

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

For Office Use only:	
Date	
Ref	

The Council are seeking comments on the Proposed Main Modifications to the Core Strategy, following the Examination in Public in March 2015. The changes are proposed by the Council to address issues of legal compliance and soundness and we can only accept representations on these matters.

Comments on the Proposed Main Modifications Schedule are invited from **Wednesday 25th November 2015** until **Wednesday 20th January 2016**.

REPRESENTATIONS MUST ONLY RELATE TO THE PROPOSED MAIN MODIFICATIONS.

You can access the Core Strategy documents online and additional copies of this form from our website: www.bradford.gov.uk/planningpolicy then 'Core Strategy Proposed Main Modifications', or you may request copies by:

- Emailing us at: planning.policy@bradford.gov.uk
- Phoning us on: (01274) 433679

Completed representation forms must be returned to Development Plans, by the deadline below, by either:

- **E-mail to:** planning.policy@bradford.gov.uk
- **Post to:** Core Strategy - Proposed Main Modifications
Development Plans Group
City of Bradford Metropolitan District Council
2nd Floor South - Jacobs Well
Nelson Street
Bradford
BD1 5RW

**ALL COMMENTS MUST BE MADE IN WRITING AND SHOULD BE RECEIVED
BY THE DEVELOPMENT PLAN GROUP AT EITHER OF THE ABOVE ADDRESSES
NO LATER THAN 4PM ON WEDNESDAY 20TH JANUARY 2016.**

Personal Details & Data Protection Act 1998

Regulation 22 of the Town & Country Planning (Local Development) (England) Regulations 2012 requires all representations received to be submitted to the Secretary of State. By completing this form you are giving your consent to the processing of personal data by the City of Bradford Metropolitan District Council and that any information received by the Council, including personal data may be put into the public domain, including on the Council's website. From the details above for you and your agent (if applicable) the Council will only publish your title, last name, organisation (if relevant) and town name or post code district. Please note that the Council cannot accept any anonymous comments.

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PART A: PERSONAL DETAILS

* If an agent has been appointed, please complete only the Title, Name and Organisation in box 1 below and complete the full contact details of the agent in box 2.

	1. YOUR DETAILS*	2. AGENT DETAILS (if applicable)	
Title	Mr		
First Name	[REDACTED]		
Last Name	Moore		
Job Title (where relevant to this representation)			
Organisation (where relevant to this representation)	Menston Action Group		
Address Line 1	[REDACTED]		
Line 2	[REDACTED]		
Line 3	Ilkley		
Line 4			
Post Code	LS29 [REDACTED]		
Telephone Number	[REDACTED]		
Email Address	[REDACTED]		
Signature:	[REDACTED]	Date:	18/01/2016

3. Please let us know if you wish to be notified of the following:

The publication of the Inspector's Report?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
The adoption of the Core Strategy?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Are you attaching any additional sheets / documents that relate to this representation?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
	No of sheets / documents submitted :		24	

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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:

5. Do support or object the proposed main modification?

Support

Object

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

Yes

No

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

Yes

No – 'unsound'

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

Positively prepared

Justified

Effective

Consistent with National Planning Policy (the 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 the proposed main modifications).

Proposed changes to the HRA do **not** make it sound to upgrade Menston and Burley to local growth centres and it remains unsound to increase the housing allocation. There are other reasons why it would be inappropriate to increase the allocation. These include a local pre-disposition to ground water flooding, overcapacity of the major trunk roads in particular the A65 into Leeds, and oversubscribed nearest secondary schools both in Bradford (Ilkley) and Leeds (Guiseley). There is little opportunity or demand for local employment.

Menston has a proven susceptibility to groundwater flooding (reference - Reed, DW. Independent review of Menston flooding problems. December 2014)

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decided to withdraw their appeal. Another site at Derry Hill is awaiting Judicial Review by the Court of Appeal and a third site at Bingley Road in Menston is awaiting the outcome of a recent Judicial Review.

