



# THE HOME BUILDERS FEDERATION

Date: 16<sup>th</sup> February 2015

Consultee ID: 105

Matter: 1

## **BRADFORD LOCAL PLAN CORE STRATEGY EXAMINATION**

### **MATTER 1: LEGAL REQUIREMENTS & PROCEDURAL MATTERS**

***Question 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 policy<sup>1</sup>, including the National Planning Policy Framework (NPPF)? Are there any outstanding issues relating to the consultation arrangements?***

1. The HBF considers that there are a number of inconsistencies between the Plan and the NPPF. It is considered that the majority of these concerns can be dealt with through modifications to the plan. Further details are included within comments upon the publication version of the plan and other hearing statements, as such are not replicated here.
2. It is however noted that the plan is being brought forward through a number of Development Plan Documents (DPDs) including the Core Strategy, Allocations, Area Action Plans and Waste Management DPDs (Local Development Scheme ref: SS054) . The NPPF, paragraph 153, clearly indicates that the Government intends local planning authorities to produce a single local plan for its area, producing separate development plan documents only where clearly justified. The HBF is unaware of any local circumstances which would have prevented the local authority from preparing a comprehensive local plan. It is also notable that the Core Strategy was not at such an advanced stage in March 2012 that it would have made it inexpedient to follow national policy. As an example, Liverpool City Council decided, in 2012, to abandon its Core Strategy, which was in the latter stages of production, to prepare a single Local Plan following the publication of the NPPF.
3. The production of several documents inevitably leads to the delegation of key issues to subsequent documents. This ultimately creates confusion and slows down the development process. Whilst this in itself need not be fatal to the soundness of the Core Strategy it is important that the Council set out within the plan how it intends to promote development and deliver against its requirements in the interim.

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<sup>1</sup> *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*

**Question 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?**

4. Whilst the plan has been subject to Sustainability Appraisal (SA) it does not appear to adequately assess the implications and benefits of a higher housing requirement. Rather at paragraph 2.4.1 the SA simply assumes that the levels of housing identified within the plan are consistent with current needs. This approach appears flawed given that the Council's work upon a housing requirement (set out in examination documents EB028 to EB033) which identifies a range rather than a specific requirement. In such cases the HBF consider it appropriate to assess the sustainability credentials, both positive and negative, of different points within that range.
5. As discussed in greater detail in comments made in relation to matter 4A the HBF contend that the proposed housing requirement is too low and does not meet the objectively assessed housing needs of the area. It is therefore considered that a higher housing requirement should have been considered to ensure that the plan is providing for the full objectively assessed housing needs of the area.

**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?**

6. The HBF notes that the HRA places a constraint upon housing growth across parts of the plan area, such as Wharfedale and parts of Airedale. It is also noted that a number of respondents, some of whom are HBF members, identify that such a constraint is unjustified as it is not supported by the evidence. In this regard the HBF supports these other respondents and shares the concerns that the Council is placing undue constraint upon such areas.

**Question 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 priorities<sup>2</sup>, 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;**

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

- 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 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, and**
  - xi. The current state of play on various Memoranda of Understanding/Statements of Common Ground and other agreements with neighbouring authorities and prescribed bodies.**
7. The Duty to Cooperate is not a duty to agree. However, the duty requires more than consultation and meetings. It is the efficacy of the engagement throughout the plan making process and the outcomes which flow from such engagement which determine whether the duty has been met. The importance of identified actions resulting from fulfilment of the duty is clearly articulated within the National Planning Practice Guidance (NPPG). The NPPG states *'it is unlikely that this (the duty) can be satisfied by consultation alone'* and that *'inspectors will assess the outcomes of the co-*

*operation and not just whether local planning authorities have approached others’.*

8. In this regard the HBF notes the Council's background paper *Duty to Co-operate Statement* (examination ref: SD06). This document highlights that meetings and discussions have been undertaken on cross-boundary issues. Paragraphs 3.77 to 3.84 describe the current status of plans within adjoining local authorities whilst section 4 discusses the issues which have cross boundary significance including housing. The document does, however, leave many questions unanswered regarding cross-boundary housing issues and whether the outcomes of the discussion are satisfactory.
9. The background paper discusses the process by which Bradford came to its housing requirement. The report also notes that the Bradford housing requirement sat within a range of figures (paragraph 4.22). What is not clear from the *Duty to Co-operate Statement* is the input from other authorities regarding the range of figures and the discussions which led Bradford to the conclusion that the chosen figure is correct. The HBF contends that the housing requirement is too low. It is also unclear whether Bradford requested the assistance of neighbouring authorities in meeting its objectively assessed needs or whether neighbouring authorities have requested Bradford assist them in meeting their needs.
10. The Housing Market Issues section similarly discusses the facts contained within the evidence base and concludes that whilst Bradford is a largely self-contained housing market area it has significant cross-boundary relationships with a number of neighbouring authorities. There is, however, no details upon what was discussed with these authorities, what issues were raised or the outcomes. The Council simply state in paragraph 4.35 of the document that;

*‘The Council has engaged with the key adjoining authorities through the LCR arrangements and through direct contact about the nature of these relationships and are content that they do not warrant a change of approach and the basis for treating Bradford as a single self-contained housing market for the purposes of the objectively assessed need’.*

Such a statement provides no clarity that the duty has been met.

***Question 1.4: Has the Council reviewed the Plan and its preparation against the latest guidance in the PPG<sup>3</sup> (March 2014 as updated), and are there any outstanding issues?***

11. The HBF concerns regarding compatibility with the PPG are addressed in our other hearing statements.

***Question 1.5: What is the latest position on any Proposed Changes that the Council wishes to make to the submitted Plan?***

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<sup>3</sup> Planning Practice Guidance [DCLG; March 2014 as updated]

12. The HBF considers this is a matter for the Council to address.

**Matthew Good**  
**Planning Manager – Local Plans**  
Email: [matthew.good@hbf.co.uk](mailto:matthew.good@hbf.co.uk)  
Tel: 07972774229