

Bradford Local Plan - Main Modifications Matters, Issues and Questions Response

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Summary: The allocation of development in the Local Plan and the re-allocation of development (under the Main Modifications) is not justified and it is not supported by the evidence. Bradford Council has exaggerated population growth, it has not demonstrated the exceptional circumstances required for greenbelt deletions. Another critical problem is that the Plan is not informed by an accurate assessment of flood risk. Increasing development in Wharfedale is not justified as it places additional development onto high risk sites/areas.

Neither can the Plan or the MM increases in Wharfedale be justified on other grounds. Wharfedale settlements are commuter bases; not major centres of employment; and they are not centres of high natural population growth. They are adjacent to SPAs, Ilkley in particular, where any development would be within 1000 metres. Development would primarily be on greenbelt. There is no justification for the original allocations to Wharfedale in the Local Plan and certainly no justification for the increases under Main Modifications.

This submission addresses Matters 2 and 3. None of the changes involving increasing housing are based on robust evidence, they cannot be justified. They ignore environmental constraints such as flood risk.

The Inspector will be aware that the Local Plans Expert Group recently published its Report to the Communities Secretary and the Minister of Housing and Planning (March 2016). This confirms our (WASP, WARD, APSG) assertion that Bradford Council has substantially overestimated housing need. It identifies this Local Authority as among a small number that have done so by in excess of 500 homes per annum. The Inspector will also be aware that the Report supports our view that speculations regarding job creation; assumptions about international migration based on UPC and other devices used by Bradford Council should not be used to inflate housing need estimates beyond those from official sources such as the DCLG and ONS.

This has a bearing on a number of the MIQs for the following reasons:

- None of the changes involving increases in housing numbers to particular settlements can be justified
- None of the revisions to the status of settlements within the Settlement Hierarchy can be justified
- The Plan and the Main Modifications are not soundly based and do not reflect the evidence
- The decision to increase allocations to Wharfedale appears to be arbitrary. It was taken during the Examination in Public when the original HRA and policy associated with environmental protection were queried by members of the public who felt that environmental matters were not being addressed properly. The Inspector asked Council Officers and representatives from the developers and Natural England to leave the room and agree a change to the wording of the policy. They were not asked to alter the distribution of housing yet when they came back they said that numbers in Wharfedale settlements had been increased. This does not appear to be an appropriate process and the decision did not appear to be based on any evidence. The HRA has now been updated. The allocations have not been revisited.

- The Council has not appropriately applied a sequential approach to decisions regarding the allocation or re-allocation (under the Main Modifications) of development. In inflating housing numbers it has artificially constructed a spurious 'need' to allocate housing to flood prone areas.

It has, therefore, moved from Stage 1 to Stage 2 unnecessarily. This might, in itself, be considered a misapplication of the sequential approach. However, the Council has then misapplied Stage 2 further in allocating development, including residential and other vulnerable uses, to Flood Risk Zones (including category 3 zones) ahead of low risk areas by basing its decisions on an incomplete, inaccurate and partial Strategic Flood Risk Assessment (see overleaf).

In allocating additional housing to Wharfedale and to Silsden the Council has increased numbers in areas where flooding occurs frequently and where development is likely to have an impact on watercourses that flood communities downstream.

- The Council cannot have fulfilled its duty to cooperate. In presenting other Local Authorities with proposals that imply that there is 'need' for development that is likely to have a negative impact on their communities (and budgets); when there is no such need; the Council has misled them. It has also misled statutory consultees (including the Environment Agency). In presenting them with an SFRA which misrepresents risks it has misled some further. This is likely to have encouraged partners to accept a set of propositions that they might otherwise have rejected. These include propositions in the Main Modifications that put additional development upstream along the Wharfe and in the Aire catchment where they will pose a threat not only to communities and businesses but also to key transport and other infrastructure such as roads and bridges down the Wharfe and the A65 alongside it.

They also include propositions to put housing in settlements next to the Pennine Moors SPAs where, as the HRA points out, there is a need for cooperation between Local Authorities to ensure that the cumulative effects of their housing plans do not adversely affect the environment and wildlife.

The Strategic Flood Risk Assessment Level 1 produced by jba Consulting (initially published in 2011 and amended February 2014) is inaccurate and partial. It provides insufficient detail to fulfil the basic requirements of an SFRA and it is inconsistent with/omits to mention data regarding risks in Wharfedale identified by the Environment Agency. Anyone reading it would be forgiven for assuming that Ilkley and other parts of the valley are at low risk. They are not. The entire document is utterly inadequate as a basis for applying the sequential and exceptions tests even at the preliminary level associated with the production of a Local Plan in which the potential capacity of settlements to take development and the general sustainability of SHLAA sites is being assessed. In addition, the SFRA is an inadequate base from which to develop a Strategic Flood Risk Management Strategy/Plan. Bradford also appears to have fallen significantly behind neighbouring Local Authorities with respect to meeting its responsibilities under the Flood and Water Management Act 2010 and has not been timely in delivering documents to partners involved in managing flood risks in the Ouse and Aire catchments.

