**BRADFORD CITY CENTRE AREA ACTION PLAN AND SHIPLEY AND CANAL ROAD CORRIDOR AREA ACTION PLAN**

**INSPECTOR’S MATTERS, ISSUES, AND QUESTIONS FOR DISCUSSION AT THE EXAMINATION HEARINGS**

**VERSION 1**

The Hearings Programme may be updated. Please ensure that you check the latest position if you wish to attend a particular hearing by contacting the Programme Officer or viewing it on the website at www.bradford.gov.uk.

Please remind yourself of the guidance concerning the format of the hearing at this Examination, contained in the Inspector’s Guidance Note.

*The two documents were submitted for examination at the same time. Accordingly, where possible, cross cutting issues will be dealt with together.*

**Matters relating to flooding, including potential impact on individual sites, have not been referred to within these MIQs and will be the subject of a separate document.**

**Matter 1: Legal Compliance, Sustainability Appraisal, including Duty to Co-operate.**

*Issue 1: Have the plans been prepared in line with the relevant legal requirements and procedural matters?*

1. Have both plans been prepared in accordance with the Local Development Scheme, including in terms of timing and content?
2. Has consultation been carried out in accordance with the Statement of Community Involvement and the relevant Regulations?
3. Have the plans been subject to Sustainability Appraisal (SA), including a final report on the published plans, and Habitat Regulations Assessment (HRA)? Have all reasonable alternatives been considered in terms of policies and sites and is it clear how the SAs have influenced the plans? Are there any policies where there were no reasonable alternative policy options to consider, if so, what is the justification? Are there any outstanding issues deriving from the HRA?
4. Have the plans been prepared in accordance with the relevant Act and regulations?
5. Have the Plans been prepared in accordance with the Duty to Co-operate, particularly in terms of whether the Council has discharged its duty to maximise the effectiveness of the plan-making process in relation to strategic matters, including development and infrastructure requirements, flooding and other cross-boundary issues and strategic priorities, including those of the Local Enterprise Partnership (LEP) and the Local Nature Partnership (LNP), as well as other prescribed bodies such as Highways England (HE), the Environment Agency (EA), Historic England (Hist E) and Natural England (NE).
6. Are the plans and their policies consistent with the emerging Core Strategy, the Strategic Economic Plan, and the objectives of the LNP and national planning policy? Are there are any significant departures from national policy? If so, have these been justified?
7. Is the evidence which has been used as the basis of the Area Action Plans (AAPs) up to date and have the final versions of all reports been provided? Is there any duplication of policies between the emerging CS and the AAPs?
8. Should the plans each include a list of superseded policies? If so, should lists be provided?

*Issue 2: Coverage and general approach*

1. Is it appropriate that substantial reference is made within both AAPS, including within policies, to strategies and plans which are not statutory planning documents? Have both plans been prepared so that they are effective and justified, so that, together with the emerging Core Strategy, they satisfy the requirement in paragraph 154 of the Framework to provide a clear indication of how a decision maker should react to a development proposal without deferring to other non-statutory plans or documents[[1]](#footnote-1)?
2. Do the Plans have sufficient flexibility to adapt to rapid change (para 14 of the Framework)? Is the status, and relationship between the Policy Frameworks of both AAPs and the detailed individual development proposals, adequately clear? If the text, relating to the individual sites is envisaged to be treated as a policy, is it adequately flexible?
3. Are **all** the policies of both AAPs which have a geographical application clearly and consistently shown on the Policies Map?
4. In what ways are the proposed modifications which have been subject to public consultation necessary (DPM023 and DPM030) to ensure the soundness of the BCCAAP?

*Council*

*Highways England*

*Montagu Evans*

*Iain Bath Planning*

*Courthouse Planning*

**Matter 2: Vision and Objectives**

*Issue 1: Whether the Spatial Visions for the Bradford City Centre and Shipley and Canal Road Area Action Plan are justified, locally distinctive and appropriate, reflecting community views and issues raised during the preparation of the Plan; are the Objectives appropriate, effective, justified and soundly based and will they help to deliver the spatial vision of the Plan.*

1. Are the objectives and visions of the sub areas consistent with those of each AAP and the emerging CS? Are the policies sufficiently detailed to be effective in realising the distinctive visions of each of the defined sub areas within the plans?

