

CITY OF BRADFORD MDC LOCAL PLAN FRAMEWORK

EXAMINATION OF THE BRADFORD LOCAL PLAN CORE STRATEGY

GUIDANCE NOTES FOR PARTICIPANTS

Deadline for submission of further statements: 20 February 2015

Hearings commence: 4 March 2015

Hearings venue

Victoria Hall, Victoria Road, Saltaire, BD18 3JS

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http://www.bradford.gov.uk/bmdc/the_environment/planning_service/local_development_framework/core_strategy_dpd_examination.htm

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL EXAMINATION OF THE BRADFORD LOCAL PLAN CORE STRATEGY

GUIDANCE NOTES FOR PARTICIPANTS

1 Introduction

- 1.1 The Inspector has prepared these Guidance Notes to assist everyone who wishes to be involved in the Examination of the Bradford Local Plan Core Strategy (the "Plan"). This Plan was published in February 2014 and was formally submitted to the Secretary of State on 12 December 2014.
- 1.2 **It is important that everyone who wishes to be involved in the hearing sessions of the Examination takes account of this Guidance Note.** Please note that only those who made representations on the Publication Draft of the Plan during the prescribed period are involved in the Examination process, and only those who seek some changes to the Plan are normally involved in the hearing sessions.

2 Inspector and Programme Officer

- 2.1 The Secretary of State has appointed Planning Inspector **Stephen J Pratt** BA(Hons) MRTPI under Section 20 of the Planning & Compulsory Purchase Act 2004 to carry out the independent examination of the Bradford Local Plan Core Strategy.
- 2.2 The Programme Officer for the examination is **Tony Blackburn**. He is an independent officer of the Examination, working under the Inspector's direction, who helps to organise the programme of hearings, maintains the Examination library, records and circulates all material received, and assists the Inspector with procedural and administrative matters. He will advise on any programming and procedural queries, and any matters which the Council or participants wish to raise with the Inspector should be addressed to the Programme Officer. His contact details and web-site address are on the cover sheet of these notes.

3 Purpose of the Examination and Inspector's role

- 3.1 The purpose of the Examination is to examine the **soundness** and **legal compliance** of the Bradford Local Plan Core Strategy. The "Examination" starts when the Plan is submitted to the Secretary of State and ends when the Inspector's report is sent to the Council. The Inspector has already begun his initial examination of the Plan and has asked the Council for information on various matters (see the Examination web-site¹).
- 3.2 The Inspector's role is to assess whether the Plan has been prepared in line with the relevant legal and procedural requirements set out in Sections 19-20 of the 2004 Act (as amended) and associated regulations, including the Duty to Co-operate, and whether it is sound in terms of the guidance in the NPPF (March 2012)². **The Examination will focus on these requirements.** The Council should rely on evidence collected while preparing the Plan to demonstrate that it is sound. Those seeking to change the Plan need to specifically demonstrate why the submitted Plan is unsound and/or not legally compliant.
- 3.3 The examination of the Plan is concerned with two separate matters²:
- **Legal requirements**: *whether the Plan has been prepared in line with the Duty to Co-operate, and with the Local Development Scheme, Statement of Community Involvement and Local Planning Regulations; has been subject to Sustainability Appraisal; and has regard to national policy and the Sustainable Community Strategy;*
 - **Soundness**: *whether the Plan has been:*
 - **Positively prepared** - *based on a strategy which meets the objectively assessed development and infrastructure requirements, including unmet requirements from surrounding areas where it is reasonable to do so and consistent with achieving sustainable development;*
 - **Justified** - *the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence;*
 - **Effective** - *deliverable over its period and based on effective joint working on cross-boundary strategic priorities;*
 - **Consistent with national policy** - *enable the delivery of sustainable development in line with policies in the National Planning Policy Framework (NPPF).*

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http://www.bradford.gov.uk/bmdc/the_environment/planning_service/local_development_framework/core_strategy_dpd_examination.htm

² National Planning Policy Framework (including ¶ 182) [DCLG: March 2012]

