

19th February 2018

Dear Ms Childs & Hills,

URGENT

Kirklees Local Plan Examination. Reference H502

Having seen the response Kirklees council have made on Matter 41, we feel we have to act and call **“FOUL PLAY”** regarding their submission to you of the Kirklees Local Plan.

We are excluded from speaking to you on this matter as we haven’t spoken at earlier stages.

The reason for this lack of previous involvement will become clear in this letter.

If you look at the timeline we have created below you will see that until now, there has been no reason to participate. Site H502 in Skelmanthorpe, and the way it would be accessed, gave no grounds for concern. At no point during the process of producing the plan has Heather Fold been included as an access route option.

It is only now, this week, when Kirklees Planners have turned the table and proposed a new and unacceptable route. During the two stages of public consultation, redrafting and republishing of the local plan, Kirklees had opportunity to amend the access options but failed to do so. Even at final submission to yourselves there was no change made to the site access options.

Only now, when all opportunity for full public consultation has ended, has Heather Fold been covertly added as a site access option by the Kirklees Planners.

Site H502: Matter number 41:

In your public examination of the plan you have asked **“What are the access and development options for the site?”**

Below is the Chronology and reference points of the opportunities that Kirklees have had to include Heather Fold as an access route, but they have failed to do so. In fact, we argue, they have continually misled us about the use of Heather Fold both during the development of the Local Plan and in concurrent planning applications that have been submitted in relation to H502.

<u>Local Plan development</u>	<u>Planning applications</u>
	<p>Sept. 2014 Application 2014/92889. South Eastern edge plot part of H502 Access via Huddersfield Road but additionally Plan showed extension to Heather Fold to allow access to remainder of H502 FIG 1 Below shows plan including access route onto H502</p>
	<p>Oct 2015 Prior to planning committee meeting. Negotiation between Planning / Developer and Heather Fold Residents agreed no road extension From Heather Fold Fig 2 Below shows plan with the access route onto H502 removed.</p>
<p>Nov. 2015. Draft plan. Allocation and design published. Page 118. H502.</p>	<p>4/11/2015. Outline planning granted with no Heather Fold extension to facilitate future access to the remaining area of H502. Local plan requirements to sustainability fully implemented thus providing shortest route for vehicular, cycle and pedestrian access to transport routes and village centre</p>

<p>“Access possible from Cumberworth Road, Huddersfield Road or Bedale Drive”.</p> <p>Reflecting negotiation and outline planning consent. No mention of Heather Fold.</p> <p>Fig 3 Below exert from draft local plan site option technical appraisal page</p>	
<p>Nov 2016.</p> <p>BP29. Accepted site options Technical appraisal Page 103. Access confirmed as 2015 Draft. No mention of Heather Fold.</p> <p>Fig 4 Below exert from draft local plan submission documents approved site option technical appraisal</p>	
<p>July 2017.</p> <p>BP29.1 Accepted site options Technical appraisal Reconfirms access statements. No mention of Heather Fold</p> <p>Fig 5 Below exert from draft local plan submission documents update approved site option technical appraisal</p>	<p>July 2017. 2017/92504.</p> <p>New application with access from Heather Fold. Totally blocking one of the 2 access points to Huddersfield road. Does not conform to the local plan or the sustainability objectives blocking a potential vehicular, cycle and pedestrian access to transport routes and village centre.</p>
<p>February 2018.</p> <p>In response to inspectors question re greenbelt Kirklees totally ignore Huddersfield Road access points! Introduce totally a new access never before mentioned or consulted on, Heather Fold.</p> <p>Fig 6 Below exert from Kirklees response to question relating to H502 without accessing the southern strip.</p>	

Fig 2. Shows plan with access route onto H502 removed. Approved application 2014/92889