*Bradford City Centre Action Area*

1. In what way is the proposed modification provided by the Council (DPM004) necessary to ensure the soundness of the AAP?

*Shipley and Canal Road Corridor Action Area*

1. In what way are the proposed modifications (DPM001 and DPM002) tabled by the Council required to ensure the soundness of the AAP?
2. What is meant by an Eco Settlement? Is the Eco Settlement concept envisaged to include all development within the boundary of the AAP? Is this approach justified by evidence and is it consistent with national policy, in particular the Written Ministerial Statement of March 2015?

*Council*

*Historic England*

**Matter 3: Housing**

*Issue 1: Whether the approach to identifying housing sites is fully justified, based on up-to-date and reliable evidence, effective , deliverable, positively prepared, soundly based and consistent with the policies of the emerging CS and latest national guidance (NPPF/PPG)*

1. How much certainty is there that at least 3500 (BCCAAP) and 3100 homes (SCRCAAP) will be delivered within plan period as a whole? How many homes are likely to be delivered in the next 5 years within each AAP? What contribution will both AAPs, individually and cumulatively, make to the delivery of housing in accordance with the phasing of the release of sites as set out in Policy HO4 of the emerging CS? What assumptions have been made in relation to the loss of land within the individual site allocations to green and blue infrastructure and to transport improvements? Are the density levels which have been set within Policy CL1 (BCCAAP) and Policy H2 (SCRCAAP) realistic, consistent with market signals and the objective to provide for more family housing within the district?
2. What evidence is there that substantive viability issues will be able to be overcome in delivering the housing requirement over the plan period? Is this possible without compromising the regeneration objectives and policy requirements derived from the visions of the two AAPs, the policies[[2]](#footnote-2) of the emerging CS, and the Core Planning Principles set out in the Framework?
3. In line with the advice contained in the Planning Practice Guidance, and emerging Policy HO8 of the CS how does each AAP recognise the different types of housing needed in the area and, where appropriate, identify specific types of housing to meet the anticipated housing requirements, including self-build[[3]](#footnote-3)?
4. What certainty is there that the proposed housing allocations will deliver levels of affordable housing consistent with Policy HO11 of the emerging CS?

*Council*

*Iain Bath Planning*

*Courthouse Planning*

**Matter 4: Town Centre Uses**

*Issue 1: Whether the strategies for town centre uses within both plans are based on robust up to date evidence, consistent with national guidance[[4]](#footnote-4) and the policies of the emerging CS?*

*Bradford City Centre Action Area*

1. How has the Parking Study[[5]](#footnote-5) informed the identification of sites for development within the City Centre[[6]](#footnote-6) and the wider strategy for the City Centre? What impact will the loss of surface car parking within the City Centre have, both individually and cumulatively, on the attractiveness of the City Centre to visitors, residents and commuters?
2. What up to date evidence is there that Bradford is “*underserved in regard to its city centre retail offer*”[[7]](#footnote-7)? If so, does the AAP provide adequate flexibility and capacity for additional retail development within the plan period?
3. Does the wording of Policy SL1 provide a clear, spatially distinctive approach to where unrestricted retail development would be appropriate within the City Centre and where the sequential test would be triggered for developments over 1500 square metres? On what basis has the boundary of the Primary Shopping Area (PSA) been drawn? Is it appropriate to refer to development being acceptable in principle where it lies adjacent to the PSA? Would retail development outside of the identified PSA be considered to be out of centre?
4. Does Policy SL1 make adequate provision for other town centre uses, such as leisure or hotel uses?
5. To what extent is the wording of the criteria set out in Policy SL2 consistent with the Framework which requires that policies make clear which uses will be permitted in areas defined as primary and secondary frontages? How does it relate to the provisions of the General Permitted Development Order? What rationale was used to differentiate between the hierarchy of frontages and what was the rationale for defining the frontages in this location?
6. Is there any tension between the objective of Policy CL3 to seek active frontages at the ground floor of new development within the boundary of the City Centre AAP and the Policies SL1 and SL2 which seek to concentrate retail development within a constrained area?