- 3.4 It is important to note that the Inspector cannot rectify any non-compliance with the legal requirements related to the Duty to Co-operate, and he can only make recommendations to modify the Plan to address matters of legal compliance and/or soundness if asked to do so by the Council. If such modifications are needed to address potential soundness and legal compliance issues, he will ask the Council whether they wish him to consider recommending such modifications.
- 3.5 The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound and legally compliant plan, as the NPPF (¶ 182) requires. The Examination is into the **soundness** of the Plan, **not into individual objections**. In examining the Plan, the Inspector considers the representations made to the Publication Draft Plan insofar as they relate to the legal requirements and soundness of the Plan. The Inspector is not required to consider or report on every point made in the representations, but to use them in assessing whether the Plan is legally compliant and sound.
- 3.6 The soundness and legal compliance of the Plan will be addressed through informal round-table discussions at the Examination hearings, based on key Matters & Issues which the Inspector identifies. The hearings will focus on these main issues, rather than on the representations. The Inspector's role is to ensure the Plan meets the soundness tests in the NPPF, rather than seeking to "improve" it or make it "sounder". The Inspector will recommend any "*Main Modifications*" needed to ensure the plan is sound and can be adopted, but he does not need to recommend any minor changes ("*Additional Modifications*") which the Council wish to make to the Plan.
- 3.7 The Inspector takes control of the Examination process from start to finish. However, the scope for making substantial or fundamental changes to the Plan, once submitted, is limited, particularly where they have implications for the sustainability appraisal, the consultation processes already undertaken and the underlying strategy. PINS guidance³ advises that post-submission changes to a plan should not be necessary, and the Council should only seek changes after submission in exceptional circumstances or to cater for the unexpected. Any "Main Modifications" needed to ensure the Plan is legally compliant and sound will normally be subject to the same process of publicity, opportunity to make representations and sustainability appraisal as the original Plan.
- 3.8 The Inspector is currently undertaking his initial assessment of the legal compliance and soundness of the submitted Core Strategy, having regard to the submitted documents, evidence base and representations. Please do not submit any further information or representations at this stage unless requested by the Inspector. The Inspector will shortly publish the "Matters & Issues for the Examination", and there will be a further opportunity to comment on these key matters and issues when the schedule is published.
- 3.9 For the examination of this Core Strategy, the discussion will focus on strategic issues, along with the specific areas proposed for development in the Plan and shown on the Key Diagram. Specific sites and land allocations will be dealt with in subsequent plans. The merits of national policies will not be debated, but the Examination will consider the application and implications of such policies if they directly affect the topics and areas covered by the Plan.
- 3.10 In carrying out this Examination, the Inspector will aim to work in a pro-active, pragmatic and consensual manner with the Council and other participants, with the aim of delivering a positive outcome in terms of the soundness of the Bradford Local Plan Core Strategy.

4 Representations on the Bradford Local Plan Core Strategy

- 4.1 In accordance with the Local Planning Regulations⁴, the Council has confirmed that 522 representations were received from various organisations/individuals on the Publication Draft Plan between 17 February-31 March 2014, along with 49 inadmissible (mainly late) representations. The Inspector only considers those representations made within the prescribed period and does not normally consider representations which have not been accepted by the Council.
- 4.2 The Council has summarised the main issues raised in the representations in its Statements of Consultation⁵, which cover most of the policies in the Plan, including:
- *Strategic Core Policies;*
 - *Sub-Area Policies;*
 - *Thematic Policies, including Economy, Transport, Housing, Environment, Minerals, Waste Management, Design and Monitoring & Implementation.*

³ Examining Local Plans: Procedural Practice [PINS: December 2013]

⁴ Town & Country Planning (Local Planning) (England) Regulations 2012; SI.2012/767 [Reg. 22(c)(v)]

⁵ Examination Documents 004 & 007

4.3 The Council has considered all the representations, but does not propose to make any changes to the Plan at this stage. However, amendments to the Plan may be debated during the Examination, to ensure that it is sound. Any changes proposed during the examination/hearings should include the precise wording of any amendments to the policies/text of the Plan and be set out in an Examination document.

