

Report of the Strategic Director of Place to the meeting of Executive to be held on 7 November 2017.

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Subject: Local Plan – Bradford City Centre Area Action Plan (AAP) and Shipley & Canal Road Corridor AAP – Planning Inspectors Report & Adoption

Summary statement:

The Council is in the process of preparing a new Local Plan which will replace the current statutory development plan for Bradford District (the Replacement Unitary Development Plan) which was adopted in 2005. The first of the Local Plan documents is the Core Strategy which was adopted at meeting of Full Council on 18 July 2017. The Bradford City Centre AAP and Shipley & Canal Road Corridor AAP will provide the planning policy frameworks for determining future planning applications over the next 15 years in these priority regeneration and growth areas in conformity with the policies in the adopted Core Strategy. The AAPs were approved by Full Council on 20 October 2015 for submission to government for examination. Following publication for representations, an examination was held with a government appointed Inspector. The Council has now received the Planning Inspector's Final Report and recommendations on the two AAPs.

The Inspector has considered all the matters before her including the plan, the evidence underpinning it, and the representations made and the published modifications. In her report she concludes that the Bradford City Centre AAP and Shipley & Canal Road Corridor AAP can both be considered to be legally compliant and sound, providing a limited set of Main Modifications are made to the plans, as submitted.

The purpose of this report is for the Executive to note the contents of the Inspector's report and to seek authority to proceed to Full Council to request the legal adoption of the AAPs, with modification, in line with the Inspector's recommendation.

Julian Jackson
Assistant Director – Planning,
Transportation & Highways

Portfolio:

Regeneration, Planning and Transport

Report Contact: Bhupinder Dev,
Team Leader Infrastructure & Local
Plan Implementation
Phone: (01274) 43 2012
E-mail: Bhupinder.dev@bradford.gov.uk

Overview & Scrutiny Area:

Regeneration & Economy

1. SUMMARY

- 1.1 The Council is in the process of preparing a new Local Plan which will replace the current statutory development plan for Bradford District (the Replacement Unitary Development Plan) which was adopted in 2005. The first of the Local Plan documents is the Core Strategy which was adopted at meeting of Full Council on 18 July 2017. The Bradford City Centre AAP and Shipley & Canal Road Corridor AAP will provide the planning policy frameworks for determining future planning applications over the next 15 years in these priority regeneration and growth areas in conformity with the policies in the adopted Core Strategy. The AAPs were approved by Full Council on 20 October 2015 for submission to government for examination. Following publication for representations, an examination was held with a government appointed Inspector. The Council has now received the Planning Inspector's Final Report and recommendations on the two AAPs.
- 1.2 The Inspector has considered all the matters before her including the plan, the evidence underpinning it, and the representations made and the published modifications. In her report she concludes that the Bradford City Centre AAP and Shipley & Canal Road Corridor AAP can both be considered to be legally compliant and sound, providing a limited set of Main Modifications are made to the plans, as submitted.
- 1.3 The purpose of this report is for the Executive to note the contents of the Inspector's report and to seek authority to proceed to Full Council to request the legal adoption of the AAPs, with modification, in line with the Inspector's recommendation.

2. BACKGROUND

- 2.1 In accordance with the Planning & Compulsory Purchase Act 2004, the Council is in the process of putting in place an up to date Local Plan for the Bradford District in line with the Local Development Scheme adopted by the Council. The Local Plan will ultimately supersede the current Bradford District Replacement Unitary Development Plan (as saved by the Secretary of State Oct 08). Following the adoption of the Local Plan Core Strategy in July 2017, Council is committed to adopting the following suite of Development Plan Documents:
 - Allocations Development Plan Documents (DPD) (Currently in Production)
 - Bradford City Centre Area Action Plan DPD (AAP) (Post Examination Awaiting Adoption)
 - Shipley and Canal Road Corridor Area Action Plan DPD (AAP) (Post Examination Awaiting Adoption)
 - Waste Management Development Plan Documents (DPD) (Post Examination Awaiting Adoption)
- 2.2 The two AAPs set out the 15 year planning frameworks for delivering housing, economic developments and supporting infrastructure in alignment with

regeneration projects and programmes.

- 2.3 The Planning & Compulsory Purchase Act 2004 as amended by the Localism Act provides the Legal basis for the preparation of the statutory development plan. This is supplemented by detailed regulations in particular Town and Country Planning (Local Planning) (England) Regulations 2012. The Development plan process is made up of 5 main stages.

