

CITY OF BRADFORD MDC

LOCAL PLAN FRAMEWORK

EXAMINATION OF THE

BRADFORD LOCAL PLAN CORE STRATEGY

SCHEDULE OF MATTERS, ISSUES & QUESTIONS FOR EXAMINATION

Day 1 Matter 1 – Legal and Procedural requirements including Duty to Cooperate

Statement by Tong and Fulneck Valley Association (“TFVA”)

Our detailed representations in respect of the matters listed at this session are set out in two forms of submission sent electronically on 25 March 2014 (and submitted also in hard copy) to [ldf.consultation@bradford.gov.uk](mailto:ldf.consultation@bradford.gov.uk) identified as “*Comment form 1 Final Legal*” (“Form 1”), “*Comment form 1A Final Legal*” (“Form 1A”), “*Comment Form 2 Final Duty to Co-operate*” (“Form 2”),

We do not wish to modify our grounds of objection in the light of documents subsequently posted by Bradford MDC (“BMDC”), but to clarify how these representations relate to the questions posed by the Inspector at the relevant sessions, and to respond to **SD/017** the Core Strategy Publication Draft (2014 Background Paper 2: Housing (Part 1) and **SD/006** Duty to Co-operate Statement (February 2015 enlarged version). Our original representations should be read as submitted.

**Question 1.1**

Our first contention (set out in Form 1) is that BMDC did not adhere to the proper consultation process required by its Statement of Community Involvement and by the Local Development

Regulations because it introduced consultation on the Holme Wood and Tong Neighbourhood Development Plan (NDP) (referred to extensively in paragraphs 4.43-50 of [SD/017](#)) in parallel with consultation on the Local Development Framework (LDF), promising that the NDP would be subject to the same examination process as the LDF.

It then failed to run the consultation programmes in exact parallel, with the consequence that:

- a) the consultation on the NDP was not fully informed by the Core Strategy Further Engagement Draft (FED) or its evidence base, which was not available at the commencement of that process;
- b) the consultation on the NDP closed before that on the FED and was not extended, although the FED consultation was extended;
- c) When the FED was opened for consultation, members of the public were not clear whether to respond to the FED, if they had already responded to the NDP, and may have been disinclined to respond to both;
- d) a decision on the NDP was fast-tracked before either the Scrutiny Committee or the Executive of BMDC had received any material feed-back on the consultation on the NDP and before consultation on the FED had closed;
- e) in consequence, when consultation on the FED closed, a decision on one key strategic element (the Holme Wood Urban Extension (the "Urban Extension")) had already been taken, so the Publication Draft did not have regard in any way to the consultation process on that element of the Core Strategy.

For the reasons given at d) above it is incorrect for BMDC to say at paragraph 4.48 of [SD/017](#) that in preparing the NDP "*several stages of consultation informed the final document...*" as the final document was formulated and approved without due consideration of feedback from the consultation process and was therefore not fully informed by it.

From January 2012, when the Council adopted the NDP, it is our contention that the Plan has not been prepared following a process that was willing to consider alternative strategies to that of large-scale green belt release at Holme Wood, notwithstanding material changes to the housing numbers required for the district as a whole.

Our second contention (set out in Form 1A) is that the NDP is not a neighbourhood development plan within the Localism Act 2011 but has wrongly been given that status by BMDC, which places emphasis on it in paragraphs 4.43 -50 of [SD/017](#). The Growth Assessment by Broadway Maylan dated November 2013 (the "Growth Assessment") referred to at paragraph 4.33 of [SD/017](#) also wrongly assumes that the NDP is a neighbourhood development plan with community "support" and that may in part have influenced its recommendation at page 11 that Holme Wood could be a suitable location for large scale green belt release. This is referred to by BMDC in the Settlement Table Notes on page 43 of [SD/017](#). In fact the NDP was a product of a partnership board comprised of representatives of the community, BMDC councillors and officers and Incommunities (the major social landlord in Holme Wood), with a public sector majority. All the community representatives on the Board opposed the proposed substantial green belt release and produced and delivered to BMDC a reasoned minority report which is set out in full as an appendix to our representations on Form 1A.

### **Question 1.3**

Our detailed response to this question is set out in our representations in Comment Form 2 Duty to Co-operate.

Since then BMDC has lodged [SD/006](#) Duty to Co-operate Statement (February 2015 enlarged version). This has not caused us to withdraw any part of our representations on the failure of the Council to meet its Duty to Co-operate.

