
Report to City of Bradford Metropolitan District Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Shipley and Canal Road Corridor and Bradford City Centre Area Action Plans

The Plans were submitted for examination on 22 April 2016

The examination hearings were held between 18 and 20 October 2016 and on 1 March 2017

File Ref: PINS/R0335/429/9 & PINS/R0335/429/10

Appendix 1

Abbreviations used in this report

AA	Appropriate Assessment
BCCAAP	Bradford City Centre Area Action Plan
CBMDC	City of Bradford Metropolitan District Council
CIL	Community Infrastructure Levy
CS	Local Plan for the Bradford District Core Strategy Development Plan Document
DtC	Duty to Co-operate
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area for Conservation
SCI	Statement of Community Involvement
SCRCAAP	Shipley and Canal Road Corridor Area Action Plan
SPA	Special Protection Area
WHS	World Heritage Site
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Shipley and Canal Road Corridor and Bradford City Centre Area Action Plans provide an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to them. The City of Bradford MDC has specifically requested me to recommend any MMs necessary to enable the Plans to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six week period. In some cases I have amended their detailed wording where necessary. I have recommended their inclusion in the Plans after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- The deletion of policy references which could confer development plan status on supplementary planning documents and other documents which are not part of the plan and explanation of the role of the development plan.
- Clarification of the term Urban Eco Settlement.
- Clarification of what uses would be appropriate on which sites.
- Changes to individual site allocations, following receipt of up to date flood risk information, and the amendment of generic flood risk policies to be consistent with national policy.
- Amending the wording of retail policies to ensure that they are clear.
- The alteration of visions, policies and relevant site allocation statements which relate to heritage matters to ensure that a positive strategy is promoted consistent with national policy.
- The alteration of policies to ensure consistency with Community Infrastructure Levy regulations.
- Changes to transport policies and relevant site allocation statements to make clear what information is required in submitting an application, and the matters that are to be taken into consideration, including the need to consider impacts of development on the transport network outside of the plan area.
- Policy changes to ensure that the City Centre is highly accessible, and that the needs of pedestrians and cyclists are fully considered.
- Changes to the housing policy of the Bradford City Centre Area Action Plan to ensure housing requirements are to be treated as a minimum.
- Making appropriate reference to Policy 8 of the Core Strategy in relation to the protection of the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence.
- Reference to the protection of the routes of the Bradford Canal and Shipley Eastern Link Road as defined on the Policies Map within the respective policy.
- Clarifying how the plans are to be monitored.
- Providing appendices setting out the policies of the Replacement Unitary Development Plan that are to be replaced.

Introduction

1. This report contains my assessment of the Shipley and Canal Road Corridor and Bradford City Centre Area Action Plans in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plans' preparation has complied with the duty to co-operate. It then considers whether the Plans are sound and whether they are compliant with the legal requirements. The National Planning Policy NPPF (paragraph 182) makes it clear that in order to be sound a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted plans which it considers to be sound. The submitted Shipley and Canal Road Corridor Area Action Plan (SCRCAAP), and Bradford City Centre Area Action Plan (BCCAAP), are the basis for my examination. The SCRCAAP is the same document as was published for consultation in December 2015.
3. The BCCAAP is the same document as was published for consultation in all respects except, due to a printing error, the incorrect version of the Goitside Neighbourhood Vision had been included within the version of the plan which was consulted upon and sent to me. In addition, the policies map for the submission version of the BCCAAP was different to that which accompanied the Publication Draft. In order to rectify these matters, both were subject to a discrete six week period of formal consultation prior to the first hearing sessions. As such, no one was prejudiced. The composite submission version of the BCCAAP which I have examined includes the correct version of the Goitside Neighbourhood Vision and Policies Map.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plans unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The respective MMs are referenced in bold in the report in the form **MM001, MM002, MM003** etc, prefixed by the appropriate abbreviated plan name, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared schedules of proposed MMs. Both MM schedules and accompanying Sustainability Appraisal Addendums were subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Policies Map within both Area Action Plans.
7. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plans' policies require further corresponding changes to be made to the Policies Maps.
8. These further changes to the Policies Maps were published for consultation alongside the MMs (BCCAAP Schedule of Policies Map Modifications and SCRCAAP Schedule of Policies Map Modifications).
9. When the Plans are adopted, in order to comply with the legislation and give effect to the Plans' policies, the Council will need to update the adopted Policies Maps to include all the changes proposed in the two Schedules of Policies Map Modifications.

