



Kirklees Local Plan

Correspondence received from Statutory Consultees after the Regulation 19 Publication Draft Local Plan Consultation

April 2017

Planning Policy Group
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Introduction:

This statement documents the correspondence that Kirklees Council has received from statutory consultees since the Regulation 19 Publication Draft Local Plan Consultation closed on 19th December 2016.

The correspondence within the appendices of this statement has been issued following further engagement between Kirklees Council and certain statutory consultees on matters raised within their respective representations during the Regulation 19 Local Plan consultation period.

The purpose of this statement is to confirm the current position of particular public bodies with respect to the Kirklees Local Plan, and document the issues and matters that have since been resolved in advance of Regulation 22.

In this regard, the following correspondence should be considered alongside the relevant Regulation 19 representations, as supplementary to the relevant aspects of those previous comments, and as evidence that said issues and matters have been redressed in advance of the examination.

Accordingly, this statement will be periodically updated to take account of any further correspondence received in advance of the oral hearings from other statutory consultees.

Mr R Hollinson,
Planning Policy Group,
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Market Street,
Huddersfield HD1 2JR

Our Ref: HD/P5113/04
Your Ref:

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24 February 2017

Dear Richard,

Kirklees Local Plan: Publication Draft – Sustainability Appraisal Report

Further to our meeting last week, I feel that it would be helpful to clarify Historic England's position regarding the Sustainability Appraisal.

We can accept your concerns that those reading our letter of 25 November, 2016 may misconstrue that we considered that there had been no evaluation, at all, of the impact of any of the sites upon the historic environment as part of the preparation of this Local Plan. In order to avoid any doubt, I can confirm that we do not consider this to be the case. In fact we fully acknowledge that the selection of sites which have been put forward as allocations in the Publication Draft have been arrived at following a series of evaluations by the Council of the potential impacts that of all the sites which had been put forward as allocations might have upon the historic environment. Indeed, the process undertaken to arrive at the selection of sites included in the latest iteration of the Plan is one which we would not only endorse but which has involved full consultation with, and considerable input from, Historic England. We also confirm that the Publication Draft did not include any of the sites whose development we considered to be likely to result in substantial harm to a designated heritage asset (and whose allocation, therefore, would be likely to conflict with national policy guidance).

Of the sites allocated in the Publication Draft, we accept that the Sustainability Appraisal has correctly identified those sites whose development are likely to have some impact upon the significance of heritage assets in their vicinity. Our concern, therefore, was simply that neither the Plan nor the Sustainability Appraisal had assessed what that impact might be. Whilst for many sites it may well be the case that this impact will be minimal, in others the harm might be such that the identification of that particular area for development may well be questionable.

Whilst we can accept that the Sustainability Appraisal is a high-level evaluation of the Plan's Policies and proposals, having over 60 sites whose development is considered to have an "uncertain" impact seems to us to accept a very high degree of uncertainty about the likely significant effects which the plan, as a whole, might have upon the historic environment. Whilst it is recognised that Policy PLP35 might well provide appropriate mitigation for some of those sites (as is suggested in the Sustainability Appraisal), in the absence of any assessment of the likely impact of the development of the sites we identified upon the historic environment, there is insufficient evidence to have the confidence that the Plan's Policies, as currently drafted, will actually mitigate any harm to an acceptable level.

Having said this, however, we are fairly confident that the work being undertaken by Farrell & Clarke will render much of this debate largely academic. Certainly, the Heritage Impact Assessments which we discussed seem likely to provide the necessary degree of evaluation to inform both the Plan itself and the Sustainability Appraisal about the likely effects which each of the allocations might have upon Kirklees' heritage assets. Obviously, there may well be a need to publish an addendum to the Publication Draft Sustainability Appraisal tying the output of the Heritage Impact Assessments into the appraisal process. Although not wishing to prejudge the conclusions and recommendations of these Appraisals or any addendum to the Sustainability Appraisal, nevertheless, this work currently being undertaken by the Council seems likely to address all our previously-stated concerns regarding the Sustainability Appraisal.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours faithfully,

Ian Smith

Historic Environment Planning Adviser (Yorkshire)

E-mail: ian.smith@HistoricEngland.org.uk

Date: 03 April 2017
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BY EMAIL ONLY

Dear John

Planning consultation: Publication Draft Kirklees Local Plan: Habitats Regulations Assessment Report (March 2017)

Thank you for your consultation dated and received 30 March 2017

Natural England commented on the publication draft of the Kirklees Local Plan dated November 2016 in our letter of 19 December 2016. This letter represents our revised response in the context of the additional information provided in the Habitats Regulations Assessment (HRA) report (March 2017) contained in your email.

Natural England notes and welcomes the updates and clarifications in the revised HRA report which address the concerns raised in our letter of 19 December 2016 (our ref 200705). Subject to the proposed clarification in the supporting text to policy PLP30 and within the relevant Allocations Boxes, we are satisfied that the plan is legally compliant with the Habitats Regulations¹.

Physical damage/loss of habitats – loss of functionally connected land

We welcome the clarifications made in the March 2017 HRA report and the modification to the supporting text for PLP30 (set out in para. 5.19 of the HRA report). This provides clarity with regards to avoidance or mitigation measures that may be needed to address any residual risk of sites within 2.5 km of the SPA being used by SPA birds, as recognised in paragraph 5.18.

Natural England welcomes the commitment to reflect this clarification within the Allocations Boxes for relevant allocations through the inclusion of the following wording:

“Assessment required for presence of habitats that are important for off-site foraging by South Pennine Moors SPA qualifying bird species (i.e. functionally connected land). Avoidance and mitigation measures that may be required to address any identified impacts in line with para 13.10[as revised] and Policy PLP30”.