Stage 1 Initial Evidence gathering

Stage 2 Initial Consultation and continued work on evidence gathering (reg18)

Stage 3 Publication and Submission (Reg 17, 19 and 22)

Stage 4 Examination (reg 23-24)

Stage 5 Adoption (Reg 26)

- 2.4 The Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP have both reached stage 5. Work under stage 1, 2, 3 and 4 is briefly summarised below with reference to previous engagement and technical work.
- 2.5 Upon adoption, the AAPs will form the key statutory plan which sets out the planning policy framework for delivering homes and jobs in these two priority regeneration growth areas. It includes policies and allocations in line with the adopted Core Strategy and the National Planning Policy Framework (NPPF).
- 2.6 The Bradford City Centre AAP - Submission Draft and Shipley & Canal Road Corridor AAP – Submission Draft, have been based upon the National Planning Policy Framework (NPPF), practice guidance and informed by extensive community engagement and consultation, and technical evidence and research. Each of these elements is considered in turn below.

Consultation and Engagement

- 2.7 As part of the Local Plan for Bradford District, the Council committed to producing the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP which will allocate sites for housing, economic development and infrastructure, such as highway improvements and greenspace. The AAPs also provides policies for their delivery and implementation in support of the approach set out in national as well as the Core Strategy.
- 2.8 The two AAPs have been subject to 5 stages of plan as outlined below:

Issues and Options

Bradford City Centre AAP – Issues and Options 2007 / 2008
Approved by Executive 16th January 2007

Bradford City Centre AAP – Further Issues and Options - Public Consultation March to May 2013
Shipley and Canal Road Corridor – Issues and Options - Public Consultation March to May 2013

Approved by Executive 15th January 2013.

Publication Draft

Bradford City Centre AAP and Shipley and Canal Road Corridor AAP – Public Consultation December 2015 to February 2016

Approved by Executive 13th October 2015

Approved by Full Council 20th October 2015

Submission Draft

Bradford City Centre AAP and Shipley and Canal Road Corridor AAP – Submission to Secretary of State 29th April 2016

Examination

Bradford City Centre AAP and Shipley and Canal Road Corridor AAP – Hearings held October 2016 and March 2017. Public Consultation on Modifications 5th July to 16th August 2017.

Inspectors Report

Bradford City Centre AAP and Shipley and Canal Road Corridor AAP – Inspectors Report received 2nd October 2017.

- 2.9 The Publication Draft, approved by Full Council on 20 October 2015, was the final stage prior to submission to Secretary of State for independent examination in public with the Planning Inspector. As such this is the stage when it became the plan that the Council wishes to see adopted. At the Publication Draft stage the Council had to ensure that it will pass the key tests at independent examination in public.
- 2.10 The Local Plan was examined by an independent Planning Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. To this end, the Council, as the local planning authority, submitted the Plans for examination which it considered to be “sound” – namely that they were:
1. Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 2. Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 3. Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 4. Consistent with national policy – the plan should enable the delivery of

sustainable development in accordance with the policies in the Plan.

- 2.11 Following publication of the two Plans for formal representations the Council submitted the two AAPs plus supporting documentation and representations to the Secretary of State on 29 April 2016, for examination in public by an independent Planning Inspector. The Secretary of State then appointed Louise Nurser (BA Hons, Dip UP, MRTPI) to undertake the examinations into the two AAPs.
- 2.12 As part of the examination process, the Inspector had issued a number of Matters, Issues and Questions (MIQs) relating to the legal compliance and soundness of various parts of the two AAPs. The Council had issued responses to all the MIQs raised by the Inspector, some of which have resulted in a number of main modifications being proposed. Alongside these modifications, the Inspector has also suggested a number of modifications to address any outstanding issues, which the Council have accepted and incorporated into the overall Schedule of Modifications.
- 2.13 Following a limited set of examination hearings held in October 2016 and March 2017, the Inspector recommended a number of main modifications to the Plan to make it sound and adoptable. As required under the Town and Country Planning Regulations 2012, the Council undertook a 6 week public consultation on the Schedule of Main Modifications. Approximately 2,500 people (including elected members, statutory consultees, people who have made previous represents etc) were notified as part of the public consultation.
- 2.14 Alongside the Schedule of Main Modifications, a Sustainability Appraisal Addendum was published, which detailed the potential impacts of the main modifications.
- 2.15 The Council received 24 representations on the Schedule of Modifications and the Sustainability Appraisal Addendum. All consultation documents and written representations are available to view on the Council website.
- 2.16 The Inspector subsequently considered all the representations made to the Main Modification and the resulting amendments made to the Schedule of Modifications, and has now issued her final report (Appendix 1, The Inspector has found the plans sound subject to the modifications (Appendix 2 and 3) and is capable of adoption by the Council.

