

## **Report of the Strategic Director Place to the meeting of Executive to be held on 20 June 2017.**

---

**Subject: Local Plan Core Strategy - Inspectors Report and Adoption**

**Summary statement:**

**C**

**The Council is in the process of preparing a new Local Plan which will replace the current statutory development plan for Bradford District (the Replacement Unitary Development Plan) which was adopted in 2005.**

**The first of the Local Plan documents is the Core Strategy which sets out the strategic approach to managing development and change to 2030. It was submitted for Examination in December 2014 with Hearings held in March 2015. Proposed modifications were published in November 2015 and resumed hearings held in May 2016.**

**The Council has now received the Inspector's final Report and recommendations. The Inspector has considered all the matters before him including the plan, the evidence underpinning it, and the objections and representations made and the published modifications. In his report he concludes that the Plan can be considered to be legally compliant and sound, providing a limited set of Main Modifications are made to the plan, as submitted.**

**The purpose of this report is for the Executive to note the contents of the Inspector's report and to seek authority to proceed to Full Council to request the legal adoption of the modified Core Strategy in line with the Inspector's recommendation.**

---

Julian Jackson  
Assistant Director Planning  
Transportation and Highways

**Portfolio:**

Regeneration, Planning and Transport

Report Contact: Andrew Marshall  
Phone: (01274) 434050  
E-mail: [Andrew.marshall@bradford.gov.uk](mailto:Andrew.marshall@bradford.gov.uk)

**Overview & Scrutiny Area:**

Environment and Waste Management

## 1. SUMMARY

- 1.1 The Council is in the process of preparing a new Local Plan which will replace the current statutory development plan for Bradford District (the Replacement Unitary Development Plan) which was adopted in 2005.
- 1.2 The first of the Local Plan documents is the Core Strategy which sets out the strategic approach to managing development and change to 2030. It was submitted for Examination in December 2014 with Hearings held in March 2015. Proposed modifications were published in November 2015 and resumed hearings held in May 2016.
- 1.3 The Council has now received the Inspector's Final Report and recommendations. The Inspector has considered all the matters before him including the plan, the evidence underpinning it, and the objections and representations made and the published modifications. In his report he concludes that the Plan can be considered to be legally compliant and sound, providing a limited set of Main Modifications are made to the plan, as submitted.
- 1.4 The purpose of this report is for the Executive to note the contents of the Inspectors report and to seek authority to proceed to Full Council to request the legal adoption of the modified Core Strategy in line with the Inspector's Recommendation.

## 2. BACKGROUND

- 2.1 In accordance with the Planning & Compulsory Purchase Act 2004 and National Planning Policy Framework (NPPF), the Council is in the process of preparing an up to date Local Plan for the Bradford District. The Local Plan will ultimately supersede the current Replacement Unitary Development Plan (RUDP) (as saved by the Secretary of State October 2008). It will set out the policies against which development proposals are tested, as well as allocating land for homes, economic development and supporting infrastructure. It will also review other local designations such as open space and heritage assets etc. The Council is committed to produce the following suite of Development Plan Documents which will make up the Local Plan:
  - Core Strategy
  - Allocations Development Plan Document (DPD)
  - Bradford City Centre Area Action Plan (AAP)
  - Shipley and Canal Road Corridor Area Action Plan (AAP)
  - Waste Management Development Plan Documents (DPD)
- 2.2 The Council is now making significant progress towards putting in place a new Local Plan, in particular with the receipt of the Inspector's report into the Core Strategy. Given the complex challenges and the context of changes to national planning policy, the receipt of the report and recommendation allowing it's adoption is a major milestone.