We accept that the Leeds City Region Statement of Co-operation referred to at paragraph 3.71 of [SD/006](#) provides a basis for ongoing co-operation throughout the remainder of the Local Plan process (if implemented appropriately), but it does not, nor does the Interim Statement referred to at paragraph 3.65 of [SD/006](#), constitute evidence of the duty to co-operate having been observed at any of the key stages of the development of the Bradford Local Plan prior to this Examination stage. Indeed it is perhaps evidence of the recognition by the local councils of the extent to which they had not been co-operating on key strategic elements of their plans.

The concerns of TVFA have focussed on the development of the strategic proposal for the Urban Extension. While our concerns may have application in other “border” areas such as Menston, we see the plans for the Urban Extension as providing a blatant and well publicised example of how Bradford has developed and propounded this element of its housing, green belt and transport policy at all key stages prior to the Publication Draft in disregard of any need to inform, let alone co-operate with, its neighbouring authorities in Kirklees and more particularly Leeds.

In relation to the development of the Urban Extension strategy it is incorrect for Bradford to claim that there has been effective “joint working (both officers and members) at sub-regional level” (paragraph 3.61 of [SD/006](#)).

There has not. In fact members of Leeds MDC were first informed of the effects of these proposals through our own organisation. This led to Leeds MDC lodging a formal objection to both the Urban Extension in the FED stage, and to make a similar objection to the NDP. This objection clearly demonstrated that the Urban Extension would not be an acceptable housing growth plan having regard to its cross border effects. This objection led to statements in the Bradford Council chamber to the effect that Leeds should not interfere with Bradford’s housing plans and a response from the Leeds Housing Portfolio Holder decrying the lack of co-operation between the authorities over housing development proposals on the borders. This lack of consultation between adjacent authorities in the key planning stages is evidenced at paragraphs 2.12 -2.23 of Form 2.

We particularly emphasise the clear lack of communication between BMDC and Leeds City Council and the posturing between the councils over housing plans affecting border and green belt areas, which the Duty to Co-operate is intended to avoid or overcome. The lack of co-operation was palpable at the FED stage of the Local Plan process.

Our detailed concerns about lack of consultation on **Housing, Green Belt, Environment and Highways, transport and Infrastructure issues** are set out in our representations in Form 2.

We do not believe that anything in [SD/006](#) demonstrates due levels of consultation on any of these issues during the key planning stages, and indeed we would highlight the fact that prior to the Publication Draft no material consultation had taken place on the effect of Bradford’s housing

proposals on the local road network and key strategic transport corridors. This is evidenced by the statement at paragraphs 4.80/1 of [SD/006](#) (on page 35 as these same paragraph numbers are, confusingly, used again on page 37 in that document) that it was not until a meeting with neighbouring authorities, WYCA, the HA and Network Rail on 24 October 2014 that one of the key issues was confirmed and identified as being *“Discussions required with Kirklees and Leeds on the impact of Holme Wood Urban expansion on north west Kirklees / south west Leeds”*.

In the light of this we are surprised the Highways Agency in document [PS/C001](#) indicates that it has no concerns with the soundness of the Publication Draft at this stage, but that is probably a factor of the Kirklees/Leeds discussions not yet having produced fruit.

We have pointed out in our representations the uncertain and confused presentation of approach to the existing congestion on the A650 and the impact of more housing on that road, but we are surprised to see in [SD/006](#) at Appendix 1 a map referring to the “Tong Street Quality Corridor”, a term which is otherwise unexplained and bears no relationship to the Publication Draft, nor to any of the Duty to Co-operate documents, but which clearly has had some impact on the Highways Agency thinking.

There remains uncertainty as to how large scale housing can be developed within SE Bradford, even with the capital road improvement plans referred to in the West Yorkshire plus Transport Fund, (referred to at Page 40 of Appendix 2 to [SD/006](#)), and a great deal more discussion is needed under the Duty to Co-operate to identify whether it can be achieved.

We contend that the failure to co-operate on these issues means that it was not only unsound to include the Urban Extension in the Plan, but puts the whole Plan in jeopardy.

SCHEDULE of documents referred to

The Holme Wood and Tong Neighbourhood Development Plan

The Growth Assessment by Broadway Maylan dated November 2013

Minority Report on the Neighbourhood Development Plan

West Yorkshire Transport Fund (11.1 Appendix A – ‘West Yorkshire Plus’ Transport Fund – Scheme List)