All the sites surrounding Menston identified in the SHLAA are susceptible to groundwater flooding. This has been demonstrated by regular floods, most recently on 26th and 27th December. This is backed up by photographic evidence and reports from experts in hydrology.

It is unsound to presume that there are enough sites suitable to deliver the number of houses proposed; as such Menston cannot be re-designated as a Local Growth Centre and cannot accommodate an increased housing allocation because it cannot be shown to have the capacity of sites to deliver the proposed number of homes, not even 300 let alone 600.

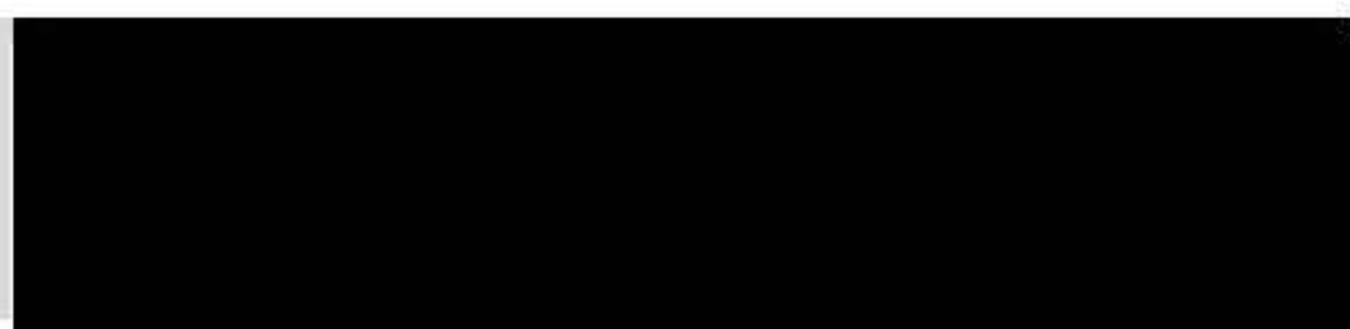
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10. Please set out what changes you consider necessary to make the proposed main modification legally compliant or sound, having regard to the test you have identified at Q7 above.

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.

Deletion of the Main Modification MM7 such that Menston would remain as a **Local Service Centre**, and amendment accordingly of related modifications MM2, MM8, MM9, MM11, MM12, MM51, MM75, MM83, MM84, MM85, MM88 to reflect this deletion.

11. Signature:



Date:

18/01/2016

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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:

MM51

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

No

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

×

Justified

×

Effective

×

Consistent with National Planning Policy (the 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.

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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.

Amendment of the Main Modification MM51 such that Menston would remain as a **Local Service Centre**, and amendment accordingly of related modifications MM2, MM8, MM9, MM11, MM12, MM51, MM75, MM83, MM84, MM85, MM88 to reflect this deletion.

11. Signature:



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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:

MM52

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

No

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

x

Justified

x

Effective

x

Consistent with National Planning Policy (the NPPF)

x

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.

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Amendment of the Main Modification MM52 such that Menston would remain as a **Local Service Centre**, and amendment accordingly of related modifications MM2, MM8, MM9, MM11, MM12, MM51, MM75, MM83, MM84, MM85, MM88 to reflect this deletion.

11. Signature:



Date:

18/01/2016

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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:

MM75

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

No

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

x

Justified

x

Effective

x

Consistent with National Planning Policy (the NPPF)

x

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Deletion of the Main Modification MM75 such that Menston would remain as a **Local Service Centre**, and amendment accordingly of related modifications MM2, MM8, MM9, MM11, MM12, MM51, MM75, MM83, MM84, MM85, MM88 to reflect this deletion.

11. Signature:



Date:

18/01/2016

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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:

MM83

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

No

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

x

Justified

x

Effective

x

Consistent with National Planning Policy (the NPPF)

x

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.

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Deletion of the Main Modification MM7 and MM83 such that Menston would remain as a **Local Service Centre**, and amendment accordingly of related modifications MM2, MM8, MM9, MM11, MM12, MM51, MM75, MM83, MM84, MM85, MM88 to reflect this deletion.