This report is not the place to analyse flood risks in detail, Environment Agency Flood Maps provide clear information which interested parties can easily access. They show that Wharfedale and Ilkley stand out as particularly prone to fluvial, pluvial and groundwater flooding by comparison with all other parts of Bradford bar points alongside the Aire. However, the material below might serve to draw attention to risks arising from Bradford's SFRA in addition to showing that the evidence regarding environmental constraints has not been taken into account in formulating the Main Modifications.

Analysis of the Bradford Strategic Flood Risk Assessment jba Consulting (2011, updated 2014)

- SFRA Sections 3.2/3.3 History of flooding (Aire Catchment & within Bradford MDC on the River Wharfe)

The SFRA is partial. It gives information regarding the Aire for settlements as far downstream as Wakefield but restricts its list for the Wharfe to settlements within Bradford MDC (a very short stretch of river which does not even include Otley). It also details floods back to the 17th Century for the Aire but only to 1917 for the Wharfe. Detail regarding Wharfe floods is minimal by comparison that for the Aire. This is not because floods did not happen in Wharfedale or because they were not severe. For example, a 1672 flood wrecked all bridges all along the Wharfe. In 1900 the moor 'exploded' spewing mud and water over Ilkley and destroying buildings. Significant floods also occurred here in 1936; 1999 and 2000. Floods also occurred in 2008, 2011, 2012, 2014 and 2015. There will be more occasions I have omitted.

- SFRA 3.6 – Flood Warning Areas
The SFRA provides no detail other than saying there are 25 in the BMDC area. This is an important omission since designation as a Flood Warning or Flood Risk Area indicates a particularly high probability of flooding even by comparison with other zone 3 locations and that the consequences of flooding may be severe. The EA shows that a large number of those in the BMDC area are in Wharfedale and much of Ilkley is affected. The vast bulk of the remainder are along the Aire. Most of Bradford City and the South Pennine Villages are well away from Zone 3 let alone flood warning areas

- SFRA 3.7 – Localised Watercourse Flooding (Table 3.5).
This lists three watercourses in the Bradford portion of the Aire catchment as previously being designated Critical Ordinary Watercourses (COWs). The table also states that there were no COWs in the Bradford section of the Ouse catchment (ie in Wharfedale). COWs designation was applied to watercourses that are particularly prone to flooding.

This contradicts Section 1.6 of the 'Review to consider the future of water management and the associated problems of flooding in the Bradford District' (published by Bradford Council 2005). It shows Wharfedale has having two COWs: Backstone Beck in Ilkley and Town Beck in Addingham. It also lists a number of others in the Aire catchment. The majority of these are in settlements that are favoured by developers. Other than Bradford Beck none are in Bradford itself.

The SFRA omits to mention other (non-COWs) sources of watercourse flooding. Ilkley is particularly prone with Spicely Gill/Parish Ghyll, Mill Ghyll and a watercourse running along Grove Road as sources.

- SFRA 3.8 - Surface Water Flooding

Lists several settlements/locations in the Bradford District as being subject to surface water flooding (one of which, Cross Hills, is in North Yorkshire). Only one location on the list is in Wharfedale (at Addingham). It does not mention Ilkley at all.

This contradicts Environment Agency Flood Maps which show parts of Ilkley and other Wharfedale settlements at high risk. Locations in Ilkley where surface water flooding is identified by the EA as 'high risk' are more numerous and more extensive than in the vast majority of wards and settlements in Bradford. A more detailed examination of the EA data may even show that Ilkley is the ward at most risk from this source. The SFRA also fails to take into account the fact that some locations in and adjacent to the town are subject to a combination of fluvial, pluvial and groundwater flooding. Ilkley SHLAA sites on Coutances Way are of particular concern as they are penciled in to take well over 600 homes. Over half of the area is in Flood zone 3 (fluvial); a substantial portion is subject to severe run off (circa 25% looking at the EA map) and the whole patch rates as 50%-75% or more for ground water coverage.

- SFRA 3.9 - Sewer Flooding

The SFRA mentions the OFWAT DG5 register of sewer flooding events and states that incidents across Bradford District have increased in recent years. It also references the Keighley Drainage Study (Babtie, 2000) in stating the limitation that sewage capacity places on development in the town. It provides no information at all that is settlement/area specific other than this.

Bradford (including Ilkley, Addingham, Burley and Menston) has combined sewage systems. Development has been differential with new housing being concentrated in particular areas. Wharfedale has seen a large amount of infill; in Ilkley this amounted to an increase of over 560 houses between 2001 and 2011 with no corresponding upgrade of the sewage system. The Council does not appear to have produced a Register of Assets as it is required to do under the Flood and Water Management Act 2010 it, therefore, has little basis for judgements regarding risks from sewer flooding.