5 Methods of considering representations

5.1 Representations on the Plan will be considered either on a written basis (based on the original representations), or by participating at the hearing sessions. **Normally, only those who seek some change to the Plan to make it sound or legally compliant are entitled to participate at the hearing sessions⁶.** Both methods carry the same weight and the Inspector will have equal regard to views put orally or in writing. Those who wish their representations to be considered in writing can rely on their original representations. Those who are supporting or commenting on the Plan do not need to attend; participants only need to attend the hearings if they wish to contribute to the debate. Anyone who wishes to participate in the hearings should let the Programme Officer know as soon as possible.

6 Procedure at the Hearing Sessions of the Examination

6.1 The hearing sessions of the Examination will commence on **Wednesday 4 March 2015** at **10.00am**. Details of the venue and the programme for the hearings will be made available later, but at this stage, it is envisaged that the hearings will be held over several weeks during Spring 2015. The Programme Officer will provide further details as soon as they are available.

6.2 The purpose of the hearing sessions is to concentrate on the Matters & Issues identified by the Inspector, rather than repeat or debate points made in the representations or present individual cases. The hearings will be conducted on the basis that everyone has read the relevant documents and statements, although participants will be able to refer to and elaborate on relevant points. The statements of the Council and other participants will be available to all those participating in the relevant hearing sessions. The Inspector will endeavour to progress the hearing sessions in an efficient manner, keeping a tight hand on the discussions and time taken. As part of this process, he will aim to minimise the amount of material that is necessary to come to informed conclusions on the relevant issues.

6.3 A separate hearing session of the Examination will be held for each of the main Matters in the programme. The sessions will take the form of an informal, structured and informed discussion, where the Council and other participants debate the key points raised by the Inspector around a table. Legal/professional representatives are welcome to participate and ask questions, but there is no presentation of evidence, reading of statements, cross-examination or formal submissions. Participants do not need to be legally represented, but they should let the Programme Officer know well before the hearings commence if they intend to have legal representation, along with the names of their representative(s).

6.4 Before each session, the Inspector will set out a detailed agenda with the points for discussion on each Matter. The discussion will focus on the issues identified in the agenda and the questions posed. The hearing sessions are intended to discuss issues related to the soundness and legal compliance of the Plan, rather than discussing the representations or presenting participants' cases. **The Examination process does not provide the opportunity to present new evidence not based on the original representation or to submit new points and material.** The Examination will focus on the Publication version of the Plan, rather than debating some alternative plan with a different strategy.

6.5 Not all matters and issues, or policies, will be discussed at the hearings; some will be dealt with in writing. In some cases, issues may only be discussed with the Council, without other participants taking part. Anyone can attend the hearings as an observer, but they will not be able to take part in the discussion unless they are listed on the programme.

7 Hearings Programme

7.1 A draft programme for the hearings will be published well before the hearings commence. This programme will reflect the Inspector's *Schedule of Matters & Issues for Examination*. In addition to considering the legal and procedural requirements (including the Duty to Co-operate), the list of Matters and Issues is likely to cover most of the key issues that have been raised in the representations (see para 5.2 above). However, the list may be reviewed if new Government statements are issued on national and local planning policy or on the scope of the examination.

⁶ Planning & Compulsory Purchase Act 2004 [S.20(6)]

7.2 Every effort will be made to keep to the programme, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the scheduled time, and it may be necessary to extend the debate in the afternoon session. The Programme Officer will inform participants of any late changes to the timetable, but participants should aim to keep themselves up to date with the programme.

8 Preparation and submission of further material

8.1 The Council has already submitted the Submission Documents for the Plan, including the Evidence Base and Supporting Documents; this is available on the Council's web-site⁷. Participants should ensure that any documents they wish to refer to are included in the Examination Library, and should arrange for any missing documents to be sent to the Programme Officer (4 copies, including an electronic copy).

