

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	Wilkinson		
Job Title (where relevant to this representation)			
Organisation (where relevant to this representation)	Addingham Planning Scrutiny Group		
Address Line 1	[REDACTED]		
Line 2	Addingham		
Line 3			
Line 4			
Post Code	LS29 [REDACTED]		
Telephone Number	[REDACTED]		
Email Address	[REDACTED]		
Signature:	[REDACTED]	Date:	19.Jan 2016

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

The publication of the Inspector's Report?	Yes	yes	No	
The adoption of the Core Strategy?	Yes	yes	No	
Are you attaching any additional sheets / documents that relate to this	Yes		No	no

representation?	No of sheets / documents submitted :	
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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:

MM19

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

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)

inconsistent

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).

Preamble We believe that Bradford's Plan is fundamentally unsound.

Reports submitted by consultants acting on behalf of the Council have contained serious errors in data handling and data interpretation which have served to inflate housing numbers and the inconsistencies running through both the initial Plan and the Main Modifications are a direct consequence.

The figure of 41,600 homes by 2030 is not supported by population projections, household formation projections or job creation projections. A target of 30,000 is indicated by that data. We believe that to put in place a plan that sets a target in excess of the objectively assessed need for this District runs counter to the interests of its population

There is ample evidence to show that the “Main Modifications” as a whole:

A. Presuppose the validity/sensitivity of the underlying Housing Numbers housing/Employment land strategies/distributions and allocations which have been shown, elsewhere, to be wrong, unsoundly based and an insecure/unreliable data-set to support further use and application

B. Attempt to establish/reinforce a wrongful/unsound bias/compromise between commercial pressures and the Habitats Regulations and other duties, including those within the NPPF

1. We have followed the plan process for some years. Overall we are left with a conviction that in addressing duties under the requirements of the NPPF, the Habitats Regulations and precursors, the Council’s conduct is challengeable for the following reasons:

a. Our understanding of the requirements of the Regulations and precursors is that they require, from the outset from any Plan process , and at each stage, at least ----

b. The identification of Natura 2000 sites/Ramsar sites within and outside the plan area that could potentially be affected by any element of the Plan **and its precursors** documents

c. Establishing the specific features of the Natura 2000 sites which led to their designation as a SPA, SAC or Ramsar site, the conservation objectives for the site, the site’s ecological condition and any particular problems or sensitivities of the site’s features that could be affected by the plan’s development management policies or draft site allocations;

d. Evidence of on-going consultation with Natural England

e. Screening of the plan in order to determine whether the plan alone or in combination with other plans and projects is likely to have a significant effect of the Natura 200 sites identified

There is ample evidence and contradictions in written evidence to display that the Council has prioritised other commercial drivers on Spatial Strategy and Housing Allocations, without balanced consideration and justification. Further it appears that duties under the HR’s have been deliberately sidelined and avoided until late in the Plan process, with the result of providing bias/advantage to other drivers.

2. In addition, the National Planning Policy Framework (NPPF, in para 110) states that in preparing plans to meet development needs the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in the framework

We find no evidence in the Documents to illustrate how BMDC has addressed, evaluated, prioritised or set out to meet these aims

3. Further - <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/11-conserving-and-enhancing-the-natural-environment/> establishes that:

Para 109

The planning system should contribute to and enhance the natural and local

environment by:

- a. *protecting and enhancing valued landscapes*, geological conservation interests and soils;
- b. recognising the wider benefits of ecosystem services;
- c. minimising impacts on biodiversity and *providing net gains in biodiversity where possible*, contributing to the Government's commitment to halt the overall decline in biodiversity, including by *establishing coherent ecological networks that are more resilient to current and future pressures*;
- d. *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability*; and
- e. *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate*

We find no evidence in Documents to illustrate how BMDC has addressed, evaluated, prioritised or set out to meet these requirements

4. We have read guidance produced by David Tyldesley and Associates for Natural England (2006). The guidance helped to establish the process of applying the Habitats Directive to the Development Plan process in the neighbouring Harrogate District

The process is displayed in Figure1 of

<http://www.harrogate.gov.uk/plan/Documents/Planning%20Policy/SA/2013-habitat-regulation-assessment.pdf>

This document displays responsible action by the neighbouring District. We can find no corresponding response to the duty, or evidence of recognition, intent, in BMDC documents.

It is unacceptable that neighbouring Districts/Authorities have on record grossly differing intellectual/value judgement/governance standards on a Dale separated by a piece of running water roughly 15m wide.

The records display fundamentally conflicting approaches to overriding duties and the handling of the challenges for development in two neighbouring Authorities under a Duty to cooperate.

We wrote to BMDC on 06.01.2016 as follows

Hello there

We are working our way through the various pieces of work on the Habitats and earlier Regulations

Do Officers have an analysis of the current land use in each settlement in the District, within the various zones of influence adopted by neighbouring Councils? Can Officers quantify the marginal effects on Land use in each settlement, of the housing allocations in the Plan?

References to the location of the data will help

We note the process adopted by Harrogate District for an appropriate engagement with Natural England, is there a similar guide / reference to the process adopted by BMDC.?

