

Mr Tony Blackburn
Bradford Local Plan Core Strategy – Programme Officer

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Your ref

Dear Mr Blackburn

Bradford Local Plan Core Strategy Examination

We write in response to the letter to the Inspector dated 16 March 2015 from Andrew Wood, representing Yorkshire Greenspace Alliance and also signed by Helen Kidman, Tony Emmott, Neil Varley, Alan Taylor, Steve Ellams and Jackie Thompson.

By way of introduction we note that the purpose of the Examination is to test the soundness of the Plan, by examining the evidence that underpins its content and testing its credibility. This is clearly set out in the NPPF and the widely available guidance that is provided on examination of development plans. We are therefore surprised by any suggestion that it was not anticipated that the evidence and the soundness of the plan based on it would be tested in this way.

This is the approach that our client has taken from the outset, specifically in relation to the Habitats Regulations Assessment (HRA). In addition, our approach in challenging the methodology used for the HRA has been set out fully and clearly in our client's publicly available representations on the Plan (at both Publication and Submission stages) which were available for all to read.

For the reasons set out in those representations and reiterated at the examination (which can have come as no surprise), in light of the flaws in approach in the HRA that have been established, our client has made the point that it is inevitable that in order to make the plan sound, main modifications will be required (as we explain below).

It is the purpose of the examination to test the Plan properly and, indeed, very normal for main modifications to be the outcome of such a process in order to make the Plan sound and lawful.

We note the acceptance in the letter that the Council had little alternative but to shift its position on the reliability of the HRA, particularly in the light of the position (once it had properly examined the material underpinning the HRA) of Natural England on that document. This was because the Council were correctly (if belatedly) accepting the validity of the points that had been made about the HRA by our client, as did Natural England.

We also note the letter's acceptance that our clients were quite within their rights to seek to challenge the HRA and the consequences of the flaws in it, through their case presented to the Examination. The main modifications now suggested are the natural consequence of that process,



in relation to which the letter acknowledges inevitability. It is, however, both unfortunate and inappropriate to try and characterise the legitimate pursuit of such points and the consequences that follow as a “hostile takeover”. Our client’s points were based upon submitting a sound and legally correct approach to the HRA which was flagged up for all to see at the first opportunity.

Our client is keen to see the adoption of a sound plan for the future of Bradford as the overall outcome of the Examination. Consistent with the approach set out in the guidance, our client has adopted a cooperative and proactive approach to identifying the problems and seeking solutions. It is that objective that lies behind their objections to the plan, the evidence to the Examination and the identification of what modifications would make the plan legally compliant and sound. The modifications that are now accepted as necessary by the Council to make the Plan sound are a natural consequence of the analysis of the evidence.

It was expressly confirmed by the Council in the examination of the matters explored in our evidence and which led to the Agreed Statement of 9th March 2015 with the Council and Natural England, that the Council did rely solely on the HRA in order to downgrade Burley-in-Wharfedale as a settlement in terms of the hierarchy and the resultant apportionment of dwelling numbers. The Council confirmed this was the only reason for such a change and this is demonstrated by the documentary evidence.

It was also clear on examination of the rest of the Council’s evidence base that, absent the HRA issue, there is not just ample capacity, but also a very strong case on planning grounds to accommodate the revised dwelling numbers for Burley (700), which is now necessary to make the Plan sound.

It is our view that the nature of the main modifications suggested by the Council, that we support, are necessary to make the Plan sound and can properly be taken forward, consulted upon and form the basis of a sound Plan from a procedural point of view. They are in line with the overall strategy of the Plan and do not cause any need for wholesale revision of other policies.

Reference is made in the letter to the authors’ desire to comment on Policies EN1 - 8. The session of the Examination to deal with these policies is yet to take place. This is also to take place alongside a consideration of redrafted approach to SC8. As with the other main modifications, any proposed changes will be the subject of full consultation and assessment and the Examination will remain open to consider the outcome of that process, including the potential for a reconvened Examination hearing.

There is no lawful basis for “disallowing” the Council’s proposed modifications to the Plan. The opportunity for all parties to make representations and objections as to the modifications and their relationship with the rest of the Plan will be fully available through the future process of consultation and examination. However, it is relevant to reiterate that our client’s objections to the policies which the Council has advised are now to be the subject of the main modifications have been set out clearly and transparently in the publicly available material time for some considerable time.



Nathaniel Lichfield
& Partners

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Yours sincerely

A handwritten signature in black ink that reads 'Chris Darley'.

Chris Darley
Planning Director

Copy