- 2.3 The Core Strategy provides the spatial vision and objectives for the District to 2030 and includes strategic policies to inform future development proposals. It also provides direction as to the approach, development targets and policies to be contained within the other parts of the Local Plan such as the Area Action Plans and the Allocations DPD. Without an adopted Core Strategy, progress in preparing the other Local Plan documents, which will themselves deliver the regeneration, investments, infrastructure and housing development required, will be undermined. The Core Strategy once adopted will also shape investment decisions and assist the Council in making successful bids for resources. Utility and infrastructure providers will be given a greater level of certainty as to the level and distribution of development planned and this will in turn enable them to plan more effectively and to secure funding for projects which will benefit the District. This is extremely significant given the understandable concerns raised by those who made representations during the Core Strategy process, as to how the Council would manage change and ensure that development is matched by supporting infrastructure.
- 2.4 The Core Strategy thus provides a fundamental framework to plan for the homes and jobs the District needs in a sustainable manner and in locations which respects local character and the distinctiveness of the diverse communities across the Bradford District. However, the Plan covers a much wider range of issues than just those of housing and employment development. It provides a strategic set of policies on a range of issues key to delivering sustainable development, including environmental protection and enhancement, addressing climate change and supporting low carbon development, place making and design quality. The Core Strategy in this respect needs to be considered as whole in planning for growth and development in the District to 2030.
- 2.5 The Core Strategy has been in preparation for a number of years and subject to extensive formal and informal consultation and is supported by a range of technical studies and assessments which have been published and used to inform the content and approach in line with national guidance. The formal stages of consultation prior to submission included:
- Issues & Options (2007)
  - Further Issues and Options (2008)
  - Core Strategy Further Engagement Draft (FED) (2011 – 2012)
  - Core Strategy Publication Draft (2014)
- 2.6 The Core Strategy was approved for submission to the government for examination by Full Council in December 2013, which was then followed by its publication for formal representations. The Core Strategy and the representations were submitted to the government in December 2014. The appointed Inspector Mr Stephen Pratt held hearings in March 2015 into a number of key matters and issues. Following the hearings further changes to the Plan were considered necessary to ensure the Core Strategy would be ‘sound’ (in line with national guidance, justified, effective and positively prepared) and capable of legal adoption. These Main Modifications were published by the Council in November 2015 for representations. The Inspector held



a number of further hearings in May 2016 to consider a limited number of matters raised through the representations to the Main Modifications. A further set of very limited changes were proposed to the Main Modifications following these hearings. The Council received the Inspector's Report on 22 August 2016 and made it available for information on 5 September (see Appendix 1). The receipt of the Inspector's Report marks the final step prior to formal adoption.

- 2.7 The Inspector's report was due to be considered by the Councils Executive on 11 October 2016. However, Gavin Barwell Minister of State (Housing & Planning) on 10 October 2016 issued a temporary holding Direction under powers contained in Section 21A of the Planning and Compulsory Purchase Act 2004. This required the Council not to take any steps in connection with the adoption of the Core Strategy until the Direction is withdrawn. The Core Strategy has no effect while the Direction was in force. The Direction allowed the Minister to consider whether to give direction under section 21 of the Act which gives a number of powers to the Minister to intervene in the preparation of a Local Plan. The Letter from the Minister was published on the Council's web site for information.
- 2.8 These powers were instigated by the Local MP for Shipley Philip Davies who raised several concerns in noted in the Direction. These included:
- Proposed release of Green Belt (in particular in Wharfedale);
  - Development of Green belt before brownfield land is exhausted;
  - Efforts under Duty to Cooperate to meet Bradford's housing needs; and
  - Appropriate location of development to meet the District's Housing need and contribute to the regeneration of Bradford City Centre.
- 2.9 The Council worked with DCLG officers in order for them to fully consider the issues raised by Philip Davies and make a recommendation to the Minister. The required information was provided to DCLG by end of November. This demonstrated both the process gone through and the relevant evidence upon which the plan was based as well as the approach adopted to Green Belt within the Core Strategy.
- 2.10 Following consideration of the matters raised by Philip Davies the Minister of State (Housing and Planning) has formally withdrawn the holding direction in his letter dated 28 March 2017. The Letter from the Minister was published on the Council's web site for information. In this respect he has decided not to intervene in the Core Strategy.
- 2.11 Reference is made in the Ministers letter to the recent Housing White Paper consultation. As is normal practice the Council will consider the implications of changes to national policy when finalised and whether this requires any part of the Local Plan to be subject to review as a result.
- 2.12 This now allows the Council to proceed towards the adoption of the Core Strategy.

### **Main Issues**

- 2.13 The role of the Inspector was to consider all the relevant matters before him



(including all issues in the formal representations) and the supporting evidence base and thus conclude whether the Plan could be considered to be legally compliant and 'sound' and therefore capable of legal adoption by the Council.

