

# BRADFORD CITY CENTRE ACTION AREA PLAN AND SHIPLEY AND CANAL CORRIDOR ROAD ACTION PLAN EXAMINATION

Inspector: Miss Louise Nurser BA (Hons) Dip UP MRTPI  
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## Matter 1: Flood risk

*Issue 1: Whether the allocation of sites is consistent with national policy in relation to Flood Risk, with particular reference to the utilisation of the Sequential Test as set out within the Framework and Planning Practice Guidance, Policy EN7 of the emerging Core Strategy and justified based on accurate up to date evidence?*

1. Has the Sequential Test been appropriately applied, based on up to date and accurate information<sup>1</sup> for all sites which are proposed to be allocated?

The Council is of the opinion the Sequential Test has been appropriately applied and based upon the most up to date and accurate information available at the time the Level 2 Strategic Flood Risk Assessment and Addendum [B006b and PS B006d] was produced.

To what extent is the information contained within both Flood Risk Topic Papers consistent with the Level 2 Strategic Flood Risk Assessment?

The Council is of the opinion the information contained within the Flood Risk Topic Papers [BBC-SD-029 and PS-B006a] is consistent with that contained within the Level 2 Strategic Flood Risk Assessment.

2. Have all sources of flood risk been rigorously appraised?

The Council are of the opinion all sources of flood risk have been rigorously appraised during the production of the Level 2 Flood Risk Assessment [PS-B006b] and Addendum [PS B006d]. The SFRA appraises all sources of flood risk including fluvial flooding and surface water flooding.

3. How has the most recent climate change data been assessed, and what if any, are the implications for the identification of sites?

The Level 2 Strategic Flood Risk Assessment and Addendum [B006b and PS B006d] considers the pre-February 2016 Climate Change allowances. Bearing in mind the advanced stage of the Area Action Plans, the Environment Agency granted a temporary exception, in conformity with the Agency's guidance:

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

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<sup>1</sup> For example all the sites within the City Centre which require to pass the Exception Test are shown to have planning permission. However, they are proposed to be delivered later in the plan period. See also, EA's original representation.

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The need for consideration of climate change has been taken into account during the production of policy within the AAP's, with modified Policy CL2 of the City Centre AAP and modified Policy SCRC/CC1 making reference to the need to take account of climate change in the assessment of flood risk.

The most up to date climate change allowances will be expected to be assessed in any site specific flood risk assessment as part of the planning application process.

4. How has the balance between regeneration objectives and flood risk management been considered with particular relevance to sites identified within section 3 of the Level 2 SFRA?

The Council has sort to balance the regeneration objectives for the two AAP areas as set out in the emerging Core Strategy and relevant AAPs objectives against flood risk as assessed in the L2 SFRA (PS-B006b). This has been evidenced through the Summary of Strategic Sequential Test in the flood risk topic papers (Section 5 of PS-B006a and BCC-SD-029) and Part A of the Development Sites Exception Test (Section 8 of PS-B006a and BCC-SD-029) for individual development sites. This includes links to the Sustainability Appraisal (SA) site assessments.

5. In identifying and allocating individual sites within the AAPs, to what extent have **both** elements of the Exception Test been considered and passed, including sites which benefit from an extant planning permission, consistent with Paragraph 102 of the Framework and advice within the Planning Practice Guidance? How is the requirement to provide for the storage of flood water reconciled with development within flood zones 2, 3a and 3b?

This is demonstrated through Part A and B of the Development Sites Exception Test (Section 8 of PS-B006a and BCC-SD-029) for individual development sites. This includes links to the Sustainability Appraisal site assessments and draws on flood risk data from the L2 SFRA, which has been used to assess the likelihood of allocated development sites passing the second part of the Exceptions test.

The NPPG (Paragraph: 025 Reference ID: 7-025-20140306) sets out what needs to be considered to demonstrate that development will be safe for its lifetime. In accordance with NPPG paragraph 25, the proposed AAP site allocations have been informed by the level 2 SFRA in consideration of the second part of the Exception Test. This is set out in Part B of the flood risk topic paper of the Development Sites Exception Test (Section 8 of PS-B006a and BCC-SD-029).