Assessment of Duty to Co-operate

10. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plans' preparation.
11. Bradford is part of the Leeds City Region. The Council has a long history of working with neighbouring authorities and the prescribed bodies on cross boundary issues and strategic matters. The two AAPs seek to implement the strategic objectives of the recently adopted Bradford District Core Strategy Development Plan Document (CS) which, in turn, has been prepared in accordance with the Duty to Co-operate. As such, strategic matters have already been appropriately considered within the CS. Nonetheless, the City of Bradford Metropolitan District Council has outlined its continuing collaborative approach to the Duty to Co-operate (DtC), within its Duty to Co-operate Statements and supporting documents. These show appropriate engagement with the necessary local planning authorities and the various prescribed bodies.
12. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plans and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background

13. The BCCAAP and the SCRCAAP are fundamental to the implementation of the regeneration and growth objectives of the CS. The CS was adopted in July 2017

Main Issues

Preamble

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified eleven main issues upon which the soundness of the Plans depend. Under these headings my report deals with the main matters of soundness and legal compliance rather than responding to every point raised by representors.

Issue 1 –Whether the overall approach of the two AAPs, including their visions and objectives, is consistent with CS and national policy?

15. Policy ID1 of the CS identifies the BCCAAP as being vital in realising the vision of the CS.
16. The BCCAAP is to provide a framework to facilitate regeneration and the SCRCAAP is to deliver the objectives of an urban eco settlement to the north of the city.
17. The concept of the Shipley and Canal Road Corridor forming an Urban Eco settlement is identified within Policy BD1 of the CS and reflected in Policies SC6 and H02 of the CS. It is also part of the Leeds City Region's response to the former Eco Town Programme. However, following the Written Ministerial Statement of 2015, in the absence of evidence based targets **SCRCAAP MM002** is required to ensure that the plan is effective by clearly setting out the principles of the Eco Settlement and how these remain relevant.
18. The vision of the CS confirms the significance of Bradford's rich historic identity in realising the CS's objectives. The World Heritage Site (WHS) of Saltaire is located to the north of the boundary of the SCRCAAP. However, the Saltaire WHS Buffer Zone falls within the plan area. The overarching vision for the SCRCAAP, as submitted, is consistent with the CS. However, the vision for the sub area of Shipley fails to mention the WHS. In order for the Shipley vision to be both internally consistent, and consistent with that of the CS, **SCRCAAP MM004** is required.
19. An attractive public realm, forming pedestrian links between the University quarter and the Central Business Leisure District, as well as to the other sub areas, is important in the realisation of the CS vision where the City Centre has become the rejuvenated heart of the City. Consequently, **BCCAAP MM002** is required to ensure that the vision for the Central Business and Leisure District clearly articulates the importance of the synergy between the University and the commercial sector as well as the need for improved public realm linkages throughout the City Centre.

20. Prior to the submission of the two AAPs the Council and its partners have been active in working towards realising the objectives of the CS. In so doing, a number of strategies and plans have been produced such as the City Centre Masterplan and the Shipley and Canal Road Corridor Strategic Development Framework. In order to ensure clarity, a modification is required to the supporting text of both AAPs making clear the relationship between other policy strategies and the development plan (**BCCAAP MM001** and **SCRCAAP MM001**).
21. Policy DS5 of the CS requires that development proposals and plans provide for safe and inclusive places which are designed to be accessible to all. The objectives, strategies and policies of both plans, including the individual site allocation statements are consistent with this.
22. I note that the CS indicates that sites for Travellers and Travelling Showpeople should be allocated within both the SCRCAAP and the emerging Site Allocations Development Plan Document. However, I am aware that in preparing the SCRCAAP no suitable sites within the plan area were identified and the Council is intending that all the needs are to be fully provided for within the Site Allocations Development Plan Document and is progressing this plan on this basis. As such, under the circumstances it is appropriate and justified.

Effective

23. As submitted there is a lack of clarity as to what elements of the plan are to be considered as policy text and what uses would be appropriate on each site. Therefore, modifications are required to make it explicit that sites have been allocated within the individual sub area and to set out, unambiguously, what uses would be appropriate, consistent with Paragraph 154 of the NPPF: **BCCAAP MM003; MM005; MM017; MM022; MM027; MM028** and **MM052. SCRCAAP MM005; MM006; MM007; MM008; MM009; MM010; MM011; MM012; MM015; MM017; MM018; MM021; MM022** and **MM041**.
24. Subject to the above modifications, the overall approach of the two AAPs, including their visions and objectives, is consistent with CS and national policy.