Adoption Process

- 2.17 Assuming the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP are adopted following resolution by Full Council, it will form a part of the statutory Local Plan for the District alongside the recently adopted Core Strategy. It will become a key document in the determination of planning applications. It will replace all of the existing saved policies of the RUDP as related to these two regeneration areas.
- 2.18 It is important to stress that the policies within the RUDP were prepared a considerable time ago and over time have become out of date and ever more vulnerable to challenge. This includes policies to protect key environmental assets, as well as those policies which relate to economic growth and development. The adoption of the Bradford City Centre AAP and the Shipley & Canal Road Corridor

AAP will provide policies and land allocations which have been prepared in the light of current government guidance and up to date evidence and which will therefore provide a more robust basis for the Council's decision making when considering planning applications. Should the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP be delayed or not adopted there is a much greater risk of successful challenges to the Council's decisions, increased numbers of planning appeals and associated increased costs and greater uncertainty for potential developers and investors in the District.

- 2.19 If the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP is adopted by Full Council in line with the Inspector's recommendations with all the proposed Main Modifications the Council will then publish the Adopted plan, and the Adoption Statement. There is a 6 week period allowed for any party to legally challenge the Council's decision to adopt.

3. OTHER CONSIDERATIONS

- 3.1 The Council has a duty under the Planning and Compulsory Purchase Act 2004 to prepare the Local Plan for the District in line with the approved Local Development Scheme (LDS). The Council can determine the nature and make-up, of the Local Plan it wants to put in place in order to meet its statutory duty, as well as the timetable for its' preparation. The currently agreed Local Plan programme, as set out in the approved LDS, commits to 5 Development Plan Documents (see paragraph 2.1).
- 3.2 The process for the preparation of each DPD is prescribed by statute and regulation. In order to ensure a 'Sound' plan it is important that the Council ensures it follows the regulations, ensures effective and robust consultation, and ensures it is founded upon up to date and robust evidence. All DPDs are submitted to the Secretary of State for independent examination to test whether they are sound with reference to the tests set out in legislation and regulations. Failure to ensure a robust approach could result in a DPD being unsound and not capable of adoption. The Inspector has considered fully the legal compliance and soundness and concluded that the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP as proposed to be modified are sound and can be adopted by the Council. However, she has also confirmed that the original plans submitted to the Planning Inspectorate without the proposed Main Modifications would not be considered 'Sound'. The importance of accepting and incorporating, in full, the schedule of Main Modifications, contained in Appendix 2 and 3, to ensure that the plans can be adopted should therefore be emphasised.
- 3.3 Once the examination process is complete, adoption is the final stage of putting a Local Plan in place. This requires confirmation by a full meeting of the Local Planning Authority (Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000). On adopting a Local Plan, the Local Planning Authority has to make publicly available a copy of the Plan, an Adoption Statement and Sustainability Appraisal in line with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.4 Government guidance states that while the Local Planning Authority is not legally

required to adopt its Local Plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound.