8.2 The original representations made on the Publication Draft Plan should include all the points, documents and evidence necessary to substantiate participants' cases. **It should not therefore be necessary to submit any further material based on the original representations. Any further statements should only respond to relevant matters in the Inspector's Schedule of Matters & Issues for the Examination**, rather than repeating or expanding on the original representations. A draft version of this schedule will be available shortly, along with the programme for the hearings. Statements from the Council and other participants should be submitted to the Programme Officer no later than **Friday 20 February 2015**.

8.3 The Council is invited to address all the matters, issues and questions, referring to information in the Submission Documents and Evidence Base, explaining why the Plan is sound, responding to the concerns of those challenging the Plan and setting out any proposed changes to the Plan. If they wish, other participants may submit further brief statements addressing specific Matters and Issues for each session they are attending. There is no need to repeat points made in the original representations, and participants can rely on those earlier representations. Please note that **the examination process does not provide for the submission of completely new evidence or material or new points unrelated to the original representations**. Statements should focus on relevant Matters & Issues identified for Examination, without raising new issues not included in the original representation. Participants may refer to information in earlier representations, but the Inspector only has copies of the representations made to the Publication Draft version of the Plan. **Participants will be expected to state which aspect of the Plan is unsound, explain why it is unsound, and set out how it could be made sound.**

8.4 Participants challenging the Council's approach to the Duty to Co-operate should clearly indicate how and why they have failed to meet the relevant legal requirements. Those challenging the development strategy and overall level of housing and employment development should clearly explain why the Council's approach is unsound. Statements should be succinct, avoiding unnecessary detail, repetition and quotations from the Plan or other sources of policy guidance. Nevertheless, it is vital that the fundamental elements of the cases are set out clearly and succinctly, since **the hearings are not the place for new points or evidence to be presented for the first time**. All statements should clearly indicate the relevant policy/paragraph/page of the Plan. Participants should avoid submitting unsolicited evidence or information not requested by the Inspector.

8.5 Participants should try to agree factual matters and statistics before the hearings start and continue a dialogue with the Council and other participants. Statements of Common Ground can be useful in narrowing the issues in dispute, and should be submitted within the timescales set out. There is no need to prepare a further statement if all the points are covered in the original representation, but participants will not be able to raise new points or extend the scope of the original representation. Participants should notify the Programme Officer if they intend to submit further statements.

8.6 The Programme Officer will require **4 paper copies** of all statements, as well as an electronic version for those with email facilities. Separate statements from participants for each Matter should be **no longer than 3,000 words** (the Council's statements may exceed this figure, if necessary, due to their scope and content, but should still be succinct). Statements that are excessively long or contain irrelevant or repetitious material may be returned. Technical evidence, clearly related to the case, may be included in appendices. Supporting material should be limited to that which is essential to understand the case and should not contain extracts from documents already in the Examination library. Statements

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http://www.bradford.gov.uk/bmdc/the_environment/planning_service/local_development_framework/core_strategy_dpd_submission.htm

should be on A4 paper, unbound, and any plans, photos or diagrams should fold down to A4 size.

- 8.7 Participants should adhere to the timetable for submitting further statements and should avoid submitting additional material during the hearings. **Late submissions and additional material are unlikely to be accepted on the day of the relevant session**, since this can cause disruption and result in unfairness. Unless the Inspector is satisfied that there is a genuine and unavoidable reason, **those who fail to meet the deadline may lose their right to be heard**; the points raised will then be considered by written representations. If statements are not received by the deadline stated, the Programme Officer will assume that no further statements are to be submitted. Further statements from the Council and others will be put on the Examination web-site and will be available from the Programme Officer, but will not be formally circulated to participants.

