

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

**ENVIRONMENT AGENCY'S COMMENTS ON
INSPECTOR'S MATTERS, ISSUES, AND
QUESTIONS FOR DISCUSSION AT THE
EXAMINATION HEARINGS**

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Submitted on behalf of the
Environment Agency by
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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 information¹ for all sites which are proposed to be allocated?

Bradford Council have prepared and submitted Flood Risk Topic papers for both area action plans. These topic papers include detail of how the NPPF Sequential Test has been applied for each area.

In our responses (dated 22nd February 2015) the Publication Draft Reports for both area action plans we highlighted the need to ensure that the flood outline for the Winter 2015 flood event is considered in relation to the sites proposed for allocation within each plan.

As described in the Flood Risk Statement of Common Ground between the Environment Agency and the Council dated 9th November 2016, we recognise that the council has sought to assess the latest and most up-to-date information on flood risk for the area action plan areas. We consider the findings and recommendations of the re-assessment of flood risk is based on the most up-to-date flood risk evidence and flood mapping extents for the Winter 2015 flood event.

As such we are of the opinion that the NPPF Sequential Test has been appropriately applied.

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

We can confirm that we have no issues to raise in relation to consistency between the Flood Risk Topic Papers and the Strategic Flood Risk Assessment (SFRA) prepared for the AAP areas.

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

We do not wish to make any comments in relation to this question having no outstanding soundness issues relating to this matter.

¹ 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.

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

We have confirmed with Bradford Council that for the purposes of the two Area Action Plans, we will apply the temporary exceptions arrangements in relation to the application of the February 2016 climate change allowances, as referred to within our guidance on Gov.uk. This is because the area action plans were in an advanced stage of preparation at the time the allowances were released.

We have confirmed that at planning application stage, site specific flood risk assessments will be expected to consider the latest allowances.

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?

We consider that it would be outside our role and remit to comment on the way in which the balance between regeneration objectives and flood risk management has been considered.

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?

The Flood Risk Topic papers prepared for each Area Action Plan include the application of the Exception Test where this is required for site allocations. The Council have addressed the points raised in our consultation responses to our satisfaction and we have no outstanding issues of soundness to raise in relation to the application of the Exception Test.

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 with Paragraph 102 of the Framework, and would they be required to ensure that the SCRC AAP is sound?

We have discussed and agreed the above mentioned proposed modifications with the Council. We consider that the modifications are required to ensure that the area action plans are sound, taking full account of flood risk and the need to avoid or mitigate against any risks. We consider that these modifications are required to ensure the plans will be consistent with the relevant paragraphs of the NPPF.

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

We do not wish to make any comments in relation to this question having no outstanding issues relating to this matter.

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?

We are satisfied the council have appropriately considered the implications of flood risk on the delivery of development with the AAP areas. We have no issues of soundness to raise in relation to this matter.

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?

Please refer to our comments in response to question 12.

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.

We do not wish to make any comments in relation to this question having no outstanding issues of soundness in relation to this matter.

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?

We do not wish to make any comments in relation to this question having no outstanding issues of soundness in relation to this matter..

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?

We would consider both policies to be acceptable and would raise no issues of soundness subject to minor modifications to both policies, as set out below. These modifications have been discussed and agreed with the

Council. We understand that the modifications will be highlighted in the Council's response to the Inspector's MIQs.

- (a) The council have confirmed that policy BCC/CL2 will be amended as set out in the Bradford City Centre AAP Proposed Modifications Document, modification reference DPM029. These amendments address the points raised in our letter dated 22nd February 2016 and, if applied with the modification requested below, ensure consistency with the NPPF.

We also request that the sentence 'Proposals must demonstrate the development scheme will not have increase flooding within the city centre' be modified to 'Proposals must demonstrate the development scheme will not increase flood risk elsewhere' in order to ensure consistency with the approach set out in the NPPF.

- (b) In respect of policy SCRC/CC1, we request the following amendments to ensure consistency across the AAPs and with the NPPF:

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, in line with site specific recommendations in the SFRA Level 2, **taking into account the latest climate change allowances**.