- 3.5 National Planning Policy continues to emphasise the need for Local Planning Authorities to prepare an up to date development plan for their district and more recent government statements are seeking councils to progress as a matter of urgency.
- 3.6 The Housing and Planning Act 2016 re-emphasised the need for Local Planning Authorities to make progress to put in place up to date local plans and introduced new powers for the Secretary of State to intervene where sufficient progress was not being made. In a statement to Parliament (July 2015) the then Minister of State for Housing and Planning (Brandon Lewis) made clear the government's commitment to getting Local Plans in place. To this end, the government will publish league tables setting out local authorities' progress on their Local Plans. In cases where no Local Plan has been produced by early 2017 the government will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate production of a Local Plan under the new provisions in the Housing and Planning Act 2016. The adoption of the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP would be a major step forward in meeting this requirement and demonstrating to government the District's commitment to producing an up to date Local Plan for the delivery of housing, jobs and associated infrastructure in support of the adopted Core Strategy. It will therefore enable the Council in conjunction with local communities and stakeholders to maintain control over decisions on the future planning of the District.
- 3.7 It is also important to communities, business and investors that up-to-date plans are put in place in order to ensure certainty and confidence. It also will assist in supporting regeneration programmes for the City Centre and the Shipley and Canal Road Corridor and the attraction of much needed investment into infrastructure projects based on clearly articulated plans for delivering growth and supporting business case for supporting investment.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The preparation of the Local Plan is undertaken by the Planning and Transport Strategy Service, which is funded from within the Department's resources, supported by one off corporate growth payments to cover abnormal costs of consultation and engagement, technical studies and examination.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 There are risks to the Council as a result of not having an up to date Local Plan. These include:
- uncertainty for decision making;
 - reduced prospects for securing funding for new infrastructure in support of

- economic growth;
- increase in the number of successful planning appeals with attendant increased costs;
- possible government intervention to externalise plan making; and
- failure to meet key needs for homes and jobs.

5.2 The receipt of the Inspector's Report and recommendations allowing adoption mean the Council is in a position to be able to put in place an up to date planning framework for delivering development in these two which will form part of the statutory Local Plan and provide a starting point for the consideration of planning applications. It will also provide confidence and clarity to the development sector as well as business and communities and allow infrastructure providers to be clear about the scale and distribution of development they need to support through their investment plans and decisions.

5.3 As noted above at 3.3, the decision whether to adopt the Bradford City Centre Area Action Plan and the Shipley & Canal Road Corridor Area Action Plan is for Full Council.

6. LEGAL APPRAISAL

6.1 The Local Plan is prepared in line with the appropriate, legislation (UK and EU), regulations and guidance, in particular the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2012 and Planning and Housing Act 2016. The Submitted Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP were supported by a legal compliance check list and the Inspector concluded that the submitted plans were legally compliant.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

7.1.1 The consultation on the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP were undertaken in line with the Statement of Community Involvement, which sets out how the Council will seek to engage the community in the preparation of development plan documents. In order to achieve this it seeks to set a framework to ensure representative and inclusive involvement and engagement at all stages of document preparation. Particular consideration is given in the document to hard to reach groups. In addition the Bradford City Centre AAP and the Shipley & Canal Road Corridor has been subject to Equality Impact Assessment.

7.2 SUSTAINABILITY IMPLICATIONS

7.2.1 All Local Plan Development Plan Documents are required to be subject to Sustainability Appraisal (SA) including Strategic Environmental Appraisal (SEA) at all key stages. The SA seeks to assess the likely impacts of the policies and proposals of the relevant plans. A full SA was undertaken by independent consultants Amec Foster Wheeler at key stages of the preparation of the two AAPs. In addition to this, a Habitats Regulations Assessment (HRA) Screening, also prepared by Amec Foster Wheeler, has been undertaken to assess the impact of

the policies and proposals set out in the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP on the environmental integrity of the South and North Pennine Moors Special Protection Areas (SPA's) and Special Areas of Conservation (SAC's).

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

7.3.1 The Local Plan is subject to Sustainability Appraisal throughout its development, which identifies the likely impacts of the Plans and where appropriate any mitigation to manage any negative impacts. Climate Change is identified within the adopted Core Strategy as a key issue and is covered in the spatial vision of the document and by several policies which seek to reduce greenhouse gas emissions and also manage the potential impacts of Climate Change. The AAPs have been produced in alignment with the spatial vision and policies within the adopted Core Strategy.

7.4 COMMUNITY SAFETY IMPLICATIONS

7.4.1 There are no direct community safety implications arising from Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP.

7.5 HUMAN RIGHTS ACT

7.5.1 The adopted Statement of Community Involvement sets out how all individuals can have their say on the development plan documents. Anyone who was aggrieved by the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP as drafted had a right to be heard at an independent examination in public following submission to the Secretary of State.