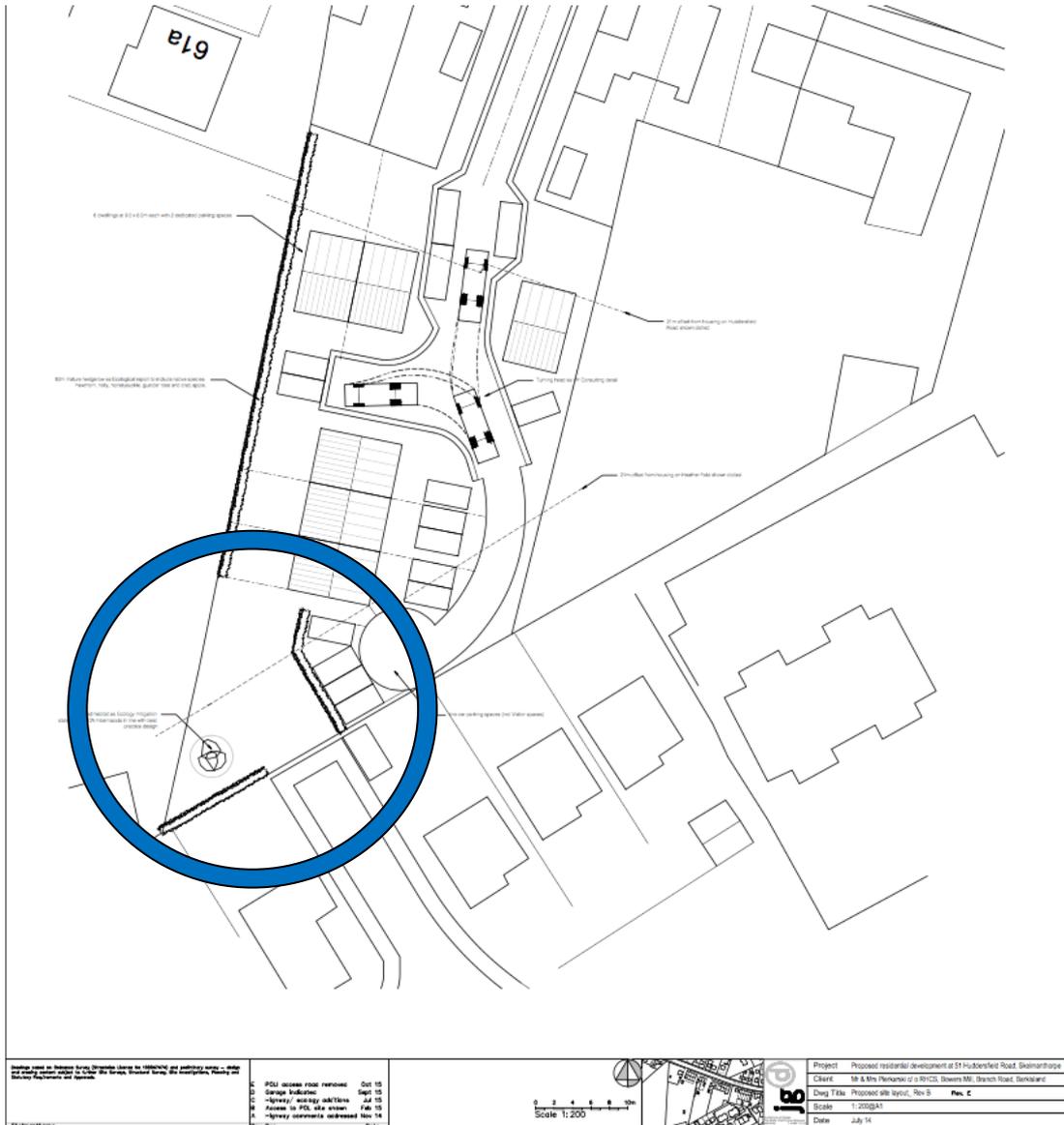


Fig 3. Exert from draft local plan site option technical appraisal page

Site H502	
Site no	H502
Site address	Land south of Huddersfield Road, Skelmanthorpe, Huddersfield
Ward	Denby Dale
Ownership	Private
Gross site area (Ha)	6.65
Net site area (Ha)	5.9 - Site includes a reservoir / pond which is UK BAP Priority habitat
Existing use	Provisional Open Land and Green Belt - Agricultural
Constraints	<ul style="list-style-type: none"> 2.4m x 43m (30mph speed limit) visibility splays required on Cumberworth Road. Part of site within coal mining area
Proposed allocation	Housing
Indicative capacity	177 dwellings
Reports/commentary	<p>Access possible from Cumberworth Road, Huddersfield Road or Bedale Drive.</p> <p>Air quality impact assessment (Monitoring of Environmental Damage)</p> <p>Low Emission Travel Plan</p>

