

Core Strategy Development Plan Document Proposed Main Modifications – November 2015 Representation Form

For Office Use only:	
Date	
Ref	

PART B – YOUR REPRESENTATION - Please use a separate sheet for each representation.
(Additional Part B forms can be downloaded from the web page)

4. To which proposed main modification does this representation relate?

Proposed Main Modification number:

MM17, MM18

5. Do support or object the proposed main modification?

Support

Object

Object

6. Do you consider the proposed main modification to be 'legally compliant'?

Yes

No

“Note our previous contention that the Council has not complied with its duty to co-operate with adjoining authorities in relation to those elements of the Core Strategy which are based on an assumption of Green Belt release at key locations. Our view is that Bradford Council's formulation of 'exceptional circumstances' without substantial evidence of this being done in collaboration with neighbouring authorities is premature, inadequate, and probably unsustainable.”

7. Do you consider the proposed main modification to be 'sound'?

Yes

No – 'unsound'

unsound

8. If you consider the proposed main modification to be 'unsound', please identify which test of soundness your comments relate to?

Positively prepared	Not positively prepared	Justified	Not justified
Effective	Not effective	Consistent with National Planning Policy (the NPPF)	Not consistent with NPPF

9. Please give details of why you consider the proposed main modification is not legally compliant or is unsound in light of the main modifications proposed. Please be as precise as possible.

If you wish to support the proposed main modification please use this box to set out your comments.

(Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation and the suggested change. It is important that your representation relates to a proposed main modification).

General comment

1. We start from the position highlighted in the ministerial letter of 3 March 2014 to the CE Planning Inspectorate which makes it clear that objectively assessed housing need should be met *“unless specific policies in the [NPPF] indicate development should be restricted”* and that *“[c]rucially, Green Belt is identified as one such policy”*. In other words housing need does not “trump” Green Belt protection unless a Council makes an express choice to do so.
2. Our concern is that, specifically in relation to the urban extension proposal at Holme Wood, (although the same point may be true in relation to other parts of the Green Belt in Bradford on which we do not have the same level of understanding) the Council made a choice, before 2009, to adopt a strategy which would require Green Belt release deep into the Tong Valley. It did so contrary to the then Regional Spatial Policy and at a time when the perceived housing need was materially higher than now appears in the Plan. It gave as one of its prime reasons the financial benefits to the District which it considered would flow from very large scale development, both in terms of infrastructure grants, new homes monies and s106 money. It did not consult with or even inform neighbouring authorities of this new strategy, and it did not seek to justify that strategy by reference to the “exceptional circumstances” now set out in MM18, which, like the Bradford Growth Assessment constitute ex post facto justifications for an already established and inflexible strategy.
3. The housing needs and physical constraints of the Green Belt are not peculiar to Bradford. As Bradford in its evidence to the Examination stated, this is common to most other authorities in the north. These circumstances are not therefore in any sense “exceptional”, which on a simple grammatical basis means something very unusual or out of the ordinary. To allow that housing need combined with alleged unavailability of other land is so “exceptional” as to override Green Belt policy would strike at the heart of the policy and completely countermand the frequently reiterated government policy of continuing to protect key parts of the Green Belt.
4. We believe that Bradford has, in its actions over the last 6 years, made assumptions that the Green Belt around the City can be utilised for further expansion at locations of its choice with

impunity and that this has conditioned its efforts to seek and fully utilise alternative sites.

Specific Concerns on claimed “exceptional circumstances”

5. Is the Council defining “exceptional circumstances” for the purposes of paragraph 82 NPPF, as it states in the marginal note to MM17 and in its paper PS/FO67 lodged post Examination, or should it be addressing paragraph 83 NPPF? The former deals with New Green Belts and the latter to the alteration of Green Belt boundaries. We note that the November 2015 Addendum to the Sustainability Appraisal also refers only to paragraph 82. In the Core Strategy and the Main Modifications the Council refers to “selective reviews” of the Green Belt; and at page 205 it refers to paragraph 83 NPPF and not paragraph 82 as being the section relevant to HO1 HO2 and HO3. For lay readers of the Core Strategy this leads to some confusion. Should there be a change to page 205 which is not reflected in the Main Modifications?
6. We have put forward our response to the Council’s statement of Exceptional Circumstances in our paper PS/FO79b, and have considered the Council’s response to those comments in its paper PS/FO86b. We do not agree with its formulation of our position for the purposes of its response at paragraph 2.3 of PS/FO86b for reasons given below. We are not saying that each site for Green Belt release should show its own exceptional circumstances. What we are saying is that the Council has to weigh the claimed exceptional circumstances, which are clearly a district wide statement of housing need, against the function and purpose of the Green Belt in the areas of proposed release. The Core Strategy appears to make assumptions that in any given location the Council will be able to satisfy itself that exceptional circumstances outweigh Green Belt function. Before the Allocations DPD stage has been reached we do not see how the Council can properly and quasi-judicially come to that conclusion.
7. Indeed we think that it is a nonsensical process to determine strategic aims which depend on large scale Green Belt release before entering into consultations with neighbouring authorities and conducting a sensible Green Belt review based upon the effect of the Green Belt on all contiguous authorities.
8. The Council states in MM18 that the “*growth study*” (sic, but presumably it means “the Bradford Growth Assessment”) provides supporting “*evidence*” that “*land is available in the green belt in sustainable locations which would notprejudice the strategic function of the green belt*”.
9. We cannot accept that a growth study undertaken (as is stated in the Core Strategy at paragraph 5.3.51) as no more than “[a] *broad and strategic review of the role and importance of the green belt around each settlements(sic)*” can constitute evidence in any sense, as it is based upon information supplied by the Council. Furthermore, in the case of the review of the Green Belt at Holme Wood, which particularly concerns our Association, the information on which the Bradford Growth Assessment is based is not necessarily wholly correct.
10. This is evidenced, as we pointed out in our earlier representations, by the fact that the