With these measures in place Natural England is content with the conclusions of the HRA that the plan will not have adverse effects on the integrity of the South Pennine Moors Phase 2 Special Protection Area (SPA) or the Peak District Moors (South Pennine Moors Phase 1) SPA as a result of the loss of functionally connected land for SPA birds.

¹ Conservation of Habitats and Species Regulations 2010 (as amended)

Recreation and Urban Impacts

Natural England notes and welcomes the updates in the March 2017 HRA report which we consider to address the concerns we raised with regards to recreation and urban impacts in our letter dated 19 December 2016 (our ref 200705).

Air Quality

Natural England notes and welcomes the updates in to the March 2017 HRA report which we consider to address the concerns raised with regards to air quality impacts in our letter dated 19 December 2016 (our ref 200705).

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Merlin Ash on 0208 026 8524. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Knight', with a large initial 'D' and a stylized surname.

David Knight
Yorkshire and northern Lincolnshire Team

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Planning Policy Group Investment and Regeneration
Service,
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Toni Rios
Highways England
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12 April 2017

Dear Richard

Re: Kirklees Local Plan Publication Draft

Further to our meeting on Monday 20th March, I feel that it would be helpful to clarify Highways England's current position with regard to the Kirklees Local Plan in light of the further engagement that has taken place between Highways England and Kirklees Council since 19th December 2016 on matters raised within Highways England's representation to the Regulation 19 Local Plan consultation.

Our representation (dated 17th December 2016), identified the specific Publication Draft allocations that we considered would impact the Strategic Road Network (SRN), and in turn those allocations for which contributions may need to be sought towards additional mitigation measures. Further to this representation Kirklees Council sought to clarify the rationale for citing impacts upon the SRN as a site specific consideration for certain allocations.

In exploring this issue further and re-visiting the Network Analysis Tool (NAT) inputs that informed our Regulation 19 representation, it became apparent that our comments were based on earlier site capacity assumptions rather than the 'actual' allocation indicative capacities within the Publication Draft Allocations and Designations document.

On account of this our position with respect to Chapters 2, 4, 5 and 13 of the Publication Draft Allocations and Designations document has changed, as have the modifications that we consider are necessary to make the Publication Draft Allocations and Designations document sound. Further to receiving assurances from Kirklees Council that Publication Draft Policy PLP 4 will enable the Council to seek contributions towards additional mitigation measures from applications upon allocations that do not in themselves generate a significant impact upon the SRN (but that may contribute towards cumulative impact), and that SRN infrastructure falls under the definition of 'essential infrastructure', we now consider that only the following modifications are necessary to make Chapters 2, 4, 5 and 13 of the Publication Draft Allocations and Designations document sound:

Delete the 'other site specific considerations' that relate to the strategic road network within Chapters 2, 4, 5 and 13 of the Publication Draft Allocations and Designations document, except in relation to the following allocations for which we suggest the following revised wording:

'Additional mitigation on the wider highway network will be required. Development of this site has the potential for a significant impact on the Strategic Road Network. Measures will be

required to reduce and mitigate that impact. The transport assessment will need to demonstrate that any committed schemes are sufficient to deal with the additional demand generated by the site. Where committed schemes will not provide sufficient capacity or where Highways England does not have committed investment, development may need to contribute to additional schemes identified by Highways England and included in the Infrastructure Delivery Plan (IDP) or other appropriate schemes. If development is dependent upon construction of a committed scheme, then development will need to be phased to take place following scheme opening'

This should be applied to the following sites:

H69

H559

H1747

H2089

E1831

E1832c

MX1905

MX1930

In light of these suggested changes we would like to take this opportunity to inform you that we intend to retract our original representations relating to Chapters 2, 4, 5 and 13 to reflect our current position at the earliest opportunity, either in response to the Inspector's Matters and Issues or during the oral part of the examination. We understand from our recent discussions that you are considering how our representations on Chapters 8 and 10 could be addressed through the minor modifications process.

We hope this letter can be considered supplementary to our original Regulation 19 representation, and is effective in redressing said matters in advance of the hearings.

Yours sincerely



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12th April 2017

Dear Mr Hollinson,

RE: Kirklees Local Plan – Duty to Cooperate Statement

Following the recent withdrawal of the Holding Direction placed on the Bradford Core Strategy I can confirm the current position with regards to the approach in Bradford's Local Plan to meet it's Objectively Assessed Needs and the employment land position.

A Duty to Cooperate meeting was held between Kirklees Council and Bradford Council on Tuesday 14th July 2015 at Jacob's Well, Bradford. During that meeting each party outlined what its Objectively Assessed Needs were with respect to Housing, Jobs/Sectors, Waste/Minerals, Gypsy and Travellers and Open Space/Green Infrastructure (Agenda Item 3).

Further to this meeting Bradford Council would like to confirm that the following has therefore been established with respect to Objectively Assessed Needs and Employment Land provision:

- 1) Bradford Council cannot and is not proposing to meet any of the development needs of Kirklees District.
- 2) Bradford Council is planning to fully meet its own Objectively Assessed Needs within it's district and therefore it was unnecessary for Kirklees Council to consider whether any of the development needs of Bradford District were able to be met within Kirklees District.
- 3) Bradford Council is planning to meet its minimum level of employment land provision within its District.

At the time of writing Bradford Council's position with regard to these matters remains unchanged. However in line with its general plan making duties it will continue to consider both any significant changes to evidence as part of its own Local Plan work and also the implications of any future changes to national policy and guidance.



Should you require further information, please do not hesitate to contact me.

Yours Sincerely

A handwritten signature in black ink that reads "A Marshall". The letters are cursive and fluid, with the first name "A" being a simple loop and "Marshall" written in a more connected, flowing style.

Andrew Marshall
(Planning & Transport Strategy Manager)