4 Housing allocations

	Contamination Assessment Phase 1
	Flood Risk Assessment

Fig 4 Exert from draft local plan submission documents approved site option technical appraisal

H502	Site is in Green belt	Y	Green/Brownfield	G	Settlement Position	E	Gross Area (Ha)	6.58
Land south of, Huddersfield Road, Skelmanthorpe, Huddersfield,					Employment Floorspace		Housing Capacity	203
Transport		Access via Cumberworth Road unlikely because of required visibility splays. Access could be provided from Bedale Drive. Huddersfield Road offers potential access for part of site.						
Public Health		No applicable health problems.						
Education		Decreasing trends for primary and modest decrease in secondary. The capacity of this site could impact on school place planning.						
Historic Env		No objections raised.						
Flood/drainage		Flood zone 1. No strategic drainage objections.						
Env Protection		No objections raised.						
Biodiversity		Site includes a reservoir / pond which is UK BAP Priority habitat. This and buffer zone removed from net area.						
Other constraints		Part or all of the site lies within a high risk coal referral area.						
Open space		N/A						
Green belt		The majority of this site is within the settlement of Skelmanthorpe. The extension into the green belt represents a well related and well proportioned small extension that would appear as rounding off and could be accommodated without compromising the role and function of the green belt. A short section of boundary does not follow a feature on the ground as the existing field boundary does not continue to the road.						
Green belt edge		This is an extensive area of green belt that maintains separation between villages. The existing settlement pattern and land use features present some opportunities for settlement extension without compromising the role and function of the green belt.						
Exceptional Circumstances		Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt.						
Conclusion		Development is subject to securing access from Bedale Road or Huddersfield Road. Cumberworth Road requires improved visibility. UK BAP priority habitat on the site (pond / reservoir) which , along with a buffer zone, has been removed from the net area. The allocation of this site makes an incursion into the Green Belt, however this is considered to be a well-related and proportionate small extension of the settlement. An assessment on impact on Great Crested Newt needs to be undertaken. The site is in flood zone 1, with a treated water main crossing the site - which will require a stand-off distance of 3m either side.						

Fig 5 Exert from draft local plan submission documents update approved site option technical appraisal

H502	Site is in Green belt	Y	Green/Brownfield	G	Settlement Position	E	Gross Area (Ha)	6.58
Land south of, Huddersfield Road, Skelmanthorpe, Huddersfield,					Employment Floorspace	Housing Capacity	203	
Transport	Orange	Access via Cumberworth Road unlikely because of required visibility splays. Access could be provided from Bedale Drive. Huddersfield Road offers potential access for part of site.						
Public Health	Green	No applicable health problems.						
Education	Orange	Decreasing trends for primary and modest decrease in secondary. The capacity of this site could impact on school place planning.						
Historic Env	Green	No objections raised.						
Flood/drainage	Green	Flood zone 1. No strategic drainage objections.						
Env Protection	Green	No objections raised.						
Biodiversity	Orange	Site includes a reservoir / pond which is UK BAP Priority habitat. This and buffer zone removed from net area.						
Other constraints	Orange	Part or all of the site lies within a high risk coal referral area.						
Open space		N/A						
Green belt	Green	The majority of this site is within the settlement of Skelmanthorpe. The extension into the green belt represents a well related and well proportioned small extension that would appear as rounding off and could be accommodated without compromising the role and function of the green belt. A short section of boundary does not follow a feature on the ground as the existing field boundary does not continue to the road.						
Green belt edge	Orange	This is an extensive area of green belt that maintains separation between villages. The existing settlement pattern and land use features present some opportunities for settlement extension without compromising the role and function of the green belt.						
Exceptional Circumstances		Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt.						
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Fig 6 Exert from Kirklees response to question relating to H502 without accessing the southern strip.