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In regards to site specific-flood risk assessments the NPPG (Paragraph ID: 7-030-20140306A) states that a site-specific flood risk assessment is carried out by (or on behalf of) a developer to assess the flood risk to and from a development site.

Therefore, subject to a detailed site specific FRA being submitted at the planning application stage, alongside detailed development proposals demonstrating that the development will be safe and will not increase flood risk elsewhere, the proposed AAP sites are considered to have passed both parts of the Exception Test in accordance with NPPF paragraph 102.

Sites that have extant planning permission have been assessed in the L2 SFRA and Flood risk topic paper (Section 8 of PS-B006a and BCC-SD-029) including any site-specific FRA that was carried out for the site. Sites with extant planning permission developed in accordance with the uses identified within that planning permission will not fail the sequential or exception test as flood risk matters have already been considered and mitigation measures agreed as part of the site-specific FRA approved through that planning permission. If a new application was submitted the policies in both AAPs require a detailed site specific FRA to be submitted demonstrating that the development will be safe and will not increase flood risk elsewhere, in line with site specific recommendations in the L2 SFRA.

6. As a result of further information following the Boxing Day floods of 2015 a number of modifications have been proposed by the Council and the Environment Agency within the Statement of Common Ground PS. B006e, in addition to those which have previously been proposed DPM0011, and DPM0015. Are the proposed modifications effective, consistent Paragraph 102 of the Framework, and would they be required to ensure that the SCRC AAP is sound?

The Council is of the opinion the proposed modifications are effective, consistent with national policy and would be required to ensure the SCRC AAP is sound. The modifications are considered necessary to ensure the Plan takes full account of flood risk and avoids inappropriate development in areas at risk of flooding through the location, mix and design of development. This is considered consistent with the National Planning Policy Framework (Section 10. Paragraph 101 and 102).

7. How have flood related matters informed the Sustainability Appraisal of both Area Action Plans?

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Flood related matters have informed the SA of both AAPs. This includes through specific SA Objectives 9 and 11 of the Shipley and Canal Road Corridor SA:

### Objective 9

To reduce the risk of flooding and the resulting detriment to public wellbeing, the economy and the environment

### Objective 11

To ensure resilience to the effects of climate change through mitigation and effective adaptation.

And SA Objectives 3 and 4 of the Bradford City Centre SA:

### Objective 3

To ensure resilience to the effects of climate change through mitigation and effective adaptation.

### Objective 4

To ensure resilience to the effects of climate change through mitigation and effective adaptation.

The Sustainability Appraisals have assessed the relevant policies in both AAPs including (SCRC AAP Policy CC1 and BCC AAP Policy CL2) and found the policies will have a number of positive impacts in particular in relation to SA objective 9. The SA site assessment methodology includes consideration of flood risk issues under Objective 9.

The SA notes that sites located in areas at risk of flooding will be expected to include flood risk mitigation measures in line with site specific recommendations in the SFRA level 2 and recognises that any impacts can be mitigated by planning policies and site specific mitigation for example implementation of SuDS.

8. What are the implications of potential flood risk, including surface water flooding on the provision of specific housing and other developments, and would this impact on the subsequent delivery of the objectives of the Core Strategy?

The plans have identified flood risk as a potential constraint to delivery in both AAP areas. Flood risk has been assessed through the L2 SFRA and

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proposed allocations have been assessed in terms of sequential and exceptions test (sections 6 - 8 of BBC-SD-029 and PS-B006a).

Based on the most up to date evidence on flood risk, including the 2015 Boxing Day flood event (PS B006d) and following a sequential approach to site layout in accordance with the findings of the L2 SFRA, the Council has put forward a proposed modification to reduce the expected development of site DF4/DF5 from 90 to 50 units (PSB006e). This results in a reduction of 40 units from the overall expected development from site allocations in the SCRC AAP. However based on the most up to date estimate of housing delivery (appendix 1), the SCRC AAP will still provide allocations for over 3100 new dwellings in accordance with the Core Strategy housing target.