- 2.14 In order to help the Inspector reach a conclusion and to allow all relevant parties to contribute to the debate, an Examination in Public was held. As noted above this involved a limited set of hearings, the nature, content and management of which were determined by the Inspector. The hearings covered matters and questions which the Inspector considered required further exploration and they allowed those with concerns to provide further information linked to the matters and issues determined by the Inspector. Further statements and information were produced as part of the examination process at the request of the Inspector and made available on the examination web site. This allowed adequate opportunities for all parties to ensure the Inspector fully understood and considered their issues/concerns as part of his formal considerations and in coming to his conclusion and recommendation.
- 2.15 In his report the Inspector concluded that he considers that the Core Strategy as approved by Full Council to provide an appropriate basis for the planning of the District but only provided that a number of Main Modifications (MM) are made to it. The Council specifically requested that the Inspector consider any potentially necessary Main Modifications as part of the examination process. To this end the Council proposed Main Modifications which were subject to separate consultation.
- 2.16 The Inspector has concluded that with the recommended Main Modifications set out in the Appendix to his report, the Core Strategy Development Plan Document satisfies the requirements of Section 20(5) of the 2004 Act, meets the criteria for soundness in the National Planning Policy Framework, and is capable of adoption.
- 2.17 The Inspector's Report sets out the reasons for his conclusion and why he considers the Main Modifications are necessary (see in particular the Non-Technical Summary). The full Inspector's Report and Appendix can be found in Appendix 1 to this report. Below a number of the major issues are highlighted and outlined with reference to the Inspector's Report and conclusions.
- 2.18 It is worth noting that whilst there are numerous Main Modifications set out in the schedule appended to his report, the vast majority of the Core Strategy as submitted has been accepted by the Inspector and remains unchanged.

### **Legal compliance**

- 2.19 The Inspector has concluded that the Council has complied with legal requirements in the preparation of the document including the approach to consultation and engagement, national policy, sustainability appraisal and legal/regulatory requirements. Concerns which were raised in the initial Examination hearings of March 2015 with regards to the Habitats Regulation Assessment and its subsequent impacts on a number of policies – concerns which if left unaddressed could have rendered the plan incapable of adoption - were rectified through a



review as part of the Examination (see paragraph 2.21 – 2.22 below).

### **Duty to cooperate**

- 2.20 During the course of the Core Strategy's preparation the Council had to respond to a number of changes to the planning system and to new procedural requirements. One such key change which followed on from the revocation of Regional Spatial Strategies, was the need to meet the new duty to cooperate. In the absence of formal regional planning the duty ensures that councils prepare their strategic plans in consultation and co-operation with neighbouring Local Planning Authorities (LPAs) and specified statutory bodies.
- 2.21 A number of concerns by those making representations were raised regarding compliance with this duty including scales of development, cross boundary impacts (green belt, transport and other infrastructure). The matter was subject to a specific Examination hearing. Having considered all the evidence and the discussions at the hearing the Inspector concludes that the Council has met this duty in terms of maximising the effectiveness of the plan making process and actively co-operating and engaging with relevant bodies on an on-going basis. It is worth noting that his conclusion relates to the Core Strategy and further on-going work will take place on strategic/cross boundary impacts and on-going liaison with adjoining LPAs as part of the more detailed Local Plan documents in particular the Allocations DPD.

### **Spatial Vision and Development Strategy**

- 2.22 One of the key roles of the Core Strategy is to set out a clear spatial vision which in turn then determines the Plan's objectives and the proposed spatial distribution of development. The focus of the Plan is to support the role of the Regional City of Bradford and secure its on-going regeneration and to that end the majority of new development proposed in the Plan is focused on Bradford and to a lesser extent the Principal Towns of Keighley, Ilkley and Bingley. The Plan however also highlights the need to support development and investment of the network of smaller settlements within the District whilst also protecting the environment. Having considered a range of representations suggesting alternative approaches, the Inspector has supported the overall approach and spatial priorities contained within the spatial vision, and the objectives and Strategic Core Policies. He has supported the need for a focus on the urban area of the City of Bradford and its regeneration, and the proposed distribution of development. In doing so he rejected calls for differing approaches to the distribution of development, rejected calls for development quantum to be further adjusted (over and above those adjustments already put forward in the Main Modifications) and supported the Plan's approach relating to infrastructure which included the preparation of a comprehensive Local Infrastructure Plan (LIP).
- 2.23 The approach to the location of development (Policy SC5) has been supported including the need to prioritise brownfield land, but it is important to stress that the Inspector has fully accepted the Council's arguments that bearing in mind the scale of housing required and the nature of the available and deliverable land supply a substantial contribution from green field and Green Belt land will be needed to



deliver the District's development needs in full. However, the Inspector has also accepted the importance of the prioritisation of the use of brown field land within the District, as set out in Policies SC5 and HO6. While national planning guidance does not allow a brownfield first policy there are still many ways in which the Council can use its plans, investment programmes and strategies to encourage the use of brownfield sites and the Inspector has endorsed the Council's policies and approach as balanced and in conformity with the NPPF.