*Shipley and Canal Road Corridor Action Area*

1. What role does Valley Road Retail Area have in the retail hierarchy? Is its role envisaged to provide capacity for large format bulky goods which could not be located within the Primary Shopping Centre? If so, is this reflected within the policy?
2. Is there duplication between Policy SE4 of the AAP and Policy EC5 of the emerging CS and the PPG[[8]](#footnote-8).

*Council*

*Montagu Evans*

*Highways England*

**Matter 5: Employment**

*Whether the levels of employment proposed and subsequent allocations are justified by adequate evidence and whether these allocations are located so as to result in sustainable development.*

1. Is the level and distribution of employment land within both AAPs consistent with the emerging CS and justified by evidence?

*Bradford City Centre Action Area*

1. What evidence is there that the levels of employment set out in the emerging CS will be delivered within the AAP over the plan period, and that such development will be financially viable? How important are the site specific office developments identified within the AAP to the soundness of the plan? Is adequate flexibility built within Policy B1?
2. How do the sites identified for employment uses fit in with the wider strategy for the City Centre?

*Shipley and Canal Road Corridor Action Area*

1. Is the identification of Canal Road Employment Zone as an area in which Policy EC4 of the CS will be applicable, justified by evidence?

*Council*

**Matter 6: Infrastructure**

*Issue 1: Whether the approach to identifying and delivering the requisite infrastructure to support the development and regeneration objectives of the plan is fully justified, based on up to date and reliable evidence, deliverable, positively prepared and consistent with the policies of the emerging CS and the latest national guidance and wider cross boundary requirements.*

1. Are the Infrastructure Delivery Plans sufficiently up to date, and complete to provide an effective understanding of the infrastructure which is required to support the AAPs?

*Social infrastructure*

1. Is there appropriate certainty that adequate levels of school, health and social infrastructure provision will be provided in a timely fashion and at appropriate suitably accessible locations so as to support the delivery of the growth proposed within the AAPs?
2. Should individual sites for critical social infrastructure be identified on the Policies Map?

*Transport Infrastructure*

1. Has adequate transport capacity, (including public transport improvements) been appropriately planned for, including on the Strategic Road Network? What are the potential implications of the proposed developments on the transport infrastructure both within and outside of the Plan area and how have they been addressed within the Plans? Is the approach fully justified with evidence, effective, deliverable and consistent with the emerging CS and national policy? Is there adequate up to date evidence to demonstrate that the infrastructure will be implemented in a timely manner to support the proposed development and the strategic objectives? How it will be financed, and by whom?
2. Specifically, is there any conflict between proposed levels of growth and congestion? If so, is there appropriate evidence to demonstrate how any potential adverse impacts, including to health, will be mitigated?
3. In line with paragraph 124 of the Framework, how has the presence of the Air Quality Management Areas been considered in the allocation of sites for development, and the provision of infrastructure? What are the implications of the AQMAs to the policies of the AAPs?
4. How do the Plans support a pattern of development which facilitates the use of sustainable modes of transport to widen choice? Are the transport sites, routes and specific proposals which are identified within the plans justified by adequate evidence and consistent with the recommendations contained within the supporting documents[[9]](#footnote-9)? Is sufficient emphasis given to promoting the use of means of transport other than the car?
5. Are the individual site allocations overly prescriptive with reference to parking levels?

*Bradford City Centre Action Area*

1. How does Policy M1 provide adequate certainty as to how and where pedestrian severance should be overcome?
2. What impact will the requirement in Policy M3 for underground or multi decked car parking set out within a number of designated sites have on the viability of development within the City Centre?
3. A number of individual site allocations result in the loss of public surface car parking. What impact will this have on the viability of development within the town centre with particular reference to the Council’s aspiration to improve the retail and leisure draw of the City?
4. What is meant by ‘*could/should’* within Policy M4? What is the justification for the requirement that a transport assessment be submitted with all planning applications in the City Centre?

*Shipley and Canal Road Corridor Action Area*

1. Is the Shipley Eastern Relief Road referred to within the emerging AAP the same proposed route as the Shipley Eastern Link Road referred to within Policy BD1 of the emerging CS? Is it appropriate that the proposed route of the key transport measure, the Shipley Eastern Relief Road (SERR) be described as an indicative route? Is the route justified by evidence, deliverable within the Plan period and is the protection afforded by Policy ST2 consistent with the emerging CS and national policy?