<p>H502 – land south of Huddersfield Road (203 dwellings) (part Green Belt release)</p>	<p>This site was assessed as suitable for housing using the Local Plan site allocations methodology (BP23) subject to the reports listed in the site allocations box. The Plan provides clear guidance on the constraints. Constraints include achieving sufficient visibility splays (via third party land), UK BAP priority habitat and part of the site being located in a high risk coal referral area.</p> <p>High level site access and local highway constraints have been considered within the context of the site capacity. The Transport Assessment provided with a planning application will inform and direct the nature and scale of any mitigation measures required.</p> <p>The assessment of this site by the council and technical consultees identified there is a reasonable prospect that the constraints can be overcome to enable the delivery of the site.</p> <p>A modification has been proposed for the site (MM4, AD-MM38) to remove reference to contributing to improvements to the strategic road network.</p>	<p>The site capacity of 203 dwellings is appropriate and takes account of the reservoir / pond on the site which is a UK BAP priority habitat and has been removed from the developable area.</p>	<p>The site is available and has a willing landowner identified through the Call for Sites process. As set out in EX30.2, the site is deliverable with development anticipated to commence in 2019/20. Two small parts of the site in the north-east are in different ownerships and had outline planning permission (2014/92889) granted in November 2015. A full application on this part of the site has now been submitted (2017/92504). Another area has Reserved Matters permission for two detached dwellings (2016/91566).</p> <p>The capacity from the planning permissions on a small part of the site amounts to 7 dwellings.</p>	<p>The majority of this site is allocated as Provisional Open Land in the UDP. The accepted development option in the Local Plan includes green belt land to the south to facilitate site access.</p> <p>The full green belt assessment for this site is set out in the appendix at the end of this hearing statement.</p> <p>Exceptional circumstances exist to amend the green belt boundary as this site is required to meet the objectively assessed need for housing in the district. After due consideration of all relevant non-green belt alternatives, the need to promote sustainable development patterns, the role and function of the green belt and the specific characteristics of this site, it is deemed that in this instance the benefits of facilitating housing development on the site outweigh the loss of this part of the green belt.</p>
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H502 – land south of Huddersfield Road, Skelmanthorpe

i) What are the access and development options for the site? Can the bulk of the site be developed without accessing the southern strip?

This site has potential access points at Heather Fold, Bedale Drive and Cumberworth Road. Of these, there is potential to have two access points (off Heather Fold and Bedale Drive), which together would have the potential to serve the bulk of the site although access to Bedale Drive would include using the southern strip of this site. Alternatively, the site access off Cumberworth Road and Heather Fold would facilitate the potential to develop full site.

We also highlight that at no point has the change to the plan been noted in the change logging documentation.

To summarise.

We feel that as local residents we have been misled about the use of Heather Fold as an access to H502. We point out that by not following due process, Kirklees has acted unlawfully by changing the documentation after all opportunities to challenge the plan by interested parties has been exhausted.

The residents also strongly challenge the soundness of new plan. We strongly disagree with Kirklees's proposal that the bulk of the site, H502 can be accessed via a combination of Heather Fold and Beadale Drive. Neither Road is suitable to service the number of houses required to satisfy the plan.

We strongly agree with Persimmon Homes proposed plan, that, a viable access to optimise the land use is via the Green Belt strip on the south side, combined with cycle, pedestrian access onto Huddersfield Road. This access will enable traffic to leave the site safely, either by car or on foot and will allow traffic to head South West to Lower Cumberworth and onwards to Denby Dale and onto the Wakefield Road. This option will reduce the traffic at the known bottleneck at the eastern end of Cumberworth Road and move traffic away from the fire station.

The use of Huddersfield Road which until last week has been a significant part of the plan and we feel that the use of this arterial road is the most suitable for both vehicular cycle and pedestrian traffic.

Notwithstanding Persimmon Homes comments, Huddersfield Road is the only road in Skelmanthorpe with any capacity to take traffic. The available access between 49 and 51 is wider than that provided using Heather Fold. Huddersfield Road, B6116, has traffic calming islands, pedestrian crossings and is the widest most suitable road for the H502 development.

Using this road would mean no incursion to the greenbelt.

Kirklees should be promoting this option as first choice as identified in all past consultations.

Access with any incursion onto Cumberworth Road, should if at all possible, be avoided.

Additional traffic on Cumberworth Road will jeopardise response times by the fire service and first responders during rush hours.

We know that the official date for submitting documentation has passed but we feel it is vital that consider our submission in light of the information contained within and, if required, we are happy to attend a meeting with you to explain our concerns in greater detail.

Yours Faithfully

Ray Lawson
Representing all the residents of Heather Fold.