In regards to the implications of potential flood risk as a constraint to delivery of housing and other developments within Bradford City Centre, this was taken into account during the production of the AAP proposed allocations. Development thresholds on sites affected by flood risk have been lowered to allow for a sequential approach to proposed layouts to avoid affected areas. However, even with the reduced development thresholds, the City Centre Area Action plan still exceeds the minimum requirement for the delivery of 3,500 new homes within the centre by 2030.

*Issue 2: Whether the AAP policies relating to flood risk and water management are effective and consistent with national policy, the emerging Core Strategy and each other?*

9. To what extent are the policies within both plans effective and realistic in mitigating, and militating against flood risk, including the use of Sustainable Urban Drainage systems?

The Council are of the opinion the policies put forward in both Area Actions Plans will be effective and realistic in mitigating and militating against flood Risk, including the use of Sustainable Urban Drainage Systems. SCRC Policy CC1: Flood Risk and Water Management (as modified), and BCC AAP Policy CL2 (as modified) are considered effective for the following reasons:

1. Compliant with Section 10 of the National Planning Policy Framework (NPPF);
2. The policies have been produced in discussion with the Environment Agency (including modifications to each policy) and have discharged the Duty to Cooperate, with an agreed and signed Statement of Common Ground;

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3. The policies are considered sufficiently flexible to respond to a variety of changes in circumstance, requiring applicants to submit site specific flood risk assessments to account for any future changes in flood risk areas;
  4. The Policies are to be monitored through the monitoring framework set out in each DPD, forming a key part of the Annual Monitoring Report.
  5. The EA support the objectives and the identified means of delivery, including the Level 2 SFRA; in addition to presenting linkages to plan objectives and other relevant policies.
10. Is there adequate certainty that the policies of both AAPs will be effective in ensuring the implementation of green and blue infrastructure required to be consistent with national policy and emerging CS Policy EN7.

The Council are of the opinion the AAP policies will be effective in ensuring the implementation of green and blue infrastructure and consistent with national policy and the Core Strategy.

SCRC Policy NBE1 / NBE3(as modified), and BCC AAP Policy M6 (as modified) are considered effective for the following reasons:

1. Compliant with Section 11 of the National Planning Policy Framework (NPPF);
2. The Policies have been produced in partnership with the Council's Landscape Design Team, and are fully co-ordinated with the Green Infrastructure Study [BCC-SD-023] and the Leeds City Region Green Infrastructure Strategy [BCC-SD-057].
3. The Policies fully support the work of Friends of Bradford Beck in the renaturalisation of the Bradford Beck as a key piece of blue infrastructure, and is aligned with the Aire River Trust's strategy for the Beck [BCC-SD-055];
4. The policies are considered sufficiently flexible to respond to a variety of changes in circumstance, allowing applicants to a wide scope in regards to what is delivered on site provide enhanced Green / Blue Infrastructure delivery;
5. The Policies are to be monitored through the monitoring framework set out in each DPD, forming a key part of the Annual Monitoring Report.
6. The EA support the findings and recommendations of the Level 2 SFRA, which includes the findings of the Green Infrastructure Study;

The L2 SFRA has included the findings of the Green Infrastructure Studies. The plans have been informed by robust evidence on green infrastructure

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and flood risk and set out the strategic approach to green infrastructure. Development will be expected to protect and enhance green infrastructure in line with the relevant AAP policies. In addition detailed guidance in relation to green infrastructure and flood risk has been set out in the relevant AAP site allocation statements.

11. Is there any link between the successful development of allocated sites and the provision and opening up of additional green and blue infrastructure? If so, how is this to be achieved and will it be effective?