*Green and Blue Infrastructure*

*Issue 2: Whether the policies relating to green and blue infrastructure set out in the AAPs are effective, realistic, deliverable, justified by evidence and whether the proposals can be financed over the plan period?*

1. In line with Paragraph 154 of the Framework is there adequate detail, within both the planning policies of the AAPs and the individual development proposals to provide certainty as to where the green and blue infrastructure should be provided, who will implement it, and how and when it will be financed and delivered? In order to provide clarity should the location and routes of the identified green and blue infrastructure, such as the proposals to reinstate the Canal and the Bradford Beck be shown on the Policies Map?
2. How significant is the timely delivery of the green and blue infrastructure to the success of the plan and its conformity to the emerging CS?

*Council*

*Highways England*

*Montagu Evans*

*Canal and River Trust*

*Iain Bath Planning*

**Matter 7: CIL/S106 and other funding sources**

*Issue 1: Deliverability of infrastructure*

1. Is there adequate clarity of how and when infrastructure referred to within the two AAPs will be funded and who will deliver it?
2. How are the policies of both plans consistent with the CIL regulations, where reference is made to developments making financial contributions to infrastructure which is not directly related to the development and/or would include pooled contributions from more than five developments? For example, Policies M1, M2, M3, M5, M6 of the BCCAAP and Policies NBE1, NBE2, NBE3, ST1, ST5, ST6 of the SCRCAAP.

*Council*

*Highways England*

*Montagu Evans*

*Canal and River Trust*

*Iain Bath Planning*

**Matter 8: Minerals**

*Issue 1: Safeguarding of Minerals*

1. Whether the approach to the safeguarding of minerals within the policies of the AAP is consistent with, and in conformity with emerging Policy EN12 of the CS, and the policies of the Framework? Is it appropriate for specific reference to be made to mineral resources within identified sites?

*Shipley and Canal Road Corridor Action Area*

1. How deliverable is the housing and associated development at the Bolton Woods Quarry site given that it is currently a working quarry. Is the allocation consistent with emerging Policy ENV12 and paragraph 143 of the Framework?

*Council*

*Iain Bath Planning*

**Matter 9: Historic Environment.**

*Issue 1: Whether the two Plans provide a positive framework relating to the historic environment consistent with Paragraph 126 of the Framework? Whether the policies of the AAPs are consistent with the objectives of the Framework, and policy EN3 of the emerging CS?*

1. Is there duplication between the policies of the emerging CS, the individual site allocations of both AAPs, and the Framework in relation to the Historic Environment?
2. Are the levels of detail set out in individual site allocations relating to designated and non-designated heritage assets justified and based on evidence?

*Shipley and Canal Road Corridor Action Area*

1. What makes Policy NBE5 of the SCRCAAP locally distinctive?
2. Have opportunities been sought within the setting of Saltaire World Heritage Site to enhance or better reveal its significance consistent with Paragraph 137 of the Framework? How does proposed amendment (DPM0025), to the wording of Principle no. 7, impact on the soundness of the plan with reference to national and local policy?

*Council*

*Courthouse Planning; Iain Bath Planning*

**Matter 10: Design and Natural Environment**

*Whether the policies of the AAPs are consistent with the objectives of the Framework, national guidance and policies EN6 and HO9 of the emerging CS?*

1. Are the policies[[10]](#footnote-10) relating to carbon reduction and housing standards, including reference to Building for Life consistent with the policies of the emerging CS, the Framework and the NPPG? Following the March 2015 Ministerial statement on building standards is it appropriate to refer to additional local requirements relating to construction, layout or performance of new dwellings or other developments?
2. How does the proposed modification to Policy NBE6 which includes reference to the natural environment impact on the soundness of the Plan with reference to national and local policy?