### **Green belt**

- 2.24 As indicated above, one of the key issues which has been the subject of a significant number of representations, has been the need to make changes to the Green Belt in order to ensure that the District's development needs are met. It is important to stress that the Government's guidance contained within the NPPF does allow for councils to make changes to the Green Belt when preparing a new Local Plan, but only if certain tests are met and if the evidence supports and justifies such an approach. In particular, the Council are required to demonstrate that 'Exceptional Circumstances' exist which justify Green Belt changes and that the Council has fully considered the environmental and sustainability implications of making such changes.
- 2.25 The Inspector in this respect thoroughly examined whether the Council had demonstrated 'Exceptional Circumstances' to support a review of the Green Belt as required by NPPF. The Council's evidence set out that Green Belt change was required in order to fully meet the development needs for housing, and support regeneration and long term economic success of the District. The evidence on land supply in the Strategic Housing Land Availability Assessment (SHLAA) confirmed that there was insufficient land outside the Green Belt to fully meet the identified housing needs. Other evidence confirmed that there was land available in the Green Belt in sustainable locations which if developed would not undermine the functions and purpose of Green Belt. Having considered the evidence and also the differing views of those who made representations, the Inspector has concluded that the Council has indeed demonstrated that 'Exceptional Circumstances' to change the Green Belt exist and that the Council has considered whether it would be appropriate to make such changes – in particular that such changes can be made in a sustainable manner. However, in order to clarify the process and approach taken the Inspector has asked for a number of changes and additions to the supporting text within the Plan which are set out in one of the published Main Modifications.
- 2.26 The Inspector also considered the need to allocate Safeguarded Land as advocated by some objectors, in order to ensure a Green Belt boundary when reviewed which could last beyond the plan period. The Inspector was content that the revised boundaries could endure beyond the plan period and any longer term review of the Green Belt would need a more strategic approach across the sub region as part of future plans.



## **South Pennine Moors SAC/SPA**

- 2.27 One of the key issues which was subject to objection and thus debate within the Core Strategy examination was whether the submitted plan had taken the right approach to the protection of the South Pennine Moors Special Area of Conservation (SAC) and Special Protection Area (SPA) and whether the Plan had been informed by an appropriate and robust Habitats Regulations Assessment (HRA). This in turn linked to representations which were concerned that the approach taken had been unnecessarily precautionary leading to housing targets for certain settlements (mainly in Wharfedale) which were lower than could be justified and to concerns over other policies such as those relating to the Plan's settlement hierarchy.
- 2.28 Having reviewed the original policy approach and the original HRA and other evidence the Inspector concluded there were some deficiencies. In order to address these concerns the Council with its consultants and Natural England reviewed and revised the HRA and in light of the revised HRA amended the approach under Policy SC8. The Council also reviewed the implications for the settlement hierarchy (Policy SC4) and the spatial distribution of development as set out in particular within Policy HO3.

## **Housing**

- 2.28.1 One of the most important aspects of a strategic plan is to undertake an objective assessment of the level of new housing which will be needed in the District over the plan period. The setting of a housing requirement has been an issue which has caused problems to the progress of a large number of plans across the country over recent years with some having their plans rejected outright due to Inspector's concerns that plans were failing to identify and provide for the full extent of need in their areas. Within Bradford's Core Strategy a range of evidence including Government issued population and household projections, migration trends, economic and jobs growth projections, housing market information and data on past housing delivery has been used to conclude that over the period to 2030 at least 42,100 new homes will be required.
- 2.29 The Inspector has considered the evidence produced and the widely differing views expressed by different objectors and concluded that the Council's approach to assessing housing need is consistent with NPPF and National Planning Policy Guidance (NPPG). In particular, the Inspector has confirmed that the Council has considered the required wide range of factors set out in the NPPG and not just the Government's population and household projections which are nonetheless a key element. The Inspector has fully considered the issues raised by those who sought to either increase or reduce the housing requirement and concluded that the Council's approach is sound.
- 2.30 The Inspector has confirmed that as required by the NPPF, the Core Strategy should plan positively to boost housing delivery but in this respect has asked for a Main Modification which provides a revised housing trajectory in one of the Core Strategy's appendices. The revised trajectory reflects the need to boost delivery in





the early part of the plan period, in recognition of the existence of a backlog of unmet housing need and the current lack of a 5 year land supply.