Regards

For Addingham Planning Scrutiny Group

We have not received a reply at 13.01.2016

5. We have also referenced

<http://www.harrogate.gov.uk/plan/Documents/Biodiversity/2012-12-habitat-action-plan-moor-edge.pdf>

Whilst there is no evidence of corresponding action in response to this Duty of Care in BMDC documentation, we have identified BMDC's obligations towards "Planning for the future - Site improvement plan South Pennine Moors" in

<http://publications.naturalengland.org.uk/publication/5412834661892096>

which outlines the priority measures required to improve the condition of the features. In item 15 it records "Planning Permission general" as a pressure and a threat requiring the following measure - Develop a joined up approach across local authorities towards planning applications

Bradford Council along with Burnley, Kirklees, Natural England, Oldham, Rochdale, and Calderdale Council are identified jointly as responsible for delivery in addressing the issues and actions.

On 08.01.2016 we wrote to BMDC as follows:

Can Officers provide links to records of meetings, Reports, Agreed Strategies, Policies, Action Plans, Management Systems etc to help us understand what has been done.

Regards

for Addingham Planning Scrutiny Group

We have not received a reply at 13.01.2016

6. We are concerned that a similar joint responsibility has not been recognised and established with Harrogate District to address the duties to improve the combination of the SPAs and SACs in the Wharfe Valley

7. The modifications refer on a number of occasions to mitigating the effects of proposed actions. The wording concentrates on mitigating the effects of increased recreation. There appears to be no analysis to consider whether mitigation of the COMBINED loss of foraging land is necessary or even practicable. It is difficult to accept that further combined urbanisation of foraging land is consistent with MM16 :

"The River Corridors of the Aire and Wharfe and the South Pennine Moors are identified as strategic Green Infrastructure assets due to the opportunities offered to enhance the living landscape as a resource for people and wildlife and to address future needs for flood alleviation, water management, carbon capture and recreation."

8. The main concern here is that this suite of modifications - and especially MM24 and MM25 - have the effect of demoting the strategic significance of the SPA/SAC, deferring any consideration of its planning implications to the 'lower tier' plans. There is no provision that, when 'lower tier' planning is taking place, the Local Plan as a whole still shifts the emphasis of development from one locality to another in

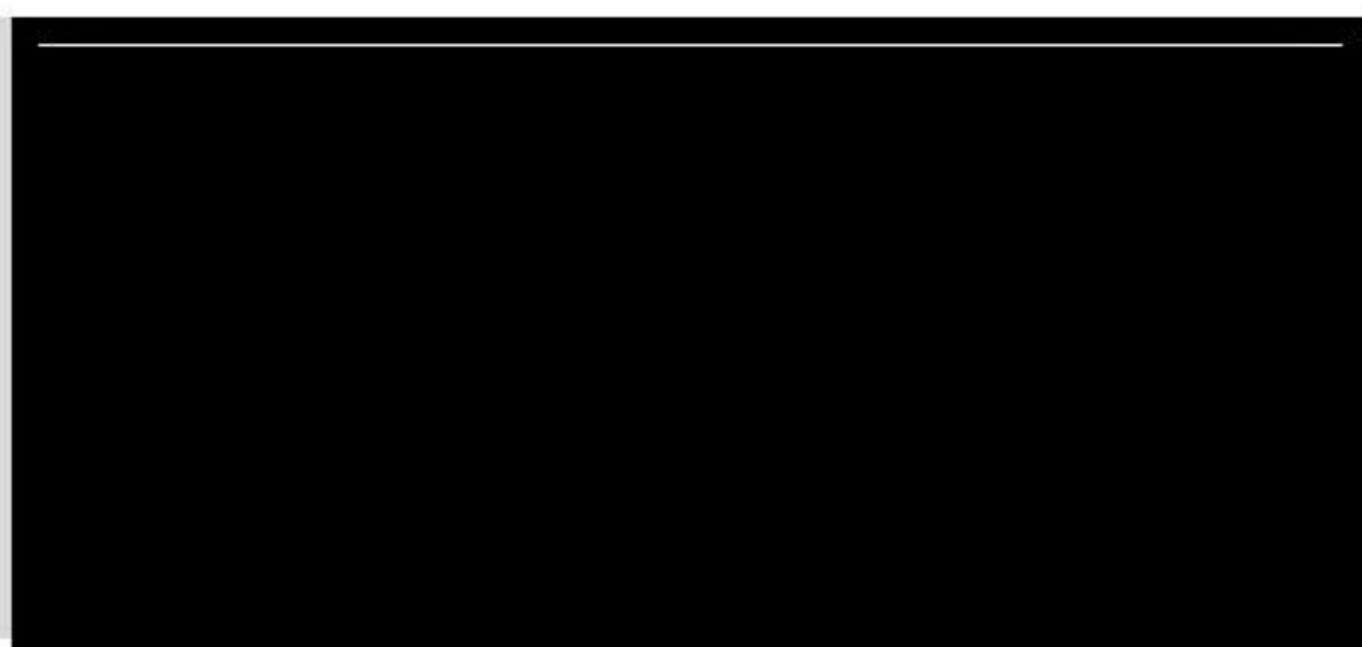
response to the 'more detailed information' that is envisaged?

9. At the very least, principal sites for which the impacts and mitigations remain uncertain have to be put into the later phase of the plan, to allow time for better evidence to be provided and, potentially, enable windfall sites to come through in their stead so that they need never be developed

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.

11. Signature:



Date:

19.01.2016

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