Issue 2- Whether the policies of the two AAPs are effective and set out a positive strategy for the historic environment consistent with the CS and national policy?

25. As set out above, I have concluded in relation to heritage matters, subject to **SCRCAAP MM004** that the vision of both AAPs is sound.

World Heritage Site

26. The Saltaire WHS lies outside of the boundary to the SCRCAAP. Paragraph 132 of the NPPF sets out the importance of a WHS and that it should be considered to be of the highest significance. The submission version of Strategic Objective 11 implies that less than substantial harm to the WHS would be acceptable. This is not consistent with the NPPF, therefore **SCRCAAP MM003** is required.

Other heritage assets

27. The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the statutory duties of decision makers in relation to both the direct and indirect impacts of developments on designated heritage assets. These statutory duties are far reaching. As worded Criterion F, of Policy BF1 of the BCCAAP, restricts the consideration of the impact of development proposals on heritage assets by exclusive reference to the Council's Conservation Area Appraisals and Listed Building Statements. This limits the ability for decision makers to take into account other heritage related matters.
28. Consequently, whilst the Council's Conservation Appraisals and Listed Building Statements are important sources of information and guidance, these should not be the only considerations and sources of information taken into account, when either formulating a proposal or determining applications that could have a direct impact on a designated heritage asset, or its setting. Therefore, to ensure that the policy is consistent with national policy, **BCCAAP MM047** is required to remove reference to both of these sources of information from criterion F of policy BF1 of the BCCAAP. However, they should be referred to within the supporting text. Consequently, **BCCAAP MM049** is necessary.
29. In order to aid clarity as to how the setting and key views of heritage assets are to be considered, and in particular in relation to the WHS, Policy NBE6 as submitted is required to be amended by **SCRCAAP MM037**.
30. Both plan areas of the BCCAAP and the SCRCAAP are rich in heritage assets. The overarching approach of how the Historic Environment is to be protected and enhanced is set out in Policy EN3 of the CS. Plan making requires Councils to provide a positive strategy for the conservation and enjoyment of the historic environment. In so doing, the opportunity for new development to enhance or better reveal the significance of heritage assets should be addressed. The site allocation statements of both plans should set out in a positive manner how the significance of the individual heritage assets are to be preserved or enhanced so as to aid the effectiveness of the policies and to be consistent with the CS and national policy.
31. However, a number of site allocation statements, as submitted, require amendments to provide additional site specific information to ensure that the historic environment is conserved and enhanced, including the setting of the WHS, and the need, in relevant instances, for archaeological recording as part of a positive strategy for the historic environment within both plan areas: **BCCAAP MM004; MM007; MM008; MM009; MM0010; MM0011; MM0012; MM0013; MM014; MM015; MM016; MM018; MM019; MM020; MM021; MM023; MM024; MM025; MM026 and SCRCAAP MM009; MM011; MM012.**
32. Specifically, the Bolton Woods Quarry site (BWQ1) is an important housing site within the SCRCAAP, which at the time of writing, is the subject of an outline planning application. However, the site allocation statement as submitted, does not sufficiently take into account the significance of, and contribution of the rural character of the open fields to the setting of the Grade 2* listed Bolton Old Hall and Bolton Old Hall Cottage which are designated heritage assets of the highest significance. Nor does it provide clarity that the

development should enhance or better reveal the significance of the two listed buildings. Without modification **SCRCAAP MM021**, the site allocation would be unsound, as it would not set out the positive strategy required by national policy, nor would it be consistent with the approach that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance.

33. At my request, following the hearing, the Council and Historic England set out a Heritage Position Statement (PS_B005) relating to the site. I am satisfied that **SCRCAAP MM021** is both robust enough to ensure that harm is avoided to the setting of the heritage assets, and sufficiently flexible to enable the successful delivery of the site for housing and ancillary development.
34. Subject to the modifications set out above in relation to heritage matters both plans would be effective and set out a positive strategy for the historic environment consistent with Policy EN3 of the CS and national policy.

