways and transport infrastructure, and whether the Highways Agency and Highways Authority have any outstanding concerns about the soundness of the plan's strategy?**

14. Outstanding documents, reports and other work

Can the Council confirm whether there are any other outstanding documents, reports or studies to be submitted, and if so, what is the likely timetable for completion?

⁹ Submission Document: 6: Duty to Co-operate Statement [Dec 2014]

¹⁰ Submission Documents: 2 & 3 [Feb 2014]

¹¹ Submission Documents: 19-22 [June 2012-Dec 2014]

¹² Evidence Base Document: 48 – Strategic Flood Risk Assessment – Level 1 [Feb 2011/2014]

15. Background Evidence documents

The Inspector notes the background evidence documents already submitted with the Plan. However, there are sometimes other documents which may be relevant to the Plan and its justification. These may include other plans and strategies, not only of Bradford MDC, but also of adjoining local authorities and organisations (such as the Local Enterprise Partnership). Others may cover specific topics (such as the Local Transport Plan, local housing and investment strategies, Annual Monitoring Reports, Green Infrastructure Strategy, Minerals Evidence Base, etc.). The Inspector does not wish to encourage the submission of irrelevant documents, or those which do not relate to the soundness of the Plan and its strategy, but wishes to ensure that there are no other essential documents which are needed to properly examine the soundness of the submitted Plan. ***Can the Council consider whether there are any further documents, reports or studies which are essential to justify and examine the soundness of the Plan and its strategy?***

16. Topic/Background Papers

The Inspector notes that Background Papers have been produced covering Housing and Employment, along with an Overview¹³. ***Can the Council confirm whether it intends to prepare any further Background/Topic Papers for the examination and indicate a timescale for publication?*** Background/Topic Papers should be produced well before the hearings commence, but should be authorised by the Inspector before preparation. In March 2014, the Government published new Planning Practice Guidance, including guidance on Local Plans, the Duty to Co-operate, and housing and economic development needs and land availability assessments¹⁴. ***Can the Council indicate whether it has reviewed the submitted Plan and its preparation against the latest Planning Practice Guidance?***

17. Programme Officer

The Inspector is already in contact with the Programme Officer, Tony Blackburn. The Council's team will need to work closely with the Programme Officer in making the arrangements for the examination and hearing sessions; it is often helpful to appoint an examination manager as the Programme Officer's main contact. If the Council (or any representor) has any queries about the processes or procedures for the examination, they should not hesitate to contact the Programme Officer.

18. Hearings

The Inspector will produce Guidance Notes to outline the nature and scope of the hearing sessions. Please note that only those representors who seek some change to the plan can usually participate in the hearings. The Programme Officer will clarify and confirm the attendance of participants at the hearings. The hearing sessions are an informal round-table discussion, where the Inspector asks questions and participants discuss key matters based on the Matters & Issues identified for Examination. There is no need for legal representation, but lawyers can attend as a member of the team. ***Has the Council decided whether they will be legally represented at the hearings and are there any additional bodies/organisations that should participate in particular hearing sessions?***

19. Web site

The Council will need to set up a Local Plan Examination web-page. This should include the name and contact details of the Programme Officer, the name of the Inspector, the date/venue for the hearings/PHM, links to the examination library and core documents, copies of the representations, and any material produced by the Council, representors, Inspector and Programme Officer. This will be updated as the examination progresses.

¹³ Submission Documents: 15-18 [Feb/Dec 2014]

¹⁴ Planning Practice Guidance (Refs: ID:9; ID2a; ID:3; ID:12) [DCLG: March 2014]

20. Note-taking
In order to make efficient progress during the hearing sessions, the Inspector will require the Council to provide an independent note-taker to record the gist of the discussions. This is not intended as a verbatim report, but a summary of the key points/agreements/concessions made during the discussions. The note-taker can be a member of the Council's Planning Department (although not someone directly involved in the preparation of the Plan), other departments or an external person. For this purpose, they are an officer of the examination, working under the direction of the Inspector. The Programme Officer can sometimes assist, but he cannot take notes all the time, since he will have other duties during the course of the hearing sessions. **Can the Council confirm that they will arrange for someone to take notes at the hearing sessions?**
21. Guidance
The Council should be fully aware of the published national planning policy guidance in the NPPF (March 2012) and more recent Planning Practice Guidance (March 2014). The Planning Inspectorate has also produced several guidance notes¹⁵, which cover the nature and process of examining local plans (including Procedural Guidance updated in December 2013). **Can the Council confirm that they are fully aware of this guidance?**
22. Future programme
The basic procedure is to set a date for the PHM (if required) and notify representors at least four weeks before of the date. Brief Guidance Notes on the examination process will be circulated by the Programme Officer in the next few weeks, along with the Matters & Issues for examination and draft programme for the hearings. The Council and other participants will be invited to provide brief statements addressing the Inspector's Matters & Issues, to be submitted about 2-3 weeks before the hearings commence. At least 6 weeks' notice is needed before the commencement of the hearing sessions.
23. Procedure and experiences
The Council may wish to contact representatives of other local authorities to check feedback/experiences of the process and procedure of examining local plans. The Inspector has examined many development plans, including Core Strategies, Local Plans and other DPDs. He is also generally familiar with the issues involved in the Bradford area.
24. The Inspector welcomes an initial response from the Council to these questions by **9 January 2015**, if possible, so that arrangements for the PHM and hearings can be set in motion. The Council's responses can be added to this document under the appropriate section, and this will then become an examination document.

Stephen J Pratt – Development Plan Inspector

19 December 2014

SJP/TB 19.12.14

¹⁵ <http://www.planningportal.gov.uk/planning/planningsystem/localplans>, including:
Examining Local Plans: Procedural Practice [PINS: December 2013; 3rd Edition v.2]
Examining Development Plan Documents: Learning from Experience [PINS; September 2009]