The Council is of the opinion there are strong links between the successful development of allocated sites and the provision and opening up of additional green and blue infrastructure. Site specific green/blue infrastructure will be expected to be delivered in line with the relevant site allocation statements; consideration of site specific details within a development such as detailed green infrastructure/blue shall be undertaken during the planning application stage. Strategic Green Infrastructure projects will be delivered through CIL and other funding sources and any on-site provision required by AAP or Core Strategy policies will be delivered through planning obligations. This is set out in more detail in the council's previous response to the MIQs, in particular question 46 (PS-B004).

The strategy and proposals presented in the Green Infrastructure Study, and carried forward in the AAP's, have been paramount in securing European funding to deliver these projects. Initial funding has been awarded to the Council to develop Green and Blue Infrastructure proposals in greater detail for their future delivery.

12. Are policies SCRC/CC1 and BCC/CL2 consistent with national policy, the Core Strategy and each other? Is the wording of both policies adequately clear so that they will be effective? With reference to BCC/CL2 is it appropriate that an assessment of the impact on flooding elsewhere is restricted to the city centre? How is proposed modification DPM029 required to ensure that the Plan is sound?

The Council are of the opinion Policies CC1 and CL2 of the AAP's are consistent with national policy, the Core Strategy and each other. The Council is also of the opinion the wording of both policies is adequately clear to be effective, and provide clear guidance for applicants and other users of the AAP's.

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In regards to CL2 and the reference to the assessment of the impact on flooding elsewhere is restricted to the City Centre, this is considered appropriate. Environment Agency guidance states:

“Identify the geographical area of search over which the test is to be applied - this will usually be over the whole of the Local Planning Authority (LPA) area but may be reduced where justified by the functional requirements of the development or relevant objectives in the Local Plan. For example, if a local need such as affordable housing or town centre renewal has been identified, this might mean that the geographical area of search is restricted to a specific regeneration area.” – Sequential Test Process Guidance Note 4.

The Council consider restricting the geographical area to the City Centre boundary as appropriate due the identified need for city centre renewal and the specific regeneration of this area.

The geographical restriction placed on the policy in order to clarify the application of the policy and ensure that it is not taken out of context or extends the purpose and remit of the Area Action Plan. The Council is of the opinion this is necessary to ensure that it is effective, fully justified and soundly based.

In regards to the impact of flood assessed through a site specific FRA, the Council is prepared to make a modification to Policy CL2 to ensure any site specific FRA does address the impact of flooding beyond the City Centre boundary:

Policy CL2: Flood Risk

Within the city centre, proposals for housing and other vulnerable uses on sites that are at risk of flooding and are not already allocated for those uses by this plan should be supported by a flood risk sequential test undertaken within the confines of the city centre, taking account of all reasonably available sites in the area that are either allocated for development or otherwise vacant or underused. The search area for the sequential test will be the city centre boundary unless material considerations indicate otherwise.

Those proposals which pass the sequential test **(and if necessary the Exception Test)** will still be required to submit a site specific flood risk assessment. Proposals must demonstrate the development scheme will not have increase flooding within the city centre **increase flood risk elsewhere.**



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A. Applicants will also need to demonstrate how the proposal will:

1. Provide a safe access and egress route away from the flood risk (i.e. to flood zone 1) during a design flood event; and
2. Locate more vulnerable uses in the area of the proposal least at risk;
3. Or provide a clear justification as to why these requirements are not practical, viable or appropriate in planning and design terms.

B. Applicant will also need to demonstrate ~~of~~ the proposal will achieve an appropriate degree of safety over the lifetime of the development **taking into account climate change**. The minimum safety standards are as follows:

1. For more vulnerable uses, the floor levels of habitable rooms will be above the design flood level.
2. For all uses the development will:
  - i. Remain structurally sound in an extreme flood event;
  - ii. Provide appropriate flood resistance / resilience measures to the extreme flood level;
  - iii. Not generate an increase in flood risk elsewhere;
  - iv. Provide a flood plan, which covers methods of warning and evacuation;
  - v. Provide an appropriate safe refuge above the extreme flood level if ~~criterion 4a is not met.~~

In regards to the proposed modification DPM029, the Council consider this necessary to ensure the soundness of the plan. The modification will provide further clarity to on site flood risk issues and help ensure flood risk is fully considered in any proposed scheme, as raised in the representation by the Environment Agency BCC PD 0012. This modification is considered necessary to ensure the Plan takes full account of climate change by increasing resilience to climate change impact through the location, mix and design of development. This is considered compliant with the National Planning Framework (Section 10. Paragraph 94) and the National Planning Practice Framework (Paragraph: 001 Reference ID: 6-001-20140306).