Issue 3- Are the policies of the two AAPs relating to flood risk matters, including the provision of green and blue infrastructure, effective, justified, positively prepared, and consistent with the CS and national policy?

35. Both plan areas are subject to flood risk. The strategic policies of the CS are dependent on significant levels of development taking place in both AAPs. Consequently, it is vital that the individual site allocations and policies of both plans are consistent with both Policy EN7 of the CS and the NPPF and are evidence based.
36. Managing the tension between the specific issues peculiar to developing in areas of flood risk and realising regeneration objectives, is fundamental to encouraging and attracting investment within the urban areas. Development within the two AAPs, together with the creative use of green infrastructure, the re- introduction of the Bradford Canal, the re-naturalisation of the Bradford Beck and the identified site specific responses, provides a positive approach to this challenge, as exemplified by the BEGIN project.
37. The reintroduction of the Bradford Canal is one of the key tenets of the SCRCAAP. However, as submitted the plan is not effective, as whilst there is an aspiration to protect the route within Policy SCRC/ST8, it is not identified on the Policies Map. Therefore, for the Policy to be effective **SCRCAAP MM030** is required.
38. The provision and enhancement of multi-functional green infrastructure has a direct impact on the successful implementation of the Plans, including the protection of the South Pennine Moors Special Protection Area and the South Pennine Moors Special Area of Conservation and their zones of influence. Consequently, in order for the plan to be effective and consistent with the recommendations set out within the Habitats Regulation Assessment and the provisions of CS Policy 8, modifications **SCRCAAP MM033, MM036 and MM038** are required to Policies SCRC/NBE1, NBE4 and NBE9 respectively. These MMs ensure that there is a clear link to the strategic policy relating to the SAC or SPA, and that the need for the impact of development to be

adequately mitigated and the role of green infrastructure as a means of enabling the mitigation to take place, is made explicit.

39. The Environment Agency has worked closely with the Council in the development of the submission policies of both AAPs and the identification of sites and production of an evidence base consistent with national policy. However, the Boxing Day floods of 2015 required a reappraisal of the data which had informed the submission versions of both AAPs. Subsequent to this, modifications are required to the site allocation statement for sites DF4 and DF5 on Dockfield Road Shipley, to include a reduction in the estimate of dwellings from 90 to 50 (**SCRCAAP MM005; MM0013; MM041; MM043**) reflecting the flood risk constraints of the site. As site DF9 is within Flood Zone 2 a modification is required setting out the need for a site specific flood risk assessment **SCRCAAP MM015**.
40. Similarly, to ensure clarity and consistency with national policy, modifications are necessary to clarify that individual site specific flood risk assessments are required on other sites as follows: **BCCAAP MM015, BCCAAP MM016 and SCRCAAP MM011**.
41. The Council has not used the most recent climate change allowances. However, the EA has applied the temporary exception arrangements with the proviso that at planning application stage the most up to date allowances are to be utilised. As such modifications **SCRCAAP MM031; MM033 and BCCAAP MM030** are required to reflect this.
42. In addition, Policy CL2 of the BCCAAP and Policy CC1 of the BCCAAP, as submitted, do not make explicit the need for individual site specific flood risk assessments, for allocated and non- allocated sites, to demonstrate how proposals will pass Part B of the Exceptions Test. Modifications **BCCAAP MM031** and **SCRCAAP MM031** are required to ensure that the policies are consistent with national policy.
43. Subject to the above modifications, the policies relating to flood risk, and green and blue infrastructure are effective, justified, positively prepared, and consistent with both the CS and national policy.

Issue 4- Whether the policies of the two AAPs, as far as they relate to transport matters, are consistent with the CS and national policy and provide an effective and justified basis for decision making?

44. Significant growth is planned within both plan areas. To enable the growth to take place without resulting in levels of congestion which would have detrimental environmental, social and economic impacts, including on public health through air pollution, it is important that individual planning applications are accompanied by appropriate and proportionate levels of information. These should be consistent with Policy TR1 of the CS and set out the impact of development on the transport network; how the use of sustainable transport modes is to be encouraged and facilitated; and how any adverse impact is mitigated.
45. Specifically, within the SCRCAAP, the major residential sites of New Bolton's Wood (NBW1) and Bolton's Wood Quarry (BWQ1) are identified to deliver a

minimum of 2,100 dwellings which could have an impact on the wider highway network, including the Strategic Road Network, and in particular the M606. As submitted both site allocation statements are not effective, in that it is not sufficiently clear that the Transport Assessments and Travel Plans required as part of any planning application, would need to determine, and where necessary, address the potential impacts of the development on the wider network, including primary roads and the SRN outside of the Plan Area. Consequently, **SCRCAAP MM018** and **SCRCAAP MM019** are required to ensure that site allocation statements for sites NBW1 and BWQ1 are effective and consistent with the CS and national policy.