7.6 TRADE UNION

7.6.1 There are no Trade Union implications.

7.7 WARD IMPLICATIONS

7.7.1 The Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP designates land for housing, economic development and supporting infrastructure (schools, greenspace, highway and public transport improvements). Bradford City Centre AAP is primarily contained within City Ward; there are potential social, economic and environmental implications on other adjoining wards when the Area Action Plan is adopted. The Shipley & Canal Road Corridor Area Action Plan boundary is primarily contained within Shipley Ward, Windhill & Wrose Ward, Bolton & Undercliffe Ward and City Ward. There are potential social, economic and environmental implications on other adjoining wards when the Area Action Plan is adopted.

8. NOT FOR PUBLICATION DOCUMENTS

8.1 None

9. OPTIONS

The Executive have 2 options.

Option 1

- 9.1 The first option is to approve the Bradford City Centre Area Action Plan and the Shipley and Canal Road Corridor Area Action Plan in line with the Inspector's Report and recommendations including the complete set of Main Modifications contained in the Appendix to the Inspector's Report. The document is considered 'Sound' and legally compliant by the Inspector and capable of adoption only with the proposed Main Modifications.

Option 2

- 9.2 The second option is to not adopt the Plans and to review the documents. In effect this would amount to a withdrawal of the Plans in total as the Inspector has now concluded her examination. This would delay significantly the adoption of the Local Plan having particular implications for the management and implementation of development and regeneration projects within Bradford City Centre and the Shipley & Canal Road Corridor. As well as delay of up to 3-4 years to go back through the process there would also be significant additional costs to the Council. There would also be a risk of intervention by the government. In the meantime the District would not have an up to date planning strategy for delivering much needed homes and jobs within Bradford City Centre and Shipley & Canal Road Corridor (the two priority regeneration growth areas as identified by the Leeds City Region Strategic Economic Plan and the Core Strategy) and therefore lose control and influence over development proposals. During the course of the production of the Bradford City Centre AAP and the Shipley & Canal Road Corridor AAP, considerable sums have been invested in the preparation of these plans including the production and commissioning of masterplans, technical evidence and the holding of community consultation events and Planning Inspectorate fees and Programme Officer fees relating to the Examination. Failure to adopt the Bradford City Centre Area Action Plan and the Shipley & Canal Road Corridor Area Action Plans would lead to significant cost as much of the evidence associated with the document would have to be updated or prepared afresh, further consultation would have to be undertaken and a new Examination would need to be held and paid for.
- 9.3 The Executive are therefore recommended to follow Option 1 and recommend to Full Council that the Bradford City Centre Area Action Plan and the Shipley & Canal Road Corridor Area Action Plan as submitted be adopted with the Main Modifications proposed by the Inspector for the reasons set out in her report and also this report. The other option would have significant serious implications for the timetable for putting in place an up to date Local Plan and associated risks to both the Council and the District and its communities.

10. RECOMMENDATIONS

- 10.1 The Executive is recommended to note the contents of this report and contents of the Inspector's Report (Appendix 1).

- 10.2 The Executive is recommend that Full Council formally adopt the Bradford City Centre Area Action Plan as approved by Full Council on 20th October 2015 and submitted to the government for examination with the Main Modifications contained in Appendix 2, as proposed by the Inspector pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.
- 10.3 The Executive is recommend that Full Council formally adopt the Shipley & Canal Road Corridor Area Action Plan as approved by Full Council on 20th October 2015 and submitted to the government for examination with the Main Modifications contained in Appendix 3, as proposed by the Inspector pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004.
- 10.2 That the Assistant Director (Planning Transportation and Highways) in consultation with the relevant Portfolio Holder be authorised to make other minor amendments of redrafting or of a similar nature as may be necessary prior to formal publication of both AAPs.

11. APPENDICES

Appendix 1 - Report on the examination of the Local Plan for the Bradford City Centre Area Action Plan and Shipley & Canal Road Corridor Area Action Plan Development Plan Documents.

Appendix 2 - Schedule of Main Modifications to the Bradford City Centre Area Action Plan Development Plan Document.

Appendix 3 - Schedule of Main Modifications to the Shipley & Canal Road Corridor Area Action Plan Development Plan Document.

12. BACKGROUND DOCUMENTS

- 12.1 Local Development Scheme (July 2014)
- 12.2 Submission Draft Bradford City Centre Area Action Plan DPD
- 12.3 Submission Draft Shipley & Canal Road Corridor Area Action Plan DPD
- 12.4 Sustainability Appraisals
- 12.5 National Planning Policy Framework
- 12.6 National Planning Policy Guidance