

**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?***

Council Response

The Council can confirm that all documents and information required by the Local Planning Regulations have been submitted to the Secretary of State. Copies of all documents included in the evidence base will be made available as soon as possible.

The Submission documents alongside the background evidence documents are available to view on the Bradford Council Local Plan web site which can be accessed by using the following website link:

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

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?***

Council Response

The Council would like to proceed to the hearings as soon as practicable but recognises the need to consider the forthcoming national and local elections in May. To this end the Council would prefer that the hearings commence earlier in March, starting during the week beginning 2nd March until 20th March. Any further hearings would then need to be programmed following the elections, preferably in mid May, subject to the availability of the Inspector.

The Council can confirm that appropriate accommodation will be reserved for the examination hearing session's and the necessary

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)

arrangements will be made, including accommodation for the Inspector and Programme Officer. The Council will confirm with the Programme Officer all of the necessary arrangements.

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?***

Council Response

The Council do not consider that a Pre-Hearing Meeting would be required.

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 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.***

Council Response

The Council received a total of 49 representations after the formal closing date. Those who made late representations were notified that they were not considered duly made as a result but would make the Inspector aware of their existence.

The Council does not consider that there are any exceptional circumstances to warrant the representations being treated as duly made.

The Council is in the process of making available the redacted version of the duly made representations online through the following link:

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

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.

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]

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?***

Council Response

The Council has considered all the representations received to the Publication Draft Core Strategy in line with the Statement of Community Involvement and relevant Regulations. The Submission Statement of Consultation (SD04) provides a summary of the significant main issues together with the Councils response and the Statement of Consultation on the Publication Draft (SD09) provide a summary of all the issues raised by the representations and the Councils response.

The Council's position is that the Core Strategy Submission version as approved by Full Council and submitted to the Secretary of State, sets out a sound strategy in support of sustainable growth up to 2030. There are no formal amendments proposed to be made to the Submission version of the Plan to address any points made at the present time.

It will be for the examination process to consider issues of legal compliance and soundness and any main modifications considered prior to adoption of the Local Plan Strategy.

If main modifications are deemed necessary then they would be subject to further consultation and depending on the nature of these they would also need to be subject to further sustainability appraisal as appropriate other appraisals such as the Habitats Regulation Assessment.

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.***

Council Response

The Council considers that there are no 'showstoppers' raised in the representations that could lead to an early potential finding of fundamental unsoundness.

The submission statement of consultation (SD04) sets out what the Council consider to be the significant main issues raised together with the Councils response (Section 7). Further details on all the issues raised can be found in the summary of issues and the Councils response in the Publication Draft statement of consultation (SD09), see Section 3 and Appendix 7.

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

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?***

Council Response

The Council will be allowing the House Builder Consortium time to review the updated version of the HRA as submitted with a view to narrowing the issues in dispute in terms of the HRA process and report. It is not anticipated that this will require a meeting. However it is hoped that a statement of common ground can be agreed.

The Council is still in discussion with Environment Agency (EA) in preparation of further background information (see response to question 12). This may require a further meeting.

Discussions are taking place with English Heritage, Sport England and other parties with the intention of resolving issues in dispute through minor modifications 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.***

Council Response

The Council formally ask the Inspector to consider and recommend main modifications as part of the examination if through the examination process the Inspector considers they are required in order to adopt the plan.

The Council is minded to produce minor modifications subject to hearings and the need for and nature of any main modifications. See also response to question 7.

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 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***

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

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

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

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?

Council Response

A Copy of the latest community Strategy 2011 – 2014 will be provided and added to the list of submitted documents.

The Council confirms 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.

The Council can confirm that it has fully met the legal requirements in terms of the duty to cooperate response. The Duty to Cooperate Statement (SD06) sets out how the Council has discharged its legal duty in the preparation of the Core Strategy up to submission. It demonstrates how the council has positively engaged with relevant bodies on an ongoing basis with regards to strategic matters. There are no outstanding issues arising from the Duty to Cooperate process.

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?***

Council Response

The Council confirms that the Sustainability Appraisal report (SD02 & SD03) appraise all the various reasonable alternative options considered and clearly indicate why the preferred option was chosen, including all necessary mitigation measures and the reasons for rejecting other reasonable alternatives. There are no 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).***

¹⁰ Submission Documents: 2 & 3 [Feb 2014]

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

Council Response

The Council with its consultants Urban Edge have updated the HRA (SD22) in response to the representations received to the Publication Draft from both Natural England and others. Natural England have been consulted in this further work and reviewed the HRA as submitted prior to submission. Their current position is set out in their letter of 8 December 2014. They have reviewed their previous advice on the HRA and assessed the alterations and additions which have been made within the latest version (as submitted). Natural England are now satisfied that the HRA as revised address the concerns raised in their representations regarding:

- The incorrect use of typical South Pennine Moors Special Area of Conservation (SAC) bird species to determine adverse effects on the SAC's integrity.
- The assessment of the Core Strategy's adverse effects upon the Special Protection Area's (SPA) breeding bird assemblage (as identified within the original citation signed in 1998).

The RSPB recognise the issues that the Council faces and were supportive of the overall approach and the policy response proposed in their comments on the publication draft plan. At a recent meeting the local representative provided helpful advice about bird populations and associated habitats.