- 2.31 The scale and distribution of development (Policy HO3 and Sub Area policies) proposed by the Core Strategy to meet the housing requirement was broadly supported by the Inspector but subject to several Main Modifications which take account of the revised HRA, an updated land supply position in the latest Strategic Housing Land Availability Assessment (SHLAA) and the need to address concerns raised by Historic England about impact on the Saltaire World Heritage Site and Haworth Conservation Area. This resulted in a limited number of settlements having their housing targets increased (Burley In Wharfedale, Menston, Ilkley, and Silsden) and others slightly reduced (Shipley, Bradford North East, the Canal Road Corridor, Haworth, and Baildon). These changes were included in the Main Modifications published and representations to the changes considered at the further hearings held in May 2016.
- 2.32 The Inspector supported the identification of Holme Wood as an urban extension, the exact scale to be determined through the Land Allocations Development Plan Document.
- 2.33 The broad approach to the settlement hierarchy (Policy SC4) was supported by the Inspector though the classification of two settlements (Burley in Wharfedale and Menston) are proposed to be modified to reflect the changes in scales of development and returned to their previous proposed status as Local Growth Centres. The fact that the settlements of Burley in Wharfedale and Menston had only been downgraded from Local Growth Centres to Local Services Centres on the back of the deficient HRA was accepted by the Inspector thus requiring the Council's to propose a Main Modification not only to the HRA related policy but also to the settlement hierarchy and proposed scale of housing proposed within Wharfedale. While the modifications to increase housing targets within parts of Wharfedale raised a significant number of representations it is important to note that the modifications made only modest changes to the overall housing distribution and the focus of the Plan remains overwhelmingly focused on the main urban areas. This is illustrated by the fact that the modified plan proposes that the Regional City of Bradford will see 27,750 new homes (66% of the district wide requirement) as compared to 2,500 (5.9%) within Wharfedale.
- 2.34 In other sections of his report the Inspector has confirmed, subject to the inclusion of a number of Main Modifications the approach to:
- Affordable housing (Policy HO11) with minor change to the threshold for small sites to reflect changes in national policy;
    - Phasing the release of housing sites(Policy HO4);
    - Density of development ( Policy HO5);
    - Prioritisation of development on brownfield land ( Policy HO6); and
    - Housing standards (policy HO9) with changes to bring into line with new national housing standards.

## Infrastructure



- 2.35 The Core Strategy's sub area policies (which summarise and highlight the priorities and policies in each area) were subject to extensive consideration at the hearings in March 2015 and examined again in light of proposed Main Modifications in May 2016. As well as considering the issues relating to the proposed scale and distribution of development and the role of individual settlements as noted above, the Inspector considered the concerns raised in most communities regarding ability of Infrastructure to accommodate the scale of development proposed. The Inspector considered fully the Council's evidence in particular the Transport Study and Local Infrastructure Plan. He concluded that the Council had considered as far as possible the critical infrastructure and improvements necessary (including highlighting key elements within the Sub Area policies) and emphasised that the process of assessing and planning for such infrastructure would continue through on-going liaison with key infrastructure providers and as the Council develops the Allocations Development Plan Document. The Inspector also noted that in some cases new development can enhance or improve existing facilities and services as well as providing new facilities.

### **Flooding**

- 2.36 Flooding was a key concern in a number of communities which was considered fully by the Inspector who supported the Councils approach as being in line with NPPF and NPPG and appropriate to the strategic nature of the Plan. He noted that many areas are at risk of to flooding from rivers, groundwater and surface water. The Core Strategy was supported by a Strategic Flood Risk Assessment (SFRA) level 1 which considered all sources of flooding as well as a sequential testing paper which concluded that the proposed development targets could in the majority of settlements be met entirely on sites in the lowest areas of fluvial flood risk (flood zones 1 and 2). The Inspector noted that further work would take place as part of the Land Allocations Development Plan Document on a site by site basis. Detailed policy guidance on flood risk is contained in Core Strategy Policy EN7.

### **Economic Development**

- 2.37 The approach to economic development including the provision of a supply of new employment land of 135Ha was supported with Main Modifications to provide clarity on the job projections to reflect those used in the Leeds City Region (LCR) Regional Econometric Model and their use in the housing needs projections.