*Council*

**Matter 11- Other Matters**

1. Any other matters arising from the hearings.

**Matter 12: Implementation, Delivery and Monitoring**

1. Do both AAPs have clear and effective mechanisms for implementation, delivery and monitoring?

**Individual Sites**

***Please address, where appropriate, within your response to the above main matters.***

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| *Bradford City Centre Area Action Plan* |
| CH/1.2 | How are the proposed amendments to DPM006 and DPM007 necessary to ensure that the Plan is sound?  |
| CH/1.3 | How is the proposed amendment DPM008 necessary to ensure that the Plan is sound? Should reference be made to the sloping nature of the site?  |
| CH/1.9, 1.10. 1.12 and 1.13 | Are the proposed amendments (DPM009, DPM015, and DMP017) necessary to ensure that the Plans are sound? Should reference be made to potential archaeological remains and the need to record them?  |
| CH/1.4- CH/1.10 | How are the proposed amendments (DPM009- DPM015, and DMP019) necessary to ensure that the Plans are sound?  |
| CH/1.12 | How would the setting of the listed building be compatible with the proposed multi decked car parking?  |
| M/1.1 | How are proposed amendments DPM019 necessary to ensure that the Plans are sound? Should reference be made to potential archaeological remains and the need to record them? |
| M/1.4 | How should the proposed redevelopment of the site include reference to the need to militate against a “wind tunnel” effect? |
| M/1.4 and 1.5 | How are proposed amendments (DPM002 and DPM0022) necessary to ensure that the Plans are sound? Should reference be made to potential archaeological remains and the need to record them?  |
| V/1.7- V/1.8 and V/1.10 | How are proposed amendments (DPMP024, DPM024 and DPM027) necessary to ensure that the Plans are sound?  |
| V/1.9 | How is proposed amendment DPM0026 necessary to ensure that the Plan is sound? |
| B/1.2 | How is proposed amendment DPM005 necessary to ensure that the Plan is sound? |
| B/1.6 | How is the proposed mix of development compatible with the use of the former Odeon for cultural uses, and consistent with the objectives of Policy SL3? |
| *Shipley and Canal Road Corridor Area Action Plan* |
| BWQ1 | Whether there are any tensions between the delivery of housing within the plan period and policies for the safeguarding of minerals in the emerging CS and the Framework?  |
| NBW1 | How do the proposed modifications (DPM0017 and DPM0018) tabled by the Council impact on the soundness of the plan? |
| DF1 | How is the proposed development to be accessed by car? Will there be any adverse impacts relating to noise? |
| DF3 | Whether residential uses are compatible with a scrap merchant and whether the scrap merchant plays a role in the Council’s Waste Strategy?  |
| DF1, DF3, STC6 and BWQ1 | How do the proposed site specific modifications (DPM008, DPM010, DPM020, and DPM013) relating to heritage issues tabled by the Council impact on the soundness of the Plan? |
| HSC2 | How does the proposed alteration to the Policies Map (DPM0027) impact on the soundness of the Plan? |
| STC1, STC2, STC4, STC6 and DF2 and DF3 | How do the proposed modifications (DPM003-DPM007, DPM009 and DPM0012) clarifying the proposed use of sites tabled by the Council impact on the soundness of the Plan? |
| SE1, NBW7 | How do the proposed modifications DPM0016 and DPM0019 tabled by the Council relating to the potential presence of unstable land impact on the soundness of the plan? |

1. For example, Policies M5 and M6 of the BCCAAP refer to supporting evidence within the text of the policy, and Policy BF2 refers to the Neighbourhood Spatial Frameworks, and the City Centre Design Guide. [↑](#footnote-ref-1)
2. For example, Policies HO9, BD1 and DS3 of the emerging Core Strategy [↑](#footnote-ref-2)
3. Reference ID: 2a-021-20150326 [↑](#footnote-ref-3)
4. Planning Practice Guidance Paragraph 002:Reference ID: 2b-002-20140306 [↑](#footnote-ref-4)
5. Bradford City Centre Parking Study, August 2016 [↑](#footnote-ref-5)
6. Paragraph:001 Reference ID: 2b-001-20140306 [↑](#footnote-ref-6)
7. Paragraph 4.37 of the BCCAAP [↑](#footnote-ref-7)
8. PPG Paragraph 001 Reference ID: 2b-001-20140306 [↑](#footnote-ref-8)
9. Transport Study in Support of the Shipley and Canal Road Corridor AAP May 2015; Transport Study in Support of Bradford City Centre AAP, May 2015 [↑](#footnote-ref-9)
10. Policy CC2 of SCRCAAP and BLF3 of the BCCAAP [↑](#footnote-ref-10)