46. Similarly, the wording of the generic policies of both the SCRCAAP (SCR/ST3) and the BCCAAP (Policy M4) as submitted is not clear and therefore, not effective. Definitive thresholds are required setting out when either a Transport Assessment and Travel Plan, or a Transport Assessment, will be required and that the impact on the SRN should be considered. In addition, in the case of Policy M4 of the BCCAAP, the policy, as worded, is not sufficiently explicit in setting out the requirement to improve pedestrian and cyclist movement consistent with Paragraph 35 of the NPPF. Therefore, modifications **SCRCAAP MM028** and **BCCAAP MM042** are required to ensure the soundness of both policies.
47. The Shipley Eastern Link Road is a key transport measure recognised within Policy BD1 of the CS. As submitted, its route is not identified on the policies map. In order to ensure that Policy SCR/ST2 of the SCRCAAP is effective in protecting the alignment of the route of the link road modification **SCRCAAP MM027** is required. This sets out that the route of the road is identified on the Policies Map.
48. Subject to the above modifications the plans' policies, as far as they relate to transport matters, are consistent with the CS and national policy and provide an effective and justified basis for decision making.

Issue 5- Whether the amount, delivery, distribution and type of housing is justified, effective and consistent with the CS and national policy?

49. Policy BD1 of the CS requires, as part of the Council's regeneration and urban renewal priorities that, as a minimum, 3,500 new dwellings be created in Bradford City Centre and 3,100 dwellings within the Shipley and Canal Road Corridor.
50. The development of housing within both Area Action Areas is financially challenging given potential viability issues. Nonetheless, subject to any MMs which I have recommended elsewhere in my report, I am confident that the suitability of the identified housing sites for development has been justified and that they are appropriate, and capable of being delivered over the plan period. This is because of the positive approach which the policies of both plans reflect in terms of place making; the flexibility in policy requirements where they are shown to threaten viability; and the Council's initiatives to source funding streams; and to work in partnerships to increase the attractiveness of the AAPs for both those investing and living within the two AAPs. Examples of this approach are set out in *Accelerating Housing Delivery*

*in Bradford City Centre and Shipley Canal Road Corridor- Public Sector
Intervention Strategy (PS- B004 (iv)) .*

51. As submitted the BCCAAP allocates 28 sites which could contribute around 4,400 dwellings over the plan period. This does not include any potential contribution from windfall sites. However, Policy CL1 of the BCCAAP, as submitted, does not make explicit the requirement to provide 3,500 dwellings as a minimum. Consequently, to ensure that the policy is both consistent with the CS and the NPPF, modification **BCCAAP MM029** is required. Policy SCRC/H1 of the SCRCAAP requires no modification as it already sets out a minimum housing target. However, the following modifications: **SCRCAAP MM013; MM014, MM016, MM019, MM041 and MM043** and **BCCAAP MM051** are required to reflect changes in the timing and estimated numbers of dwellings that are expected to come forward following the receipt of revised flood risk data, and the approval of planning permissions.
52. Both plans set out a policy basis to enable the provision of a range of types of housing to meet the differing needs of the community consistent with Policy H08 of the CS and paragraph 159 of the Framework. Policy CL1/A of the BCCAAP and SCRC/H2/E of the SCRCAAP provide the policy framework and the individual site allocation statements give greater detail.
53. All the sites within the AAPs are to be released straight away, in line with Policy H04 of the CS. However, due to the complex nature of the sites and long lead in times, only one site is expected to be delivered within the BCCAAP area within five years of 2016/2017. Over the same period, 11 sites, providing about 540 dwellings, are likely to come forward in the SCRCAAP area. This excludes the housing in Bolton Woods Quarry and New Bolton's Wood. Both of these major sites are expected to contribute to the housing supply throughout the plan period.
54. Consequently, the two AAPs are not expected, in the first five years, to deliver a 5 year supply of deliverable housing, nor provide a consistent supply throughout the plan period.
55. Nonetheless, from my detailed examination of the sites put forward for housing within both plans, and the evidence provided by the Council in support of the proposed allocations, I conclude that the two plans together, should contribute at least 6,600 dwellings as required by the CS, over the plan period, towards the residual requirement of at least 42,100 dwellings for the whole district.
56. I conclude, subject to the above modifications, that the amount, delivery, distribution, and type of housing is justified, effective and consistent with the CS and national policy.

