

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: 19,01.2016

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

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

MM7

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'

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)

Not consistent

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:

- Presuppose the validity 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 and unreliable data-set to support further use and application
- Attempt to establish and reinforce a wrongful and unsound bias or compromise between commercial pressures and other duties under Regulations, including those within the NPPF

We have followed the plan process for some years. Overall we are left with the belief that the Council’s Plan modifications are **further** challengeable for the following reasons:

- 1. The group opposes the designation of Burley-in-Wharfedale and Menston as Local Growth Centres and the imposition of additional unnecessary housing elsewhere in Wharfedale** because the impact of the extra housing associated with this upgrading has not received sufficient consideration. A sound plan would require further modifications to deal with the extra pressure on services in these settlements and on Wharfedale as a whole, but none are proposed.
- 2. The modification is damaging to the landscape and setting** which is a vital element of the Dalesway and the three link routes from Bradford, Harrogate and Leeds, the long distance footpath. It threatens the tourism industry and future potential for the area. The Wharfe valley and the settlements of Burley in Wharfedale, Ilkley and Addingham form the corridor and scenic access route to the Yorkshire Dales. It is important to the economy of the area that tourism is encouraged and developed. The character of the valley and its communities must be protected as a vital element
- 3. The modification contradicts the Planning Policy requirements for sustainable development:**

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

which requires in conserving and enhancing the natural environment that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services
- 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;
- 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
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Para 110 states:

'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 this Framework.'

Para112 establishes that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

Para 113 requires that:

'Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or **landscape areas** will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'

The Plan Area abuts an AONB and the edge of a National Park

Para 115 states

'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'

The Plan Area abuts an AONB and the edge of a National Park

Para116 states:

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Para 117 states:

To minimise impacts on biodiversity and geodiversity, planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries;
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to

national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;

- aim to prevent harm to geological conservation interests; and
- where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.

Para 118 requires:

- When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (**either individually or in combination with other developments**) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - 1 . potential Special Protection Areas and possible Special Areas of Conservation;
 - 2 . listed or proposed Ramsar sites;
 - 3 . sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The Plan and associated Modifications is silent on Combined effects

Para 123 states:

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable

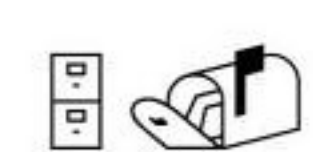
restrictions put on them because of changes in nearby land uses since they were established;-and

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise **and are prized for their recreational and amenity value** for this reason.

The Modification contradicts this requirement

4. The modification contradicts

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78416/Government2_Tourism_Policy_2011.pdf
- Sustainable tourism in the Yorkshire Dales A strategy and action
http://www.nidderdaleaonb.org.uk/Documents/tourism%20strategy%202013-2018%20FINAL_web.pdf
- The impacts of tourism: National Parks UK
<http://www.nationalparks.gov.uk/learningabout/ourchallenges/tourism/impactsoftourism>
- The Yorkshire Dales Under Threat - Ilkley & District U3A
<http://www.ilkleyu3a.org/Resources/Documents/Study%20Days/The%20Yorkshire%20Dales%20Notes.p>
- The requirements of the European Charter for Sustainable Tourism in Protected Areas:
 - Paragraph 3.1.4 establishes that tourism is a particularly effective vehicle for regenerating rundown neighbourhoods. In rural areas this means beautiful coast and countryside
 - In Para 3.4 the tourism industry is recognised as the fifth biggest sector of the economy there is still plenty of untapped potential
 - Para 4.2.4 States that local authorities have a strong financial incentive to invest in local tourism bodies because of the sectors excellent pro prospects for driving economic growth
 - Para 6.5 establishes that it is also imperative that we protect our communities from being blighted by inappropriate or ugly developments and to preserve important and nationally significant historic buildings and landscapes which are a vital part of our tourist industry
 - The European Charter for Sustainable Tourism is elaborated in the Yorkshire Dales document April 2013 where in 1.1.5 Sustainable Tourism is defined as any form of tourism development management or activity which ensures the long term the protection and preservation of natural cultural and social resources



The modification contradicts Planning Guidance:

<http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development//>

see Section 12. Conserving and enhancing the historic environment:

Para 126:

Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay **or other threats**. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner

appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Para 129:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal **(including by development affecting the setting of a heritage asset)** taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Para 131

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Para 132

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. **Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.** As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Para 137

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. **Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.**

Para 141

Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development

management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.³⁰ However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

The Modification is damaging to the setting of a significant number of historic, heritage and natural features



The modification contradicts MM16

Quote B. "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. Mitigating the adverse effects of increased recreation upon the South Pennine Moors SPA/ SAC will be a priority."