11. Signature:



Date:

18/01/2016

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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:

MM88

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

No

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

x

Justified

x

Effective

x

Consistent with National Planning Policy (the NPPF)

x

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.

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Deletion of the Main Modification MM88 such that Menston would remain as a **Local Service Centre** with no increase in allocations and amendment accordingly of related modifications MM2, MM8, MM9, MM11, MM12, MM51, MM75, MM83, MM84, MM85, MM88 to reflect this deletion.

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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:

MM127

5. Do support or object the proposed main modification?

Support

Support

Object

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

Yes

Yes

No

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

Yes

Partially

No – 'unsound'

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

Positively prepared

Yes

Justified

Yes

Effective

No

Consistent with National Planning Policy (the NPPF)

Yes

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The changes to this pre-ambule to Policy EN7 are supported but unless the actual Policy EN7 is changed to reflect this, it does not go far enough in protecting communities from groundwater flooding and is less likely to be effective, unless the wording of Policy EN7 is changed accordingly.

The current Policy EN7 wording is irrational because it says it only requires storage of flood water in Flood Risk Zones 2 and 3a. These zones only relate to river and coastal flooding, not to groundwater flooding. The requirement should apply to flooding from all sources including groundwater.

The NPPF technical guidance states:

- "flood risk" means **risk from all sources of flooding** - including from rivers and the

sea, directly from rainfall on the ground surface and **rising groundwater, overwhelmed sewers and drainage systems**, and from reservoirs, canals and lakes and other artificial sources”.

Policy EN7 and Further Statement PS/F060 do not adequately take into account the flood risk from all sources, including **groundwater flooding**.

Rising groundwater is different from river flooding or surface water flooding.

The Environment Agency flood risk map zones do not assess flood risk associated with **groundwater** flooding.

There is overwhelming evidence, including Flood Risk Assessment and Geo-environmental appraisal that the current drainage proposals for development of land at Derry Hill and Bingley Road in Menston will **increase flood risk to neighbouring areas**. We are advised that this would be **unlawful**.

As in our CSPD representation of March 2014, our requested modifications to Policy EN7 are below:

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

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Amendment of the actual wording of the Policy EN7 as follows:

Policy E7, item A1. – please amend as follows:

A1. Integrate sequential testing, **including flood risk assessment from all water sources**, into all levels of plan-making.

Policy E7, item A2. – please amend as follows:

A2. Require space for the storage of flood water **from all sources**. (delete “within Zones 2 and 3a”).

Policy E7, item A7. – please amend as follows:

A7 Require that all sources of flooding are addressed, that development proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure **are completed prior to commencement of any development, including taking into account 100 year occurrences and climate change.**”

Reason: To comply with the NPPF technical guidance, to ensure that all sources of flooding are addressed and to ensure that the plan is legally compliant.

11. Signature:



Date:

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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:

MM128

5. Do support or object the proposed main modification?

Support

Support

Object

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

Yes

Yes

No

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

Yes

Partially

No – 'unsound'

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

Positively prepared

Yes

Justified

Yes

Effective

No

Consistent with National Planning Policy (the NPPF)

Yes

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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 the proposed main modifications).

The changes to this pre-ambule to Policy EN7 are supported but unless the actual Policy EN7 wording is changed to reflect this, it does not go far enough in protecting communities from groundwater flooding and is less likely to be effective.

The current Policy EN7 wording is irrational because it says it only requires storage of flood water in Flood Risk Zones 2 and 3a. These zones only relate to river and coastal flooding, not to groundwater flooding. The requirement should apply to flooding from all sources including groundwater.

The NPPF technical guidance states:

- "flood risk" means **risk from all sources of flooding** - including from rivers and the sea, directly from rainfall on the ground surface **and rising groundwater**.

overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources”.

Policy EN7 and Further Statement PS/F060 do not adequately take into account the flood risk from all sources, including **groundwater flooding**.

Rising groundwater is different from river flooding or surface water flooding.

The Environment Agency flood risk map zones do not assess flood risk associated with **groundwater** flooding.