Issue 6- Whether the policies of the two AAPs, relating to retail and main town centre uses and sites, are consistent with the CS and national policy and provide an effective and justified basis for decision making?

57. Following the submission of the BCCAAP the Broadway Shopping Centre has been built. Consequently, modification **BCCAAP MM033** is required to the

supporting text to make clear that the City Centre is no longer poorly served in relation to its retail offer.

58. The provision of appropriate levels of public parking, in the correct locations, is vital to the delivery of a successful town centre strategy. As submitted, the BCCAAP was not informed by a parking study. As such, there was no evidence to demonstrate that the policies of the BCCAAP which included the allocation of sites currently in use as short stay public parking for other uses would not be prejudicial to the future viability of the town centre. A modification is required to reflect that the 2016 Parking Study has been provided which justifies the allocations within the BCCAAP: **BCCAAP MM040**.
59. The boundaries of the Primary Shopping Areas of both plan areas are correctly drawn. Nonetheless, both Policy SL1 of the BCCAAP and Policy SE5 of the SCRCAAP as submitted, are not effective in articulating how planning applications for retail and other town centre developments are to be determined in a manner consistent with Policy EC5 of the CS and national policy. Consequently, **BCCAAP MM034** and **SCRCAAP MM0025** are required.
60. The existing Valley Road Retail Area complements the retail offer of the Primary Shopping Area of Bradford City Centre by providing for large format bulky goods retailing. However, as currently worded, Policy SCRC/SE3 of the SCRCAAP is ambiguous as to the future role of the shopping area. Consequently, to aid clarity and to ensure effectiveness, modification **SCRCAAP MM024** is required to make explicit its suitability for large scale bulky goods.
61. An important element of the Council's regeneration proposals for Bradford City Centre is Policy CL3. This requires new development, including residential and office developments, to provide active frontages at ground floor level. However, it is important that the scale and type of use at ground floor level outside of the Primary Shopping Area does not result in the fragmentation of a legible town centre offer. Consequently, **BCCAAP MM032** is required to ensure that there is no tension between the consolidation of retail development within the Primary Shopping Area and the wider regeneration objectives of the Council. Similarly, modifications **BCCAAP MM035** and **MM036** are required to ensure that the policies relating to how applications for different uses are to be determined within primary and secondary frontages are clear and consistent with the CS and national policy.
62. Development of the former Sorting Office site (CH/1.2) for leisure uses is significant to the regeneration of the wider City Centre given its size and central location. A master plan is required as part of the redevelopment of the site. However, to avoid piecemeal development taking place, which would undermine the potential of the site **BCCAAP M006** is required to the text of the site allocation statement.
63. Subject to the above modifications, the policies of the plans, in relation to retailing and town centre development are consistent with the CS and national policy and provide an effective and justified basis for decision making.

Issue 7- Whether the policies of the two AAPs relating to employment are justified?

64. As submitted, the town centre employment policy of the BCCAAP is not based on evidence setting out the quantum of floorspace required to deliver the 6000 jobs proposed within the City Centre. Following submission of the Plan, an Office Floorspace Methodology Paper 2016 has been provided which provides appropriate evidence. Consequently, in order for the plan to be justified, reference to the study is required under modification **BCCAAP MM037**.
65. Subject to the above modification the plans' policies relating to employment are justified.

Issue 8 –Whether other generic polices are justified, effective and consistent with national policy?