The two statements have not been reconciled

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.

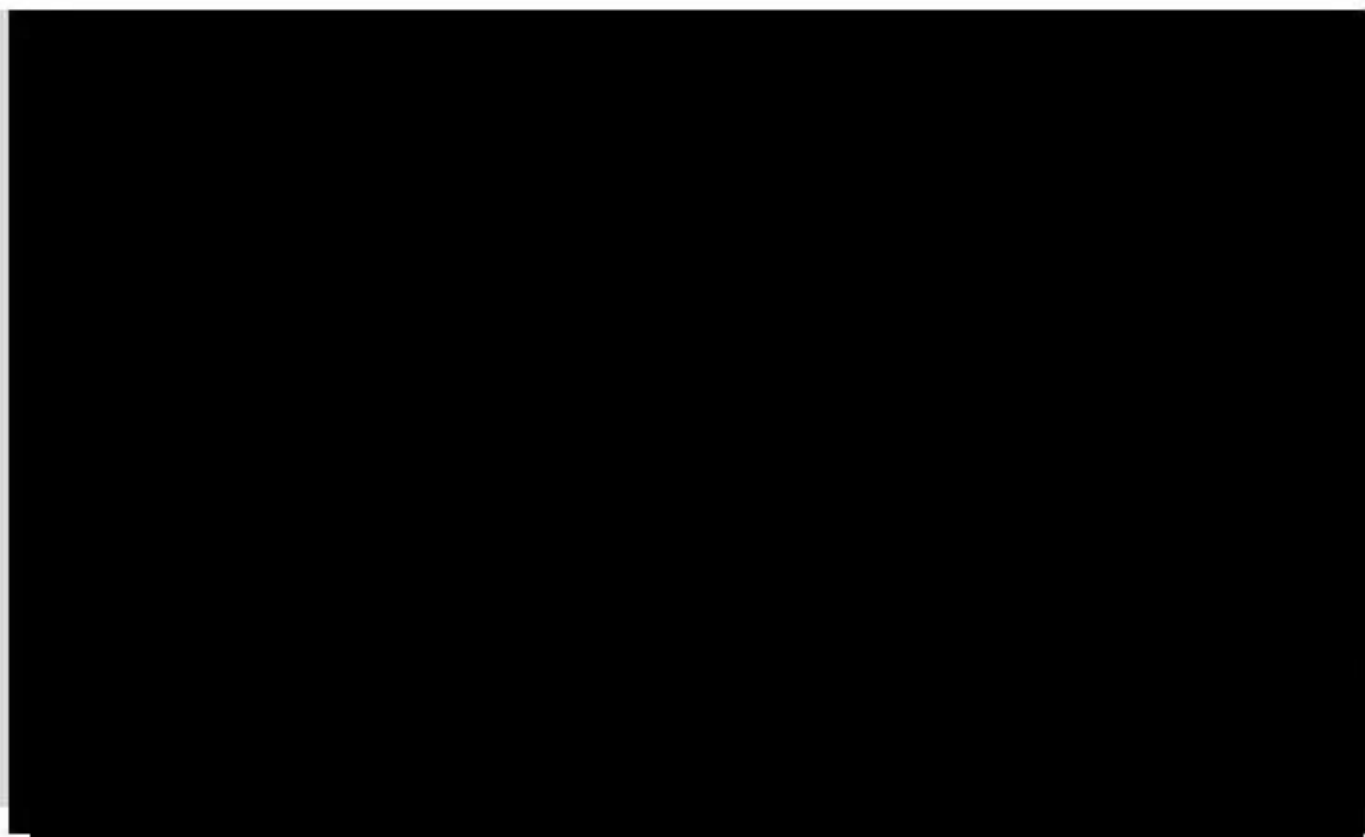
You need to say why this change will make the proposed main modification legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

MM1 Unsound Not Consistent with National Policy

There are limited sites for development in Wharfedale that are truly sustainable. Consequently, housing allocations for Wharfedale settlements should be reviewed and reduced, with corresponding greater allocations for more sustainable locations particularly those better served by transport links and closer to existing and future employment sites.

In addition, much greater emphasis should be placed on developing previously developed land (PDL) with a higher target for PDL coupled with much more robust phasing/development management policies to ensure that PDL really is prioritised (a stated objective of the Plan) and delivered. The current approach makes it too easy for developers to manipulate the system and cherry-pick attractive "green" sites at the expense of PDL, perpetuating dereliction whilst unnecessarily losing green belt and other sites of high landscape value.

11. Signature:



Date:

19.Jan 2016

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