### **Environment**

- 2.38 The wide range of environmental policies were supported by the Inspector, with only a limited number of small changes to policy to provide clarification or align with changes to Policy SC8.

### **Minerals and Waste**



- 2.39 The approach to minerals and waste was support with a small number of changes.to the policies and the inclusion of more background information in the lower case text on the minerals and waste needs.

### **Adoption**

- 2.40 The Core Strategy as proposed to be modified provides a clear and up to date context for the Land Allocations Development Plan Document as well as supporting the approach in the two Area Action Plans, Waste Management Development Plan Document currently due to be discussed at their own examinations during the coming months. The adoption of the Core Strategy would also clarify the policy context for the local communities who wish to progress Neighbourhood Plans.

### **Minor modifications**

- 2.41 During the Examination a number of minor changes (in addition to what have been termed 'Main Modifications') were also considered. An additional schedule of these changes was published with the proposed Main Modifications in November 2015. The minor changes relate to editorial issues and matters of presentation or fact. These will be incorporated into the Plan if adopted together with the Main Modifications.

### **Adoption Process**

- 2.42 Assuming the Core Strategy is adopted, following resolution by Full Council, it will form a part of the statutory Local Plan for the District. It will become a key document in the determination of planning applications. It will replace many of the existing saved policies of the RUDP. A full schedule of the RUDP polices and their status on adoption of the Core Strategy has been produced as part of the examination and is available to view on the Council's web site (SD/010).
- 2.43 It is important to stress that the policies within the RUDP were prepared a considerable time ago and over time will become ever more vulnerable to challenge. This includes policies to protect key environmental assets such as green spaces, as well as those policies which relate to development. The adoption of the Core Strategy will provide policies which have been prepared in the light of current government guidance and up to date evidence and which will therefore provide a more robust basis for the Council's decision making when considering planning applications. Should the Core Strategy be delayed or not adopted there is a much greater risk of successful challenges to the Council's decisions, increased numbers of planning appeals and associated increased costs and greater loss to development of green field sites.
- 2.44 If the Core Strategy is adopted by Full Council in line with the Inspector's recommendations with all the proposed Main Modifications the Council will then publish an Adoption Statement. Following this there is a 6 week period allowed for any party to legally challenge the Council's decision to adopt.



### 3. OTHER CONSIDERATIONS

- 3.1 The Council has a duty under the Planning and Compulsory Purchase Act 2004 to prepare the Local Plan for the District in line with the approved Local Development Scheme (LDS). The Council can determine the nature and make-up, of the Local Plan it wants to put in place in order to meet its statutory duty, as well as the timetable for its' preparation. The currently agreed Local Plan programme, as set out in the approved LDS, commits to 5 Development Plan Documents (see paragraph 2.1).
- 3.2 The process for the preparation of each DPD is prescribed by statute and regulation. In order to ensure a 'Sound' plan it is important that the Council ensures it follows the regulations, ensures effective and robust consultation, and ensures it is founded upon up to date and robust evidence. All DPDs are submitted to the Secretary of State for independent examination to test whether they are sound with reference to the tests set out in legislation and regulations. Failure to ensure a robust approach could result in a DPD being unsound and not capable of adoption. The Inspector has considered fully the legal compliance and soundness and concluded that the Core Strategy as proposed to be modified is sound and can be adopted by the Council. However he has also confirmed that the original plan submitted to the Planning Inspectorate without the proposed Main Modifications would not be considered 'Sound'. The importance of accepting and incorporating, in full, the schedule of Main Modifications to ensure that the Plan can be adopted should therefore be emphasised.
- 3.3 Once the examination process is complete, adoption is the final stage of putting a Local Plan in place. This requires confirmation by a full meeting of the Local Planning Authority (Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000). On adopting a Local Plan, the Local Planning Authority has to make publicly available a copy of the Plan, an Adoption Statement and Sustainability Appraisal in line with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.4 Government guidance states that while the Local Planning Authority is not legally required to adopt its Local Plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound.
- 3.5 National Planning Policy continues to emphasise the need for Local Planning Authorities to prepare an up to date development plan for their district and more recent government statements are seeking councils to progress as a matter of urgency.
- 3.6 The Housing and Planning Act 2016 re-emphasised the need for Local Planning Authorities to make progress to put in place up to date local plans and introduced new powers for the Secretary of State to intervene where sufficient progress was not being made. In a statement to Parliament (July 2015) the then Minister of State for Housing and Planning (Brandon Lewis) made clear the government's



commitment to getting Local Plans in place. To this end, the government will publish league tables setting out local authorities' progress on their Local Plans. In cases where no Local Plan has been produced by early 2017 the government will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate production of a Local Plan under the new provisions in the Housing and Planning Act 2016. The adoption of the Core Strategy would be a major step forward in meeting this requirement and demonstrating to government the District's commitment to producing an up to date Local Plan. It will therefore enable the Council in conjunction with local communities and stakeholders to maintain control over decisions on the future planning of the District.