66. Individual policies within the BCCAAP and the SCRCAAP have inappropriately elevated specific studies to development plan status. Examples of these include the Ecological Assessment for Shipley- Canal Road Corridor and City Centre Area Action Plan (2014) and the Bradford City Centre Design Guide and Addendum. Consequently, for the plans to be sound modifications are required to remove them from the policy text, and where appropriate, make reference to the studies or guidance elsewhere within the supporting text: **BCCAAP MM041; MM043; MM044; MM045; MM046; and MM047**.
67. Similarly, where it is appropriate to refer to guidance or legislation which is likely to be updated, reference to the exact version should be avoided to ensure that it does not become out of date during the Plan period **BCCAAP MM048**.
68. As submitted, a number of policies require that contributions are made towards infrastructure on what appears to be a pooled basis. In order to ensure that the policies are consistent with the provisions of the CIL regulations and national policy the following modifications are required: **BCCAAP MM038; MM039; MM041; MM044; MM046 and SCRCAAP MM023; MM026; MM029; MM033; MM034; MM035; MM039; and MM040**.
69. Subject to the above modifications, the generic polices are justified, effective and consistent with national policy.

Issue 9- Whether the policies of the two AAPs are consistent with the CS and national policy in relation to land instability matters?

70. There is a history of mining within the area. Consequently, sites CH/1.5 and CH/1.6 within the BCCAAP and NBW7 within the SCRCAAP are potentially vulnerable to land instability. Modifications **BCCAAP MM009 and MM010 and SCRCAAP MM020** are required to ensure that the potential presence of unstable land is taken into account so that the policies are effective and consistent with the Policy CS EN8 and paragraph 121 of the NPPF.
71. Subject to the above modification the plans' policies relating to land instability are consistent with the CS and national policy.

Issue 10- Whether the policies of the plans relating to open space for sport and recreation are consistent with the CS and national policy?

72. The provision and improvement of green infrastructure, including areas for both formal and informal recreation, is vital to the realisation of the visions of both AAPs and is clearly articulated within the plans and based on an extensive evidence base. However, as currently worded, the site allocation statement for the New Bolton Woods Site is not consistent with national policy in relation to the provision and improvement of sports facilities. Modifications **SCRCAAP MM018** and **MM019** are necessary to make explicit the need to provide for sports facilities within the development of the site, and that any sports facilities that are to be replaced are to be improved.
73. Subject to the above modification the policies of the plans relating to open space for sport and recreation are consistent with the CS and national policy.

Issue 11 –Do the two AAPs include provision for effective monitoring and review?

74. As submitted both plans do not clearly articulate the requirement to monitor the delivery of the objectives of the policies and the delivery of the site allocations. In order to ensure that the plans are effective modifications **SCRCAAP MM042** and **BCCAAP MM050** are required to prompt a review of the respective Plan, where monitoring demonstrates that it is necessary.
75. Subject to the above modifications the AAPs include provision for effective monitoring and review.

Assessment of Legal Compliance

76. My examination of the compliance of the Plans with the legal requirements is summarised in the table below. As submitted, the Plans failed to comply with Article 8 (5) of the 2012 Regulations, in that they did not identify the adopted plan policies which their policies were intended to supersede. These deficiencies are rectified by modifications **BCCAAP MM053** and **SCRCAAP MM044**.
77. Subject to these modifications the Plans meet the relevant legal requirements.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Bradford City Centre and the Shipley and Canal Road Corridor Area Action Plans have been prepared in accordance with the Council's LDS July 2014.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2008. Consultation on the Bradford City Centre and the Shipley and Canal Road Corridor Area Action Plans and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations Appropriate Assessment Screening Report for the Bradford City Centre Action Plan April 2016 sets out why AA is not necessary.

	The HRA AA Screening Report for Shipley and Canal Road Corridor Area Action Plan sets out that the plan may have some negative impact. Natural England support this conclusion. Modifications SCRCAAP MM033; MM036 and MM038 are required. Subject to these modifications NE support the Plan (see above paragraph 38).
National Policy	The Bradford City Centre and the Shipley and Canal Road Corridor Area Action Plans comply with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The submitted Bradford City Centre and the Shipley and Canal Road Corridor Area Action Plans comply with the Act and the Regulations with the exception of Regulation 8 (5) but that is a matter which can be remedied as set out above in paragraph 76. (BCCAAP MM053 and SCRCAAP MM044).

Overall Conclusion and Recommendation

78. The Plans have a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of them as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
79. The Council has requested that I recommend MMs to make the Plans sound, legally compliant and capable of adoption. I conclude that with the recommended MMs set out in the Appendices the Shipley and Canal Road Corridor and Bradford City Centre Area Action Plans satisfy the requirements of Section 20(5) of the 2004 Act and meet the criteria for soundness in the National Planning Policy Framework.

Louise Nurser

Inspector

This report is accompanied by two Appendices containing the Main Modifications.