There is overwhelming evidence, including Flood Risk Assessment and Geo-environmental appraisal that the current drainage proposals for development of land at Derry Hill and Bingley Road in Menston will **increase flood risk to neighbouring areas**. We are advised that this would be **unlawful**.

- An independent Review of Menston Flooding Problems highlights that there are specific problems of groundwater flooding which are unique to Menston.¹
- An important factor is the prevalence of springs and responsive groundwater from the Millstone Grit aquifer underlying the hillside on which Menston sits.^{1,4}
- The hillside on which Menston sits is drained by a number of small streams. Some of these are seasonal, with flows only occurring in wet weather and/or when groundwater levels are unusually high.¹
- Prolonged rainfall events cause significant flooding in the local area.²
- These problems are heightened by the unique setting of Menston. The most unusual feature is the transverse drainage of Matthew Dike. Upper sections of Matthew Dike overflow into the Derry Hill catchment in major flood events such as that of 24 September 2012.^{1,2,3}
- Furthermore, groundwater levels were previously suppressed by the extraction of groundwater at the former High Royds Hospital Pump House. The abstraction ceased on closure of the hospital in 2003. Extension of Menston village southwards has mainly taken place in an era where spring flows were being suppressed by this major abstraction. The spring flows are no longer suppressed and groundwater levels are now typically higher, and lands on the hillslope are now typically wetter than previously.¹
- The conclusions of a Geo-environmental appraisal for a previously allocated site says it is located within an area in which ground water flooding may be a significant issue. It goes on to say that installation of below ground rainwater / greywater storage, to conform to sustainability codes, is unlikely to be practical owing to the potential positive buoyancy of such tanks within the shallow groundwater regime, and that this may exacerbate the requirement for increased site discharges into existing drainage systems.^{4,5}
- The Environment Agency flood zone maps only apply to Coastal and River flooding, not groundwater flooding.⁶
- A recent full planning application has been rejected; one of the reasons being that the applicant had failed to demonstrate that the submitted drainage scheme will be adequate to prevent the increased likelihood of flooding of properties off the site. The development would therefore be contrary to Policies UR3 and NR16 of the adopted Replacement Unitary Development Plan and Paragraph 103 of the National Planning Policy Framework.⁷

References

1. Reed, DW. Independent review of Menston flooding problems. December 2014

2. Professor J D Rhodes – Witness Statement Ref App/W4705/A/11/2167397 Appeal by Taylor Wimpey. 9th April 2013
3. Professor J D Rhodes. A Report on the Observed Rainfall Run-off on the Derry Hill and Bingley Road Sites during Prolonged Rainfall Events. April 2014
4. Sirius Geotechnical & Environmental Ltd. Report C3545.Geo-Environmental Appraisal for land at Bingley Road, Menston. Prepared for Taylor Wimpey (UK) Ltd December 2009.
5. Sirius monitoring results. Dated February 2010. Available January 2015.
6. Environment Agency. <http://apps.environment-agency.gov.uk/wiyby/37837.aspx>
7. City of Bradford Metropolitan District Council. Decisions of the Regulatory and Appeals Committee held on Thursday 29 January 2015.











10. Please set out what changes you consider necessary to make the proposed main modification 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.

Amendment of the actual wording of the Policy EN7:

Policy E7, item A1. – please amend as follows:

A1. Integrate sequential testing, ***including flood risk assessment from all water sources***, into all levels of plan-making.

Policy E7, item A2. – please amend as follows:

A2. Require space for the storage of flood water ***from all sources***. (delete “within Zones 2 and 3a”).

Policy E7, item A7. – please amend as follows:

A7 Require that all sources of flooding are addressed, that development proposals will only be acceptable where they do not increase flood risk elsewhere and that any need for improvements in drainage infrastructure ***are completed prior to commencement of any development, including taking into account 100 year occurrences and climate change.***”

Reason: To comply with the NPPF technical guidance, to ensure that all sources of flooding are addressed and to ensure that the plan is legally compliant.

11. Signature:



Date:

18/01/2016

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