3.7 The NPPF presumption in favour of sustainable development makes clear that decisions should be made against the Local Plan. For planning decision it states that this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are Out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted

3.8 The RUDP was adopted in 2005 and most of its policies saved in 2008. The RUDP plan period was only until 2014 and had a land supply which reflected much lower levels of housing need than that which is now required to be delivered. .

3.9 The land supply elements of the RUDP are therefore already considered as out of date. Although many of its saved policies accord with NPPF, there is also a danger, as indicated above, that the age of the RUDP will result in more of its policies being superseded as time goes on if not replaced and refreshed by the new Local Plan.

3.10 The reliance on the remaining unimplemented RUDP housing site allocations together with other more recent planning consents means that the Council is and will continue to be unable to demonstrate as required by the NPPF that it has an appropriate supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 20% (moved forward from later in the plan period), to ensure choice and competition in the market for land. In such circumstances paragraph 14 of the NPPF (see paragraph 3.7 above) applies.

3.11 The latest SHLAA update demonstrates that the Council does not currently have a five year supply in line with NPPF. It currently stands at 2.3 years. Given the scale of the housing requirement the only way the District can ensure a 5 year supply is to allocate more land through the new Local Plan. The adoption of the Core Strategy will allow for progress to be made towards the allocation of sustainable sites within



the two Area Action Plans and the Allocations DPD.

- 3.12 Given the above it is imperative that the Council proceeds to put in place an up to date Local Plan as soon as practicable. Until a new up to date plan is in place decision making particularly on housing developments will be determined with reference to the presumption in NPPF and away from local control. Delay will also impact on the progress on the two Area Action Plans which support key regeneration areas as well as the wider Land Allocations work which will put in place the up to date supply of land to meet the need for homes and jobs.
- 3.13 It is also important to communities, business and investors that an up to date plan is put in place in order to ensure certainty and confidence. It also will assist in supporting the attraction of much needed investment into infrastructure projects based on clearly articulated plans for delivering growth and supporting business case for supporting investment.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 The preparation of the Local Plan is undertaken by the Planning and Transport Strategy Service, which is funded from within the Department's resources, supported by one off corporate growth payments to cover abnormal costs of consultation and engagement, technical studies and examination cost.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 There are risks to the Council as a result of not having an up to date Local Plan. These include:
- uncertainty for decision making;
  - reduced prospects for securing funding for new infrastructure;
  - Loss or reduction of New Homes Bonus from Government
  - increase in the number of successful planning appeals with attendant increased costs;
  - possible government intervention to externalise plan making; and
  - failure to meet key needs for homes and jobs.
- 5.2 The receipt of the Inspector's Report and recommendations allowing adoption mean the Council is in a position to be able to put in place an up to date development strategic planning framework for the District which will form part of the statutory Local Plan and provide a starting point for the consideration of planning applications. It will also provide the strategy and framework for the production of other Local Plan documents. It will also provide confidence and clarify to the development sector as well as business and communities and allow infrastructure providers to be clear about the scale and distribution of development they need to support through their investment plans and decisions.
- 5.3 As with submission to examination the decision whether to adopt the Core Strategy is for Full council.



## **6. LEGAL APPRAISAL**

- 6.1 The Local Plan is prepared in line with the appropriate, legislation (UK and EU), regulations and guidance, in particular the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2012 and Planning and Housing Act 2016. The Submitted plan was supported by a legal compliance check list and the Inspector concluded that the submitted plan was legally compliant.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

The consultation on the local plan is undertaken in line with the Statement of Community Involvement (SCI), which sets out how the Council will seek to engage the community in the preparation of Development Plan Documents. In order to achieve this it seeks to set a framework to ensure representative and inclusive involvement and engagement at all stages of document preparation. Particular consideration is given in the document to hard to reach groups. In addition the Local Plan documents are subject to an Equality Impact Assessment which was submitted with the Core Strategy to examination.