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The Council would also like to make the Inspector aware at this stage of the following modification being proposed to Policy SCRC/CC1 to ensure the policy is fully consistent with national planning policy and takes full account of climate change.

### Policy SCRC/CC1: Flood Risk and Water Management

A. Within the AAP area proposals for housing and other vulnerable uses on sites that are at risk of flooding and are not already allocated for those uses should be supported by a flood risk sequential test undertaken within the relevant AAP sub area.

B. Development will not be permitted in areas identified as functional floodplain in the SFRA Level 2, with the exception of water compatible uses and essential infrastructure. In other areas at risk of flooding or for sites of 1 hectare or more, a site-specific flood risk assessment must be undertaken **and if necessary the Exception Test**. Proposals must demonstrate the development scheme will not increase flood risk elsewhere. Sites located in areas at risk of flooding will be expected to include flood risk mitigation measures to ensure that the development is made safe for its lifetime, **taking into account the site specific recommendations in the SFRA Level 2 and the latest climate change allowances.**

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Appendix 1 SCRC AAP Updated Housing Delivery Table

Site Ref	Site name	Units	Expected development
<b>Shipley</b>			
STC1	Shipley Indoor Market Hall	20	2021-2025
STC2	Market square	25	2021-2025
STC3	Station Road	50	2021-2025
SCT4	Shipley Gateway Site	50	<del>2021-2025</del> <b><u>2025-2030</u></b>
SCT5	Atkinson Street	8	2016-2020
STC6	Buildings along Briggate	20	2021-2025
SE1:	Shipley East	151	2016-2025
SE2	Land around Crag Road Flats	30	2021-2025
DF1	Dock Lane, Canalside	114	2016-2025
DF3	Land between Leeds Road and Dock Lane	60	2021-2025
DF4/DF5	Dockfield Road North /Dockfield Road South	<del>90</del> <b><u>50</u></b>	2021-2025
DF6	Regent House	93	2021-2025
DF7	Junction of Dock Lane and Dockfield Road	4	2016-2020
DF8	Dock Lane	15	2021-2025
DF9	Dockfield Road	10	2021-2025
<b>Total</b>		<del>740</del> <b><u>700</u></b>	
<b>Centre Section</b>			
NBW1	New Bolton Woods	1100	2016-2030
NBW1	New Bolton Woods (phase 1)	50	<del>2015-2020</del> <b><u>Site Completed post</u></b>

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			<b><u>2013</u></b>
NBW2	Frizinghall Road	42	<del>2015-2020</del> <b><u>2020-2025</u></b>
NBW3	Thornhill Avenue	21	2015-2020
NBW4	North Bolton Hall Road	35	2020-2025
NBW5	Flats East Valley Road	30	<del>2020-2025</del> <b><u>2015-20</u></b>
NBW6	North Queens Road	30	2020-2025
NBW7	Bolton Woods Flats	70	2015-2020
BWQ	Bolton Woods Quarry	1000	2015-2030
<b>Total</b>		<b>2378</b>	
City Centre Fringe			
CCF1	Bolton Road Wapping	46	<del>2015-2020</del> <b><u>Site Completed post 2013</u></b>
CCF2	Bolton Road	16	2020-2025
CCF3	Wapping Road, Bolton Road	23	2015-2020
CCF4	Singleton Street	60	<del>2015-2020</del> <b><u>Site Completed post 2013</u></b>
<b>Total</b>		<b>145</b>	
<b>AAP total</b>		<del><b>3235</b></del> <b><u>3223</u></b>	