- SFRA 3.10 – Groundwater Flooding

The SFRA states 'Within the Bradford MDC area there are a number of locations where groundwater flooding has been reported' and mentions unconfirmed reports in Bradford and Keighley. It fails to reference Environment Agency data which shows that there are two areas which are at high risk of it: Wharfedale and the Aire. Almost all of Wharfedale between Addingham and Burley falls into the 'greater than 50% coverage' category with some locations reaching the 'greater than 75%' band. From Burley to Otley the picture worsens. This was reported in the 'City of Bradford Preliminary Flood Risk Assessment' (June 2011) submitted by the Council in compliance with the Flood and Water Management Act 2010.

- The Bradford SFRA does not take into account, or reference, material in the Environment Agency's Ouse Catchment Flood Management Plan 2010 (Bradford's SFRA is dated 2011, the update is 2014). We are awaiting a copy of the full OCMP but the Summary Report 2010 notes of Wharfedale:

'There are large expanses of grassland between the urban areas [Addingham to Otley] which naturally act to store water' as a feature which currently reduces risks along the Wharfe and Ouse.

A substantial portion of this grassland has appeared as 'developable and deliverable' in the Bradford SHLAA. Bradford's SFRA makes no mention of its importance with respect to flood prevention/mitigation, neither do the notes attached to the SHLAA.

Bradford Council has failed to take into account key data and other information provided by the Environment Agency when estimating flood risks. It does not, therefore, have a sound basis for decisions regarding the initial allocation of development within the Local Plan or for the re-allocation of development proposed in the Main Modifications.

- SFRA 3.5 - States that: 'In Ilkley there are no formal defences on either bank of the River Wharfe A scheme has previously been rejected by local residents who were concerned about visual intrusion and who perceived the risk to be lower than that identified in the study.'

This is misleading. Aesthetics were not the principal reason for rejecting the scheme. Since Ilkley suffers from a combination of surface run off from valley sides and overflow from the Wharfe, setting a barrier up beside the river in the town centre would be counter-productive; it would prevent the run off from reaching the river. Placing barriers on the banks east and west of the town would prevent the pastures and sports areas that currently act as soak areas for river floods from doing their job.

It appears that Jba Consulting/Bradford Council have either not undertaken the work required to provide a basis for comparing settlements with respect to the flood risk posed by and to new development or the results of such work have not been fully reported in the SFRA. The Council does not, therefore, have a sound basis on which to allocate, or re-allocate (under the Main Modifications) housing development and is ignoring risks when increasing allocations to Ilkley in particular.

The Council is misbehaving in manipulating data to justify building in the greenbelt and in areas at risk of flooding and it is misbehaving further in increasing housing numbers in those areas under the Main Modifications. In doing so it is willfully steering development to areas where it will put people, property and livelihoods at risk both on and around the sites being developed and beyond them. Well over 600 homes are being proposed at Coutances Way in Ilkley. Had these homes already been built by the winter of 2015 the consequences would have been truly appalling. Video evidence of this and flooding in other parts of Ilkley in December can be viewed by googling 'Ilkley floods YouTube'. The first shows the view from the stretch of the A65 between Manor Park and Ilkley and looks towards the town and the Coutances Way fields, which are overflowing. Footage on the same link shows Otley in December 2015. Flooding is already fairly frequent in the town but is likely to increase in severity and frequency if further building occurs in the Wharfe catchment. Together the Ilkley Coutances Way SHLAA sites and the Black Bull Farm SHLAA Sites at Burley in Wharfedale form a substantial and crucial portion of the:

'large expanses of grassland between the urban areas [along the Wharfe between Addingham and Otley] which naturally act to store water'

which the Environment Agency's SFRMP refers to. Among other things they provide some protection for the A65. Almost all of the land between Ilkley and Burley in Wharfedale on the southern edge of the A65 falls into these sites. This is at the foot of the steeper southern side of Ilkley Moor/Rombalds Moor from which surface water runs down towards the river. The road is extremely close to the river at many points and already floods frequently, particularly at Manor Park. New housing would remove the protective pasture.

Finally. The A65 is not 'a road' into/out of Ilkley it is 'the road'. It is also 'the road' through the valley. And it floods both east and west of Ilkley. None of the other roads are viable alternatives for large vehicles in any weather. All bar the Moor Road quickly narrow to lanes and are badly affected by fluvial flooding and/or run off. The Moor Road is steep, it bottlenecks and winds at Burley Woodhead and water cascades across and down it on Hangingstone Road between Burley Woodhead and Ilkley. Diverting from the Moor Road down to Burley to get round any flooding at Manor Park is not possible for even moderately high vehicles (because of the railway bridge) and it is ill-advised for anyone in very wet weather because it also floods. Ilkley was cut off on Boxing Day 2015. It had been close to being cut off at various times from November 14th onwards.

In directing development towards Ilkley and Wharfedale rather than applying the sequential approach the Council has not paid due regard to the transport infrastructure through the valley. In providing partners with an incomplete and misleading SFRA it has not fulfilled its duty to cooperate with respect to it.

We have asked West Yorkshire Police for data regarding flood and wash related incidents affecting the A65 between the Silsden roundabout and Menston and will forward it if/when we receive it.