

**PART B – YOUR REPRESENTATION - Please use a separate sheet for each representation.**

**3. To which part of the Plan does this representation relate?**

Section	5.4	Paragraph	A7	Policy	EN7
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**4. Do you consider the Plan is:**

4 (1). Legally compliant	Yes		No	
4 (2). Sound	Yes		No	X
4 (3). Complies with the Duty to co-operate	Yes		No	

**5. Please give details of why you consider the Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please refer to the guidance note and be as precise as possible.**

**If you wish to support the legal compliance, soundness of the Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.**

The key sub policy within Policy E7 is Item A7 which states that the Council will *“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 is taken into account”*.

It is clearly not the case that this policy was adopted when considering planning applications in Menston at Bingley Rd. and Derry Hill. Compelling evidence to the contrary was produced by the Consultants JBA Consulting, instructed by Prof. D. Rhodes, to show that below ground water emergence, ground water springs and water entering from outside the sites combined with the run off rate from the sites contributed significantly to increasing flooding downstream and as such was unlawful.

It is worth noting that the conditions of the planning permissions for both these developments relating to drainage have failed to be met by the developers, the geological surveys have proven the unsuitability of the ground to install Sustainable Drainage Systems (SUDS) and Bradford MDC have failed to improve or increase the drainage capacities downstream from these developments and yet it is still assumed by Bradford MDC that these developments are going ahead.

6. Please set out what modification(s) you consider necessary to make the Plan legally compliant or sound, having regard to the test you have identified at question 5 above where this relates to the soundness. (N.B Please note that any non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this modification will make the Plan 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.

Therefore the policy EN7 para A7 must be made an absolute requirement of any development and should have the wording "taken into account" replaced with the wording ".....**that any needs for improvements in drainage infrastructure are completed prior to commencement of any development, including taking into account 100 year occurrences and climate change.**"

*Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. Please be as precise as possible.*

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

7. If your representation is seeking a modification to the Plan, do you consider it necessary to participate at the oral part of the examination?

	No, I do not wish to participate at the oral examination
Yes	Yes, I wish to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

This Parish Council has access to very comprehensive, detailed and local knowledge independent of Bradford sources to illustrate the point.

*Please note the Inspector will determine the most appropriate procedure to adopt when considering to hear those who have indicated that they wish to participate at the oral part of the examination.*

9. Signature:	Catriona Hanson	Date:	26 March 2014
	Parish Clerk		