The Council can therefore confirm that Natural England and the RSPB are satisfied with the overall approach and the assessment of the potential impacts of development on European Sites. Issues relating directly to the HRA Report assessing proposals in the core strategy have been addressed and agreed. However all parties recognise that further progress needs to be made in moving towards the implementation and effective delivery of the avoidance and mitigation measures required to address the agreed effects. Work is ongoing on addressing these issues.

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?***

Council Response

The Environment Agency response to the Publication Draft raised 3 key issues; the need to consider amendments to policy wording in relation to the Airedale Trunk Sewer (raised in the context of duty to co-operate), the need to prepare a sequential test paper and the need to close out comments/ updates in relation to the Level 1 SFRA (SD48).

With the agreement of colleagues in the Environment Agency, Yorkshire Water was consulted about potential amendments to policy wording in relation to the Airedale Trunk Sewer. While the issue is already addressed in broad terms in the Publication Draft plan and is considered sound. However, a minor amendment is being considered to provide clarity on the matter.

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

While the Environment Agency note that the housing background paper acknowledges the need for and requirements of the sequential test and offers some explanation of this, they consider that the preparation of a sequential test paper, which pulls together all the information in one document will provide more transparency to demonstrate how the sequential test is being applied. The sequential test paper has still to be agreed with the Environment Agency. See related response to questions 7 and 16.

In relation to the SFRA Level 1, the EA have been engaged throughout its preparation. The authority has agreed on the need for a few minor updates to the text of the document with the Environment Agency. The mapping work that accompanies the SFRA is currently being reviewed by the Environment Agency, as they have recently produced further modelling work on the River Wharfe which might lead to data quickly being out of date.

Both the Council and the Environment Agency are keen to reach an agreed position in relation to data issues and a sequential testing paper and it is anticipated that they could be addressed at an early meeting, followed by a jointly agreed update.

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?***

Council Response

The background context and evidence on highways and transportation is primarily contained in the key transport strategies and plans and other documents as referred to in Section 5.2 - Transport and Movement - of the Core Strategy. Links to these documents have been included in the document list attached (see question 14). Additional evidence is contained in the District Wide Transport Study (SD39) which is contained within the Core Strategy Evidence Base.

Bradford Council is the Highways Authority for the whole of the District (apart from the M606 which is managed by the Highways Agency) as there are no Trunk Roads within the District boundary.

The Highways Agency have advised that they have no outstanding concerns about the soundness of Bradford Council's Local Plan Core Strategy. Issues relating to the impact of development on the Strategic Road Network have been identified but they are satisfied that these will be addressed through planned investment and by partnership working which is already well established and continues to be strengthened in the context of the Duty to Co-operate. They have also highlighted confirmed future major investment in the Strategic Road Network which will address issues at the M62 junctions that would be most impacted by additional traffic generated through the Local Plan proposals. A letter outlining the Highways Agency position and the proposed schemes is attached for information.

West Yorkshire Combined Authority (formerly ITA/Metro) is the Transport Authority for West Yorkshire and they have been engaged with

the development of the Local Plan and will continue to be closely involved. They have previously indicated that they are happy with the contents of the Publication Draft.

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?

Council Response

The Council has outstanding work nearing completion on the following relevant studies:

SHLAA Update – the Council are preparing an update to its SHLAA in partnership with the members of the Bradford SHLAA working Group. This is expected to be completed by April 2015.

Bradford Gypsy and Traveller Accommodation Assessment Update – the Council have commissioned an update to the assessment produced in 2008. It is likely to be finalised by March 2015 and will thus be available to inform a hearing session on Core Strategy Policy HO12 should one be considered necessary (it should be noted that no representations objecting to Policy HO12 were received at Publication Draft stage).

Adwalton Moor – The Council are making final amendments to an assessment of the Adwalton Moor registered battlefield in response to representation made by English Heritage. This report is being finalised for the end of January.

Minerals Evidence Base Report – The Council is in the process of updating the October 2011 report. This will be completed by 19 January.

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?***

Council Response

There are a number of other relevant studies, strategies and documents which provide further context and supporting justification. Attached is a list of these documents and web links where available online. Non web based documents will be made available to the Inspector through the Programme officer.

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?**

Council Response

The Council is working on one further background paper which will set out the sequential testing approach in support of the SFRA Level 1 report. The Council are in discussions with the EA on the timetable for the preparation of this further background paper. There are no other background or topic papers which the Council propose to prepare.

The Council can confirm that it has reviewed the submitted plan against the NPPF and NPPG. The Council considers that its objective assessment of housing need is in broad compliance with the relevant sections of these documents.

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?**

Council Response

The Council will be legally represented during the hearings.

The Council anticipate that there might be additional bodies / organisations who will participate in the hearing sessions to assist the Inspector who have information to share but at this stage it cannot identify who they are until the matters and issues are established.

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

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

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

the Council, representors, Inspector and Programme Officer. This will be updated as the examination progresses.

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?***

Council Response

The Council confirms that arrangements will be made 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?***

Council Response

The Council is aware of the contents of the documents referred to in the paragraph above.

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

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]

SJP/TB 19.12.14