### **7.2 SUSTAINABILITY IMPLICATIONS**

All Local Plan Development Plan Documents are required to be subject to Sustainability Appraisal (SA) including Strategic Environmental Appraisal (SEA) at all key stages. The SA seeks to assess the likely impacts of the policies and proposals of the relevant plan. The Inspector considered the SA and SEA and concluded that they met the legal and regulatory requirements.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The Local Plan is subject to Sustainability Appraisal throughout its development, which identifies the likely impacts of the Plan and where appropriate any mitigation to manage any negative impacts. Climate Change is identified within the Core Strategy as a key issue and is covered by several policies which seek to reduce greenhouse gas emissions and also manage the potential impacts of Climate Change.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

There are no community safety implications.

### **7.5 HUMAN RIGHTS ACT**

The SCI sets out how all individuals can have their say on the development plan documents. Anyone who is aggrieved by a Development Plan Document as submitted has a right to be heard at an independent examination. The Submission Statement sets out the stages of engagement and a summary of the key issues



raised together with the Council's response. The two sets of hearings held by the Inspector allowed for any individual with a representation to have their concerns heard as well as considered through the written documents.

## **7.6 TRADE UNION**

There are no Trade Union implications.

## **7.7 WARD IMPLICATIONS**

The Core Strategy relates to the whole District and affects all wards.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None.

## **9. OPTIONS**

9.1 The Executive have 3 options.

### **Options1**

9.2 The first option is to approve the Core Strategy in line with the Inspector's Report and recommendations including the complete set of Main Modifications contained in the Appendix to the Inspector's Report. The document is considered 'Sound' and legally compliant by the Inspector and capable of adoption only with the proposed Main Modifications.

### **Option 2**

9.6 The second option is to attempt to adopt the Core Strategy but not to include all the Main Modifications or with different changes. There is a strong likelihood that such a course of action would fail and result in successful legal challenge as the Inspector has made clear that the Main Modifications are all required in order to produce a 'Sound' and legally compliant plan, which is capable of adoption;

### **Option 3**

9.7 The third option is to not adopt the Plan and to review the document. In effect this would amount to a withdrawal of the Plan in total as the Inspector has now concluded his examination. This would delay significantly the adoption of the Local Plan having particular implications for the site allocation documents as well as Neighbourhood Plans. As well as delay of up to 3-4 years to go back through the process there would also be significant additional costs to the Council. There would also be a risk of intervention by the government. In the meantime the District would continue to lack a 5 year supply of housing land and lose control influence over of development proposals in the District. During the course of the production of the Core Strategy considerable sums have been invested in the Plan's preparation including the production and commissioning of evidence and the holding of an Examination in Public. Failure to adopt the Core Strategy would lead to significant cost as much of the evidence associated with the document would have to be updated or prepared afresh, further consultation would have to be undertaken and a





new examination would need to be held and paid for.

- 9.8 The Executive are therefore recommended to follow Option 1 and recommend to Full Council that the Core Strategy as submitted be adopted with the Main Modifications proposed by the Inspector for the reasons set out in his report and also this report. The other options would have significant serious implications for the timetable for putting in place an up to date Local Plan and associated risks to both the Council and the District and its communities.

## **10. RECOMMENDATIONS**

- 10.1 The Executive is recommended to note the contents of this report and contents of the Inspector's Report and recommend that Full Council formally adopt the Core Strategy as approved by Full Council on December 2013 and submitted to the government for examination with the Main Modifications contained in Appendix 1, as proposed by the Inspector pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.
- 10.2 That the Assistant Director (Planning Transportation and Highways) in consultation with the relevant Portfolio Holder be authorised to make other minor amendments of redrafting or of a similar nature as may be necessary prior to formal publication.

## **11. APPENDICES**

- 11.1 Report on the examination of the Local Plan for the Bradford District Core Strategy Development Plan Document and Appendix (containing the Main Modifications).

## **12. BACKGROUND DOCUMENTS**

- 12.1 Local Development Scheme ( July 2014)  
12.2 Publication Draft Core Strategy  
12.3 Additional Modifications ( November 2015)  
12.4 National Planning Policy Framework  
12.5 National Planning Policy Guidance  
12.6 Holding Direction letter to leader of the Council from Gavin Barwell Minister of State (Housing & Planning) dated 10 October 2016  
12.7 Letter to leader of the Council from Gavin Barwell Minister of State (Housing & Planning) withdrawing the Holding Direction dated 27 March 2017