Bradford Growth Assessment takes a broad and strategic view of the purpose and function of the Green Belt at Holme Wood and concludes that *“The Green Belt significantly contributes towards preventing Bradford from merging with Leeds and more locally Bradford with Cleckheaton, Birkenshaw and Pudsey.”*

Nonetheless it goes on to say that there is Green Belt land which could be made available for housing because:

“The Holme Wood and Tong Neighbourhood Development Plan (January 2012) has previously identified potential Green Belt locations within the Holme Wood and Tong area. The potential location for regeneration and Green Belt growth within this Neighbourhood Plan were supported through public consultation”.

We have pointed out in previous representations that:

a) The Holme Wood and Tong Neighbourhood Development Plan (January 2012) is not (as the Bradford Growth Assessment assumes in the extract quoted) a “Neighbourhood Plan” as the term is used in legislation and the Core Strategy;

b) It was drawn up by the Council itself and was not subject to independent or objective review as evidence for green belt release. Indeed at that stage the Council had no means of knowing whether exceptional circumstances would exist or not as the Bradford Growth assessment had not been drawn up;

c) most significantly The Holme Wood and Tong Neighbourhood Development Plan (January 2012) was *not “supported”* by public consultation. The overwhelming evidence of the consultation process (which we have argued was legally flawed) was that the use of Green Belt land on the scale proposed was entirely opposed by the consultation process.

11. We therefore say that the amendment proposed to paragraph 3.102 should take out the reference to the alleged supporting evidence, as it is not evidence and it does not support the Council’s statement.
12. We also contend that the section of the amendment which refers to employment land should remove the final sentence which contain the terms “key market locations” and “good market locations”, as NPPF does not support the underlying commercial value of the green belt, or any particular part of the green belt, as being a justification for its amendment. “Value”, per se, is not an exceptional circumstance, yet the use of the term “market” clearly goes to the issue of value.
13. The Core Strategy, in particular in EC3, is so vague as to the underlying economic strategy justifying the need for the areas of land set out, that we do not believe that a case has been made that this in itself constitutes “exceptional circumstances”. We note that Bradford will not achieve the higher employment numbers sought by directing its strategic aims towards “land hungry but employment lean” uses such as warehousing and distribution. However the perceived need for employment land in SE Bradford seems to conceive just that kind of use.
14. We would point out that the Core Strategy contained a blatant overstatement of job creation

potential at page 313 of the Core Strategy, which it has now corrected in MM149. The Council is now suggesting it will create 1600 jobs annually rather than 2879, a figure which is still without convincing underlying evidence. Since the Examination the government has sadly added to the job creation hurdles Bradford faces by signalling its intention to close down its tax offices in the District and move the high-skill high-value jobs entailed to Leeds, making available even more sites for employment use than were the case at the time of the Examination. The District therefore has to be make good similar levels of high quality employment to those now lost before it can start to achieve the new job figures mooted in MM149. The Council made no effort at the Examination to justify the employment figures which it put in the Core Strategy, and it has done nothing since to give confidence that even these pared down figures are more than aspirational.

15. We therefore have little confidence in the quantum of Bradford's employment land "need" and believe that the statement of "exceptional circumstances" should be modified accordingly.
16. Finally the Council claims that the "long term economic success of the district" is an "exceptional circumstance." That is clearly something which the whole Plan should address, but it is not in itself a "circumstance" and it is not in any way "exceptional". Indeed it is one of the prime functions of local government.

10. Please set out what changes you consider necessary to make the proposed main modifications legally compliant or sound, having regard to the test you have identified at Q7 above.

You need to say why this change will make the proposed main modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The amendment proposed to paragraph 3.102 should itself be amended as follows.

In line 2 after "having reviewed" delete "the evidence".

In lines 6-7 delete "and in order to support long term economic success of the district"

In line 7 delete "it is clear" and insert "the Council considers"

Take out the sentence "This is supported in evidence ...the strategic function of the green belt."

In the next sentence delete the opening words "The evidence from the Employment Land Review suggests" and substitute "The Council believes, having considered the Employment Land Review, that there is"

The next sentence "To this end.....within the known supply." is not grammatical. "identifies" is probably the wrong word, but if it is the right word, then "which" should be added after "at least 135 hectares needs".

The final sentence should be deleted.

11. Signature:

 Finnigan
For and on behalf of
the Tong and Fulneck
Valley Association

Date: 17 January 2016

Thank you for taking the time to complete this Representation Form.