9 Availability of information

Examination Library

- 9.1 The Examination Library is currently available for inspection at the offices of the City of Bradford MDC at **Planning Reception, Ground Floor, Jacobs Well, Nelson Street, Bradford BD1 5RW**. This contains copies of the Plan, along with associated documents, representations and the Examination Library, including the Submission Documents and Background Evidence; further statements and documents will be added, as received. Copies of the representations, statements and other relevant information are also available via links on the Examination web-site⁸. When the hearings are in session, the Examination Library will be located in the Examination office at the hearing venue.
- 9.2 The Programme Officer will record all documents submitted. Lists of documents, the up-to-date Programme for the hearing sessions and other relevant material will be on the Examination web-page. Anyone who needs assistance or special facilities for disabled persons should contact the Programme Officer beforehand.
- 9.3 In March 2014, the Government issued *Planning Practice Guidance* to accompany the NPPF⁹. Further guidance on the examination process can be found in the Planning Inspectorate's booklet: "*Examining Local Plans: Procedural Practice*" (updated in December 2013), available from the Programme Officer and on the PINS Planning Portal. Other guidance is referred to in the attached annex to these Guidance Notes.

10 Site visit arrangements

- 10.1 The Inspector will familiarise himself with the district, visiting relevant places referred to in the Plan and representations on an unaccompanied basis. He will ask the Council to suggest an itinerary of relevant areas and places for him to include on his site visits. If there are particular areas or places which participants wish him to visit, or need an accompanied visit, they should discuss this with the Programme Officer.

11 Close of the Examination and submission of Inspector's report

- 11.1 The Examination remains open until the Inspector's report is submitted to the Council. However, the Inspector will not accept any further representations or evidence after the hearing sessions have finished unless he specifically requests further information. Any late or unsolicited material is likely to be returned.
- 11.2 After the hearings have closed and, if necessary, any "Main Modifications" required to ensure the Plan is sound and can be adopted have been published and subject to consultation, the Inspector will prepare a report for the Council with conclusions and recommendations. This report will deal with the main issues relating to the soundness and legal compliance of the Plan, taking into account the representations made, but it will not deal with individual representations. The date of submission of the report will depend on the content, extent and length of the Examination and the issues raised. The Inspector will confirm the likely date at the end of the hearing sessions of the Examination.

11.3 IMPORTANT – This part of the examination process does not provide the opportunity for participants to submit further new evidence or reports which should have been submitted at the formal consultation stage. Therefore, the 3000-word maximum limit on any further statements is absolute. Anyone thinking of submitting any further material should seek the inspector's approval first.

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http://www.bradford.gov.uk/bmdc/the_environment/planning_service/local_development_framework/core_strategy_dpd_examination.htm

⁹ Planning Practice Guidance [DCLG: March 2014]

SJP/TB 12.01.15

ANNEX A

SOURCES OF RELEVANT DOCUMENTS AND ADVICE

A. Council's web-site

Details of the submission of the Bradford Local Plan Core Strategy, including the Submission Documents and the Background Evidence can be found at:

http://www.bradford.gov.uk/bmdc/the_environment/planning_service/local_development_framework/core_strategy_dpd_submission.htm

B. Relevant legislation and national policy

- *Planning & Compulsory Purchase Act 2004 (as amended)*
- *Planning Act 2008*
- *Local Democracy, Economic Development & Construction Act 2009*
- *Localism Act 2011*
- *The Town & Country Planning (Local Planning) (England) Regulations 2012*

This legislation can be found at:

<http://www.legislation.gov.uk/>

The National Planning Policy Framework (March 2012) and Planning Practice Guidance (March 2014) can be found at:

<http://planningguidance.planningportal.gov.uk/>

C. Plan Making

The Planning Advisory Service produces useful guidance on plan-making, including the principles of plan-making and local planning, which can be found at:

<http://www.pas.gov.uk/plan-making>

D. Guidance from the Planning Inspectorate

The Planning Inspectorate has produced various guidance on examining development plans:

- *Examining Local Plans: Procedure Guidance* [3rd Edition v.2; December 2013]
- *Examining Development Plan Documents: Learning from Experience* [PINS: Sept 2009];

These documents can be found at:

<http://www.planningportal.gov.uk/planning/planningsystem/localplans>